



**NATIONAL ASSOCIATION
OF TRIBAL HISTORIC
PRESERVATION OFFICERS**

P.O. BOX 19189
WASHINGTON, D.C. 20036-9189
(202) 628-8476
INFO@NATHPO.ORG
WWW.NATHPO.ORG

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Mr. Scott Davis
Office of the Assistant Secretary for Indian Affairs
U.S. Department of the Interior
1849 C Street NW
Washington, D.C. 20240
via email: oliver.whaley@bia.gov

Dear Mr. Davis,

The National Association of Tribal Historic Preservation Officers (NATHPO) appreciates the effort you and others at the Department of the Interior are engaged in to enhance government efficiency while also upholding trust and treaty obligations across Indian Country.

NATHPO is the only national organization devoted to supporting Tribal historic preservation programs. Founded in 1998, NATHPO is a 501(c)(3) nonprofit 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.

While Tribal Historic Preservation Officers (THPOs) are under the jurisdiction of the National Park Service, rather than the Bureau of Indian Affairs (BIA), the Bureau of Indian Education (BIE), and the Bureau of Trust Funds Administration (BTFA), their work dovetails with other Tribal programs. If THPOs cease to function effectively, reverberations will be felt throughout Indian Country.

Cultural resources, archaeological sites, sacred places, areas and species critical for subsistence, and human remains of ancestors are vital to the continuation of Native traditions, languages, practices, religion, identity, and individual and community health and vitality now and into the future.

THPOs are on the front lines of protecting Native places. They are Tribal government officials implementing federal laws and rely on federal funding to do their jobs. Their funding is appropriated by Congress in the Historic Preservation Fund (HPF) which for FY25 happened in the continuing resolution in March, although it was not ultimately released as a Notice of Funding Opportunity for which THPOs could apply until July. This unnecessary delay caused chaos and inability to plan their budget year, as well as cascading impacts on their usual workload and triage process.

This funding has only ever provided support to employ one staff member within each THPO office. There is no wiggle room for reduction and no back-up plan provided by the federal government. Furthermore, regarding the "energy emergency," reducing the already inadequate 30-day consultation period to a 7-day notification period is unconscionable. Cultural resources and sacred places are being destroyed and lost forever, sacrificed in the name of extraction.

PROTECTING NATIVE PLACES

We agree project review processes have become slow and inefficient. The way to expedite them – while honoring treaty and trust responsibilities and protecting places in the public interest representing our nation’s shared history – is to follow the law and fund those charged with doing the work.

The National Environmental Policy Act (NEPA) and National Historic Preservation Act (NHPA) Tribal consultation processes are fundamental tools THPOs use to protect places that are important to their nations. While NATHPO agrees project review processes have become slow and inefficient, we strongly oppose the elimination of NEPA and NHPA reviews and Tribal consultation as the purported solution. Such an action would contradict the Federal Indian trust responsibility, one of the most important principles in federal Indian law.

To further support these recommendations, it is important to emphasize that THPOs are not only essential for Tribal Nations—they are essential partners in advancing federal priorities. They facilitate compliance with environmental and preservation laws, strengthen early project planning through consultation, and help federal agencies avoid legal and logistical setbacks. THPOs ensure the government’s own obligations are met efficiently and respectfully. Moreover, continued investment in THPO capacity reinforces intergovernmental collaboration, supports effective coordination on shared national interests, and helps realize the principles laid out in Executive Order 14210.

Furthermore, failure to provide funding for THPOs to consult on projects with a federal nexus would also violate the Federal Indian trust responsibility. Under the NHPA, states are required to match 40 percent of the HPF funding they receive for SHPOs, while Tribal Nations are not required to match any of the funding they receive for THPOs. By declining to include a match for Tribal Nations when they created THPOs in 1992, Congress made clear that funding for THPOs met the definition of a trust responsibility: a legally enforceable fiduciary obligation on the part of the United States to protect Tribal treaty rights, lands, assets, and resources. So, the failure to provide funding for THPOs is a violation of the federal government’s trust responsibility to Tribal Nations.

The best way to address a consultation process that at times is inefficient and fails to provide adequate protection of Tribal Nations’ cultural resources and sacred places, would be to increase federal support for THPOs. In Fiscal Year 2025, THPOs will receive on average \$100,900 from the HPF. NATHPO strongly supports a reauthorization of the HPF that would require:

- THPOs receive a minimum of 20 percent of the HPF each year, and;
- the National Park Service to review if THPO funding is keeping pace and adjust 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 THPOs play in protecting the places that tell the stories of Tribal Nations.

Finally, we wish to highlight the integral relationship between the NHPA’s Section 106 review process and Tribal Treaty and reserved rights. Treaty rights are legally binding agreements the federal government made to Tribes in exchange for land cessions, and they often include rights to hunt, fish, and gather in traditional areas beyond reservation boundaries. Section 106 requires federal agencies to consider impacts to properties of religious and cultural significance to Tribes, including those located off-reservation. When proposed federal undertakings affect these sites, they may also infringe on reserved rights protected by treaties. Recognizing this intersection

ensures Section 106 consultation not only protects places of historic significance but also respects the legal rights Tribes retain to access and care for those places today. This understanding must inform agency actions, especially in times of regulatory reform.

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 with thoughtful changes and proper funding for THPOs, the project permitting process can be efficient, while at the same time guaranteeing 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