



Preserving America's Heritage

MINUTES

SUMMER BUSINESS MEETING

ADVISORY COUNCIL ON HISTORIC PRESERVATION

SEPTEMBER 16, 2010

WASHINGTON, DC

MEETING
ADVISORY COUNCIL ON HISTORIC PRESERVATION
OLD POST OFFICE BUILDING
Room M-09
Washington, D.C.
September 16, 2010

PROVISIONAL AGENDA

Call To Order—9 a.m.

- I. Chairman's Welcome and Swearing In
- II. Award Presentation
- III. Chairman's Report
- IV. Executive Director's Report
- V. Native American Activities
 - A. Native American Program Report
 - 1. HUD Delegation of Tribal Consultation Responsibilities
 - 2. DOI-DoD-ACHP Memorandum of Understanding on Consultation with Native Hawaiians
 - B. Native American Advisory Group
- VI. Sustainability and Historic Preservation Task Force
- VII. Preservation Initiatives Committee
 - A. America's Great Outdoors Initiative and Historic Preservation
 - B. Preserve America Program Update
 - C. Economic Benefits Study
 - D. Legislation
- VIII. Federal Agency Programs Committee
 - A. Gulf Oil Spill Activities
 - B. Historic Preservation and Energy Development Working Group
 - C. Archaeology Subcommittee
 - D. Section 106 Update
- IX. Communications, Education, and Outreach Committee
 - A. Engaging Youth in Historic Preservation
 - B. New Directions for ACHP Awards Programs
 - C. ACHP Outreach and Communications Initiatives
- X. New Business
- XI. Adjourn

IN ATTENDANCE

Milford Wayne Donaldson, Chairman
Susan S. Barnes, Vice Chairman
Julia A. King
Ann A. Pritzlaff
John G. Williams, III
Mark A. Sadd
John A. Garcia

Architect of the Capitol

Secretary of Agriculture

Secretary of Commerce

Secretary of Defense

Secretary of Education

Administrator, General Services Administration

Secretary of Housing and Urban Development

Stephen Ayers

Harris Sherman
Under Secretary for
Natural Resources and
Environment

Mike Kaczor
Federal Preservation
Officer

David Ives
Deputy Director,
Performance and
National Programs
Division and EDA
Sustainability
Coordinator

Maureen Sullivan
Federal Preservation
Officer

Christine Miller
Program Specialist,
Office of Innovation
and Improvement

Beth Savage
Director, Center for
Historic Buildings,
Public Buildings
Service

David Blick
Deputy Federal
Preservation Officer

Secretary of the Interior

Will Shafroth
Deputy Assistant
Secretary for Fish and
Wildlife and Parks

Secretary of Transportation

Linda Lawson
Director, Office of
Safety, Energy, and
Environment

Secretary of Veterans Affairs

Douglas Pulak
Deputy Federal
Preservation Officer

President, National Conference of State Historic Preservation Officers

Ruth Pierpont
New York Deputy SHPO

Governor of South Carolina

Charles Duell
President, Middleton
Place Foundation

Chairman, National Trust for Historic Preservation

Stephanie Meeks
President

OBSERVERS

Secretary of Homeland Security

Bradford Cooper
Deputy Chief
Administrative Officer

Chair, National Alliance of Preservation Commissions

Ann McGlone
Community Development
Director, Alamo Heights, Texas

Secretary of Energy

Scott Hine
Acting Executive
Director for Field
Operations

General Chairman,
National Association of Tribal Historic Preservation Officers

Reno Franklin

Administrator, Environmental Protection Agency

Dennis Bushta
Deputy Director, Office
of Administration

In attendance and participating in the meeting were ACHP Executive Director John M. Fowler; Dan Odess of NPS; Valerie Hauser of the ACHP, Brian Patterson of United South and Eastern Tribes, and Elizabeth Merritt of the National Trust.

PROCEEDINGS

At 9:02 am Chairman Milford Wayne Donaldson opened the summer business meeting of the Advisory Council on Historic Preservation (ACHP). He asked the council members to introduce themselves around the table. He asked Vice Chairman Susan Barnes to lead the group in the Pledge of Allegiance. The agenda was adopted with a motion and second by council members. Chairman Donaldson appointed Shayla Shrieves recorder. Chairman Donaldson said he appreciated such a good turnout. He thanked the National Conference of State Historic Preservation Officers (NCSHPO) for hosting a reception the previous night. The minutes were adopted with a motion by Will Shafroth and second by Vice Chairman Barnes.

The chairman welcomed Stephanie Meeks. She said the National Trust is eager to continue its work with the ACHP. He welcomed Douglas Pulak of the Department of Veterans Affairs, Reno Franklin of the National Association of Tribal Historic Preservation Officers, and Dennis Bushta of the Environmental Protection Agency. He also welcomed Stephanie Toothman from the National Park Service (NPS). She said the ACHP and the NPS have a long relationship and the mission is something she is passionate about. Chairman Donaldson also introduced his wife Laurie Donaldson in the audience.

I. Chairman's Report

Chairman Donaldson said he came onto the council on June 1. He complimented the ACHP staff. Additionally, he discussed his focus on several areas. The first is sustainability, really looking at livable communities. It is really a movement—and a youth movement at that. It is important to embrace the youth on this movement. Another important issue is tribal involvement. An example of the importance of the tribal perspective is in how we deal with cultural and natural environments. There is no difference between the two, he said, and he does not think we should look at them as different because that is when we get tied up in process.

II. Swearing In

At this point, Interior Secretary Ken Salazar arrived to administer the oath of office to Chairman Donaldson. Mrs. Donaldson came to the front to hold the Bible, and Chairman Donaldson was sworn in.

III. Award Ceremony

With the Secretary present, Chairman Donaldson presented the ACHP Award for Federal Preserve America Accomplishment to the Departments of the Interior and Agriculture, Colorado Preservation, Inc., Colorado State Historic Preservation Office, and expert member Ann Pritzlaff for a series of Colorado Youth Summits. These seven summits have provided students with real experience of American cultural and natural heritage. These Summits have actively engaged them, mind and body, in meaningful activities.

Among many other activities, the more than 300 young Americans have participated in the opening of the Sand Creek Massacre National Historic Site and worked with the youth stewards of Camp Amache, a Japanese-American World War II internment site. They have worked to understand public lands stewardship challenges at such places as Canyons of the Ancients National Monument, the San Juan National Forest, Sangre de Cristo Heritage Area, Sand Dunes National Park, and Mesa Verde National Park. They have offered advice to government leaders and members of the public, and worked with and learned from Indian tribes including the Cheyenne, Arapaho, Ute, and Hopi.

These students have helped shape the interpretive program for the Denver Story Trek and learned about

the Night Sky Program at Dinosaur National Monument. They have helped clear invasive plants along the Yampa River and assisted preservation at the Nature Conservancy's historic Zapata ranch.

They learned how many people with diverse interests must come together to preserve and improve their environment. Recently, Colorado Preservation, Inc. was awarded a \$250,000 matching grant from the State Historical Fund to undertake an additional seven summits over the next two years, focusing on "Colorado at Work" to highlight different industries that have shaped Colorado.

Local components of the NPS, Bureau of Land Management (BLM), and the U.S. Forest Service assumed essential roles in making these summits work. They did so in partnership with Colorado Preservation, Inc. and the Colorado Historical Society.

Secretary Salazar and Undersecretary for Natural Resources and Environment Harris Sherman, Department of Agriculture, accepted the award. Ms. Pritzlaff accepted the awards for herself and Colorado Preservation, Inc. and the Colorado Historical Society.

Secretary Salazar congratulated Chairman Donaldson on his appointment as well as outlined his thoughts on preservation. He said his life as Secretary of the Interior is guided by the mission to serve as a custodian of America's natural resources and history. The historic preservation side of the mission is in partnership with the ACHP and the national parks. The national parks and BLM lands are special places to tell a great part of America's story because there are so many visitors.

Secretary Salazar stressed the importance of diversity and inclusiveness. He also believes historic preservation should be available to everyone. There are histories of some people in some parts of America which have not been told. There is no better engine in how the American story is told than what we do through historic preservation. He looks forward to working with the ACHP in making sure the story is an inclusive one. He said there is a real need to figure out a way of funding historic preservation. For far too long, he said, historic preservation has played second fiddle to a lot of other things. He said the original plan for the Land and Water Conservation Fund was to have a piece of it for historic preservation. The initial thought was that the revenues should be going for land and water preservation and historic preservation. Most times people forget the Historic Preservation Fund aspect of that legislation. The current legislation pending in the Senate would make permanent the \$150 million for historic preservation. Secretary Salazar said, "In my view, it's not adequate given the historic preservation needs that we have all across America." As the report to the President and Congress is prepared for the America's Great Outdoors Initiative, he said he hopes there will be a chapter on historic preservation and that it talks about the importance of historic preservation and also talks about the importance of job creation that comes from historic preservation. The communities that thrive and are stable are those that have taken advantage of the opportunity of heritage tourism that comes along with historic preservation.

At this time Secretary Salazar left the meeting.

Chairman Donaldson continued with his remarks about his priorities. He said youth engagement is another area the ACHP will be focusing on. He discussed the America's Great Outdoors (AGO) Initiative and how it is a nexus for getting young people outside and engaging them.

Other items Chairman Donaldson would like to focus on in his tenure are cultural diversity and the protection of resources of the mid-20th century. Ownership of these buildings has been challenging. Proper interpretation is critical. Planning ahead is important when it comes to base closures and Cold War-era buildings.

Chairman Donaldson said he wants to work closely with preservation partners: NPS, National Trust, and

Preservation Action. He said the ACHP needs to address the needs of preservation partners at the local level.

IV. Executive Director's Report

John Fowler said that in the FY11 budget the President requested \$5.9 million for the ACHP; the House subcommittee marked up the bill before recess, and Mr. Fowler said the House is supporting the President's budget. For FY12 the directive from the Office of Management and Budget (OMB) is to seek funds at the FY11 level and also include a 5 percent cut.

Mr. Fowler said a year ago he set up a diversity working group within the staff tasked with looking at ways to develop a more diverse workforce, to bring diversity considerations into how the ACHP does its work, and to advise the chairman on how to increase diversity among council membership. He said the group has made a lot of progress with this and talked with people outside the ACHP. He expects to bring forth their recommendations in December to be integrated into the strategic planning process.

Mr. Fowler then introduced new staff member Chris Wilson, Army headquarters liaison. Then he announced Blythe Semmer has accepted a new ACHP position as training specialist, and Lydia Kachadoorian has been the FEMA liaison and has accepted a position in the FEMA New England office and is leaving the ACHP. Also, Valerie Hauser has been named director of the Office of Native American Affairs (ONAA). The Native American Program has been elevated to an office.

Chairman Donaldson asked the entire ACHP staff to stand up and be recognized [Applause].

V. Native American Activities

Arden Kucate said the Native American Advisory Group (NAAG) is resubmitting its proposal to the new ACHP leadership for consideration and endorsement of its request. The proposal is to bring tribal leadership to NAAG and to ensure the membership and mission are compatible with this Administration's policies and approach to tribal consultation at the highest levels of government. Thus far NAAG has been successful in taking on the challenge of trying to streamline tribal consultation initiatives with federal agencies.

Chairman Donaldson said they would not be taking any action today on this, but he will take a look at this and bring it back to the ACHP.

Ms. Hauser reported for Chairman John Berrey who was unable to attend the meeting. She said there is a proposal for the Native Hawaiian Federal Interagency Working Group. It has been functioning informally for several years including the ACHP, DOI, and Department of Defense (DoD). They have been discussing challenges agencies face in consultation with Native Hawaiians. The group wanted to formalize their relationship and offer advice to other agencies that may seek their assistance. The Memorandum of Understanding (MOU) should be ready by December for a formal signing. Ms. Hauser said any other agency that wants to join the group is welcome to do so.

Maureen Sullivan said DoD is committed to improving its consultation processes in Hawaii and looks forward to working with the ACHP while still reviewing the draft MOU.

Ms. Hauser said the next issue concerned the Department of Housing and Urban Development's (HUD) position that it has the authority to delegate its government-to-government consultation. The ACHP has been working on this issue since 2005 and has been unable to come to a joint resolution of the issue. ONAA and Office of Federal Agency Programs (OFAP) staff attended a meeting at HUD on June 3

which included representatives from the United South and Eastern Tribes (USET) and the National Congress of American Indians (NCAI). The discussions were focused on education and outreach opportunities as a way of addressing the compliance inconsistencies. There has been no forward movement since June and no further policy discussions about the consultation issue with HUD leadership. This is a major issue for Indian Country because it affects tribal sovereignty when a federal agency determines that someone else can be responsible for its government-to-government relationship.

Chairman Donaldson congratulated Ms. Hauser on her work and promotion.

Chairman Donaldson said he has committed to take this up to HUD leadership to resolve this and, if necessary, take it up to the White House. He invited Brian Patterson to come forward to talk about the HUD issue. Mr. Patterson is the president of USET. He said the two core Indian values are preservation and respect for tribal sovereignty, and the trust relationship with the United States. USET continues to place great value on the relationship it has with the ACHP. The value of advancing the relationship with HUD is a shared value within the American conscience, and he is unable to even get a meeting with them.

David Blick of HUD said it would be important for the ACHP and USET to speak to the political leadership at HUD. Mr. Franklin said he has talked to tribal leadership on this issue, and the big fear for tribal leadership is that if one agency can do it, what is stopping the rest? It is a relief to know there is an outlet to facilitate communication between all tribes and HUD, he said.

Chairman Donaldson said the ACHP is going to put forward the idea of having the National Association of Tribal Historic Preservation Officers (NATHPO) be a voting member of the ACHP. This will be part of the strategic planning discussion. He will bring the results back to the ACHP in December to discuss. Chairman Donaldson's first official act as ACHP chairman was giving the keynote speech at the NATHPO annual meeting in August.

Mr. Franklin introduced Bambi Kraus, president of NATHPO. He said this is a good opportunity. Tribal governments in the states have embraced the idea of having THPOs. There will be 108 THPOs by the end of this year. The interaction between the ACHP, NCSHPO, NATHPO, and tribes is going to be spearheaded by the people in the room. A new future of collaboration is exciting. He looks forward to being a voting member and helping the ACHP in any way he can, not just as technical advisors but in a more personal relationship.

VI. Gulf Oil Spill Report

Mark Sadd said on April 20, the Deepwater Horizon oil spill occurred in the Gulf of Mexico resulting in substantial negative environmental effects on some of the Gulf states. With the designation of the U.S. Coast Guard as the On-Scene Coordinator for the Gulf coast oil spill, efforts were begun to redress affected cultural resources and to comply with the 1997 Programmatic Agreement on emergency responses with regard to oil spills. DOI, NPS, and NOAA provided technical oversight with the assistance of other federal agencies, state officials, and Indian tribes to develop protocols and best management practices to guide response efforts for the cultural resources. Mr. Sadd expressed the ACHP's appreciation for the Department of Homeland Security (DHS) and Teresa Pohlman of DHS for providing needed assistance to ensure the implementation of the Programmatic Agreement (PA).

Mr. Sadd introduced Dan Odess, Assistant Associate Director for Park Cultural Resources for the NPS. Dr. Odess said he also serves as the Acting Departmental Consulting Archaeologist with responsibility for advising the Secretary of the Interior on archaeological matters. He also was designated as the Historic Properties Specialist, which was from the 1997 PA outlining how we as a nation will deal with Section 106 in the event of an oil spill. That PA did not envision an event of this scope, magnitude, and

complexity, but the PA provides a lever to say what everyone's responsibilities were. He said there were heated conversations early on, but with the help of a number of people they were able to get time with the Federal On-Scene Coordinator and help him understand what his obligations were, what the implications legally were if he did not follow the obligations, and that they were there to offer a solution.

Dr. Odess said he had to make the leadership comfortable with the idea that complying with Section 106 and protecting historic properties and doing the legally required consultation with stakeholders was not going to stop the response but rather would be a positive thing. He thought they could say this was an area where the adverse effects were minimized from the oil spill. Dr. Odess said he had to convince the SHPOs in four states and representatives of about 40 tribes that in order to represent their interests it would be necessary for them to put somebody at the table where the decisions were being made in the incident command posts. They agreed to delegate their consultation authority to someone who can sit and make decisions on things as they come up, and Dr. Odess was able to pay them through a funding mechanism from an earlier law. He has established consultation teams in each of the incident command posts. He said BP has provided funding for contract archaeologists to do on the ground inventory work and ethnographers to identify traditional cultural properties (TCP). Dr. Odess said the TCP work is the first of its kind on the Gulf coast and will likely be the most meaningful in terms of being of long-term interest to the communities affected.

Dr. Odess said he expects to see the Programmatic Agreement revised, and it is desirable to have the ACHP closely involved in that effort. The PA from 1997 does not have tribal signatories; that is a source of dismay to the tribes he has been working with.

Mr. Sadd asked how they are determining the area of potential effect (APE) and the challenges they are facing.

Dr. Odess said defining the APE is complicated because they have never thought about defining an APE that includes four states and a major body of water. They are wrestling with do they need one large APE, or discreet areas, or look at different APEs for different categories of resources. In deciding what needs to be inventoried, at a minimum, all the areas that received oil and areas that received impacts due to response activities. That is the whole coast line.

Mr. Shafroth said this issue needs to be part of a larger conversation we should be having.

Mr. Fowler said the 1997 PA pre-dated the change in the Section 106 regulations that codified how the tribes and THPOs get involved in the Section 106 process. This is something the FAP Committee will be addressing, how to update the PA to give tribes their proper role in the process.

VII. Sustainability Task Force

Chairman Donaldson called on Vice Chairman Barnes. She is chairman of the ACHP Task Force on Sustainability. She said the task force has met four times since April. Two key areas they are concerned with are energy efficiency and community livability. She thanked the members of the task force for their energy. She said the task force has spent considerable effort responding to President Obama's Executive Order 13514. Each agency has the responsibility of having a Senior Sustainability Officer—which Ralston Cox serves in this capacity for the ACHP—and that officer is responsible for authoring a strategic sustainability performance plan. The ACHP's report focused on how the agency could use less energy, being more effective in how it utilizes energy. There are plans to convene a meeting later this year for Senior Policy Officials and Federal Preservation Officers to discuss sustainability. She said the task force is also looking at energy efficiency, including guidance for agencies to comply with Section 2(g) of the

EO. She thanked OFAP for taking the lead on that initiative. The task force worked with CEQ on a session for the GreenGov conference. She talked about other initiatives of task force members.

The task force also has discussed a presidential memorandum regarding disposal of unneeded federal real estate. They are looking at developing guidance for agencies about this memorandum. She thanked OMB for participating. They have also provided comments on a draft research agenda for the National Center of Preservation Technology and Training.

Vice Chairman Barnes asked council members if they have any specific topic areas that they want the task force to consider for the work list, the group is always open to hearing them.

Chairman Donaldson said behind every successful council member is staff, and he commended Dru Null of OPI for supporting the task force. He also thanked Emily Wadhams from the National Trust for taking a leadership role in the sustainability issue.

VIII. Preservation Initiatives Committee

Ms. Pritzlaff said the PI Committee had a lengthy discussion about the Sustainability Task Force at its meeting the previous day. The committee wants to ensure the ACHP and preservation partners are at the table on energy policy. Also important is the need for more sensitive training for preservation professionals in sustainable design issues, and the value of seeking the views of local communities on their information and education needs on these subjects. There was a suggestion about ways to approach high tech business about adapting their products to preservation situations, and how sustainability in general needs to be a key focus of any future strategic planning exercise. The committee adopted the following resolution:

The PI Committee resolves to support the ongoing work of the Sustainability Task Force and recognizes the significance and timeliness of the task force's findings and recommendations, with the priority placed on developing outreach and implementation strategies.

Chairman Donaldson then asked Mr. Shafroth to comment about the America's Great Outdoors Initiative before Ms. Pritzlaff continued with her committee report.

IX. America's Great Outdoors

Mr. Shafroth indicated that he would share this report with Mr. Sherman, since both DOI and USDA are working on this. He said there have been more than 25 listening sessions across the country for the AGO. He said the people of America are extremely enthusiastic about this agenda. He said 15,000-20,000 people have shown up for events; tens of thousands of comments have come in on the Web site. The agenda is broad involving land conservation, recreation, historic and cultural preservation. He said they heard a lot about how to reconnect young people and their families to the outdoors. In 15 of the locations, DOI had a parallel youth listening session. Mr. Shafroth said they reached out to particular communities such as the hunting and angling community, the historical and cultural preservation community, health and the outdoors, Native American community. "We're hoping that no one can say that we aren't listening!" Mr. Shafroth said.

He said they are hearing about the need for more money, including full funding of the Land and Water Conservation Fund and the Historic Preservation Fund. There were also hundreds of suggestions about how the federal government can be a better partner on this broad range of issues. How we do our business through collaboration is critical.

Mr. Sherman said the President asked for a report on AGO by November 15 trying to figure out new initiatives that the federal government should be taking, and that the President anticipates this will affect the federal budget going forward in certain ways. Mr. Sherman said he hopes it will affect the relationship with state and local governments on issues of conservation and preservation. He also said he hoped it would identify new frontiers to pursue with private partners, the business community, NGOs. There have been six teams assembling the information received, with a seventh focused on youth.

Ms. Pritzlaff returned to her PI committee report. She said the ACHP was invited to be directly involved in some of the policy teams, and several ACHP members and staff have attended sessions.

Recommendations were being considered that could include possible administrative changes; program improvements in conservation as well as connecting people to the outdoors; applying science to conservation issues; funding; innovative models and partnerships; new legislation or significant new or re-programmed funding. She said the PI Committee was concerned that in spite of references to history, culture, and historic and cultural resources, much of the focus of the AGO has quite naturally been on environmental conservation and outdoor recreation as well as engaging youth. However, there are many important examples of historic preservation and programs integrating the outdoors with historic and cultural heritage that have been raised in interagency discussions as well as through the listening sessions and other input. The committee hopes the final recommendations will recognize an important role for cultural heritage preservation and interpretation in the broader context of America's Great Outdoors recognizing that such integration should include, but not be limited to, appropriately adapting and using existing preservation initiatives, programs, and partnerships that work and can advance AGO's goals.

As policy recommendations are going forward, the committee would like to indicate which they feel are priority areas, and the ACHP and the committee offer their active and continuing involvement to ensure integration of the following to meet AGO goals:

- Stewardship of significant historic and cultural resources
- Historic preservation, heritage education, and heritage tourism assistance that helps reconnect people with their heritage as well as the outdoors;
- Partnership programs that support community-led conservation;
- Recognition programs aimed at education and engagement;
- Approaches for engaging youth in hands-on preservation programs that relate to the outdoors, including employment and volunteer activities;
- More fully involving volunteers in numerous cultural stewardship activities, and reaching out to diverse audiences in ways that support a broader appreciation for both the outdoors and a preservation ethic;
- Recognition of the importance of preservation to community and regional sustainability and greening of historic buildings and the role in climate change; and
- Balancing support for complementary natural resource conservation, outdoor recreation, and cultural preservation through full funding of both the Land and Water Conservation Fund and the Historic Preservation Fund.

She then offered a motion:

The chairman of the ACHP should convey to the Secretaries of Agriculture and Interior, the Administrator of EPA, the Chair of the Council on Environmental Quality, and the Director of OMB the importance of fully integrating historic preservation and cultural heritage into the America's Great Outdoors Initiative as it is implemented in 2011 and beyond.

Vice Chairman Barnes seconded it. Mr. Sherman said to convey the letter quickly. The motion passed unanimously.

Ms. Pritzlaff said on July 8, First Lady Michelle Obama designated 29 more communities, bringing the total to 843. A few additional community applications have been received for the September 1 deadline, and the ACHP continues to get additional information from previous applicants. New Preserve America Stewards bring the total to 30. The Preserve America Grants had about \$4.6 million in FY 2010 funding, and this funds all of the FY 2009 grants that were announced but not funded last year in addition to a new round of grants.

She said there are many ways the Preserve America program is in line with the Administration's priorities and would look to how we could have productive partnerships among federal agencies that has been a hallmark of the program. The committee looked at tying in to sustainable communities through youth engagement, grant programs, information, participant networking and the ability to connect Preserve America Communities, their partners and constituents.

The committee also discussed the economic benefits study. An agreement was signed with EDA in 2008, to undertake two studies: one on measuring the economic impacts of preservation, and one to collect information on heritage tourism case studies and best practices. The ACHP has recommended a contract award for completing the economic impacts study, and is currently awaiting word on conclusion of that award so that the project can begin.

Ms. Pritzlaff referred the members to Tab 2 in the meeting book for the legislative update. Mr. Fowler said in regard to the Consolidated Land, Energy, and Aquatic Resources (CLEAR) act, it includes full, permanent funding at \$150 million for the Historic Preservation Fund. On July 29, OMB sent a Statement of Administration Policy on the CLEAR act. The Administration said it supports funding for land and water conservation and historic preservation projects.

Ruth Pierpont said NCSHPO is thrilled the CLEAR act passed the House, but there is more work to do with the Senate. The Coalition for Full Funding of the Historic Preservation Fund has almost 250 members.

X. Communications, Education, and Outreach Committee

Jack Williams said the Communications, Education, and Outreach (CEO) Committee was delighted to have in attendance other ACHP members and staff to discuss various topics of interest including Native American service learning outreach, sessions to be presented at the National Trust meeting, and the America's Great Outdoors Initiative. The ACHP is playing a large role in the drafting of policy, and keeping historic and cultural resources in the lexicon of the AGO.

The committee discussed its current efforts to involve youth in historic preservation through outreach avenues. It continues to support efforts relating to service learning—the youth summits and other involvement strategies. The ACHP is planning to encourage several service learning projects involving underserved and more diverse constituencies. The committee is continuing to help coordinate developing service learning programs within existing youth programs across federal government agencies as well as encouraging new programs that will use service learning as a core strategy.

The CEO Committee also discussed the next round of distribution of the widely popular publication: *Protecting Historic Properties: A Citizen's Guide to Section 106 Review*. Ten thousand copies of this booklet have already been distributed to preservation partners. They discussed further distribution efforts,

and he encouraged assistance from all council members. Mr. Williams asked federal agency members to think about distribution channels. Could they put the *Citizen's Guide* PDF on their Web site, or link to the ACHP Web site?

Mr. Williams asked the council to consider the ACHP awards program. In a quest to keep historic preservation in the forefront to attract President Obama's support and other members of the Administration, we suggest that the current historic preservation Presidential Award program criteria be modified to better incorporate the goals of the America's Great Outdoors Initiative, with specific inclusion of youth and educational programs, reaching out to diverse audiences and underserved communities, and encouraging active participation and volunteerism in cultural and natural preservation. This reflects our continued commitment to involve youth in historic preservation and create a new, more inclusive generation of preservationists, he said.

Mr. Williams also said the contract for the new ACHP Web site will be awarded this week.

Chairman Donaldson thanked Mr. Sherman and Mr. Shafroth for including the ACHP in the AGO. Ron Anzalone of OPI has been participating and is drafting reports.

XI. Federal Agency Programs Committee

Mr. Sadd said the *Citizen's Guide* was a big hit in the field. He commended the CEO Committee and staff for the wonderful tool for the citizens.

He said the ACHP proposed the establishment of a Historic Preservation and Energy Development Working Group. The need for this group is evident given the Obama Administration's focus on refining and expanding both conventional and alternative energy resources of the nation. He pointed out the synopsis of the workgroup in the members' folders for more detail.

Mr. Sadd said he understood that there have been positive developments in the discussion with DOI about the formation of this workgroup.

Chairman Donaldson said the renewable energy focus to expanding, developing, and transmitting energy that is on our continent is really important. Most of this occurs on federal lands. We are trying to get together with a group of federal agencies including USDA, Departments of Energy and Defense, FERC, CEQ, NCSHPO, National Trust, and NATHPO in terms of working together so we can understand the programs that may be managed mostly by DOI and how we can get together to foresee these projects that are coming down, he said. DOI is going to co-chair this with the ACHP.

Mr. Shafroth said this is a great opportunity for all of us to work together on this. Secretary Salazar and President Obama early on announced a strong need to site renewable energy facilities on federal properties, and there has been a whole series of fast tracked projects in California. He said they learned a lot about the process in trying to do things in a more expeditious way than they normally would. They need to look at all the potential impacts from the projects to make sure to make decisions that will avoid as many of the impacts that they can.

Mr. Sadd asked Julie King to report on the archaeology subcommittee. She said the subcommittee consists of DoD, DOI, NCSHPO, Chairman Berrey, and the NAAG. The question that runs the subcommittee is how can the subcommittee assist the FAP Committee with archaeological issues in its work? The first issues were the following: is the recovery of surface artifacts from an archaeological site an adverse effect under Section 106; and does the evaluation of National Register eligibility require the removal of artifacts? The subcommittee is working on recommendations for the FAP Committee on these

issues.

At this time Mr. Shafroth and Mr. Sherman left the table. Mike Kaczor replaced Mr. Sherman at the table.

Mr. Sadd continued his report. The FAP Committee established a working group chaired by DoD to prepare draft guidance on how the National Environmental Policy Act (NEPA) and Section 106 can be better coordinated. After much work, the workgroup has provided for ACHP staff review a draft of the document. Staff will soon be discussing with the Council on Environmental Quality the guidance, including its content and applicability to NEPA efforts throughout the federal government. He will report back on the results of these efforts at the next business meeting. Mr. Sadd expressed his appreciation to Ms. Sullivan for leading this effort and the members who worked to bring this to fruition.

The ACHP formed a workgroup of federal agencies to develop guidance to assist federal agencies in their efforts to meet the expectations of Section 2(g) of the Sustainability Order (Executive Order 13514, "Federal Leadership in Environmental, Energy, and Economic Performance."), as previously mentioned. The workgroup consists of the General Services Administration, NPS, and the Departments of Veterans Affairs, Interior, and Defense. The workgroup has developed a first draft of the proposed guidance. ACHP staff will revise the document to produce a second draft, which will be provided to the workgroup and the Sustainability Task Force members for review in late September 2010. Following review and comment by the task force and workgroup, the guidance will be finalized. It is anticipated that the final guidance will be distributed in early December 2010.

Regarding distance learning, this has been a particular personal vision of Mr. Sadd's—having the ACHP be more proactive with technology and using it to make constituencies more aware of what we do as an organization. He asked the agency members to keep in mind that any examples of distance learning in which they are involved, please let the ACHP know about them.

Chairman Donaldson congratulated the FAP Committee and the ACHP for doing this. Distance learning has always been the way to do training. With the technology that we have available, we need to focus on distance learning as much as possible, he said.

Mr. Fowler said in the FY 10 budget there were additional funds to do a technology upgrade which will support this kind of initiative, and we are in the process of letting the contract for our Web site upgrade, which will be integral to how we reach out with information to participants in the Section 106 process.

Mr. Sadd said the committee also heard from staff and the Army about efforts to develop a Program Comment for the management of interiors within contributing buildings and individually eligible buildings. There was a blunt discussion about the need for the Program Comment and the options for addressing the Army's interests in better managing these elements. He anticipates that the Army will continue work on refining their approach to this issue and that the committee could be in a position to report further progress in December to the council.

Regarding cases, Mr. Sadd reported on the BLM Nationwide Programmatic Agreement: The committee heard from Caroline Hall and Robin Burgess of BLM on efforts to distribute the latest draft of the nationwide PA to Indian tribes, SHPOs, and other consulting parties. He said this should be good news to the members. BLM, in consultation with NCSHPO and the ACHP, has set a timeline of six months to complete revisions to the PA.

Guam Build-up: the committee also heard from staff about efforts to complete a PA to address the buildup of military forces on the island of Guam. He understood that Navy, representing DoD on this effort, intends to reach a Record of Decision by September 20. While negotiations of this agreement have

at times been contentious, he understands that Navy has proposed final language to address concerns about the development of a cultural center and further public involvement that have been well received by some of the consulting parties.

The last issue that arises as a spin-off from the Guam buildup is regarding Section 110 (g) of the National Historic Preservation Act. In the meeting book is a copy of the ACHP's recent legal opinion on Section 110(g). It is a discussion of the authority of federal agencies to provide assistance to SHPOs that help federal agencies in carrying out their Section 106 responsibilities. In the development of this opinion, it was concluded that Section 110(g) does not provide parity for tribes and THPOs as being eligible to receive similar assistance. In other words, as the law is written, a federal agency is not authorized to give similar assistance to an Indian tribe or THPO as it can give to SHPOs. The sense of the committee is that the ACHP should seek to redress the inequity.

Chairman Donaldson said from the position of being the California SHPO, under the Recovery Act, they were able to secure \$880,000 to increase staff. The tribes should be able to take advantage of that.

Ms. Sullivan said the DoD fully supports the parity issue and moving forward with that, but DoD has some problems with the ACHP's legal opinion on Section 110 (g) and so this issue will be require further discussion.

XII. New Business

Chairman Donaldson said the ACHP needs a six-year strategic plan and will have a planning session on revising our plan.

The next business meeting will be December 1-2 and he said he wants to have meetings both in and out of Washington, D.C. He also heard that the meeting schedule used to change without much notice. He guaranteed to set the schedules a year in advance to have a good turnout and lively discussion.

Mr. Fowler said the strategic planning process was supposed to happen in 2009, but because the ACHP did not have leadership appointed by this Administration we delayed moving forward on the strategic plan. The December business meeting will be the occasion for this council to address the future six-year plan of the ACHP. He said December 1 would be committee meetings in the morning, and the afternoon would be the strategic planning session. The business meeting would be the morning of December 2. We would not adopt the strategic plan at that meeting but likely would adopt it at the winter meeting. He is interested in having the policy-level members from federal agencies participate because it is important for the policies of this Administration to be embodied in what the ACHP sets as its goals for the next six years.

Ms. Meeks updated the members on the National Trust's Back to Basics Section 106 report. The National Trust commissioned a study over the last year on Section 106. She said the heart of the report is in the detailed recommendations that provide guidance to federal agencies, the ACHP, SHPOs, tribes, consultants, and non-profit preservation organizations. The objective of the report is to point out where there are opportunities to ensure Section 106 is better integrated into the policies and values of the federal government and to point out places where there are alignment challenges such as reporting requirements or performance measures. The Trust's staff briefed ACHP leadership in June and provided a copy of the report in July, which ACHP leadership provided comments on, and the consultant has worked to respond to them. Chairman Donaldson said he appreciated Trust staff Paul Edmondson and Elizabeth Merritt coming to the office and the spirit of cooperation in working on this report.

Ms. Pritzlaff asked if the rollout of the report would be part of a large public relations effort. Ms. Merritt responded that they were planning a “green rollout” making it available on their Web site. Ms. Meeks said they would report on the Back to Basics report to the National Trust trustees at the annual preservation conference. Ms. Merritt said there would not be a session on it, but the consultant would be there to talk about the recommendations.

Mr. Franklin thanked the members for their participation and thanked Chairman Donaldson for his leadership.

XIII. Adjourn

At 11:45 a.m. the meeting adjourned with a motion by Mr. Williams and second by Beth Savage.