



*Preserving America's Heritage*

# ADVISORY COUNCIL ON HISTORIC PRESERVATION SPRING BUSINESS MEETING

WASHINGTON, D.C.  
APRIL 3-4, 2019



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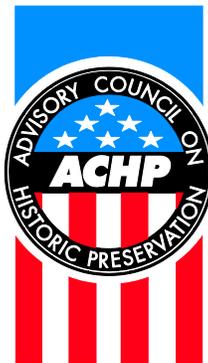
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ADVISORY COUNCIL ON HISTORIC PRESERVATION

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**MEETING  
ADVISORY COUNCIL ON HISTORIC PRESERVATION  
Russell Senate Office Building, Kennedy Caucus Room  
Washington, D.C.  
April 4, 2019**

**PROVISIONAL AGENDA**

**Call to Order 8:30 a.m.**

- I. Chairman's Welcome
- II. Transition to Full-Time ACHP Chairman
  - A. Transition Process
  - B. Strategic Plan Development
- III. Section 106 Issues
  - A. Digital Information Task Force Proceedings
  - B. Reflections on Development of Chairman's Comment Letter on Growler Case
  - C. National Park Service Proposed Rule on National Register Nominations
- IV. Historic Preservation Policy and Programs
  - A. White House Opportunity and Revitalization Council and the ACHP
  - B. Traditional Knowledge and the National Historic Preservation Program
  - C. Section 106 Success Stories: Future Directions
- V. Committee Reports
- VI. New Business
- VII. Adjourn



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**MEETING  
ADVISORY COUNCIL ON HISTORIC PRESERVATION  
ANNOTATED AGENDA**

- I. Chairman's Welcome
- II. Transition to Full-Time ACHP Chairman. *Chairman Wayne Donaldson will update members on the status of the confirmation of a new full-time ACHP chairman.*
  - A. Transition Process. *Transition Working Group Chairman Brad White will report on steps that have been taken to advance transition planning. Members will have the opportunity to provide guidance on the formalization of an ACHP Executive Committee, which will require amendments to the ACHP's Operating Procedures after consultation with the new chairman. Discussion only, no formal action.*
  - B. Strategic Plan Development. *Chairman Donaldson will lead a discussion on strategic plan directions based on the assessment of achievements under the current strategic plan. Members will be asked for their recommendations to be shared with the incoming chairman. Discussion only, no formal action.*
- III. Section 106 Issues
  - A. Digital Information Task Force Proceedings. *Federal Agency Program Committee and Task Force Chairman Jordan Tannenbaum will report on the work of the Task Force and invite member comments on direction and desired work products. Discussion only, no formal action.*
  - B. Reflections on Development of Chairman's Comment Letter on Growler Case. *Chairman Donaldson will lead a discussion on the process used for the development of the ACHP's comments in this recent case. Members may offer suggestions to improve the process for the future. No formal action needed.*
  - C. National Park Service Proposed Rule on National Register Nominations. *The Secretary of the Interior's designee will brief members on the proposed rule that would implement provisions in legislation enacted in 2016 that set the process for federal agency nominations of their historic properties to the National Register and include some other provisions. Members will have the opportunity to ask questions about the content and the process of finalization. No formal action needed.*

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- IV. Historic Preservation Policy and Programs
- A. White House Opportunity and Revitalization Council and the ACHP. *A representative from the Department of Housing and Urban Development will brief members on this new White House council. Members will have the opportunity to discuss the potential contributions of the ACHP to this initiative. No formal action needed.*
- B. Traditional Knowledge and the National Historic Preservation Program. *Vice Chairman Leonard Forsman and Members Dorothy Lippert, Reno Franklin, and Shasta Gaughan, and Office of Native American Affairs Director Valerie Hauser will introduce the members to the concept of "Traditional Knowledge," the knowledge and practices of indigenous peoples, and how it is employed in the programs conducted under the National Historic Preservation Act. Members will have the opportunity to discuss how the ACHP might advance greater respect for it in the national preservation program. No formal action needed.*
- C. Section 106 Success Stories: Future Directions. *Communications, Education, and Outreach Committee Chairman Robert Stanton will report on committee discussions on the use of the "Section 106 Success Stories" now that the target of 106 stories has been reached. Members will be invited to share their ideas. No formal action needed.*
- V. Committee Reports. *The committee chairmen will report briefly on any additional items discussed during committee meetings that warrant member attention.*
- VI. New Business. *There is no new business at this time.*
- VII. Adjourn. *The meeting will adjourn by 1 p.m.*



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## FORMALIZING AN ACHP EXECUTIVE COMMITTEE

**Introduction.** As the members considered issues to be addressed with the transformation of the position of ACHP chairman from part-time to full-time, the question of an ACHP Executive Committee was prominent. A sizable majority of the membership that responded to the questionnaire opined that an Executive Committee should be formalized as a permanent part of the ACHP structure. This paper poses some questions for the members to answer in order to prepare amendments to the ACHP's Operating Procedures to achieve this goal. The current provisions of the Operating Procedures and the summary of the members' questionnaire responses pertaining to the Executive Committee are found at the end of this paper.

**Current Practice.** Since 2001, the ACHP has had an Executive Committee, although it has not been formally recognized in the Operating Procedures. It was created by the chairman in accordance with the general provisions on forming ACHP subgroups. The membership includes the chairman, the vice chairman, the chairmen of the four ACHP standing committees (Communication, Education, and Outreach; Federal Agency Programs; Native American Affairs; and Preservation Initiatives); and a federal agency representative. A federal agency representative has not been regularly included, due in part to challenges in ensuring the attendance of such a representative at the policy level on a par with the other Presidentially-appointed members of the committee.

The operations of the current Executive Committee have been informal and relatively infrequent. The group meets regularly on the morning of the ACHP's business meetings, where it confines its work to coordinating the presentation of issues and reports at the upcoming business meeting. On occasion, the chairman will consult with the group informally on specific issues, but the group does not have the authority to take formal action on behalf of the full membership and therefore does not. It serves basically as an informal advisory body to the chairman in the absence of the full membership, providing the input of a small but diverse group of members and assisting in the preparation for meetings.

**Questions for Consideration.** The members' questionnaire posed several questions about the organization, authority, and operation of an ACHP Executive Committee. They are set forth as follows along with a summary of the members' responses, and are suggested as a guide for discussion:

***Should the Executive Committee be formalized in the Operating Procedures with a specific delineation of its powers and procedures?***

Majority view: Over three quarters of the respondents agree that the Executive Committee should be formalized in the Operating Procedures.

**Recommendation:** The Operating Procedures should be amended to formally establish the Executive Committee as a permanent part of the ACHP's organizational structure.

***Should the Executive Committee be authorized to take formal actions on behalf of the full membership?***

Majority view: A slight majority of respondents believe that the Executive Committee should be authorized to take formal actions on behalf of the full membership, but most of this group feels that such authorization should only be exercised in very limited situations. One citizen member notes that unassembled meetings have worked well for most instances where ACHP action is needed between business meetings, thus making it rare that there would be instances where the Executive Committee would have to act. Some members who advocate against empowering the Executive Committee to act believe doing so would inappropriately take away the authority of Presidentially appointed members and members appointed by designated federal agencies.

***Recommendation:*** When the chairman determines that, based on timeliness or the nature of the issue, that it is impractical to seek formal action by the full membership, the Executive Committee should be authorized to take actions on behalf of the membership with appropriate notice and reporting on the issues and actions to the membership.

***Should the size or mix of members be changed?***

Varied responses: Respondents who specifically answered yes or no are almost evenly split, while some members have no comment or feel the question can only be addressed after the current committee structure is assessed. Some suggested changes include the following: have six members or a similar clear minimum number; periodically rotate members onto the Executive Committee to engage all members; consider adding the executive director and the ACHP Foundation; add more citizen members; increase diversity; and seek to enhance agency policy-level participation, particularly by the Department of the Interior. One agency member feels that the Executive Committee currently is not sufficiently transparent and accountable.

***Recommendation:*** The Executive Committee should comprise the chairman, the vice chairman, the committee chairmen, the designee of a federal agency head, and a rotating member-at-large. Due consideration should be given to diversity of viewpoints and experience in selecting members.

***Should the Executive Committee have a set meeting schedule or meet as needed (or both)?***

Varied responses: A plurality of respondents feels that both scheduled and ad hoc meetings are appropriate. Specific suggestions for a set schedule include monthly conference calls and meeting every other month. Three federal agency members note the importance of the Executive Committee reporting out to the full membership following Executive Committee meetings.

***Recommendation:*** The Executive Committee should have a regularly scheduled meeting between business meetings and meet on an ad hoc basis as needed by the issues before the ACHP.

***Are there other provisions regarding the organization, authority, or operations of an Executive Committee that should be included in any amendments to the Operating Procedures?***

No recommendations are offered, but members should consider any suggestions they might have.

***Discussion.*** At the business meeting, members will be asked for their guidance on these issues and any others that would shape the content of formal amendments to the Operating Procedures. The Transition Working Group will move forward overseeing the drafting of the amendments for action by the

membership at a future meeting, working in collaboration with the full-time chairman when she assumes office.

*Action Needed.* While no formal action is needed, members are asked to provide guidance to inform the initial drafting of amendments to the Operating Procedures.

## **Excerpt from “OPERATING PROCEDURES OF THE ADVISORY COUNCIL ON HISTORIC PRESERVATION”**

### **II-E. Council Subgroups**

The Chairman may establish standing and ad hoc subgroups to carry out the Council’s business. The Chairman shall appoint to such subgroups a chairman and subgroup members who may be chosen from the Membership or may be others. The participation of subgroup members who are not selected from the Membership shall be governed by Section II.D.3 of these operating procedures. At his or her discretion, the Chairman may substitute any subgroup member or chairman and may terminate the subgroup. Unless given a specific delegation of authority by majority vote of the Membership, the powers of subgroups shall be limited to advising the Chairman and the Membership on the exercise of their legal authorities. Federal agency Members, the Architect of the Capitol, the Governor, the Mayor, the Chairman of the National Trust for Historic Preservation, the President of the National Conference of State Historic Preservation Officers, and the General Chairman of the National Association of Tribal Historic Preservation Officers, or their designees, may name alternate representatives to participate in subgroup functions, including making motions, seconding motions, and voting, when the subgroup is carrying out those limited advisory functions. The Member or designee should notify the chairman of the subgroup in writing when naming such alternates. Subgroups established under this section shall generally adhere to these operating procedures and to Robert’s Rules of Order.

*March 20, 2019*



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**STRATEGIC PLANNING:  
ACCOMPLISHMENTS UNDER THE CURRENT ACHP STRATEGIC PLAN  
Office of Preservation Initiatives**

**Background.** The ACHP adopted its current strategic plan in February 2011 and revised the plan in October 2014. The ACHP was due to develop a new strategic plan in February 2018, but the Office of Management and Budget authorized a postponement pending confirmation of the ACHP's first full-time chairman. As discussed at the October 2018 ACHP business meeting, ACHP staff are proceeding with initial stages of strategic planning as the confirmation process advances. A foundational step is assessing what the ACHP has achieved under the current plan.

**Accomplishments.** Attached is a copy of the Strategic Plan which has been annotated to describe the ACHP's accomplishments during the last eight years under each of the plan's six-year strategic goals. It describes a broad range of achievements that have helped to advance the agency's long-range goals as set forth in the plan, namely:

- promote historic preservation policy and programs;
- improve federal preservation programs;
- foster the protection and enhancement of historic properties;
- promote the importance of historic preservation; and
- develop and manage ACHP organizational capacity.

**Action Needed.** Each committee should review the list of accomplishments, focusing particularly on those relevant to their specific committee, and discuss how the achievements should drive the setting of priorities in the new plan. Does the list of accomplishments suggest that certain goals need continued work or, conversely, that certain goals need no longer be a priority? At the business meeting, members will discuss strategic plan directions based on the assessment of achievements and what recommendations should be shared with the incoming chairman.

**Attachment:** ACHP Accomplishments Under the Current Strategic Plan

*March 20, 2019*

**ACHP ACCOMPLISHMENTS  
UNDER THE CURRENT STRATEGIC PLAN**

**I. PROMOTE HISTORIC PRESERVATION POLICY AND PROGRAMS**

**Long-Range Goal:** Formulate and advance effective public policies that support and encourage historic preservation activities carried out by the federal government, states, local governments, Indian tribes, and private organizations and individuals.

**A. Six-Year Strategic Goal:** Assist the Executive Branch and the Congress in formulating policies that fulfill the goals of the National Historic Preservation Act.

***Legislation***

- Successfully advanced amendments to the National Historic Preservation Act (NHPA) that created a full-time, Senate-confirmed chairman position for the ACHP and made the National Association of Tribal Historic Preservation Officers (NATHPO) a voting member of the ACHP.
- Provided information and advice to the Administration and Congress on legislation affecting historic properties and historic preservation programs. Some of the key issue areas addressed included the following:
  - Historic Preservation Fund (HPF);
  - federal Historic Tax Credit;
  - alignment of Section 106 and Section 4(f) reviews for surface transportation undertakings;
  - National Register of Historic Places—specifically when threatened by the provisions of the Military LAND Act;
  - national park deferred maintenance;
  - proposed railroad rights-of-ways Section 106 exemption;
  - border security and environmental waivers;
  - BAMIPP-related bills; and
  - Presidential designation of national monuments.
- Worked extensively with the Department of Transportation (DOT), Office of Management and Budget (OMB), and the Council on Environmental Quality (CEQ) on the development of legislative principles to improve the alignment of Section 106 and Section 4(f) reviews for surface transportation undertakings and advised Congress and the Administration on provisions in the Fixing America’s Surface Transportation Act of 2015.
- Developed internal policy to guide when the ACHP will weigh in on site-specific legislation affecting historic properties.

***Federal Policy***

- In accordance with Section 3 of Executive Order 13287: “Preserve America,” developed three Section 3 reports (2012, 2015, 2018) with recommendations to improve federal property-managing agency identification, protection, and utilization of historic properties.
- Developed the following reports, policy statements, and guidance addressing key policy issues:

- *Managing Change: Preservation and Rightsizing in America*
  - *Preserving Historic Post Offices: A Report to Congress*
  - *NEPA and NHPA: A Handbook for Integrating NEPA and Section 106*
  - Policy Statement on Controversial Commemorative Works
  - Policy Statement on Historic Preservation and Community Revitalization
- Addressed federal policy on balancing infrastructure development and preservation:
    - Served on the Interagency Infrastructure Steering Committee created by Executive Order 13604: “Improving Performance of Federal Permitting and Review of Infrastructure Projects” to promote coordination of environmental reviews. Then served on its later iteration, the Federal Permitting Improvement Steering Council (FPISC), which was established in 2016 in accordance with the Fixing America’s Surface Transportation (FAST) Act.
    - Signed on to the interagency Memorandum of Understanding (MOU) on the One Federal Decision policy regarding lead agency coordination of environmental review of major infrastructure projects, in accordance with Executive Order 13807: “Establishing Discipline and Accountability in the Environmental Review and Permitting Process for Infrastructure Projects.”
    - Served on the Broadband Interagency Working Group.
  - Addressed federal policy on sustainability, climate change, and historic properties:
    - Served on the Council on Climate Preparedness and Resilience, established by Executive Order 13653: “Preparing the United States for the Impacts of Climate Change.”
    - Worked to ensure that historic properties were addressed in CEQ’s implementing instructions for Executive Order 13693: “Planning for Federal Sustainability in the Next Decade.”
    - Participated in an interagency effort to revise the *Guiding Principles for Sustainable Federal Buildings*.
  - As part of an interagency steering committee, developed the Unified Federal Review process to expedite post-disaster Section 106 reviews.
  - Worked with the Federal Real Property Council (FRPC) to develop improved guidance regarding historic properties in the Federal Real Property Profile (FRPP).
  - Promoted federal support of heritage tourism through participation in meetings of the Commerce Department’s Tourism Policy Council and active participation in the development of Commerce’s National Tourism Strategy.
  - Advocated for historic preservation interests as a member of the America’s Great Outdoors Council.

### ***Preservation50***

- Assessed the current policies, practices, and potential future direction of the national historic preservation program and issued *The National Historic Preservation Program at 50: Priorities and Recommendations for the Future*.
- Participated in the overall planning and management of the Preservation50 initiative marking the 50th anniversary of the NHPA:

- Served on the initiative's Advisory Committee and Steering Committee.
- Contributed to content development for the Preservation50 website.
- Developed a web-based summary of major preservation policies and practices championed by the ACHP from 1966-2016.
- Issued a series of Section 106 Success Stories written for the anniversary celebration.
- Publicized the anniversary via press releases, stories on the web and social media, events, presentations at professional and community conferences, and publications, including a brochure and postcards.

**B. Six-Year Strategic Goal:** Develop and implement initiatives, such as Preserve America, that promote the economic, environmental, educational, and social benefits of historic preservation.

### *Preserve America*

- From 2011-2016, successfully sought White House designation for 68 Preserve America Communities and 28 Preserve America Stewards, bringing the total to 906 Communities and 59 Stewards.
- Targeted outreach to increase diversity of program participants, including dissemination of two case studies of model Preserve America Grant-funded projects that highlight underrepresented populations and youth engagement.
- Publicized Preserve America at Partners in Tourism Cultural Heritage Tourism Exchanges and at conferences sponsored by the National Trust for Historic Preservation (National Trust), the Main Street Program, the National Alliance of Preservation Commissions, and the Journey Through Hallowed Ground Partnership.
- Shared innovative ideas and provided information on grants, networking opportunities, and technical assistance to local communities by means of the Preserve America e-newsletter, social media, and conference sessions.

### *Economic Benefits and Heritage Tourism*

- Issued the report *Measuring Economic Impacts of Historic Preservation*, which identifies and analyzes methods for measuring the economic impacts of historic preservation.
- Participated in the Partners in Tourism public-private coalition and Cultural Heritage Tourism Exchange conference.
- Participated in Tourism Policy Council working group meetings, an interagency tourism working group led by the Department of the Interior (DOI), and National Tourism Strategy conference calls on tourism and heritage/historic preservation integration.
- Partnered with the Southeast and Western States Tourism Policy Councils under intergovernmental MOUs, including participating in the Southeast Council's Capitol Hill annual event.
- Developed website content on historic preservation's economic impacts in various states and localities.

### ***International***

- Provided comments on the provisions regarding cultural heritage and heritage conservation in the draft *New Urban Agenda* adopted at the UN Conference on Housing and Sustainable Urban Development (Habitat III) and later endorsed by the UN General Assembly.

C. **Six-Year Strategic Goal:** Develop and advance policies that support the role of Indian tribes and Native Hawaiian organizations in the national historic preservation program.

### ***Administration Policy Development***

- Participated in the 2012 and 2013 White House Tribal Nations Conference.
- Participated in the White House Council for Native American Affairs (WHCNA) as a member of the Education and Climate Change subcommittees until 2017. In this capacity: led the Generation Indigenous staff initiative; assisted with planning annual White House Tribal Leaders meetings (2015-17); assisted in drafting the White House Tribal Leaders Annual Reports; assisted in the development of the White House Tribal Youth Conference in 2016; and participated in the White House Natural Resources Conference. ACHP staff was detailed to support WHCNA.
- Actively supported the Senior Advisor to President Barack Obama for Native American Affairs.
- Entered into a MOU with the Departments of the Interior, Defense, Agriculture, Transportation, Commerce, and Justice; the Environmental Protection Agency; and CEQ to affirm a commitment to protect tribal treaty rights and similar tribal rights related to natural resources through consideration of such rights in agency decision-making processes and enhanced agency coordination and cooperation.
- Maintained a leadership role in the Interagency Working Group on Indian Affairs until it disbanded in 2015.
- Issued an information paper about treaty rights in the Section 106 process.

### ***International Policy and Indigenous Peoples***

- Adopted a plan to support the UN Declaration on the Rights of Indigenous Peoples in order to raise awareness about the Declaration in the historic preservation community and incorporate the principles and aspirations of the Declaration into ACHP initiatives and programs.
- Implemented a public outreach campaign on the Declaration, including a White House blog post, articles in *Indian Country Today* and the Office of Hawaiian Affairs (OHA) newspaper, email blasts to the preservation community, and posting of information on the ACHP website.
- Offered training on the Declaration and Section 106 for Indian tribes, Native Hawaiian organizations (NHOs), and DOI. Co-hosted government-wide training for all federal agencies.
- Integrated the Declaration in appropriate ACHP guidance and information papers, and issued two guidance documents: *Section 106 and the UN Declaration on the Rights of Indigenous Peoples*:

*General Information and Guidance and Section 106 and the UN Declaration on the Rights of Indigenous Peoples: Intersection and Common Issues: Article 18 and Section 106.*

- Led the Environmental Justice-Declaration interagency working group. Supported State Department responses to UN and Organization of American States inquiries.
- Participated, as appropriate, in the United States delegation to the UN Permanent Forum on Indigenous Issues and participated in UN side events. Consulted with the UN Special Rapporteur on the Rights of Indigenous Peoples during her United States visit and submitted information for the UN report.
- Reviewed and commented on international guidance and policies, including World Bank protocols and USAID's indigenous policy.

***Tribal Consultation and Section 106***

- Participated in interagency meetings with Indian tribes on infrastructure development and assisted in drafting the resulting interagency report. Developed the ACHP report, *Improving Tribal Consultation in Infrastructure Projects*.
- Established a tribal working group, and developed extensive guidance on early coordination with Indian tribes, and an online, on-demand course.
- Entered into a Section 101(d)(5) agreement with the Seminole Tribe of Florida for the substitution of the tribe's procedures for the ACHP's regulations on tribal lands.
- Co-hosted, with the Standing Rock Sioux Tribe, a tribal-federal summit that resulted in issuance of the ACHP's guidance document, *Recommendations for Improving Federal-Tribal Relationships*. The ACHP is planning another summit in 2019 to be co-hosted by the Confederated Salish and Kootenai Tribes and Salish Kootenai College.
- Worked with tribes and the Department of Housing and Urban Development (HUD) to seek a solution to disagreement regarding HUD's delegation of its tribal consultation to its grant recipients. This led to HUD developing training and guidance for its regional staff and grant recipients, as well as a checklist to ensure better Section 106 compliance and tribal consultation.
- Participated in a Senate Committee on Indian Affairs Roundtable Discussion on tribal consultation and infrastructure development.
- Currently coordinating with energy industry representatives on tribal issues regarding Section 106 review.

***Sacred Sites***

- Helped develop and signed on to an interagency MOU for Coordination and Collaboration for the Protection of Indian Sacred Sites. Currently (until March 2019) chairing the Sacred Sites Working Group established by the MOU.

- As a sacred sites MOU signatory, participated in development of a policy review report, a confidentiality policy, a public information paper on sacred places, and a free online training course on sacred places.
- Currently developing a sacred sites management guide.

D. **Six-Year Strategic Goal:** Develop and advance policies that encourage greater engagement of diverse constituencies in the national historic preservation program.

### *Outreach*

- Obtained public input from underrepresented communities through targeted listening sessions, which were launched at a meeting at Ellis Island. Asian American/Pacific Islander heritage was discussed in meetings at Boston, Massachusetts, and at Angel Island in San Francisco Bay, the western counterpart to Ellis Island. Latino and Hispanic heritage was explored at listening sessions at Santa Fe, New Mexico, and the West Tampa and Ybor City neighborhoods of Tampa, Florida.
- Developed and began implementation of a suite of recommendations directed at the ACHP and other parties to institutionalize the goal of building a more inclusive national preservation program.
- Continued strong partnerships with Latinos in Heritage Preservation, and Asian and Pacific Islander Americans in Historic Preservation, including participation and financial sponsorships of conferences.
- Promoted awareness of historic preservation issues as a member of the White House Initiative on Historically Black Colleges and Universities.
- Provided educational sessions to Members of Congress and their staff in both the Congressional Historic Preservation Caucus and the Congressional Black Caucus.
- Developed a series of online profiles titled “These are the Preservationists in Your Neighborhood,” featuring interviews with professionals from diverse cultures and backgrounds.
- Networked at conferences, workshops, and events focused on greater inclusiveness in African American, Native American, Asian American and Pacific Islander, and Latino heritage. Hosted a special session on inclusiveness and diversity at the National Trust conference in Spokane, Washington (2012).
- Utilized four social media channels and new technologies such as Facebook Live to connect with new audiences and share information on historic preservation.
- Participated in a Preserve America designation event for Historic Filipinotown in Los Angeles and the Multiple Voices conference in California.
- Participated in a webinar entitled “Cultural Sustainability: Heritage, Preservation and Place-making” sponsored by the Planning and the Black Community Division of the American Planning Association.

## ***Section 106***

- Published *A Citizen's Guide to Section 106* in Spanish and offered a Section 106 course with Spanish translation in Puerto Rico.
- Developed and presented a webinar on public participation to wide audiences and worked with partners to disseminate Section 106 training information to underserved constituents.
- Partnered with the Guam Preservation Trust and the Guam State Historic Preservation Officer (SHPO) to bring onsite Section 106 training to Guam.
- Worked with the cities of Newark, New Jersey, and Cleveland, Ohio, to engage diverse community representatives in ACHP task force panel discussions on Section 106 and rightsizing.
- Published several Section 106 Success Stories on inclusiveness and diversity topics.

## **II. IMPROVE FEDERAL PRESERVATION PROGRAMS**

**Long-Range Goal:** Improve federal agency programs to enhance the preservation and stewardship of all types of historic properties and contribute to tribal, state, local, and private preservation efforts.

<p><b>A. Six-Year Strategic Goal:</b> Assess and report on the effectiveness of the federal preservation program.</p>
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- Assessed the current policies, practices, and potential future direction of the national historic preservation program and issued *The National Historic Preservation Program at 50: Priorities and Recommendations for the Future*.
- Used the triennial Section 3 reports to compile and analyze data from federal property-managing agencies and report on the adequacy and effectiveness of their preservation programs, and on Section 106 trends, patterns, and issues.
- Conducted surveys of Federal Preservation Officers (FPOs), SHPOs, and Tribal Historic Preservation Officers (THPOs) on Section 106 needs and issues in 2015, 2016, and 2017 in conjunction with efforts to identify program efficiencies and implement the SHPO/THPO Action Plan. (See Section III(A) for more detail on the plan.)
- Participated in Federal Training Working Group (FTWG) and FPO forum discussions to discuss patterns and trends.
- Assessed the operational status of existing nationwide program alternatives to determine their conformance with current law, regulation, and policy. Updated, amended, or terminated most major nationwide Programmatic Agreements (PAs) that had been executed prior to the revision of the Section 106 regulations in 1999. Major achievements include revising and updating the Bureau of Land Management (BLM) nationwide PA (2012); replacing the Natural Resources Conservation Service (NRCS) nationwide PA with a prototype PA (2014); and establishing prototype PAs for the Federal Emergency Management Agency (FEMA) (2013).

- Carried out annual assessments of the effectiveness of the Section 106 regulations in accordance with review requirements of Executive Order 13563: “Improving Regulation and Regulatory Review.”
- Utilized the ACHPConnect online system to track and report on opinions, advice, and comments provided to federal agencies by the ACHP using a “tagging” system that allows key opinions and advice on individual Section 106 consultations to be readily identified and shared. Maintained listing and documents of all ACHP comments issued since 2007. Maintained website listings of all relevant opinions, guidance, and policy statements.
- Reported on Section 106 issues through the semiannual electronic Section 106 News and regularly shared by broadcast email the issuance of policy, program alternatives, and other Section 106 issues with stakeholders.
- Organized the Federal Real Property Workgroup to contribute to the FRPP Data Dictionary. This document will help to standardize historic property data entry and resource management reporting and tracking among federal property managers.
- Contributed to the General Accounting Office (GAO) report entitled “Improved Data Needed to Strategically Manage Historic Buildings, Address Multiple Challenges.”

**B. Six-Year Strategic Goal:** Collaborate with federal agencies and other stakeholders to recognize and communicate examples that demonstrate the successful preservation and productive use of historic properties.

### *Case Studies and Best Practices*

- Identified, developed, and publicized Section 106 Success Stories in conjunction with the 50th anniversary of the NHPA, incorporated these cases in ACHP training materials, and urged partners to use these stories to demonstrate the effectiveness and importance of the review process.
- Posted news stories on the ACHP website that publicize interesting or significant Section 106 cases and approaches, and also highlighted these on Facebook and Twitter.
- Maintained web pages with partner agencies highlighting best practices and successes for the Federal Highway Administration (FHWA), Department of Veterans Affairs (VA), General Services Administration (GSA), and other agencies.
- Published articles and outreach to industry journals on the importance of supporting effective Section 106 outcomes.
- Collaborated with the National Trust on a 2012 issue of *Forum Journal*, entitled *Section 106 Uncensored: The Insider’s Perspective*.
- Shared news and best practices with Preserve America Communities and other subscribers to the Preserve America e-newsletter.
- Researched, prepared, and disseminated case studies of model Preserve America Grant-funded projects, featuring resources which embody the stories of underrepresented populations and that build a preservation ethic among youth.

### *Awards*

- Acknowledged outstanding federal partnership achievement in historic preservation through the ACHP Chairman's Award (17 granted since 2011), with many of the recipients highlighting cultural diversity of American historic places. Publicized the awards through media outreach with the federal agencies and partners.
- In conjunction with HUD, in 2017 created the ACHP/HUD Secretary's Award for Excellence in Historic Preservation and publicized the first award through media outreach with HUD.
- In conjunction with the National Trust, presented the annual National Trust/ACHP Award for Federal Partnerships in Historic Preservation (prior to cessation of the program in 2015).
- Supported the National History Teacher of the Year Award through online promotion, guest lists, ACHP material, as well as research and talking points for the ACHP chairman and vice chairman speaking at the award ceremony.

### *Partner Meetings*

- Participated in and occasionally hosted monthly meetings of the Preservation Partners to share information and collaborate.
- Attended Federal Training Work Group meetings to share ACHP information and ideas to improve attendee participation in the national historic preservation program.
- Supported development of the FPO Forum and urged inclusion of ACHP staff in meetings.

### *Technical Guidance for Assistance Agencies and Applicants*

- Developed web-based applicant toolkit and online training for applicants on the Section 106 review process.
- Developed policy statement on rightsizing that included recommendations to assistance agencies on carrying out Section 106 reviews that are part of rightsizing activities.
- Issued guidance on determining federal connections to wind farms and fracking, as well as other forms of energy extraction.
- Developed guidance and advice clarifying the role of Section 106 in disasters and emergencies, supported implementation of Unified Federal Review procedures in accordance with the Sandy Recovery Act of 2013, and re-established a partnership with FEMA to assist with recovery efforts following the hurricanes of 2017.
- Coordinated with the National Park Service (NPS) in developing PAs for its grant programs such as the Hurricane Sandy Emergency Supplemental HPF Program and the Maritime Grant Program.

C. **Six-Year Strategic Goal:** Assist federal agencies in meeting the goals and requirements of Executive Order 13287 and other Presidential directives that support historic preservation.

### ***Executive Order 13287: “Preserve America”***

- Issued Section 3 reporting guidance to property managing agencies in 2011, 2014, and 2017 on providing information to the ACHP and DOI on their efforts to identify, use, and protect historic properties.
- Developed and implemented (in collaboration with other stakeholders) work plans relating to implementing the ACHP’s recommendations to the Administration in the 2015 and 2018 Section 3 reports.
- Updated FRPP data fields on historic properties to better support reporting on federal ownership of historic properties and achieved independent ACHP access to FRPP data on federally owned historic properties.

### ***Other Assistance to Federal Agencies***

- Advised agencies on the designation of federal representatives to the ACHP to meet or exceed Senior Policy Official qualifications.
- Issued guidance on the use of covenants to protect historic properties leaving federal ownership.
- Made a presentation to the FRPC on the importance of considering historic preservation in efforts to reduce or freeze federal real property footprints.
- Provided regular broadcast emails to FPOs on key issues including Section 106 program alternatives and efficiencies, and Section 106 training opportunities, guidance, and advice. Coordinated with a number of FPOs to provide targeted Section 106 training for their staff and met with individual FPOs to address their questions and issues.

**D. Six-Year Strategic Goal:** Facilitate collaboration and partnerships between federal agencies and other parties that help agencies meet their preservation program needs, advance national historic preservation goals, and improve coordination with other actions and requirements.

- Entered into and maintained partnerships with the Army, GSA, VA, NRCS, the Nuclear Regulatory Commission (NRC), BLM, FHWA, Forest Service (USFS), and FEMA resulting in establishment of ACHP staff positions dedicated to assisting the host agency in carrying out its Section 106 responsibilities by improving federal programs, procedures, and policies, developing program alternatives, and delivering training.
- Worked with agencies including NPS, Fish and Wildlife Service (FWS), Air Force, and others to design and deliver tailored training to assist them in improving their programs.
- Worked closely with NPS in its role as historic preservation advisor to the Coast Guard to address historic and cultural issues related to the Deepwater Horizon Oil Spill.
- Regularly attended meetings of the National Conference of State Historic Preservation Officers (NCSHPO), National Association of Tribal Historic Preservation Officers (NATHPO), and other groups to participate in sessions, forums, and other meetings to discuss work relationships and how to improve coordination.

- Participated in regional meetings hosted by NPS, NCSHPO, and NATHPO to discuss preservation goals and issues, and to identify ways to improve coordination among these partners.
- Participated in the SHPO/FPO annual forum on how to improve coordination between FPOs and SHPOs.

E. **Six-Year Strategic Goal:** Encourage federal agencies to engage the full range of the affected public in their implementation of federal programs that affect historic properties.

### *Guidance and Training*

- Developed and delivered a webinar on public involvement in Section 106 reviews.
- Developed guidance on “What is a Reasonable and Good Faith Effort to Identify Historic Properties?” and an Applicant Toolkit, both of which included guidance on engaging consulting parties in the Section 106 process.
- Convened federal partners to identify ways to broaden the involvement of the public and underserved constituents in Section 106 reviews.
- Regularly urged federal agencies in the context of individual Section 106 reviews to be inclusive of underserved constituencies in consultation on Memoranda of Agreement (MOAs) and PAs.

### *Agency-Specific Training and Assistance*

- Collaborated with numerous federal agencies on developing tailored training that included advice on how to engage the public and underserved constituencies in their programs and individual consultations.
- Consulted with Federal Railroad Administration (FRA) to develop public outreach strategies for complying with Section 106 on rail projects such as the Northeast Corridor and Southeast Corridor Programs.
- Worked with Agriculture agencies to ensure that public notifications reference the role of the public in Section 106 reviews.
- Collaborated with HUD to develop and present advanced Section 106 training via videoconferencing to headquarters, regional, and field staff.
- Reviewed BLM state protocols during their revision to ensure a role for the public in the Section 106 processes developed between the BLM and SHPOs.
- Worked closely with permitting agencies such as the Army Corps of Engineers (USACE), Federal Energy Regulatory Commission (FERC), and NRC to ensure that public outreach and engagement resulted in timely and meaningful and good faith consultation.

F. **Six-Year Goal:** Foster the understanding that preservation of historic properties is inherently consistent with sustainability and climate change adaptation and resilience goals, promote historic preservation as a method to meet these goals, and ensure that federal policies and programs that address renewable energy development and climate change minimize impacts on historic properties.

### ***ACHP Guidance, Reporting, and Outreach***

- Encouraged property-managing agencies to address sustainability and climate change adaptation/resilience goals and achievements in their Section 3 reporting. Reported on sustainability and climate resiliency, and offered recommendations in the subsequent ACHP Section 3 Reports to the President.
- Issued guidance to assist agencies in integrating historic preservation into compliance with Section 2(g) of Executive Order 13514: “Federal Leadership in Environmental, Energy, and Economic Performance.”
- Issued guidance documents on energy development and Section 106, including *What About a Wind Farm Project Triggers Section 106?* and *Federal Oversight and Assistance for Shale Gas Development and Section 106*.
- Commented during multiple comment periods on proposed revisions to the Leadership in Energy and Environmental Design (LEED) rating system regarding historic properties, and provided comments to GSA regarding that agency’s legally mandated review of LEED and other green building certification systems.
- Presented at the Concentrated Solar Thermal Power Conference and Expo, participated in the Gas and Preservation Partnership Conference in Pittsburgh—where representatives of industry met with preservationists to discuss fracking and energy development—and made a webinar presentation for the Edison Electric Institute.
- Made joint presentations to BLM project managers and Renewable Energy Coordination Office staff, as well as to the Interagency Rapid Response Team for Transmission.
- Published a Section 106 Success Story on the Wayne N. Aspinall Federal Building/Courthouse, showcasing GSA’s rehabilitation of the Grand Junction, Colorado, building, which was the first target net-zero federal building listed in the National Register of Historic Places, and which also achieved LEED Platinum certification.

### ***Collaboration with Federal Agencies***

- Advocated for consideration of historic properties as a member of the White House Council on Climate Preparedness and Resilience. Input led to addressing of historic properties in the group’s final report, *Opportunities to Enhance the Nation’s Resilience to Climate Change*.
- Worked to ensure that historic properties were addressed in CEQ’s implementing instructions for both Executive Order 13693 and Executive Order 13834: “Efficient Federal Operations.”

- Advocated for consideration of historic properties on CEQ-convened interagency working groups that revised the *Guiding Principles for Sustainable Federal Buildings* and developed *Guidance for Federal Agencies on Sustainable Practices for Designed Landscapes*.
- Jointly led (with DOI) an interagency working group on energy development and historic preservation that improved coordination between energy projects on federal lands and historic preservation.
- Provided input to NPS on development of its cultural resources climate change response strategy.
- Promoted federal agency awareness of a Department of Defense (DoD) study on environmental and economic benefits of reusing DoD pre-WWII masonry buildings and a National Trust life cycle study on the environmental benefits of older building reuse.
- Worked with the Department of Energy to convert Prototype PA on weatherization to a Program Comment that extends an additional 10 years.

### III. FOSTER THE PROTECTION AND ENHANCEMENT OF HISTORIC PROPERTIES

**Long-Range Goal:** Foster the protection and enhancement of historic properties to advance the purposes of the National Historic Preservation Act.

- A. **Six-Year Strategic Goal:** Enhance the awareness, knowledge, and capabilities of participants, including industry and other stakeholders, and the public to better carry out their respective roles in the Section 106 process, and to improve communication among these parties.

#### *Digitization*

- Established the ACHP Digitization Task Force to address the need for improving electronic access to digital information to better inform federal agency planning for activities that might impact historic properties.
- Successfully urged OMB to consider seeking supplemental funding to support the establishment of a national inventory.

#### *Training*

- Provided onsite courses across the country open to any participant and including newly developed Section 106 Basics, Section 106 for Practitioners, and an Advanced Seminar. These new courses refresh and replace the long-standing Section 106 Essentials and Advanced courses offered for the prior 10 years.
- Provided numerous Section 106 training courses under direct contract with federal agencies which tailor the training to the agency, including courses with NRCS, USFS, NPS, Air Force, NRC, FWS, GSA, and many others. NPS, USFS, and Air Force contracts included offering these courses in numerous locations across the country, as well as the development of webinars, guidance, and written material in support of these training goals.

- Developed a suite of five online, on-demand Section 106 courses, including a free introduction to Section 106, a course for applicants in Section 106 reviews, and three courses on the National Environmental Policy Act (NEPA) and Section 106 coordination and substitution.
- Presented a suite of new webinars in both the spring and fall of each year on various Section 106-related topics of interest, including advanced topics such as nationwide program alternatives, Section 304 protections, archaeological issues, traditional cultural landscapes, public involvement in Section 106, and others. Designed tailored Section 106 webinar for the Penobscot Nation.
- Developing for the 2019 training season an advanced course for experienced practitioners that promotes the inclusion of consulting parties and clarifies procedures for identifying, inviting, and effectively engaging them.
- Provided a select number of free seats in all onsite training courses to nearby SHPOs and THPOs, with the expectation that the SHPO/THPO staff provide their own advice and views on Section 106 issues in the course. Queried SHPOs and THPOs on chronic issues in Section 106 reviews and incorporated instruction on these issues in onsite courses, webinars, and online courses.
- Partnered with SHPOs and THPOs to provide tailored training, including offering training materials to the Guam SHPO to assist in the delivery of localized training and assisting the California SHPO to present Section 106 training to Indian tribes. Conducted Section 106 training sessions (organized and sponsored by BLM) for Indian tribes in the California Desert District. The THPO and tribal monitors were included in Section 106 training for BLM Wyoming cultural resource staff and managers.
- Developed (and continue to update) a government-wide training module regarding tribal consultation that was included in the online course, *Working Effectively with Tribal Governments*.
- Provided tailored training to NHOs and the Hawaii SHPO, including a one-day course on the role of NHOs in Section 106 consultation. Onsite Section 106 training is provided in Hawaii every three years and includes advice on engaging NHOs.
- Online, on-demand training for NHOs under development.
- Developed an introductory Section 106 course geared toward the needs of local historic preservation commissions and Certified Local Governments that highlighted how local preservation advocates and commissions can participate effectively in Section 106 reviews.

### ***Federal Agencies and Applicants***

- Developed guidance on “What is a Reasonable and Good Faith Effort to Identify Historic Properties?” and an Applicant Toolkit, both of which included guidance on engaging consulting parties in the Section 106 process.
- Advocated for the broader use of HUD’s Tribal Directory Assistance Tool (TDAT) system to provide information to applicants and federal agencies on how to identify appropriate tribes for individual consultations.
- Advocated to FPISC on the need to accurately characterize the role of SHPOs and THPOs in infrastructure reviews.

- Developed an online system (e-106) for the acceptance of required notifications of adverse effect to the ACHP open to all federal agencies.
- Commented to USACE on the redundancy and burden imposed by its own independent Section 106 regulations.

### ***SHPOs/THPOs***

- Adopted SHPO/THPO Action Plan which includes actions that would clarify the role of SHPOs and THPOs in Section 106 reviews, encourage federal agencies to provide support for their participation in Section 106 reviews when appropriate, and provide guidance and training on how to strengthen the capacity of SHPOs/THPOs to participate in such reviews.
- Worked extensively with NCSHPO to identify program efficiencies and improvements that would allow SHPOs to focus on the most impactful reviews and worked to better incorporate NCSHPO and NATHPO into the early review and consideration of the development of program alternatives.
- Issued the guidance document, *Role of the Tribal Historic Preservation Officer in the Section 106 Process*.
- Prepared briefing materials for NCSHPO Board meetings to keep SHPOs informed of Administration initiatives to promote efficiency in Section 106 reviews.
- Undertook outreach to SHPOs on topics such as FHWA’s Section 4(f) Policy Paper, historic bridge rehabilitation, and innovative approaches to road projects.

### ***Indian Tribes and NHOs***

- Issued guidance for and about Indian tribes, NHOs, and the Section 106 process, including the following:
  - *Native American Traditional Cultural Landscapes and the Section 106 Review Process: Questions and Answers*
  - *Section 106 and the UN Declaration on the Rights of Indigenous Peoples: General Information and Guidance*
  - *Section 106 and the UN Declaration on the Rights of Indigenous Peoples: Intersection and Common Issues: Article 18 and Section 106*
  - *Guidance for Indian Tribes and Native Hawaiian Organizations: What to Ask the Federal Agency in the Section 106 Process*
  - *Section 101(D)(5) Guidance for Indian Tribes*
  - *Guide to Working with Non-Federally Recognized Tribes in the Section 106 Process*
- Participated in annual NATHPO and United South and Eastern Tribes meetings to explore potential partnership opportunities. At NATHPO meetings, participated in tribal listening sessions and on panels addressing topics such as traditional cultural landscapes.
- Participated in the annual “To Bridge A Gap” conference, which is designed to strengthen government-to-government relationships between USFS, other federal agencies, state agencies, and federally-recognized tribes.

- Conducted a teleconference about the Sacred Sites MOU for NATHPO members.
- Met with OHA to explore ways to address Native Hawaiian preservation concerns and committed to develop training for NHOs and to explore more focused implementation of the ACHP’s NHO policy.
- Regularly emailed guidance, policy, and relevant federal agency information and news to THPOs, Indian tribes, and NHOs.

***Other Outreach and Activities***

- Issued Section 106 Success Stories that demonstrate the roles of the participants in the Section 106 process and the potential for successful communication and consultation.
- Made opinions, policy letters, and other forms of instruction relating to the Section 106 process publicly available in the ACHP website digital library. Posted on the web page and Twitter regarding every agreement document that the ACHP signs and posted regularly to Instagram and Facebook on ACHP staff participation in events and meetings that advance the goals of the NHPA and Section 106.
- Worked with National Trust, NPS, and the Architect of the Capitol on specific Preservation50 anniversary activities and written outreach.
- Worked with social media managers at the National Trust and NPS to cross-promote various topics on preservation to a general public audience and continue to work closely with partners to create and market programs that provide outreach to new audiences.
- Arranged or participated in sessions on Section 106 and a variety of topical issues, such as rightsizing, infrastructure, broadband, tribal consultation, etc., at annual conferences of the National Trust, National Alliance of Preservation Commissions, American Anthropological Association, American Cultural Resources Association, and Colorado Preservation, Inc.
- Co-sponsored the Historic Preservation in America’s Legacy Cities conference hosted by Cleveland State University and the Cleveland Restoration Society.
- Developed and presented a presentation at the Transportation Research Board on “Involving Consulting Parties in Section 106 Reviews.”
- Contributed material on Native American issues for a White House blog and on rightsizing for a National Trust blog.
- Sought public input as part of reviewing the effectiveness and efficiency of the Section 106 process pursuant to Executive Order 13563 and reported as required to OMB and the Office of Information and Regulatory Affairs.

<p><b>B. Six-Year Strategic Goal:</b> Focus ACHP involvement in individual Section 106 cases to advance preservation outcomes and serve the public interest.</p>
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- Have participated on average in 300–500 cases annually where important policy issues are represented, where important historic properties may be affected, and where properties of importance

to Indian tribes or NHOs may be impacted. These have included multi-state energy transmission and extraction cases, regional PAs for highway and rail transportation projects, and operations and maintenance program alternatives for DoD branches and VA.

- As a member of FPISC, have participated in and/or provided general oversight and advice to lead agencies on key infrastructure projects being tracked on the Permitting Dashboard and/or subject to the One Federal Decision policy.
- Developed ACHP comments on high profile cases that went to termination, including Pawtucket Dam, Badger Two Medicine, Providence Viaduct, and the Growler case at Naval Air Station Whidbey Island.
- Developed program alternatives, such as the Program Comment expediting Section 106 reviews for VA vacant and underutilized properties and the Program Comment to streamline Section 106 reviews within railroad rights-of-way.
- Used the ACHPConnect system to generate reports on status, duration, and closure of Section 106 cases in which the ACHP participates, and, as needed, provided this information to OMB and Congress for budget estimates and justifications. Also produced quarterly reports on high profile cases to the OFAP director.

C. **Six-Year Strategic Goal:** Improve the effectiveness of Section 106 consultation and its coordination with other sections of the National Historic Preservation Act, related federal environmental and preservation processes, and Administration initiatives.

### *Energy Development*

- Participated in the Renewable Energy Rapid Response Team until it became inactive in 2016.
- Participated in developing and signed a PA on the Desert Renewable Energy Conservation Plan.
- Signed PAs with Bureau of Ocean Energy Management and various states to address offshore wind farm siting plans.

### *Infrastructure*

- Served on the Interagency Infrastructure Steering Committee and its later iteration, FPISC.
- Signed on to the interagency MOU on the One Federal Decision policy.
- In accordance with the FAST Act, designated a Chief Environmental Review and Permitting Officer and assisted agencies with high profile infrastructure reviews.
- Established an Infrastructure and Section 106 Working Group to identify opportunities for greater efficiency in Section 106 reviews for energy transmission and related infrastructure projects.
- Promoted government-wide use of HUD's TDAT system for identifying Indian tribes during the consultation process.

- Regarding rail infrastructure:
  - Developed a Program Comment on construction of Positive Train Control infrastructure.
  - Developed a Program Comment to exempt consideration of effects to rail properties within rail rights-of-way.
  - Consulted with FRA to develop public outreach strategies for complying with Section 106 on rail projects such as the Northeast Corridor and Southeast Corridor Programs.
  - Coordinated with FRA on their legislatively mandated study on historic railroads.
  - Participated in high speed rail project consultations in Florida, Virginia, the Northeast, and California to support efficient and effective consideration of historic properties.
  
- Regarding telecommunications:
  - Served as a member of the Broadband Interagency Working Group established by the White House and supported the development of measures to streamline environmental reviews for broadband undertakings;
  - Issued a Program Comment on Telecommunications Undertakings on Federal Lands and properties.
  - Signed a nationwide PA with the Rural Utilities Service on broadband delivery and other infrastructure programs for rural America.
  
- Commented on FERC and USACE environmental procedures to promote improvements.

### ***Disasters***

- Developed and implemented procedures and signed a MOU that ensured Section 106 reviews were carried out efficiently and effectively as part of the Unified Federal Review process for post-disaster reviews.
- Provided guidance and training to SHPOs and THPOs on the Unified Federal Review and its implications for Section 106 reviews.
- Participated in regular leadership level meetings to assess the ongoing effectiveness of the Unified Federal Review process.

### ***Rightsizing and Revitalization***

- Issued the report, *Managing Change: Preservation and Rightsizing in America*, addressing rightsizing and historic preservation in America's legacy cities.
- Commissioned two research reports, *Historic Preservation and Rightsizing: Current Practices and Resources Survey* and *Population Change in Historic Neighborhoods*.
- Issued the ACHP Policy Statement on Historic Preservation and Community Revitalization.

### ***Coordination of Section 106 and NEPA***

- Issued *NEPA and NHPA: A Handbook for Integrating NEPA and Section 106*.

- Developed three online, on-demand courses that include best practices and small case studies on how to improve coordination of NEPA and Section 106 reviews and how to use NEPA substitution in accordance with the ACHP's regulations.
- Provided information on Section 106 and NEPA integration at annual NCSHPO and NATHPO meetings, and included summaries of guidance in Section 106 newsletters.

### ***Leasing and Federal Real Property Management***

- Met with real property officials from GSA, VA, NPS, and other agencies to identify best practices in Section 111 leasing.
- Commented on and encouraged the adoption of VA's policy to promote the use of Section 111 leasing.
- Ensured that major program alternatives—such as the Program Comment on VA's underutilized properties and GSA's Program Comment on building envelope improvements—incorporated incentives to use Section 111 leasing in order to achieve preservation goals.

D. **Six-Year Strategic Goal:** Raise the level of accountability for federal agency compliance with the Section 106 process, from the nature and scope of consultation to the actions taken to implement agreed-upon outcomes.

### ***Section 106 Agreement Document Guidance***

- Developed *Guidance on Agreement Documents* (GAD), an online publication that is updated through the addition of new sample stipulations. GAD includes guidance to SHPOs, THPOs, and federal agencies on how to develop, implement, monitor, amend, close out, and terminate MOAs and PAs.
- Incorporated much of the content of GAD into new onsite Section 106 courses, particularly advanced courses.
- Issued additional guidance on agreement documents based on GAD, including further clarification on tribes as invited signatories.

### ***Agency Program Improvement***

- Advised USACE on challenges relating to its implementation of Appendix C and proposed both programmatic and policy level solutions to resolve these challenges.
- Commented to FERC on appropriate measures to improve the transparency and effectiveness of its procedures for interstate gas transmission lines.
- Worked with CEQ, OMB, and DOT to identify measures for implementing the FAST Act that would improve coordination between Section 106 and Section 4(f) reviews.
- Issued a report to Congress on the disposal of historic post offices and implemented report recommendations, including meetings with the Postal Service to identify ways in which the ACHP

could further assist them in coordinating with GSA on disposal procedures that take preservation values fully into account.

- Participated in a GAO report on agency tribal consultation to be issued in early 2019.
- Developed guidance on the use of covenants in Section 106 reviews in general, and specifically for the conveyance of federal property out of federal control.
- Assisted with the development and publication of the “Red Book” which improves coordination and reduces duplication of efforts among DOT, Coast Guard, and USACE on environmental reviews for bridge projects.
- Advised the Obama Administration on steps DOI, Department of Justice, and USACE could take to improve consultation with Indian tribes on major infrastructure projects.
- Consulted with the National Endowment for the Arts to develop a PA for the administration of their grant programs.
- Consulted with VA on master planning and including master planning provisions in agreement documents.

E. **Six-Year Strategic Goal:** Encourage the consideration of historic and cultural values important to diverse constituencies in the Section 106 process.

- Entered into a number of consultations in part because of both the challenges and opportunities they presented to ensuring the inclusiveness of diverse parties, such as: consultations on the Mountain View Officers Club at Fort Huachuca and Black Officers Club at Fort Leonard Wood; numerous projects in Hawaii of concern to NHOs; DoD’s Guam buildup program; Hurricane Maria recovery projects in Puerto Rico and the Virgin Islands; and affordable housing projects in Chicago.
- Revised training materials to include case studies from projects involving historic properties important to diverse communities and projects of interest to diverse stakeholders.
- Used targeted social media campaigns to improve communication with diverse constituencies.

#### IV. PROMOTE THE IMPORTANCE OF HISTORIC PRESERVATION

Long-Range Goal: Foster broader appreciation for and knowledge of historic preservation, history, and the work of the ACHP among diverse audiences, and communicate the value and benefits of preservation.

A. **Six-Year Strategic Goal:** Raise the level of understanding of the value of the nation’s historic preservation program and of a preservation ethic.

- Launched a new ACHP website, updated in terms of both format and content, to maximize its effectiveness as an online tool for conveying information about preservation and the ACHP’s role in the national preservation program.

- Implemented a major initiative to help build a more inclusive preservation program that involves all Americans, including those traditionally underrepresented in the national historic preservation program. See Section I(D) for details.
- Worked with partners through the Preservation50 initiative to promote a broader public understanding of the federal preservation program and the NHPA.
- Used four awards programs to publicize the value of historic preservation and acknowledge federal agency preservation efforts. See Section II(B) for details.
- Utilized the Preserve America designation programs as vehicles for increasing local community awareness of the benefits of preserving historic properties.
- Expanded the agency’s suite of informational and guidance materials (many of which previously have been discussed in this summary). Of particular note are the Section 106 Success Stories, which highlight for a general audience the importance of preservation, the national preservation program, and the work of the ACHP.
- Participated in numerous conferences and events supporting the ACHP’s outreach efforts, including those sponsored by: the National Trust; National Main Street Center; National Alliance of Preservation Commissions; Society for American Archaeology; Society for Historical Archaeology; American Association for State and Local History; Journey Through Hallowed Ground Partnership; Colorado Preservation, Inc.; California Preservation Foundation; and the American Architectural Foundation.

### ***Youth Engagement***

- Developed and implemented a strategic plan focused on youth engagement.
- Launched a youth/education project titled “Civil War to Civil Rights” with federal and private partners aimed at engaging young people regarding the history and development of the Civil Rights movement.
- Partnered with selected Historically Black Colleges and Universities, NPS, and the National Trust to create a program—Touching History—to bring African American young professionals into historic preservation and related career paths.
- Launched a Native Youth Program that has:
  - Issued online information for Native youth.
  - Participated in the Center for Native Youth Champions for Change program.
  - Presented at United National Indian Tribal Youth annual meetings.
  - Hosted Native youth events in Washington and New England.
  - Hosted Washington Internships for Native Youth (until the program closed).
  - Offered lectures for college classes and presentations in elementary schools.
- Currently developing a partnership with Salish Kootenai College to include in-person and remote lectures, mentoring, and internships for students.

- Targeted outreach has led to one third of ACHP interns being tribal members, Native Hawaiians, or from underrepresented communities.
- Published case studies of model Preserve America Grant-funded projects, featuring resources which embody the stories of underrepresented populations and that build a preservation ethic among youth.

**B. Six-Year Strategic Goal:** Increase awareness of and participation in ACHP programs and activities.

- Maintained the ACHP website and a Preserve America website prior to the consolidation of the two in the new ACHP website. Metrics will be able to be gathered from the new site, which will provide feedback on effectiveness.
- Implemented a social media strategy that includes Facebook, Twitter, and Instagram accounts as well as a YouTube channel. Utilizing new technologies such as Facebook Live to engage new audiences. Social media metrics are gathered and analyzed, and numbers of social media followers continue to grow.
- Used onsite and online training to reach a wide range of constituencies. For more information, see Section III(A).
- Highlighted the work of the ACHP during the Preservation50 initiative, notably through development of a web-based agency retrospective.
- Provided blog entries on the ACHP’s rightsizing study for the National Trust blog and on the ACHP Native American Program for a White House Native American Initiative blog.
- Pursued newspaper op ed opportunities, such as a piece on Section 106 and the Vieux Carre Riverfront Expressway and pieces in *Indian Country Today*.
- Issued Preserve America e-newsletters to Preserve America Communities and other subscribers.

**C. Six-Year Strategic Goal:** Advise executive and legislative branch officials, members, and staff regarding the benefits of historic preservation and the federal historic preservation program.

- Provided advice to the relevant congressional committees on the economic benefits of the Historic Tax Credit.
- Developed, published, and disseminated major policy reports and guidance, including the Section 3 reports, the Preservation50 report, and reports on measuring the economic benefits of preservation, tribal issues, rightsizing, and historic post offices. See Section I for more details.
- Maintained long-term communication with Congressional Historic Preservation Caucus and held briefings with Congressional Black Caucus.
- Provided Section 106 Success Stories to affiliated Members of Congress and notified them of new Preserve America designations and Chairman’s Awards.

- Kept Members of Congress apprised at their request on the conduct of Section 106 reviews.
- Pursued opportunities to promote historic preservation and educate key decision-makers through briefings, conference attendance, awards outreach, news releases, etc.

## V. DEVELOP AND MANAGE ACHP ORGANIZATIONAL CAPACITY

**Long-Range Goal:** Obtain and effectively manage the ACHP’s resources to ensure that its mission is accomplished and the needs of the ACHP’s customers are met.

A. **Six-Year Strategic Goal:** Develop and implement a financial and human capital strategy that recognizes and responds to the ACHP’s mission, maximizes expertise and effectiveness among members and staff, and reflects the diversity of America.

- Completed the transition to a financial management platform that provides the ACHP with access to detailed information about all transactions and that allows the ACHP to create and distribute timely financial statements for each account and reimbursable agreement.
- Expanded outreach when staff vacancies occur by posting vacancies on USAJobs and providing recruitment announcements to targeted audiences.
- Promoted, recruited for, and managed a formal internship program with the support of the ACHP Foundation.
  - Hosted 24 summer or semester-long interns since 2013.
  - Targeted outreach resulted in one third of ACHP interns being tribal members, Native Hawaiians, or from underrepresented communities.
  - Developed a semester-long ACHP-Smithsonian Cultural Heritage Fellowship, with two participants to date focusing on Latino and Afro-Latino cultural heritage.
  - Sponsored a Native Scholar for two months in 2018.
  - Currently hosting a yearlong intern in the Office of Native American Affairs to develop cultural landscape information.
  - Maintained contact with former interns, most of who are working in preservation-related jobs, providing them with resources and news about career development opportunities.
- As requested, provided the White House Personnel Office with information about potential candidates for ACHP membership who bring necessary skills and expertise and who reflect the diversity of the nation and the national preservation program.

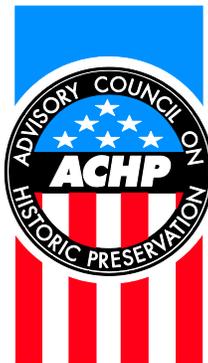
B. **Six-Year Strategic Goal:** Maximize internal operational performance through analysis of work processes, enhancements to information technology resources, changes to administrative procedures, and the implementation of fiscal controls.

- Completed the first phase of information technology infrastructure upgrades, resulting in significant improvements in the resiliency, capacity, and capabilities of the agency’s information technology environment. The second phase of the infrastructure plan of establishing a cybersecurity operations program currently is in the implementation phase.

- Incorporated the foundation for e-106 into the new agency website, taking advantage of web-based technologies and integration to the agency's case tracking systems.
- Made major improvements in records management processes.
  - Developed an agency-wide records inventory and updated the agency-wide records retention schedule.
  - Sorted and archived extensive records to the National Archives prior to office relocation.
  - Developed agency records management policies and procedures.

C. **Six-Year Strategic Goal:** Improve services to ACHP customers by identifying major areas of interaction and implementing measurable enhancements.

- Launched updated website with e-106 capabilities to improve customer access to ACHP information. Maintained separate Preserve America website prior to new ACHP website launch, then included updated and enhanced content on the Preserve America program on the new site.
- To build cultural sensitivity, developed and delivered training for ACHP staff and interns regarding NHOs and Native American concerns.
- Issued Preserve America e-newsletters to Preserve America Communities and other subscribers.



*Preserving America's Heritage*

## **DIGITAL INFORMATION TASK FORCE Office of Federal Agency Programs**

On October 4, 2018, the members adopted a resolution requesting that the chairman establish a Digital Information Task Force (Task Force) to address recommendations and comments made by the National Trust for Historic Preservation at the fall business meeting and in response to issues raised by the National Conference of State Historic Preservation Officers and others in previous meetings and ACHP initiatives. Formation of the Task Force addresses the need for more uniformly available digital tools, including geographic information systems (GIS), to improve planning for federal projects by making information about the location of identified historic properties more readily available. Such information can provide a platform for development of preservation outcomes. Better information access has a clear connection to current government-wide efforts to improve the efficiency of environmental reviews, including Section 106 reviews, for infrastructure projects, and can also advance broader ACHP goals such as better engagement of stakeholders and the public in preservation planning.

Chairman Wayne Donaldson named the following members and observers to the Task Force before an initial meeting took place in December: Jordan Tannenbaum (Chairman, Citizen Member), Department of the Interior, Council on Environmental Quality, Department of Transportation, National Conference of State Historic Preservation Officers, National Trust for Historic Preservation, National Association of Tribal Historic Preservation Officers, National Alliance of Preservation Commissions, and Dorothy Lippert (Expert Member). At the first meeting, the Task Force discussed broad challenges and opportunities related to improving the availability and accessibility of digital geolocational information about historic properties. These ranged from the technological transition process to aligning any future Task Force recommendations with the federal budget cycle. Task Force members decided that the effort should draw on the technical knowledge of others who have been working in this area. Therefore, the Task Force will draw on the expertise of an Advisory Group that will bring professionals with policy, operational, and technical experience in digital information management to the effort.

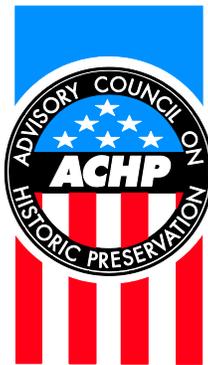
The Task Force met again on March 19 to further define its objectives and identify research needed to inform development of specific recommendations. Task Force Chairman Tannenbaum will provide an update on the Task Force's goals and schedule at the April business meeting.

***Action Needed.*** No formal action needed. Members are encouraged to share concerns or best practices about digital information management for cultural resources from their respective organizations.

*March 20, 2019*

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## **COORDINATING MEMBER REVIEW ON ACHP COMMENT LETTERS** **Office of Federal Agency Programs**

**Introduction.** While the Section 106 review process encourages key participants to reach agreement on appropriate steps to avoid and, if necessary, resolve adverse effects to historic properties, about one out of every 180,000 Section 106 consultations ends without such agreement. In most cases, the failure to agree on the resolution of adverse effects leads to the agency terminating consultation and requesting the ACHP's advisory comments on the undertaking and its effects to historic properties. About once every 18-24 months, the ACHP is charged with developing such comments and conveying them from the ACHP's chairman to the head of the agency responsible for the consultation. While advisory and non-binding, these comments carry a great deal of weight and must be considered and responded to directly by federal agency leaders.

In addition to the comments recently conveyed by Chairman Wayne Donaldson to the Secretary of the Navy regarding the proposed expansion of Growler aircraft deployment on Whidbey Island, Washington, other high profile ACHP comments in recent years have included comments to the Federal Highway Administration on the Providence Viaduct (2017); to the Secretaries of Agriculture and the Interior on Badger Two Medicine (2015); to the Chairman of the Federal Energy Regulatory Commission on Pawtucket Dam (2013); and to the Secretary of the Interior on Cape Wind (2010), to name a few.

The Section 106 regulations require that the ACHP provide its comments to the head of the agency within 45 days of it receiving a request for ACHP comment. In all cases, as part of the development of its comments, the ACHP requests the views of the federal agency, consulting parties, and the public to inform its comments, and typically hosts a public meeting to inspect the site and further seek such views. The initial drafting of ACHP comments is carried out by staff in close coordination with the chairman and subject to multiple reviews by the chairman and members, as the case may be. The ACHP can request an extension to the 45-day period, and in many cases it has done so and received such extensions.

**Discussion.** The ACHP's Operating Procedures allow for three ways to develop ACHP comments following the termination of Section 106 consultation and request for comment. These include the following:

- Comment letter developed by staff and approved by full membership (Comment by full membership; minimum of 12 positive votes needed to pass)
- Comment developed by staff under the oversight of a panel of members appointed by the chairman, and including at least three non-federal members and two federal members (Comment by panel)
- Comments developed by staff and approved by the Chairman, with input from the members (Chairman's letter)

The Operating Procedures entrust the decision of how the ACHP will comment to the chairman. The development of comments by the full membership is rarely used and requires extensive involvement by

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the members. In slightly more than half of cases over the last 12 years, ACHP comments have been developed under the oversight of the chairman and appointed panel members; somewhat less common is the development of comments by chairman's letter, as was done with the proposed Growler Expansion and Providence Viaduct. While the ACHP has tried and true measures in place for the development of full membership and panel overseen comments, it has few formal steps in place to ensure appropriate member involvement in the development of chairman's letters.

***Growler Expansion Comments.*** The recent case involving the expansion of Growler aircraft operations at Whidbey Island Naval Air Station demonstrated the desirability of having more specific procedures for the preparation of chairman comment letters. The development of the Growler comments was complicated by a number of unique factors, including the timing of the termination one week after Thanksgiving and at the beginning of the holiday season; challenges regarding Chairman Wayne Donaldson's inability to travel due to medical reasons; the recusal of several members; and the 35-day-long government shutdown. Despite this, staff was able to conduct a public meeting and successfully seek the views of key stakeholders and the public, and then draft proposed comments that were subject to multiple reviews by the chairman and members. The steps taken by staff to coordinate with members in these somewhat complicated circumstances were ultimately successful and could serve as a potential model for member engagement in future cases where comments are developed through a chairman's letter.

Based on the Growler experience, the following procedures are suggested for future chairman's letter cases:

1. Staff will notify membership of the termination within two calendar days after receiving notification regarding the undertaking.
2. The chairman will decide how the development of ACHP comments will be handled within five days of receiving notification regarding the undertaking and notify the members.
3. Staff will open a public comment period no later than seven calendar days after receiving notification.
4. Staff will provide membership with consultation background material no later than 14 calendar days after receiving the notification.
5. Staff will perform site visit and conduct public meeting, if appropriate. The chairman, an ACHP member, or a Member Panel will host any public meeting.
6. Staff will review and catalogue all comments received during public meetings and through the public comment period and provide to membership prior to or along with draft comment letter.
7. Staff will provide the chairman and membership with the draft comment letter no later than 30 calendar days after receiving notification of termination and host a teleconference to discuss the letter soon thereafter.
8. The chairman will approve final comments, taking into account member comments, and convey them to the head of the requesting federal agency on or prior to the 45th day after receiving notification of termination.

***Action Needed.*** Members should review the proposed protocol above and consider adopting it as an informal internal procedure.

March 20, 2019



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## **PROPOSED AMENDMENTS TO NATIONAL REGISTER REGULATIONS**

The National Park Service (NPS) is proposing revisions to its regulations regarding the National Register of Historic Places (National Register). In 2016, the National Historic Preservation Act (NHPA) was amended to, among other things, provide a specific procedure that must be completed for federal agencies to nominate properties under their jurisdiction or control for listing in the National Register. The proposed rule is intended to implement the 2016 amendments to the NHPA. It makes conforming changes to the regulations that affect the roles of the federal agency, the State Historic Preservation Officer (SHPO), and the Keeper, including when the Keeper may make a determination of eligibility and the timeline for responding to appeals.

The NPS has also taken the occasion of revising the National Register regulations to add a provision with regard to property owner objections to the listing of a multi-owner property on the National Register. The current rule states that a property shall not be listed if a majority of the landowners object. The proposed rule adds to this that the objection could also come from the owners of a majority of the land area in a proposed historic district. Finally, the proposed rule makes several minor, non-substantive changes.

The NPS recently conducted webinars for the ACHP, National Conference of State Historic Preservation Officers, National Association of Tribal Historic Preservation Officers, and the National Trust for Historic Preservation, and invited questions to be addressed. The attached document includes those submitted by ACHP staff.

The two most salient and substantive issues raised by the ACHP were the following:

1. The proposed rule regarding objections to district listings does not address the situation that arose in Eastmoreland, Oregon. As some may recall, in that case an owner subdivided his property into 1,000 trusts (all with himself as trustee) in order to have 1,000 votes to object to the listing of the district on the National Register. The proposed rule defers to State Historic Preservation Officers to exercise "due diligence" in counting objections, but does not clarify how to handle an Eastmoreland-type of situation. ACHP staff had raised the concern at the time that allowing this kind of sham transaction to stand would seriously threaten future listings of historic districts on the National Register; and
2. The proposed rule may conflict with the Section 106 process regarding how to handle situations where the relevant federal agency and SHPO/THPO disagree on a property's eligibility for listing on the National Register. In the Section 106 process, when such a disagreement cannot be resolved (or the ACHP so requests), the federal agency is required to submit the disagreement to the Keeper for a definitive decision on the eligibility of the property. See 36 C.F.R. § 800.4(c)(2). However, the proposed rule seems to restrict referrals to the Keeper for determinations of eligibility in this context only to when the relevant federal agency and SHPO/THPO both request the Keeper's determination.

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In addition, ACHP staff has some process concerns with the development of the Notice of Proposed Rulemaking (NPRM). While the NPS determined the proposed rule is not significant under Executive Order 12866 and therefore did not circulate it for interagency review, its provisions have a direct impact on how federal agencies carry out their responsibilities under the NHPA to nominate properties under their jurisdiction and control to the National Register. Further, the NPRM seems to conclude that the interest of Indian tribes and Native Hawaiian organizations in historic properties located on federal lands does not warrant consultation with them during the formulation of the revised regulation, leaving the question whether and how tribal consultation would be undertaken unclear.

The proposed rule has been published for public comments. See 84 Fed.Reg. 6996 (March 1, 2019). For the NPS' detailed description of the proposed rule, please see <https://www.federalregister.gov/d/2019-03658/p-19>.

Comments on the proposed rule must be received by the NPS on or before 11:59 p.m. EST on April 30, 2019.

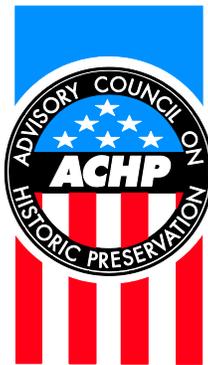
**Action Needed.** The members will have an opportunity at the business meeting to discuss the proposed rule with the NPS and other fellow members. While no member action is needed, the ACHP staff intends to provide detailed comments to the NPS before the April 30, 2019, deadline. Any guidance from the membership will be considered by staff in drafting such comments.

**Attachment:** ACHP Questions to the NPS on the Notice of Proposed Rulemaking

*March 20, 2019*

## ACHP QUESTIONS TO THE NPS ON THE NOTICE OF PROPOSED RULEMAKING

- 1- The proposed rule states throughout at appropriate points, "...for a district or single property with multiple owners, the majority of owners or the owners of a majority of the land area"... Does this either/or approach resolve the issue regarding inflation in the number of property owners (via creating a trust, e.g., East Portland situation)? How? If dispute, resort to majority land area to determine?
- 2- Because the burden of determining how many property owners exist falls on SHPO, how does SHPO exercise "due diligence"? (60.6(g)) Did the NPS reach out to SHPOs on this point?
- 3- Federal "ownership or control" changed to "jurisdiction or control." What is the impetus for this change?
- 4- Why remove 60.6(y)? SHPO no longer allowed to prepare nomination forms and submit to FPO for consideration? In those cases, would the SHPO have sent the nomination to the Keeper over FPO's objection?
- 5- Deletes automatic listing for nominated federal property under 60.9(h). Why? What is the process for listing of federal properties after NR publication?
- 6- Separated appeals process for SHPO and FPO nominations (60.12(a) and (b)). Appeal of fed's failure to nominate a property now appears to require the federal agency to satisfy the procedural requirements to actually nominate the property before an appeal can be heard. But, if the fed fails to nominate a property, then no procedures have been done. (60.12(b)(1)) Can this be clarified (is this a formatting issue)?
- 7- In 60.12(b), appeal for federal section now only for "failure of the FPO to nominate any property under the jurisdiction or control of a Federal agency." This is more limited from previous version, which also allowed for appeal of FPO's "refusal to" and not limited to properties under the jurisdiction or control of a federal agency. Is this limitation intentional and if so, why?
- 8- What happens if an appeal is sustained by the Keeper against the FPO? (60.12(b)(3)) FPO required to nominate?
- 9- In 63.4(c), the proposed rule deletes the line, "Such determinations may be made without a specific request from the Federal agency or, in effect, may reverse findings on eligibility made by a Federal agency and State Historic Preservation Officer." It also adds "and request from" to requirement that Keeper consult with SHPO and concerned federal agency. This appears to take away Keeper's ability to overrule a federal agency's and/or a SHPO's eligibility determination, leaving this open to question, as well as undermining the Keeper's independence in making DOEs to only when requested by SHPO AND fed. Is this intended to take away Keeper's determination on eligibility as final and binding? Does this require a consensus from SHPO and fed to ask for a DOE? If so, how would this correlate with the requirement in 36 CFR 800.4(c)(2) that a federal agency shall ask for DOE if the agency and SHPO disagree, or the ACHP or SOI requests? This also would seem to stop any other party in the Section 106 process from asking the Keeper to weigh in on eligibility.



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## WHITE HOUSE OPPORTUNITY AND REVITALIZATION COUNCIL Office of Preservation Initiatives

**Background.** On December 12, 2018, President Trump issued [Executive Order 13853](#), which established a White House Opportunity and Revitalization Council (Council). The mandate of the newly created Council is to promote revitalization of urban and economically distressed communities, particularly Opportunity Zones that are eligible for the new Opportunity Zone tax benefits created in last year's tax overhaul. The Executive Order instructs the Council to engage with all levels of government on ways to better use taxpayer dollars to revitalize low-income communities and improve revitalization efforts by streamlining, coordinating, and targeting existing federal programs. Creation of the Council provides a unique opportunity to promote historic preservation to federal policy makers as a tool for community revitalization.

**Opportunity Zones.** While the Council will be addressing economically distressed areas in general, there will be a specific focus on Opportunity Zones. The revised tax code significantly lowers capital gains taxes for investors who finance projects in Opportunity Zones. Local governments selected the zones from areas eligible for the designation under a federal formula that factors in income and poverty levels. About 8,700 Opportunity Zones have been designated.

According to the National Trust for Historic Preservation (National Trust), there is a strong correlation between Opportunity Zones and older neighborhoods, including districts listed in the National Register of Historic Places. Of historic tax credit projects completed in 2017, 46 percent are in Opportunity Zones, as are 48 percent of Main Street communities. The potential for Opportunity Zone projects to help revitalize historic urban areas is immense, but the possibility for such projects to result in gentrification and the demolition of historic properties also is high. A number of communities and preservation organizations are being proactive in seeking ways to encourage twinning of the Opportunity Zone tax benefits with use of the Historic Tax Credit for rehabilitation of income-producing historic properties. The National Trust recently met with representatives of the Department of Housing and Urban Development (HUD)—which chairs the Council—to discuss the challenges and opportunities for historic preservation in Opportunity Zones.

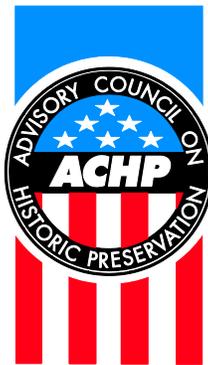
**Council Membership.** In addition to HUD as chair, Council members include the following: the Departments of Agriculture, Commerce, Education, Energy, Health and Human Services, Interior, Labor, Transportation, Treasury; the Attorney General; Environmental Protection Agency; Office of Management and Budget; Small Business Administration; the Assistant to the President for Economic Policy; Council of Economic Advisers; and Council on Environmental Quality. There is a provision in Executive Order 13853 that permits the Chair of the Council to designate or invite other agencies to participate. On February 19, Chairman Donaldson sent [a letter to Secretary Ben Carson](#) asking that the ACHP be added to the Council. The letter stresses the expertise that the ACHP can bring to the table regarding urban revitalization and preservation. It also discusses the role the ACHP could play on the Council in discussions regarding reducing and streamlining regulatory and administrative obligations of applicants for federal assistance, a specific mandate for the Council.

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***Action Needed.*** At the business meeting, a representative from HUD will brief the ACHP on the White House Opportunity and Revitalization Council. Members will have the opportunity to discuss the potential contributions of the ACHP to this initiative. No formal action needed.

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## **TRADITIONAL KNOWLEDGE INITIATIVE** **Office of Native American Affairs**

**Background.** The Office of Native American Affairs (ONAA) is focusing on traditional knowledge in the Section 106 process both in response to the upcoming session of the United Nations Permanent Forum on Indigenous Issues (UN PFII) and to promote respect for its importance in the consideration and preservation of historic properties of religious and cultural significance to Indian tribes and Native Hawaiian organizations (NHOs). Since there is no legal definition of traditional knowledge, ONAA will work with Indian tribes and NHOs to develop an appropriate way to explain it to Section 106 participants. For purposes of this paper, traditional knowledge refers to “know-how, skills, and practices that are developed, sustained, and passed on from generation to generation within a community, often forming part of its cultural or spiritual identity.”<sup>1</sup>

The focus of this year’s session of the UN PFII in April in New York is the **generation, transmission, and protection** of traditional knowledge. The upcoming session provides an opportunity for the ACHP to draw attention to and educate Section 106 participants on the importance of traditional knowledge in the Section 106 process. In the context of individual Section 106 reviews, the ACHP promotes respect for traditional knowledge as the foundation for the identification and evaluation of historic properties of religious and cultural significance to Indian tribes and NHOs. The ACHP has also worked with the Natural Resources Conservation Service to develop tribal ancestral lands consultation guidance which is based on traditional knowledge. However, the ACHP has not focused attention on traditional knowledge at the program and policy level.

Federal acknowledgement of traditional knowledge is not new. In the environmental and natural resources universes, it is called traditional ecological knowledge (TEK) and has been applied by federal agencies for such activities as habitat restoration and other land management activities. There has also been a fair amount of discourse regarding TEK in the context of climate change and how it can inform potential solutions to climate adaptability.

It has not been as widely discussed or acknowledged in the context of Section 106, although it is obviously the source of information used by tribal and Native Hawaiian participants in the Section 106 process. For many years, traditional knowledge was dismissed as tribal or Native Hawaiian “stories” rather than being acknowledged as an important and valid source of information. That said, there are some outstanding examples of federal agency work with Indian tribes and NHOs to apply traditional knowledge to agency planning, notably the Bureau of Ocean Energy Management (BOEM) cultural landscapes guidance in the Pacific Northwest and Hawaii. Nevertheless, the upcoming session of the UN PFII is the ideal catalyst for the ACHP to address traditional knowledge in Section 106 and to work with other federal agencies to promote respect for it, thus, allowing the federal government to report to the UN PFII on positive actions it has taken to protect traditional knowledge.

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<sup>1</sup> <https://www.wipo.int/tk/en/tk/>

**Purpose.** Many conflicts arise in the Section 106 process because the information Indian tribes and NHOs bring to the identification and evaluation of historic properties is often dismissed by historic preservation professionals as “stories” rather than being embraced as valid and essential information. Staff of the National Register of Historic Places has consistently advised federal agencies that traditional knowledge is a valid line of evidence in determining if properties are eligible for the National Register. And, in recent years, listings of historic properties of religious and cultural significance to Indian tribes or NHOS have increased. Nevertheless, lack of understanding about or respect for traditional knowledge can result in delays in the Section 106 process.

In keeping with the ACHP’s mission to improve the efficiency of the Section 106 review process through guidance, training, and programmatic approaches, ONAA proposes to focus attention on traditional knowledge to help Section 106 practitioners work more effectively with Indian tribes and NHOs.

### ***Current and Proposed ONAA Initiatives.***

**Interagency Coordination.** In February, ONAA staff co-hosted with the Environmental Protection Agency’s (EPA) Office of Environmental Justice a national teleconference/webinar for EPA staff. The webinar outlined ways in which EPA supports traditional ecological knowledge in its work and the ways in which the ACHP supports traditional cultural knowledge. ONAA suggested several ways in which EPA and the ACHP could partner including agreeing to refer to both TEK and traditional cultural knowledge simply as traditional knowledge since they are the same set of traditional information. The ACHP also suggested joint guidance and training for other federal agencies. While there was widespread support for joint initiatives, EPA staff could not commit the agency to formal action. However, discussions will continue among EPA and ONAA staff.

ONAA staff also hosted a meeting among staff from the National Park Service, the Forest Service, EPA, and BOEM to discuss support for U.S. participation in the UN PFII and to talk about possible future joint projects. These agencies have been working with traditional knowledge in various program areas and, thus, are potential ACHP partners in promoting respect for traditional knowledge and in educating fellow federal agencies. One of the most promising possibilities discussed by attendees are regional forums on traditional knowledge. Since the ACHP has been working with Salish Kootenai College (SKC) to host a federal-tribal meeting, ONAA will suggest that the focus be traditional knowledge since it is the foundation of SKC’s educational programs.

**Participation in the UN PFII.** ONAA has also contacted the State Department to offer assistance in preparing U.S. responses to UN PFII inquiries about traditional knowledge and to request that the State Department host ACHP-sponsored side events during the upcoming session. Side events are meetings or other gatherings that take place in conjunction with the UN PFII but are hosted by other entities such as the State Department. These events offer an opportunity to showcase accomplishments, share best practices, or gather input from indigenous peoples. They can be open to all participants in the UN PFII session or by invitation only. ONAA intends to request that the U.S. Mission host a side event showcasing the ACHP’s work with SKC, and another showcasing work various federal agencies have done or are currently doing with indigenous communities regarding traditional knowledge. State Department staff has indicated they will contact the ACHP in late March to plan for the UN PFII.

**Outreach and Guidance.** ONAA staff has begun drafting an information paper on traditional knowledge. It is intended to educate preservation partners about traditional knowledge and is a precursor to potential future guidance documents. The draft information paper will be shared with the committee as well as the ACHP’s tribal and Native Hawaiian contacts for review and comment. In addition to issuing the information paper, staff will integrate traditional knowledge in new guidance and when updating existing guidance and in training courses.

Finally, one of ONAA's interns, Sarah Breault, is developing an annotated bibliography of publications and information about traditional knowledge and traditional cultural landscapes. She will offer the committee members a brief overview of her project.

**Action Needed.** Committee members should prepare to do the following at the committee meeting:

- Discuss and advise staff about other potential initiatives the ACHP could launch to educate Section 106 participants about traditional knowledge and to promote respect for it
- Discuss how the ACHP develops and delivers its message about the importance of traditional knowledge in the Section 106 process
- Advise staff regarding other potential federal, tribal, or Native Hawaiian partners.

*March 20, 2019*



Preserving America's Heritage

## SECTION 106 SUCCESS STORY PROJECT FINALE Office of Communications, Education, and Outreach

**Background.** When the ACHP began planning a celebration of the 50th anniversary of the National Historic Preservation Act (NHPA) in 2016, members and staff explored how best to communicate the range of work the NHPA covers. They decided a compendium of 106 preservation success stories from across the country would be a fitting tribute to the breadth of the Section 106 consultation process. The 106 stories that have been compiled not only showcase the geographic range of Section 106 cases, they also illustrate the many aspects of life in America that are touched by Section 106, from technology and infrastructure to preserving cultural heritage and accelerating energy demands. The complete collection, covering every state and several territories, demonstrates the collaborative efforts of consulting parties and the flexibility of the process.

Numerous ACHP staffers have spent time researching, writing, editing, and designing the 106 individual stories throughout the past seven years. It is now time to expand on the plans for a compendium as well as discuss opportunities for use and outreach for the individual stories and the collection.

**Outreach Uses.** The succinct style of the stories and their two-page design has made them convenient marketing pieces for many different occasions. They provide information about the successes of Section 106 in a “user friendly” way to inform the public about the reach of the law, and can be combined to showcase themes and other categorical needs. Staff use them when meeting with the public in a variety of venues: they are brought to every event and conference, ACHP leadership and members use them to inform senior federal leaders and Congress; and they are used in ACHP training courses to showcase best practices and model work in the Section 106 consultation process.

Here is a sample of uses of the success stories:

- Congressional meetings and briefings, leave-behinds that pertain to the interests and the home district of the particular member or staff
- Meetings with senior federal officials, geared to specific agency and individual interests
- Conferences and speaking engagements, targeted to audiences
- Academic presentations, such as courses and seminars on preservation issues
- Responding to public inquiries about the ACHP and its work
- Training courses
- Briefing packages for tribal leaders, tribal representatives, or intertribal organization members
- Handouts at intertribal organization conferences
- Referencing in information papers and guidance
- Social media posts for themed months
- Introducing new federal agency staff to the Section 106 process and the ACHP, and for other internal trainings

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- Sharing with State Historic Preservation Office staff and other preservation partners in different states, when they are encountering similar challenges
- Using as examples of good outcomes in support of infrastructure development

*Next Steps.* Communications, Education, and Outreach Committee members will have the opportunity to discuss plans for the compendium and will be asked to offer suggestions about how the stories might be used in their own agency or organization or in other venues to illustrate how the Section 106 process advances the goals of historic preservation.

*Attachment:* All the stories as of meeting book publication are located here:  
<https://www.achp.gov/successstorycompilation>

*March 20, 2019*