



Preserving America's Heritage

**MEETING
ADVISORY COUNCIL ON HISTORIC PRESERVATION
Russell Senate Office Building, Kennedy Caucus Room
Washington, D.C.
March 22, 2018**

PROVISIONAL AGENDA

Call to Order 8:30 a.m.

- I. Chairman's Welcome
- II. Transition to Full-Time ACHP Chairman
- III. Section 106 Issues
 - A. Administration Infrastructure Initiatives
 - B. Proposed Exemption Regarding Railroad and Rail Transit Rights of Way
 - C. Federal Communications Commission and "Twilight Towers"
 - D. Department of Veterans Affairs Program Comment on Underutilized Properties
 - E. ACHP Report to the President Pursuant to Executive Order 13287
- IV. Historic Preservation Policy and Programs
 - A. Commemorative Works Policy and Principles
 - B. Historic Preservation Legislation in the 115th Congress
 - C. Cultural Resources Fund: Ideas for the Future
 - D. Building a More Inclusive Preservation Program: Preservation Crafts Training
- V. New Business
- VI. Adjourn



Preserving America's Heritage

MEETING
ADVISORY COUNCIL ON HISTORIC PRESERVATION
ANNOTATED AGENDA

- I. Chairman's Welcome
- II. Transition to Full-Time ACHP Chairman. *The chair will lead a discussion on actions the membership will need to address with the confirmation of a new full-time ACHP chairman. These include updating the ACHP Operating Procedures, adopting a new Strategic Plan, and reviewing the ACHP organizational structure. No formal action.*
- III. Section 106 Issues
 - A. Administration Infrastructure Initiatives. *Federal Agency Programs (FAP) Committee Chairman Stephen Ayers will report on the progress of initiatives to advance the Administration's policy goals. Federal agency members will be asked to report on initiatives and preservation-related issues specific to their agencies. Members will have the opportunity to discuss steps the ACHP and its individual members might take to advance preservation goals within the initiative. Possible action.*
 - B. Proposed Exemption Regarding Railroad and Rail Transit Rights of Way. *Committee Chairman Ayers will lead a discussion on the development of a Program Comment to exempt certain rail and transit rights-of-way from Section 106. Members may be asked to vote on the Program Comment or in an unassembled meeting later. Formal action may be needed.*
 - C. Federal Communications Commission and "Twilight Towers." *Committee Chairman Ayers will report on discussions in the FAP Committee on efforts by the FCC to develop a Program Comment that would address the long-standing issue of collocation of antennae on cell towers that were erected without Section 106 compliance between 2001 and 2005. No formal action needed.*
 - D. Department of Veterans Affairs Program Comment on Underutilized Properties. *Committee Chairman Ayers will report on the development of a Program Comment to address the historic preservation impacts of VA's initiative to dispose of unused and underused facilities. No formal action needed.*
 - E. ACHP Report to the President Pursuant to Executive Order 13287. *The chair will lead a discussion with members regarding steps to be taken to advance the recommendations contained in the report submitted to the President on February 15, 2018. No formal action needed.*

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IV. Historic Preservation Policy and Programs

- A. Commemorative Works Policy and Principles. *The chair will present for member adoption a proposed policy statement and principles concerning the treatment of commemorative works that may be found offensive. Formal action needed.*
- B. Historic Preservation Legislation in the 115th Congress. *Preservation Initiatives (PI) Committee Chairman Brad White will update members on new legislation of interest and offer recommendations on ACHP action from the PI Committee. Topics may include infrastructure, national monuments, disaster relief, and appropriations. Formal action may be needed.*
- C. Cultural Resources Fund: Ideas for the Future. *Peggy Minor of the Micah Group will brief members on projects that were funded by the Cultural Resources Fund established by Class I railroads as part of a settlement with the FCC. Members will have the opportunity to discuss how these grants might serve as a model for future federal grant assistance for historic preservation and mitigation in Section 106 agreements. No formal action needed.*
- D. Building a More Inclusive Preservation Program: Preservation Crafts Training. *Communications, Education, and Outreach Committee Chairman Robert Stanton will report on committee discussions about advancing preservation crafts training in conjunction with Administration policies to promote job skill development. No formal action needed.*

V. New Business. *There is no new business at this time.*

VI. Adjourn. *The meeting will adjourn by 1 p.m.*



Preserving America's Heritage

**ACHP COMMITTEE MEETINGS
SUMMARY OF EVENTS
National Building Museum
Washington, D.C.
March 21, 2018**

NATIVE AMERICAN AFFAIRS COMMITTEE

Attendees: Committee Chairman Reno Franklin; Committee Vice Chairman Dorothy Lippert; Chairman Wayne Donaldson; Vice Chairman Leonard Forsman; Jordan Tannenbaum, ACHP member; Maureen Sullivan, Alicia Sylvester, Department of Defense; Ginger Carter, Department of the Interior; Shasta Gaughen, National Association of Tribal Historic Preservation Officers; Dana Vaillancourt, Natural Resources Conservation Service; Ranel Capron, Bureau of Land Management; Terry Clouthier, Thlopthlocco Tribal Town; Nancy Boone, Department of Housing and Urban Development; Kawika Riley, Kai Markell, Office of Hawaiian Affairs; Valerie Hauser, Bill Dancing Feather, Ira Matt, Kristen Bastis, Sarah Stokely, Blythe Semmer, Kelly Fanizzo, Analisa Tripp, ACHP staff

Native Scholar Presentation

Analisa Tripp, the first ACHP Native Scholar, offered a PowerPoint presentation about the case study she is developing for the Office of Native American Affairs. Jordan Tannenbaum explained that the scholar position was supported by a private donation to the ACHP Foundation and that he plans to seek another donation.

Ms. Tripp explained that the case study addresses the Western Klamath Restoration Partnership (WGRP), a collaboratively prescribed fire plan whose main partners are the Karuk Tribe, the Six Rivers and Klamath National Forests, and the Mid-Klamath Watershed Council, a non-profit community organization. The WGRP's collaborative archaeological team has been working to identify historic properties, mitigate negative impacts, and plan for beneficial treatments through prescribed fire through the Section 106 and National Environmental Policy Act (NEPA) processes. This has allowed the Karuk Tribe to have increased capacity, control, and unparalleled involvement in the cultural resources surveys in Karuk Ancestral Territory. The tribe utilizes a more holistic approach, landscape-level management, and true integration of traditional ecological knowledge and traditional cultural knowledge. Of particular interest to the committee is the traditional ecological knowledge forms the tribe uses to record information about plants and other culturally relevant elements of the landscape. The case study will provide the ACHP with a model approach to federal-tribal collaboration and the effective integration of traditional cultural knowledge in the Section 106 process.

Tribal Directory Assistance Tool Demonstration

Nancy Boone provided a presentation about the Department of Housing and Urban Development's (HUD) Tribal Directory Assistance Tool (TDAT). Ms. Boone explained that TDAT was developed by

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HUD's Office of Environment and Energy to HUD's grant recipients to identify Indian tribes that may have an interest in the location of a HUD-assisted project, and provide tribal contact information to assist users with initiating Section 106 consultation under the National Historic Preservation Act (54 U.S.C. § 300101 et seq.).

TDAT is a web-accessible contact database that contains information about federally recognized Indian tribes and their geographic areas of current and ancestral interest on the county level. It also lists names and contact information for tribal leaders and Tribal Historic Preservation Officers (THPOs) as well as links to tribal websites. Users can query the database by street address, county, state, and Indian tribe and can send an email from the database to the tribal contacts. Information generated from TDAT can also be exported in spreadsheet format for use in other programs. TDAT is updated quarterly and is accessible on mobile devices. Ms. Boone also explained that the geographic areas of interest are provided by each Indian tribe, and HUD includes this information without any editing or modification.

The members generally agreed that the ACHP should promote TDAT as a tool to help federal agencies and applicants identify Indian tribes that should be included in the Section 106 process. Some members expressed concern, however, with the extent to which some Indian tribes have claimed an interest and suggested that the ACHP include a disclaimer in its outreach that all information in TDAT is provided by individual Indian tribes. Members agreed that any conflicts regarding overlapping areas of interest have to be resolved by the individual tribes.

Native Hawaiian Historic Preservation: A Discussion with the Office of Hawaiian Affairs

Kawika Riley and Kai Markell from the Office of Hawaiian Affairs (OHA) offered a presentation entitled "Native Hawaiian Historic Preservation and Cultural Resource Policy" that included background on OHA, a brief introduction to Native Hawaiian history, and background on historic preservation laws and issues as they exist in Hawaii today.

Mr. Riley and Mr. Markell talked with the members about the challenges in identifying those with a right to participate in consultation and in determining the appropriate spokespeople. OHA staff encourage federal agencies to cast a wide net when initiating consultation and recommend using the Department of the Interior, Office of Native Hawaiian Relations' list. They emphasized the importance of the connection to place for Native Hawaiians. They also talked about the impact ACHP letters have on how Section 106 is carried out in Hawaii and the sense of support Native Hawaiians derive from them. The trainings the ACHP has offered for Native Hawaiians have been tremendously helpful, and Mr. Riley and Mr. Markell said training Native Hawaiians to advocate for themselves in the Section 106 process is a very effective approach.

Committee members and staff committed to working with OHA:

- To develop and deliver Section 106 training for Native Hawaiians
- To update the ACHP's handbook on Native Hawaiian consultation
- To draft a new policy supporting Native Hawaiian historic preservation.

ACHP Infrastructure Initiatives

Blythe Semmer offered a brief update on the ACHP's infrastructure initiatives including the ACHP's involvement in the Federal Permitting Improvement Steering Council (Permitting Council) and the ACHP's newly formed Infrastructure Projects and Section 106 Reviews Working Group.

COMMUNICATIONS, EDUCATION, AND OUTREACH COMMITTEE

Attendees: Luis Hoyos, acting committee chairman; Chairman Wayne Donaldson; Jordan Tannenbaum, Reno Franklin, ACHP members; Ben Horter, USDA; Joshua Wilkes, Katie Orr, Paloma Bolasny, Maeve Coughlin, Katie Durcan, Megan Springate, National Park Service; Christine Miller, Department of Education; Kevin Murphy, National Trust for Historic Preservation; Katherine Slick, ACHP Foundation; Jack Bareilles, educator; John Fowler, Susan Glimcher, Patricia Knoll, Lynne Richmond, Shayla Shrieves, ACHP staff

New ACHP Website

Lynne Richmond demonstrated the new ACHP website, which will be launching this summer. Discussion ensued regarding how often news items would rotate through and what type of news the agency would be publishing. Luis Hoyos suggested if the ACHP has actions related to a certain case, then tracking that case through all news stories on the new website would be appropriate—even if the topics are controversial. Chairman Donaldson said this is not the time to hide behind a rock. Reno Franklin said what gives the ACHP its credibility is its strict interpretation of the law. It is important to keep that in mind. Mr. Hoyos suggested a regular update on web activities at each committee meeting.

Partnership Opportunity

Christine Miller and Jack Bareilles presented a pilot project they are working on with the ACHP to promote civic education in several school districts in California. As part of a U.S. Department of Education grant, Mr. Bareilles is working with the Gilder Lehrman Institute of American History and the Department of Education to provide for teacher training in a variety of history subjects. The connection was made to involve the ACHP in helping Mr. Bareilles with contacts in the federal government and in the business world and to replicate the project in other districts across the country. *History in Humboldt County* would serve as a nationally replicable model. The project proposed with the ACHP would further the work of the grant by involving students at Arcata and Six Rivers High Schools in Arcata on the northwestern California coast in specific activities that build upon projects that are already being implemented under the grant. The proposal builds on three established projects at the high schools: a historic calendar, student-produced videos, and historic markers.

The ACHP's role would include working with Mr. Bareilles to connect with additional local experts; develop the project, goals, and deliverables; and disseminate results nationwide. The ACHP also will reach out to partners who may be interested in this proposal as a potential model for high school students in their locales. ACHP members, offering a wide reach and many connections, will serve as advisors in the final project, as well as disseminating the program as a potential model.

Mr. Franklin suggested outreach to tribal youth, including interviewing elders and language and environmental issues and offered to facilitate introductions.

Speakers Bureau

Mr. Tannenbaum reported on plans for the ACHP Speakers Bureau to be comprised of members, alumni, and staff, who would speak at various conferences, classes, and events across the country with ACHP messages. Members agree this program would be an important outreach tool. The ACHP Foundation may be able to help with the funding necessary to have a bureau. Members were asked to think about topics of interest and what types of events would be ripe for ACHP speaking participation.

Engaging Youth

Katherine Slick discussed the ACHP-Smithsonian Fellowship, which will take place in Washington, D.C. in the fall. Paloma Bolasny and Joshua Wilkes recommended the ACHP work with the National Park Service (NPS) on outreach to students with the Civil Rights Grants projects and other cross-agency partnerships. Kevin Murphy suggested working with the National Trust on internships regarding the Rosenwald Schools.

Susan Glimcher discussed the agency's work with the White House Initiative on Historically Black Colleges and Universities. A pilot project is being planned with Morgan State University in Baltimore, Maryland, the National Trust's HOPE Crew, and NPS but noted that additional funding needs to be obtained to launch the project. Mr. Tannenbaum suggested funding opportunities with the ACHP-HUD Award winner from last year, TD Bank in Baltimore and the developers involved in the awarded project. Mr. Wilkes suggested Certified Local Governments have pass-through funding that could be used for these types of projects.

Awards, Conferences, and Publications

Patricia Knoll updated members on the second year of the ACHP-HUD Secretary's Award for Excellence in Historic Preservation. Sixteen nominations will be reviewed at the April 25 jury meeting, and an award will be presented at the summer business meeting.

The ACHP participated in the National Conference of State Historic Preservation Officers (NCSHPO) annual meeting and SHPO-FPO forum, as well as historic preservation advocacy week. The agency will have a presence at the Society for American Archaeology annual meeting in Washington, D.C., in April as well as the National Alliance of Preservation Commissions forum in Des Moines, Iowa, in July. It also will be part of the National Trust PastForward conference in San Francisco in November. Mr. Franklin suggested hosting an event to honor Chairman Donaldson in San Francisco with that meeting.

Shayla Shrieves introduced the Section 3 Report to the President recently published by the ACHP. It is available in a new format this year online: <http://www.achp.gov/2018section3.html>. The Office of Communications, Education, and Outreach worked with the Office of Federal Agency Programs to produce this comprehensive report on the status of federal agency historic property stewardship.

FEDERAL AGENCY PROGRAMS COMMITTEE

Attendees: Committee Vice Chairman Tom Cassidy; Chairman Wayne Donaldson, Vice Chairman Leonard Forsman; Dorothy Lippert, Terry Guen, ACHP members; Shasta Gaughen, Bambi Kraus, NATHPO; Maureen Sullivan, Alicia Sylvester, Michelle Volkema, Department of Defense; Colleen Vaughn, David Clarke, Laura Shick, Department of Transportation; Doug Stephens, Erika Martin Seibert, Basia Howard, Dana Vaillancourt, Department of Agriculture; Doug Pulak, Department of Veterans Affairs; Jennifer Hass, Department of Homeland Security; Mark Wolfe, Erik Hein, NCSHPO; Nancy Boone, HUD; Caroline Henry, Ranel Capron, Joy Beasley, Jeffrey Durbin, Brian Goeken, Department of the Interior; Commissioner Brendan Carr, Jill Springer, Federal Communications Commission; William LeRoy, Environmental Protection Agency; Terry Clouthier, Thlophlocco Tribal Town; John Fowler, Reid Nelson, Charlene Vaughn, Tom McCulloch, Kristen Bastis, Nancy Brown, Kelly Fanizzo, Ira Matt, Blythe Semmer, Sarah Stokely, ACHP staff

Section 106 Exemption for Rail and Transit Rights-of-Way

Committee Vice Chairman Tom Cassidy explained the ACHP has continued work with the Department of

Transportation (DOT) on the FAST Act requirement that the ACHP issue an exemption for railroad rights-of-way, which includes public transit projects. He noted that a draft Program Comment to implement the exemption was circulated in December 2017, and roughly 200 comments were received. Industry representatives expressed concerns that the draft Program Comment was not consistent with the Interstate Highway System Exemption and failed to provide the relief from historic preservation reviews they were seeking.

Charlene Vaughn noted that at a March 7, 2018, meeting with representatives of industry and the preservation community there was a productive conversation about what stakeholders feel should be excluded from the Program Comment. She explained that ACHP and DOT staff are currently consulting with the Coast Guard and Army Corps of Engineers to determine how the issuance of related bridge permits can be handled more efficiently via this program alternative. While the statutory deadline for issuance of an exemption has passed, ACHP and DOT staff were advised by congressional committee staff that an extension until May was acceptable to continue work with all stakeholders to refine the Program Comment.

Kelly Fanizzo explained that the draft Program Comment is still substantively similar to the draft circulated for comment in the fall. It includes exemptions and a property-based approach for exceptions to the exemptions. Ms. Vaughn noted the ACHP staff is awaiting a revised proposal from DOT. Then the next steps would be to circulate a briefing paper and the revised draft Program Comment to the FAP Committee and other stakeholders and to meet to work through any remaining issues.

Disaster Response and Recovery

Ms. Vaughn said slow progress has been made in terms of hurricane response activities since the November business meeting. Debris removal is occurring, but other activities are delayed as states and territories complete damage assessments and approve historic preservation procedures with State Emergency Management agencies. Budgetary delays also have contributed, as the Federal Emergency Management Agency (FEMA) only recently received FY 18 funding for hurricane response and recovery activities. As agencies continue to prepare for future federally assisted recovery projects, FEMA's Unified Federal Review (UFR) advisors are helping to establish efficiencies through the involvement of local UFR coordinators and hosting interagency meetings.

Mark Wolfe reported on Texas' experience in working with FEMA, including the resolution of an information sharing disconnect and discovering the travel restrictions in place for FEMA local hires. Texas anticipates thousands of recovery projects to begin coming to the SHPO shortly. Puerto Rico is also having issues since FEMA is not funding SHPO staff travel to conduct damage assessments. Ms. Vaughn noted that ACHP staff is still assisting SHPOs with Section 106 reviews as there continues to be non-FEMA work to be done in Puerto Rico and the U.S. Virgin Islands as the SHPOs determine when additional staff will be hired.

Jen Hass visited Puerto Rico the previous week for the UFR kickoff. She reported interest in amending FEMA's prototype Programmatic Agreement (PA) for greater efficiencies. The execution of the amendment is imminent, and it will allow exemption of additional project activities.

Mr. Cassidy noted the challenges of getting information about disaster historic property damage scenarios to congressional appropriators and the potential value of a lessons learned effort from recent experience with Hurricanes Harvey and Irma. The final Historic Preservation Fund appropriation for disaster recovery was \$50 million, though it is not yet clear how that amount will be apportioned.

Discussion ensued about the uses of supplemental HPF appropriations for disaster recovery situations,

which tend to be directed to supplementing SHPO staff to handle Section 106 reviews as well as survey and planning activities to bolster future disaster resiliency. While, as Terri Guen noted, the citizen perspective might be that such grants fund mostly bricks-and-mortar repair projects, affected communities that have up-to-date and comprehensive surveys are better positioned to respond to future disasters. While Indian tribes can now request special HPF appropriations, and FEMA also reaches out to tribes regarding their disaster recovery programs, Shasta Gaughen noted that the FEMA application process is so arduous many tribes may not apply because of the time required. A simpler application process would help.

Committee members discussed the central role of state emergency management agencies. HUD disaster funds, for instance, are channeled through states, which create a plan for how they will use the money. That plan must address how Section 106 compliance will be handled, which is usually accomplished by the state or local governments signing on to a statewide FEMA PA. Further discussion followed about the value of HPF appropriations to disaster recovery in light of other forms of federal assistance.

Executive Order 13287 “Preserve America” Section 3 Report

Tom McCulloch briefed the committee on the recent distribution of the new Section 3 report. The online format allows the ACHP to track page views and how long users view the report. Reid Nelson asked committee members to help distribute the report within their constituencies. He noted that this report addresses how commitments made in Section 106 reviews can be effective in furthering agency stewardship of historic properties. He asked committee members to comment on which recommendations should be prioritized for action and how the ACHP should work collaboratively to accomplish those goals.

Maureen Sullivan commented on the large number of recommendations and inquired about the ACHP’s plan to realize them. As several recommendations direct the ACHP to do something, she suggested that staff develop an action plan emphasizing those that are infrastructure-related or otherwise align closely with the goals of the Administration. Mr. Nelson committed to the preparation of a work plan by the next committee meeting. The work plan will also include a summary of how recommendations from previous reports have been advanced or achieved.

Infrastructure and Section 106

Mr. Nelson described recent ACHP engagement with the Permitting Council, including opportunities to comment on administrative actions earlier, to demonstrate to federal permitting partners how Section 106 review can be flexible and effective, and to participate actively in the resolution of Section 106 questions and concerns about projects on the Permitting Dashboard.

Ms. Semmer provided an update on several recent activities related to infrastructure. First, she described how the ACHP is working with the Permitting Council and HUD staff to explore the potential for HUD’s TDAT program to serve as a government-wide tribal contact database, organizing geographic areas of tribal consultation interest into one system, in fulfillment of one of the Permitting Council’s best practices goals for FY 2018. Second, she provided an overview of recently finalized goals and objectives for the ACHP’s Infrastructure and Section 106 Reviews working group. These goals touch on reducing review burdens and focusing compliance efforts on activities with the greatest likelihood of affecting historic properties; clarifying federal and lead agency roles in Section 106; addressing the Appendix C and Section 106 disconnect; facilitating a more active and productive working relationship among federal agencies, project proponents, and Indian tribes; and improving the accessibility of digital information about historic properties. Finally, the committee was briefed on components in the President’s recently released Legislative Outline for Rebuilding Infrastructure in America that could have implications for Section 106 reviews if they were carried forward in legislation.

The committee discussed how SHPOs and THPOs are being involved in the Working Group and to what extent exclusions from Section 106 review were included in the legislative principles. Chairman Donaldson urged the ACHP to continue advocating for more involvement of SHPOs where possible, as they are integral to the Section 106 process. Later the committee returned to the topic of the tribal contact database and raised concerns that such a system needs protocols in place to be kept up-to-date. It should also allow tribes to specify their areas of interest.

Federal Communications Commission (FCC) Program Comment on Twilight Towers

FCC Commissioner Brendan Carr briefed the committee on recent developments in the FCC's development of a Program Comment for "twilight towers," meaning those constructed between 2001 and 2005 for which a record of Section 106 review is missing or that did not undergo a historic preservation review. FCC's guidance to its applicants during that period was imprecise, and the compliance documentation for such towers is difficult to trace. Twilight towers are now attractive collocation sites for public safety programs as opposed to siting new towers. The uncertain record of Section 106 compliance for twilight towers creates a regulatory barrier that FCC is seeking to resolve through a Program Comment. The FCC received extensive comments from diverse stakeholders that are being reviewed and adjudicated by staff. Once this process is concluded, the FCC will submit a formal request for a Program Comment to the ACHP in April.

Committee members asked about the timeline for advancing the draft Program Comment. Mr. Nelson reviewed the procedural steps for the ACHP's consideration and issuance of a Program Comment.

Ms. Vaughn described how the ACHP met with industry and the preservation community on March 7 to learn about their views on the draft Program Comment and what they want to achieve in the document. Similarly, the ACHP heard from NCSHPO, National Association of Tribal Historic Preservation Officers (NATHPO), and the National Trust about their views on the identification of twilight towers, the basis for the projection that there are only 4,300 twilight towers, and the procedures through which FCC will respond to complaints referred to the agency regarding unresolved adverse effects on historic properties. Various members voiced concerns about not having access to a comprehensive list of the locations of all twilight towers so that SHPOs, THPOs, and Indian tribes and Native Hawaiian organizations could assess where they are located and how they have been used by carriers and tower construction companies. Jill Springer clarified that the Program Comment would only address collocations going forward, not the resolution of any adverse effects or problems that may have occurred from non-compliant twilight towers. FirstNet, which has plans to deploy emergency communication in all states and territories, requires prioritization of collocation sites and has created additional urgency for FCC's resolution of the twilight towers issue.

Updates on Major Activities

Mr. Nelson provided a series of brief updates on other activities within the Office of Federal Agency Programs.

- The Rural Utilities Service recently convened eight listening sessions toward the development of a nationwide PA. The agency hopes to complete a PA by the end of April or early May.
- The draft Guidance on Assistance to Consulting Parties in the Section 106 Review Process is being reformatted in response to FAP Committee member comments. A revised version will be shared once more with the committee before it is finalized.
- The ACHP's Office of Information Technology has developed a mockup to demonstrate how an online Section 106 forum might operate. This format may require a contract to manage, and OFAP staff is moving forward with working through the technological setup issues.

- The Department of Veterans Affairs (VA) is progressing in the development of a Program Comment for vacant and underutilized properties with a formal request to the ACHP expected in late April. VA is hosting a webinar with interested Indian tribes on the topic.

Some discussion on GIS templates and data sharing closed the meeting.

PRESERVATION INITIATIVES COMMITTEE

Attendees: Committee Chairman Brad White; Terry Guen, Luis Hoyos, ACHP members; Mark Wolfe, Erik Hein, Ted Monoson, NCSHPO; Joy Beasley, Brian Goeken, NPS; William LeRoy, EPA; Doug Stephens, Forest Service; Katherine Slick, ACHP Foundation; Nancy Boone, HUD; Tom Cassidy, National Trust for Historic Preservation; Beth Savage, Claire Hosker, General Services Administration; John Fowler, Ron Anzalone, Dru Null, Judy Rodenstein, Lynne Richmond, Angela McArdle, ACHP staff

Advocacy Week

Committee Chairman Brad White asked the representatives from NCSHPO and the National Trust to brief the group on National Historic Preservation Advocacy Week, which took place the previous week. Erik Hein said it was well attended with 175 participants from 40 states, and that preliminary reports regarding meetings with congressional members were positive. Senator Bill Cassidy (R-LA) and Deputy Secretary of the Interior David Bernhardt were the luncheon speakers. Both Mr. Cassidy and Ted Monoson mentioned the successful evening reception, which recognized and thanked members of Congress who supported the Historic Preservation Tax Credit as Congress passed tax reform legislation in 2017.

Budget and Appropriations

Dru Null gave an update on the status of the FY 2018 and FY 2019 budgets. She reported that the funding authorization under the latest continuing resolution (CR) for FY 2018 would expire in two days, on March 23. It was unclear whether Congress would pass another CR or an omnibus spending bill. *[The evening of the committee meeting, Congress released the text of an omnibus spending bill, which was discussed at the ACHP business meeting.]*

The President's budget for FY 2019 calls for significant decreases in domestic spending, including for preservation funding. Mr. Monoson reported that a bipartisan letter to the House Appropriations Committee in support of increased funding for the Historic Preservation Fund had been signed by more than 100 members of Congress. The letter's recommended level of funding is \$88.5 million. Mr. Cassidy reported working to obtain \$2.5 million in additional funding for SHPO/THPO digitization efforts.

National Park Service Deferred Maintenance

Ms. Null reported that on the previous day the Subcommittee on Federal Lands of the House Committee on Natural Resources held a hearing on the National Park Restoration Act and the National Park Service Legacy Act. Both bills would draw upon federal energy and mineral revenues to fund deferred maintenance. Mr. Cassidy said the National Park Restoration Act—which is supported by the Administration—is speculative in nature. No funding for maintenance would be available unless certain energy revenue thresholds are exceeded. In contrast, the National Park Service Legacy Act would require specific levels of dedicated funding per year. There is a possibility that one or both bills will be marked up by the full committee on April 14. There was consensus in the PI Committee that this level of interest in the issue of deferred maintenance is a positive development.

National Monuments

Mr. Cassidy reported that the National Trust sent a letter to the House Natural Resources Committee opposing the Shash Jáa National Monument and Indian Creek National Monument Act, which would remove more than 1.1 million acres from the Bears Ears National Monument. A total of 31 organizations and tribes signed the letter. Regarding pending litigation opposing the President's reduction of the Bears Ears National Monument, he noted that a motion from the Administration is pending to change the venue of the case from Washington, D.C., to Utah.

African American Civil Rights Network Act

Ms. Null reported that the African American Civil Rights Network Act was signed in law on January 8. It establishes a U.S. Civil Rights Network administered by NPS. Joy Beasley described some of the steps that need to be taken to fully operationalize the program. A full roll out is expected in February 2019. Two sites already have been designated as part of the Network—the Lorraine Motel in Memphis where Martin Luther King Jr. was assassinated, and a mural in the DOI building depicting Marian Anderson's 1939 concert at the Lincoln Memorial. Beth Savage noted that the mural is GSA property, and that the agency was proud to work with DOI to facilitate its designation as the first site in the Network. Mr. Cassidy informed the group that former ACHP Vice Chairman Clement Price was instrumental in expanding the date range of the Network to include sites dating back to Anderson's 1939 concert. He also noted the National Trust is lobbying Congress for FY 2019 funding for the Network.

Broadband Deployment Legislation

Ms. Null briefed the group on several bills that have been introduced that seek to expedite broadband deployment by reducing environmental regulation. The SPEED Act would waive the FCC's Section 106 and NEPA requirements in several scenarios, and the Connecting Communities Post Disasters Act would do the same following major disasters or emergencies. The Rural Broadband Permitting Efficiency Act would allow states to assume all or part of FCC's environmental review responsibilities for certain projects. Committee Chairman White asked about the administrative alternatives to such legislation. John Fowler discussed the options of program alternatives such as Program Comments and exemptions. He noted that the ACHP encourages Congress to instruct agencies to work with the ACHP to finalize such program alternatives rather than create legislative waivers.

Historic Preservation Tax Credits

Mr. Cassidy indicated that the National Trust will be following up on possible technical corrections to the revised preservation tax credit. The Trust is still committed to supporting proposed legislative enhancements to the credit as opportunities present themselves in the future.

Explore America Act

Ron Anzalone briefed the group on the Explore America Act, which would authorize the provision of technical assistance under the Preserve America program and direct DOI to enter into partnerships with gateway communities adjacent to units of the National Park System to help support regional tourism and boost economic growth. It is not clear at this point how much traction the bill will have, although it has bipartisan sponsorship.

Intern Program

Judy Rodenstein reported that 87 applications were received for this year's intern program. Two or three

slots will be funded by the ACHP Foundation, but additional unpaid interns are also a possibility if space allows. Interviews will take place in the next two weeks. Paid or unpaid, interns can receive college credit.

Commemorative Works Policy Statement

Mr. Anzalone clarified that the draft Commemorative Works Policy Statement would be discussed at the business meeting. Ms. Slick noted that the CEO Committee discussed the possibility of developing additional guidance based on the policy statement. Mr. Anzalone brought to the attention of the committee that New Orleans Mayor Mitch Landrieu recently published a book on removal of Confederate statues in his city.



Preserving America's Heritage

MINUTES

SPRING BUSINESS MEETING

ADVISORY COUNCIL ON HISTORIC PRESERVATION

MARCH 22, 2018

WASHINGTON, D.C.

ADVISORY COUNCIL ON HISTORIC PRESERVATION

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MEETING
ADVISORY COUNCIL ON HISTORIC PRESERVATION
Russell Senate Office Building, Kennedy Caucus Room
Washington, D.C.
March 22, 2018

PROVISIONAL AGENDA

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- IV. Historic Preservation Policy and Programs
 - A. Commemorative Works Policy and Principles
 - B. Historic Preservation Legislation in the 115th Congress
 - C. Cultural Resources Fund: Ideas for the Future
 - D. Building a More Inclusive Preservation Program: Preservation Crafts Training
- V. New Business
- VI. Adjourn

IN ATTENDANCE

Milford Wayne Donaldson, Chairman
Leonard Forsman, Vice Chairman
Terry Guen
Luis Hoyos
Dorothy Lippert
Jordan Tannenbaum
Brad White

Architect of the Capitol

Stephen T. Ayers

Secretary of Defense

Represented by:

Maureen Sullivan
Deputy Assistant
Secretary of Defense
(Environment, Safety &
Occupational Health)

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 Officer

Secretary of Housing and Urban Development

Represented by:

Danielle Schopp
Director, Office of
Environment and
Energy

Secretary of the Interior

Represented by:

Jason Larrabee
Principle Deputy
Assistant Secretary for
Fish and Wildlife and
Parks

Joy Beasley
Federal Preservation
Officer/Deputy
Associate Director
Park Programs and
National Heritage Areas

Secretary of Transportation

Represented by:

Grover Burtney
Deputy Assistant
Secretary for
Policy

Native American/Native Hawaiian 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

General Chairman, National Association of Tribal Historic Preservation Officers

Shasta Gaughen
Pala Band of Mission Indians
Tribal Historic Preservation Officer

Chair, National Trust for Historic Preservation

Represented by:
Thomas Cassidy
Vice President for
Government Relations

OBSERVERS

Managing Director, Council on Environmental Quality

Represented by:
Ted Boling
Associate Director for
NEPA

President, ACHP Foundation

Katherine Slick
Historic Preservation Consultant

In attendance and participating in the meeting were ACHP Executive Director John M. Fowler; Ron Anzalone, Reid Nelson, ACHP staff; Federal Communications Commission Federal Preservation Officer Jill Springer; Peggy Mainor, executive director of the MICA Group.

PROCEEDINGS

Chairman's Welcome

Advisory Council on Historic Preservation (ACHP) Chairman Milford Wayne Donaldson opened the spring business meeting at 8:35 a.m. He asked Leonard Forsman to lead the Pledge of Allegiance. The agenda was approved with a motion by Reno Franklin and second by Jordan Tannenbaum. Chairman Donaldson appointed Shayla Shrieves recorder for the meeting. He introduced Shasta Gaughen who is the new chairman of the National Association of Tribal Historic Preservation Officers (NATHPO). Ms. Gaughen said she appreciates the opportunity to have a voting seat on the ACHP. Chairman Donaldson also introduced Tom Chaleki who was Jeff Orner's deputy for six years and noted that he is looking forward to getting to know everyone. Members introduced themselves around the table. The Department of Defense (DoD) has the proxy for the Department of Veterans Affairs (VA) and the Department of Agriculture. The minutes from the November business meeting were approved with a motion by Maureen Sullivan and second by Terry Guen.

Chairman Donaldson thanked Cindy Bienvenue and Ismail Ahmed for their work organizing the business meeting. He noted that five new Section 106 Success Stories have been published since the last meeting and asked for submissions of more story ideas to reach a goal of 106 stories.

Tom Cassidy explained the omnibus budget agreement that was announced the previous night. The Historic Preservation Fund (HPF) is funded at \$96.9 million—the highest level in history. He also noted increases of \$1 million for State Historic Preservation Offices (SHPOs) and Tribal Historic Preservation Offices (THPOs) from last year's numbers; \$500,000 for the underrepresented communities grant

program; \$13 million for African American Civil Rights grants; \$13 million for Save America's Treasures; \$5 million for the Historically Black Colleges and Universities (HBCU) grant program, and \$5 million for a new program of preservation grants for historic properties.

John Fowler said a number of staff changes have occurred: Lynne Richmond is the new communications and public affairs specialist; Angela McArdle is the new liaison to the VA; Ira Matt has returned to the ACHP in the position of Native American Affairs senior program analyst; and Tanya Devonish will be the meeting and event coordinator. Mr. Fowler noted MaryAnn Naber retired at the end of 2017, and he is currently recruiting for the Federal Highway Administration (FHWA) liaison position. VA also expanded the liaison agreement for the ACHP to hire a VA liaison outside of DC—Claudia Nissley, a former ACHP staffer, is now working from Colorado.

At this time, Stephen Ayers joined the table. Chairman Donaldson said Mr. Ayers recently received the 2018 Thomas Jefferson Award for Public Architectural Recipients. It is the highest award from the American Institute of Architects to be given to a public employee as an architect, he said. Members gave Mr. Ayers a round of applause.

Transition to Full-Time Chairman

Chairman Donaldson briefed members on the background of the full-time chairman position. The idea came out of the 2006 Preserve America Summit and came to fruition in the centennial bill for the National Park Service (NPS) in December 2016. On March 13, the President announced his intention to appoint Aimee Jorjani to be the full-time chairman. She must be confirmed by the Senate, and it is unknown how long that process will take. Chairman Donaldson said the ACHP will need to look at its operating procedures and the strategic plan.

Mr. Fowler said the transition from part-time to full-time chairman is unprecedented. It provides an opportunity for the ACHP to examine its structure. There are three areas: operating procedures (assignment of authority); organizational structure; and the strategic plan. He explained the different authorities. The operating procedures will be a focal point for member action. The organizational structure has changed over time. This is an opportunity to revisit how the ACHP is structured and make changes as needed. Mr. Fowler proposed the members review the operating procedures and delegation of authority and recommend changes, develop an approach to strategic planning, and come forward in the next business meeting with their suggestions. Chairman Donaldson said he would appoint a member task force to oversee the transition, and members were encouraged to let him know soon if they would like to serve on it.

Section 106 Issues

Chairman Donaldson discussed infrastructure initiatives noting the Administration sent its proposal to Congress in February. He reminded members that in the Eisenhower era, there was a gigantic infrastructure push right after the war, which then led to the passage of the National Historic Preservation Act (NHPA) in 1966. Much support for the NHPA was from mayors in various cities experiencing freeways harming historic places in their communities.

This new proposal is going to be about \$2 trillion, and is long overdue, he said. U.S. infrastructure does need to be improved quite a bit.

The ACHP has been working with the Office of Management and Budget and the Council on Environmental Quality (CEQ) and is part of the Federal Permitting Improvement Steering Council (FPISC).

Mr. Cassidy said the Federal Agency Programs (FAP) Committee spent a considerable amount of time discussing infrastructure and learning more about developments on the program, policy, and legislative fronts. Staff continues to work effectively with the FPISC to advance a number of programmatic goals and improve Section 106 reviews for infrastructure projects. Chief among them are efforts to advance the developments and use of a nationwide tribal contact system to improve tribal consultation on projects.

There was a great deal of discussion on the potential use of the Tribal Database System the Department of Housing and Urban Development (HUD) uses to fill that need. Mr. Cassidy said the committee spent time discussing the ACHP's efforts to pursue Section 106-related solutions and improvements including the work staff has done to better engage industry in infrastructure discussions.

Reid Nelson came to the table and said the ACHP has enjoyed an effective relationship and an active role on the FPISC. The FPISC established a dashboard that tracks and provides transparency to the actions federal agencies are taking to complete environmental reviews on very high profile and large infrastructure projects. The ACHP is in almost weekly meetings. Mr. Nelson is the ACHP's Chief Environmental Review and Permitting Officer.

The ACHP is engaging on individual projects as well, and agency involvement has already demonstrated the ACHP can work with agencies to quickly resolve issues and clarify Section 106 review requirements. Mr. Nelson also reached out to a group of industry representatives to hear from them about their interest in the Section 106 review process. He mentioned a one-page flier that was prepared with great assistance from an industry representative that talks about a program comment the ACHP adopted last May for telecommunication projects.

Mr. Nelson highlighted the set of principles that the Administration advanced on infrastructure. He also noted an effort to legislate the One Federal Decision Framework that has been put in place as a result of Executive Order 13807.

Mr. Fowler said the Section 106 regulations have a number of tools embedded in them to adapt the standard Section 106 process to the needs of an agency or a new program. The ACHP is working on one dealing with an exemption for railroad rights-of-ways. He stressed to federal agency members the importance of improving the delivery of infrastructure and other federal projects and urged them to look at where there might be opportunities to use Section 106 tools.

The ACHP recently turned its attention to the energy transmission industry by putting together a working group of about 20 industry people and the professional consultant community and hosted a meeting in December at the Colorado School of Mines, which was ably facilitated by Blythe Semmer. Coming out of that, staff put together a set of goals for the working group.

The general areas to explore are the following: methods to reduce review burdens, increase consistency of Section 106 reviews, focus compliance efforts on activities with the greatest likelihood of affecting historic properties, clarify federal lead agency roles for Section 106 review, and coordination of reviews. Other goals include addressing the Appendix C-Section 106 disconnect, facilitating a more active and productive working relationship between federal agencies and energy project proponents in Indian tribes, and pursuing standards and resources to improve accessibility of digital information about the presence of historic properties.

Grover Burtney gave an overview of what the Department of Transportation (DOT) has been doing since the framework was released in February. Many of the cabinet members have been attending hearings on the Hill, including Secretary Elaine Chao, who testified. Those hearings and events have led to various requests for technical assistance and other follow-ups.

Mr. Burtthey said it is obviously wide-reaching and not just surface transportation. It is across many forms of infrastructure. He is optimistic that the attention and effort put into that will produce results through different conduits. He noted that in the omnibus bill announced the previous night there was \$300 million appropriated to the nationally significant federal lands and tribal projects program. That program was part of the FAST Act of 2015 that was authorized at \$100 million per fiscal year but never had appropriated funds.

The purpose of that program is specifically to provide funding for construction, reconstruction, and rehabilitation of nationally significant projects on federal or tribal lands as managed by the Federal Highway Program. Mr. Cassidy said at the National Trust there is broad support for the notion of faster, better, smarter transportation and infrastructure projects. He suggested it is important to get information on where places are located early in the transportation planning process instead of waiting for a Section 106 review of the preferred alternative.

Chairman Donaldson said his concern has long been that industry will pursue changes to the law without preservationists' input. He said it behooves federal agencies to make sure there is money to carry out effective Section 106 reviews. If people do not know what is there, that creates delays.

Ms. Guen said on a large scale, mapping things is pretty much industry standard as of 10 years ago. The only way to look at this is communication ahead of time. She suggested these projects must include funding for the agency or infrastructure project to provide a short window of time and resources to provide groups to digitize that information. Ms. Gaughen pointed out that she searched for the new spending bill online and for the phrase "historic preservation," and found in 2,232 pages, it came up only seven times. She was unable to find how much of that money was going to be allocated to the THPOs.

She said a lot more needs to be done on the tribal level than just providing money for digitizing. If people want to make these infrastructure projects proceed with efficiency through the tribal consultation process, then that money needs to be provided at the ground level to even start some of these programs in the first place. She added she is uneasy about the idea of money being provided for digitizing tribal resources, because tribes do not want to share those things unless they have to. If this money is going to be attached to a requirement that these resources be made available to whomever needs to see them for their project, she thinks that is going to be a problem.

Mr. Franklin said digitizing is both the good and bad end of the sword. He thinks there are people in the CRM industry who have taken advantage of information provided by tribes. His tribe found an alternate way to do that along Highway One with Caltrans and for their entire ancestral lands. The California Department of Transportation and the DOT will now have a way of giving that information in a culturally appropriate way. He said tribes want to be able to participate in projects and consult, but it must be done in a culturally appropriate way. Models are out there.

Chairman Donaldson recounted a successful project in California—the Desert Renewable Energy Conservation Plan. It is an excellent example of how people can come together and look at these on a landscape scale, not on a singular project scale.

Mr. Cassidy announced that the money provided to the tribes through the HPF is \$11,485,000, which is \$1 million more than last year's enacted level. He said people need to confront the issue of confidentiality of archaeological and cultural resources and find a way to have data inform these processes at the earliest possible stage of their planning.

Mr. Franklin reminded members about the wildfires that swept through California last fall and said it is more important now than ever to get digital records and maintain some sense of confidentiality. Best

practices need to be established for federal agencies that have the responsibility to implement Section 106 and review and approve it.

Mr. Fowler asked about the advancement of the legislative principle about better aligning Section 4f and Section 106. Mr. Burtney said the permitting provisions at large are of utmost significance in terms of the overall package. He said DOT is concerned that sometimes the lack of transparency and lack of predictability in a lot of these processes deter participants from trying to address the infrastructure needs. He said Secretary Chao noted during her testimonies DOT is not trying to cut corners.

The main objective is to create a more predictable process, a timeline that has more accountability to it. It would reduce the duplicative efforts without losing the integrity of these processes.

Jordan Tannenbaum asked if the CEQ-ACHP partnership was effective. Mr. Nelson responded that the working relationship with CEQ and the nimble way the agencies can exchange ideas and information about emerging issues has been beneficial to the ACHP. Ted Boling agreed, noting there is a strong working relationship in the development of the legislative principles, as well as other projects and efficiencies through the years.

Ms. Guen mentioned in the world of “we’re just supposed to get it done,” if there is a cultural change needed, it really has to be cited by the leadership.

Rail and Transit Rights-of-Way

Mr. Cassidy said both ACHP and DOT staff brought the committee up to date on their work to develop the program comment to exempt certain activities in rail and transit rights-of-way from Section 106 review, and also include other programmatic efficiencies that provide further Section 106 relief for the rail and transit sector.

When the ACHP last met, staff was on the verge of sending the draft program comment out for review among preservation and industry stakeholders and the public. The response to that request was voluminous and has set the ACHP on a slightly different path.

Mr. Nelson reminded members that in December he had presented a draft program comment that included both the core notion of exempted activities but also had additional provisions that would allow for a resource-based approach to identifying historic properties and rights-of-way that might be excluded from exemptions.

The ACHP shared that draft program comment with preservation partners, industry stakeholders, and the public, and received more than 200 comments. Many people thought parts of it could be clarified or augmented, and there was some concern among the preservation community about the resource-based approach and how it was framed. Additionally, there was greater concern from industry and Senate staff that to some extent, the document did not go far enough to solve their perceived challenges with carrying out Section 106 review in rail and transit rights-of-way.

After meeting with Senate staff again, one of the things the ACHP learned is that from their perspective the proposed program comment did not align with the Interstate Highway Exemption as it was legislated to do. Mr. Nelson worked to pull together representatives from rail and transit to meet with the ACHP and share their views on what their challenges were in carrying out Section 106 reviews in the rights-of-way and how the ACHP might adapt this program comment to better address those challenges.

Mr. Nelson said out of the meetings came the idea that there was benefit in exploring adding another component to this program comment, which is a resource-specific component regarding bridges. The

ACHP is currently working with DOT to explore how to add another element to the program comment that would allow for the identification of bridges within a rail right-of-way or a transit right-of-way. The draft program comment is now expected for a vote via unassembled meeting in May.

Federal Communications Commission Twilight Towers

Chairman Donaldson noted that “twilight towers” were put up between 2001 and 2005 without compliance with Section 106. The ACHP is working with FCC to develop a program comment to address the issues on these towers. The FCC says the locations of the “twilight towers” are unknown. Since some of them have been up for 17 years, the other assumption is if nobody has complained so far, they do not likely present impacts to historic properties.

Mr. Cassidy said FCC Commissioner Brendan Carr joined the FAP Committee meeting and was very forthright in discussing FCC’s effort to develop and present a proposed program comment on twilight towers. There are a minimum of 4,000 or so of these towers.

Commissioner Carr informed the committee that FCC would include a commitment to carry out the same type of Section 106 review that has already been applied to towers built before 2001. He further elaborated that the program comment would not resolve or condone any harm that might have come to historic properties as a result of the original tower construction but would simply allow for the collocation of new equipment onto these existing towers.

FCC’s perspective is that collocating new equipment on the existing towers would pose less of an impact to historic properties than building new towers.

Mr. Nelson said the ACHP agrees with FCC that a solution is needed. What has been more challenging is understanding what twilight towers are, how many there are, where they are, and whether they have any potential to affect historic properties.

FCC is clear that some of them were subject to some form of Section 106 review, but some of them were built without that benefit. FCC has been engaging the ACHP, NCSHPO, NATHPO, the National Trust, and others in a dialogue about this.

Once the ACHP receives the program comment from FCC, it will have 45 days in which to act. It is anticipated that some time in June, members will have this matter before them for a vote.

Chairman Donaldson said one thing Commissioner Carr said was how important the collocation is going to be for emergency response, so that first responders can get in contact with a tower right away.

Brad White asked for clarification on the towers not going through Section 106. Mr. Nelson said the challenge has been that FCC cannot quantify that ratio or really many other facts about these towers. They extrapolate them from data they have at hand and have received from carriers. Both the ACHP and FCC believe that many of them did go through something akin to a Section 106 review. However, FCC itself was not consistently involved in the review. Likely there was some interaction between a carrier and a SHPO and/or a THPO.

Mr. Nelson explained that the expectation is that collocations will typically involve going to existing towers and adding additional rings of equipment, hanging more antennas on existing towers. The challenge is that the preservation community sees this as a way to resolve the legacy issue of the original construction of the towers.

Mark Wolfe said NCSHPO conceptually agrees that collocation is advantageous in comparison to the installation of additional towers. He said calling them “twilight towers” so they have a sexy name, makes him a little angry. They are not twilight towers; they are towers that were installed in violation of Section 106. He said he understands that FCC does not know where they are, but there is no mystery here. Industry installed them, they maintained them, and now they are asking to be permitted to collocate additional equipment on them. They know exactly where they are.

He said there has never been a suggestion that perhaps industry could be required to provide a list that could be cross-indexed with the reviews that have been conducted. That would identify exactly what is out there that was not permitted and the process could move forward from there.

Ms. Guen said it seems like a bullying effort that the companies are saying “we’re not going to get this emergency broadband thing because you guys are holding us up.” She thinks that is not conducive to open discussion or trust.

Her other concern is that there is a structural capacity of these towers, and should, over the next 20 years they keep stacking receptors or antennas on top of them, that there should be some anticipation of what happens when they need to rebuild the tower, because it is a twilight location.

Mr. Franklin said historic resources are not renewable. Once a historic property is gone, it’s gone. It is not going to grow back again. A lot of these cell towers that were put in clearly were either just a failure to regulate or follow-up on. Now there is the opportunity to take a look and say, “let’s correct whatever issue happened there. If it was permitted, if it wasn’t, whatever, let’s double check and make sure that they’re not going to continue to affect a historic property.”

Jill Springer came to the table and said one of the issues that Commissioner Carr went over is that there is an FCC challenge regarding the licensing. These are towers to which the Commission issues a geographic license. Using the spectrum in that area, the tower companies subsequently decide where to put these towers. The time period is 2001 to 2004. In 2001, the ACHP worked with the FCC to develop a nationwide Programmatic Agreement (nPA) for collocations.

Industry began to have better regulations and understanding of what they needed to do when they wanted to put a collocation on a tower. The actual nPA that deals with tower construction was not put into place until 2004. There was a changing dynamic and context with respect to communicating to industry what the requirements were and what the rules were.

In 2012, the Middle Class Tax Act established FirstNet, which is developing a nationwide broadband public safety network. They put within that legislation the requirements that FirstNet, in developing statewide plans, tried to collocate antennas for this network instead of requiring the construction of new antennas. These twilight towers represent a big resource as far as FirstNet goes.

FirstNet deployments will start in 2018. Having these towers be in limbo now is impeding their efforts to develop that. Ms. Springer said she also noted some committee members suggested that better guidance might be issued about how individuals who have concerns about towers that could possibly be twilight towers could register complaints.

Katherine Slick discussed a cell tower near Taos Pueblo in New Mexico. Mr. Fowler noted it was a good example of the kind of adverse effects that might exist with some of these towers. It is more than drilling holes in buildings; it is something that has significant effects particularly with regard to viewsheds, business, and tribal issues.

Mr. Tannenbaum asked if technically this was a foreclosure. Mr. Fowler answered that this case is not, and the ACHP rarely reaches the level of determining that something is legally foreclosed.

VA Program Comment

Chairman Donaldson said VA is working on a program comment regarding its under-utilized properties. Former Secretary David Shulkin launched an initiative to dispose of several hundred unused and under-used VA properties. Many of these are on the National Register, and their future is in doubt right now. He said VA turned to the ACHP right away to ask for help to provide some sort of reasonable directions in the future of these properties.

Mr. Nelson said the ACHP is advising VA on developing a draft program comment that would set in place a number of hierarchical procedures for considering the preservation impact that might occur from the disposal of some 400-plus properties within their portfolio.

Generally speaking, there are procedures that streamline reviews for the more utilitarian structures they may be disposing of; garages and sheds and other buildings that likely do not have high preservation value, and perhaps other procedures that involve more consultation with the normal stakeholders when those properties do have greater preservation value. There is also an interest in promoting the potential for reuse, either among other federal agencies or private partnerships.

VA is working to put a *Federal Register* notice out in the coming days, seeking public comment on developing this program comment, and after that, they will submit a formal request to the ACHP for a program comment, perhaps at the end of April. The ACHP has a 45-day window and then would present the program comment to members via an unassembled meeting likely by June.

Section 3 Report

Chairman Donaldson noted that every three years, a report is written on the stewardship of historic properties under federal agencies' jurisdiction. It is a report to the President for making recommendations to improve federal stewardship. The report was submitted on time on February 15. He thanked staff for the final report and said the quality and participation in this has improved substantially from previous years, and it is all digital.

Mr. Cassidy said the FAP Committee discussion centered on an overview of the report's distribution, including how to deal with all the recommendations and how the agencies have dealt with recommendations in the past.

The sense of the committee was to focus upon those recommendations that have a tie-in to infrastructure. Mr. Nelson congratulated Tom McCulloch and Ms. Shrieves, who worked incredibly hard on this report. He said this is the first substantial electronic report the ACHP has developed. The agency used a new technology, which also has the ability to track how many people are reading it. He went through a variety of highlights of the recommendations in the report. Many of the themes have appeared in past reports, and the ACHP has already made significant progress in many of these areas. One of the things staff is doing in preparation for the next business meeting cycle is to develop an action plan based on what should be the highest priorities in implementing these recommendations.

Ms. Sullivan said the report should not be just a public relations document. If they are going to be substantive, staff and members need to look at these findings and recommendations and figure a path forward for things that will improve the federal agency programs. She suggested picking the ones that are really important to the ACHP, and helping the staff prioritize their workload.

Mr. Fowler said he will follow up with the membership to seek their input on what the priorities should be, and from the perspective of the federal agency members, what items are doable. What might have some resonance with agency leadership to help them reach goals, and at the same time, carry out the recommendations of the report?

Controversial Commemorative Works

Chairman Donaldson reminded the members of recent news stories regarding the treatment of controversial commemorative works that have prompted the ACHP to develop policy and principles addressing the topic. He recounted how he sent out a personal statement to members and then put together a working group to try to develop a position that goes beyond Section 106 review and that would address removal of some of these statues.

He thanked Ron Anzalone and Dru Null for their work on the policy statement. Mr. Anzalone came to the table and stressed that the issue is very much a preservation concern, and that the policy statement is something that needs to be straightforward and go beyond Section 106. He said the agency should make a statement of value or potential value to localities and states, as well as local government and other parties that are dealing with this issue outside the boundaries of Section 106.

He noted the draft policy statement has a brief statement of context and identifies who the ACHP is, what the NHPA is, and why the ACHP is saying anything about this. Then there are guiding principles having to do with stewardship, changing values, understanding the historical context of how these commemorative pieces were erected in the first place, the historic significance associated with them, the importance of consultation with a wide variety of parties to decide about the fate or disposition of these works, making sure that those discussions were inclusive, and looking at a variety of alternatives on what to do next.

There is a great opportunity to use these kinds of situations for educational purposes, making sure people understand the history that is associated with them and memories that are positive and negative related to the events and the individuals that have been memorialized.

Mr. Wolfe said the folks who were involved in the development of this policy were a thoughtful team. He appreciated their dedication to this work, because it is an extremely controversial issue, and the end result is very good. He said it can also be used to help guide decisions with respect to the naming of public buildings—an issue raised in Texas and in other states.

Vice Chairman Forsman asked about the transfer of the Jefferson Davis statue at the University of Texas. Mr. Wolfe said it was moved indoors to a history center on campus.

Mr. Franklin said it is a sensitive subject and commended the committee in taking a policy on a very sensitive subject and turning it into a thoughtful process for others to reflect on, and their decisions to move, hopefully, some of these things indoors. He said with his tribe, they teach to not forget the atrocities of the past, but also do not let them define who they are. At some point, however, when we have monuments to such incidents, they begin to define who we are, he said.

Ms. Sullivan asked if there was any discussion among the group about keeping the decisions local, allowing the communities themselves to make those decisions and have this robust discussion.

Chairman Donaldson said there was, but the committee did not want to leave the impression that the ACHP cannot deal with it and was just passing it off to the locals. In a lot of cases, the locals themselves may not be as inclusive as you would think they would be, he said.

Ms. Sullivan asked about historic significance in the context of some of these monuments. Chairman Donaldson said a lot of these monuments have nothing to do with the spot that they are erected on, or the time period, or anything else.

Ms. Gaughen said when these issues are publically controversial, and there are communities that have opposing points of view about what should happen to these monuments, that the responsible and cautious thing to do is to bear in mind that not every voice is equally valid.

Dorothy Lippert discussed a Travel Channel show she watched about a neighborhood in Pittsburgh that had been demolished for an arena, and how that affected the culture and community negatively. She said there is a clear link between what the ACHP is doing with Section 106 issues and with these issues over monuments and memorials.

She suggested having links on the ACHP website to other documents regarding these issues. Mr. Fowler cautioned as a government agency, staff needs to be careful about what it seems the ACHP is endorsing.

With a motion by Vice Chairman Forsman and second by Mr. Franklin, the members adopted the ACHP Policy Statement on Controversial Commemorative Works in a unanimous vote. The Department of the Interior (DOI) abstained.

Legislation

Mr. White said the previous week's Preservation Advocacy Week attendance was good, about 175 people attended, there were more than 200 meetings on the Hill, and 40 states were represented.

This kind of attendance is good for historic preservation and points to why the preservation community has been successful in moving things forward. He highlighted the African American Civil Rights Network bill which was signed into law earlier this year and congratulated the General Services Administration on having the first site, located in the Main DOI building, to be recognized under the network—the Marian Anderson mural.

The NPS recently released its 2017 report on the historic rehabilitation tax credit program. Some numbers: almost \$6 billion in private investments, more than 100,000 jobs created; over 40 years, there have been 43,000 projects, \$90 billion invested, and 2.5 million jobs created. Those jobs are local jobs. These are not large developers coming in from other places but rather local community members.

Cultural Resources Fund—Ideas for the Future

The FCC and Class I railroads created the Cultural Resources Fund (CRF) as part of a settlement arising from problems with Section 106 and Positive Train Control. The \$10 million fund, with contributions from eight freight railroads, was designed to assist Indian tribes and SHPOs in carrying out preservation projects.

It is being administered by the MICA Group, and Ms. Slick also sits on the advisory committee overseeing these grants. Peggy Mainor came to the table to share some of the results of the grants via a PowerPoint presentation and present a compelling illustration of the value of grant assistance, provided with a minimal formal process and maximum flexibility. Chairman Donaldson asked if the MICA website links could be shared with members to see all the projects.

Ms. Slick said in three years, the fund has distributed \$6.7 million in three grant phases. The grants are \$10,000 to \$40,000. The CRF still has \$2.5 million to distribute, and that will happen by the end of this year. The total number of grants awarded so far is 367 in 41 states.

One-third of the projects that were funded actually supported new database work, mapping, and GIS. Thousands of sites and cultural places have been identified, mapped, and protected. In addition, 97 new cultural programs for youth have come out of this program. One hundred two traditional cultural knowledge collaborations have come out of it, and six new THPOs have been generated.

Mr. Fowler asked members to think about other opportunities to use mitigation funds from Section 106 projects to do these types of projects that are off-site, creative, innovative, and have longer term impact. He asked how the ACHP might publicize these kinds of things as an example of what a minimal investment with willing parties can create.

Building a More Inclusive Preservation Program

Luis Hoyos announced the ACHP has partnered with the Department of Education on a project called History in Humboldt County. The idea is to craft interpretative objects that help interpret historic sites in Humboldt County, California. The project is the result of a grant which will be creating a series of projects in California, which the ACHP hopes will be replicated in other schools. Students learn new technologies and new ways of digitally fabricating objects, and it might lead to further curricular development in the high schools.

The Communications, Education, and Outreach Committee was also briefed on a project coming forth in 2018 that is a partnership with the National Trust's HOPE Crew, the Western Center for Historic Preservation, and Morgan State University in Baltimore, Maryland, which is an HBCU. Students will be getting to know their historic campus much better, flagging and surveying their historic buildings, some of which are in disrepair. At the same time, they will learn techniques about historic preservation and fixing buildings. This increases awareness on the part of their student body, and hopefully increases enrollment in preservation for African American youth.

The next project is very ambitious—an ACHP Speakers Bureau. Mr. Tannenbaum said the agency already has a speakers program going on. Staff are now just going to start to collect the baseline information where members and staff are speaking, and then going to see where members might speak, looking for new opportunities for outreach. Staff will have a process for listing, publicizing what topics to speak on, who can speak. Staff are going to prepare talking points so there will be a script to use.

When staff travel for on-site meetings and consultations, perhaps they can look for opportunities to speak at a college, to a historical society, to a professional group about what the ACHP is doing. This also could be something the ACHP Foundation would look to provide some funding support for.

Mr. Hoyos said the ACHP is moving forward with the ACHP-HUD Secretary's Award for Excellence in Historic Preservation. Nominations have closed, and the award will be presented during the summer business meeting.

Chairman's Goodbye

Chairman Donaldson noted this would likely be his last business meeting as chairman since the new chairman may be confirmed by this summer. Chairman Donaldson thanked current and former council members, like former Vice Chairman Clement Price, for all of their support. He acknowledged their tremendous support especially the federal agencies, even though they change rapidly. He also thanked staff for supporting him in a lot of the work.

Chairman Donaldson said he is proud of accomplishments during his tenure including efforts to build a more inclusive preservation program and promoting youth in preservation. He wanted to make sure there was more inclusiveness with tribes, a better relationship with them especially under Section 106, trying to

understand their story. When he came on board, he was told that NATHPO was not a voting member of the ACHP, and he was able to remedy that. Another accomplishment was making the Office of Native American Affairs a separate office, and the diversity of council members.

He said he really appreciates everything and wanted to thank everyone from the bottom of his heart. It has been a wonderful experience for him.

New Business

Mr. Fowler said while it is not certain what the timing is going to be for Ms. Jorjani's confirmation, the plan at the moment is to have some kind of welcoming event and thank you event at the summer business meeting.

The next meetings are July 25-26 and November 7-8. The meeting adjourned at 12:25 p.m. with a motion by Vice Chairman Forsman and second by Mr. Tannenbaum.

At the time of the Minutes distribution, the dates for the summer business meeting have been changed to August 1-2, 2018.