



ACHP COMMITTEE MEETINGS SUMMARY

Meetings via Zoom

July 2024

POLICY AND LEGISLATIVE AFFAIRS COMMITTEE

Committee Chair Erica Avrami called the meeting to order on July 10. As the new committee chair, she introduced herself and asked new ACHP member Jane Woodfin to introduce herself.

ACHP Comments on Legislation: Preservation Funding and Tax Incentives

Office of Policy and Legislative Affairs Director Dru Null reviewed the status of FY 2025 funding and reauthorization for the Historic Preservation Fund and the proposed motion provided in the meeting book. The President's budget and the House budget bill both propose a short interim extension of authorization as well as flat funding for State Historic Preservation Offices (SHPOs) and Tribal Historic Preservation Offices (THPOs), an effective decrease due to inflation and the addition of new THPOs. Committee members asked if the ACHP should call again for a permanent authorization, and noted that there is an opportunity to advocate for funding for the African-American Burial Ground Preservation Program (authorized but not funded). The committee supported introducing the proposed motion in the meeting book at the upcoming ACHP business meeting.

The committee also discussed issues related to the Historic Preservation Tax Credit, including potential incentives and disincentives for developers to reuse historic buildings. Shaw Sprague (National Trust) noted that it will be a robust year for tax policy with House and Senate working groups already drafting legislation. Some long-term advocates for the Historic Tax Credit are leaving Congress, and the change in Hill leadership provides an opportunity to generate new ideas. The committee discussed what a re-envisioned 10 percent tax credit might focus on, such as transit-oriented development or an affordable housing component. The impact of that credit has not been tracked well, as the data resides with the Internal Revenue Service. The need to get better data on the credit's use in order to demonstrate its impact was raised. The committee supported introducing the proposed motion in the meeting book at the upcoming ACHP business meeting.

ACHP Comments on Legislation: National Defense Authorization Act (NDAA)

The House version of the NDAA has passed, and the Senate version was released the day of the meeting. Both address Department of Defense (DoD) historic housing and other facilities in ways that may be unnecessary in light of existing and potential Section 106 program alternatives. Many provisions of the House bill are redundant given the recently adopted Program Comment for pre-1919 Army housing. The House version also says post-1975 DoD housing should not be considered under Section 106 until it is 60 years old, thereby exempting the agency from identifying 50-year-old buildings and considering if they are eligible for the National Register, setting a troubling precedent. The Senate version only addresses Army housing not covered by existing program comments and would apply existing program comments to these sets of military housing.

Ron Tickle (DoD) said DoD has not been tracking these provisions of the bills and has no firm position at this time. Executive Director Reid Nelson noted that the ACHP's work with the Army over recent years

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 • www.achp.gov

has addressed many of the military's concerns, and the ACHP's history of opposing legislative exemptions from Section 106 review. Mr. Sprague has significant concerns with the House approach, noting that the Senate version is preferable. The committee supported introducing the proposed motion in the meeting book at the upcoming ACHP business meeting.

Policy Issues Related to Chair's Initiative on Government-wide Program Comments

Chair Sara Bronin made a presentation on her initiative to develop government-wide program comments. She described these as streamlining that will advance the ACHP's efforts to implement its housing and climate change policy statements. She also noted the involvement of the Executive Office of the President across the permitting, climate, and housing teams. The need for more input and feedback on draft ideas was discussed, including from the public, especially underserved communities, and from ACHP members. Chair Bronin noted that the ACHP has received written comments and hosted listening sessions, and she asked for input on what more should be done. The National Alliance of Preservation Commissions, nongovernmental organizations, and environmental justice organizations were suggested as sources to consult.

Ramona Bartos (NCSHPO) raised concerns that if SHPOs do not have a role in various undertakings, individual members of the public cannot come to them for aid and help in navigating the bureaucracy. Donna Turnipseed (USDA) said Department of Agriculture agencies want to be involved in these conversations early, given that individuals come to them for help as well. Chair Bronin encouraged member guidance on the draft. Committee Chair Avrami suggested that discussion about the program comments fit into a larger federal government discussion about decarbonization, saying that the Department of Energy is focused on decarbonization, but has rarely mentioned older/historic buildings and suggested the ACHP try to influence the way that department conceives of decarbonization. Ms. Null noted that although the Department of Energy asked for input on the definition of a net-zero emission building, the first stage of the resulting definition did not address embodied carbon. It may be considered in the next iteration.

Chair Bronin also mentioned the ACHP-led October conference, U.S. Climate Heritage in the International Context, another effort by the ACHP to raise awareness about climate heritage policy issues.

Implementation of Policy Statement on Burial Grounds, Human Remains, and Funerary Objects Regarding African American Burial Sites

Candra Teshome reported that the ACHP's recent listening session on African American burial grounds included nine thought leaders. Carmen Jordan-Cox participated and stressed the importance of the issue to the group. The listening session produced 14 overall suggestions. The ACHP is in a position to take action on three, including submitting a letter to Congress in support of funding for the African-American Burial Grounds Preservation Program; developing model legislation for states and local governments regarding the treatment of burial sites; and issuing guidance for consideration of African American burial sites during Section 106 review and what technical assistance and resources are available. Intern Kaitlyn Vana shared her work on identifying, analyzing, and characterizing state burial laws.

Mr. Sprague said the National Trust has a strong interest in this topic and hopes the ACHP will weigh in in support of funding. Ms. Bartos noted the need for trained personnel to handle ownership and title issues, as well as building the next generation of preservation stewards. Chair Bronin sees parallels with the Tribal context, and commented that there is still a long way to go regarding both the Indigenous Knowledge and the Burial Policy statements. Both raise these issues to people who are not very aware of them. Mr. Nelson said he appreciated the great feedback on how to keep moving forward in this area.

Updates and Other Business

Intern Derrick Bobb spoke about his research on identifying federal agency programs related to climate change, historic properties, and Tribal sacred sites. This research was developed in the context of the

ACHP's support for creation of a proposed federal Climate Heritage Office, which could promote efficiency, avoid repetition, and explore new collaborative possibilities. ACHP Vice Chairman Jordan Tannenbaum requested ACHP support for designation of a network of existing Rosenwald Schools as a National Monument or National Park Unit.

REGULATIONS AND GOVERNANCE COMMITTEE MEETING

Committee Chairman Jordan Tannenbaum called the meeting to order on July 10 and called on Chair Bronin to introduce a guest, Zoe Jacobs, who is the Director of Implementation Policy at the White House.

Proposed Exemption for Indigenous Knowledge-Informed Activities by Native Hawaiian Organizations (NHOs)

Chair Bronin described recent consultation efforts to develop this exemption. She noted that the Hawaii SHPO commented and recommended more consultation with NHOs. Chair Bronin provided a brief update, suggesting members have more robust discussion during the Tribal and Indigenous Peoples Committee meeting, since it was the only item on that agenda. Sarah Koeppe (DHS) asked that discussion include an example of how an agency might apply the exemption to a specific project. Members were told to expect a revised draft exemption following the meeting.

Chair's Initiative on Government-wide Program Comments

Chair Bronin updated members on her progress to develop up to four government-wide program comments connected to recently adopted ACHP policy statements and Biden Administration policies. Ms. Jacobs noted the Administration's investments in infrastructure and its support for building capacity to help the timely delivery of projects while protecting the environment and communities. Chair Bronin described feedback she heard in four recent public meetings on each of the program comment topics and presented her analysis of existing prototypes and programmatic agreements. She noted the variety of alternatives and lack of consistency make it difficult for agencies to deliver projects. Chair Bronin invited ACHP members to participate in the drafting. She also invited members to provide suggestions about how to better engage the broader public in this development process.

Member discussion highlighted the importance of training and getting adequate information in submissions from federal agencies and applicants to improving the review process, particularly in relationship to delegated programs. Members expressed concerns about the short turnaround period in which to provide comments after the public listening sessions and whether other vehicles, like standard treatments, might accomplish many of the goals of these program comment proposals. Kristin Fontenot (HUD) expressed readiness to help draft a housing program comment and the importance of having the wider public, not just preservation professionals, comment on development.

Section 106 Program Alternatives Under Development

Two agencies presented on current efforts to develop program alternatives. Joy Beasley (NPS) described the importance of the National Park Service's Program Comment for Mission 66 properties (1945-72) to efforts to address deferred maintenance in the Parks. Only 25 percent of Mission 66 properties have been evaluated for the National Register, which means projects affecting them cannot use provisions in the NPS Nationwide PA. NPS will provide detailed information on its Tribal and NHO consultation efforts when it submits a proposal in the near future with the goal of requesting an ACHP vote on the matter by early fall.

Michael Brennan (VA) introduced three programs for which the Department of Veterans Affairs (VA) plans to pursue Section 106 program alternatives. They will help implement a capital improvement program to better serve veterans' healthcare needs and include VA leasing, which is likely to be handled in a nationwide PA (NPA) but may take on another format; the State Home Construction Grant Program,

which will be handled in an NPA; and National Cemeteries, for which the VA plans to develop standard treatments. VA is conducting early coordination with key stakeholders and developing a consultation plan in coordination with ACHP staff.

Digital Mapping Initiative

Mr. Nelson described the ACHP's recent award of \$750,000 from the Permitting Council's Environmental Review Improvement Fund to create an integrated electronic nationwide historic properties map. The project would be carried out in two phases, with the first currently funded. The ACHP has requested funding from the Permitting Council for Phase 2 of the project. Phase 2 would include building out the map and working with all federal agencies to populate the database, a bigger task likely requiring bringing on staff.

Mr. Nelson noted that after ACHP staff had meetings with the Washington SHPO and several federal agencies, he and ACHP staff were hoping to work with the National Technical Information Service (NTIS), a small federal agency within the Department of Commerce that assists other agencies with similar projects. The proposed database would supplement rather than replace existing state and Tribal databases by providing national-scale information for early project scoping. It would not include information on properties of religious and cultural significance to Tribes and NHOs or archaeological sites. Members suggested connecting with the Council on Environmental Quality, the Federal Geographic Data Committee, and NPS staff who have relevant knowledge and experience that could help project planning.

TRIBAL AND INDIGENOUS PEOPLES COMMITTEE

Committee Chair Amelia Marchand called the meeting to order on July 11.

Introductions and Office of Tribal and Indigenous Peoples Staffing Updates

Committee Chair Marchand introduced herself as the ACHP's new Tribal Member representative and Chair of the Tribal and Indigenous Peoples (TIP) Committee. She provided an update regarding the vacant director of the Office of Tribal and Indigenous Peoples (OTIP) position, saying the vacancy has closed with 44 applicants for the position and that Mr. Nelson anticipates a panel interviewing candidates starting in late July. Mr. Nelson and Committee Chair Marchand thanked ACHP staff for their efforts in support of OTIP during this time of transition.

Update on the Draft Exemption for Indigenous Knowledge-Informed Activities by Native Hawaiian Organizations

Committee Chair Marchand provided a status update on the ACHP's Draft Exemption for Indigenous Knowledge-Informed Activities by Native Hawaiian Organizations and thanked everyone for their work on the exemption. Chair Bronin provided a detailed update on changes made to the most recent draft of the exemption based on feedback from the NHOs, Hawaii SHPO, federal and other partners. She advised members that the most recent copy they have been sent included comments providing relevant examples and comments from reviewers. She then provided a summary of consultation and coordination on the draft exemption, and about exchanges with reviewers workshopping updates to the draft to address their recommendations. She also provided an overview of feedback thus far on the exemption's proposal to form a subcommittee to explore potential future updates to the exemption to broaden its applicability outside of the Native Hawaiian context.

Ana Unruh Cohen (CEQ) asked about whether members would receive additional information prior to voting, and Chair Bronin said there is more information in comments on the latest draft and that additional details will be provided in the membership package alongside the final draft language members will be asked to vote on. Dr. Unruh Cohen said she wants to ensure the updated language clearly states

the challenges that Native Hawaiians face as they move forward, especially in the aftermath of fires. She said CEQ had some questions about the language in the draft that would set up a subcommittee to consider expanding the exemption and asked whether the entire ACHP might be more appropriate in that situation. Chair Bronin said the intention was to enable a smaller working group to vet the idea of whether the exemption could be expanded to Indian Tribes to signal and explore the ACHP's broader intention to implement its Policy Statement on Indigenous Knowledge and Historic Preservation.

Committee Chair Marchand asked whether the exemption's relationship with the American Indian Religious Freedom Act (AIRFA) had been considered, as structures and places are important to the preservation and continuation of traditional practices. Mr. Nelson noted that while the ACHP can acknowledge that agencies coordinate multiple laws and regulations with their NHPA compliance, the ACHP cannot direct how they meet the requirements of other laws under its current authority.

Valerie Grussing (NATHPO) shared that the National Association of Tribal Historic Preservation Officers (NATHPO) has been monitoring the exemption closely and appreciates the ACHP's efforts to build on the Indigenous Knowledge policy statement. She said NATHPO is hopeful for the precedent it might set, and that NATHPO will be satisfied with the draft language if NHOs are satisfied that their concerns have been addressed.

Betsy Merritt (National Trust for Historic Preservation) asked whether members could have access to the feedback from Hawaiian community members regarding the updated draft. She said the National Trust is deferring to those in Hawaii who would be directly involved in and affected by this exemption and wants an opportunity to get feedback from Hawaii commenters to be assured they are comfortable with the revised draft. She also shared she had some questions about the proposed subcommittee to explore expanding the exemption in the future. Likewise, Erik Hein (NCSHPO) said the National Conference of State Historic Preservation Officers (NCSHPO) needs to liaise with the Hawaii SHPO to ensure their concerns have been addressed and that NCSHPO had questions about the expansion subcommittee but would like to learn more and discuss.

Chair Bronin said she would like to take a straw poll at the business meeting to gauge how members feel about the expansion subcommittee provision and asked Mr. Nelson and Kelly Fanizzo about logistics for sharing clean updated draft materials with individuals who have already commented.

Training Updates

William Dancing Feather shared an update on the production of online, on-demand learning modules that instructors can incorporate into historic preservation courses at Salish Kootenai College (SKC). There are several modules with online portions drafted, including those on Indigenous Knowledge, Early Coordination with Indian Tribes and NHOs for Infrastructure Projects, Cultural Landscapes, and more. Committee Chair Marchand expressed enthusiasm for the initiative and offered her support. Vice Chairman Tannenbaum asked how members can access the course(s), and Mr. Dancing Feather said he could send a link to review the draft content. Vice Chairman Tannenbaum then asked about the status of the ACHP's partnership with SKC. Mr. Dancing Feather responded the agreement was to last through the 2021/2022 school year. Ms. Fanizzo and Mr. Nelson said the ACHP will wait until the onboarding of a new OTIP director to engage membership and SKC on future actions regarding the partnership. Chair Bronin thanked Mr. Dancing Feather and Ms. Fanizzo for supporting so many important initiatives in the midst of a staffing shortage.

New Business

Committee Chair Marchand gave a brief overview of work done over the past few years by the TIP Committee and OTIP and expressed thankfulness. She asked members for input about the future work of the TIP Committee. Vice Chairman Tannenbaum brought up teacher training and sharing information on

fully funded teacher training programs. Committee Chair Marchand said she is on the advisory committee of a Nationwide Climate Change Curriculum Initiative that incorporates Indigenous Knowledge (including U.S. territories and jurisdictions) and is curious about opportunities to connect her work on that initiative to her role at the ACHP.