



**MEETING**  
**ADVISORY COUNCIL ON HISTORIC PRESERVATION**  
**March 1, 2023**

**PROVISIONAL AGENDA**

**Call to Order 8:30 a.m. EST**

- I. Chair's Welcome
  - A. Introduction and Priorities
  - B. Governance Issues Including Bylaws, Experts, and Committees
- II. Executive Director's Report
- III. Legislative Priorities
- IV. Climate Change and Historic Preservation Task Force
- V. Native American Affairs
  - A. Updating ACHP Policy Statement on Burials, Human Remains, and Funerary Objects
  - B. Policy Statement on Indigenous Knowledge and Historic Preservation
  - C. Other Reports
- VI. Section 106
  - A. Army Program Comment on Vietnam War Era Historic Housing, Associated Buildings and Structures, and Landscape Features
  - B. Nationwide Programmatic Agreements
  - C. Preserve America Executive Order 13287 Section 3 Report Planning
  - D. Other Reports
- VII. Communications, Education, and Outreach
  - A. Historically Black Colleges and Universities Outreach
  - B. Other Reports
- VIII. Historic Preservation Policy and Programs
  - A. Other Reports
- IX. Workforce Development
- X. Introducing 21st Century Leaders Fellow
- XI. New Business
- XII. Adjourn



**MEETING**  
**ADVISORY COUNCIL ON HISTORIC PRESERVATION**  
**March 1, 2023**

**ANNOTATED AGENDA**

- I. Chair's Welcome. *Chair Sara Bronin will welcome the members to the business meeting and ask members to introduce themselves.*
  - A. Introduction and Priorities. *Chair Bronin will share her vision and goals for the ACHP.*
  - B. Governance Issues Including Bylaws, Experts, and Committees. *Chair Bronin will summarize her interest in adjustments to ACHP bylaws and the organization of members. No action required.*
- II. Executive Director's Report. *Acting Executive Director Reid Nelson will report on personnel and recruitment and provide an update on office reopening.*
- III. Legislative Priorities. *Preservation Initiatives Committee Chairman Rick Gonzalez will summarize the committee's consideration of a legislative agenda for the 118th Congress and offer a resolution for its adoption. Vote anticipated. Action needed.*
- IV. Climate Change and Historic Preservation Task Force. *Vice Chairman Jordan Tannenbaum will summarize the task force's development of a Policy Statement on Climate Change and Historic Preservation and seek member input on the draft Statement. No action needed.*
- V. Native American Affairs
  - A. Updating ACHP Policy Statement on Burials, Human Remains, and Funerary Objects. *Native American Affairs Committee Chairman Reno Franklin will update the members on the development of the Policy Statement. Vote anticipated. Action needed.*
  - B. Policy Statement on Indigenous Knowledge and Historic Preservation. *Members will be apprised of efforts to develop this policy statement. No action required.*
  - C. Other Reports. *This will provide an opportunity for additional reports related to Native American Affairs.*
- VI. Section 106
  - A. Army Program Comment on Vietnam War Era Historic Housing, Associated Buildings and Structures, and Landscape Features. *Federal Agency Programs Committee Chairman Jay Vogt will update the members on the ACHP's consideration of a revised request from the Army for a program comment and summarize the results of the ACHP's effort to consult states, Indian tribes, Native Hawaiian organizations, and others on this request. No action required.*

- B. Nationwide Programmatic Agreements. *The members will be apprised of efforts to develop additional guidance on nationwide programmatic agreements and asked to provide input on its further development. No action required.*
  - C. Preserve America Executive Order 13287 Section 3 Report Planning. *Members will be apprised of efforts to develop guidance to federal agencies on the development of their upcoming reports to the ACHP and Secretary of the Interior in accordance with the Executive Order. No action required.*
  - D. Other Reports. *This will provide an opportunity for additional reports related to Section 106.*
- VII. Communications, Education, and Outreach
- A. Historically Black Colleges and Universities Outreach. *Communications, Education, and Outreach Committee Chairman Luke Nichter will update the members on efforts to further engage students and faculty from Historically Black Colleges and Universities. No action required.*
  - B. Other Reports. *This will provide an opportunity for additional reports on communications, education, and outreach issues.*
- VIII. Historic Preservation Policy and Programs
- A. Other Reports. *This will provide an opportunity for additional reports related to historic preservation policy and programs.*
- IX. Workforce Development. *Committee Chairmen Vogt and Nichter will report on committee discussions about workforce development. No action required.*
- X. Introducing 21st Century Leaders Fellow. *The members will be introduced to Matthew Kenyatta, the first 21st Century Leaders Fellow supported by the ACHP Foundation.*
- XI. New Business. *There is none at this time.*
- XII. Adjourn. *The meeting will adjourn by noon EST.*



**MINUTES**

**WINTER BUSINESS MEETING**

**ADVISORY COUNCIL ON HISTORIC PRESERVATION**

**MARCH 1, 2023**

**WASHINGTON, D.C.**

**MEETING**  
**ADVISORY COUNCIL ON HISTORIC PRESERVATION**  
**National Building Museum**  
**Washington, D.C.**  
**March 1, 2023**

**PROVISIONAL AGENDA**

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**IN ATTENDANCE**

**Hon. Sara Bronin**, Chair  
**Jordan Tannenbaum**, Vice Chairman  
**John Finley**  
**Kristopher King**  
**Luke Nichter**  
**Jay Vogt**

Architect of the Capitol

Represented by:

**Joseph Imamura**  
Special Delegate of the  
Architect of the Capitol

Administrator, General Services Administration

Represented by:

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

Secretary of Homeland Security

Represented by:

**Teresa Pohlman**  
Director, Sustainability  
and Environmental  
Programs

Secretary of Transportation

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, Kashia Band of  
Pomo Indians

President, National Conference of State Historic  
Preservation Officers

**Ramona Bartos**  
North Carolina Deputy State  
Historic Preservation Officer

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

### **OBSERVERS**

Chair, Council on Environmental Quality

Represented by:  
**Jomar Maldonado**  
Associate Director for NEPA

President, ACHP Foundation

**Katherine Slick**  
Historic Preservation Consultant

In attendance and participating in the meeting were ACHP Acting Executive Director Reid Nelson; ACHP Office Directors Ira Matt, Druscilla Null, and Javier Marques; Kate Plimpton, Deputy Federal Preservation Officer, Department of Defense; Matthew Kenyatta, 21st Century Leaders Fellow.

### **PROCEEDINGS**

Advisory Council on Historic Preservation (ACHP) Chair Sara Bronin called the winter business meeting to order at 8:35 a.m. March 1, 2023. She appointed Shayla Shrieves recorder for the meeting, and she called the roll of members present. The agenda was adopted with a motion by Jay Vogt and second by Reno Franklin. The minutes from the fall business meeting were adopted with a motion by Beth Savage and second by Kristopher King, with Chair Bronin abstaining. There were two proxies: for member Rick Gonzalez, Vice Chairman Jordan Tannenbaum and for the Secretary of Defense, the General Services Administration (GSA), Ms. Savage.

#### **Chair's Welcome**

Chair Bronin thanked everyone for participating in person and noted there is a live stream of the meeting on Facebook. She invited members and staff to introduce themselves around the room. Teresa Pohlman noted that today is the 20th anniversary of the founding of the Department of Homeland Security (DHS).

Chair Bronin announced that Reid Nelson will officially become the permanent executive director of the ACHP, effective March 12. She also commended Vice Chairman Tannenbaum for his service as the acting chairman.

She then gave an overview of her plans for the chairmanship and how she sees the next few years going. She said she is honored to have this appointment. She is a professor from Cornell University, and her research and advocacy has focused on historic preservation, as well as land use, climate change, housing, renewable energy, and state and local government law. She sees all of these issues as relevant to the work that the ACHP does and hopes to cross-pollinate between the academic and public fronts while she is chair.

So far in the job, she has been traveling and doing outreach. She attended the National Association of Tribal Historic Preservation Officers (NATHPO) conference and met with tribal leaders to hear what their interests were and meet tribal representatives from across the country. In addition, she went to the Texas

Historical Commission Conference and met with Latinos in Heritage Conservation's executive staff and the director of the Conservation Society of San Antonio. In her time as chair she has also met with the ACHP Climate Change and Historic Preservation Task Force and helped with policy revisions. She said she had a great meeting with House Appropriations Committee staff and has met with many of the ACHP members.

She has also established an internship program, not to replace the ACHP's established internship program, but to add opportunities for students to join the ranks. The idea behind that new program is those interns will work directly with Chair Bronin and will receive course credit and/or a stipend from their academic institution.

She said she enjoys working with students and interns and feels like that is part of what she can bring to this position. She intends to host "office hours" for students to ask her questions and talk about historic preservation and federal work. She added that her priorities revolve around the three main functions that she sees for the agency: administering the Section 106 process; providing advice and promoting policy; and raising awareness of the ACHP.

Chair Bronin has been looking at the ACHP operating procedures and thinks they could use an update. In the weeks ahead, she will be considering how best to go about doing that, possibly working with a small committee of ACHP members to start reviewing them, and then pursuing updates. She added she is establishing an advisory group of scholars who will work to inform her in terms of research and policy.

### **Executive Director's Report**

Mr. Nelson gave an update on recruitment and the status of the office reopening. He mentioned that intern Tarin Jones, the spring 2023 intern in the Office of Federal Agency Programs (OFAP), is working on collecting and analyzing curricula and other information about the state of Section 106 exposure in undergraduate and graduate preservation programs then making recommendations to the ACHP on how it can help those programs improve and expand that exposure. Another intern is Ernest Andreoli, who is working with Chair Bronin assisting her with legal research. The first 21st Century Leaders Fellow, Matthew Kenyatta, who is being sponsored by the ACHP Foundation, has begun his fellowship. Mr. Nelson will soon announce the digital operations coordinator, a new position in OFAP, who will work internally and externally, ensuring that the Section 106 review process is working as effectively as possible and that everyone is using digital tools as effectively as possible to facilitate the Section 106 review process and to record historic properties.

The ACHP is also recruiting an assistant historic preservation specialist in OFAP. Mr. Nelson added that now that he has been named the executive director, he will start recruiting for the person to replace him as the director of OFAP.

The ACHP is still in a phased reopening process. There are a number of staff who are at the office just about every day, but the agency is not fully reopened yet.

### **Legislative Priorities**

Chair Bronin said Preservation Initiatives (PI) Committee Chairman Gonzalez could not attend the meeting, but Vice Chairman Ramona Bartos could give the committee's report. Ms. Bartos said the PI Committee reviewed the revised set of legislative priorities that staff recommended, and she thanked staff for their work on this issue. In addition to retaining previous topics of ongoing importance, topics added to the list include addressing climate change, community development including affordable housing, digitization, and reauthorization of the Historic Preservation Fund (HPF). She said the PI Committee supports the proposed set of legislative priorities as set forth in the meeting book with one proposed

change. She suggested the second bullet addressing the HPF mention increasing the annual funding level of the fund.

She moved that, Whereas the National Historic Preservation Act (NHPA) requires the ACHP to advise the President and Congress on matters relating to historic preservation;

Therefore, the ACHP will offer advice to the 118th Congress on actions affecting the nation's historic properties, focusing on, but not limited to the following priority issue areas: supporting preservation-friendly programs and funding; reauthorizing, making permanent, and increasing the Historic Preservation Fund; promoting consideration of historic properties in the federal response to climate change as discussed in the ACHP's climate change and historic preservation policy statement; supporting designation or protection of historic properties that reflect the full American story and discouraging proposals that would destroy or diminish diverse histories; supporting preservation of historic properties and community development, including in creation of affordable housing; maintaining and enhancing tax incentives for historic preservation; balancing regulatory, permitting reform; and streamlining with protection of historic properties; digitizing and mapping known resources subject to Section 106 processes and expanding survey work of unknown or undocumented resources; addressing the impacts of accelerated infrastructure development on historic properties; and fostering stewardship of historic properties on federal lands or under federal management.

Chairman Franklin seconded the motion.

Colleen Vaughn said she appreciated the comprehensive list, and the Department of Transportation (DOT) supports it. She had a couple of clarifying questions: she thought the bullet on balancing regulatory permitting reform and streamlining protection was similar to the bullet on addressing the impacts of accelerated infrastructure development on historic properties and wondered if there is a nuance between those two. Ms. Bartos responded that streamlining and balancing can be completely separate and distinct from one another, or they can be integrated. From her perspective, this is an effort to integrate the two.

Mr. Nelson added that there is minimal overlap between the two where one allows the ACHP to look at specific infrastructure sectors. The other gives the ACHP broader footing to talk generally about historic preservation-related legislation, including bills that would change the NHPA or other statutes that might impact the way Section 106 reviews are carried out.

Ms. Vaughn asked for an explanation of the intent behind the comment on expanding survey work of unknown and undocumented resources in the context of the digitizing. Ms. Bartos said from her perspective in the North Carolina State Historic Preservation Office, a couple of things are in play. One is that a lot of their survey work dates to the 1980s when the HPF was richly appropriated. Since then, they have an entire 40 years' worth of properties that maybe have not been considered. Particularly for transportation, that would be important to know that ahead of time. As well, what else do people need to know about that perhaps they were not looking at in 1980 or 1985?

Mr. Nelson added that this is an opportunity for preservationists to do even more than in the past to promote the funding of survey and inventory.

Dr. Pohlman added that the Federal Real Property Council has a lot of data on federal buildings. She suggested the ACHP work across interagency lines with them and also with the Federal Permitting Improvement Steering Council. She said there is a lot of work going on in the Federal Real Property Council, particularly on the future of work and the workplace. She suggested putting that into the considerations, because it is a big issue now, with federal agencies and the Office of Personnel Management. Ms. Bartos asked, will the federal government continue to retain these buildings? What if

they are transferred into private hands? That is a Section 106 issue. Dr. Pohlman said DHS is looking at consolidation of real property and divesting properties, working with GSA and other partners on that.

Mayor Robert Simison said while he plans to support the motion, given inclusion of the word “supporting” and what that means in terms of later ACHP advocacy for specific legislation, he stated he will reserve the right to probably vote against supporting specific bills in the future. He suggested you can still have the same list here without using the word “supporting” in certain places, instead using the term “advice on.” Javier Marques said the meeting book explains explicitly that this does not require a member to vote any specific way when those issues actually come up in later discussions.

Members proceeded with a roll call vote. The motion passed with 17 ayes and one abstention, Architect of the Capitol.

### **Climate Change and Historic Preservation Task Force**

Chair Bronin said while this is an initiative started before her time at the ACHP, she is delighted that one of its first products is the policy statement. Given her past work and interest in climate issues, this is an issue of personal importance. Task Force Chairman Tannenbaum thanked Dru Null for her good work on this and thanked the many members who served on the task force for the last couple of years.

He said they have been working on this policy for the past six months. It is intended to assist federal agencies but also speaks broadly to nonfederal parties. He said the document defines the scope of the challenge and highlights the effects to properties significant to Indian tribes and Native Hawaiian organizations (NHOs), and the disproportionate impacts of climate change on historic places in underserved communities. It includes a series of policy principles that address the need to gather data, planning for how to adapt to climate change, promoting efforts to reduce the pace of climate change, cross-cutting issues of equity and flexibility, and the need for education and collaboration.

Dr. Pohlman said there was a comment in the draft policy regarding the need for flexibilities in the Federal Emergency Management Agency’s (FEMA’s) National Flood Insurance Program and she wanted clarification on it.

Ms. Null came to the table and said the idea is to explore how the program encourages location of new construction, retention of existing properties, or the relocation of properties, and the role of flood insurance rates, etc. Are there ways in which the program could be encouraging the retention of historic buildings, even if not on-site, and the impact of flood insurance rates on preserving historic properties in floodplain areas? Dr. Pohlman said it might be a good idea to have some members of the staff talk with some of the staff at FEMA to see if there is a way to make it happen.

Ms. Bartos said she would like FEMA to explore buyouts. For good reasons, buyouts happen because places are in repetitive flood situations, and historic buildings are destroyed. She said it is difficult to take the building elsewhere. But surely, there is a way, since there is all of the technology to relocate buildings, to adjust that part of the buyout, because it is resulting in great displacement of communities. She asked, how do you help mitigate that dislocation?

Chair Bronin said this is surely an increasing issue as sea level rise and extreme weather events increase. Across policies in the federal government, there is a bias toward rebuilding exactly as things were, and the ACHP recognizes that there is a value to that. There is this other external force that is causing us to have to think more creatively about how we respond, including how to adapt buildings. To the extent that the Flood Insurance Program encourages or supports simple rebuilding as is, versus incorporating perhaps new thinking on historic treatments, that is one thing that this speaks to.

She said people actually do not know where designated historic properties are because there is no national comprehensive digital survey of all of those. The National Flood Insurance Program and the need to understand the scope of properties affected is another demonstration of the need for those kinds of surveys. She said the ACHP would definitely welcome additional consultation with FEMA.

Ms. Vaughn said DOT supports the ACHP's climate change and historic preservation policy statement. They are encouraged to see the direct reference to the transportation sector and the call for climate-friendly or climate-smart transportation projects to be developed. They will be providing comments on the final document.

Chair Bronin noted that next week the ACHP will be initiating tribal consultation, which is something that the agency does anytime it considers adopting a policy. In addition, there will be consultation with the State Historic Preservation Officers (SHPOs) and the National Conference of State Historic Preservation Officers. Then there will be an unassembled vote on the policy statement, ideally by mid-May.

At this time, the members took a 10 minute break. (9:40 a.m.)

### **Native American Affairs**

Chair Bronin thanked Committee Chairman Franklin and Ira Matt who led development of the updated Policy Statement on Burial Sites, Human Remains, and Funerary Objects. She said it enshrines the very basic principles of respect and sound moral judgment that they unfortunately had to reduce to writing because not everybody has adhered to those in the past.

Chairman Franklin said it was a subject that is very near and dear, both to his heart and to the tribes that the ACHP serves. He also noted that he needed to first apologize for the fact that he was going to reference American Indian burials for other tribes. He asked that anyone watching to know that it is done with the spirit of mitigation, both in this world and into the next, and the understanding that sometimes he has to discuss these things in order to find solutions.

He continued, that the ACHP first issued this policy in 2007. For the update, they hosted listening sessions and a consultation with tribes and NHOs. Tribes were candid in their discussions, what they wanted to see inside of this policy. They were honest in what they were feeling because of the way that previous policies and guidance had been written. They were thoughtful and deliberate.

He pointed members to the summary of comments in the meeting book and thanked the Office of Native American Affairs for their hard work.

Mr. Matt said this has been a great effort. It has been collaborative with the members, with the committees. He had the opportunity to meet with Federal Preservation Officers (FPOs) in this process, with the SHPOs, with tribes. He said they want to make sure to advance a policy statement that is truly going to help people, and especially with the recognition and protection of burial sites, human remains, and funerary objects of all people. That wider scope is an important aspect of this policy statement. It was and is for all people. When you talk about your ancestors, your children, your loved ones—that is really something that all humans have deep consideration for.

He summarized the recent round of updates. He said they made sure that they were not overtaking agencies' internal policies but were looking to inform and advise should they have other areas where they address human remains. A burial site, for so many people, is a sacred site. What the ACHP wanted to avoid was forcing an artificial distinction or boundary between those two things.

He noted people are probably most interested in looking at Principle 13 about compensation. He said they are not saying anything new with this principle; this is the existing language in the ACHP's guidance on assistance to consulting parties. They just clarified if there are times when agencies are expecting Indian tribes to complete some of their federal functions, those tribes should be compensated in this process. Not just tribes, but any parties. Burials in particular, and burial sites, funerary objects, oftentimes, agencies are going to have to look to those experts, those people who are associated who have that knowledge.

He continued on discussing the other principles. Chairman Franklin said the ACHP is clearly setting a standard that as federal agencies, we will look at human remains, funerary objects, and those places where they are buried as locations and items that have the right to be protected rather than simply requiring the minimum level of consideration.

He moved that the ACHP adopt the Policy Statement on Burial Sites, Human Remains, and Funerary Objects dated March 1, 2023. Mr. Vogt seconded the motion.

Ms. Savage praised the work done on the policy statement and wanted to make a comment on as the proxy for the Department of Defense (DoD). She said Principle 13 deserved a little bit of discussion here in the motion. She said they do not disagree with the words that are on the page for Principle 13, but when she looked at the guidance that this is pulled from, only part of what is in the guidance has been put in Principle 13. She said DoD in particular wanted her to put forward the comment that they are in favor of the statement, but they would like to see language added to Principle 13, such as, federal agencies are restricted from compensating a tribe, NHO, or other party for services to complete any statutory and legal responsibilities. If the federal agency is as stated in Principle 13 requests another party to carry out its activity responsibilities under the NHPA, then, they should be compensated. Guidance comes forth under the policy about how you can do that, because agencies have different authorities and abilities, but the principle is sound, and they support that. She was relaying the request to add the language from the guidance that has that stipulation.

Chair Bronin asked if the document Ms. Savage was pulling from was the 2018 Guidance on Assistance to Consulting Parties in the Section 106 Review Process. She read, "If a federal agency requests that a SHPO or THPO carry out activities that are the federal agency's responsibility under the NHPA, the SHPO or THPO can and should be reimbursed for doing so, as the agency is essentially asking it to fulfill the role of a cultural resource management consultant or contractor."

Ms. Savage said there is other language in that guidance that says the gist of federal agencies cannot be compensating anyone for their legal and statutory responsibilities. The addition is that federal agencies are restricted from compensating other parties to complete any of their statutory and legal requirements.

Mr. Nelson said one of the ACHP intentions is to develop a whole set of additional documentation and information on how to apply this policy, a companion document where they could drill down into the individual Principles 1-13 and provide additional clarification. He suggested if members were comfortable, they could go forward with the current policy statement, and on the record, commit today to addressing that very point as staff works on the companion document. Ms. Savage said she wanted to hear the opinions of other federal agencies at the table. The exclusion of that from something as high-level as a policy statement may be problematic.

Dr. Pohlman said she thought it would be problematic for DHS if it is not included in the policy statement. She wanted to see extra words added about the legal responsibilities. Ms. Vaughn said the definitions need to be addressed within this document, rather than waiting for additional guidance to come out to further clarify those. She said this is too important to wait.

Ms. Bartos asked Mr. Matt what activities would be subject to this kind of compensation that others would be taking on for the federal agencies. Mr. Matt recounted his experience from working for the

Confederated Salish and Kootenai Tribes, noting some of that includes reliance on things like elders, those experts who so many people want information from in that process. They need to be compensated to provide that information and to support the archivists at the tribe where they are going to be getting this information. Chairman Franklin added a comment about levees and when work is being done to recertify those levees; unfortunately, they are hitting Native American burials. Tribes are faced with allowing the damage to some of their cemeteries in order to protect hundreds of thousands of lives.

He said he has no problem with adding the additional language that Ms. Savage asked for. Chair Bronin asked if the solution to this would be to reference the 2018 guidance by name. Ms. Savage suggested it be in a footnote. Members discussed the appropriate way to present it. Mr. Marques advised on the proper Robert's Rules of Order to amend the motion.

Ms. Savage said, DoD and GSA propose a motion in collaboration with DOT and DHS that Principle 13 be cited with a footnote, the specific language of which is found in "Guidance on Assistance to Consulting Parties in the Section 106 Review Process." Chair Bronin read the one sentence from the 2018 guidance: "When the federal agency (or in some cases the applicant) seeks the views and advice of any consulting party in fulfilling its legal obligation to consult with them, the agency or applicant is not required to pay that party for providing its views." Ms. Savage agreed that was correct.

Dr. Pohlman seconded the amendment motion.

Elizabeth Merritt said she was confused by the discussion because Ms. Savage's characterization of the addition was that federal agencies are prohibited from providing this kind of compensation. When reading the language from the guidance, it says federal agencies are not required, which is different. Even with that difference, she found it creates confusion.

Chair Bronin said the difference is that it depends on whose obligations are being compensated for. If the federal agency's obligations are being compensated for, the tribes may be compensated or reimbursed. If it is the tribal obligations that the tribe has within the statutory framework, those do not need to be under the 2018 guidance. Those tribal responsibilities do not need to be compensated or reimbursed.

Ms. Bartos asked, for state law, reburial laws, non-NAGPRA, non-Native American context, is what is being contemplated is putting the onus on the SHPO or the state to do genealogy, to rebury, etc., when it is a federal action that has triggered what has come to the fore? Ms. Savage said that is not what the intent of the amendment is. The intent is for the federal agency to bear the responsibility for the impacts of their undertaking and any mitigation, not to pass it off to anyone else.

Chair Bronin asked Ms. Bartos if what she meant to ask was since the SHPOs are specifically called out in the guidance in that sentence, was she asking to add SHPO to the list in Principle 13, considering that it may not be THPOs that are the only consulting parties that may be required to be compensated.

Ms. Bartos said yes but if "other consulting party" includes SHPOs, she would be fine with that. Mr. Marques said that is correct, it includes the SHPO and any party.

John Finley asked, in looking at the compensation, what is a practical example of an activity that you might be required, by virtue of this guidance, that was proposed that you want the language to protect the agency from having to make?

Mr. Marques said for instance, SHPOs under the NHPA have specific duties for which they get HPF funding. What some agencies are asserting is that, in circumstances where the NHPA essentially says the SHPO shall advise federal agencies in the Section 106 process, agencies are saying they need not reimburse the SHPO for duties that the statute places on SHPOs.

Ms. Merritt asked what DoD would say in the case if it requests a tribe to assist in the identification process, that DoD is prohibited from providing any compensation to the tribe? Kate Plimpton came to the table for DoD. She said in a situation like that, the tribe would be paid as a consultant.

Chair Bronin then called for a voice vote on the amendment to add the footnote. It passed.

Mr. Finley said he had three points that he wanted to raise about this. First, as a general matter, he suggested being more specific of the problem that is being addressed with the policy that then gets adopted. How the change in policy then is linked to the specific problem would be helpful for the reader. The second, there are some word choice issues like writing “possible” versus “practicable.” As well, he wondered about the effort to integrate language from the United Nations Declaration on the Rights of Indigenous Peoples. The United States voted against that Declaration. He said he was looking for confirmation that in terms of integrating any of the language, the ACHP is not doing anything inconsistent with where the State Department is on the Declaration today, since it is not explicit.

Mr. Marques said the ACHP has ample guidance that has been issued on that Declaration which clarifies its consistency with the Department of State.

Chair Bronin said the ACHP can continue to articulate why this is important and why it matters. Mr. King suggested the Office of Communications, Education, and Outreach (OCEO) develop informational resources to help the local level people who are trying to undertake some of this work. He said there is so much great information that the ACHP has been able to articulate clearly and effectively, and that would have a tremendous benefit.

Members proceeded with a roll call vote. The motion, as amended, passed unanimously with 18 ayes.

Chair Bronin thanked the Office of Native American Affairs, Chairman Franklin, and all of the parties who gave consultation feedback and guidance on this extremely important policy. She said there is sufficient interest in this policy that suggests that in the coming years, the ACHP could build on what is stated in the policy to continue to integrate it into other policies, guidance, and perhaps beyond.

She said the ACHP will be doing a press release about this and working on social media. She has been drafting an op-ed that will hopefully go out to explain not only why the ACHP adopted it, but the opportunity for others to consider adopting it as well. She will be looking for opportunities to speak about this. She said if members have groups, reporters, news outlets, places where she can use this to get the word out about this policy and the importance of adopting it, let her know.

Dr. Pohlman said the Council on Environmental Quality (CEQ) has put out a lot of information on climate change. Each federal agency is responsible for developing their climate action plan. On an annual basis, they are required to update those climate action plans. She suggested that the ACHP, with the policy here on Principle 12 especially, point that out and maybe work with CEQ to include it in some future climate change guidance.

Vice Chairman Tannenbaum said regarding Principle 9 and historic trauma, he offered to be of assistance in that, having considerable experience in that area.

### **Indigenous Knowledge**

Mr. Matt said last year he had brought forward the concept of the Indigenous Knowledge policy statement. Members see a need for the ACHP to take those positions and clarify where the ACHP is on Indigenous Knowledge, its role in historic preservation, the Section 106 process, and to support it as an independent valid line of information.

He said in the meantime, the White House developed federal-wide guidance on Indigenous Knowledge, and the ACHP was part of that team. He was happy with the product that came out of it. But that resource was meant to address Indigenous Knowledge broadly across the entire federal government. As such, it did not provide the specificity needed to guide ACHP work in historic preservation.

He gave an overview of the process for drafting it, including outreach and listening sessions with tribes and NHOs, FPOs, SHPOs, and others. There will be a webpage and updates for members. Chairman Franklin added that it is a great opportunity for ACHP members to hear directly from practitioners on the nationwide perspective on Indigenous Knowledge, how tribes view it, and then take that back to their agencies.

At this time, members took a five minute break (11:10 a.m.)

### **Army Program Comment**

Mr. Vogt said the Army has resubmitted a request for a program comment on Vietnam War Era Historic Housing, Associated Buildings and Structures, and Landscape Features. The members had voted not to offer a comment in response to the Army's initial request at the fall ACHP business meeting. Revisions by the Army have included carrying out a survey to identify properties of particular importance. The results show they constitute seven percent of the Vietnam War Era Housing inventory, and they are all located at one installation in Hawaii.

Recent consultation meetings have been convened. A public comment period was opened through last Wednesday. He said members will soon receive an updated packet of information on the results of this consultation effort and instructions for voting on the request via an unassembled meeting over the week of March 13-17. Chair Bronin said the ACHP received other written comments from other members as well, including the National Trust for Historic Preservation. Those will be distributed to the members.

### **Nationwide Programmatic Agreements**

Mr. Vogt said the Federal Agency Programs (FAP) Committee heard about the progress on additional guidance for nationwide programmatic agreements, much like the improved and more transparent program comments process. The staff is working on a development process flowchart, examples of monitoring and reporting protocols, and information on managing timelines for the development of any program alternative. This information will be incorporated in the Section 106 training materials and the Guidance on Agreement Documents. It will also be posted on the website and shared with practitioners. He encouraged the members to propose good examples of approaches from regional and national programmatic agreements or best practices from their development and share them with the staff.

### **Section 3 Report to the President**

Mr. Vogt continued that the next report under Section 3 of the Preserve America Executive Order 13287 must be delivered on February 15, 2024. This is an important responsibility for the ACHP and an opportunity for preservation successes across the federal government to be featured in a report delivered to the President only once every three years. He said the committee heard about the three broad themes for the upcoming report: equity, climate change, and infrastructure. Members noted that these are all timely, though they asked for greater specificity in terms of what aspects of property stewardship the ACHP will focus on related to this.

He asked two questions of the members at the table: what emerging trends in federal historic property stewardship should the ACHP highlight in the report? And what key questions do members think the ACHP should address in reporting guidelines, and do the suggested themes cover these questions?

Ms. Savage said one of the fundamental issues is insufficient resources to use historic properties. She said one significant repercussion is that historic buildings are often looked to first to be in what is known as the disposal pipeline, so that is going to be a trend that continues. GSA works in various ways in the asset management process with portfolio and budget colleagues to come up with various tools to try to demonstrate empirical data. That reinvestment in a historic building is often a better cost-benefit than a newer building, but there are so many different factors. She asked, how is it that we can have a better message regarding the prioritization, which we work on daily, of historic buildings in that funding scenario?

Chair Bronin said she thought the comment about the working from home and consolidation might put added pressures on that, so there might be a dimension of that to incorporate into the report.

Dr. Pohlman said DHS is often asked, what is the return on investment? What is the practicality of doing historic preservation and spending money on historic facilities? Maybe it is not just dollars and cents. Maybe it is resilience of community. Maybe it is accounting for those intangibles that are not often named in reports, but she thinks they should be. The other thing is climate change. She suggested revamping the report with some of the newfangled ideas and also future of work including more people staying home, and the federal government is going to be moving out of a lot of buildings.

Vice Chairman Tannenbaum suggested building on the Leveraging Federal Historic Buildings report that was published two years ago, looking at Section 111 and see what progress has been made. He also suggested mobilizing friends groups to raise money for restoring buildings.

Ms. Plimpton said there is an enormous growing stock of historic aged properties within the DoD. That is a management issue in maintenance and also maintaining it. All of that then pushes on to SHPOs and to other agencies as DoD does that work. That is a big concern for the DoD, as well as climate change.

Ms. Savage said one of the emerging trends for GSA is to value embodied carbon. GSA is developing a tool with Oak Ridge National Laboratory in the Department of Energy so that staff can assess the climate impact of reusing historic buildings, or just existing buildings in general, versus the impact of new construction including the regular standard repairs and alteration projects they regularly have to carry out. This new tool would automatically generate a comparison.

She will keep members apprised of their progress and do a demonstration once she has something to show. It also goes into the issue of the social value of embodied carbon. Trying to take those ideas and be demonstrating in a consistent fashion with consistent data, because that is one of the things that GSA has a major problem with too. She said there is a lot of data, but much of it is not consistent.

She said they are trying to come up with a consistent protocol for calculating it to demonstrate the reinvestment in historic buildings. It goes back to the return on investment (ROI). It does not have an ROI piece to it. We know that if you reinvest in a lot of our historic buildings, that reinvestment will last for 60 to 80 years versus the reinvestment that we have to constantly make into much newer buildings.

Mr. Vogt asked the second question. Ms. Savage said these are great themes and they are important to members. There are two ways to look at it. One, you ask very specific questions, which some federal agencies will not have answers to, or you keep it more broad and the federal agency is going to tell you, which can sometimes be even more illuminating than the questions we might think of.

Ms. Bartos said she keeps thinking of the taxpayer investment in these buildings. She asked how much money did taxpayers in the 1800s put into building the Supreme Court or the Capitol? Versus if we went and bought a new piece of property and had to put in all the infrastructure, the water, the sewer, and all the mechanical things that we do not typically think about but are costs. What actually are we spending?

What actually is going out of the public coffers for these buildings? Whereas we have something that already works well and is a landmark.

Vice Chairman Tannenbaum said under the equity theme, going back to the issue of Native American history, Native American themes, there is an opportunity to address that. What are our agencies doing in that area? It could be a number of different things, and what about youth? What are our policies, what are you doing in that area in looking at the influencers and the folks that are coming up?

Mr. King said a critical point is that we have not really figured out how to assess the issue of durability as a benefit, because these buildings have existed for so long. Typically, if you worked in that space, you realize that their capacities are so much greater than contemporary buildings. If we can figure out a way to articulate that more clearly, it does really help in that value prospect.

Mr. Vogt appreciated the comments and said staff will develop more specifics in revising the reporting guidelines that help agencies prepare progress reports that are due at the end of September.

Mr. Vogt added that the ACHP training program will resume in some in-person courses in 2023. The registration for classes (in-person and on Zoom) have been phenomenal.

### **Communications, Education, and Outreach**

Luke Nichter said the ACHP has been working with the White House Initiative in Historically Black Colleges and Universities for several years and continues to look for ways to support the Initiative's work. This is even more important now as all of us in preservation are focusing on bringing a more diverse set of younger students into an awareness of cultural resources management, and into the federal government.

Webinars directed to Historically Black College and University (HBCU) students and faculty are drawing in greater attendance. The committee also discussed a new outreach tactic of having members be interviewed for short videos on how they got interested in preservation in the first place, their background, career training, education, the various paths that got them to where they are today.

Sometimes giving students some of this personal information and anecdotes help as they plot out their own career plans and education. He suggested if members would like to be a part of that series, please reach out to Lynne Richmond.

The committee was also updated on the status of two awards: the ACHP/HUD Secretary's Award for Excellence in Historic Preservation and the Joint National Trust/ACHP Award for Federal Partnerships in Historic Preservation. The ACHP/HUD award ceremony will take place during the summer business meeting. Additionally, Cultural Heritage in the Forest will take place this summer. The ACHP appreciates the important and strong partnership with the Forest Service. The program will be open to all HBCU students nationwide. He is hoping to bring about eight to 12 students into the program this coming summer.

### **Workforce Development**

Chair Bronin said this has been a topic with the FAP Committee and Communications, Education, and Outreach Committee, both very robust discussions on this topic. Mr. Vogt said there are basically two main concerns about workforce development. One concern is recruiting future preservationists to the field. Once we get people who want to go into the field, making sure that they learn what they have to do in order to do the job effectively, particularly when it comes to SHPOs, federal offices, and cultural resources management (CRM) firms.

The FAP Committee focused on how students prepare for careers in preservation and CRM involving federal preservation programs. He said staff plans to query federal agency staff such as the FPOs, CRM consulting firms, and the SHPOs about the skills, knowledge, and abilities they need with new hires. That information should yield ideas about core competencies for preservation and CRM work involving federal programs such as Section 106 and others.

To understand what kind of gaps exist in academic curriculum, OFAP will collaborate with OCEO on gathering information from educators who are training students on preservation-related disciplines.

The spring semester training program intern, Mr. Jones, will also be hearing from faculty who teach courses where Section 106 is covered at the upper level of undergraduate and graduate education. His analysis will help the Section 106 training program update and create materials and formats responsive to the learning interests of these students and the needs of agencies.

FAP Committee members are particularly interested in whether students can participate in practicums. These are some technical practical ways that these students can learn and other on-the-job experiences that offer apprenticeship-style learning where they can apply their coursework.

Position descriptions in the federal government and outside federal government for jobs that also work with federal preservation regulations could benefit from a greater consistency in how similar the work is described.

Dr. Nichter said this is obviously a multifaceted problem. In OCEO, the approach has been to engage with academia, faculty, and leadership of high schools through the college and university level as well as hearing from practitioners and professionals about what they are looking for in terms of building skillsets for the next generation.

OCEO has created a historic preservation workforce development web page to house resources for those interested in moving into CRM. OCEO will take the lead on one of the listening sessions. The first one is with employers. The second one is with educators and those involved in managing relevant academic programs. Vice Chairman Jordan Tannenbaum also suggested the ACHP create a module to share with teachers to talk about what the ACHP does and how to get into historic preservation careers. Do not assume that people already know what the ACHP is and what it does and what historic preservation is or is not.

### **21st Century Leaders Fellow**

Chair Bronin introduced the first 21st Century Leaders Fellow Dr. Kenyatta who is supported by the ACHP Foundation. He gave an overview of his work. He said it is an honor to be here at this particular session. Seeing the inflection point that the agency is in right now and the decisions members came to today, it feels great to see it all in action. He is hoping to learn more about where the ACHP wants to go in the future. Chair Bronin said she was looking forward to getting a chance to work with him directly.

### **New Business**

Chair Bronin announced the summer business meeting is July 11-12, and the fall meeting is November 14-15. She said she hopes to get a bigger room to be able to include more members of the public and agency officials in this meeting. She offered special thanks to the ACHP staff who did so much work to prepare for this meeting.

The meeting adjourned at noon.