



ACHP COMMITTEE MEETINGS SUMMARY

Meetings via Zoom

November 2024

POLICY AND LEGISLATIVE AFFAIRS COMMITTEE

Committee Chair Erica Avrami called the meeting to order on November 12.

Proposed ACHP Action on Pending Legislation: Revitalizing Downtowns and Main Streets Act

This bill was previously discussed at the committee's July meeting, where there was interest in considering the bill further. Office of Policy and Legislative Affairs Director Dru Null provided a recap of the proposed new preservation-friendly tax credit. The bill would create a new temporary 20 percent tax incentive for the conversion of older commercial properties and office space into affordable housing. The credit could be "stacked" with other federal tax incentives; however, it would be reduced by 50 percent when combined with the Historic Tax Credit. In rural areas, the credit would be increased if the conversion is part of a historic preservation project. It was noted that an expression of support for this bill would be consistent with the ACHP's Policy Statement on Housing and Historic Preservation. The committee supported introducing the proposed motion of support in the meeting book at the upcoming ACHP business meeting.

Proposed ACHP Action on Pending Legislation: Fix Our Forests Act

Ms. Null provided a summary of the bill, which addresses improving forest management activities for federally managed forests but may lead to limited consideration of effects on historic properties. It may advance prior to the end of the current Congress. To speed environmental review, the bill does not propose a complete exemption from the Section 106 review process, but it would apply the emergency procedures within the Section 106 regulations (Section 800.12) in lieu of the standard review process in designated high-risk firehatched areas for seven years. The proposed motion for the business meeting recommended:

1. Urging Congress to remove the reference to 800.12 because administrative alternatives exist to tailor and expedite Section 106 review of forest management projects in ways that would have fewer potential impacts on historic properties; and
2. Indicating the ACHP's willingness to work with federal agencies to develop program alternatives for working with these high-risk areas.

The committee discussed the need to take a position on the bill given the speed at which it may move. ACHP Vice Chairman Jordan Tannenbaum suggested amending the motion to emphasize that some program alternatives regarding forest management are already in effect. There was general consensus that an amended motion would be appropriate to introduce at the business meeting.

Proposed ACHP Action on Pending Legislation: Julius Rosenwald and Rosenwald Schools National Historical Park Act

Vice Chairman Tannenbaum provided his perspective on the bill, which would create a new national park and a new National Park Service-assisted network of historic sites associated with Julius Rosenwald and his commitment to funding African American schools. The committee engaged in questions and comments regarding the initiative. It was noted that the ACHP does not usually weigh in on place-specific bills; however, in addition to the place-based park that is proposed, there is the opportunity to create and

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support a network of sites in multiple states. General agreement was reached that the proposed motion of support should be advanced at the business meeting.

Proposed ACHP Action on Pending Legislation: FY 2025 Funding for the Smithsonian National Museum of the American Latino

Proposed FY 2025 appropriations legislation includes continued funding for the new Smithsonian National Museum of the American Latino. Chair Sara Bronin provided her perspective and additional context for the proposal. The committee engaged in discussion regarding the proposed motion. Questions regarding siting were discussed, including commentary on a separate bill addressing site selection, which is not the subject of the proposed motion. The committee came to a general consensus regarding support for the motion addressing funding and agreed that comment on place-specific details was not called for.

Upcoming Legislative Issues

Regarding disaster response, the devastating impact of Hurricane Helene suggests the need for federal assistance to historic communities with recovery. The committee was asked if there was news on the topic and to discuss any ideas regarding what the ACHP may be able to do regarding disaster response and historic properties. Erik Hein (NCSHPO) noted that delivery of previous supplemental funding from the Historic Preservation Fund has often been delayed. The National Conference of State Historic Preservation Officers (NCSHPO) and other preservation advocates are exploring potential changes in legislative language that might address the problem. At present, however, momentum on disaster relief funding in Congress is stalled.

Betsy Merritt (National Trust) noted that owners of historic properties in Asheville, North Carolina, are being told that if the Federal Emergency Management Agency (FEMA) provides funds that exceed 50 percent of the value of a property, structures must be physically elevated above the flood plain base flood elevation. Kristin Fontenot (HUD) indicated that this also applies to Department of Housing and Urban Development (HUD) assistance due to the new Federal Flood Risk Management Standard issued by FEMA and HUD this year. Jomar Maldonado (CEQ) said that elevation is not an automatic requirement, but is guided by local ordinances. The committee agreed this issue warrants additional research and conversation and should be revisited. Ms. Fontenot offered to arrange to have HUD staff talk with ACHP staff on the topic.

Another upcoming legislative issue discussed was the Governor of Louisiana's proposal to end the state's historic tax credit. Chair Bronin provided context regarding this issue. Both Ann Walker (Preserve America Youth Summit) and Ramona Bartos (NCSHPO) mentioned previous attempts to do the same in Colorado and North Carolina. ACHP staff will monitor the current situation.

International Climate Heritage Discussions—What's Next

The committee discussed the October 4 U.S. Climate Heritage in the International Context conference. The event raised questions about how the ACHP can promote a stronger federal response to making historic properties more climate resilient and more energy efficient. Chair Bronin provided context on the agenda and participants of the conference. She encouraged members to provide feedback during the business meeting. Amelia Marchand and Committee Chair Avrami noted that Tribal, state, and local governments are other sources for creative ideas to inform federal policy on climate resilience, and Chair Bronin suggested that could be a topic addressed by the proposed ACHP Tribal working group.

Showcasing Housing and Historic Preservation Successes

The committee discussed the need to amplify success stories and case studies regarding reuse of historic buildings for housing. Ms. Null provided additional context regarding the idea of developing a collaboration among ACHP members to develop and disseminate case studies. Participants offered several case study examples. There was general consensus that the idea was sound, and Stephanie Paul (NAPC) noted the National Alliance of Preservation Commission's strong support.

TRIBAL AND INDIGENOUS PEOPLES COMMITTEE

Committee Chair Amelia Marchand called the meeting to order on November 12.

Introductions and Office of Tribal and Indigenous Peoples (OTIP) Staffing Updates

Committee Chair Marchand introduced Lakota Hobia as the new National Association of Tribal Historic Preservation Officers (NATHPO) board chair and committee vice chair and introduced Ashley Fry, the new OTIP director. Ms. Fry then provided an update on OTIP staffing, including that recruitment is nearly wrapping up on the Permitting Tribal Liaison, a position funded for two years by the Permitting Council, and that Senior Analyst Jamie Lee Marks departed the agency in October. The ACHP is working to fill that position soon.

Implementation of the Burial Sites and Indigenous Knowledge Policy Statements

Committee Chair Marchand spoke about implementation of two significant policy statements affecting Indian Tribes and Native Hawaiian Organizations (NHOs): the Burial Sites, Human Remains, and Funerary Objects policy and the Indigenous Knowledge and Historic Preservation policy. Both policies establish a set of standards and guidelines that relevant entities should, at a minimum, seek to implement in their Section 106 processes. She reminded committee members that over the past two meeting cycles, they were asked to consider how the ACHP should approach the implementation actions the ACHP committed to in both policy statements.

Ms. Fry then presented the plan the ACHP expects to implement over the next one to two years. The first priority is to train ACHP staff on the policy statements, which was requested by consulting parties and ACHP members to ensure integration of these standards into the work of the ACHP staff. The second priority is to develop informational resources about the Indigenous Knowledge policy, which could be similar to one developed for implementation of the Burial Sites policy and would be for implementation of the policy in the field. ACHP staff also plans to review guidance and prioritize updates. This priority would have ACHP staff review current ACHP guidance to ensure consistent messaging and information.

ACHP staff will also continue to support interagency initiatives and working group deliverables by looking at current interagency collaboration mechanisms, like the White House Council on Native American Affairs (WHCNA), or any future interagency working groups. Lastly, ACHP staff will seek agency best practices and sample language by collecting examples of recent consultations that have resulted in agreement documents that reference or implement the policies. Additionally, ACHP staff can use this information to develop additional guidance and highlight successes. Beth Savage (GSA) mentioned that the General Services Administration (GSA) is already incorporating Indigenous Knowledge into their Section 106 process and spoke positively of this effort.

Committee Chair Marchand inquired whether there is a standard or formal process within the ACHP for policy implementation, and Ms. Null said the ACHP approach is tailored to each policy. Michelle Volkema (DoD) asked if the ACHP would provide training on the policies to other federal agencies. She also asked that training be available on-demand as well as at scheduled times. Vice Chairman Tannenbaum spoke positively about the Department of Defense (DoD) training on Section 106 and suggested that ACHP staff reach out to inquire about what training components work well for DoD. Ms. Fry told committee members that the ACHP intends to develop training on the policies for federal agencies and will reach out to the DoD trainers.

Haninah Levine (OPM) mentioned that the Office of Personnel Management created a training focused on Tribal treaty rights obligations that is available for all federal staff. Mike Martinez (DOI) said the Department of the Interior (DOI) has recently incorporated Indigenous Knowledge in multiple chapters of the DOI departmental manual and is developing mandatory training led by U.S. Geological Survey staff. Mr. Martinez said it would be helpful to federal staff handling Section 106 matters to participate in

ACHP-led training on the policies. Committee Chair Marchand thanked DOI for its robust inclusion of Indigenous Knowledge in their policies.

Update on the Exemption for Indigenous Knowledge-Informed Activities by Native Hawaiian Organizations

Committee Chair Marchand announced that the ACHP voted in favor of the ACHP's Exemption for Indigenous Knowledge-Informed Activities by Native Hawaiian Organizations on October 18, 2024, and thanked members for their support. She then provided a summary of the Exemption and shared her thoughts on the importance of this Exemption and expressed the hope that a similar exemption can be adopted for Tribes.

Ms. Fry then provided a presentation on the ACHP's plans for implementation of the Exemption. She mentioned that the ACHP issued a press release on October 21 about the Exemption and is working to inform consulting parties about its approval. The ACHP also published a notice about the Exemption in the *Federal Register* on November 8. Ms. Fry briefed the committee on how the ACHP intends to work with federal partners and NHOs on use of the Exemption, including identifying federal grant programs that fund NHO activities in Hawaii and raising awareness of the Exemption.

Committee Chair Marchand asked those federal agencies that have included Indigenous Knowledge in policy documents to share those with the committee in the meeting chat. DOI shared links to the departmental manual chapters mentioned earlier in the meeting. Vice Chairman Tannenbaum suggested that ACHP staff also speak with DoD training staff about including the Exemption in the DoD Section 106 training.

White House Council on Native American Affairs Read-Outs

Committee Chair Marchand asked Ms. Fry to provide updates on the ACHP's participation in the WHCNAA and preparations for the upcoming White House Tribal Nations Summit. Ms. Fry said the Summit is set to occur in December and that the ACHP was active in several WHCNAA subcommittees throughout 2024. She mentioned the WHCNAA is planning to roll out federal agency-wide training on Tribal treaty and reserved rights, as well as Tribal consultation. Additionally, the ACHP's Indigenous Knowledge policy statement and the Exemption for Indigenous Knowledge-Informed Activities by Native Hawaiian Organizations will be included in the final White House 2024 Progress Report for Tribal Nations. Once that report is made public, Ms. Fry will disseminate it to committee members.

Tribal Working Group

Committee Chair Marchand introduced the idea of a Tribal working group that could help inform the ACHP on Indigenous-related matters. This idea was met with general support from Chair Bronin and committee members. The ACHP will begin developing background information on the logistical and functional matters related to the creation of the working group.

REGULATIONS AND GOVERNANCE COMMITTEE MEETING

Committee Chairman Jordan Tannenbaum started the meeting on November 14 with an agenda overview and encouraged active participation.

Nationwide Section 106 Program Alternatives in Development

The Program Comment on Stewardship and Management of National Park Service Mission 66-Era Facilities (1945-1972) was approved on November 4. Committee Chairman Tannenbaum extended thanks to Joy Beasley (NPS) and her team, as well as Office of Federal Agency Programs (OFAP) staff members Kirsten Kulis and Chris Koepfel for their work on the program comment. Ms. Beasley also thanked the ACHP. OFAP Director Jaime Loichinger introduced Kasey Miller, the new Federal Highway Administration Liaison in the Permitting, Licensing, and Assistance section and provided other updates.

Ms. Loichinger reported that NASA has made progress in the development of a nationwide Programmatic Agreement (NPA) and has scheduled an early December meeting to discuss next steps. The Bonneville Power Administration is leading development of an NPA for electricity transmission operations and maintenance activities alongside three other federal power agencies (SWAPA, TVA, WAPA). The agencies have developed a draft outline for which a review period recently closed.

The Department of Transportation (DOT) is working on a prototype Programmatic Agreement (PA) for almost all of its operating administrations that would include a list of activities excluded from further review. Colleen Vaughn (DOT) expressed appreciation for ACHP staff coordination on the prototype PA. DOT will offer a series of upcoming webinars to share more information.

The Department of Veterans Affairs (VA) is developing three new program alternatives, including two NPAs and a standard treatment for national cemeteries. Hector Abreu (VA) said outreach to State Historic Preservation Offices, Tribes, and other consulting parties has produced positive feedback so far. VA plans to host additional meetings on these program alternatives in February 2025. VA also convened its annual meeting for the Program Comment for Vacant and Underutilized Properties on November 18.

Other recent program alternative developments include execution of a Department of Homeland Security NPA earlier this year and a new National Park Service NPA for cultural resources grants. The National Endowment for the Arts also amended its nationwide PA to extend its term.

Executive Director Reid Nelson offered his assistance if agencies had questions or needed information to brief incoming Administration officials.

ACHP-Initiated Program Alternative(s)

Chair Bronin provided an overview of progress on the proposed Program Comment on Certain Housing, Building, and Transportation Activities. A number of substantive changes have been made based on comments received during the comment period that closed in early October. The overall length of the program comment is shorter, and introductory matter on its relationship with ACHP policy statements was abbreviated. The duration has also been reduced to 10 years. She also mentioned inclusion of a more specific role for SHPOs/THPOs and other clarifications. A new draft was expected to be ready for another round of comments and abbreviated consultation by the following day with meetings to occur in December.

Mr. Hein (NCSHPO) asked if the scope had changed and what an abbreviated review period was for the second round. Chair Bronin responded that the reorganization of the appendices avoids having a large, separate appendix on transportation by including transportation fixtures and equipment and bridges within the overall list of activities. She noted an abbreviated review period means 30 days.

Mary Schmidt (Army) asked in the chat if the ACHP would develop training for use of the program comment. Chair Bronin said yes, training would likely be developed, perhaps with agencies, but that the staff's goal was also to simplify the program comment language so it could be more self-explanatory and avoid the need for specialized training. Ms. Bartos (NCSHPO) noted that a shortened review period could be viewed negatively especially given the volume of comments received on the first round of consultation and upcoming holidays.

In response to a question from Mr. Hein about how to handle the program comment in light of shifting Administration priorities, Chair Bronin noted some edits to language but highlighted the value of the program comment in terms of freeing up time for federal agencies to focus on larger, more complex undertakings. She sees value in getting it voted on in this Administration. Mr. Hein emphasized that if the program focused on interiors it could result in a win-win. He voiced concerns about whether the approach sets a precedent and road map for future Administrations to similarly create program comments for other

policy priorities. Members further discussed the extent to which exclusions in the program comment are familiar in light of the effect tailored measures for their application have when they are used in state, regional, or nationwide PAs. Members were told to expect a new draft the following day.