

# HISTORIC HAWAII FOUNDATION

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April 25, 2019

Joy Beasley  
Keeper of the National Register of Historic Places  
National Park Service  
1849 C Street NW  
MS 7228  
Washington, DC 20240

**Re: National Park Service Proposal to Revise the Regulations Governing the Listing of Properties in the National Register of Historic Places.**

**Regulation Identifier Number: RIN 1024-AE49**

Dear Ms. Beasley:

Thank you for the opportunity to submit comments pursuant to the Notice in the March 1, 2019 Federal Register (Vol. 84, No. 41, p. 6996) opening the comment period for proposed rule changes to the process related to the listing of properties in the National Register of Historic Places.

Historic Hawaii Foundation opposes the proposed rule changes, which would restrict nominations of federal properties to the National Register, negatively impact National Historic Preservation Act (NHPA) Section 106, reduce the availability of the federal historic tax credit, and give large property owners the right to prevent listing of historic districts on the National Register.

## Interests of Historic Hawaii Foundation

Historic Hawaii Foundation (HHF) is a statewide organization established in 1974 to encourage the preservation of sites, buildings, structures, objects and districts that are significant to the history of Hawaii.

## Summary of Historic Hawaii Foundation Concerns

The National Register of Historic Places has helped Americans to identify, learn about and protect our shared cultural heritage for more than 50 years. The National Historic Preservation Act, including the 2016 Amendments, does not support or require these regulatory changes.

- A. **Federal agencies** should not be given a veto over nominating federally-owned properties to the National Register. Local communities, Native Hawaiian organizations, and state historic preservation offices are often in the best position to understand the historic significance of these sites.

- B. These changes would limit the ability of the **Keeper of the National Register** to make determinations of whether a federally-owned historic property is eligible for listing on the National Register. The Keeper is the federal professional with the most expertise on historic significance determinations and her or his involvement should not be limited by other federal agencies.
- C. The consequences of the proposed procedures have serious negative impacts on the intent of the National Historic Preservation Act. The **Section 106 consultation process** is key to consideration of federally owned historic resources in agency planning processes.
- D. The rule change would also allow large landowners within a **proposed historic district** to prevent National Register listing, even if a majority of the private property owners within the proposed district do not object. This is contrary to the statutory language of the National Historic Preservation Act, and inconsistent with the fundamental, democratic principles.
- E. **Federal tax credits** for rehabilitation of historic properties are a proven preservation and community revitalization tool. This incentive is only available to properties either individually listed or certified to contribute to the significance of National Register Historic Districts. The process for qualifying properties for tax incentives as part of a historic district are at risk now because of the proposed change which allow federal agencies owning a property in a proposed historic district to object to the historic district nomination and prevent its listing.

#### Conclusion

Historic Hawaii Foundation believes the proposed changes to the National Register, our country's archive of historically and culturally significant places, will substantially harm the program. We urge the NPS and Secretary of the Interior to reconsider the rule changes.

Very truly yours,



Kiersten Faulkner  
Executive Director