



ADVISORY COUNCIL ON HISTORIC PRESERVATION FALL BUSINESS MEETING

DECEMBER 10, 2020



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MEETING
ADVISORY COUNCIL ON HISTORIC PRESERVATION
December 10, 2020

Meeting via Zoom
Zoom meeting instructions sent in separate email.
In order to join in, please make sure you are registered.

PROVISIONAL AGENDA

Call to Order 10:30 a.m. EST

- I. Chairman's Welcome and Report
- II. Leveraging Federal Historic Buildings Working Group
- III. Section 3 Report to the President 2021
- IV. Program Comment Review Panel
- V. Other Business
- VI. Adjourn



LEVERAGING FEDERAL HISTORIC BUILDINGS WORKING GROUP

Office of Federal Agency Programs

Background. On February 15, 2018, the ACHP conveyed its fifth triennial Section 3 Report to the President in accordance with Executive Order 13287 “Preserve America.” One of the 2018 report’s six findings was that “Fostering and encouraging the reuse of historic facilities by federal agencies or others creates cost-effective preservation outcomes.” Challenges relating to the reuse of federally owned historic facilities were also raised in earlier triennial reports.

The 2018 report committed the ACHP to surveying property management agencies to identify obstacles to reusing or “outleasing” historic properties to non-federal partners under National Historic Preservation Act Sections 110 and 111, and led to Chairman Aimee Jorjani establishing a Leveraging Federal Historic Buildings Working Group (Working Group) in October 2019. The Working Group includes representatives from six key federal agencies that manage significant and complex property holdings (General Services Administration, National Aeronautics and Space Administration, National Park Service, U.S. Department of Agriculture, U.S. Postal Service, and U.S. Department of Veterans Affairs), as well as representatives from the National Trust for Historic Preservation and the National Conference of State Historic Preservation Officers.

Current Status. The chairman convened the Working Group six times over the past year. Based on these meetings and the results of a federal agency survey that was circulated among the six federal agency members, the Working Group drafted a report including recommendations, which is attached for member review and comment. The recommendations include steps designed to assist federal agencies in their efforts to manage their historic federal building inventory more productively, in part by improving procedures for leasing to non-federal partners. The report’s findings and recommendations are designed to help agencies identify how to work with existing outleasing authorities, address financing challenges, and make informed decisions on when it may make better sense to retain historic buildings. It also recommends actions that can assist potential lessees of historic federal buildings in finding and pursuing leasing opportunities.

The findings and recommendations propose specific actions under three broad recommendations:

- Foster Inter-Agency Coordination and Administrative Efficiencies;
- Expand Marketing and Education; and
- Incentivize Outleasing Policies.

Additionally, the six federal agency Working Group members are in the process of drafting outleasing success stories that demonstrate how their agency has successfully protected federal historic buildings through outleasing. These drafts were due to the ACHP by November 30 and will be incorporated into the report.

Action Needed. ACHP members should review the attached draft report and be prepared to offer comments and discuss at the business meeting. Members will also be asked to provide input on how the Working Group’s findings, recommendations, and work products should be integrated into the ACHP’s 2021 Section 3 Report to the President. Members may also provide written comments to Kirsten Kulis,

the ACHP's National Park Service Liaison (kkulis@achp.gov), or Angela McArdle, the ACHP's Department of Veterans Affairs Liaison (amcardle@achp.gov), by December 17, 2020. Following the business meeting, the Working Group will finalize the report and begin implementing its recommendations.

Attachment: Draft Final Report

December 1, 2020



Leveraging Federal Historic Buildings Working Group

Final Report

DRAFT

11/25/2020

The Advisory Council on Historic Preservation's (ACHP's) Leveraging Federal Historic Buildings Working Group focused on identifying obstacles to outleasing historic properties to non-federal partners and creating tools and developing recommendations for overcoming those obstacles in order to foster the preservation of historically significant buildings under federal ownership or control.

SECTIONS

- I. Executive Summary
- II. Background
- III. Membership
- IV. Goals
- V. Findings
 - 1. Status of Outleasing
 - 2. Obstacles to Outleasing
- VI. Recommendations
 - 1. Foster Interagency Coordination and Administrative Efficiencies
 - 2. Expand Marketing and Education
 - 3. Incentivize Outleasing Policies
- VII. Conclusion

Appendices

- A. Methodology
- B. Outleasing Authorities List
- C. Best Practices for Federal Agency Outleasing Program and Federal Outleasing Projects
- D. Agency Decision-Making Considerations
- E. Outleasing Success Stories

Executive Summary

The Leveraging Federal Historic Buildings Working Group (Working Group), an interagency working group created by the Advisory Council on Historic Preservation (ACHP), drafted this Final Report to provide recommendations for overcoming obstacles to outleasing of historic properties under federal government stewardship and enhance the utilization of our nation's federal historic buildings.

For the purposes of the Working Group and this document, outleasing is defined as the use of historic buildings (or portions thereof) not currently needed for Federal agency purposes, by non-federal partners. The legal authority to outlease is available to property-managing federal agencies under the National Historic Preservation Act (NHPA, Section 111), and other agency-specific authorities. Historic buildings are defined as those which are included in, or eligible for inclusion in, the National Register of Historic Places (National Register) maintained by the Secretary of the Interior.

This document culminates the efforts of the Working Group, which was established by ACHP Chairman Aimee Jorjani in the fall of 2019. Consisting of federal and non-federal stakeholders, the Working Group explored different aspects of federal outleasing by soliciting information about federal agency outleasing programs, prospective developers' and lessees' interests, and financing federal outleasing projects. Working Group member discussions provided insight on the status of federal historic outleasing and assisted in identification of obstacles thereto.

Agency representatives appreciated that federal historic outleasing promotes productive use of historic federal buildings, transferring capital improvement and maintenance costs to others while 'banking' buildings for future federal use. However, they also noted that historic outleasing programs are relatively small due to various obstacles such as property type, location, and security or tenant-specific concerns. They agreed that conflicting policies and/or priorities, as well as lack of awareness and expertise, can be impediments.

In particular, agency representatives noted a lack of interagency partnerships and access to market-savvy professional expertise, as well as the administrative burden associated with setting up each of their programs. They were also concerned that prospective lessees were not functioning in a competitive environment because a centralized database for opportunities and associated subsidies does not exist, and prospective lessees did not have a clear path for financing.

The lessees and financial partners who participated in Working Group meetings explained that outleasing requires assumption of long-term responsibility for federal property, the capacity to pursue historic tax credits or other federal incentives, and substantial cash-on-hand. They suggested agencies eliminate uncertainties by adequately documenting their historic properties (e.g., "as-builts", conditions studies, details on character-defining features, Historic American Buildings Survey [HABS] drawings, and National Register nominations), addressing environmental remediation issues, and improving basic utilities. They said agencies should consider creative adaptive use scenarios, clarify legal terms and financial incentives, and provide relevant information in a centralized database. Finally, they explained that agencies must be equipped to methodically evaluate prospective partners' proposals and then partner with the selected lessee for the long term.

Working Group discussions focused on the need for more effective interagency coordination and greater efficiencies, to encourage the pursuit of outleasing of federal historic buildings. The Working Group's recommendations are briefly listed below.

- Foster greater interagency coordination and administrative efficiencies
 - Formalize a process for sharing existing expertise and resources

- Coordinate with the U.S. Department of Housing and Urban Development (HUD) on affordable housing
- Improve accessibility of information for federal agencies, prospective lessees, and partners
- Promote combined use of tax credits
- Explore opportunities for improving reviews with State Historic Preservation Officers (SHPOs)
- Expand marketing and education
 - Incorporate findings and recommendations in training
 - Participate in thematically relevant conferences and panel discussions
- Incentivize Outleasing Policies
 - Explore revisions to “Reduce the Footprint” and federal budget scoring policies
 - Issue an executive order

The Working Group’s findings and recommendations advance the ACHP’s larger mission, which is to promote the preservation, enhancement, and sustainable use of the nation’s diverse historic resources. As detailed in this Final Report, they are a ‘blueprint’ for future ACHP actions and interagency efforts. Finally, the appendices herein should serve as references for policymakers and practitioners, especially the best practices listed for federal agency outleasing programs and outleasing projects, which were culled from meeting highlights and are endorsed by the Working Group members.

Background

The ACHP plays a key role in fostering the preservation of historically significant buildings under federal ownership or control through its oversight of the Section 106 review process, and by carrying out its responsibilities under Executive Order 13287, “Preserve America” (EO). The EO requires that every three years, federal agencies report to the ACHP and the Secretary of the Interior on progress they have made in identifying, using, and protecting historic properties under their ownership or control.

On February 15, 2018, the ACHP conveyed its fifth triennial Section 3 Report to the President, *In a Spirit of Stewardship: A Report on Federal Historic Property Management*, in accordance with EO 13287. One of the 2018 report’s six findings stated, “Fostering and encouraging the reuse of historic facilities by federal agencies or others creates cost-effective preservation outcomes.” Accompanying this finding was a recommendation to convene an interagency Working Group, “to develop success stories and guidance on consolidation and interagency collaboration for co-location in federally owned historic buildings and preservation and training for relevant agency personnel.” The Working Group would further explore these asset management issues, which had been mentioned in prior Section 3 Reports. The ACHP’s Office of Federal Agency Programs (OFAP) was charged with surveying property management agencies to identify obstacles to reusing or “outleasing” historic properties under National Historic Preservation Act (NHPA) (54 USC § 306108) Sections 110 and 111, and develop recommendations for overcoming those obstacles.

The Working Group aligns with White House and congressional goals to address maintenance backlogs and reduce agency footprints. Cost-effective federal preservation outcomes can be achieved when historic federal buildings are leveraged as assets, saving taxpayer dollars while spurring preservation and reinvestment relative to new construction on and/or leasing of privately owned property. Such outcomes, often in the form of public-private and/or public-nonprofit partnerships, capitalize on decades of prior investment in and stewardship of historic federal buildings, while also accounting for long-term federal space needs. Successful outcomes support federal agency efforts to comply with Sections 106, 110, and 111 of the NHPA.

While agencies have made strides with private and nonprofit outleasing and reuse of federal historic buildings, as well as federal co-location, the purpose of establishing an interagency working group was to develop “best practices” and guidance, and to further promote preservation, enhancement, and sustainable use of such buildings.

Membership

In response to the recommendations in the 2018 Section 3 Report, on October 11, 2019, Chairman Aimee Jorjani established a Working Group of federal and non-federal stakeholders. The Working Group membership included representatives from six key federal agencies that manage significant and complex property holdings, as well as leadership from two non-federal stakeholders that play an important role in advising federal agencies (below).

- General Services Administration (GSA)
- National Aeronautics and Space Administration (NASA)
- National Park Service (NPS)
- U.S. Department of Agriculture (USDA)
- U.S. Department of Veterans Affairs (VA)
- U.S. Postal Service (USPS)
- National Conference of State Historic Preservation Officers (NCSHPO)
- National Trust for Historic Preservation (NTHP)

Goals

The Working Group was charged with helping the ACHP develop recommendations for overcoming obstacles to increased leasing of federal historic buildings to nonfederal partners, and providing guidance on agency reuse and consolidation in federal historic buildings. Early in the Working Group’s discussions, members decided to focus their efforts solely on outleasing. To that end, the Working Group endeavored to develop outleasing “best practices”, identify leasing policy issues that may warrant attention from the Office of Management and Budget (OMB), and develop success stories that demonstrate how agencies have overcome outleasing challenges while preserving and using federal historic buildings. The Working Group also considered the importance of fostering a network of support across the federal government, to continue to serve as a resource for other federal agencies looking to improve and expand their outleasing programs. Goals also included formulating recommendations, and identifying the need for possible executive action on outleasing.

Findings

Working Group member discussions provided insight on the status of federal historic outleasing and assisted in identification of obstacles thereto. Agency representatives appreciated that federal historic outleasing promotes productive use of historic federal buildings, transferring capital improvement and maintenance costs to others while ‘banking’ buildings for future federal use, but also noted that historic outleasing programs are relatively small due to various obstacles.

1. Status of Outleasing

Agencies with successful programs shared characteristics such as: targeted legal authorities, stewardship-focused outleasing staff partnered with in-house qualified preservation personnel, and portfolio and market awareness (e.g., partial- or whole-building opportunities, multiple-site [antennae], and low burden/high revenue opportunities [parking lots]).

Some agencies' staff regularly review outleasing opportunities, while others do so periodically or on a case-by-case basis. A few agencies indicated that they systematically consider outleasing as an alternative to disposal. Qualified preservation personnel are usually involved in agency decisions on whether to retain or dispose of a historic building, along with other environmental compliance staff and other subject matter experts.

When agencies are making decisions on whether to retain or dispose of a historic building, there is not a standardized process for weighing key variables, which include feasibility, environmental conditions, market interest, and long-term federal needs, among others. Their decision-making process is largely internal. The federal planning process set forth at 36 CFR Part 800, "Protection of Historic Properties", the implementing regulations for Section 106 of the NHPA (54 USC § 306108), is utilized after the agency has defined their undertaking (i.e. retain/reuse, transfer to another federal agency, or dispose), and the outleasing opportunity is not often considered as an alternative in Section 106 consultation.

Related, agencies often have difficulties securing funds for utility improvements and environmental remediation for low- or non-income producing historic buildings, often with uncertain appraised values, even though such efforts would improve their outleasing prospects. As historic buildings' conditions worsen over time and estimated maintenance costs mount, agencies may instead consider property disposal (transfer, sale, or demolition) as a means to eliminate such costs.

Proceeds from Section 111 outleases are usually utilized by the agency in-full and are rarely returned to the U.S. Treasury. However, other outleasing authorities may be more attractive to agencies because there are fewer fund use and timeframe restrictions, and no need for development and management of a separate NHPA 111 program.

2. Obstacles to Outleasing

Agency representatives shared that their federal building outleasing efforts were challenged by some inherent issues, such as property type, location, and security or tenant-specific concerns, but also agreed that conflicting policies and/or priorities and lack of awareness and expertise are problematic.

Specifically, OMB Memorandum M-12-12, Section 3: 'Reduce the Footprint' ('RTF') policy states, "[...] agencies shall move aggressively to dispose of surplus properties held by the Federal Government, make more efficient use of the Government's real property assets, and reduce the total square footage of their domestic office and warehouse inventory relative to an established baseline." Moreover, OMB Management Procedures Memorandum No. 2015-01 (March 25, 2015) states that an agency may not use Enhanced Used Leases (EULs) and outleases as an offset in the amount of the square footage of the space disposed. To achieve RTF goals, agency-specific policies may discourage outleasing (e.g., a one-for-one demolition/new construction requirement would mean that if a new building is desired, demolition of an underutilized historic building is preferable to outleasing it.).

OMB Memorandum M-20-10 (March 6, 2020), broadens the scope of RTF, referred to as the National Strategy for the Efficient Use of Real Property (Strategy), and astutely states, "Agencies frequently focus on initial acquisition costs to the detriment of other phases of the real property lifecycle such as planning, maintenance, repair, modernization, and disposal. The government's significant backlog of deferred maintenance and retention of unneeded property is partially due to lack of focus on later phases of the real property lifecycle." Notably, the memo states, "with the Federal Real Property Council and GSA, OMB will perform outreach to private sector entities and other interested parties to ensure that the best practices and strategies employed by the private sector are included in the final Strategy."

Also, agency representatives explained that agency leadership and decision-makers in the field may not be familiar with their portfolio of historic buildings, those buildings which are listed on or eligible for the National Register of Historic Places (National Register). The National Register is the official list of the nation's historic places worthy of preservation, is authorized by the NHPA (54 USC § 302101), and is a program administered by the NPS. Many agencies have maintained separate databases to identify, evaluate, and nominate their historic properties to the National Register, a statutory requirement of Section 110 of the NHPA (54 USC § 306101), but they are working toward integrating those databases with the Federal Real Property Profile (FRPP) (40 USC § 623) ("Improved Data Needed to Strategically Manage Historic Buildings, Address Multiple Challenges" <https://www.gao.gov/assets/660/650745.pdf>, 2012, Government Accountability Office).

Even those agencies that have completed data integration into the FRPP may not have fully utilized the tools available to them within that program, such as the Asset Consolidation Tool (ACT). The tool was developed to assist agencies in their efforts to identify consolidation opportunities, but could also be used by agencies seeking outleasing opportunities. As overall FRPP data quality improves with increased data integration, the ACT tool will also become more useful.

Related, agency leadership and decision-makers in the field (e.g., U.S. Forest Service line officers, NPS park superintendents, NASA center staff, and VA medical center directors and capital asset managers) may not be familiar with NHPA stewardship requirements (i.e., NHPA Section 110 "Prior to acquiring, constructing, or leasing a building for purposes of carrying out agency responsibilities, a Federal agency shall use, to the maximum extent feasible, historic property available to the agency [...]"), nor with the various available outleasing authorities and their potential stewardship, budgetary, and operational benefits.

Agency representatives lamented a lack of interagency partnerships and access to market-savvy professional expertise and the administrative burden associated with setting up each of their programs. They were also concerned that prospective lessees were not functioning in a competitive environment because a centralized database for opportunities and associated subsidies does not exist, and the prospective lessees did not have a clear path for financing.

The lessees themselves expressed frustration. The lessees and financial partners who participated in Working Group meetings explained that outleasing often requires assumption of long-term (50+ years) responsibility for federal property, the capacity to pursue historic tax credits or other federal incentives, and substantial cash-on-hand, which could be a hindrance. Strong relationships with sophisticated lenders are also important, because agency roles and collateral and bank foreclosure terms are often unclear. The lessees explained that prospective financial partners were often uninformed about the mechanics of outleasing, and suggested that the U.S. Small Business Administration (SBA) might be able to provide assistance in that regard.

To increase competition for federal outleases, they suggested agencies eliminate uncertainties by documenting their historic properties (e.g., "as-builts", conditions studies, details on character-defining features, Historic American Buildings Survey [HABS] drawings, and National Register nominations), addressing environmental remediation, and improving basic utilities. They said agencies should consider creative adaptive use scenarios (e.g., not only office or hospitality, but also not-for-profit uses) and issue targeted Requests for Expressions of Interest (RFEIs) with information about federal incentives. Further, in both the Requests for Qualifications (RFQ) and Requests for Proposals (RFP) stages, they suggested agencies: clarify legal authorities, lease terms, and financial incentives; detail lessee qualification requirements; lengthen response timeframes; and provide all relevant information in a centralized database.

Lessees also emphasized that when the historic tax credit is combined with other incentives, such as the low-income housing tax credit and new markets tax credit, as well as state historic tax credits, it is the most impactful. They further noted that projects that combine tax credit incentives can meet public housing needs, improve local economies, and achieve preservation goals. Consequently, federal agencies that administer related tax credits and work with affordable housing (e.g., Internal Revenue Service [IRS], HUD, and the U.S. Department of the Treasury Community Development Financial Institutions Fund [CDFI Fund]), would benefit from having agency officials with expertise specific to federal historic building outleasing, who could serve as informed resources to lessees.

Finally, they explained that agencies must be equipped to evaluate sophisticated RFEI, RFQ, and RFP responses, and then partner with the selected lessee for the long term. They recommended dedicated agency staff assist with contracts (e.g., standard construction loan documents) and financial details, and collaborate to successfully complete required review processes, including those for Section 106 and historic tax credits, as appropriate.

Recommendations

The ACHP, as a body with representation from various federal agencies, local and state government, the public, and national historic preservation organizations, is uniquely positioned to bring together key stakeholders to examine the state of outleasing of federal historic buildings, and to make recommendations on how federal outleasing programs can leverage the historic buildings under their stewardship for greater planning and management efficiency and improved preservation outcomes. ACHP members' nationwide perspective also informs the important task of identifying the resources needed to improve the availability of information that would lead to increased outleasing of federal historic property in such a way that will further promote their preservation, enhancement, and sustainable use.

1. Foster Interagency Coordination and Administrative Efficiencies

Working Group discussions routinely returned to the need for more effective interagency coordination and greater efficiencies to encourage the pursuit of outleasing of federal historic buildings. To foster greater interagency coordination and administrative efficiencies, the Working Group proposes the following actions.

Recommended actions:

- Formalize a process for sharing existing expertise and resources
 - The ACHP should work with GSA's award-winning Section 111 outleasing program, to identify and promote a standardized process that facilitates other federal agencies accessing and utilizing GSA's expertise and market resources for federal outleasing of historic properties. Such a process, perhaps in the form of establishing interagency partnerships or establishment of a "Center of Excellence", may help address agency outleasing and portfolio management needs for various services (e.g., real estate market analysis, marketing, lease negotiation, project management for tenant improvements, due diligence and environmental, 'blanket purchase' agreement, and brokerage).
- Coordinate with HUD on affordable housing
 - The ACHP should work with HUD to assess where promotion of federal outleasing of historic buildings may assist with addressing affordable housing concerns. With input from HUD, the ACHP should update ACHP's 2006 Policy Statement on Affordable Housing and Historic Preservation, to promote the use federal historic buildings as viable outleasing candidates for affordable housing.

- The ACHP should explore HUD financing policies, which address lender concerns regarding foreclosure restrictions for federal properties by providing mortgage insurance (e.g., 12 USC 17151(d)(4), also referred to as Section 221(D)(4)).
- Improve accessibility of information for federal agencies
 - The ACHP should work with GSA's Office of Government-wide Policy and the FRPP to identify how best to centralize and make accessible to federal agencies pertinent data concerning federal historic real property available for outleasing to nonfederal partners.
- Improve accessibility of information for prospective lessees and partners
 - The ACHP should work with GSA, VA, and others to establish contacts at and collaborate with the SBA, HUD, U.S. Department of Commerce, USDA Rural Development offices, and the Economic Development Administration (EDA) offices and promulgate information about federal outleasing opportunities and specific best practices for financing outleasing projects for federal historic properties.
- Promote combined use of tax credits
 - The ACHP should work with the NTCIC and with the federal agencies responsible for administering and working with tax credits (e.g., Federal Historic Preservation Tax Incentives Program, Low-Income Housing Tax Credit Program, Opportunity Zones, and New Markets Tax Credit Program) and promote the use of federal, state, and local historic tax credits in conjunction with other applicable federal and state tax credits. The ACHP should engage and partner with these agencies to promote inclusion of historic preservation in the typical public-private and public-nonprofit partnership financing package, and market preservation as an asset/tool for securing additional capital for adaptively-used income-producing historic properties.
- Explore opportunities for improving reviews with SHPOs
 - The ACHP should work with NCSHPO to survey SHPOs about their internal processes for coordinating historic tax credit reviews and Section 106 reviews. For example, a Section 106 federal agency program alternative for outleasing and rehabilitation, pursuant to 36 CFR § 800.14, could facilitate the use of historic tax credits on federal outleasing projects by establishing a single coordinated and efficient review process, in addition to providing other efficiencies that address the entirety of an outleasing project (e.g., stabilization of a property prior to outleasing, associated new construction, maintenance, etc.).

2. Expand Marketing and Education

The Working Group found that one of the obstacles to increased outleasing of federal historic buildings was a lack of familiarity and expertise working with these types of projects, both inside and outside the federal government. To inform a wider audience of the benefits of outleasing federal historic buildings, the Working Group proposes the following actions.

Recommended actions:

- Incorporate findings and recommendations in training
 - The ACHP should incorporate the Working Group's findings and recommendations into its classroom, webinar, and e-learning training to inform federal, state, tribal, and local agencies, and others of the opportunities and benefits associated with outleasing federal historic properties.

- The ACHP should encourage other federal agencies, including GSA and HUD, among others, to incorporate the Working Group’s findings and recommendations into their relevant training programs, and/or develop joint training programs.
- Participate in thematically relevant conferences and panel discussions
 - The ACHP should work with GSA, HUD, and other federal agencies to identify opportunities to participate in conferences, round tables, panel discussions, etc. hosted by other entities where the promotion of outleasing of federal historic buildings is thematically compatible (e.g., public-private and public-nonprofit partnerships, affordable housing, stewardship of federal historic properties, commercial ventures, etc.).
 - The ACHP should seek out opportunities to present the Working Group’s findings and recommendations in varied venues to reach more diverse audiences.

3. Incentivize Outleasing Policies

The Working Group’s final recommendation is to foster an environment that facilitates increased outleasing of federal historic buildings by incentivizing outleasing through policies that actively encourage these types of projects as an effective stewardship tool. To accomplish this, the Working Group proposes the following actions.

Recommended actions:

- Explore revisions to RTF, now known as the National Strategy for the Efficient Use of Real Property (Strategy), and federal budget scoring policies
 - In collaboration with GSA, VA, NASA, and potentially other federal agencies, the ACHP should engage OMB to assess the feasibility of allowing federal historic outleases to count toward agency Strategy goals, thereby removing one of the impediments to federal historic building outleasing, and also including outleasing as a “best practice” in the to-be-revised Strategy. OMB’s 2020 memo stated that “with the Federal Real Property Council and GSA, OMB will perform outreach to private sector entities and other interested parties to ensure that the best practices and strategies employed by the private sector are included in the final Strategy”; the opportunity for substantive dialogue should be seized promptly.
 - The ACHP should also consider surveying federal agencies to assess how much their totals might be improved and operating costs reduced, if outleased federal historic buildings (or portions thereof) counted toward Strategy totals.
 - In collaboration with GSA, VA, NASA, and potentially other federal agencies, the ACHP should engage OMB to assess the feasibility of clarifying Appendix B of Circular A-11 (1991, 2016) so as to standardize agency submissions to their OMB representatives regarding federal historic outleases, improving transparency.
- Issue an executive order
 - With Working Group member agencies, ACHP should pursue the issuance of an executive order to encourage adaptive use of historic federal buildings via outleasing. Such an order should clarify “*a Federal agency shall use, to the maximum extent feasible, historic property available to the agency*”, under Section 110, and “*after consultation with the Council,*” under Section 111 of the NHPA as well as clarify “*federal agencies shall give consideration to historic properties within historic districts*” when “*operationally appropriate and economically prudent*” under EO 13006.
 - Such an order should also address compatible goals of the ACHP’s Digital Information Task Force (DITF), such as examining efficiencies of digitization and ease of information

access and dissemination, as they apply to federal agency Section 110 responsibilities.

Conclusion

The Leveraging Federal Historic Buildings Working Group drafted this Final Report to document its assessment of the status of federal historic outleasing, provide recommendations for overcoming obstacles to such outleasing, and to advance utilization of our nation's federal historic buildings. The Working Group's three overarching recommendations – to foster greater interagency coordination and administrative efficiencies, expand marketing and education, and incentivize outleasing policies – advance the ACHP's larger mission, which is to promote the preservation, enhancement, and sustainable use of the nation's diverse historic resources.

Finally, as noted previously, Working Group members decided to focus their efforts solely on outleasing. During the comment period on this final report, however, some members noted that the matter of co-location in federally owned historic buildings still warrants the ACHP's attention. Federal agencies have made strides in this area, but clarification is needed on relevant legal authorities and the process by which prospective federal lessees lease federal property not controlled by their own agency. The ACHP acknowledges this concern and may seek to address it at a later date.

Appendices

- A. Methodology
- B. Outleasing Authorities List
- C. Best Practices for Federal Agency Outleasing Programs and Federal Outleasing Projects
- D. Agency Decision-Making Considerations
- E. Outleasing Success Stories

APPENDIX A. --- Methodology

The Working Group sought to identify obstacles to increased leasing of federal historic buildings to nonfederal partners and develop recommendations for overcoming those obstacles over the course of a year. Meeting six times - November 21, 2019, January 23, 2020, March 5, 2020, May 18, 2020, June 30, 2020, and September 24, 2020 – the Working Group explored different aspects of federal outleasing by soliciting information about federal agency outleasing programs, prospective developers’ and lessees’ interests, and financing federal outleasing projects.

As part of its efforts to ascertain the status of federal agency outleasing programs, ACHP staff developed a federal agency survey and distributed it to federal Working Group members; the survey requested that each agency provide information on its current outleasing practices and challenges. All six federal agency Working Group members (i.e. GSA, NASA, NPS, USDA, VA, and USPS) completed the survey, and the data they provided informed this report’s findings and recommendations.

Additionally, as host of the second meeting, GSA provided the Working Group members with the opportunity to learn about their well-established outleasing program in greater depth; GSA’s expertise in this area was invaluable, and substantively informed the Working Group’s recommendations. GSA’s Section 111 Outleasing Program received the Federal Partnerships award from the NTHP and the ACHP in late 2020.

To learn more about prospective developers’ and lessees’ interests, the Working Group invited a developer and a lessee to discuss their experiences with outleasing federal historic buildings. Jonathan Beck, Development Project Manager of the Alexander Company, presented on his company’s adaptive use efforts nationwide, as well as their ongoing adaptive use project rehabilitating six historic buildings at the VA Soldiers Home National Historic Landmark District (Milwaukee, WI) for homeless veteran housing and supportive services. Rose Schweikhart, Owner of the Superior Bathhouse Brewery, presented on her company’s adaptive use of a historic bathhouse in Hot Springs National Park (Hot Springs, AR), which transformed the bathhouse into a brewery and restaurant that has the distinction of being the first and currently only brewery in a U.S. National Park.

Finally, to learn more about the opportunities and challenges associated with financing federal outleasing projects, the Working Group invited back Jonathan Beck of the Alexander Company, along with Deborah Burkart, the National Vice President of Supportive Housing for the National Equity Fund (NEF), Wayman C. Lawrence IV, Partner and Tax Credit Attorney for Foley & Lardner LLP, and Merrill Hoopengardner, President of National Trust Community Investment Corporation (NTCIC). Together, these individuals spoke to the members about their experiences structuring financial packages for successful outleasing projects.

APPENDIX B. --- Outleasing Authorities List

Agencies utilize numerous legal authorities to make productive use of their historic buildings; many of them are agency- or program-specific and designed to either support the outleased building or to provide “no year” (flexible spending schedule) funds for agency’s facilities’ or general use.

GSA, NASA, and NPS use NHPA Section 111 (54 USC § 306121), which requires “that the lease [...] will adequately ensure the preservation of the historic property.” Enhanced Use Lease (EUL) authorities include NASA’s Space Act (51 USC § 201) and VA’s (38 USC §§ 8161-8169). USDA’s Forest Service (FS), USPS, and VA also use many other specific authorities, the majority of which do not include preservation requirements.

NPS enjoys a specific authority for outleasing of properties in park areas (54 USC § 102102), which does not require preservation in and of itself, but corresponding management policy (i.e. *NPS Management Policies* (2006)) “require(s) the work be done in accordance with applicable Secretary of the Interior’s standards and guidelines and other NPS policies, guidelines, and standards.”

The outleasing authorities list below includes information provided by each federal agency about the number of facilities leased under each authority and associated revenues, which is current as of late 2020; figures will be updated over time as agencies provide current data.

U.S. General Services Administration

- NHPA 111/54 USC § 306121 (Facilities Outleased: 168) GSA’s projected FY20 outleasing revenue is \$13M, and outleasing has generated ~\$174M since 2000.

National Aeronautics and Space Administration

- NHPA 111/54 USC § 306121 (Facilities Outleased: 2) Ames Research Center (ARC) for Moffett Air Field and CMU.
- Space Act Enhanced Use Lease (EUL)/51 USC § 201 (Facilities Outleased: 37) Mostly at ARC and Kennedy Space Center (KSC); proceeds don’t expire and there aren’t restrictions on how funds are spent except 35% must be spent on energy projects. All proceeds can be rescinded by leadership, “for use on more critical NASA projects.”

U.S. Department of Interior, National Park Service

- NHPA 111/54 USC § 306121 (Facilities Outleased: 5) Allows for proceeds to be used to administer a historic leasing program.
- NPS and Related Programs: Privileges and Leases/54 USC § 102102 (Facilities Outleased: ~5-10/Yr.) Allows for residential uses (e.g. Cape Cod National Seashore Cabins) as well as commercial, and proceeds offset improvements and expenditures against fair market rent. Also allows for outleasing to other persons, and local- state- or federal agencies (“The Service[...] may enter into a lease with any person or government entity for the use of buildings and associated property [...]”). Much of the work, to improve the property, is completed by the lessee under the guidance and in consultation with the NPS as required under the terms of the lease, whereby they obtain credit against future lease payments due to the NPS for the cost of the work. Corresponding management policy (i.e. *NPS Management Policies* (2006)) “require(s) the work be done in accordance with applicable Secretary of the Interior’s standards and guidelines and other NPS policies, guidelines, and standards.”
- NPS and Related Programs: Concessions and Commercial Use Authorizations/54 USC § 1019 (Facilities Outleased: 500 historic and non-historic) Allows for assignment of property, along

with maintenance and construction, to a concessioner based on contract terms. Uses are required to be “necessary” commercial visitor services. Proceeds are to be used for “visitor related purposes and to administer the commercial services program.” Corresponding management policy (i.e. *NPS Management Policies* (2006)) “require(s) the work be done in accordance with applicable Secretary of the Interior’s standards and guidelines and other NPS policies, guidelines, and standards.”

- NPS and Related Programs: Promotion and Regulation/54 USC § 100101 (Facilities Outleased: Numerous) “Special Use Permits may be issued to maintain cultural landscapes through agricultural use. Per 54 USC § 103104 “Notwithstanding any other provision of law, the Service may recover all costs of providing necessary services associated with special use permits. The reimbursements shall be credited to the appropriation current at that time.” This provision applies only to Special Use Permits. Any cost recovery collected under the permit may be used to administer and provide support for that permit.” Corresponding management policy (i.e. *NPS Management Policies* (2006)) “require(s) the work be done in accordance with applicable Secretary of the Interior’s standards and guidelines and other NPS policies, guidelines, and standards.”

U.S. Department of Agriculture (NRCS and U.S. Forest Service)

- NHPA 111/54 USC § 102102 (Facilities Outleased: Not Provided)
- Granger-Thye Act (Section 7)/16 USC § 580d (Facilities Outleased: Not Provided) Allows for “offset” (limited to the fee amount) of “concession fee” with maintenance and improvements “at the concessioner’s expense [which are] deemed to be Forest Service’s responsibility under the terms of the permit.”
- Forest Service Facility Realignment and Enhancement Act (FSFREA), Title V/16 USC § 580d (Facilities Outleased: Not Provided) Authorizes Forest Service to lease administrative sites and retain rent for improvement of the administrative sites.
- Agriculture Improvement Act of 2018 (2018 Farm Bill) Section 8623/16 USC § 580d (Facilities Outleased: Not Provided) Allows Forest Service to accept in-kind consideration as rent for improvement of the sites. “The amount of in-kind consideration is limited to the amount of the rent, although rent for multiple years may be aggregated to increase the amount of in-kind consideration available for large projects.”

U.S. Postal Service

- General Powers of the Postal Service/39 USC § 401(5) (Facilities Outleased: Not Provided) Grants the Postal Service the power to hold, maintain, sell, lease, or otherwise dispose of real property or any interest therein. This grant gives the Postal Service a broad right to lease and dispose of real property and is used frequently in outleases, sales, etc.

U.S. Department of Veterans Affairs

- NHPA 111 Historic Reuse Program (HRP)/54 USC § 102102 (Facilities Outleased: Not Provided) Newer program at VA, makes vacant and /or underutilized VA-owned historic assets available for reuse or exchange at minimal cost.
- Enhanced Use Lease (EUL)/38 USC § 8161-8169 (Facilities Outleased: 103 historic and non-historic, comprising of more than 3,100 units of housing, since 1991) For the purposes of private-sector development (private, nonprofit, or local government) and of supportive housing only. VA housing EULs have raised more than \$500 million of private sector capital and 29 operational non-housing EULs authorized under the previous expanded EUL legislation, which was enacted in 1991 and expired in 2011, and allowed for leases consistent with VA’s mission and not limited to housing. The remaining 20 EULs have been terminated, transferred, or expired. There are a

total of 7 new EULs under construction. After paying for EUL-associated expenses, remaining proceeds are deposited in the Department of Veterans Affairs Medical Care Collections Fund.

- National Cemetery Administration (NCA) Outleasing Program/38 USC § 2412 (Facilities Outleased: ~10 historic and non-historic) Shorter term (10 yrs.). These are for “leases of any undeveloped land and unused or underutilized buildings, or parts or parcels thereof, and proceeds can be used to support other operations/maintenance NCA purposes.”
- Veterans Health Administration (VHA) Sharing Use of Space/38 USC § 8153 (Facilities Outleased “Shared”: Not Provided) Allows for sharing agreements related to the use of VHA space for up to 20 yrs. “Proceeds must be deposited into the correct medical care appropriation account at the VA medical facility.” Includes telecommunications equipment.
- Quarters Outleasing Program/5 USC § 5911 (Facilities Outleased: ~235 “Quarters”) Program is run by the U.S. Department of Interior and must abide by OMB Circular A-45. Limited to use by VA employees, who may also seek alternative housing elsewhere, or Without Compensation Students (WOC). Proceeds must be used for maintenance of the Quarters buildings.

APPENDIX C. --- Best Practices for Federal Agency Outleasing Programs and Outleasing Projects

The federal agency outleasing programs and outleasing projects best practices listed below, were culled from meeting highlights, should serve as a reference for policymakers and practitioners, and are endorsed by the Working Group members.

Best Practices for Federal Agency Outleasing Programs

Working Group members determined that federal agency outleasing programs perform best when:

- Agency leadership is familiar with an agency's historic assets and the benefits associated with outleasing, and available outleasing authorities.
- Agency leadership is familiar with their historic assets' appraised values, which must adequately consider adaptive use potential and market conditions.
- Agencies are familiar with federal and agency-specific use restrictions, approval processes, and deadlines and penalties associated with non-compliance.
- Dedicated agency leasing and qualified preservation staff work together to identify and market opportunities (e.g., Requests for Expressions of Interest or RFEIs), develop project requirements (e.g., Requests for Qualifications or RFQs) and evaluate solicitation responses (e.g., RFQs and Requests for Proposals or RFPs), negotiate lease terms and tenant improvements, address statutory requirements, monitor construction, and coordinate reporting.
- Adequate time is allotted by agencies for prospective partner responses and agencies are equipped to evaluate responses in a uniform and fair manner.
- Information is provided by agencies in a centralized publicly accessible database.
- Opportunities with low burden/high revenue potential (e.g., parking lots, antennae) and partial-building leases (e.g., retail, rooftops) are maximized by agencies.
- Plans for lease proceeds are developed early on to address leasing and preservation program needs.
- Interagency partnerships provide expertise and services (e.g., real estate market analysis, marketing, lease negotiation, project management for tenant improvements, due diligence and environmental, 'blanket purchase' agreement, and brokerage).
- Funds can be secured by agencies for development of baseline documentation (e.g., as-builts, Historic American Buildings Survey [HABS], National Register of Historic Places [National Register] nominations), infrastructure improvements (e.g., environmental remediation, and HVAC or utility improvements), and basic stabilization (e.g., addressing water infiltration or pest removal), of prospective outleasing properties.

Best Practices for Federal Outleasing Projects

Working Group members determined that federal outleasing projects perform best when:

- Agencies provide clear information on federal and agency-specific use restrictions and associated legal authorities, approval processes, and deadlines, and penalties associated with non-compliance.
- Adequate time is budgeted for prospective partner responses and agencies evaluate responses in a uniform and fair manner.
- Information is provided by agencies in a centralized publicly accessible database.
- Dedicated agency leasing and qualified preservation staff work together to support the partnership, assisting with statutory requirements and coordinating reporting.
- Agencies provide baseline documentation (e.g., as-builts, Historic American Buildings Survey [HABS], and National Register nominations), invest in infrastructure improvements (e.g., environmental remediation, and HVAC or utility improvements) and basic stabilization (e.g., addressing water infiltration or pest removal) prior to offering a property to the outleasing market.
- Partners allow for flexibility and creativity in project design.
- A combination of funding mechanisms and tax credit incentives are explored (e.g., grants, fundraising campaigns, historic tax credit, low-income housing tax credit, new markets tax credit, and state historic tax credits).
- Historic preservation is considered part of the typical public-private and public-nonprofit partnership financing package and marketed as an asset/tool for securing additional capital.

APPENDIX D. --- Agency Decision-Making Considerations

When deciding whether a historic property is a viable candidate for outleasing and should remain in the federal inventory, a federal agency should consider:

- NHPA Section 110 (54 USC § 306101) responsibilities: *“Prior to acquiring, constructing, or leasing a building for purposes of carrying out agency responsibilities, a Federal agency shall use, to the maximum extent feasible, historic property available to the agency, in accordance with Executive Order No. 13006.”*
- Long-term federal occupancy/mission needs and the benefits of transferring capital improvement and maintenance costs to others, while ‘banking’ the building for future federal use.
- Historic significance and integrity of the property.
- Revenue potential (e.g., opportunities with low administrative burden and high return on investment).

- Location, public accessibility, and proximity to public transit.
- Environmental conditions.
- Security needs and concerns.
- Market interest, challenges, opportunities, and trends.
- Status of deferred maintenance and the degree of initial/upfront financial and temporal investment needed to stabilize and prepare the property for competitive marketing.
- Type of outlease best-suited for the property (e.g., targeted full or partial-building outleases).
- Federal and agency-specific use restrictions.
- Availability of interagency partnerships that could help address agency outleasing and portfolio management needs for various services (e.g., real estate market analysis, marketing, lease negotiation, project management for tenant improvements, due diligence and environmental, 'blanket purchase' agreement, and brokerage)

APPENDIX E. --- Outleasing Success Stories



**ACHP 2021 STEWARDSHIP REPORT PURSUANT TO SECTION 3 OF
EXECUTIVE ORDER 13287, “PRESERVE AMERICA”
Office of Federal Agency Programs**

Background. Section 3 of Executive Order 13287, “Preserve America,” requires that federal agencies with real property management responsibilities report every three years on their progress in the identification, protection, and use of historic properties in federal ownership and make this report available to the ACHP and the Secretary of the Interior. The ACHP incorporates the received data into a report on the state of the federal government’s historic properties and their contribution to local economic development that is submitted to the President every three years. The report includes a set of findings and recommendations for further improvements in federal historic property stewardship for the subsequent reporting period. The first report was published in 2006, and the next will be delivered by February 15, 2021.

Update. Federal agency progress reports on historic properties stewardship informing the ACHP’s 2021 Section 3 Report to the President have been received from 20 agencies, and staff is completing analysis of the information. As briefly discussed in past committee meetings, the ACHP’s 2021 report will highlight the themes of developing, using, and making available digital information on historic properties and building partnerships to leverage federally owned historic buildings for community benefits, such as through outleasing. Chapters will focus on both of the preceding themes as well as agency strategies for managing historic property inventories comprehensively. Members received an annotated draft outline of the findings and recommendations chapter (attached) with Chairman Aimee Jorjani’s meeting announcement email on November 18. An annotated draft outline of the full report follows.

**IN A SPIRIT OF STEWARDSHIP
A REPORT ON FEDERAL HISTORIC PROPERTY MANAGEMENT 2021**

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Chairman’s Message
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Executive Summary

Chapter 1: Introduction and ACHP Progress Report

- ACHP accomplishments in implementing Section 3 recommendations, particularly since 2018, and explain how the report is put to use.
- Work of relevant ACHP task forces and working groups, including those centered on digital information, leveraging federal historic buildings, and historic trades training.
- Recent management trends for federal property and programmatic approaches.
- Refer to background on the Executive Order that is now available on the ACHP’s federal historic property stewardship web pages.

Chapter 2: Developing, Using, and Making Available Digital Information on Historic Properties

- Agency accomplishments in creating or expanding historic properties databases and GIS layers.
- Partnerships formed between agencies or agencies and SHPOs, THPOs, or others to share and exchange historic properties data.

- Application of database information about historic properties to real property management activities.
- Innovative technological tools for identification, such as LiDAR and drones.
- Continuity of operations during the pandemic.

Chapter 3: Managing Federal Historic Property Inventories Comprehensively

- Section 106 program alternative development and implementation.
- Integration of preservation planning through identification, master planning, project development and decision making, and interpretation.
- Tailoring training approaches to increase agency staff awareness and skill levels in historic property stewardship responsibilities.

Chapter 4: Leveraging Federal Historic Properties for Community Benefits

- Agency accomplishments in outleasing of historic buildings to non-federal tenants to maintain and enhance federal historic properties.
- Findings of Leveraging Federal Historic Properties Working Group.
- Agency partnerships enabling historic trades training, and relevant findings of the Historic Trades Training Policy Statement.
- Other agency partnerships for identification, protection, and use.

Chapter 5: Findings and Recommendations

- (See attached draft outline circulated to members on November 18.)

Appendices

Next Steps. Office of Federal Agency Programs staff will address member feedback on the findings and recommendations and the report outline as it prepares a full draft of the report text, which will be shared with members for review in mid-December. Following receipt of comments, the final draft, including images, project and program profiles, and introductory matter, will be prepared in January. The report will be delivered to the President no later than February 15, 2021, and posted on the ACHP's website and distributed widely soon thereafter.

Action Needed. At the December 10 meeting, members should provide comments on the draft report outline and the draft findings and recommendations outline to guide the preparation of a full text draft.

Attachment: Draft Chapter 5 Findings and Recommendations

December 1, 2020

**IN A SPIRIT OF STEWARDSHIP
A REPORT ON FEDERAL HISTORIC PROPERTY MANAGEMENT 2021**

Chapter 5 Findings and Recommendations

DRAFT

[This chapter will begin with a brief introduction summarizing the content of agency reports as discussed in the preceding chapters and note how the ACHP's findings and recommendations build on what agencies reported and their current challenges and opportunities.]

1. ***Finding: Leasing of historic federal buildings to non-federal partners promotes their productive use by transferring maintenance costs and capital improvements to those partners, 'banking' the buildings for future federal use, and often allowing for improved community access. However, outleasing solutions remain underutilized due to inconsistencies among federal agencies in their scope and application as well as limited awareness of these programs by potential lessees.***
 - [Discussion supporting this finding will include information from agency reports about their use of leasing, some for the first time in this reporting period, GSA analysis of the cost of rehabilitation vs. new construction, Reduce the Footprint activities, and the relationship of the Leveraging Historic Buildings Working Group to Section 3 reporting. This finding will emphasize how the ACHP should work with federal agencies to implement recommendations in the ACHP's Leveraging Federal Historic Building Working Group Final Report (2020) that can encourage reuse approaches for historic properties across the federal government, particularly those referenced below.]

Recommendations:

- The ACHP should work with GSA to develop a platform for sharing expertise and resources among federal agencies about leasing historic buildings. The ACHP should also work with GSA's Office of Government-wide Policy and the FRPC to identify how best to centralize and make accessible pertinent data concerning federal historic real property available for outleasing to nonfederal partners.
 - The ACHP should work with GSA's Office of Government-wide Policy to survey federal agencies to assess how much their Reduce the Footprint (RTF) totals might be improved and operating costs reduced if outleased federal historic buildings, or portions thereof, counted toward RTF totals.
 - With Leveraging Federal Historic Buildings Working Group member agencies, the ACHP should pursue the issuance of an executive order to encourage adaptive use of historic federal buildings via outleasing.
2. ***Finding: Agencies are advancing in how they use digital tools to better inform real property management, but room for improvement remains before historic property information is fully integrated and all potential benefits from increased review efficiency for federal and non-federal project planning are realized.***

[Discussion supporting this finding will include how agencies have made advances in including historic properties information in real estate and project planning databases and in standing up new GIS layers this reporting period. Investments of time, data, and resources in cultural resources information systems have yielded benefits for agency management activities, such as TVA's development of a project screening GIS layer. Agencies also cooperate with SHPOs to share and exchange data to support federal stewardship efforts.]

Recommendations:

- Agencies should strive to identify and commit resources to progress in inventorying their historic properties, including mapping historic properties, as appropriate, to ensure accurate GIS layers. Survey technologies such as LiDAR and drones can be embraced by federal agencies where they offer the potential for a fuller understanding of historic properties and landscapes that are difficult to access.
- The ACHP should work with federal agencies to implement recommendations in the ACHP's Digital Information Task Force Recommendations and Action Plan (2020), particularly those related to enabling cultural resources GIS data exchange between agencies, states, tribes, and local governments and to properly managing access to and securing sensitive cultural resources data in agency databases and mapping applications.
- Agencies should explore opportunities for partnerships and secure data sharing with SHPOs/THPOs/Indian tribes to augment their survey information and to better inform non-federal project planning on or around federal lands/facilities.
- Agencies should fully integrate historic property information into agency asset/property management databases.

3. Finding: Partnerships can leverage limited federal resources and provide important benefits to federal agencies in the identification, protection, and use of historic properties. Partnerships also contribute important community and educational benefits from historic properties, including through those that enable job training.

[Discussion supporting this finding will note that partnerships continue to be described by multiple agencies as part of their identification, protection, and use of historic properties, such as through cooperative survey research, field schools, site stewards, trades training and HistoriCorps partnerships, and tourism and interpretive efforts. Partnerships can alleviate some budget constraints that might otherwise hold back these kinds of activities. Reference to the ACHP's trades training policy statement will explain its relationship to federal historic property stewardship.]

Recommendations:

- Federal agencies should maximize the use of conservation and preservation corps to address historic preservation needs on public lands and promote traditional trades training by introducing corps members to the traditional building trades and providing training.
- Federal agencies receiving funds through the Great American Outdoors Act should allot a small portion of the funding for traditional trades training to address an immediate need for traditional

trades craftspeople to help meet deferred maintenance and to achieve a lasting positive impact on the shortage of these skillsets.

- Agencies should identify opportunities to improve coordination, collaboration, and support for the role of State and Tribal Historic Preservation Officers as key federal partners in carrying out their NHPA responsibilities.

4. *Finding: Section 106 program alternatives tailor Section 106 project reviews for multiple land- and property-managing agency benefits, including focusing limited resources on preservation priorities and contributing to comprehensive historic property management strategies. Program alternatives can also offer improved efficiency and effectiveness for project reviews for infrastructure projects affecting historic properties on federal lands.*

[Discussion supporting this finding will describe the increased interest in and development work on program alternatives by multiple federal agencies during the reporting period. Several agencies have combined or are considering combining agency- or facility-wide surveys with program alternatives, which reflects a mature planning approach to the management of historic property inventories rather than reactive Section 106 compliance. Program alternatives continue to have relevance for addressing large-scale infrastructure development, which often crosses or occurs on federal lands, to support transparent and predictable review coordination.]

Recommendations:

- The ACHP should continue outreach to federal agencies, industry, state and tribal officials, and other key stakeholders to identify and implement opportunities for improving the efficiency of Section 106 reviews and better coordinating review timing for infrastructure projects on federal lands or property while promoting effective historic preservation outcomes.
- Federal agencies and the ACHP should collaborate on refining programmatic approaches wherever they are considered, and the ACHP should examine steps it can to improve the process of program alternative development.

5. *Finding: Agencies should ensure timely involvement of and active collaboration with Indian tribes and NHOs in property management activities and infrastructure planning.*

[Discussion supporting this finding will note its ongoing relevance to federal agency historic property stewardship and how it continues to be highlighted in recent guidance, reports, and best practices, including those from the ACHP, the GAO, and Federal Permitting Improvement Steering Council.]

Recommendations:

- Federal agencies should ensure all staff are aware of, and act in accordance with, government-wide and agency policies and directives regarding tribal and NHO consultation.
- Federal agencies should ensure all appropriate staff receives recurring training in environmental and cultural resource/historic preservation responsibilities and tribal and NHO consultation.

- 6. *Finding: As more properties associated with the role of the federal government in advancing science and technology in the late 20th century become eligible for the National Register of Historic Places, they present unique management challenges for federal agencies in preserving their significant characteristics while enabling ongoing use.***

[Discussion supporting this finding will highlight challenges described by NASA and other agencies that manage highly scientific and technical properties within campuses and how the significance of such historic properties may be focused on use, interiors, or housed equipment in ways that differ from more typical effects assessment scenarios in historic districts.]

Recommendations:

- The ACHP should work with federal agencies that manage scientific and technical facilities (e.g. NASA, DOE, NIST, DoD) to update the Section 106 guidance for highly scientific and technical facilities (<https://www.achp.gov/digital-library-section-106-landing/balancing-historic-preservation-needs-operation-highly>).
- Federal agencies should explore the use of program alternatives, in collaboration with SHPOs/THPOs/Indian tribes and other consulting parties, to establish strategies to enable the ongoing use of scientific and technical facilities while encouraging preservation of their significant components to the extent possible.



PROGRAM COMMENT REVIEW PANEL Office of Federal Agency Programs

Introduction. Program Comments are one of five categories of program alternatives available in the Section 106 regulations, “Protection of Historic Properties” (36 CFR Part 800) that offer federal agencies a way to tailor their historic preservation review procedures. Program Comments (36 CFR § 800.14(e)) allow the ACHP to issue comments on a program or class of undertakings in lieu of an agency undertaking Section 106 reviews on a case-by-case basis. The ACHP membership must vote to approve or decline to comment after a 45-day period following an agency’s submission of a formal request for a Program Comment.

While there has been a steady interest among federal agencies in establishing program alternatives since they were first made available by the Section 106 regulations issued in 1999, that interest has dramatically increased since 2017. The ACHP is now seeing an unprecedented level of interest in the use of these flexibilities. Program Comments and nationwide Programmatic Agreements are the two most commonly used program alternatives.

The primary benefit of a Program Comment is to allow a federal agency to comply with Section 106 in a single action for a specific class of undertakings or class of historic properties, instead of doing separate Section 106 reviews for each proposed undertaking. This is especially useful for federal agencies that may have repetitive management actions for a large inventory of similar types of historic properties or programs that generate a large number of similar undertakings. For example, the Department of Defense estimated it has saved more than \$82 million in administrative costs by using the 2002 Program Comment for management of its large inventory of historic Wherry and Capehart military family housing built during the Cold War era.

Recent Activity. Since 2017, the ACHP has issued Program Comments for the Department of Homeland Security/multiple federal agencies (Program Comment for Communications Projects on Federal Lands and Property), the Department of Transportation (Program Comment to Exempt Consideration of Effects to Rail Properties within Rail Rights-of-Way), the Department of Veterans Affairs (Program Comment for Vacant and Underutilized Properties), and the Department of the Army (Program Comment for Inter-War Era Historic Housing, Associated Buildings and Structures, and Landscape Features (1919–1940)). Also in 2020, the ACHP membership voted to amend a Program Comment used by multiple agencies for wireless telecommunications and broadband projects and to decline to comment at this time on a request brought forward by the Federal Communications Commission (FCC) regarding twilight towers. The full list of Program Comments issued by the ACHP is accessible at: https://www.achp.gov/program_alternatives/program_comments.

Other agencies are currently in the early stages of exploring the utility of a Program Comment approach or are developing Program Comments with the active engagement of ACHP staff, such as the U.S. Forest Service (on decommissioning excess facilities) and the Bureau of Reclamation (on operations, maintenance, and upgrading of water distribution infrastructure). The National Park Service is considering program alternative approaches, which could include Program Comments, to address the deferred park maintenance backlog repair program funded by the Great American Outdoors Act.

In its recent vote to decline to comment on the FCC's Program Comment request for twilight towers, the ACHP offered to work with the agency to further refine a Program Comment for resubmission to the membership, though the FCC has not yet indicated whether it intends to continue pursuing a Program Comment for twilight towers.

Development of Program Comments. In accordance with the ACHP's operating procedures, Program Comments are initially developed by the federal agency in consultation with ACHP staff, with formal input from State Historic Preservation Officers, Tribal Historic Preservation Officers, Indian tribes, and others. This initial development time varies; in some cases it may take more than a year of consultation and drafting before a Program Comment is ready for member consideration. The agency then formally requests the ACHP membership to consider whether to adopt and issue the comment. The ACHP must act within 45 days after the agency's formal request. ACHP members are regularly apprised of the development of Program Comments during this 45-day period via email and have the opportunity to discuss the issues at special meetings, and, on occasion, in ACHP business meetings.

In November 2019, the Federal Agency Programs Committee discussed how member input into the development process could be improved. The members expressed an interest in a more formal mechanism or process for updating them and seeking their advice and guidance as the draft comment evolves, prior to its formal request by the agency. This request grew out of concerns with the approach taken to develop the Rail Rights-of-Way Program Comment, which was legislatively mandated and offered limited opportunities for members to influence the outcome. In response to these concerns, the ACHP established an online file sharing site where members have access to background, briefing materials, and review drafts at all times. Points to seek member input at key stages in the development process, including on an agency's concept or outline and on an initial draft before a formal agency request is received, have also been identified.

ACHP staff provides extensive advice to federal agencies in the development of Program Comments before an agency makes a formal request, which triggers the 45-day response clock. Core elements of this advice are captured in the questions and answers available at <https://www.achp.gov/program-comment-questions-and-answers>. However, the regulations provide minimal specificity about the process through which federal agencies should craft Program Comment requests.

Next Steps. Chairman Aimee Jorjani is forming a panel of ACHP members to carry out a review of the development and use of Program Comments and to work with staff to identify actions the ACHP can take to improve the use of Program Comments as a tool for Section 106 review efficiency. The panel will consider the successes and challenges key stakeholders have had in developing and using Program Comments.

Specific goals for the panel include the following:

- (1) Improve the effectiveness of Program Comments as a tool for Section 106 review efficiency by examining the successes and challenges key stakeholders have had in developing and using Program Comments. Review recent feedback and solicit other input, as necessary, to refine how the ACHP assists federal agencies in using this program alternative.
- (2) Provide further guidance on the appropriate use of Program Comments as one of the five program alternatives available under the regulations.
- (3) Consider ways to engage ACHP members in the process prior to an agency making its formal request for a Program Comment.

The panel will recommend actions the ACHP can take to improve the use of Program Comments. The panel would look at a full range of actions that could improve and clarify the use of Program Comments

based on its review of past practice and stakeholder input. Possible outcomes could include refined guidance on the recommended scope and use of Program Comments, a preparation checklist for agencies developing Program Comments, development of a pre-vetting process to seek ACHP member ideas and responses before a formal request, or the revision of internal protocols for seeking member and stakeholder input. The panel will further define its priorities and consider the range of actions it might recommend once panel members convene to discuss the goals of the review.

Action Needed. Members are asked to come prepared to share their views on successes and challenges in developing Program Comments and recommend measures to resolve any issues. These recommendations will assist panel members in establishing priorities and potential actions as part of this review. Staff will prepare a summary of member concerns discussed at the meeting, which panel members will use to inform their deliberations. An initial panel meeting is anticipated the week of December 14 to formulate a work plan allowing the development of recommendations prior to the next ACHP business meeting.

December 1, 2020



ACHP Members' Report

December 1, 2020

Presidential Transition

The Presidential Transition Office, which coordinates the activities of federal agencies in the transition, has had calls with the career agency contacts in cabinet and small or independent agencies to share information on managing interaction with the Agency Review Teams (ART) prior to January 20, 2021. The ACHP's points of contact for this purpose are the executive director and the general counsel. The ACHP, along with other small, related agencies, has been assigned to the Department of the Interior (DOI) ART, as it aligns with the similar Senate authorizing committees.

There appears to be greater awareness of the ACHP as an agency now that there is a full-time chairman who is Presidentially appointed and Senate-confirmed. As of this writing, there has been no contact initiated by the DOI ART.

The 2016 legislation that converted the part-time chairman position to full-time set the four-year term of office to run concurrently with the President's term so it expires on January 19, 2021. It is to be expected that a new ACHP chairman will be appointed. However, the current chairman continues to serve until a successor is appointed by the President and confirmed by the Senate, so, similar to other independent agencies like the National Endowment for the Humanities, it is likely that Chairman Aimee Jorjani will continue to serve for some time after January 19. Similarly, non-federal Presidentially appointed members continue to serve after the formal expiration of their terms until the appointment of a successor. The recent appointees all have terms running to 2022 and beyond, so they will stay in place. (ACHP members do not submit resignations with the change of Administration.)

Finally, as is typical with the change of an Administration, many of the policy-level federal agency representatives on the ACHP will change; although, a number of agency members have designees who are in the career service, and they will continue to serve unless their designations change.

Executive Director Recruiting

As members already know, Executive Director John Fowler will be retiring effective January 2, 2021. The recruitment process to hire a replacement is already underway, coordinated by the Bureau of Safety and Environmental Enforcement (BSEE), the ACHP's human resources contractor at DOI. That process is specific to recruitments for positions, like that of the Executive Director, that are in the Senior Executive Service (SES). The recruitment process will proceed as follows (dates after November 30, 2020, are a rough estimate):

November 30, 2020	USAjobs.gov announcement closes after being open 21 days.
First week, December 2020	BSEE makes a first cut to eliminate clearly unqualified candidates and those who filed incomplete applications.
Second/third week, December 2020	A three-person ratings panel reviews the remaining applicants and ranks them according to qualifications. The ratings panelists must be in the SES. Chairman

	<p>Jorjani has chosen Anthony Costa (Veterans Affairs), Joy Beasley (National Park Service), and Adam Wolfson (National Endowment for the Humanities) for the ratings panel.</p> <p>The panel conveys its ratings to Chairman Jorjani.</p>
Rest of December 2020	Chairman Jorjani determines what candidates will be interviewed and schedules interviews.
January 2, 2021	John Fowler retires.
Rest of January 2021	<p>Chairman Jorjani and an interview panel conduct interviews of candidates. There may be two rounds of interviews.</p> <p>The interview panel must be composed of the decision maker (Chairman Jorjani) and SES and/or Presidentially appointed, Senate confirmed (PAS) employees. Chairman Jorjani will indicate the members of this panel in the near future.</p> <p>The chairman can consult non-SES/PAS persons, but such persons may not be part of the interviews themselves. In the near future, Chairman Jorjani will determine whether and how to engage in such consultation.</p>
Early to mid-February 2021	Chairman Jorjani selects a candidate and submits him/her to the full ACHP membership for its concurrence.
Mid to late February 2021	<p>The full ACHP membership votes on whether to concur with the chairman's choice through an unassembled meeting vote.</p> <p>A quorum of 13 or more members, and an affirmative vote of the majority of those members present and voting, is needed for concurrence.</p>
Late February 2021	<p>If the membership concurs, the candidate is given an initial offer, contingent on passing a background check. If the candidate is not already in the SES, the approval by the Office of Personnel Management (OPM) is also needed (this may add 20 or more days to the process).</p> <p>If the membership does not concur, the chairman can select another candidate to submit to the ACHP membership.</p>

Mid to late March 2021	Once the candidate passes the background check and OPM approves him/her (if needed), the candidate will be presented a final offer. If the candidate accepts, the entry on duty date is agreed upon.
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Mr. Fowler has agreed to assist with the transition by coming back on a part-time basis after January 2. His status would be a “re-employed annuitant,” a classification used by federal agencies to draw on a retired employee’s expertise in situations like this one. The chairman will determine the need as the recruitment and transition process unfolds.

Policy and Legislation

FY 2021 Appropriations and FY 2022 Budget

The ACHP and the rest of the federal government currently are operating under a continuing resolution that funds agencies through December 11. Before that date, Congress and the President either must agree on spending bills for the remainder of FY 2021 or agree to another continuing resolution to prevent a government shutdown. Currently, momentum appears to be building for passage of a \$1.4 trillion omnibus spending package.

The Senate and House must reconcile their respective proposed spending bills in order to reach consensus. It appears that historic preservation probably will fare well in the final bill. Both the Senate and House have proposed funding the ACHP at its requested level of \$7.4 million. Proposed funding levels for the Historic Preservation Fund (HPF) (currently at \$118.660 million) would be unprecedented. The following table shows the proposed breakdown of HPF funding from the Senate and House Committees. Note the Senate’s proposed creation of a new grants fund for Semiquincentennial Preservation Grants.

	Senate	House
State Historic Preservation Offices	\$57 million	\$55.675 million
Tribal Historic Preservation Offices	\$16 million	\$15 million
Civil Rights Grants	\$20 million	\$22.250 million
HBCU Grants	\$10.250 million	\$10 million
Underserved Community Grants	\$750,000	\$1 million
Save America's Treasures	\$16.5 million	\$25 million
Paul Bruhn Historic Revitalization Grants	\$7.5 million	\$7.5 million
Semiquincentennial Preservation Grants	\$10 million	
TOTAL	\$138 million	\$136.425 million

Late November is when the ACHP usually receives its budget passback, wherein the Office of Management and Budget responds to the agency’s budget request for FY 2022. When there is a change in Administration, the incoming Administration generally revisits passbacks and agency budget proposals before submitting a final proposed budget to Congress. Information about request levels is non-public prior to the Administration sending its budget to the Congress, customarily in early February.

Traditional Trades Training

On October 19, the ACHP adopted its Policy Statement on Promotion and Value of Traditional Trades Training. The document discusses the need for and the benefits of expanded traditional trades training; suggests key principles that should guide federal, state, and local workforce development and training efforts; and offers recommendations for federal action. It was developed by the Traditional Trades Training Task Force that Chairman Jorjani convened in May. The policy statement was published in the *Federal Register* on November 6. Read more here:

<https://www.achp.gov/news/achp-chairman-announces-policy-statement-promotion-and-value-traditional-trades-training>.

The Task Force will meet on December 15. In conjunction with its continuing work, discussions are underway with the National Center for Construction Education and Research and the National Park Service (NPS) to explore curriculum

development options. The International Masonry Institute, which runs a Historic Masonry Preservation Certificate Program, also has contacted the ACHP to share the work of its program.

In related news, the Government of Puerto Rico has established a preservation trades school—the Escuela Taller de Conservación del Patrimonio Histórico de Puerto Rico—under the Institute of Puerto Rican Culture (ICP). On October 28, the core curriculum was certified under the U.S. Department of Labor (DOL) National Apprenticeship Program, making the ICP the first institution to host a DOL-certified traditional trades apprenticeship program. The director of the school has reached out to the ACHP, commending the adoption of the policy statement as something that will assist them in getting funding for their program and offering to brief the Task Force as it moves forward. Task Force Member Brian Lusher, representing the National Endowment for the Arts, helped facilitate the coordination that took place between ICP, DOL, and NPS.

ACHP Opposition to Legislative Exemptions in Pending COVID-19 Bills

There are two bills (S. 4320 and H.R. 8086) pending before Congress that would exempt certain Department of Health and Human Services (HHS) coronavirus-related projects from Section 106 review. The proposed exemption is similar to one for the General Services Administration (GSA) that was included in the CARES Act that was passed in March. The ACHP learned about that exemption too late to take any formal action. Since a coronavirus (COVID-19) relief package may move forward during the lame duck session of Congress or early next year, staff recommended to the chairman that letters counseling against the exemption be sent to the Appropriations Committees.

In accordance with the ACHP Operating Procedures, the chairman consulted with members Reno Franklin, Rick Gonzalez, and Jay Vogt in expressing the ACHP’s position, which has been consistent opposition to legislative exemptions from Section 106 reviews. They concurred with the letters, and the correspondence was sent to the [House](#) and [Senate](#) on November 19. The letters explain how the flexibilities built into the Section 106 regulations negate the need for exemptions and note that HHS has been successfully using the ACHP’s blanket extension of the Section 106 emergency procedures since March.

New FEMA Policy and Historic Properties

On October 15, the Federal Emergency Management Agency (FEMA) issued a new policy, #204-079-01, Building Code and Floodplain Management Administration and Enforcement (https://www.fema.gov/sites/default/files/2020-10/fema_building-dode-floodplain-management-administration-enforcement-policy-drra-1206_signed_10-15-2020.pdf) When the draft of this policy was undergoing interagency review, the ACHP suggested several changes regarding historic properties. Fortunately, they were included in the final policy, which will help local communities fund historic preservation-related responses in the months following a disaster.

The policy addresses how FEMA’s Public Assistance Program will assist communities to administer and enforce state and locally adopted building codes and floodplain management ordinances during the 180 days after the date of a major disaster declaration. As recommended by the ACHP, the policy includes the following as activities eligible for FEMA funding assistance: determining which damaged structures have been designated as historic or that may be eligible for designation; and providing training and information to staff, contractors, and the public on unique considerations for repair of disaster-damaged buildings that are historic. Having these provisions in the policy removes any ambiguity as to whether such activities can receive FEMA assistance as part of building code and floodplain management ordinance administration and enforcement following disasters. Information about the new policy has been sent to the ACHP’s tribal, state, and local partners.

America 250

On November 12, Chairman Jorjani, Mr. Fowler, and Office of Preservation Initiatives Director Druscilla Null participated in a meeting of the America 250 Parks, Preservation, and Public Spaces Task Force. In advance of the meeting, the ACHP reviewed and offered comments on proposed National Signature Programs that had been presented as germane to the Task Force’s work. In general, ACHP comments noted a need for more specific intentional involvement of diverse groups, including Indian tribes, African Americans, Hispanic Americans, and others. Regarding specific proposed programs, the ACHP’s comments focused on two:

The proposed “America 250 Corps” program would be an apprenticeship/volunteer program to provide trades training while using preservation and infrastructure as a way of building interest and engagement. In the context of this program, America 250 is very interested in the model of Preservation in Practice (administered by the ACHP, NPS, and the

National Trust for Historic Preservation), which introduces African American young professionals at Historically Black Colleges and Universities (HBCUs) to historic preservation professions and related career paths. The ACHP's comments expressed support for the proposed America 250 Corps and brought the recommendations of the recently issued policy statement on traditional trades training to the attention of the Task Force.

The proposed "Sites of Revolution" program focuses on heritage tourism and site interpretation, and the ACHP noted its willingness to work toward involving Preserve America Communities in this initiative. While the Sites of Revolution program description says that the sites will be of "the revolutionary period + beyond," the program name unintentionally makes it sound like it would be limited to the East Coast. ACHP comments suggested rethinking the name to help ensure nationwide interest and participation in the program.

Section 106

Section 106 and COVID-19

While the COVID-19 pandemic continues, the ACHP has maintained an active webpage with useful information and guidance, particularly regarding Section 106 (see www.achp.gov/coronavirus). The ACHP is monitoring potential impacts to Section 106 consultations due to the increasing number of cases and new restrictions and will remind stakeholders of existing guidance should it be needed.

To assist federal agencies in carrying out emergency undertakings, the ACHP again extended the emergency provisions of the Section 106 regulations, to December 31, 2020. This extension, which has been utilized by several agencies, allows them to conduct an expedited consultation process for those actions that respond to COVID-19. Due to the worsening nature of the pandemic, the ACHP plans to review available information in mid-December to determine if another extension is appropriate. FEMA's emergency procedures, developed in accordance with 36 CFR Section 800.12(a), also remain in effect. ACHP staff plans to meet with FEMA in mid-December to discuss the possibility of extending the duration of these procedures, given the ongoing response effort, and will keep members apprised if such an extension request is made. To date, no adverse effects have been reported as a result of FEMA's undertakings.

Program Alternatives Updates

Bureau of Reclamation (Reclamation) Program Comment on the Operations, Maintenance, and Upgrading of Water Distribution Infrastructure in the West: In a letter dated August 26, 2020, Reclamation notified the ACHP of its intent to formally request a Program Comment for management of its water distribution infrastructure. On October 27, the ACHP responded to Reclamation offering its initial views and reaffirming that it supports Reclamation's goal of developing efficiencies in Section 106 reviews that balance the need to operate, maintain, and upgrade the infrastructure to serve community needs with the consideration of effects to historic properties. The letter emphasized that the development of a Program Comment should be based on adequate and effective early consultation with a range of stakeholders in coordination with the ACHP. The ACHP's letter also suggested that the broad scope and complexity of the federal actions that might be covered, the number of federal agencies who may seek to be included, as well as the reasonable concerns offered in the few responses shared with the ACHP thus far, warranted reconsideration about whether a Program Comment was the best program alternative to achieve its goals and urged Reclamation to consider instead a Prototype Programmatic Agreement or nationwide Programmatic Agreement (nPA). Reclamation staff is currently reviewing the comments submitted from its outreach, prior to sharing results with the ACHP and making recommendations to their management.

U.S. Forest Service Nationwide Programmatic Agreement for Phasing Large-Scale and Multi-Year Undertakings: This proposed nPA aims to provide a consistent approach for early consultation and better align the National Environmental Policy Act (NEPA) process with the Section 106 process for large-scale, multi-year undertakings. The nPA allows the Forest Service to continue Section 106 review after a NEPA decision, provided that the steps to complete the Section 106 review are negotiated and captured in a subsequent document prior to completing the NEPA decision. The Forest Service incorporated comments received from winter 2019 to spring 2020 on an outline of the nPA and shared a draft of the nPA for an additional consultation period in October 2020. After having participated in several informational webinars and consultation meetings, the ACHP urged the Forest Service to grant an extension to provide parties more time to review the nPA and asked the Forest Service to share its responses to comments received during this consultation period. The Forest Service extended the current consultation period until December 4 and expects to execute the nPA in early 2021, after addressing comments received in the current consultation period.

U.S. Forest Service Nationwide Program Comment for Decommissioning Facilities (1933-1980): This program alternative will assist the Forest Service in its efforts to decommission excess facilities by improving the process for determining eligibility of properties and for resolving adverse effects for facilities built from 1933–1980. Since meeting ACHP staff and consulting parties in 2019, the Forest Service has developed an outline and supporting materials for consultation and briefed ACHP staff, the National Conference of State Historic Preservation Officers (NCSHPO), National Association of Tribal Historic Preservation Officers, the National Trust, and Coalition of American Heritage about its proposal. The agency expressed a willingness to host a webinar regarding this program alternative for ACHP members. The Forest Service plans to initiate a consultation period with Indian tribes, State Historic Preservation Officers (SHPOs), and interested parties in early 2021 and submit a formal request to the ACHP in late 2021.

U.S. Forest Service Nationwide Routine Management Prototype PA: This program alternative is intended to create a more effective Section 106 process for routine management activities, specifically by exempting certain routine activities with little to no potential to affect historic properties and abbreviating consultation for other kinds of routine Forest Service management activities. In early 2020, the Forest Service formally requested to begin early coordination and consultation on the development of the Programmatic Agreement (PA). Since then, the Forest Service has temporarily put on hold this effort to focus on the Phasing PA and the Decommissioning Program Comment.

National Aeronautics and Space Administration proposed Program Comment on Management of Highly Technical and Scientific Facilities: NASA is currently working on developing a context study that will assess recent approaches for evaluating properties less than 50 years in age and developing inventories for its highly technical and scientific facilities. NASA’s Federal Preservation Officer has coordinated these efforts with NCSHPO and has received input from several SHPOs on the context study efforts. NASA will meet with ACHP staff in January 2021 to discuss the results of these efforts and to discuss NASA’s goals and expectations in executing one or more program alternatives.

Federal Communications Commission Program Comment for Twilight Towers: In August 2020 the Federal Communication Commission (FCC) requested that the ACHP issue a Program Comment for exempting collocations on Twilight Towers. Recognizing the concerns of states, Indian tribes, and ACHP members over the adequacy of FCC consultation with stakeholders prior to its request and the failure to address either adverse effects that may have occurred during construction or those that may be continuing to occur, the ACHP membership voted on October 5, 2020, to decline to issue a Program Comment. Instead, the ACHP offered to work with the FCC to resolve the request’s deficiencies and submit a revised Program Comment within 90 days, should the FCC agree to do so. To date, the ACHP has not received a response to its offer of assistance.

Outreach

2020 US/ICOMOS Virtual Symposium

On November 12 and 13, the United States National Committee of the International Council on Monuments and Sites (US/ICOMOS) offered a Symposium focused on U.S. World Heritage and Social Justice in the 21st Century. US/ICOMOS is part of the worldwide ICOMOS network of people, institutions, government agencies, and private corporations supporting the conservation of the world’s heritage.

The Symposium was an all-virtual event via Zoom. Each day began with a keynote presentation followed by three themed sessions. Speakers presented virtually from around the world. The Office of Communications, Education, and Outreach (OCEO) served as the ACHP’s liaison and supported former ACHP Expert Member Robert Stanton during the Symposium.

On the first day, Smithsonian Secretary Lonnie Bunch and Mr. Stanton opened the Symposium with a plenary session titled: Social Justice, Civil Rights & Slavery. This conversation (<https://youtu.be/vCPKtj5jFoU>) between two long-time leaders who have spent their careers engaged in promoting social justice in cultural heritage, and society as a whole, was an excellent kickoff to the Symposium. The second day focused on Social Justice and Indigenous Peoples. It also offered sessions covering the interpretation of Indigenous Homeland World Heritage Sites and Diversifying/Decolonizing World Heritage. **To watch the opening plenary and other sessions, please visit:** <http://usicomos.org/symposium/attend/>.

Arlington National Cemetery Tour

On November 18, Chairman Jorjani joined Alex Beehler, Assistant Secretary of the Army for Installations, Energy, and Environment, to see federal preservation efforts at buildings at Arlington National Cemetery. The tour started at the mast

of the U.S.S. *Maine*, where preservation work has been done to prevent flooding of the base. The group moved on to Memorial Amphitheater, where a crew from the NPS's Historic Preservation Training Center was working on restoring wooden doors and windows. They also examined preservation issues at the Tomb of the Unknown Soldier. In the 1990s, a proposal to replace the original facing of the Tomb due to surface cracks triggered Section 106 review that led to conserving the existing historic fabric. In addition, they visited the Tomb of the Civil War Unknowns and learned about preservation efforts to the large ossuary beneath the monument that contains the remains of more than 2,000 Union and Confederate soldiers. The final stop was Tanner Amphitheater, designed by architect Montgomery Meigs, who also designed the National Building Museum. Extensive preservation work had been completed on the 1873 structure, once used for early Dedication Day ceremonies (Memorial Day), prior to construction of the Memorial Amphitheater. The tour demonstrated the Army's commitment to the stewardship of these pre-eminent historic icons and the importance of having the skilled craftworkers to achieve that.

ACHP Podcasts and Social Media

The ACHP has so far produced six episodes of Preservation Perspectives, the ACHP's video podcast (<https://www.youtube.com/channel/UChReeJ63BktsEqSidL396Ng>). At this point, there have been a total of 475 views. OCEO is always looking for ideas for upcoming podcasts, especially those that might engage members. Please send any ideas for topics or interview subjects to Lynne Richmond at lrichmond@achp.gov.

The ACHP continues to utilize all of its social media channels, combining in-house produced videos, social media graphics, original content, and re-posts. Access the agency's social media platforms from the top banner on the ACHP website. (www.achp.gov)

Promotions During Native American Heritage Month

The ACHP kicked off November as Native American Heritage Month with an episode of the Preservation Perspectives podcast, in which Chairman Jorjani interviewed Native American Member Reno Keoni Franklin. He talked about the importance of preserving Native American historic sites and also the impact of the California wildfires on those sites. He spoke of his own experience as a firefighter and the impact on his family.

A second Native American Heritage Month episode of the podcast featured an interview with a graduate assistant at the C.H. Nash Museum at Chucalissa in Memphis, Tennessee, where a prehistoric Native North American Mound site was discovered in the 1930s and is now preserved and interpreted through the University of Memphis. ACHP fall intern Glenn Vaultx wrote an essay on his visit to Chucalissa, which was posted in the news section of the ACHP website and shared on social media, along with the podcast.

The ACHP also highlighted events for Native American Heritage Month of interest to the preservation community, Section 106 Success Stories involving Native American sites, and Preservationists in Your Neighborhood who are Native American or work with Native American sites. The ACHP will soon begin planning for Black History Month in February. OCEO welcomes suggestions from members for content.

Preservation in Practice

Preservation in Practice (PIP) is a partnership program among the ACHP, the National Trust for Historic Preservation, and NPS. The program connects historic preservation and conservation through a joint project with HBCUs. The project brings African American young professionals into historic preservation and related career paths, such as architecture, history, conservation, city and regional planning, construction, and engineering, and raises awareness of the rich cultural legacy of HBCUs.

This fall, the National Trust introduced a new component of PIP—a mentoring program for PIP alumni. In 2020/2021, four students from Tuskegee University will be participating. This component will allow the partners to remain connected to the alumni as they begin their careers. Discussions on the 2021 program will begin shortly among the three partners.

The 2021 mentors are Desmond Johnson, AIA, who is a member of the National Council of Architectural Registration Boards and National Organization of Minority Architects (NOMA), and serves as a project manager at NELSON Worldwide, based in Atlanta, Georgia. Also serving as a mentor is Nakita Reed, AIA, and a member of NOMA, who is an Associate at Quinn Evans Architects in Baltimore, Maryland. ACHP members are encouraged to think about participating in the Mentorship Program in the future.

Awards

Joint ACHP/HUD Award

On October 21, Chairman Jorjani presented the 2020 ACHP/HUD Secretary's Award for Excellence in Historic Preservation in a live, virtual ceremony. Hosted by the ACHP and officiated by Mr. Stanton, the event was coordinated among the award recipients, elected officials, and Chairman Jorjani, who was on location at the winning project—Historic Ashe Hospital in Jefferson, North Carolina.

Vacant since the 1970s, the hospital was recently converted into affordable housing for low-income seniors and persons with disabilities. It is an excellent example of how affordable housing is compatible with historic preservation, while meeting local needs and continuing to be a catalyst for investment in a historic community. The award video can be viewed on YouTube: <https://youtu.be/UvGGK5od7BA>.

The ceremony incorporated a message by HUD Deputy Secretary Brian Montgomery (representing Secretary Ben Carson) and in-person remarks from U.S. Rep. Virginia Foxx; State Senator Deanna Ballard; and Secretary Susi Hamilton, North Carolina Department of Natural and Cultural Resources (representing Governor Ray Cooper). Chairman Jorjani physically presented the award to Tise-Kiester Architects, and a partnership certificate to Northwestern Housing Enterprises. Partnership certificates were also given to ALH General Contractor; Northwestern Regional Housing Authority; RedStone Equity Partners, LLC; Bank of Tennessee; Federal Home Loan Bank of Cincinnati; and North Carolina Housing Finance Agency. The ceremony also included remarks by a current resident.

Despite the challenges of the coronavirus pandemic, the event (indeed, the entire award cycle) was a success. OCEO will soon begin work with HUD staff for the 2021 award.

Joint National Trust/ACHP Award

After a five-year hiatus, the National Trust/ACHP Award for Federal Partnerships in Historic Preservation was given on October 29, during the virtual 2020 *PastForward* national preservation conference. The award honors a project or program in which a federal agency and one or more non-federal partners together achieved an exemplary preservation outcome, advancing the preservation of important historic resources and having a positive impact on the community.

In a taped segment, Chairman Jorjani conferred the award to GSA's Section 111 Outleasing Program, an innovative model for the re-use of vacant or unneeded federal historic buildings, in partnership with various segments of the private sector. A video highlighted the 20-year program with examples of historic properties in the GSA inventory that were preserved and reutilized through partnership initiatives. Daniel Mathews, GSA Commissioner of the Public Buildings Service, accepted the award. [GSA's award video](#) is available on YouTube.

The award tied in nicely with the ACHP's Leveraging Federal Historic Buildings Working Group, which recently drafted its Final Report and Action Plan to provide recommendations for overcoming obstacles to outleasing of historic federal properties. The recommendations of the Working Group can improve how the federal government identifies and markets important historic assets that are no longer needed for agency missions. The award was a compelling testament to the preservation successes that can be achieved through a well-run program.

OCEO will meet in early December with National Trust award staff to discuss the call for 2021 nominations.

Tribal Outreach

Office of Native American Affairs (ONAA) staff participated in the annual California THPO-SHPO Summit, which took place virtually this year on October 1, with a presentation and discussion about the traditional knowledge initiative and information paper. On October 6, Valerie Hauser offered a similar presentation during the virtual meeting of the Affiliated Tribes of Northwest Indians (ATNI) at the invitation of former ACHP Vice Chairman Leonard Forsman, Chairman of the Suquamish Tribe and President of ATNI. The presentations were originally developed by Cassidy Bazley, a summer intern in both the Office of Federal Agency Programs and ONAA, sponsored by the ACHP Foundation.

On October 22, Ira Matt represented the ACHP in a panel presentation and discussion regarding government-to-government consultation with Indian tribes during the Army Corps of Engineers' District Commanders Course. Mr. Matt was joined on the panel by a representative of the Nez Perce Tribe and the Corps' Senior Tribal Liaison.

On November 10, Ms. Hauser offered a presentation entitled, “Tribal Consultation in the New Virtual Age” during the Continuing Legal Education Tribal Consultation and Energy Development Annual Conference, also virtual this year. The organizers asked Ms. Hauser to talk about virtual consultation because the pandemic is preventing energy and infrastructure companies and federal agencies from carrying out their normal face-to-face interactions with Indian tribes. The discussion also touched on how virtual interactions may change or augment consultation strategies post-pandemic.

ONAA Staff Update

Ira Matt, senior policy analyst, has moved to the Natural Resources Conservation Service (NRCS) as the Archaeologist/National Cultural Resource Specialist (Federal Preservation Officer). Mr. Matt first came to the ACHP in 2015 as a liaison to the NRCS in the Office of Federal Agency Programs. He then took a position with the Department of Energy in Washington in late 2016. When a vacancy became available in ONAA, Mr. Matt was invited to return to the ACHP, and he joined ONAA as a senior policy analyst in early 2018. During his tenure with ONAA, he worked on a number of important tribal initiatives including early coordination with Indian tribes, traditional knowledge in the Section 106 process, and native youth in preservation. Mr. Matt also shepherded ONAA’s relationship with Salish Kootenai College (SKC) which culminated in a Memorandum of Understanding among the ACHP, ACHP Foundation, and SKC. While he will be missed at the ACHP, the staff looks forward to collaborating with him in his new position at NRCS. The vacancy will be posted on USAJobs in early December with the goal of filling the position as soon as possible.