

Tribal Historic
Preservation:
How IS
Business?

Valerie J. Grussing, PhD
Executive Director





AND YOU MAY ASK YOURSELF

"HOW DID I GET HERE?!"

(My God! What have I done?)





Cultural Resources Toolkit

Many Values, Many Voices: Cultural Heritage in MPAs

A Resource by the Marine Protected Areas Federal Advisory Committee



Cultural Resources Toolkit

[Overview](#)

[What Are Cultural Resources?](#)

[Cultural Landscape Approach](#)

[Integrating Cultural Resources into MPA Management](#)

[Engagement, Outreach & Interpretation](#)

[Tribal and Indigenous Communities](#)

[Research, Monitoring & Evaluation](#)

[Intellectual Property & Sensitive Information](#)

[Climate Change Adaptation](#)

[Disaster Preparedness](#)



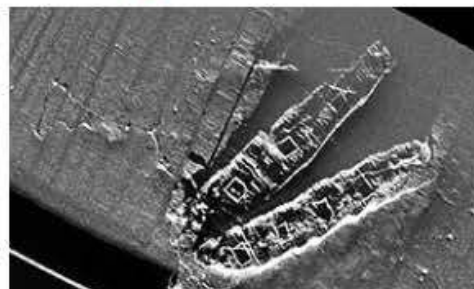
Cultural Landscape Approach



Integrating Cultural Resources into MPA Management



Engagement, Outreach & Interpretation



CHARACTERIZING TRIBAL CULTURAL LANDSCAPES

<https://sanctuary.noaa.gov/tribal-landscapes/>

Any place in which a relationship, past or present, exists between a spatial area, resource, and an associated group of indigenous people whose cultural practices, beliefs, or identity connects them to that place. A tribal cultural landscape is determined by and known to a culturally related group of indigenous people with relationships to that place.

This guide presents a method for agencies to consult with tribes more effectively and appropriately in advance of any proposed undertakings. It also suggests a means for tribes and other indigenous communities to relate their interests and concepts of landscape to federal agencies and other land and water management entities.



Cultural Resources from an Indigenous Perspective

Indigenous people do not draw clear lines between the "natural" and "cultural" resources of



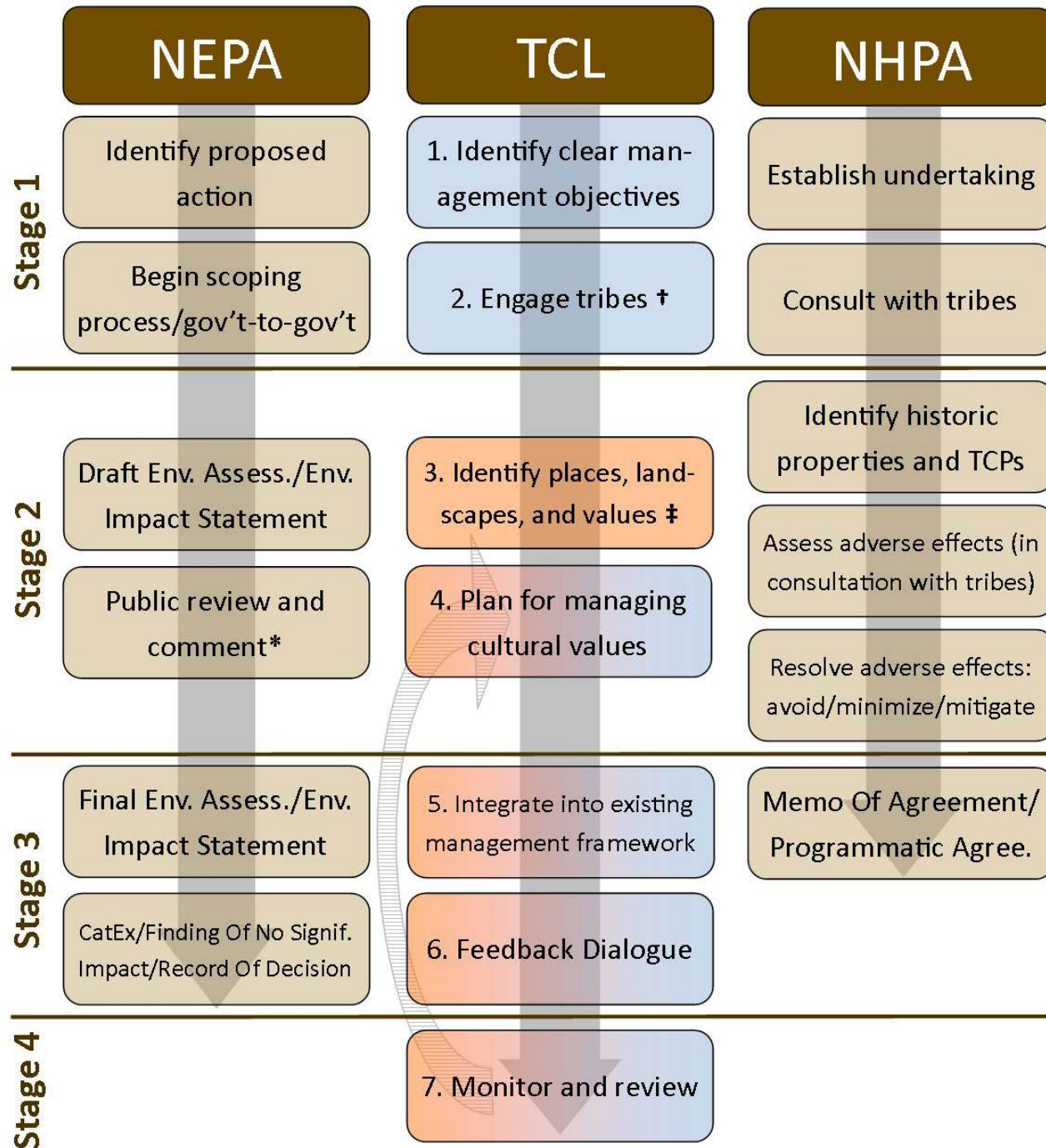
Culturally Sensitive Information

As viewed by indigenous peoples, traditional knowledge is a cultural resource belonging to or



Implementing a TCL Approach

The TCL approach consists of guidance for agencies and project applicants as well as tribes.



*The public review step of NEPA does not distinguish between tribes and other interested groups, but this step should include a separate government-to-government review and comment period.

† To be conducted by agencies: see steps for Tribal Pre-Consultation and Engagement.

‡ To be conducted by tribes: see steps for Tribal Data Collection and Retention.



[Service](#)

[Schedules & Maps](#)

[Rider Guide](#)

[Fares](#)

[Initiatives](#)

[Business](#)

[About](#)

BACK 2 GOOD



NATHPO

- ▶ Est. 1998, after 1992 NHPA amendments created THPO program, and in 1996 Historic Preservation Fund (HPF) began including THPO appropriation
- ▶ Internal operations and business processes
- ▶ Strategic planning
- ▶ Increasing membership and member support!
- ▶ Tangible benefits and success stories



NATHPO Purpose

- ▶ Vision: Empowering tribal preservation leaders to protect culturally important places that perpetuate Native identity, resilience, and cultural endurance.
- ▶ Mission: national non-profit organization that supports and encourages tribal historic preservation programs.
 - ▶ Provide guidance to preservation officials, elected representatives, and the public about national historic preservation legislation, policies, and regulations.
 - ▶ Promote tribal sovereignty, develop partnerships, and advocate for Tribes in governmental activities on preservation issues.



NATHPO Goals

1. Enhance fiscal standing
2. Diversify and expand membership
3. Protect culturally important places
4. Honor and promote member efforts and achievements
5. Advocate for cultural and historic preservation



GOALS

THPO Program & Funding

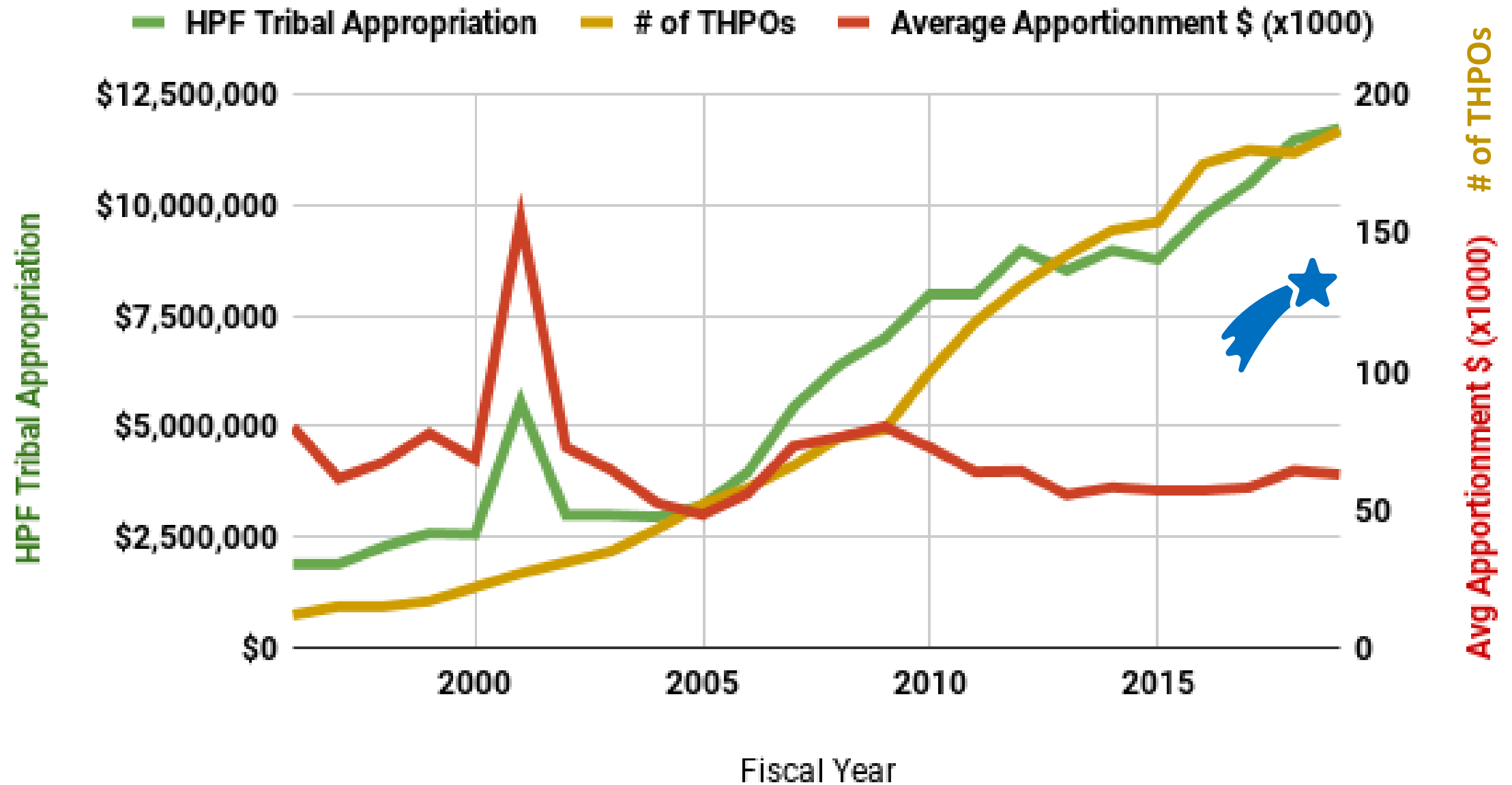
- ▶ Eligibility: federally recognized tribes must have reservation or trust lands.
- ▶ Managed by NPS: THPO program application and preservation plan.
- ▶ Assume responsibilities of SHPO on tribal lands (exercise of tribal sovereignty).
- ▶ Partnership agreement between Tribe and SOI.
- ▶ THPOs eligible for support from Historic Preservation Fund (HPF). Similar to Congressionally appropriated support for SHPO programs.
- ▶ Competitive Tribal Heritage Grants: deadline July 1

<https://www.nps.gov/thpo/tribal-heritage/application.html> or nathpo.org

Recent & Ongoing: FY19 Appropriations

- ▶ \$11,735,000 for 183 THPOs, tiny increase from FY18.
- ▶ As number of THPOs increases, HPF funding has not kept pace:
 - in 1996, 12 tribes received an average of \$80,000;
 - in 2019, 183 tribes received an average of \$64,000.
- ▶ Adjusted for inflation alone, 1996's \$80k would be \$131k today and appropriation would be \$24 mil.
- ▶ Need has increased too: many THPOs can only respond to a small percentage of review requests they receive, and agencies note slow/no response from THPOs!

Historic Preservation Fund Appropriations for Tribes



FY2020 Appropriations

- ▶ Ask: \$20 mil = \$100k for ~200 THPOs
- ▶ Ho use Bill: \$2 mil increase
- ▶ Key talking points:
 1. Reconnecting Native peoples to their cultural heritage has the power to help heal deep generational wounds. Historical trauma as a cause of symptoms in Indian Country.
 2. Creates jobs, generates economic development, and spurs community revitalization. Facilitates required reviews. Agencies must consult tribes.





Regulations! FCC Case

- ▶ United Keetoowah et al. v. FCC, No. 18-1129 (D.C. Cir. 2018)
- ▶ FCC redefinition of “undertaking” and “major federal action”
- ▶ FCC elimination of Tribal review and associated fees through administrative order
- ▶ Lack of government-to-government consultation
- ▶ Administrative Procedure Act, NHPA, and NEPA
- ▶ Oral arguments Fri, March 15, expect ruling in summer 2019

National Register Proposed Rule

- ▶ "The intent ... is to bring regulations current with 2016 amendments to the NHPA, and to **emphasize the rights of private property owners** with the overall intent to **streamline processes** for the nomination of properties in the National Register by **federal agencies.**"
- ▶ NATHPO outreach campaign to oppose changes.





NRHP Proposed Rule (NPS/DOI)

- ▶ Oversteps NPS authority, is contrary to NHPA and amendments.
 - ▶ Changes would inappropriately and negatively impact the role of the Keeper of the NRHP, State Historic Preservation Officers (SHPOs), Indian tribes, and historic properties and the public interest.
1. Keeper may only determine eligibility after request from federal agency, allowing agencies to effectively veto nominations.
 2. No listing if objections from either (1) a majority of land owners; or (2) owners of majority of land area of property.



NRHP Proposed Rule : Tribal Implications

- ▶ Agencies are already challenged by identification of properties of religious and cultural significance to tribes.
- ▶ Requirement for agency submittal could impact tribes' ability to participate in consultations, especially off tribal land.
- ▶ Create delays in Section 106.
- ▶ Undue weight to land and private property owners could seriously threaten tribally significant sites.
- ▶ Preclude G2G consultation and impugn tribal sovereignty.

NRHP Proposed Rule: Tribal Implications

- ▶ No consultation conducted on rule making, although DOI Policy implementing EO 13175 requires it.
- ▶ Responsive to outcry, offering meeting June 24 and webinar July 1.
- ▶ New public comment period for tribes open until July 8.
- ▶ Info on nathpo.org



Upcoming Events

- ▶ CA SHPO/THPO Summit, July 24-26
- ▶ **NA THPO Annual Conference: Coushatta Tribe of Louisiana, Aug. 26-30**
 - ▶ Workshop on emergency preparedness/response for cultural resources.
 - ▶ Recurring:
THPO Toolkit, NEPA, NAGPRA





Memorial Post at the mouth of the Salmon River in Oregon, honoring the Neschene people and the village that stood there. Grand Ronde artist Travis Stewart.



Partner Opportunities

- NPS co-op agreement with NPS to support and provide technical assistance to THPOs and tribes developing THPO programs.
- NRC S co-op agreement to develop ancestral lands consultation protocols.
- USFS co-op agreement to develop phasing PA for Section 106.
- Tribal Cultural Landscape Approach implementation.
- MOU with FPISC for tribal consultation in improving infrastructure permitting.
- Individualized approaches to nationwide issues – endless possibilities!

The Big Question

- How can tribes truly partner in energy and infrastructure development – needed by everyone – to ensure environmental protection and their share of the benefits rather than just the costs?



Thank You

Valerie J. Grussing, PhD

Executive Director

valerie@nathpo.org

202-628-8476

nathpo.org

