



NATIONAL ASSOCIATION OF TRIBAL HISTORIC PRESERVATION OFFICERS

NEWSLETTER

REMINDER, HAPPENING TODAY: U.S. ARMY CORPS APPENDIX C RESCISSION TRIBAL VIRTUAL MEETING

On February 9, 2024, the U.S. Army Corps of Engineers (USACE) announced a rulemaking to formally rescind 33 CFR Part 325, Appendix C, which the Army Corps has used since 1980 to “comply” with Section 106 of the National Historic Preservation Act. In its place, the Army Corps will use 36 CFR Part 800 to comply with Section 106. We will send you NATHPO's draft comments as soon as we have them.

As part of the rulemaking, **the USACE is holding a virtual meeting for THPOs and other Tribal representatives TODAY, March 21, 2024** (the details for that meeting are below), and comments on the rulemaking are due to USACE on April 9, 2024. We are sharing this information with you as a courtesy; this meeting is an official virtual meeting of USACE.

U.S. Army Corps Tribal Virtual Meeting on Appendix C Rescission

Meeting Date and Time: March 21, 2024, 1:00 pm – 3:00 pm EDT

Webinar Link: <https://www.zoomgov.com/s/1612721966>

Passcode: 965060

Call-in Number: 669-254-5252

Meeting ID: 161 272 1966

ACHP INDIGENOUS KNOWLEDGE POLICY

Today the Advisory Council on Historic Preservation (ACHP) voted unanimously to approve its Policy Statement on Indigenous Knowledge and Historic Preservation. The policy builds on the 2022 White House Guidance for Federal Departments and Agencies on Indigenous Knowledge. The policy is intended to 1) generate consistency within the broader preservation community, 2) clarify the role Indigenous Knowledge has in the Section 106 process, 3) establish a set of principles and guidelines

related to the integration of Indigenous Knowledge in historic preservation more broadly, and 4) to provide additional recommendations that will further support respect of and consideration for Indigenous Knowledge in historic preservation.

A central component includes the ACHP's position that Indigenous Knowledge is a valid and self-supporting source of information capable of informing federal agency decisions related to historic preservation could go a long way towards ensuring federal agencies utilize the knowledge Tribal Nations possess in order to protect sacred places and preserve cultural heritage resources.

We celebrate this landmark moment and hope this will have a positive impact on the elevation of Indigenous Knowledge in federal decision making.

FEDERAL THPO FUNDING APPROVED FOR FY24

Earlier this month, Congress passed an appropriations bill funding the Department of the Interior for FY 24. This bill included funding the THPO program, which remains unchanged from FY 23. While we are happy THPO funding was not one of the areas to take a funding cut for the fiscal year, NATHPO has continually made the point to Congress and the Biden Administration that as we continue to add more THPOs, the funding levels must increase, otherwise THPOs will continue to be asked to do more with less. We are continuing to advocate for increased funding for THPOs and are hopeful that the next reauthorization of the National Historic Preservation Fund will help put us on a path to that outcome.

UPCOMING COMMENT DEADLINES

National Park Service TCP Bulletin Revisions: On January 25, 2024, the National Park Service (NPS) issued a request for comment on their Draft of Updated National Register Bulletin: Identifying, Evaluating, and Documenting Traditional Cultural Places (Draft TCP Bulletin). **Comments are due to NPS by March 25.** We will make NATHPO's available on our website as soon as they are finalized.

Army Corps Appendix C Rescission: On February 9, 2024, the U.S. Army Corps of Engineers (USACE) announced a rulemaking to formally rescind 33 CFR Part 325, Appendix C, which the Army Corps has used since 1980 to "comply" with Section 106 of the National Historic Preservation Act. In its place, the Army Corps will use 36 CFR Part 800 to comply with Section 106. **Comments on the rulemaking are due to USACE on April 9, 2024.** NATHPO will be submitting comment, which we will make available on our website when it is finalized.

Federal Indian Boarding School Initiative: As part of Secretary Haaland's initiative "to highlight the troubled history of Federal Indian boarding school policies and their legacy for Indigenous Peoples," the Department is holding two virtual Tribal consultations, one on April 2, and another on April 4. (Details are in the letter attached to this email. **Comments may be sent by email to consultation@bia.gov and must be in by 11:59 p.m. ET on Friday, April 12, 2024.**

Federal Permitting Improvement Steering Council (FPISC) Comment Letter: The FPISC is seeking comment on their Draft Tribal Consultation Policy and Plan, background on which is attached to this email. The Council held a virtual consultation on March 7, 2024, and NATHPO will be submitting

comment, which we will make available on our website when it is finalized. **Comments are due April 7, 2024.**

NPS Development of Section 106 Program Alternative for State and Local Assistance

Programs. The National Park Service is seeking comment on their proposed Section 106 alternative program for state and local assistance programs through the Land and Water Conservation Fund (LCWF). The Park Service will conduct virtual consultations with Tribal Nations, Alaska Natives, and Native Hawaiian organizations on April 23, 2024, and with SHPOs, State recreation agencies, Tribal Nations, Alaska Natives, and Native Hawaiian organizations on April 25, 2024. **Comments are due May 28, 2024,** and NATHPO will be submitting comment, which we will make available on our website when it is finalized.

Bears Ears National Monument Draft Plan: The Bureau of Land Management, USDA Forest Service are accepting comment on their Draft Resource Management Plan and Environmental Impact Statement, proposed recreational shooting closures, and proposed Areas of Critical Environmental Concern for Bears Ears National Monument. **There will be several in-person and virtual public meetings, the details of which are at the link above, and comments are due June 11, 2024.** NATHPO will be submitting comment, which we will make available on our website when it is finalized.

NATHPO regularly submits comment letters to federal agencies advocating on behalf of Tribal communities and their THPOs. You can find several of our most recent letters [HERE](#), and if you know of an upcoming deadline and want NATHPO to consider submitting comment, please contact Melissa Madrigal at melissa@nathpo.org.

NEW JOB OPPORTUNITY THROUGH NATHPO

RFP, Engage Native Americans in Telling America's Reconstruction Story: The National Park Service (NPS) is seeking a research team to conduct an ethnographic study that will create a better public understanding of what the timeframe commonly referred to as “The Reconstruction Era” was like for Native Americans and how Tribal Sovereignty shifted during that time. The contract is to be administered by NATHPO and the work prepared for and completed in coordination with the NPS’ South Atlantic Gulf Region, Region 2. **Proposals are due by Midnight, April 19, 2024.**

NEW BIA RESOURCE FOR TRIBES

The Bureau of Indian Affairs (BIA) recently launched a new website, Access to Capital Clearinghouse, designed to improve Tribes' access to federal funding opportunities across agencies and departments by collecting all of those posts and making them available on a single website. You can check out the Access to Capital Clearinghouse [HERE](#).

NEW ACHP PROGRAM COMMENT FOR COMMUNICATIONS PROJECTS

On March 14, 2024, the Advisory Council on Historic Preservation (ACHP) released a newly amended Program Comment for Federal Communications Projects. Among the provisions this comment

proposes is a first-of-its-kind requirement that federal agencies compensate Tribal Nations when they "ask Tribes to provide additional services beyond responding to findings and determinations under the Program Comment's terms." This requirement has the potential to help alleviate the massively underfunded burden being placed on THPOs as they go through the process of undertaking Section 106 reviews and work with government agencies and private companies to protect sacred places and preserve cultural resources. It is one we hope to see replicated across the federal government.

However, while there is certainly a need to improve access to reliable internet (particularly in Indian Country), the recommendation to use Program Comments as alternatives to compliance with Section 106 of the National Historic Preservation Act to consult with Tribal Nations is concerning. The consultation process exists to ensure protection of cultural resources like Tribal sacred places, and because Tribes and THPOs are already stretched well beyond their capacity to review projects, efforts to 'streamline' the process typically do not benefit Tribal interests.

NATHPO has been and will continue working with ACHP and other entities on these issues as part of our ongoing efforts to ensure THPOs have the resources they need to perform their sacred work.

[NATHPO Community Calendar & Job Board & Grant Opportunities](#)

Stay current on important happenings using our new [Calendar of Events](#), and post your own to share! And let us know if you have a job posting you would like to share and we'll post it on our [Community Job Board](#). AND don't forget to browse our listing of relevant [Grant Opportunities](#).

[Save The Date! 2024 NATHPO Annual Conference & Sacred Places Summit](#)

The 24th Annual NATHPO Conference & Sacred Places Summit will take place August 12-16, 2024, at the Ho-Chunk Gaming Resort in the Wisconsin Dells. [Register here](#) and take advantage of early bird rates through April 30, [stay tuned](#) for more details, and be sure to mark these days on your calendars!

If you would like to become one of our conference sponsors, please contact please contact Melissa Madrigal at melissa@nathpo.org. Information about sponsorship rates is available [HERE](#).



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ANNOUNCEMENTS

TCP BULLETIN COMMENTS DUE MARCH 25: NATHPO COMMENTS ATTACHED

On January 25, 2024, the [National Park Service \(NPS\)](#) issued a [request for comment](#) on their Draft of Updated National Register Bulletin: Identifying, Evaluating, and Documenting Traditional Cultural Places (Draft TCP Bulletin). **Comments are due to NPS by March 25.** Click through the NPS link above for instructions on submitting comments to NPS.

Please find attached NATHPO's final draft comments. We hope you find these useful as you write and submit your own comments to NPS.

NATHPO regularly submits comment letters to federal agencies advocating on behalf of Tribal communities and their THPOs. You can find several of our most recent letters [HERE](#), and if you know of an upcoming deadline and want NATHPO to consider submitting comment, please contact Melissa Madrigal at melissa@nathpo.org.

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Thank you for all you do to protect culturally important places that perpetuate Native identity, resilience, and cultural endurance, and to empower Tribal preservation leaders.

Valerie J. Grussing

Valerie J. Grussing, PhD

NATHPO Executive Director

valerie@nathpo.org | [202-628-8476](tel:202-628-8476)

PROTECTING NATIVE PLACES

THPOs: this is your organization! Your participation and support through membership and dues make our work possible. **JOIN OR RENEW TODAY!** Founded in 1998, the Association is a national non-profit membership organization of Tribal government officials who implement federal and Tribal preservation laws.