



ACHP COMMITTEE VIDEOCONFERENCE SUMMARIES

August-September 2022

COMMUNICATIONS, EDUCATION, AND OUTREACH COMMITTEE

Committee Chairman Luke Nichter called the meeting to order on August 31. He asked members to introduce themselves.

Cultural Resource Workforce Shortage

Chairman Nichter said Office of Communications, Education, and Outreach (OCEO) staff has met with Office of Federal Agency Programs (OFAP) staff to discuss the priorities of each office and how to get started on this task. He noted OCEO is planning to focus efforts on identifying new audiences to provide information about the urgent need for professionals in the cultural resources field. He said they also want to expand internships and hands-on learning opportunities.

Vice Chairman Jordan Tannenbaum said there cannot be enough partners for this type of work. A lot of young people are looking for jobs that they can be passionate about. He also suggested reaching out to law students and their affinity groups.

Erik Hein (NCSHPO) said it would be good to step back and think about a dialogue with the academic programs on what they are teaching the students. He said students are coming out of college unprepared for these types of jobs. He said he did not think there would be great results just by sending out lists of job opportunities. Reid Nelson responded that this is part of a broader initiative and that the FAP Committee would be discussing the ACHP's related efforts on this issue, including the development of core competencies at the university level and recruitment challenges.

Katherine Slick (ACHP Foundation) suggested the ACHP put a request into its 2024 budget for money for internships and trades training. Ann Walker (Preserve America Youth Summits) suggested federal partners could be lecturers for certificate programs. She also said there must be a discussion about salary. Vice Chairman Tannenbaum suggested ACHP staff go to career offices at colleges and talk to students.

Library of Congress

Susan Glimcher said she has met twice with representatives of the Library of Congress regarding a new program they have received funding on. They need assistance connecting to communities to get out information about opportunities with the Library. This topic will be discussed at the October business meeting, but members are encouraged to think about any relationships they have with the Library and how they could support the Widening the Path program.

Podcasts and Webinars

Lynne Richmond noted she is working on plans for a full slate of new podcasts for this fall and winter. If members have any ideas for podcasts or want to be a guest on one, please let her know. She is also planning to pitch ideas to get onto other organizations' podcasts.

The ACHP is once again participating in the State Department's Virtual Student Federal Service (VSFS) internship program, hiring two interns for the 2022-23 school year. Their jobs will center on producing

the ACHP's webinars aimed at Historically Black College and University students and other students throughout the U.S. She recommended members consider using VSFS students in their own agencies.

HBCU Week Conference

Ms. Glimcher said the conference is September 20-23, and the ACHP is participating in a meet-and-greet session with the members of the Arts/Humanities/History Culture Cluster as well as one with more federal agencies. She said the White House Initiative would welcome the opportunity for ACHP members to make presentations; the Initiative is looking for experts to come in to talk with students about their areas of expertise.

Awards and Internships

Patricia Knoll noted there were nine submissions for the ACHP/HUD Secretary's award, and each is being evaluated for eligibility. The National Trust/ACHP award will be presented during a virtual ceremony at the PastForward conference in November. Ceremony details are forthcoming. Shayla Shrieves talked about the two summer interns who worked for OCEO and their projects. A video that Jonathan Angulo produced will be debuted during Hispanic Heritage Month. Ms. Glimcher added that 18 students participated in Preservation in Practice, and four students participated in Cultural Heritage in the Forest (CHIF) this summer. Both programs do a lot for reaching students and introducing them to historic preservation. She thanked the Forest Service for approving a second year of funding for CHIF.

Mr. Nelson reminded members the fall business meeting will be hybrid on October 26 with committee meetings taking place on October 19 and 21.

FEDERAL AGENCY PROGRAMS COMMITTEE

Committee Chairman Jay Vogt called the meeting to order on September 8.

Program Alternatives

The FAP Committee began discussion on program alternatives in development. The proposed exemption for Electric Vehicle Supply Equipment (EVSE) is being finalized through the integration of comments from consultation meetings and a recent comment period. Members will receive a package of information on the proposal by the end of the month and are expected to vote on the exemption at the October business meeting. Similarly, the Army has formally submitted a request for a Program Comment for Vietnam War Era Housing as of August 26 but agreed to an extension of the ACHP's review period to 60 days, so the members can vote on the proposal at the October business meeting. The ACHP is conducting consultation on the Program Comment with Indian tribes and State Historic Preservation Officers (SHPOs). Members will be invited to a meeting to discuss both proposals on October 3.

The General Services Administration's proposed exemption for certain routine maintenance and preservation activities is still in development, and the agency is conducting outreach to Indian tribes, SHPOs, and other stakeholders.

IRA and Workforce Development

Members also discussed the recent Inflation Reduction Act (IRA) and its implications for Section 106 reviews and preservation staffing, since several agencies received funding to support environmental review duties, which could include NHPA compliance. Options agencies are considering, and which the ACHP may wish to encourage, include assisting SHPOs and Tribal Historic Preservation Officers (THPOs) who partner with federal agencies on multiple projects, funding digitization efforts and the expansion of GIS capabilities, and exploring opportunities for agency collaboration in hiring cultural resource positions. The latter dovetails with the ACHP's current interest in cultural resource and preservation workforce development, and members were briefed about how staff is following up on discussion and suggestions from the June business meeting.

Burial Sites

Ira Matt provided updates on the development of a revised burial sites policy statement. The draft focuses on more action-oriented policy principles and seeks to ensure commitment to tasks to implement the policy. It will also align with current Administration initiatives and priorities. Outreach on the policy is ongoing, with consultation planned for this fall before a new policy statement might be finalized in late 2022 or early 2023.

Appendix C Discussions

ACHP staff has had recent conversations with the U.S. Army Corps of Engineers about Appendix C. The ACHP commented on the Corps *Federal Register* notice on this topic, which received many comments in favor of rescinding Appendix C. The ACHP has contacted Corps staff about alternative Section 106 compliance strategies if Appendix C is, in fact, rescinded. Given the unified messaging from the preservation community about how difficult it is to work with, the staff is hopeful a resolution is at hand. Vice Chairman Tannenbaum will meet with Corps officials on September 16 and looks forward to a positive conversation.

NATIVE AMERICAN AFFAIRS COMMITTEE

Committee Chairman Reno Franklin called the meeting to order on September 8.

Updating the ACHP's Policy Statement on Burial Sites, Human Remains, and Funerary Objects

Chairman Franklin began by summarizing previous committee discussions regarding the proposed updates to this policy statement. He reminded the committee that the intent of the update is to, among other things, (1) better speak to issues of concern to Indian tribes, Native Hawaiians, the African American community, and other Indigenous Peoples, (2) provide more descriptive and action-oriented policy principles, and (3) to update and improve language overall. He called on Mr. Matt to summarize efforts taken since June to further inform this effort.

Mr. Matt shared that the ACHP's outreach effort began in early August through development of a OneDrive site for ACHP members and staff that included copies of PowerPoint presentations and updated versions of draft documents. Subsequently, two separate meetings took place with Federal Preservation Officers and other federal agency personnel, three meetings took place with the African American community, and Indian tribes and Native Hawaiian organizations participated in an ACHP-led two-hour nationwide listening session and were provided draft copies of available resources via email. Mr. Matt said the ACHP is still seeking input as part of this early coordination effort and has developed a website to facilitate access to applicable resources.

Mr. Nelson and Jamie Lee Marks followed by providing insights from recent input sessions noting that there was a collaborative response and encouragement regarding the utility and importance of updating the policy. Shasta Gaughen (NATHPO) said she has reviewed the document and participated in the listening session and thanked Mr. Matt and his staff for ongoing efforts to continue to improve the policy. She asked the ACHP to strengthen language around consultation in the principles and highlighted the importance of ensuring ACHP staff and federal officials are trained on this topic and are aware of the different interpretations, sentiments, and sensitivities around this topic.

Memorandum of Agreement on Native Languages

Mr. Franklin announced that Vice Chairman Tannenbaum committed the ACHP to sign the Memorandum of Agreement (MOA) on Native Language in August during the White House Council Principals Meeting and thanked him for this important commitment.

Mr. Matt provided an administrative history of the agreement and its connection to Executive Orders 13592 and 14049 that seek to promote, improve, and expand educational opportunities for Indian tribes

and their members. He shared that signing onto the MOA includes participation in the White House Council on Native American Affairs' (WHCNAA) Education Committee and that the ACHP's specific contributions will be further identified during development of an implementation plan. Mr. Matt clarified that the ACHP is joining as a supporting agency, which means it may not have a specific legislative authority to advance Native language preservation, but that the agency's mission, including support for Indigenous Knowledge, allows the ACHP to be a productive partner in this all-of-government effort.

Vice Chairman Tannenbaum identified mitigation as an outlet to support Native language revitalization and provided examples of how learning Native language can support relationship building and consultation. Mr. Nelson followed by sharing the challenge Native speakers have when they are expected to translate traditional stories or knowledge out of their language and sees value in the ACHP clarifying that translation may not always be necessary, as it often results in an unacceptable loss of information. Ms. Slick supported providing deference to place names in the Section 106 process when known. Beth Savage (GSA) noted the challenge federal agency personnel have with understanding how to support this effort and felt that limited the discussion.

Chairman Franklin thanked everyone for their contributions and noted that staff would return in October with a draft implementation plan. He asked everyone at the meeting to consider how Native languages can be incorporated into the Section 106 process and where the ACHP could further support federal agencies in that regard.

Salish Kootenai College Memorandum of Agreement (MOU) and 2023 Summit

Chairman Franklin provided an update on renewing the Salish Kootenai College (SKC) MOU. He said the Native American Affairs Committee and the ACHP members have been unanimous in their support to renew it and noted how crucial the MOU has been to support tribal interns from SKC. While the original intention was to delay signing the updated MOU until a full-time ACHP chairman was appointed, ACHP leadership, the ACHP Foundation, and SKC leadership agree that renewing the MOU in October or November is the best path forward.

In conjunction with the MOU, Chairman Franklin outlined efforts to co-host a THPO summit in early 2023 with SKC and the National Park Service (NPS). Mr. Franklin has had conversations with NPS Director Chuck Sams and Vice Chairman Tannenbaum on the need for both agencies to meet with THPOs and tribal leadership to fulfill part of their trust responsibility. Mr. Matt outlined ongoing efforts to coordinate between the agencies and SKC and plans to update members in October.

White House Council on Native American Affairs

Chairman Franklin provided an update on the 2022 Tribal Nations Summit that is anticipated to take place in person in Washington, D.C. in November. He noted Vice Chairman Tannenbaum is the ACHP representative, and Mr. Matt serves as the staff representative to the WHCNAA. Both have been providing guidance and leadership on initiatives for various committees and subcommittees.

Kelly Fanizzo updated the committee on the development of three separate products coming out of the Tribal Treaty and Reserved Rights MOU working group and legal subgroup that will be subject to WHCNAA-led tribal consultation in September 2022. These resources include a best practices guide, a field guide, and a flowchart that all advance consideration of treaty and reserved rights in federal decision making. Ms. Marks followed by providing an update on the forthcoming guidance on Indigenous Knowledge being led by the Office of Science Technology Policy and the Council on Environmental Quality (CEQ). The ACHP has had several staff participate on the interagency working group since December 2021. WHCNAA-led consultation with Indian tribes regarding the Indigenous Knowledge guidance will occur in September 2022, as well.

PRESERVATION INITIATIVES COMMITTEE

Committee Chairman Rick Gonzalez convened the meeting on September 9.

Inflation Reduction Act

The IRA includes \$1 billion funding over a multi-year period to improve environmental review of federal projects. Dru Null explained that the funding is available to a number of agencies, including the Federal Permitting Improvement Steering Council (FPISC), CEQ, Department of Energy, Department of the Interior (DOI), Environmental Protection Agency, Federal Energy Regulatory Commission, Federal Highway Administration, Forest Service, and National Oceanic and Atmospheric Administration.

Mr. Nelson emphasized that now is the time to advise agencies on how to use this funding to improve Section 106 reviews and make wise investments to improve cultural resource consideration and preservation. He noted that agencies did not have much advance notice of the amount or scope of the funding announced. FPISC got the largest amount, \$350 million through FY 2031. FPISC is exploring how to use this funding to shore up its own capacity, to work on an interagency basis to assist FPISC members, and for investments in advancing the work of state and tribal partners. There is the possibility that the ACHP may get support to increase staffing and capacity in order to assist FPISC.

The ACHP wants to encourage agencies to both increase cultural resource expertise on their staffs and to support the work of SHPOs and THPOs. In states with one or more major pending infrastructure projects, agencies can help themselves by investing in SHPO/THPO capacity. If multiple agencies have projects in that state, they could pool their funding to support new positions. Ms. Null said the IRA is broadly written, but that there is explicit language regarding funding “stakeholder engagement.” The ACHP also can remind FPISC and the other agencies to make investments in GIS digitization of databases. In making the case, the ACHP can reference a previous letter about this topic as well as the Digital Task Force report.

Caroline Henry (DOI) pointed out that DOI’s funding is \$150 million over four years, while FPISC has eight-year money. DOI sees this as an issue when it comes to hiring and adding new positions. Ms. Slick noted that ARRA money went to states, and then states decided how to distribute it. She said the ACHP should try to steer the new funding directly to agencies and SHPOs/THPOs. She wants to know what agreements are necessary to move the money. Mr. Nelson responded that it is complicated for tribes to receive federal funding because of the burden of extensive reporting, and that it is hard to manage small amounts of money from several sources.

Ramona Bartos (NCSHPO) said tying personnel spending one-to-one to particular infrastructure projects is not practical. Assigning staff to oversee a suite of projects is more likely to work. However, the problem is that the funding expires. She said digitization efforts are a more compelling use for the money, particularly to achieve equity among the states up to a common level. Incorporating legacy data, including digitizing slides for incorporation into GIS, as well as adding cemetery layers into GIS are priorities she identified.

Chairman Gonzalez asked if salaries of existing employees could be increased using this funding and asked if recruiting is hampered by current pay levels. Agencies in attendance said salary levels in cultural resource management at agencies are not really a problem. Chairman Gonzalez said in Florida there are two vacancies for state historic architects, because the offered salary is substantially less than what can be made in the private sector. He also noted that salaries are better at the city/county level than at the state level. Ms. Bartos noted that the stagnant nature of Historic Preservation Fund (HPF) appropriations has a lot to do with the depressed salaries in state offices. Ms. Walker added that there is significant staff turnover at the Colorado SHPO, as salaries are too low from the top down.

Kristin Fontenot (HUD) noted it is a challenge hiring and retaining historic preservation professionals that meet the Secretary of the Interior's professional qualification standards. Given the shortage of such professionals, she wondered how the Section 106 review process can be shifted to address that reality. Could the ACHP provide additional streamlining guidance, including on coordinating consultation and using programmatic agreements? Mr. Nelson suggested a focus on removing walls between NEPA processes and other reviews and improving efficiencies.

Ms. Null noted that the IRA also includes funding for the conservation of National Parks and Public Lands. This funding is directed to NPS and the Bureau of Land Management (BLM) for conservation protection and resilience, habitat conservation, hiring, and deferred maintenance. Could some of this funding be used for training and hiring in the traditional trades? Mr. Vogt noted that this opportunity brings the problem of workforce development to the forefront. Ms. Slick said the trades training needs of BLM and NPS are rather broad and wondered if a national WPA-style program that works with VISTA and other Corps was the way to go. She suggested building a nationwide training platform. Chairman Gonzalez noted that often employees cannot afford housing for training and working. The committee agreed to consider the topic in more depth at the October committee meeting.

Vice Chairman Tannenbaum said the shortage of regulatory staff needs to be addressed by more training and recruitment to the field. Additional efforts should be developed for high schools, tech schools, and community colleges. Ms. Slick added that recruitment through industry groups and unions was also needed. Mr. Nelson said FPISC is looking at many of the same underlying issues—outreach to colleges and universities, core competencies, recruiting issues, etc. Given that their IRA funding lasts longer, they are better positioned to tackle that over the longer term.

Mr. Hein said there is a perception problem impeding attracting preservation professionals. He has heard people say, "Section 106 is a soul-sucking exercise," so the issue is not just about pay. Rather than seeing Section 106 as an elegant solution, he thinks that many agencies, SHPOs/THPOs, and consultants feel it is a process with little payoff. Ms. Henry said, "You value your work when you feel valued." SHPO offices are a tough place to work, and most employees feel overworked and underpaid. Ms. Fontenot said that in federal agencies and departments, there is a problem with pressure put on historic preservation and environmental compliance teams. The perception among agency leadership is often that historic preservation review holds up getting the money and is the problem. Ms. Bartos said she would like to talk with Ms. Fontenot, share ideas, and find common ground.

Ms. Bartos reiterated that the states are the weakest link. Upcoming HPF reapportionment will reduce funding for 40 percent of the states. Mr. Nelson said the ACHP needs a governor's voice. He would like to talk about these issues with NCSHPO and NPS and maybe prepare a joint letter to governors. John Finley said due to the decentralized nature of the United States government, it is already hard to get projects done, as compared with some other countries.

Ms. Null explained that a permitting reform bill was promised as a quid-pro-quo for passing the IRA. The text has not yet been released. It may include maximum timelines for reviews and statutes of limitation for court challenges. Senator Chuck Schumer has agreed to add the bill on to the continuing resolution that will need to be passed at the end of September to continue funding the government into FY 2023. Seventy Democrats in the House of Representatives oppose the attachment, saying it creates too short a timeline and allows little review. The ACHP staff is monitoring developments.

Updates

In the interest of time, updates on the internship program and the Climate Change and Historic Preservation focus group were deferred until the next Preservation Initiatives Committee meeting.