



**NATIONAL ASSOCIATION  
OF TRIBAL HISTORIC  
PRESERVATION OFFICERS**

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Joy Beasley  
Associate Director, Cultural Resources, Partnerships, and Science  
Bureau of Land Management  
1849 C Street NW, Room 5665  
Washington, DC 20240

Dear Associate Director Beasley,

The National Association of Tribal Historic Preservation Officers (NATHPO) has the following comments to the National Park Service (NPS) Cultural Resources, Partnerships, and Science Directorate regarding the NPS' intent to create a Nationwide Programmatic Agreement (NPA) for NPS's Cultural Resources Financial Assistance programs.

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 contemporary Native peoples and their descendant generations.

While NATHPO appreciates the NPS's focus on "creat(ing) an efficient and consistent Section 106 process for its cultural resources financial assistance undertakings," the proposed NPA is a flawed solution. Rather than NPS seeking a streamlined approach to guarantee that grant recipients adhere to the National Historic Preservation Act's Section 106 process, NATHPO would prefer a robust process for reviewing the impact of projects funded with grants on Tribal Nations' cultural resources and sacred places.

The NPS's proposed use of an NPA highlights the foundational problems that threaten Tribal Nations' cultural resources and sacred places. Tribal Historic Preservation Officers have been perpetually underfunded, which has severely limited their ability to effectively engage on projects with a federal nexus.

NPAs, like the one that the Cultural Resources, Partnerships, and Science Directorate are proposing, can play an important role in the Section 106 process. Unfortunately, in the current environment in which THPOs are barely receiving enough to hire a single employee, it is impossible to distinguish which delays are caused by a lack of funding and which are caused by potentially routine reviews that could be addressed with an effective NPA.

Besides having concerns about whether an NPA is the best way to ensure efficiency and consistency in implementation of Section 106 related to NPS's Cultural Resources Financial Assistance programs, NATHPO also has a concern about the proposed NPA. While NATHPO requests that the NPS not move forward with the NPA, we also request that, at minimum, the below issue be addressed.

The purpose of the NPA is to identify specific stipulations related to implementation of NPS Cultural Resource Programs in order to take into account the effects of NPS assisted undertakings on historic properties. NATHPO requests that the language in stipulation XI.D be revised as follows:

***PROTECTING NATIVE PLACES***

D. If a burial site, human remains, or funerary objects are discovered, in addition to notifying the local law enforcement office and coroner/medical examiner in accordance with any applicable State or Commonwealth statute(s), the recipient will follow applicable federal, state, and Tribal burial laws and ordinances, and as appropriate, consult with NPS, the SHPO/THPO (if not the recipient), participating Tribe(s) or NHOs(s), and other consulting parties on a plan for the treatment of the human remains.

1. ~~If applicable, If Native American human remains or cultural items are discovered,~~ the recipient shall be responsible for ensuring compliance with the requirements of NAGPRA (25 U.S.C. §§ 3001-3013) and its implementing regulations (43 CFR Part 10) ~~upon the discovery of Native American human remains or cultural items including, but not limited to duty of care, consultation, preparation of summaries and inventories, publication of notices in the Federal Register, and repatriation.~~

Whenever possible, Native American human remains should either be protected in place or reburied close to where they were discovered. Unless they obtain the full knowledge and consent of the next of kin or the official governing body of the appropriate Indian Tribe or Native Hawaiian organization. Law enforcement, coroners, medical examiners, and other local or State agencies should consider their duties under NAGPRA and its implementing regulations for any discovered Native American human remains and cultural items, including biological samples.

When it comes to Section 106 and consultation with Tribal Nations, the NPS Cultural Resources, Partnerships, and Science Directorate should set a positive and more equitable example for other federal departments and agencies. Recent NPS budget requests do not permit for effective THPO consultation and it is unclear if the streamlining efforts provided for in this NPA are necessary.

Sincerely,



Valerie J. Grussing, PhD  
Executive Director