



MEETING
ADVISORY COUNCIL ON HISTORIC PRESERVATION
October 26, 2022

Meeting in-person and via Zoom

Zoom meeting instructions will be sent in a separate email.

In order to join in, please make sure you are registered by following the instructions in the email message.

PROVISIONAL AGENDA

Call to Order 1:30 p.m. EDT

- I. Vice Chairman's Welcome and Report
- II. Acting Executive Director's Report
- III. Climate Change and Historic Preservation Task Force
- IV. Workforce Development and the Inflation Reduction Act
- V. Native American Affairs
 - A. White House Council on Native American Affairs
 - B. Updating ACHP Policy Statement on Burials, Human Remains, and Funerary Objects
 - C. Native Languages Memorandum of Agreement
 - D. Other Reports
- VI. Section 106
 - A. Electric Vehicle Supply Equipment Exemption
 - B. Army Program Comment on Vietnam War Era Historic Housing, Associated Buildings and Structures, and Landscape Features
 - C. GSA Exemption Update
 - D. Other Reports
- VII. Communications, Education, and Outreach
 - A. Career and Preservation Discussions at Historically Black Colleges and Universities
 - B. Other Reports
- VIII. Historic Preservation Policy and Programs
 - A. Traditional Trades and Potential Inflation Reduction Act Opportunities
 - B. Other Reports
- IX. New Business
- X. Adjourn

ADVISORY COUNCIL ON HISTORIC PRESERVATION

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MEETING
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October 26, 2022

ANNOTATED AGENDA

- I. Vice Chairman's Welcome and Report. *Vice Chairman Jordan Tannenbaum will provide highlights of his recent activities on the ACHP's priorities and the status of the executive director position.*
- II. Acting Executive Director's Report. *Acting Executive Director Reid Nelson will report on personnel and recruitment, and provide an update on office reopening.*
- III. Climate Change and Historic Preservation Task Force. *Vice Chairman Tannenbaum will provide a summary of recent Task Force meetings and efforts to develop a policy statement on climate change and historic preservation. No action.*
- IV. Workforce Development and the Inflation Reduction Act. *Vice Chairman Tannenbaum and committee chairmen will summarize the ACHP's efforts to address workforce development challenges and opportunities available under the Inflation Reduction Act to address some of these challenges. Members will be asked to identify additional steps the ACHP and its partners can take to address this issue. No action.*
- V. Native American Affairs
 - A. White House Council on Native American Affairs. *Committee Chairman Reno Franklin will update the members on ACHP activities as a member of the White House Council on Native American Affairs. No action.*
 - B. Updating ACHP Policy Statement on Burial Sites, Human Remains, and Funerary Objects. *Members will be apprised of efforts to update the policy statement. No action.*
 - C. Native Languages Memorandum of Agreement. *Members will receive an update on the ACHP's participation in the development of a Native Languages Memorandum of Agreement. No action.*
 - D. Other Reports. *This will provide an opportunity for additional reports related to Native American Affairs.*
- VI. Section 106
 - A. Electric Vehicle Supply Equipment Exemption. *Committee Chairman Jay Vogt will summarize the ACHP's efforts to develop an exemption for Electric Vehicle Supply Equipment and address member input on it. Members will then be asked to vote on whether to approve it. Action required.*

- B. Army Program Comment on Vietnam War Era Historic Housing, Associated Buildings and Structures, and Landscape Features. *Members will receive an update on the ACHP's efforts to consult states, Indian tribes, Native Hawaiian organizations, and others on the Army's request for a program comment. Members will also be provided an overview of how the program comment has been adjusted to address member input. Members will then be asked to vote on whether to issue the program comment. Action required.*
 - C. GSA Exemption Update. *The members will receive an update on the development of this exemption and an anticipated schedule for its consideration by the members. No action.*
 - D. Other Reports. *This will provide an opportunity for additional reports related to Section 106.*
- VII. Communications, Education, and Outreach
- A. Career and Preservation Discussions at Historically Black Colleges and Universities. *Committee Chairman Luke Nichter will update the members on efforts to further engage students and faculty from Historically Black Colleges and Universities. No action.*
 - B. Other Reports. *This will provide an opportunity for additional reports on communications, education, and outreach issues.*
- VIII. Historic Preservation Policy and Programs
- A. Traditional Trades and Potential Inflation Reduction Act Opportunities. *Committee Chairman Rick Gonzalez will summarize the committee's discussion and recommendations on steps the ACHP might take to urge agencies receiving funding under the Inflation Reduction Act to invest in traditional trades training. Possible action.*
 - B. Other Reports. *This will provide an opportunity for additional reports related to historic preservation policy and programs.*
- IX. New Business. *There is none at this time.*
- X. Adjourn. *The meeting will adjourn by 4:30 p.m. EDT.*



MINUTES

FALL BUSINESS MEETING

ADVISORY COUNCIL ON HISTORIC PRESERVATION

OCTOBER 26, 2022

WASHINGTON, D.C.

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ADVISORY COUNCIL ON HISTORIC PRESERVATION
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PROVISIONAL AGENDA

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 - C. Native Languages Memorandum of Agreement
 - D. Other Reports
- VI. Section 106
 - A. Electric Vehicle Supply Equipment Exemption
 - B. Army Program Comment on Vietnam War Era Historic Housing, Associated Buildings and Structures, and Landscape Features
 - C. General Services Administration Exemption Update
 - D. Other Reports
- VII. Communications, Education, and Outreach
 - A. Career and Preservation Discussions at Historically Black Colleges and Universities
 - B. Other Reports
- VIII. Historic Preservation Policy and Programs
 - A. Traditional Trades and Potential Inflation Reduction Act Opportunities
 - B. Other Reports
- IX. New Business
- X. Adjourn

IN ATTENDANCE

Jordan Tannenbaum, Vice Chairman
John Finley
John Frey
Rick Gonzalez
Kristopher King
Luke Nichter
Jay Vogt

Architect of the Capitol

Administrator, General Services Administration

Secretary of Defense

Secretary of Homeland Security

Secretary of Housing and Urban Development

Secretary of the Interior

Secretary of Transportation

J. Brett Blanton

Represented by:

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

Represented by:

Richard Kidd
Deputy Assistant
Secretary of Defense
for Environment and
Energy Resilience

Represented by:

Jennifer DeHart Hass
Environmental Planning
& Historic Preservation
Program Manager
Office of the Chief
Readiness Support
Officer

Represented by:

Kristin Leahy Fontenot
Director, Office of
Environment and Energy

Represented by:

Caroline Henry
Federal Preservation
Officer

Represented by:

Colleen Vaughn
Federal Preservation
Officer

Secretary of Veterans Affairs

Represented by:

Michael Brennan
Executive Director,
Office of Construction
and Facilities
Management

Mayor Member

Hon. Robert Simison
Meridian, Idaho

Indian Tribe Member

Hon. Reno Keoni Franklin
Chairman, Kasha Band of
Pomo Indians

President, National Conference of State Historic
Preservation Officers

Represented by:

Erik Hein
Executive Director

General Chairman, National Association of Tribal Historic
Preservation Officers

Represented by:

Valerie Grussing
Executive Director

Chair, National Trust for Historic Preservation

Represented by:

Elizabeth Merritt
Deputy General
Counsel

Chris Cody
Associate General
Counsel

OBSERVERS

Chair, National Alliance of Preservation Commissions

Paula Mohr

Principal, Bentonsport
Preservation, LLC (Iowa)

Preserve America Youth Summits

Ann Alexander Walker
Program Director

President, ACHP Foundation

Katherine Slick

Historic Preservation Consultant

John M. Fowler
Board Chairman

In attendance and participating in the meeting were ACHP Acting Executive Director Reid Nelson; ACHP Office Directors Druscilla Null, Susan Glimcher, Javier Marques; and Office of Federal Agency Programs Assistant Directors Chris Koepfel, Jaime Loichinger, and Blythe Semmer.

PROCEEDINGS

Advisory Council on Historic Preservation (ACHP) Vice Chairman Jordan Tannenbaum called the fall business meeting to order at 1:30 p.m. October 26, 2022. He appointed Shayla Shrieves recorder for the

meeting, and she called the roll of members present. The agenda was adopted with a motion by Beth Savage and second by Colleen Vaughn. The minutes from the summer business meeting were adopted with a motion by Ms. Savage and second by Mayor Robert Simison.

Vice Chairman's Welcome

Vice Chairman Tannenbaum welcomed everyone and thanked members who were attending in person and those who attended virtually. He explained that this hybrid meeting was an experiment, and he wanted to see if this will lead to more in-person meetings. He welcomed member feedback after the meeting on how it worked.

He gave an overview of the work he did through the summer, performing the duties of chairman since the June 29 business meeting. These include chairing the Climate Change and Historic Preservation Task Force meetings. He appreciates the high level of engagement and important discussions that are taking place. He attended the America250 Parks, Preservation, and Public Spaces Council meeting on July 21. He had a chance to underscore the importance of preservation issues in this group.

He was pleased to lead two of the ACHP's consultations with Indian tribes and Native Hawaiian organizations on the Electric Vehicle Supply Equipment (EVSE) exemption, and the Army's request for a program comment on Vietnam War Era housing. He takes the government-to-government consultation seriously and appreciated the opportunity and the privilege to lead these consultations.

Regarding the Federal Permitting Improvement Steering Council, he attended a meeting on September 27, where the member agencies discussed how the Inflation Reduction Act (IRA) funding will be used to improve permitting. This was another opportunity for him to urge agencies to consider how to augment their own staff for the Section 106 reviews that will be required and how they might assist key partners like State and Tribal Historic Preservation Officers and Indian tribes in that regard.

Vice Chairman Tannenbaum signed the Memorandum of Agreement on Native Languages. This was a wonderful opportunity to sign a memorandum among 12 federal agencies on Native language preservation. He was joined by Chairman Reno Franklin, head of the Native American Affairs Committee, in the signing of this important document. He said the commitment by the federal government is something to take notice of, and he was delighted that the ACHP was included in this group, the purpose of which is to take steps to help tribal nations and other indigenous peoples preserve the languages that are so foundational to the continuation of their cultures. This is an area that he looks forward to working with members on. He thinks the ACHP can be creative in determining how to add to some of the ideas that have been suggested, how to implement these ideas working with federal partners, and then focus in on what the ACHP can do to ensure the continuation and the renaissance of tribal languages.

Vice Chairman Tannenbaum said there have been no new developments in regard to the final Senate vote on ACHP Chairman-Nominee Sara Bronin. He hopes the Senate might vote on this during the lame-duck session. He said he has made a decision on his preferred candidate for the ACHP executive director position. He, along with Teresa Pohlman from the Department of Homeland Security (DHS) and Mary Fischietto from the Office of Management and Budget, interviewed three candidates. He thanked Dr. Pohlman and Ms. Fischietto for their assistance and said he will be announcing the preferred candidate the next day. Members will be called to an unassembled meeting to vote for concurrence of the candidate.

Javier Marques added that once concurrence is achieved, one extra step that needs to happen is that the Office of Personnel Management has to certify this person into the Senior Executive Service, and the person has to go through a background check. If that is successfully done, then the vice chairman can extend the final offer or set a final date to start.

Acting Executive Director's Report

Reid Nelson welcomed members as the very first visitors the ACHP has had since opening the door about a month ago. Staff began returning in small numbers. The agency is in a phased reopening plan. In this case, phased refers to the fact that staff is not all fully reporting back yet in accordance with telework schedules, COVID-19 protocols, and social distancing.

Working through this phase, assuming that the COVID-19 numbers in Washington, D.C. and the surrounding area do not go higher, the agency will be able to go into a fully reopened phase. Like many federal agencies, fully reopened will still include a great many people regularly teleworking.

Mr. Nelson also acknowledged that he is excited to be advertising a position soon. It will be the digital operations coordinator in the Office of Federal Agency Programs. He thought it was important to invest in a position that is looking at the ACHP to improve its own systems, to speed up and make more efficient and effective its own interactions with others, but also to work with members around the table and with states and tribes and federal agencies to talk about digitization, to talk about ways to do it and ways they can adapt the Section 106 process to work that way.

Katherine Slick asked about the position, would it be someone who has experience in historic preservation or someone who has IT experience, or is it a crossover? Mr. Nelson said while it would be wonderful if the candidate had both, he emphasized the historic preservation experience.

Climate Change and Historic Preservation Task Force

Vice Chairman Tannenbaum said he felt the July 21 and September 29 meetings were productive. He appreciated Chairman Franklin's leadership as they consulted, listened to, and engaged Indian tribes and Native Hawaiian organizations on the issue. The task force concluded that the ACHP should develop a policy statement focused on the relationship between climate change and historic preservation. They want to establish a set of principles that speak to this relationship and the actions that must be taken to protect historic properties.

Druscilla Null said the task force set as a goal the idea that they should not try to overreach with this policy statement, and should instead focus on putting together policy principles that are timely and have staying power. Climate change is not a problem that is going to go away anytime soon.

The broad outline of the policy statement that the task force approved is going to be designed to speak broadly to all parties, not just federal agencies. It is going to have a through line in it of examples and specific advice that would address federal agency concerns, including Sections 106 and 110 concerns. She gave an overview of the details and said drafting has started. The Office of Preservation Initiatives (OPI) is beginning work on canvassing federal agencies, states, tribes, and preservation partners looking for good examples of federal projects and federal planning and programs that deal with historic properties and climate change. Some of these examples could potentially be woven into the policy statement, and likewise could also be used for ACHP training courses, publications, and social media.

Ms. Slick spoke of an interaction she had recently with an archaeologist who worked in support of the efforts by the Federal Emergency Management Agency to address the impacts of massive fires in New Mexico this spring and summer. She said he was not aware of all the details of working in this part of the country and whom they needed to contact regarding the resources. She suggested that for the policy statement, to not only have good examples, but also those that explain challenges agencies face.

Workforce Development and Historic Preservation

Vice Chairman Tannenbaum said there are lots of needs for jobs in this area, and it is important to him and to the entire preservation community. What the ACHP is involved in is still trying to identify, develop, and school the next generation of preservation professionals. There just are not enough of them out there. He sent a letter recently to the heads of agencies that have received funding for environmental reviews under the IRA. There was a lot of money that was made available to other agencies, but the ACHP did not get any. In his letter, he pointed out the importance of adding preservation professionals to their own staffs and to their own organizations. He urged them to consider supporting and assisting State Historic Preservation Offices (SHPOs), Tribal Historic Preservation Offices (THPOs), and Indian tribes in their capacity to deal with this tsunami of infrastructure projects and tsunami of regulatory review that is coming down the pike. He also encouraged investment in digital tools and information to improve project planning, and assisting the partners who maintain those cultural resources data.

Three committees discussed this topic, and he called on the committee chairmen to report.

Jay Vogt said the Federal Agency Programs Committee had lively discussions on this topic. At their meeting they heard a report from staff about a recent meeting with the Federal Preservation Officers (FPOs) that shed additional light on how the ACHP might assist agencies. Federal agencies would like to see job candidates with more exposure to federal requirements, like Section 106. They are really finding applicants unprepared for federal agency Section 106-type work. They also face a unique challenge in recruiting, such as when certain position descriptions are not available in federal hiring processes. Committee members noted how such challenges are mirrored at the state level for SHPOs.

Staff will follow up in three main ways. One, beginning with FPOs, and their stakeholders, to define core competencies needed for the Section 106 work, in order to offer recommendations for education and training. Second, with the Office of Communications, Education, and Outreach (OCEO), expand the outreach to academic programs to share with students, what it is like to hold a job in the cultural resources field. Third, working with other federal agencies to address common issues about how professional qualifications are defined, and what position descriptions may be lacking. There is general acknowledgment that such support can be an important factor in improving the efficiency of Section 106 reviews for infrastructure projects.

Vice Chairman Tannenbaum added there is now a section on workforce development on the ACHP website. It is a list of links that people could visit to see where help might be needed and what positions are available. He thanked the OCEO team who have been very creative in designing this and rushing to put it online so quickly.

Luke Nichter continued that the OCEO staff have made progress since the last meeting, by sending out an initial email message from Mr. Nelson that included links to job boards and positions in a variety of cultural resources organizations. That email went to nearly 1,000 addresses. Staff created the historic preservation workforce development web page to house the resources that are linked from the home page under Quick Links and Trending Topics. This page will be updated frequently.

In addition, Caroline Henry from the Department of the Interior updated the committee on two opportunities that OCEO will be working on with her to reach a high school audience with messages about historic preservation and careers. The ACHP will partner with the Cranbrook School in Michigan to offer 11th and 12th grade students who are in an elective class on historic preservation a lecture and discussion on the legal landscape of historic preservation, focusing on preservation at the national level.

Additionally, a Cranbrook student will be working with the ACHP for his senior project during the last three weeks of school year. Ann Walker expressed her excitement about the ACHP working with

Cranbrook and suggested that middle school students who are alumni of her Preserve America Youth Summits would also be good resources for outreach on how to reach younger audiences.

A number of excellent ideas were mentioned including the idea that State and Tribal Historic Preservation Officers could be ambassadors to schools, and preservation graduate programs would be good for reaching younger students. Graduate programs would be willing to actively recruit, in particular, at Historically Black Colleges and Universities (HBCUs), crossing over into one of the ACHP's other initiatives.

Rick Gonzalez said the Preservation Initiatives (PI) Committee has been looking at workforce development issues in regard to the shortage of preservation craft people trained in traditional trades. The ACHP first looked at this issue in depth two years ago when it developed a policy statement on promotion and value of traditional trades training. The IRA includes funding that the committee thinks could possibly be used for traditional trades hiring and training. He noted that he would provide more information on this later in the agenda.

Native American Affairs

Chairman Franklin said the ACHP has been an active member of the White House Council on Native American Affairs. He summarized that the White House Tribal Nations Summit is coming up in person November 30 and December 1 at the Department of the Interior. He said it will be nice to finally be able to come and see each other, and discuss needed actions with tribal leaders and federal agency officials. The summit is needed to get tribal concerns, and to give tribal members access to the secretary level and higher levels of the federal agencies and federal government.

He said it really becomes a good dialogue for attendees to understand the agency thinking, and the agencies to understand what it is that tribes are asking. He said he would attend. Also, he added there are a lot of things that are directly related to the ACHP and the work it does around tribal consultation, climate change, Native languages, treaty rights, and the United Nations Declaration on the Rights of Indigenous Peoples.

Chairman Franklin continued that the policy statement on the burial sites, human remains, and funerary objects is not coming to ACHP members just yet. It is still in the consultation phase. He said members should be getting updates from the Native American Affairs and the Federal Agency Programs committees. There is a OneDrive folder available to review draft documents.

Since the last meeting, the ACHP hosted numerous listening sessions about the updates with Indian tribes, Native Hawaiian traditional practitioners, SHPOs, federal agencies, and the African American community. He said they received a lot of constructive feedback. It is reflected inside of the drafts that are now circulating and making their way through with a list of specific policy principles. He summarized that the comments included the need to prioritize Indian tribes, Native Hawaiians, and indigenous peoples. The ACHP received several comments regarding confidentiality and management of sensitive information, the need to have a greater emphasis on respect and a deference to associated communities, and to reinforce the role of indigenous knowledge and the role it has in the Section 106 process.

Finally, commenters noted that the Federal Indian Boarding School initiative, climate change, and repatriation should all be addressed in relation to burial sites, human remains, and funerary objects. Staff is going to continue to coordinate in the development of this resource with national NAGPRA, the National Register, and other authorities that intersect with the policy. He said the goal is to create a product that works in harmony with other authorities, while advancing the consideration of burial sites, human remains, and funerary objects in a progressive manner.

Chairman Franklin noted that Vice Chairman Tannenbaum signed the Memorandum of Agreement on Native Languages along with 12 other federal agencies recently. Chairman Franklin was moved by the ceremony and said it will lead to exciting conversations in the future.

Electric Vehicle Supply Equipment Exemption

Vice Chairman Tannenbaum thanked Jaime Loichinger for her work on this project and her colleagues who developed the exemption for EVSE. He said the importance of this effort in combating climate change and the investments the Administration and Congress have made to the tune of about \$7 billion through the Bipartisan Infrastructure Law demonstrate the need for the ACHP to act on it. He has been involved in the consultation sessions personally with states, Indian tribes, Native Hawaiian organizations, preservation organizations, as well as members themselves. He is pleased with the work that has been done.

Ms. Loichinger gave an overview of the three criteria that have to be met in considering the approval of an exemption. She said what was in the documentation package has both the summary of the written comments as well as the verbal comments that were shared during the seven consultation meetings that happened. There were about 11 different categories of comments. She said there were a lot of revisions made from start to the final in front of them about the conditions under which EVSE would result in no effects, or in other cases, no adverse effects to historic properties. She said they added a lot more detail from federal partners based on their programs and their technical specifications.

She said it was helpful to have input from the Department of Transportation (DOT) and the General Services Administration (GSA) to make sure that she got the correct technical detail within this exemption. Then staff also refined the conditions under which EVSE could use this exemption. She said from the first draft to the final draft, there is a lot more detail that has been added to make sure people are not surpassing the adverse effect threshold, specifically going back to what is in the regulations about diminishing the integrity of the property.

Mr. Vogt moved that the ACHP approve the electric vehicle supply equipment exemption that is presented to the membership in the meeting book. Ms. Vaughn seconded it.

Valerie Grussing said the National Association of Tribal Historic Preservation Officers (NATHPO) respectfully requests that the motion be withdrawn. The sentiment of its board of directors is unanimous and emphatic. The process from the beginning has been flawed, and NATHPO's concerns persist.

She said NATHPO maintains that an exemption is not an appropriate alternative here and that tribal concerns provided to the ACHP during consultation have been given lip service during the predetermined path to exemption. Approval of this proposal would result in adverse effects to historic properties of religious and cultural significance to tribes. She emphasized that this exemption is contrary to the purposes of the National Historic Preservation Act and the mission of ACHP. She said they appreciate the Administration's investment in renewable energy expansion, but it cannot happen at the expense of places and resources significant to tribes.

NATHPO would welcome a chance to work with the ACHP on an outcome that aligns with the principle of Free and Prior Informed Consent as prescribed in the U.S.-endorsed United Nations Declaration on the Rights of Indigenous Peoples, as well as with the Administration's mandates to strengthen nation-to-nation relationships and advance environmental justice.

Chairman Franklin said he heard in those consultations from tribes that the concern was about circumstances when there was going to be trenching in any way, shape, or form. He did not feel like that was adequately addressed. He did not think the ACHP reported back to tribes adequately that no cultural resources would be affected by this type of construction by some of these projects.

Erik Hein said the National Conference of State Historic Preservation Officers (NCSHPO) would like to emphasize its support for NATHPO in this instance. He thought it was very close to getting to a solution, but that adoption at this point would be premature.

He said NCSHPO additionally had a few minor concerns within the text of the agreement pertaining primarily to installations that could take place along, for example, at the street level, where existing electrical infrastructure could occur. They would welcome the opportunity to work with the ACHP to address these remaining issues.

Elizabeth Merritt said the National Trust is also supportive of the concept of this electric vehicle exemption and would like the ACHP to work with NATHPO to address the concerns that have been raised. She said the National Trust has submitted some comments to the staff. The staff has been very responsive in making revisions to the exemption, but she hoped the ACHP will move forward to address those concerns.

Jennifer Hass said from DHS' point of view she wanted to express their appreciation, particularly to Ms. Loichinger for her work on this exemption. It has been going on for well over a year now, as they have worked to develop a product that works for all of the interested parties. Recognizing that the stressors and the influx of additional funding that has come about even since they started this effort, she encouraged members to go ahead and move forward on a vote today.

Ms. Vaughn echoed the appreciation to Ms. Loichinger and the ACHP for all the work that has been undertaken with this endeavor. It has been a team effort from the start. Other agencies got involved because they saw additional funding coming in. She said this action with the stipulations that are identified in the exemption would be the best outcome at this time.

Mike Brennan said the Department of Veterans Affairs (VA) appreciates all the work that has gone into this. It is important in VA's portfolio because they are energy high power users. He said their stations in healthcare are challenged to meet sustainability goals. He looks toward shifting fleet toward electric vehicles as a part of moving forward to meet really aggressive sustainability goals for the Department.

Ms. Savage said the discussions among federal agencies were very sensitive to what is included in the exemption and what is excluded from the exemption. Not everything is included in the exemption. She understands the concerns that have been raised and thinks there has been substantial time and effort in improving the exemption and the language to be much clearer in what the intent is for the activities. She said from GSA's perspective, this is a huge initiative for the federal government writ large and a huge initiative for GSA, who will be a blanket purchase order supply contractor for lots of federal agencies.

Mr. Nelson said he wanted to be sure that everybody was clear that the ACHP understands and acknowledges that there are installation activities that certainly would have the potential to adversely affect historic properties, and that there are likely many circumstances where EVSE will be installed, where there is a very clear potential for adverse effects. Those are not covered by this exemption. This exemption was written in a way to make it narrowly focused on the range of activities that are extremely unlikely to result in adverse effects. He clarified that there likely will be many EVSE installations that will be the subject through the normal Section 106 process of reviews with states and tribes and others.

Richard Kidd said federal fleet managers and others know that the charging stations are the biggest challenge. He thinks the exemption will give fleet managers, building managers, and energy managers what they need to meet the expectations of the Administration and the Congress, but to balance those in a responsible manner with other concerns.

Members then proceeded with a roll call vote. The motion passed with 15 ayes, two nays, and three abstentions.

Army Program Comment on Vietnam War Era Historic Housing

Vice Chairman Tannenbaum said being a practitioner of the process himself and teaching the process, one of the things he thinks is very important about the Section 106 process, and that has ensured its survival when other environmental legislation has been attacked, is the flexibility and the creativity of the process. He wanted to speak in support of the program comment being used in a variety of situations, even situations that might involve demolition, with proper consideration, discussion, and consultation.

He thanked Chris Koepfel and Megan Borthwick for their tremendous work. He said he knows this is the first program comment development under the new protocols, and he thanked Mr. Vogt, Chairman Franklin, and Blythe Semmer for their work on this as well.

Mr. Vogt said at the committee meeting, staff updated members on the status of the Army program comment and discussed recent member comments. They talked about how the staff worked with the Army to address those issues through some notable adjustments to the program comment language. The new program comment process is designed for earlier and greater member input, and to help lead to a positive result.

Mr. Koepfel noted that prior to submitting the program comment to the ACHP, the Army did quite a bit of pre-consultation for a great many months. Once the program comment made it to the ACHP, there were two government-to-government consultations with tribal governments and two SHPO meetings. He gave an overview of the comments received and their themes. He said he was appreciative of the Army for the consultation and the collaboration that they were open to in working with the ACHP and sees the adjustments made recently as addressing the concerns of the partners raised in consultation.

Vice Chairman Tannenbaum also gave kudos to the National Trust and NCSHPO for their collaboration and helpfulness in drafting the program comment. Mr. Marques gave an overview of Robert's Rules of Order and the ACHP's operating procedures that will guide the voting on this program comment.

Vice Chairman Tannenbaum moved that the ACHP issue the final program comment for Department of the Army Vietnam Era Housing, historic housing, associated buildings and structures and landscape features, 1963 to 1975, dated as submitted on October 17, 2022, and sent via electronic mail by Acting Executive Director Reid Nelson to the ACHP members on October 19, 2022.

Mayor Simison seconded it.

Mr. Marques interjected that due to the operating procedures, the Department of Defense has to recuse itself from voting and making seconds. They are free to enter into the discussion, however.

Ms. Merritt said on behalf of the National Trust, she wanted to propose an amendment to the program comment.

She moved that the program comment, which is the subject of this main motion, be amended by adding the following sentence at the end of section 7.1. This language was circulated to all members from the National Trust in an email. The amendment would read as follows:

Notwithstanding any provisions to the contrary, this program comment shall not be used for any management actions involving cessation of maintenance, demolition, new construction, transfer, or conveyance, unless and until the ACHP membership approves an amendment to this program comment to remove this restriction through a vote of the majority of the membership in favor of such an amendment.

Mr. Gonzalez seconded the amendment proposal.

Kristopher King said he appreciated the tremendous amount of work that has gone into this. He is supporting the National Trust's proposal. Mr. Hein said NCSHPO has been vocal in its opposition to this agreement. While it may be appropriate for demolition to appear in a program comment, he thinks it must be accompanied by appropriate actions and considerations within the scope of the agreement to make that acceptable. By no stretch of the imagination does he believe that is the case here.

Mr. Kidd said the Department of Defense (DoD) and the Army are strongly opposed to the amendment as written. It basically undermines the Department's ability to manage its property and meet the needs of the soldiers and their families. He is not in favor.

Chris Cody said he wanted to ask the Army to clarify what he sees as logically contradicting statements. He said the Army has repeatedly said the actions included in the National Trust's amendment are extremely rare, often citing that during the entire 20-plus years of the application of the Capehart-Wherry program comment, less than three percent of the affected resources have been demolished, which averages out to 0.1 percent per year. Yet in their email today, the Army also objected to the National Trust's amendment on the grounds that it would be an "extensive restriction."

Mr. Kidd said the DoD's position is quite clear. He believes that the program comment that was worked on for more than a year was done so in good faith, and was done so taking into account all of the feedback and input that they have received to date.

John Finley asked, if this amendment passes, the program comment fails, and the DoD walks away, what happens next? In other words, is there a risk you are going to end up with a lesser preservation solution than what there is now?

Mr. Marques responded that if members go ahead with a vote and the program comment is not issued, then there is no program comment. The Army goes back to the regular Section 106 process. Mr. Finley asked, what are the options the DoD has at that point, and could as a result of the options they exercise, they create a solution that is actually worse than what is on the table now? Mr. Marques added that the options that the Army would have, absent the program comment, would be whatever program alternatives they already have. There are some programmatic agreements and Memorandum of Agreement in different installations that deal with these issues. They would use those. Absent those, they will just have to follow those regular Section 106 processes.

Mr. Finley asked if the DoD could go for legislation, and Mr. Marques said yes. Mr. Finley said his point is that if they did that, it would potentially create a lesser solution. Mr. Hein added that if the amendment was passed, the Army would still be free to maintain improve, alter, and otherwise rehabilitate the existing structures that they have indicated they have been interested and need the flexibility in to be able to achieve.

Mr. Nelson added that if the motions fail, the Army could come back and amend or revise the program comment and request a new program comment.

Ms. Merritt said she wanted to clarify that if the amendment passes, the vast majority of the program comment would still be up for a vote, and presumably, would pass with the amendment. The program comment would still apply to everything else other than demolition, new construction, cessation of maintenance, etc. All of the rehabilitation, renovation, all of that work that the Army wants to do on these historic homes could go forward pursuant to the program comment. She was hoping that with this amendment, they would be deferring just this controversial piece.

She said there is a broad consensus among ACHP members in support of the fundamental core of the program comment, which is its application to substantially streamline and practically exempt, in many ways, review of all of this work on renovation and rehabilitation of these properties. She wanted to clarify

that the National Trust views this as essentially deferring the vote on the controversial application of this program comment.

Mr. Kidd said the proposed amendment removes from the program comment the features that are most attractive to the DoD and to the Army. He said members should realize that we all live in a resource-constrained world. There is insufficient staff to meet the historic preservation needs that we all face. He said the Army's earlier Capehart-Wherry program comment saved about \$450 million, which is money that is then able to be put back in to the houses in question and other properties that DoD manages without the corresponding savings. He said members need to recognize that five percent of the properties in question is almost 400 properties for the Vietnam War Era housing. If they were going to take each one of those separately, there is a significant staff burden, and DoD does not generate the savings that is needed for the follow-on investment.

Mr. Finley asked to understand what happens after these votes occur. If DoD has said they will not use a program comment that includes the amendment, is it a nullity and does not have any force? Where is it if they do not use it? Mr. Marques said a program comment is an option for an agency. They can say they are not going to use it. But by regulations, the ACHP has to take an action to either approve or not approve.

Mr. Cody said the National Trust has repeatedly offered other alternative tools to help the Army achieve streamlining for these actions, specifically agreements with SHPOs, programmatic agreements that would achieve the same streamlining while having a bit more oversight over these actions.

Mr. King said if this does go into the closet and it is not used, normal Section 106 then applies going forward. That is obviously a higher threshold. Ultimately, while it does not streamline, it does not help things, from a resource perspective, the traditional path through Section 106 would ensure that there is a high level of oversight. Vice Chairman Tannenbaum said yes that would be the regular path.

Members had a roll call vote on the amendment. It failed, with a vote of 10 nays, eight ayes, and two abstentions.

Members continued discussion on the main motion. Mayor Simison said while there are no Army bases in his home state of Idaho, there is an Air Force base, and he sees the impact on the community there. He said housing is always one of the most important things for local communities. He has seen the impacts on the housing when people are driven off of bases into communities. They also have bigger issues that they need to address. They need to get water. They need to have infrastructure. He supports having something that allows them to address the fundamental issues that are creating problems on bases; he can only imagine that this is similar in other communities around the country.

As someone who sees the impacts of the housing on local governments, he thinks it is important to get the investments and improvements in housing to keep people on base, so it does not drive up the cost for the rest of the communities and take away needed housing for other purposes.

Mr. Cody said the National Trust strongly urged the members to deny this program comment, both for the conversation that took place around the amendment, but also because the ACHP should acknowledge and consider the overall context in which this program comment is being proposed.

Chairman Franklin said he wished everyone cared this much about tribal housing on Indian reservations. Mr. Gonzalez said he thought giving expertise away for free to the DoD and their private contractors seems to him a lack of what the ACHP is here for, to provide input, to see things done correctly when it comes to historic facilities across the country and across the different federal agencies.

Members then proceeded with a roll call vote on the main motion. It failed, with 11 ayes, seven nays, and two abstentions.

Chairman Franklin said he appreciated the fact that everyone can be in these rooms, not always be in full agreement, but walk away with total respect for one another and our opinions as these votes go the way that they go.

General Services Administration Exemption Update

Mr. Koeppel said GSA is rescheduling the vote for another time. He hopes that the exemption will be voted on in an unassembled meeting before the end of January 2023. He is looking forward to the tribal consultation with the GSA there, as well. So far, most comments coming back from stakeholders have been supportive of this action, in recognition of the effectiveness of GSA's overall historic preservation program.

Mr. Vogt added that a series of Section 106 webinars will be coming up in February with new topics focused on program alternatives.

Communications, Education, and Outreach

Dr. Nichter said the committee had a lot of excellent discussion during the agenda item on HBCUs, with some great new ideas shared. Members will recall that this committee has been working with the White House Initiative on HBCUs for several years. The ACHP continues to look for ways to support the Initiative's work. This is even more important now, as all of us who work in preservation are focused on bringing more skilled workers of color into the federal government and preservation.

OCEO has two Virtual Student Federal Service interns who will work with the ACHP for this current school year on the webinar series for 2023. First is Ryane Smith, who is a junior at Howard University. She discussed with the committee her ideas for an ambassador program for students at HBCUs to build interest in the historic buildings on HBCU campuses and bringing students together to talk about how to preserve their own campuses. It was noted that it is important to have students like Ms. Smith be advocates to other students to get involved in historic preservation. Peer-to-peer communications make a real impact.

Also, OCEO staff, Ms. Smith, and the second intern, Jasmine Lopez, who is at University of Texas, San Antonio, worked together on the 2023 list of subjects for webinars. The first webinar will be January 25, 2023. Members will receive a list of the final webinars with the dates for the remainder in that series.

Dr. Nichter said Vice Chairman Tannenbaum suggested that a related connection to think about for the webinar series could be the Rosenwald schools project, as it is currently making its way through Congress toward becoming a national historical park. Susan Glimcher noted that the ACHP is working out plans for a partnership with the National Trust African American Cultural Heritage Fund. Ms. Glimcher added that while it is not final yet, she will be working with Brent Leggs and Lawana Holland on a joint fellowship/internship to support the National Trust's Initiative preserving black churches.

Awards and Social Media

Dr. Nichter said the 2022 National Trust/ACHP Award for Federal Partnerships in Historic Preservation will be presented during the virtual National Preservation Awards on November 4, and the vice chairman will introduce the joint award in a taped segment.

The nominations for the 2022/2023 ACHP/HUD Secretary's Award for Excellence in Historic Preservation are moving through the evaluation process by ACHP and Department of Housing and Urban Development staff in preparation for jury review this coming fall.

He added, November is Native American Heritage Month, and to kick things off, look for a new episode of the ACHP podcast, "Preservation Perspectives," where he interviewed Sheila Bird, host of the "THPO Talk" podcast.

Historic Preservation Policy and Programs

Mr. Gonzalez said the IRA has more than \$1.2 billion for enhancement of national parks and public lands. The funds are for conservation, protection, and resiliency projects by the National Park Service (NPS) and the Bureau of Land Management, hiring staff for national park units and priority NPS deferred maintenance projects. The PI Committee discussed how this unique funding opportunity potentially could include training and hiring in the traditional trades.

Staffing up at the national parks could include hiring craftspeople and maintenance staff needed to help preserve historic properties. The committee also learned that spending plans have already been developed for the money for this year. However, this is a multi-year funding, so there still may be an opportunity for the ACHP to weigh in on this unique funding source.

Mr. Gonzalez made the following motion: that the ACHP directs the chairman to reach out to the Secretary of the Interior, and the directors of the National Park Service and the Bureau of Land Management, to encourage the use of public lands funding in the Inflation Reduction Act for traditional trades hiring and training.

Dr. Nichter seconded the motion.

Mr. Nelson noted that the notion of having a discussion about this was covered in a paper in the meeting book, and the idea of making this motion came forth in the PI Committee meeting itself, which was just late last week. That was why the motion itself was not in the meeting book.

The motion passed via a voice vote.

Ms. Slick suggested as staff are looking at writing letters to agencies, there are a number of agencies that would not be covered by the trades training, but letters to them regarding especially funding for SHPOs and THPOs could be an appropriate action. Mr. Nelson responded that a letter urging agencies to fund or provide assistance to State and Tribal Historic Preservation Officers went out the previous day. The component that members are talking about now was a separate pot of money addressing public lands that was more amenable to funding traditional trades activities. This is a way for the ACHP to use past experiences with the Traditional Trades Training Task Force to elevate some of those recommendations that came out of the proceedings of that task force earlier.

New Business

Vice Chairman Tannenbaum said the next business meeting will be March 1, 2023. Before adjourning, he thanked everyone for the time and the passion they bring. He called out the committee chairmen telling them they model the best in management leadership of these kinds of situations and these kinds of meetings. He also thanked the staff. He encouraged all to feel free to contact him with questions, comments, or suggestions. He adjourned the meeting at 3:57 p.m.