



**ACHP COMMITTEE MEETINGS SUMMARY**  
**Meetings via Zoom**  
**November 2023**

**COMMUNICATIONS, EDUCATION, AND OUTREACH COMMITTEE**

Committee Chair Monica Rhodes called the meeting to order on November 6.

**Media Audit Presentation**

Project managers from the Hatcher public relations firm presented a PowerPoint to the committee members summarizing the media audit they performed. It identified the social and earned media online footprint of the ACHP, noting that positive audience engagement has centered around stories where the ACHP was connected with a specific landmark, connecting the work of the agency with something happening in the world. The presentation identified “peer” and “competitive” institutions and their social media accounts, calculating the relative reach of the ACHP to these institutions. The presentation also identified the types of stories that tended to include direct reference to the ACHP. The presenters also identified several media goals for the ACHP, including to increase awareness of the ACHP’s mission and work and to establish the ACHP as an authority on historic preservation through more targeted pitches related to the issues of the day. As for strategies to implement these goals, the presenters also recommended social media posts with people in them, longer posts with informative content, and posts that tag relevant groups and individuals.

Ramona Bartos (NCSHPO) asked in the chat whether the ACHP considered the possibility that increased media coverage may increase the number of constituents interacting with the organization. She recommended having an internal plan for how to handle an influx of contacts from the public, especially from laypersons; she sees that occur after media posts from her office.

**Section 3 Report to the President Outreach**

Every three years, federal agencies draft reports gauging agency implementation of the mandates of the National Historic Preservation Act, pursuant Executive Order 13287, “Preserve America.” Federal agencies and ACHP staff are currently assembling these Section 3 progress reports for a report that will be delivered to the White House and others. Chair Rhodes solicited members’ views on how the final 2024 report from the ACHP can be seen as widely as possible, including by the decision makers who provide funding for historic preservation, key partners in the White House, and the public. Katherine Slick (ACHP Foundation) suggested reaching out to C-SPAN with some specific ideas for stories coming out of the report. Stephanie Paul (NAPC) suggested sharing it with the cities and communities that are part of the National Alliance of Preservation Commissions (NAPC). Caroline Henry (DOI) suggested getting information to the Federal News Network. Lynne Richmond said she pitches ACHP leadership and staff to podcasts and would welcome knowing about any other podcasts that members are aware of.

Reid Nelson said the report positions the ACHP to talk with federal leaders and encouraged federal members to assist in getting the report in front of senior decision makers in their agencies. Other ideas included sending it to Historically Black Colleges and Universities, trade organizations, and other local officials.

### **High School Student Outreach**

Chair Rhodes then turned to the topic of high school outreach, asking staff to brief the committee on recent efforts and then soliciting members' additional views. Ms. Richmond said the ACHP is planning to host another high school student or two as job shadowing interns next year. The agency also is planning to work with a Washington, D.C., high school program that offers credit and hands-on internships and oral history projects. In addition, a meeting is planned with National History Day to plan for ACHP involvement next year. Shayla Shrieves talked about a meeting the Office of Communications, Education, and Outreach had with a teacher in South Dakota, whose high school social studies and history students are going to be partnering with the ACHP on a series of projects. That discussion focused on the needs of a rural district and how to reach students who may not be planning to attend a four-year college.

Chair Rhodes asked if there was a consortium of history camps that the ACHP could be connected to. Ann Walker (Preserve America Youth Summits) offered she can connect staff with middle school and high school teachers who participate in her programs. Shasta Gaughen (NATHPO) said it would be good to use history experts for a particular region and make the historic preservation careers sound less dry. Chairman Reno Franklin suggested finding Tribal teachers who are able to find ways to make history meaningful to their students who have competing interests and traditions.

### **Awards**

Patricia Knoll noted the National Trust/ACHP Award for Federal Partnerships in Historic Preservation would be presented on Wednesday at the opening plenary of the PastForward Conference. The 2024 ACHP/HUD Secretary's Award for Excellence in Historic Preservation has a December 18 deadline for submissions.

## **TRIBAL AND INDIGENOUS PEOPLES COMMITTEE**

Committee Chairman Reno Franklin called the meeting to order on November 6.

### **S.1723-Truth and Healing Commission on Indian Boarding School Policies Act**

Chairman Franklin opened by sharing his gratitude for the ACHP's engagement with policy and legislation related to addressing the legacy of boarding schools in the United States. He then turned to Dru Null to provide an update on S.1723, the Truth and Healing Commission on Indian Boarding School Policies Act. Ms. Null provided an overview of the proposed legislation. She said the Policy and Legislative Affairs (PLA) Committee is considering proposing a recommendation to support the legislation to the ACHP's full membership. The latest draft of the proposed Act also creates a separate federal advisory committee to the Department of the Interior, and the ACHP has been included as a member of this federal Truth and Healing Advisory Committee. Ms. Null asked members if they agreed with the PLA Committee recommending that the ACHP support the creation of the Commission, that the ACHP propose that its chair or vice chair or their designee represent the ACHP on the federal committee, and that the Act should be updated to reference the ACHP's updated Policy Statement on Burial Sites, Human Remains, and Funerary Objects. Chairman Franklin said he supported these recommendations and shared his belief that the ACHP chair should be able to designate the ACHP's Native American member to represent the chair. Vice Chairman Jordan Tannenbaum agreed with the proposal, as did Carmen Jordan-Cox.

### **H.R. 5865-Native American Burial Sites and Cultural Resources Protection Act**

Chairman Franklin asked Ira Matt to give an overview of H.R. 5865, the Native American Burial Sites and Cultural Resources Protection Act. Mr. Matt described the Act, which would require the Secretary of the Army to establish a pilot program to protect Native American burial sites, village sites, and cultural resources discovered at Army Corps of Engineers civil works projects in the Sacramento River watershed, including tributaries such as the American, Bear, Yuba, and Feather Rivers, in California. Mr. Matt said the legislation references the ACHP's 2023 Policy Statement on Burial Sites, Human Remains, and

Funerary Objects, has language specific to hiring Tribal monitors, compensation and reimbursement for expertise shared by Tribes, confidentiality, deferring to Tribal identification of human remains and cultural resources, and discusses the conveyance of land to Tribes for the purposes of maintaining burials and human remains relocated due to an Army Corps project. Mr. Matt highlighted the opportunity for the ACHP to inform this pilot program and proposed asking for clarification on the language on confidentiality and clarifying the Act's relationship with other federal laws. Chairman Franklin supported this proposal. Committee Vice Chair Gaughen said she believes there should be more opportunities across federal agencies to repatriate, rebury, and protect/confer land where ancestors and related cultural resources are buried under existing laws, including Section 106.

#### **ACHP Chair's Intern Update: Tribal Ordinance Research Project**

Chair Bronin introduced intern Charles Ritger, a third-year law student at Georgetown University, whose current research builds on the work of summer interns from 2022 to analyze information about publicly available Tribal historic preservation ordinances. Mr. Ritger gave an overview of the research, which analyzed 62 Tribal laws related to historic preservation to evaluate whether they require a "106-like" review of government actions, provide a formal designation process for historic or cultural resources, or regulate private actions that could impact historical or cultural resources. He presented preliminary conclusions, sharing that he believed 50 Tribes appear to have preservation-related laws or regulations amenable to 101(d)(5) substitutions without significant changes. Chairman Franklin thanked Mr. Ritger for the presentation. Dr. Gaughen thanked Mr. Ritger for doing this work and flagged some challenges related to the 101(d)(5) substitution process, including the need for Tribal regulations to mirror Section 106 closely, which calls into question the utility of substitution and may present a perceived challenge to Tribal sovereignty.

#### **Developing an ACHP Policy Statement on Indigenous Knowledge and Historic Preservation**

Chairman Franklin provided an update on a recent ACHP listening session with Tribal representatives to discuss draft principles for an ACHP Policy Statement on Indigenous Knowledge and Historic Preservation. He said he has enjoyed the outreach sessions, and that they have been instrumental in shaping the direction of the policy. Office of Tribal and Indigenous Peoples (OTIP) staff provided an update on how early direction received from members and early feedback received from federal and Tribal officials shaped the draft that has been provided to members. Mr. Matt provided an overview of draft policy principles, feedback received on each during the recent listening session, as well as upcoming plans to meet with Federal Preservation Officers (FPOs) about the draft material. Mr. Matt and Chairman Franklin asked members to share feedback and questions with OTIP directly.

#### **OTIP Director Detail to the White House Office of Science and Technology Policy**

Mr. Matt announced that on November 7, 2023, he started a detail assignment with the White House Office of Science and Technology Policy as their Assistant Director for Indigenous Engagement and Native American Affairs. He said one of his primary goals while there is to advance the White House's Indigenous Knowledge Guidance and the federal family's implementation of that guidance. OTIP staff will take a larger role in the office, and an email with more details should be sent to everyone shortly. Chair Bronin congratulated Mr. Matt and said this is recognition of the ACHP leading conversations and taking government-to-government consultation seriously. She said the agency and ACHP members are proud of Mr. Matt. Chairman Franklin said this was the ultimate validation of OTIP's work.

### **REGULATIONS AND GOVERNANCE COMMITTEE**

Regulations and Governance Committee Chairman Jordan Tannenbaum welcomed participants on November 13.

Mr. Nelson provided a report regarding staffing, noting that interviews have concluded for a new Army liaison. Rachael Mangum has been appointed the new assistant director for the Federal Permitting,

Licensing, and Assistance section. Applications for the training specialist position have been received and are being reviewed, and the Office of Federal Agency Programs (OFAP) will soon recruit for both historic preservation technician positions due to the anticipated retirement of LaShavio Johnson and Artisha Thompson's move to another position within the agency.

### **Section 106 Program Alternatives**

Consultation is ongoing to consider whether an amendment to the Program Comment for Communications Projects on Federal Lands and Property (Broadband PC), requested by the National Telecommunications and Information Administration, is appropriate. The amendment would expand the scope of the Broadband PC to include all federal agencies and make other modifications to improve its functioning. The Broadband PC includes programmatic allowances similar to the FCC's two nationwide programmatic agreements (NPAs) but applies to a range of undertakings broader than just tower construction. The Army is developing a program comment for pre-1919 historic housing and recently began consultation meetings. The Army expects to submit a formal request around January 31, 2024. The Department of Homeland Security is developing an NPA for facilities maintenance activities focused on climate resilience, and the Forest Service recently amended its NPA for Phasing Section 106 for Large-Scale, Multi-Year Undertakings to make administrative adjustments. Members heard briefly from the National Park Service about a planned program comment for Mission 66 facilities, many of which remain unevaluated for the National Register of Historic Places but may be assessed with the help of an existing multiple property submission cover document, which provides historical context for these facilities.

Members discussed the need for a government-wide program alternative focused on housing in relationship to the ACHP's development of a new policy statement on housing and historic preservation. Views were mixed about whether a global approach would be effective. Additional information on the overlap in concerns among agencies that own, fund, or permit the development or rehabilitation of housing could help the ACHP determine what would be most useful. Staff will inventory what program alternatives and guidance the ACHP has in place and seek FPO input on this point. Training and education would be a likely feature of any guidance or program alternative strategy for housing.

### **Chair Involvement in Section 106 Consultations**

Staff analyzed the ACHP's operating procedures and proposed draft criteria to describe when the ACHP chair might become directly involved in Section 106 case consultations. The members were also asked to weigh in on whether changes to the operating procedures might be necessary to allow for certain delegations or whether internal protocols would be sufficient. Members discussed how the chair's involvement might break through high-profile issues as well as whether leadership involvement could require reciprocal escalation by federal agencies and the potential resulting procedural complications. Several members expressed surprise that the chair was not already making such determinations and acting upon them. Members discussed how the ACHP would continue to be informed by community input in participation decisions and avoid appeals to the chair becoming a bypass to the regular consultation process. Members appeared to agree that whether such decisions were made internally or not, developing criteria for these situations could give members and staff added objectivity and clarity about when a chair might engage in consultation for a particular undertaking. Chair Bronin thanked members for their views and indicated that she would discuss the feedback with the executive director and report back to members about a proposed course of action.

### **Section 3 Report**

Members were asked to provide feedback on the six draft findings proposed for the 2024 Section 3 Report to the President at this important point in the draft development process. Members will receive a draft of the full report for review near the end of the year.

## **POLICY AND LEGISLATIVE AFFAIRS COMMITTEE**

Committee Chairman Sonny Ward called the meeting to order on November 13.

### **Legislative Affairs**

The committee discussed possible action on several bills and legislative issues that were briefly discussed at the September meeting. Ms. Null provided background on each of several motions proposed in the meeting book, and the committee discussed whether they agreed on advancing them for discussion and votes at the business meeting.

Three bills relate to broadband projects and would provide exemptions from Section 106 review. Provisions of the bills are problematic, and the ACHP consistently objects to legislative exemptions since administrative options for streamlining already exist. Infrastructure buildout is moving these bills to the forefront and provides an opportunity for dialogue and education. The committee agreed to advance the draft motion in opposition to the American Broadband Deployment Act (H.R. 3557), the Broadband for Americans through Responsible Streamlining Act (H.R. 4141), and the CLOSE THE GAP Act (S. 2855). The committee also recommended development of a second motion to empower the ACHP chair and committee chairs to respond to similar legislative exemption attempts without the entire ACHP needing to weigh in each time. [Postscript: This second motion ultimately was not advanced at the business meeting. It will be revisited at the next committee meeting.]

Draft motions of support on the following bills were advanced for discussion and votes at the business meeting: Truth and Healing Commission on Indian Boarding School Policies Act (S. 1723); School Infrastructure Modernization Act (S. 1523) and the Rehabilitation of Historic Schools Act (H.R. 3181); and the American Battlefield Protection Program Enhancement Act (H.R. 3448).

While the Neighborhood Homes Investment Act is the closest Congress has come to seriously considering a homeowners tax credit in 20 years, it includes problematic language regarding demolition. The National Trust and other preservation organizations are pushing for inclusion of some “guardrail” language clarifying that demolition is a last resort and seeking further clarification of how the bill would be administered. Since discussions are actively underway with the bill’s advocates and congressional sponsors regarding these issues, the committee consensus was to recommend that the ACHP postpone taking a position on the bill.

### **Housing and Preservation Policy Statement**

Ms. Null briefed the committee on the status of the Housing and Historic Preservation Policy Statement. The general public comment period has ended, with Tribal comments due by November 26, and consultations have concluded. The draft will be revised, taking into account the input received. ACHP members will be asked to consider adopting the policy statement via an unassembled meeting in December.

A number of committee members, including the National Trust, Department of Housing and Urban Development (HUD), and NAPC, expressed support for the draft. The National Conference of State Historic Preservation Officers suggested separating Section 106 policy provisions from broader recommendations. The Council on Environmental Quality questioned whether a definitions section might be needed. Discussion followed on how best to reach the document’s various audiences. Guidance development, outreach, and education will all be components of distributing and implementing the policy statement. Providing examples and case studies in areas that are problematic will help model solutions. Helping partners to use the policy statement and working with partners such as HUD to create guidance and training should all be part of implementation.

**Historic Tax Credits and Easements**

Chair Bronin reported that she and staff recently spoke with the Internal Revenue Service and the Treasury Department about how the ACHP could helpfully advise them about easements and historic tax credits. For example, coordinating a public call for comments on issues regarding preservation easements might be a role the ACHP could play. Committee members discussed several issues that might be addressed by encouraging Treasury to issue more detailed guidance. The National Trust and the Land Trust Alliance have a great deal of expertise on these issues, and ACHP involvement may be useful.

**White House Initiatives**

In the interest of time, the question of how the ACHP can seek greater involvement in White House initiatives was tabled for further discussion at a later date.

**OPLA Updates**

The committee was updated on the internship program. The new equity officer position is close to being offered, and Permitting Council funding will fund one new two-year position within OPLA.