



**NATIONAL ASSOCIATION  
OF TRIBAL HISTORIC  
PRESERVATION OFFICERS**

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September 23, 2024

Candra Teshome  
Equity Officer  
Advisory Council on Historic Preservation  
401 F Street NW, Suite 308  
Washington, DC 20001

Dear Ms. Teshome,

The National Association of Tribal Historic Preservation Officers (NATHPO) has the following comments regarding the Advisory Council on Historic Preservation's (ACHP) proposed environmental justice strategic plan.

NATHPO is the only national organization devoted to supporting Tribal historic preservation programs. Founded in 1998, NATHPO is a 501(c)(3) non-profit membership association of Tribal government officials who implement federal and Tribal preservation laws. NATHPO empowers Tribal preservation leaders protecting culturally important places that perpetuate Native identity, resilience, and cultural endurance. Connections to cultural heritage sustain the health and vitality of Native peoples.

Our organization strongly supports the principles behind the establishment of an environmental justice strategic plan. The goal of making sure that environmental justice concerns are taken into account throughout the Section 106 process is admirable and consistent with [Executive Order 14096](#).

While NATHPO is supportive of the goals of the proposed environmental justice strategic plan, we have concerns about both the process for engaging Tribal Nations and how the plan will be implemented by agencies throughout the government.

During the August 21 listening session on the strategic plan, ACHP staff referred to the session as "Tribal consultation." As NATHPO's Board Chair and Pala Band of Mission Indians THPO and Environmental Director Shasta Gaughen noted, "ACHP needs to stop calling listening sessions 'Tribal consultation.'" The term "Tribal consultation" has a specific legal definition in regard to the National Historic Preservation Act and the Section 106 process. We implore ACHP staff to be leaders among federal employees and not to casually use the term "Tribal consultation."

Similar to our concerns about the use of "Tribal consultation" to describe the listening session, NATHPO is also concerned about the general failure of the strategic plan to distinguish between Tribal Nations and other communities. Tribal Nations are sovereign governments with a nation-to-nation relationship with the federal government. These relationships are based on inherent sovereign status and treaties and are unlike the relationships the federal government has with other communities and stakeholders. This assertion is in no way intended to diminish the responsibilities the federal government has with other communities, but rather to highlight the unique relationship it has with Tribal Nations.

Beyond the fundamental concerns regarding the use of the term "Tribal consultation" and the failure to recognize the parameters of the relationship between Tribal Nations and the federal government, NATHPO has specific concerns regarding details in the proposed environmental justice strategic plan.

**PROTECTING NATIVE PLACES**

As Dr. Gaughen noted during the August 21 listening session, the training for federal employees in the proposed strategic plan is general and does not sufficiently address Tribal Nations' concerns. NATHPO would appreciate if ACHP staff would flesh out what environmental justice entails in regard to engagement with Tribal Nations. Dr. Gaughen also noted the proposed strategic plan does nothing to address federal employees regularly taking Tribal staff labor for granted. As she noted, "There must be compensation for both the labor and the emotional burden of the work that THPOs do."

NATHPO also has significant concerns about how regional staff will implement the proposed environmental justice strategic plan in an environment in which they are regularly encouraged to streamline the permitting process for projects with a federal nexus. Coeur d'Alene Tribe THPO Jill Wagner said, "The only word your regional staff will see is the word "streamline.""

Dr. Wagner added, "Streamlining becomes a euphemism for speeding through the process and not allowing for consultation. Environmental justice means putting the brakes on and working on the Tribal Nation's timeline."

While this letter is specifically about the proposed environmental justice strategic plan, that plan does not exist in a vacuum. We would be remiss if we did not note the federal government's chronic underfunding of THPOs; it is both a violation of the federal government's trust responsibility to Tribal Nations and abrogation of its environmental justice commitments.

In Fiscal Year 2025, THPOs will receive an average of \$104,000 from the Historic Preservation Fund (HPF). NATHPO strongly supports a reauthorization of the HPF that would:

- require that THPOs receive a minimum of 20 percent of the HPF each year, and;
- direct the National Park Service to review if THPO funding is keeping pace with THPO growth and adjust the funding to reflect the annual increase in the number of THPOs.

We also urge the Administration to propose budgets and Congress to pass appropriations bills that reflect the important role THPOs play in protecting the places that tell the stories of Tribal Nations. These are not ancillary issues but rather central to any environmental justice strategic plan.

NATHPO respects the effort that went into drafting the proposed environmental justice strategic plan. We recognize ACHP wants to make sure Tribal Nations and other communities who have often borne the environmental burden of "progress," are treated fairly. That said, when it comes to Tribal Nations' relationship with the federal government, the details matter. Moving forward, we strongly urge ACHP to pay attention to those important details.

Thank you for considering our comments on the draft environmental justice strategic plan.

Sincerely,

A handwritten signature in black ink that reads "Valerie J. Grussing". The signature is written in a cursive, flowing style.

Valerie J. Grussing, PhD  
Executive Director