



MINUTES

JUNE 2026 MEMBERS MEETING

ADVISORY COUNCIL ON HISTORIC PRESERVATION

JUNE 4, 2026

WASHINGTON, DC

**BUSINESS MEETING
ADVISORY COUNCIL ON HISTORIC PRESERVATION
AGENDA
June 4, 2026
9:00 a.m. – 11:30 p.m. EDT
First Floor Auditorium, National Building Museum
401 F Street NW
Washington, DC**

Call to Order 9 a.m.

- I. Vice Chairman's Report
 - a. Welcome
 - b. Recent activities
 - c. Council organization
- II. Executive Director's Report
 - a. Budget, staffing, and operations update
- III. Regulatory Updates
 - a. Section 106 regulation review
 - b. Program Alternatives updates
- IV. Legislative Agenda
- V. Housing and Historic Preservation Guidance
- VI. Preserve America Executive Order Section 3 Guidance
- VII. New Business
- VIII. Adjourn

IN ATTENDANCE

MEMBERS

Vice Chairman Travis Voyles
Michael Boos
Margaret Everson
Jaime Gardner
Rick Gonzalez
Marik String
Kyle Scherer
John Tahsuda III
Emmie Addamus, Designee for Governor Jeff Landry
Joseph Imamura, for the Architect of the Capitol
Katie Devlin, for the Council on Environmental Quality
Michael Boren, for the Department of Agriculture
Trae Watkins, for the Department of Homeland Security
Bryan Horn, for the Department of Housing and Urban Development
Kevin Lilly, for the Department of the Interior
Loren Smith, for the Department of Transportation
Kristin Thomasgard, for the Department of War
Kristi Tunstall Williams, for the General Services Administration
Lakota Hobia, for the National Association of Tribal Historic Preservation Officers
Anne Raines, for the National Conference of State Historic Preservation Officers
Carol Quillen, for the National Trust for Historic Preservation

OBSERVERS

John Fowler, for the ACHP Foundation
Stephanie Paul, for the National Alliance of Preservation Commissions
Emily Domenech, for the Permitting Council

Advisory Council on Historic Preservation staff participating in the meeting were Executive Director Reid Nelson, General Counsel Kelly Fanizzo, office directors Ashley Fry and Jaime Loichinger, and Policy and Legislative Officer Blythe Semmer.

PROCEEDINGS

Vice Chairman's Report

Welcome and Recent Activities

Advisory Council on Historic Preservation (ACHP) Vice Chairman Travis Voyles called the June Business Meeting to order at 9:00 a.m. on June 4, 2026. He noted that the meeting was being livestreamed on the ACHP's Facebook and YouTube channels.

During the roll call it was noted that the Department of Housing and Urban Development would serve as a voting proxy for the Department of Veterans Affairs. The Members then approved both the June meeting agenda and February 12, 2026, Business Meeting minutes by a voice vote.

Following Councilmember introductions, Vice Chairman Travis Voyles briefly reviewed recent Council activities. He signed an extension of the Federal Communications Commission Positive Train Control

Program Comment, first issued in 2014, to May 16, 2036. He worked with ACHP staff to move forward with the recission of the agency's National Environmental Policy Act and Urban Development Action Grant Program regulations (published in the [*Federal Register*](#) on June 5, 2026). He also worked on the development of a draft policy on compensation and travel expense reimbursement for Members, with final guidance going out to all Members soon (the draft policy was sent to Members on June 11, 2026).

He thanked Members for their engagement on the Army Warfighting Readiness and Associated Infrastructure Program Comment, which was adopted through an unassembled vote on April 3, 2026.

Council Organization

Vice Chairman Voyles said he appreciated the comments he received from Members on his efforts to organize committee membership. Those comments centered on the structure, roles, and benefit of maintaining the ACHP's three standing committees. He said it is important that the work of these committees continue to both inform the work before the Council and give Members more avenues for engaging with each other, as well as himself. The committees -- Preservation Initiatives, Regulations and Governance, and Tribal and Indigenous Peoples -- essentially stayed the same regarding each committee's purpose, with some minor adjustments for clarity and scope. He said the committee rosters demonstrate his interest in having each Member formally serve on only one committee, however, he encouraged Member attendance and participation in other committee meetings, to the extent that time and resources allow.

Vice Chairman Voyles announced that he will serve as Chair of the Regulations and Governance (R&G) Committee. Rick Gonzalez agreed to chair the Preservation Initiatives (PI) Committee, a role he filled during his previous time on the Council, and John Tahsuda agreed to chair the Tribal and Indigenous Peoples (TIP) Committee. Vice Chairman Voyles said he looked forward to working with the other committee chairs. He also thanked the ACHP staff that will be supporting each of the committees: Jaime Loichinger for the R&G Committee, Ashley Fry for TIP Committee, and Blythe Semmer for the PI Committee. Vice Chairman Voyles said he expects the committees will meet soon, midway between this and the September Business Meeting and possibly right before the September Business Meeting, to ensure Member alignment on issues, provide recommendations on agenda items, and develop advice to the broader membership on issues under consideration at the September Business Meeting. He said committee chairs may be asked to advise him occasionally on issues that arise between Business Meetings, if needed.

Lakota Hobia, Chair of the National Association of Tribal Historic Preservation Officers (NATHPO), said NATHPO appreciated the Vice Chairman's work in clarifying the Council's committee structure and making those assignments more meaningful. She welcomed the opportunity for NATHPO to serve as Vice Chairman of the TIP Committee and hoped to continue engagement on the ACHP's Policy Statement on Burial Sites, Human Remains, and Funerary Objects and promotion of Indigenous Knowledge in historic preservation. She said NATHPO sees committees as important places to advance issues of specific concerns to Indian Tribes, Native Hawaiian communities, and other Indigenous peoples, but said Tribal issues should not be confined to one committee. She expressed concern that NATHPO, the National Conference of State Historic Preservation Officers (NCSHPO), and the National Trust for Historic Preservation (National Trust) are not formally included on the R&G Committee, which advises on Section 106 regulations, improvements to the Section 106 process, policy and guidance, nationwide program alternatives, and internal agency operating procedures. She said that portfolio directly impacts how the national preservation program functions and the three named organizations engage with Section 106 on a day-to-day basis.

Ms. Hobia said NATHPO appreciates that the ACHP recognizes its trust relationship with Tribes and underscored that Section 106 regulations require federal agencies to consult with Tribes at every

significant step of the process. She said that responsibility should be reflected in the structure of the committees. She requested that NATHPO, NCSHPO, and the National Trust be formally included on the R&G Committee to ensure Tribal Historic Preservation Officers (THPOs), State Historic Preservation Officers (SHPOs), and the broader preservation community are represented where regulations, governance, Section 106 policy, and program alternatives are shaped.

Anne Raines, NCSHPO President, then reiterated that NCSHPO should sit on the R&G Committee. She said NCSHPO served on that committee for many years, noting that Section 106 is the work their members do every day, and NCSHPO brings an important perspective to the R&G Committee's work.

Vice Chairman Voyles said other Members have also expressed interest in serving on more than one committee. He again encouraged Members to attend and participate in discussions on all committees but said the committee rosters will stay as presented in the Meeting Book. He said he would consider ways of engaging committees together if overlapping issues arise.

Executive Directors Report

ACHP Executive Director Reid Nelson updated Members on the Fiscal Year 2026 budget of \$8.285 million, which allowed the ACHP to complete necessary renovations to current office space and address critical technology requirements, which took quite a bit of revenue to maintain to government standards. He stated that the President's budget requested \$5.151 million for the ACHP's operating expenses and noted that the additional funding allowed the agency to fund severance pay responsibilities following reductions in force the prior fiscal year. The funding also allowed for additional investments in the Cultural Resources Data Platform that is partially funded by the Permitting Council. He said the ACHP is in a good position to meet its obligations through the remainder of the fiscal year. He mentioned that Congress is currently considering the Fiscal Year 2027 budget, with the House proposing \$6.2 million, about \$1 million more than was requested by the President's budget.

Mr. Nelson also announced that Kathryn Ore was recently named ACHP Associate General Counsel and that Megan Borthwick, who assisted in the ACHP's partnership with the Permitting Council, had left the ACHP to take another position. He added that three other positions supported by the Permitting Council were extended through the remainder of the fiscal year. He said the ACHP appreciates the Permitting Council's support for those positions, which help address the important work of advancing Section 106 and environmental reviews for infrastructure and other projects.

Lastly, Mr. Nelson acknowledged the ACHP's summer interns, Chukwuebube Asogwa, Annie Cerria, and Zoe'Swanna McGee, who are generously supported by the Jenrette and ACHP Foundations.

ACHP Foundation Chairman John Fowler noted that two of the interns are students at Historically Black College and Universities (HBCUs), consistent with the President's executive order last year promoting HBCU programs. He said it is the first time the ACHP Foundation funded an ACHP internship solely for HBCU students, and the ACHP Foundation is working to provide them with an enhanced experience and learning opportunities for careers in historic preservation.

Regulatory Updates

Section 106 Regulation Review

Vice Chairman Voyles said he appreciated the thoughtful comments on the Section 106 regulation review he received during the February Business Meeting. Many Members followed up in writing with further observations and recommendations, and the topic garnered a lot of interest outside the Business Meeting discussions. He said he will work with ACHP staff to make the comments received in writing available to

all Members. He also appreciated those who volunteered to be part of a Section 106 working group to assist with the review effort. He said he planned to follow up after the June Business Meeting with next steps on the working group and solicit further input, including to develop a better structured timeline on how the process will move forward. His initial conversations with individual Members have raised a number of good issues, many of which are reflected in the comments already received.

Kevin Lilly, Acting Assistant Secretary for Fish and Wildlife and Parks at the Department of the Interior (DOI), indicated he had a motion. He said that DOI bureaus attempting to meet the procedural requirements of Section 106 for proposed undertakings are too often delayed by a consultation process that has become far more demanding and complicated than what was contemplated in the statute or the regulations. He said, for example, the regulations prescribe a multi-step process in which there are multiple opportunities for delay, even where the regulations provide specific time periods. There is no regulatory time frame for resolving adverse effects and consultation to resolve those effects can be protracted and overly complicated. Consulting parties also often request mitigation that is beyond the federal agency's authority, unacceptable to a project proponent or the federal agency, or unduly burdensome, which can lead to disagreements that delay the completion of the process. The regulations are not sufficiently clear that the federal agency is responsible for making all decisions, which can force agencies into endless consultation despite the fact that historic preservation officers do not have the authority to halt, stop, or cancel a project. Consequently, DOI bureaus are forced to unnecessarily and sometimes indefinitely extend the decision-making process, resulting in delays to DOI projects or permitting decisions.

He moved that the Council direct its staff and the Office of General Counsel to expedite the drafting of revisions to the ACHP's existing regulations. He requested that, within the next 30 days, ACHP staff develop and share with Members a timeline and plan for revising the existing regulations. Following receipt of that plan, he requested that Members be given 60 days to provide substantive feedback on the revisions and that ACHP staff begin drafting the revised regulations based on that feedback. He asked that Members receive a substantive progress update every two weeks, including a definitive date for the release of the draft regulations for public notice at the September Business Meeting.

Michael Boren seconded the motion.

Mr. Boren, Under Secretary for Natural Resources and Environment at the Department of Agriculture (USDA), said he is responsible for the United States Forest Service (USFS) and for all environmental permitting at the agency. He said USDA is often compromised in its ability to serve the American people due to the impact of the National Historic Preservation Act (NHPA). He gave an example of a 50-year-old ski area in a national forest that has aging and unsafe infrastructure and noted that replacement of those structures is often delayed for years. He said USFS has 30,000 employees and owns and manages 40,000 structures, the majority of which are more than 50 years old, with some in utter disrepair. He said the agency does not have a budget to maintain these structures. Right now, they are not maintaining about 15,000 of those structures which he said are falling apart. He said some modular buildings from the 1960s and 1970s, not in keeping with the character of the USFS, are considered historic because they are older than 50 years, which he feels devalues the idea of historic structures in America. He added there are old USFS guard stations on top of mountains that are historic and iconic and could be beautiful, but they are not able to maintain them in a safe manner. He said USDA supports the work of the ACHP, and USFS is a historic organization from 1905, with a staff that is proud of their historic buildings. He said USDA has a lot of specific examples and suggestions.

Rick Gonzalez said, from his perspective as a local practitioner in Florida, the Council needs to begin considering a different way of handling projects that impact historic structures that are over 50 years old because, like in Florida where there are many such buildings, it will be a huge amount of work to review projects that impact those buildings.

Ms. Hobia reiterated that the process itself needs to reflect the input of the public and Tribes and any plan should focus first on how consultation and outreach should occur; rushed revisions to the regulations would perpetuate inconsistent agency practices to consult with and consider Tribal concerns. She also said that Tribes have a statutory role in the Section 106 process and that needs to be recognized. With 575 federally recognized Tribes, she said the ACHP must provide time and meaningful opportunities for Tribes to understand the issues and to coordinate internally within their Tribal governments and provide informed input.

Carol Quillen, President of the National Trust, said they support the review of Section 106 and recognize the process can pose challenges for federal agencies and preservation practitioners. She urged the Council to not repeat the mistake of excluding preservation practitioners early in the conversation, which has led to many of the delays mentioned, because what tends to happen is that preservationists are presented with an already fully formed project at the end of the planning and they can only say “yes” or “no” to the project. She said when preservation practitioners are included from the beginning, the process will be better, faster, preservation goals are served, and it is a win-win situation. She added that when practitioners are presented with a plan on which they had no input, the result is bad for all – things only practitioners know will not be considered and new delays occur because people are angry. She urged Vice Chairman Voyles to include voices of preservation practitioners on the regulatory review working group, which would result in a better process for the federal agencies, for the American people, and for the preservation of historic resources.

Ms. Quillen also inquired whether the Council has thought about tiered classification for buildings that might qualify for historic consideration which might speed up the process by allowing for iconic structures to be treated a different way than another kind of building.

Stephanie Paul, Executive Director of the National Alliance of Preservation Commissions, echoed Ms. Quillen’s comments and said the local voice is important, and consistency is needed at the federal and state levels regarding early involvement. Her members are looking forward to this review and being part of the process.

Mr. Fowler said, having been involved in prior revisions to the Section 106 regulations, this is the first time in 22 years the Council has looked at the regulations. He said it is critical to determine what problems the Council is trying to solve. He noted that federal agencies are in complete control of the process under the current regulations without any review time limits, but there are time limits on SHPOs, THPOs, the public, and the ACHP. He said, at the end of those time limits, the federal agency is free to move forward, and in the consultation process the federal agency can terminate that consultation anytime, if it wants to, and get comments from the ACHP. He said the Council needs to hear from the participants in the process, applicants, businesses, preservationists, and communities. He said it is important that the regulatory review process the Council undertakes is transparent, inclusive, and carefully documented, because the changes will be around a long time. He urged the Members to think about that in terms of setting any strict timeframes for moving forward. He also noted that the Senate Energy and Natural Resources Committee held a hearing on the Section 106 process in October 2025 and is actively considering possible amendments to the NHPA as part of permitting reform. He said it would be unwise to reach conclusions on regulation changes until the legislative process is completed.

Mr. Nelson noted that Mr. Lilly’s motion suggests that the ACHP’s General Counsel make recommendations on the regulatory process to the Members, and he asked Mr. Lilly to consider changing that to the Executive Director, who has the ultimate and final responsibility for staff recommendations to the Council. Also, while it is ACHP staff’s job to make recommendations to the Council, the Members should agree to and establish those timelines.

Mr. Lilly said his intent was for the ACHP staff to provide a reasonable timeline based upon operational realities and that the Council has 60 days from the time there is a prospective timeline to provide input on potential regulatory revisions. He said there was no final decision in his motion and the point is to get the process started so that over the next 90 days, before the next Business Meeting, the Council will provide input to ACHP staff on the regulations. He said the motion was not intended to be a conclusion but to set a procedural process that has specific timelines associated with it so the agency can meet those goals and ultimately have something important to talk about at the September Business Meeting.

Mr. Lilly reread the motion:

“I move that the Council direct its staff and the Office of Legal Counsel to expedite the drafting of revisions to the ACHP's existing regulations. I request that within the next 30 days, ACHP staff develop and share with Councilmembers a timeline and plan for revising the existing regulations. Following receipt of that plan and timeline, I request that Councilmembers be given 60 days to provide substantive feedback on the revisions that the ACHP staff began drafting and revise regulations based on that feedback. Lastly, I request that at the next Business Meeting, Councilmembers receive a substantive progress update to include a definitive date for the release of the revised regulations for public notice.”

ACHP General Counsel Kelly Fanizzo asked Mr. Lilly to clarify what he meant by public notice, because the Council would have to vote prior to publication of the Notice of Proposed Rulemaking (NPRM) in the *Federal Register*.

Mr. Lilly then called Joy Beasley, Keeper of the National Register of Historic Places, to the table to provide additional context on DOI's motion. She said DOI strongly supports an update to the regulations and is seeking clarity on the regulatory timeline so that drafting moves forward expeditiously. She said modifications to the motion are appropriate regarding the ACHP's operating procedures and its normal processes. She said DOI wants to see the process move along and for all Members to be given the opportunity to provide substantive feedback on the regulations.

Vice Chairman Voyles asked Mr. Lilly to reread the last section of his motion:

“Lastly, I request that at the next Business Meeting, Councilmembers receive a substantive progress report or update to include a definitive date for the release of revised draft regulations for public notice.”

Ms. Fanizzo said the Council cannot commit to a date to publicly release the rule unless they are actually voting on the draft rule itself. She asked him to adjust the final language to clarify so there is no misunderstanding if his motion were to pass that there would be a revised rule published by November 15. She said the Council does not have the authority with the proposed motion to state the agency would release a draft revised rule, without the Councilmembers voting on the rule itself. The NPRM is, by definition, a draft rule. She said, Mr. Lilly could delete the last sentence about the date for public release of the NPRM because the timeline developed by ACHP staff will include some proposed goal dates for which the rule would come for a vote of the Members and then, depending on the outcome of that vote, the NPRM would be released to the public, or not, if the Council wanted more consideration. She said the ACHP has joined the regulatory agenda and identified the Section 106 regulations for potential revisions soon, which alerts the public that an NPRM will be coming.

Mr. Lilly asked if a timeline could state that a draft would be available by December 15. Vice Chairman Voyles replied that the timeline plan will delineate steps to be taken through the potential regulatory process but there are timelines for some steps the agency does not control.

Ms. Fanizzo told Mr. Lilly he can rephrase his original motion.

Mr. Boren said the people in the federal government who have to deal with the regulations would like to know on behalf of the American people how quickly the Council can begin revising Section 106 in a way that is beneficial to the American people as well as to the mission of the Council.

Vice Chairman Voyles said additional timing information will be delivered in the 30-day timeline.

Mr. Boren went on to say that every day he learns something new about how the federal government does not make positive changes in a reasonable amount of time. He noted there are many obstacles, like Congress considering revisions to the NHPA because they know it is a problem for the American people, but Congressional action can take a long time to become final, and it is more likely Congressional action on the NHPA will not happen. He said if the Council waits for Congress, the problem will not be solved, so he is interested in holding the Council to a date to have regulatory revisions completed and voted on, and then in a position to publish an NPRM.

There was a motion by Rick Gonzalez to table the discussion while Mr. Lilly revised the language of his motion and a second by the National Trust. The motion passed by a voice vote.

Program Alternatives

Jaime Loichinger, Director of the Office of Federal Agency Programs, addressed Members on two program alternatives. The *Program Comment on Certain Housing, Building, and Transportation Undertakings* (the PC), adopted by Members on December 20, 2024, includes two appendices. Appendix A lists activities that do not require further review by federal agencies when an undertaking meets its terms. Appendix B lists activities that require the use of qualified professionals in the relevant discipline and the satisfaction of certain conditions to expeditiously conclude Section 106 reviews. She said should agencies choose to utilize the PC, they are required to notify the ACHP. Thus far seven agencies have chosen to use the PC, including the Bureau of Reclamation, Department of War, Rural Utility Service, Rural Business Cooperative Service, U.S. Forest Service, Department of Housing and Urban Development, and the Environmental Protection Agency.

Ms. Loichinger went on to say the PC requires federal agencies to submit annual reports regarding their usage, which resulted in four annual reports for the past year. Additionally, she noted ACHP staff are required to provide Members with an update on the implementation of the PC and is also required to convene an annual meeting to include federal agencies, Tribes, SHPOs, Native Hawaiian Organizations (NHOs), and others, as appropriate, to assess the PC's implementation. She anticipates scheduling the meeting this summer. She said the PC's Appendix A was used for 984 undertakings while Appendix B was used only 22 times, so Members may wish to consider whether the PC would benefit from modifications, such as removing Appendix B in its entirety due to its very limited usage. She recommended that Members consider simplifying the PC or that particular appendix, due to its complicated conditions and reporting requirements, or consider how to include mitigation if that appendix were to be retained in that the undertakings therein do sometimes result in adverse effects to historic properties.

Additionally, Ms. Loichinger said, should the PC scope be limited to Appendix A, it could be converted to an exemption, as these activities have demonstrated that they are undertakings whose effects are minimal or not adverse. Conversion to an exemption could also eliminate the annual reporting and meeting requirements as other ACHP-issued exemptions do not include those stipulations. She said removal of those requirements also appears consistent with the Administration's interest in reducing unnecessary and burdensome reporting requirements and should the Members wish to make those kinds of modifications, the benefits of the PC would remain, particularly for housing, which is an interest of this Administration. Members would have to vote on an amendment to revise the PC's terms.

Mr. Nelson said the first step would be to include a discussion regarding the value of amendments in an R&G Committee meeting and give the Members a more detailed opportunity to talk about how to improve the PC's operation. In terms of timing, he said it may better inform the subsequent discussion with the Members if the annual meeting took place first so they could hear from the federal agencies that are using the PC and from states, Tribes, and others who are engaged in some level, and then have a discussion with the R&G Committee, which would make its recommendations to the broader membership.

Ms. Raines asked whether there is a time frame, as in the original PC, for consultation with SHPOs and THPOs on an amendment, so the Council can get the feedback it needs to be able to vote on the matter and provide input.

Mr. Nelson said that would depend upon the nature of the amendments. Small administrative adjustments might not need broader consultation, but for any major changes, there might be some obligation to consult. That would be decided upon after getting recommendations from the R&G Committee and general membership about whether amendments should be considered.

Ms. Loichinger went on to talk about the September 2024 Exemption for Indigenous Knowledge-Informed Activities by Native Hawaiian Organizations, which allows federal agencies to exempt activities that meet its terms when informed by Indigenous Knowledge from NHOs. The exemption was utilized for 10 undertakings and agencies that submitted annual reports identified no implementation issues. This exemption also requires an annual meeting, which Ms. Loichinger anticipated holding this summer. Ms. Loichinger said Members may wish to consider whether annual reports should continue to be required as removal of that provision would be consistent with other ACHP-approved exemptions as well as the Administration's interest in reducing unnecessary reporting.

Ms. Hobia said NATHPO supports removing the annual reporting and annual meeting requirements if those requirements are viewed as burdensome. She encouraged ACHP to retain some form of rolling submissions or periodic feedback process, though, which would be useful for informing future preservation policy, guidance, training, and potential program alternatives. She said the exemption is important because it recognizes the perpetuation of Indigenous cultural practices that should not unnecessarily be subject to federal regulatory review when those activities are informed by Indigenous Knowledge and connected to traditional cultural practices. She said NATHPO looks forward to working with the ACHP and the Native Hawaiian community to ensure the exemption continues to support Indigenous Knowledge, cultural practice, and future policy development.

Ms. Raines said it is healthy to look at program comments to see how they are working, what impact they are having, and how they might be narrowed or broadened. She also said discussion about possible amendments to the Army Program Comment for Warfighting Readiness and Associated Infrastructure (PC) should continue. She said there were concerns expressed by ACHP staff at the time the PC was drafted that were not considered when the Council approved the PC at its last Council meeting. She said the Council should look at and consider those ACHP staff concerns. She said the Council was provided a short timeframe in which to grapple with the legal questions certain Members had in response to that PC. She said NCSHPO still maintains that the PC sets a bad precedent for other program comments as far as its overreach and opens the Council to legal action by alleviating federal agency statutory responsibilities and taking responsibilities away from other consulting parties. She asked that, as the Council considers changes to the regulations, they press for changes on how program comments are defined versus other tools to streamline the Section 106 process or possibly consider eliminating program comments from the regulations.

Legislative Agenda

Vice Chairman Voyles said one of the ACHP's key responsibilities is to advise Congress and the Administration on preservation matters, most often carried out through comment letters to Congress on various legislative issues under the guidance of a legislative agenda approved by Members. In March 2025, ACHP Members drafted a legislative agenda for the current Congress. Since the agency lacked a chairman or vice chairman at the time and could not conduct official business, the legislative agenda was not adopted. Due to a packed agenda in February, Vice Chairman Voyles determined the review and discussion of the legislative agenda would be scheduled for the June Business Meeting and should be a launch point, since there is only a limited amount of time left in the current Congress and not many current Members were on the Council when it was first drafted.

Blythe Semmer, ACHP Policy and Legislative Officer, said ACHP staff wants to bring the Members up to speed on how the Council has carried out its responsibilities to advise Congress in the past and how the ACHP staff carries out its support of the agency's work in that area. She noted the legislative agenda offers direction for ACHP staff tracking of legislative topics of interest, and this discussion is timely as the committee structure is reinvigorated and members of the PI Committee will soon begin their work. The PI Committee is traditionally where legislative issues are discussed and recommendations are formed before presentation to the full Council for possible action. Typically, these legislative agendas are developed at the beginning of the Congressional term. The redline version of the legislative agenda in the Meeting Book included suggestions for updates Members discussed in March 2025 and reflects what the ACHP staff is seeing in terms of legislative activity over the last 18 months. She said with less than seven months remaining in the current Congress, the ACHP staff could be guided by these priorities for the remainder of this Congress. She welcomed any discussion and feedback from the Members on those suggestions. She said it is useful preparatory work to have some Member advice in hand as ACHP staff looks ahead to continuing this process in 2027 with a new Congress. She also said the PI Committee can continue discussions on legislative priorities in preparation for that transition.

Dr. Semmer said the Meeting Book also includes a general summary on how the ACHP has commented to Congress and the Administration in the past, and, although there is no continuing obligation to follow this practice, it was a regular part of the Council's business over the last several Congressional terms. She said there are general themes, including preservation funding and programs, how preservation planning is incorporated considering other federal planning responsibilities, and tax credits that frequently appear before Congress.

Mr. Nelson said the ACHP has successfully operated under the draft legislative agenda for the last year and a half and ACHP staff would appreciate hearing if Members have any adjustments to the agenda. He also acknowledged the unique authority and responsibility given to the ACHP in the NHPA that the ACHP can and should advise the Administration and Congress directly. He noted the ACHP has used this responsibility very effectively over the years to make impactful recommendations and statements on preservation matters.

Jaime Gardner asked if there are any major pieces of legislation pending right now that the Members should be aware of or if there are particular topics the Members should have on their radar from a legislative perspective.

Dr. Semmer said ACHP staff continues to track bills that may have relationships to preservation programs and the NHPA. She said ACHP staff did not seek to bring a particular bill to the attention of the Council at this meeting, but current legislation would be one of the first items the PI Committee would consider when it begins meeting. She added that ACHP staff will prepare a list of bills and summary descriptions for the PI Committee to discuss.

Mr. Nelson noted a process observation. Having worked so effectively with Mr. Gonzalez in the past, the PI Committee has always taken the responsibility to look at individual bills as they present themselves

and ripen for comment. He said he would be happy to work with Mr. Gonzalez and Vice Chairman Voyles to establish a committee agenda for the PI Committee's midcycle meeting that would identify bills ACHP staff thinks may be ripe for comment.

Ms. Hobia said NATHPO supports the ACHP adopting legislative priorities that strengthen the national preservation program and guide the Council's advice to Congress and the Administration. To NATHPO, that means improving federal review without reducing Tribal consultation, weakening protections for Tribes, or diminishing the role of Tribes, THPOs, SHPOs, and consulting parties. She reiterated that NATHPO strongly supports reauthorizing and making permanent the Historic Preservation Fund and, in particular, THPO funding needs to be defined and predictable. She said NATHPO was made aware that, currently, any unobligated or unused THPO funding is recaptured, so one of the items they would like to highlight is that instead of being recaptured, the funding be redistributed among eligible THPOs to assist in creating more predictability and funding for THPO work.

Vice Chairman Voyles said he anticipates the legislative agenda will be a discussion point at the September Business Meeting going into the winter Business Meeting as well as working through the PI Committee.

Mr. Nelson said the legislative agenda is very helpful for ACHP staff because it directs them to look at key areas or programs that might be appropriate for Member comment or engagement. He said any Member is welcome at any time to contact him, Dr. Semmer, or Mr. Gonzalez with their observations about individual bills and their advice to develop an ACHP staff analysis and perhaps prepare possible comments for the Members to adopt. He said while the legislative agenda helps guide the Council, it does not necessarily restrict them.

Dr. Semmer said the process for Members to provide comments on legislation can proceed at any point through use of the ACHP's operating procedures to develop comments on a specific bill. The ACHP can be responsive if something starts to happen for which the Councilmembers believe action is needed. Even though the ACHP staff works within the committee structure to the extent possible, she said there are protocols in place for responsiveness when it is needed.

Housing and Historic Preservation Executive Order

Vice Chairman Voyles then turned to the next agenda item, Executive Order 14394 (EO 14394), Removing Barriers for Affordable Home Construction, issued by the President on March 13, 2026. Section 3b of EO 14394 directs the ACHP Chairman to issue guidance on maximally exempting or reducing burdens on housing construction and infrastructure that facilitates housing construction under Section 106. He said the ACHP has spent a great deal of time on housing issues over the years and is in a good position to develop guidance that is responsive to EO 14394 soon. He told Members he would like their input as the agency develops guidance.

Dr. Semmer, who is the lead staff member in developing the guidance, said ACHP staff proposed a series of approaches to responding to EO 14394 that draw on some areas of past experience and involvement, which were described in the meeting book paper. She said Members are likely familiar with the discussions surrounding the *Program Comment on Certain Housing, Building, and Transportation Undertakings* as well as the Policy Statement on Housing and Historic Preservation, both of which could be built upon in the ACHP's response to EO 14394. She said these documents have elements that could be expanded to make them more practically applicable to challenges within the Section 106 process. She said there are certain topics referenced directly, such as housing rehabilitation and how it is handled in Section 106 or how archaeology is considered in housing undertakings, that could also be helpful. One area where the ACHP could have an immediate impact is in clarifying what is subject to Section 106 review as it relates to rehabilitation and renovation projects. She said some feedback indicates there might

be confusion about Section 106 responsibilities being more extensive than the regulations require. ACHP staff want to clarify, with examples, how the housing policy and relevant program alternatives are applied to specify when a Section 106 review is needed. She said ACHP staff also suggested highlighting opportunities to create housing using existing infrastructure as there are a lot of opportunities where historic structures can be either rehabilitated or converted to be reused as housing. She said highlighting examples to make that process more approachable in relationship to Section 106 review could be useful.

Bryan Horn, Deputy Assistant Secretary for Grants Programs and Acting Principal Deputy Assistant Secretary for Community Planning and Development, U.S. Department of Housing and Urban Development (HUD), said HUD needs to increase the supply of affordable housing, decrease the cost of construction, increase the available land that is suitable for housing, and then accelerate the delivery of those units. He said EO 14394 gave the ACHP a job to do, but also gave HUD a job to do, which was to develop a set of best practices for local and state governments, which HUD has published. He said to make housing affordable to purchase, HUD must make it affordable for developers to build housing. He said historic tax credits fill in the capital stack gap to enable affordable housing, and low-income housing tax credits makes housing even more affordable. He highlighted that adaptive reuse decreases costs and increases supply of available land for housing.

Mr. Gonzalez said there is a huge stock of abandoned historic buildings that could easily be converted into affordable housing. He pointed out that cities like Baltimore and Detroit have thousands of units located near transportation and shopping. He said historic and other tax credits allow for those funds to be utilized for infrastructure development and the ACHP should take the lead on supporting the rehabilitation of historic structures for use. He also emphasized that trades training for young people to work on these buildings is another important element. He added that the greenest building is the one that has not been destroyed yet, so the ACHP should be the leader to show the country this great opportunity.

Preserve America Executive Order Section 3 Guidance

Vice Chairman Voyles said, for more than 20 years, the ACHP has been carrying out a set of responsibilities under Section 3 of Executive Order 13287 (EO 13287), Preserve America; chief among those responsibilities is developing a report (Section 3 report) every three years on the progress federal agencies are making in identifying, using, and protecting historic properties under their ownership or control. He said the ACHP carries out this responsibility by first gathering reports from agencies on the status of their historic buildings, and then the ACHP uses those progress reports to develop its own report to the President on progress throughout the federal government. The next report to the President is due February 16, 2027. Vice Chairman Voyles called on Jaime Loichinger to give a report on the process, including guidance the ACHP is developing for federal agencies as the agencies prepare their reports.

Ms. Loichinger said the ACHP has traditionally provided advisory guidance to federal agencies on preparing their progress reports in advance of the triennial submission deadlines. She said ACHP staff is currently reviewing the 2024 advisory guidelines to consider how to bring focus to administration initiatives that impact historic properties as well as where historic properties can contribute to those priorities. She said, while federal agencies are not required to structure their Section 3 reports in response to the questions that will be in the guidelines, doing so helps ACHP staff in preparing the ACHP's report to the President addressing priorities that have been identified by Members. She noted that agencies can use the ACHP's advisory guidelines in conjunction with their own established agency reporting formats. She said ACHP staff plans to provide the advisory guidelines to Members shortly after the June Business Meeting, and she welcomed Member feedback on key federal property issues and stewardship themes or questions Members think should be examined in the upcoming report. She said past themes included infrastructure, job creation, and leveraging historic property outleasing.

Kristi Tunstall Williams, Acting Federal Preservation Officer, General Services Administration, requested the inclusion of some analysis of the impact of the loss of qualified staff at federal agencies to implement Section 106 and how that is affecting reviews and remediation. She asked if there is streamlining that can be done to help lessen the reporting burden on federal agencies.

Ms. Loichinger said, in light of staffing changes the ACHP has experienced, she and Mr. Nelson are looking very closely at the language in EO 13287 to ensure what the ACHP requests agencies to provide in the reports is closely aligned with the intent of EO 13287.

Ms. Hobia said NATHPO recommends the ACHP consider including a question on how co-stewardship, co-management, and other partnership-based stewardship models are helping federal agencies improve the identification, protection, use, and management of historic properties and help identify practical examples where federal agencies are working more effectively with Tribal nations, Native Hawaiian communities, state and local governments, and other partners in ways to support both preservation and federal agency mission needs.

Mr. Fowler said, since the Administration is taking a fairly aggressive approach to disposal of federal properties, NATHPO's suggestion might be useful to have as a topic in the Section 3 report.

Mr. Nelson said, per EO 13287, the Section 3 report must specifically focus on how federal agencies that own or manage historic properties are identifying, using, and protecting those properties, and the ACHP has sometimes appropriately and creatively found ways to expand on that. He stressed that this is the only report that allows the ACHP to report directly to the President. He said it is a unique opportunity, and he encouraged federal agencies and the Members to take advantage of it.

New Business

Mr. Lilly continued the earlier discussion on the Section 106 regulations and moved that the Council expedite the drafting of revisions to the Section 106 implementing regulations and direct the Executive Director and staff to develop a schedule with milestones and deliverables within 30 days. Concurrently, he asked that Councilmembers be given 60 days from June 4, 2026, to provide substantive feedback and proposed changes to current regulations. He moved that ACHP staff provide bi-weekly updates on that effort.

Ms. Fanizzo said, to clarify, this was a motion to amend Mr. Lilly's original motion and asked for a second, which was provided by the Department of Agriculture.

She then clarified whether Mr. Lilly meant bi-weekly or bi-monthly, and he said it was bi-monthly or every two weeks. Vice Chairman Voyles then opened the discussion on the amended motion, confirming the amended motion would strike and replace in full, the original motion.

Ms. Raines asked if the motion precludes the existence of a Member working group and asked for an overview of the process and the opportunities for public comment. She said NCSHPO needs to check with its members and get their input and did not think 60 days was enough time to provide substantive feedback but noted she may have misunderstood whether that is the only opportunity to provide Member feedback. She also said NCSHPO needs to determine the problems with Section 106 and why federal agencies cannot move projects forward or conclude consultation and why they are so skittish about adverse effects. She said not every problem with each project can be laid at the feet of historic preservation or consulting parties, and there are some baseline areas where federal agencies can be reminded of their responsibilities and would benefit from more training. She said early consultation is one of those points, like not presenting SHPOs or THPOs with a *fait accompli*, whether that has to do with identification of historic properties, identifying the area of potential effects, or any other phase in the

process. She said regulation changes are not the only tool at the Council's disposal. She noted the ACHP provides training that federal agencies need to take more advantage of using. She said that project proponents, such as grantees, licensees, and permit holders, need to be more informed about the Section 106 process. They are where NCSHPO is seeing a disconnect. She noted that better communication with those parties will be significant. She then asked for clarification on the 60-day portion of the motion.

Ms. Hobia proposed to amend the revised motion to require that before the Council engages in substantive discussions and establishes a review process or timeline, the Council ensure broad and meaningful coordination with Indian Tribes, Alaska Native communities, Tribal Historic Preservation Officers, and Native Hawaiian Organizations to inform any subsequent Council actions and that input received through these coordination efforts be provided to the Council at the September Business Meeting.

Ms. Hobia's motion was seconded by NCSHPO.

Mr. Boren said that amendment basically negates the whole purpose of the revised motion, which was to establish a reasonable timeline to get to a point where the Council can discuss regulatory revisions. He asked Members to not vote in favor of NATHPO's amendment.

Ms. Gardner said the Bureau of Indian Affairs (BIA) within DOI has already started a process to engage Tribal partners on ways to revise Section 106 to make it better from a Tribal perspective. She felt the Council would benefit from that effort already underway, but she was not sure of BIA's timeline.

Margaret Everson asked whether the information from the BIA should be provided to the Member working group.

Vice Chairman Voyles said his understanding of the intent of the motion from DOI was that information on the steps taken throughout the rulemaking process will be provided to Members as the ACHP moves forward. He noted DOI's motion is process-oriented, and that public and Tribal engagement is already built into the rulemaking process. He said he did not plan to support NATHPO's motion but noted he will work with ACHP staff to provide any public feedback to the Councilmembers as the rulemaking process proceeds.

Ms. Hobia said she used "coordination" rather than "consultation" in the wording of NATHPO's motion because the terms have different meanings. She pointed out that the regulations will impact how Section 106 occurs on Tribal land and said there is further engagement that must occur for Tribal governments to best understand how any regulatory revisions will impact their Tribal codes and ordinances. She called NATHPO Executive Director of Indigenous Diplomacy and Federal Relations, Ira Matt, to the table, who she said has been integral in building NATHPO's relationship with the BIA.

Mr. Matt said NATHPO began discussions with the BIA last fall on ways the Section 106 process can be improved on Tribal lands. He said he previously addressed with the ACHP that Tribes are sometimes subject to additional regulatory review because of trust land status that is not comparable to a lot of non-Tribal individuals. He said the NHPA does not consider a lot of the unique situations that Indian Tribes are involved in and was originally developed at the height of the termination era without any intention to address Indian Tribes. He said federal agencies have not necessarily taken the time to look at how to improve the Section 106 process for Indian Tribes, so NATHPO began working with the BIA with the thought that the collaboration would generate a lot of information for potential regulatory revisions. NATHPO and the BIA have held some nationwide forums with Tribes, who have begun to provide input on regulatory changes they would like to see. He said when the ACHP is ready to publish an NPRM in the *Federal Register*, NATHPO does not want Tribes scrambling with their legal offices to create a response to an NPRM but rather ensure their input is incorporated on the front end for a more productive

and efficient rulemaking process. He said Ms. Hobia's motion would have the Tribal collaboration run parallel to Members providing comments on regulatory revisions.

Mr. Boren agreed that NATHPO has a unique perspective that Members should consider carefully but said he was not sure how it related to DOI's motion, which is about setting a timeline and does not contemplate a date when the NPRM would be published. He said he likes the idea of collaboration and consultation, and that should occur, but he would like to get the rulemaking process started.

Mr. Matt said this is not meant to delay that process and could run parallel, but it is another layer that needs to be accounted for from federal agencies. He said NATHPO would like to see, possibly led through the TIP Committee, an effort to generate and coordinate Tribal input.

Mr. Boren said he would like to see that, too, but thinks the Members do not need to pass NATHPO's amendment to see that.

When the discussion concluded, Ms. Fanizzo said the next step would be to have a roll call vote on NATHPO's motion. Once that is complete, if it passes, that language would be added to DOI's motion, and then there would need to be a vote on the amendment presented by DOI, with a final vote on the amended motion as originally presented earlier in the meeting.

Mr. Lilly suggested to get things going that they vote on DOI's motion and then NATHPO's motion. He said having them intertwined defeats the purpose of DOI's motion.

Ms. Fanizzo said they still must vote on NATHPO's motion, unless Ms. Hobia withdraws her motion.

Ms. Hobia proposed to withdraw her motion. The motion to withdraw passed by voice vote.

Mr. Lilly restated his amended motion: "I move that the Council expedite the drafting of revisions to the Section 106 implementing regulations and direct the Executive Director and Staff to develop a schedule with milestones and deliverables within 30 days. Concurrently, I ask that Councilmembers be given 60 days from today to provide substantive feedback and proposed changes to current regulations. I move that the ACHP staff provide updates every two weeks on the effort."

The amendment to the motion passed by roll call vote.

The amended motion passed by roll call vote.

Ms. Hobia made a motion that the Council engage concurrently to ensure broad and meaningful coordination with Indian Tribes, including Alaska Native Communities, Tribal Historic Preservation Officers, and Native Hawaiian Organizations, to inform any subsequent Council actions and that input received through these coordination efforts be provided to the Council before the September Business Meeting.

The motion was seconded by Ms. Gardner.

Kyle Scherer wondered if the language, "any subsequent actions," is potentially too broad, if the intent of the amendment is to either focus on the process or the substantive revisions to Section 106.

Ms. Hobia repeated her motion: "I will make a motion that the Council engages concurrently in substantive discussions and ensure broad and meaningful coordination with Indian Tribes, including Alaskan Native communities, Tribal Historic Preservation Offices, and Native Hawaiian Organizations, to

inform the regulatory review process, and that input received through these coordination efforts be provided to the Council before the September meeting.”

Mr. Boren said “regulatory review process” is also overly broad.

Ms. Hobia said she was trying to tie the language in NATHPO’s motion to DOI’s passed motion.

Mr. Scherer asked if NATHPO could reference DOI’s passed motion by title.

Ms. Fanizzo said NATHPO could correct the language of its motion and clarified it was not proposing an amendment. She said the phrase “to inform the process as set forth in the previous motion” would allow NATHPO to appropriately reference DOI’s passed motion.

Ms. Hobia repeated the motion: “I make a motion that the Council engages concurrently in substantive discussions and ensures broad and meaningful coordination with Indian Tribes, including Alaskan Native communities, Tribal Historic Preservation Offices, and Native Hawaiian Organizations, to inform the process as set forth in the previous motion and that input received through these coordination efforts be provided to the Council before the September meeting.”

Vice Chairman Voyles asked if NATHPO’s intent is extensive coordination to develop the timeline and deliverables that are expected as the outcome of DOI’s passed motion.

Ms. Hobia said Tribal coordination is needed on the regulatory timeline, and Members need to be aware of the turnaround periods for Tribal government officials to weigh in on any potential changes focused on Tribal lands.

Michael Boos said he worries this type of coordination is coming too prematurely in the process. He said the ACHP staff is coming up with a timeline and process and the committees will meet, so during that committee process, this consultation will occur. He said he is concerned NATHPO’s motion creates a bureaucratic process that will slow the regulatory revisions rather than expedite them.

Mr. Boren said NATHPO’s motion is ambiguous enough and can be interpreted different ways that it would cause unintended consequences and he does not see what the motion will accomplish. He said there is nothing in DOI’s passed motion that limits consultation and collaboration with Tribes or anyone else.

John Tahsuda said NATHPO is a large group, and their members have a lot of different ideas. He said he was willing to support NATHPO’s motion because it will help inform the development of a regulatory timeline. He also said he was willing to use the TIP Committee as a place to have further discussions on collaboration with Tribes.

Ms. Raines said she remains concerned that the 60-day period in DOI’s passed motion is arbitrary and seems to indicate that it is the only opportunity for substantive Member feedback. She said the 60 days is objectionable, and ACHP staff should decide on the feedback periods, how long they are, and when they occur.

Mr. Lilly said DOI’s intent is to make the process open and transparent, and he was concerned if another layer is added, it will slow the regulatory review process down. He agreed with the intent of NATHPO’s motion, just not with the language.

The motion failed on a roll call vote.

Vice Chairman Voyles committed to working with NATHPO, Mr. Tahsuda, and the ACHP staff on how the agency can ensure that, as the regulatory review process moves forward, the agency meets its Tribal consultation responsibilities. He will talk to ACHP staff about how the agency will go about accomplishing this.

Referring to DOI's motion and the 60-day period for feedback, Mr. Nelson encouraged Member feedback to be as specific as possible with specific types of problems and specific solutions. He also noted the current Section 106 regulations have very specific timelines for the ACHP, states, and Tribes, but none for federal agencies, so to the extent the Council wants to consider timelines for federal agencies, the ACHP staff is open to suggestions.

Ms. Tunstall Williams asked how the Member working group will differ from the R&G Committee. She said GSA would like to be part of that working group.

Vice Chairman Voyles said the working group was meant to operate more nimbly than the full R&G Committee and if Members have ideas and visions on how that working group can be useful, he is willing to take that into consideration.

Joe Immamura with the Architect of the Capitol moved to adjourn at 12 p.m., and the motion was seconded by Bryan Horn with HUD.

Vice Chairman Voyles said the next Business Meeting is planned to take place September 30, 2026.