



**NATIONAL ASSOCIATION
OF TRIBAL HISTORIC
PRESERVATION OFFICERS**

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Rebecca Klein
Federal Preservation Officer
Office of Strategic Infrastructure
Mary W. Jackson NASA Headquarters
300 E St SW
Washington, DC 20546

Dear Dr. Klein,

The National Association of Tribal Historic Preservation Officers (NATHPO) has the following comments regarding the National Aeronautics and Space Administration's (NASA) proposed National Programmatic Agreement (NPA).

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.

There are fundamental problems with the manner NASA engages with Tribal Nations that should be addressed before further action is taken on the proposed NPA. These concerns are particularly acute because of the age of the ten NASA Centers. Based on when these facilities were constructed, there is a very high probability the land on which they were built was not properly surveyed and Tribal Consultation did not take place. As NASA works on these Centers moving forward, it is important these mistakes of the past are remedied.

Our organization has serious concerns that the outreach by NASA to Tribal Nations was and has been insufficient. In its outreach for the listening session, NASA used an incomplete list of Tribal Nation contacts and therefore has failed to adequately provide Tribal Nations with an opportunity to understand the implications of the proposed NPA. NASA staff's outreach focused on engagement with Tribal Nations they believe are interested in the impact of the management of NASA assets. This narrow outreach reflects a fundamental failure to understand the history of Tribal Nations and the role of the federal government in removing Tribal Nations from their ancestral lands.

In the NPA, NASA specifically cites "Center Consulting Tribes" as a consulting party and defines them as Tribal Nations who have "demonstrated religious or cultural interest in historic and cultural properties at a Participating Center, especially as it relates to ground disturbance." It is fundamentally wrong for NASA staff to be making the determination of which Tribal Nations have an interest in an area and then make it difficult for other Tribal Nations to engage in consultation. There is a strong possibility there are Tribal Nations who have an interest in the impact a NASA Center has had and will have on cultural resources or sacred places but are unaware of the existence of the proposed NPA.

NATHPO is also concerned about the NPA's focus on archaeology as the only or main resource that Tribal Nations would be interested in. Looking at the impact on Tribal Nations through that narrow lens fails to reckon with the impact NASA Centers have had and will have on landscapes that have been and continue to be important to Tribal Nations.

PROTECTING NATIVE PLACES

These fundamental flaws with the NPA could possibly have been avoided if the ten NASA Centers had Tribal liaisons. Staff with an understanding of Tribal Nations and dedication to working with them would go a long way towards avoiding the problems in the drafting of this NPA and Tribal engagement. We strongly urge NASA to hire Tribal liaisons for each of the Centers.

While NATHPO is opposed to NPA, if it moves forward, we strongly urge clarification of three points regarding the use of Indigenous Knowledge, the requirements under the Native American Graves Protection and Repatriation Act (NAGPRA) particularly regarding inadvertent discoveries, and compensation for work performed by Tribal Nations.

We ask that the NPA be amended to include language that unequivocally states Indigenous Knowledge is a valid and self-supporting means for evaluating the impact that work on NASA Centers will have on cultural resources and places. Such language would be consistent with the [Advisory Council on Historic Preservation's policy on Indigenous Knowledge](#) and all program alternative documents should include this language.

NATHPO strongly recommends the inclusion of language saying, "The recipient shall be responsible for compliance with the requirements of NAGPRA (25 U.S.C. §§ 3001-3013) and its implementing regulations (43 CFR Part 10) for all Native American human remains or cultural items in its possession or control." This needs to be explicitly stated because receipt of Federal funds triggers NAGPRA's repatriation requirements for all Native American human remains and cultural items in the possession or control of the receiving institution, not just ones identified by the funded project.

We also urge that language be added to the NPA clearly stating when NASA, or the recipients of NASA funds, requests Tribal Nations engage in determining the effects of NASA Center projects on Tribal Nations' cultural resources and sacred places, that Tribal Nations be compensated for this work. Financial support for Tribal Nations performing this work is particularly important because it is both a time-consuming and emotionally difficult undertaking.

NATHPO appreciates the work that went into crafting this NPA but strongly believes NASA can and should do a better job of consulting with Tribal Nations. This NPA reflects foundational problems in how NASA is engaging with Tribal Nations that should be addressed before moving forward.

Thank you for considering our comments on the proposed NPA.

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