



**NATIONAL ASSOCIATION  
OF TRIBAL HISTORIC  
PRESERVATION OFFICERS**

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October 1, 2024

Charles F. "Chuck" Sams III  
Director, National Park Service  
1849 C Street NW  
Washington, DC 20240

Dear Director Sams,

The National Association of Tribal Historic Preservation Officers (NATHPO) has the following comments regarding the National Park Service's (NPS) work on a planning study to outline the significance and fundamental resources and values of the Transcontinental Railroad.

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.

We appreciate NPS staff holding listening sessions for Tribal Nations and Tribal organizations on the planning study to outline the significance and fundamental resources and values of the Transcontinental Railroad.

Notices for the September 4<sup>th</sup> listening session with Tribal Nations and Tribal organizations were referred to as "Tribal consultation." When asked, NPS Sr. Tribal Relations Specialist Susan Johnson clarified the listening session was not "Tribal consultation" as defined in the National Historic Preservation Act (NHPA). The term "Tribal consultation" has a specific legal definition regarding the NHPA and the Section 106 process. We implore NPS staff to be leaders among federal employees and not to casually use the term "Tribal consultation" in email messages and public comments.

We are also concerned that the second Tribal listening session was held on September 30<sup>th</sup>, one day before comments were due to NPS. Moving forward, NATHPO would appreciate NPS officials providing a reasonable amount of time between Tribal listening sessions and comment deadlines.

Despite these concerns, NATHPO greatly appreciates NPS staff's clear dedication to considering the broad reaching impact of the transcontinental railroad on Tribal Nations. NPS staff stated they are committed to "integrating indigenous perspectives" and are requesting significant input from Tribal Nations.

NATHPO is, however, disappointed that NPS wants a great deal of engagement from Tribal Nation members but will not compensate these individuals for their time or labor. We understand this work is in response to language in the 2019 John D. Dingell, Jr. Conservation, Management, and Recreation Act, where the law did not provide funding for work performed by Tribal Nations. Nevertheless, we urge NPS to find ways to support Tribal Nations for their time and work. As we noted during the listening session on September 4<sup>th</sup>, one way NPS could support Tribal Nations' time in this effort is by requesting Congress increase Tribal Historic Preservation Officer (THPO) funding in the Historic Preservation Fund. On the call, NPS staff expressed a desire to increase funding for Tribal colleges. We support increased funding for

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Tribal colleges and do not believe it is an either/or proposition. The federal government should increase support for both THPOs and Tribal colleges.

The financial support for Tribal Nations doing this work is particularly important because it is both time-consuming and emotionally difficult work. During the September 4<sup>th</sup> listening session, Timpanogos Nation Councilman Perry Murdock noted that according to the Tribe's oral history, children from the Tribe were abducted and used as slave labor to build the railroad. Councilman Murdock's observation is a reminder that it is vital for NPS to incorporate Indigenous Knowledge into its study on the transcontinental railroad. As the Advisory Council on Historic Preservation has made clear, the use of Indigenous Knowledge is a valid and self-supporting means for evaluating the impact federal projects will have on cultural resources and places. There is much information that Tribal members have that is not available in textbooks.

We understand NPS is asking for comments on a "study," but that study will ultimately inform an entire program to "commemorate and interpret the Transcontinental Railroad." With that in mind, we request the study highlight the need for the program to include a provision on the inadvertent discovery of Native American remains and/or cultural items. Specifically, we strongly recommend the following language be included so it is clear to all recipients of program funds exactly what is required:

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 and/or cultural items in its possession or control.

NATHPO would also urge NPS to take a very broad understanding of the impact the transcontinental railroad had on Tribal Nations. During the September 4<sup>th</sup> listening session, Timpanogos Nation Chief Executive Mary Meyers noted "When the railroad came through it diminished the food." The transcontinental railroad impacted Tribal Nations' cultural and natural resources alike. Culture and nature are connected and intertwined for Tribal Nations; they are not separate resources. This study, and the program it informs, must look at these resources, and potential impacts to them, in that way.

Towards the end of the September 4<sup>th</sup> listening session, NPS staff member Clay Hanna asked, "There is a need for reconciliation. What does that look like?" He added that NPS would like for the study to result in reconciliation. In response to Mr. Hanna, Chief Executive Meyer replied, "Reconciliation is a big word. At the bottom of that is healing."

NATHPO strongly urges the NPS to be thoughtful and respectful when seeking information from Tribal Nations about the impact of the transcontinental railroad on their communities. The United States significantly harmed Tribal Nations by supporting the construction of the transcontinental railroad and in conducting this study on the railroad the NPS must be careful not to inflict new harms.

Thank you for considering our comments on NPS' study to outline the significance and fundamental resources and values of the Transcontinental Railroad.

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