



**ACHP COMMITTEE MEETINGS
SUMMARY OF EVENTS
Meetings via Zoom
September 29 and October 1, 2020**

FEDERAL AGENCY PROGRAMS COMMITTEE

Committee Chairman Jay Vogt welcomed participants to the September 29 meeting. Reid Nelson conducted a roll call of members and agency representatives. Chairman Vogt mentioned that an item not on the agenda, the Federal Communications Commission's (FCC) request for a Program Comment for "twilight towers," was also currently a subject of discussion with the ACHP membership. Chairman Aimee Jorjani noted members will receive more information on next steps regarding that proposal soon.

Demolition Provisions in Program Comments

Chairman Vogt noted that recent federal agency requests for Program Comments had raised questions about when and how it is appropriate to include provisions for demolition in such Section 106 program alternatives. He called on Mr. Nelson to provide background on recent Program Comments and the provisions for these and other program alternatives in the Section 106 regulations (36 CFR Part 800). Mr. Nelson said recent requests and growing interest from agencies have raised questions about the standards a federal agency should meet in order to request a Program Comment, as well as how the ACHP should approach consultation with stakeholders on the topic of demolition provisions within the 45 days allotted for review of a request. Program Comments require a vote of the ACHP membership, unlike other program alternatives, so ACHP members are often more closely involved. Several existing Program Comments over the past 15 years include demolition provisions. Mr. Nelson asked the committee for input on what to keep in mind in working with agencies that are developing new Program Comment/program alternative requests that will likely address demolitions, such as the U.S. Forest Service or the National Park Service (NPS).

Mark Wolfe (NCSHPO) observed that Program Comments take a certain amount of authority in the Section 106 process out of the hands of states and replace individual agreements states may have negotiated with federal agencies. Where small numbers of historic properties are likely to be affected, or where resources subject to consideration are located in a limited number of jurisdictions, a Program Comment would not be an appropriate means of handling demolition of historic properties. He said Program Comments more appropriately handle demolition when historic property types are widespread and numerous. In such cases, treating them in a batched fashion through a Program Comment avoids repetitive consultation efforts on the part of both agencies and State Historic Preservation Officers (SHPOs) and can be beneficial. Erik Hein (NCSHPO) agreed and clarified that the National Conference of State Historic Preservation Officers' (NCSHPO) objection is not that demolition provisions should never be included in a Program Comment. Rather, NCSHPO believes criteria should be established regarding when it should be addressed via a Program Comment. Making demolition more efficient for a small number of historic properties is not an appropriate use, and those reviews should proceed through the regular process.

Chairman Jorjani asked if there is a benefit to having an annual review process as part of a Program Comment's provisions. Mr. Nelson said an annual review was added to the recent Army Program Comment. Betsy Merritt (NTHP) echoed NCSHPO's comments on the application of demolition provisions and said safeguards like annual meetings are important and should be refined and included in future Program Comments.

Allen Rowley (USDA) urged the ACHP not to rule out demolition provisions entirely for Program Comments, as the number of properties potentially affected and the particular situations where demolition might be considered matter.

Jordan Tannenbaum noted the regular four-step review process can result in a more comprehensive assessment and that the regulations are the more effective tool in certain circumstances. Brad White thanked the staff and held up the recent Army Program Comment process as a good example of transparency and open communication with members about program alternative development that should be continued in the future.

Mr. Hein addressed Chairman Jorjani's question, saying that annual meetings are very important; though, he worries they become a substitute for consultation with states and tribes. Assessing the effectiveness of a Program Comment should not fall just to the ACHP and the federal agency. Mr. Nelson agreed that the ACHP wants to involve NCSHPO, the National Trust for Historic Preservation (NTHP), and other members in that evaluation.

Chairman Vogt asked if the process of developing Program Comments and the guidance the ACHP offers to federal agencies on these tools can be refined. He asked Chairman Jorjani to consider putting a small group of members on a working group to guide staff on improvements. Chairman Jorjani agreed updated guidance is needed, and she would like to see a checklist for agencies to use before submitting a request. Ms. Merritt volunteered that the NTHP would like to participate in a working group. Jen Hass (DHS) said federal representatives should participate. Beth Savage (GSA) echoed the importance of federal agency involvement and noted the ACHP should avoid defining Program Comments so narrowly they lose their usefulness to agencies and their flexibility.

John Fowler cautioned against looking at changes to the regulations. Mr. Hein said NCSHPO would be pleased to join the working group, and Shasta Gaughen also volunteered on behalf of the National Association of Tribal Historic Preservation Officers.

Executive Order 13287, "Preserve America," Section 3 Report

Tom McCulloch gave a progress report on development of the triennial Report to the President pursuant to Section 3 of EO 13287. Agencies are now submitting their progress reports, though the ACHP staff is flexible with late reports received into October given agency work disruptions due to COVID-19. Dr. McCulloch reviewed the major points of the outline included in the meeting paper and let committee members know they would have additional opportunities to provide input when an updated outline and draft recommendations are circulated in November and when a draft report is sent to members in December.

NEPA-Section 106 Handbook Update

Jaime Loichinger reported on planned updates to the ACHP-CEQ *NEPA and NHPA: A Handbook for Integrating NEPA and Section 106*. With revised National Environmental Policy Act (NEPA) regulations going into effect this month, ACHP staff and Council on Environmental Quality (CEQ) staff have worked together to produce an errata sheet and updated flow chart showing NEPA-Section 106 coordination milestones for Environmental Impact Statements. This short piece will reference revised definitions and citations from the revised NEPA regulations and is currently being reviewed by CEQ. The ACHP expects

to distribute it as soon as CEQ concludes its review. A more thorough revision of the *Handbook* is anticipated to start over the winter. It will incorporate revisions referencing the updated NEPA regulations and examples and lessons learned over the seven years since the *Handbook* was first published. Ms. Loichinger said Federal Agency Programs (FAP) Committee members will have an opportunity to review and provide input once that effort is underway.

Dr. Gaughen asked what would happen to the *Handbook* revisions in the event of a change in Administration or other change to the regulations that went into effect on September 14. Kelly Fanizzo said the plan is to work with the current regulations and the status quo. If there is any relevant change in the future, the ACHP can address that as needed.

Mr. Tannenbaum congratulated Chairman Vogt on leading his first FAP Committee meeting. Regarding plans for the next ACHP business meeting, Chairman Jorjani noted that future plans are unclear at this time and will depend on when COVID-19 restrictions ease in the Washington, D.C., area, among other factors.

COMMUNICATIONS, EDUCATION, AND OUTREACH COMMITTEE

Committee Chairman Robert Stanton called the meeting to order on September 29 and asked Chairman Jorjani to offer some words of welcome. She commended the Office of Communications, Education, and Outreach (CEO) staff for the nonstop work they have done over the past several months keeping all the events and operations moving along. Chairman Stanton congratulated Joy Beasley on her new position at the NPS as the permanent Associate Director of Cultural Resources, Partnerships, and Science, and expressed his appreciation to recent committee alum Luis Hoyos for his years of service to the CEO Committee. He also welcomed the several new ACHP members who have been sworn in since the last meeting.

Awards

Patricia Knoll gave an overview of the ACHP awards program, with the ACHP/HUD Secretary's award coming next on October 21. Plans are in motion for Chairman Jorjani to present the award in person at the winner's location, with Department of Housing and Urban Development leadership on video. Chairman Stanton expressed his support for ACHP members serving on the award jury noting it is an uplifting experience.

During the spring's ACHP/HUD award jury, Vice Chairman Rick Gonzalez suggested a youth award, or some way to recognize organizations or individuals who show exceptional effort to achieve youth involvement in historic preservation. Members expressed support for this idea, with Chairman Jorjani suggesting the NPS or Forest Service may be good agencies to reach out to for information about their youth programs. Casey Sacks said the Department of Education would support any way to get young people more engaged, and helping them explore the traditional trades and historic preservation would be beneficial. Mayor Robert Simison suggested having a youth member of the ACHP in an ex officio capacity.

Chairman Stanton asked the staff to write a draft plan for such an award and circulate it amongst the members. Katherine Slick (ACHP Foundation) suggested looking at other national awards and gleaning some best practices, and finding what the ACHP's unique hook would be to recognize youth.

America 250

Dru Null gave an overview of the Semiquincentennial Commission's work and the ACHP's involvement. Chairman Jorjani was asked to join the task force on parks, preservation, and public spaces. She noted she is trying to insert preservation whenever she can, leading up to the 2026 commemoration. Mr. Fowler

noted the opportunity to work with other agencies and partners relating the historic preservation message with media events and outreach was the purview of the CEO Committee. He asked for members' ideas for collaboration. Susan Glimcher said the Preservation in Practice program would fit under the umbrella of America250. Mr. Tannenbaum suggested a connection to the Preserve America Communities and Stewards would be useful. Mr. Fowler noted that would be discussed in the Preservation Initiatives Committee meeting.

Preservation in Practice

Chairman Stanton thanked the NPS and the National Trust for their partnership on this project. Since the hands-on program had to pause in 2020, the partners decided to work on the professional development angle that they had hoped to pursue originally. Milan Jordan, HOPE Crew director, said the virtual mentoring program for students who have already participated in Preservation in Practice is happening this year. She said the partners hope to re-engage the students for a year-long mentor match where they would have small group discussions, professional development, portfolio review, and professional growth. Mr. Tannenbaum suggested getting a foundation to fund a degree or certificate program in preservation at Historically Black Colleges and Universities (HBCUs).

New Business

Shayla Shrieves discussed the ACHP's fall intern who is an architecture student at Howard University. He will be working with OCEO and OFAP on a number of projects. Also, the Section 3 Report to the President is due next February. OCEO will work with OFAP on the report editing, design, and production of the final product to the President.

Ms. Knoll mentioned OCEO worked on the HBCU Week virtual conference the previous week, offering two sessions to attendees about jobs, and operated the virtual "booth" and live chat times. More than 3,000 visits were counted at the booth. Additionally, an ACHP-produced video about Preservation in Practice was shown at the award ceremony on the last day of the conference. Chairman Stanton said it is good to increase the exposure to career opportunities in historic preservation that may not have been on students' radars.

PRESERVATION INITIATIVES COMMITTEE

Traditional Trades Training Task Force

Committee Chairman Rick Gonzalez opened the meeting on October 1 and asked Chairman Jorjani and Ms. Null to provide background on the work of the Traditional Trades Training Task Force. The Task Force is working to promote the expansion of traditional trades training to address an acute shortage of skilled workers in the traditional trades. The Task Force's focus areas include credentialing or qualification standards, apprenticeships, open-source curriculum, and the development of an ACHP policy statement. The Preservation Initiatives (PI) Committee proceeded with discussion of traditional trades training generally and of the draft policy statement developed by the Task Force.

Chairman Gonzalez noted that Florida has high school magnet programs in areas like carpentry, which could incorporate traditional trades training. The Institute of Classical Architecture and similar non-profits could expand their focus on historic preservation. Ms. Slick said the policy statement's emphasis on addressing Department of Labor occupational codes/tracks is important. She also stressed the need to quantify the scope of the need. Knowing how many buildings are in historic districts would help define the opportunity for creating new jobs in this area. Preserve America Communities and Certified Local Governments (CLGs) could be asked what training is currently offered and what are their needs. Mr. Stanton suggested talking to the Forest Service about their partnerships with Job Corps. Mr. Rowley said he would check with the Job Corps Centers and report back on how historic resources are included, or can be.

Chairman Jorjani mentioned that the National Historic Preservation Act (NHPA) authorizes use of Historic Preservation Fund monies for traditional trades training. Mr. Wolfe wondered whether funding provided after disasters might be used in part to train workers. Mr. Hein noted the often lengthy delays in states receiving such funding, depending on the language of the appropriation. Chairman Gonzalez noted that the country is experiencing more storms, more frequently, and there is currently not enough capacity to remedy damage to historic resources. Roofers and apprentices need to be trained to install the right material the first time so it does not double the work.

Ann Walker (Preserve America Youth Summit) said the Colorado State Historic Fund has funded community colleges to fund trades training for a period of years, but when funding is withdrawn the programs do not last. Local advocates for these training programs are needed, such as CLGs. Partnerships with youth corps and high schools also are important. Ms. Slick noted that the CORPS Act pending in Congress could potentially enhance the use of conservation corps to preserve historic properties, but that the bill focuses on natural resources. She noted that there has been discussion between ACHP staff, the National Trust, and other preservation partners regarding legislative language changes that would address the issue. Tom Cassidy (NTHP) indicated National Trust support for those changes.

Mr. Fowler explained the next steps in the policy statement development process. A revised draft will go to the full membership of the ACHP for review and comment before a vote by an unassembled meeting to approve it. Chairman Jorjani asked whether it needed to go out for public comment. Mr. Fowler said that was not required, but that it could be shared with select additional groups if she desired. Chairman Jorjani asked the committee to provide any additional comments on the draft policy statement in the next week.

Great American Outdoors Act (GAOA)

The funding for deferred maintenance provided in GAOA provides a possible opportunity to fund traditional trades training. Mr. Cassidy noted that the National Trust's HOPE Crew has worked with NPS on deferred maintenance, but that NPS was slow at processing task agreements. This potentially will complicate implementation of the act. Chairman Jorjani indicated that the ACHP needs to emphasize that maintenance is preservation, and that more flexible hiring processes are needed. She has reached out to Department of the Interior leadership on the issue.

Mr. Hein expressed concern that no funding has been provided to SHPOs to assist with Section 106 review of the large number of projects that will be created by GAOA, particularly since some SHPO staffs have shrunk due to COVID-19. Mr. Fowler noted the ACHP is hiring an ACHP/NPS liaison to help with the increased workload and to expedite an agreement on using deferred maintenance funding to do preservation work. Mr. Hein noted that GAOA also provides for an unprecedented infusion of cash into the Land and Water Conservation Fund that will result in a large number of projects in local communities that may not be well versed in Section 106 review. Ms. Beasley indicated that NPS leadership is aware of the issue, and discussions are underway as to whether GAOA funding can be used to address the problem.

Affordable Housing

Chairman Jorjani acknowledged and thanked outgoing PI Committee Chairman Brad White, stating that he had been an invaluable resource on affordable housing. Mr. White indicated that he would remain available to help the ACHP if called upon. Chairman Jorjani said the final report of the White House Council on Removing Barriers to Affordable Housing has not yet been released. The ACHP provided language for the report indicating that the ACHP will be revisiting its 2006 policy statement on historic preservation and affordable housing. Once the report is out, that process will begin. Chairman Gonzalez said there are three areas of concern when working on these types of projects, based on his experience as

an architect: the impact of FEMA on finish floor levels and flood protection; the impact from building codes in the Southeast on hurricane upgrades; and the impact on energy codes' improvement requirements such as insulation, window upgrades, etc. These are the type of new issues that need to be addressed to update the 2006 policy statement.

America 250

Ms. Null updated the group on the work of the U.S. Semiquincentennial Commission and the America 250 Foundation. Chairman Jorjani represents the ACHP on the Parks, Preservation, and Public Spaces Task Force, which met on September 16. The Task Force is developing goals and objectives that may be of major interest to the ACHP. It is considering using the anniversary as the occasion to amend the NHPA on its 60th anniversary or propose new historic preservation legislation. The task force also has shown interest in possibly leveraging the existence of Preserve America Communities and Stewards as part of America 250 outreach. Mr. Tannenbaum suggested it might also be an opportunity to restart funding for Preserve America Grants. Chairman Gonzalez suggested exploring how traditional trades training might fit into America 250.

Mr. Fowler explained that the commemoration runs through 2026, with outreach starting on Veterans Day this year. The ACHP's latest (2017) recommendations on how to improve the federal preservation program legislatively and administratively should inform the input. This is not a celebration but a commemoration, and is not focused only on the 13 original colonies but rather on 250 years of United States history. The planners need to figure out how to engage Indian tribes in this initiative.

New Business

Mr. Cassidy noted that a continuing resolution to fund the federal government through December 11 was signed. There has been no conversation yet on a full budget package. In other legislative news, a bill to add other relevant places to the Brown v. Board of Education Historic Site has been introduced.



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



MINUTES

FALL BUSINESS MEETING

ADVISORY COUNCIL ON HISTORIC PRESERVATION

DECEMBER 10, 2020

WASHINGTON, D.C.

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Zoom
December 10, 2020**

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IN ATTENDANCE

Aimee Jorjani, Chairman
Rick Gonzales, Vice Chairman
John Finley
John Frey
Kristopher King
Luke Nichter
Jordan Tannenbaum
Jay Vogt

Architect of the Capitol

Secretary of Agriculture

J. Brett Blanton

Doug Lipscomb
Assistant Director,
Architecture and
Preservation Branch

Represented by:

Allen Rowley
Associate Deputy Chief,
National Forest System

Secretary of Defense

Represented by:
Mike McAndrews
Deputy Assistant
Secretary of Defense
(Construction)

Secretary of Education

Represented by:
Casey Sacks
Deputy Assistant
Secretary for
Community Colleges

Administrator, General Services Administration

Represented by:
Beth Savage
Director, Center for
Historic Buildings,
Public Buildings
Service

Secretary of Homeland Security

Represented by:
Tom Chaleki
Chief Readiness
Support Officer

Secretary of Housing and Urban Development

Represented by:
Matthew Ammon
Acting General Deputy
Assistant Secretary

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:
Anthony Costa
Deputy Executive
Director, Office of
Construction and
Facilities Management

Mayor Member

Hon. 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

Mark Wolfe
Texas 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

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 Executive Director John M. Fowler; ACHP Office Directors Reid Nelson, Susan Glimcher, Javier Marques, Valerie Hauser, Druscilla Null; ACHP Assistant Directors Tom McCulloch, Jaime Loichinger; ACHP staff members Blythe Semmer, Angela McArdle, and Kirsten Kulis.

PROCEEDINGS

Chairman's Welcome

Advisory Council on Historic Preservation (ACHP) Chairman Aimee Jorjani opened the fall business meeting at 10:33 a.m. The agenda was adopted with a motion by Jordan Tannenbaum and second by Robert Simison. Chairman Jorjani appointed Shayla Shrieves recorder of the meeting. Chairman Jorjani thanked the members for participating in this hybrid virtual setting saying she appreciated their flexibility. The minutes of the March business meeting were adopted with a motion by Reno Franklin and second by Mr. Tannenbaum.

Chairman's Report

Chairman Jorjani said since the March business meeting, quite a few new members have been appointed. And as of two days ago, Jay Vogt is now retired as the State Historic Preservation Officer (SHPO) from South Dakota. She said she is grateful for his role at the ACHP and understood that the governor of South Dakota declared December 8 as Jay Vogt Day. She congratulated him, and Mr. Vogt thanked her.

She then asked members to introduce themselves on the call. New members said they appreciated the orientation they received the previous day about the ACHP and feel better prepared to do their work as council members.

Also, the chairman noted that Maureen Sullivan retired from the Department of Defense at the end of September. Michael McAndrew is the new designee for the Secretary of Defense. Mr. McAndrew said he does not have all the expertise of Ms. Sullivan, but he will do what he can to keep the program running with the Department.

Chairman Jorjani thanked members for all the attention during the past nine months; they have been so responsive to their duties as council members. She said they have taken some unprecedented approaches to the things that have been thrown at them in recent months. She said with their guidance, counsel, and active participation, the ACHP has done a lot of good things. She is particularly proud of the success with the task forces and working groups, especially with the creation of the trades training task force and the policy statement that was adopted in late October.

Leveraging Federal Historic Buildings Working Group

Chairman Jorjani said the working group has been meeting for the past year. They are in the final stages of preparing their report. Members now have the opportunity to offer comments on the findings and recommendations, as well as how the report should be incorporated into the ACHP Section 3 Report to the President.

In October, the National Trust/Advisory Council on Historic Preservation Award for Federal Partnerships in Historic Preservation was given to the General Service Administration's (GSA) Public Buildings Service for its Section 111 leasing program. Chairman Jorjani was thrilled with the opportunity to be able to highlight the program in this major national preservation forum. She called on Reid Nelson to introduce this subject.

Mr. Nelson said the issues regarding challenges that agencies were encountering in outleasing federal historic buildings have been known to the ACHP for some time. In the last Section 3 Report in 2018 the ACHP committed to convening or to surveying federal members about those challenges and solving them. The chairman convened the group in October 2019. It was designed to identify issues in more detail, come up with an overview of what the challenges were, and suggest possible solutions.

The group had eight members led by Chairman Jorjani, including GSA, National Aeronautics and Space Administration, National Park Service, Department of Agriculture (USDA), Postal Service, and Department of Veterans Affairs (VA). Mr. Nelson gave a special thank you to VA for being very supportive of initiating this group. Also in the working group were the National Conference of State Historic Preservation Officers (NCSHPO) and the National Trust. They met six times to gather information.

The results of that effort are in the draft report in the meeting book. Next, Angela McArdle launched the PowerPoint presentation of the findings and recommendations of the working group. She said the working group explored different aspects of federal outleasing, soliciting information from the federal agency outleasing programs as well as developers and lessees to get a well-rounded look at this methodology. They found that federal historic outleasing promotes the productive use of historic federal buildings, and is often able to transfer capital improvement and maintenance costs to others, which allows federal agencies to bank that for future use. She said staff is working on incorporating success stories from each of the working group federal member agencies.

Mr. Nelson asked how members can work collaboratively and effectively to pursue these changes. Tom Chaleki asked about using tax credits. He asked if members considered the recent amendment to Executive Order 12072, regarding federal space management, which covers Opportunity Zones. What the Department of Homeland Security (DHS) is finding is a number of historic properties are located in Opportunity Zones. The focus of the Opportunity Zone legislation is to provide tax credits. He suggested wrapping that into the report as an opportunity to leverage the recent legislation.

Ms. McArdle said that was something the lessees were very interested in doing. The amendment to EO 12072 explicitly calling that out is something worth pursuing. Kirsten Kulis added they discussed the issue during one of the meetings, and representatives from the National Trust said that in the Opportunity Zones the investors were more focused on a quicker financial turnaround than some of the long-term leases could provide.

Mayor Simison said when the draft report talks about partners, it does not make any reference to state or local government partners. He encouraged that be part of the conversation. One of the things he finds in local government is capital costs to build new buildings can be prohibitive, but that investors who come in at smaller amounts over time through leasing or improvements to existing properties can help solve issues. In Idaho, he sees a lot of movement within the state looking for new buildings in a growing area and trying to make those accommodations.

Beth Savage said GSA looks at local and state government partners regularly through its outleasing program, not just the private sector, as well as nonprofits. She said it is important in this report to accurately reflect what the input was, and from where the conclusions are drawn. She said the report touches on small business opportunities, and the ACHP needs to emphasize that, especially now in pandemic recovery and economic stimulus. She noted a phrase about “banking federal buildings” that she says is counterproductive politically to talking about “reduce the footprint” goals.

Mr. Nelson thanked Ms. Savage for the advice. He wanted to underscore aspects of the report that may speak to or support economic recovery or find if there are any parts missing.

Mr. Tannenbaum said this could lead to the development of language for the Guidance on Agreement Documents (GAD). The GAD might be helpful to encourage folks to put that into agreement documents, particularly some of the programs the Department of Housing and Urban Development (HUD) has, and others like that. Also, perhaps to emphasize the nonprofit opportunities to take some of these leases on. He suggested highlighting the Coast Guard and its work with lighthouses in the success stories. Mr. Nelson thanked him for the point about creating model stipulations for the GAD.

John Finley said one of the factors he found interesting that the report hit but not hard was what he calls the nitty-gritty of leasing and appraisals and the actual “getting it done.” Most of the recommended actions focus on coordination, information, and tax credits, but he found an excellent suggestion that there should be a center of excellence to help address agency outleasing in court.

He was wondering whether the reason is that the practical difficulties of doing it are already known, because in the private sector there would be many expertise areas that would not be at each portfolio company. Private companies would say, “Let’s have an overall skill center that would provide those services.” Mr. Finley thought the report showed the authors were hesitant to put that out as a clear recommendation.

Mr. Nelson said the idea of establishing a center of excellence and a central place where that expertise could be made broadly available was partly behind the notion of pursuing the issuance of an executive order which could, among other things, create that center of excellence. He wanted to make sure he had the full support and equal participation of other federal members to pursue such a path, as the biggest lift would be more on them than on anyone else.

Mr. Finley suggested this center of excellence would pay for itself, because there will be increased leasing. Ms. Savage said a center for this type of expertise already exists within GSA—it is the Real Property Utilization and Disposal program. It is a self-supporting, fee-for-service program. They bring in the appropriate expertise for the market for appraisals. She said it may be useful to look at existing infrastructure, and how this report might help bolster that.

Mr. Nelson asked Ms. Savage if there are opportunities the ACHP might pursue to make that center better known and more universally available to federal agencies and understood by lessees. Ms. Savage said marketing it further to federal agencies to make use of it for their properties would be easy to do. The issue of a private developer doing it would be a two-way communication.

Also, GSA’s outleasing program is not a completely centralized federal database of available federal space, and so that may fuel the recommendation for the Federal Real Property Profile (FRPP) as far as the data and how it is controlled through the FRPP. She said GSA has an online, publicly accessible database of all excess space available in GSA buildings nationwide. Marketing those available services to federal agencies is absolutely a must for this recommendation.

Allen Rowley said an unanswered question about a center of expertise is how to resolve the differing authorities within agencies. USDA and the Forest Service have some property direction and policy that is different than GSA and different than the Department of Defense. He did not know how to bridge all those, and building off of what GSA does in terms of marketing its existing group would be a good move.

Paul Edmondson said addressing these issues can advance the cause of historic preservation but will also advance general interest in economic efficiency throughout the government. He suggested looking at the language of the recommendation that relates to the Reduce the Footprint (RTF) guidance, and the recommendation is simply to explore revisions to RTF. He thinks it should be stronger. He said for the ACHP to recommend changes to the RTF policy that address the disincentives for outleasing is really critical. He said the report should go beyond simply exploring revisions to actually recommending revisions to the RTF. Instead of simply engaging the Office of Management and Budget to assess the feasibility of outleases, to count toward agency strategy goals, to actually recommend that outleasing be included as part of agency strategy goals.

Anthony Costa said one thing to consider is that almost every agency is different from the standpoint of its capacity and its inventory. The group can think about developing a little bit of a maturity model checklist. It would help agencies understand what their needs are, and then respond accordingly. GSA has

a fair number of tech vehicles to help with certain aspects of programs. There is an open question regarding when it makes sense to move a property out of the federal inventory. The group did not follow through on that issue. He believes it is an important one over the long term, because there are circumstances where it makes more sense for an agency to decide to move property out of the inventory.

Agencies would still move forward with local economic development and preservation objectives. It might be more appropriate and cleaner from the standpoint of potential partners, if they do not have to deal with some of the regulations and processes. He does not think it needs to be in the report but hopes at some point to discuss it.

Section 3 Report to the President

Chairman Jorjani said the Preserve America Executive Order 13287 from 2003 directs the ACHP to submit a report to the President every three years on federal agency stewardship of their historic buildings. The next report is due February 15, 2021.

Members have been provided with a draft of the report's proposed findings and recommendations. Part of it touches on the leveraging working group as well as reporting from the agencies that submitted their reports by September 30. Now members have an opportunity to provide comments on the outline and the findings and recommendations.

Mr. Nelson said this report offers an important opportunity for the ACHP to advise the President and the Administration on the state of the federal government's stewardship of historic properties that it owns and controls, and the ACHP takes it seriously.

He acknowledged that the ACHP is able to provide a meaningful report, because it gets good progress reports from federal agencies every three years that tell us what progress they have made in identifying, using, and protecting historic properties under their control and ownership. Staff have been poring over those reports and taking the experience they have had in interacting with those agencies and others over the last three years on thematic issues.

Tom McCulloch gave a presentation on the findings. What he is trying to do is to ascertain how agencies have improved over the last three years. This includes what innovations and what steps they have taken to identify, use, and protect their historic properties. Starting with the 2018 report, it has been published on the web, so there are active links to various reports and papers that are referenced in the report. He recapped the findings.

He said each chapter of the report will talk about how federal agencies identify, use, and protect their historic properties, which is the language straight from the executive order. Mr. Nelson said the ACHP's reporting has evolved. Staff is continually finding ways to shorten and condense, provide less context and verbiage and more punch. Chapter 1 will better summarize what the ACHP has accomplished as part of this broad initiative over the years.

Shasta Gaughen said she wondered how is the ACHP defining a historic property as far as what is listed in the historic properties inventory. She asked how tribal historic properties are defined that are under federal jurisdiction or are on federal lands. Mr. Nelson said agencies account for, label, document, and put into their databases information in different ways about those properties. Some agencies have one set of categories. Other agencies have another set of categories. One of the things he was pleased to do in the last couple of cycles was work with the FRPP to urge agencies to be more consistent in the terminology they use and be more complete in the way they document these properties.

He said not all agencies have layers in those databases that talk about whether they are significant to tribes. That is an area for improvement. The other question is whether archaeological sites and other types of properties considered to be historic properties are accounted for.

Dr. McCulloch said he thinks the information, once it is digitized, is going to help tribes, SHPOs, and others help the agency manage those properties. It has been a highlight of these reports. Chairman Jorjani suggested moving the findings and recommendations currently located in Chapter 5 up to be after the introduction in Chapter 1, so there is more upfront punch to them.

Mr. Chaleki said at DHS, they are working hard on the identification and use of their historic properties, but he had a question regarding the protection of them. In terms of the effect climate change is having on historic properties from DHS, based upon the geography and other environmental factors, his agency has a number of historic properties that are in vulnerable locations. He asked if this report should address that, or is there a different venue to talk about other mitigation strategies to handle this sort of thing. There is an opportunity here with the incoming Administration with its focus on climate change.

He suggested if members were to get the effects on historic properties as a subcomponent to that discussion, they can help shape that narrative in a positive way. He wants to help do that in any way possible. He does not have an adequate set of mitigation strategies to address it, so he would be interested in a conversation.

Mr. Nelson said that climate change and the effects to federally owned historic properties resulting from climate change could probably be addressed in the discussion of how agencies are protecting historic properties. He said it was not in the ACHP's guidance to agencies that they necessarily address climate change, but that is something to fold into the next cycle to try to gather that information and better understand it.

John Fowler said to put it into the current report would only scratch the surface. He liked Mr. Chaleki's idea of it being an agenda item. It is the opportunity, given the emphasis that is likely to be placed on the subject in the coming Administration, to be a great chance for the ACHP to get out ahead on it.

Mr. Edmondson said the points about protection against the effects of climate change are important. There are opportunities to advance the sustainability of federal buildings in many ways and their contribution through solar. He said that is something the ACHP may want to focus on with the number of federal buildings and so many of them with flat roofs. There are some real opportunities to use the federal infrastructure to address solar issues.

He also emphasized the importance and focus on digitization and identification. There is a real challenge with the resources available in terms of identification of historic properties.

Mr. Franklin said he wanted to second the comment about preparing for climate change. He was glad to see one recommendation about the Great American Outdoors Act, and federal agencies receiving funding should allow a small portion of that funding for traditional trades to address immediate needs for traditional trades. He loves that forward thinking, especially with our buildings.

He suggested taking this opportunity to facilitate tribal uses as well. There are great examples where there are federal properties that contain gathering areas, that have archaeological sites, that have places for prayer that are included. Some federal agencies do a great job of facilitating processes for tribes to continue use. There could be some consistency there. He said the ACHP should do something similar and recommend also that agencies consider ways to facilitate tribal uses of those properties.

Mr. Vogt suggested that in the Chairman's Message or in Chapter 1 add a brief discussion on the value of a federal historic preservation ethic especially when tied into the whole leasing aspect of continued reuse of federal properties in a manner that takes historic preservation into account and can keep them in use. He said any building kept in use is going to stay in better condition than if it is "banked." He suggested some kind of generic phraseology about developing more value of a historic preservation ethic in the federal government.

Mayor Simison suggested in Finding 6 taking the science and technology modifier and putting it at the back of the finding, because technology impacts all historic buildings and their use. When you try to make a historic property usable that is 50 to 100 years old, the impact of technology especially or changes in it, includes things that we may not control. The size of a refrigerator changes, and you try to put that into a house. It makes it difficult to apply that standard. He understands the report text is very specific to some concerns with space shuttles, but he thinks science and technology applies more broadly and generally.

Mr. Tannenbaum asked if this report would contain any information on the ACHP's Historically Black Colleges and Universities efforts and the programs it has developed there. Mr. Nelson said that is separate topic, but he is willing to consider ways it could be woven in.

Chairman Jorjani said it could be worth seeing a partnership with the Environmental Protection Agency, the Department of Energy, or somebody else that may be looking at how buildings can be used. She likened it to the work she did to get the ACHP involved with the Opportunity Zone report and the potential HUD report on affordable housing. The ACHP inserted itself in those initiatives to get historic preservation and its benefits recognized. She said it is going to be worth looking for opportunities like that in the next few years where she can weave this type of message in to federal efforts.

Program Comment Review Panel

Chairman Jorjani said program comments are an important program alternative to adapt and streamline the Section 106 review process for federal agencies. They are one of five program alternatives. There has been a significant increase of requests for these in recent years. At the same time, there have been concerns raised about the process for creating program comments in general, how they are used, and the guidance on the ACHP website.

She formed a panel to review the program comment topic. She will be chairing it, and Mr. Vogt, Mr. Franklin, and Mr. Costa are the members. The panel will have its first meeting next week. Today's discussion will benefit this group.

Mr. Nelson said agencies are pursuing a variety of program alternatives in numbers unseen in the past. What that has required the ACHP to do is strengthen and expand its communication with members about how those program alternatives are being developed and to make sure they are being developed in a way that meets their broader expectations as council members.

Recent experiences of controversy indicate the need to look at the process for developing program comments. Staff appreciates the chairman leading this panel and looks forward to working with the panel to study the process and see what can be done to improve it.

Blythe Semmer sketched out some of the chairman's goals for the panel. It is first and foremost about improving the effectiveness of program comments as a Section 106 tool and making sure that the ACHP's process for assisting with the development process is a good one, and that staff is providing what it needs to help agencies do that, and then also to consider ways to engage the ACHP membership in that process.

She asked how members think the panel should proceed to ensure it is broadly informed by the experiences of the different participants in the process and by agencies' experiences in using program comments. She specifically asked about any challenges and successes that members have encountered in developing and using program comments. Staff will summarize those for consideration by the panel.

Mr. Tannenbaum asked if staff ever find that there is confusion between when to use program comments and nationwide programmatic agreements. Mr. Nelson said yes, all the time. What he would like to do is look at the guidance the ACHP gives on the full range of program alternatives and make sure that they are clearly defined. Dr. Semmer said staff sees that as a potential focus of the panel's work, thinking through how the ACHP guides agencies toward the best solution for their needs.

Mayor Simison said it appears from a member-level viewpoint, staff is looking for an up-or-down, yes-or-no from the voting members when these program comments come for a vote. From where members get entered into the process and provided the information, an up-or-down vote does not always work. He needed to have information earlier and how the product got to that point in time. In his experience, he typically sees an issue very early. He gets general guidance in principle so there is buy-in before there is a written document of any sort.

Chairman Jorjani said that was a great point. It asks at what point is it appropriate to get members involved and how much ACHP staff involvement there is early on. Is the ACHP staff even involved or is it all the federal agency? She would like to see some type of checklist before a program comment comes to the council or is appropriate for council action.

Mr. Nelson said at the final step when a measure is put for a vote, it is up-or-down. He understands the mayor's point very well that members' ability to vote up or down depends on how well staff have addressed their comments and concerns earlier in the process. The earlier, the better. Hopefully, staff has addressed them prior to the agency even making the formal request. At the very latest, once they have made that formal request, he would hope that any remaining issues can be addressed early in the 45-day review period.

Mr. Fowler said under the ACHP regulations, the agency is in control of the 45-day clock. One of the primary areas that the panel needs to look at is how to front-load the process and engage members before that time clock starts to tick.

Mr. Franklin asked, if an agency is considering this, whether there a requirement for them to consult with the ACHP ahead of their request. When is the ACHP outreach supposed to happen that is ahead of starting the 45-day clock?

Mr. Nelson said there is guidance on that, which has been updated over the years. There is no formal way of ensuring agencies have met those steps. Certainly, one of the things the panel can help staff do is to look critically at what the ACHP is telling agencies and see where it needs to be more explicit, not just about process but about expectations.

Katherine Slick said she was a council member when the Capehart Wherry Housing Program Comment was done, and it seemed that there were a number of discussions, not just with staff, but with interested parties about the program comment before it was dealt with by the ACHP members. She wondered if that is a useful way to think about it, with agencies and interested parties discussing it before it actually gets to the formal document coming forward.

Mr. Nelson said in the vast majority of circumstances, that is still the case. The members do not necessarily see all of that, but there are sometimes years of interaction between senior staff and an agency

and those same stakeholders, more often than not invited in early on by the agency to be part of that consultation.

He has committed to engaging the members early on when he is consulting with an agency about the notion of a program comment. As soon as there is a framework and they have something akin to an outline, that is the critical point when the members need to be aware of the concept. He also has committed to making sure that as soon as there is a draft of a program comment he consults the members one more time. The panel can look to see if that is enough, too much, or if there is a better way to carry that out.

Caroline Henry said when thinking about how best to communicate with agencies, it is not just about if a program comment is the appropriate tool. When agencies are choosing, sometimes they are choosing because they think it is the most appropriate. Sometimes, they are choosing because they think it is the easiest or the most manageable. The reputation for the other program alternatives precedes them in many cases for folks who have worked in government for a long time, and they see the program comment as the only one that has the reasonable timeline or the reasonable process to actually bring it to conclusion.

She said the ACHP may need to debunk myths or make the other program alternatives more doable when they are the appropriate tool. Mr. Nelson said one of the things he has learned from agencies is that they are deliberately avoiding nationwide programmatic agreements, not because they are not a good solution, but because of the perception that they take too long, and that it is really onerous to develop them. He does not think he can fully improve the use of program comments until he also looks at how nationwide programmatic agreements are being used.

Dr. Gaughen said the National Association of Tribal Historic Preservation Officers (NATHPO) is concerned that there has been this greater push toward program alternatives. Those need to be used sparingly and only in the most obviously appropriate situations. A lot of these program alternatives seem to be ways to try to circumvent the real amount of due diligence and consultation that needs to be done with tribes. She is glad Mr. Franklin is going to be a part of that committee to determine what can be done going forward.

Valerie Grussing said she was gratified to hear that there is a panel that will be addressing and discussing everything involved with this situation. Realizing that NATHPO is not exactly analogous to NCSHPO in its ability to sign agreements, there has to be a different and a better way to engage tribes and use NATHPO to help do that in these processes.

Mr. Finley said that implicit in the written materials was what are the problems that are occurring or are anticipated, such as the idea that certain alternatives are too time consuming. He suggested devoting a fair amount of time to going through what is the context and problem that needs to be dealt with. That will put the choice that you are making a lot easier.

Mr. Rowley said he believes this topic is worthy of exploration. The caution flag for him is being flexible on what the end result is. Is it the best practice? Is it a shopping list of the five tools? He hopes to learn a lot in the exploration.

Dr. Semmer said one thing she will be discussing with the panel is whether they might do follow-up interviews or interaction with members individually who have had extensive experience in working with program comments. She said staff wants to better define the problem as well as what might be useful ways of addressing it. They want to draw broadly upon the expertise of all those here, with panel members serving as the coordinators and the facilitators.

New Business

Chairman Jorjani made a motion for the ACHP to adopt a resolution honoring the retirement of Mr. Fowler noting his accomplishments during his long career at the ACHP. Mr. Tannenbaum seconded it. It passed unanimously. Mr. Fowler thanked everyone for their touching words.

Mr. Franklin said he did not think Mr. Fowler realized the impact he has had on our ancestors, on us as living humans, and individuals, and people today, and our future generations. He said his work has saved thousands of sacred places, and trails, and pathways. His contribution to the protection of our lifeways is greatly appreciated. Mr. Fowler thanked Mr. Franklin and said it came about because of the great staff and the great support and leadership from the membership. He was glad to be part of it but cannot take even the lion's share for credit of what the ACHP has done.

Mr. Edmondson said on behalf of the National Trust, everything in that resolution that credited Mr. Fowler for his work with the ACHP can be said for Mr. Fowler's contribution to the entire preservation movement.

Mr. Tannenbaum said as someone who joined the agency when Mr. Fowler did in 1972, he can say that Mr. Fowler had a profound influence on his life personally. He spoke for the staff, both past and current, when he said that Mr. Fowler had a profound influence on their lives as well. Chairman Jorjani thanked everyone and said she remembers the day she met Mr. Fowler in 2003 and knows he had a lot of impact on her career path since then. He will be retiring on January 2 but remaining on as a retired annuitant for at least the foreseeable future.

She asked Javier Marques to talk about other business related to the transition period.

Mr. Marques updated members on the recruitment for the executive director job. It is a Senior Executive Service position, and the recruitment is a little different from what is typical. The applications window closed the previous week. He said there were 20 applicants, and that number is fairly normal for a Senior Executive Service position. He gave an overview of the rest of the process for selecting a candidate.

Once interviews are concluded, the chairman makes a decision of her preferred candidate. That preferred candidate then is submitted to the members by statute. She needs member concurrence, so there will probably be an unassembled meeting vote regarding that person.

During the gap, the plan is to have Mr. Fowler come back as a re-employed annuitant for a few days a week to continue carrying out the functions of the executive director until the new one is in place.

On another topic regarding the transition to a new Administration, on November 23, GSA ascertained that Biden-Harris are the apparent winners of the general election, and that sets into motion various transition activities. The ACHP has been assigned a transition team called an Agency Review Team. It is the same one that is dealing with the Department of the Interior, the Commission of Fine Arts, and other agencies. Mr. Fowler and Mr. Marques are the official points of contact for that transition team. If members are approached by any of them, please let Mr. Fowler or Mr. Marques know, to ensure consistency and avoid miscommunications. The ACHP is working on a transition book that has information about the ACHP, members and staff, programs, and priority issues.

Chairman Jorjani announced Luke Nichter agreed to be the chairman of the Communications, Education, and Outreach Committee. As the researcher, historian, and professor, she is pleased to have him in this capacity and thanked him for his willingness to be on that committee.

Mr. Franklin added he wanted to point out that there are issues happening in California around the emergency cleanup process from the fire season and failures to allow tribes to consult and identify historic properties, TCPs, and archaeological sites. He said he would appreciate some follow-up to find out why the Federal Emergency Management Agency is not allowing tribes to go out onto those sites and protect them while they are being decimated. Chairman Jorjani said she will follow up with him on that.

The meeting adjourned at 12:45 p.m.