



MEETING
ADVISORY COUNCIL ON HISTORIC PRESERVATION
March 21, 2024

PROVISIONAL AGENDA

Call to Order 9 a.m. EDT

- I. Chair's Welcome
 - A. Reflections on Georgetown Cemetery Tour
 - B. First Year in Review; Report on Recent Activities
 - C. Committee Assignments and Scopes
- II. Chair Report on the Application and Interpretation of Federal Historic Preservation Standards
- III. Executive Director's Report
- IV. Regulations and Governance
 - A. Program Comment for Army Pre-1919 Historic Housing
 - B. Program Comment for Communications Projects on Federal Lands and Property—
Amendment Update
 - C. Nationwide Housing Program Alternative Proposal
 - D. Update on Issuance of Housing-Related Section 106 Guidance
 - E. Outreach and Engagement on Preserve America Report on Federal Property Stewardship
- V. Policy and Legislative Affairs
 - A. Operating Procedures Amendments
 - B. Climate Heritage Office Proposal
 - C. Outreach and Engagement on Recent Policy Statements
- VI. Tribal and Indigenous Peoples
 - A. Policy Statement on Indigenous Knowledge and Historic Preservation
 - B. Native Hawaiian Interagency Working Group Memorandum of Understanding
 - C. Executive Order on Federal Funding and Tribal Nations
- VII. New Business
- VIII. Adjourn



MEETING
ADVISORY COUNCIL ON HISTORIC PRESERVATION
March 21, 2024
Washington Hilton
1919 Connecticut Avenue NW
Washington, D.C. 20009

ANNOTATED AGENDA

Call to Order 9 a.m. EDT

- I. Chair's Welcome
 - A. Reflections on Georgetown Cemetery Tour. *Chair Sara Bronin will reflect upon the previous day's member visit to the Mount Zion Cemetery/Female Union Band Society Cemetery and Tudor Place in Georgetown, Washington, D.C.*
 - B. First Year in Review: Report on Recent Activities. *Chair Bronin will provide a summary of her activities and accomplishments during her first year as chair and update members on recent activities.*
 - C. Committee Assignments and Scopes. *Chair Bronin will update members on committee assignments and changes to committee scopes.*
- II. Chair Report on the Application and Interpretation of Federal Historic Preservation Standards. *Chair Bronin will update the members on her recently released report on the application and interpretation of federal historic preservation standards and seek input from them on implementing the report's findings and recommendations.*
- III. Executive Director's Report. *Executive Director Reid Nelson will report on the status of FY 2024 budget expenditures and the FY 2025 budget justification, staff recruitment, and ACHP operations.*
- IV. Regulations and Governance
 - A. Program Comment for Army Pre-1919 Historic Housing (*possible action*). *Regulations and Governance Committee Chairman Jordan Tannenbaum will update members on the status of the ACHP's efforts to consult with states, Indian Tribes, and others on the adoption of a Program Comment for Army Pre-1919 Historic Housing. Members will be asked to provide any views on remaining issues prior to addressing the request by unassembled vote in April.*
 - B. Program Comment for Communications Projects on Federal Lands and Property—Amendment Update. *Chair Bronin and Director of the Office of Federal Agency Programs Jaime Loichinger will update members on the issuance of the amendment.*

- C. Nationwide Housing Program Alternative Proposal (*discussion*). *Committee Chairman Tannenbaum and Director Loichinger will update members on the committee's consideration of a nationwide program alternative for housing. Members will be asked to comment on the need for, and the potential nature and extent of, such an alternative.*
 - D. Update on Issuance of Housing-Related Section 106 Guidance. *Director Loichinger will update members on efforts to develop guidance to support the implementation of the ACHP's recently adopted Housing Policy Statement.*
 - E. Outreach and Engagement on Preserve America Report on Federal Property Stewardship. *Committee Chairman Tannenbaum, Director Loichinger, and Director of the Office of Communications, Education, and Outreach Susan Glimcher will update members on outreach efforts and implementation of the report's recommendations.*
- V. Policy and Legislative Affairs
- A. Operating Procedures Amendments (*action needed*). *Policy and Legislative Affairs Committee Chairman Sonny Ward and Director of the Office of Policy and Legislative Affairs Dru Null will report on proposed updates to the ACHP's Operating Procedures regarding comments on legislative exemptions. Members will be asked to vote on the adoption of these amendments.*
 - B. Climate Heritage Office Proposal (*discussion*). *Chair Bronin, Committee Chairman Ward, and Director Null will report on discussions about the creation of a Climate Heritage Office at the ACHP. Members will be asked to provide input on the possible role and mission of such an office.*
 - C. Outreach and Engagement on Recent Policy Statements. *Committee Chairman Ward, Director Null, and Director Glimcher will update members on efforts to implement the Climate Change and Housing Policy Statements.*
- VI. Tribal and Indigenous Peoples
- A. Policy Statement on Indigenous Knowledge and Historic Preservation (*action needed*). *Tribal and Indigenous Peoples Committee Chairman Reno Franklin and Director of the Office Tribal and Indigenous Peoples Ira Matt will summarize the results of consultation on the development of the policy statement and any adjustments to the policy based on this consultation. Members will be asked to vote on its adoption.*
 - B. Native Hawaiian Interagency Working Group Memorandum of Understanding (*discussion*). *Committee Chairman Franklin will report on the issuance of a Memorandum of Understanding among the ACHP and other agencies regarding consultation with Native Hawaiians.*
 - C. Executive Order on Federal Funding and Tribal Nations (*discussion*). *Committee Chairman Franklin and Director Matt will discuss the requirements of the recently issued Executive Order on Federal Funding and Tribal Nations.*
- VII. New Business. *There is none at this time.*
- VIII. Adjourn. *The meeting will adjourn at noon EDT.*



MINUTES
SPRING BUSINESS MEETING
ADVISORY COUNCIL ON HISTORIC PRESERVATION
MARCH 21, 2024
WASHINGTON, D.C.

MEETING
ADVISORY COUNCIL ON HISTORIC PRESERVATION
Washington Hilton, Georgetown Room
Washington, D.C.
March 21, 2024

PROVISIONAL AGENDA

Call to Order 9 a.m. EDT

- I. Chair's Welcome
 - A. Reflections on Georgetown Cemetery Tour
 - B. First Year in Review; Report on Recent Activities
 - C. Committee Assignments and Scopes
- II. Chair Report on the Application and Interpretation of Federal Historic Preservation Standards
- III. Executive Director's Report
- IV. Regulations and Governance
 - A. Program Comment for Army Pre-1919 Historic Housing
 - B. Program Comment for Communications Projects on Federal Lands and Property—
Amendment Update
 - C. Nationwide Housing Program Alternative Proposal
 - D. Update on Issuance of Housing-Related Section 106 Guidance
 - E. Outreach and Engagement on Preserve America Report on Federal Property Stewardship
- V. Policy and Legislative Affairs
 - A. Operating Procedures Amendments
 - B. Climate Heritage Office Proposal
 - C. Outreach and Engagement on Recent Policy Statements
- VI. Tribal and Indigenous Peoples
 - A. Policy Statement on Indigenous Knowledge and Historic Preservation
 - B. Native Hawaiian Interagency Working Group Memorandum of Understanding
 - C. Executive Order on Federal Funding and Tribal Nations
- VII. New Business
- VIII. Adjourn

IN ATTENDANCE

Hon. Sara Bronin, Chair
Jordan Tannenbaum, Vice Chairman
Carmen Jordan-Cox
Kristopher King
Charles "Sonny" Ward

Architect of the Capitol

Represented by:
Joseph Imamura
Special Delegate of the
Architect of the Capitol

Chair, Council on Environmental Quality

Hon. Brenda Mallory

Represented by:

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

Secretary of Defense

Represented by:

Ron Tickle
Deputy Assistant
Secretary for
Environmental
Management and
Restoration

Administrator, General Services Administration

Represented by:

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

Secretary of Homeland Security

Represented by:

Tom Chaleki
Chief Readiness
Support Officer

Secretary of Housing and Urban Development

Represented by:

Kristin Leahy Fontenot
Director, Office of
Environment and
Energy

Secretary of the Interior

Represented by:

Michael Martinez
Deputy Assistant
Secretary, Fish and
Wildlife and Parks

Secretary of Transportation

Represented by:

Christopher Coes
Assistant Secretary for
Transportation Policy

Indian Tribe Member

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

Mayor Member

Hon. Randall Woodfin
Birmingham, Alabama

President, National Conference of State Historic
Preservation Officers

Represented by:
Erik Hein
Executive Director,
NCSHPO

Chair, National Association of Tribal Historic
Preservation Officers

Represented by:
Valerie Grussing
Executive Director,
NATHPO

Chair, National Trust for Historic Preservation

Represented by:
Carol Quillen
President and CEO

OBSERVERS

Chairman, ACHP Foundation

Susan Snell Barnes
Interim Chair

Preserve America Youth Summit

Ann Alexander Walker
Program Director

Chair, National Preservation Partners Network

Samantha Bosshart
Executive Director, Saratoga
Springs Preservation
Foundation

Chair, National Alliance of Preservation Commissions

Represented by:
Stephanie Paul
Executive Director

In attendance and participating in the meeting were ACHP Executive Director Reid Nelson; ACHP Office Directors Javier Marques, Jaime Loichinger, Susan Glimcher, and Ira Matt.

PROCEEDINGS

Advisory Council on Historic Preservation (ACHP) Chair Sara Bronin called the spring business meeting to order at 9:05 a.m. March 21, 2024. She appointed Shayla Shrieves recorder for the meeting. The agenda was adopted with a motion by Mayor Randall Woodfin and second by Chairman Reno Franklin. The minutes from the fall business meeting were adopted with a motion by Vice Chairman Jordan Tannenbaum and second by Carmen Jordan-Cox. The General Services Administration holds the proxy for the Secretary of Veterans Affairs; Dr. Jordan-Cox holds the proxy for Monica Rhodes; Sonny Ward holds the proxy for Frank Matero.

Chair's Welcome

Chair Bronin thanked members for being there in person and noted the meeting was being live-cast on the ACHP's Facebook page. She welcomed the newest members to the ACHP and asked them to introduce themselves. Council on Environmental Quality (CEQ) Chair Brenda Mallory said it was such a privilege to be able to be at the meeting. She is excited about the work that the ACHP has been doing, and she is grateful for the members and their agencies and their partnership in trying to meet the President's agenda.

Ron Tickle said the Department of Defense (DoD) takes its historic preservation responsibilities very seriously, and he is looking forward to the conversation about the Army's historic properties management. Carol Quillen said she is new to the National Trust for Historic Preservation (National Trust) and somewhat new to preservation and is thrilled to continue to learn from ACHP members as they carry out important work together. Samantha Bosshart thanked the ACHP for the opportunity for the National Preservation Partners Network, a network of about 120 statewide and local nonprofits across the country, to be an observer.

Chair Bronin then offered reflections on the field trip the previous day to the Mount Zion Cemetery and Tudor House in Georgetown. She said the cemetery tour reinforced the importance of the ACHP's policy statement on burial sites, funerary objects, and human remains because across America, there are countless sites like this one which have been inadequately cared for and threatened. At Tudor Place, members learned about some of the more than 100 people who were enslaved. She said the museum staff's research and emphasis on the importance of this history is illustrative of the profound work that preservationists are doing across the country to do better. It is becoming a movement that does not reflect just one type of history, but a varied history that includes both good and bad.

She thanked the staff who arranged this tour, including Tanya DeVonish, and the staff at both sites, and volunteers for enriching the experience.

Dr. Jordan-Cox said the tour was a very powerful experience. There are so many cemeteries around the country that have been built over by golf courses and the like. She said we often do not think about those who have gone before us and made it possible for us to do the things that we do. It reminded us we really need to spend a lot of time as individuals and collectively in trying to restore these cemeteries and handle the remains properly, and to make sure we do not make some of the same mistakes we have made in the past.

Chairman Franklin said he was sensitive to the atrocities that took place at sites like Tudor Place in the past. He thanked staff for organizing the tour because he feels we are not well-rounded in our positions if we do not feel, experience, and understand what these places hold.

Mr. Ward added that members saw the unity and diversity through the shared headstone of two women who had once been enslaved together, and who in freedom shared their families and their lives together, and were eternally bonded there with a tombstone together. He said the tours were powerful and amazing.

Chair's First Year in Review

Chair Bronin said the most important thing she has learned so far is that, in serving the American public, the ACHP's hard-working staff has developed a reputation for efficiency and effectiveness, which can be attributed in large part to Executive Director Reid Nelson. She thanked him for an excellent year of partnership and leadership in every aspect of work. She also thanked the staff.

She said in 2023, the ACHP passed three policy statements, which is a record for the agency. The Policy Statement on Burial Sites, Human Remains, and Funerary Objects was relevant to the field trip and continued to further understanding to stop the disturbance, destruction, and desecration of burial sites.

The Climate Change and Historic Preservation Policy Statement allowed the ACHP to lead from within the federal government on key issues regarding the intersection of preservation and climate change. The Housing and Historic Preservation Policy Statement brought critical updates to an existing policy, and she hopes it will help to address the housing shortage.

She also mentioned the ACHP's efforts to fulfill its statutory responsibility to advise state and local governments on their policies related to preservation, specifically their draft legislation. With regard to

Section 106, the ACHP has continued to assist federal agencies and others understand and execute on their responsibilities. She thanked Assistant Secretary Christopher Coes and the Department of Transportation for their thinking about the climate-friendly transportation discussion in the climate change policy statement; the Department of Energy for starting an exchange on smaller-scale solar distributed generation projects; and the many members who have contributed to discussions about how to implement the principles in the housing policy statement.

On the administrative side, over the last year, the ACHP has welcomed seven new ACHP members, including CEQ, and one new observer in the Preservation Partners Network, all bringing new perspectives. She and Mr. Nelson realigned the ACHP offices and committees to make sure they are effectively directing what the ACHP does. She recently decided to fold the Communications, Education, and Outreach Committee into all of the other existing standing committees, because their work cuts across the other committees.

In terms of expanding the ACHP's capacity and expertise, Chair Bronin noted her gratitude for the Permitting Council's investment in an initial group of eight staff members who will be transformative for the agency. Chair Bronin also added the Experts Advisory Committee and is especially proud of the expansion of the intern program. She said it has been wonderful to have about two dozen interns over the last year, each bringing different perspectives. She said she appreciates members' efforts to support them.

In terms of the interaction the ACHP has had with the public over the last year, Chair Bronin noted that this remains a top priority. She mentioned the law conference co-hosted with the National Trust in fall 2023, the roundtable that took place in Los Angeles in February with Mr. Ward, and the forthcoming international climate heritage conference. She also noted that she plans to sign a new memorandum of understanding (MOU) with the America250 organization.

She reminded members that preservationists can have influence. They can keep knocking on doors. They have good ideas about how to make things better. She is hoping the ACHP continues to be on what is the cutting edge of preservation policy, just like Congress intended it to be.

Chair's Report on Federal Historic Preservation Standards

Chair Bronin gave a report on the contents of her *Report and Recommendations on the Application and Interpretation of Federal Historic Preservation Standards*. She prefaced that report by noting that staff did not participate in the drafting of the report, nor did members influence the report, though they were briefed at committee meetings and business meetings about the nature of public comments as they came in and the status of drafts. She said she wrote this report in order to spark conversation. She feels strongly that having public engagement, robust engagement about ideas can help ACHP members understand how to get to better policy outcomes. She summarized her findings and noted that the document focuses primarily on the rehabilitation standards that were last revised in regulatory form about 30 years ago. In the intervening three decades, these Standards have come to influence virtually all of preservation practice. She said it took some time to draft because the report assembles, for the first time, all prior analyses available on the historic preservation standards. It also assembled the comments received last summer. These comments came from the people who are leading community revitalization through preservation. She said it took a long time to let those comments sink in and to develop recommendations based on them, based on the history of the Standards, since they have been revised and reinterpreted. Those updates have been very positive over the years. She commended the National Park Service (NPS) for the interpretations of the Standards issued to date.

Chair Bronin gave an overview of her recommendations. They included that guidance be issued on several topics; reforms be made to the tax credit process; a graduated National Register be explored; new standards be created on climate adaptation, including stabilization, protection, relocation, intentional release, and deconstruction. She hosted a webinar on the report and said there is an opportunity to really

think through and to use our role as the agency Congress created to help advise on federal historic preservation policy, to assemble the very best ideas, and then convert them from one person's opinion to something that the ACHP can act upon in the future.

Michael Martinez said the Department of the Interior (DOI) expressed concerns regarding the review and publication process of the chair's report. One of these concerns is lack of Tribal consultation throughout the process. He noted DOI is being asked to review its authorities through this report. As a general rule, DOI does so with input from Tribes. Public comment on recommendations would also be included in a DOI-led process. He said in light of these process concerns, DOI and the NPS are not in a position to discuss the recommendations in the report, per se. However, the NPS appreciates all of the substantive feedback it receives on its programs and is reviewing the comments collected by the ACHP.

Chair Bronin asked Mr. Martinez about where in statute or regulation or ACHP policy this report required Tribal consultation. Mr. Martinez responded that DOI and NPS policies align with the Administration's priorities under the leadership of Secretary Deb Haaland, and they are working hard to ensure that Tribal sovereignty is recognized in all of their decision making. Chair Bronin cited Executive Order 13175 and said it does not require Tribal consultation for reports without any substantive implementation materials or principles. It does not require Tribal consultation for other general actions that do not, "have substantial direct effects on one or more Indian Tribes." She said this report includes none of those things.

Javier Marques added that if the membership wants to adopt a policy regarding the Secretary's Standards, then that would need to be preceded by Tribal consultation. He said he understands that DOI, if it is going to respond with an agency decision on what to say about the Standards, may determine such a response be bound to the Executive Order. He reiterated that this is a report from one member to the membership as opposed to an official action.

Chairman Franklin said he appreciated the fact that DOI is looking after what it views as the best interests of Tribes and looks forward to consulting with DOI and looking at any of the policies should they choose to adopt them or the recommendations and turn them into policies.

Erik Hein said the National Conference of State Historic Preservation Officers (NCSHPO) realizes this is a very important topic. As such, a year ago, they established their own internal working group to begin looking at the Secretary's Standards. He said their process was rooted in collaboration. He suspected that what the chair was experiencing here was a sense that perhaps she did not collaborate with the members from the beginning.

Chair Bronin said the recommendations drew from many prior analyses and collaborative processes, including NCSHPO analyses that have been published in the past. They also drew from the voluminous and detailed comments that were received. She explained that there are different ways to think about the role of the chair, which sometimes involves collaboration, and sometimes involves leadership. She said the Standards are the number one issue that has come up in her travels as chair over the past year, and that this report reflects that.

Mr. Tickle said at DoD, they would see this report as something similar to "commander's intent," where leadership is looking across their portfolio and saying, "Here's what I see as things we need to be working on." It starts a conversation. Kristopher King added that this topic impacts every aspect of historic preservation at every level, and while it is not an easy conversation, it is one that is important. He hopes that this report is able to fulfill its intent, which is to start a conversation. He said members will all have different opinions. We are not all going to agree on recommendations when it comes to something so intertwined in the fabric of our work, but this is the right body to spur that conversation.

Kristin Fontenot said this is a conversation that has long been needed, and it is a great point in this profession and in historic preservation writ large to hear this back and forth take place. She welcomed the

fact that it would bring some of these conversations to bear because the Standards are being used in a variety of different ways, perhaps unforeseen at the time they were written. There is truly a sense of urgency in the moment that we must also balance with strong, deliberative and, at times, lengthy debate about the future of this profession and what the Standards mean to it.

Dr. Quillen said the tools of preservation are so important now to address a multiple range of challenges that the country faces, and that people who are engaged with those challenges do not necessarily look to preservation automatically as part of the solution. This report emphasizes the importance of these efforts at a time when people who do not think of themselves as preservationists and perhaps do not necessarily care about historic preservation can use these tools in effective ways that accomplish the goals of preservation and also address other urgent challenges.

Chair Bronin said for moving forward with the report, she was going to propose webinars on specific topics, and she would like to co-lead those with NPS. Things like housing, solar energy, energy efficiency, the new treatments, graduated National Register, could be topics for future discussion. She said she would work with Mr. Nelson between now and the next business meeting to determine how to structure a response from the ACHP.

Executive Director's Report

Mr. Nelson thanked Chair Bronin for her leadership and for doing so much to raise the profile of the ACHP in the time she has been here, and for opening so many opportunities to the ACHP to expand its reach and to tell the important things that we need to communicate to the public, federal agencies, and others. He then discussed the federal budget, with the ACHP receiving its funding for the remainder of FY 2024 at the FY 2023 level. Going into the remainder of this year, he said he is operating with significantly less revenue than he had hoped. The agency is going to have to be more cautious in the expenditures going through the remainder of this year. He discussed the priorities for FY 2025 including work on program alternatives and policy statements, working toward a more inclusive preservation program, and bringing on more interns.

Mr. Nelson mentioned eight positions are being added to the staff through the ACHP's partnership with the Federal Permitting Improvement Steering Council. As well, there were two recent retirements of long-time ACHP staff members LaShavio Johnson and John Eddins. He also introduced new Equity Officer Candra Teshome and new IT Specialist Sam Perry, new Assistant Historic Preservation Technician Dana Daniels and new Army Liaison Lauren Cooper. He added there is another great group of interns: six interns for the spring season, and five of them are supported by a partnership with the Washington State Historic Preservation Officer (SHPO).

At this time members took a short break.

Section 106

Army Pre-1919 Housing

Chair Bronin said the Army made its formal request for a program comment regarding pre-1919 housing to members on March 4. She thanked the Army for giving the ACHP some extra time to consider the program comment. Vice Chairman Tannenbaum continued that the Regulations and Governance Committee received a summary of the program comment and the consultation efforts conducted by the Army; all ACHP staff comments were addressed and incorporated by the Army into the current program comment. More than 70 percent of this category of housing contribute to or are National Historic Landmarks. He said while many of the areas have achieved resolution and are consistent with the previous three program comments in place for other Army housing inventory, some topics may benefit from further discussion. These include the requirement under Section 110 (f) of the National Historic Preservation Act to minimize harm to National Historic Landmarks to the maximum extent possible; use

of substitute building materials; and the inclusion of lease, transfer, and conveyance as management actions. Staff will be scheduling a meeting among the members shortly after the consultation meetings take place in April and before the unassembled vote planned for the week of May 13-17.

Mr. Tickle said the majority of the DoD infrastructure is with the Department of the Army, totaling more than 30,000 actively used and occupied historic homes. He emphasized that these homes are not museums; there are people living in these homes that need to be maintained for quality of life. He said housing is a retention issue. There are many challenges with maintaining the pre-1919 housing, and Mr. Tickle said the program comment improves process time and helps ensure military families are not impacted by lengthy compliance review process times, delaying their occupancy of assigned housing.

The program comment ensures consistent application of appropriate standards for rehabilitation and addresses escalating climate risk, underscores the ACHP's policy statement on climate change and historic preservation. He said as part of their evaluation of historic properties, the Army has undertaken several initiatives. This includes compiling and analyzing the original Army Quartermaster Corps housing design plans, conducting extensive historic context documentation, and completing Historic American Buildings Survey architectural documentation of pre-1919 Army housing.

These valuable documents are accessed by the public through a centralized website. Furthermore, the Army has developed design guidelines for pre-1919 Army housing and building materials guidelines and a catalog for pre-1919 Army housing, providing essential guidance for preservation and restoration efforts.

Mr. Hein said NCSHPO has a long history of working with the ACHP and the Army on the issuance of program comments. He suggested the primary efficiency sought through this approach is the elimination of all consultation in perpetuity for the rehabilitation of these properties with SHPOs. He said they continue to think that approach is problematic.

Communications Program Comment

Chair Bronin approved an amendment to the Program Comment for Communications Projects on Federal Lands and Property, expanding it broadly to be available to any federal agency with projects that fall within its terms. She said this is a very important topic for the broadband industry, the Biden Administration, and the investments taxpayers are making in expanding communications access to more people. This program comment marks the first time that Indian Tribes are required to be compensated for the services, such as surveys, that they may provide to federal agencies in the course of meeting the program comment's terms.

Housing Issues

Chair Bronin said in light of the ACHP's housing and historic preservation policy statement, she called for staff and members to consider issues related to housing. Vice Chairman Tannenbaum said the Regulations and Governance Committee received a thoughtful preliminary analysis from Jaime Loichinger and her team, who carefully reviewed the existing program alternatives related to housing and utilized information from the last five years of notifications to the ACHP about findings of adverse effect and technical assistance.

While the staff emphasized that their recommendations are in the initial stages, and will need additional conversations with SHPOs and Federal Preservation Officers to reach consensus on the appropriate path forward, it seems apparent that an agency-specific program alternative that is combined with an education component is needed. Ms. Loichinger came to the table and said staff have looked at existing program alternatives and ways to expand, modify, or amend them. She said any solution they come up with should reflect a compromise between the parties involved. She shared her interest in finding a solution that allows the consulting parties to have the input they are looking for and finding a balance of the housing issues that have been observed.

Regarding housing-related Section 106 guidance, Ms. Loichinger said they have started an outline for that guidance which will focus on better understanding a historic property's applicable elements of integrity so that the application of the criteria of adverse effect can be more appropriately applied. Staff plans to utilize the format of the current reasonable and good faith effort guidance. She hopes to have a draft in place by the summer business meeting.

Section 3 Report to the President

Chair Bronin announced that this triennial report was delivered to President Biden on February 15, and she commended staff who worked on the project. Susan Glimcher came to the table to discuss the outreach plan. This included sending the report to others in the Administration such as the directors of the Office of Management and Budget (OMB) and the Domestic Policy Council (DPC), as well as SHPOs, Tribal Historic Preservation Officers (THPOs), national preservation partners, and federal agency heads and Members of Congress. It also was sent to the public via press release and social media and posted on the ACHP website.

Policy and Legislative Affairs

Chair Bronin said she had asked the Policy and Legislative Affairs Committee to consider the merits of an amendment to the ACHP Operating Procedures to allow the chair to convene a subgroup of ACHP members—rather than the full membership—to address potential legislation to exempt programs or projects from Section 106 reviews. Mr. Ward said after circulating the draft changes for member comment, no one objected to the basic idea.

He moved that the ACHP adopt the proposed amendments to Section VII.A. of the ACHP Operating Procedures set forth in the paper titled “Operating Procedures Amendments,” dated March 8, 2024, in Tab 1 of the meeting book for the ACHP spring 2024 meeting.

Chairman Franklin seconded the motion.

Tom Chaleki said the Department of Homeland Security (DHS) is concerned with this because it takes away some of the DHS secretary's authorities. The secretary has statutory authorities to waive certain laws, regulations, and other legal requirements, and it would not be appropriate for the DHS ACHP member to support an action contrary to the Administration or the secretary's power. Mr. Chaleki said his agency's concern is it minimizes their vote. He wondered, what is the problem that we are trying to solve with this?

Chair Bronin said the thought was that since the ACHP routinely opposes Section 106 exemptions, and there seemingly has been an increase in interest in exempting certain activities and projects from Section 106, this would allow the agency to advise earlier and advise more frequently, rather than bringing this to a full member vote each and every time.

Mr. Marques said the Operating Procedures already provide for the chair to take a position on legislation when time is of the essence, after consulting with an appropriate subgroup of members. Beyond that, the language of the amendment specifically acknowledges that federal agencies typically follow Statements of Administration Policy and typically abstain if there is no such position. He believes that the amendment actually addresses those concerns.

Mr. Chaleki said he still thinks this would put him in a tough position, since DHS could support legislation that the ACHP would not be in favor of, and it would eliminate an opportunity to discuss this action with ACHP stakeholders.

Mr. Tickle said DoD has similar concerns, including the difference between the chairman providing a position as opposed to the ACHP providing a position. He has concerns that it would tie the secretary's hands in some cases.

After a roll call vote, the motion did not pass. The tally was 14 ayes, 6 nays, one abstention. (A super majority of 16 votes is needed to amend the Operating Procedures.)

Climate Heritage Office

Chair Bronin said the idea behind the creation of this office would be to help the ACHP to expand on the things that she said she wanted to do in the climate policy statement including developing a coordinating body for the many things that federal agencies are doing in this sphere and help with policy making and improve research and development on these policy topics.

Mr. Ward said the Policy and Legislative Affairs Committee had an interesting discussion of the concept of a federal Climate Heritage Office. No one raised major objections to the concept, although various commenters stressed the importance of formally surveying the work that federal agencies already are doing regarding climate change and historic properties.

Many comments were quite positive. A number focused on the all-of-government approach such an office might encourage in federal policy making on climate change and historic properties. There was interest in further exploring the role such an office could play in cross-agency coordination; collaboration with states, Tribes, and local communities; and as a clearinghouse of information.

Outreach

Chair Bronin said ACHP implementation efforts for policy statements and others rely in large part on the ability to engage with the public. It is something she has prioritized, whether through documents, reports, ideas, blog posts, LinkedIn, all the things that the Office of Communications, Education, and Outreach is doing, or through in-person engagements including the upcoming conference on climate heritage, which will take place on October 4 at Georgetown Law Center. It involves guidance documents such as the one planned for the housing policy statement and events such as the housing roundtable that she and Mr. Ward participated in recently in Los Angeles.

Mr. Ward said regarding that roundtable, conversations like they had are crucial and hard and difficult. It gets back to the use of the Secretary's Standards in the preservation community. He said in California in particular, there is a great preservation community and tax rebates that are not federally based, but state based. A lot of the preservation efforts there do not have the guardrails of Section 106. He said it is vital to work toward ensuring our heritage and preservation efforts serve all communities fairly. This is more than a policy issue—it is about justice and inclusivity and protecting our shared history. We have to make sure that the Standards are not simply guardrails for keeping people out.

Policy Statement on Indigenous Knowledge and Historic Preservation

Chair Bronin introduced the topic of indigenous knowledge and said it is part of our responsibility as the federal government to honor Tribes and the government-to-government relationship, to honor our consultation with Native Hawaiians and other indigenous peoples. We must fully respect and value the knowledge they share with us.

Chairman Franklin said indigenous knowledge is important to Tribes because it *is* Tribes. They do not see a separation of church and state. It is the importance of maintaining your cultural ties; your understanding of the spiritual and sacred world around you is as important as getting that vote to become a Tribal chairman or council member. It is a vital part of who they are as Indigenous Peoples.

He said staff has worked hard on this policy statement. They intentionally extended consultation with Tribal governments in recognizing the uniqueness that some Tribal governments can share things in certain seasons, and they cannot in other seasons. He wanted to make sure that the ACHP encompassed that entire calendar year to allow Tribes to be honest with us in the ways that they can and to create a safe place for Tribes to talk to the ACHP. He appreciated ACHP members who participated in listening sessions and said while there were difficult topics discussed, there were also uplifting conversations about how an indigenous knowledge policy statement will level the playing field.

Most importantly, with few exceptions, Tribes understood that the efforts here are to provide education to federal agencies, to tell them how to better partner with Tribes, and to consider indigenous knowledge and the sacred things that Tribes will discuss with them and how to protect it. A lot of tribes brought up that issue of, “how do you protect what we tell you?”

Chairman Franklin said this policy statement is a living and breathing document. Ira Matt came to the table and said one of the themes with the development of this policy is that it has been very collaborative. The key theme of this has been how folks have worked to make this a policy that can create clarity, that can uplift indigenous knowledge, and that can make preservation more representative of the people. He said it took time to try to find a document that was going to speak for them, to be broad enough to make sure that the ACHP is not restricting how they understand their life ways, but to be direct enough that it helps federal agencies in that interaction.

Mr. Matt said most people—federal, Tribal—wanted to see the validation that indigenous knowledge is self-supporting. It does not need other forms of information to justify it. And there was talk about the role indigenous knowledge has in all four steps of the Section 106 process.

He said the goals for this policy are that we wanted to elevate indigenous knowledge as valid and self-supporting, to clarify its role in Section 106, establish some principles and guidelines in historic preservation more broadly and generate some consistency, and to tailor CEQ and the Office of Science and Technology Policy’s guidance for federal departments and agencies on indigenous knowledge.

Valerie Grussing said on behalf of the National Association of Tribal Historic Preservation Officers and THPOs, Tribal Cultural Resources staff without a THPO, Tribal members and representatives everywhere, she cannot overstate their enthusiasm and excitement to see this happening, to see the attention that has been given to it. She said regarding indigenous knowledge being valid and self-supporting, that is not the on-the-ground experience currently happening for Tribes in federal decision-making processes, so, hopefully this is the beginning of a transformational change in that experience.

Mr. Martinez moved that the ACHP adopt the Policy Statement on Indigenous Knowledge and Historic Preservation, dated March 19, 2024. Dr. Grussing seconded it.

Mr. Hein said the SHPOs are with this 100 percent in spirit. They continue to advise the ACHP that policy statements would be more effective if they were to break out where the federal roles are, where the state and local governments’ roles are, and where things are advisory versus where they are regulatory.

Ana Unruh Cohen said on behalf of CEQ, she appreciated ACHP members and staff answering her questions, taking CEQ comments on board, and working with them on the statement.

After a roll call vote, the motion passed unanimously.

Native Hawaiian Interagency Working Group Memorandum

Mr. Matt said they discussed the draft Memorandum of Understanding Among Participating Agencies of the Native Hawaiian Federal Interagency Working Group at the committee meeting. It is planned to be renewed for the third iteration. The prior versions of the MOU only had the ACHP and the Departments of the Interior and Defense as signatories. Leaders are hoping to expand to additional signatories.

Two new documents from DOI are the standard operating procedures for consultation with the Native Hawaiian community, and the Native Hawaiian language policy. They are meant to provide basic steps for working with the Native Hawaiian community and for agencies to find consistency in their approach.

Executive Order on Federal Funding

Chairman Franklin said President Biden signed this at the Tribal Nations White House Summit in December. Mr. Matt added that it is about the federal government living up to its trust responsibility to Indian Tribes and helping empower the next era of self-determination. In particular, by looking at the funding, the programs, and the practices, and finding ways to remove barriers and further empower Tribal nations to take that on.

Regarding the Executive Order, the White House Council on Native American Affairs, along with OMB and DPC, are taking a lead in the collaboration. They have developed subcommittees and are already bringing together staff to figure out how this can work. What are the budget considerations? What are your agency responsibilities and opportunities out there? There is a 240-day timeline for OMB and DPC to provide guidance to federal agencies, which then falls to the ACHP within 540 days to use that guidance to identify funding needed by our agencies, and to outline some of our existing funding and support programs.

OMB and the DPC will use the agency reports to identify any budgetary, statutory, regulatory, or other changes that may be necessary to ensure that federal laws, policies, practices, and programs support Tribal nations more effectively. These recommendations will be submitted to the President. Then agencies will consider these in developing their budgets in the next cycle.

Mr. Matt said historic preservation is not always the topic that catches everybody's attention, and it is not always raised. So this is an opportunity for this group to help create more awareness and transparency of the challenges that are out there and the good that can come from empowering Tribes and making sure they are more capable to participate in the process.

New Business

Chair Bronin said the next meeting will take place July 17-18. There were plans to have the meeting in Denver, Colorado, but for budget reasons, it is going to take place in Washington, D.C.

The meeting adjourned at noon.