



ACHP COMMITTEE MEETINGS
SUMMARY OF EVENTS
Meetings via Zoom
March 2022

FEDERAL AGENCY PROGRAMS COMMITTEE MEETING

Committee Chairman Jay Vogt called the meeting to order on March 28 and welcomed participants. Reid Nelson introduced new staff member Megan Borthwick who joined the Office of Federal Agency Programs (OFAP) staff on the day of the committee meeting as the new ACHP liaison to the Army. She previously worked at the Historic Hawaii Foundation, Hawaii State Historic Preservation Department, and the Presidio Trust.

Department of the Army Development of a Program Comment for Vietnam War-Era Housing

The staff has been working with the Army on development of a Program Comment that further addresses the management of the Army's large housing inventory. Background information was previously provided to members through the OneDrive and updates in the Members' Report and meeting materials. The Army is actively consulting with stakeholders in refining ideas for a Program Comment proposal. Army Federal Preservation Officer Dave Guldenzopf offered a brief report on the agency's goals for the Program Comment and consultation efforts so far.

Amy Borman (Army) said the Army is eager to work with the ACHP in developing this management tool. Dr. Guldenzopf then outlined the Army's proposal with a slide presentation, including how the proposal builds on the Capehart-Wherry and Inter-War-Era Housing Program Comments previously issued by the ACHP in providing efficiencies and cost savings to the agency. He gave additional information about the large inventory of housing that would be covered by the Program Comment and reviewed the Army's development and consultation efforts to date. The Army is in a six-month period of consultation meetings and is maintaining a website to provide more information on the proposed Program Comment (<https://www.denix.osd.mil/army-vwehh-pc/index.html>).

ACHP Vice Chairman Jordan Tannenbaum asked what sort of comments the Army had received so far. Dr. Guldenzopf said 11 comments on the Army's plan for developing the Program Comment had been received and considered. For example, some asked the Army to further study the historic context for Vietnam War-Era housing, and the Army had produced additional context study information and re-evaluated some properties.

Erik Hein (NCSHPO) said the National Conference of State Historic Preservation Officers (NCSHPO) had voted against the last Army Program Comment proposal because its members believed Program Comments should not be used for such a wide set of management actions. Betsy Merritt (NTHP) echoed Mr. Hein's comments. Mr. Nelson acknowledged these concerns and their applicability to the scope of the Program Comment. Staff would like to hear from members about their views.

Chairman Vogt thanked Ms. Borman and Dr. Guldenzopf for joining the meeting and said the ACHP would consider this controversial item carefully. He encouraged members to send any comments they had to staff.

Section 106 Exempted Categories and Exploration of an Electric Vehicle (EV) Charging Station Exemption

The Department of Homeland Security (DHS) had previously expressed interest to ACHP staff in a Section 106 exemption for electric vehicle supply equipment. Exemptions have not been used frequently as program alternatives. There are only two, and the last one was issued in 2005. Chairman Vogt asked Jaime Loichinger to talk about exemptions as a program alternative and provide an update on the concept of an EV exemption.

Ms. Loichinger explained exempted categories as one of five program alternatives available in the Section 106 regulations as well as the criteria a category of undertakings must meet for the ACHP to consider issuing an exemption. While DHS initiated discussions about an EV exemption, a small work group of Federal Preservation Officers has worked with the ACHP on development of an initial draft. That draft is undergoing internal review, and staff is working on developing a consultation strategy with the work group.

Jen Hass (DHS) thanked the ACHP for this effort and noted the Department expects \$33 million in project funding for fleet electrification this year, which will form an important step in efforts to reduce greenhouse gas emissions. Beth Savage (GSA) noted how this exemption would be different from others, such as the interstate highway exemption, because of the reversibility and temporary nature of the evolving EV technology. It will be useful, therefore, to describe and illustrate the types of equipment covered by the proposed exemption. The General Services Administration (GSA) is providing a blanket purchase agreement across the government and is already working on including language that could support use of a Section 106 exemption.

Hector Abreu (VA) observed that the Department of Veterans Affairs (VA) is also looking at how to handle fleet electrification activities internally. Colleen Vaughn (DOT) said several new grant programs in the recent bipartisan infrastructure legislation fund EV infrastructure. She echoed comments about the fact that impacts from EV infrastructure are likely to be temporary given the rapidly evolving technology.

Chairman Vogt referred to questions in the meeting book paper and asked committee members if they think additional guidance on exemptions is needed. Mr. Hein said although the concept is clear, the process would benefit from additional guidance. Mr. Nelson said the ACHP should lay out a plan for members explaining how it will go about developing this exemption and then consider drafting additional guidance for the development future exemptions after the EV exemption is ultimately issued or otherwise acted upon by the members. In the chat, Ramona Bartos (NCSHPO) urged caution regarding ground disturbance that could result from EV infrastructure installation and recommended consulting with the National Alliance of Preservation Commissions.

In response to a question about consultation strategy, Vice Chairman Tannenbaum inquired whether the kinds of EV charging stations that would be covered by the exemption would also usually be categorically excluded from National Environmental Policy Act (NEPA) review. Ms. Loichinger noted they probably would, and Kelly Fanizzo clarified that the question ultimately depends on agency NEPA procedures. However, the staff can look at individual agencies in consultation and provide more information.

Mr. Nelson praised Ms. Loichinger and the strategic thinking of the agency work group in developing the proposal. He said he thinks this is the right circumstance for the ACHP to lead the development process.

Update: Section 106 and the Infrastructure Investment and Jobs Act

Chairman Vogt mentioned the concerns about workload surrounding discussion of the Section 106 impacts of the Infrastructure Investment and Jobs Act. He said ensuring adequate human and technological resources are in place to handle more project reviews is one part of planning for the impacts of the recent legislation. Blythe Semmer reported on ongoing efforts to work with federal agencies on

program alternatives, planning for meetings with State Historic Preservation Officers (SHPOs) and Tribal Historic Preservation Officers (THPOs), and applicant guidance updates. She also referred to the ACHP's *Guidance on Assistance to Consulting Parties in the Section 106 Review Process* and said conversations about resources continue to be a topic that comes up in the ACHP's work, including in relationship to opportunities for Historic Preservation Fund (HPF) increases or new legislation, and other areas as well. The ACHP shares the concerns of states and Indian tribes about workload effects from federal infrastructure involvement whenever possible.

Vice Chairman Tannenbaum asked about how qualified professionals could be recruited through internships. Ms. Bartos typed in the chat that the North Carolina Department of Transportation is funding a new five-year Section 106 environmental specialist position in her office using Federal Highway Administration funds. They also support administrative and GIS positions. State government pay is having trouble keeping up with inflation plus competition from the private sector in state capitals.

Katherine Slick (ACHP Foundation) mentioned the Federal Permitting Improvement Steering Council's (FPISC's) ability to fund permitting improvement efforts at member agencies. Mr. Hein said NCSHPO and the National Alliance of Tribal Historic Preservation Officers (NATHPO) met with FPISC staff recently, but he was not sure of the funding instrument they could use to transfer funds to states or tribes. Mr. Nelson said the ACHP has promoted the needs of states and Indian tribes throughout its involvement with FPISC. He also said FPISC may be looking at using its authority to assess fees from project proponents again, which, if used, could create a more predictable funding stream. Dr. Semmer noted that FPISC's funding efforts would be targeted to FAST-41 covered project reviews and related work.

Ms. Vaughn said a major concern is the shortage of trained individuals for open positions, and that the Department of Transportation finds itself in competition with other federal agencies when recruiting. She urged the ACHP to direct attention to recruitment and the current challenges of bringing qualified professionals on staff at federal agencies. Ms. Bartos mentioned in the chat that student loan payments might be an attractive fringe benefit.

Remote work options could also broaden the pool of applicants for positions if they were not required to relocate. While internships are one avenue to recruit from academic programs, partnering with programs to promote work in federal preservation positions could also help. Mr. Nelson suggested the ACHP could convene federal agencies and other organizations with an interest to discuss recruitment challenges and perhaps meet with the Office of Management and Budget.

In the chat function, Jamie Lee Marks recommended outreach to Presidential Management Fellowship finalists about historic preservation and Section 106-related career tracks. There was general discussion about how academic departments may not train or provide enough information about working in historic preservation and cultural resources jobs. Ms. Bartos said in the chat the field needs more of an apprenticeship approach focused on practice.

In response to a question about strategies agencies have used to manage workloads in the past, Vice Chairman Tannenbaum mentioned that the Economic Development Administration funded many temporary employees through a program in the 1970s. Ms. Bartos typed in the chat that her office has a position funded by the state department of commerce for hurricane recovery work that is often at risk of being cut from the budget. Contraction of history departments in general undermines the broader relevance of the subject matter to careers like preservation. Ms. Slick mentioned the Preservation in Practice program that introduces architecture students from Historically Black Colleges and Universities (HBCUs) to preservation careers. Now that the Forest Service is setting up a similar program (Cultural Heritage in the Forest), these could be a model, encouraged by the ACHP, for other agencies to establish summer programs. Ms. Bartos said in the chat that her office often loses interns and new graduates to the private sector.

Members did not have comments on whether agency leaders are or should be made aware of the Guidance on Assistance to Consulting Parties beyond Vice Chairman Tannenbaum's comment that it is not mentioned in the Civil Engineer Corps Officers School Section 106 course but should be. Jeff Durbin (NPS) mentioned in the chat the past concerns that Department of Defense attorneys have raised about conflicts of interest in relationship to such assistance, and Vice Chairman Tannenbaum typed that he would seek information about whether that issue was still a concern.

New Business

Mr. Abreu said 2013 legislation directed the VA to prepare a report about healthcare needs and the agency's assets throughout its network of facilities. The Asset and Infrastructure Review Report was made available to the public on March 14 and may lead to both increases and reductions in space at VA facilities. VA requested time at the business meeting to make members aware of the report. Mr. Nelson discussed his recruitment for a new Department of Veterans Affairs liaison and a new Digital Operations Coordinator.

COMMUNICATIONS, EDUCATION, AND OUTREACH COMMITTEE MEETING

Webinars

Committee Chairman Luke Nichter called the Communications, Education, and Outreach (CEO) Committee to order on March 28. He noted that the Office of Communications, Education, and Outreach (OCEO) is planning another webinar series for next year, following the successful series this past winter/spring. He asked members how they think the agency should target new audiences, using a "big tent" approach to preservation and getting them interested in historic preservation at a younger age.

Ann Walker (Preserve America Youth Summits) suggested that students have a hunger to become involved and "belong to something," and teachers are overwhelmed trying to teach to standardized tests, so the ACHP can fill a gap in getting content out to students. She suggested that History Day activities, groups of home school associations, statewide preservation officers, landmarks commissions, service corps, and honors curriculum and charter schools may be good avenues to reach with the ACHP's webinars. She suggested high school students as well as middle school students. Chairman Nichter suggested college students could be involved, as their schedules could offer flexibility if the topic is in their course of study. College students are looking for practical skills and jobs.

Caroline Henry (DOI) gave an overview of Michigan's Cranbrook School, a National Historic Landmark campus outside of Detroit, where students could be part of a pilot project that the ACHP could work on. Vice Chairman Tannenbaum asked members to keep in mind the agency priorities and asked how this project relates to the ACHP mission. He stressed the need for qualified professionals for the upcoming influx of infrastructure projects, and how training high school students for those types of jobs could be fruitful. Susan Glimcher responded that engaging the next generation of preservationists is always at the fore of the ACHP's mission.

Mr. Hein (NCSHPO) agreed on the need for qualified professionals and offered that the ACHP could have a role in convening a variety of preservation organizations to start a dialogue about the problems. Rick Gonzalez said the ACHP has to do a better job of getting high school students involved, find out what is engaging to them. He mentioned the Abandoned Florida page on Facebook and how it gets a lot of followers due to its engaging content. Ms. Walker suggested finding ways to have internships be paid, to get students in the door into these types of careers. Paloma Bolasny (NPS) noted in the chat that the National Park Service's Urban Archeology Corps offers high school students paid internships to work on archaeology projects at National Parks.

Stephanie Paul (NAPC) said the National Alliance of Preservation Commissions offers a resource toolkit for members and that something similar could be used for students. Ms. Slick (ACHP Foundation) added that for years the ACHP has been talking about writing curriculum, and now is the time to get it done.

Lynne Richmond noted the last webinar in the current series is April 27. She is planning to use the services of a Virtual Student Federal Service intern again next year, since it was a successful partnership this year with intern Jonathan Gloria. Some suggestions for topics included ancestral lands; historic anniversaries in the U.S.; ACHP member profiles; what careers in preservation look like and speaking with someone in their early- to mid-career in preservation; HBCU, Rutgers, and former intern students, and how to go from class to work.

Outreach

Chairman Nichter noted that following the success of Vice Chairman Tannenbaum's interview on C-SPAN in December, he suggested the ACHP pitch the idea of a call-in show with ACHP experts at a historic site. He said Chairman-Nominee Sara Bronin would be the top of the list of guests, but until her confirmation, others could be suggested. Ms. Walker suggested adding students to the panel or finding a site where students were integral to the preservation success and have them be able to talk about it. Ms. Marks noted in the chat that University of Maryland students work at Sis's Tavern in North Brentwood, Maryland, doing field work and documentation.

Vice Chairman Tannenbaum suggested choosing a few examples of preservation stories to focus on is a smart approach. Other outreach ideas included pitching other media outlets with case studies and successes, podcasts, building curriculum and models in ACHP training and beyond, and even a potential connection to Ken Burns' production company.

Awards

Patricia Knoll gave an overview of the ACHP/HUD Secretary's Award for Excellence in Historic Preservation and plans to move the award presentation from fall to summer. Two awards will be bestowed in 2023. The National Trust/ACHP award submission period has ended, and jurors will be named soon.

New Business

Ms. Glimcher reminded members that the Cultural Heritage in the Forest summer program for students at Pennsylvania's Lincoln College, an HBCU, is underway. Student applications were due in mid-April, and plans are taking shape for the program. Doug Stephens (USDA) said the Forest Service is grateful to be working with the ACHP on this program, and he has already put in the funding request for next year, as he is confident the students will have an excellent experience. Vice Chairman Tannenbaum said everything members have been talking about comes to fruition with this project.

PRESERVATION INITIATIVES COMMITTEE MEETING

ACHP Strategic Plan

Committee Chairman Rick Gonzalez called the Preservation Initiatives (PI) Committee to order on March 29. He reminded the group that the ACHP has been working to revise the Strategic Plan. Since the plan was revised just a few years ago, relatively minor adjustments were proposed by staff, and each committee has had the opportunity to discuss the suggested changes and propose additional edits. The revised draft is included in the meeting book, along with a summary of the proposed edits.

Dru Null explained that the draft plan includes two new strategic objectives and edits at key points in the document that focus on three key areas of particular interest to the Administration: equity, inclusion, and addressing the needs of underserved communities; the interests of Indian tribes and Native Hawaiians; and climate change. A new strategic objective addresses the fact that the ACHP's recognition programs

are not specifically mentioned in the current plan and emphasizes engaging more diverse audiences and underserved communities in those programs. Proposed edits include adding mention of the importance of Traditional Knowledge (TK) and specifically acknowledging tribal and Native Hawaiian interest in traditional cultural places/sacred sites, which currently is not specifically mentioned in the plan. A newly proposed strategic objective in the context of preservation policy reflects the work of the Climate Change and Historic Preservation Task Force to look broadly at climate change issues. Other edits include mentions of affordable housing as a key program area, the ACHP's role in promoting sufficient funding for SHPOs and THPOs, and participation in planning for the America250 commemoration.

Mr. Hein (NCSHPO) noted that an ongoing concern for SHPOs is the need for SHPO input when developing efficiencies for the Section 106 review process. Mr. Nelson said the plan could be further tweaked to acknowledge that work with federal agencies to improve the effectiveness and efficiency of Section 106 must include input from SHPOs and THPOs. It was agreed that staff would develop a suggested edit that could be reviewed at the business meeting. Ms. Slick (ACHP Foundation) highlighted the need for building up and diversifying the preservation work force and suggested possibly beefing up Strategic Objective 5(A), which addresses the ACHP human capital strategy. Ms. Null clarified that there are more specifics on this in the plan's performance goals, which are the implementation level of the plan.

Chairman Gonzalez pointed out that the Florida SHPO has two vacancies for architects, because the compensation is half that available in the private sector. This leaves gaps in the expertise available in SHPO offices. Mr. Nelson said maintaining a diversity of professional training is definitely taken into consideration when hiring ACHP staff, but because the ACHP is more process focused, it is not as necessary to have all disciplines on staff at all times. Following the discussion, there was a general consensus to support the draft revised plan, which Chairman Gonzalez would report at the business meeting.

Pending Legislation

The committee looked at draft motions of support for two bills. Ms. Null provided background for each.

The Historic Preservation Enhancement Act would provide for full and permanent funding of the HPF. The current authorization expires at the end of FY2023. The bill also would double the maximum amount deposited in the HPF each year. A Senate companion bill is anticipated in the near future. The HPF currently is funded by oil and gas revenues, which may become a problem as the country moves toward reducing production of fossil fuels. The bill provides for additional funding from general Treasury funds to make up for any future shortfall.

Chairman Gonzalez noted that he hoped additional funds can be directed by the Administration to SHPOs and THPOs. Shasta Gaughen (NATHPO) suggested that the bill should include language indexing future funding increases in order to automate them. She said she has suggested this to Rep. Teresa Leger Fernandez, sponsor of the bill (and former ACHP vice chairman). Mr. Nelson said endorsing the bill is a "no brainer" for the ACHP but asked the National Trust and NCSHPO about timing. Mr. Hein advised that it would be best to support the House bill as written without delay. Shaw Sprague (National Trust) noted there are likely to be some differences in the language of the Senate version of the bill, and its introduction will provide another opportunity for future ACHP action. There was general consensus in the committee to recommend that the full membership adopt the proposed motion on the bill at the business meeting.

The second bill was the Semiquincentennial Commemorative Coin Act. Under the bill, profits from the sale of commemorative coins would go to the America250 Foundation to fund "the restoration, rehabilitation, and interpretation of units of the U.S. National Park System and its related areas." The term "related areas" is not defined, so it is unclear if National Heritage Areas or other types of properties might receive funds. The proposed motion of support in the meeting book called for recommending that the bill

provide some definition for this term. Ms. Henry (DOI) raised the idea of leaving the recommendation of what should be included as related areas to the National Park Service (NPS), and suggested that gateway communities just outside National Parks might be included. There was general consensus in the committee to recommend that the full membership adopt the proposed motion on the bill at the business meeting.

Ms. Null noted that there are several bills that the staff is monitoring which may be ripe for member consideration later this year. These include the Requirements, Expectations, and Standard Procedures for Effective Consultation with Tribes (RESPECT) Act; the Japanese American World War II History Network Act; the African-American Burial Grounds Preservation Act; the Native American Burial Sites and Cultural Resources Protection Act; and the Protecting America's Wilderness and Public Lands Act.

Climate Change

The Climate Change and Historic Preservation Task Force met on March 23. A major agenda item was discussion of the ACHP action plan to address climate impacts to tribal and Native Hawaiian historic properties that is being developed by the Office of Native American Affairs (ONAA). Ira Matt briefed the committee on the plan and its status. The Tribal Climate Action Plan has evolved in response to President Biden's Executive Order on the climate crisis and ONAA's work with the White House Council on Native American Affairs. ONAA participated in a panel at the NATHPO conference on this issue and had two listening sessions with representation from tribes and Native Hawaiian organizations. The draft plan was sent out to tribes for feedback and will be updated, and an implementation plan will be developed.

Ms. Null updated the committee on other issues discussed at the Climate Change Task Force meeting, including a possible electric vehicle charging station Section 106 exemption. The ACHP has not created an exemption in quite a few years, and OFAP is exploring the potential development of one for this program. Regarding the America the Beautiful initiative, Vice Chairman Tannenbaum explained that he had the opportunity to report key findings from the ACHP's previous listening sessions to the America the Beautiful Interagency Working Group. It was a high level meeting with departmental secretaries present, and his presentation was well received. Ms. Null briefed the committee on the ACHP's response to a Department of the Interior (DOI) Request for Information on development of the American Conservation Stewardship Atlas. The response flagged National Register and other historic property inventories as potential sources of data for the Atlas and encouraged that properties on such inventories be considered as "conserved" since they enjoy some level of protection.

New Business

Chairman Gonzalez expressed his concern with the destruction of cultural and historic resources in Ukraine and asked what the ACHP could do that would be helpful. Vice Chairman Tannenbaum noted that the U.S. Holocaust Memorial Museum is working with organizations trying to protect archives, testimonies, and oral histories. John Finley pointed to efforts to protect, document, and rescue cultural heritage by the Smithsonian and UNESCO. Ms. Walker proposed drafting a statement of support that could be voted on at the business meeting. Mr. Nelson reminded the committee that US/ICOMOS was engaged in this work, and that the ACHP should find out what other entities are already doing in order to see what role the ACHP could play. Mr. Nelson said the ACHP has a defined role with World Heritage Sites per the National Historic Preservation Act, and that could be a basis for possible action.

Cory Kegerise announced that the NPS Semiquincentennial grant program is open for applications with a May 3 deadline and encouraged members to look at it and share the information with possible applicants. The program has a focus on bricks and mortar preservation of state-owned properties, but other entities can partner with states. NPS is looking for projects that tell stories beyond those traditionally told about the founding of the nation.

NATIVE AMERICAN AFFAIRS COMMITTEE MEETING

Committee Chairman Reno Franklin convened the meeting on March 29. He introduced new staff members in ONAA: Ahwahnee Williams (Native American Program Assistant) and Jamie Lee Marks (Senior Program Analyst).

White House Council on Native American Affairs (WHCNAA)

Chairman Franklin said ONAA is participating in four committees and multiple subcommittees on the WHCNAA. He praised the Administration for taking a proactive approach to coordinating cross-agency initiatives and for its efforts to consult with Indian tribes and the Native Hawaiian community. He commented that having leaders like Interior Secretary Deb Haaland and Assistant Secretary for Indian Affairs Bryan Newland at the helm brings an increased wisdom and lived experience to the work. He said the ACHP's participation in the WHCNAA has resulted in active conversations with Indian tribes and Native Hawaiians, but he wants to better include Indigenous peoples in American Samoa, Guam, Puerto Rico, and other jurisdictions.

Mr. Matt commented that through the ACHP's participation in the WHCNAA it can better meet its broad mission to advise federal agencies, Congress, and the President on historic preservation and elevate the consideration of historic properties of religious and cultural significance and their associated practices to assure that they are adequately considered at all levels of the government. In addition to committee and subcommittee meetings, the WHCNAA has initiated the first ever Tribal Engagement Sessions that allow tribal leaders an opportunity to interact directly with agency principals. Tribal Engagement Sessions occur three times a year in addition to the Tribal Nations Summit.

WHCNAA- Sacred Sites Subcommittee

Mr. Matt discussed the ACHP's involvement in the subcommittee that is focused on the implementation of the 2021 Sacred Sites Memorandum of Understanding (MOU). The ACHP has long been involved with sacred sites and has been a signatory to all three MOUs. But this MOU differs in that its implementation is guided by the WHCNAA, includes consideration of Native Hawaiians, and emphasizes collaboration among agencies, tribes, and Native Hawaiians to ensure stewardship and access to sacred sites. This MOU also encourages incorporation of TK into management, treatment, and protection procedures.

In March 2022, the ACHP participated in a White House-led three and a half hour listening session with Indian tribes and Native Hawaiians that included more than 300 participants. Senior leadership and staff from all eight signatory agencies participated. Chairman Franklin, Mr. Nelson, and Mr. Matt participated on behalf of the ACHP. The ACHP received positive feedback in the listening session for its role in advancing understanding about the importance of sacred sites.

Chairman Franklin shared feedback from participants in the listening session including general concerns about the lack of agency-level budgeting and planning to proactively identify sacred sites. Indian tribes and Native Hawaiians also shared frustration that planning did not prioritize identification of sacred sites in areas likely to be impacted by disasters.

Additional concerns surrounding sacred sites included agencies inconsistently implementing consultation protocols, lack of interagency coordination, and a failure by agencies to coordinate with approved tribal representatives. Comments also described concerns about requesting sensitive information in writing via letter or email and emphasized the need to provide more tools to ensure TK and sensitive information shared by Indian tribes and Native Hawaiians during consultation can be protected from release under the Freedom of Information Act. Concerns over transparency pertaining to agency decision making, agencies requiring Indian tribes and Native Hawaiians to acquire permits to conduct cultural practices, and better federal-state coordination were also voiced.

Mr. Nelson said the listening session emphasized the importance of agencies and the ACHP listening carefully and responding to the consultation with a clear indication of how the input they provided was used and considered. He shared it was gratifying and humbling to have so much Native Hawaiian participation in these meetings and thanked Chairman Franklin for supporting the ACHP's relationships with Native Hawaiians and ONAA for working to improve how the agency is interfacing with tribes and Native Hawaiians.

WHCNA- Climate Change Subcommittee

Chairman Franklin introduced the ACHP's recent engagements with tribes and Native Hawaiians on the ACHP's Climate Change Action Plan. He shared his impressions that the response from Native Hawaiians and Indian tribes focused on different things; however, two major themes that united the comments were 1) the importance of TK and the words of the elders and 2) the way the climate adaptation challenge unites science and culture.

Vice Chairman Tannenbaum raised a World Bank study that identified that Indigenous peoples own, occupy, or use a quarter of the world's surface area, but safeguard 80 percent of its remaining biodiversity. He quoted from the study that "their knowledge and expertise on how to adapt, mitigate, and reduce risks from climate change and natural disasters are considered to be vital."

Mr. Matt provided background on the *Draft Climate Impacts to Tribal and Native Hawaiian Historic Properties: Plan for ACHP Actions* (Action Plan), sharing that its scope has broadened from being about emergency management, disasters, and their impacts to sites of religious and cultural significance, and has now grown into a plan to address climate change. ONAA is finding ways to partner with the ACHP's Climate Task Force and the WHCNA to further implement the plan.

Mr. Matt said ONAA has also been working with the WHCNA's Climate Adaptation Subcommittee to support an inventory of agency climate action plans with the intention of sharing common language and terminology to create consistency. The Subcommittee has also created language regarding the consideration of Tribal Treaty and Reserved rights and TK that will be incorporated into forthcoming progress reports. Mr. Matt also updated the committee on ONAA's outreach efforts to tribes and Native Hawaiians regarding the Action Plan. In February, ONAA participated in NATHPO's annual conference where Dr. Gaughen facilitated a conversation about climate change, and in March ONAA hosted two separate two-hour nationwide listening sessions. Mr. Matt said ONAA received significant feedback about what to prioritize, what was missing, and what has not been communicated clearly enough. ONAA's next steps are to update the plan based on the feedback and continue coordination with the ACHP's Climate Change Task Force and the WHCNA. After the plan is updated, it will go back out to Indian tribes and Native Hawaiians with information about how their feedback was incorporated.

Chairman Franklin gave an overview of feedback received in the listening session including the need for federal agencies to prepare climate adaptation plans that sufficiently account for cultural resources and ensuring funding is available to Indian tribes to develop climate plans specific to cultural resources. The need for a comprehensive compendium of resources and funding opportunities that is regularly maintained was also voiced. Another area of concern was the need to support the identification of cultural resources before a disaster response, or even outlining post-incident processes in agreements between agencies and tribes. Additionally, participants raised the need for mechanisms for accountability for early coordination with tribes and Native Hawaiians when grants are given to states/counties to respond to disasters, and the need to secure funding streams independent from states.

Chairman Franklin discussed Tribal and Native Hawaiian Knowledge and their importance to understanding Indigenous infrastructure and how climate change and responses to it could restrict access to places of traditional practice. Native Hawaiian respondents raised the example of seawalls needing to

be relocated. Chairman Franklin emphasized that Indigenous peoples from Guam, American Samoa, Puerto Rico, and other areas have not yet been represented in the conversations but should be.

Dr. Gaughen (NATHPO) recommended the ACHP support inclusion of cultural resources in adaptation plans and vulnerability assessments for tribes. She shared that the Bureau of Indian Affairs' Climate Resilience Program funds some of her work on climate change, but that it does not explicitly include the protection of historic and cultural resources. She described federal agencies who do not understand that natural resources are cultural resources, and the need for that nexus to be accounted for. She recommended the ACHP produce a policy statement that helps other agencies understand the connection between natural and cultural resources.

Vice Chairman Tannenbaum stressed the importance of communicating this issue in all of the ACHP training and external affairs efforts to raise sensitivity for the connection between natural resources, historic sites, and cultural practices. He also shared about military installations and their Integrated Cultural Resource Management Plan (ICRAMP), which could be a good place to include sensitivity to climate change and traditional cultural practice and information about the importance of TK. Chairman Franklin said any cultural resource management plan at this point should include consideration of TK and climate change.

Mr. Nelson asked whether it is time to advise federal agencies about how to plan for climate change not only in their cultural resource management plans, but also how to build provisions into agreement documents. Kate Plimpton (DoD) shared that ICRMPs do have sections that talk about sacred sites and how to manage those and respect confidentiality. She shared they are focusing on updating some of their instructions relating to that.

Mr. Matt said the ACHP has offered to help facilitate the Section 106 process in an efficient and productive manner, but also to make sure that those areas that Indian tribes and Native Hawaiians might be leaving behind, even temporarily, are documented and taken into account. Chairman Franklin shared that he was aware of the Hoh Tribe moving to higher ground in Washington to avoid flooding and asked for any other comments.

Salish Kootenai College (SKC) Memorandum of Understanding

Chairman Franklin gave an overview of the ACHP's agreement with Salish Kootenai College and shared that 2022 marks the end of the first three years of the MOU. The ACHP, ACHP Foundation, and SKC are all interested in extending the MOU. Mr. Matt said the MOU allowed the ACHP to deliver effective and consistent support to the SKC students who are actively working to be a part of the historic preservation field. In revisiting the MOU, ONAA made minor revisions to increase transparency and included language about 101(d)(5) agreements to advance awareness and education pertaining to an Indian tribe's ability to develop an alternative process for completing the Section 106 process on tribal lands. He shared that a major focus of the partnership for 2022 is to support a virtual intern, participate in class lectures, and host a workshop.

Ms. Slick (ACHP Foundation) reminded the committee to think about the ACHP staff capacity and the capacity of the SKC staff. She said providing training and resources are two ways to potentially add value. Vice Chairman Tannenbaum thanked Ms. Slick for her support of the partnership and said one of his major goals with the partnership is mentorship. He noted there are skillsets at the ACHP that can benefit students, and they should be incorporated.

Valerie Grussing (NATHPO) commented that NATHPO is a natural partner to join the MOU and asked to participate, if appropriate. Ms. Slick said she views all ACHP members as having an active role in the partnership and that all members should be asking what they can bring to this partnership regardless of being formal signatories. She also brought up the possibility of working with past members for mentoring

and other opportunities. She discussed the potential to provide mentoring and insights to students in other fields and degree programs related to historic preservation at SKC, especially in a way that emphasizes TK.

Working Effectively with American Indian and Alaska Native Tribal Governments

Chairman Franklin shared that the course “Working Effectively with American Indian and Alaska Native Tribal Governments” is now live at <https://tribal.usalearning.net/>. ONAA collaborated with DOI’s Office of Justice Services and the Department of Justice National Advocacy to update the course. Chairman Franklin and Mr. Nelson praised the work done to complete the course, thanked Bill Dancing Feather, and recommended participants take and share the course, which is required for all ACHP staff.

RESPECT Act

Ms. Marks provided an update on the Requirements, Expectations and Standard Procedures for Effective Consultation with Tribes Act (RESPECT Act, HR 3587), a tribal consultation bill that has been introduced in the House. Rep. Raul Grijalva had a press conference on March 28 announcing that the RESPECT Act will be heading to a full committee markup in the House Natural Resources Committee. The bill is meant to establish and support a process of regular, meaningful consultation and collaboration with tribal governments and Alaska Native Corporations in the initiation of federal activities and the development of federal policies and regulations that impact tribal members and interests and Alaska Native shareholders. The proposal does not explicitly limit or alter the Section 106 consultation process; rather, it appears to require a more transparent consultation process at the government-to-government level that primarily occurs during the project development phase prior to funds expenditure and proposed regulatory actions.

Chairman Franklin asked ONAA to circulate a summary of the proposed legislation and asked whether at this time the committee envisions asking for ACHP support on this. Mr. Matt confirmed ONAA will work with OPI and Mr. Nelson to circulate information, and Mr. Nelson said he anticipated the ACHP weighing in at some point, but it may be premature at the moment.

Updates

Dr. Grussing said NATHPO has also been talking to Rep. Grijalva’s staff about the RESPECT Act and shared some concerns related to terminology and language. She also gave an update about NATHPO’s 2022 conference and thanked the ACHP for its presentations. She shared that at the conference, ONAA participated in a NATHPO-led session on the Land Area Name Directory (LAND) that explored the purpose and potential of a forthcoming tribally driven contact and area of interest platform. This tool is intended to serve as a resource for Indian tribes and THPOs to input and control data pertaining to their areas of interest and contact information relevant to Section 106 and emergency response needs. She also shared that NATHPO was disappointed by the passage of the FY22 omnibus bill but is excited to move forward with the funding for the LAND program, which will be funded by the Oil Spill Preparedness Program at DOI and cover a GIS specialist at NATHPO for three years.