



COMMITTEE CONFERENCE CALL REPORT February 2022

PRESERVATION INITIATIVES COMMITTEE CALL SUMMARY

Committee Chairman Rick Gonzalez convened the call on February 15, 2022.

Legislation

Dru Null led the group through a discussion of three bills that the committee might wish to discuss further at the March business meeting. The first, the Historic Preservation Enhancement Act, would permanently reauthorize the Historic Preservation Fund (HPF) and provide full funding at an increased \$300 million annually. The bill was introduced by Rep. Teresa Leger Fernández, a former ACHP vice chairman. Erik Hein (NCSHPO) said Sen. Martin Heinrich will be introducing a companion bill in the Senate soon. John Finley asked if there was any possible downside to supporting the bill at this time. Shaw Sprague (NTHP) said while the ask is ambitious, the timing is right. It will require a long-term investment in education to cultivate broad support in Congress. Mr. Hein noted that the current reauthorization expires in 2023, and that failure to advance the bill in this Congress would necessitate starting over in a potentially weaker position in the next Congress. Vice Chairman Jordan Tannenbaum agreed that the timing was right for addressing the bill.

Acting Executive Director Reid Nelson pointed out that there may eventually be insufficient offshore oil and gas revenues to fund the HPF because of the shift to nonfossil fuels. Mr. Hein indicated that the National Conference of State Historic Preservation Officers (NCSHPO) has considered the funding source's potential limitations. During drafting of the bill, the House Natural Resources Committee staff included language that provides for any unmet balance to be taken from the general treasury. Ann Walker (Preserve America Youth Summit) noted the importance of increasing HPF funding given the expected increases in workload for State Historic Preservation Offices (SHPOs) and Tribal Historic Preservation Offices (THPOs), particularly due to infrastructure spending. Ramona Bartos (NCSHPO) stressed that the biggest risk at this point is to do nothing. The committee consensus was that the members would like to further discuss the bill at the March committee meeting and will consider advancing a motion of support for the bill at the business meeting.

The discussion then turned to the Yes In My Backyard (YIMBY) Act, which would require communities receiving Community Development Block Grant (CDBG) funding to report to the Department of Housing and Urban Development (HUD) on their progress toward implementing specified land use policies to remove barriers to affordable housing. Ms. Null reviewed earlier successful efforts of the ACHP, NCSHPO, and the National Trust for Historic Preservation (NTHP) to change the language of the bill to present historic preservation in a more positive light than originally portrayed. However, as first discussed at the December 2021 committee meeting, the NTHP and NCSHPO have reservations about the ACHP supporting the bill at this time.

Mr. Sprague and Mr. Hein recently met with the National Preservation Partners Network and got helpful feedback on the bill. Since the bill focuses on removing barriers and discriminatory land use policies, the

fact that historic preservation is even mentioned in the bill is problematic. Also, the YIMBY movement in some communities is working against historic preservation, even seeking to do away with historic districts they see as discriminatory. Mr. Finley noted that if the ACHP does not “owe” support for the bill because of its involvement in its redrafting, we need not support a bill that may still be based on the premise that historic preservation is the enemy of affordable housing.

Vice Chairman Tannenbaum stressed that affordable housing is a major issue for the future, and that the preservation community needs a strategy. Ms. Bartos advised focusing on incentives, solutions, and partnerships. Stephanie Paul (NAPC) said the National Alliance of Preservation Commissions is developing a toolkit for local commissions to facilitate effective communication on these issues. Nancy Boone (HUD) reminded the group that the ACHP previously considered setting up a task force on preservation and affordable housing, and that the need is still there. Ms. Boone and Mr. Sprague emphasized the importance of working proactively on affordable housing, including influencing local policy through CDBG funds.

Ms. Null confirmed that there is no pressing reason pushing the ACHP to take a position on the bill at this time. The committee consensus was to table further discussion, monitor the proposed bill, and revisit the need to comment if there is movement or new concerns emerge.

The last bill discussed was the Semiquincentennial Commemorative Coin Act. Proceeds from commemorative coins authorized by this bill would fund restoration, rehabilitation, and interpretation of National Park units and related areas. The ACHP is a signatory of a cooperative Memorandum of Understanding with the U.S. Semiquincentennial Commission. Vice Chairman Tannenbaum noted that this bill is a win-win since costs are born by the U.S. Mint and there are substantial profits derived from the sales of commemorative coins. The money raised is unrestricted and at no cost to the recipient.

Ms. Walker noted that “related areas” is not defined and could be broadened to support non-park-related properties, such as National Historic Landmarks (NHLs). Caroline Henry (DOI) pointed out that most NHLs are privately owned, however, which would pose a problem. Ms. Null suggested the possibility that National Heritage Areas could receive proceeds since they each have a local coordinating entity that presumably could receive the funds. The committee consensus was that the members would like to further discuss the bill at the March committee meeting and will consider advancing a motion of support for the bill at the business meeting.

Climate Change

Ms. Null reported that the Climate Change and Historic Preservation Task Force met twice, and a third meeting is scheduled for March 23. An emerging topic of discussion is whether the ACHP should provide guidance, webinars, etc., and for what audiences. The Task Force heard a report of the ACHP’s recent convening of Federal Preservation Officers (FPOs), where the upcoming buildout of clean energy infrastructure and issues of staff capacity for agencies, SHPOs, and THPOs was discussed. Mr. Nelson noted that the ACHP’s previous guidance on paying consulting parties should be recirculated. Vice Chairman Tannenbaum expressed his support for ACHP guidance on how to deal with climate change in the Section 106 process. Vice Chairman Tanenbaum and Reno Franklin will be meeting with Bryan Newland, Department of the Interior Assistant Secretary for Indian Affairs, in advance of the next Task Force meeting. Vice Chairman Tannenbaum also will be attending the March 4 meeting of the America the Beautiful Interagency Working Group. He will be presenting a summary of the key points raised at the ACHP listening sessions from December on America the Beautiful and cultural resources.

Internship Program

Judy Rodenstein gave an update on the status of the ACHP internship program. A record number of applications for summer internships have been received (117). Additional outreach was done to HBCUs

and through Latinos in Heritage Conservation, which has had a positive impact. The ACHP continues to explore ways to diversify participation in ACHP internships. Appreciation was expressed to the ACHP Foundation for their financial support of the summer internships.

NATIVE AMERICAN AFFAIRS COMMITTEE CALL SUMMARY

Committee Chairman Reno Franklin convened the call on February 16, 2022. He skipped general introductions due to the high number of participants (36), but welcomed Gretchen Goldman (Office of Science, Technology and Policy) and Sommer Engels (Council on Environmental Quality) who would be presenting during the committee meeting.

Working Effectively with American Indian and Alaska Native Tribal Governments

Chairman Franklin shared the forthcoming release of an interagency training between the ACHP, Department of the Interior's Office of the Assistant Secretary–Indian Affairs and the Department of Justice National Advocacy Center designed to help federal employees develop an understanding and awareness of tribal issues, the unique status of Indian tribes and their historical relationship with the federal government, and federal responsibilities to tribes.

Office of Native American Affairs (ONAA) staff provided an update on the history of this training module including its background, content, major proposed changes, expected release date, and opportunities to accommodate future changes to it. Mr. Nelson noted that prior iterations of this training were well attended and expected the same for this version. He noted that ACHP staff will be required to complete this updated training.

Chairman Franklin said he recalled Traditional Knowledge (TK) being a topic that should have been included in prior versions. He noted that the ACHP has the opportunity to talk about TK in these trainings to show federal agencies how to better understand and engage with Indian tribes on TK. Shasta Gaughen (NATHPO) followed up noting that TK is different to every tribal citizen and that there will never be a definitive answer of what TK is. Vice Chairman Tannenbaum wanted discussions on TK to be global and cited a World Bank study that identified less than 5 percent of the world's population as indigenous but that this indigenous population was safeguarding 80 percent of the remaining biodiversity. He asked for TK to be linked with climate change.

Chairman Franklin asked how the training should be shared. Alicia Sylvester (DoD) commented that this level of training would be particularly useful for contractors. Mr. Nelson followed by saying that the ACHP will do the biggest splash possible on social media, through ACHP website links, and with a press release and sees value in assuring that anyone who has an interest can take this training.

Valerie Grussing (NATHPO) continued the discussion on TK by noting how the validity of TK as an independent way of knowing is important to emphasize. Dr. Grussing cited a 9th Circuit case that undermined the validity of TK in federal decision making and wants to see policy developed that can validate TK as its own line of evidence. Katherine Slick (ACHP Foundation) noted that it would be unfortunate to drop emphasis on the term "indigenous" as it can assure that the term TK is not misused by other non-indigenous people.

Chairman Franklin said he wants a larger and separate training on TK in addition to including reference to it in the current training.

Indigenous Traditional Ecological Knowledge (ITEK) working group and federal guidance

During the 2021 Tribal Nations Summit, President Joe Biden announced a [memo](#) that recognizes ITEK as one of the many important bodies of knowledge that contributes to the scientific, technical, social, and

economic advancements of the United States. Dr. Goldman and Ms. Engels presented on the ITEK working group and the development of federal guidance per the memo. Dr. Goldman clarified that the White House developed this memo at the request of tribal leaders.

The ITEK working group includes representation of more than 25 agencies, and they intend to complete the guidance document in 2022. Consultation with Indian tribes will occur throughout the development of the guidance; opportunities for input from the public and other experts will also be provided. The guidance document is expected to include the following:

- Best practices on how to collaborate with tribal nations and Native communities around the application of ITEK and how to achieve beneficial outcomes.
- How to address government-wide challenges around ITEK, such as navigating federal laws and interagency processes.
- How to appropriately respect the knowledge holders' rights to decline participation in efforts to collaborate.

Dr. Goldman offered the following questions:

- What challenges have you observed around Indigenous Knowledge in federal agency contexts?
- Are there specific federal laws or processes that create challenges around Indigenous Knowledge?
- What should White House-led guidance focus on?

Chairman Franklin shared that more and quicker engagement with Indian tribes and Native Hawaiians is important for this to be successful. He also urged OSTP and CEQ to have multiple conversations so Indian tribes and Native Hawaiians have an opportunity to think about the request and develop a response. Chairman Franklin noted that he would like to see emergency response considered within the guidance and referenced challenges with accessing cultural site locations and integrating ITEK into resource management and restoration work post-wildfire.

Vice Chairman Tannenbaum inquired about the extent to which ITEK would be integrated into the National Environmental Policy Act (NEPA) regulations from parts 1500-1508. Ms. Engels responded that CEQ is considering ways to align NEPA with the forthcoming guidance but was unable to share more at this time.

Dr. Gaughen clarified that consultation is key to developing a successful document, but if guidance is not being integrated into decision making, that is a problem. Dr. Gaughen shared examples where a disconnect exists between the western view of "significance" and that of Indian tribes. She further inquired about how to create "teeth" in the document so it has substantive mechanisms that could help protect sites. She asked for more respect when tribes have issues that conflict with other values such as clean energy.

Ms. Sylvester asked that fiscal mechanisms be developed to allow agencies to compensate traditional knowledge holders as Subject Matter Experts. Chairman Franklin noted that today's meeting started the process for what should be in an ACHP Policy on Traditional Knowledge and closed the meeting by asking members to be prepared to discuss this further during the next committee meeting.

FEDERAL AGENCY PROGRAMS COMMITTEE CALL SUMMARY

Committee Chairman Jay Vogt called the meeting to order on February 17, 2022, welcomed participants, and reviewed the agenda, noting that the committee's last meeting in December included a discussion about the Infrastructure Investment and Jobs Act (IIJA) that also informed the three parts of the main agenda item for this meeting.

Infrastructure Updates

The Office of Federal Agency Programs (OFAP) convened a Zoom meeting with FPOs on January 20 to hear about their program priorities and concerns related to Section 106 reviews and programs under the IJA. Mr. Nelson noted it had been more than a year since the last ACHP outreach effort to FPOs and that he would like to see more regular dialogue with FPOs. OFAP met with FPOs first on the topic of Section 106 impacts from the IJA in order to understand their main concerns related to Section 106 reviews for programs funded under the act and to learn about agency plans and assistance they might request in developing strategies to carry out required reviews. One thing the ACHP staff heard was the FPOs' concern that even now may be too late to start developing a program alternative to advance parts of the bill in light of agency timelines. Another approach agencies are using to manage workload is to pursue program alternatives to reduce reviews for smaller, recurring activities with less preservation impact in order to make time for agency staff to concentrate on case-by-case consultation for larger infrastructure projects.

Mr. Nelson remarked on the meeting as an example of the benefits of ACHP-FPO interaction. He noted the importance of continuing and developing that dialogue in cooperation with the National Park Service (NPS), which also plays a role in advising FPOs on elements of their agency preservation programs. Jeff Durbin (NPS) commented that the NPS is not meeting with FPOs regularly at this point at their request to have FPO-only conversations, as well as the departure of staff members who coordinated FPO meetings in the past.

Federal Preservation Officer meeting report and follow-up activities

Blythe Semmer, Assistant Director for Special Initiatives, gave a report on the FPO meeting. At least 39 agency representatives attended the meeting to share information about agency program priorities and anticipated Section 106 impacts from projects and programs included in the IJA. The discussion included agency interest in program alternatives with an emphasis on how interagency coordination could contribute to successful program alternatives that share benefits across multiple agencies where Section 106 concerns are similar. The agenda also touched on anticipated training and guidance needs and how agencies interact with and provide information to applicants for infrastructure assistance programs. Finally, all participants acknowledged the challenges with review capacity at the federal, state, tribal, and local levels and how staffing is a shared concern. FPOs expressed a desire for the ACHP to play a larger role in convening federal agencies and Section 106 stakeholders to develop strategies to handle the reviews anticipated to be generated by IJA programs, including strategies other than program alternatives.

To follow up on the issues raised during the FPO meeting, OFAP staff plans to host topical interagency conversations around projects of shared concern, such as land management climate response activities and electric vehicle infrastructure; commit to continued exploration of strategies for building staff capacity for cultural resources and preservation work within federal agencies as well as SHPOs and Indian tribes; release additional training and guidance on relevant topics such as coordination of Section 106 and Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) reviews and Program Comment development; and undertaking an internal review of the ACHP's applicant-focused technical assistance materials. The ACHP also anticipates convening a similar conversation with SHPOs and THPOs in the near future, a topic that received additional discussion later in the committee agenda.

Mr. Nelson asked any FPOs who participated in the call to offer observations. Vice Chairman Tannenbaum asked about communities receiving CDBG money and whether HUD is taking a role in distributing information about Section 106 reviews for these projects. Ms. Boone explained that the agency is concerned with both the capacity of local government responsible entities (REs) that receive CDBG grants and are responsible for conducting Section 106 reviews as well as of SHPOs who may experience challenges in handling many smaller projects that do not tend to pose threats to historic

properties but can be time consuming. HUD is working with six states on a statewide Programmatic Agreement to reduce the review burden for routine activities that have little or no effect on historic properties. HUD is also requesting increased qualified staff in the regions, since REs turn to regional staff for advice on Section 106 requirements and how to approach planning at the local level and project selection. HUD is also ramping up training in anticipation of the review workload.

Chairman Vogt asked for suggestions from the committee on other follow-up activities, and none were mentioned.

Multi-agency program alternative development efforts and ACHP coordination

Several federal agencies are considering how Programmatic Agreements, Program Comments, and other program alternatives could be of use in their Section 106 responsibilities. Chairman Vogt asked Mr. Nelson to report on the ACHP's strategy for coordinating program alternative development efforts where multiple agencies could benefit.

Mr. Nelson observed that the ACHP needs to be strategic in looking at compliance challenges that multiple agencies are facing, and/or that SHPOs/THPOs are facing, to make decisions about where the staff places priorities and energy. Program alternatives may not be the best or only solution. The ACHP is encouraging agencies to take stock of compliance mechanisms already in place and determine whether existing program alternatives could be used to address programs in the IJA or whether they might be expanded. The ACHP would rather consider amending or expanding an existing program alternative than creating a new one. The ACHP also has limited resources to use in developing program alternatives and to support multiple agencies at any given time. An additional limitation is member capacity in terms of the number of Program Comments the ACHP could shepherd through member review at any given time. The message to agencies is not to stop developing program alternatives, but to consider resource challenges and be strategic in planning.

The topic also relates to concerns about how staff capacity can affect review efficiency. Mr. Nelson noted federal agencies and the ACHP should also consider what can be done to support SHPOs/THPOs. As an example, the Bureau of Ocean Energy Management (BOEM) is exploring its ability to support THPOs on a project basis in the Northeast, where several offshore wind projects are under development. Dr. Grussing mentioned a BOEM example on the west coast, where the National Association of Tribal Historic Preservation Officers has been involved in the development of a traditional cultural landscape project model. The example illustrates the role nonprofits play in creative solutions.

Jaime Loichinger, Assistant Director for Federal Permitting, Licensing, and Assistance, briefed the committee on a plan to develop a Section 106 exemption for electric vehicle (EV) charging stations. While the Department of Homeland Security (DHS) had initially proposed a larger solution, the program alternative approach was changed to focus on the EV issue, since it affects more agencies. The discussion is in its early stages, and staff is working with DHS and a workgroup of other FPOs to consider questions such as under what conditions would charging stations be installed, how would they be built, and how might there be a no adverse effect finding? Jen Hass (DHS) thanked the ACHP for making this effort a priority and reaffirmed DHS's commitment for consultation and collaboration with other agencies. The proposal will be discussed further at the March business meeting.

Planning for SHPO/THPO meetings regarding the IJA

Chairman Vogt noted it is important that the ACHP's response to Section 106 workload challenges is informed by the experiences of SHPOs and THPOs. The staff is planning a similar conversation with them about the anticipated effects of IJA programs as the one held with FPOs. Using the agenda for the FPO meeting as a point of departure, committee members were asked for input on what topics should be highlighted in a SHPO/THPO meeting.

Ms. Bartos noted that money appears to be everywhere and is being spent on everything as federal funds pass to states. It is important to understand recipient challenges in spending the money, and the ACHP should work with federal agencies to help recipients understand what happens in Section 106 and the best points of contact at SHPOs. Smaller agencies struggle with working with applicants/funding recipients and may need assistance in helping them navigate the system. Dr. Gaughen said money is not being earmarked for SHPOs/THPOs to ensure projects are not negatively impacting historic resources. She asked how can some of those resources get to the THPOs to help them participate. While some grant opportunities are available for Indian tribes, there is nothing for cultural resources work. Dr. Grussing added that THPOs wear many hats and vary in size. Having enough staff to handle review requests is important, because if THPOs simply have too much incoming work to respond within a certain timeframe, it could be misperceived as nonresponse. Besides funding, it is worth considering what training and information they need to participate.

David Clarke (FHWA) noted in the chat that one topic for the upcoming meeting could be to ask SHPOs/THPOs to share their experiences with federally funded liaisons in their agencies, as the Federal Highway Administration (FHWA) has enabled in several cases. Sharyn Lacombe (FTA) also added in the chat that the Federal Transit Administration tribal transit program allows for the use of grant funding. Vice Chairman Tannenbaum asked whether the National Alliance of Preservation Commissions could play a role given the large number of local governments with whom they work.

Mr. Nelson said the ACHP will definitely talk about helping SHPOs/THPOs access assistance and any challenges in getting needed support. The ACHP worked on guidance on providing assistance to SHPOs/THPOs and other consulting parties about seven years ago. A related question is what happens when you have money but no one to hire? Another issue is being able to find enough qualified professionals.

Dr. Gaughen requested that the meeting not be a one-event opportunity for input given the constraints on THPOs' time. While the ACHP plans another Zoom-format teleconference, it can be part of a longer period of gathering information on this topic, and the ACHP staff welcomes suggestions for how to best involve SHPOs and THPOs. Dr. Semmer said that the committee's feedback will inform the plans to be made in consultation with SHPO and THPO partners, and that staff will share more information at the March committee meeting.

Updates

The ACHP made job offers to candidates to fill the Army Liaison and Department of Veterans Affairs (VA) Liaison positions. Rachael Mangum, Army Liaison, is transitioning to a Program Analyst position in OFAP's Permitting, Licensing, and Assistance Section. Angela McArdle, former VA Liaison, recently took a position with VA. Announcements about hires for these vacancies are expected in March.

OFAP staff is completing internal preparation steps for a revised flow chart and related guidance information on Program Comment development in fulfillment of the recommendations of the Program Comment Review Panel. New information will be posted on the website.

COMMUNICATIONS, EDUCATION, AND OUTREACH COMMITTEE

Chairman Luke Nichter called the Zoom committee meeting to order on February 18, 2022, and had attendees introduce themselves. He began the discussion about webinars reminding members that the 2022 season has begun. There was a good turnout for the first topic of careers in historic preservation. Lynne Richmond gave an overview of the upcoming topics and encouraged members to pass the links along to anyone who would be interested in attending. Chairman Nichter said staff is always looking for new ways to reach students and new topics. There was also discussion of expanding the number of

webinars offered. Vice Chairman Tannenbaum said he was happy to see that students did not always realize that what they are passionate about could be an area where they could have a job someday. ACHP intern Jonathan Gloria, who has worked on the webinar project for his full internship, said there was a great variety of students' fields of study and a lot of international students who tuned in for the webinar.

Mr. Nelson suggested sharing the recorded webinars on the web and with future audiences. Ms. Henry suggested reaching out to high school students as an audience for these webinars. Ms. Walker agreed that high school seniors are looking for things that interest them; as well, graduate students in certificate programs in historic preservation are looking for extra content. She suggested for the upcoming webinar on climate change and historic preservation that forest fires be one of the topics of discussion. Chairman Nichter suggested the possibility of sharing the links of the recorded webinars with high schools.

Media Outreach

Chairman Nichter said following up on Vice Chairman Tannenbaum's excellent interview on C-SPAN, he was pondering what to propose next to the network. He said one thing that makes C-SPAN stand out is its engagement with viewers. He said offering the ACHP leadership as part of a call-in show could be the next proposal. Mr. Gonzalez said it was a great idea, and Mr. Nelson suggested locations that were part of Section 106 review would be good candidates for topics. He suggested a panel of ACHP members to be part of the Q&A would be good. Ms. Slick said a federal agency could be a panel member if there is talk about Section 106 cases. Dr. Gaughen suggested having THPOs involved. Mr. Gonzalez said the ACHP should make an aggressive effort to get young people involved, too.

Podcasts

Ms. Richmond said currently the Preservation Perspectives podcast is a video interview series, but she would like for it to become a "traditional podcast" that would have a distinct schedule and be audio-only. She noted iTunes will highlight podcasts if they are on a regular schedule. She intends to hire another Virtual Student Federal Service intern or two to take the project to the next level. Ms. Slick cautioned that having a weekly podcast would be a lot of work for such a small staff. Ms. Richmond said she anticipated being able to accommodate weekly releases.

Chairman Nichter said the current slate of podcasts have dealt with many complex subjects. Perhaps a new batch could break it down into shorter pieces. Ms. Slick suggested having Chairman-Nominee Sara Bronin be introduced in the podcasts or make it a signature series for her preservation interests.

University Project

Susan Glimcher discussed the new project the ACHP has with the U.S. Forest Service for this coming summer. Lincoln University, a Historically Black College/University, in southeastern Pennsylvania will send anthropology students to the intensive five-week project with hands-on work at Grey Towers (Pennsylvania) and Monongahela National Forest (West Virginia) and time in Washington, D.C., getting behind-the-scenes tours at important historic sites. Doug Stephens (USDA) thanked the ACHP for coming to him with this project, and when he went to ask for funding from his superiors, it was an easy sell. He said he hopes this becomes a tradition.

Awards

Patricia Knoll gave an overview of the new time schedule for the ACHP-HUD Secretary's Award for Excellence in Historic Preservation. She said the team will be moving the award presentation to coincide with the summer ACHP business meeting rather than at the fall meeting. There will be no award presented in 2022, but in 2023, two awards will be given. Ms. Knoll said the jurors always wish they could support smaller projects, and maybe this is the time to have two categories for entries.