



# ADVISORY COUNCIL ON HISTORIC PRESERVATION FALL BUSINESS MEETING

NOVEMBER 18-19, 2024



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**MEETING**  
**ADVISORY COUNCIL ON HISTORIC PRESERVATION**  
**November 19, 2024**

**PROVISIONAL AGENDA**

**Call to Order 9 a.m. EDT**

- I. Chair's Welcome
  - A. Reflections on Member Tour
  - B. Report on Recent Activities
  - C. Looking Ahead to 2025
- II. Executive Director's Report
- III. International Climate Heritage Discussions—What's Next?
- IV. Policy and Legislative Affairs
  - A. Revitalizing Downtowns and Main Street Act
  - B. Fix Our Forests Act
  - C. Julius Rosenwald and Rosenwald Schools National Historical Park Act
  - D. FY 2025 Funding for the Smithsonian National Museum of the American Latino
- V. Tribal and Indigenous Peoples
  - A. Exemption for Indigenous Knowledge-Informed Activities by Native Hawaiian Organizations—Implementation Plan
  - B. Plan for Implementing Policy Statements on Indigenous Knowledge and Burial, Human Remains, and Funerary Objects
- VI. Regulations and Governance
  - A. Status of Other Nationwide Program Alternatives Under Development
  - B. ACHP-Initiated Program Alternative(s)
- VII. New Business
- VIII. Adjourn



**MEETING**  
**ADVISORY COUNCIL ON HISTORIC PRESERVATION**  
**November 19, 2024**  
**Kennedy Caucus Room 325**  
**Russell Senate Office Building**  
**Washington, D.C.**

**ANNOTATED AGENDA**

**Call to Order 9 a.m. EST**

- I. Chair's Welcome
  - A. Reflections on Member Tour. *Chair Sara Bronin will reflect upon the previous day's member visit to Union Station in Washington, D.C.*
  - B. Report on Recent Activities. *Chair Bronin will provide an update on her activities since the summer business meeting.*
  - C. Looking Ahead to 2025. *Chair Bronin will lead a discussion with the members on identifying key ACHP priorities for the coming year.*
- II. Executive Director's Report. *Executive Director Reid Nelson will report on the status of FY 2025 budget expenditures, the FY 2025 budget justification, the FY 2026 budget estimate, staff recruitment and transitions, and ACHP operations.*
- III. International Climate Heritage Discussions—What's Next? *(discussion). Chair Bronin and Policy and Legislative Affairs Committee Chair Erica Avrami will discuss outcomes from the recent International Climate Heritage Conference and future priorities for the ACHP on international preservation issues.*
- IV. Policy and Legislative Affairs
  - A. Revitalizing Downtowns and Main Street Act *(action needed). Committee Chair Avrami and Office of Policy and Legislative Affairs Director Dru Null will summarize the committee's consideration of this draft legislation and advise the members on potential ACHP comments to Congress.*
  - B. Fix Our Forests Act *(action needed). Committee Chair Avrami and Ms. Null will summarize the committee's consideration of this draft legislation and advise the members on potential ACHP comments to Congress.*
  - C. Julius Rosenwald and Rosenwald Schools National Historical Park Act *(action needed). Committee Chair Avrami and Ms. Null will summarize the committee's consideration of this draft legislation and advise the members on potential ACHP comments to Congress.*

- D. FY 2025 Funding for the Smithsonian National Museum of the American Latino *(possible action needed)*. *Committee Chair Avrami will summarize the committee's recommendations on ACHP support of funding for the Smithsonian Museum of the American Latino.*
  
- V. Tribal and Indigenous Peoples
  - A. Exemption for Indigenous Knowledge-Informed Activities by Native Hawaiian Organizations–Implementation Plan. *Tribal and Indigenous Peoples Committee Chair Amelia Marchand and Office of Tribal and Indigenous Peoples Director Ashley Fry will summarize the ACHP's implementation plan for the newly adopted exemption.*
  
  - B. Plan for Implementing Policy Statements on Indigenous Knowledge and Burial, Human Remains, and Funerary Objects *(discussion)*. *Committee Chair Marchand and Ms. Fry will provide a summary of the ACHP's implementation plan for these two policy statements and seek input from the members on key priorities.*
  
- VI. Regulations and Governance
  - A. Status of Other Nationwide Program Alternatives Under Development. *Regulations and Governance Committee Chairman Jordan Tannenbaum will provide an update on program alternatives currently under development by other federal agencies.*
  
  - B. ACHP-Initiated Program Alternative(s). *Chair Bronin will provide an update on efforts to develop a program comment on Accessible, Climate-Resilient, Connected Communities, including any updates as to comments and timeline.*
  
- VII. New Business. *There is none at this time.*
  
- VIII. Adjourn. *The meeting will adjourn at 11:30 a.m. EST.*



## INTERNATIONAL CLIMATE HERITAGE DISCUSSIONS—WHAT’S NEXT? Office of Policy and Legislative Affairs

**Introduction.** In the last several years, international intergovernmental negotiations regarding climate change have paid increasing attention to addressing climate impacts on cultural heritage. In December 2023, the COP28 United Nations Climate Change Conference approved a new framework for achieving the Global Goal on Adaptation that, for the first time, identified cultural heritage as a core theme. Recently, in September 2024, the Culture Ministers of the G7 (representing Canada, France, Germany, Italy, Japan, the United Kingdom, and the United States) adopted a [Ministerial Declaration](#) that includes a section titled, “Strengthening the resilience of cultural heritage facing climate change and natural disasters.” It sets forth principles and proposed actions to address the increasing climate impacts on “tangible and intangible cultural heritage, cultural organisations [sic], landscapes, historical parks and gardens.”

**U.S. Climate Heritage in the International Context Conference.** On October 4, 2024, the ACHP co-convened a one-day conference, U.S. Climate Heritage in the International Context, with co-sponsors Georgetown University Law Center, Georgetown Climate Center, Cornell Law School, Cornell Center for Social Sciences, and the American Institute of Architects. The event featured experts on domestic and international climate heritage issues, including presenters from Brazil, Colombia, Greece, Ireland, New Zealand, Spain, and the United Kingdom.

The conference focused on how federal preservation and cultural heritage policy of the United States can be informed by the domestic activities of other countries to both better adapt and protect the nation’s cultural heritage from the effects of climate change and utilize historic buildings as a climate change mitigation tool. The speakers highlighted the efforts of their countries to do the following:

- re-use existing buildings as a key decarbonization tool;
- support Indigenous Knowledge to prepare for climate change and support self-determination;
- adapt historic sites to climate change; and
- center climate heritage in their domestic policy.

[View a recording of the conference and additional details](#) on the conference web page.

ACHP members who participated in the program were Chair Sara Bronin and Erica Avrami, and ACHP Indian Tribe Member Amelia AM Marchand and Beth Savage of the General Services Administration attended.

The presentations from the international speakers spotlighted the degree to which those countries have developed more comprehensive, robust, and centralized approaches to addressing climate impacts on historic properties than the United States. Likewise, by comparison with some of the countries profiled, the United States has little legal structure in place to address issues of climate impacts on intangible cultural resources and the role of Indigenous Knowledge.

**Action Needed.** The business meeting and the Policy and Legislative Affairs Committee meeting present opportunities for the members to discuss how the ACHP can further promote a stronger federal response

to climate impacts on historic properties beyond the previously proposed creation of a federal Climate Heritage Office. Committee members should discuss whether the ACHP should convene a committee of ACHP members, experts, and other stakeholders to review key issues in federal preservation governance regarding climate heritage (including Indigenous Knowledge, adaptation, and mitigation) in light of international models. Committee views on this idea and/or others should be shared at the business meeting to encourage robust discussion among the full membership.

*October 29, 2024*



## PROPOSED ACHP ACTION ON PENDING LEGISLATION Office of Policy and Legislative Affairs

**Introduction.** Four bills currently pending in Congress are appropriate for member review and possible action. The staff recommends that the members consider motions regarding these bills. As discussed further below, taking action on these bills is consistent with the ACHP Strategic Plan and the legislative priorities for the 118th Congress adopted by the ACHP.

**Revitalizing Downtowns and Main Streets Act.** This bill ([S. 4693/H.R. 9002](#)) would create a new temporary 20 percent tax incentive, modeled after the Historic Tax Credit (HTC), to convert older commercial properties and office space into affordable housing. The bill would require the properties to be more than 20 years old, and that a minimum of 20 percent of the residential units created be affordable. The total credit would be capped at \$15 billion and expire at the end of 2027. Advocates say this bill would help address two parallel problems: the ongoing affordable housing crisis and commercial and office space sitting vacant or underutilized in downtowns, suburbs, and small towns across the country.

The bill includes two provisions relating to historic preservation. The credit would be able to be stacked with other federal tax incentives, including the HTC; however, it would be reduced by 50 percent when combined with the HTC. Another provision would increase the credit from 20 percent to 35 percent on the first \$2 million in expenditures when the conversion is part of a historic preservation project located in a rural area.

The bill was introduced in July 2024 and has been referred to committee. The Administration has not issued a Statement of Administration Policy on the bill; however, this does not preclude the ACHP from taking a position. Expressing support for the bill would be consistent with the ACHP Policy Statement on Housing and Historic Preservation and an ACHP legislative priority for the 118th Congress—maintaining and enhancing tax incentives for historic preservation. Staff suggest that the Policy and Legislative Affairs Committee consider recommending the adoption of the following motion:

**Moved, that:** the ACHP supports the Revitalizing Downtowns and Main Streets Act (S. 4693/H.R. 9002), which will incentivize conversion of historic commercial and industrial buildings for housing; and directs the chair to so advise the Congress.

**Fix Our Forests Act.** This bill ([H.R. 8790](#)) seeks to enhance forest health and wildlife resilience by improving forest management activities on National Forest System lands, on public lands under the jurisdiction of the Bureau of Land Management (BLM), and on lands held in trust by the Bureau of Indian Affairs (BIA) for Indian Tribes. A central goal of the bill is expediting environmental analyses. While most of the focus is on the National Environmental Policy Act (NEPA), the bill also addresses Section 106 reviews.

The Fix Our Forests Act doesn't propose a complete exemption to the Section 106 review process, but it would apply the ACHP's emergency procedures (at Section 800.12 of the ACHP's regulations) in lieu of the standard review process for forest management projects in designated high-risk firehatched areas for seven years. (NEPA emergency provisions in these high-risk areas also would be applied.) Project types where the provision would apply are not narrowly defined. The bill also would require USDA to create

"intra-agency strike teams" to assist with projects in high-risk fireheds, including assisting with Section 106 compliance and other environmental reviews.

Section 800.12 applies in cases where an emergency is declared by the President or leaders of Tribal, state, or local governments. It encourages federal agencies to act proactively with the ACHP to put in place either agency emergency procedures or a programmatic agreement (PA) to address dealing with historic properties in emergency situations. Absent these options, agencies are to notify the ACHP, State Historic Preservation Officer, and any Indian Tribe or Native Hawaiian Organization that may attach religious and cultural significance to historic properties likely to be affected and provide them an opportunity to comment on projects within seven days, or less if circumstances warrant. This highly compressed process may only be applied for 30 days in the immediate aftermath of the emergency (although agencies may request an extension).

The Fix Our Forests Act takes this provision that is designed to be used only short-term for discrete emergency situations and applies it to a wide swath of forest management activities in large high-risk areas for seven years. Although the need to expeditiously address risks to forests, particularly from wildfire, is pressing, the extended time frame proposed in the bill suggests that the opportunity exists to address historic properties more comprehensively and thoroughly through establishment of Section 106 program alternatives. Some already exist, such as programmatic agreements for particular Forest Service regions or forests. Maximizing use of program alternatives would facilitate projects in high-risk areas while ensuring that historic properties would not—as in the worst-case scenario under this bill—receive only cursory consideration with little public input or Tribal consultation for seven years.

The bill was passed by the House on September 24. Staff has heard that efforts are underway to advance the bill in the lame duck Congress, perhaps by incorporating it into a public lands bill that is being considered. The Administration has issued a Statement of Administration Policy (SAP) strongly opposing the bill. While environmental review is not specifically cited, the SAP notes that the bill contains:

a number of provisions that would undermine basic protections for communities, lands, waters, and wildlife; reduce opportunities for public input; and heighten the likelihood for conflict, litigation, and delay on needed forest restoration and resilience work

Opposing the bill's provision regarding Section 106 would be consistent with two ACHP legislative priorities for the 118th Congress—balancing regulatory/permitting reform and streamlining with protection of historic properties; and fostering stewardship of historic properties on federal lands or under federal management. Staff suggest that the Policy and Legislative Affairs Committee consider recommending the adoption of the following motion:

**Moved, that:** the ACHP:

- urges Congress to remove Section 106(a)(3)(A)(iv) of the Fix Our Forests Act (H.R. 8790) referencing 36 CFR Part 800, since alternatives exist under that regulation to expedite forest management projects without invoking emergency provisions that may result in irreparable and unnecessary harm to historic properties;
- stands ready to work with the Forest Service, BLM, and BIA to develop program alternatives tailoring Section 106 reviews to forest management activities in high-risk areas and enhancing such program alternatives where they already exist; and
- directs the chair to so advise the Congress.

***Julius Rosenwald and Rosenwald Schools National Historical Park Act.*** This bill ([S. 5122/H.R. 9691](#)) would create a National Park unit to honor the legacy of philanthropist Julius Rosenwald (1862-1932), whose fortune was made as top executive of retailer Sears Roebuck and Company. While his philanthropy

was wide-reaching, he is perhaps most well-known for funding the construction of more than 5,000 schools in the rural South for underserved African American children, which came to be known as “Rosenwald Schools.” The new National Park unit would consist of the Sears Roebuck and Company Complex National Historic Landmark and the Sears Sunken Garden in Chicago and the San Domingo Rosenwald School in Sharptown, Maryland.

The bill also would create the Rosenwald Schools National Network program within the National Park Service (NPS). Like other thematic networks administered by NPS—such as the Reconstruction Era National Historic Network and the African American Civil Rights Network—this program would provide technical assistance, support research, and otherwise promote interpretation and visitation of sites throughout the country associated with Rosenwald Schools.

In June 2024, the NPS issued the *Julius Rosenwald and the Rosenwald Schools Special Resource Study*. That study expresses support for creating the new National Park unit and new network program, although the study recommended limiting the park unit to the San Domingo Rosenwald School.

The bill was introduced in September 2024 and has been referred to committee. The Administration has not issued a Statement of Administration Policy on the bill; however, this does not preclude the ACHP from taking a position. Expressing support for the bill would be consistent with an ACHP legislative priority for the 118th Congress—supporting designation or protection of historic properties that reflect the full American story and discouraging proposals that would destroy or diminish diverse histories. Staff suggest that the Policy and Legislative Affairs Committee consider recommending the adoption of the following motion:

**Moved, that:** the ACHP supports the Julius Rosenwald and Rosenwald Schools National Historical Park Act (S. 5122/H.R. 9691); and directs the chair to so advise the Congress.

***FY 2025 Funding for the Smithsonian National Museum of the American Latino.*** In 2020, Congress passed legislation to create the National Museum of the American Latino within the Smithsonian Institution. The museum is intended to be a focal point for Americans and international visitors to learn about Latino contributions to life, art, history, and culture in the United States. It will serve as a national center for collaboration and celebration of Latino American history and culture. The museum has received federal funding for development and planning since being authorized, and both the House and Senate propose continued funding in their respective versions of the FY 2025 appropriations bills.

Creation and funding of the National Museum of the American Latino is not specifically a historic preservation issue. However, the ACHP’s Strategic Plan stresses the ACHP’s support for fostering greater understanding of history in general and telling the story of all Americans. The ACHP’s Vision Statement is: *A nation in which all Americans understand and appreciate their history, and public policy supports the preservation of historic resources. A cross-cutting objective of the plan is: While encouraging efficiencies, collaboration, and consultation, strive to ensure that the national historic preservation program reflects the full American story, engages all constituencies and ethnic communities, promotes equity, and benefits the public.*

The President’s Budget supports continued funding for development of the museum, reflecting the Administration’s commitment to fostering equity through federal action. ACHP support conveyed by the agency’s first Mexican American chair would certainly be fitting. Staff suggests that the Policy and Legislative Affairs Committee consider recommending the adoption of the following motion:

**Moved, that:** the ACHP urges Congress to continue its ongoing funding support for creation of the National Museum of the American Latino when finalizing appropriations for FY 2025; and directs the chair to so advise the Congress.

*Action Needed.* The Preservation Initiatives Committee should consider recommending to the full membership the adoption of the four motions previously noted.

*November 1, 2024*



**EXEMPTION FOR INDIGENOUS KNOWLEDGE-INFORMED ACTIVITIES BY  
NATIVE HAWAIIAN ORGANIZATIONS—NEXT STEPS  
Office of Tribal and Indigenous Peoples**

**Background.** On October 18, the ACHP voted to approve an Exemption for Indigenous Knowledge-Informed Activities by Native Hawaiian Organizations (NHOs). This program alternative exempts from Section 106 review certain restoration, rehabilitation, preservation, and reconstruction activities proposed, directed, authorized, or supported by NHOs. The measure was adopted through an unassembled vote of the members with 17 in favor, 0 against, 3 abstentions, and 4 members not voting.

**Outreach Measures.** In addition to issuing a press release and sending information to consulting parties announcing the approval of the exemption, the ACHP is planning additional measures to raise awareness of its approval and its utility, including the following:

- Sending the press release and/or Federal Register notice to all Federal Preservation Officers to circulate to all relevant staff working in Hawaii
- Sending the press release and/or Federal Register notice to the ACHP's NHO Section 106 LISTSERV
- Collaborating with federal partners to identify federal grant programs that fund NHO activities in Hawaii that might qualify and share information with agency staff
- Identifying opportunities to provide an overview of the exemption at historic preservation conferences and conferences organized or attended by NHO representatives
- Through tracking use of the exemption, identifying success stories for future sharing with other federal partners
- Collaborating with partners, including the Office of Hawaiian Affairs, as offered in their response letter, to raise awareness about the exemption

**Discussion.** Members are asked to comment on the above distribution, education, and implementation plan by addressing the following questions:

1. What feedback do you have for the ACHP about these measures?
2. What additional measures do you think would be helpful for sharing information about this exemption?
3. Are there ways your organization can help the ACHP share information about this exemption?

**Action Needed.** Members will be asked to address these questions at the committee and business meetings and provide their input.

*October 29, 2024*



## **INDIGENOUS KNOWLEDGE AND BURIAL POLICY STATEMENTS DRAFT IMPLEMENTATION PRIORITIES Office of Tribal and Indigenous Peoples**

**Background.** Between 2022 and 2024, the ACHP developed and adopted two significant policy statements that were unanimously supported by ACHP members: the Policy Statement on Burial Sites, Human Remains, and Funerary Objects and the Policy Statement on Indigenous Knowledge and Historic Preservation. In addition to communicating the ACHP's positions on these topics and establishing a set of standards and guidelines that federal and state agencies, contractors, and other relevant entities should seek to put into practice, the policy statements committed the ACHP's leadership and staff to specific implementation measures. The implementation measures are found at the end of each policy statement and are also an attachment to this paper. Between July and September 2024, members were asked to consider and weigh in on how the ACHP should advance the implementation of these policy statements. Following those conversations, staff has summarized priorities in the short term (FY 2025-FY 2028) and now seek member input.

### **Priority Area 1: Train ACHP Staff on the Policy Statements**

Policy statements express the position of the ACHP and have the potential to affect staff activities throughout the agency. To better ensure the integration of the standards and guidelines from each policy statement into the work of the ACHP, including its informational resources, technical assistance, advice, participation in Section 106 cases, and external training materials, ACHP staff must receive training on the principles in the policy statements and instruction on how they should be consistently applied in their work. Consulting parties and ACHP members requested that ACHP staff be trained on the implementation of these policy statements during their development. The ACHP will develop and deliver training on each policy statement to staff that will provide an overview of each statement and its development, a detailed look at each policy principle, and a discussion about how those principles can be incorporated into ongoing agency work.

### **Priority Area 2: Develop Informational Resources about the Indigenous Knowledge Policy**

Following the approval of the 2023 Policy Statement on Burial Sites, Human Remains, and Funerary Objects, the ACHP developed and released an [explanatory document to support its implementation](#). The explanatory document contained additional information and details that had been learned through its development and in consultation that would assist practitioners in better understanding the context and meaning of the principles. Throughout the consultation to develop the ACHP's Policy Statement on Indigenous Knowledge and Historic Preservation, the ACHP was asked to develop a similar informational resource to support its implementation. The ACHP will identify and develop an appropriate informational resource to further support the implementation of this policy statement in the field.

### **Priority Area 3: Review Guidance and Prioritize Updates**

The recent adoption of these policy statements will require the ACHP to review its current guidance, training, handbooks, and other informational and outreach assets to ensure consistent messaging and information is provided throughout ACHP communications. Staff in the Office of Tribal and Indigenous Peoples, Office of Federal Agency Programs, Office of General Counsel, Office of Policy and Legislative Affairs, and Office of Communications, Education, and Outreach will collaborate to review existing guidance, training, handbooks, and informational materials to identify and prioritize needed updates as well as opportunities for new guidance and outreach products.

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](mailto:achp@achp.gov) • [www.achp.gov](http://www.achp.gov)

**Priority Area 4: Continue to Support Interagency Initiatives and Working Group Deliverables**

Implementation plans for both policy statements identify the importance of these standards and guidelines informing the ACHP's ongoing participation in the White House Council on Native American Affairs, National Science and Technology Council, and other interagency initiatives. If the Truth and Healing Commission on Indian Boarding School Policies Act (S.1723/H.R. 7227) is signed into law, and if the ACHP becomes a participant in the Federal Truth and Healing Advisory Committee, these policy statements will guide the ACHP's participation. In coordination with the ACHP's federal partners, the ACHP will explore how to further implement these policy statements through cross-cutting efforts such as clarifying the intersection of Section 106 and the Native American Graves Protection and Repatriation Act; supporting the Department of the Interior's Federal Indian Boarding School Initiative and any related interagency deliverables, as appropriate; managing sensitive information related to burial sites and Indigenous Knowledge; and clarifying the relationship between the policy statements and efforts to respond to and adapt to climate change.

**Priority Area 5: Seek Agency Best Practices and Sample Language**

Federal agencies are working to integrate language related to these policy statements and are implementing the principles within them in Section 106 agreement documents. ACHP staff will collect examples of recent consultations that have resulted in agreement documents that reference or implement the policy statements. ACHP staff will use the information and examples gathered to develop additional resources communicating success stories and positive outcomes, as well as other guidance for federal agencies to continue implementing the policy statements through the Section 106 review process.

**Discussion.** Members will be asked to address the following questions in both the committee and business meetings:

1. Do you have any feedback about the ACHP's proposed prioritization of implementation measured listed in the policy statements?
2. For those agency representatives already working to implement these policies, what are some lessons you have learned or recommendations you have for other agencies?
3. How can the ACHP best support agency implementation of these policy statements?

**Action Needed.** Members should provide feedback to staff on the issues raised above.

**Attachment:** Policy Statement Implementation: Sections Reproduced from Policy Statements

*October 29, 2024*



## **POLICY STATEMENT IMPLEMENTATION: SECTIONS REPRODUCED FROM POLICY STATEMENTS**

### Policy Statement on Burial Sites, Human Remains, and Funerary Objects (p.4)

1. Train ACHP staff regarding the implementation of this policy statement.
2. Development of informational resources that address the NHPA, Section 106, and the following:
  - a. The Federal Indian Boarding School Initiative
  - b. The intersection of NAGPRA
  - c. Acquiring and managing sensitive information
  - d. Climate change and burial sites, human remains, and funerary objects
  - e. Best practices in the treatment of marked and unmarked burial sites, human remains, and funerary objects
3. ACHP staff will seek opportunities to implement the policy principles into Section 106 agreement documents and program alternatives to advance consideration of burial sites, human remains, and funerary objects.
4. The ACHP will advise federal agencies, Indian Tribes, Tribal and State Historic Preservation Officers, and Native Hawaiian Organizations in their development of historic preservation protocols for appropriate consideration of burial sites, human remains, and funerary objects.
5. Encourage federal agencies and other relevant parties to give full and meaningful consideration to burial sites, human remains, and funerary objects consistent with this policy statement

### Policy Statement on Indigenous Knowledge and Historic Preservation (pp.7-8)

1. Train ACHP staff regarding the implementation of this policy statement.
2. Develop guidance and informational resources that further inform the application and intent of this policy
3. Seek opportunities to implement applicable policy principles into Section 106 agreement documents and program alternatives
4. Advise federal agencies, state and local governments, Indian Tribes, Tribal and State Historic Preservation Officers, and Native Hawaiian Organizations in their development of historic preservation protocols, if invited
5. Encourage federal agencies and other relevant parties to give full and meaningful consideration to Indigenous Knowledge consistent with this policy statement
6. Participate on interagency working groups, including through the White House Council on Native American Affairs and the National Science and Technology Council Subcommittee on Indigenous Knowledge, to advance consideration and incorporation of Indigenous Knowledge through an all-of-government approach



## SECTION 106 PROGRAM ALTERNATIVES UNDER DEVELOPMENT

### Office Of Federal Agency Programs

**Introduction.** The Office of Federal Agency Programs (OFAP) is currently representing the ACHP in a variety of consultations on the development of nationwide program alternatives. An overview of these program alternatives and some points for discussion are provided for members to consider as part of the Regulations and Governance Committee meeting and business meeting.

**National Park Service (NPS): Program Comment for Stewardship and Management of NPS Mission 66-Era Facilities (1945-1972).** NPS has requested a program comment to facilitate the continued use and preservation of Mission 66-era historic properties by allowing park superintendents to consider them as eligible for the National Register, and by reducing or eliminating external Section 106 reviews for certain proposed undertakings. The ACHP recently carried out consultation with State Historic Preservation Officers (SHPOs), Tribal Historic Preservation Officers, Indian Tribes, Native Hawaiian Organizations (NHOs), and preservation stakeholders on the draft NPS submitted to the ACHP on August 21, 2024. Staff will provide recommendations to the members on adjustments to the draft and its adoption via an unassembled meeting, which will be scheduled prior to the business meeting.

**National Aeronautics and Space Administration (NASA): Nationwide Programmatic Agreement (NPA) for Management of Facilities at NASA Centers.** NASA has proposed the development of an NPA that will provide a consultation process for undertakings occurring at NASA Research Centers across the country. The NPA would cover undertakings ranging from routine maintenance and operation to modernization, demolition, and new construction. The tailored review process would address identification and evaluation of historic properties, including highly technical and scientific facilities, as well as a process for the assessment and resolution of adverse effects. The NPA also includes programmatic mitigation for specific classes of adverse effects, and will identify Heritage Zones where avoidance and minimization alternatives will be prioritized. NASA has been conducting meetings and site visits with SHPOs with Research Centers in their states throughout 2024 to discuss their comments and existing identification efforts. NASA will be meeting with consulting parties in October to set a deadline for comments with the plan to release the draft final NPA in 2025. Members are encouraged to share any questions or comments on NASA's proposal.

**Bonneville Power Administration (BPA), Southwestern Power Administration (SWPA), Tennessee Valley Authority (TVA), and Western Area Power Administration (WAPA): NPA for Routine Transmission Operations and Maintenance.** BPA, SWPA, TVA, and WAPA (agencies) have initiated consultation on an NPA for routine operations and maintenance of existing federally owned and operated transmission assets. The agencies have determined these activities are repetitive in nature with avoidable or similar effects to historic properties and would benefit from a tailored Section 106 process. The agencies conducted the first round of consultation meetings with Tribes and SHPOs throughout July and August to discuss the NPA. In September, the agencies provided a draft outline to consulting parties for review by November 3. Members are invited to share any observations they may have on the outline, which is found in [the relevant folder in the Program Alternatives in Development OneDrive folder](#).

**Department of Transportation (DOT): Prototype PA.** On behalf of several of its Operating Administrations, DOT organized regular meetings with ACHP staff to discuss the development of a prototype PA (PPA). The PPA focuses on a list of activities from the Federal Railroad Administration, Federal Transit Administration, Federal Aviation Administration, Federal Highway Administration, and

Pipeline and Hazardous Materials Safety Administration that do not require further review under Section 106, while any other actions would require compliance with the standard four-step Section 106 review. DOT has prepared a draft PPA to solicit comments internally amongst its Operating Administrations and with the ACHP. DOT has also initiated early coordination efforts with major stakeholders, including a meeting with the National Conference of State Historic Preservation Officers (NCSHPO) and planned outreach to Indian Tribes and NHOs, the National Association of Tribal Historic Preservation Officers (NATHPO), the National Trust for Historic Preservation (NTHP), and other Tribal organizations. These ongoing discussions will include a consideration of how this PPA may intersect with the chair's proposed Program Comment on Climate-Friendly Transportation.

**Department of Veterans Affairs (VA): Standard Treatments for National Cemeteries.** VA is working with the ACHP to determine if a standard treatment would be the appropriate mechanism to assist with interpretation of [an NPS policy](#) that states all National Cemeteries are historic properties regardless of age. This initiative seeks clarity on the NPS policy as it relates to the assessment of effects in order to assist with the effective development and operation of National Cemeteries. VA had preliminary meetings with representatives of NPS and Army regarding their National Cemeteries, with the Keeper of the National Register of Historic Places to discuss the NPS policy; met with the ACHP on the development of a white paper; and met with NCSHPO and NATHPO to discuss the proposal. VA is compiling case studies regarding assessment of effects at National Cemeteries at the request of the ACHP.

**VA: Program Alternative Regarding Major Leasing Actions.** In anticipation of a significant increase in leasing actions for VA facilities, the agency proposes to develop a program alternative to establish a more efficient process to consider the potential effects of these leasing actions on historic properties. VA had preliminary meetings with ACHP staff on the development of a white paper and has met with NCSHPO and NATHPO to discuss appropriate consultation protocols. VA [initiated consultation](#) on this initiative on August 26, 2024, and had a first round of consultation meetings during the first two weeks of October. VA is working to review and respond to all comments received.

**VA: NPA for the State Home Construction Grant Program.** In response to the COVID-19 emergency, VA proposes to develop an NPA for the State Home Construction Grant Program, a partnership between VA and State Veterans Affairs agencies. The NPA would outline a predictable Section 106 process to follow during emergencies, integrate the Section 106 process into the earliest project planning stages, and provide comprehensive guidance for grant applicants. VA has consulted with the ACHP on the development of a white paper and has met with NCSHPO and NATHPO to discuss appropriate consultation protocols. VA [initiated consultation](#) on this initiative on August 29, 2024, and had a first round of consultation meetings during the last two weeks of October. VA is working to review and respond to all comments received.

**Department of Homeland Security (DHS): NPA for Climate Resiliency and Sustainability Undertakings on DHS-Owned Facilities.** DHS's NPA addresses maintenance, repairs, and upgrades improving climate resiliency at DHS-owned facilities. The ACHP executed this NPA on June 25, 2024.

**National Endowment for the Arts (NEA): Amendment to the NPA for Arts Program Grants.** Since 2014, NEA has utilized an NPA for the administration of its Arts Program grants. NEA requested an amendment to extend the NPA's terms to December 31, 2029. Because the document was working effectively, the signatories agreed to extend it to that time. A copy of the agreement and corresponding amendment can be found on the [ACHP's website](#).

**NPS: NPA for Cultural Resources Financial Assistance Programs.** This NPA addresses NPS's compliance with Section 106 for its cultural resources financial assistance programs, including grants provided by the Historic Preservation Fund. The ACHP executed this agreement on September 6, 2024.

*October 29, 2024*



**PROPOSED PROGRAM COMMENT ON ACCESSIBLE, CLIMATE-RESILIENT, AND  
CONNECTED COMMUNITIES**  
**Office of Federal Agency Programs**

**Background.** Following the summer business meeting, the draft “Program Comment on Accessible, Climate-Resilient, and Connected Communities” was made available on August 8, 2024, to members, consulting parties, and the public for comment. Members learned more about this proposal on August 1 and August 19 during special meetings of the ACHP-Initiated Program Alternatives Committee meeting.

The Program Comment was drafted in response to the passage of recent policy statements on housing and climate change, which suggested that the Section 106 improvements be sought. The Program Comment addresses undertakings related to housing, energy efficiency, and transportation, and, as currently drafted, are available to any federal agency who has a covered undertaking.

Consultation with State Historic Preservation Officers, Federal Preservation Officers, Indian Tribes, Tribal Historic Preservation Officers, Native Hawaiian Organizations, and the public on the proposed Program Comment occurred during September, and written comments were accepted until October 9, 2024. In total, 144 commenters submitted comments on the proposed Program Comment, resulting in approximately 1,800 comments. Based on several comments, the ACHP’s general counsel developed a legal memorandum clarifying the legality of program comments and their intersection with existing Section 106 agreement documents. [The legal memo is available at this link.](#) Staff have posted the comments on the website for this initiative. In addition, staff are developing a comment matrix and summary for members to have readily accessible in discussing next steps on this effort. Members will discuss the comments as well as next steps during separate meetings of the ACHP-Initiated Program Alternatives Forum Committee, to take place on October 17 and 24, led by the chair.

**Status.** The chair will consider comments from consulting parties and input from the members in determining next steps in the development of this Program Comment. Key decisions include the extent to which additional consultation may be necessary and the timeline for presenting a final draft to the members for vote. Members are reminded that drafts, received comments, meeting notes, and presentations related to this effort can be found in the Program Alternatives in Development OneDrive ([https://achp-my.sharepoint.com/:f/g/personal/bsemmer\\_achp\\_gov/EtqHzsQvUa5Moi\\_A9DckA60B-bLJzgi495AzOuTVBSKBkA?e=yJU34G](https://achp-my.sharepoint.com/:f/g/personal/bsemmer_achp_gov/EtqHzsQvUa5Moi_A9DckA60B-bLJzgi495AzOuTVBSKBkA?e=yJU34G)).

*October 29, 2024*



## **MAJOR ACTIVITIES REPORT**

### **Office of Communications, Education, and Outreach**

#### **2024 ACHP/HUD Award**

On September 30, 2024, Chair Sara Bronin and U.S. Department of Housing and Urban Development (HUD) Acting Secretary Adrienne Todman presented Public School 75 in Buffalo, New York, with the 2024 ACHP/HUD Secretary's Award for Excellence in Historic Preservation. The award was presented during a ceremony at HUD headquarters in Washington, D.C. It recognizes a single project that has successfully advanced the goals of historic preservation, while at the same time providing affordable housing for low- and/or moderate-income families and individuals.

Public School 75 opened in 1925 and acted as a neighborhood anchor and asset for more than 50 years in the William-Emslie section of town. It closed in 1979 and, after serving other purposes, shut its doors for good in the early 2000s. Sitting vacant for two decades, the building fell into a serious state of disrepair. Despite the building's deteriorated condition, the Western New York Veterans Housing Coalition saw the potential to support local veterans and families by restoring the school into housing and building new apartments in the surrounding area, as part of a larger City of Buffalo investment on the city's east side.

The project was completed in December 2022 and includes 47 apartments, a mix of studio, 1-bedroom, and 2-bedroom homes, including 33 with supportive services for veterans and military service-disabled individuals. The project included 12 new residential buildings with 18 affordable homes, utilizing vacant parcels in the surrounding neighborhood. The project was a partnership among the Western New York Veterans Housing Coalition, Norstar Development, and Stieglitz Snyder Architecture, a LaBella Company. [View the press release and commemorative video here.](#)

#### **Past Forward 2024 Conference**

The National Trust for Historic Preservation's annual PastForward conference will take place in New Orleans, Louisiana, October 28-30. The conference will kick off a celebration of the 75th anniversary of the [National Trust for Historic Preservation](#). Joining the celebration will be the Preservation Resource Center of New Orleans celebrating its 50th anniversary, Main Street Louisiana marking its 40th anniversary, and the National Center for Preservation Trades and Technology founded 30 years ago.

On October 28, Chair Bronin presented the 2024 National Trust/Advisory Council on Historic Preservation Award for Federal Partnerships in Historic Preservation to the extraordinary accomplishment of designating sites in Mississippi and Illinois as the Emmett Till & Mamie Till-Mobley National Monument. The award honors outstanding partnerships that advance the preservation of important historic resources and have an impact on the community. It celebrates a project or program in which a federal agency and one or more nonfederal partners have achieved an exemplary preservation outcome.

Additionally, the ACHP has an information table at the Salon (exhibitor hall). The 2024 conference will focus on three of the nation's biggest challenges: Creating Climate Resilience Through Historic Preservation, Ensuring a Representative Preservation Movement, and Encouraging Historic Preservation-Based Community Development.

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](mailto:achp@achp.gov) • [www.achp.gov](http://www.achp.gov)

### **HBCU History in Photos**

The Office of Communications, Education, and Outreach (OCEO) has completed nine videos in the series HBCU History in Photos, a collaboration with the White House Initiative on Advancing Educational Equity, Excellence, and Economic Opportunity through Historically Black Colleges and Universities, and Getty Images. The videos blended interviews with archivists and historians at HBCUs with photos highlighting the historic buildings on the campuses. The videos were played throughout this year's HBCU Week conference in Philadelphia, and were highlighted for the hundreds of people gathered at a luncheon prior to President Joe Biden speaking. They can be found on the ACHP YouTube channel. The playlist can be found here:

[https://youtube.com/playlist?list=PLb9wVPB1stkbz\\_ghzDb\\_1\\_7KpyIo2805j&si=vhbD1UnAZE2MX848](https://youtube.com/playlist?list=PLb9wVPB1stkbz_ghzDb_1_7KpyIo2805j&si=vhbD1UnAZE2MX848)

These videos have more than 3,000 views on YouTube and thousands more views on social media.

### **Climate Conference**

On October 4, Chair Bronin co-convened an in-person and virtual one-day conference entitled, "U.S. Climate Heritage in the International Context," with Georgetown Law Professor J. Peter Byrne. The event was co-sponsored by Georgetown University Law Center, Georgetown Climate Center, Cornell Law School, Cornell Center for Social Sciences, and the American Institute of Architects, and featured leaders addressing domestic and international climate heritage.

The conference focused on how federal preservation and cultural heritage policy of the U.S. can be informed by the domestic activities of other countries to both better adapt and protect the nation's cultural heritage from the effects of climate change and utilize historic buildings as a climate change mitigation tool. [View webinar recording.](#)

### **Preserving Latino/Hispanic American Heritage Sites**

One of OCEO's summer interns, Andrea Mauk, researched and produced two videos highlighting Hispanic heritage. She spent the majority of her time at the ACHP doing a deep dive into a special story about an underrepresented town in Arizona and the history that locals hope to keep alive ([Preserving Latino/Hispanic Heritage - Clifton, AZ \(youtube.com\)](#)) and the history and challenges the birthplace of Mexican culture in Los Angeles faces in today's busy world ([Preserving Latino/Hispanic Heritage - Olvera Street, Los Angeles, CA \(youtube.com\)](#)). The ACHP celebrated Hispanic Heritage Month recently by debuting these two videos on the YouTube channel and sharing them with partners.

### **Preserve the Past, Build for the Future 2025 Webinar Series**

OCEO's summer and fall interns have put together an incredible lineup of webinars for the 2025 Preserve the Past, Build for the Future webinar series. The series kicks off on January 22 at 2 p.m. ET with a new group of preservation professionals for "[So, You Want to be a Preservationist?](#)"

On February 25 at 2 p.m. ET, we will have "[Preserving Historic Black Business Districts](#)"

On March 26 at 2 p.m. ET, we will present "[Missing the Blues: Black Music and Saving its Houses Across America](#)"

On April 22 at 2 p.m. ET, we will host "[Disappearing Places: Protecting Latino/Hispanic History from Erasure](#)"

On May 21 at 2 p.m. ET, we will wrap up the series with "[History Underwater: Preserving Undersea Heritage](#)"

Spread the word, and register at the hyperlinks provided.

*October 29, 2024*