



**NATIONAL ASSOCIATION
OF TRIBAL HISTORIC
PRESERVATION OFFICERS**

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August 4, 2025

Secretary Sean P. Duffy
1200 New Jersey Avenue, SE
Washington, DC, 20590

Dear Secretary Duffy,

The National Association of Tribal Historic Preservation Officers (NATHPO) has the following comments regarding the Department of Transportation's rules implementing the National Environmental Policy Act (NEPA).

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.

The decision to replace the Council on Environmental Quality's (CEQ) standards with agency specific standards places a heavy burden on Tribal Historic Preservation Officers (THPOs). Rather than having an understanding of the CEQ's NEPA regulations, they now must be up to speed on regulations for all of the federal departments, and, in some cases, with the regulations for each agency within a federal department.

The balkanized NEPA process creates inefficiencies that will place Tribal Nations' cultural resources and sacred places in jeopardy. It will also lead to delays in projects that are important for the nation in general and Tribal Nations specifically.

While we have concerns about the decision to replace global NEPA regulations with agency specific regulations, if that is the new process, then there needs to be consultation on each department's or agency's proposed NEPA standards. Consultation entails direct nation-to-nation conversations, rather than a video call or calls where all Tribal Nations are invited to participate. As you proceed, we strongly urge that you participate directly in consultation with Tribal Leaders.

In reviewing proposed NEPA regulations for all departments and agencies, we have found that the system is rife with contradictory information, most prominently the deadlines for when comments are due. In many instances, the notice in the Federal Register will have one date and regulations.gov will have a different date. If departments and agencies cannot even effectively post details of the comment deadlines of their NEPA regulations, why should Tribal Nations have any confidence that they will effectively engage in Tribal consultation. Overall, it reflects the slapdash nature in which these regulations have been drafted and raises serious concerns about the ability to effectively carry out a law that is an important tool that Tribal Nations use to protect their cultural resources and sacred places.

The NEPA and NHPA Tribal consultation processes are fundamental tools that THPOs use to protect places that are important to their nations. While NATHPO shares frustration with the current project review process, NATHPO strongly opposes a weakening of Tribal consultation. Such an action would

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contradict the Federal Indian trust responsibility, one of the most important principles in federal Indian law.

The best way to address a consultation process that at times is inefficient and fails to provide for adequate protection of Tribal Nations' cultural resources and sacred places, would be to increase federal support for THPOs. In Fiscal Year 2025, THPOs are receiving on average \$100,900 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 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 that THPOs play in protecting the places that tell the stories of Tribal Nations.

Consistency and certainty are important for both THPOs and the companies whose projects are essential for all Americans, including members of Tribal Nations. We are confident that with thoughtful changes and proper funding for THPOs, the project permitting process can be efficient, while at the same time guaranteeing that Tribal Nations' cultural resources are protected.

Thank you for considering our comments. Please do not hesitate to contact me if you would like to discuss this matter or if I can be helpful in any other way.

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