



## **VOLUME 1 - ABOUT THE ACHP**

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ADVISORY COUNCIL ON HISTORIC PRESERVATION

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List of Contacts: Congressional Committees, OMB

Acronyms and Abbreviations

A VIEW OF THE FRONT PORTICO OF THE WHITE HOUSE IN WASHINGTON, D.C. ©VICTOR LEOPOLD RUSILLO

# ADVISORY COUNCIL ON HISTORIC PRESERVATION

The Advisory Council on Historic Preservation (ACHP) is an independent federal agency with the primary mission to encourage historic preservation in the government and across the nation.

The National Historic Preservation Act (NHPA), which established the ACHP in 1966, directs federal agencies to act as responsible stewards when their actions affect historic properties. The ACHP is given the legal responsibility to assist federal agencies in their efforts and to ensure they consider preservation during project planning.

The ACHP serves as the federal policy advisor to the President and Congress; recommends administrative and legislative improvements for protecting the nation's diverse heritage; and reviews federal programs and policies to promote effectiveness, coordination, and consistency with national preservation policies. A key ACHP function

is overseeing the federal historic preservation review process established by Section 106 of the NHPA. Section 106 requires federal agencies to consider the effects of projects, carried out by them or subject to their assistance or approval, on historic properties and provide the ACHP an opportunity to comment on these projects prior to a final decision on them.

## STRUCTURE OF THE ACHP

The ACHP, served by a professional staff in Washington, D.C., and led by a full-time chairman, comprises 24 members who meet throughout the year to oversee its work.

Members include the following Presidential appointees and other organizations' leadership:

- Senate-confirmed chairman selected from the general public
- Three members of the general public

- Four expert members
- Member of an Indian tribe or Native Hawaiian organization
- Municipal mayor
- State governor
- Department of the Interior
- Department of Agriculture
- Department of Defense
- Department of Education
- Department of Homeland Security
- Department of Housing and Urban Development
- Department of Transportation
- Department of Veterans Affairs
- General Services Administration
- Architect of the Capitol
- National Trust for Historic Preservation
- National Association of Tribal Historic Preservation Officers
- National Conference of State Historic Preservation Officers

CONTINUED >>>

**MISSION STATEMENT:** The Advisory Council on Historic Preservation, an independent federal agency, promotes the preservation, enhancement, and sustainable use of the nation's diverse historic resources and advises the President and the Congress on national historic preservation policy.





US COURTHOUSE AND POST OFFICE,  
CHARLESTON, SC, A SECTION 106 SUCCESS  
STORY (WIKIMEDIA COMMONS)



DESERT VIEW WATCHTOWER  
RESTORATION, GRAND CANYON, AZ,  
A SECTION 106 SUCCESS STORY (NPS)



MERIDIAN BRIDGE PROJECT, SD AND NE,  
A SECTION 106 SUCCESS STORY (NPS)

For more information  
on the ACHP, please visit:

[WWW.ACHP.GOV](http://WWW.ACHP.GOV)



## PROGRAM AREAS

The ACHP's major program areas are reflected in its organizational structure:

The **Federal Agency Programs** office administers the NHPA's Section 106 review process to promote efficient federal project planning that gives due consideration to the historic places that communities value. It works with federal agencies to improve how they incorporate historic preservation considerations into their programs and procedures and their responsibilities under the NHPA. The office manages the ACHP's extensive training program to instruct a diverse range of participants in the Section 106 review process, reaching both federal and non-federal stakeholders.

The **Preservation Initiatives** office undertakes research and development of policies to promote the benefits of historic preservation for advancing economic development, community revitalization, climate resilience, and other public goals. The office analyzes congressional legislation and government policies and programs to support the efforts of the ACHP membership to further the purposes of the NHPA. It also manages the ACHP's intern program.

The **Communications, Education, and Outreach** office conveys the ACHP's vision and message to constituents and the general public through information and education programs, as well as public recognition programs for historic preservation achievement. The office has lead responsibility for ACHP efforts to expand public appreciation for historic preservation, promote the engagement of youth and diverse communities in the national preservation program, and advance education and training in preservation crafts and skills.

The **Native American Affairs** office addresses program and policy matters related to issues of concern to Indian tribes and Native Hawaiian organizations. It provides a wide range of guidance, information, training, and technical assistance to federal agencies and other participants to promote early and effective consultation and engagement with Indian tribes and Native Hawaiian organizations in the Section 106 review process.

## SECTION 106

Section 106 of the NHPA requires each federal agency to take into account the effects of its undertakings on historic properties. It applies when there is a federal, federally assisted, or federally licensed activity, and that activity has the potential to affect properties listed in or eligible for listing in the National Register of Historic Places. The responsible federal agency must identify potentially affected historic properties; evaluate effects upon them; and consider alternatives to avoid, minimize, or mitigate any adverse effects. To do so, the agency consults with appropriate State or Tribal Historic Preservation Officers, other state and local officials, Indian tribes, Native Hawaiian organizations, and applicants for federal assistance. It considers their views and concerns about historic preservation issues, along with those of the public, when making final project decisions. Each year, more than 110,000 undertakings undergo Section 106 review. While the vast majority of cases are resolved at the state or tribal level, others present challenging preservation issues that require the ACHP's involvement to ensure an efficient review process that results in reasoned federal agency decisions. While the Section 106 process in the end is advisory, its outcomes most often represent solutions agreed to by the consulting parties.

## ADVISORY COUNCIL ON HISTORIC PRESERVATION

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## THE ADVISORY COUNCIL ON HISTORIC PRESERVATION'S FIRST 50 YEARS

As part of the ACHP's recognition of its 50<sup>th</sup> anniversary in 2016, the agency developed a historical review and summary of major preservation policies and practices championed by the ACHP since its creation.

With assistance from the ACHP Foundation and the firm Cultural Heritage Partners, a website was created titled *The Advisory Council on Historic Preservation's First 50 Years—Shaping National Preservation Policy, 1966-2016*. The site (<http://achp.preservation50.org>) is focused on how the ACHP advanced federal support for historic preservation and developed useful strategies for addressing major preservation issues from 1966 to 2016.

The site invites members of the public to explore the ACHP's work through a historical timeline and essays, images, online interviews and comments, and resource documents on eleven topics:

National Policy	Planning and Consultation
Federal Stewardship	Sustainability
Community Revitalization	Energy Development
Heritage Tourism	Disaster Response
Native American Heritage	Public Outreach
Public Archaeology	

A brief look at "Future Directions" rounds out an even dozen topical areas.

This website was developed on the web platform created for the Preservation50 celebration of the 50<sup>th</sup> anniversary of the National Historic Preservation Act. It cannot be directly transferred to become part of the ACHP's website, but a link is provided on the ACHP site. Initial discussions began in early 2021 to consider options for the future of this website.

*June 13, 2021*



≡ MENU



**ACHP Member Website**  
[www.achp.gov/memberresources](http://www.achp.gov/memberresources)

In 2001, ACHP staff added a special Member website as an overlay to its existing agency website. This formerly password-protected portion of the site contains privileged information accessible only by ACHP members, and includes information regarding upcoming meetings, reference material, and member contact information. It is a valuable and efficient way to access information about your role as a member.

Should you have any suggestions for improvements, please do not hesitate to contact Susan Glimcher (sglimcher@achp.gov) in the Office of Communications, Education, and Outreach.

## MEMBER RESOURCES

### **A One-Stop Shop for Information for ACHP Members**

#### Key Links

*Items that members may want to return to frequently as they do their ACHP work*

Latest Meeting Book and Information

Latest Budget

Strategic Plan

ACHP Operating Procedures

National Historic Preservation Act

Section 106 Regulations

Upcoming Events

Agency Event Calendar

Members and Staff

*Contact lists and information for members to reach each other and staff*

Members List

Staff List

ACHP Office Descriptions

Training Information

*A link to the ACHP's robust training program for in-person and online courses*

Training

ACHP Publications

*A link to the ACHP's publications, images, and video*

Publications

Multimedia

E-newsletters

Social Media

*ACHP channels of social media news and activities*

Facebook

Twitter

Instagram

YouTube

LinkedIn

Reference Materials

*Information members may need to navigate ACHP work*

New Member Briefing Book

ACHP Policy Statements

About Section 106

ACHP Program Alternatives

Preservation50

Acronyms and Abbreviations

Glossary

Past Business Meeting Minutes

Past Committee Reports

Forms

*Downloadable forms that will be useful in ACHP business*

Proxy

Sample Designee Letter (Individual)

Sample Designee Letter (Position)

**Legislative and Executive Order Authorities  
of the Advisory Council on Historic Preservation**

The following is a list of legislative and Executive Order authorities that directly involve the Advisory Council on Historic Preservation (ACHP), with summaries of each.

The authorities listed as “active” are those that are used by the ACHP relatively frequently, or that still include ACHP participation on an ongoing basis. Those listed as “dormant” are those authorities that, while still in effect, are used rarely or have not been used by the ACHP recently. Finally, those listed as “completed” are those that requested a task that has already been accomplished.

**I. Active**

<b>Law</b>	<b>Summary</b>
<p><b>National Historic Preservation Act</b> 54 U.S.C. § 300101 et seq.</p>	<ul style="list-style-type: none"> <li>- Established the ACHP as a federal agency.</li> <li>- Sets the following duties of the ACHP:               <ul style="list-style-type: none"> <li>(1) advise the President and Congress on matters relating to historic preservation, recommend measures to coordinate activities of federal, State, and local agencies and private institutions and individuals relating to historic preservation, and advise on the dissemination of information pertaining to those activities;</li> <li>(2) encourage, in cooperation with the National Trust for Historic Preservation and appropriate private agencies, public interest and participation in historic preservation;</li> <li>(3) recommend the conduct of studies in such areas as—                   <ul style="list-style-type: none"> <li>(A) the adequacy of legislative and administrative statutes and regulations pertaining to historic preservation activities of State and local governments; and</li> <li>(B) the effects of tax policies at all levels of government on historic preservation;</li> </ul> </li> <li>(4) advise as to guidelines for the assistance of State and local governments in drafting legislation relating to historic preservation;</li> <li>(5) encourage, in cooperation with appropriate public and private agencies and institutions, training and education in the field of historic preservation;</li> <li>(6) review the policies and programs of federal agencies and recommend to federal agencies methods to improve the effectiveness, coordination, and consistency of those policies and programs with the policies and programs carried out under this</li> </ul> </li> </ul>

	<p>division;</p> <p>(7) inform and educate federal agencies, State and local governments, Indian tribes, other nations and international organizations and private groups and individuals as to the ACHP's authorized activities;</p> <p>(8) provide an annual report to the President on ACHP activities; and</p> <p>(9) recommend to the Secretary of State the members of the official U.S. delegation that will participate in the activities of the international Centre for the Study of the Preservation and Restoration of Cultural Property.</p> <p>- Authorizes the ACHP to:</p> <p>(1) issue the regulations implementing Section 106 of the National Historic Preservation Act in its entirety;</p> <p>(2) secure directly from any federal agency information, suggestions, estimates, and statistics regarding historic preservation matters;</p> <p>(3) enter into agreements with Indian tribes whereby tribal laws substitute Section 106 regulations in their tribal lands;</p> <p>(4) request from the Secretary of the Interior a report detailing the significance of any historic property, describing the effects of any proposed undertaking on the affected property, and recommending measures to avoid, minimize, or mitigate adverse effects;</p> <p>(5) receive reimbursements from State and local agencies and others pursuant to agreements executed in furtherance of the National Historic Preservation Act; and</p> <p>(6) enter into cooperative agreements with federal agencies that administer a grant or assistance program for the purpose of improving the effectiveness of such program in meeting the purposes and policies of the National Historic Preservation Act.</p>
<p><b>Preserve America Program</b> 54 U.S.C. § 311101 et seq.</p>	<p>Establishes the Preserve America Program, a partnership between the Department of the Interior and the ACHP.</p> <p>It provides competitive grants to States, local governments, Indian tribes, Preserve America Communities, State and Tribal Historic Preservation Officers, to support preservation efforts through heritage tourism, education, and historic preservation planning activities. It also sets up the process for designating communities as Preserve America Communities.</p>

	<p>The Preserve America program is authorized but not currently funded.</p>
<p><b>Preserve America Executive Order</b> EO 13287</p>	<p>Establishes as federal policy that the federal government will provide leadership in preserving America's heritage by actively advancing the protection, enhancement, and contemporary use of the historic properties owned by the federal government, and by promoting intergovernmental cooperation and partnerships for the preservation and use of historic properties.</p> <p>Among other things, it requires the ACHP to submit a report to the President, every three years, on the federal agencies' progress in identifying, protecting, and using historic properties that they own.</p> <p>It also directs the ACHP to use its existing authority to encourage and accept donations of money, equipment, and other resources from public and private parties to assist other agencies in the preservation of historic properties in federal ownership. This authority was used to restore the Apollo Mission Control Center in 2019.</p>
<p><b>Federal Permitting Improvement Steering Council (under FAST-41)</b> 42 U.S.C. § 4370m-1</p>	<p>Includes the ACHP in the Federal Permitting Improvement Steering Council.</p> <p>Among other things, the Steering Council manages the Permitting Dashboard (<a href="https://www.permits.performance.gov/">https://www.permits.performance.gov/</a>), which is an online tool for federal agencies, project developers, and interested members of the public to track the federal government's environmental review and authorization processes for large or complex infrastructure projects such as those under the Fixing America's Surface Transportation Act (otherwise known as FAST-41).</p> <p>This law was preceded by, and borrowed many of the concepts from, EO 13604. That executive order included the ACHP as a member in the Steering Committee on Federal Infrastructure Permitting and Review Process Improvement. It was an initiative to modernize the Federal permitting and review process to achieve better projects, improved environmental and community outcomes, and shorter decision-making and review timelines for infrastructure projects.</p>
<p><b>Environmental stewardship and transportation infrastructure project reviews</b> EO 13274 and EO 13286</p>	<p>Established the Transportation Infrastructure Streamlining Task Force within the Department of Transportation. The ACHP is one of its members.</p> <p>The Task Force's mandate is to monitor and assist agencies in their efforts to expedite a review of transportation infrastructure projects and issue permits or similar actions, as necessary; review projects, at least quarterly, on the list of priority projects; and identify and promote policies that can effectively streamline the process required to provide approvals for transportation infrastructure projects while maintaining</p>

	safety, public health, and environmental protection.
<b>White House Council on Native American Affairs</b> EO 13647	This Executive Order established the mentioned council to improve coordination of federal programs and the use of resources available to tribal communities. The ACHP is one of its members.
<b>Patent office building improvements and the Smithsonian</b> P.L. 108-72 (Aug. 15, 2003)	<p>Required the Smithsonian to provide the ACHP a reasonable opportunity to comment on improvements to the Patent Office Building in Washington, DC. The Smithsonian complied with this requirement in 2005.</p> <p>Among other things, this law also requires the Smithsonian to comply with Section 106 with regard to projects in the District of Columbia which are subject to the review and approval of the National Capital Planning Commission. The Smithsonian is not otherwise considered to be an “agency” subject to Section 106.</p>

## II. Dormant

Law	Summary
<b>Section 4(f) of the Department of Transportation Act (“de minimis” finding)</b> 49 U.S.C. § 303 and 23 U.S.C. § 138	<p>Section 4(f) prohibits Department of Transportation (DOT) agencies from using historic properties, unless there is no feasible and prudent alternative to that use and the action includes all possible planning to minimize harm to the property resulting from such a use.</p> <p>A “de minimis” finding by DOT satisfies the requirements of Section 4(f). The law requires the concurrence by the ACHP, if participating in the review, and others on a “de minimis” finding by the DOT.</p>
<b>Public Buildings Cooperative Use Act</b> 40 U.S.C. § 3303	<p>Requires the General Services Administration (GSA) to acquire and utilize space, for federal agency use, in suitable buildings of historic, architectural, or cultural significance, unless use of such space would not prove feasible and prudent compared with available alternatives.</p> <p>When GSA undertakes a survey of the public buildings needs of the federal government within a geographical area, GSA must request the ACHP to identify any existing buildings in the geographical area that (1) are of historical, architectural, or cultural significance and (2) would be suitable for acquisition to meet the needs of the federal government, regardless of need for repair, alteration, or addition.</p>
<b>Locating Federal facilities on historic properties in our nation's central cities</b> EO 13006 (consistent with 54 U.S.C. § 306101)	States the policy of the federal government to encourage the location of federal facilities in central cities and reaffirms the government’s commitment in the NHPA to provide leadership in the preservation of historic resources.

	<p>It asks federal agencies to seek the assistance of the ACHP when considering how to streamline processes that impede the federal government's ability to establish or maintain a presence in historic districts or to acquire historic properties to satisfy federal space needs.</p> <p>Finally, it requests the Secretary of the Interior, the ACHP, and other federal agencies, to seek appropriate partnerships with States, local governments, Indian tribes, and appropriate private organizations with the goal of enhancing their participation in the National Historic Preservation Program.</p>
<p><b>Intermodal Transportation</b> 49 U.S.C. § 5562</p>	<p>Authorizes the Secretary of Transportation to provide financial assistance for the acquisition and use of space in suitable buildings of historic or architectural significance, but only if use of the space is feasible and prudent when compared to available alternatives, and after consultation with the ACHP and the National Endowment for the Arts.</p>
<p><b>Conversion of certain rail passenger terminals</b> 49 U.S.C. § 5563</p>	<p>Authorizes the Secretary of Transportation to provide financial assistance to convert a rail passenger terminal to an intermodal transportation terminal when, among other things, the terminal is listed in the National Register of Historic Places, and the architectural integrity of the terminal will be preserved.</p> <p>The statute requires that, to the extent practicable, the use of the terminal facilities for transportation may be combined with use of those facilities for other civic and cultural activities, especially when those other activities are recommended by the ACHP, the National Endowment for the Arts or the preservation consultants for the project.</p>
<p><b>Interim preservation of certain rail passenger terminals</b> 49 U.S.C. § 5564</p> <p><b>Encouraging the development of plans for converting certain rail passenger terminals</b> 49 U.S.C. § 5565</p>	<p>These laws authorize the Secretary of Transportation to provide financial assistance for the preservation of rail passenger terminals and to encourage the development of plans for converting a rail passenger terminal, respectively.</p> <p>The financial assistance has to be expended in the way most likely to maximize the preservation, or conversion and continued public use, of rail passenger terminals that are, among other things:</p> <ul style="list-style-type: none"> <li>(a) listed in the National Register of Historic Places; or</li> <li>(b) recommended (on the basis of architectural integrity and quality) by the ACHP or the National Endowment for the Arts.</li> </ul>
<p><b>Mining in the Parks Act</b> 54 U.S.C. § 100734</p>	<p>Among other things, the law requires that when the Department of the Interior becomes aware that a nationally significant natural or historic landmark may be irreparably lost or destroyed by any surface mining activity, it must notify the person conducting the activity and submit to the ACHP a report on its findings, with a request for advice of the ACHP as</p>

	to alternative measures that may be taken by the United States to mitigate or abate the activity.
<p><b>American Heritage Rivers Initiative</b> EO 13061</p>	<p>In September 1997, EO 13061 established the American Heritage Rivers Initiative. Among other things, this initiative requires federal agencies to support, within their existing authorities, community based efforts to preserve, protect, and restore designated American Heritage Rivers. Such rivers are those designated by the President as being important to the Nation’s history, culture, and natural heritage. Fourteen rivers have been designated as American Heritage Rivers.</p> <p>The EO also created the American Heritage Committee, which included the Chair of the ACHP. The Committee was set to establish formal guidelines for the designation of American Heritage Rivers, periodically review the actions of agencies in support of the American Heritage Rivers, and report to the President on the progress, accomplishments, and effectiveness of the American Heritage Rivers initiative.</p> <p>While EO 13061 is still in effect, the work of the Committee has been dormant since the early 2000s.</p>
<p><b>Metropolitan Washington Airports</b> 49 U.S.C. § 49111</p>	Requires the Metropolitan Washington Airports Authority to consult with the ACHP and the National Capital Planning Commission before undertaking any major alterations to the exterior of the main terminal at Washington Dulles International Airport.
<p><b>Protection and enhancement of the cultural environment</b> EO 11593</p>	<p>This is a 1971 Executive Order that, among other things, directs agencies to inventory and evaluate properties under their jurisdiction or control that could qualify for listing in the National Register and, in the interim, exercise caution to not harm such properties.</p> <p>As originally written, the scope of Section 106 was limited to properties listed in the National Register of Historic Places. This Executive Order was meant to accelerate the completion of the National Register in order to protect those properties that had not been listed yet.</p> <p>However, the reality that the National Register could not be completed, and therefore would leave non-listed, but historically significant, properties without protection, led to the 1976 amendments of the NHPA that added properties “eligible for inclusion” in the National Register to the scope of Section 106.</p> <p>Other aspects of EO 11593 were also codified into the NHPA through the 1980 amendments to the Act.</p>

### III. Completed

Law	Summary
<p><b>Accelerating broadband infrastructure deployment</b> EO 13616</p>	<p>Created a working group to facilitate broadband deployment on federal lands, buildings, and rights of way, federally assisted highways, and tribal and individual Indian trust lands. Its focus was to ensure a coordinated and consistent approach in implementing agency procedures, requirements, and policies related to access to such lands to advance broadband deployment.</p> <p>The ACHP was named a member of the working group.</p> <p>On May 8, 2017, the ACHP issued a Program Comment for Communications Projects on Federal Lands and Property. It can be found here: <a href="https://www.achp.gov/digital-library-section-106-landing/program-comment-communications-projects-federal-lands-and">https://www.achp.gov/digital-library-section-106-landing/program-comment-communications-projects-federal-lands-and</a></p>
<p><b>Consolidated Appropriations Act of 2014, Explanatory Statement</b> P.L. 113-76</p>	<p>Congress directed the ACHP to provide a report on how the ACHP would ensure Section 106 compliance by the United States Postal Service regarding historic post offices.</p> <p>The report was issued in April 2014, and may be found here: <a href="https://www.achp.gov/sites/default/files/documents/2018-06/04002014_Preserving%20Historic%20Post%20Officesreport.pdf">https://www.achp.gov/sites/default/files/documents/2018-06/04002014_Preserving%20Historic%20Post%20Officesreport.pdf</a></p>
<p><b>Unified Federal Review</b> 42 U.S.C. § 5189g</p>	<p>Passed in 2013, this law required the production of an expedited and unified interagency review process to ensure compliance with environmental and historic preservation requirements relating to disaster recovery projects, in order to expedite the recovery process. The ACHP, the Council on Environmental Quality, and the Federal Emergency Management Agency, took the leading roles in this matter.</p> <p>The process and related guidance has been finalized and can be found at: <a href="https://www.fema.gov/emergency-managers/practitioners/environmental-historic/review/library">https://www.fema.gov/emergency-managers/practitioners/environmental-historic/review/library</a></p>
<p><b>Interstate Exemption</b> P.L. 108-447 (Dec. 8. 2004)</p>	<p>This appropriation for FY 2005 prohibited any of its funds from being used to develop a Section 106 programmatic agreement that would regard the Dwight D. Eisenhower National System of Interstate and Defense Highways (Interstate System) as eligible for inclusion in the National Register of Historic Places.</p> <p>In March 2005, the ACHP issued a Section 106 exemption that relieved all federal agencies from having to take into account the effects of their undertakings on the Interstate System, except for a limited number of individual elements associated with the system. Rather than deeming the</p>

	<p>System, as a whole, as eligible for listing in the National Register, the exemption acknowledged that a limited number of elements of the System could be found eligible and fall outside the exemption. The exemption required the Federal Highway Administration to identify such elements by the end of June 2006, which it did.</p> <p>A copy of the exemption can be found here:  <a href="https://www.achp.gov/digital-library-section-106-landing/exemption-regarding-historic-preservation-review-process">https://www.achp.gov/digital-library-section-106-landing/exemption-regarding-historic-preservation-review-process</a></p>
<p><b>Spring Mountains National Recreation Area</b>  16 U.S.C. § 460hhh-4</p> <p><b>El Malpais National Monument and National Conservation Area</b>  16 U.S.C. § 460uu-41</p> <p><b>Santa Monica Mountains National Recreation Area</b>  16 U.S.C. § 460kk</p>	<p>These laws, passed in 1993, 1987 and 1978 respectively, required the plans for the management of natural and cultural resources in the mentioned areas to be developed, within three years of enactment, in consultation with the ACHP and the relevant State Historic Preservation Officer.</p>
<p><b>Abandoned Shipwrecks Act</b>  43 U.S.C. § 2104</p>	<p>This Act provides that any wreck that lies embedded in a state's submerged lands is the property of that state and subject to that state's jurisdiction if the wreck is determined as being abandoned.</p> <p>The ACHP took an active role in the development of the Act. Among other things, the Act required the Department of the Interior to consult with various entities, including the ACHP, when drafting guidelines to encourage the development of underwater parks and effective management of shipwrecks.</p> <p>Following such consultation, the Abandoned Shipwreck Act Guidelines were issued in 1990. They can be found here:  <a href="https://www.nps.gov/articles/abandoned-shipwreck-act-guidelines.htm">https://www.nps.gov/articles/abandoned-shipwreck-act-guidelines.htm</a>  [Please copy/paste the address in your browser]</p>
<p><b>Railroads rights of way</b>  49 U.S.C. § 24202</p>	<p>Required the ACHP to issue an exemption of railroad rights-of-way from Section 106 review. The exemption had to be consistent with the exemption for the Interstate Highway System, approved by the ACHP in 2005.</p> <p>The exemption was issued in 2018 and was amended in 2019. It can be found here: <a href="https://www.achp.gov/digital-library-section-106-landing/program-comment-exempt-consideration-effects-rail-properties">https://www.achp.gov/digital-library-section-106-landing/program-comment-exempt-consideration-effects-rail-properties</a></p>

	It remains the subject of legislative interest from Senator Blunt- MO.
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*Last updated on June 11, 2021.*

## Subdivision 3—Advisory Council on Historic Preservation

### Chapter 3041—Advisory Council on Historic Preservation

Sec.

304101. Establishment;  
vacancies.

304102. Duties of Council.

304103. Cooperation between Council and instrumentalities of executive branch of Federal Government.

304104. Compensation of members of Council.

304105. Administration.

304106. International Centre for the Study of the Preservation and Restoration of Cultural Property.

304107. Transmittal of legislative recommendations, testimony, or comments to any officer or agency of the United States prior to submission to Congress.

304108. Regulations, procedures, and guidelines.

304109. Budget submission.

304110. Report by Secretary to Council.

304111. Reimbursements from State and local agencies.

304112. Effectiveness of Federal grant and assistance programs.

#### § 304101. Establishment; vacancies

(a) ESTABLISHMENT.— There is established as an independent agency of the United States Government an Advisory Council on Historic Preservation, which shall be composed of the following members:

- (1) A Chairman appointed by the President selected from the general public.
- (2) The Secretary.
- (3) The Architect of the Capitol.
- (4) The Secretary of Agriculture and the heads of 7 other agencies of the United States (other than the Department of the Interior), the activities of which affect historic preservation, designated by the President.
- (5) One Governor appointed by the President.
- (6) One mayor appointed by the President.
- (7) The President of the National Conference of State Historic Preservation Officers.
- (8) The General Chairman of the National Association of Tribal Historic Preservation Officers.
- (9) The Chairman of the National Trust.
- (10) Four experts in the field of historic preservation appointed by the President from architecture, history, archeology, and other appropriate disciplines.
- (11) Three members from the general public, appointed by the President.
- (12) One member of an Indian tribe or Native Hawaiian organization who represents the interests of the Indian tribe or Native Hawaiian organization of which he or she is a member, appointed by the President.

(b) DESIGNATION OF SUBSTITUTES.—Each member of the Council specified in paragraphs (2) to (5) and (7) through (9) of subsection (a) may designate another officer of the department, agency, or

organization to serve on the Council instead of the member, except that, in the case of paragraphs (2) and (4), no officer other than an Assistant Secretary or an officer having major department wide or agency-wide responsibilities may be designated.

(c) TERM OF OFFICE.—Each member of the Council appointed under paragraphs (10) through (12) of subsection (a) shall serve for a term of 4 years from the expiration of the term of the member's predecessor. The members appointed under paragraphs (5) and (6) shall serve for the term of their elected office but not in excess of 4 years. An appointed member, other than the Chairman of the Council, may not serve more than 2 terms. An appointed member whose term has expired shall serve until that member's successor has been appointed.

(d) VACANCIES.—A vacancy in the Council shall not affect its powers, but shall be filled, not later than 60 days after the vacancy commences, in the same manner as the original appointment (and for the balance of the unexpired term).

(e) CHAIRMAN.—

(1) After January 20, 2017, the Chairman shall—

(A) be appointed by the President, by and with the advice and consent of the Senate;

(B) serve at the will of the President;

(C) serve full time; and

(D) be compensated at the rate provided for Level V of the Executive Schedule Pay Rates under section 5316 of title 5.

(2) The Chairman shall serve for a term of 4 years and may be reappointed once, for a total of not more than 8 years of service as Chairman, except that a Chairman whose appointment has expired under this paragraph shall serve until his or her successor has been appointed. The term of a Chairman shall start (regardless of actual appointment date) on January 20 after each general Presidential election. The first Chairman appointed after the date of enactment of this paragraph shall have a first term commencing on January 20, 2017, and ending on January 19, 2021.

(3) The Chairmen before the first appointment of a Chairman in accordance with paragraph (1) of this subsection shall receive \$100 per diem when engaged in the performance of the duties of the Council, and shall receive reimbursement for necessary traveling and subsistence expenses incurred by them in the performance of the duties of the Council.

(f) DESIGNATION OF VICE CHAIRMAN.—The President shall designate a Vice Chairman from the members appointed under paragraph (5), (6), (10), or (11) of subsection (a). The Vice Chairman shall perform the functions of the Chairman during the absence or disability of the Chairman or when the office is vacant.

(g) QUORUM.—Thirteen members of the Council shall constitute a quorum.

## **§ 304102. Duties of Council**

(a) DUTIES.—The Council shall—

(1) advise the President and Congress on matters relating to historic preservation, recommend measures to coordinate activities of Federal, State, and local agencies and private institutions and individuals relating to historic preservation, and advise on the dissemination of information pertaining to those activities;

(2) encourage, in cooperation with the National Trust and appropriate private agencies, public interest and participation in historic preservation;

(3) recommend the conduct of studies in such areas as—

(A) the adequacy of legislative and administrative statutes and regulations pertaining to historic preservation activities of State and local governments; and

(B) the effects of tax policies at all levels of government on historic preservation;

(4) advise as to guidelines for the assistance of State and local governments in drafting legislation relating to historic preservation;

(5) encourage, in cooperation with appropriate public and private agencies and institutions, training and education in the field of historic preservation;

(6) review the policies and programs of Federal agencies and recommend to Federal agencies methods to improve the effectiveness, coordination, and consistency of those policies and programs with the policies and programs carried out under this division; and

(7) inform and educate Federal agencies, State and local governments, Indian tribes, other nations and international organizations and private groups and individuals as to the Council's authorized activities.

(b) ANNUAL REPORT.—The Council annually shall submit to the President a comprehensive report of its activities and the results of its studies and shall from time to time submit additional and special reports as it deems advisable. Each report shall propose legislative enactments and other actions as, in the judgment of the Council, are necessary and appropriate to carry out its recommendations and shall provide the Council's assessment of current and emerging problems in the field of historic preservation and an evaluation of the effectiveness of the programs of Federal agencies, State and local governments, and the private sector in carrying out this division.

### **§ 304103. Cooperation between Council and instrumentalities of executive branch of Federal Government**

The Council may secure directly from any Federal agency information, suggestions, estimates, and statistics for the purpose of this chapter. Each Federal agency may furnish information, suggestions, estimates, and statistics to the extent permitted by law and within available funds.

### **§ 304104. Compensation of members of Council**

The members of the Council specified in paragraphs (2), (3), and (4) of section 304101(a) of this title shall serve without additional compensation. The Chairman of the Council shall be compensated as provided in subsection (e) of section 304101. The other members of the Council shall receive \$100 per diem when engaged in the performance of the duties of the Council. All members of the Council shall receive reimbursement for necessary traveling and subsistence expenses incurred by them in the performance of the duties of the Council.

### **§ 304105. Administration**

(a) EXECUTIVE DIRECTOR.—There shall be an Executive Director of the Council who shall be appointed by the Chairman with the concurrence of the Council in the competitive service at a rate within the General Schedule, in the competitive service at a rate that may exceed the rate prescribed for the highest rate established for grade 15 of the General Schedule under section 5332 of title 5, or in the

Senior Executive Service under section 3393 of title 5. The Executive Director shall report directly to the Chairman and perform such functions and duties as the Chairman may prescribe.

(b) GENERAL COUNSEL AND APPOINTMENT OF OTHER ATTORNEYS.—

(1) GENERAL COUNSEL.—The Council shall have a General Counsel, who shall be appointed by the Executive Director. The General Counsel shall report directly to the Executive Director and serve as the Council's legal advisor.

(2) APPOINTMENT OF OTHER ATTORNEYS.—The Executive Director shall appoint other attorneys as may be necessary to—

(A) assist the General Counsel;

(B) represent the Council in court when appropriate, including enforcement of agreements with Federal agencies to which the Council is a party;

(C) assist the Department of Justice in handling litigation concerning the Council in court; and

(D) perform such other legal duties and functions as the Executive Director and the Council may direct.

(c) APPOINTMENT AND COMPENSATION OF OFFICERS AND EMPLOYEES.—The Executive Director of the Council may appoint and fix the compensation of officers and employees in the competitive service who are necessary to perform the functions of the Council at rates not to exceed that prescribed for the highest rate for grade 15 of the General Schedule under section 5332 of title 5. The Executive Director, with the concurrence of the Chairman, may appoint and fix the compensation of not to exceed 5 employees in the competitive service at rates that exceed that prescribed for the highest rate established for grade 15 of the General Schedule under section 5332 of title 5 or in the Senior Executive Service under section 3393 of title 5.

(d) APPOINTMENT AND COMPENSATION OF ADDITIONAL PERSONNEL.— The Executive Director may appoint and fix the compensation of such additional personnel as may be necessary to carry out the Council's duties, without regard to the civil service laws and chapter 51 and subchapter III of chapter 53 of title 5.

(e) EXPERT AND CONSULTANT SERVICES.—The Executive Director may procure expert and consultant services in accordance with section 3109 of title 5.

(f) FINANCIAL AND ADMINISTRATIVE SERVICES.—

(1) SERVICES TO BE PROVIDED BY SECRETARY, AGENCY, OR PRIVATE ENTITY.—Financial and administrative services (including those related to budgeting, accounting, financial reporting, personnel and procurement) shall be provided the Council by the Secretary or, at the discretion of the Council, another agency or private entity that reaches an agreement with the Council, for which payments shall be made in advance, or by reimbursement, from funds of the Council in such amounts as may be agreed on by the Chairman of the Council and the head of the agency or the authorized representative of the private entity that will provide the services.

(2) FEDERAL AGENCY REGULATIONS RELATING TO COLLECTION APPLY.—When a Federal agency affords those services, the regulations of that agency under section 5514(b) of title 5 for the collection of indebtedness of personnel resulting from erroneous payments shall apply to the collection of erroneous payments made to or on behalf of a Council employee, and regulations of

that agency under sections 1513(d) and 1514 of title 31 for the administrative control of funds shall apply to appropriations of the Council. The Council shall not be required to prescribe those regulations.

(g) FUNDS, PERSONNEL, FACILITIES, AND SERVICES.—

(1) PROVIDED BY FEDERAL AGENCY.—Any Federal agency may provide the Council, with or without reimbursement as may be agreed on by the Chairman and the agency, with such funds, personnel, facilities, and services under its jurisdiction and control as may be needed by the Council to carry out its duties, to the extent that the funds, personnel, facilities, and services are requested by the Council and are otherwise available for that purpose. Any funds provided to the Council pursuant to this subsection shall be obligated by the end of the fiscal year following the fiscal year in which the funds are received by the Council.

(2) OBTAINING ADDITIONAL PROPERTY, FACILITIES, AND SERVICES AND RECEIVING DONATIONS OF MONEY.—To the extent of available appropriations, the Council may obtain by purchase, rental, donation, or otherwise additional property, facilities, and services as may be needed to carry out its duties and may receive donations of money for that purpose. The Executive Director may accept, hold, use, expend, and administer the property, facilities, services, and money for the purposes of this division.

(h) RIGHTS, BENEFITS, AND PRIVILEGES OF TRANSFERRED EMPLOYEES.—Any employee in the competitive service of the United States transferred to the Council under section 207 of the National Historic Preservation Act (Public Law 89–665) retains all the rights, benefits, and privileges pertaining to the competitive service held prior to the transfer.

(i) EXEMPTION FROM FEDERAL ADVISORY COMMITTEE ACT.—The Council is exempt from the Federal Advisory Committee Act (5 U.S.C. App.).

(j) PROVISIONS THAT GOVERN OPERATIONS OF COUNCIL.—Subchapter II of chapter 5 and chapter 7 of title 5 shall govern the operations of the Council.

**§ 304106. International Centre for the Study of the Preservation and Restoration of Cultural Property**

(a) AUTHORIZATION OF PARTICIPATION.—The participation of the United States as a member in the International Centre for the Study of the Preservation and Restoration of Cultural Property is authorized.

(b) OFFICIAL DELEGATION.—The Council shall recommend to the Secretary of State, after consultation with the Smithsonian Institution and other public and private organizations concerned with the technical problems of preservation, the members of the official delegation that will participate in the activities of the international Centre for the Study of the Preservation and Restoration of Cultural Property on behalf of the United States. The Secretary of State shall appoint the members of the official delegation from the persons recommended to the Secretary of State by the Council.

**§ 304107. Transmittal of legislative recommendations, testimony, or comments to any officer or agency of the United States prior to submission to Congress**

No officer or agency of the United States shall have any authority to require the Council to submit its legislative recommendations, or testimony, or comments on legislation to any officer or agency of the United States for approval, comments, or review, prior to the submission of the recommendations, testimony, or comments to Congress. When the Council voluntarily seeks to obtain the comments or review of any officer or agency of the United States, the Council shall include a description of the actions in its legislative recommendations, testimony, or comments on legislation that it transmits to Congress.

#### **§ 304108. Regulations, procedures, and guidelines**

(a) IN GENERAL.—The Council may promulgate regulations as it considers necessary to govern the implementation of section 306108 of this title in its entirety.

(b) PARTICIPATION BY LOCAL GOVERNMENTS.—The Council shall by regulation establish such procedures as may be necessary to provide for participation by local governments in proceedings and other actions taken by the Council with respect to undertakings referred to in section 306108 of this title that affect the local governments.

(c) EXEMPTION FOR FEDERAL PROGRAMS OR UNDERTAKINGS.—The Council, with the concurrence of the Secretary, shall promulgate regulations or guidelines, as appropriate, under which Federal programs or undertakings may be exempted from any or all of the requirements of this division when the exemption is determined to be consistent with the purposes of this division, taking into consideration the magnitude of the exempted undertaking or program and the likelihood of impairment of historic property.

#### **§ 304109. Budget submission**

(a) TIME AND MANNER OF SUBMISSION.—The Council shall submit its budget annually as a related agency of the Department of the Interior.

(b) TRANSMITTAL OF COPIES TO CONGRESSIONAL COMMITTEES.— Whenever the Council submits any budget estimate or request to the President or the Office of Management and Budget, it shall concurrently transmit copies of that estimate or request to the Committee on Natural Resources and Committee on Appropriations of the House of Representatives and the Committee on Energy and Natural Resources and Committee on Appropriations of the Senate.

#### **§ 304110. Report by Secretary to Council**

To assist the Council in discharging its responsibilities under this division, the Secretary at the request of the Chairman shall provide a report to the Council detailing the significance of any historic property, describing the effects of any proposed undertaking on the affected property, and recommending measures to avoid, minimize, or mitigate adverse effects.

#### **§ 304111. Reimbursements from State and local agencies**

Subject to applicable conflict of interest laws, the Council may receive reimbursements from State and local agencies and others pursuant to agreements executed in furtherance of this division.

#### **§ 304112. Effectiveness of Federal grant and assistance programs**

(a) COOPERATIVE AGREEMENTS.—The Council may enter into a cooperative agreement with any Federal agency that administers a grant or assistance program for the purpose of improving the effectiveness of the administration of the program in meeting the purposes and policies of this division. The cooperative agreement may include provisions that modify the selection criteria for a grant or assistance program to further the purposes of this division or that allow the Council to participate in the selection of recipients, if those provisions are not inconsistent with the grant or assistance program's statutory authorization and purpose.

(b) REVIEW OF GRANT AND ASSISTANCE PROGRAMS.—The Council may—

(1) review the operation of any Federal grant or assistance program to evaluate the effectiveness of the program in meeting the purposes and policies of this division;

(2) make recommendations to the head of any Federal agency that administers the program to further the consistency of the program with the purposes and policies of this division and to improve its effectiveness in carrying out those purposes and policies; and

(3) make recommendations to the President and Congress regarding the effectiveness of Federal grant and assistance programs in meeting the purposes and policies of this division, including recommendations with regard to appropriate funding levels.

## **Subdivision 4—Other Organizations and Programs**

### **Chapter 3051—Historic Light Station Preservation**

Sec.

305101. Definitions.

305102. Duties of Secretary in providing a national historic light station program.

305103. Selection of eligible entity and conveyance of historic light stations.

305104. Terms of conveyance.

305105. Description of property.

305106. Historic light station sales.

#### **§ 305101. Definitions**

In this chapter:

(1) ADMINISTRATOR.—The term “Administrator” means the Administrator of General Services.

(2) ELIGIBLE ENTITY.—The term “eligible entity” means—

(A) any department or agency of the Federal Government; or

(B) any department or agency of the State in which a historic light station is located, the local government of the community in which a historic light station is located, a nonprofit corporation, an educational agency, or a community development organization that—

(i) has agreed to comply with the conditions set forth in section 305104 of this title and to have the conditions recorded with the deed of title to the historic light station; and

(ii) is financially able to maintain the historic light station in accordance with the conditions set forth in section 305104 of this title.

(3) FEDERAL AID TO NAVIGATION.—

(A) IN GENERAL.—The term “Federal aid to navigation” means any device, operated and maintained by the United States, external to a vessel or aircraft, intended to assist a navigator to determine position or safe course, or to warn of dangers or obstructions to navigation.

(B) INCLUSIONS.—The term “Federal aid to navigation” includes a light, lens, lantern, antenna, sound signal, camera, sensor, piece of electronic navigation equipment, power source, or other piece of equipment associated with a device described in subparagraph (A).

# Omnibus Public Land Management Act of 2009

Public Law No: 111-11

(Excerpt)

SEC. 7302. PRESERVE AMERICA PROGRAM.

(a) Purpose- The purpose of this section is to authorize the Preserve America Program, including--

- (1) the Preserve America grant program within the Department of the Interior;
- (2) the recognition programs administered by the Advisory Council on Historic Preservation; and
- (3) the related efforts of Federal agencies, working in partnership with State, tribal, and local governments and the private sector, to support and promote the preservation of historic resources.

(b) Definitions- In this section:

- (1) COUNCIL- The term 'Council' means the Advisory Council on Historic Preservation.
- (2) HERITAGE TOURISM- The term 'heritage tourism' means the conduct of activities to attract and accommodate visitors to a site or area based on the unique or special aspects of the history, landscape (including trail systems), and culture of the site or area.
- (3) PROGRAM- The term 'program' means the Preserve America Program established under subsection (c)(1).
- (4) SECRETARY- The term 'Secretary' means the Secretary of the Interior.

(c) Establishment-

(1) IN GENERAL- There is established in the Department of the Interior the Preserve America Program, under which the Secretary, in partnership with the Council, may provide competitive grants to States, local governments (including local governments in the process of applying for designation as Preserve America Communities under subsection (d)), Indian tribes, communities designated as Preserve America Communities under subsection (d), State historic preservation offices, and tribal historic preservation offices to support preservation efforts through heritage tourism, education, and historic preservation planning activities.

(2) ELIGIBLE PROJECTS-

(A) IN GENERAL- The following projects shall be eligible for a grant under this section:

(i) A project for the conduct of--

(I) research on, and documentation of, the history of a community;

and

(II) surveys of the historic resources of a community.

(ii) An education and interpretation project that conveys the history of a community or site.

(iii) A planning project (other than building rehabilitation) that advances economic development using heritage tourism and historic preservation.

(iv) A training project that provides opportunities for professional development in areas that would aid a community in using and promoting its historic resources.

(v) A project to support heritage tourism in a Preserve America Community designated under subsection (d).

(vi) Other nonconstruction projects that identify or promote historic properties or provide for the education of the public about historic properties that are consistent with the purposes of this section.

(B) LIMITATION- In providing grants under this section, the Secretary shall only provide 1 grant to each eligible project selected for a grant.

(3) PREFERENCE- In providing grants under this section, the Secretary may give preference to projects that carry out the purposes of both the program and the Save America's Treasures Program.

(4) CONSULTATION AND NOTIFICATION-

(A) CONSULTATION- The Secretary shall consult with the Council in preparing the list of projects to be provided grants for a fiscal year under the program.

(B) NOTIFICATION- Not later than 30 days before the date on which the Secretary provides grants for a fiscal year under the program, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate, the Committee on Appropriations of the Senate, the Committee on Natural Resources of the House of Representatives, and the Committee on Appropriations of the House of Representatives a list of any eligible projects that are to be provided grants under the program for the fiscal year.

(5) COST-SHARING REQUIREMENT-

(A) IN GENERAL- The non-Federal share of the cost of carrying out a project provided a grant under this section shall be not less than 50 percent of the total cost of the project.

(B) FORM OF NON-FEDERAL SHARE- The non-Federal share required under subparagraph (A) shall be in the form of--

(i) cash; or

(ii) donated supplies and related services, the value of which shall be determined by the Secretary.

(C) REQUIREMENT- The Secretary shall ensure that each applicant for a grant has the capacity to secure, and a feasible plan for securing, the non-Federal share for an eligible project required under subparagraph (A) before a grant is provided to the eligible project under the program.

(d) Designation of Preserve America Communities-

(1) APPLICATION- To be considered for designation as a Preserve America Community, a community, tribal area, or neighborhood shall submit to the Council an application containing such information as the Council may require.

(2) CRITERIA- To be designated as a Preserve America Community under the program, a community, tribal area, or neighborhood that submits an application under paragraph (1) shall, as determined by the Council, in consultation with the Secretary, meet criteria required by the Council and, in addition, consider--

(A) protection and celebration of the heritage of the community, tribal area, or neighborhood;

(B) use of the historic assets of the community, tribal area, or neighborhood for economic development and community revitalization; and

(C) encouragement of people to experience and appreciate local historic resources through education and heritage tourism programs.

(3) LOCAL GOVERNMENTS PREVIOUSLY CERTIFIED FOR HISTORIC PRESERVATION ACTIVITIES- The Council shall establish an expedited process for Preserve America Community designation for local governments previously certified for historic preservation activities under section 101(c)(1) of the National Historic Preservation Act (16 U.S.C. 470a(c)(1)).

(4) GUIDELINES- The Council, in consultation with the Secretary, shall establish any guidelines that are necessary to carry out this subsection.

(e) Regulations- The Secretary shall develop any guidelines and issue any regulations that the Secretary determines to be necessary to carry out this section.

(f) Authorization of Appropriations- There is authorized to be appropriated to carry out this section \$25,000,000 for each fiscal year, to remain available until expended.

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## Presidential Documents

Title 3—

Executive Order 13287 of March 3, 2003

The President

### Preserve America

By the authority vested in me as President by the Constitution and the laws of the United States of America, including the National Historic Preservation Act (16 U.S.C. 470 *et seq.*) (NHPA) and the National Environmental Policy Act (42 U.S.C. 4321 *et seq.*), it is hereby ordered:

**Section 1. *Statement of Policy.*** It is the policy of the Federal Government to provide leadership in preserving America's heritage by actively advancing the protection, enhancement, and contemporary use of the historic properties owned by the Federal Government, and by promoting intergovernmental cooperation and partnerships for the preservation and use of historic properties. The Federal Government shall recognize and manage the historic properties in its ownership as assets that can support department and agency missions while contributing to the vitality and economic well-being of the Nation's communities and fostering a broader appreciation for the development of the United States and its underlying values. Where consistent with executive branch department and agency missions, governing law, applicable preservation standards, and where appropriate, executive branch departments and agencies ("agency" or "agencies") shall advance this policy through the protection and continued use of the historic properties owned by the Federal Government, and by pursuing partnerships with State and local governments, Indian tribes, and the private sector to promote the preservation of the unique cultural heritage of communities and of the Nation and to realize the economic benefit that these properties can provide. Agencies shall maximize efforts to integrate the policies, procedures, and practices of the NHPA and this order into their program activities in order to efficiently and effectively advance historic preservation objectives in the pursuit of their missions.

**Sec. 2. *Building Preservation Partnerships.*** When carrying out its mission activities, each agency, where consistent with its mission and governing authorities, and where appropriate, shall seek partnerships with State and local governments, Indian tribes, and the private sector to promote local economic development and vitality through the use of historic properties in a manner that contributes to the long-term preservation and productive use of those properties. Each agency shall examine its policies, procedures, and capabilities to ensure that its actions encourage, support, and foster public-private initiatives and investment in the use, reuse, and rehabilitation of historic properties, to the extent such support is not inconsistent with other provisions of law, the Secretary of the Interior's Standards for Archeology and Historic Preservation, and essential national department and agency mission requirements.

**Sec. 3. *Improving Federal Agency Planning and Accountability.*** (a) Accurate information on the state of Federally owned historic properties is essential to achieving the goals of this order and to promoting community economic development through local partnerships. Each agency with real property management responsibilities shall prepare an assessment of the current status of its inventory of historic properties required by section 110(a)(2) of the NHPA (16 U.S.C. 470h-2(a)(2)), the general condition and management needs of such properties, and the steps underway or planned to meet those management needs. The assessment shall also include an evaluation of the suitability of the agency's types of historic properties to contribute to community economic development initiatives, including heritage tourism, taking into

account agency mission needs, public access considerations, and the long-term preservation of the historic properties. No later than September 30, 2004, each covered agency shall complete a report of the assessment and make it available to the Chairman of the Advisory Council on Historic Preservation (Council) and the Secretary of the Interior (Secretary).

(b) No later than September 30, 2004, each agency with real property management responsibilities shall review its regulations, management policies, and operating procedures for compliance with sections 110 and 111 of the NHPA (16 U.S.C. 470h-2 & 470-3) and make the results of its review available to the Council and the Secretary. If the agency determines that its regulations, management policies, and operating procedures are not in compliance with those authorities, the agency shall make amendments or revisions to bring them into compliance.

(c) Each agency with real property management responsibilities shall, by September 30, 2005, and every third year thereafter, prepare a report on its progress in identifying, protecting, and using historic properties in its ownership and make the report available to the Council and the Secretary. The Council shall incorporate this data into a report on the state of the Federal Government's historic properties and their contribution to local economic development and submit this report to the President by February 15, 2006, and every third year thereafter.

(d) Agencies may use existing information gathering and reporting systems to fulfill the assessment and reporting requirements of subsections 3(a)-(c) of this order. To assist agencies, the Council, in consultation with the Secretary, shall, by September 30, 2003, prepare advisory guidelines for agencies to use at their discretion.

(e) No later than June 30, 2003, the head of each agency shall designate a senior policy level official to have policy oversight responsibility for the agency's historic preservation program and notify the Council and the Secretary of the designation. This senior official shall be an assistant secretary, deputy assistant secretary, or the equivalent, as appropriate to the agency organization. This official, or a subordinate employee reporting directly to the official, shall serve as the agency's Federal Preservation Officer in accordance with section 110(c) of the NHPA. The senior official shall ensure that the Federal Preservation Officer is qualified consistent with guidelines established by the Secretary for that position and has access to adequate expertise and support to carry out the duties of the position.

**Sec. 4. *Improving Federal Stewardship of Historic Properties.*** (a) Each agency shall ensure that the management of historic properties in its ownership is conducted in a manner that promotes the long-term preservation and use of those properties as Federal assets and, where consistent with agency missions, governing law, and the nature of the properties, contributes to the local community and its economy.

(b) Where consistent with agency missions and the Secretary of the Interior's Standards for Archeology and Historic Preservation, and where appropriate, agencies shall cooperate with communities to increase opportunities for public benefit from, and access to, Federally owned historic properties.

(c) The Council is directed to use its existing authority to encourage and accept donations of money, equipment, and other resources from public and private parties to assist other agencies in the preservation of historic properties in Federal ownership to fulfill the goals of the NHPA and this order.

(d) The National Park Service, working with the Council and in consultation with other agencies, shall make available existing materials and information for education, training, and awareness of historic property stewardship to ensure that all Federal personnel have access to information and can develop the skills necessary to continue the productive use of Federally owned historic properties while meeting their stewardship responsibilities.

(e) The Council, in consultation with the National Park Service and other agencies, shall encourage and recognize exceptional achievement by such agencies in meeting the goals of the NHPA and this order. By March 31, 2004, the Council shall submit to the President and the heads of agencies recommendations to further stimulate initiative, creativity, and efficiency in the Federal stewardship of historic properties.

**Sec. 5. *Promoting Preservation Through Heritage Tourism.***

(a) To the extent permitted by law and within existing resources, the Secretary of Commerce, working with the Council and other agencies, shall assist States, Indian tribes, and local communities in promoting the use of historic properties for heritage tourism and related economic development in a manner that contributes to the long-term preservation and productive use of those properties. Such assistance shall include efforts to strengthen and improve heritage tourism activities throughout the country as they relate to Federally owned historic properties and significant natural assets on Federal lands.

(b) Where consistent with agency missions and governing law, and where appropriate, agencies shall use historic properties in their ownership in conjunction with State, tribal, and local tourism programs to foster viable economic partnerships, including, but not limited to, cooperation and coordination with tourism officials and others with interests in the properties.

**Sec. 6. *National and Homeland Security Considerations.***

Nothing in this order shall be construed to require any agency to take any action or disclose any information that would conflict with or compromise national and homeland security goals, policies, programs, or activities.

**Sec. 7. *Definitions.*** For the purposes of this order, the term "historic property" means any prehistoric or historic district, site, building, structure, and object included on or eligible for inclusion on the National Register of Historic Places in accordance with section 301(5) of the NHPA (16 U.S.C. 470w(5)). The term "heritage tourism" means the business and practice of attracting and accommodating visitors to a place or area based especially on the unique or special aspects of that locale's history, landscape (including trail systems), and culture. The terms "Federally owned" and "in Federal ownership," and similar terms, as used in this order, do not include properties acquired by agencies as a result of foreclosure or similar actions and that are held for a period of less than 5 years.

**Sec. 8. *Judicial Review.*** This order is intended only to improve the internal management of the Federal Government and it is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or equity by a party against the United States, its departments,

agencies, instrumentalities or entities, its officers or employees, or any other person.

A handwritten signature in black ink, appearing to read "George W. Bush". The signature is written in a cursive, flowing style with a large initial "G" and a long, sweeping tail.

THE WHITE HOUSE,  
March 3, 2003.

[FR Doc. 03-05344  
Filed 3-4-03; 8:45 am]  
Billing code 3195-01-P



# ADVISORY COUNCIL ON HISTORIC PRESERVATION

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## 2019 STRATEGIC PLAN

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The **Advisory Council on Historic Preservation** (ACHP), an independent federal agency, is charged with the mission to promote the preservation of the nation’s diverse historic resources. The ACHP advises the President and Congress on national historic preservation policy and also provides a public forum for stakeholders and the public to influence federal agency decisions regarding federal projects and programs that affect historic properties.

The ACHP promotes the importance of historic preservation to foster an understanding of the nation’s heritage and the contribution that historic preservation can make to contemporary communities, along with their economic and social well-being. This Strategic Plan sets forth how and why the ACHP undertakes these activities by highlighting the agency’s duties and authorities, its mission and vision, and its strategic goals and objectives.

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## PLAN OVERVIEW

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The ACHP's mission statement and vision statement guide the agency's work under this plan, as does the following cross-cutting objective:

*While encouraging efficiencies, collaboration, and consultation, strive to ensure that the national historic preservation program reflects the full American story, engages all constituencies, and benefits the public.*

This commitment to both efficiency and inclusion is central to each of the plan's five "pillars."

- I. Foster the Preservation of Historic Properties Through Effective Review of Federal Undertakings
- II. Promote Federal Preservation Programs

- III. Promote the Importance of Historic Preservation
- IV. Advance Historic Preservation Policy and Programs
- V. Enable the ACHP's Mission Through Organizational Excellence

As the premier federal preservation agency, the ACHP is committed to furthering stewardship of historic properties for all Americans. Through this commitment, the ACHP strives to promote effective consideration of historic preservation in federal agency projects and programs.

## STRUCTURE OF THE ACHP

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The ACHP, led by a Senate-confirmed chairman and served by a professional staff, comprises 24 members who meet throughout the year to oversee its work.

Members include the following Presidential appointees, Cabinet Secretaries and agency heads, and other organizations' leadership:

- Chairman (general public)
- Three members of the general public
- Four expert members
- Member of an Indian tribe or Native Hawaiian organization
- Municipal mayor
- State governor
- Department of the Interior
- Department of Agriculture
- Department of Defense
- Department of Education
- Department of Homeland Security
- Department of Housing and Urban Development
- Department of Transportation
- Department of Veterans Affairs
- General Services Administration
- Architect of the Capitol
- National Trust for Historic Preservation
- National Association of Tribal Historic Preservation Officers
- National Conference of State Historic Preservation Officers

## DUTIES AND AUTHORITIES

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### National Historic Preservation Act

The ACHP was created by the National Historic Preservation Act (NHPA) of 1966, which sets forth most of the ACHP's duties and authorities. Passage of the NHPA was a watershed event that launched a transformation of the federal government from an

agent of indifference—frequently responsible for needless loss of historic resources—to a facilitator, an agent of thoughtful change, and a responsible steward of historic properties for future generations.

The ACHP, created by the NHPA, is the only federal agency whose sole mission is promoting the

preservation of the nation's diverse historic resources. ACHP members and partners enhance this charge.

The NHPA includes a series of congressional findings setting forth why historic preservation is important to the nation. Of these, the following are particularly important foundational concepts for the work of the ACHP. (Sec. 1 PL 89-665, amended PL 96-515)

*The spirit and direction of the Nation are founded upon and reflected in its historic heritage.*

*The historical and cultural foundations of the Nation should be preserved as a living part of our community life and development in order to give a sense of orientation to the American people.*

*The preservation of this irreplaceable heritage is in the public interest so that its vital legacy of cultural, educational, aesthetic, inspirational, economic, and energy benefits will be maintained and enriched for future generations of Americans.*

*The increased knowledge of our historic resources, the establishment of better means of identifying and administering them, and the encouragement of their preservation will improve the planning and execution of federal and federally assisted projects and will assist economic growth and development.*

In keeping with these concepts, the ACHP is responsible for overseeing the federal historic preservation review process established by Section 106 of the NHPA (now codified as 54 U.S.C. 306108). Section 106 requires federal agencies to consider the effects of federal projects on historic properties and to provide the ACHP an opportunity to weigh in on project impacts. Section 106 states:

*The head of any Federal agency having direct or indirect jurisdiction over a proposed Federal or federally assisted undertaking in any State and the head of any Federal department or independent agency having authority to license any undertaking, prior to the approval of the expenditure of any Federal funds on the undertaking or prior to the issuance of any license, shall take into account the effect of the undertaking on any historic property. The head of the Federal agency shall afford the [ACHP] a reasonable opportunity to comment with regard to the undertaking.*

Based on authority granted by the NHPA, the ACHP has issued regulations (36 CFR Part 800) that spell

out how agencies should meet their Section 106 responsibilities efficiently and effectively while giving due consideration to the historic places that communities value. Administering application of the Section 106 review process is a major ACHP responsibility and, as such, is the focus of one of the ACHP's Strategic Goals.

More duties of the ACHP as spelled out in the NHPA are outlined below. This plan's Strategic Goals and Strategic Objectives specifically address many of the following (54 U.S.C. 304102):

*Advise the President and Congress on matters relating to historic preservation, recommend measures to coordinate activities of federal, state, and local agencies and private institutions and individuals related to historic preservation, and advise on the dissemination of information pertaining to those activities.*

*Encourage (with partners) public interest and participation in historic preservation.*

*Recommend the conduct of studies in such areas as:*

*(a) the adequacy of legislative and administrative statutes and regulations pertaining to historic preservation activities of state and local governments, and*

*(b) the effects of tax policies at all levels of government on historic preservation.*

*Advise as to guidelines for the assistance of state and local governments in drafting legislation relating to historic preservation.*

*Encourage (in cooperation with public and private agencies and institutions) training and education in the field of historic preservation.*

*Review the policies and programs of federal agencies and recommend to federal agencies methods to improve the effectiveness, coordination, and consistency of those policies and programs with the policies and programs carried out under this division.*

*Inform and educate federal agencies, state and local governments, Indian tribes, other national and international organizations and private groups and individuals to the ACHP's authorized activities.*

## Federal Permitting Improvement Steering Council

The Fixing America's Surface Transportation Act of 2015 created the Federal Permitting Improvement Steering Council (Permitting Council) to promote more efficient and effective federal permitting for infrastructure projects. The ACHP is a member of the Permitting Council and fulfills its duty to advance Permitting Council goals by developing and promoting efficiencies in the Section 106 review process and expediting review of major infrastructure projects. The importance of addressing infrastructure needs is referenced at several points in this plan's Strategic Objectives.

## Executive Order 13287

Executive Order (EO) 13287, "Preserve America," directs federal agencies to manage federal historic properties as valuable assets that can support agency missions and also stimulate local economic development. Section 3 of EO 13287 requires that agencies with real property management responsibilities report every three years on progress in their identification, protection, and use of historic properties. The EO requires the ACHP to incorporate the data from these reports into a triennial report to the President on the state of the federal government's historic properties and their contribution to local economic development.

## PROGRAM AREAS

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The ACHP's major program areas are reflected in its organizational structure:

The **Federal Agency Programs** office administers the NHPA's Section 106 review process to promote efficient federal project planning that gives due consideration to the historic places that communities value. It works with federal agencies to improve how they incorporate historic preservation considerations into their programs and procedures and their responsibilities under the NHPA. The office manages the ACHP's extensive training program to instruct a diverse range of participants in the Section 106 review process, reaching both federal and non-federal stakeholders.

The **Preservation Initiatives** office undertakes research and development of policies to promote the benefits of historic preservation for advancing economic development, community revitalization, climate resilience, and other public goals. The office analyzes congressional legislation and government policies and programs to support the efforts of the ACHP membership to further the purposes of the NHPA. It also manages the ACHP's intern program.

The **Communications, Education, and Outreach** office conveys the ACHP's vision and message to constituents and the general public through information and education programs, as well as public recognition programs for historic preservation achievement. The office has lead responsibility for ACHP efforts to expand public appreciation for historic preservation, promote the engagement of youth and diverse communities in the national preservation program, and advance education and training in preservation crafts and skills.

The **Native American Affairs** office addresses program and policy matters related to issues of concern to Indian tribes and Native Hawaiian organizations (NHOs). It provides a wide range of guidance, information, training, and technical assistance to federal agencies and other participants to promote early and effective consultation and engagement with Indian tribes and NHOs in the Section 106 review process.

The ACHP's strategic plan will guide the work of these offices as they carry out the ACHP's mission in the coming years, enabling it to fulfill its role as a leader in the national historic preservation program.



# Advisory Council on Historic Preservation STRATEGIC PLAN

## MISSION STATEMENT

The Advisory Council on Historic Preservation (ACHP) promotes the preservation, enhancement, and sustainable use of the nation's diverse historic resources, and advises the President and Congress on national historic preservation policy.

## VISION STATEMENT

A nation in which all Americans understand and appreciate their history, and public policy supports the preservation of historic resources.

## CROSS-CUTTING OBJECTIVE

While encouraging efficiencies, collaboration, and consultation, strive to ensure that the national historic preservation program reflects the full American story, engages all constituencies, and benefits the public.



### FOSTER THE PRESERVATION OF HISTORIC PROPERTIES THROUGH EFFECTIVE REVIEW OF FEDERAL UNDERTAKINGS

Foster the identification, protection, and enhancement of historic properties through the Section 106 process to advance the purposes of the National Historic Preservation Act.



### PROMOTE FEDERAL PRESERVATION PROGRAMS

Assist federal agency preservation program initiatives to enhance the identification, preservation, and stewardship of all types of historic properties, and encourage contributions to tribal, state, local, and private preservation efforts.



### PROMOTE THE IMPORTANCE OF HISTORIC PRESERVATION

Foster broader appreciation for and knowledge of historic preservation, history, and the work of the ACHP among diverse audiences, and communicate the value and benefits of preserving historic resources.



### ADVANCE HISTORIC PRESERVATION POLICY AND PROGRAMS

Formulate and advance effective public policies and programs that support and encourage historic preservation activities carried out by the federal government, Indian tribes, states, local governments, Native Hawaiian organizations, and private organizations and individuals.



### ENABLE THE ACHP'S MISSION THROUGH ORGANIZATIONAL EXCELLENCE

Obtain and effectively manage the ACHP's resources to ensure its mission is accomplished while meeting high standards of service.

# ADVISORY COUNCIL ON HISTORIC PRESERVATION STRATEGIC PLAN

Adopted December 5, 2019

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## Mission Statement

The Advisory Council on Historic Preservation (ACHP) promotes the preservation, enhancement, and sustainable use of the nation's diverse historic resources, and advises the President and Congress on national historic preservation policy.

## Vision Statement

A nation in which all Americans understand and appreciate their history, and public policy supports the preservation of historic resources.

## Cross-Cutting Objective

While encouraging efficiencies, collaboration, and consultation, strive to ensure that the national historic preservation program reflects the full American story, engages all constituencies, and benefits the public.

## Strategic Goals and Objectives

### I. Foster the Preservation of Historic Properties Through Effective Review of Federal Undertakings

#### Strategic Goal

Foster the identification, protection, and enhancement of historic properties through the Section 106 process to advance the purposes of the National Historic Preservation Act (NHPA).

#### Four-Year Strategic Objectives

- A. Enhance the awareness, knowledge, and capabilities of participants in Section 106 reviews to better carry out their roles in the process, and to improve communication among these parties.
- B. Focus ACHP involvement in individual Section 106 cases to serve the public interest and advance preservation outcomes, particularly with infrastructure projects.
- C. Collaborate with federal agencies to tailor the Section 106 process to meet specific agency needs, with the goal of improving the efficiency and effectiveness of the Section 106 process in the context of agency missions, project schedules, and budgets.
- D. Assist federal agencies in meeting their Section 106 consultation responsibilities with Indian tribes and Native Hawaiian organizations and encourage early engagement with tribes and NHOs during project planning.
- E. Improve coordination of the Section 106 process with other provisions of the NHPA, related federal environmental and preservation processes, and federal regulatory accountability requirements and initiatives, with particular attention to infrastructure project reviews.
- F. Assist agencies in meeting their responsibilities in the Section 106 process and encourage agencies to engage all stakeholders and the public early in project planning and Section 106 review.
- G. Promote availability of accurate and accessible digital and geospatial information about historic properties in order to assist agencies in avoiding and minimizing adverse effects of their projects on historic properties and in expediting project delivery.

## **II. Promote Federal Preservation Programs**

### **Strategic Goal**

Assist federal agency preservation program initiatives to enhance the identification, preservation, and stewardship of all types of historic properties, and encourage contributions to tribal, state, local, and private preservation efforts.

### **Four-Year Strategic Objectives**

- A. Assess and advise on the effectiveness of the federal preservation program established by the NHPA with particular attention to collaboration with federal agencies and other stakeholders to make the federal preservation program more effective and meaningful.
- B. Collaborate with federal agencies and other stakeholders to publicize (and assist in implementing, where appropriate) federal agency program initiatives and achievements that demonstrate the successful preservation and productive use of historic properties.
- C. Assist federal agencies in meeting the goals and requirements for stewardship of historic properties set forth in the NHPA and Executive Order 13287, "Preserve America," as they carry out agency missions.
- D. Facilitate collaboration and partnerships among federal agencies and other parties to help agencies meet their preservation program needs and goals, with particular attention to the challenges of underutilized federal historic properties.
- E. Promote consideration of historic preservation concerns and techniques in agency efforts to address issues of sustainability, resilience, and adapting to a changing climate.
- F. Assist agencies in developing federal policies and programs that address infrastructure and energy development while minimizing impacts on historic properties and meeting mission needs.

## **III. Promote the Importance of Historic Preservation**

### **Strategic Goal**

Foster broader appreciation for and knowledge of historic preservation, history, and the work of the ACHP among diverse audiences, and communicate the value and benefits of preserving historic resources.

### **Four-Year Strategic Objectives**

- A. Raise the level of understanding of the value of the nation's historic preservation program and of a preservation ethic, particularly among youth.
- B. Increase awareness of and participation in ACHP programs and activities nationally and internationally.
- C. Advise executive and legislative branch officials and staff regarding the benefits of historic preservation and the federal historic preservation program.

## **IV. Advance Historic Preservation Policy and Programs**

### **Strategic Goal**

Formulate and advance effective public policies and programs that support and encourage historic preservation activities carried out by the federal government, Indian tribes, states, local governments, NHOs, and private organizations and individuals.

### **Four-Year Strategic Objectives**

- A. Advise and assist the executive branch and the Congress in formulating policies, budgets, and programs that support the goals of the NHPA.
- B. Collaborate on, develop, and advance policies and initiatives that promote the economic, environmental, educational, and social benefits of historic preservation and the national preservation program.
- C. Encourage and advance federal policies and programs that support the engagement of Indian tribes and NHOs in the national historic preservation program.
- D. Promote and encourage assistance and incentive programs for preservation at all levels of government.

## **V. Enable the ACHP's Mission Through Organizational Excellence**

### **Strategic Goal**

Obtain and effectively manage the ACHP's resources to ensure its mission is accomplished while meeting high standards of service.

### **Four-Year Strategic Objectives**

- A. Develop and implement a financial and human capital strategy that recognizes and responds to the ACHP's mission, maximizes expertise and effectiveness among members and staff, and reflects the diversity of America in a discrimination-free workplace dedicated to equal opportunity.
- B. Maximize effective collaboration with current and new preservation partners and explore ways to more fully utilize the ACHP's authority to receive assistance to carry out its duties.
- C. Maximize internal operational performance through analysis of work processes, enhancements to information technology resources, changes to administrative procedures, implementation of effective records management, and the refinement of fiscal controls.
- D. Identify and provide enhanced services to all parties that interact with the ACHP, leading to measurable results.
- E. Engage members of stakeholder groups and the public to share their expertise with the ACHP through working groups, advisory groups, and other collaborations.
- F. Institute policies and internal processes to guide interaction and communication among the chairman, members, and staff, particularly regarding controversial Section 106 cases, development of Section 106 program alternatives, preservation policy development, and congressional communications.



ADVISORY COUNCIL ON HISTORIC PRESERVATION

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## ADVISORY COUNCIL ON HISTORIC PRESERVATION 2019 STRATEGIC PLAN With Performance Goals

Performance goals are noted in italics under the related Four-Year Strategic Objectives.

### I. FOSTER THE PRESERVATION OF HISTORIC PROPERTIES THROUGH EFFECTIVE REVIEW OF FEDERAL UNDERTAKINGS

**Strategic Goal:** Foster the identification, protection, and enhancement of historic properties through the Section 106 process to advance the purposes of the National Historic Preservation Act (NHPA).

#### Four-Year Strategic Objectives

- A. Enhance the awareness, knowledge, and capabilities of participants in Section 106 reviews to better carry out their roles in the process, and to improve communication among these parties.
  - 1. Develop Section 106 advice and guidance on priority topics and issue periodic Section 106 newsletters*
  - 2. Utilize the ACHP website, social media, and informational materials to expand stakeholder and public awareness of the Section 106 process*
  - 3. Refine existing training courses, add new webinars, and convert existing webinars to new formats*
  - 4. Conduct periodic meetings with Federal Preservation Officers to address issues of mutual concern*
  - 5. Communicate with SHPOs and THPOs on Section 106 matters through targeted newsletters, teleconferences, webinars, and workgroups*
  - 6. Develop and deliver online and in-person Section 106 training for Indian tribes and NHOs*
  - 7. Work with NATHPO, the Federal Permitting Improvement Steering Council, and federal agencies to develop a reliable tribal contact database system*
- B. Focus ACHP involvement in individual Section 106 cases to serve the public interest and advance preservation outcomes, particularly with infrastructure projects.
  - 1. Engage the ACHP in those individual cases where potential outcomes warrant the investment of ACHP resources as specified in Appendix A of the ACHP's regulations and where systemic compliance problems with agencies can be addressed*

- 2. Engage ACHP members in complex or controversial cases that raise policy-level issues warranting attention in order to successfully conclude Section 106 reviews*
- C. Collaborate with federal agencies to tailor the Section 106 process to meet specific agency needs, with the goal of improving the efficiency and effectiveness of the Section 106 process in the context of agency missions, project schedules, and budgets.
- 1. Encourage, educate and assist agencies in developing flexible approaches to Section 106 compliance that support project delivery within reasonable timelines and budgetary constraints*
  - 2. Assist those agencies that have requested program alternatives in developing and issuing them within reasonable timeframes in order to promote more efficient Section 106 reviews*
  - 3. Establish and maintain communication platform for ACHP members regarding the status of and need for member input on the development of nationwide program alternatives*
  - 4. Develop further best practices and sample stipulations to assist agencies in developing more consistent and timely Section 106 agreement documents*
- D. Assist federal agencies in meeting their Section 106 consultation responsibilities with Indian tribes and Native Hawaiian organizations (NHOs) and encourage early engagement with tribes and NHOs during project planning.
- 1. Develop guidance and information papers regarding tribal and NHO consultation for federal agencies and applicants*
  - 2. Promote tools for better communication with Indian tribes in Section 106 reviews*
  - 3. Promote the early coordination handbook and training and seek additional opportunities for outreach about early coordination*
  - 4. Assist federal agencies to develop or enhance their consultation plans and capabilities*
- E. Improve coordination of the Section 106 process with other provisions of the NHPA, related federal environmental and preservation processes, and federal regulatory accountability requirements and initiatives, with particular attention to infrastructure project reviews.
- 1. Support program improvements as member of the Federal Permitting Improvement Steering Council*
  - 2. Track applicable projects and support the work and goals of One Federal Decision*
  - 3. Collaborate with CEQ to advance coordination of NEPA and Section 106 reviews under revised CEQ regulations*
  - 4. Engage federal ACHP members and NCSHPO and NATHPO for developing guidance and best practices*
  - 5. Participate in the Unified Federal Review process to support disaster preparedness and responses*

- F. Assist agencies in meeting their responsibilities in the Section 106 process and encourage agencies to engage all stakeholders and the public early in project planning and Section 106 review.

- 1. Work with FPOs and the Permitting Council to provide information and guidance that facilitates early engagement of stakeholders and the public*

- G. Promote availability of accurate and accessible digital and geospatial information about historic properties in order to assist agencies in avoiding and minimizing adverse effects of their projects on historic properties and in expediting project delivery.

- 1. Complete the Digital Information Task Force report and implement recommendations*

- 2. Assist SHPOs, THPOs, and NHOs in managing workloads and building organizational capacity through technology and digital information that supports Section 106 reviews*

## **II. PROMOTE FEDERAL PRESERVATION PROGRAMS**

**Strategic Goal:** Assist federal agency preservation program initiatives to enhance the identification, preservation, and stewardship of all types of historic properties, and encourage contributions to tribal, state, local, and private preservation efforts.

### **Four-Year Strategic Objectives**

- A. Assess and advise on the effectiveness of the federal preservation program established by the NHPA with particular attention to collaboration with federal agencies and other stakeholders to make the federal preservation program more effective and meaningful.

- 1. Develop guidance for agency preparation of reports required by Section 3 of E.O. 13287, review agency progress reports, and prepare report and recommendations to submit to the President*

- 2. Seek information from other executive branch reporting requirements and executive orders that may address or relate to preservation issues*

- B. Collaborate with federal agencies and other stakeholders to publicize (and assist in implementing, where appropriate) federal agency program initiatives and achievements that demonstrate the successful preservation and productive use of historic properties.

- 1. Recognize federal agency historic preservation achievements through the ACHP's awards and recognition programs*

- 2. Identify and collaborate with new partners to publicize the preservation work of the federal government*

- C. Assist federal agencies in meeting the goals and requirements for stewardship of historic properties set forth in the NHPA and Executive Order 13287, "Preserve America," as they carry out agency missions.

- 1. *Work collaboratively with agencies to identify and implement better tools and processes to promote stewardship*
- D. Facilitate collaboration and partnerships among federal agencies and other parties to help agencies meet their preservation program needs and goals, with particular attention to the challenges of underutilized federal historic properties.
  - 1. *Develop and implement recommendations to expand outleasing of federal historic buildings through the Leveraging Federal Historic Buildings Working Group*
  - 2. *Engage with private sector experts to identify challenges and solutions*
  - 3. *Identify, develop, and disseminate examples of undertakings that successfully utilized Section 111 of the NHPA to lease and protect historic properties under federal ownership or control*
- E. Promote consideration of historic preservation concerns and techniques in agency efforts to address issues of sustainability, resilience, and adapting to a changing climate.
  - 1. *Seek opportunities to provide a preservation voice in federal discussions of climate resilience and adaptation*
- F. Assist agencies in developing federal policies and programs that address infrastructure and energy development while minimizing impacts on historic properties and meeting mission needs.
  - 1. *Address emerging issues in historic preservation to promote solutions to address the impact on historic properties*

### **III. PROMOTE THE IMPORTANCE OF HISTORIC PRESERVATION**

**Strategic Goal:** Foster broader appreciation for and knowledge of historic preservation, history, and the work of the ACHP among diverse audiences and communicate the value and benefits of preserving historic resources.

#### **Four-Year Strategic Objectives**

- A. Raise the level of understanding of the value of the nation’s historic preservation program and of a preservation ethic, particularly among youth.
  - 1. *Expand content on the ACHP website to convey the importance and impact of the national historic preservation program*
  - 2. *Expand the Touching History: Preservation in Practice initiative to promote greater diversity in the national historic preservation program*
  - 3. *Implement the memorandum of understanding with Salish Kootenai College and the ACHP Foundation to advance educational programs for tribal historic preservation professionals*
  - 4. *Pursue opportunities to promote historic preservation through speakers and other forms of ACHP participation at events, conferences and other venues*

*5. Sustain and enhance the ACHP Internship Program, seeking additional partnerships and resources to support and expand year-round opportunities for college and graduate students exploring careers related to historic preservation*

B. Increase awareness of and participation in ACHP programs and activities nationally and internationally.

*1. Seek opportunities to participate in events and explore new venues both via ACHP members and staff*

*2. Grow the use of the ACHP's social media channels to strengthen existing outreach and connect with new audiences*

*3. Participate as a member of the Federal Interagency Panel on the World Heritage to promote U.S. engagement in the World Heritage program*

*4. Collaborate with US/ICOMOS to advance U.S. goals in international preservation*

*5. Work with the State Department on issues regarding the heritage of indigenous peoples*

*6. Encourage and assist as appropriate the Department of the Interior to develop and disseminate additional guidance on Section 402 of the NHPA*

C. Advise executive and legislative branch officials and staff regarding the benefits of historic preservation and the federal historic preservation program.

*1. Develop an ACHP Congressional communications and outreach strategy as part of the agency legislative agenda*

*2. Develop initiatives, such as promoting preservation trades training that advance Administration goals*

*3. Convey to members of Congress examples of successful Section 106 cases and other work of direct interest to them, such as Preserve America activities or case studies relevant to their states and districts*

*4. Disseminate information on the economic and job-creation benefits of historic preservation to key policy makers in the executive and legislative branches*

*5. Pursue opportunities to promote historic preservation and educate key decision-makers through special events, briefing materials, testimonials, and other means*

#### **IV. ADVANCE HISTORIC PRESERVATION POLICY AND PROGRAMS**

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

#### **Four-Year Strategic Objectives**

- A. Advise and assist the executive branch and the Congress in formulating policies, budgets, and programs that support the goals of the NHPA.
  - 1. Manage an ACHP legislative agenda and engage on proposed legislation that advance historic preservation interests and programs*
  - 2. Promote Administration and congressional implementation of the recommendations in the ACHP's Preservation 50 report on the national historic preservation program*
  - 3. Finalize and implement the work plan for the partnership with the American Battle Monuments Commission*
  
- B. Collaborate on, develop, and advance policies and initiatives that promote the economic, environmental, educational, and social benefits of historic preservation and the national preservation program.
  - 1. Utilize the opportunity of the upcoming U.S. Semiquincentennial celebration (America 250) to increase support for the national preservation program and its value in understanding our shared history*
  - 2. Collaborate with federal agencies and the private sector to address the gap in skilled preservation craft workers through education, apprenticeships, and qualification standards*
  - 3. Promote federal encouragement of historic property preservation in Opportunity Zones*
  - 4. Engage with federal agencies to encourage reuse of historic buildings for affordable housing*
  - 5. Examine opportunities to leverage existing Preserve America Communities and Preserve America Stewards in promoting preservation's benefits*
  
- C. Encourage and advance federal policies and programs that support the engagement of Indian tribes and NHOs in the national historic preservation program.
  - 1. Seek opportunities with the Assistant Secretary for Indian Affairs to promote tribal participation in historic preservation*
  - 2. Coordinate with White House staff regarding opportunities to advance tribal involvement in historic preservation*
  - 3. Support legislative initiatives that further the engagement of Indian tribes and NHOs in the national preservation program*
  - 4. Assist federal agencies in communicating federally-funded opportunities for Indian tribes, including native language preservation, artifact curation, and economic development*
  
- D. Promote and encourage assistance and incentive programs for preservation at all levels of government.
  - 1. Seek opportunities to promote preservation through new partnerships with groups such as the National Governors Association, National Conference of State Legislatures, U.S. Conference of Mayors, National League of Cities, and National Association of Counties*

2. *Explore options for revitalizing the authorized Preserve America grants*
3. *Encourage federal support of historic preservation trades training, particularly with the Departments of Labor and Education and the National Park Service*

## **V. ENABLE THE ACHP'S MISSION THROUGH ORGANIZATIONAL EXCELLENCE**

**Strategic Goal:** Obtain and effectively manage the ACHP's resources to ensure its mission is accomplished while meeting high standards of service.

### **Four-Year Strategic Objectives**

- A. Develop and implement a financial and human capital strategy that: recognizes and responds to the ACHP's mission, maximizes expertise and effectiveness among members and staff, and reflects the diversity of America in a discrimination-free workplace dedicated to equal opportunity.
  1. *Seek adequate resources through the annual budget formulation and appropriations process to support ACHP programs and initiatives*
  2. *Analyze current financial management platform and processes to identify opportunities for improved efficiency and responsiveness*
  3. *Expand efforts to recruit and support interns from a variety of backgrounds*
- B. Maximize effective collaboration with current and new preservation partners and explore ways to more fully utilize the ACHP's authority to receive assistance to carry out its duties.
  1. *Support and, where possible, expand current partnerships between the ACHP and other agencies*
  2. *Collaborate with the ACHP Foundation to obtain financial resources and expertise to support ACHP activities*
- C. Maximize internal operational performance through analysis of work processes, enhancements to information technology resources, changes to administrative procedures, implementation of effective records management, and the refinement of fiscal controls.
  1. *Improve information technology and cybersecurity operational levels to meet federal standards, ensuring compliance to mandated executive orders, operational directives and NIST guidance*
  2. *Identify and streamline operational processes to improve the pursuit of mission outcomes and increase the effectiveness and efficiency of agency operations*
- D. Identify and provide enhanced services to all parties that interact with the ACHP, leading to measurable results.
  1. *Review and update as needed ACHP Customer Service Standards*

*2. Utilize updated website and other Internet-based tools to improve customer access to ACHP information and to communicate with the ACHP*

- E. Engage members of stakeholder groups and the public to share their expertise with the ACHP through working groups, advisory groups, and other collaborations.

*1. Build relationships with intergovernmental organizations and professional and industry associations*

*2. Employ advisory groups to help the ACHP address issues such as digital information, affordable housing, and preservation trades training*

- F. Institute policies and internal processes to guide interaction and communication among the Chairman, members, and staff, particularly regarding controversial Section 106 cases, development of Section 106 program alternatives, preservation policy development, and congressional communications.

*1. Use contemporary communications technologies to promote information sharing among Council members and staff*

*2. Review Operating Procedures to determine changes needed to better facilitate communication and effective ACHP meetings*

*3. Implement communication system to inform and engage members in ACHP actions to develop Section 106 program alternatives*

Advisory Council on Historic Preservation  
Sustainability Report and Implementation Plan  
2020

Submitted: June 24, 2020

# Advisory Council on Historic Preservation 2020 Sustainability Report and Implementation Plan

## Executive Summary

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The ACHP is fully committed to compliance with federal environmental and energy statutes, regulations, and Executive Orders in its daily operations. An independent agency established by the National Historic Preservation Act of 1966 (NHPA, 54 U.S.C. § 3001 *et seq.*), the mission of the ACHP is to promote the preservation, enhancement, and sustainable use of our nation's historic resources, and to advise the President and Congress on national historic preservation policy. Consistent with its mission, the ACHP will encourage the preservation of historic properties as a sustainability strategy and will assist federal agencies in complying with federal historic preservation laws, regulations, and policies as they work toward achieving their sustainability goals.

In company with the National Building Museum and the U.S. Commission of Fine Arts, the ACHP is a tenant at the Pension Building, a federally owned, GSA-managed National Historic Landmark building located at 401 F Street, N.W., Washington, D.C. The ACHP's leased office space continues to meet a number of the principles for sustainable locations for federal facilities. These include (1) central business district location; (2) location promotes transportation choice; (3) location promotes walkability and bikeability; (4) location is accessible to a diverse range of employees and visitors; (5) location leverages investment in existing infrastructure; and (6) location promotes the preservation of historic resources and other existing buildings.

The ACHP has 37 full-time equivalent employees, and has no fleet of vehicles at its disposal. The ACHP has very limited opportunities to directly address sustainability targets and goals in carrying out its daily operations. However, within the agency's authorities and means, ACHP management and staff will continue to seek ways to achieve sustainability targets in such areas as green purchasing, travel management, video- and teleconferencing, distance learning, use of public transit, flexible work schedules, and telework, as well as through cooperation with GSA sustainable building management efforts. In response to COVID-19, the ACHP operated with full-time telework for all employees from mid-March through the end of the reporting period. While done out of necessity because of the pandemic, this had short-term sustainability benefits by significantly reducing the environmental impacts of staff trips to the office and use of office utilities.

Consistent with its mission, the ACHP will assist federal agencies in complying with federal historic preservation laws, regulations, and policies as they work toward achieving their sustainability goals. The ACHP also will promote the value of historic preservation as an integral part of sustainability planning and evaluation for federal land and property managers, non-federal government entities, and the private sector.

The ACHP devotes a portion of its website to sustainability and climate resilience. Materials from various federal agencies and nonprofits include general information on sustainability and historic preservation, and more specialized information on such topics as energy conservation and weatherization, community livability and smart growth, and climate adaptation and resilience. The ACHP will continue to maintain this public information resource, which is available at <https://www.achp.gov/initiatives/sustainability-climate-resilience>.



Preserving America's Heritage

## **RESPONSES TO MEMBER QUESTIONNAIRE ON ACHP ORGANIZATION AND MEMBER ENGAGEMENT**

**Background.** At the March 22<sup>nd</sup> ACHP business meeting, the membership discussed the unprecedented opportunity of the transition from a part-time to a full-time chairman for the ACHP to examine its structure. There was consensus that the ACHP's operating procedures, committee structure, business meeting format, and other operational conventions should be reviewed.

Following the meeting, Chairman Donaldson appointed a member working group to oversee the transition to a full-time chair. The working group consists of Jordan Tannenbaum, working group chair; Wayne Donaldson; Leonard Forsman; Robert Stanton; Brad White; Maureen Sullivan, Department of Defense; Shasta Gaughen, National Association of Tribal Historic Preservation Officers; Mark Wolfe, National Conference of State Historic Preservation Officers; and Tom Cassidy, National Trust for Historic Preservation. The Office of Preservation Initiatives and the Office of General Counsel are providing staff support to the working group.

**Questionnaire to the Membership.** The transition working group developed a questionnaire that was sent to the full membership in May. This was designed to get member feedback on the operational relationship among the members, the full-time Chairman, and the staff, and how to optimize the ACHP's structure and operations with the incorporation of a full-time Chairman. Responses to the questionnaire came from 25 out of 27 ACHP members and observers.

Attached is a summary of the questionnaire responses, which characterizes the often wide-ranging responses. The document also includes the text of member comments given in response to open-ended questions soliciting general feedback. The summary identifies questions where there was general consensus, where a majority view emerged, and where there were varied responses. In brief, these categories break down as follows:

### **General Consensus**

- The concept of standing committees is sound.
- The limited-term, task oriented working group system should continue to be used.

### **Majority Views**

- About three-quarters of respondents believe that:
  - the Executive Committee should be formalized in the Operating Procedures with a specific delineation of its powers and procedures.
- About two-thirds of respondents feel that:
  - the ACHP should hold out-of-DC business meetings on a regular basis;
  - the ACHP should explore videoconferencing or other technologies for business meetings; and
  - the dearth of policy-level agency representatives at committee meetings poses a problem.

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- A slight majority of respondents feel that:
  - the Operating Procedures do not need to be changed regarding business meetings;
  - there are overlaps in committee jurisdiction and subject matter that should be addressed;
  - the ACHP should continue to have committee meetings the day before the business meeting and committee conference calls halfway between business meetings;
  - the Executive Committee should be authorized to take formal actions on behalf of the full membership; and
  - the Operating Procedures need revision regarding communications between the Chairman, Executive Director, and the members.

#### **Varied Responses**

- On the optimum frequency of ACHP business meetings and how long they should last.
- On the structure of business meeting agendas.
- Whether the current committee structure should be modified.
- Whether the Executive Committee's size or mix of members should be changed, and whether it should have a set meeting schedule or meet as needed.
- Whether current guidelines for member involvement in Section 106 cases need to be modified.

In addition to the attached summary, a compilation of all responses to the questionnaire is available.

***Attachment:*** Summary of Member Responses to Questionnaire on ACHP Organization and Member Engagement, July 6, 2018

**Summary of  
Member Responses to Questionnaire  
on ACHP Organization and Member Engagement**

**July 6, 2018**

Note: Not all respondents answered every question. At the request of some members, responses were anonymized while still noting whether the respondent was an individual member or a representative of an agency or organization.

**I. Business meetings.**

*The ACHP for many years met on a quarterly basis, but budget constraints a few years ago led to scaling back to three times a year, the current schedule. Meetings are currently a half-day, but in some periods were a full two days. Traditionally the ACHP would meet as often as every other meeting out of DC to address specific issues and engage with local communities. Pages 4-7 of the Operating Procedures pertain to Council meetings.*

**1. *What do you see as the optimum frequency of ACHP business meetings?***

Varied responses: Members are split on whether there should be two, three, or four meetings a year. A plurality of respondents would like to continue with three meetings annually, but there also is significant support for both two days and four days. Most of those who prefer two days are federal agency representatives, while most of those who suggest four days are individual members.

**2. *How long should they last?***

Varied responses: Opinions on the optimum length of the meetings range widely from less than a half day to two days. However, a plurality of respondents prefer continuing with the current half day schedule. The next largest group supports expanding the meetings to a full day. There are two interesting comments regarding increasing member engagement. One agency representative suggests having more “closed” sessions where the entire membership could have in-depth, candid discussions about policy, controversial issues, and strategic direction. Another agency member, who supports full-day business meetings, suggests moving some topics off of committee agendas and onto the agenda of the full membership.

**3. *Should the ACHP hold out-of-DC business meetings on a regular basis?***

Majority view: About two thirds of respondents support regularly scheduled meetings out of town, and several others support having such meetings on an ad hoc basis. However, potential constraints on travel for federal agency members are a concern.

**4. *Should the ACHP explore videoconferencing or other technologies for business meetings?***

Majority view: Over two thirds of respondents support exploring new technological approaches for ACHP business meetings. That being said, a number of members feel that in-person attendance should still be encouraged even if new technological options are pursued.

**5. *Are there any specific provisions of the Operating Procedures relating to business meetings that you think should be changed?***

Majority view: A slight majority of respondents don't believe that the Operating Procedures need to be changed regarding business meetings. The other half made a variety of recommendations. Some feel

that public participation at business meetings should be enhanced. Suggestions include having a 30-minute opportunity for public testimony at each meeting and increasing use of topical listening lessons. Several members note that business meeting videoconferencing could improve public involvement, but the Operating Procedures would need updating in Section III.B. Likewise, videoconferencing would require changing the quorum provisions of Section III.E. One agency member advocates empowering designated agency staff to sit at the table and vote on behalf of their agency in lieu of the official designee. Another agency member feels that the current provisions for agencies to abstain on legislation absent an Administration position are inadequate. Other suggestions include: address the role of the ACHP Foundation; ensure each committee reports at business meetings; and clarify the scope of member compensation.

**6. *Do you have any suggestions for structuring the business meeting agenda?***

Varied responses: A majority view did not emerge from the responses, but a plurality desires agendas that encourage greater substantive discussion. Specific suggestions for accomplishing this include: have one topic per meeting that will be a focal point for discussion; free up time in business meeting by holding awards presentations and recognition ceremonies outside of the business meeting; break the members into smaller discussion groups during part of the business meeting; limit updates and reporting; focus on actionable items; replace committee chair verbal reports with one-page written summaries; hold longer business meetings that include a working lunch; and convene a once-a-year, four-hour committee of the whole workshop to address big-picture issues.

Other suggestions for structuring the business meeting agenda include: have a “policy roundup” explaining critical cases and votes; incorporate more public interaction and listening sessions; invite a special guest (a mayor, cabinet secretary, civic leader, etc.) to each meeting to make a presentation; and clarify the speaking roles so that the Executive Director runs the meeting while the Chairman presides.

**7. *Do you have any other comments or suggestions regarding business meetings and how they might change with the arrival of a full-time Chairman?***

Specific member comments:

- “I think the Chairman’s report will need to be a more substantial part of the meeting. We will need to have a good understanding of how they are spending their time.”
- “I imagine there might be more time for the Chair to share concerns or the specifics of a particular case with the membership. We should allow time for that.”
- “A full time Chairman could increase number of meetings and perhaps tailor 1-2 of the 4 quarterly to address emerging issues, hot topics, highlight successes and programs.”
- “The full-time Chairman should take full advantage of increased direct access to staff, files and equipment to implement any suggested changes, improvements or adjustment to Council specific issues either during the meetings or assign to staff immediately afterwards to address, flattening the organization by eliminating the need to inform the Executive Director who must subsequently delegate the actions to appropriate staff. The full-time Chairman can immediately begin to delegate responses and actions at the meeting and state for the record who and when to create more accountability. In addition, s/he would be best informed of the current workload of the staff and be able to inform the members what realistic responses/outcomes they can expect.”

- “Having a full-time Chair introduces opportunities for a very different dynamic between the Chair and Members, as well as between the Chair and the staff of the ACHP. The continuous presence of the Chair at the ACHP offices will allow for a much greater flow of information between Chair-Members-Staff. It will also enable decisions, tasks and assignments to be made and delegated out during business or committee meetings or in preparation for and follow-up from those meetings in a way that will increase the communication flow, and therefore the productivity of the members’ time they put to serving on the Council. Greater interaction between members and ACHP staff should be encouraged, as the current model often appears to have staff and members operating and focusing on completely separate issues/topics.”
- “Perhaps more guest speakers (preservation partners, eg. Civil War Trust) could be invited to speak.”
- “- Consider using the business meetings as an opportunity to plan an evening reception on the Hill with significant outreach to members of Congress.  
- You have removed the question about the use of “unassembled” meetings, but that is a procedure that has been over-utilized in the past and should be kept to an absolute minimum.”
- “The full-time Chairman will be more involved in the regular work of the council and may have a different perspective on the need to review certain issues as part of the business meeting. It will be important to consider the difference between how a FTC experiences the issues vs the PT members.”
- “One concern I have as a Federal member is when the policies or actions diverge from Administration priorities or agenda. Holding votes make it extremely difficult and cause abstentions. I think when ACHP is going to express a position that is counter to an administration position, perhaps a way can be found to do that, but members that are there are representing a cabinet member and as such, are going to be holding to position that we know of or seeking advice on positions within the administration.”
- “1. A new organization chart for ACHP should indicate where the public at large falls under ACHP purview. This may be strengthened via re-boot of a Preserve America type program. What is the intended breakdown of effort?, aka, 30% public citizen property and education programs, 30% Federal Agency Policy engagement; 40% Funding and Legislative Initiatives? Currently more emphasis seems placed on interagency concerns. 2. Meetings tend to be reactory, Federal or representative comments made in response to stated ACHP concern or action. Based on new expectations set by the Chairperson, might there be a shift in content and proceedings? Just wondering what is possible. Federal Members to present examples of best practice collaboration, innovation, sponsoring of interns, funding of initiatives within their agencies, etc.”
- “With a full-time chair it will offer a much different dynamic relationship between the chair and members, but more importantly with staff. Decisions, tasks and assignments will be made from a policy perspective as supported by the membership to staff that should increase the communications. The chair will also have the time to call members, discuss relevant topics, policies and groom them for more interaction on the council. From [Agency 4]: Greater interaction between members and ACHP staff should be encouraged, as the current model often appears to have staff and members operating and focusing on completely separate issues/topics. Amen!”

## II. Committees

*The core of the current ACHP committee structure (Preservation Initiatives, Communications Education and Outreach, Federal Agency Programs, and Executive) was created in 2001 and expanded to include the Native American Committee in 2011. Previously the ACHP had an occasional standing committee (e.g., legislation) and functioned primarily through task-oriented working groups and task forces. These continue to be used for overseeing development of special projects and reports. The Operating Procedures address “Council Subgroups” on page 3 (a standing Credentials Committee is the only one specified).*

### **1. *Is the concept of standing ACHP committees sound or is there a more desirable organizational model?***

General consensus: Respondents are almost unanimous that the concept of standing committees is sound. That being said, several members are concerned that the topics of the committees overlap (see also Question 3) and that the committees may need to be realigned to reflect the priorities of the Administration and the new Chairman. Other suggestions for improving the standing committee structure include: have monthly meetings; pare down committee agendas to emphasize discussion and reduce updates; consider establishing a legislative committee; and establish and implement yearly committee agendas.

### **2. *If the committee concept is retained, should the current committee structure be modified?***

Varied responses: Respondents are split almost evenly on whether modifying (or considering modifying) the current committee structure is necessary. Of those who feel changes may be needed, several note the importance of addressing current Administration priorities and emerging issues. Other members are concerned regarding a lack of definition in the roles of the committees, particularly in the PI Committee and the CEO Committee. Specific suggestions include: rename the PI Committee as the Policy and Legislation Committee; move away from the “catch-all” quality of the PI and CEO Committee issues; have the Executive Committee meet more regularly to be briefed by the Chairman; assess whether the PI Committee is needed absent its Preserve America functions and transfer legislative affairs responsibilities elsewhere in the agency; and sharpen committee focus and deliverables, particularly regarding social media in CEO.

### **3. *Are there overlaps in committee jurisdiction and subject matter that should be addressed?***

Majority view: A slight majority of respondents feel that there is overlap among the committees that could be addressed constructively. Overlaps in subject matter were identified between the PI and CEO Committees, the PI and FAP Committees, and the FAP and NAA Committees. Respondents who felt the overlaps were a problem suggested: use executive decision making to ensure that overlaps between the FAP and PI Committees don’t result in duplication of effort; consider moving Preserve America to the CEO Committee; and do away with the PI Committee by moving its legislative functions to elsewhere in the agency and rolling its other initiatives to the FAP or CEO Committees. Three agency members note an appropriate level of overlap between the FAP and NAA Committees, but suggest that those committees should not meet at the same time, should sometimes have partial joint meetings, and should better share agendas and discussion topics.

### **4. *Should the current approach to having committee meetings the day before the business meeting and committee conference calls halfway between business meetings be revised? If so, how?***

Majority view: A slight majority feel that change in the current approach is not needed. Of the remainder of respondents who have concerns, a few question the productivity of the interim conference calls. One respondent suggests they be scrapped and replaced by written briefings. A few also note that the overlap in the timing of committee meetings does not allow for participation in all the committees.

Other specific ideas for changes include: committees should meet monthly; the committees could meet in the morning and the full membership in the afternoon; and schedule the business meeting before the committee meetings so that the full membership can better direct committee assignments.

**5. *Should the limited-term, task oriented working group system continue to be used? Do you see ways to improve it?***

General consensus: Respondents are nearly unanimous in their support for limited-term, task oriented working groups. However, a number of members note the need for more transparency in the work of such groups. Suggestions include: sometimes have working groups be subcommittees; ensure well-defined scope, deliverable, or target end-date for each group; improve communication from the groups and enhance the ability to track their progress; make it easier to identify current work groups and the members participating; and have a centralized way of accessing the reports or guidance developed by the groups.

**6. *Do you have any other comments or suggestions regarding committees and subgroups and how they might change with the arrival of a full-time Chairman?***

Specific member comments:

- “The full-time Chairman should continue outreach to the citizen appointees on issues facing the preservation community.”
- “If there isn’t a technology working group there probably should be, to address social media, web design, etc. ACHP deals every day with exciting subject matter, but the agency’s website and electronic communications couldn’t be more boring.”
- “I am pleased with the arrival of a full-time Chairman and believe it will provide increased continuity and transparency for the ACHP.”
- “It seems the Chairman may have priorities or approaches that should be considered that will provide insights into how & what the committees cover.”
- “After gaining an understanding of the workload and capacity of staff, the new Chairman will be able to evaluate the effectiveness of committees and sub-groups and determine appropriate work group compositions and deadlines.”
- “Recommend a holistic assessment of how the primary information exchange points (i.e. Business meeting, committee meetings, interim conference calls and work groups) communicate and inform each other towards the larger goals, mission and strategic plan of ACHP. Additional time should be spent evaluating the best way to integrate ACHP staff into the communication flow to ensure they are providing the most up-to-date information to members and, in turn, receiving timely guidance from members.”
- “As stated earlier, the ACHP [Foundation] could be a subgroup or perhaps even a committee. I would also consider having a dinner the night before the meeting with a speaker or special guest.”
- “I could see that the full-time Chairman might wish to implement additional committees or reduce some. At the risk of sounding incoherently bureaucratic, I might suggest a “task force on committees” to help guide any changes in the structure.”

- “I do wonder how the work of ACHP both respects the organic act of its creation as well as reflect key aspects of the administration’s priorities on a constructive way.”
- “The new Chairperson should convene a committee of the whole WORKSHOP to discuss next 50 years ACHP priorities. Committees should be organized per priorities. There was overlap in BAMIPP particularly between communications and PI. Believe there is a tendency to discuss issues per definition of Committees. This results in “Preserve America”, citizen focused efforts, be harder to administer and therefore easily falls through the cracks. Federal Programs is very interesting but more can be done to stimulate Federal participants to stronger action, perhaps by setting up expectations/goals for each year to accomplish.”
- “I’d like to figure out why it has been so difficult for me to keep engaged with the Federal Agency Programs committee work. I rely on direct contacts with Reid instead.” (*Agency II*)
- “As with most organizations with a full-time leader there should be an initial outreach to the members, staff and the public at large to gain a better understanding of what ACHP does best and those challenges of preservation. Too much emphasis is placed on process rather than preservation as the final outcome.”

### III. Miscellaneous

1. *The Executive Committee currently comprises the Chairman, the Vice Chairman, the four committee chairs, and a policy-level federal agency member. It meets in person just before ACHP business meetings and occasionally by conference call. The members are also consulted periodically to advise the Chairman on specific issues. In recent times, the federal agency seat on the Executive Committee has been vacant, due to lack of policy-level appointees in the designated agency (Interior). On rare occasion, the Executive Committee has taken formal action on behalf of the membership, but its role has been primarily advisory to the Chairman.*

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

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

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

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

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

Varied responses: Respondents who specifically answered yes or no are almost evenly split, while some members have no comment or feel the question can only be addressed after the current

committee structure is assessed. Some suggested changes include: have six members or a similar clear minimum number; periodically rotate members onto the Executive Committee to engage all members; consider adding the Executive Director and the ACHP Foundation; add more citizen members; increase diversity; and seek to enhance agency policy-level participation, particularly by DOI. One agency member feels that the Executive Committee currently is not sufficiently transparent and accountable.

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

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

2. ***The established ACHP procedure is to seat principals and primary policy-level designees at ACHP business meetings. Such members are also entitled to participate in committee meetings, but policy-level representatives of federal agencies rarely do. Is this a problem that requires attention and, if so, how might it be addressed? (Membership credentials are found in Appendix A of the Operating Procedures, pages 13-14)***

Majority view: About two thirds of respondents agree that the dearth of policy-level agency representatives at committee meetings poses a problem, however, about a third of them believe that fully solving the problem is unlikely given the demands and time constraints on policy-level designees. Those who offered possible solutions suggested: have the new chairman actively recruit policy-level participants and foster more personal connections; take full advantage of having policy-level designee attendance at out-of-town meetings to engage them in committee activity; invite policy-level representatives to certain committee meetings for discussion of specifics; craft more focused committee agendas with action items; and discuss at business meetings the importance of policy-level attendance at committee meetings. If policy-level representation is going to remain less than optimal, a number of members note the benefits of committee attendance by agency staff with a depth of knowledge and experience, and who are committed and active in ACHP activities.

3. ***The Delegation of Authority found in Appendix B of the Operating Procedures (pages 16-24) allocates specific responsibilities of the Section 106 regulations among the members, the Chairman, and the Executive Director (ACHP staff). Often ACHP members have an interest in an ongoing Section 106 review, but their participation needs to be consistent with their role as the ultimate decision-makers in the event of a termination and must also conform to ethics and conflicts of interest standards. Current guidelines for member involvement in cases that are pending before the staff or the Chairman are found on page 11. Do these need to be modified?***

Varied responses: A plurality of respondents don't believe that modifications are needed. The remaining members either had no opinion – in several cases due to a stated lack of knowledge about the issue – or think changes are needed. Suggested modifications include: provide greater clarity and make the guidelines for member involvement more understandable; enhance how staff should alert members to cases of potential interest; provide for direct member participation in cases (as representatives of the ACHP, not in their personal capacity); limit member requests to review cases when there are conflicts of interest; and increase the length of time for members to request consideration of a case.

4. ***The Operating Procedures on page 9 prescribe some methods of communication from the Executive Director to the members. Additionally, the members receive reports from committee meetings and conference calls. Do these need to be revised, with consideration given to the arrival of a full-time Chairman or any modifications in the role of the Executive Committee? If so, how?***

Majority view: A majority of respondents believe that the Operating Procedures will need revision regarding communications between the Chairman, Executive Director, and the members. Specific suggestions include: create a line of communication from the Chairman to the members separate from the Executive Director and ACHP staff; ensure that communication with members on matters directly affecting them and their participation on the ACHP comes from the Chairman; have more frequent communication between the Chairman and members between business meetings; maximize information exchange; establish a higher level of regular interaction with policy-level principals; and have the Chairman assume many of the Executive Director's current communication with members.. A few members note that it would be premature to make such changes quickly without time to review the communications protocols holistically.

**5. *Do you have any other comments or suggestions on the ACHP organization and relationships among the members, the full-time Chairman, and the staff?***

Specific member comments:

- “I’ve been through several new chair appointments over the past decade in my own [organization], and I know how disruptive this can be. Each chair brings their own perspective and has a specific area of expertise that then becomes a priority for the agency. This can be a good thing, or not. The ED has the most frequent contact with the chair, and so ends up having to be the primary “trainer”. But that’s complicated because the ED answers to the chair. It’s important for the ED (and the chair) to know that the membership is there to provide guidance and support when necessary, and should help to focus the chair’s attention if the chair gets out of sync with the organization. And it’s very important for the membership to set an example for the chair with respect to how we communicate with each other, and how good service on the part of staff is recognized. I had a chair whose only public comments about the staff tended to be about how we can all do better, if we aren’t growing we’re dying, silo mentality is wasteful, etc. It was demoralizing. There are better ways to spur improvements, and the membership needs to watch for those opportunities and provide positive reinforcement.”
- “The ACHP organization is well organized, the staff is always available to respond to questions. The past [several] years representing [Agency 2] has been a rewarding experience, has increased my knowledge and passion for Historic Preservation. You provide an excellent service to the Federal government. Thank you!”
- “With a full-time chairman in DC, it seems there are opportunities to build more rapport among the members.”
- “I am wondering about the appropriate staff structure with a full-time Chair, particularly as it relates to the Executive Director position. Does the ED position become more like a Chief of Staff/Chief Operating Officer? This is probably the direction it should take, but I don’t know what typically occurs in the federal government in circumstances like this.”
- “The appointment of the ACHP’s first full-time, Senate confirmed Chair is a significant opportunity to revisit all aspects of how the ACHP operates, communicates and how the Chairman, Members and staff can most effectively work as a team to affect national preservation policy while maintaining a strong relationship informing Congress and the Administration.”
- “I recommend the full time Chairman make the objectives of the CEO Committee a priority and seek new opportunities for outreach.”

- “It might be good to have further discussion of these questions in person at the next meeting. I recognize that the point of asking now is to help prepare for the arrival of the Chairman, but there will definitely be structural questions that arise after the Chairman is in place. And, the questions about the committees might be easily discussed by everyone, possibly at lunch during the committee meeting day. Or not. I could see that maybe it would be best to get everything packaged up neatly to present to the incoming Chairman.”
- “Some of my comments are critical, but please understand I have great admiration for ACHP and its role in this country. It has a critical role and one I respect greatly respect.”
- “Two thoughts:
  1. That the Chair in making recommendations for future Presidential appointments to the Council, give careful consideration to candidates representing the nation’s cultural and geographical diversity.
  2. That the Chair continue and fully support the Chairman’s Award and the joint ACHP/HUD Award. (The presentation of these two awards for possible greater visibility might be presented during a business meeting. The CEO committee will review this option and provide a recommendation.”
- “One thought on a delicate subject: Chairman interaction with staff on a daily basis. The small agency size, coupled with the professional camaraderie of the staff makes ACHP a unique place to work. In many ways, it is like a big (and at times dysfunctional!) family. That comfortable, casual interaction can, however, add an element of “answering to many masters” for the staff. With a full time Chair present in the office daily, I can imagine that could intensify. This could especially be true as the Chairman “learns the ropes” and may seek information/assistance from any ready/willing source (and a number of the staff are highly knowledgeable and eager to share). Without appearing to censor information or contact, I imagine that “managing” information flow and input will be a delicate (and necessary) task.”
- “Believe under leadership of Chr. Donaldson, the organization, initiatives have been both very cooperative and functional. At this transition and juncture of 50 years of the Preservation Program, believe organizational consultants may be useful to assess what the ACHP opportunities are to accomplish goals, then to reorganize to most effectively accomplish the new directions for the next generation. This may affect how the budget is organized, types of initiatives endeavored.”
- “I’m concerned about succession planning at ACHP.”
- “This will be an incredible time for ACHP with a full-time chair. Her leadership will be paramount in the federal government and hopefully, raise ACHP to the proper level of respect and awareness from the general public. ACHP can do much more as an agency in working closely with the Administration, Congress as well as our preservation partners on a grand national scale for the preservation of our collective heritage.”



## **ACHP BUDGET DOCUMENTS**

Every year, the ACHP submits budget documentation to the Office of Management and Budget to be included in the President's yearly budget request. The agency prepares a budget estimate and a budget justification for each upcoming fiscal year. Examples of the past four fiscal year budget documents are available at this link: [www.achp.gov/budgetdocuments](http://www.achp.gov/budgetdocuments).

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**MEMBERS**  
**Advisory Council on Historic Preservation**  
**(June 2021)**

*(more information about the members can be found at <https://www.achp.gov/about/council-members>)*

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Vacant

**Vice Chairman**

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**Expert Members**

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Jay D. Vogt (South Dakota)

**General Public Members**

John G. Finley (New York)

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Jordan E. Tannenbaum (Virginia)

**Native American Member**

Reno Keoni Franklin (Kashia Band of Pomo Indians; California)

**Governor**

Vacant

**Mayor**

Hon. Robert Simison (Meridian, Idaho)

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Hon. Denis McDonough

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Hon. Robin Carnahan

**Chairman, National Trust for Historic Preservation**

Jay C. Clemens (California)

**President, National Conference of State Historic Preservation Officers**

Ramona Bartos (North Carolina)

**General Chair, National Association of Tribal Historic Preservation Officers**

Shasta C. Gaughen (Pala Band of Luiseno Mission Indians; California)

**Observers:**

**Secretary of Energy**

Hon. Jennifer Granholm

**Chairman, Council on Environmental Quality**

Hon. Brenda Mallory

**Chair, National Alliance of Preservation Commissions**

Cory Kegerise (Pennsylvania)

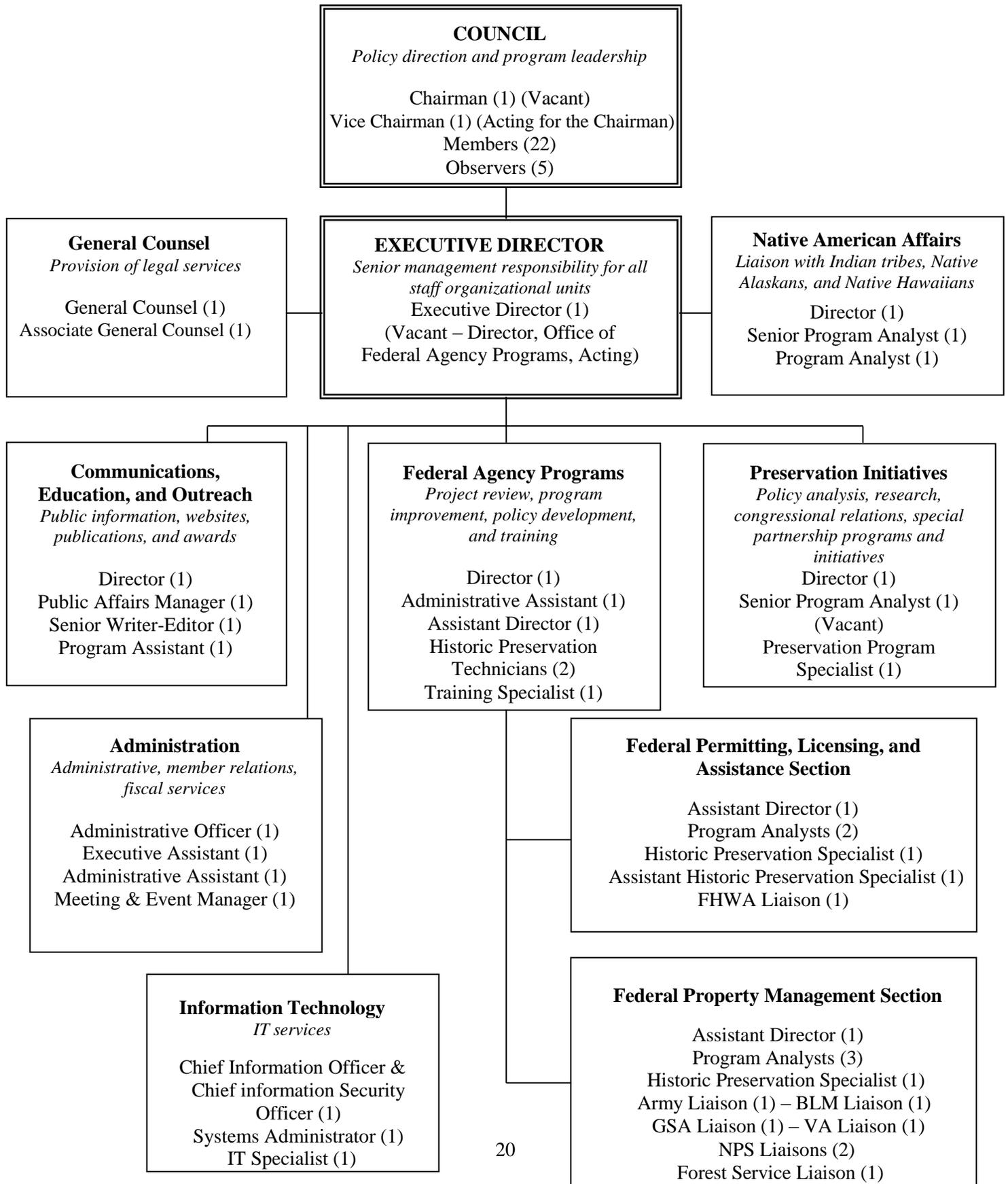
**Director, Preserve America Youth Summit**

Ann Alexander Walker (Colorado)

**President, ACHP Foundation**

Katherine Slick

**Figure 6. ACHP Organizational Structure**  
(April 2021)



## Council Members

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The ACHP's 24 statutorily designated members, including the chairman who heads the agency, address policy issues, direct program initiatives, and make recommendations regarding historic preservation to the President, Congress, and heads of other federal agencies. Members meet several times per year to conduct business. ACHP members are from various federal agencies, local and state government, the public, and historic preservation organizations.

### Council Members

Four members of the general public and four historic preservation experts are appointed by the President, including the chairman and vice chairman.

VACANT

**Chairman**

Term of Office: 2021-2025

General Public

[READ MORE >](#)

Jordan E. Tannenbaum

**Vice Chairman**

Term of Office: 2021-2025

Fairfax, Virginia

General Public

Jordan E. Tannenbaum, an ACHP staff member from 1972-82, has been Chief Development Officer of the U.S. Holocaust Memorial Museum since 2004. He is responsible for overseeing all of the museum's fundraising activities, including the annual fund, membership, planned giving, and corporate and foundation relations. From 1999-2004, Tannenbaum was Vice President for Development for Hillel: The Foundation for Jewish Campus Life in Washington, D.C.

[READ MORE >](#)

John G. Finley

Term of Office: 2020-2022

New York, New York

General Public

John G. Finley is Chief Legal Officer of Blackstone, an investment firm, and a member of the firm's Management Committee. Before joining Blackstone in 2010, Finley had been a partner with Simpson Thacher & Bartlett for 22 years where he was a member of that law firm's Executive Committee and Co-Head of Global Mergers & Acquisitions.

[READ MORE >](#)

**John H. Frey**

Term of Office: 2020-2024

Ridgefield, Connecticut

General Public

Former Connecticut State Representative John H. Frey is a real estate broker and lifelong resident of Ridgefield, established in 1708 and the location of the only land skirmish in Connecticut during the Revolutionary War. He lives in a restored 1753 residence that was the home of a Revolutionary War soldier. He served as president of the Lounsbury House (formerly the home of the late Connecticut Governor Phineas C.

[READ MORE >](#)

**Rick Gonzalez, AIA**

Term of Office: 2020-2023

West Palm Beach, Florida

Expert

Rick Gonzalez is President and Co-Founder, with his father Ricardo, of REG Architects in West Palm Beach, specializing in architecture, historic preservation, interior design, and community planning. He earned two architecture degrees from the Catholic University of America in Washington, D.C., where he first discovered his love of historic architecture. He also studied design in Guatemala, Costa Rica, and Italy.

[READ MORE >](#)

**Kristopher B. King**

Term of Office: 2020-2024

Charleston, South Carolina

Expert

Kristopher B. King is executive director of the Preservation Society of Charleston. While he directs all aspects of the organization, he brings an impassioned focus to advancing the preservation and advocacy mission of the Society. He is also an adjunct professor in historic preservation at Clemson University and the College of Charleston, and serves on the Board of Directors for Drayton Hall.

[READ MORE >](#)

**Luke A. Nichter, PhD**

Term of Office: 2020-2022

Bowling Green, Ohio

## Expert

Luke Nichter is a Professor of History and Beck Family Senior Fellow at Texas A&M University-Central Texas, and a 2020-2021 National Endowment for the Humanities Fellow. His area of specialty is the Cold War, the modern presidency, and U.S. political and diplomatic history, with a focus on the “long 1960s” from John F. Kennedy through Watergate. Nichter is a noted expert on Richard Nixon’s 3,432 hours of secret White House tapes.

[READ MORE >](#)

## Jay D. Vogt

Term of Office: 2019-2023

Pierre, South Dakota

## Expert

Jay D. Vogt is the recently retired director of the South Dakota State Historical Society and State Historic Preservation Officer. A South Dakota native, Vogt is a past president of the National Conference of State Historic Preservation Officers, and he has served on several national task forces on various historic preservation issues. Vogt is also active in the American Association for State and Local History. He and his wife Elizabeth live in Pierre, South Dakota, and have three grown sons, Gabriel, Joshua, and Zachary.

[READ MORE >](#)

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A member of an Indian tribe or Native Hawaiian organization, a governor, and a mayor are appointed by the President.

## Reno Keoni Franklin

**Indian Tribe Member**

Term of Office: 2016-2020

Santa Rosa, California

Reno Keoni Franklin is Chairman Emeritus, Kashia Band of Pomo Indians, and Vice Chairman of the Sonoma County Indian Health Project, a position he has held since 2002. Franklin previously served as Vice Chairman of the Kashia Band of Pomo Indians from 2010 to 2012.

[READ MORE >](#)

Vacant  
Governor

Hon. Robert Simison  
(Meridian, Idaho)  
Mayor

Two federal agency heads and the Architect of the Capitol are permanent members of ACHP.

Hon. Tom Vilsack  
Secretary of Agriculture

Hon. Deb Haaland  
Secretary of the Interior

Hon. J. Brett Blanton  
Architect of the Capitol

Seven federal agency heads are designated by the President to terms on ACHP.

Hon. Robin Carnahan  
Administrator, General  
Services Administration

Hon. Lloyd J. Austin III  
Secretary of Defense

Hon. Pete Buttigieg  
Secretary of  
Transportation

Hon. Alejandro  
Mayorkas  
Secretary of Homeland  
Security

Hon. Marcia Fudge  
Secretary of Housing  
and Urban Development

Hon. Miguel Cardona  
Secretary of Education

Hon. Denis McDonough  
Secretary of Veterans  
Affairs

Ex-officio representatives of national preservation organizations round out ACHP's membership.

**Ramona Bartos**  
President, National  
Conference of State Historic  
Preservation Officers

**Shasta Gaughen**  
Board Chairman, National  
Association of Tribal  
Historic Preservation  
Officers

Designee  
**Erik Hein**  
Executive Director, National  
Conference of State Historic  
Preservation Officers

Designee  
**Valerie Grussing**  
Executive Director, National  
Association of Tribal  
Historic Preservation  
Officers

**Jay Clemens**  
Chair of the National Trust  
for Historic Preservation

Designee  
**Paul Edmondson**  
President/CEO, National  
Trust for Historic  
Preservation

### ACHP Observers

Designated observers may actively participate in certain activities of the membership, but may not make or second any motion and may not vote.

Hon. Jennifer Granholm  
Secretary of Energy

Hon. Brenda Mallory  
Chairman, Council on  
Environmental Quality

Cory Kegerise  
Chair, National Alliance  
of Preservation  
Commissions

Katherine Slick  
ACHP Foundation

Ann Alexander Walker  
Preserve America Youth  
Summit Director



## **ACHP COMMITTEES AND TASKFORCES**

### **Communications, Education, and Outreach Committee**

Chairman: Luke A. Nichter, Ph.D.  
Vice Chairman: Department of the Interior  
Members: Kristopher B. King  
Reno Keoni Franklin  
Governor (vacant)  
Architect of the Capitol  
Department of Education  
General Services Administration  
National Conference of State Historic Preservation Officers  
National Trust for Historic Preservation  
Observers: National Alliance of Preservation Commissions  
ACHP Foundation

### **Native American Affairs Committee**

Chairman: Reno Keoni Franklin  
Vice Chairman: National Association of Tribal Historic Preservation Officers  
Members: Jordan Tannenbaum  
Department of Agriculture  
Department of Defense  
Department of the Interior

### **Federal Agency Programs Committee**

Chairman: Jay D. Vogt  
Vice Chairman: National Trust for Historic Preservation  
Members: Mayor Robert Simison  
John H. Frey  
Reno Keoni Franklin  
Architect of the Capitol  
Department of Agriculture  
Department of Defense  
Department of Homeland Security  
Department of Housing and Urban Development  
Department of the Interior  
Department of Transportation  
Department of Veterans Affairs  
General Services Administration  
National Conference of State Historic Preservation Officers  
National Association of Tribal Historic Preservation Officers  
Observer: Council on Environmental Quality

ADVISORY COUNCIL ON HISTORIC PRESERVATION

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**Preservation Initiatives Committee**

Chairman: Rick Gonzalez, AIA  
Vice Chairman: National Conference of State Historic Preservation Officers  
Members: John G. Finley  
Department of Agriculture  
Department of Housing and Urban Development  
Department of the Interior  
Department of Veterans Affairs  
National Trust for Historic Preservation  
Observers: Council on Environmental Quality  
Department of Energy  
National Alliance of Preservation Commissions  
ACHP Foundation

**Traditional Trades Training Task Force**

Chairman: Rick Gonzalez, AIA (*supported by Office of Preservation Initiatives*)  
Vice Chairman: Moss Rudley, National Park Service  
Vice Chairman: Nicholas Redding, Preservation Maryland  
Members: Benjamin R. Curran, Savannah Technical College  
Morris (Marty) Hylton III, University of Florida, College of Design,  
Construction and Planning  
Milan Jordan, National Trust for Historic Preservation  
Aimee Jorjani, past Chairman, ACHP  
Brian Lusher, National Endowment for the Arts  
James A. Turner, Turner Restoration  
Simeon A. Warren, National Park Service  
Katherine Wonson, National Park Service

*July 2021*



# **Directory of Council Members and Designees**

## **July 2021**

**NOT FOR GENERAL DISTRIBUTION**  
**FOR INTERNAL USE ONLY**

Please contact Patricia Knoll at [pknoll@achp.gov](mailto:pknoll@achp.gov) with any updates.

*Revised July 14, 2021*

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Vacant

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## Governor

Vacant

## Mayor

★ **Hon. Robert Simison (2024)**

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## Department of Defense

★ **Hon. Lloyd J. Austin III**

Secretary of Defense

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• **Richard G. Kidd IV**

Deputy Assistant Secretary of Defense

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## Department of Homeland Security

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## Department of Housing & Urban Development

★ **Hon. Marcia Fudge**

Secretary of Housing & Urban Development

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• **Kevin J. Bush**

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## Directory of Council Members and Designees, July 2021

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### Department of the Interior

- ★ **Hon. Deb Haaland**  
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### Department of Transportation

- ★ **Hon. Pete Buttigieg**  
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### Department of Veterans Affairs

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### National Conference of State Historic Preservation Officers

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### National Association of Tribal Historic Preservation Officers

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### National Trust for Historic Preservation

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## Directory of Council Members and Designees, July 2021

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#### Council on Environmental Quality

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#### Department of Energy

#### **Hon. Jennifer Granholm**

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#### **Cory Kegerise**

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From left, OLD MAIN BUILDING, MILWAUKEE SOLDIERS HOME (MATTHEW GILSON); TRANS ALASKA PIPELINE (© SARKOPHOTO); WALNUT STREET BRIDGE, CHATTANOOGA, TN (© BRADFORD LUMLEY)

# OFFICE OF FEDERAL AGENCY PROGRAMS

A key responsibility of the Advisory Council on Historic Preservation (ACHP) is to administer the requirements of Section 106 of the National Historic Preservation Act (NHPA), a review process that ensures historic properties are considered during the development of any federal project. The ACHP's Office of Federal Agency Programs (OFAP) coordinates this responsibility and works with federal agencies to improve their historic preservation programs and historic properties stewardship. It also provides technical assistance, guidance, and training to diverse audiences on how to use the Section 106 process.

## SECTION 106 REVIEW AND CONSULTATION

Section 106 plays a central role in the federal historic preservation program. Federal agencies must consider the effects on historic properties of any project they carry out or which receives federal financial assistance, permits, or approvals, and provide the ACHP an opportunity to comment on these projects prior to making a final decision.

Agencies meet their Section 106 responsibilities through a process set forth in regulations issued by the ACHP. These regulations are published in the Code of Federal Regulations at 36 CFR Part 800, "Protection of Historic Properties," and can be found on the ACHP's website.

A wide variety of federal projects that might affect historic properties, ranging from the construction, rehabilitation, or demolition of roads, buildings, and dams to projects which require federal licenses and permits, or receive federal loans and grants are subject to Section 106 review. Properties listed on or eligible for listing on the National Register of Historic Places, a list maintained by the National Park Service, must be considered under the requirements of Section 106. The National Register includes buildings; structures; sites; objects; and districts of national, state, or local importance.

Section 106 encourages, but does not mandate, preservation outcomes. The process provides for the consideration of alternatives that promote preservation and offers the public

and stakeholders the opportunity to influence federal decision making.

The federal agency implementing the project or providing assistance, licenses, permits, or approvals for a proposed project is responsible for consulting with stakeholders and completing Section 106 prior to making a final decision. Consultation is the cornerstone of the Section 106 process and should be initiated in the early stages of project planning. Agencies work closely with state and tribal officials in Section 106 reviews. Appointed by each state governor, the State Historic Preservation Officer (SHPO) coordinates the state's historic preservation program and consults with agencies during Section 106 review. Agencies also consult with federally recognized Indian tribes and Native Hawaiian organizations when historic properties of religious and cultural significance to them are involved.

Federal agencies are required to include local governments and applicants for federal assistance, permits, licenses, and other approvals in the Section 106 review process. Other consulting parties,

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**MISSION STATEMENT:** The Advisory Council on Historic Preservation, an independent federal agency, promotes the preservation, enhancement, and sustainable use of the nation's diverse historic resources and advises the President and the Congress on national historic preservation policy.





BUFFALO KILL AREA AT THE  
WARDELL BUFFALO TRAP SITE, WY (BLM)



MUD PLASTERING WORKSHOP,  
OWE'NEH BUPINGEH PRESERVATION  
PROJECT, NM (TANIA HAMMIDI)

For more information  
on the ACHP and the Office  
of Federal Agency Programs,  
please visit:

[WWW.ACHP.GOV](http://WWW.ACHP.GOV)



such as individuals or groups interested in historic preservation, should be invited to consult, too. Federal agencies follow these four steps to carry out a review, which may conclude after any of the steps depending on the agency's findings:

- ▶ INITIATE Section 106 and determine if it applies to a given project;
- ▶ IDENTIFY any historic properties in the area where the project could have effects;
- ▶ ASSESS the effect of the project on identified historic properties; and
- ▶ RESOLVE adverse effects by exploring alternatives to avoid, minimize, or mitigate the effects.

When the project may have substantial effects, if important policy or procedural questions are raised, or if there are issues of concern to Indian tribes or Native Hawaiian organizations, the ACHP may elect to participate in consultation. OFAP manages the ACHP's participation in Section 106 consultation and provides guidance, advice, and technical assistance to federal agencies and other participants in the Section 106 process.

When historic properties will be adversely affected by a federal undertaking, the review usually concludes with the execution of a legally binding agreement that outlines how the federal agency will resolve those effects. In rare circumstances where agreement cannot be reached, the ACHP issues advisory comments to the head of the federal agency who must then consider them in making a final decision about whether the project will proceed.

## FEDERAL PRESERVATION PROGRAMS

The successful completion of Section 106 reviews depends heavily on the quality of federal participation. OFAP works closely with federal agencies to identify opportunities for improving their preservation programs and compliance strategies. These improvements are achieved through the ACHP's participation in individual Section 106 reviews, the development of Section 106 agreements and program alternatives such as Program Comments that tailor the review process to specific program needs, partnerships with federal agencies, and the ACHP's review of triennial progress reports required under Executive Order 13287, "Preserve America" regarding federal agency efforts to identify, protect, and use historic properties. The ACHP also contributes expertise to interagency efforts to increase the efficiency and effectiveness of environmental reviews for infrastructure projects as a member of the Federal Permitting Improvement Steering Council and collaborates to develop ways of balancing historic preservation concerns with the goals of federal initiatives, such as disaster response, that could affect historic properties.

## SECTION 106 TRAINING AND OUTREACH

For more than 30 years, the ACHP has provided training to federal, state, and local agencies; Indian tribes and Native Hawaiian organizations; and the public on the requirements of Section 106. Courses are offered for practitioners with different levels of knowledge and experience about Section 106 and take place at locations around the country each year and online. Current course offerings are posted on the ACHP's website at [www.achp.gov/training](http://www.achp.gov/training). OFAP manages the ACHP's Section 106 training program and often works with federal agencies and others to develop training tailored to specific programs or issues.

## ADVISORY COUNCIL ON HISTORIC PRESERVATION

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CANYONS OF THE ANCIENTS NATIONAL MONUMENT, CO  
(© ALLEN LIVINGSTON / SHUTTERPOINT)

# OFFICE OF NATIVE AMERICAN AFFAIRS

The Office of Native American Affairs (ONAA) oversees the Advisory Council on Historic Preservation's (ACHP's) Native American responsibilities and initiatives. ONAA staff works closely with the ACHP's tribal/Native Hawaiian member to address critical issues brought to the ACHP by Indian tribes, Native Hawaiian organizations (NHOs), and intertribal organizations.

The program's primary responsibilities are the following:

- ▶ Advising the ACHP chairman, members, executive director, and staff on policy matters and historic preservation issues affecting Indian tribes and NHOs;
- ▶ Ensuring the ACHP meets its government-to-government consultation and trust responsibilities to Indian tribes;
- ▶ Providing technical assistance and outreach regarding tribal and NHO consultation in the Section 106 review process; and,

- ▶ Participating in interagency initiatives focused on Native American issues.

## WHAT DOES ONAA DO?

### Policy Development

With staff support from ONAA, the ACHP has undertaken several major policy initiatives including the adoption of:

- ▶ Plan to Support the U.N. Declaration on the Rights of Indigenous Peoples
- ▶ Policy Statement Regarding the ACHP's Relationships with Indian tribes
- ▶ Policy Statement Regarding the ACHP's Interaction with Native Hawaiian organizations
- ▶ Policy Statement Regarding Federal Relationships with Tribal Historic Preservation Officers
- ▶ The ACHP's statement on its Trust Responsibility

### Major Initiatives

ONAA develops and manages major program initiatives that support greater and more effective involvement of Indian tribes and NHOs in federal decision making.

**Improving Tribal Consultation in Infrastructure Projects** – a report that responds to tribal input about their involvement in federal infrastructure development and offers recommendations for federal agencies that focus on improving the pre-application process and assisting applicants with tribal coordination.

**Early Coordination with Indian Tribes for Infrastructure Projects** – a 90-minute online/on-demand course for federal agencies and applicants.

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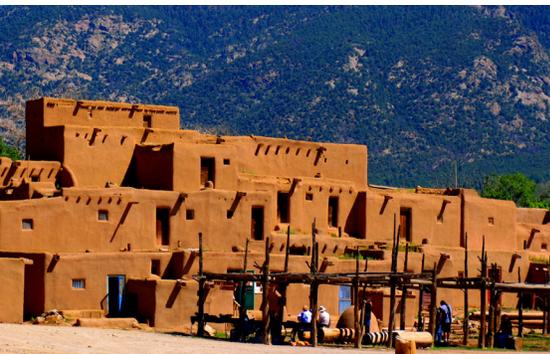




BIGHORN MEDICINE WHEEL, WY



CAVE HILLS, SD



TAOS PUEBLO, NM  
WIKIMEDIA PHOTO BY KAROL M.

## Plan to Support the U.N. Declaration on the Rights of Indigenous Peoples

In 2013, the ACHP adopted a plan to support the Declaration and has issued two guidance documents on the intersection of the Declaration and the Section 106 process and offered webinars and other training and outreach regarding the Declaration. ONAA staff also assists the State Department in its interactions with U.N. bodies regarding indigenous issues.

## Protection of Indian Sacred Sites

In December 2012, the Departments of Defense, the Interior, Agriculture, and Energy and the ACHP (signatories) entered into a Memorandum of Understanding (MOU) regarding interagency coordination and collaboration for the protection of Indian sacred sites. The signatories have adopted a policy on the confidentiality of sensitive information, published a general information paper on Indian sacred sites, developed an online course on the federal government and sacred sites, and conducted an extensive study on the federal legal protections for Indian sacred sites.

## Training and Guidance

ONAA develops and delivers in-person training and webinars for Indian tribes, NHOs, federal agencies, and other Section 106 participants. ONAA has also begun offering online/on-demand training; the first such course is Early Coordination with Indian Tribes for Infrastructure Projects.

The ACHP has also entered into a partnership with Salish Kootenai College in Montana to offer students in the Tribal Historic Preservation Program access to the ACHP's subject matter experts, in-person and through remote lectures and curriculum materials, mentoring and internship opportunities. The ACHP Foundation is a partner and provides financial support for the ACHP to accomplish its work with the college.

ONAA has developed an extensive body of guidance on a wide range of topics including handbooks on both tribal and NHO consultation, addressing traditional cultural landscapes in the Section 106 process, recommendations for improving tribal-federal consultations, and the role of the Tribal Historic Preservation Officer in the Section 106 process.

There are also several information papers that introduce Section 106 participants to topics such as the challenges facing Indian tribes that were removed from their ancestral homelands and how to work with non-federally recognized tribes.

For more information and additional guidance, please visit:

[WWW.ACHP.GOV/INDIAN-TRIBES-AND-NATIVE-HAWAIIANS](http://WWW.ACHP.GOV/INDIAN-TRIBES-AND-NATIVE-HAWAIIANS)



## ADVISORY COUNCIL ON HISTORIC PRESERVATION

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Filter staff list

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**Javier Marqués** is the general counsel. He joined the ACHP staff in December 1998. He was formerly employed as an associate at the law firm of Negroni & Winston (now merged with Goodwin Procter). Prior to law school graduation, Javier worked as the law clerk for the National Trust for Historic Preservation. He graduated with a BA with honors (University of Notre Dame) and JD (George Washington University). Javier has been a member of the Maryland Bar since 1996 and is fluent in Spanish.

**Kelly Fanizzo** is the associate general counsel. Kelly joined the ACHP in February 2006. She was a program analyst in the OFAP before moving to the Office of General Counsel in 2013. Kelly has a law degree from American University, Washington College of Law; and an LL.M. in legal education from Temple University, Beasley School of Law. She received her BA from Franklin and Marshall College and also holds a Graduate Certificate in Museum Studies from The George Washington University. Prior to her current position with the ACHP, Kelly taught legal research and writing and land use planning at the Beasley School of Law, and practiced environmental law for the Navy's Office of General Counsel in Washington, D.C.

### Office of Administration

**Ismail Ahmed** is the administrative officer for the Office of Administration (OA). He joined the ACHP in 2012. Ismail manages a professional staff of three who are responsible for a wide range of functions: executive secretariat and ACHP member support, meeting and event planning, budget/finance, procurement, and general administrative support. He was previously employed as Director of Contracts, Grants & Administration at the Hilltop Institute of University of Maryland Baltimore County.

**Tanya DeVonish** is the meetings and events manager in OA. She is responsible for coordinating the functional and logistical preparations for the ACHP business meetings. Logistics include negotiation of hotel contracts, banquet event orders, registration, production of meeting materials, ground transportation, and budget reconciliation. Tanya is also responsible for coordinating all logistics for the Section 106 training courses. These include developing registration procedures, venue and site selection, market identification, negotiation of hotel contracts, oversight data collection and reporting, and post-meeting reconciliation. She prepares and executes the training budget, reviews financial reports for accuracy, and ensures data received from the Department of the Interior Billings and Collections Division is accurate. Tanya has been with the ACHP since May 2018. Her experience includes 20 years of coordinating meetings/events for the federal government as a technical advisor-meeting and special events and senior conference planner.

**Kiani Morris** is the executive assistant in OA. She serves as point of contact for ACHP members, working with them and designated observers and alternates on all official activities and membership participation. Kiani prepares all travel arrangements for management and invitational travelers. She joined the ACHP in 2003 after serving as a contractor for the Department of Energy.

**Denise Stanley** is an administrative assistant in OA. She assists with administrative activities as requested by office directors. She performs a full range of standard and nonstandard clerical assignments, receives visitors for ACHP staff, and routs calls on the agency's main phone lines to appropriate staff. Denise assists the Office of Communications, Education, and Outreach on special projects and also assists the meeting and events manager with ACHP activities and training.

### **Office of Information Technology**

**Rezaur Rahman** serves as the Chief Information Officer & Chief Information Security Officer for the ACHP. Having been with the ACHP since 2005, he previously served as the enterprise architect and web services manager for the agency. As the CIO/CISO for the agency, he is responsible for planning, directing the utilization of information technology resources and cybersecurity. Rezaur promotes innovative uses of technology and providing the best possible IT services to the agency. He prioritizes the acquisition of information resources in a way that maximizes the value of the investments. Having 20 years of experience in the IT industry in the private sector, he is leading the efforts to modernize the agency's IT infrastructure to provide capability that is typically ahead of what is available to other agencies. Rezaur has been invited to speak at conferences on Cloud Computing, Enterprise Architecture, and has also been interviewed on Federal News Radio. Rezaur was detailed as a subject matter expert for the development of Recovery.gov for the Obama Administration. He was also a member of the Federal Web Managers Council where he served as the chairman of the Technology and Innovations sub-council. He received a BS in Information Technology from George Mason University.

**Brenda K. Bolden** is an information technology specialist. She performs software and hardware maintenance programming and installation, provides technical assistance and guidance to staff and management. She troubleshoots technical problems, sets up and monitors Internet e-mail accounts and online traffic. She also installs new computers, laptops, and printer hardware. She is a native of Kinston, North Carolina, and received her BA from North Carolina Central University. She has been certified by CompTIA as an A+ technician and by Microsoft as a Desktop Support Technician and Microsoft Certified Professional.

**Phong ("Paul") Nguyen** is an information technology specialist. He started work with the ACHP in 2012 as contracted IT support staff and became an official employee in 2015.

### **Office of Native American Affairs**

**Valerie Hauser** is the director of the Office of Native American Affairs. She joined the ACHP staff in 1989 as a historic preservation specialist reviewing federal agency projects and programs. She also served as the ACHP Army Affairs Coordinator. As a director, Valerie advises the chairman, members, and executive director on policy matters and historic preservation issues affecting Indian tribes and Native Hawaiian organizations. She also provides technical assistance and outreach to Section 106 participants regarding consultation with Indian tribes and Native Hawaiian organizations and represents the ACHP on government-wide initiatives regarding indigenous peoples. Before joining the ACHP, Valerie served as director of archaeology at an environmental education center in New York City. She received her Master of Arts in Anthropology from New York University.

**William Dancing Feather** is a Native American Program Analyst. William (Bill) serves as a subject matter expert on Section 106 consultation for other ACHP offices, federal and state agencies, Indian tribes and Native Hawaiian organizations, and other Native Americans. Bill is an enrolled member of the Washoe Tribe of Nevada and California and served in the U.S. Army. He also served as vice chairman for the Carson Indian Colony and a member of the Washoe Tribal Council and as chairman of Indian Territory, a nonprofit marketing arm of the Nevada Commission on Tourism. After receiving his Bachelor of Arts from the University of Nevada, Reno, he worked for the Washoe Tribe as the cultural resources coordinator becoming the tribe's first Tribal Historic Preservation Officer (THPO). Bill joined the ACHP in 2008.

**Ira Matt** is a Senior Policy Analyst. Ira has more than 20 years of historic preservation and cultural resources management experience at both the tribal and federal levels. His federal experience includes serving as the Federal Preservation Officer/National Archaeologist for the Natural Resources Conservation Service where he re-established that agency's preservation program and led agency compliance. He also served as a Tribal Affairs Specialist for the Department of Energy where he managed tribal cooperative agreements and facilitated government-to-government consultation with Indian tribes among his many responsibilities. Prior to Ira's federal service, he worked for the Confederated Salish and Kootenai Tribes for more than 15 years in varying capacities including as Tribal Historic Preservation Officer and Compliance Division Manager, Resource Advisor, Tribal Archaeologist, and as a Type 1 wildland firefighter. During this time, Ira regularly worked with the Cultural Committees and Elder Advisory Boards, Tribal Council and Salish Kootenai College to generate positive outcomes in cultural resource management by implementing historic preservation as a tool to effectuate cultural perpetuation. Ira is Salish and an enrolled member of the Confederated Salish and Kootenai Tribes of western Montana. He received his BA and MA in Anthropology from the University of Montana and a Master of Jurisprudence in Indian Law from the University of Tulsa College of Law.

### **Office of Communications, Education, and Outreach**

**Susan Glimcher** has worked as the director of the Office of Communications, Education, and Outreach (OCEO) since 2008. She works closely with the executive director and the chairman to establish communications and outreach priorities, develop communications strategies, and develop and execute ACHP outreach efforts to inform and educate audiences about the mission, goals, programs, and responsibilities of the ACHP. She also determines the strategy and priorities for the agency's online presence and the development of literature and event materials. Susan started her career in New York, Connecticut, and California in advertising, marketing, and in the film industry as a director of creative services. She has worked in Washington, D.C., supporting strategic communications for companies such as Lockheed Martin Global Telecommunications, directing the strategy and implementation of projects including the creation of a multi-lingual website. Susan also worked for the Bureau of Consular Affairs within the U.S. Department of State. She implemented branding, marketing, and internal and external communications programs and projects, including leading the launch of [www.travel.state.gov](http://www.travel.state.gov), the public-facing website for the Bureau of Consular Affairs.

**Patricia Knoll** is the program assistant in OCEO. She provides administrative support for various agency activities, including ACHP business meetings, events, conferences, and other outreach opportunities. Patricia manages ACHP member communications and supervises the ACHP's multiple awards programs (including the Chairman's Award, joint ACHP/HUD Secretary's Award, participation with the History Teacher of the Year Award, and other awards and citations). She joined the ACHP staff in 2001 after previously working for the National Conference of State Historic Preservation Officers at the National Park Service's Archeological Assistance Division and as a field and laboratory archaeologist with private consulting firms in the Mid-Atlantic region. Patricia has degrees in anthropology and archaeology from the University of Arizona.

**Lynne Richmond** is the communications and public affairs specialist for the ACHP. She is the main spokesperson for the agency and communicates regularly with the media. She manages the ACHP's social media channels, produces audio visual products, plans awards ceremonies and press events, and writes press releases, articles, op/eds, letters, and other written pieces. Lynne came to the ACHP in 2018 from New Jersey, previously serving as deputy press secretary for Governor Chris Christie, and long-time public information officer at the New Jersey Department of Agriculture. Prior to that, she was a communications specialist with the New Jersey Assembly Democratic Office. After earning a journalism degree from Rutgers University, she spent 17 years as a radio reporter covering New Jersey news.

**Shayla Shrieves** is the senior writer-editor for the ACHP. Her job includes writing and editing agency publications, providing guidance to staff on writing matters, supporting ACHP activities at business meetings, and managing the website content and processes. As well, it entails project management of publications and related staff and contractors, and coordination of outreach activities such as congressional events. A native of Columbus, Ohio, Shayla started working for the ACHP in 2006 after working as a reporter for several media outlets, as Ohio Senate staff, and in downtown development and promotions in Columbus. Shayla has a BA in journalism with a second major in political science from Indiana University.

### **Office of Preservation Initiatives**

**Druscilla J. Null** is director of the Office of Preservation Initiatives (OPI). In that role, Dru is responsible for overseeing OPI's work to promote the social, economic, and environmental benefits of preservation, to analyze preservation-related federal policy and legislation, and to address sustainability and climate change issues as they relate to preservation of historic properties. She recently authored the ACHP's *Policy Statement on Promotion and Value of Traditional Trades Training*. Dru also coordinates agency development of program content for annual ACHP budget documents and serves as the principal coordinator for periodic revisions of the ACHP strategic plan. Dru previously served as a senior program analyst in OPI and also worked for many years at the ACHP reviewing federal projects and programs for compliance with Sections 106 and 110 of the National Historic Preservation Act (NHPA). Before coming to the ACHP, she worked as a self-employed historic preservation consultant and with the National Park Service's Historic American Buildings Survey. Dru has degrees in history and historic preservation from Goucher College and George Washington University.

**Judith E. Rodenstein** is the preservation program specialist in OPI. Her assignments include background research, analysis, and drafting content related to ACHP program initiatives. Working with the ACHP Foundation and agency staff, Judy developed and has managed the ACHP's successful internship program since 2013. Other responsibilities have included the Preserve America Communities recognition program and associated work on heritage tourism, community revitalization, and building a more inclusive preservation program. Judy joined the ACHP staff in 1994 as part of the Office of Education and Preservation Assistance, working primarily on the administration and improvement of the ACHP's extensive training program. Judy came to the ACHP from the Hillel Foundation, where she acquired extensive experience in program planning and implementation, leadership development, and educational outreach as assistant director for the Foundation at the University of Pennsylvania and The George Washington University. Judy holds a BA in Sociology from Rutgers University and a Master's degree from Brandeis University, where she studied civic engagement and education.

### **Office of Federal Agency Programs**

**Reid J. Nelson** is the ACHP's acting executive director and director of OFAP. The office consists of 22 positions focused on overseeing and participating in the Section 106 review process, providing assistance and training to stakeholders on meeting its requirements, and coordinating with others in the

Administration on efforts to align the Section 106 review process with other environmental reviews. Leading up to his position as director, Reid worked at the ACHP for three years as an assistant director in OFAP, in charge of the Federal Property Management Section. Prior to coming to the ACHP, he worked with the Navajo Nation in its Archaeology and Historic Preservation Departments for 18 years, the last nine of which were as a program manager for the Navajo Nation Historic Preservation Department. Before his time at the Navajo Nation, Reid worked as an archaeologist carrying out cultural resource management activities and research in a variety of states across the West.

**Blythe Semmer**, assistant director for special initiatives, has been with the ACHP since 2006. Her position focuses on improving federal preservation planning and interagency coordination through policy and guidance development and by expanding educational outreach to Section 106 review participants. Blythe previously coordinated the Section 106 training program and has assisted a range of federal agencies with NHPA compliance during her time with the agency. Prior to joining the ACHP, she worked as a preservation planner for Nashville's Metropolitan Historical Commission and in the Alabama State Historic Preservation Office. She holds an MA in Public History from Middle Tennessee State University and a Ph.D. in Urban and Regional Planning and Design from the University of Maryland.

**Katry Harris** is the Section 106 training specialist. She came to ACHP in 2006. She was a primary author of the 2015 Section 3 Report, *In the Spirit of Stewardship: A Report on Federal Historic Property Management*, and the 2013 *NEPA and NHPA: A Handbook for Integrating NEPA and Section 106*. She produced the three-course eLearning series on Integrating NEPA and Section 106 available on the ACHP's eLearning portal, and is leading current efforts to overhaul the agency's classroom training program. She has more than 20 years of experience in historic preservation, including tenures with Historic Annapolis Foundation and two civil engineering consulting firms. She is a native of the DC area.

**LaShavio Johnson** is a historic preservation technician. She has been with the ACHP for 30 years: the first 18 years working in the IT department and the latter years working in OFAP. She is primarily responsible for assigning cases to case reviewers, database management, and correspondence.

**Artisha Thompson** is a historic preservation technician. She is primarily responsible for assigning cases to case reviewers, database management, file retirement, correspondence, and administrative support for the agency. She is the "go-to girl" for the agency. Artisha joined the ACHP staff in 2006 after being previously employed in the private sector medical field.

**Odette Williams**, administrative assistant, joined the ACHP in 2009 following years with various nonprofit organizations where she held positions as senior secretary, administrative assistant, and district operations manager. Odette holds a Master's degree from the George Washington University School of Business, a Bachelor's degree from Notre Dame of Maryland University, an Associate's Degree in Interior Design, and a Certificate in Historic Preservation Planning.

### **Federal Permitting, Licensing, and Assistance Section**

**Jaime Loichinger** is the assistant director for the Federal Permitting, Licensing, and Assistance Section. When she first began at the ACHP in 2010, Jaime was a program analyst and reviewed FEMA, HUD, SBA, EDA, NCPC, FDIC, and other assistance agencies' cases. Prior to joining the ACHP, she worked at the U.S. Environmental Protection Agency (EPA) as an environmental protection specialist for five years. In that role, Jaime served as the technical specialist in historic preservation and performed a variety of activities, including coordinating their Section 106 and NEPA environmental reviews. Jaime holds a Master's degree in Applied Anthropology and a Certificate in Historic Preservation from the University of Maryland-College Park.

**Emily (Yoon Sung) Choi** is the assistant historic preservation specialist in the Federal Permitting, Licensing, and Assistance section. Emily holds a J.D. from Georgetown Law. During her education, she pursued a variety of legal internships and pro bono projects in cultural heritage, including the National Trust for Historic Preservation, the Department of the Interior's Office of the Solicitor, and the DC Preservation League, as well as the ACHP's Office of General Counsel and Office of Native American Affairs. She is particularly interested in the intersection of historic preservation law with intellectual property and federal Indian relations. In 2019, Emily spent a summer in Paris as a US/ICOMOS intern at the ICOMOS International Secretariat, conducting comparative analyses for the 2020 UNESCO world heritage site nominations. Emily is an Associate Member of the ICOMOS International Scientific Committee on Legal, Administrative and Financial Issues, and a Member of the US/ICOMOS International Exchange Program Committee. Emily holds a BA from Cornell University, with concentrations in Irish literature and creative writing (poetry).

**John Eddins** is a program analyst in OFAP. He has a BA from American University and a Ph.D. in Anthropology/Archaeology from the University of Pittsburgh. He previously worked for the Carnegie Museum of Natural History in Pittsburgh, the National Park Service, and for several private consulting firms, including eight years as a principal investigator and later a senior archaeologist with the Louis Berger Group, Inc. John has conducted archaeological investigations at prehistoric sites and at rural, urban, and military historic sites. He has also carried out or directed historic preservation research for NEPA and Section 106 reviews and preservation planning. Most of his fieldwork has been carried out in the Middle Atlantic and Southeastern states. He has also participated in investigations in Alaska, California, New Mexico, Iowa, Ohio, Texas, Mexico, and Brazil. He started work at the ACHP as a liaison to the Army at the US Army Environmental Command in 2004. Since 2006, John has been a staff Section 106 reviewer in OFAP. Over the years, as historic preservation specialist and then program analyst, he has been responsible for review of Section 106 cases from a range of federal agencies including BOR, COE-R, DOS, EPA, FERC, FHWA, FS, FWS, MMS, NPS, NRC, NSF, NTIA, RUS, TVA, WAPA, and others. Currently, he reviews Section 106 cases from the COE-R, FERC, BOR, EPA, DOS, and USDA Loans and Grants.

**Anthony Guy Lopez** is a historic preservation specialist. He reviews Section 106 cases from a number of agencies, including the Federal Communications Commission, the U.S. Department of Health and Human Services, and the U.S. Army Corps of Engineers—Regulatory Division. Before joining the ACHP staff, Guy coordinated the Sacred Lands Protection Program of the Association on American Indian Affairs. He also coordinated the Mt. Graham Coalition and served as one of the coordinators of the National Sacred Lands Protection Coalition. He received an MA in Anthropology from the University of Virginia and a BA in Sociology at Colorado College. He is enrolled citizen of the Crow Creek Sioux Tribe, Ft. Thompson, South Dakota.

**Mandy Ranslow** is a program analyst and liaison to the Federal Highway Administration. Mandy came to the ACHP in September 2018 after spending 6 1/2 years at the Connecticut Department of Transportation (CTDOT). While at CTDOT, Mandy worked on road, rail, and transit projects ensuring compliance with Section 106, Section 4(f) of the Department of Transportation Act, and the National Environmental Policy Act. Mandy is an archaeologist and has more than 15 years of experience in cultural resource management, working for a variety of private firms, museums, and universities. Mandy has an MA in anthropology from the University of Connecticut and a BA from Boston University.

**Sarah Stokely** is a program analyst. She has been working at the ACHP since 2014 and started as the liaison to the Nuclear Regulatory Commission. Currently, she reviews projects for transportation agencies, the Land and Water Conservation Fund, the Nuclear Regulatory Commission, and the Surface Transportation Board. Prior to working at the ACHP, Sarah was the program manager for the Vanishing Treasures Program at Bandelier National Monument in Los Alamos, New Mexico, for seven years. While

working for the National Park Service, she worked on multiple projects in the Southwest related to the preservation of historic properties at various national parks. She has professional experience working as a consultant for an engineering firm and at the Maryland Archaeological Conservation Laboratory. Sarah has a BA from Emory University and an MS in Historic Preservation from the University of Pennsylvania.

### **Federal Property Management Section**

**Jaime Loichinger** is the acting assistant director for the Federal Property Management Section. Read her bio further up in this document.

**Alexis Clark** is a historic preservation specialist in OFAP. She is responsible for the Section 106 case review for an assortment of agencies within the Federal Property Management and Federal Permitting, Licensing and Approval Sections. She began her time at the ACHP as an intern in the fall of 2018, and subsequently held the position of assistant historic preservation specialist. She is a recent graduate from George Washington University with a MA in Anthropology and a BA in Archaeology.

**Christopher Daniel** is a program analyst in the Federal Property Management Section and has been with the ACHP since 2014. His primary responsibility is the Section 106 case review for the following agencies: Bonneville Power Administration, Bureau of Ocean Energy Management, Maritime Administration, National Oceanic and Atmospheric Administration, National Aeronautics and Space Administration, Tennessee Valley Authority, U.S. Army Corps of Engineers–Civil Works Branch, and the U.S. Forest Service. During his first two years at the ACHP, Chris served as the Veterans Affairs liaison. Prior to joining the ACHP, he served as the cultural resource manager at U.S. Army Garrison Fort Belvoir. He holds a Master's in Historic Preservation from the University of Georgia and a Bachelor's in Anthropology with Minor in Geology and Certificate in Archaeological Sciences from the University of Georgia.

**Katharine Kerr** is a program analyst in the Federal Property Management Section and has been with the ACHP since 2006. Her primary responsibility is the Section 106 case review for the Department of Defense to include all the military branches and state National Guards. She has also reviewed work for the Department of Veterans Affairs, the United States Postal Service, the Department of Education, the Federal Deposit Insurance Corporation, and Department of Homeland Security (except for FEMA). From 2006 to 2014 she was the team lead for the Section 3 Report (of EO 13287). Kate holds a BA in Historic Preservation (Mary Washington College) and an MA in Urban Affairs and Public Policy with a concentration in Historic Preservation (University of Delaware).

**Kirsten Kulis** became the first ACHP liaison to the National Park Service in March 2020. The ACHP and NPS entered into the partnership to improve preservation planning for deferred maintenance projects; various policy solutions, including program alternatives to tailor the Section 106 review process (36 CFR Part 800), are being considered. The partnership provides for the liaison position as a point of contact for these policy solutions. Kirsten began work at the ACHP in 2009 as the liaison to the General Services Administration (GSA), and assisted GSA with preservation reviews not only for properties in GSA's portfolio but also for GSA's disposal of property for other agencies. Kirsten previously worked for five years at Forest City, a large, private real estate development company. Kirsten managed historic preservation compliance for Forest City's DC-based public-private partnerships, including the redevelopment of GSA's Southeast Federal Center ("The Yards" DC) and numerous Navy and Air Force housing privatization projects (HI, IL, PR, CO). In addition, Kirsten managed Forest City's adaptive use of the Lucky Strike Tobacco Warehouse (Richmond, VA) into a luxury 131-unit apartment community, obtaining state and federal historic preservation tax credits. Kirsten has also held positions at Avalon Bay Communities and the National Trust for Historic Preservation. She earned an MSc in Real Estate

Development and a Certificate in Conservation of Historic Buildings and Archaeological Sites at Columbia University and holds a BA from Georgetown University.

**Laura Lavernia** joined the OFAP staff in 2020 as a program analyst and General Services Administration liaison. Laura has historic preservation experience in local, state, and national settings. She was previously an architectural historian in the Review and Compliance Division at the Virginia Department of Historic Resources, the State Historic Preservation Office. Laura holds a master's degree in Arts Administration and Policy from the School of the Art Institute of Chicago, a master's degree in Historic Preservation from the Savannah College of Art and Design, and studied architecture at the University of Miami School of Architecture. Laura holds bachelor's degrees in Sociology/Anthropology and in Art History.

**Rachael Mangum** is a program analyst and Department of the Army (Army) liaison with a background in cultural resources management supporting federal agencies in their NHPA and NEPA compliance requirements, including projects for Army and other Department of Defense (DoD) installations nationwide. She joined the Federal Property Management Section of OFAP in June 2020 in the re-established Army liaison role to facilitate the Army's development of a new Program Comment and implementation of treatment measures for Army Inter-War Era (1919-1940) housing. For the past 12 years, Rachael has worked as a Principal Technical Specialist in cultural resources for Parsons, based in Washington, D.C. and Arlington, Virginia, managing and supporting environmental planning and compliance for federal and transportation projects nationwide. Prior to that, she conducted archaeological and architectural resource investigations to identify and evaluate historic properties and assist agencies in the resolution of adverse effects on complex projects. She received her MA in Anthropology from The George Washington University and BA in Anthropology from Wake Forest University. She is on the Register of Professional Archaeologists.

**Bill Marzella** joined OFAP in February 2019 as the Bureau of Land Management (BLM) liaison with a background in historic preservation planning and Section 106 and NEPA compliance. Bill provides Section 106 support to the BLM in the administration and implementation of its nationwide Programmatic Agreement, focusing on priority energy and infrastructure projects. For the past seven years, Bill served as a preservation planner for EHT Tracerics, a historic preservation consulting firm in Washington, D.C., ending his tenure there as the director of preservation planning. Prior to that, Bill was a historic preservation specialist in FEMA Region II, conducting Section 106 reviews for disaster recovery and homeland security grant programs. Bill received his MA in Historic Preservation Planning from Cornell University and his BS in Architecture from the University of Cincinnati. Bill also serves on the board of the local D.C. chapters of the Society of Architectural Historians and Association for Preservation Technology.

**Angela McArdle** is a program analyst and liaison to the Department of Veterans Affairs (VA) in the Federal Property Management Section of OFAP. She is the principal point of contact for expediting VA project reviews under Section 106 of the NHPA, coordinates all joint efforts with VA, and develops recommendations on ACHP/VA priority initiatives. Prior to joining the ACHP, Angela worked as a cultural resource specialist for two U.S. Army installations: Fort Irwin National Training Center, CA, and Fort Drum, NY; as an archaeologist for several private consulting firms; and as an archivist at two Special Collections libraries. She holds a Master's in Archaeology from Cornell University and a Bachelor's in History from Duke University.

**Ana Perez** is a historic preservation specialist and liaison to the Forest Service (FS) in OFAP. Ana is responsible for the development and implementation of the Forest Service's nationwide program alternatives, supporting Section 106 case reviews, and providing recommendations on ACHP/FS priority initiatives. She has a background in a rights-based approach to historic preservation, working with local

historic preservation organizations to designate historic properties and enhance their outreach. Prior to joining the ACHP, Ana worked with the National Heritage Program of the Forest Service, supporting and coordinating national efforts to develop Section 106 program alternatives. She holds a Master's in Historic Preservation from Gothenburg University and a Bachelor's in Art History & German from Florida State University.

**Chris A. Wilson** is a program analyst in OFAP. Having worked in the historic preservation field for 23 years, Chris joined the ACHP in 2010 after serving as the project manager of the Historic Sites and Districts Plan for Prince George's County, Maryland. He has also served as a historic preservation analyst for both the St. Louis Heritage and Urban Design Commission and Jefferson County, Kentucky; a historic preservation statewide coordinator for the Kentucky Transportation Cabinet; a cultural resource manager at Fort Belvoir; a curator of buildings and grounds for the Tudor Place Foundation; the county planning director for Yates County, New York; and architectural historian for Edwards Air Force Base. In addition, he has served on nonprofit boards for organizations including Preservation Kentucky and most recently was the chairman of the Historical Affairs and Landmarks Review Board for Arlington County, Virginia. He holds a Master's Degree in Historic Preservation from Savannah College of Art and Design.

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# OPERATING PROCEDURES OF THE ADVISORY COUNCIL ON HISTORIC PRESERVATION

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## INTRODUCTION

These procedures provide guidance for the operation of the Advisory Council on Historic Preservation ("Council"). They supplement and clarify more general requirements appearing in the National Historic Preservation Act ("Act"), the Administrative Procedure Act, and the Council's regulations. In addition, the Council follows administrative procedures of the Department of the Interior relating to finance, personnel, budget, and travel in lieu of developing its own procedures. The Council as an agency is composed of 24 members (collectively referred to as the "Membership") headed by a Chairman. It has a staff which is directed by an Executive Director.

## I. STATEMENT OF POLICY

The legal authorities of the Council are for the most part entrusted to the Membership. To carry out these authorities in an efficient and prompt manner, the Membership recognizes that the Chairman and the Executive Director, under the supervision of the Chairman, must possess the authority to act on behalf of the Membership on a daily basis, conforming to general policies and specific directives established by the Membership. Frequent and open communication among the Executive Director, the Chairman, and the Membership is necessary for proper coordination with, and conformance to, these policies and directives.

The role of the Membership is to set general policy for programs and activities, initiate or approve programs and activities, and exercise oversight on the execution of policies, programs and activities. Members participate in specific programs and activities individually, in groups, and as the full Membership.

The Chairman is charged with the continuing oversight of the execution of policies, programs and activities. The Chairman ensures that the Executive Director is carrying out approved policies and conforming to them. The Chairman makes policy decisions on behalf of the Membership as needed when the Membership is unavailable to act, consulting with the Membership as appropriate. In the absence or unavailability of the Chairman, the Vice Chairman performs the functions of the Chairman.

The Executive Director is responsible for the daily execution of programs and activities, subject to the policy guidance of the Chairman and the Membership. The Executive Director supervises the staff of the Council and ensures that their individual actions and objectives are consistent with policies established by the Membership.

## II. COUNCIL ORGANIZATION

### A. Council Membership

The National Historic Preservation Act specifies that the Membership shall consist of 24 members. Six members (the Secretary of the Interior, the Secretary of Agriculture, the Architect of the Capitol, the Chairman of the National Trust for Historic Preservation, the President of the National Conference of State Historic Preservation Officers, and the General Chairman of the National Association of Tribal Historic Preservation Officers) serve *ex officio*. The President appoints the remaining 18 members (four general public members, four experts, a governor, a mayor, a member of an Indian tribe or a Native Hawaiian organization, and the heads of seven Federal agencies).

### B. Designees

Federal members, the Chairman of the National Trust, the President of the National Conference of State Historic Preservation Officers, the General Chairman of the National Association of Tribal Historic Preservation Officers, and the Governor may designate another officer of their department, agency, or organization to serve on the Council in their stead. In accordance with Section 201(b) of the Act, Federal agencies may only designate an Assistant Secretary or an officer having major department-wide or agency-wide responsibilities. Guidance for naming designees is set forth in Appendix A to these Operating Procedures, entitled "Membership Credentials." A designee must provide the Chairman with a letter of designation, setting forth the basis for the designation, prior to participating in activities of the ACHP as a designee.

### C. Membership Credentials

1. **Qualifications.** Section 201 of the Act sets forth criteria for members of the Council and their designees. Individual members or their designees should meet the qualifications set forth in Appendix A to these Operating Procedures, entitled "Membership Credentials."
2. **Credentials Committee.** The Chairman shall appoint a standing Credentials Committee, comprising three Council members who shall participate personally. The Credentials Committee shall advise the Chairman and the members on credentials issues as needed.
3. **Credentials review.** At the request of the Chairman, the Credentials Committee will review the credentials of any designee named by an agency or organization pursuant to the Act and provide its views to the Chairman. If the Chairman determines that a designation may be deficient, the Chairman shall consult with the member making the designation to resolve the issue. The Chairman may take such other actions as appropriate to ensure that the intent of the statute is carried out.

## **D. Observers**

1. **Member-designated observers.** Any member, including one not authorized by statute to designate an alternate representative, may, with the approval of the Chairman, designate an observer who may actively participate in any or all activities of the Membership on behalf of the specified member but may not make or second any motion and may not vote.
  
2. **Chairman-designated observers.** With the concurrence of a majority of the members, the Chairman may invite the head of a Federal, State, Tribal, or local public agency or non-profit organization to become an observer when the participation of such agency or organization will benefit the Council. The head of such an observer's entity may designate someone else within the entity to participate with the ACHP in his or her stead so long as that designee is an official with major entity-wide responsibilities. The status of Chairman-designated observers is to be distinguished from instances where the Chairman may invite an individual to participate in a specific matter before the Council. The Membership shall set a fixed term for each Chairman-designated observer and may terminate observer status at any time by majority vote.
  
3. **Participation of observers.** Observers may attend all meetings and may speak when recognized by the Chairman, but may not make or second any motion and may not vote. Challenges to the credentials or participation of an observer shall be resolved in accordance with Section II.C.3 of these Operating Procedures.

## **E. Council Subgroups**

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

### **III. COUNCIL MEETINGS**

This section of these operating procedures establishes general procedures that pertain to meetings of the Membership or of subgroups established under Section II.E of these operating procedures. Procedures governing meetings held in the course of the Section 106 process set forth in the Council's regulations are contained in Section V.

#### **A. Types of meetings**

Formal actions of the Membership may be taken at meetings of the Membership or, in accordance with Section II.E, by subgroups. Meetings of the Membership or of subgroups may be held in regular session, in special session, or unassembled.

1. **Regular session.** Normally, the Membership shall conduct its business at meetings held in regular session with full adherence to these operating procedures. The Chairman shall schedule the regular meetings of the Membership, which will generally be held quarterly.
2. **Special session.** When the Chairman determines that circumstances warrant a departure from normal procedures, the Chairman may call a meeting in special session.
3. **Unassembled meeting.** When the Chairman determines that the Membership or a subgroup should act on a single or limited number of issues and a regular or special meeting is not warranted, the Chairman may convene an unassembled meeting. In an unassembled meeting, business will be conducted by mail, telephone, electronic mail, facsimile, or other such methods of communications. Reasonable notice of unassembled meetings shall be given by the Executive Director. No business shall be transacted at unassembled meetings that will violate the principles of public participation adopted by the Membership.

#### **B. Public participation and disclosure**

The public may attend meetings with the following exceptions: 1) unassembled meetings and 2) meetings or portions of meetings dealing with subjects properly withheld from public disclosure in accordance with 5 U.S.C. §552(b). The public shall have access to materials transmitted to and from members in the conduct of an unassembled meeting, with the exception of materials properly withheld from public disclosure in accordance with 5 U.S.C. §552(b). When the Chairman determines that business before the Council requires exclusion of the public, the Chairman shall limit the closing of the meeting to the time necessary to transact the confidential business.

#### **C. Meeting place**

Meetings of the Membership and subgroups shall be held in places generally accessible to the public and, whenever possible, to people with disabilities. However, normal Federal office building security requirements that restrict access to individuals who have made their desire to attend known beforehand shall not be considered to make a meeting place unacceptable.

#### **D. Public Notice**

The Executive Director shall publish in the Federal Register notice of regular and special session meetings at least 7 days before the meeting date. If 7 days notice of special session meetings is not possible under the circumstances, the Executive Director shall make a good faith effort to provide notice as early as possible. The Executive Director may provide other means of notice as the Executive Director determines to be necessary. In providing such additional notice, the Executive Director shall make a good faith effort to provide actual notice to local governments, Indian tribes, the public and other interested persons where such notice is not precluded by excessive cost or burdens on staff time. Notice of meetings of subgroups shall be given as determined appropriate by the Executive Director.

#### **E. Quorum**

Thirteen voting members shall constitute a quorum necessary for the transaction of business at a meeting of the Membership. A quorum for subgroups shall be a simple majority of the voting subgroup members.

#### **F. Call to Order**

Meetings of the Membership may be called to order by the Chairman or, in the Chairman's absence, by the Vice-Chairman. Should both be absent, a non-Federal member previously designated by the Chairman shall call the meeting to order. Meetings of subgroups may be called to order by their respective chairmen or any subgroup member previously designated by the subgroup's chairman.

#### **G. Order of business**

With the exception of unassembled meetings, meetings of the Membership shall generally adhere to the following order of business:

1. Adoption of the agenda.
2. Consideration of the minutes.
3. Reports of subgroups.
4. Staff reports.
5. Special or priority business.
6. Unfinished business.
7. New business.

The Chairman may make adjustments in the order of business to facilitate the conduct of Section 106 case reviews and to meet other special scheduling needs.

## **H. Agenda**

Meetings of the Membership shall be conducted in accordance with an agenda adopted by the Membership at the beginning of each meeting. A provisional agenda shall be sent to the Membership prior to the meeting.

## **I. Recorder**

The Chairman or the chairman of any subgroup shall appoint a recorder who shall be responsible for keeping the minutes of the meeting.

## **J. Minutes**

The recorder shall keep full and accurate minutes of the meeting. Except as directed by the Chairman, transcripts shall not be required. Minutes shall be prepared promptly after a meeting and approved at the subsequent meeting of the Membership or the subgroup.

## **K. Motions and Resolutions**

Motions and resolutions made and considered in any meeting of the Membership or subgroup shall generally conform to Robert's Rules of Order. All motions and resolutions shall be accurately recorded in the minutes along with a record of the action taken on each at the meeting.

## **L. Procedural questions**

Questions of meeting procedure shall be resolved by the Chairman or subgroup chairman in accordance with Robert's Rules of Order. In the event of conflict between Robert's Rules and these procedures, the specific terms of these procedures shall take precedence.

## **M. Voting**

Only members or duly authorized designees may vote at meetings of the Membership or subgroups. In regular or special session meetings, voting may be voice or show of hands, as determined by the Chairman or subgroup chairman, unless a roll call vote is required. Voting in unassembled meetings may be by mail, telephone, electronic mail, facsimile, or other such methods of communications, as determined by the Chairman or subgroup chairman. In any event, all votes cast in an unassembled meeting shall be recorded as a roll call vote.

Roll call votes shall be required whenever the Membership or a subgroup takes a final action on any recommendation, advice, or comment; on the adoption of any rule, procedure, or policy; or any question pertaining to budget or administration; or any other matter which the Chairman or subgroup chairman determines requires a record of how each member voted. Unless a voting member objects, the Chairman or subgroup chairman may waive the roll call requirement.

Matters voted on by the Membership or subgroups shall require a simple majority of those present and voting. Exceptions are: comments rendered under Section 106, exemptions granted under Section 214 of the Act, evaluations of Federal agency activities under Section 202(b) of the Act, specific delegations of authority to subgroups authorizing subgroups to act on behalf of the Membership, and recommendations to the President or the Congress. These exceptions require the vote of a majority of the Membership.

No member shall be permitted to vote on a matter in which the member or the member's agency or organization has a direct interest not common to other members, such as comments under Section 106 that will be addressed to the member's agency or an action that may present a personal conflict of interest. Members abstaining from voting shall so indicate during a roll call vote or at the close of a vote by voice or by show of hands.

#### **N. Proxies**

A member or his/her duly authorized designee may give a proxy to another voting member to be cast on any number of specific issues on a meeting agenda. Voting by proxy is permitted at meetings of the Membership and subgroups unless expressly prohibited by the Chairman when the subgroup is established. No member may hold more than two proxies. Valid proxies shall be counted as members present and qualified to vote whenever a point of order is raised about the presence of a quorum.

#### **O. Business Meeting Participation**

Participation at the table in ACHP business meetings shall be limited to Members, Designees and Chairman-designated Observers duly named in accordance with the Act and these Operating Procedures.

### **IV. COUNCIL ADMINISTRATION**

#### **A. Financial Administration**

1. **Budget Formulation.** The Chairman, in consultation with the Membership or an appropriate subgroup, shall establish the budget request level for the Council each fiscal year. The budget request shall reflect the established programs and priorities of the Council. The Executive Director, under the supervision of the Chairman, shall prepare the budget request and supporting documentation. When the budget request is formally submitted to the Office of Management and Budget (OMB) and the Congress in accordance with statute, it shall be made available to individual members on request. All members shall conform to applicable OMB directives regarding the confidentiality of budget information and materials. The Chairman or the Executive Director shall regularly report to the Membership on the progress of the budget review and appropriations process.

2. **Operating Program.** The Executive Director shall prepare the annual operating program for the Council in accordance with established Council programs and priorities

and applicable OMB directives. The Executive Director shall submit the operating program to the Chairman for review to ensure conformance with Council policies. The Executive Director shall develop any necessary reprogramming of funds or personnel levels in consultation with the Chairman.

3. **Donations.** In accordance with Section 205(g) of the Act, the Executive Director shall accept and administer donations received by the Council. The Executive Director shall consult with the Chairman regarding the collection and disbursement of donations and shall report on the status of donations at each regular session meeting.

## **B. Personnel Management**

1. **Applicable Regulations and Procedures.** Except in those areas where the Membership has adopted its own specific regulations or procedures for the conduct of personnel management matters, the Council shall follow applicable provisions of the Department of the Interior. If a particular situation arises in which the Chairman determines that following the Department of the Interior provision is inconsistent with the policies of the Council, the Chairman, in consultation with the Membership or the Executive Director, may establish an interim procedure to supersede the Department of the Interior provision. The Chairman shall provide notice of such interim procedure to all potentially affected parties. The Chairman shall propose, within 180 days after the development of an interim procedure, for action by the Membership, an amendment to the operating procedures or to applicable Council regulations that would make such final.

### **2. Appointment and Compensation**

*a. Council members.* The Chairman, in consultation with the Membership or an appropriate subgroup, shall establish necessary policies governing the payment of compensation and reimbursement of travel and subsistence expenses in accordance with Section 204 of the Act.

*b. Council staff.* The Executive Director shall appoint and fix the compensation of staff in accordance with the provisions of Sections 205(b) through (d) of the Act. The Executive Director shall consult with the Chairman regarding decisions affecting the appointment or fixing of compensation of staff at the level of GS-14 or above.

*c. Senior Executive Service.* The selection and management of Council employees in the Senior Executive Service shall conform to the appropriate regulations and procedures established by the Department of the Interior, provided that the provisions of Sections 205 (a) and (c) of the Act regarding employees in the competitive service above the highest rate for the grade GS-15 shall also govern the appointment and fixing of compensation of employees in the Senior Executive Service. The Chairman shall appoint individuals to serve on the necessary appraisal and resource boards. At least

one member of each such board shall be chosen from the Membership.

**3. Performance Appraisal Plans for Non-SES Employees.** In accordance with applicable regulations of the Department of the Interior, the Executive Director shall establish and administer the necessary performance appraisal plans for staff that are non-SES. The Executive Director shall consult with the Chairman in the development or revision of such plans.

**4. Grievance Procedures.** The Council shall follow the applicable regulations and procedures of the Department of the Interior regarding grievance proceedings, provided that the Chairman shall appoint from the Membership the necessary individuals or subgroups to carry out specific reviews or actions.

### **C. Information Management**

**1. Notification of Council Activities.** The Executive Director shall provide notice to the Membership of the formation of subgroups. Non-Federal members shall be provided information on Council activities within the member's State by copy of correspondence. Federal members shall be provided information on Council activities affecting their agency by copy of correspondence.

**2. Monthly Report.** The Executive Director shall provide the Membership with a regular written report, generally on a monthly basis, which shall include information on staff activities, budget matters, pending litigation and legislation, recently concluded Section 106 cases, and other matters of general interest. The monthly report shall also contain a schedule of upcoming meetings of subgroups, meetings conducted under the Section 106 process, and other meetings. Additional materials will be included as appropriate.

**3. Distribution of other Council materials to members.** The Executive Director shall ensure that all members are provided with copies of Council documents and publications.

**4. Distribution of Council materials to the public.**

*a. Policy of availability.* It is the policy of the Membership to make Council materials available to the public and other interested parties. Accordingly, under normal circumstances, the Executive Director shall provide documents reflecting final action upon request without requiring formal submission of a Freedom of Information Act request. When the Executive Director determines that a formal Freedom of Information Act request is necessary, the requester shall be so informed. The Executive Director shall respond to Freedom of Information Act requests in accordance with 5 U.S.C. § 552 and the Council's Freedom of Information Act regulations.

*b. Withholding documents from disclosure.* Information and documents may be withheld from public disclosure only in accordance with 5 U.S.C. §

552 and the Council's Freedom of Information Act regulations at 36 C.F.R. Part 810.

## **V. SECTION 106 ADMINISTRATION**

This section of these operating procedures applies to the conduct of business under the Section 106 process set forth in the Council's regulations at 36 C.F.R. Part 800.

### **A. Delegation of Authority**

The regulations require the Council to participate in the Section 106 process in various ways. The delegation of responsibilities to the Chairman and the Executive Director is set forth in the document entitled "A Delegation of Authority" incorporated into these operating procedures as Appendix B.

### **B. Meeting procedures**

1. **Public meetings.** In the course of Section 106 review of any particular case, the Membership, a subgroup, or the Executive Director, in consultation with the Chairman, may conduct a public meeting for the purpose of gathering and disseminating information on the undertaking under consideration. Such meetings shall be open to the public and be held near the site of the undertaking at a place accessible to the public. The Executive Director shall provide appropriate notice of such meetings at least 15 days in advance of the meeting. Notice shall be designed to reach the Membership and relevant representatives of national, State, or local governments, public applicants for Federal assistance, permits or licenses, Indian tribes, Native Hawaiian organizations and other interested persons.

2. **Council comment.** When the Membership is called upon to provide comments on an undertaking when no Memorandum of Agreement is submitted or when the parties to the Section 106 consultation fail to reach agreement, the Chairman shall schedule the matter for hearing at a regular session meeting, establish a subgroup to hear the matter at a meeting of such subgroup, or provide comments without convening a meeting.

*a. Meetings of the Membership.* Meetings of the Membership to consider an undertaking shall be conducted in accordance with Section III of these operating procedures.

*b. Meetings of Subgroups.* Meetings of subgroups designated to consider and provide comments on a particular undertaking shall conform to the procedures set forth in the document entitled "Panel Meeting Procedures," incorporated into these operating procedures as Appendix C.

*c. Comment without a meeting.* The Chairman may determine that comments on a particular undertaking shall be given without convening a

meeting to consider the undertaking. In such cases, the Chairman may provide comments in one of two ways:

(i) The Chairman may conduct the review of the undertaking in an unassembled meeting in accordance with Section III.A.3 of these operating procedures. The Chairman shall forward to the Membership the documentation submitted by the agency under Sections 800.7(c)(1) and 800.11(g) of the regulations, a report on the case from the Executive Director, and other pertinent information. The Chairman shall specify the date by which members must return their comments. The Chairman shall prepare a final comment document, taking into account the views of the Membership, and transmit that comment to the agency official; or

(ii) The Chairman may develop comments on the undertaking and then circulate these comments to the Membership for consideration. The Chairman shall consider any comments received from the Membership in preparing the final comment document, which the Chairman shall then transmit to the agency official and to the Membership.

## **VI. MEMBER INVOLVEMENT IN SECTION 106 CASES**

### **A. Cases pending at the staff level**

It is the policy of the Council to encourage member participation. The Executive Director shall establish a process for the timely notification to members of pending cases in which they may have an interest, the provision of reasonable opportunities for members to attend meetings about such cases and continuing communication with members about the progress of such cases. Participation of a member shall not supersede the specific authorities for Section 106 case management delegated to the Chairman or the Executive Director under these operating procedures.

### **B. Cases pending before the Chairman**

When a Section 106 case is being reviewed by the Chairman for the determination on the method of rendering comment in the event of a termination of consultation or a request for comments without submission of a Memorandum of Agreement, the Chairman shall notify the Membership of the case at the beginning of the Chairman's review period. If three members so request within 7 days of receiving such notice, the Chairman shall schedule the case for consideration by the Membership at a meeting.

## **VII. LEGISLATIVE MATTERS**

### **A. Formulation of Policy and Positions**

Policy and positions on legislative proposals shall be established by action of the Membership. In those situations where the need for timely action precludes formal approval by the Membership, the Chairman and the Executive Director may establish and convey as appropriate an interim position by consulting with the Membership or an appropriate subgroup. The Chairman or the Executive Director shall notify the Membership when such action is to be taken, invite the views of members on the issue, and report to the Membership on any legislative positions taken or testimony delivered in a timely manner. The Membership shall be provided an opportunity to ratify or revise that interim position at the next meeting of the Membership. In the event a Member questions the consistency of a proposed interim legislative position with Administration policy, the Chairman will convene an unassembled meeting and take a vote of the full Membership on the proposed position or defer consideration of the position to the next meeting of the Membership.

### **B. Authority to Testify**

The Chairman, or another member or staff designated by the Chairman, is authorized to testify on legislative matters on behalf of the Membership. Where time permits, testimony should be developed in consultation with the Membership or an appropriate subgroup.

### **C. Conduct of Legislative Liaison Activities**

The Executive Director is responsible for the monitoring of legislative matters affecting the Council, overseeing liaison with members and committees of Congress, and representing the Membership in legislative activities conducted at the professional staff level in the Congress and within the Administration. The Executive Director shall discharge these duties in consultation with the Chairman and the Membership or an appropriate subgroup.

## **VIII. AMENDMENTS**

These procedures may be amended, revised, or repealed by vote of a two-thirds majority of the Membership (16).

*Adopted August 1987*

*Amended July 2001, May 2012, July 2015, and March 2017.*

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## APPENDIX A: MEMBERSHIP CREDENTIALS

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### INTRODUCTION

The National Historic Preservation Act Amendments of 1980 reconstituted the Membership of the Council with the objective of providing "a more balanced forum where representatives of various interests can deliberate on policy questions and reach true 'public interest' decisions on historic preservation matters" (House Report, p. 40). The legislation, as further amended in 1992, 2006, and 2016, goes on to name the representation to the Council leaving some discretion to the President in the appointment of agency heads, expert members, general public members, a governor, a mayor, and a member of an Indian tribe or Native Hawaiian organization. The amendments also permit certain institutional members of the Council to designate representatives to the Council. In the President's exercise of the appointments authority and in the selection of designees for institutional members, care must be taken to ensure that the intent of the statute is fulfilled. The purpose of this document is to provide the decision makers with guidance from the Council on these matters. Furthermore, this document establishes a process of review for credentials questions and decisions.

### STATEMENT OF POLICY

The National Historic Preservation Act, as amended, clearly indicates the intent of Congress to establish a Council comprised of individuals who possess the authority and expertise that is inherent in the top-level policymaking positions of Government and the private sector. It is the objective of the Council, through this document on credentials, to carry out this Congressional intent. Each member who participates in the activities of the Council should possess the level of authority or expertise that the Congress envisioned for the respective Membership category which that member represents. The objective of this policy is to ensure that members of the Council are peers, occupying comparable positions within their organizations or fields.

**1. Federal members.** The statute specifies that the Secretary of the Interior, the Secretary of Agriculture, and the heads of seven other agencies whose activities affect historic preservation appointed by the President shall sit on the Council. The Architect of the Capitol also is named as an *ex officio* member. The statute further allows each agency head to designate another officer of the agency to sit in his/her stead. A limitation on this authority for executive branch members was added in the 1980 amendments: No such officer other than an Assistant Secretary or an officer having major department-wide or agency-wide responsibilities may be so designated. (Section 201(b) of the Act).

A designee need not be an Assistant Secretary *per se*. In agencies where the title of Assistant Secretary does not exist, the level at which the approximate equivalent of assistant secretarial powers are exercised is appropriate. In all cases, the alternative designation may be used when the

officer to be designated has responsibilities that are agency-wide in that they extend to the full scope of activities of the member agency and not just one subdivision, office, division, or bureau within the member agency. For example, an officer that has been appointed the Senior Policy Official of the member department or agency (not a bureau or other component of the member's department or agency) under Section 3(e) of Executive Order 13287 meets the statutory standard for a designee by the inherent definition of the officer's duties under the Executive Order. Factors for the agency head to consider for other officials include the scope of their responsibilities, the level at which they sit in the department or agency, the official to whom they report, and the nature of their duties and authorities as they relate to the department or agency's historic preservation responsibilities.

The Architect of the Capitol is not subject to the specific limitations that Section 201(b) of the Act places on designees. However, the principles articulated in this document for Executive Branch agencies should guide any designations made by the Architect.

**2. Non-Federal *ex officio* members.** The statute names the President of the National Conference of State Historic Preservation Officers, the General Chairman of the National Association of Tribal Historic Preservation Officers, and the Chairman of the National Trust for Historic Preservation as *ex officio* Council members. The authority of Section 201(b) of the Act to name designees is extended to these three members, but the restrictions applied to Federal members do not pertain. The policies inherent in the provisions relating to Federal designees should guide designations in these cases. Designees should be in a policymaking position within the organization and have major, organization-wide responsibilities. Recognizing the corporate nature of these organizations, designations should generally be restricted to officers of the board or corporation and the chief executive officer.

**3. Expert members.** The statute directs the President to appoint four experts in the field of historic preservation to be selected from the disciplines of architecture, history, archeology, and other appropriate disciplines. These are specified in the legislative history to include, but not be limited to, urban planning, engineering, recreation, landscape architecture, anthropology, economics, human geography, or law, when the practice of the discipline "directly or primarily" involves historic preservation (House Report, p. 41).

Professional criteria for historians, architects, and archeologists have been established by the Secretary of the Interior to set standards for professional representation on State Review Boards (36 C.F.R. 61.5). These standards may serve as guidance for threshold qualifications for expert Council members. However, noting the level of other Council members as well as the Council's role in setting Government-wide and national policies, an added dimension of national recognition or accomplishment within a member's discipline might well be considered when these appointments to the Council are made. This could be evidenced by a demonstrated record of professional achievement, through research, publication, practice, or academic activity, that reflects a recognized national stature within the discipline.

The statute does not permit an expert member to designate an alternate representative.

**4. Governor and Mayor.** The statute requires the President to appoint a governor and a mayor to the Council. The purpose is “to better represent the concerns of State and local government in the Council’s deliberations” (House Report, p. 44). The statute permits the governor to have a designee. While the Act does not provide restrictions for the appointment of a governor designee other than needing to be “another officer of his department, agency, or organization,” it would be appropriate for such a designee to meet standards comparable to those set forth for federal Member Designees. The Council believes the elected nature of these officials precludes recommending further criteria for this class of member. The statute does not permit a mayor to designate an alternate representative.

**5. General public members.** The statute requires the President to appoint three at-large members from the general public. In addition, the Chairman is appointed from the general public. This class of member is intended "to provide a voice for the citizens whose daily lives are affected by historic preservation activities. They may be appointed as representatives of a group “such as civic associations or labor unions or as individual citizens" (House Report, p. 41). Because of the broad range of suitable representatives of the public, the Council believes that any specific criteria on individual members' credentials would be inappropriate. However, due consideration should be given to the contribution a general public member can make to the Council's activities, either in a representational or individual capacity. The statute does not permit a general public member to designate an alternate representative.

**6. Indian Tribe or Native Hawaiian organization member.** The statute requires the President to appoint “one member of an Indian tribe or Native Hawaiian organization who represents the interests of the Indian tribe or Native Hawaiian organization of which he or she is a member.” (Section 201(a)(11) of the Act). Due to the broad range of suitable representatives of Indian tribes or Native Hawaiian organizations, the Council believes that any specific criteria on individual members' credentials would be inappropriate. The statute does not permit the Indian tribe or Native Hawaiian organization member to designate an alternate representative.

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## **APPENDIX B: DELEGATION OF COUNCIL FUNCTIONS UNDER 36 C.F.R. PART 800**

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### **BACKGROUND**

On December 12, 2000, the Council published final revisions of its regulations implementing Section 106 of the Act. The revised regulations, codified at 36 C.F.R. part 800, went into effect January 11, 2001.

Just as the superseded regulations, these revised regulations give the Council, as a whole, the responsibility to carry out its purposes.

As it did under the superseded regulations, the Council wished to delegate some of its responsibilities under the revised regulations to the Chairman and to the Executive Director. This document sets out these delegations.

In some cases, the Council intends to delegate a responsibility to both the Chairman and the Executive Director. When that is the case, this document will either describe those circumstances in which each party shall take responsibility or authorize the Chairman to redelegate responsibility to the Executive Director for a particular matter or situation.

This delegation will go into effect immediately upon adoption by the Membership.

### **POLICY**

This document allocates the Council's responsibilities under the regulations between the policymaking parts of the agency, represented by the Chairman and the members, and the professional staff of the agency, represented by the Executive Director. Generally, the Council, in the form of the Chairman and the members, retains final decisionmaking authority in those areas where there are conflicts between historic preservation values and Federal project needs requiring a resolution that reflects the public interest. Delegation to the professional staff is made for the areas of routine administration and resolution of cases that do not present significant controversy or questions of policy.

Nothing in this delegation of authority shall prohibit the Executive Director from seeking advice or guidance from the Chairman or prohibit the Chairman from seeking advice or guidance from the members when carrying out the responsibilities duly delegated to them.

## DEFINITIONS

**Chairman.** The term "Chairman" refers to the Chairman of the Council appointed by the President, or another individual member of the Council designated by the Chairman to act on behalf of the Chairman in a particular matter or for a particular time.

**Executive Director.** The term "Executive Director" means the Executive Director of the Council, or an individual Council employee designated by the Executive Director to act in the Executive Director's behalf on a particular matter or for a particular time.

**Members.** The term "Members" refers to the members of the Council.

**NHPA.** The term "NHPA" means the National Historic Preservation Act as amended. (16 U.S.C. § 470 et seq.)

Unless otherwise noted, the term "Section" refers to sections within 36 C.F.R. part 800.

## SECTION BY SECTION DELEGATIONS

**Section 800.2(b)(1).** The general responsibilities of the Council, mentioned by Section 800.2(b), in deciding whether to enter the Section 106 process, as well as the documentation and notification requirements under this decision, is delegated as detailed below on the specific portions of the regulations concerning such determinations and decisions.

**Section 800.2(c)(2)(ii)(E).** The Council hereby delegates to the Executive Director its responsibility under Section 800.2(c)(2)(ii)(E) to receive copies of agreements whereby an Agency Official grants Indian tribes or Native Hawaiian organizations additional rights to participate or concur in agency decisions in the Section 106 process beyond those specified in subpart B of the revised regulations.

**Section 800.3(c)(4).** The Council hereby delegates to the Executive Director its responsibility under Section 800.3(c)(4) to consult with the Agency Official when the SHPO/THPO fails to respond within 30 days of receipt of a request for review of a finding or determination and the Agency Official decides to consult with the Council, in lieu of the SHPO/THPO, instead of proceeding to the next step in the process based on the finding or determination.

**Section 800.3(d).** The Council hereby delegates to the Executive Director its responsibility under Section 800.3(d), regarding consultation on tribal land, to complete the Section 106 process with the Agency Official and Indian tribe when the SHPO has withdrawn from the process and as appropriate.

**Section 800.4(c)(2).** The Council hereby delegates to the Executive Director its responsibility under the third sentence of Section 800.4(c)(2) to request the Agency Official to obtain a determination of eligibility pursuant to 36 C.F.R. Part 63.

The Council hereby delegates to the Executive Director its responsibility under the last sentence of Section 800.4(c)(2) to receive and, where appropriate, to grant a petition asking that the Council request the Agency Official to obtain a determination of eligibility of a property off tribal lands, where the petition is received from an Indian tribe or Native Hawaiian organization that attaches religious and cultural significance to the property and that does not agree with an Agency Official's determination of its eligibility.

**Section 800.4(d)(1).** The Council hereby delegates to the Executive Director its responsibility under Section 800.4(d)(1) to object within 30 days of receipt of an adequately documented finding of "no historic properties affected."

**Section 800.5(c)(2)(i).** The Council hereby delegates to the Executive Director its responsibilities under Section 800.5(c)(2)(i) to receive, and respond to, a request from an Agency Official to review a finding of no adverse effect pursuant to Section 800.5(c)(3) (see below), where the SHPO/THPO or any consulting party disagree with the Agency Official's finding within the 30-day review period.

**Section 800.5(c)(2)(ii).** The Council hereby delegates to the Executive Director its responsibilities under Section 800.5(c)(2)(ii) to: (1) receive, from an Indian tribe or Native Hawaiian organization that has made known to an Agency Official that it attaches religious and cultural significance to a historic property subject to the finding of no adverse effect and that disagrees with such finding by the Agency Official, a request to review such finding pursuant to Section 800.5(c)(3) (see below), and (2) respond to such a request.

**Section 800.5(c)(2)(iii).** The Council hereby delegates to the Executive Director its responsibilities under Section 800.5(c)(2)(iii) to decide and request, guided by Appendix A, the Agency Official to submit to it the no adverse effect finding along with the required documentation, for the Council's review pursuant to Section 800.5(c)(3) (see below).

**Section 800.5(c)(3).** The Council hereby delegates to the Executive Director its responsibilities under Section 800.5(c)(3) to review findings of adverse effects and to notify the Agency Official as to the determination on whether the adverse effect criteria have been correctly applied.

**Section 800.6(a)(1).** The Council hereby delegates to the Executive Director its responsibilities under Section 800.6(a)(1) to receive notifications of adverse effect findings.

The Council hereby delegates to the Executive Director its responsibilities under Section 800.6(a)(1) to: (1) receive any invitations or requests, from an Agency Official, the SHPO/THPO, an Indian tribe or Native Hawaiian organization, or any other consulting party, to participate in the consultation for the resolution of adverse effects, (2) notify in writing to the Agency Official and all consulting parties as to whether the Council will participate in such consultation and, if it does decide to participate, that its decision to participate meets the criteria under Appendix A, (3) advise the head of the agency of its decision to enter the process, and (4) actually participate in such consultation.

**Section 800.6(a)(2).** The Council hereby delegates to the Executive Director its responsibilities under Section 800.6(a)(2) to invite other individuals or organizations to become consulting parties when the Council is participating in the consultation to resolve adverse effects.

**Section 800.6(b)(1)(iv).** The Council hereby delegates to the Executive Director its responsibilities under Section 800.6(b)(1)(iv) to receive copies of executed Memoranda of Agreement, along with the required documentation.

**Section 800.6(b)(1)(v).** The Council hereby delegates to the Executive Director its responsibilities under Section 800.6(b)(1)(v) to: (1) receive a request to join consultation where the Agency Official and SHPO/THPO fail to agree on terms of a Memorandum of Agreement, (2) decide whether to accept such a request, and (3) notify the agency when such a request is declined.

**Section 800.6(b)(2).** The Council hereby delegates to the Executive Director its responsibilities under Section 800.6(b)(2) to participate in consultation regarding ways to avoid, minimize or mitigate adverse effects and its responsibilities under Section 800.6(b)(2) to execute Memoranda of Agreement. The Executive Director is hereby authorized to redelegate this responsibility to execute a Memorandum of Agreement to the Chairman where the Executive Director so recommends due to the specific nature of the case.

**Section 800.6(c)(1).** The Council hereby delegates to the Executive Director its responsibilities under Section 800.6(c)(1) to execute, amend, or terminate a Memorandum of Agreement to which the Council is a signatory. The Executive Director is hereby authorized to redelegate this responsibility to execute, amend or terminate a Memorandum of Agreement to the Chairman when the Executive Director so recommends due to the specific nature of the case.

**Section 800.6(c)(7).** The Council hereby delegates to the Executive Director its responsibilities under Section 800.6(c)(7) to receive amended Memoranda of Agreement to which the Council is not a signatory .

**Section 800.7(a).** The Council hereby delegates to the Executive Director its responsibilities under Section 800.7(a) to determine that further consultation will not be productive and terminate consultation, and to notify other consulting parties, providing them the reasons for terminating in writing.

**Section 800.7(a)(1).** The Council hereby delegates to the Chairman its responsibilities under Section 800.7(a)(1) to receive a request for Council comment, pursuant to Section 800.7(c), from the head of the agency or an Assistant Secretary or other officer with major department-wide or agency-wide responsibilities, when the Agency Official terminates consultation.

**Section 800.7(a)(2).** The Council hereby delegates to the Executive Director its responsibilities under Section 800.7(a)(2) to execute a Memorandum of Agreement with the Agency Official when the SHPO terminates consultation. The Executive Director is hereby authorized to redelegate this responsibility to execute such a Memorandum of Agreement to the Chairman where the Executive Director so recommends due to the specific nature of the case.

**Section 800.7(a)(4).** The Council hereby delegates to the Executive Director its responsibilities under Section 800.7(a)(4) to notify the Agency Official, the agency's Federal Preservation Officer and all consulting parties of a termination, when the Council has terminated consultation (see Section 800.7(a) above), and to consult with the agency's Federal Preservation Officer prior to terminating consultation to seek to resolve issues concerning the undertaking and its effects on historic properties.

**Section 800.7(b).** The Council hereby delegates to the Chairman its responsibilities under Section 800.7(b) to determine whether it is appropriate for the Council to provide additional advisory comments upon an undertaking for which a Memorandum of Agreement will be executed.

**Section 800.7(c)(1).** The Council hereby delegates to the Executive Director its responsibilities under Section 800.7(c)(1) to request the Agency Official to provide additional information on an undertaking and provide assistance to the Council in arranging an onsite inspection and an opportunity for public participation (this subsection relates to occasions where the Council is to provide comment without a memorandum of agreement).

**Section 800.7(c)(2).** The Council hereby delegates to the Chairman its responsibilities under Section 800.7(c)(2) to transmit the Council's comments in accordance with Section 800.7(c)(3).

**Section 800.7(c)(4)(i).** The Council hereby delegates to the Chairman its responsibilities under Section 800.7(c)(4)(i) to receive the summary of a decision from an agency head that has taken Council comments into account.

**Section 800.8(c).** The Council hereby delegates to the Executive Director its responsibilities under Section 800.8(c) to receive advance notification from an Agency Official that it intends to use the NEPA process and documentation to comply with Section 106 in lieu of the procedures under Sections 800.3 through 800.6.

**Section 800.8(c)(1)(iii).** The Council hereby delegates to the Executive Director its responsibilities under Section 800.8(c)(1)(iii) to engage in consultation regarding effects, where appropriate, during NEPA scoping, environmental analysis, and the preparation of NEPA documents.

**Section 800.8(c)(2)(i).** The Council hereby delegates to the Executive Director its responsibilities under Section 800.8(c)(2)(i) to receive the DEIS or EIS, when such documents are being prepared, from the Agency Official.

**Section 800.8(c)(2)(ii).** The Council hereby delegates to the Executive Director its responsibilities under Section 800.8(c)(2)(ii) to object to the Agency Official that preparation of the EA, DEIS or EIS has not met the standards set forth in Section 800.8(c)(1) or that the substantive resolution of the effects on historic properties proposed in an EA, DEIS or EIS is inadequate.

The Council hereby delegates to the Executive Director its responsibilities under Section 800.8(c)(2)(ii) to receive, and resolve, objection referrals from the Agency Official.

**Section 800.8(c)(3).** The Council hereby delegates to the Executive Director its responsibilities under Section 800.8(c)(3) to review objections, and to notify the Agency Official as to whether it agrees or disagrees with the objection.

**Section 800.8(c)(5).** The Council hereby delegates to the Executive Director its responsibilities under Section 800.8(c)(5) to receive notification from the Agency Official that supplemental environmental documents will be prepared in compliance with NEPA or that the procedures in Sections 800.3 through 800.6 will be followed as necessary.

**Section 800.9(a).** The Council hereby delegates to the Executive Director its responsibilities under Section 800.9(a) to receive, and respond to, requests for the Council's advisory opinion regarding the substance of any finding, determination or decision or regarding the adequacy of the Agency Official's compliance with the Council's regulations, provided that the Executive Director may refer specific matters to the Chairman and Council for action.

**Section 800.9(c)(2).** The Council hereby delegates to the Executive Director its responsibilities under Section 800.9(c)(2) to receive notification and documentation from an Agency Official that it (the Agency Official) has determined that Section 110(k) of the NHPA is applicable and that circumstances may justify granting the assistance at issue.

**Section 800.9(c)(2)(i).** The Council hereby delegates to the Executive Director its responsibilities under Section 800.9(c)(2)(i) to formulate its opinion, and provide it to the Agency Official, as to whether circumstances justify granting assistance to the applicant and any possible mitigation of the adverse effects (see Section 800.9(c)(2) above).

**Section 800.9(c)(2)(ii).** The Council hereby delegates to the Executive Director its responsibilities under Section 800.9(c)(2)(ii) to receive notification from the Agency Official as to its consideration of the Council's opinion on whether to grant assistance to the applicant (see Section 800.9(c)(2) above).

**Section 800.9(d).** The Council hereby delegates to the Executive Director its responsibilities under Section 800.9(d) to evaluate the operation of the Section 106 process by periodic reviews of how participants have fulfilled their legal responsibilities and how effectively the outcomes reached advance the purposes of the NHPA.

**Section 800.9(d)(1).** The Council hereby delegates to the Executive Director its responsibilities under Section 800.9(d)(1) to request, and receive, from Agency Officials documentation of agency policies, operating procedures and actions taken to comply with Section 106, and to request and receive from other participants in the Section 106 process available information and documentation.

**Section 800.9(d)(2).** The Council hereby delegates to the Executive Director its responsibilities under Section 800.9(d)(2) to make recommendations to participants, the heads of Federal agencies, and the Secretary of the Interior on actions to improve the efficiency and effectiveness of the Section 106 process, provided that the Executive Director may refer specific matters to the Chairman and Council for action.

**Section 800.10(b).** The Council hereby delegates to the Executive Director its responsibilities under Section 800.10(b) to receive requests from Agency Officials to participate in any consultation to resolve adverse effects on National Historic Landmarks conducted under Section 800.6.

**Section 800.10(c).** The Council hereby delegates to the Executive Director its responsibilities under Section 800.10(c) to request a report from the Secretary of the Interior under Section 213 of the NHPA to assist in a consultation involving a National Historic Landmark.

**Section 800.10(d).** The Council hereby delegates to the Chairman its responsibilities under Section 800.10(d) to report the outcome of the Section 106 process (regarding National Historic Landmarks under Section 800.10) to the Secretary of the Interior and the head of the agency responsible for the undertaking.

**Section 800.11(a).** The Council hereby delegates to the Executive Director its responsibilities under Section 800.11(a) to: (1) determine whether applicable documentation standards are not met, (2) notify the Agency Official as to such determination and specify the information needed to meet the standard, (3) receive requests to review, and actually review, disputes regarding whether documentation standards are met, and (4) provide its views to the Agency Official and the consulting parties as to such disputes.

**Section 800.11(c)(2).** The Council hereby delegates to the Executive Director its responsibilities under Section 800.11(c)(2) to: (1) consult with the Secretary of the Interior in reaching determinations on the withholding and release of information due to confidentiality issues under Section 304 of the NHPA, (2) receive from the relevant Federal agency, available information related to the confidentiality concern, and (3) advise the Secretary of the Interior and the relevant Federal agency as to the confidentiality issue.

**Section 800.12(a).** The Council hereby delegates to the Executive Director its responsibilities under Section 800.12(a) to engage in consultation regarding the development of emergency procedures.

**Section 800.12(b)(2).** The Council hereby delegates to the Executive Director its responsibilities under Section 800.12(b)(2) to receive notification from an Agency Official whose agency has not developed emergency procedures, that it proposes an emergency undertaking as an essential and immediate response to a disaster or emergency.

The Council hereby delegates to the Executive Director its responsibilities under Section 800.12(b)(2) to comment on such emergency undertakings within the timeframe available.

**Section 800.12(c).** The Council hereby delegates to the Executive Director its responsibilities under Section 800.12(c) to object to a proposed emergency action by a local government (acting as Agency Official) regarding an imminent threat to public health or safety declared by the local government.

**Section 800.12(d).** The Council hereby delegates to the Executive Director its responsibilities under Section 800.12(d) to receive, decide, and respond to, a request for an extension of the 30-day period within which emergency undertakings must be implemented in order for the emergency procedures under Section 800.12 to apply.

**Section 800.13(b)(2).** The Council hereby delegates to the Executive Director its responsibilities under Section 800.13(b)(2) to receive a report from the Agency Official on its actions to mitigate effects on subsequently discovered historic properties or unanticipated effects.

**Section 800.13(b)(3).** The Council hereby delegates to the Executive Director its responsibilities under Section 800.13(b)(3) to receive, and respond to, notifications from the Agency Official as to actions taken to resolve adverse effects after subsequent discoveries, and to receive reports of the actions when they are completed.

**Section 800.14(a)(1).** The Council hereby delegates to the Executive Director its responsibilities under Section 800.14(a)(1) to consult with the Agency Official and others during the development of alternate procedures.

Nevertheless, the Council retains for the members its responsibility under Section 800.14(a)(2) to review proposed alternate procedures, determine whether they are consistent with the Council's regulations and, if so, notify the Agency Official of this determination.

**Section 800.14(a)(4).** The Council hereby delegates to the Executive Director its responsibilities under Section 800.14(a)(4) to provide Federal agencies notice and opportunity to comment on proposed alternate procedures under Section 101(d)(5) of the NHPA.

**Section 800.14(b).** The Council hereby delegates to the Executive Director its responsibilities under Section 800.14(b) to negotiate a Programmatic Agreement with an Agency Official.

**Section 800.14(b)(2)(iii).** The Council hereby delegates to the Chairman its responsibilities under Section 800.14(b)(2)(iii) to execute and terminate Programmatic Agreements.

**Section 800.14(b)(2)(v).** The Council hereby delegates to the Executive Director its responsibilities under Section 800.14(b)(2)(v) to determine whether the terms of a Programmatic Agreement are not being carried out.

**Section 800.14(b)(4).** The Council hereby delegates to the Chairman its responsibilities under Section 800.14(b)(4) to designate an agreement document as a prototype programmatic agreement.

**Section 800.14(c)(5).** The Council hereby delegates to the Executive Director its responsibilities under Section 800.14(c)(5) to receive requests for exempted categories.

Nevertheless, the Council retains for the members its responsibilities under Section 800.14(c)(5) to review such requests and decide whether to approve or reject the proposed exemption based on the consistency of the exemption with the purposes of the NHPA, taking into consideration the magnitude of the exempted undertaking or program and the likelihood of impairment of historic properties in accordance with Section 214 of the NHPA.

**Section 800.14(c)(6).** The Council hereby delegates to the Executive Director its responsibilities under Section 800.14(c)(6) to determine that there are circumstances under which the normally excluded undertaking should be reviewed under subpart B of the Council's regulations.

The Council retains for its members its responsibilities under Section 800.14(c)(7) to terminate an exemption and to notify the Agency Official 30 days before the termination becomes effective.

**Section 800.14(d).** The Council hereby delegates to the Executive Director its responsibilities under Section 800.14(d) to: (1) establish standard treatments, (2) publish notice of standard treatments in the Federal Register, (3) arrange for public participation in the development of standard treatments, (4) request an Agency Official to arrange for public involvement when the Agency Official has proposed the standard treatment, (5) notify and consider the views of SHPO/THPOs on the proposed standard treatment, (6) follow the consultation requirements under Section 800.14(f) with regard to proposed standard treatments that may affect historic properties on tribal lands or those of religious and cultural significance to tribes, and (7) terminate standard treatments by publication of a notice in the Federal Register 30 days before the termination takes effect.

**Section 800.14(e).** The Council hereby delegates to the Executive Director its responsibilities under Section 800.14(e) to receive requests for program comments.

Nevertheless, the Council retains for the members its responsibilities under Section 800.14(e)(3) through (5) to: (1) notify and consider the views of SHPO/THPOs on the proposed program comments, (2) follow the consultation requirements under Section 800.14(f) as required, (3) request additional information, (4) seek the consent of the Agency Official to extend the period for providing comment, (5) provide, or decline to provide, program comments, (6) notify the Agency Official when it decides to decline to comment, and (7) determine to withdraw a program comment.

**Section 800.14(f)(2).** The Council hereby delegates to the Executive Director its responsibilities under Section 800.14(f)(2) to receive from Agency Officials summaries of the views, along with copies of any written comments, provided by affected Indian tribes and Native Hawaiian organizations as part of the documentation for the proposed program alternative.

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## APPENDIX C: PANEL MEETING PROCEDURES

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### INTRODUCTION

The Council membership is called upon to issue formal comments in the rare instances where an adverse effect to a historic property is not resolved pursuant to the Section 106 regulations. The Council's Operating Procedures, at Section V.B.2.b., provide for subgroups of Council members ('panels') to meet with the purpose of considering and providing such formal comments. This Appendix sets forth the procedures for conducting such panel meetings.

### A. ORGANIZATION

1. **Chairman.** The panel chairman is designated by the Chairman of the Council from the non-Federal membership of Council. The panel chairman may designate a member of the panel to sit in his/her stead during temporary absence from a panel meeting or other panel functions. Should the designated panel chairman be unable to complete his/her assignment as panel chairman, the Chairman of the Council shall designate a successor from those non-Federal members already serving on the panel.

2. **Panel Membership.** The Chairman of the Council shall designate panel members. A panel shall consist of three non-Federal members and two Federal members, neither of whom shall represent the Federal agency involved in the undertaking at issue. Substitute members may be designated by the Chairman of the Council at any time.

### B. CONDUCT OF PANEL MEETINGS

1. **Notice.** Generally, 10 days notice of all meetings involving Council review of undertakings shall be given by publication in the Federal Register. In exceptional cases, no less than 7 days notice shall be given by publication in the Federal Register. As circumstances warrant, further notice may be given as follows:

- (a) Mailing notice to those who have requested it on an individual undertaking;
- (b) Use of notice in local newspaper, local media, and newsletters that may be expected to reach potentially interested persons; and/or
- (c) Posting of notice on- and off-site in the area where the undertaking is proposed to be located.

2. **Agenda.** The panel meeting shall be conducted in accordance with a provisional agenda that is adopted by the panel. Copies of the agenda shall be made available to the public

prior to the meeting.

3. **Order of Business.** Unless the panel chairman determines otherwise, the agenda shall provide for the taking of public testimony, a site visit, reports from the consulting parties and any others deemed necessary by the panel chairman, and a commenting session.

4. **Public Testimony and Reports.** Unless otherwise specified by the panel chairman, public testimony and reports shall conform to general guidelines established by the Council for presentations at meetings.

5. **Written Statements.** Written statements may be submitted to the panel. The panel chairman may extend the period for submission of written statements beyond the meeting, provided such extension is consistent with the comment period under 36 CFR Section 800.7(c)(2). Full consideration of written statements by the panel will be ensured only if statements are received at least seven days prior to the panel meeting.

6. **Required Reports.** Unless the panel Chairman determines otherwise, reports to the panel shall conform to general guidelines established by the Council for presentations at meetings.

7. **Onsite Inspections.** The panel Chairman may schedule an onsite inspection as part of the panel meeting or incidental to the meeting. The Agency Official, the State Historic Preservation Officer / Tribal Historic Preservation Officer, and the Executive Director, or their designated representatives, shall be invited to attend. Other parties may attend as the panel Chairman deems appropriate.

8. **Open Meetings.** All panel meetings shall be open to the public. Reasonable facilities shall be provided for attendance of interested members of the public. Exceptions are permissible only in accordance with the Freedom of Information Act.

9. **Minutes.** Minutes of panel meetings shall be kept and made readily available to the public (with the exceptions permissible under the Freedom of Information Act) within a reasonable time after the panel meeting. The minutes shall be sent to all members of the Council as soon as they are available.

## C. PANEL COMMENTS

1. **Deliberations.** The deliberations of the panel in formulating its comments shall be open to the public. Exceptions are permissible only in accordance with the Freedom of Information Act.

2. **Voting.** All members of the panel must vote on the panel's final comments. Panel members may vote by proxy given to the chairman of the panel. All final votes on panel comments shall be on record. All actions relating to panel comments shall require a simple majority for passage.

**3. Form of Comments.** The panel shall issue a verbal summary of its comments at the close of the meeting at which the comments are adopted. Written comments shall be transmitted within 15 days of the initial panel meeting to the head of the Federal agency requesting comment or having responsibility for the undertaking and to all members of the Council. The comments shall have three parts: an introduction; a finding of facts; and conclusion and recommendations.

**4. Distribution of Comments.** Written comments of the panel shall not be released until they have been received by the head of the Federal agency requesting comment. Immediately after the comments are made to the Federal agency, the comments of the Council will be forwarded to the President and Congress as a special report under authority of Section 202(b) of the Act and a notice of availability will be published in the Federal Register. The comments of the Council shall be available to the State Historic Preservation Officer / Tribal Historic Preservation Officer, other consulting parties, and the public upon receipt of the comments by the head of the Federal agency. The comments of the Council should be included in the final environmental impact statement prepared pursuant to the National Environmental Policy Act.

**5. Report to Full Council.** The chairman of the panel shall report the actions taken by the panel at the next meeting of the full Council. Other reports shall be submitted to the Council. The Council may issue a final report to the President and Congress under authority of Section 202(b) of the Act describing the actions taken by the agency in response to the Council's comments including recommendations for changes in Federal policy and programs, as appropriate.



## **ACHP MEETING SUMMARIES**

Summaries of ACHP business meeting materials are available for viewing at [www.achp.gov/meetingsummaries](http://www.achp.gov/meetingsummaries). These include the meeting agendas, minutes, and committee reports from 2018-2021. Please note, the last few years have had some inconsistencies with the meeting schedule due to COVID-19 and ACHP member transitions.



## ACHP FOUNDATION

The Advisory Council on Historic Preservation Foundation is a nonprofit organization chartered in the District of Columbia with an IRS designation of 509(a)(3). It operates for charitable, educational, and scientific purposes, and supports the mission of the Advisory Council on Historic Preservation (ACHP) by funding projects and conducting activities to benefit and to carry out the work of the ACHP. Under IRS regulations for 509(a)(3) organizations, the Foundation as a supporting organization (SO) must engage solely in activities that support or benefit the ACHP, its supported organization (SD). The Foundation has tax exempt status similar to a 501(c)(3) organization, and donations are considered tax exempt. Over its life, the Foundation has fulfilled that role exclusively.

Organizationally and operationally, IRS regulations require that an SO be responsive to the needs and demands of its SD and must constitute an integral part of or maintain significant involvement in the SD. The Foundation sits as an Observer on the ACHP. Other organizations also have Observer status, but they represent and are responsible to specific professional communities of interest. The Foundation is the only Observer established for the benefit of, or to carry out the purposes of, the ACHP. To that end and to meet IRS requirements, the Foundation's board of directors consists of both former ACHP members and current ACHP members so that both the SO and the SD are represented on its governing body, but the SD representatives must be in the minority. The composition of the Foundation board provides an exceptional understanding of ACHP goals and processes and enables close coordination.

Since its incorporation in 2009, the Foundation has supported and participated in activities that expand the reach and capacity of the ACHP membership and staff. Abiding by the supporting/supported organization relationship, the Foundation has been instrumental in developing programs with the ACHP that advance the ACHP's strategic plan, especially inclusiveness, Native American involvement, and engaging youth in preservation. Examples of the Foundation's efforts include the following:

- Supporting the development of young preservation professionals through the ACHP/Foundation Internship, Scholars & Fellows programs by providing program content input and stipends for individuals hosted and mentored by the ACHP.
- Working closely with ACHP members and staff on activities and a partnership to commemorate the 50th anniversary of the National Historic Preservation Act in 2016, including development of a national logo, tagline, and website on the policy and program history of the ACHP. This has been accompanied by ongoing development of "Section 106 Success Stories" highlighting preservation successes under the Act.
- Cosponsoring ACHP member, partner, and staff events including educational sessions at a variety of national and regional conferences, as well as receptions and other award and social events at ACHP business meetings.
- Cosponsoring a World Heritage symposium with the ACHP, assisting with ACHP participation in the 50th anniversary National Preservation Conference at Goucher College, and continuing communication with World Heritage symposium participants including the National Park Service (NPS) and the Departments of State and Commerce.

ADVISORY COUNCIL ON HISTORIC PRESERVATION

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- Working on a collaborative venture with the Embassy of Spain, US/ICOMOS, NPS, and State Historic Preservation Officers to enhance National Register nominations representing the Latino diaspora.

In recent years, the Foundation has partnered with the ACHP to create and advance programs to encourage minority students to pursue careers in historic preservation, supporting a major ongoing ACHP initiative to build a more inclusive preservation program. Preservation in Practice is conducted in partnership with NPS and the National Trust for Historic Preservation and introduces students at Historically Black Colleges and Universities to the field of historic preservation and career opportunities. Work is underway with the Forest Service to create a similar program with Land Grant institutions focusing on minority students. Both initiatives are high profile programs offering the ACHP the opportunity to meet critical strategic planning objectives and goals. In the past, the Foundation has articulated the need, advocated for, and assisted in designing these programs. The Foundation's operational involvement has been through supporting planning and program design and providing logistical support under contract with the ACHP.

Similarly, the ACHP, Salish Kootenai College (SKC), and the ACHP Foundation are partnering to build a more robust tribal historic preservation program at the college. There is a formal agreement among the parties to support the program. In 2021, the Foundation is supporting an SKC student as a virtual intern at the ACHP. The Foundation's role is in assisting with scholarships and soliciting and providing funding for internships. This could be a model for future relationships with Tribal Colleges and Universities.

Finally, the Foundation provides an essential link to the collective wisdom and expertise of former ACHP members. It has used those contacts to promote legislative goals espoused by the ACHP and to support the agency's requests for appropriations, as well as to inform various program and policy initiatives undertaken by the ACHP. ACHP alumni have fond recollections of their time serving as members, and many are willing to pitch in to help the ACHP when the Foundation reaches out to them.

# **Advisory Council on Historic Preservation Foundation**

## **2018 - 2020 Strategic Plan**

### **Introduction**

*Preservation in America today is an exciting and dynamic field. Key word associations are conservation, rehabilitation, recycling, restoration. The word "historic" is not Gone with the Wind, fortunately, but no longer aptly describes the dimensions of today's preservationist movement, which is fueled by both strongly felt psychological as well as economic needs of the people.*

– Richard Jenrette, Former ACHP Chairman

Preservation initiatives require a community. Individuals, neighborhoods, nonprofits, and government organizations collaborate to preserve and sustain our diverse cultural resources. The members of the Advisory Council represent this multifarious community; the staff at the ACHP, presidential appointees, the National Trust, and federal agency representatives and other government organizations work together to ensure historic preservation remains a national priority. The Council identifies and constructs strategies and programs to support and enhance national preservation efforts and awareness.

Upon completing 9 years of activity, this strategic planning effort emerges from the need to evaluate and articulate the ACHP Foundation's goals moving forward. The Foundation considered how to best align with the priorities and mission of the Advisory Council on Historic Preservation as they promote the preservation, enhancement, and sustainable use of our nation's diverse historic resources, and advise the President and Congress on national historic preservation policy.

## Our Mission

We support the Advisory Council on Historic Preservation by providing philanthropy for its program initiatives, professional expertise, and public awareness of its mission to protect the nation's diverse historic resources.

## Our Vision

We focus on facilitating and supporting the Advisory Council on Historic Preservation. We advance the work of the ACHP to advise the President and Congress on national historic Preservation policy through collaborations, educational programming, and funding assistance.

## Our Values

**Support the ACHP:** working in collaboration with the ACHP, and sharing an appreciation for our nation's heritage

**Philanthropy:** sustaining resources to extend programming initiatives in historic preservation

**Advocacy:** communicating and endorsing revitalization of our nation's historic resources to bolster historic preservation and heritage tourism

**Community:** promoting the preservation of diverse sites of culture conscience

**Scholarship:** developing educational initiatives to sponsor following generations of historic preservationists

*The preservation of historic sites for the public benefit, together with their proper interpretation, tends to enhance the respect and love of the citizen for the institutions of this country, as well as strengthen their resolution to defend unselfishly the hallowed traditions and high ideals of America.*

- President Franklin D. Roosevelt

## Case for Support

### **What makes us different from other historic preservation organizations?**

- The Foundation supports the ACHP, the only historic preservation organization that is chartered to advise the President and Congress on national historic preservation policies
- The Council includes the other historic preservation organizations, as well as state and federal organizations who can encourage national change in historic preservation law and practices
- Preserve America was created by Executive Order, and is connected to the White House.
- ACHP Foundation associates include attorneys, architects, archaeologists, Federal Historic Preservation Officers, State Historic Preservation Officers, Tribal Historic Preservation officers, and ACHP agency staff who have decades of experience in preservation policy

### **What would people achieve by investing in the Foundation and thus the ACHP?**

- Alumni/Individuals who are familiar with the ACHP
  - Raise awareness of the ACHP and its mission
  - Support nationwide legislation and initiatives in historic preservation
  - Support young professional development in historic preservation
  - Encourage heritage tourism and economic vibrancy
  - Receive information on the ACHP and historic preservation
  - Participate in speaker's bureau and other outreach events
- Individuals who have never heard of the ACHP
  - Support initiatives to advance diverse communities and historic preservation efforts
  - Tailor requests to specific donor interests

### **Foundation Accomplishments**

- Advocacy/Professional Expertise
  - Advocated for amendments to the National Historic Preservation Act to provide for a full time Chair and voting membership to NATHPO representatives
  - Assisted ACHP with national preservation policy development
    - Assisted in developing preservation policy recommendations to present to Presidential administration, Congress and the voting public
  - Partnered with other international, federal, state and tribal agencies, individuals and private companies to communicate and research preservation initiatives
- Education
  - Internships/Fellowships

- ACHP General Interns
      - Provide financial support for interns
      - Aided with intern contracting process
    - ACHP Native Scholar
      - Solicited funds to support Native American scholar
      - Aided with scholar selection process
    - ACHP and Smithsonian Fellowship
      - Sponsored fellow financially
      - Aided in selection process
      - Advised fellow throughout the research process
  - Outreach
    - Coordinated and supported ACHP Events
      - Expert Panel Presentations
      - Policy Roundtables
        - Convened preservation alumni and stakeholders to discuss next-generation US preservation policy agenda
        - Engaged with industry representatives and the public to promote preservation initiatives
        - Award ceremonies and receptions
    - Preservation 50
      - Member organization of the Preservation 50 steering committee
      - Researched, coordinated & authored 106 Success Stories to illustrate 50 years of examples fo successful Section 106 cases across the nation
      - Supported outreach through a social media campaign specifically targeting newspapers, radio, television, blogs, and other social media platforms to raise awareness of Preservation 50 and other preservation initiatives
      - Produced an interactive web platform for disseminating information about the history of the ACHP, historic preservation, and future policy recommendations

## Our Goals

**Goal 1:** The ACHP Foundation will research and seek opportunities to establish support for current and ongoing ACHP initiatives

1. Annual Fund Strategy
  - a. Reach out to ACHP alumni regularly
    - i. Send out newsletters keeping alumni apprised of Council and Foundation programs
  - b. Establish Foundation donor research practices and records
    - i. Create profiles for each potential donor
      1. Research giving priorities and affiliations
    - ii. Record interactions with potential donors
    - iii. Decide who will be doing the asking
  - c. Pursue individual relationships and donors
    - i. Identify, cultivate and solicit potential individual donors with a history with the ACHP or demonstrated interest in historic preservation
    - ii. Engage all board members in contributing and fundraising
    - iii. Work with current donors to increase annual contributions
    - iv. Approach 10 potential donors in the first year
  - d. Engage alumni in fund raising/programs
    - i. Reach out to alumni to host or participate in speaker's bureau
    - ii. Increase Foundation network through alumni affiliations
2. Strengthen Infrastructure
  - a. Set up Foundation specific email
  - b. Allow documents and information to be shared and edited with ease
  - c. Raise awareness of Foundation by creating logo and online presence
  - d. Hire staff or contractors

- Timeframe - 6 months to 3 years
- Accountability - Staff to research potential donors, record interactions with donors
- Resources required - Funds to set up receptions, computer, remote access to directory
- Measure of Success - Gradual increase of gifts over next few years

**Goal 2:** Support programs that enhance student and young professional interest in the ACHP and historic preservation careers

1. Endow funds and stabilize programming for current internships
  - a. Native American Scholarship
    - i. Sustain relationship with current donor to encourage interest and confidence in continuing gifts
  - b. Smithsonian Cultural Heritage Fellowship
    - i. Demonstrate how fellowship enhanced interest in historic preservation and awareness of the ACHP
    - ii. Reach out to donors interested in supporting careers in cultural heritage
  - c. General internships
    - i. Approach individuals who are willing to endow an internship and receive naming rights

2. Approach other institutions to incorporate the ACHP into their internship programs
    - a. General Smithsonian Interns include ACHP into program
    - b. National Trust for Historic Preservation HOPE Apprenticeship program
    - c. New joint internships/apprenticeships with other institutions/agencies
- Timeframe - 2 to 3 years
  - Accountability - Requires ACHP staff to supervise interns, review applications, oversight on projects, communicate with other organizations
  - Foundation outreach to alumni & others to increase financial base
  - Resources required - Office space, management of funds, computer
  - Measure of Success - Continuing Internships have funding and interested applications

**Goal 3:** Establish a formal relationship on Preserve America with ACHP

1. Launch a Preserve America Network for current and future communities
    - a. Include news and articles relevant to historic preservation
    - b. Connect Preserve America Communities
    - c. Educational programming related to Preserve America Communities and Section 106
    - d. Create Preserve America communities as a lobbying force
  2. Establish Grant Program for Preserve America
    - a. Soliciting gifts, endowing a fund
    - b. Add value to Preserve America program
- Timeframe - 6 months to 3 years
  - Accountability - Foundation staff to write articles, moderate and update website, ACHP Staff and Alumni to present Preserve America to administration/Congress
  - Resources required - volunteers/alumni, computer, network, website, funding for website
  - Measure of Success - Preserve America communities/stewards are recognized advocates for program and administration/ Congress allocate resources to program

**Goal 4:** Be a voice for ACHP and Historic Preservation

1. Facilitate meetings, events to promote the work of the ACHP
  2. Develop speaker's bureau with alumni & community representatives
    - a. Approaching individuals interested in speaking
    - b. Selecting locations where to hold speaker's bureau
    - c. Collaborating with other organizations
  3. Build advocates within the alumni and PA communities
    - a. Developing training and relationships to build advocacy
    - b. Receptions and other events where advocates can meet and exchange ideas
  4. Promote initiatives and funding within the administration and Congress
    - a. Meeting with congressional representatives
- Timeframe - 6 months to 3 years
  - Accountability - Staff to research congressional relationships, record interactions with donors

## **ACHP Foundation Accomplishments**

### **◆ Advocacy/Professional Expertise**

- \* Assist the ACHP with national preservation policy development
  - Assisted in developing preservation policy recommendations to present to Presidential administration, Congress, and the voting public
- \* Partner with other international, federal, state, and tribal agencies; individuals; and private companies to communicate and research preservation initiatives
- \* Regularly participate in ACHP business and committee meetings and inter with ACHP members and staff on specific projects and issues

### **◆ Education**

- \* Preservation in Practice
  - Developed and managed the overall budget
  - Handled logistics for the three organizations and students
  - Assisted ACHP staff in identifying and engaging preservation professionals for programs
  - Helped craft program activities
  - Supported program and curriculum description and evaluation
- \* Participant in the Salish Kootenai College Memorandum of Understanding
  - Assist in finding funding for scholarships
  - Support summer intern
- \* USDA/FS Land Grant/HBCU/TCU proposal
  - Financially supported and contributed to research, development, and design of planning proposal
  - Supported rewrite of proposal that has been funded
- \* Internships/Fellowships
  - ACHP General Interns
    - Solicited funds and financially sponsored interns for the summer, fall, and winter terms and aided with intern selection process
  - ACHP Native Scholar
    - Solicited funds and financially sponsored Native American scholar
    - Aided with scholar selection process
    - Coordinated scholar travel arrangements
  - ACHP and Smithsonian Fellowship
    - Sponsored fellow financially
    - Aided in selection process

- Advised fellow throughout the research process

◆ **Outreach**

- \* Coordinate, plan, and execute ACHP events when requested
- \* Arrange Expert Panel Presentations
- \* Host Award Receptions
- \* Convene Policy Roundtables
  - Convened World Heritage stakeholders in two-day event to discuss building World Heritage Brand in the U.S.
  - Convened preservation alumni and stakeholders to discuss next-generation U.S. preservation policy agenda
  - Engage with public and promote preservation initiatives
- \* Preservation50
  - Member organization of the Preservation50 steering committee to commemorate the 50th anniversary of the passage of the National Historic Preservation Act
  - Contracted outreach through a social media campaign specifically targeting newspapers, radio, television, blogs, and social media platforms to raise awareness of Preservation50 and other preservation initiatives
  - Produced an interactive web platform for disseminating information about the future of the ACHP, historic preservation, and Preservation50
- \* Maintain regular communication with ACHP alumni, solicit assistance with advocacy and special projects
- \* Participate regularly in meetings of Preservation Partners, the group of national preservation organizations that coordinates on policy development and advocacy



## PRINCIPAL OMB AND CONGRESSIONAL STAFF CONTACTS

(\*\* indicates a longstanding working relationship)

### Office of Management and Budget

Michael S. Hildner (ACHP Budget Examiner) [Michael.S.Hildner@omb.eop.gov](mailto:Michael.S.Hildner@omb.eop.gov)

### ACHP Congressional Oversight Committees

#### Senate Energy and Natural Resources Committee

Joe Manchin (D-WV), Chair  
John A. Barrasso (R-WY), Ranking Member

David Brooks\*\* (General Counsel, Majority) [david\\_brooks@energy.senate.gov](mailto:david_brooks@energy.senate.gov)  
Renaë Black (Majority Staff Director) [renae\\_black@energy.senate.gov](mailto:renae_black@energy.senate.gov)  
Richard Russell (Minority Staff Director) [richard\\_russell@energy.senate.gov](mailto:richard_russell@energy.senate.gov)

#### Senate Energy and Natural Resources Subcommittee on National Parks

Angus King (I-ME), Chair  
Steve Daines (R-MT), Ranking Member

(Senate subcommittees operate through the full committee office staff.)

#### House Natural Resources Committee

Raúl M. Grijalva (D-AZ), Chairman  
Bruce Westerman (R-AR), Ranking Member

David Watkins\*\* (Majority Staff Director) [david.watkins@mail.house.gov](mailto:david.watkins@mail.house.gov)  
Vivian Moeglein (Minority Staff Director) [vivian.moeglein@mail.house.gov](mailto:vivian.moeglein@mail.house.gov)

#### House Natural Resources Subcommittee on National Parks, Forests, and Public Lands

Joe Neguse (D-CO), Chair  
Russ Fulcher (R-ID), Ranking Member

Brandon Bragato\*\* (Majority Staff Director) [brandon.bragato@mail.house.gov](mailto:brandon.bragato@mail.house.gov)  
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## **ACHP Congressional Appropriations Committees**

### Senate Appropriations Committee

Patrick Leahy (D-VT), Chair  
Richard Shelby (R-AL), Ranking Member

Charles Kieffer (Majority Staff Director) [charles\\_kieffer@appro.senate.gov](mailto:charles_kieffer@appro.senate.gov)  
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### Senate Appropriations Subcommittee on Interior, Environment, and Related Agencies

Jeff Merkley (D-OR), Chair  
Lisa Murkowski (R-AK), Ranking Member

Melissa Zimmerman (Majority Staff Director/Clerk) [melissa\\_zimmerman@appro.senate.gov](mailto:melissa_zimmerman@appro.senate.gov)  
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### House Appropriations Committee

Rosa Luisa DeLauro (D-CT), Chair  
Kay Granger (R-TX), Ranking Member

Robin Juliano (Majority Staff Director) [robin.juliano@mail.house.gov](mailto:robin.juliano@mail.house.gov)  
Anne Chotvac (Minority Staff Director) [anne.chotvac@mail.house.gov](mailto:anne.chotvac@mail.house.gov)

### House Appropriations Subcommittee on Interior, Environment, and Related Agencies

Chellie M. Pingree (D-ME), Chair  
David Joyce (R-OH), Ranking Member

Rita Culp (Majority Clerk) [rita.culp@mail.house.gov](mailto:rita.culp@mail.house.gov)  
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## **Historic Preservation Caucus**

Earl Blumenauer (D-OR), Co-Chair  
Mike Turner (R-OH), Co-Chair

Jon Bosworth (Caucus Staff-Blumenauer) [jon.bosworth@mail.house.gov](mailto:jon.bosworth@mail.house.gov)  
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*June 17, 2021*

## ACRONYMS &amp; ABBREVIATIONS

4(f)	Section 4(f) of the Department of Transportation Act	NAE	No Adverse Effect
AHP	Advisory Council on Historic Preservation	NAGPRA	Native American Graves Protection & Repatriation Act (1990)
AHPA	Archeological & Historic Preservation Act (1974)	NAPC	National Alliance of Preservation Commissions
AIRFA	America Indian Religious Freedom Act (1978)	NASA	National Aeronautics & Space Administration
APE	Area of Potential Effects	NATHPO	National Association of Tribal Historic Preservation Officers
ARPA	Archeological Resources Protection Act (1979)	NCPC	National Capital Planning Commission
ARS	Agricultural Research Service (USDA)	NCSHPO	National Conference of State Historic Preservation Officers
BAMIPP	Building a More Inclusive Preservation Program	NEA	National Endowment for the Arts
BIA	Bureau of Indian Affairs (DOI)	NEH	National Endowment for the Humanities
BLM	Bureau of Land Management (DOI)	NEPA	National Environmental Policy Act (1969)
BOEM	Bureau of Ocean Energy Management (DOI)	NHL	National Historic Landmark
BSEE	Bureau of Safety & Environmental Enforcement (DOI)	NHO	Native Hawaiian Organization
CatEx	Categorical Exclusion; also CE, CX, CatX	NHPA	National Historic Preservation Act (1966)
CDBG	Community Development Block Grant	NOAA	National Oceanic & Atmospheric Administration (DOC)
CEQ	Council on Environmental Quality	NPA	Nationwide Programmatic Agreement
CFR	Code of Federal Regulations	NPS	National Park Service (DOI)
CLG	Certified Local Government	NRCS	Natural Resource Conservation Service (USDA)
COE or Corps	United States Army Corps of Engineers	NRHP or NR	National Register of Historic Places
CRM	Cultural Resource Management	NSF	National Science Foundation
CRMP	Cultural Resources Management Plan	NTHP	National Trust for Historic Preservation
DEIS	Draft Environmental Impact Statement	NTIA	National Telecommunications & Information Administration (DOC)
DHS	Department of Homeland Security	OCC	Office of the Comptroller of the Currency (Treasury)
DOC	Department of Commerce	OSM	Office of Surface Mining Reclamation & Enforcement (DOI)
DoD	Department of Defense	PA	Programmatic Agreement/Preserve America/ Preservation Action
DOE	Determination of Eligibility/Department of Energy	PC	Program Comment
DOI	Department of the Interior	Reclamation	Bureau of Reclamation- <i>formerly BOR</i> (DOI)
DOJ	Department of Justice	RD	Office of Rural Development (USDA)
DOL	Department of Labor	The Register	National Register of Historic Places
DOT	Department of Transportation	The Regs	36 CFR Part 800, Section 106 regulations
EO	Executive Order	ROD	Record of Decision
EA	Environmental Assessment	RUS	Rural Utilities Service (USDA)
ED	Executive Director (AHP)	SBA	Small Business Administration
DEd	Department of Education	Section 3	Section 3 of E.O. 13287, "Preserve America"
EDA	Economic Development Administration (DOC)	SHPO	State Historic Preservation Officer
EIS	Environmental Impact Statement	SOI	Secretary of the Interior
EPA	Environmental Protection Agency	SPO	Senior Policy Official
FAA	Federal Aviation Administration (DOT)	State	Department of State
FCC	Federal Communications Commission	STB	Surface Transportation Board
FDIC	Federal Deposit Insurance Corporation	TCP	Traditional Cultural Property
FEIS	Final Environmental Impact Statement	THPO	Tribal Historic Preservation Officer
FEMA	Federal Emergency Management Agency (DHS)	The Standards	Secretary of the Interior's Standards (for the Treatment of Historic Properties, for Archaeology, for Rehabilitation, etc.)
FERC	Federal Energy Regulatory Commission	The Trust	National Trust for Historic Preservation
FHWA	Federal Highway Administration (DOT)	TVA	Tennessee Valley Authority
FONSI	Finding of No Significant Impact	USACE	United States Army Corps of Engineers
FPISC	Federal Permitting Improvement Steering Council	USDA	Department of Agriculture
FPO	Federal Preservation Officer	USFS	United States Forest Service (USDA)
FRA	Federal Railroad Administration (DOT)	USGS	United States Geological Survey (DOI)
FSA	Farm Service Agency (USDA)	US/ICOMOS	United States National Committee for ICOMOS
FTA	Federal Transit Administration (DOT)	USPS	United States Postal Service
FWS	Fish & Wildlife Service (DOI)	VA	Department of Veterans Affairs
GSA	General Services Administration	WAPA	Western Area Power Administration (DOE)
HABS	Historic American Buildings Survey	WHS	World Heritage Site
HAER	Historic American Engineering Record		
HALS	Historic American Landscapes Survey		
HHS	Department of Health & Human Services		
HUD	Department of Housing & Urban Development		
ICCROM	International Centre for Conservation in Rome		
ICOMOS	International Council of Monuments & Sites		
IHS	Indian Health Service (DOI)		
Keeper	Keeper of the National Register of Historic Places		
MOA	Memorandum of Agreement		



## DEFINITIONS

**adverse effect** Project effects that may alter, directly or indirectly, characteristics of a historic property that qualify it [the property] for inclusion in the National Register [of Historic Places] in a manner that would diminish the integrity of the property's location, design, setting, materials, workmanship, feeling, or association. May include reasonably foreseeable effects that may occur later in time, be farther removed in distance, or be cumulative. [36 CFR §800.5(a)(1)]

**AHPA** Archeological and Historic Preservation Act (P.L. 86-523, 16 U.S.C. 469, 1974) Provides for recovery of historic and archaeological data (including relics and specimens) which might be lost or destroyed by a federal or federally licensed construction project, and authorizes expenditure of project funds for such recovery.

**AIRFA** American Indian Religious Freedom Act (P.L. 95-341, 1978) Establishes policy to protect and preserve traditional religious beliefs and practices of Native Americans, including Native Hawaiians.

**alternate procedure(s)** Procedure to tailor the standard Section 106 process to agency programs and decision making processes, and substitute in whole or in part for the ACHP's Section 106 regulations. May include formal agency regulations, but would also include departmental or agency policy/procedures that do not go through a formal rulemaking process. [36 CFR §800.14(a)]

**anticipatory demolition/destruction** Destroying or irreparably harming a historic property with the express purpose of circumventing or preordaining the outcome of Section 106 review. [NHPA Section 110(k)/54 U.S.C. 306113]

**APE** Area of Potential Effects; the geographic area or areas within which an undertaking may directly or indirectly cause alterations in the character or use of historic properties, if any such properties exist. [36 CFR § 800.16(d)]

**applicants** Persons or groups applying for federal assistance or for a federal permit, license, or other approval. [36 CFR § 800.2(c)(4)]

**archaeological site** The place or places where the remnants of a past culture or historical period survive in a physical context that allows for the study and interpretation of these remains, usually but not always requiring excavation or other systematic investigation. [National Register Bulletin No. 36, "Guidelines for Evaluating and Registering Historical Archaeological Sites and Districts," 1993, p. 2]

**ARPA** Archaeological Resources Protection Act (P.L. 96-95, 1979) Establishes permit process for archaeology on public and Indian lands, along with criminal penalties for unauthorized removal or looting of remains.

**building** A structure created to shelter any form of human activity, such as a house, barn, church, hotel, or similar structure. [36 CFR § 60.3(a)]

**BAMIPP** Building a More Inclusive Preservation Program; multi-year ACHP initiative to highlight the breadth and diversity of cultural heritage in the United States and encourage wider involvement and representation in public preservation activities and programs by historically under-represented groups.

**CLG** Certified Local Government; local government whose historic preservation program has been recognized and certified by the state and the National Park Service pursuant to Section 101(c) of the National Historic Preservation Act. [NHPA, 54 U.S.C. § 3025]

**climate impacts and resilience** Impacts to historic properties that may include storm damage, flooding, coastal erosion, drought and associated wildfires, melting permafrost, and changing temperature patterns exacerbated by long-term climate change; resilience refers to artificial counter-measures or natural resistance to such impacts.

**comment** The findings and recommendations of the ACHP on an undertaking, either through a signed agreement or through a formal letter expressing the ACHP's views to the head of a federal agency under Section 106. [36 CFR § 800.6, 800.16(e)]

**concurring parties** Those invited to concur in the terms of a Memorandum of Agreement. Refusal of any party invited to concur does not invalidate the Memorandum of Agreement. [36 CFR § 800.6(c)(3)]

**consensus determination** Agreement between the agency and the State Historic Preservation Officer/Tribal Historic Preservation Officer that a property is or is not eligible for the National Register of Historic Places.

**consultation** The process of seeking, discussing, and considering the views of other participants, and, where feasible, seeking agreement with them regarding matters arising in the Section 106 review process. [36 CFR § 800.16(f)]

**consulting parties** Persons or groups the federal agency consults with during the Section 106 process. They may include the State Historic Preservation Officer; the Tribal Historic Preservation Officer; Indian tribes and Native Hawaiian organizations; representatives of local governments; applicants for federal assistance, permits, licenses, and other approvals; and/or any additional consulting parties. [36 CFR § 800.2(c)]

**Council** [Now referred to as the ACHP] The Advisory Council on Historic Preservation or an ACHP member or employee designated to act for the ACHP. [36 CFR § 800.16(g)]

**CRMP/HRMP** Cultural Resources Management Plan / Historic Resource Management Plan; a guide used by agencies and organizations to plan for, preserve, and manage cultural resources and/or historic resources under their stewardship.

**cultural items** Native American human remains, associated and unassociated funerary objects, sacred objects, and objects of cultural patrimony under NAGPRA [See below; 25 USC § 3001.2(3)]

**cultural landscape** A geographic area, including both cultural and natural resources and any wildlife or domestic animals, associated with a historic event, activity, or person or exhibiting other cultural or aesthetic values. May include a historic designed landscape (e.g., a park or campus), a vernacular landscape that has evolved with distinct cultural features (e.g., a historic farm valley), or a traditional cultural landscape containing natural and cultural features with special meaning for a group (e.g., sacred sites on and around a mountain peak). [PRESERVATION BRIEF 36: Protecting Cultural Landscapes: Planning, Treatment and Management of Historic Landscapes, by Charles A. Birnbaum, ASLA, NPS Technical Preservation Services, September 1994]

**cultural resources** Formally undefined term often used interchangeably with “historic property/resource”(see below), but originally intended to refer more broadly to archaeological sites and collections, traditional cultural places, cultural landscapes, sacred sites, and other physical evidence of past human activity. “Cultural resource management” as a field of study and professional practice has largely developed with a primary focus on archaeology and ethnographic resources.

**curation** Responsibility for the care of something held in trust for other people. Curatorial services are “managing and preserving a collection according to professional museum and archival practices,” for historic preservation purposes most often referring to archaeological collections, other cultural artifacts, and associated records. [36 CFR § 79.4(b), “Curation of Federally Owned and Administered Archaeological Collections”]

**data recovery plan** A plan for the retrieval of significant archaeological information through controlled excavation and other scientific recording methods. [Advisory Council on Historic Preservation guidance, “Recommended Approach for Consultation on Recovery of Significant Information from Archaeological Sites”]

**determination of eligibility** A decision that a district, site, building, structure, or object meets or does not meet the National Register of Historic Places criteria for evaluation. [36 CFR § 60.3(c), “National Register of Historic Places”]

**determinations** Formal resolutions of questions, such as National Register of Historic Places eligibility or adverse effects. [ACHP, “Section-by-Section Questions and Answers,” [www.achp.gov/106q&a.html](http://www.achp.gov/106q&a.html)]

**district** A geographically definable area, urban or rural, possessing a significant concentration, linkage, or continuity of sites, buildings, structures, or objects united by past events or aesthetically by plan or physical development. [36 CFR § 60.3(d)]

**documentation** A detailed record, in the form of a report or other written document, including photographs, maps, and drawings. [See 36 CFR § 800.11]

**EA** Environmental Assessment; a (usually) simplified analysis and evaluation under NEPA (see below) to determine whether a proposed federal action will or will not result in a significant impact on the quality of the human environment. [NEPA regulations, 40 CFR Part 1500; NEPA and NHPA: A Handbook for Integrating NEPA and Section 106, CEQ and ACHP, March 2013]

**EIS** Environmental Impact Statement; detailed analysis and evaluation under NEPA (see below) of major federal actions significantly affecting the quality of the human environment, including consideration of alternatives to the proposed action. Historic properties, as a subset of cultural and social resources, are one aspect of the human environment to be analyzed [NEPA regulations, 40 CFR Part 1500; NEPA and NHPA: A Handbook for Integrating NEPA and Section 106, CEQ and ACHP, March 2013]

**effect** Alteration to the characteristics of a historic property that qualifies it for inclusion in or eligibility for inclusion in the National Register of Historic Places. [36 CFR § 800.16(i)]

**EO** Executive Order; formal signed, written, numbered, and published directive from the President directing actions of the executive branch. Executive orders may be referenced by number, title, or topic. Other presidential documents include presidential memoranda and proclamations. Both EOs and proclamations are published in the *Federal Register*, and with memoranda on the White House website. Executive orders and proclamations have the force of law, much like regulations issued by federal

agencies, and are codified under Title 3 of the Code of Federal Regulations. However, they are not legislation and may be rescinded or modified by another executive order. An executive order takes precedence over a presidential memorandum.

**EO 13287** “Preserve America,” issued by President Bush on March 3, 2003. The order stated federal policy to provide leadership in preserving America’s heritage by actively advancing the protection, enhancement, and contemporary use of federally owned historic properties, and promoting intergovernmental cooperation and partnerships for historic property preservation and use. The EO encouraged agencies to manage these historic properties as valuable assets that can support agency missions and also stimulate local economic development. It calls for progress reports by agencies on their identification, protection, and use of historic properties, and a consolidated report to the President by the ACHP, every three years.

**exemptions** Procedure for formally removing from Section 106 review those undertakings that have foreseeable effects on historic properties which are likely to be minimal. Section 214 of the National Historic Preservation Act sets forth criteria for exemptions and the process for obtaining them. [36 CFR § 800.11]

**FPISC** Federal Permitting Improvements Steering Council (Permitting Council); created by the Fixing America’s Surface Transportation (FAST) Act of 2015. The Permitting Council helps implement provisions of the FAST Act that apply to certain types of large-scale infrastructure projects in order to improve the timeliness, predictability, and transparency of the federal environmental review and authorization process for certain infrastructure projects. The Permitting Council also promotes best practices to improve reviews of all infrastructure projects. The ACHP is a member <sup>1</sup> of the Permitting Council.

**FPO** Federal Preservation Officer; the official designated by the head of each federal agency who is responsible for coordinating that agency’s activities under Section 110 of the National Historic Preservation Act of 1966, as amended. [NHPA, 54 U.S.C. § 306104]

**findings** Factual assessments by a party, usually an agency, that are subject to review by other parties to the Section 106 process. [ACHP, “Section-by-Section Questions & Answers,” [www.achp.gov/106q&a.html](http://www.achp.gov/106q&a.html)]

**foreclosure** An action taken by an agency official that effectively precludes the ACHP from providing comments which the agency official can meaningfully consider prior to the approval of the undertaking. [36 CFR § 800.16(j)]

**heritage tourism** The business and practice of attracting and accommodating visitors to a place or area based especially on the unique or special aspects of that locale’s history, landscape, and culture. (EO 13287, “Preserve America”)

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<sup>1</sup> Members include: Department of Agriculture (Rural Development, Forest Service); U.S. Army Corps of Engineers (Directorate of Civil Works); Department of Commerce (National Telecommunications & Information Administration, National Oceanic and Atmospheric Administration, National Marine Fisheries Service); Department of the Interior (U.S. Fish and Wildlife Service, Bureau of Land Management, Bureau of Reclamation, National Park Service, Bureau of Ocean Energy Management); Department of Energy; Department of Transportation; Department of Defense; Environmental Protection Agency; Federal Energy Regulatory Commission; Nuclear Regulatory Commission; Department of Homeland Security (Coast Guard); Department of Housing and Urban Development; Advisory Council on Historic Preservation; Office of Management and Budget; Council on Environmental Quality

**historic context** An organizing structure for interpreting history that groups information about historic properties which share a common theme, common geographical location, and common time period. [National Register Bulletin No. 16A, “How to Complete the National Register Registration Form,” appendix IV, p. 2]

**historic property** Any prehistoric or historic district, site, building, structure, or object included in, or eligible for inclusion in, the National Register, including artifacts, records, and material remains relating to the district, site, building, structure or object. Also includes properties of traditional religious and cultural importance to an Indian tribe or Native Hawaiian organization that meet the National Register of Historic Places criteria. [NHPA, 54 U.S.C. § 300308, 302706]

**Indian tribe** An Indian tribe, band, nation, or other organized group or community, including a Native village, Regional Corporation or Village Corporation, as those terms are defined in Section 3 of the Alaska Native Claims Settlement Act (43 USC § 1602), which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians. [NHPA, 54 U.S.C. § 300309]

**integrity** The ability of a historic property to convey its significance through its location, design, setting, materials, workmanship, feeling, and association, as appropriate to the particular property. [National Register Bulletin No. 15, “How to Apply the National Register Criteria for Evaluation,” p. 44]. A related factor is the authenticity of a property’s historic identity, evidenced by the survival of physical features or characteristics that existed during the property’s historic or prehistoric period. [National Register Bulletin No. 16A, “How to Complete the National Register Registration Form,” appendix IV, p.2]

**invited signatories** Persons or groups invited by the agency official to also sign a Memorandum of Agreement (which may include an Indian tribe or Native Hawaiian organization that attaches religious and cultural significance to historic properties off tribal lands). Especially refers to those who assume a particular responsibility under an Agreement. [36 CFR § 800.6(c)(2)]

**Keeper of the National Register** The federal official who has been delegated the authority by the National Park Service to represent the Secretary of the Interior in listing properties and formally determining their eligibility for the National Register of Historic Places. [36 CFR § 60.3(f)]

**legacy cities** Defined as those communities developed at the height of the industrial revolution as centers of industry, commerce, business, and employment throughout the New England, Mid-Atlantic, and Midwest regions. Legacy cities can also include communities located in the West and Southwest regions that emerged for similar reasons at a later period. (See “rightsizing”)

**local government** A city, county, parish, township, municipality, borough, or other general purpose political subdivision of a state. [36 CFR § 800.16(n)]

**MOA** Memorandum of Agreement; document that records the terms and conditions agreed upon to resolve the adverse effects of an undertaking upon historic properties. [36 CFR § 800.16(o)]

**NAGPRA** Native American Graves Protection and Repatriation Act (P.L. 101-601, 1990) Requires federal agencies and federally funded institutions to return Native American “cultural items” (human remains, funerary and sacred objects, and objects of cultural patrimony) to lineal descendants and culturally affiliated Indian tribes and Native Hawaiian organizations. Establishes federal grants and procedures to assist in the repatriation process, discoveries on federal or tribal lands, and provides for assessment of civil penalties by the Secretary of the Interior.

**NHL** National Historic Landmark; a historic property evaluated and found to have significance at the national level and designated as such by the Secretary of the Interior. [National Register Bulletin No. 16A, “How to Complete the National Register Registration Form,” appendix IV, p. 3]

**NHPA** National Historic Preservation Act (P.L. 89-665, 1966) Articulated overall federal policy encouraging and promoting historic preservation, and established the national historic preservation program to implement that policy. The program includes a National Register of Historic Places, the Advisory Council on Historic Preservation, State and Tribal Historic Preservation Officers, funding through the Historic Preservation Fund, Certified Local Governments, federal agency preservation programs, and the federal historic preservation planning and review process known as Section 106 review.

**NPS** National Park Service; a bureau of the U.S. Department of the Interior that manages national parks, monuments, and historic sites; acts as a steward for historic areas in the National Park System; administers preservation programs, including grant funding through the Historic Preservation Fund and other accounts; maintains the National Register of Historic Places; sets standards for preservation-related activities; and provides technical preservation information and guidance.

**National Register criteria** The criteria established by the Secretary of the Interior for use in evaluating the eligibility of properties for the National Register of Historic Places. [36 CFR Part 60, 36 CFR § 800.16(r)]

**National Register of Historic Places** Established by the National Historic Preservation Act of 1966 as the official federal list of districts, sites, buildings, structures, and objects of significance in American history, architecture, archaeology, engineering, and culture. [NHPA, 54 U.S.C. § 3021, 300311]

**National Register Nomination Form** A legal document and reference for historical, architectural, and archaeological data upon which protections for listed and eligible properties are founded. [36 CFR § 60.3(i)]

**Native Hawaiian** Any individual who is a descendant of the aboriginal people who, prior to 1778, occupied and exercised sovereignty in the area that now constitutes the State of Hawaii. [NHPA, 54 U.S.C. § 300313; 36 CFR § 800.16(s)(2)]

**NHO** Native Hawaiian organization; any organization which serves and represents the interests of Native Hawaiians; has as a primary and stated purpose the provision of services to Native Hawaiians; and has demonstrated expertise in aspects of historic preservation that are significant to Native Hawaiians. The term includes, but is not limited to, the Office of Hawaiian Affairs of the State of Hawaii and Hui Malama I Na Kupuna O Hawai’i Nei, an organization incorporated under the laws of the State of Hawaii. [NHPA, 54 U.S.C. § 300314; 36 CFR § 800.16(s)(1)]

**NEPA** National Environmental Policy Act (P.L. 91-190, 1970) Establishes national policy to encourage harmony between people and the environment, directs federal agencies to assess the environmental effects of their proposed actions prior to making decisions, and establishes a Council on Environmental Quality within the Executive Office of the President.

**object** A material thing of functional, aesthetic, cultural, historical, or scientific value that may be, by nature or design, movable yet related to a specific setting or environment. [36 CFR § 60.3(j)]

**preservation partners** An informal group of preservation non-governmental organizations and agencies (some of which are represented on the ACHP) with which the ACHP staff shares information and consults on federal preservation policy, legislation, and related issues of mutual concern.<sup>2</sup>

**Preserve America program** Federal initiative that encourages and supports community efforts to preserve and enjoy the nation's priceless cultural and natural heritage. The goals of the program include a greater shared knowledge about the nation's past, strengthened regional identities and local pride, increased local participation in preserving the country's cultural and natural heritage assets, and support for the economic vitality of the nation's communities. Administered by the ACHP and the Departments of the Interior and Agriculture in partnership with the White House (Congress permanently authorized the program in the Omnibus Public Land Management Act of 2009, P.L. 111-11.)

**Preserve America Communities** Communities (including municipalities, counties, neighborhoods in large cities, U.S. territorial jurisdictions, and Indian tribes) that have been formally designated under the Preserve America program in recognition of their efforts to preserve their historic and cultural properties and use them to foster community revitalization, particularly through heritage tourism.

**Preserve America Stewards** Organizations and agencies that have been formally designated under the Preserve America program in recognition of their use of volunteers to care for, preserve, and interpret historic properties.

**Preserve America Grants** Administered by the National Park Service in partnership with the ACHP, this grant program provides funding to designated Preserve America Communities, State Historic Preservation Offices, and Tribal Historic Preservation Offices to support preservation efforts through heritage tourism, education, and historic preservation planning. (While the program remains authorized, Congress has not appropriated funding for the program since FY 2010.)

**preservation** Includes identification, evaluation, recordation, documentation, curation, acquisition, protection, management, rehabilitation, restoration, stabilization, maintenance, research, interpretation, conservation, and education and training regarding the foregoing activities or any combination of the foregoing activities. [NHPA, Section 301 (8)]

**program alternative(s)** Strategies included in the ACHP's regulations which allow federal agencies to tailor the Section 106 process to the needs of specific programs or types of undertakings, and provide the ACHP the flexibility to use comments on a federal program or class of undertakings rather than reviewing and commenting on such undertakings on a case-by-case basis. Program alternatives include Program Comments, Exemptions, Nationwide and Prototype Programmatic Agreements, Standard Treatments, and alternate procedures. [36 CFR § 800.14]

**Programmatic Agreement (PA)** Agreement document that covers specific agency programs or complex or multiple undertakings. Programmatic Agreements may be developed to guide preservation measures for programs administered on a nationwide, regional, statewide, or categorical basis. A Prototype Programmatic Agreement is a type of PA that may be developed as a template or model agreement to address repetitive undertakings that could be addressed by a consistent approach. [36 CFR § 800.14(b), 800.16(t)]

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<sup>2</sup> Current members of the Preservation Partners group include: ACHP; ACHP Foundation; American Cultural Resources Association (ACRA); American Institute of Architects (AIA); Civil War Trust; Cultural Heritage Partners (CHP); National Association of Tribal Historic Preservation Officers (NATHPO); National Conference of State Historic Preservation Officers (NCSHPO); National Park Service (NPS); National Parks Conservation Association (NPCA); National Trust for Historic Preservation; Preservation Action (PA); Society for American Archaeology (SAA); Society for Historical Archaeology (SHA); and U.S. National Committee of the International Council on Monuments and Sites (US/ICOMOS).

**research design** A statement of proposed identification, documentation, investigation, or other treatment of a historic property that identifies the project’s goals, methods and techniques, expected results, and the relationship of the expected results to other proposed activities or treatments. [National Register Bulletin No. 15, “How to Apply the National Register Criteria for Evaluation,” appendix x, p. 53]

**rightsizing** Preservationists and planners have defined “rightsizing” as the process through which legacy cities address significant physical and social changes to undergo a reduction to an optimal size. The term applies to demographic, land use, business activity, and other socioeconomic changes.

**Section 3 Report to the President** Report required by Section 3 of EO 13287 to assess the status of federally owned historic properties, the condition and management needs of those properties, and evaluations of the suitability of those properties to contribute to community economic development initiatives including heritage tourism. Assessments by real property managing agencies are made available to the ACHP and the Secretary of the Interior; based on those, the ACHP then prepares a report for the President every three years.

**Section 106** The section of the National Historic Preservation Act that requires federal agencies to take into account the effects of undertakings on historic properties and afford the Advisory Council on Historic Preservation a reasonable opportunity to comment with regard to the undertaking. [NHPA, 54 U.S.C. § 306108, 36 CFR Part 800]

**Section 110** The section of the National Historic Preservation Act that sets out the broad historic preservation responsibilities of federal agencies and is intended to ensure that historic preservation is fully integrated into the ongoing programs of all federal agencies. [NHPA, 54 U.S.C. Chapter 3061; The Secretary of the Interior’s Standards and Guidelines for Federal Agency Historic Preservation Programs, Introduction]

**SHPO** State Historic Preservation Officer; the official appointed or designated pursuant to Section 101(b)(1) of the National Historic Preservation Act to administer the state historic preservation program, or a representative to act for the State Historic Preservation Officer. [NHPA, 54 U.S.C. Chapter 3023]

**significance** The importance of a historic property as defined by the National Register of Historic Places criteria in one or more areas, such as the history, architecture, archaeology, engineering, or culture of an area. [National Register Bulletin No. 16A, “How to Complete the National Register Registration Form,” appendix IV, p. 3; also based on NRB 15, “How to Apply the National Register Criteria for Evaluation,” p. 7]

**signatories** Those who sign a Memorandum of Agreement or Programmatic Agreement, usually the agency and the SHPO/THPO, and under some circumstances, the ACHP. They have the sole authority to execute, amend, or terminate the agreement. [Based on 36 CFR § 800.6(c)(1)]

**site** The location of a significant event, a prehistoric or historic occupation or activity, or a building or structure, whether standing, ruined, or vanished, where the location itself possesses historic, cultural, or archaeological value regardless of the value of any existing structure. [National Register Bulletin No. 16A, “How to Complete the National Register Registration Form,” appendix IV, p. 3]

**Senior Policy Official (SPO)** Senior policy level official that has policy oversight responsibility for an agency’s historic preservation program [EO 13287, “Preserve America,” § 3(e)]

**standard treatment(s)** Mechanism by which the ACHP can agree to a streamlined process for addressing a category of undertakings, effects, historic properties, or treatment options. This option may modify the application of the normal Section 106 process under certain circumstances or simplify the steps or requirements of the regulations. [See “program alternatives;” 36 CFR § 800.14(d)]

**state** Any state of the United States, the District of Columbia, Puerto Rico, Guam, American Samoa, the Virgin Islands, the Northern Mariana Islands, the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau. [NHPA, 54 U.S.C. § 300317]

**structure** A construction made for purposes other than creating shelter, such as a bridge. [National Register Bulletin No. 16A, “How to Complete the National Register Registration Form,” appendix IV, p. 4]

**sustainability** The ACHP supports the work of communities to create sustainable and resilient communities where historic properties are used as assets for promoting energy efficiency and community livability. Preserving historic buildings almost always offers environmental and energy savings over demolition and new construction. Reinvestment in historic districts and communities also promotes reuse of existing infrastructure and supports areas that generally are walkable and have good transit access options.

**termination of consultation** When the Advisory Council on Historic Preservation, the federal agency, the State Historic Preservation Officer/Tribal Historic Preservation Officer, or the officially designated tribal representative determines that further consultation will not be productive and ends consultation by notifying the other consulting parties and providing, in writing, the reasons for ending consultation. [36 CFR § 800.7(a)]

**termination of an MOA/PA** When a signatory to the agreement ends the agreement after determining that its terms cannot be carried out and consulting unsuccessfully with other signatories to amend the agreement. [36 CFR § 800.6(c)(8)]

**THPO** Tribal Historic Preservation Officer; the tribal official, designated by a tribal ordinance or preservation program, who has assumed the responsibilities of the SHPO for purposes of Section 106 compliance on tribal lands in accordance with the National Historic Preservation Act. [NHPA, 54 U.S.C. Chapter 3027]

**tribal lands** All lands within the exterior boundaries of any Indian reservation and all dependent Indian communities. [NHPA, 54 U.S.C. § 300319]

**undertaking** A project, activity, or program funded in whole or in part under the direct or indirect jurisdiction of a federal agency, including those carried out by or on behalf of a federal agency; those carried out with federal financial assistance; and those requiring a federal permit, license, or approval. Undertakings that may affect historic properties trigger Section 106 review. [36 CFR § 800.16(y)]