



**NATIONAL ASSOCIATION
OF TRIBAL HISTORIC
PRESERVATION OFFICERS**

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March 4, 2025

Hon. Bruce Westerman
Chair
Committee on Natural Resources
United States House of Representatives
Washington, D.C. 20515

Hon. Jared Huffman
Ranking Member
Committee on Natural Resources
United States House of Representatives
Washington, D.C. 20515

Dear Chair Westerman and Ranking Member Huffman,

The National Association of Tribal Historic Preservation Officers (NATHPO) is alarmed about [Senate Joint Resolution 11](#), which would nullify the final rule issued by the Bureau of Ocean Energy Management (BOEM) titled Protection of Marine Archaeological Resources. Nullifying this rule would abrogate the federal trust responsibility to Tribal Nations and potentially result in the destruction of Tribal cultural resources, and we urge you to vote against it and request that your fellow Members of Congress also oppose it.

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 BOEM rule requires operators and lessees conducting oil and gas exploration or development on the Outer Continental Shelf and that are seeking BOEM approval for such activities to provide BOEM with an archaeological report for the area of potential effects. The reports would identify potential archaeological resources (material remains of human life or activities that are at least 50 years old and that are of archaeological interest) on the sea floor.

NATHPO strongly supports the BOEM rule because it is an effective tool to make sure Tribal Nations' cultural resources and sacred places are not damaged during the energy exploration and development process. The rule is consistent with BOEM's responsibilities to Tribal Nations under the National Historic Preservation Act's Section 106 review process as well as Executive Order 13175 (Consultation and Coordination with Indian Tribal Governments) and the federal government's nation-to-nation obligations to Tribes. In fact, NATHPO did not submit comment on the initial rulemaking because archaeological survey in advance of federal undertakings is a fundamental requirement that should already be occurring, and the rule simply reinforces and clarifies that. Furthermore, supplying reports for all projects would actually streamline the permitting process by making sure adequate information is available earlier.

Evidence of our nation's shared heritage is nonrenewable, and once destroyed, is gone forever. Understanding locations and types of significant archaeological and cultural resources is essential to their preservation and consideration during ocean and coastal planning processes.

Ensuring that BOEM produces archaeological reports for its undertakings is a lawful and proactive approach that facilitates work with Tribal Nations to identify such areas of significance. Indeed, early

PROTECTING NATIVE PLACES

and good faith consultation on survey and identification of resources would serve to minimize not only destruction of invaluable resources, but also controversies, legal challenges, and delays.

Thank you for considering our request to retain the BOEM Protection of Marine Archaeological Resources rule. 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 with a large initial 'V' and a decorative flourish at the end.

Valerie J. Grussing, PhD
Executive Director