



June 4, 2022

Jaime Loichinger
Assistant Director
Advisory Council on Historic Preservation
401 F Street NW, Suite 308
Washington, DC 20001
Via email: program_alternatives@achp.gov

Re: Notice of Intent To Request Public Comment on Draft Exemption From Historic Preservation Review for Electric Vehicle Supply Equipment

Dear Assistant Director Loichinger:

The American Cultural Resources Association (ACRA), the trade association for firms that specialize in cultural resource management (CRM), appreciates this opportunity to comment on the Advisory Council on Historic Preservation (ACHP) notice of intent to request public comment on the draft exemptions for electric vehicle supply equipment (EVSE).

ACRA member firms undertake much of the legally mandated CRM studies and investigations in the United States and employ thousands of CRM professionals, including archaeologists, architectural historians, historians, and an increasingly diverse group of other specialists. To help guide smart, sustainable economic development and safeguard important historic and cultural heritage assets, ACRA members apply specialized research skills within a framework of federal, state, local, and/or tribal law and facilitate an open dialog where every stakeholder has a voice.

ACRA appreciates the efforts of the Council in preparing this exemption to balance the need for building EV infrastructure to reduce particulate matter in the atmosphere with the need to protect our cultural heritage. We also appreciate the Council's need and desire to reduce regulatory burdens on EVSE installations that may have no impact or effect on historic properties.

Therefore, ACRA does not oppose the proposed exemption, but believes it is essential that the Council's exemption addresses the questions we have posed below:

1. How will the Council ensure that relevant federal agencies properly assess the conditions at the site of the proposed installations in the absence of a Section 106 process? ACRA believes that those who make such assessments should meet the Secretary of the Interior Professional Qualifications Standards.
2. What procedures will be in place in the event of an inadvertent discovery on the site?

2101 L Street NW, Suite 800 • Washington, DC 20037
202.367.9094 • www.acra-crm.org • info@acra-crm.org

3. Will the exemption cover project sites where previous analyses did not assess the site under all four National Register of Historic Places (Register) criteria? ACRA believes that sites that were not assessed under all four criteria should not be granted an exemption.
4. As the Council is aware, there are many Tribes that are not afforded federal recognition, particularly in the American West. How will the Council ensure that such Tribes have a voice in the process, particularly if the relevant agency does not engage them when conducting these projects?
5. The Council states that “[t]he EVSE undertakings would require minimal changes to distinctive building materials, features, spaces, and spatial relationships, including landscapes and streetscapes.” How does the Council define “minimal changes,” and absent a Section 106 process, who will determine whether there is architectural compatibility of the project with the setting?
6. To the extent that installation of EVSE may require additional intrusions beyond the footprint of the equipment, for example to connect it to power supplies, how will the proposed exemption address effects that go beyond the original footprint of the site?
7. How will the proposed exemption ensure that relevant agencies base exemption decisions on the full panoply of cultural resource management disciplines, in addition to archaeology?
8. Section V of the proposed exemption specifies that the Council “may terminate this exemption in accordance with 36 CFR 800.14(c)(7) if it determines that the purposes of Section 106 are not adequately met.” Will the Council conduct assessments of the efficacy and use of the exemption at regular intervals to determine whether the purposes of Section 106 are being adequately met?

We appreciate Council’s work on this important issue and their consideration of the questions ACRA has put forth as the process moves forward.

Sincerely,



Amanda Stratton
Executive Director