



MINUTES

SUMMER BUSINESS MEETING

ADVISORY COUNCIL ON HISTORIC PRESERVATION

JULY 18, 2024

WASHINGTON, D.C.

MEETING
ADVISORY COUNCIL ON HISTORIC PRESERVATION
Russell Senate Office Building, Kennedy Caucus Room
Washington, D.C.
July 18, 2024

PROVISIONAL AGENDA

Call to Order 9 a.m. EDT

- I. Chair's Welcome
 - A. Reflections on St. Elizabeths Tour
 - B. Report on Recent Activities
- II. Executive Director's Report
- III. Regulations and Governance
 - A. Chair's Initiative on Government-wide Program Comments
 - 1. Housing
 - 2. Clean Energy
 - 3. Energy Efficiency
 - 4. Climate-Friendly Transportation
 - B. Status of Other Nationwide Program Alternatives Under Development
 - C. Update on Implementation of Nationwide Cultural Resource Mapping Initiative
- IV. Policy and Legislative Affairs
 - A. ACHP Comments on Legislation
 - 1. FY 2025 Federal Budget, Including Historic Preservation Fund Funding and Reauthorization
 - 2. Enhancing the Historic Tax Credit and Considering Other Tax Incentives for Reusing Existing Buildings
 - 3. National Defense Authorization Act
- V. Tribal and Indigenous Peoples
 - A. Proposed Exemption for Indigenous Knowledge-Informed Activities by Native Hawaiian Organizations
- VI. New Business
- VII. Adjourn

IN ATTENDANCE

Hon. Sara Bronin, Chair
Jordan Tannenbaum, Vice Chairman
Erica Avrami
Carmen Jordan-Cox
Monica Rhodes
Charles "Sonny" Ward
Jane Woodfin

Architect of the Capitol

Thomas E. Austin

Represented by:

Joseph Imamura
Special Delegate of the
Architect of the Capitol

Secretary of Agriculture

Represented by:

Meryl Harrell
Deputy Undersecretary
for Natural Resources
and Environment

Chair, Council on Environmental Quality

Represented by:

Ana Unruh Cohen
Senior Director for
NEPA, Clean Energy,
and Infrastructure

Secretary of Defense

Represented by:

Ron Tickle
Deputy Assistant
Secretary for
Environmental
Management and
Restoration

Administrator, General Services Administration

Represented by:

Beth Savage
Director, Center for
Historic Buildings,
Public Buildings
Service

Secretary of Homeland Security

Represented by:

Trae Watkins
Deputy Chief Readiness
Support Officer

Secretary of Housing and Urban Development

Represented by:

Kristin Leahy Fontenot
Director, Office of
Environment and
Energy

Secretary of the Interior

Represented by:

Michael Martinez
Deputy Assistant
Secretary, Fish and
Wildlife and Parks

Secretary of Transportation

Represented by:

Christopher Coes
Assistant Secretary for
Transportation Policy

Secretary of Veterans Affairs

Represented by:

Michael Brennan
Executive Director,
Office of Construction
and Facilities
Management

Indian Tribe Member

Amelia AM Marchand
Citizen, Confederated Tribes of
the Colville Reservation

Governor Member

Hon. John Carney
Delaware

President, National Conference of State Historic
Preservation Officers

Ramona Bartos
Deputy SHPO, North Carolina

Chair, National Association of Tribal Historic
Preservation Officers

Represented by:

Valerie Grussing
Executive Director,
NATHPO

Chair, National Trust for Historic Preservation

Represented by:

Carol Quillen
President and CEO

OBSERVERS

Chairman, ACHP Foundation

Susan Snell Barnes
Interim Chair

Preserve America Youth Summit

Ann Alexander Walker
Program Director

In attendance and participating in the meeting were ACHP Executive Director Reid Nelson; ACHP Office Directors Dru Null and Kelly Fanizzo; and Joy Beasley, National Park Service Associate Director, Cultural Resources, Partnerships, and Science.

PROCEEDINGS

Advisory Council on Historic Preservation (ACHP) Chair Sara Bronin called the summer business meeting to order at 9:05 a.m. July 18, 2024. She appointed Shayla Shrieves recorder for the meeting. The agenda was adopted with a motion by Vice Chairman Jordan Tannenbaum and second by Monica Rhodes. The minutes from the spring business meeting were adopted with a motion by Michael Brennan and second by Vice Chairman Tannenbaum. Later in the meeting, the General Services Administration (GSA) held the proxy for the Secretary of Transportation.

Chair's Welcome

Chair Bronin thanked members for being there in person and noted the meeting was being live-cast on the ACHP's Facebook page. She welcomed the newest members to the ACHP and asked them to introduce themselves. Erica Avrami, Jane Woodfin, and Amelia AM Marchand all introduced themselves saying they were honored to be a part of the ACHP and look forward to the work ahead. Architect of the Capitol Tom Austin welcomed members to the historic Kennedy Caucus Room and said he values the relationship his agency has with the ACHP.

Chair Bronin thanked Beth Savage and the GSA staff, as well as Trae Watkins and the Department of Homeland Security (DHS) staff for hosting members on the St. Elizabeths campus tour the previous day. She said the National Historic Landmark first saw life in the 1850s, originally designated to serve the mental health needs of veterans, military personnel, and Washington, D.C. residents. She said rehabilitation of a campus of that size is a huge effort, and GSA and DHS should be commended for the attention they paid to the details and should be praised for their sizable investment. She said toward the end of the tour, they learned about a number of sustainability initiatives that have been integrated into the site, including one of the largest green roofs in the world, solar panels, native plants, green stormwater infrastructure, and a shuttle bus system. Those efforts are about to accelerate on the campus, given the Biden Administration's investment through the Inflation Reduction Act of nearly \$300 million on the site.

Chair Bronin also acknowledged that DHS has developed a nationwide programmatic agreement, along with the ACHP and the National Conference of State Historic Preservation Officers (NCSHPO), that is a groundbreaking model document for the ways federal agencies can address energy efficiency, climate adaptation, and water efficiency at federal sites.

She called on Susan Barnes, a representative of the ACHP Foundation and former vice chairman of the ACHP, who had participated in an earlier expert panel to help advise on the development of that campus. Ms. Barnes said she remembers visiting the campus around 2007 when the programmatic agreement was being developed by GSA, in consultation with the ACHP and others, and that many of the buildings then were in dire distress. She noted that the group walked through one of the most historic buildings the previous day, and that the inside was totally readapted while maintaining the exterior of the building. She said that is a credit not only to the programmatic agreement, but also to DHS and GSA for being inventive and creative in how to use a building that is now almost 175 years old in order to meet 21st century needs. She said it is truly an exemplary example of how agencies have come together and worked for the betterment of our national heritage.

Chair's Report

Regarding policy statements, Chair Bronin is working diligently on implementation. On the Indigenous Knowledge policy statement, one of the things the ACHP has had the opportunity to do through the State Department's Cultural Heritage Coordinating Committee is advise on some of the G20 cultural ministerial issues, including a declaration that may be adopted at an upcoming meeting. There are other references to Indigenous Knowledge being discussed at the international scale.

With regard to the burial grounds policy statement, she attended an ACHP convening for leaders across academia, the nonprofit world, and advocates who have been involved in the preservation of African American burial grounds. She thanked Carmen Jordan-Cox for helping to inspire and attending the meeting, and Equity Officer Candra Teshome and Office Director Dru Null for leading the discussion.

There has been a lot of activity on state and local policy advising. A recently proposed Connecticut bill, on which the ACHP officially opined, was withdrawn, and a diminished version was put into the budget. There is still an appeals process, but some of the more problematic provisions have been removed. Similarly, in North Carolina, a bill that would have hurt historic Tribal and archaeological sites was

withdrawn. She thanked Ramona Bartos and Erik Hein, and the National Association of Tribal Historic Preservation Officers (NATHPO) for raising awareness of the issue. The ACHP is also monitoring several bills in California. Chair Bronin said she wrote an op-ed in *The San Diego Union-Tribune* praising California State Historic Preservation Officer (SHPO) Juli Polanco and the efforts in a few cities across California on adaptive reuse of historic buildings for housing. Chair Bronin said she thinks it is important to promote best practices that are consistent with the ACHP policy statements. She participated in the New York City roundtable and she also testified about the ACHP housing policy statement in a hearing in New York City on the City of Yes initiative.

Executive Director's Report

Reid Nelson said operations in 2024 continue as planned, and that he anticipates the ACHP ending the budget year on target. For FY 2025, the ACHP had requested a significant increase in funding at \$9.544 million. That increase would provide the ACHP, among other things, full funding for the intern program, some critical augmentations in the IT department, full payroll amounts for all staff, and funding a current temporary position permanently. A recent amount shared by the House of Representatives was \$1.169 million less than this request. The ACHP has not heard funding figures from the Senate yet but is hopeful the number will come up and the ACHP will be able to continue operations at levels similar to current operations. The ACHP is working now on the FY 2026 budget estimate.

He introduced new staff who have joined the ACHP since the last business meeting. The ACHP hired for the Office of Federal Agency Programs (OFAP) Jeffrey Alvey as training specialist; Katharine Cline as a historic preservation specialist; Rodney Parker Jr., Bureau of Land Management liaison; Sarah Beimers, the agency's first SHPO liaison; and Alex Toprac as an assistant training specialist. In the Office of General Counsel, Kathryn Ore has joined as a permitting attorney. He also acknowledged the eight summer interns, mostly chair's interns, along with one in OFAP and two in the Office of Communications, Education, and Outreach.

Regulations and Governance Committee Report

Chair Bronin discussed the chair's initiative on government-wide program comments. She reminded members that at the last meeting she talked about the need for the ACHP to think bigger about what preservation can do and be, and how the ACHP can achieve bigger results than it has in the past.

Reflecting on the policy statements adopted in July and December, including the climate and housing policies, it is clear each policy statement compelled action and both speak specifically about Section 106 options. It is important to expand the ways we use the Section 106 process to both advance historic preservation goals and address housing and climate change response priorities, and consider what types of activities should be covered in a program alternative as we think about Section 106 solutions.

She said she has discussed these concepts with many different parties and decided to draft government-wide program comments that address four interrelated topics: housing, climate-friendly transportation, clean energy, and energy efficiency. To that end, she has started the process of talking about this approach with the public, hosting meetings, conversing about it with ACHP members, and identifying existing program alternatives to draw from to develop such documents.

The ACHP received a number of comments as a result of an open call for comments, and heard from many others through direct meetings. Chair Bronin heard from a number of SHPOs, from nonprofit organizations involved in housing and transportation, from individuals, and from representatives of federal agencies. She said she hopes to have a robust discussion among members, preservationists, and among those who do not typically participate in the preservation conversations. The ACHP has been working on developing lists of organizations to reach out to about these ideas. One of the things that the

agency's draft equity plan calls for is a particular focus and directed outreach to communities that are underserved and communities with environmental justice concerns.

Vice Chairman Tannenbaum said at the previous week's committee meeting, they welcomed Zoe Jacobs, Senior Policy Advisor for Infrastructure Implementation in the Executive Office of the President, to the meeting. She noted the Administration sees the next few months as critical to implementing numerous infrastructure initiatives.

In discussing the four proposed program comments, members highlighted the critical role of SHPOs in the Section 106 process. Training both in Section 106 and relevant program alternatives was also noted as an important and necessary part of any potential solution.

Members also commented on the need for an appropriate amount of time to be provided to consulting parties, both to consult and to comment on any potential draft program comments. It is clear that there is a need to balance any programmatic solution with a consultation plan that is appropriate to the subject matter and the scope of the category of potential undertakings. The Department of Housing and Urban Development (HUD) offered its assistance in drafting any materials and noted its previous interest in finding a programmatic solution for housing-related undertakings.

Kristin Fontenot said HUD supports the ACHP's efforts to streamline the review of redundant and repetitive activities for housing related to energy efficiency upgrades, hazardous material abatement, upgrades for livability, and accessibility. The initial safeguards for avoiding ground disturbing activities and also treating separately properties like National Historic Landmarks is a good boundary. HUD communicated to the ACHP on June 11 an intent to develop a program comment for public housing specifically. HUD has since agreed to work with the ACHP on a program comment that could have broader implications for all federal agencies dealing with similar challenges. HUD has already conducted one listening session with SHPOs to hear their initial thoughts on a program comment of this kind.

Ms. Fontenot said HUD appreciates and welcomes the ACHP's willingness to open up the discussion and dialogue beyond the historic preservation professionals. There are many partners that have not been as vocal for a host of different reasons. She suggested further engagement with groups such as the Council for Large Public Housing Authorities, National Association of Housing and Redevelopment Officials, Public Housing Authority Directors Association, National Community Development Association, and Council of State Community Development Agencies. She also suggested thinking through the energy efficiency priority and the energy efficiency and clean energy work, and how that plays into housing.

Ms. Bartos said NCSHPO offered some comments during the committee meetings with their perspective. She said SHPOs are in a unique position to be able to see all of the different ways that projects come in for their review under the National Historic Preservation Act (NHPA). There is not only one single path to streamline and make efficient. She wants people to be able to influence and shape what the federal government is proposing to do in their communities, and at the same time, make it easier for citizens to access these very programs. She supports increased training for the public in Section 106.

Ms. Marchand said she understands the need and the intent of these program alternatives and encourages the ACHP staff to ensure the concerns and issues brought forward by Indian Tribes and Native Hawaiian Organizations (NHOs) are addressed as part of this effort, including any concerns that may be raised about the timeline for development of them. She recommended further outreach to all Tribal colleges and universities, as well as the BIA Branch of Tribal Climate Resilience and that the Regional USGS Climate Adaptation Science Centers be included in the database for these meeting notices.

Ms. Bartos asked if written comments are submitted to the ACHP on any of these issues, could ACHP members receive copies of them. Mr. Nelson responded that he would be happy to provide access to members through a shared drive for comments received.

Ms. Rhodes asked about the status of the Hatcher Public Relations firm's contract and their role in helping to think about a larger vision on engagement and outreach around these efforts. Chair Bronin responded that it has been a good investment, in that they have helped staff and members understand what strategies can be used to talk about the ACHP and provide contacts that the staff do not necessarily have to try to expand awareness about the activities of the federal government with regard to historic preservation.

Mike Martinez told the group that on April 15, the National Park Service (NPS) launched a new website that gathers in one place all existing NPS guidance regarding the treatment of historic buildings and sustainability, energy efficiency, climate change, resilience to natural hazards. This includes new guidance on these topics. He asked members to reach out if any Department of the Interior (DOI) assets can help with this conversation.

Nationwide Program Alternatives

Vice Chairman Tannenbaum said during the committee meeting, members heard from NPS on its efforts to develop a program comment for its Mission 66 facilities, which constitute approximately 25 percent of its properties. Over the last year, NPS has been consulting on this effort, which will provide an optional compliance tool for meeting its Section 106 responsibilities. NPS is in the process of preparing the program comment for submittal to the ACHP with a plan that would then be before the membership this fall for consideration and vote. Members also heard from the Department of Veterans Affairs (VA) which outlined its interest in pursuing two nationwide programmatic agreements and a standard treatment. The programmatic agreements would address VA's leasing program and its State Home Construction Grant Program, while the standard treatment would address adverse effects at national cemeteries.

At this time, Joy Beasley came to the table to offer remarks on the NPS proposal.

She said the Mission 66 program comment is something NPS has worked on for well over a year. They worked closely with the ACHP and have consulted extensively, both internally with stakeholders, and also with other consulting parties and Tribes. Over the next several years, NPS has funding close to \$2 billion available to them. This program comment is truly preservation focused. What they are trying to do is develop measures to ensure they can direct these funds toward existing historic assets, including those that date to the Mission 66 era. Those represent about a quarter of NPS' total built infrastructure, but the vast majority of those resources are unevaluated. The goal is to be able to get these historic assets in better condition, to make them adaptable for modern needs, more accessible, and that they can continue to serve the public for decades to come.

Chair Bronin said she thinks the need is great for the parks, including thinking about some of the other issues like the need to provide housing on site, upgrade facilities, and improve the visitor experience. She said she believes the ACHP will have a vote on it in the relatively near future.

Ms. Rhodes asked if the \$2 billion that has been allocated is above and beyond the Great American Outdoors Act funding or is this a different pot of money. Ms. Beasley replied that it is largely Great American Outdoors Act funding, but there are also some funds provided through the Bipartisan Infrastructure Law, the Inflation Reduction Act. Ms. Rhodes applauded the tremendous efforts of NPS as a part of their Historic Preservation Training Center and how they are training the next generation of preservation trades professionals. She wondered if a training component is being considered as part of this larger effort to restore the Mission 66 buildings to expand these opportunities to the younger generation. Ms. Beasley said absolutely and that the Historic Preservation Training Center has been critical to the overall implementation of the Great American Outdoors Act.

Meryl Harrell said the Department of Agriculture (USDA) has a challenge with deferred maintenance and also with employee housing. They are also considering how best to use their existing facilities and

infrastructure in order to better support access to affordable available housing for employees. She said USDA partners with HistoriCorps and others to support the next generation in caring for and maintaining these properties.

Dr. Brennan reiterated VA's commitment to historic preservation. He said it is unusual that VA would have three program alternatives. He did not want to go into details but pointed members to a website with more information. He said it is not just a benefit for the federal agency, it is also a benefit for the ACHP to allow resources both within the agency and the ACHP to be focused on the more significant historic preservation initiatives and transactional requirements that require manpower, time, and resources.

He said they have a major leasing program to provide facilities focused on caring for veterans where they are needed across the nation. Over the past five years, VA has had 66 major lease projects across the country in most major markets. He believes this and the other proposals will allow VA to be better stewards of its resources, to conduct its mission to provide care benefits and services for U.S. veterans, but also the responsibilities to preserve historical assets. He asked members to look at the website and provide any comments.

At this time, Christopher Coes left the meeting.

Nationwide Cultural Resource Mapping Initiative

Vice Chairman Tannenbaum said in the committee call in May, members learned of the recent commitment from the Permitting Council to help support the first phase of this ambitious effort. Since that time, staff have been doing the necessary fact-finding to prepare for this initiative, including conversations with the Council on Environmental Quality (CEQ), Department of Justice, and the Washington SHPO.

Mr. Nelson gave background on the project noting the ACHP efforts to develop a nationwide digital map to inform historic preservation reviews and infrastructure projects is an exciting area for the ACHP. The agency has always seen accessible and reliable information as absolutely essential to informing Section 106 reviews. The history goes back as early as the 2006 Preserve America Summit, where some of the key recommendations coming out of that summit were to invest in information systems to make them more complete, and much more recently in the workings of the Digital Information Task Force, which Vice Chairman Tannenbaum chaired.

Recognizing also that there was no singly accessible nationwide map that provided that first stop to inform federal decision making and the development of projects, infrastructure, and beyond, the ACHP saw an opportunity to seek investments in the creation of a single digital map that would provide information about historic properties across the country. He cautioned that it is not a replacement for the current systems among states and Tribes but could be a first step in project planning. Phase 1 has been funded at about \$750,000. It includes a survey of the data landscape, looking at current data standards and policies about using, and maintaining, and making data available and then developing a proof of concept. The ACHP is going to work with the National Technical Information Service to begin developing a proof of concept and lay out the framework for a GIS-based map.

The ACHP has committed to identifying three federal agencies as part of this first phase who are willing to work with him to share information they have about historic properties so that can begin to populate the map and prove it would work. He said he also spoke with the Washington SHPO who gave pointers on developing a system like this, as well as contacts at DOI and CEQ. If funded, Phase 2 will focus on fully developing the system and working with all federal agencies to gather data that is available to them, so the map can be fully populated. He welcomed any input or ideas about digital mapping experiences from the members.

Chair Bronin mentioned that CEQ released its report to Congress the previous day on this exact topic. Ana Unruh Cohen said as part of the Fiscal Responsibility Act, Congress asked CEQ to look into the ability to use technology and digital tools to improve National Environmental Policy Act reviews and other permitting work. She said she hopes it is a good resource for the ACHP as it details a lot of tools that exist within the federal government right now.

Ms. Bartos said she wanted to express deep concerns about the mapping project. She reminded members that in 2018 the ACHP set up a Digital Information Task Force to look at these issues. What she was hearing instead is that this is a staff-led effort and that a federal mapping tool would be preferable to what is already in place at the states. She gave statistics about what states have for mapping, including 68 percent of SHPOs have robust online GIS, but only 22 percent have 100 percent of their data digitized. She said building up the SHPOs' systems from scratch would be \$38 million for all SHPOs. The system in her state of North Carolina took 15 years to build from the bottom up. She said a map would lose its effectiveness there is no Tribal or archaeological data, since knowing where things really are is crucial to project development and project delivery, but she acknowledged the confidentiality needs surrounding Tribal information.

She said if the ACHP sets this up, it has to be maintained 24 hours a day, and the states have the survey responsibility under the NHPA. She would like for the ACHP to set up a task force of the membership, to keep them informed about what is happening. She suggested members think about whether this the right path forward in developing a federal system, or is there another more effective and efficient tool to get it done more quickly, building on what they already have. She said it is important for the membership to have input in this and that it not be something that is presented to them as the *fait accompli*. She asked whether there is truly a need for Phase 2.

Chair Bronin said this project is actually focused on those types of resources that federal agencies have deemed eligible for listing in prior Section 106 reviews. For federal agencies who work across state lines and who need a somewhat consistent source of data, this project is envisioned to assist those agencies with another type of resource that does not get posted. She thinks the majority of states do not post the eligibility findings, at least on an online map. Ms. Bartos said the case of eligibility is also a moving target that needs the states to also come into play, as well as the agencies, as well as potentially NPS.

Ms. Bartos offered a motion that the ACHP set up a task force in the coming days.

Chair Bronin said the ACHP has already received the funding for a specific task. She said she can have a task force, or meetings that help to inform what the funding would be used for, but the Permitting Council has provided it for a specific task that the ACHP is obligated to do.

Ms. Bartos said since the ACHP is comprised of the 24 members, she would just like to suggest that there be a subset of those members to be more engaged with this issue. Mr. Nelson said the Digital Information Task Force was never formally disbanded, so there may not be a need to create a new task force. Chair Bronin questioned the action needed and if she could convene a subgroup of members. Kelly Fanizzo said the chair can convene a subcommittee at any time. Designating work to the subcommittee would require a vote. With regard to Ms. Bartos' motion on the table, Ms. Fanizzo said it could be a voice vote. Valerie Grussing seconded Ms. Bartos' motion.

Chair Bronin asked for any more discussion and added that she thought the extent to which any group of members can change what the Permitting Council has funded is limited in that they have funded the ACHP for a specific purpose.

Dr. Cohen asked if the vote could be postponed until the answer could be found regarding the existing task force. Ms. Bartos said she would amend the motion to call for either setting up a new task force or renewing the existing task force.

Dr. Grussing said she supported Ms. Bartos' concerns and expressed support for the exclusion of Tribal and archaeological sites. She said NATHPO will have its own geospatial directory getting underway soon with funding from the Inland Oil Spill Preparedness Program under the auspices of emergency response that would contain Tribal Historic Preservation Officer (THPO) contact information in a current form and maximum area of interest information in a geospatial format.

Ann Walker said she was chair of the task force at the Preserve America Summit when they were seeking better digital mapping for the nation's historic properties for both federal use and for SHPOs and THPOs and local landmark commissions. She encouraged further engagement with SHPOs and THPOs, as well as the National Association of Preservation Commissions, because these entities have various different systems in the way they document and map their historic resources and are involved with the determinations of eligibility. That would be significant in making this relevant in the application of Section 106 across the country.

Chair Bronin said in Phase 1 of the mapping project, the ACHP would work with SHPOs and others to try to figure out what information is out there. As the agency that oversees this process, there is an obligation for the ACHP to try to improve its data capacity. It is part of Administration-wide initiatives to use data in better environmental permitting.

Ms. Fanizzo asked Ms. Bartos for clarification on her motion. Chair Bronin said she would prefer a roll call vote on the motion.

Dr. Jordan-Cox added that it is a good project. The location and preservation of historic African American cemeteries is a real concern, and she hopes the ACHP can incorporate that somehow using mapping. Ms. Barnes suggested brainstorming who the partners would be. She suggested looking at the county level, for example in her home state of Illinois, this kind of mapping is funded by counties, not the state. Mr. Martinez said DOI chairs the Federal Geospatial Data Committee and offered to help connect the DOI assets to the ACHP on this project.

Dr. Avrami said her understanding is that this is an aggregating platform. This is not about creating a lot of new data. This is actually about creating a network amongst all of the states and agencies, potentially moving into other organizations or county level partners as a way of aggregating specifically GIS and spatial data, as opposed to creating new inventories and new digitization.

Ms. Shrieves said the motion is to set up a new task force or reactivate the 2018 task force for digital information. She called the roll, and the motion passed with 14 ayes, three nays, and four abstentions.

Chair Bronin said she will appoint every member as a member of the digital task force. She will be convening a regular session or a special meeting of that in the near future to talk about some of these issues.

Policy and Legislative Affairs

Chair Bronin noted that Dr. Avrami is the new chair of this committee and thanked former chair Sonny Ward for his leadership. Dr. Avrami said the previous week, the Policy and Legislative Affairs Committee discussed several legislative issues and pending bills in Congress. There was consensus among the committee members to advance the motions outlined in the meeting book for consideration by the full membership. At this time, Ms. Null came to the table.

The first motion addresses the FY 2025 federal budget. The committee discussed the need for adequate funding for the Historic Preservation Fund (HPF); the need to extend its authorization, which has lapsed; and the importance of funding the new and as yet not funded NPS African-American Burial Grounds Preservation Program. Dr. Avrami moved that, the ACHP supports an increase in HPF appropriations in

Fiscal Year 2025, preferably to at least \$225 million; supports inclusion in the appropriations legislation of at least a two-year reauthorization of the HPF, pending separate legislation to address long-term reauthorization; and urges Congress to fund the United States African-American Burial Grounds Preservation Program; and directs the chair to so advise Congress.

Dr. Jordan-Cox seconded it.

Ms. Marchand said she supports the motion to fund the HPF at a more robust figure, including parity in funding between THPOs and SHPOs and permanent authorization of the HPF so that THPOs can be more adequately funded and historic preservation funding to Tribes can be increased. Ms. Savage said GSA fully supports full funding of the HPF. However, because the President's budget is not at this level, she just wanted to make sure for the record that folks understood that however the vote ends up, GSA supports full funding for the HPF.

Ms. Shrieves did a roll call vote, and the motion passed with 13 ayes, no nays, 8 abstentions.

Dr. Avrami said the next motion addresses tax incentives. The committee discussed anticipated major tax legislation next year and the potential opportunities it presents to promote tax credits for rehabilitation of older and historic buildings. She moved that, the ACHP reiterates its support for the HTC-GO Act and recommends its inclusion in any upcoming comprehensive tax bill; urges incentivizing reuse of existing buildings, particularly in any housing or climate-related tax credits; and directs the chair to so advise the Congress.

Dr. Jordan-Cox seconded it.

Ms. Shrieves did a roll call vote, and the motion passed with 14 ayes, no nays, 8 abstentions.

Dr. Avrami continued that the final motion addresses the National Defense Authorization Act (NDAA). Both the House and Senate versions address Section 106 review for historic housing and other facilities. The committee discussed the ACHP's usual opposition to legislative exemptions to Section 106. Portions of the House bill are redundant given the most recent Army program comment, the House bill has significant implications for the National Register identification and evaluation process, and the Senate proposal would expand the applicability of existing program comments to cover more Army housing.

She moved that, the ACHP draws the Congress's attention to the fact that Section 106 streamlining proposed in both the House and Senate versions of the Fiscal Year 2025 NDAA is no longer necessary, since recently issued and potential administrative options already are available to address the issues referenced; Urges the removal of Sections 2834, 2835, and 2837 of the House version, since they would exempt projects from review under Section 106 and run counter to the regulations governing the National Register of Historic Places; Recommends that the Senate proposal to address 1941 to 1948 Army housing through application of an existing program comment reference the Army Program Comment for Interwar Era Historic Housing, Associated Buildings and Structures and Landscape Features, 1919 to 1940; and Directs the chair to so advise the Congress.

Dr. Jordan-Cox seconded it.

Ron Tickle thanked the ACHP for the support of the Army's pre-1919 housing program comment that was passed earlier this year. It filled a major hole in the ability for the Army to focus on maintenance of these facilities.

Ms. Shrieves called the roll, and the motion passed with 10 ayes, no nays, 12 abstentions.

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

Chair Bronin commended the Office of Tribal and Indigenous Peoples for supporting the effort to develop this exemption in light of being down a couple of staff members. She said exemptions have been primarily proposed by federal agencies, and this one is different, because it exempts certain cultural preservation activities, and specifically those activities that are informed by Indigenous Knowledge, and are unlikely to cause adverse effects.

This effort is driven in part by the ACHP's Indigenous Knowledge and Historic Preservation Policy Statement, which specifically said that the agency has to integrate Indigenous Knowledge into the Section 106 processes. She recounted her visit to Hawaii with former ACHP Indian Tribe Member Reno Franklin where they met with NHOs and toured sacred sites where traditional agricultural practices were being conducted. They heard the Section 106 processes had sometimes presented challenges, particularly for grant recipients, across a range of areas. She noted a comment submitted by the Historic Hawaii Foundation has long advocated for a different treatment for the kinds of activities that have involved historic preservation and stewardship there.

In response to the wildfires last year in Lahaina, Chair Bronin said while it is up to the community to decide how to rebuild, she felt it was another example of the need for the ACHP to facilitate the kinds of Indigenous Knowledge-informed activities that might be funded by, assisted by, permitted by, or otherwise have federal agency involvement. She reminded members that in May, she put out a draft of the exemption and received a number of comments. A majority of those comments were incorporated into a new draft. She asked members to think specifically about a comment concerning the idea of a subcommittee that could be used to modify the list of covered activities and could be used to expand the exemption to Indian Tribes.

Ms. Marchand said she had mentioned in the committee meeting to keep the American Indian Religious Freedom Act in mind as members move forward with this. She said there has been a lack of legal protections for Indian Tribes and NHOs to exercise their religious use of native plants, minerals, and animals. She said this exemption would be one way to help resolve or remedy some of those issues that have been long standing. A lot of these, or the majority of these preservation activities, are expressions of intergenerational Indigenous Knowledge transfer, and those religious and cultural practices of Native Hawaiians are vital.

Dr. Grussing applauded the intent behind the creation of this and immediately putting into practice the Indigenous Knowledge policy, and also reiterated that NATHPO does not represent the interests of NHOs. She said they are keenly interested in getting this right for its own sake as well as with an eye toward potentially expanding it to Tribes in the future. She voiced her support for the addition of the provision suggested by the Department of Defense, intended to address potentially competing claims as well as the desire for an appeals process to be added. She asked what is the timeline for the exemption moving forward and what additional discussion does the chair envision.

Mr. Nelson said the ACHP typically has not developed or included appeals processes with exemptions simply because of the nature of what an exemption is. An exemption is at its root a decision by a federal agency about whether the Section 106 process applies to a set of actions. He said he would be happy to have staff look at those and provide further information to the members about whether an appeals process is applicable here. He noted that it is the primary responsibility of the agency itself to remedy and address competing claims about whether an NHO is culturally affiliated with a site or whether the actions being proposed are culturally appropriate, in consultation with NHOs.

Ms. Marchand said she thought one of the models staff could look into is free prior and informed consent processes to get all interested rights holders, Tribal, Native, Indigenous rights holders included in

discussion processes. Mr. Watkins said DHS needs a little more detail on dispute resolution. Ms. Bartos said she wanted the Hawaii SHPO's comments to be considered and hoped any questions could be ironed out before the vote would take place.

Mr. Martinez thanked Chair Bronin for elevating this issue to the ACHP and commencing engagement with NHOs in the Native Hawaiian community. He said DOI agrees with the goal of improving the Section 106 review process by federal agencies for more consistency and transparency for the Native Hawaiian community. In order to best achieve a prudent and informed outcome for the Native Hawaiian community and ensure that the NHOs are fully included and provided with the opportunity to effectively participate in federal historic preservation programs, DOI urges the ACHP to undertake further consultation on the exemption. To help ensure meaningful consultation, these NHOs need the opportunity to understand how their recommendations were integrated, hear reasons for why recommendations were not adopted, and weigh in again on the final proposal in light of the recommendations and ACHP rationales that resulted in the revised draft.

Chair Bronin asked Mr. Martinez if he had any specific recommendations on the appeals process. Mr. Martinez said he recommends taking this back to consultation to hear from the Native Hawaiian community and the NHOs.

Dr. Cohen said the subcommittee amendment process has given CEQ some pause. Especially thinking about expanding the applicability of the exemption to all federally recognized Tribes, she thought the whole ACHP should be able to weigh in on the potential amendments.

Chair Bronin asked for a straw poll of the members regarding concerns expressed about the subcommittee that would be able to amend this to expand or change the list of covered activities or to expand it to Tribes. She said it seems like there is enough concern about this that it could be easily removed.

Ms. Fontenot said HUD supports the idea of streamlining and focusing and prioritizing the critical importance of Indigenous Knowledge in how to think about the Section 106 process. She raised two other points: how to think about sites of significance to NHOs as well as historic properties under other criteria, and how to think about that in terms of the Section 106 process; and a concern about the attestation process that was mentioned.

Chair Bronin said the next steps should be that this draft be posted to the website. She is happy to have other public meetings. She will schedule that with staff consistent with agency protocols in a few weeks, and she can move forward from there. Shortly after that, she said she is happy to provide a quick report about any comments received, and try to bring this issue to a vote.

New Business

Chair Bronin mentioned she will be going to Chicago on Tuesday for a talk at Northwestern Law School. Also, the law conference for the National Trust and the ACHP is September 12. On October 4, the ACHP is co-sponsoring the U.S. Climate Heritage in the International Context conference with Georgetown University Law Center, the Georgetown Climate Center, Cornell Law School, and the American Institute of Architects.

The schedule for the upcoming committee meetings and business meeting is in the members' table packets. The meeting was adjourned at 12:10 p.m.