



# ADVISORY COUNCIL ON HISTORIC PRESERVATION SUMMER BUSINESS MEETING

JUNE 29, 2022



## **TABLE OF CONTENTS SUMMER BUSINESS MEETING**

Provisional Agenda

Annotated Agenda

Climate Change and Historic Preservation

Cultural Resources Workforce Development

Core Competencies and Youth Engagement

Traditional Knowledge Policy Statement Development (Office of Native American Affairs)

Development of a Traditional Knowledge Policy Statement (Office of Federal Agency Programs)

Updates to the ACHP's Policy Statement Regarding Treatment of Burial Sites, Human Remains, and Funerary Objects

*Attachment:* ACHP Letter on Federal Indian Boarding School Initiative

Proposed Electric Vehicle Supply Equipment Exemption

Proposed ACHP Action on Pending Legislation



**MEETING**  
**ADVISORY COUNCIL ON HISTORIC PRESERVATION**  
**June 29, 2022**

**Meeting via Zoom**

Zoom meeting instructions will be sent in a separate email.

In order to join in, please make sure you are registered by following the instructions in the email message.

**PROVISIONAL AGENDA**

**Call to Order 1:30 p.m. EDT**

- I. Vice Chairman's Welcome and Report
- II. Acting Executive Director's Report
- III. Climate Change and Historic Preservation Task Force
- IV. Cultural Resources Workforce Development
- V. Native American Affairs
  - A. Establishing ACHP Policy Statement on Traditional Knowledge in Section 106 Reviews
  - B. Updating ACHP Policy Statement on Burial Sites, Human Remains, and Funerary Objects
  - C. Other Reports
- VI. Section 106
  - A. Electric Vehicle Supply Equipment Exemption
  - B. Program Alternatives Update
  - C. Other Reports
- VII. Historic Preservation Policy and Programs
  - A. Legislation
  - B. Other Reports
- VIII. Communications, Education, and Outreach
  - A. Core Competencies and Youth Engagement
  - B. Other Reports
- IX. New Business
- X. Adjourn



**MEETING**  
**ADVISORY COUNCIL ON HISTORIC PRESERVATION**  
**ANNOTATED AGENDA**

- I. Vice Chairman's Welcome and Report. *Vice Chairman Jordan Tannenbaum will provide highlights of his recent activities on the ACHP's priorities and the status of the executive director position.*
- II. Acting Executive Director's Report. *Acting Executive Director Reid Nelson will introduce the ACHP's new interns, report on personnel and recruitment, and provide an update on office reopening.*
- III. Climate Change and Historic Preservation Task Force. *Vice Chairman Tannenbaum will provide a summary of recent Task Force and America the Beautiful meetings and future plans for addressing key issues relating to climate change and historic preservation. No action.*
- IV. Cultural Resources Workforce Development. *Christine Harada, Executive Director of the Federal Permitting Improvement Steering Council, and Shawn Patch, Vice President of Government Relations, American Cultural Resources Association, will share their perspectives on challenges federal and nonfederal stakeholders are experiencing in identifying adequate staff resources to support and carry out Section 106 reviews. Members will be asked to identify steps the ACHP can take to assist in preparing a cultural resources workforce to meet current demands.*
- V. Native American Affairs
  - A. Establishing ACHP Policy Statement on Traditional Knowledge in Section 106 Reviews. *Native American Affairs Committee Chairman Reno Franklin will provide a summary of the committee's recommendations on developing a policy statement on Section 106 and Traditional Knowledge. Members will be asked to provide their views on the establishment of such a policy statement. No action.*
  - B. Updating ACHP Policy Statement on Burial Sites, Human Remains, and Funerary Objects. *Committee Chairman Franklin will provide a summary of the committee's recommendations on updating the ACHP's current policy statement on Burial Sites, Human Remains, and Funerary Objects. No action.*
  - C. Other Reports. *This will provide an opportunity for additional reports related to Native American Affairs.*
- VI. Section 106
  - A. Electric Vehicle Supply Equipment Exemption. *Federal Agency Programs Committee Chairman Jay Vogt and Assistant Director Jaime Loichinger will provide an update on the ACHP's efforts to develop an exemption for Electric Vehicle Supply Equipment. No action.*

ADVISORY COUNCIL ON HISTORIC PRESERVATION

401 F Street NW, Suite 308 • Washington, DC 20001-2637  
Phone: 202-517-0200 • Fax: 202-517-6381 • [achp@achp.gov](mailto:achp@achp.gov) • [www.achp.gov](http://www.achp.gov)

- B. Program Alternatives Update. *Committee Chairman Vogt will update the members on the development of program alternatives. No action.*
- C. Other Reports. *This will provide an opportunity for additional reports related to Section 106.*

VII. Historic Preservation Policy and Programs

- A. Legislation. *Committee Chairman Rick Gonzalez will report on the committee's review and consideration of several bills with historic preservation implications. Possible action.*
- B. Other Reports. *This will provide an opportunity for additional reports related to historic preservation policy and programs.*

VIII. Communications, Education, and Outreach

- A. Core Competencies and Youth Engagement. *Communications, Education, and Outreach Committee Chairman Luke Nichter will summarize the committee's discussion and recommendations on establishing core competencies for historic preservation professionals who support or carry out Section 106 reviews. No action.*
- B. Other Reports. *This will provide an opportunity for additional reports on communications, education, and outreach issues.*

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

X. Adjourn. *The meeting will adjourn by 4:30 p.m. EDT*



## CLIMATE CHANGE AND HISTORIC PRESERVATION Office of Preservation Initiatives

The Climate Change and Historic Preservation Task Force met on May 23. Key highlights of the meeting are provided below.

***Strategy for Training and Outreach.*** The Task Force focused its discussion on the importance of raising public consciousness about the impact of climate change on historic properties and also the need to educate the federal workforce. The group reviewed the following proposed outreach strategy that staff had developed.

- **General Webinars.** The ACHP can take advantage of opportunities to enhance climate change discussions in its general outreach programming. Climate change already has been a featured topic in the ACHP’s “Preserve the Past, Build for the Future” webinar series for college students. Staff can work to identify opportunities for featuring climate change topics in other presentations.
- **Federal Agency Training and Guidance.** The ACHP can seek to leverage climate change training or information being developed by ACHP federal agency members. The ACHP can offer to collaborate with agencies to provide content regarding climate change and historic properties for inclusion in agency training and/or guidance.
- **Section 106 Training Courses.** The ACHP can include climate change issues in the case studies of the ACHP’s Section 106 training courses. When course content is being refreshed, staff can work climate change examples into case study material. The ACHP will canvas federal agencies—starting with Task Force members—to help identify examples for possible inclusion.
- **Potential ACCO Training Course.** The Association of Climate Change Officers (ACCO) runs a [suite of training courses](#). The ACHP can approach ACCO regarding the idea of creating a course on climate change and cultural resources. ACCO describes its courses as being developed “through a consensus process involving a cross disciplinary group of practitioners.” Each course description reflects this by listing 10+ “course architects” – the subject matter experts that helped ACCO develop the course. Some of these experts apparently also serve as instructors for the course. Subject matter experts generally appear to include representatives from federal, state, and local governments, industry, and academia. The ACHP could offer both to participate in and to assemble the needed group of subject matter experts for creation of an ACCO course on climate change and cultural resources.

The Task Force expressed support for the proposed strategy and particularly emphasized the need to be proactive in outreach to the general public. Representatives of the Department of Transportation (DOT) and Department of Homeland Security (DHS) both reported that they are working on climate change training and outreach, and indicated they would be interested in discussing these efforts further with the ACHP.

Staff is moving forward to implement the outreach strategy and has already undertaken the following actions:

- Created a new social media campaign called “Climate Spotlight.” Every two weeks, the ACHP will feature a post across its social media platforms about climate change and historic properties. Some will feature timely news while others will highlight existing websites and guidance. Links to the latter already are provided on the ACHP’s climate change and sustainability web pages, but now will be further publicized via social media.
- Followed up with DOT and DHS, beginning discussions regarding their climate change training.
- Met with a representative of ACCO regarding the idea of developing a course on climate change and historic preservation. ACCO’s initial response was encouraging, and further discussions are planned.

***Updates on Several Ongoing Initiatives.*** The ACHP’s [\*Climate Impacts to Tribal and Native Hawaiian Historic Properties: Plan for ACHP Actions\*](#) remains under development and has been updated to respond to listening sessions which took place in March. The ACHP also continues its active involvement in the work of the Climate Adaptation Subcommittee of the White House Council on Native America Affairs. Regarding the proposed electric vehicle supply equipment Section 106 exemption, consultation is underway. (For more information, see the Proposed Electric Vehicle Supply Equipment Exemption paper in this tab.) Vice Chairman Jordan Tannenbaum will be attending the next meeting of the America the Beautiful Interagency Working Group on June 23. The initiative recently launched a new program called the [\*America the Beautiful Challenge\*](#), which is intended to enhance and streamline applications for conservation and restoration projects by consolidating federal funding from several agencies and leveraging the funds to raise private dollars.

***Action Needed.*** This summary provides an update on climate change work at the ACHP. No action is needed at this time.

*June 17, 2022*



## CULTURAL RESOURCES WORKFORCE DEVELOPMENT

**Background.** Passage of the recent Bipartisan Infrastructure Law (BIL) has generated concerns and discussion among federal agencies, State Historic Preservation Officers (SHPOs), Indian tribes, and other stakeholders about potential Section 106 workload increases regarding new and expanded infrastructure programs funded by the legislation. At the same time, a generational transition among preservation and cultural resources professionals is highlighting the importance of developing a diverse workforce that reflects the country's demographics and is positioned to help all Americans document, interpret, and protect historic places that are meaningful to them. Maintaining the federal government's leadership role in nationwide preservation programs in the National Historic Preservation Act (NHPA) depends in part upon ensuring that qualified professionals are in place to carry out federal agency responsibilities in the law and associated regulations.

ACHP committees, including Federal Agency Programs and Communications, Education and Outreach, have had recent discussions about properly staffing the immediate workload that may result from increased infrastructure investment, increasing diversity within the preservation and cultural resources field, and attracting young people to careers involving history, preservation, cultural resources management, and related fields. Members have brought up concerns about federal recruiting and the challenges of maintaining a qualified workforce for cultural resources and preservation positions. Members have also recognized, through the 2020 [\*Policy Statement on Promotion and Value of Traditional Trades Training\*](#), that workforce needs in the preservation field are not limited to positions requiring college and graduate degrees. Similar pressures exist for skilled preservation craft workers.

The breadth of these interests ranges from building awareness of preservation at the secondary education level to providing timely professional development for professionals working in federal positions carrying out an agency's NHPA responsibilities. It encompasses both academic and trades training as well as federal recruitment and hiring practices. While ACHP member expertise can inform preservation education, training, and workforce development issues at multiple levels, the current pressures on finding candidates with the skills to take on federal agency cultural resources work for current and near-term projects focuses the following discussion on job preparation and recruitment.

**Discussion.** In responding to workload concerns generated by the BIL and other federal efforts to upgrade the nation's infrastructure, the ACHP's challenge is considering where the agency may serve a useful role as a convener or advance model programs that help sustain a workforce capable of serving 21st century preservation needs over the long term while also helping federal agencies address present challenges in finding qualified professionals to carry out effective Section 106 reviews. It may be helpful to consider the ACHP's potential involvement in relationship to different phases of career preparation. Members should consider what role the ACHP can effectively play in each of the following areas:

- **Building awareness** of employment opportunities within federal agencies and programs in preservation and cultural resources among university and graduate-level students about to enter the job market.

- **Career Preparation:**
  - For students pursuing academic training in preservation, cultural resources management, and related fields, suggesting **core competencies** that organizations, agencies, and educators might refer to regarding the skills and practical job preparation needed to work with federal programs, whether gained through coursework, professional training, or experiential learning like internships. A detailed discussion on this subject will take place in the Communications, Education, and Outreach Committee meeting.
  - **Broadening and recognizing the role of preservation training** to include apprenticeship, on-the-job, and skills-focused approaches to open employment opportunities to those with skills and/or experience who may lack an academic degree in an area currently recognized by professional qualifications standards and to meet the need for preservation trades training. This could include both trades training as well as traditional expertise for tribal and Native Hawaiian practitioners.
  - **Reconsidering recruitment strategies** if federal agencies do not find adequate numbers of qualified applicants.
- **Professional development:**
  - Helping the current federal preservation workforce keep pace with evolving modes of preservation and cultural resources practice to develop a new generation of federal agency cultural resources leaders.

Challenges federal agencies are identifying in recruiting qualified professionals to assist with environmental reviews have been acknowledged in connection with the BIL more broadly. For example, the Federal Permitting Improvement Steering Council addressed this topic at its most recent meeting on May 17, with members noting that federal agency capacity to conduct required environmental reviews can affect infrastructure project timelines, as can the capacity of state, tribal, and local partners who participate in those reviews. The ACHP might help federal agencies facing such challenges within the cultural resources workforce join together to determine whether common factors are at play that could be addressed collectively.

The ACHP is also well positioned to bring together diverse preservation stakeholders to consider and identify the skills and knowledge that prepare young professionals for careers in preservation and cultural resources. Recognizing the wide range of disciplines that may intersect with this work, identifying and suggesting core competencies of preservation practice in the federal program context is another contribution the ACHP could make to assist federal agencies and other partners. It might also further goals of the ACHP, such as contributing to the development of professional qualifications standards for the traditional trades.

**Action Needed.** Actions to address workforce development issues should be informed by information about how partner organizations and agencies are addressing such challenges. Members will hear presentations by Christine Harada, Executive Director of the Federal Permitting Improvement Steering Council, and Shawn Patch, New South Associates and Vice President of Government Relations for the American Cultural Resources Association, on this topic during the summer business meeting. These presentations will help provide context for member consideration of appropriate ACHP response actions and recommendations to staff on gathering information and engaging partners to support problem solving around this issue.

Members should consider the following questions and offer suggestions on how to proceed:

- Given the breadth of this topic, how should the ACHP prioritize its response actions?
- How should the ACHP collaborate with federal agencies and partners to identify specific challenges and opportunities surrounding workforce development and recruitment for federal preservation jobs?

- How can the ACHP and federal agency partners leverage their existing training and outreach programs to address cultural resources workforce challenges?
- What information is needed to prepare members to discuss potential solutions to cultural resources workforce development challenges?

*June 17, 2022*



## **CORE COMPETENCIES AND YOUTH ENGAGEMENT** **Office of Communications, Education, and Outreach**

**Background.** The Communications, Education, and Outreach (CEO) Committee has long worked to advance the ACHP's broader goals of engaging students and youth in historic preservation, both generally to foster interest in and appreciation for historic preservation and also to encourage students to consider careers in historic preservation. The committee's goals in this area were formalized in 2016 when it established the Engaging Youth Strategic Plan under the leadership of former CEO Committee Chairman Robert Stanton.

While the committee's work on these broader issues will continue, there is a time-sensitive need for it to focus on two specific issues regarding the education, training, and preparedness of applicants for federal and nonfederal jobs that manage cultural resources and support or carry out Section 106 reviews on infrastructure projects. The ACHP's current focus on cultural resources workforce development presents an opportunity for this committee to address two aspects of this challenge, including the following: 1) how to ensure students preparing to enter the cultural resources management workforce are adequately prepared to do so, and 2) raising awareness among students and new potential recruits of the benefits of working in cultural resources management and Section 106 review work and the clear need for more students to pursue careers in these fields.

Recognizing that the committee has recently discussed a variety of other steps it might take to encourage youth engagement in historic preservation, including further support of high school programs and others that would encourage diverse participation among students in historic preservation, the committee should also discuss how these broader priorities can best be pursued. In order to set these priorities, committee members might consider updating the Engaging Youth Strategic Plan, mentioned above.

**Discussion.** The Federal Agency Programs Committee is considering steps the ACHP might take to assist federal and nonfederal stakeholders in recruiting a qualified workforce to support Section 106 reviews. The ACHP is aware that some federal agencies report challenges in identifying enough qualified staff to fill the positions they have open, and acknowledge that many applicants lack the requisite knowledge to assist the agency in carrying out the work necessary to support Section 106 reviews. While some agencies do offer entry level positions that allow new staff to build skills and knowledge bases, others are challenged to find qualified staff to fill positions that require more knowledge and experience. Agencies also report that there simply are not enough qualified applicants available.

One step the ACHP should consider taking in supporting the development of a fully prepared workforce is to address the issue of "core competencies" among applicants for federal preservation employment, defined herein as those types of knowledge that an applicant for employment in cultural resources management should have to be successful in federal or federal program-related jobs. Defining these core competencies and sharing them with colleges and other organizations that educate, train, and prepare students for careers in historic preservation stands to improve the preparedness of new applicants for such employment.

In the process of developing "core competencies," the members should consider the benefits of colleges, universities, and other organizations offering foundational instruction regarding the methods and goals of

cultural resources management; offering coursework or training on federal laws and regulations, including but not limited to, the Section 106 process; and exposing students to diverse views regarding the management of the nation's cultural heritage, among others.

Another step the ACHP should consider taking is working with colleges and other organizations to promote the importance and availability of good careers in cultural resources management and historic preservation, both within and outside of the federal government. It is clear that there are far more job opportunities in this field than there are applicants for positions. Raising awareness of both this need and the benefits of working as a cultural resources manager are concrete steps the ACHP can take to produce more and better qualified applicants.

These efforts will help us revisit how we communicate our thinking with students about the wide range of jobs and career opportunities available in historic preservation and specifically the Section 106 review process. It will also augment the work already underway to support career development for students of Historically Black Colleges and Universities, including the ACHP's efforts under Preservation in Practice and Cultural Heritage in the Forest, described in Tab 2 of this meeting book.

Finally, committee members should also consider what other priorities the ACHP should pursue in encouraging more students of color to pursue careers in cultural resources management and historic preservation. One way to establish such priorities would be to revisit the Engaging Youth Strategic Plan and update it accordingly.

**Action Needed.** Members should be prepared to discuss the topics mentioned above and should consider the following questions:

- How should the ACHP go about developing a summary of the “core competencies” needed for applicants to work successfully in federal or federal program-related cultural resources management jobs?
- To whom should the ACHP's recommendations in these regard be directed?
- How can the ACHP help promote the benefits and availability of careers in federal and nonfederal historic preservation work in general, and in carrying out Section 106 reviews more specifically?
- Should the 2016 Engaging Youth Strategic Plan be updated? How should the committee prioritize other opportunities to engage youth, including working with younger audiences, including high schools?

*June 17, 2022*



## TRADITIONAL KNOWLEDGE POLICY STATEMENT DEVELOPMENT Office of Native American Affairs

**Background.** In 2018, the Office of Native American Affairs (ONAA) launched an initiative to promote an understanding of and respect for Traditional Knowledge (TK) in the Section 106 process. The initiative coincided with the United Nation's [efforts to advance TK](#) through their Permanent Forum on Indigenous Issues. Since that time, the ACHP has actively collaborated with Indian tribes and Native Hawaiian organizations (NHOs) to elevate TK by assisting the Department of State in drafting the [U.S. statement on TK](#), participating in numerous webinars and conferences, and releasing the information paper [Traditional Knowledge and the Section 106 Process: Information for Federal Agencies and Other Participants](#). Throughout this process, tribal and Native Hawaiian leaders have made it clear that further action from the ACHP would be needed.

In May 2022 the Native American Affairs (NAA) Committee identified the development of a policy statement as the most effective mechanism to advance the integration of TK into the Section 106 process. Committee members advised that this policy statement should be encompassing and that its development was best facilitated through the NAA Committee with appropriate coordination with other committees.

**Coordination with Administration and Other Federal Agencies.** Development of this policy statement aligns with several ongoing efforts to advance TK in federal decision making. On November 15, 2021, the Council on Environmental Quality and the White House Office on Science and Technology Policy issued a [memorandum](#) to all federal agencies regarding the expectation that TK be integrated into federal decision making. The memorandum recognizes TK as a valid form of information and established a working group, of which the ACHP is a member, to develop federal-wide guidance aimed at further integrating TK into federal decision making. While the federal-wide guidance is intended to apply broadly, each agency, including the ACHP, is encouraged to develop policy and guidance specific to their mission and authorities to further implement the joint memorandum.

The ACHP is also closely coordinating with other federal agencies and workgroups to align consideration of TK into existing efforts. Some examples include the National Register of Historic Places program's Traditional Cultural Places guidance, Department of the Interior's Professional Qualification Standards, and the Interagency Sacred Sites Memorandum of Understanding, among others.

**Development of a Policy Statement.** The ACHP can develop policy statements to establish guiding principles on how it will implement or carry out its responsibilities on a particular matter or issue. As such, an ACHP policy statement on TK and Section 106 would establish a set of principles that would govern how the ACHP interprets its responsibilities and supports the use of TK in Section 106 reviews, and clarify for federal agencies, states, Indian tribes, Native Hawaiians, and other parties how the ACHP will apply these principles to the Section 106 review process.

For Indian tribes and Native Hawaiians, the use of TK has always been cross-cutting and has a role in all ways of knowing, including the identification and evaluation of historic properties, the assessment of an undertaking's effects on such properties, and the resolution of adverse effects. This policy should be broad and clearly establish a role for TK in the Section 106 review process that affirms its use as the

“best available science” when such knowledge is available. An ACHP policy statement on TK, including statements on principles and implementation, will seek to address ongoing requests made by Indian tribes and Native Hawaiians, meet the needs of federal agencies to more fully incorporate TK, and align with Administration directives to advance TK in federal decision making.

**Action Needed.** Committee members should be prepared to discuss a draft TK policy outline that ONAA staff will present during the meeting. Members should also be prepared to share their recommendations on an appropriate process to develop and advance this policy, including consultation with Indian tribes and Native Hawaiians, coordination with the Administration and other federal agencies, and a development of a prospective timeline for policy development and review.

*June 17, 2022*



## DEVELOPMENT OF A TRADITIONAL KNOWLEDGE POLICY STATEMENT Office of Federal Agency Programs

**Introduction.** In May, the Native American Affairs (NAA) Committee discussed the development of a Traditional Knowledge (TK) policy statement to advance the integration of TK into the Section 106 process. An ACHP policy statement on TK would respond to concerns previously raised to the ACHP by Indian tribes and Native Hawaiians and advance the initiative begun by the Office of Native American Affairs in 2018 to raise awareness about TK, including in the ACHP’s information paper on [Traditional Knowledge and the Section 106 Process: Information for Federal Agencies and Other Participants](#). The need to effectively integrate such knowledge into Section 106 reviews has been highlighted by participants in recent listening sessions and consultations in which the ACHP has participated. As members attending the February NAA Committee meeting heard during a presentation by staff from the White House Office of Science, Technology and Policy, the Administration has said TK should inform federal decision making as a component of the “best available science” in a 2021 Presidential memo. An interagency Indigenous Traditional Ecological Knowledge (ITEK) working group formed to implement the directives of the memo plans to produce a government-wide guidance document on incorporating ITEK into federal decision making later this year.

**Status.** These developments present an opportunity for the ACHP to draft a policy statement that could present specific information about how TK is best integrated into Section 106 reviews and how it might inform ACHP activities such as the creation of training and guidance. While other ACHP policy statements address aspects of the agency’s relationship to Indian tribes and Native Hawaiian organizations, no policy has expressly addressed this topic. Development of a policy would be led by the NAA Committee with appropriate collaboration with the Federal Agency Programs Committee. For additional information, please see the related Office of Native American Affairs’ Traditional Knowledge Policy Statement Development paper also in this tab.

**Action Needed.** Members are asked to reflect on the questions and concerns that the use of TK in taking into account the effects of federal or federally assisted undertakings on historic properties has raised within their organizations. Specifically, members are asked to consider the following:

- What challenges or successes have you experienced regarding the incorporation of TK into the Section 106 process, and how might a policy statement help advance those efforts?
- Are there related federal agency policies or procedures that intersect with an agency’s ability to utilize TK in the Section 106 process?

*June 17, 2022*



## UPDATES TO THE ACHP'S POLICY STATEMENT REGARDING TREATMENT OF BURIAL SITES, HUMAN REMAINS, AND FUNERARY OBJECTS Office of Native American Affairs

**Background.** Respect for and proper consideration of burial sites, human remains, and funerary objects are a priority of the ACHP. Accordingly, the ACHP first passed its *Policy Statement Regarding the Treatment of Human Remains and Grave Goods* in 1988. Subsequently, members adopted the [\*Policy Statement Regarding Treatment of Burial Sites, Human Remains, and Funerary Objects\*](#) in 2007, and it serves as the ACHP's current policy statement. This policy is a formal statement that represents the ACHP membership's position on what to consider in reaching decisions about the treatment of burial sites, human remains, and funerary objects that will or may be encountered in undertakings subject to review under Section 106.

In May 2022, the Native American Affairs Committee discussed the need to update this policy statement 15 years after its adoption. The current policy was written principally by members of the ACHP's Archaeology Task Force who spoke from the perspective of federal officials who had been required to remove human remains, largely as a part of a Section 106 review. The committee felt the current policy should be expanded to consider different scenarios, including the requested removal, return, and reburial of ancestors by Indian tribes or Native Hawaiians. Members also identified the need for this policy to address the lack of consideration for the rich histories of Indian tribes and Native Hawaiians and their diverse, unique, and complex cultural practices that have persisted since time immemorial.

**Coordination with Administration and Other Federal Agencies.** [Current efforts](#) aimed at identifying, protecting, and returning the remains of Indian children who died while forcibly made to attend boarding schools is a Biden-Harris Administration priority. This effort is expected to continue over the coming years as the Administration begins to rectify a legacy of cultural assimilation and territorial dispossession that directly targeted American Indian, Alaska Native, and Native Hawaiian children. As part of this effort, the Administration has further identified that a "...reorientation of Federal policy is necessary to counteract nearly two centuries of Federal policies aimed at the destruction of Tribal languages and cultures." The ACHP committed to supporting the Federal Indian Boarding School Initiative through a letter sent to Interior Secretary Deb Haaland in December 2021.

The ACHP is also closely coordinating with other federal agencies and international organizations to align our respect of and consideration for burial sites, human remains, and funerary objects with their efforts. As part of the State Department's Heritage Expert Working Group, the ACHP has drafted content specific to this topic for transnational and international institutions. In the past, the ACHP has coordinated with the National NAGPRA Program to ensure consistency in terminology, and the Office of Native American Affairs continues to coordinate with that team to identify opportunities for consistency and collaboration.

**Development of a Policy Statement.** The ACHP can develop policy statements to establish guiding principles on how it will implement or carry out its responsibilities on a particular matter or issue. As such, updating the ACHP's policy statement would further establish a set of principles that can both inform and govern how the ACHP interprets its responsibilities to ensure burial sites, human remains, and

funerary objects are considered and respected in Section 106 reviews, and clarify for federal agencies, states, Indian tribes, Native Hawaiians, and other parties how the ACHP will apply these principles to the Section 106 review process. For Indian tribes and Native Hawaiians, burial sites, human remains, and funerary objects are paramount to many of their lifeways and belief systems and represent the most sacred of all places. Updating this policy statement would evidence support for the Administration's Federal Indian Boarding School Initiative and helps to reorient federal policy to counteract a legacy of assimilation and dispossession.

**Action Needed.** Committee members should be prepared to discuss the draft outline that staff will present during the meeting and offer recommendations on an appropriate process for developing these revisions and moving forward including consultation with Indian tribes and Native Hawaiians, coordination with the Administration and other federal agencies, and a timeline for development.

**Attachment:** ACHP letter on Federal Indian Boarding School Initiative

*June 17, 2022*

Jordan E. Tannenbaum  
Vice Chairman

Reid J. Nelson  
Executive Director, Acting



December 21, 2021

The Honorable Deb Haaland  
Secretary  
Department of the Interior  
1849 C Street, NW  
Washington, DC 20240

Dear Madam Secretary,

On behalf of the Advisory Council on Historic Preservation (ACHP), I extend our support for the creation of the Federal Indian Boarding School Initiative and offer any assistance we might provide.

Through several Section 106 cases involving former Indian boarding schools, the ACHP is well acquainted with their impacts on those who were forcibly sent to them as well as their families and communities. Additionally, many tribal languages and cultural practices were adversely impacted or lost completely. The impacts of this history continue to affect tribal families and communities to this day. While these traumas cannot be undone, healing begins with acknowledgement and reconciliation.

The ACHP believes the federal family should work together to address these wrongs and would be honored to assist you and Assistant Secretary Newland in your efforts to consult tribal nations on how best to protect burial sites and on other aspects of the initiative. ACHP's Native American member Reno Keoni Franklin and I would welcome the opportunity to talk with you and Assistant Secretary Newland about ways we can work together.

I look forward to hearing from you.

Sincerely,

Jordan E. Tannenbaum  
Vice Chairman



## PROPOSED ELECTRIC VEHICLE SUPPLY EQUIPMENT EXEMPTION Office of Federal Agency Programs

**Background.** As discussed in the March business meeting, ACHP staff have been working closely with a small group of Federal Preservation Officers (FPOs) to explore the utility of the ACHP issuing an exemption to address the placement of electric vehicle supply equipment (EVSE) at both federal facilities and nonfederal locations. Exemptions are one of the five program alternatives under the regulations at 36 CFR Section 800.14, which exempt a category of undertakings from further review when their effects are reasonably anticipated and minimal or not adverse.

While the proposal for such an exemption originated with the U.S. Department of Homeland Security, the ACHP staff determined the government-wide priority for fleet electrification and EVSE installation merited ACHP coordination of the proposal to ensure the development of consistent measures available to all federal agencies and to carry out broad and appropriate consultation for an exemption likely to be applied across the government. Undertakings to be addressed by the proposed exemption are the installation, maintenance, repair, and expansion of Levels 1, 2, and 3 EVSE as defined by the General Services Administration. The EVSE undertakings would require minimal changes to distinctive building materials, features, spaces, and spatial relationships, including landscapes and streetscapes. These undertakings will include co-location with existing electrical infrastructure; utilization of existing parking areas and structures; incorporation within public transportation rights-of-way; designs compatible with the architecture, scale, and design of the facility or surrounding environments; and the use of reversible, nonpermanent techniques to affix the EVSE. EVSE undertakings that go beyond these parameters and, for example, propose the construction of a new parking garage or the use of a canopy would not be covered by the exemption but would rather be subject to the standard Section 106 review process.

To ensure minimal and nonadverse effects, the undertakings must utilize the lowest profile equipment that can supply the charging capacity needed for the location, collocate on existing electrical infrastructure, be placed in a location that would minimize visual intrusions, and/or utilize complementary colors on utility boxes to ensure minimal effects. These criteria must be met for the exemption to apply. EVSE installation would be undertaken in such a manner that, if removed in the future, the character-defining features of a historic property and its setting would be unimpaired. Due to the types of undertakings proposed and the conditions to be imposed on the undertakings, the potential effects to historic properties would likely be minimal or not adverse. Staff will provide a brief presentation on the types of EVSE that will be covered by the exemption during the business meeting.

**Status.** To meet the consultation requirements in 36 CFR 800.14(c), the staff developed a detailed consultation plan that included a series of consultation meetings with State Historic Preservation Officers, tribal leaders and Tribal Historic Preservation Officers, and Native Hawaiian organizations throughout late May and early June. The ACHP also offered those unable to attend the meetings opportunities to contact staff through a dedicated email address, which is monitored by staff to ensure timely responses to any questions and comments received. The ACHP has solicited public comments via a *Federal Register* notice (<https://www.govinfo.gov/content/pkg/FR-2022-05-05/pdf/2022-09597.pdf>) as well as through several social media postings on ACHP channels. Because the proposed EVSE exemption includes a provision for Indian tribes to have the exemption apply on their lands, compliance with Executive Order 13175: *Consultation and Coordination With Indian Tribal Governments* is required. Staff will summarize

ADVISORY COUNCIL ON HISTORIC PRESERVATION

401 F Street NW, Suite 308 • Washington, DC 20001-2637  
Phone: 202-517-0200 • Fax: 202-517-6381 • [achp@achp.gov](mailto:achp@achp.gov) • [www.achp.gov](http://www.achp.gov)

comments received thus far and share potential adjustments to the draft exemption in response to those comments. Staff will also provide a revised timeline for acting on the exemption proposal, including a review of the process and documentation that will be used as well as the plan for members voting on the exemption. Members will also be provided with a brief presentation on the types of EVSE that will be covered by the exemption and a summary of comments received during the consultation meetings.

***Action Needed.*** Members should be prepared to address the following questions:

- Does the draft exemption contain adequate measures to ensure effects to historic properties will be minimal?
- Are there other circumstances or conditions that should be addressed within the proposal?
- Have the ACHP's consultation efforts been appropriate for this program alternative?
- Would members like to participate in a videoconference when the proposal is sent to them for their consideration to provide additional detail on how comments were incorporated into the final draft proposal?

*June 17, 2022*



## PROPOSED ACHP ACTION ON PENDING LEGISLATION Office of Preservation Initiatives

**Introduction.** Two bills currently pending in Congress are appropriate for member review and possible action. Staff is recommending that the members consider motions regarding these bills, as well as a motion regarding the FY 2023 appropriation for the Historic Preservation Fund (HPF).

**HPF FY 2023 Appropriation.** The current HPF appropriation for FY 2022 is \$173.072 million, with \$57.675 million for State Historic Preservation Officers (SHPOs) and \$16 million for Tribal Historic Preservation Officers (THPOs). For FY 2023, preservation advocates are [proposing an appropriation of \\$200 million](#) in funding from the HPF, which would include \$65 million for SHPOs and \$34 million for THPOs. The Administration's FY 2023 request is for \$150 million.

For context, it is important to note that delays in finalizing the current FY 2022 budget led to both preservation advocates and the Administration developing their FY 2023 requests before the FY 2022 baseline was available. Their requests were based upon the considerably lower FY 2021 \$144.3 million appropriation. The following strategic objective of the ACHP Strategic Plan addresses the issue of funding:

*Advise and assist the executive branch and the Congress in formulating policies, budgets, and programs that support the goals of the NHPA and provide sufficient and stable funding for State and Tribal Historic Preservation Offices.*

This is a reflection of the importance of addressing the capacity building needs of SHPOs and THPOs. The situation is particularly acute for tribes, where funding has not kept pace with inflation or the growth in the number of THPOs.

Past ACHP support letters to Congress regarding HPF funding have typically been sent in response to specific numbers proposed by Congress. These have not yet been developed for FY 2023; however, the ACHP recently [wrote to Congress](#) in support of the Historic Preservation Enhancement Act, which calls for \$300 million in annual deposits to the HPF, double the current level of deposits. Given the importance of the HPF to the operation of the national historic preservation program, staff suggests that the Preservation Initiatives Committee consider recommending the adoption of the following motion:

**Moved, that:** the ACHP supports an increase in HPF appropriations in FY 2023 to at least the \$200 million proposed by preservation advocates; recommends that funding for THPOs be commensurate with their growth in numbers; and directs the chairman to so advise the Congress.

**Japanese American World War II History Network Act.** [This bill](#) (H.R. 6434) mirrors legislation that created the existing African American Civil Rights Network, the Reconstruction Era National Historic Network, and the National Underground Railroad Network to Freedom. The bill would create a network of sites (federal and nonfederal) relevant to the Japanese American experience in World War II, which could receive interpretive, promotional, and other technical assistance from the National Park Service (NPS). During World War II, the U.S. government imprisoned approximately 120,000 Japanese Americans, most of whom were U.S. citizens, and the proposed network would support education

regarding this event and commemorate those impacted. The program would sunset after seven years unless reauthorized.

The bill overwhelmingly passed the House of Representatives on March 16 by a vote of 406 to 16. NPS testified in support of the bill at a hearing of the House Natural Resources Subcommittee on National Parks, Forests, and Public Lands. NPS suggested amending the bill to address stakeholder engagement and to enhance the bill's references to coordinating with existing NPS units and grant programs. These suggested changes were not included in the bill as passed by the House. There is no Statement of Administration Policy from the White House on the bill.

Last year, the ACHP wrote to Congress in support of the Amache National Historic Site Act, which established the Japanese American internment center in Colorado known as Amache as part of the National Park System. Support of the Japanese American World War II History Network Act would be consistent with this previous position and would be keeping with the following cross-cutting objective of the ACHP's Strategic Plan.

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

Staff suggests that the Preservation Initiatives Committee consider recommending the adoption of the following motion:

**Moved, that:** the ACHP supports the Japanese American World War II History Network Act (H.R. 6434); and directs the chairman to so advise the Congress.

***African-American Burial Grounds Preservation Act.*** [This bill](#) (S. 3667/H.R. 6805) would establish the United States African-American Burial Grounds Preservation Program, which would include an up to \$3 million annual grant program and a technical assistance program. Administered by NPS, the program would “coordinate and facilitate Federal activities and non-Federal activities to identify, interpret, research, preserve, and record unmarked, previously abandoned, underserved, and other African-American burial grounds.”

There is no Statement of Administration Policy from the White House on the bill. NPS testified in support of the bill during recent hearings by the Senate Energy and Natural Resources Subcommittee on National Parks and the House Natural Resources Subcommittee on National Parks, Forests, and Public Lands. NPS noted that in the past some burial grounds were purposely unmarked to protect them and committed to implementing the program “in a respectful and collaborative manner to ensure already fragile and sacred resources do not become damaged or vandalized if and when their locations are publicly known.”

As noted above, the cross-cutting objective of the ACHP's Strategic Plan addresses equity and inclusiveness, indicating that ACHP support of the African-American Burial Grounds Preservation Act would be highly appropriate. Staff suggests that the Preservation Initiatives Committee consider recommending the adoption of the following motion:

**Moved, that:** the ACHP supports the African-American Burial Grounds Preservation Act (S. 3667/H.R. 6805); and directs the chairman to so advise the Congress.

**Action Needed.** The Preservation Initiatives Committee should consider recommending to the full membership the adoption of the three motions previously noted.

*June 17, 2022*