



Preserving America's Heritage

HIGHLIGHTS
ACHP BUSINESS MEETING
March 22, 2018
Washington, D.C.

The members of the Advisory Council on Historic Preservation (ACHP) met on March 22, 2018, in the Russell Senate Office Building. Chairman Milford Wayne Donaldson noted the President has announced his intention to nominate Aimee Jorjani as the first full-time chairman of the ACHP. This could be Chairman Donaldson's last meeting since Ms. Jorjani's Senate confirmation may occur prior to the July business meeting. Members discussed various transition activities, including briefing the new chairman on ACHP materials before her Senate confirmation; approving a new strategic plan; and reviewing ACHP operating procedures. Executive Director John Fowler said it is important for members to review the agency strategic goals. He asked that members come to the July business meeting with plans to vote on any changes to the operating procedures, strategic plan, or agency organization. Chairman Donaldson asked members to let him know now if they would like to serve on a task force for the transition.

Members engaged in a lengthy discussion on infrastructure. One of the primary policy initiatives announced by the President is major investment in rebuilding the nation's infrastructure. The planned investment is as much as \$2 trillion, and the implications for impact on historic properties are great. The ACHP is a member of the Federal Permitting Improvement Steering Council and has been actively engaged with its work to advance a number of programmatic goals in improving Section 106 reviews for infrastructure projects. Chief among them are efforts to advance the development and use of a nationwide tribal contact system to improve tribal consultation on such projects. Members discussed the Department of Housing and Urban Development's tribal database system as a model. Reid Nelson noted ACHP involvement in the Permitting Council's activities has demonstrated that the ACHP can work quickly and efficiently to solve problems.

The ACHP is continuing to develop a Program Comment that would exempt certain activities in rail and transit rights-of-way from Section 106 review, and also include other programmatic efficiencies that provide further Section 106 relief for the rail and transit sector. The draft included activity exemptions as well as a resource-based approach that would identify properties to be excluded from exemption. With more than 200 comments received as well as interest from industry and congressional staff to expand certain provisions and include additional efficiencies regarding bridges, the ACHP and the Department of Transportation (DOT) have committed to revising the Program Comment to address these interests. It is anticipated that a revised Program Comment will be shared with preservation and industry stakeholders soon, so a final can be presented to the membership by May.

The alignment of Section 4(f) of the Department of Transportation Act and Section 106 of the National Historic Preservation Act was discussed. There could be "best practices" produced to showcase the good work that the ACHP, Council on Environmental Quality, and others do to show there is not a delay in transportation projects due to regulations.

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Another issue members discussed was a Federal Communications Commission's (FCC) cell towers proposal. The FCC has been moving aggressively to promote the buildout of the nation's wireless system and has focused on several longstanding and unresolved Section 106 issues. One of them is the issue of so-called "twilight towers." These are 4,300 + towers constructed between 2001 and 2005 without consistent compliance with Section 106. The FCC has been working with ACHP staff to develop a Program Comment to address the historic preservation issues, so the towers may be put into further use to support additional antennas. At the previous day's Federal Agency Programs Committee meeting, FCC Commissioner Brendan Carr addressed the members saying the FCC's proposal would reach them soon, and he offered a commitment to carry out the same type of Section 106 review that has already been applied to towers built before 2001. He further elaborated that this Program Comment would not resolve or condone any harm that might have come to historic properties as a result of the original tower construction but would simply allow for the collocation of new equipment onto these existing towers. FCC's perspective is that collocating new equipment on existing towers would pose less of an impact to historic properties than building new towers.

The ACHP recently convened a meeting with industry, NCSHPO, NATHPO, and the National Trust to discuss several issues resulting from twilight towers. While the preservation impact of collocation is likely low, concerns remain among preservation stakeholders about the lack of real data on how many twilight towers exist and where they are, so the magnitude of the potential impact can be judged. As well, there may be an opportunity presented in this Program Comment to adjudicate past impacts from the original construction of the towers. Members expressed concern that FCC has not been able to provide clear information on the number of twilight towers or their location and urged staff to press FCC and industry for further data. Mark Wolfe said industry installed and maintains the towers and should be able to provide a list to the ACHP. Reno Franklin encouraged members to correct the past wrongs now, as these towers continue to affect historic properties. Jill Springer from the FCC addressed council members at the meeting noting there was a changing dynamic and complex shift in reporting during those years, so the ability to find all the needed information is not easy. There is not a record of the carriers building the towers because they were not FCC licensees at the time of construction.

Members also discussed the Department of Veterans Affairs property disposals and an upcoming Program Comment regarding that work. It will likely come to a vote via an unassembled ACHP meeting in early summer. VA is hosting webinars for Indian tribes to discuss the issues this week and is planning to seek further public comment in April.

The publication of the Section 3 Report to the President on the status of stewardship of federal property was discussed. Members received printed copies of the report (also available online at: <http://www.achp.gov/2018section3.html>) and discussed recommendations contained within the report, including choosing the ones most likely to resonate with the Administration to begin pursuing immediately, like infrastructure.

Members discussed the ACHP's proposed policy statement on controversial commemorative works. In light of the difficult issues presented by statues and other memorials that are seen by many people as symbols of racism or hate, the ACHP chose to develop a general set of policy principles as advice to others, speaking from its national perspective on historic preservation and its commitment to building a more inclusive preservation program, and more detailed future guidance for the Section 106 process. The principles should also be appropriate for the ACHP and staff to follow in administering Section 106 and engaging in case-specific consultation. Chairman Donaldson formed a working group of ACHP members who worked with staff to develop the policy principles. Members adopted the policy statement after discussion about several facets of it, including the original purpose and context for the memorial's construction, current community needs, historic significance, and opportunities for instilling lessons about difficult episodes in American history. The intent is to develop Section 106 guidance in the near future.

Information was presented on the federal historic preservation tax incentives and the recent publication of the National Park Service's report on that program and the high number of local jobs that tax incentives can produce. Preservation Advocacy Week was the previous week and was well-attended by preservationists and Members of Congress touting increased funding and tax credits.

Members also viewed a presentation from the Cultural Resources Fund, which is a \$10 million fund designed to assist Indian tribes and State Historic Preservation Offices in carrying out preservation projects as part of a settlement arising from problems with Section 106 compliance for Positive Train Control installations from the FCC and Class I railroads. It is being administered by the MICA Group. Peggy Mainor, executive director of the MICA Group, shared some of the results of these grants. They present a compelling illustration of the value of grant assistance that is provided with minimal formal process and maximum flexibility for grantees to be innovative.

The ACHP will also be taking part in two youth engagement projects involving students in northern California and Morgan State University learning preservation crafts and trades. The agency continues to be involved with the White House Initiative on Historically Black Colleges and Universities and hopes to provide a model program for nationwide replication. Members will also be asked to participate in the ACHP Speaker's Bureau, which will be another outreach tool for agency messages. The second ACHP-HUD Secretary's Award for Excellence in Historic Preservation will be awarded at the July business meeting. Applications are currently being vetted.

The next business meeting is scheduled for July 25-26 in Washington, D.C.