



*Preserving America's Heritage*

**MINUTES**

**WINTER BUSINESS MEETING**

**ADVISORY COUNCIL ON HISTORIC PRESERVATION**

**MARCH 1, 2013**

**WASHINGTON, D.C.**

ADVISORY COUNCIL ON HISTORIC PRESERVATION

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**MEETING  
ADVISORY COUNCIL ON HISTORIC PRESERVATION**

**Russell Senate Office Building  
Kennedy Caucus Room  
Washington, D.C.  
March 1, 2013**

**PROVISIONAL AGENDA**

Call to Order—8:30 a.m.

- I. Chairman's Welcome
- II. Swearing In Ceremony
- III. Secretary of the Interior's Historic Preservation Awards
- IV. Chairman's Report
- V. ACHP Management Issues
  - A. ACHP FY 2013 and 2014 Budget
  - B. Alumni Foundation Report
- VI. Historic Preservation Policy and Programs
  - A. ACHP Plan to Support the United Nations Declaration on the Rights of Indigenous Peoples
  - B. Memorandum of Understanding Regarding Coordination and Collaboration for the Protection of Indian Sacred Sites
  - C. Administration's Tribal Goals
  - D. Planning for 50th Anniversary of the National Historic Preservation Act
  - E. Building a More Inclusive Preservation Program-Civil War to Civil Rights Initiative
  - F. Future Directions for the ACHP in Sustainability
  - G. Rightsizing Task Force Report
  - H. ACHP Legislative Agenda
    - 1. Amendments to the National Historic Preservation Act
    - 2. Recent Legislation Related to Historic Preservation
  - I. Planning for 10th Anniversary of the Preserve America Program
- VII. Section 106 Issues
  - A. Government Accountability Office Report on Federal Historic Property Management
  - B. Section 106 Issues in the Second Term: Administration Initiatives and Federal Budget Austerity
- VIII. New Business
- IX. Adjourn

**IN ATTENDANCE**

**Milford Wayne Donaldson, Chairman**  
**Clement A. Price, Vice Chairman**  
**Horace H. Foxall, Jr.**  
**Terry Guen**  
**Teresa Isabel Leger de Fernandez**  
**Dorothy Lippert**  
**Lynne Sebastian**  
**Bradford J. White**

Architect of the Capitol

Secretary of Agriculture

Secretary of Defense

Administrator, General Services Administration

Secretary of the Interior

Secretary of Transportation

President, National Conference of State Historic  
Preservation Officers

Native American Member

Chairman, National Trust for Historic Preservation

**Stephen T. Ayers**

Represented by:

**Arthur Blazer**  
Deputy Under Secretary  
for Natural Resources  
and Environment

Represented by:

**Maureen Sullivan**  
Director, Environment,  
Safety and  
Occupational Health,  
Office of the Deputy  
Under Secretary of  
Defense (Installations  
and Environment)

Represented by:

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

**Hon. Ken Salazar**

Represented by:

**Eileen Sobeck**  
Deputy Assistant  
Secretary for  
Fish and Wildlife and  
Parks

Represented by:

**Camille Mittelholtz**  
Acting Director, Office  
of Safety, Energy and  
Environment

**Elizabeth Hughes**  
Deputy Maryland SHPO

**John Berrey**  
Chairman, Quapaw Tribe

Represented by:

**Stephanie Meeks**  
President

**OBSERVERS**

Secretary of Energy

Represented by:

**Drew Campbell**  
Deputy Director,  
Sustainability  
Performance Office,  
Energy Efficiency and  
Renewable Energy

Secretary of Homeland Security

Represented by:

**Jeffrey Orner**  
Chief Administrative  
Officer

Chair, National Alliance of Preservation Commissions

Represented by:

**Scott Whipple**  
Historic Preservation  
Section Supervisor,  
Functional Planning and  
Policy Division,  
Montgomery County  
Planning Department

Chairman, National Association of Tribal Historic  
Preservation Officers**Reno Franklin**

Vice Chairman, Kashia  
Band of Pomo Indians of the  
Stewarts Point Rancheria

Chair, Council on Environmental Quality

Represented by:

**Horst Greczmiel**  
Associate Director for  
NEPA Oversight

President, ACHP Alumni Foundation

**Katherine Slick**

Historic Preservation Consultant

In attendance and participating in the meeting were ACHP Executive Director John M. Fowler; Jodi Gillette, Senior Policy Advisor for Native American Affairs, White House Domestic Policy Council; Valerie Hauser, Ron Anzalone, ACHP staff; Amos Loveday and James Glass, historians.

**PROCEEDINGS****I. Chairman's Welcome**

Advisory Council on Historic Preservation (ACHP) Chairman Milford Wayne Donaldson opened the winter business meeting at 8:35 a.m. Stephen T. Ayers spoke about the Kennedy Caucus Room. Vice Chairman Clement Price led the group in the Pledge of Allegiance. The chairman has the proxy for Mayor Michael Coleman. Chairman Donaldson said a new item on the agenda is a report on the Department of Energy Program Comment. The agenda was adopted with a motion by Mr. Ayers and second by Brad

White. Chairman Donaldson appointed Shayla Shrieves recorder. He welcomed Elizabeth Hughes as the new president of the National Conference of State Historic Preservation Officers (NCSHPO). He also welcomed Jeffrey Orner representing the Secretary of Homeland Security. There was one technical correction to the previous meeting's minutes from Maureen Sullivan. Council members adopted the minutes. At this time, Interior Secretary Ken Salazar joined the meeting.

### **III. Secretary of the Interior's Historic Preservation Awards**

Chairman Donaldson welcomed Secretary Salazar to bestow the Secretary of the Interior's 2012 Historic Preservation Awards.

Secretary Salazar acknowledged that the work of the ACHP is important to the country for its history, heritage, jobs, and economic activity. He also recognized Nancy Schamu and her pending retirement, personally thanking her for her years of service.

Secretary Salazar said this is an important time to be at the Capitol with the great concern about what happens with the funding of important programs like historic preservation. He has been advocating for funding for historic preservation and the continuation of the historic preservation tax credit and asked that the ACHP look at how the historic preservation guidelines are working. He said the story needs to be told about the vital contribution historic preservation makes to the American economy as it is important to always come back to the importance of jobs.

The Secretary also spoke about rightsizing, and how Detroit is coming back. He said at a recent meeting there, they talked about the Secretary's historic preservation guidelines and how they could be modified.

During a discussion about the historic preservation tax credit authorization, which expires in 2014, Secretary Salazar said he hoped a tax reform package would move through Congress. He said an important agenda item for him and President Obama is recognizing the need for and value of an inclusive America. He wants to make sure no one feels they are not at the table.

Eileen Sobeck joined the Secretary at the podium and introduced the awards. The four awards went to Robin D. Hawks, Federal Preservation Officer from the Bureau of Land Management; Bill Helmer, Tribal Historic Preservation Officer for the Big Pine Paiute Tribe of the Owens Valley, California; Dan Elswick, Senior Historic Architecture Consultant of the South Carolina Department of Archives and History; and Michelle Pierce, retired town manager of Lake City, Colorado.

### **II. Swearing In Ceremony**

The two new Presidential appointees to the ACHP are Dr. Lynne Sebastian of Corrales, New Mexico, and Teresa Isabel Leger de Fernandez of Santa Fe, New Mexico. Secretary Salazar administered the oath for them.

Chairman Donaldson thanked the Secretary for his support of the Historic Preservation Fund and his leadership in looking at the diverse heritage of the country, for establishing the Department's American Latino Heritage Initiative, and naming 58 new National Historic Landmarks while he was Secretary. Chairman Donaldson presented Secretary Salazar with an ACHP cowboy hard hat as a parting gift.

### **VI. Historic Preservation Policy and Programs**

#### *Native American Affairs Presentation*

Jodi Gillette, Senior Policy Advisor for Native American Affairs for the White House Domestic Policy

Council, came to the table, with Valerie Hauser. Ms. Gillette thanked the ACHP for its hard work, noting there still is a lot of work to do in Indian Country. She said the work the ACHP has done has exhibited an excellence she has not seen in a lot of agencies, and that she depends on the ACHP to identify best practices. The United States was isolated in the world for not supporting the U. N. Declaration on the Rights of Indigenous Peoples. She noted the importance of the Declaration for advancing the protection of cultural resources and hearing the voice of American Indians.

Reno Franklin thanked Ms. Gillette for her work. He said this Administration is responsive to Native American needs. John Berrey thanked Ms. Gillette for her service to Indian Country and for the interaction with the ACHP. He suggested the White House look for another tribal leader to fill his position on the ACHP to be able to communicate on a regular basis with decision makers from different agencies.

Butch Blazer said he is having conversations with other managers in the Department of Agriculture (USDA) who have been working with Indian Country but want to do it better and are asking him for support. Dorothy Lippert said the U.N. Declaration directly affects the work of archaeologists and historic preservation, and noted the importance of the tribal nations' conferences that the President hosts, and its emphasis on the importance of consultation.

Chairman Donaldson said he was honored to be part of the tribal nations' conference. Ms. Hauser said the ACHP's plan to support the U.N. Declaration is designed to put into action the President's challenge. It is focused on raising awareness in the historic preservation community. Chairman Berrey moved that the members endorse the ACHP Plan to Support the United Nations Declaration on the Rights of Indigenous Peoples. Ms. Leger de Fernandez seconded it. Dr. Lippert noted the importance of the U.N. Declaration in the archaeological community. She said the principles are useful in guiding how practitioners conduct archaeological practice, and for the ACHP to be able to take a leadership role in promoting the Declaration is remarkable. Mr. Franklin said the plan is reflective of the needs of Indian Country. Terry Guen said she is delighted to see the recognition of the importance of cultural landscapes brought up in this effort.

The motion passed unanimously. John Fowler added his commendation to Ms. Gillette for her leadership and to Ms. Hauser and Bill Dancing Feather for bringing it together. He said the ACHP is the first federal agency to adopt and implement an action for the Declaration.

#### **VI.B. Memorandum of Understanding Regarding Coordination and Collaboration for the Protection of Indian Sacred Sites**

Ms. Hauser discussed the development of a Memorandum of Understanding (MOU) with the Departments of Agriculture, Defense, Energy, the Interior, and the ACHP. The ACHP based its work on the collective experience in working with and hearing the concerns of Indian tribes. The MOU commits the signatories to adopting an action plan by early March. The MOU calls for the development of training, guidance, and best practices; public outreach about the importance of these places and the need to maintain their integrity; outreach to non-federal partners; and, building tribal capacity. It is a five-year commitment.

Council members discussed the importance of improving interaction with tribes regarding sacred sites as well as the importance of giving voice directly to the tribes on these issues. Dr. Lippert noted that ACHP participation in this effort is important because so many sacred sites are directly affected in the 106 process. Government needs guidance in how to address these. Chairman Berrey said a sacred site to an Indian tribe is as important as Gettysburg or Ellis Island or any of the other important threads that weave together this history of the country. Sometimes it is difficult for tribes to express the importance because

of the fear of people exploiting the site, so communication is always the key. Chairman Donaldson expressed his gratitude for Ms. Gillette coming to the meeting and thanked Ms. Hauser and Mr. Dancing Feather for their work.

### **Recognition**

Chairman Donaldson said earlier in the week he presented Ruth Pierpont with a certificate of appreciation and noted that her insights and good humor will be missed. In other NCSHPO news, Ms. Schamu is retiring after 27 years of service. Erik Hein will be the next NCSHPO Executive Director. Chairman Donaldson presented Ms. Schamu with a certificate of appreciation. She thanked the council members for recognizing her retirement.

### **VI.E. Building a More Inclusive Preservation Program**

Chairman Donaldson moved on to a discussion on the history of the ACHP's initiative to build a more inclusive preservation program. The goal is to make the work of the ACHP and its partners more relevant to the changing population of the United States and to broaden the participation and engagement of all Americans in historic preservation. Including the full range of cultures and communities that make up today's America is a priority for this Administration and the ACHP. He has created a standing ACHP member committee focused on this issue. The committee will be himself, Vice Chairman Price, Ms. Leger de Fernandez, Ms. Guen, Chairman Berrey, the Department of the Interior, and the National Trust for Historic Preservation. This committee will serve as a steering committee, looking at all aspects of the ACHP's efforts to build a more inclusive preservation program as it relates to all offices at the ACHP, commemorating and interpreting the history of the Civil Rights movement, and celebrating the 50th anniversary of the National Historic Preservation Act (NHPA).

Dr. Price commended the chairman for framing the future direction of this body so well and spoke about the timeliness of this initiative. He mentioned that the ACHP had a meeting on January 9 to talk about Civil War to Civil Rights and decided to create a steering committee using this juxtaposition of Civil War and Civil Rights to cast a brilliant light on the power of place and memory and how historic preservation undergirds those powers.

Ms. Leger de Fernandez spoke about her own experiences related to her family's history in northern New Mexico from the 1600s. She discussed the tension related to immigration and what it means to Latinos who have been in the southwest since before there was a United States.

Ms. Guen discussed her own family's history, coming from China in the late 1800s. She noted everyone has different stories, and it is important to recognize that experience as part of the American story. Mr. Franklin volunteered to serve on this committee. Mr. Fowler discussed the makeup of the steering committee and staff involvement.

Stephanie Meeks said the National Trust would be pleased to participate in the committee, and they have made a significant effort over the past several years to ensure their own programs represent the breadth of American history. Ms. Hughes said NCSHPO would be honored to be involved.

Dr. Lippert said this initiative goes along with the work of the Archaeology Subcommittee, about recruiting Native American participants to work with agencies in archaeology. Mr. White said he has noticed the changes in language using "inclusion" and "engagement." Chairman Donaldson thanked staff.

## **V. ACHP Management Issues**

Mr. Fowler discussed the sequester effects for FY 2013. At this time, the ACHP will not have to engage in furloughs or further staff reductions, but will delay some IT activity. The President has not released the FY 2014 budget yet. The budget called for an additional 5 percent reduction for FY 2014. Mr. Fowler asked for council member feedback on the activities report.

### **V.B. ACHP Alumni Foundation Report**

Katherine Slick updated members on the work of the ACHP Alumni Foundation. The foundation board has had changes: Ms. Guen is joining, as well as alumnus Phil Grone. The foundation is supporting ACHP-generated research, advocacy work on behalf of the ACHP, and a diversity intern program, with a planned launch in the fall.

Chairman Donaldson suggested the partners meet with new secretaries. He is also going to be reassigning members to committees in the next 60 days. He invited members to state their preference for committee assignments.

### **VI.D. Planning for 50th Anniversary of the National Historic Preservation Act**

Ron Anzalone, director of the Office of Preservation Initiatives, updated council members on a meeting the previous day involving the major national preservation organizations: the National Trust, NCSHPO, NATHPO, the National Alliance of Preservation Commissions, Preservation Action, the National Park Service (NPS), and the ACHP. Dr. James Glass, former deputy SHPO for Indiana and Dr. Amos Loveday, former Ohio SHPO, presented the concept of developing a history of the NHPA.

Mr. Anzalone talked about opportunities to explore the history and the future of the national historic preservation program. He suggested looking at the significance and integrity of the NHPA. At the meeting, partners compared notes on what people already were thinking about or had underway. It was emphasized that the 50th anniversary should not be seen as a one-time event but rather as a springboard to broader purposes.

Dr. Glass suggested a history of the national historic preservation program and the NHPA could be a major vehicle for taking stock of the contributions that the NHPA and the program have made to American life. Dr. Glass said 47 years ago, there was no national definition of what constituted historic places, no national survey of historic places of state and local importance, no consideration of historic places in federal project planning, few governmental grant programs to assist state and local organizations preserving historic places, and no tax incentives to foster investment in historic buildings. The NHPA has stimulated major changes in how Americans think of their three dimensional heritage. He said an interpretive history can help describe the forces leading the passage of that law, and how the Act and the national program have profoundly influenced the nature and course of the preservation movement in the United States. He showed a PowerPoint presentation of photos from the 1960s and played a voice recording of former NPS Director George Hartzog discussing the crafting of the legislation.

Dr. Loveday said he supports preserving the types of records they just heard. In many cases, the records are crumbling or are in obsolete formats. Tapes are spread out around several repositories. He encouraged an effort to preserve those records to avoid losing the opportunity to document and develop a better understanding of the preservation act's contribution to 20th century America.

Chairman Berrey said Dr. Glass's remarks did not mention Native Americans, the 1992 amendments, or

the changes made to include Native America. He asked that as this initiative moves forward there are reminders of the history of the involvement of Native Americans in the NHPA and the subsequent activity to preserve Native culture as a result of the Act.

Ms. Meeks suggested raising the profile of preservation among the American citizens. Mr. Anzalone responded that an idea arose about having a preservation day that would involve communities.

Mr. White said it was a very good start and that Terry Richey from the National Trust was helpful in articulating that there are two parts to this 50th anniversary: a celebration for the professional preservationists and also looking into the future and growing the movement. Mr. Franklin said the celebration of tribal sovereignty that the NHPA has helped to support is extremely important.

Mr. Fowler asked members to think about where can they go and how can the ACHP help them get the necessary support to make this a reality. He discussed addressing what were the trends and innovations that came about through the Act and its implementation that are shaping the future of the program. He asked members to contribute their ideas. Chairman Donaldson suggested the federal partners take a look at how the Act has affected their views on historic sites.

#### **VI.F. Future Directions for the ACHP in Sustainability**

Chairman Donaldson mentioned the Sustainability Task Force has achieved a number of successes. Ms. Guen said the best use of the ACHP effort is to have her serve as a point person for the ACHP and work through the Preservation Initiatives Committee and the Office of Preservation Initiatives. She said she hopes all the partners continue to support the effort, and they should share good examples of work with the Preservation Initiatives Committee. There will no longer be separate Sustainability Task Force meetings.

She identified three items to focus on initially: a DoD report with a lot of energy measurements regarding reuse of historic buildings as Defense properties; an ongoing GSA study of three metric programs which is out for review; and, EPA meetings on livable-green communities and subsequent reports on which the ACHP can provide comments.

#### **VI.G. Rightsizing Task Force Report**

Mr. White said the final outline is in the meeting book. The report is being drafted now. The ACHP will need to distribute the report and work on implementation of the recommendations. Chairman Donaldson thanked the staff and committee for their hard work. Mr. Fowler recognized Charlene Vaughn and Jaime Loichinger.

#### **VI.H. ACHP Legislative Agenda**

Mr. Fowler discussed the amendment to grant voting status to the General Chairman of NATHPO and that nothing happened in the last Congress regarding the NHPA amendments. When the new Congress started, he went back to the NPS to include this amendment in whatever omnibus legislation the NPS moves through the Administration. It was also suggested that the preservation community start seeking reauthorization of the Historic Preservation Fund (HPF) now. He felt it was appropriate to include a proposal of a full-time chairman for the ACHP, too.

Mr. White made a motion that the chairman and executive director work with the Administration to develop and advance a package of amendments to the NHPA that would add the General Chairman of NATHPO as a member of the ACHP, provide permanent authorization for deposits into the HPF, and

make the position of the chairman of the ACHP a full-time position. It was seconded by Dr. Sebastian. Ms. Hughes said NCSHPO is supportive of the amendments. The motion passed with one abstention—Department of Transportation.

Mr. Fowler said at the last council meeting the members directed the chairman and himself to encourage support within the Administration and the Congress for the continuation of the historic tax credits and work to help come up with a solution to the court ruling in the historic boardwalk case. This week, Mr. Fowler and Chairman Donaldson met with DOI officials to get DOI to be an aggressive advocate within the Administration for the tax programs. They also met with CEQ officials who were supportive. Mr. Fowler said in order to sell the credits in the Administration and Congress they need to be styled for what they do which is create jobs, economic opportunity, and economic redevelopment, and affordable housing and urban revitalization.

Horst Greczmiel said the ability to merge the protection of cherished places with the job creation aspect is going to be key.

### **VI.I. Planning for the 10th Anniversary of Preserve America**

Mr. White announced there are five new Preserve America Communities and that he is pleased with the discussions about Preserve America. He noted the conference taking place for the Journey Through Hallowed Ground Partnership in May, and that Preserve America Communities, successful grant projects, and the anniversary of the Preserve America program will be highlighted there.

### **VII.A. Government Accountability Office Report**

Mr. Ayers said the Federal Agency Programs (FAP) Committee had a lengthy discussion about GAO's recent report "Improved Data Needed to Strategically Manage Historic Buildings, Address Multiple Challenges." GAO concluded its report with an Executive Recommendation that GSA, in collaboration and consultation with the ACHP, NPS, VA, and the Federal Real Property Council (FRPC) members, take steps to: determine whether changes are needed to historic data elements to improve reporting; develop data that will better convey the extent of historic buildings held by agencies; and, facilitate the ACHP's access to Federal Real Property Profile data so that the ACHP can better fulfill its historic building advisory role to Congress and the President.

Mr. Ayers said the committee recommended that Chairman Donaldson reach out to FRPC and express the ACHP's interest in developing a working relationship with them and seeking access to summary data that would better enable the ACHP to fulfill its responsibilities under the Preserve America Executive Order.

Chairman Donaldson commended Glenn Haggstrom for the great progress that VA has made in positively addressing preservation.

### **Department of Energy Program Comment**

Mr. Ayers said the FAP Committee heard a presentation on the Program Comment requested by the Department of Energy (DOE). Recognizing the enormous success of the 44 agreements DOE has developed for its weatherization programs under the first-ever Prototype Programmatic Agreement which the ACHP issued in 2010, it was clear that extending the duration of these agreements through a Program Comment made sense. Mr. Ayers said because of the timing of DOE's request, the ACHP was not able to complete the necessary consultation and prepare this Program Comment for a vote in the business meeting. Council members will be asked to vote through an unassembled meeting. Mr. Ayers asked staff to convene that meeting on March 4 or 5, with the goal of concluding the vote by March 11.

### **Pawtucket Dam Case**

Chairman Donaldson mentioned the panel and hearing he convened for the termination of the FERC case at Pawtucket Dam at Lowell National Historical Park in Lowell, Massachusetts. He thanked panelists Ms. Guen, Mr. Ayers, Horace Foxall, and Beth Savage. He said FERC was not doing adequate consultation and that the technology of the flashboard system—more than 150 years old—is just as good as it is now. He thanked John Eddins, Ms. Vaughn, Javier Marques, and Mr. Fowler for their work on the document.

At this time Mr. Orner left the table.

Ms. Sobeck thanked the ACHP for its efforts and said the document is fantastic, solid, objective, and analytical.

At this time Ms. Meeks left the table.

### **NEPA-106 Handbook**

Chairman Donaldson said the ACHP has worked on a successful handbook jointly with CEQ to guide users through both processes on a comparative basis. He thanked Dr. Hawks, Mr. Greczmiel, Ms. Vaughn, Kelly Fanizzo, and staff. He noted there was a great deal of effort and research in this.

Mr. Fowler said the suggestion for a senior staff position at CEQ committed to cultural resources came from a recommendation of the Preservation Action Task Force and the ACHP's Expert Panel. A detail arrangement was set up. He underscored the personal contribution Dr. Hawks made.

Mr. Greczmiel thanked everyone involved. He said the handbook will be going out to the heads of all departments and agencies in the federal government letting them know agencies are expected to use it to help make their processes more efficient and more inclusive of all of the requirements.

### **VIII. New Business**

There was no new business. Chairman Donaldson said the next meeting is scheduled for July 17-18. The fall meeting will be November 13-14. Both will be in Washington, D.C. The meeting adjourned at 12:20 p.m. with a motion by Chairman Berrey and second by Ms. Savage.