

Historic Preservation Planning

Example 1: Pala Band Program Plan (shared with permission, attached). Note they discuss identification, evaluation, and treatment. This was written under the old codification of the law, so requirements in other sections may be different.

Example 2:

C. Prepare and Implement Tribal Lands Historic Preservation Plan

The REDACTED Reservation is home to existing historic properties of both a prehistoric and historic nature. The Tribe believes that their historic and cultural resources have the potential to contribute to an increased understanding of our tribal heritage in addition to help educate our Tribal community both in the present and in the future. In order to support our preservation goals, a Preservation Plan which includes the landscaped and histories of our lands must be in place. The Plan will serve not only as a vital document utilized for planning purposes but for projecting future needs and related goals which will address those needs.

The preservation plan will be guided by Current Federal requirements outlined in guidance for historic preservation plans. These guidelines can be found at:

http://www.nps.gov/history/local-law/arch_stnds_1.htm (accessed December 22, 2015).

Although these guidelines are general in their focus, they will be utilized as guidelines to the REDACTED THPO.

Identification

Preservation efforts are often driven by the unique needs of a specific project or undertaking. In these cases, the context of property is often micro-focused and focused on one piece at a time. This approach often leads to the destruction rather than the preservation of historic properties and/or cultural sites. With this in mind, the REDACTED THPO will identify historic property through intensive and ongoing surveys rather than on specific basis.

Evaluation

In the case of a sponsored undertaking, a site evaluation and determination of eligibility will already be built into the general work plan; therefore, evaluation is part of this flow of information. The parties involved in an undertaking and all interested parties to the undertaking will be afforded the opportunity to comment on the disposition of the resource. This is the routine and process that Tribes navigate for undertakings occurring outside of their Tribal Lands or where a THPO is not already established.

In the case of a discretionary THPO surveys, evaluation and determination of eligibility are not already built into the immediate project goals. However, given local field conditions, it is possible and extremely likely that site definition and data recording suitable to a formal evaluation would/will occur. The THPO agrees with the Secretary of the Interiors' guidelines concerning the evaluation process including implementation, review, public participation, context development, etc., however the THPO reserves the right to initiate that process on an "as needed" basis.

Registration

As previously stated, an inventory of REDACTED historic properties and archaeological/cultural sites within Tribal Lands is already in existence. This inventory exists for the purpose of housing relevant cultural data and therefore any additional surveys or specific undertakings of the THPO within Tribal Lands would be added to the inventory. This includes proposed undertakings.

Treatment

Regardless of context, the treatment of a historic property or cultural resources should be designed and carried out to avoid impacts or mitigation of such impacts to an identified resource. The Cultural Department's current process is focused on avoidance and/or "in situ" preservation of a resource. With that being stated, the reality is that development often results in unavoidable decisions regarding a resource. These include the relocation or in rare cases, the destruction of a resource. In these cases, the THPO will review and offer comment on plans proffered by the developers of an undertaking. In addition, they utilize all available data to provide feedback into the development of a resources' historic context on/for the Reservation. Indeed, the development of a comprehensive historical context requires the collection of all relevant data. As the inventory continues to grow, the THPO acknowledges the prepared guidelines; however strict adherence to the "letter of the guidelines" is not conducive to the Cultural Department's existing holistic approach to cultural resource protection. As such, the development of historical context suggested by the guidelines has been initiated and deferred until such time as all requisite data are in place.

Example 3: This applicant used 1 and 3 together to discuss preservation planning (by referring back to 1 in 3).

(1) In cooperation with federal and state agencies, local governments, and private organizations and individuals, direct and conduct a comprehensive Statewide survey of historic properties and maintain inventories of such properties.

REDACTED has the existing staff and experience to conduct comprehensive surveys and maintains an inventory list of records of historic properties, archaeological sites and traditional cultural resources within tribal and ancestral lands. The THPO will also coordinate with the REDACTED Center and currently has a MOA with the REDACTED, and the THPO has a good working relationship with the SCIS coordinator and experience using the CHRIS system. REDACTED will adhere to the Secretary's Standards and Guidelines. REDACTED will improve and expand its records by doing the following: information gathered either from field work or gained from the REDACTED State Historic Preservation Office will be treated as confidential information and not subject to the

Freedom of Information Act or Public Records Act pursuant to Section 301 of the NHPA. The list of sites will include information on any archaeological, cultural, and historical data, as well as photographs, and maps determining spatial orientation. Archival and background research is generally undertaken prior to any field survey. Where identification is undertaken as part of a comprehensive planning process, background search may have taken place as part of the development of the historic contexts. In the absence of previously developed historical context, archival research should address specific issues and topics. It should not duplicate previous

work. Sources should include, but not be limited to, historical maps, atlases, tax records, photographs, ethnographies, folk life documentation, oral histories, historical document such as BIA records and church records, and other studies, as well as standard historical reference works as appropriate for the research. In most cases this work can be done at REDACTED as our REDACTED THPO has a collection of material related to the community.

At a minimum, these surveys will document:

1. The kinds of properties sought during the survey;
2. The boundaries of the area surveyed;
3. The method of survey (pedestrian, shovel probes, remote sensing, etc.), including the extent of the survey coverage (both horizontally and vertically);
4. The kinds of historic properties present in the surveyed area (including areas of concern where further investigation is warranted);
5. Specific properties that were identified, and the categories of information collected; or
6. Places examined that did not contain historic properties.

At minimum, intensive surveys will document:

1. The kinds of properties sought during the survey;
2. The boundaries of the area surveyed, and the identified properties;
3. The method of survey (pedestrian, shovel probes, remote sensing, etc.), including the extent of the survey coverage (both horizontally and vertically);
4. A record of the precise location on all properties identified and their associated components; or
5. Information on the appearance, significance, integrity and boundaries (including buffers) of each property sufficient to permit an evaluation of its significance. The sampling methodology with both reconnaissance and intensive surveys, in most cases, may require a less than a total project area survey. When this is the case, sampling will be based on random, systematic and stratified surveys and will be based on the nature of the project, the area of proposed development and the problem that is expected to be solved by the survey.

Sample surveys may be conducted to define estimates of the number and types of historic properties within a given area of research. These areas will be surveyed at a level of confidence that ensures the nature of the problem can be adequately addressed during the research. Given the research and number of sites identified by REDACTED at this time, predictive modeling will be done to extrapolate the number and frequency, as well as location of potential sites that need to be addressed in the future and to further define areas where further research is needed.

III. Preservation Planning

As part of the comprehensive survey process mentioned above, the tribe will prepare a comprehensive Tribal lands-wide, historic preservation plan that will then be adopted and implemented by the tribe for at least a five-year term. The Plan will be modified as needed if new land is added to Tribal lands, new federal criteria are created, Tribal policies change, or to meet new standards developed in historic preservation. Public meetings will be hosted by the Tribe and THPO to ensure public and Tribal comments. The plan will conform to guidelines

established by the Secretary of the Interior in 48 FR 48716 and will incorporate the THPO procedures and policies. The plan will incorporate:

- (i) Goals and objectives for historic preservation;
- (ii) Standards for treatment of historic properties, including adaptive reuse, preservation, rehabilitation, restoration, reconstruction, and minimization of harm as assessment of threats to historic properties;
- (iii) Procedures for inventory of historic properties;
- (iv) Mitigation standards;
- (v) Policies for inclusion of the public and consultation partners; and
- (vi) Standard operating procedures for recurring practices.

The plan will use survey results to prepare a preservation plan. The THPO will present the plan to the REDACTED Culture Committee and Tribal Council to review the plan on a regular basis. We will incorporate: Goals and objectives, mitigation standards, standard operating procedures standards for treatment rehabilitation, restoration, reconstruction and avoidance for historical preservation.