


Writing a THPO Application Section by Section
A Presentation Recorded by the Tribal Historic Preservation Program

Introductions and Contact Information

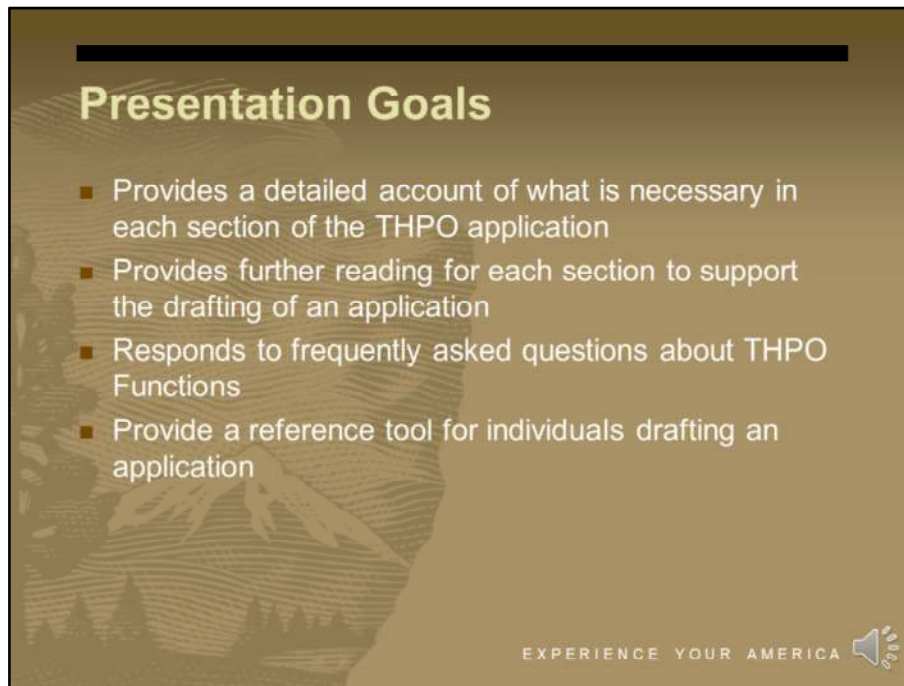
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My name is Jamie Lee Marks and I am the Program Manager for the Tribal Historic Preservation Program at the National Park Service. My office is primarily responsible for certifying new THPOs, entering into agreements with THPOs, and monitoring those agreements.

You can reach me anytime at thpo_program@nps.gov or jamie_lee_marks@nps.gov. My office number is 202-354-6463



Presentation Goals

- Provides a detailed account of what is necessary in each section of the THPO application
- Provides further reading for each section to support the drafting of an application
- Responds to frequently asked questions about THPO Functions
- Provide a reference tool for individuals drafting an application

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This presentation will do four things

Provides a detailed account of what is necessary in each section of the THPO application

Provides further reading for each section to support the drafting of an application


Responds to frequently asked questions about THPO Functions

Provide a reference tool for individuals drafting an application

This is a lengthy presentation. We don't expect viewers to watch the presentation all in one sitting, but to refer to the video if and when they need technical assistance with their application. We recommend bookmarking this presentation so you go right to the specific sections you need while writing your application.

This Presentation Does NOT

- Give an overview of the THPO Application process or how long it takes
- Discuss the benefits of entering into a THPO agreement
- Discuss the THPO application review process
- Please review the training video “THPO Application Process and Timelines Overview” for more general information about entering into a THPO agreement.

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The audience for this presentation is individuals currently working on a THPO application who are seeking technical assistance.

Thus, this presentation will not give a general overview of the THPO application process and its benefits. Please review the general training video “THPO Application Process Overview” for broader information about entering into a THPO agreement.

Current Application

**TRIBAL HISTORIC PRESERVATION PROGRAM
APPLICATION COVER SHEET**


Legal Name and Address of Tribe: _____
Physical Address (for mail): _____
Name and Title of Contact Person: _____
Contact Person's Address: _____
Telephone: _____
E-mail: _____
Name and Contact Information for THPO of different: _____

Required documentation to attach to the cover sheet:

1. A signed, written request to restore functions of the State Historic Preservation Office (SHPO) on tribal lands signed by the Tribe's chief governing authority.
2. If item 1 does not describe the THPO documentation such as an additional resolution or tribal ordinance or executive order of agreement that describes the THPO and provides for certain information.
3. A program plan that contains the following elements:
 1. A description of tribal lands including a descriptive narrative with copies of Bureau of Indian Affairs (BIA) documentation that clearly sets the total acreage, and map(s) of the Tribe's lands or trust lands the restoration boundaries.
 2. A description of program staff or consultants needed to provide the THPO with access to and include who meet the Secretary of the Interior's Professional Qualification Standards.
 3. A description of how the Tribe has established an advisory review board to provide advice for the THPO.
 4. An explanation of how the THPO program will provide appropriate participation for the Tribe's traditional cultural authorities, by representatives of other Tribes whose traditional lands may now be within the Tribe's jurisdiction, and by the interested public.
 5. An acknowledgment request for the land that non-tribal property owners within the boundaries of the tribal lands may require the participation by the SHPO in addition to the THPO in site decisions pursuant to the Act that affect that property.
4. A list of National Historic Preservation Act (NHPPA) functions the Tribe is proposing to restore.
 1. A list of NHPPA functions that will remain with the SHPO.
 2. A detailed description of how each restored function will be performed.
5. A description of the Tribe's current Historic Preservation Program or activities as they relate to the functions the Tribe is proposing to restore.

Last Updated: 01/18/2014 by Jamie Lee Marks

- The application can be found at www.nps.gov/articles/thppapps.htm
- Email thpo_program@nps.gov if you'd prefer a copy emailed to you directly

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The current THPO application can be found at www.nps.gov/articles/thppapps.htm. You can also request it any time via email.



There are three general application components.

A cover sheet, a tribal resolution that establishes a THPO program and designates a THPO, and a program plan that is written in two parts.

The first part of the program plan contains details about general program administration.

The second part of the program plan details how the program will perform the THPO duties you would like to take on. The following sections will go through these sections one by one.

Application Component I: Application Coversheet

**TRIBAL HISTORIC PRESERVATION PROGRAM
APPLICATION COVER SHEET**

Legal Name and Address of Tribe: _____

Physical Address (for mail): _____

Name and Title of Contact Person: _____

Contact Person's Address: _____

Telephone: _____

E-mail: _____

Name and Contact Information for THPO (if different): _____

Required documentation to attach to the cover sheet:

1. A signed, written request to review (written by the Tribal Historic Preservation Officer (THPO) on tribal lands signed by the Tribe's chief governing authority)
2. If item 1 does not designate the THPO, documentation such as an additional resolution, tribal ordinance, or executive order of agreement that identifies the THPO and provides their contact information
3. A program plan that contains the following elements:
 1. A description of tribal lands including a descriptive narrative with copies of Bureau of Indian Affairs (BIA) documentation that clearly state the tribal average, and scope of the Tribe has been or may include the near-shore broadcast
 2. A description of program staff or committees needed to provide the THPO with access to individuals who meet the Secretary of the Interior's Professional Qualification Standard
 3. A description of how the Tribe has established an advisory review board to provide advice for the THPO
 4. An explanation of how the THPO program will provide appropriate participation for the Tribe's traditional cultural authorities, by representatives of other Tribes whose traditional lands may be within the Tribe's jurisdiction, and by the interested public
 5. An acknowledgment required by the Act that non-tribal property owners within the boundaries of the tribal lands may request participation by the THPO in addition to the THPO as any decisions pursuant to the Act that affect their property
 6. A list of National Historic Preservation Act (NHPA) activities the Tribe is preparing to submit
7. A list of THPO activities that will occur with the THPO
8. A detailed description of how each requested function will be performed
9. A description of the Tribe's current Historic Preservation Program or activities as they relate to the functions the Tribe is preparing to submit

Last Updated: 03/18/2018 by Jason Lee Smith

- Contact Information
- Overview of Required Documentation

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The first component of the THPO application is the cover sheet. The cover sheet asks you for contact information, the legal name and address of the Tribe or Pueblo, and gives an overview of required documentation. This page is the only form that is part of the application. The rest of the application can be submitted in the format preferred by the applicant. Each application looks a bit different from the others. Our program can provide you with examples upon request.

The Application coversheet contains a checklist of each part of the application needed to submit a complete application. Each of those components will be discussed in this presentation.


**Application Component II:
Tribal Resolution and THPO Designation**

Tribal Resolution

- The Tribe's official request to assume historic preservation functions on tribal lands must be a written resolution adopted by and signed on behalf of the Tribe's chief governing authority. The resolution must clearly indicate the governing authority's intent to assume THPO functions pursuant to 54 USC 302701 et seq. [commonly known as Section 101(d) of the NHPA].
- The resolution can appoint a THPO by name.

Designation of a THPO

- If the resolution does not designate a THPO a designation may be by tribal resolution, or it may be by tribal ordinance.
- Where the tribal ordinance specifies that a certain position, such as the Cultural Resources Department Manager, within the tribal government shall serve as THPO, the Tribe should include both a copy of the ordinance and the name of the individual currently holding the designated position

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The second component of the application is a Tribal Resolution and an official designation of a THPO.

The Tribe's official request to assume historic preservation functions on tribal lands must be a written resolution adopted by and signed on behalf of the Tribe's chief governing authority. The resolution must clearly indicate the governing authority's intent to assume THPO functions pursuant to 54 USC 302701 et seq. [commonly known as Section 101(d) of the NHPA].

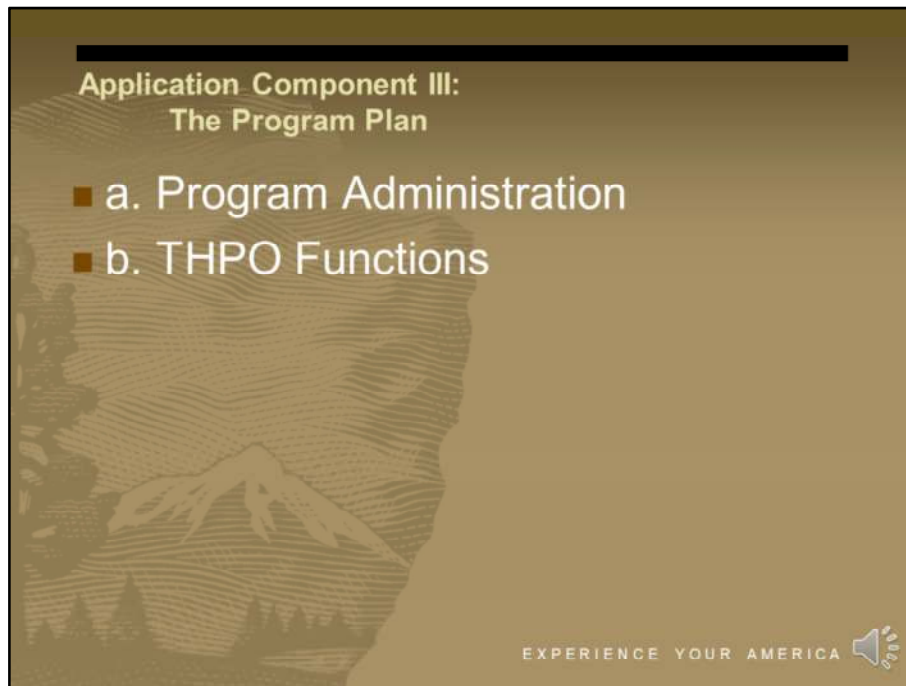
If the resolution included also designates by name an individual as Tribal Historic Preservation Officer (THPO) to administer this program, no further information is necessary.

If the resolution does not designate the THPO by name, the Tribe must include separate documentation of the designation of a THPO. That designation may be by tribal resolution, or it may be by tribal ordinance. Where the tribal ordinance specifies that a certain position, such as the Cultural Resources Department Manager, within the tribal government shall serve as THPO, the Tribe should include both a copy of the ordinance and the name of the individual currently holding the designated position. In case the Tribe wishes to delay the permanent appointment of a THPO until after the proposal has been approved by NPS, the Tribe must designate an Acting THPO to serve as the point of contact for the program until the permanent appointment is made. This person should be listed as Interim or Acting THPO.

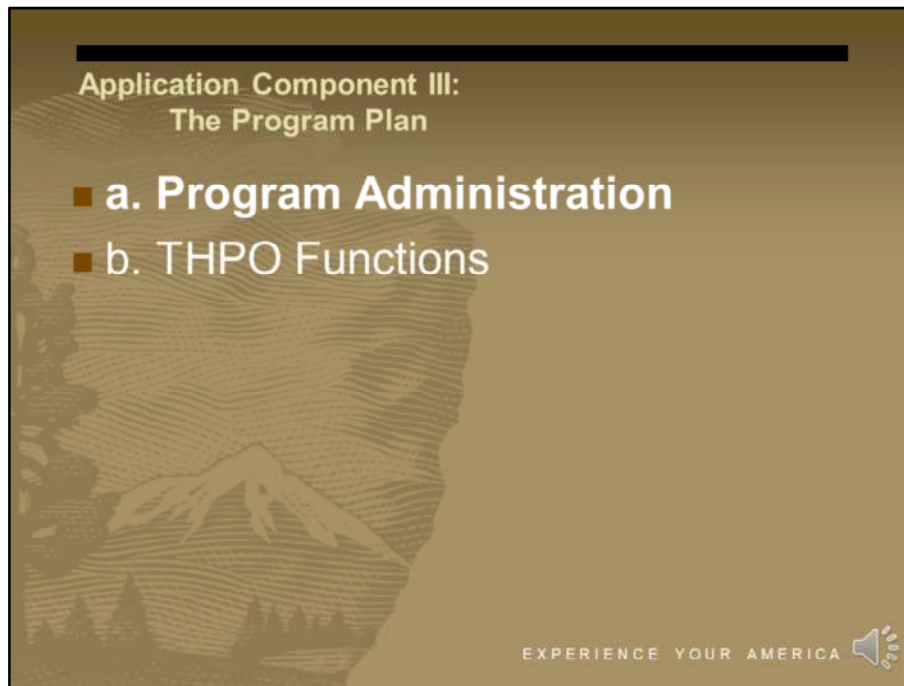
The selection criteria for a THPO are completely at the discretion of the tribal governing authority. The Tribe may establish whatever qualifications for the position that best suit the Tribe's needs.

Once an agreement is entered into, tribal leadership can appoint a new THPO at any time, but must

notify the NPS via an official letter.



The third part of the application is the program plan. The program plan itself has two main components.



The first section of the program plan provides background on where the application would like to take on historic preservation responsibilities and how, generally, their THPO program will be staffed and managed.

The second section of the program plan discusses how historic preservation functions will be carried out by the applicant.

Let's discuss the components of the Program Administration Section

Application Component IIIa: Program Plan: Administration

- i. Description and Documentation of Tribal Lands
 - All land within the exterior boundaries of a reservation + any additional land held in trust outside of those boundaries = total acreage of tribal land for the NHPA
 - Description, Maps, and BIA Documentation Confirming Total Acreage listed in the application

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The first part of this section involves describing and documenting tribal lands. In the NHPA, tribal lands are defined as all land within the exterior boundaries of a reservation PLUS any additional land held in trust outside of those boundaries.

The application asks for a map of tribal lands, and a specific number of acres that meet this description. Additionally, BIA documentation of the acreage detailed in the application is needed.

**Application Component IIIa:
Program Plan: Administration**

- ii. Description of Program Access to Qualified Professionals in:
 - Archeology
 - History
 - Architectural Historian
- **FAQs:**
 - **1. What does “qualified” mean?**
 - Meets the Secretary of the Interior’s Professional Qualification Standards
 - In the application guidance
 - https://www.nps.gov/history/local-law/arch_stnds_9.htm

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The second part of this section is a description of program staff or consultants. Each THPO Program is required to show it has access to qualified professionals through staffing or prospective contracting arrangements. Those professionals include an archeologist, a historian, and an architectural historian.

Frequently Asked Questions

1. What does “Qualified Mean”?

A qualified professional must meet the Secretary of the Interior’s Professional Qualification Standards. These can be found in our application packet, or at the following website. We recommend including names in addition to letters of support or resumes to help external reviewers easily come to the conclusion that the consultants you will work with are qualified professionals.

**Application Component IIIa:
Program Plan: Administration**

- ii. Description of Program Access to Qualified Professionals in:
 - Archeology
 - History
 - Architectural Historian
- **FAQs:**
- **2. How can we demonstrate “access to qualified professionals?”**
 - Name plus resume/CV and/or letter of support containing supporting details

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2. How can we demonstrate access to qualified professionals?

Applicants should name the individuals with whom they intend to work. We recommend including either letters of support or resumes to help external reviewers easily come to the conclusion that the consultants you will work with are qualified professionals.

**Application Component IIIa:
Program Plan: Administration**


- ii. Description of Program Access to Qualified Professionals in:
 - Archeology
 - History
 - Architectural Historian
- **FAQs:**
- **3. Can one person be counted as more than one category of qualified professional?**
 - Absolutely! List them for all categories that match their professional qualifications as described in the Secretary's Standards

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3. Can one person be counted as more than one category of qualified professional?
If an individual qualifies as both a historian and an archeologist, or for more than one category in general, you can list that person for both categories.

**Application Component IIIa:
Program Plan: Administration**

- ii. Description of Program Access to Qualified Professionals in:
 - Archeology
 - History
 - Architectural Historian
- **FAQs:**
- **4. Our THPO is a qualified professional in one or more of these areas—doesn't that count?**
 - Yes! If your THPO is qualified in one or more areas listed here according to the Standards, state that in the application and include a description of qualifications and/or CV or resume.


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4. Our THPO is a qualified professional in one or more of these areas—doesn't that count?

Yes! If your THPO is qualified in one or more area listed here according to the Standards, state that in the application and include a description of qualifications and/or CV or resume.

**Application Component IIIa:
Program Plan: Administration**

- ii. Description of Program Access to Qualified Professionals in:
 - Archeology
 - History
 - Architectural Historian
- **FAQs:**
- **5. We don't have one of these categories of professional on staff– what do we do?**
 - All the application asks for you to do is demonstrate access to a qualified professional. It is not required to have those individuals on staff full or part time. Sharing future consulting arrangements is sufficient for the purposes of the application.

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FAQs:

5. We don't have one of these categories of professional on staff– what do we do?

All the application asks for you to do is demonstrate access to a qualified professional. You do not need to have them as part or full time staff. Sharing future consulting arrangements is sufficient for the purposes of the application.

**Application Component IIIa:
Program Plan: Administration**

- iii. A description of how the Tribe has established an advisory review board to provide advice for the THPO
- *Details*
 - The advisory review board can have a different name
 - The advisory review board performs a specific review function in the National Register nomination process
 - The advisory review board provides advice to the THPO
 - While the THPO's review board membership does not need to meet the Professional Standards, the review board must consist of individuals knowledgeable and interested in historic preservation and/or tribal culture, so that the board can offer meaningful advice to the THPO.
 - How the advisory review board is established and appointed is at the discretion of the Tribe. The THPO may establish and appoint the board, unless the Tribe's chief governing authority provides for some other method.

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The third part of the program administration section is a description of the Advisory Review board that will provide advise to the THPO and how it will be constituted. The advisory review board can be called by any name the Tribe sees fit.

An advisory review board (the board) performs a specific review function in the National Register nomination process. It also provides advice to the THPO on the direction and priorities of the THPO program.

Regulations for States require that a majority of the members of the State review board be individuals who meet the *Professional Standards*. Similar to the amended staffing requirements above, this requirement is modified for Tribes. While the Tribe's review board membership does not need to meet the *Professional Standards* the review board must consist of individuals knowledgeable and interested in historic preservation and/or tribal culture, so that the board can offer meaningful advice to the THPO. When the board is formally reviewing a National Register nomination, the THPO must ensure that the board has the benefit of advice from an individual who meets the *Professional Standards* in the profession(s) appropriate to the resource under consideration.

How the advisory review board is established and appointed is at the discretion of the Tribe. The THPO may establish and appoint the board, unless the Tribe's chief governing authority provides for some other method. The method for establishing an Advisory Review

Board should be described in the application.

**Application Component IIIa:
Program Plan: Administration**

- iv. An explanation of how the applicant's THPO Program will provide appropriate participation by:
 - **the tribal cultural authorities**
 - representatives of other Tribes or Pueblos whose traditional lands may not be within the applicant's jurisdiction
 - the interested public

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The fourth component of program administration is the provision for participation by three categories of individuals: tribal cultural authorities, representatives of other Tribes or Pueblos, and the interested public.

Your plan must include a section that discusses participation. The first requirement is a discussion of the participation of tribal cultural authorities. Your community is the best judge of the appropriate participation of your tribal cultural authorities in the THPO program. Whether through representation on your advisory review board or through participation at the staff level, or through some other arrangement that reflects the Tribe's needs, your plan must describe how the THPO program will have the benefit of advice from the Tribe's cultural authorities.

**Application Component IIIa:
Program Plan: Administration**

- iv. An explanation of how the applicant's THPO Program will provide appropriate participation by:
 - the tribal cultural authorities
 - **representatives of other Tribes or Pueblos whose traditional lands may not be within the applicant's jurisdiction**
 - Please include in that description a list of other tribes that may have traditional lands within the applicant tribe's present tribal boundaries
 - the interested public

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Within the tribal lands for which the Tribe proposes to assume historic preservation duties, these duties may involve the traditional lands of one or more other Tribes. The Tribe's THPO program must provide for participation by representatives of these other Tribes in a way that ensures that the THPO is aware of and considers their concerns for properties that are significant to them. The plan must include an affirmation that the THPO will provide notice to and consider comments from other Tribes that may have an interest in an undertaking on tribal lands before decisions are made pursuant to that undertaking.

Please include a list of other tribes that have traditional lands within your tribal lands, or with whom you anticipate consulting on a regular basis. This helps the NPS send your application out to review to the appropriate individuals.

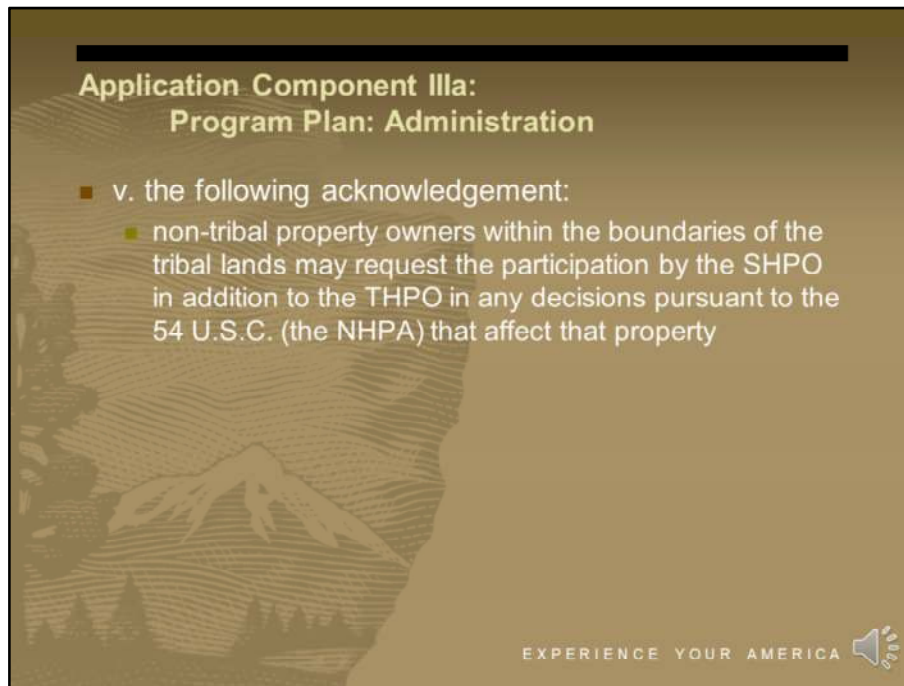
Application Component IIIa: Program Plan: Administration

- iv. An explanation of how the applicant's THPO Program will provide appropriate participation by:
 - the tribal cultural authorities
 - representatives of other Tribes or Pueblos whose traditional lands may not be within the applicant's jurisdiction
 - **the interested public**
 - Minimum once a year— THPO solicits and considers comments from the interested public on the goals, priorities, and activities of the THPO program

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The third group that must be addressed in the participation section is the interesting public. Appropriate participation in the THPO program by the interested public means that, at a minimum of at least once a year, the THPO solicits and considers comments from the interested public on the goals, priorities, and activities of the THPO program. Whether the THPO fulfills this requirement by soliciting written comments, by holding a public meeting, or by some other means is at the discretion of the THPO. The THPO should use the tribal government's usual and accepted methods for notifying the community of opportunities to comment on matters under consideration by the tribal government.




The final component of the program administration section of the application is an acknowledgement that comes from the National Historic Preservation Act or 54 USC 302703. This acknowledgement is typically copied verbatim into the applications as an affirmation that the applicant is aware that this provision exists.

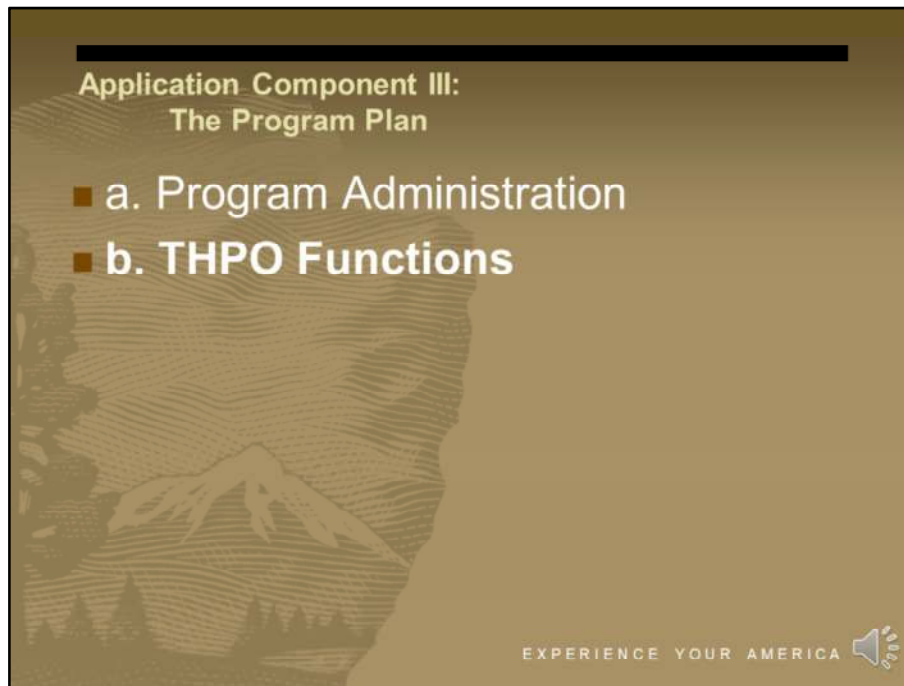
It reads: non-tribal property owners within the boundaries of the tribal lands may request the participation by the SHPO in addition to the THPO in any decisions pursuant to the 54 U.S.C. (the NHPA) that affect that property

Application Component IIIa: Program Plan: Administration

- v. the following acknowledgement:
 - non-tribal property owners within the boundaries of the tribal lands may request the participation by the SHPO in addition to the THPO in any decisions pursuant to the 54 U.S.C. (the NHPA) that affect that property
- **FAQs:**
 - **There are no property owners who are not tribal members on tribal lands. Do we need to include this?**
 - Yes, this affirmation is required in all program plans.

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One frequently asked question about this section is whether or not this statement is required if there are no non-tribal property owners on tribal lands? Yes, this affirmation is required in all program plans.



The final half of the program plan discusses how historic preservation functions will be carried out by the applicant.

Application Component IIIb: Program Plan: THPO Functions Description


- A list of the Historic Preservation Officer functions the applicant proposes to assume
- A list of Historic Preservation Officer functions that will remain with the State
- A detailed description of how the Tribe will carry out each of the functions that it is proposing to assume, function by function
 - Typically, this is the bulk of the application
 - This presentation will discuss the functions one by one
- A description of the tribe's current historic preservation program or activities as they relate to the THPO functions that you propose to assume.

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In this section, you will detail which historic preservation activities you will take on and how you will perform them. The section requires a clear list of the responsibilities taken on, and those that will remain with the State Historic Preservation Officer. Once you list the responsibilities the Tribe would like to take on, you will detail how each responsibility will be performed. These descriptions must conform to existing preservation laws and guidance. This section is typically the bulk of a THPO application. Our application guidance and this section by section presentation provide a discussion of frequently asked questions about each responsibility.

1) Survey and Inventory

- (1) in cooperation with Federal and State agencies, local governments, and private organizations and individuals, direct and conduct a comprehensive survey of historic properties on tribal land and maintain inventories of such properties;
- This responsibility has been taken on by each THPO
- This section should describe:
 - a comprehensive plan for locating, and identifying historic properties on tribal lands
 - general information about inventories will be maintained
- Secretary of the Interior's Standards for the Identification and Evaluation of Historic Properties
 - https://www.nps.gov/history/local-law/arch_stnds_2.htm
 - https://www.nps.gov/history/local-law/arch_stnds_3.htm

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(1) in cooperation with Federal and State agencies, local governments, and private organizations and individuals, direct and conduct a comprehensive survey of historic properties on tribal land and maintain inventories of such properties;

This responsibility has been taken on by each certified THPO.

This section should describe:

a comprehensive plan for locating, and identifying historic properties on tribal lands general information about inventories will be maintained


We recommend using and citing Secretary of the Interior's Standards for the Identification and Evaluation of Historic Properties

https://www.nps.gov/history/local-law/arch_stnds_2.htm

https://www.nps.gov/history/local-law/arch_stnds_3.htm.

2) National Register

- (2) identify and nominate eligible properties to the National Register and otherwise administer applications for listing historic properties on the National Register;
 - distinct from the maintenance of a tribal register of significant properties
 - If National register identification and nomination is taken on, the application must follow the National Register's nomination procedures, and it must use the National Register's evaluation criteria to assess the significance of the property being nominated
 - This responsibility has been taken on by 89% of THPOs
- National Register Evaluation and Nomination Regulations
 - Evaluation criteria: [36 CFR 60.4](#)
 - Nomination process: [36 CFR 60.5-60.12](#)

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The second historic preservation function Tribes can assume is the National Register function.

Assumption of this responsibility is separate and distinct from maintaining a tribal register of properties significant to the Tribe.

For example, if a Tribe assumes the responsibility for nominating properties to the National Register of Historic Places, the Tribe must follow the National Register's nomination procedures, and it must use the National Register's evaluation criteria to assess the significance of the property being nominated. Those procedures and evaluation criteria are specified in regulations encoded at 36 CFR 60.4 to 60.12. If the Tribe is proposing to assume responsibility for the National Register nomination process, the Program Plan's description of how the Tribe will carry out that function should demonstrate familiarity with the provisions of 36 CFR 60.4, and that the Tribe's process will be consistent with its requirements. We recommend citing these regulations in your program plan.

If the Tribe proposes to establish and maintain its own tribal register – either instead of or in addition to nominating properties to the National Register – the

Tribe may establish whatever procedures and evaluation criteria best meet the Tribe's needs. If the Tribe chooses only to establish and maintain a tribal register, then the responsibility for nominating properties to the National Register will remain with the SHPO, and this responsibility should be listed with those that the Tribe is not assuming.

3) Historic Preservation Planning

- (3) prepare and implement a comprehensive Tribal historic preservation plan;
 - This responsibility has been taken on by each THPO with an agreement with the NPS
 - In this section, applicants should discuss how they will plan and undertake preservation planning on tribal lands
 - The plan should provide guidance for effective decision making about historic property and site preservation on tribal lands
 - In general, plans should ensure that significant and meaningful public participation occurs during the planning process and that the final plan identifies significant issues affecting historic resources, proposes realistic solutions to those issues, and sets priorities for preservation acting during the life cycle of the plan.

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The third historic preservation function is the preparation and implementation of a comprehensive preservation plan on tribal lands.

This responsibility has been taken on by each THPO with an agreement with the NPS.

In this section, applicants should discuss how they will plan and undertake preservation planning on tribal lands

The plan should provide guidance for effective decision making about historic property and site preservation on tribal lands

In general, plans should ensure that significant and meaningful public participation occurs during the planning process and that the final plan

- 1) identifies significant issues affecting historic resources
- 2) proposes realistic solutions to those issues, and
- 3) sets priorities for preservation during the life cycle of the plan.

3) Historic Preservation Planning

- Helpful resources:
 - The Secretary of the Interior's Standards for Preservation Planning
https://www.nps.gov/history/local-law/arch_stnds_1.htm
 - National Register Bulletin # 24: Guidelines for local Surveys: A Basis for Preservation Planning
<https://www.nps.gov/nr/publications/bulletins/nrb24/>
 - Information about how this work is done by State Historic Preservation Offices can be found here:
<https://www.nps.gov/preservation-planning/stateplan-requirements.html>.

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There are several resources available to assist with the drafting of this section. The first is the Secretary of the Interior's Standards for Preservation Planning. The second is National Register Bulletin #24: Guidelines for Local Surveys: A Basis for Preservation Planning

Information on how this work is currently done by State Historic Preservation Offices can be found at the following national park service website.

4) Fiscal Administration

- (4) administer the Tribal program of Federal assistance for historic preservation within tribal lands
 - This section should discuss how historic preservation funds will be administered by the Tribe and confirm that funds will be administered according to the NHPA (54 U.S.C. 300101 et seq.), 2 CFR Section 200, and related guidance from the Secretary of the Interior and the National Park Service.
 - In order to be eligible to apply for Historic Preservation Funds, this function must be taken on.

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The fourth responsibility is to administer the Tribal program of federal assistance for historic preservation on tribal lands.


This functions refers to the management of any federal funds it receives for its own historic preservation program.

This section should discuss how historic preservation funds will be administered by the Tribe and confirm that funds will be administered according to the NHPA 54 U.S.C. 300101 et seq., 2 CFR Section 200, and any related guidance from the Secretary of the Interior and the National Park Service.

In order to be eligible to apply for Historic Preservation Funds, this function must be taken on.

5) Advise and Assist

- (5) advise and assist, as appropriate, Federal and State agencies and local governments in carrying out their historic preservation responsibilities;
 - This section of the plan should discuss what the THPO will do to advise and assist Federal and state entities and local governments in carrying out their historic preservation duties.
 - Some questions to consider:
 - How will the THPO participate Section 106 Review Process?
 - How will the THPO participate in National Register nominations made by these entities?
 - How will the THPO participate in historic preservation planning by these entities?

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The fifth responsibility is to advise and assist, as appropriate, federal and state agencies and local governments in carrying out their historic preservation responsibilities.

This section of the plan should discuss what the THPO will do to advise and assist Federal and state entities and local governments in carrying out their historic preservation duties.

Some questions to consider?-

How will the THPO participate Section 106 Review Process?


How will the THPO participate in National Register nominations made by these entities?

How will the THPO participate in historic preservation planning by these entities?

Include information about how the THPO will advise and assist others in carrying out their historic preservation duties here.

6) Ensure Historic Properties Are Considered

- (6) cooperate with the Secretary [of the Interior], the Advisory Council on Historic Preservation, other Federal and State agencies, local governments, and private organizations and individuals to ensure that historic properties are taken into consideration at all levels of planning and development;
- In discussing how this will be accomplished, discuss how the THPO will be a part of ensuring historic properties are taken into consideration at the State, Local, and Federal level.
- This section asks how the THPO will be part of a broader network of preservation partners working toward the goal of ensuring historic properties are considered in planning and development.
- Section 106 Review Activities, participation in Preservation Planning activities, and key partnerships are typically discussed in this section.

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Function 6 is related to function 5. This function, however, asks that the THPO cooperate with other entities to ensure that historic properties are taken into consideration at all levels of planning and development. Like function 5, function 6 is generally assumed.

In discussing this function, discuss how the THPO will be a part of ensuring historic properties are taken into consideration at the State, Local, and Federal level.


This section asks how the THPO will be part of a broader network of preservation partners working toward the goal of ensuring historic properties are

considered in planning and development.

Section 106 Review Activities, participation in Preservation Planning activities and National Register nominations and reviews, and key partnerships are typically discussed in this section.

7) Public Outreach and Education

- 7) provide public information, education, and training; and technical assistance in historic preservation;
 - In this section, discuss how the THPO will provide information, education and training in historic preservation, as well as technical assistance
 - Some topics typically discussed in this section:
 - Public outreach through events, museums, festivals, etc.
 - The participation of the THPO in events, conferences, or educational initiatives
 - How the THPO will provide training in historic preservation and information about the Tribe's history and culture
 - If applicable, participation in a museum context or in the training of tribal monitors

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Function 7 is to provide public information, education, training and technical assistance in historic preservation.

In this section, it is important not to just state that the THPO will provide public information and training, but to detail how the THPO will do that.

Some topics that are typically discussed in this section include:

Public outreach through events, museums, festivals, etc.

The participation of the THPO in events, conferences, or educational initiatives

How the THPO will provide training in historic preservation and information about the Tribe's history and culture

If applicable, participation in a museum context or in the training of tribal monitors

8) Certifying Local Governments

- (8) cooperate with local governments in the development of local historic preservation programs and assist local governments in becoming certified pursuant to 54 USC Chapter 3025;
 - Only a few THPOs have taken on this function
 - Chapter 3025 of Title 54 provides for local governments (defined as general purpose political subdivisions of the State) with local historic preservation programs that meet guidelines developed by the Tribe and approved by NPS to be certified to participate in the national program.
 - That participation includes eligibility for funding: THPOs would be required to set aside a minimum of 10% of the funding they receive from NPS and to pass those funds on to certified local governments under their jurisdiction

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The 8th function is what we call the Certified Local Government or CLG Function. In this function, THPOs cooperate to develop Certified Local Government historic preservation programs.

While a Tribe may apply to assume this function, it would be limited in scope to local governments that are physically within the Tribe's reservation boundaries or trust land. If you are an applicant with political subdivisions of the Tribe that exist on tribal lands, this function might be relevant to your program plan.

Certifying a Local Government to participate in the national program includes eligibility for funding: THPOs would be required to set aside a minimum of 10% of the funding they receive from NPS and to pass those funds on to certified local governments under their jurisdiction if they choose to take on this function.

8) Certifying Local Governments

- (8) cooperate with local governments in the development of local historic preservation programs and assist local governments in becoming certified pursuant to 54 USC Chapter 3025;
 - An application to assume this function should include details on political subdivisions within the Tribe's jurisdiction/on tribal lands, and discuss how the Tribe would assist in the development, certification, and support of local historic preservation programs in those political subdivisions.
- Helpful Resources:
 - The following URL is the NPS web site where you can download more information: <https://www.nps.gov/clg/>.

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An application to assume this function should include details on political subdivisions within the Tribe's jurisdiction/on tribal lands, and discuss how the Tribe would assist in the development, certification, and support of local historic preservation programs in those political subdivisions. The following URL is the NPS web site where you can download more information: <https://www.nps.gov/clg/>.

9) Section 106

- consult with appropriate Federal agencies in accordance with this section on –
 - (A) Federal undertakings that may affect historic property; and
 - (B) the content and sufficiency of any plans developed to protect, manage, or reduce or mitigate harm to that property;
- This section must conform to 36 CFR 800, regulations established by the Advisory Council on Historic Preservation
 - <http://www.achp.gov/regs-rev04.pdf>
- If taken on, the THPO rather than the SHPO would be a primary signatory on Section 106 agreements regarding undertakings on tribal lands.

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This function is generally referred to as the Section 106 review process. It is separate and distinct from any review function the Tribe may be carrying out pursuant to its own tribal authority.

If the Tribe assumes the responsibility for commenting on the possible effects of proposed Federal undertakings, the Tribe must carry out that responsibility in accordance with the regulations (36 CFR 800) of the Advisory Council on Historic Preservation. The description in the Tribe's Program Plan of how it will carry out this function must demonstrate that the Tribe is familiar with the provisions of 36 CFR 800, and that the Tribe will carry out the function in a manner that is consistent with that regulation. There are some closely linked elements within the historic preservation processes (such as survey and inventory of historic properties) that should be assumed as a whole rather than separately within the Tribe's program. If taken on, the THPO rather than the SHPO would be a primary signatory and consulting party on Section 106 agreements regarding undertakings on tribal lands. The Tribe would retain the rights it already has under Section 106 to consult on undertakings off of tribal lands as defined in the NHPA.

This section only refers to Section 106 review responsibilities. If the Tribe has

adopted an ordinance requiring tribal approval and a permit for activities on tribal land that may affect historic or cultural resources, the terms of that ordinance are set out by the Tribe to meet its own needs. The two processes are separate and do not substitute for each other.

9) Section 106

- consult with appropriate Federal agencies in accordance with this section on –
 - (A) Federal undertakings that may affect historic property; and
 - (B) the content and sufficiency of any plans developed to protect, manage, or reduce or mitigate harm to that property;
- This section must conform to 36 CFR 800, regulations established by the Advisory Council on Historic Preservation
 - <http://www.achp.gov/regs-rev04.pdf>
- If taken on, the THPO rather than the SHPO would be a primary signatory on Section 106 agreements regarding undertakings on tribal lands.

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This section only refers to Section 106 review responsibilities. If the Tribe has

adopted an ordinance requiring tribal approval and a permit for activities on tribal land that may affect historic or cultural resources, the terms of that ordinance are set out by the Tribe to meet its own needs. The two processes are separate and do not substitute for each other.

9) Section 106

- FAQs about this section:
 - How should I organize this section?
 - While it is up to the applicant how they would like to write their program plan, we recommend following the Steps of Section 106 shared by the ACHP:
 - Does the ACHP review this section of the application?
 - Yes, once the application has been deemed complete by the NPS, the ACHP is one of our external review partners

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There are several frequently asked questions about this section.

1. How should I organize my discussion of Section 106?

While it is up to the applicant how they would like to write their program plan, we recommend following the Steps of Section 106 shared by the ACHP: Initiate the Section 106 Process; Identify Historic Properties; Assess Adverse Effects; Resolve Adverse Effects. In discussing each section, it is important to be clear about the role of the THPO in each stage.

2. Does the ACHP review this section of a THPO application?

Yes, once the application has been deemed complete by the NPS, the ACHP is one of our external review partners. They are invited to review all parts of a completed application and to provide comment.

9) Section 106

- FAQs about this section:
 - In discussion consultation in this section, am I discussing broader consultation or Section 106 consultation?
 - In this section, all discussion of consultation should refer to the ACHP's definition of the goals of consultation in a Section 106 context. We recommend using the definition of consultation present in 36 CFR 800.16(f):
 - "Consultation means the process of seeking, discussing, and considering the views of other participants, and, where feasible, seeking agreement with them regarding matters arising in the section 106 process."

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In discussion consultation in this section, am I discussing broader consultation or Section 106 consultation?

In this section, all discussion of consultation should refer to the ACHP's definition of the goals of consultation in a Section 106 context. Broader government to government consultation discussion falls outside of the scope of this section of the application. We recommend using the definition of consultation present in 36 CFR 800.16(f).

Consultation means the process of seeking, discussing, and considering the views of other participants, and, where feasible, seeking agreement with them regarding matters arising in the section 106 process.

10) Tax Act Review

- (10) advise and assist in the evaluation of proposals for rehabilitation projects that may qualify for Federal assistance.
 - Tribes do not typically assume this function
 - Tax Act Program allows the owner of an income-producing building listed on the National Register to claim a Federal income tax credit for a portion of the expenses incurred to rehabilitate a building
 - If the Tribe assumes this function, it will be called on to review architectural plans and specifications and to work with building owners to ensure their projects are consistent with the Secretary of the Interior's Standards for Rehabilitation.
 - The Tribe will be responsible for making a recommendation to NPS as to whether the project meets the Rehabilitation Standards.

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Most applicants do not assume this function. Known informally as the “Tax Act program,” this function stems from a provision of Federal law that allows the owner of an income-producing building listed on the National Register to claim a Federal income tax credit for a portion of the expenses incurred to rehabilitate that building in accordance with the *Secretary of the Interior’s Standards for Rehabilitation* (online at <https://www.nps.gov/tps/standards/rehabilitation.htm>). If the Tribe assumes this SHPO function, it will be called upon to review architectural plans and specifications and to work with building owners to ensure that their projects are consistent with the *Rehabilitation Standards*. The Tribe will be responsible for making a recommendation to NPS as to whether the project meets the Rehabilitation Standards.

10) Tax Act Review

- The regulations that guide the administration of this function are found at 36 CFR 67: Historic Preservation Certifications Under the Internal Revenue Code.
 - <https://www.nps.gov/tps/tax-incentives/taxdocs/36cfr67.pdf>
- If the Tribe chooses to assume this function, the description of how the Tribe will carry it out should show that the Tribe is familiar with the provisions of 36 CFR 67 and that the Tribe will carry out the function in a manner consistent with that regulation.
- The Tribe's discussion in Item 3.A.ii. must describe the Tribe's access to someone qualified to review plans and specifications for compliance with the Secretary of the Interior's Standards for Rehabilitation. The following URL provides a link to the NPS Technical Preservation Services web site for more information <https://www.nps.gov/tps/>.

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The regulations that guide the administration of this function are found at 36 CFR 67: Historic Preservation Certifications Under the Internal Revenue Code. Those regulations are linked here on this slide.

If the Tribe chooses to assume this function, the description of how the Tribe will carry it out must show that the Tribe is familiar with the provisions of 36 CFR 67 and that the Tribe will carry out the function in a manner consistent with that regulation. Additionally, the application's discussion of qualified professionals must describe access to someone qualified to review plans and specifications for compliance with the Secretary of the Interior's Standards for Rehabilitation. The following URL provides a link to the NPS Technical Preservation Services web site for more information <https://www.nps.gov/tps/>.

**Application Component IIIc:
Current Activities**

- The final application component asks for a description the Tribe's current Historic Preservation Program or activities as they relate to the functions the Tribe is proposing to assume.
- Although this section can be organized however the Tribe sees fit, we recommend using the historic preservation functions the Tribe would like to assume in their agreement as an organizational device.
 - Examples:
 - Section 106: How has the Tribe participated in Section 106 consultations already?
 - How has the Tribe partnered with other entities to preserve and protect historic properties and places?
 - What types of public educational initiatives has the Tribe been a part of?
 - Has the Tribe been involved in National Register nominations or reviews?

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The final component of the THPO Functions discussion is a description of the Tribe's current activities that relate to the historic preservation functions the Tribe wants to take on.

Although this section can be organized however the Tribe sees fit, we recommend using the historic preservation functions the Tribe would like to assume in their agreement as an organizational device.

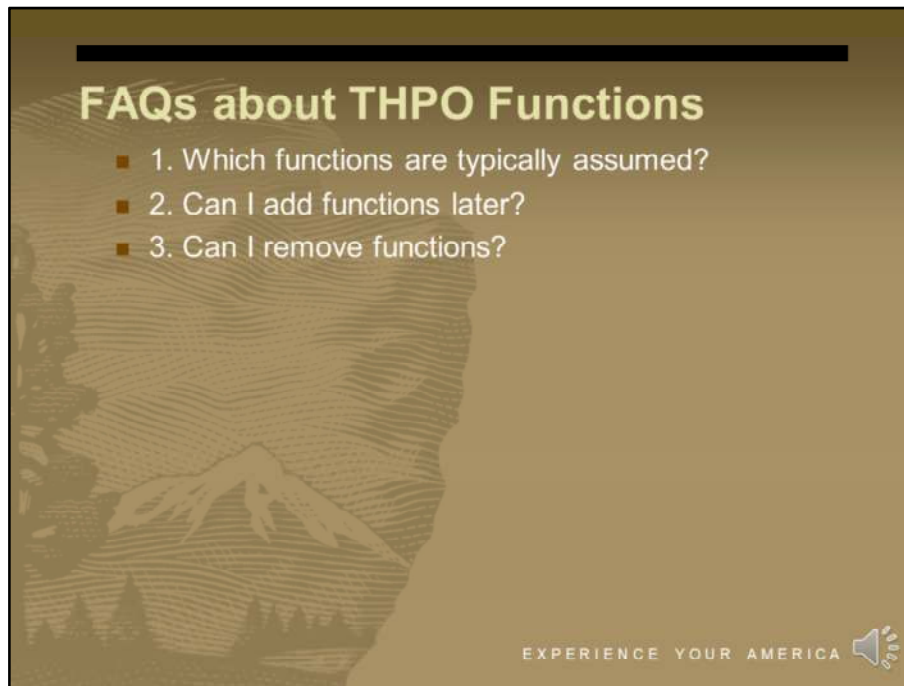
Examples:

Section 106: How has the Tribe participated in Section 106 consultations already?

How has the Tribe partnered with other entities to preserve and protect historic properties and places?

What types of public educational initiatives has the Tribe been a part of?

Has the Tribe been involved in National Register nominations or reviews?



Now that we've finished our discussion of THPO functions, I'd like to address some FAQs about THPO Functions.

1. Most applicants take on all functions except for 8 (certifying local governments) and 10 (the Tax Act Function). The rest of the functions have an assumption rate of over 90%, with the exception of nominating properties to the National Register. Only 89 percent of current THPOs have assumed that responsibility.
2. An applicant can add functions later if they would like by requesting an amendment to their THPO Memorandum of Agreement. That process would follow the guidelines explained here, with the Tribe submitting an application addendum and the NPS reviewing that addendum. Once the NPS agrees the addendum is complete, an updated agreement would be sent to tribal leadership for signature.
3. A THPO can request an amendment to their Memorandum of Agreement at any time. Removing a function would not require more than a request to remove the function by tribal leadership. The NPS would draft an updated agreement without that function to be sent to tribal leadership for signature.

Related Training Videos Available

- THPO Application Process and Timeline Overview

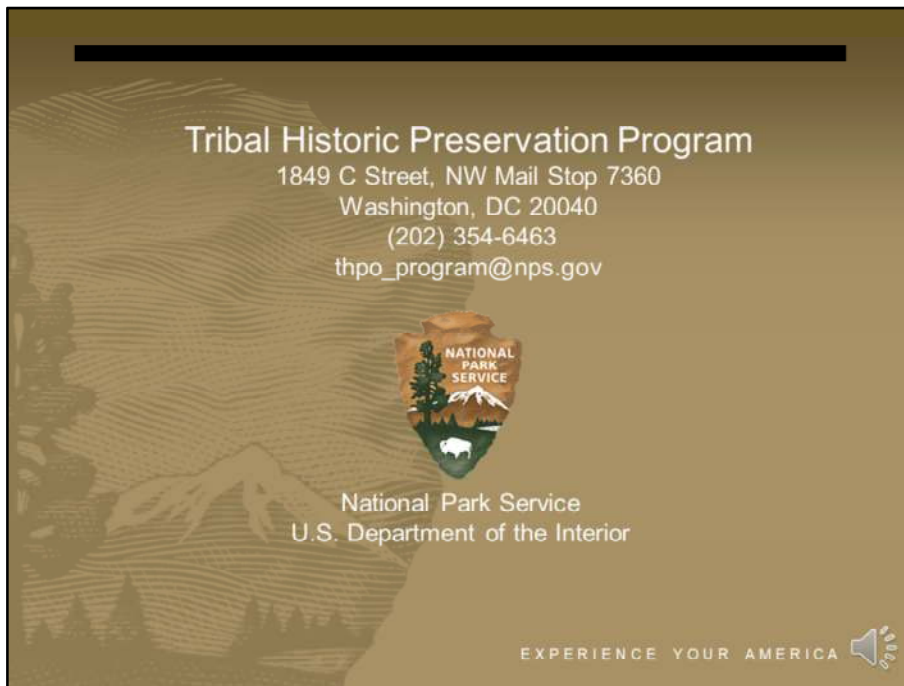
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Beginning the Process


- Questions/Inquiries about application
 - Jamie Lee Marks, Tribal Historic Preservation Program - Program Manager
 - jamie_lee_marks@nps.gov
 - 202-354-6364
 - Available: current application, guidance, technical assistance, examples, etc.

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To start the process, please reach out to the Tribal Historic Preservation Program at Thpo_Program@nps.gov or to me, Jamie Lee Marks, at Jamie_Lee_Marks@nps.gov.



Tribal Historic Preservation Program
1849 C Street, NW Mail Stop 7360
Washington, DC 20040
(202) 354-6463
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National Park Service
U.S. Department of the Interior

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The slide features a brown background with a faint, stylized illustration of a mountain range and trees. A thick black horizontal bar is positioned at the top. The text is centered and presented in a clean, white sans-serif font. The National Park Service arrowhead logo is centered below the contact information. The slogan 'EXPERIENCE YOUR AMERICA' is located at the bottom right, accompanied by a small speaker icon.

Thank you for watching! Please don't hesitate to reach out with any questions or comments.