



MEETING
ADVISORY COUNCIL ON HISTORIC PRESERVATION
April 15, 2021

Meeting via Zoom

Zoom meeting instructions will be sent in a separate email.
In order to join in, please make sure you are registered
by following the instructions in the email message.

PROVISIONAL AGENDA

Call to Order 1:30 p.m. EDT

- I. Vice Chairman's Welcome and Report
- II. Acting Executive Director's Report
- III. Native American Affairs
 - A. Presidential Memorandum on Tribal Consultation
- IV. Section 106
 - A. Section 3 Report to the President (2021)
 - B. Leveraging Federal Historic Buildings Working Group
 - C. Program Comment Review Panel
 - D. Positive Train Control Program Comment Amendment
- V. Historic Preservation Policy and Programs
 - A. Save Oak Flat Act
- VI. Communications, Education, and Outreach
 - A. Engaging Youth
- VII. New Business
- VIII. Adjourn



MEETING
ADVISORY COUNCIL ON HISTORIC PRESERVATION
ANNOTATED AGENDA

- I. Vice Chairman's Welcome and Report. *Vice Chairman Rick Gonzalez will report on his activities acting in the role of chairman and provide an update on the nomination of a new full-time chairman.*
- II. Acting Executive Director's Report. *Acting Executive Director Reid Nelson will report on recruitment, budget, and operations.*
- III. Native American Affairs
 - A. Presidential Memorandum on Tribal Consultation. *Native American Affairs Committee Chairman Reno Franklin will provide an overview of the consultation the ACHP is carrying out with Indian tribes pursuant to Executive Order 13175. No formal action.*
- IV. Section 106
 - A. Section 3 Report to the President (2021). *Members will have an opportunity to review and comment on the draft work plan for implementing the recommendations of the Section 3 report. No formal action.*
 - B. Leveraging Federal Historic Buildings Working Group. *Members will have an opportunity to review and comment on the draft work plan for implementing the recommendations of the Leveraging report. No formal action.*
 - C. Program Comment Review Panel. *Members will be provided an overview of the preliminary findings made by the Program Comment Panel and will be asked to provide input on recommendations and next steps. No formal action.*
 - D. Positive Train Control Program Comment Amendment. *Members will be provided a brief overview of the recent request to amend the Positive Train Control Program Comment issued by the ACHP in 2014. No formal action.*
- V. Historic Preservation Policy and Programs
 - A. Save Oak Flat Act. *Members will be provided an analysis of the Save Oak Flat Act and will have an opportunity to discuss the ACHP's potential support for the Act or portions of it as it relates to the recent ACHP Comment on Resolution Copper. No formal action likely.*

VI. Communications, Education, and Outreach

A. Engaging Youth. *Members will be provided an overview of recent efforts to engage youth and encourage more inclusivity, and be asked to provide input on further actions. No formal action.*

VII. New Business. *There is none at this time.*

VIII. Adjourn. *The meeting is expected to adjourn by 4 p.m. EDT.*



MINUTES

SPRING BUSINESS MEETING

ADVISORY COUNCIL ON HISTORIC PRESERVATION

APRIL 15, 2021

WASHINGTON, D.C.

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IN ATTENDANCE

**Rick Gonzalez, Vice Chairman
John Finley
John Frey
Kristopher King
Luke Nichter
Jordan Tannenbaum
Jay Vogt**

Architect of the Capitol

J. Brett Blanton

Secretary of Defense

Represented by:

Richard Kidd
Deputy Assistant
Secretary of Defense
for Environment and
Energy Resilience

Administrator, General Services Administration

Represented by:

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

Secretary of Homeland Security

Represented by:

Teresa Pohlman
Executive Director,
Sustainability and
Environmental
Programs

Secretary of Housing and Urban Development

Represented by:

Kevin Bush
Deputy Assistant
Secretary for
Grant Programs, Office
of Community Planning
and Development

Secretary of the Interior

Represented by:

Caroline Henry
Federal Preservation
Officer

Secretary of Transportation

Represented by:

Colleen Vaughn
Federal Preservation
Officer

Secretary of Veterans Affairs

Represented by:

Michael Brennan
Executive Director,
Office of Construction
and Facilities
Management

Mayor Member

Robert Simison
Meridian, Idaho

Indian Tribe Member

Reno Keoni Franklin
Chairman Emeritus, Kashia
Band of Pomo Indians

President, National Conference of State Historic
Preservation Officers

Ramona Bartos
North Carolina Deputy State
Historic Preservation Officer

Erik Hein
Executive Director,
NCSHPO

General Chairman, National Association of Tribal Historic
Preservation Officers

Shasta Gaughen
Pala Band of Mission Indians
Tribal Historic Preservation
Officer

Valerie Grussing
Executive Director,
NATHPO

Chair, National Trust for Historic Preservation

Represented by:
Paul Edmondson
President

Elizabeth Merritt
Deputy General
Counsel

OBSERVERS

Managing Director, Council on Environmental Quality

Represented by:
Jomar Maldonado
Associate Director for
NEPA

Chair, National Alliance of Preservation Commissions

Cory Kegerise
Pennsylvania Historical and
Museum Commission

Preserve America Youth Summits

Ann Alexander Walker
Program Director

President, ACHP Foundation

Katherine Slick
Historic Preservation Consultant

In attendance and participating in the meeting were ACHP Acting Executive Director Reid Nelson; ACHP Office Directors Susan Glimcher, Druscilla Null, Javier Marqués; ACHP Assistant Directors Tom McCulloch, Jaime Loichinger; ACHP staff member Angela McArdle.

PROCEEDINGS

Vice Chairman's Report

Advisory Council on Historic Preservation (ACHP) Vice Chairman Rick Gonzalez opened the spring business meeting at 1:35 p.m. The agenda was adopted with a motion by Reno Franklin and second by Jordan Tannenbaum. Vice Chairman Gonzalez appointed Shayla Shrieves recorder of the meeting. The minutes of the December business meeting were adopted with a motion by Shasta Gaughen and second by Mr. Tannenbaum.

Vice Chairman Gonzalez welcomed members and noted this might be his first and last meeting as the temporary chairman. He said he has enjoyed working with the ACHP staff. He also welcomed the new president of the National Conference of State Historic Preservation Officers (NCSHPO) Ramona Bartos. She said she is glad to be part of this most august group and is looking forward to getting to know everyone. He then asked members to introduce themselves on the screen.

Since February 5 when former Chairman Aimee Jorjani resigned and Vice Chairman Gonzalez became acting chairman, he said he has been busy. He has stayed in touch with Ms. Jorjani and invited her to be on the Traditional Trades Training Task Force. He also noted that the ACHP has received communication from the Biden Administration regarding efforts to identify a new full-time chairman. He thinks that an appointment could be made before the July business meeting. He noted that he will have to wait and see what happens in May and June to see if there is a new chairman, and then that person could set the schedule for the summer business meeting.

Vice Chairman Gonzalez said he was pleased to have participated in the program comment panel and learned a lot about that process. Former Chairman Jorjani took a critical look at that process last year and, in a very short time, was able to get it going. He thanked Jay Vogt for his tremendous leadership on getting that panel moving forward.

He said he was thrilled to chair the Traditional Trades Task Force, which former Chairman Jorjani formed. That is very important to him, because there is a shortage of people who know how to work in the construction of historic properties. He says frequently that those are the best projects, as they are already built. You can get working on them right away, compared to new projects that sometimes take a year or two because they must go through zoning and other issues. Developing interest among young people, in particular, in the traditional trades area is something Vice Chairman Gonzalez is happy to continue with. He recently invited Ms. Jorjani to be a member of the task force, along with Marty Hylton, who runs the historic preservation program at the University of Florida and its Preservation Institute Nantucket.

One of the first things that Reid Nelson got the vice chairman involved with was the Resolution Copper issue. When he first read those documents and got to learn about the traditions of Indian tribes in North America, he learned how important land, sacred culture, and the places are. He said the ACHP was able to convey its comments on the project to the Secretary of Agriculture and said hopefully that continues the support of renegotiating something that started more than 20 years ago. He said it is time to hopefully eliminate the idea of that copper mine in this part of Arizona and move forward.

He said the ACHP has been informing members about strategic priorities and his interest in engaging them. There are also many opportunities for historic preservation in the Biden Administration through climate change and through other ideas that are bubbling up to the top. He said he is looking forward to making the ACHP continue to stand out and capture some of those opportunities.

Acting Executive Director's Report

Mr. Nelson acknowledged Vice Chairman Gonzalez's efforts noting he was handed a full-time chairman's amount of work, and he has done it with good humor and great leadership. Mr. Nelson said the ACHP received indication from the Office of Management and Budget (OMB) on the budget passback, and it seems to be favorable this year. As in recent years, federal agencies have significantly increased Internet security and technology mandates. Any increases the ACHP sees will largely go to continue to meet the government-wide mandates on Internet security.

Mr. Nelson said when the ACHP has a new full-time chairman in place, he will urge that chairman to begin the recruitment process again for the permanent executive director. In the meantime, Mr. Nelson assured members he will remain available, to the maximum extent that he can, to serve in the acting capacity until that happens.

He said he is looking at the discretionary budget the President conveyed to the Hill, to see what aspects of that may have implications for historic preservation, in order for the ACHP to advocate early on those bills and priority areas, including recognition of preservation values and interests. Similarly, staff is monitoring and looking into the efforts to form an infrastructure package. The implications for Section 106 reviews in any infrastructure package are going to be significant. That bill is still taking shape and could change significantly.

Teresa Pohlman said leadership at the Department of Homeland Security is interested in how climate change will affect historic preservation. She wondered if the ACHP was going to be looking at this. She said it deserves a look from the climate perspective.

Mr. Nelson said he agreed and that the ACHP has already written to Interior Secretary Deb Haaland twice, expressing the agency's interest in engaging and acknowledging that. The letters noted that when she is pursuing policy improvements to acknowledge the effect of climate change and manage its effect on natural resources, that there is a benefit to also doing it at the same time with cultural resources. Acknowledging that when you are protecting cultural resources, you are also protecting natural resources, is a really important point. So far, that message is being received well.

Mr. Franklin said climate change is a big thing. Especially in California, a number of reports have been issued doing a great assessment of the vulnerability of the coastal archaeological sites that exist there and with a potential for sea level rise. He suggested there is a good body of work out there that the ACHP might want to consider taking a look at regarding bays, oceans, and streams. Additionally, it is important to look at the effect of fires hitting them incredibly hard.

Vice Chairman Gonzalez agreed, noting his home state of Florida is also having serious issues. An example is in St. Augustine, people are haphazardly razing buildings in the most historic district within one of our most historic cities. He said there are serious problems in the Southeastern United States; this is a critical emergency that needs to be addressed now.

Presidential Memorandum on Tribal Consultation

Vice Chairman Gonzalez said Executive Order 13175, issued 21 years ago, requires federal agencies to develop plans for consulting Indian tribes on policies affecting those tribes, and it was recently underscored by executive action from the Biden Administration. The ACHP has long taken its responsibilities to consult Indian tribes seriously. He is renewing efforts to do so again. He asked Mr. Franklin to take the lead on these recent efforts.

Mr. Franklin said historic preservation for Indian Country means protecting the sacred. It is something the ACHP has to keep in mind. Mr. Franklin hosted the calls with Indian tribes, and a lot of people called in. One of the issues that came up repeatedly was Article 19 of the UN Declaration on the Rights of Indigenous Peoples (UNDRIP). In that article of UNDRIP is the concept of free, prior, and informed consent. In Indian Country, this is gaining quite a bit of traction. It speaks to a universally adopted worldwide concept of tribal consultation with indigenous peoples or consultation with indigenous peoples.

He said sometimes agencies engage in “windowpane consultations” where the decision is already made, and they just talk to you about it afterwards. He knows that the ACHP is good about talking to folks and making sure they know that is not appropriate, but yet, it happens. This concept speaks to a meaningful consultation and more toward results-based instead of just talking. It is best to make sure that tribal concerns are addressed before moving forward.

Another issue raised by the tribes is their preference for face-to-face consultation. He said the ACHP is trying to look for other paths forward for tribes to make sure that they are heard. The ACHP is a model for other agencies. That is something he heard over and over. The consultation plan is good, but it needs to be more robust and flexible.

He said the plan also should incorporate a pre-consultation process in which the ACHP solicits interests and availability of tribal governments to consult with it. It is a good way of doing business with tribes and being respectful in speaking with them about the things that could affect them. Next is accountability, informing tribal leaders of ACHP decisions and explaining how tribal input was or was not incorporated.

He is confident that staff will find ways to incorporate all these ideas into the plan. It is due April 26, and it should be a living document that gets reviewed every so often. In addition to the comments about the plan, tribal leaders specifically requested the ACHP to support a government-wide training program to prepare federal agencies to consult with tribes.

Cultural competency is huge, and the more we build cultural competencies for federal employees who interact with tribes, the better we are as a government. Tribal leaders are asking the ACHP to support the establishment of a scoring system on how well each agency is consulting with tribes, and asking the ACHP to draft a government-wide consultation protocol.

Mr. Franklin proposed directing staff to prepare a report on the tribal comments the ACHP received directly during its own consultation, as well as comments staff heard from the Department of the Interior consultations. Vice Chairman Gonzalez said he agreed the document should be a living document like a master plan. It should be reviewed every so often and adjusted as necessary. He directed staff to work on the plan.

Dr. Gaughen said about 15 percent of tribes were able to participate. That is a fairly good amount, but she said the ACHP needs to be aware that there may be other comments, other issues that may come up with the tribes who were unable to be a part of those two calls. She agreed that the ACHP really is the model for how things should be done as far as the Section 106 process.

Michael Brennan said he welcomes the idea of a feedback loop. He said the Department of Veterans Affairs (VA) is doing a pretty good job broadly beyond just the Section 106 requirements. They have a plan and have been implementing it for a decade, but the feedback would be helpful.

Section 3 Report to the President 2021

Vice Chairman Gonzalez said the ACHP produced a spectacular report on the stewardship of federally owned properties in February. Now it is time to establish a work plan for implementing the recommendations of this report. The Federal Agency Programs Committee had a good discussion on this a month ago, and he asked committee Chairman Jay Vogt to continue these discussions today.

Mr. Vogt said members have been provided with a draft of the work plan for implementing these recommendations. The report's six findings have been ranked in priority order. He asked the members to keep two things in mind when they go through this material: do they think that the sequencing within each finding makes sense? And what can they do to help the staff implement the findings and recommendations?

Mr. Nelson added that staff not only needs member input on the plan but also may need their collaboration and partnership in making some of these improvements. The ACHP has an opportunity with the Section 3 report to convey a message very high within the Administration about things like reduce the footprint and budget scoring rules. Those are issues that are affecting federal agencies directly. The ACHP just reports on them. If the ACHP does not have member agencies along with them when approaching OMB, for example, they are going to be talking to the messenger but not necessarily the source of some of those issues.

He said some of these things may be prioritized and undertaken better when there is a full-time chairman in place. Many of them can be pursued now. Tom McCulloch summarized the findings from the report and asked if the rankings make sense, and asked members to help staff on tasks, especially those recommendations that their agency is working on.

Vice Chairman Gonzalez said we can only go as far as our members amplify what we are doing. Our brand is about historic preservation places in America. The more that members can help the ACHP at the federal level, the more that brand can continue to make impact in all the historic places across America.

He noted there is nothing worse than to have an empty historic building, a federal one, deteriorating one of our cities, falling apart and sucking the life out of that neighborhood as opposed to leveraging that building, the mighty muscle of the federal government, and putting that building to reuse. That has intrinsic value, the energy that federal historic buildings have, if we could put them back to use. Vice Chairman Gonzalez said he, as an architect, supported the finding regarding having digital information; it is so important and saves so much time. Also, he appreciates the traditional trades. A couple of projects he has done recently had the contractors actually training young people to work. The young people are loving it. This is really feel-good work that we do. He said private-public partnerships have taken off in Florida over the last 10 years. He encourages those methodologies to the federal government, because those are great ways of getting empty buildings that are doing nothing in historic towns and putting them back to use as quickly as possible, and address so many other issues.

Mr. Tannenbaum said as he looked at the implementation plan, it occurred to him that a marketing plan is needed to succeed in this area. He said there are a number of partners that can play a role, for example, the National Alliance of Preservation Commissions (NAPC).

Kevin Bush asked about the implementation plan, coordinating with the Department of Housing and Urban Development (HUD) on affordable housing for leveraging historic properties. He said HUD does not actually develop any affordable housing itself but funds a lot of it. He wanted to make sure that distinction was understood in the statement. Mr. Nelson answered that the ACHP understands that and recognizes HUD has a unique role regarding affordable housing. Part of what inspires the ACHP to coordinate further with HUD is the recognition that sometimes historic preservation is seen as an

impediment to affordable housing, as was noted in a recent HUD report. He said the ACHP can continue the good work it has done with HUD to not only dispute that notion but actually demonstrate that historic preservation and reusing very well built historic buildings that can be rehabilitated with fewer problems than developers often anticipate is a way of enhancing the use of these sorts of buildings.

Vice Chairman Gonzalez added that he does a lot of historic work, but also a lot of affordable housing. The development clients in Florida all love HUD money. Everybody wants to get the points. He is amazed by the system and suggested even something as simple as saying, "We're going to give five extra points if you bring in a historic building to create affordable housing," so developers do not show up at the table, asking for a raw piece of land to build inexpensive buildings. He said people can take care of historic buildings just by giving a few more points to reusing. Mr. Bush said that program sounds like the Department of the Treasury's Low-Income Housing Tax Credit Program. But he said HUD could promote and highlight where its grantees can work together to promote good examples.

Dr. Pohlman said one of the things that would really help stimulate federal agencies and get their attention is talking to OMB about budget criteria and sustainability. The reuse of historic facilities is definitely a motivator. With the emphasis on sustainability and climate change in the new Administration, perhaps OMB would be open to putting out criteria, maybe a circular, on use of historic properties.

Mr. Brennan thanked the vice chairman for using the example of the VA Enhanced-Use Lease project in Leavenworth, Kansas. He said they just opened up another Enhanced-Use Lease in Milwaukee. It is a facility built in 1869 to house Civil War veterans on the campus of Milwaukee Medical Center. Today, once again, veterans are living in that facility, serving as a Milwaukee veterans home. There are some very deep symbolic meanings, and in talking about marketing, this is important.

Ms. Bartos said there are so many times that constituents have come to her office and said, "I know federally owned building X. I'd love to do something with that. Who do I contact? How do I do that?" She said there needs to be the structure to allow the outleases and to have some consistency, and a protocol. She said the federal agencies need to identify those properties that are underutilized or abandoned, and perhaps work with the State Historic Preservation Officers (SHPOs) to help do that. To that end, on the list of recommendations, she said there is one that has a priority two that should be bumped up the priority one. That is the one for the General Services Administration, and the Federal Real Property Council, to work on how they centralize their data to figure out which property can be available or should not be available for nonfederal use.

Vice Chairman Gonzalez said the federal government can learn from state, county, and city government too.

John Finley reminded members that they had previously discussed the intricacies of leasing and suggested there should be a Center of Excellence. This entity can work on leasing topics for each agency, since some agencies do not deal with real estate in the same manner that other agencies do. Having a Center of Excellence that is the sinew between all the organizations would be useful. Mr. Finley suggested he could see these things withering on the vine because of execution problems and logistics. Mr. Nelson told him the Center of Excellence idea is one of the priorities in the next report on the agenda.

Kristopher King said there are two big challenges at a local level for historic districts in general. One they are feeling acutely in Charleston is the pressure of sustainability, climate action, but also housing affordability. Any opportunity to highlight the synergy is a tremendous opportunity.

Dr. Pohlman said the pandemic is making a lot of federal agencies reevaluate how much space they really need because they have been able to operate in a largely telework environment. Talking about reusing historic facilities that federal agencies may, in the future, declare excess and surplus because of space

allocation decisions is important. It might be time for the ACHP to come out with some kind of a policy declaration.

Leveraging Federal Historic Buildings Working Group

Mr. Vogt said former Chairman Jorjani put together the working group about a year ago, and it consisted of both federal and nonfederal members of the ACHP. It was established because of the ACHP's 2018 Section 3 report that recommended convening such a group.

The group was charged with helping the ACHP assess the status of outleasing and develop recommendations for overcoming obstacles to outleasing, to advance utilization of the nation's historic federal buildings. To fulfill its charge, earlier this month, the ACHP published the working group's final report, which includes findings and recommendations, best practices, outleasing success stories, and a list of legal authorities for outleasing.

Mr. Nelson added that he could not be happier with the report and the concerted effort that the working group made over the last year and a half to really sit down and burrow into this issue. He said when they were talking about the Section 3 report, the up and down successes that agencies are having in outleasing historic buildings under their ownership or control have been clear to the ACHP since the very beginning of the Section 3 reporting process back in 2006.

The working group came up with some interesting ideas. He wanted to acknowledge that there are obviously two sides to this equation. These are federal buildings; they are being outleased to the private sector.

Folks from the private sector, industry developers, and others have told the ACHP time and time again it is not always easy to peer into the federal outleasing system. Different agencies do things differently. They use different authorities. It is not clear to people where to go to find out what buildings are available for outleases. When they do find that information, the processes with each agency tend to be different. The positions that agencies take on things like Section 111 are different as well. One of the things the ACHP heard from the developers was that the federal government could become more consistent and more transparent in how it markets its buildings that are subject to outlease.

Mr. Nelson said one of the things he was sure to do in distributing this report was to make sure that the preservation community has it and also industry, developers, and the private sector.

Angela McArdle gave an overview of the report and its recommendations and action items. In this first week since publication, they reached close to 2,000 people on Facebook and LinkedIn. Distribution to industry audiences that the ACHP does not normally correspond with has included about 50 groups. These have been in the sectors of hospitality and small business, restaurants, retail, affordable housing, and property management. She welcomes any input on other sectors or specific groups that members think staff should reach out to. She said the report had three overarching recommendations. Within each of those three, there was a series of action items that the working group developed. They plan to implement these action items in cooperation with federal and nonfederal preservation partners over the coming months.

Mr. Tannenbaum complimented the establishment of a national VA Museum in Dayton, Ohio, and the reuse of the headquarters building for that purpose. He said along with NCSHPO, NAPC could be another group to include in consultations.

Program Comment Panel

Mr. Vogt said former Chairman Jorjani established the panel to review and consider recommendations for improving the program comment development process. Program comments are one of five different program alternatives that agencies can use to improve Section 106 efficiencies.

Mr. Vogt is now chairing the panel with members Mr. Franklin and Anthony Costa from VA, along with Vice Chairman Gonzalez. He said the panel reached out to ACHP members in February with questions about their experiences in working with developing program comments. That information has formed the basis for recent discussions. He thanked everyone who made contributions to those questions.

During the most recent meeting at the end of March, the panel considered how the program comment development process ideally should proceed in light of member feedback. There appears to be three main areas where the ACHP could provide additional clarity or consider procedural improvements.

One, provide more specific guidance about best practices for the development process leading up to the agency's formal request. The ACHP staff, membership, and stakeholders can establish shared expectations at the start of the process. Two, provide clear feedback to the agencies about where the ACHP has outstanding concerns in their proposal while they are developing their draft. Three, offer an opportunity with ACHP members to provide comments on the draft program comments before the agency formally submits the request and begins the 45-day process.

Mr. Vogt said agencies deserve a chance to learn about member concerns at a point where the drafts can be more easily revised. Member input should be timely to help the agency make a formal request that is in nearly the final form when the ACHP gets it at the start of the 45-day period. This also then puts the impetus on the ACHP members to actually respond when they receive a draft response, and not wait until the 11th hour to be concerned about different items.

Ms. Bartos asked if there was further discussion about adapting the ACHP's rules to reflect some of these recommendations, for example, the 45-day clock. Could that be extended so there would be the opportunity and the requirement for these program comments to be developed more in tandem? Mr. Vogt said it was an excellent question, but that they are trying to dodge changing the rules as best they can. The idea is to encourage federal agencies to have a very serious upfront conversation before they decide that is the route they want to go, because there are other routes they can take.

There are examples of things that turn sideways when there are not adequate conversations early on. One of the emphases has been that there really does need to be meaningful consultation between the SHPOs, Tribal Historic Preservation Offices, and tribal governments in making the right decision. If the ACHP is concerned about certain things, federal agencies should know about that, so they may want to decide to go a different route. There is not a lot of enthusiasm to change the regulations.

Mr. Nelson added that when environmental review regulations are opened up, there tends to be a lot of interest from a lot of folks about tinkering with them. The ACHP's strong inclination is to avoid that. He said the review period feels insufficient only when an agency has not taken better advantage of the pre-development process before that 45-day period. There tend to be fewer problems in the 45 days when an agency has engaged both consulting parties and the ACHP effectively ahead of time.

Positive Train Control Program Comment Amendment

Vice Chairman Gonzalez asked Jaime Loichinger to summarize the recent request the ACHP received to amend the Positive Train Control Program Comment that was issued in 2014.

Ms. Loichinger said the ACHP issued the Program Comment to tailor the Federal Communications Commission's (FCC) Section 106 Review for undertakings involving the construction for positive control wayside pole infrastructure following the enactment of the Rail Safety Improvement Act, which requires certain freight of passenger railroads to deploy the Positive Train Control (PTC) system by December 31, 2015. That deadline was further extended to December 31, 2020.

The current program comment provides the FCC with an alternative way to fulfill its responsibilities under Section 106, but it also relieves other federal agencies, like the Federal Railroad Administration (FRA), from the need to conduct separate Section 106 reviews regarding the effects of PTC's construction. While the statutory deadline to implement PTC has passed, FRA has noted there are rail lines that will be subject to PTC implementation in the future because of changes in their freight limits. Additionally, rail lines may voluntarily choose to implement PTC. To continue to utilize the program comment's efficiencies for these rail lines, FRA has requested an amendment to extend the program comment's duration for five years.

The amendment stipulation within the program comment allows the chairman to approve such an amendment following coordination with the FCC and providing written notice about the proposed amendment to the FCC, FRA, NCSHPO, National Association of Tribal Historic Preservation Officers, and several rail industry organizations. That notification went out on April 8, and the comment period for those agencies and organizations ends on April 23. Before the vice chairman makes a decision regarding the amendment, Ms. Loichinger said it would be helpful for him and staff to hear from the membership regarding any concerns with extending the program comment's duration.

Save Oak Flat Act

Vice Chairman Gonzalez reminded members that the ACHP issued comments to the Secretary of Agriculture on the Resolution Copper mining project just a few weeks ago. He said one of the key recommendations to the Secretary was to work with the Administration and Congress to amend or repeal the legislation mandating the land exchange that is needed for the project to proceed. He said the ACHP's Section 106 comment letter did not refer to the Save Oak Flat Act, since it had only been recently introduced. ACHP members need to give appropriate consideration to this specific bill before endorsing it. While still early in the legislative process, it is time to begin the discussion about taking a position on it and get member input to give staff some direction.

Dru Null began the discussion. She said the bill is basically in two sections. One portion of it would repeal the legislative requirement that was in the National Defense Authorization Act from 2015 to do the land exchange. It would withdraw Oak Flat from future disposal. It would also say it cannot be used for mining or geothermal leasing in the future.

There also is a rather lengthy section of the bill that is a series of findings. One thing members need to consider in how or if the ACHP would support the bill, is that some of these findings are not necessarily congruent with some of the ACHP's comments. For instance, there is a finding that environmental reviews were circumvented. She said the very fact that the Section 106 process went forward, the ACHP commented, and the Secretary of Agriculture is considering those comments means the Section 106 process did go forward. It was not circumvented. There are some other findings where the ACHP would have to have knowledge of circumstances that it simply does not have in order to fully support that finding. Because of this, one thing members might want to consider is whether the ACHP is interested in signaling support for portions of this bill, and remain silent, or say it was not going to take a position, on other parts of the bill. It is not totally clear how this bill is going to move forward or if it will move forward in Congress. She said if things start moving and the ACHP wants to take a position, that could be done through an unassembled meeting or an actual business meeting if the timing coincided to make that work.

Dr. Gaughen asked if the ACHP has ever taken a position on any of the previous proposed bills on this issue. Ms. Null said the ACHP has not. Dr. Gaughen also asked if the ACHP usually takes positions on proposed legislation. Ms. Null said yes, the agency certainly has in the past; although usually not on site-specific bills, but in this particular case, the bill addresses a controversial Section 106 case. The ACHP Section 106 comments actually talk about the fact that the best answer for preserving this historic resource is to not have the project happen. It puts the agency in a unique situation; it would be logical to take a position on a site-specific bill like this.

Vice Chairman Gonzalez said due to the size of the project and the anticipated five decades of impact of this project, and the sacred value of this site to Native Americans, it was too big not to take action. Dr. Gaughen said she hopes that whatever formal statement the ACHP would make would be specific to the things that it can support and maybe even point out some of the inconsistency.

Paul Edmondson said the plug needs to be pulled on this project. It is simply an inappropriate use of federal authority, taking away land that is sacred to Indian tribes, and should not be simply given into the hands of the private mining interests that have shown themselves to be irresponsible with these issues in their past practices.

He asserted that the Section 106 process is not the only environmental process that relates to this. In his view, the environmental processes have not been followed appropriately, particularly with respect to tribal consultation. He said the National Trust thinks that in the ACHP's role to advise Congress on legislation, the agency should take a position in support of this legislation. He suggested focusing on the purpose and the conclusion of the bill that repeals the land exchange.

Mr. Nelson said he has taken care to ensure that all of the subcommittees in the House and Senate that are considering this bill have received a copy of the ACHP Section 106 comment letter. Also, both the authors of the Senate and House version have received a copy of the ACHP comment letter, and he also ensured it was a part of the record of the subcommittee proceedings two days ago.

Katherine Slick said it seemed to her that taking a position is consistent with the position already taken, in the letter that went forward and has been used in a number of committees. Not to take a position on it seems like it would be inconsistent now. She asked if Mr. Nelson had heard anything back from the Department of Agriculture or the Forest Service. Mr. Nelson said he has not had a response from either, beyond just acknowledging receipt of the letter.

Mr. Franklin said the ACHP needs to take a careful look at this and look at how it is interacting with the Forest Service and the efforts they have made and have not made. It is the ACHP's responsibility to get out in front of these things when given the opportunity. Luke Nichter said academic history organizations like the American Historical Association and the Organization of American Historians often take positions on legislation like this and are almost always looking for partners. It might be that they could join with the ACHP, or they be provided with the right information so they can make their own statements and take their own position on this.

Mr. Nelson said he wanted to clarify that the members agreed that staff should start writing an opinion on this legislation. Vice Chairman Gonzalez said full speed ahead.

Ms. Slick asked if Mr. Nelson anticipates an unassembled vote for a comment. Mr. Nelson said first he owes members a bit more information about the bill. Then as it appears that the bill is likely to go forward, he will seek formal comments and a vote from the members via an unassembled meeting.

Vice Chairman Gonzalez asked if it would be fair to say that when the ACHP got involved, the ACHP was one of the first groups to say, "This is madness." Mr. Nelson responded that is one of the benefits in a

consultation like this to having the ACHP involved. The ACHP is more removed and is not subject to local or state pressure. The ACHP can convey those messages sometimes more freely than the SHPO can. He said the ACHP recognized there were serious impacts to important historic properties, and was in a position to counter that. In addition to the tribes, there were the Society for American Archaeology and other organizations that took similar positions.

Ms. Slick asked about advising the Administration about supporting the bill. Mr. Nelson said he could ensure that any comments to the Congress are shared at the right level in the Administration. And it is an interesting idea to consider whether a second letter or additional comments might go to the Administration. He is open to any member input on how he might convey that further to the Administration.

Communications, Education, and Outreach Committee

Vice Chairman Gonzalez said he always supports engaging youth in historic preservation. He was able to introduce the new webinar series March 31. It was the first of four seminars with Historically Black Colleges and Universities (HBCU) students and their professors. He said this was an excellent way during COVID to do a Zoom webinar to connect with students from across the country. He commended the staff and said more than 90 kids signed up from two dozen universities.

Dr. Nichter said much of the feedback received in the March Communications, Education, and Outreach (CEO) Committee call centered on ways to bring a younger audience into historic preservation, specifically high school and middle school students. At the same time, the ACHP is working hard to bring students and young people of color into the preservation space at that young age. This effort is really complementary to the ACHP's work to build a more inclusive preservation program. There are several other efforts underway at this time designed to meet these goals within CEO.

The ACHP is looking forward to continuing the strong partnership with the National Park Service (NPS) and the National Trust in 2022 with another year of Preservation in Practice. As well, the launch of the webinar series is meant to engage future preservationists. Susan Glimcher said the ACHP launched the webinar series to students at HBCUs studying architecture, construction management, and landscape architecture to provide an introduction to historic preservation. She also opened up the webinar to Minority-Serving Institutions. The goal of the series is to show students that preservation intersects with the career fields mentioned, as well as many more. The next webinar on April 28 will feature Joy Beasley of NPS and Glenn Eskew from Georgia State University.

Dr. Nichter continued that he has been brainstorming ways that OCEO might create a youth award focused on historic preservation on the achievements of young people or youth groups and considering possible partners for such an award. He has reached out to National History Day, which already has an annual series of history-related awards that are focused on middle school and high school students, to determine if a partnership might be possible on several fronts.

Regarding the overall social media plan for historic preservation month in May, the ACHP will be doing a special campaign to engage followers. The idea behind it is that as historic sites, museums, and archives start to gradually reopen, there is an expected small boom in domestic travel later this year as visitors return and discover historic sites.

Staff is planning a special social media campaign featuring on a weekly basis a strategically chosen list of historic sites, information about them, how to visit them, explore them, and learn more about them. Many of these will be chosen because they are Section 106 Success Stories, as well. He hopes to hear from members to get additional guidance on possibilities or suggestions in terms of outreach to high school and middle school students. In addition, it would be great to hear from members if they are aware within their

own agencies, or past efforts on their own, how the ACHP might work specifically with these agencies or other partnerships.

These efforts might also include updating the 2016 Youth Strategic Plan to reflect current interests and priorities within the ACHP and the Biden Administration.

Ann Walker said what she always hears from the students who attend the Preserve America Youth Summit is, do you have a Youth Advisory Council? Are you discussing what to do with youth but not asking youth how to do it? She said the History Day tie-in is a great idea. She offered to volunteer some students to participate in the next committee meeting, or perhaps to give a brief presentation to the whole council.

Mr. Brennan said VA has had success using the Department of State's free, virtual student federal service intern program. He has had programs supporting the VA historian office, as well as the NCA history program for the National Cemeteries Association. His intent is to tap into that for the Historic Preservation Program this fall.

Mr. Tannenbaum said one of the more creative processes in Section 106 is the memorandum of agreement and coming up with creative stipulations. Oftentimes, he has looked for ways in which to involve young people in that process. For example, it could be learning about archaeology under careful supervision, if there is a local archaeological society involved.

Ms. Slick reminded members that several years ago the ACHP had a relationship with Gilder Lehrman, and they partnered with Preserve America on the history teacher of the year award. Reaching out to Gilder Lehrman again would be a fruitful thing to do. Also, she said it is timely since First Lady Jill Biden is a teacher, to reach out to her office and see whether there is a relationship that the ACHP could forge.

New Business

Vice Chairman Gonzalez said all the dates for future business meetings were suggested by Ms. Jorjani back in January. He is unsure if there will be July and November business meetings, pending the arrival of a full-time chairman and pandemic-related precautions. He will let members know.

The meeting adjourned at 4:10 p.m. with a motion by Mr. Vogt and second by Dr. Nichter.