



ACHP's Policy Statement on Indigenous Knowledge and Historic Preservation: Summary of Comments and Early Coordination Efforts

The Advisory Council on Historic Preservation (ACHP) is developing a policy statement that seeks to further inform how Indigenous Knowledge should be accounted for in the field of historic preservation, including the Section 106 process. This policy statement will build on the recently released government-wide [Guidance for Federal Departments and Agencies on Indigenous Knowledge](#) in an effort to tailor many of those messages to the needs of the historic preservation community. The policy will also be informed by concepts discussed in the ACHP's existing information paper, [Indigenous Knowledge and the Section 106 Process: Information for Federal Agencies and Other Participants](#).

Outreach and Early Coordination

To inform agency actions the ACHP has facilitated listening sessions with Indian Tribes, the Native Hawaiian community, Federal Preservation Officers (FPOs), and other federal agency cultural resources personnel. The ACHP has provided updates and sought feedback with additional consulting parties, including State Historic Preservation Officers (SHPOs) and Tribal Historic Preservation Officers (THPOs), through presentations and panel discussions at conferences and other public forums. The following list summarizes key outreach and early coordination opportunities the ACHP has participated in to inform this policy including with ACHP leadership:

January 10, 2023—Discussion with ACHP's Native American Affairs committee
February 21, 2023—Discussion with ACHP's Native American Affairs committee
March 1, 2023— Discussion with ACHP Members at the Business Meeting
March 28, 2023—Listening session with Indian Tribes and Native Hawaiians
April 1, 2023—Listening session with Indian Tribes and Native Hawaiians
April 3, 2023—Listening session with Indian Tribes and Native Hawaiians
April 13, 2023—Listening session with Indian Tribes and Native Hawaiians
April 25, 2023—Presentation and discussion at the United Nations Permanent Forum on Indigenous Issues (UN PFII)
May 1, 2023—Presentation/discussion at the Southeast SHPO/THPO Meeting hosted by NCSHPO, NATHPO, NPS, and the Tennessee Historical Commission
May 10, 2023— Discussion with ACHP's Native American Affairs committee
June 1, 2023—Listening session and presentation with Indian Tribes and Native Hawaiians
June 5, 2023—Listening session and presentation with Indian Tribes and Native Hawaiians
June 29, 2023—Listening session and presentation with Department of Interior bureau and agency FPOs and other natural and cultural resources personnel
July 10, 2023— Discussion with ACHP's Native American Affairs committee

The ACHP will continue to hold listening sessions with consulting parties in 2023. Government-to-government consultation with Indian Tribes and consultation with Native Hawaiian organizations leaders will also be conducted in early 2024.

ADVISORY COUNCIL ON HISTORIC PRESERVATION

401 F Street NW, Suite 308 • Washington, DC 20001-2637

Phone: 202-517-0200 • Fax: 202-517-6381 • achp@achp.gov • www.achp.gov

Summary of ACHP Member Feedback

ACHP members broadly supported development of a policy that further informs the role Indigenous Knowledge has in the Section 106 process. They also recognized that the current regulations implementing the Section 106 process, and many agency and departmental protocols and practices, do not fully account for Indigenous Knowledge. To advance this effort, members directed staff to conduct outreach with Indian Tribes, Native Hawaiian organizations, FPOs, THPOs/SHPOs, and the broader historic preservation community. Members further advised that staff address the following considerations when developing the policy:

- Ensuring the policy supports deference to Indigenous Knowledge, where appropriate
- Recognizing natural resources as cultural resource
- Characterizing what Indigenous Knowledge is for the purposes of Section 106;
- Ensuring the policy could be applied broadly by federal agencies, local and state governments, contractors, and other non-governmental institutions.
- Address the role Indigenous Knowledge can have in all 4-steps of the Section 106 process
- Confirming that Indigenous Knowledge can be seen as a valid and self-supporting source of information in the Section 106 process
- The policy account for historic preservation concerns outside of Section 106 (i.e., Executive Order 13007)
- Inform potential updates to the Secretary of Interior’s Professional Qualification Standards;
- Accounting for Indigenous Knowledge as sensitive information

Summary of Feedback Received from Consulting Parties

The following summary conveys comments and recommendations provided to the ACHP during the above listed listing sessions, presentations, and outreach opportunities. This feedback is continually being updated to reflect additional input and understanding.

Indigenous Knowledge is expertise and should be respected and compensated accordingly. Many participants expressed that they are frequently asked to “prove” or “validate” Indigenous Knowledge and that federal agencies and their contractors do not understand that Indigenous Knowledge is valid and self-supporting information. Commenters asked for clear language about Indigenous Knowledge as expertise and requested a policy statement that clarifies that Indigenous Knowledge does not require validation or corroboration from another source. Some federal commenters asked for clear language to support federal agency efforts to rely on and defer to Indigenous Knowledge to determine whether a site or place is national register eligible. Additionally, participants voiced frustration at what they perceived to be ongoing disrespect for Indigenous Knowledge through minimizing language, requesting “proof” from another knowledge source, disregarding requests regarding the solicitation and sharing of sensitive information, and failing to incorporate Indigenous Knowledge into 106-related decisions about properties of religious and cultural significance to Indian Tribes and NHOs. Participants also highlighted a perceived over-reliance on archaeological evidence, clarifying that archaeologists who are not explicitly approved by an Indian Tribe or NHO who ascribe significance to a property do not have the expertise to understand certain aspects of significance, integrity, potential adverse effects caused by a proposed undertaking, or how to avoid, minimize, or mitigate those adverse effects. Comments raised the need for deference to Indigenous Knowledge in cases where that expertise is required to make fully informed decisions in the 106 process. Other participants raised the importance of compensating Indigenous Knowledge holders who are essential to assisting federal agencies in carrying out their Section 106 responsibilities.

Indigenous Knowledge is applicable throughout the Section 106 process. Individuals asked the ACHP to clarify and underscore the importance of ` throughout the 106 process, emphasizing that that Indigenous Knowledge is essential to the identification and evaluation of sites of religious and cultural significance to Indian Tribes and NHOs, to understanding what actions may have an adverse effect on those sites, and to identifying the best methods of avoiding, minimizing, or mitigating those impacts.

Participants pointed out that the 106 process is sequential, and the regulations already direct federal agencies to “acknowledge” the special expertise of Indian Tribes and NHOs in the evaluation of historic properties and properties of religious and cultural significance to Indian Tribes at 800.4(c)(1). Commenters clarified that the same expertise required to evaluate those properties would also be needed to identify what actions might impact the significance and integrity of those properties. Additionally, some participants mentioned Indigenous Knowledge’s importance to understanding the cumulative effects of federal undertakings. Others noted that Indigenous Knowledge and Tribal consultation needs to be a part of identification plans early in the process and should be reflected in identification scoping and documentation efforts to ensure Indigenous Knowledge can be appropriately integrated.

Appropriately incorporating Indigenous Knowledge requires working with designated officials and experts. Some participants shared concerns that federal officials are not aware of which individuals are designated by Tribal leadership as experts who have been authorized to share information and knowledge with federal officials. They flagged the potential for federal officials or contractors to ask for information from sources other than official sources that are authorized by an Indian Tribe.

Indigenous Knowledge is frequently confidential and/or sensitive. Commenters flagged confidentiality as a key concern, sharing that due to a lack of understanding or lack of respect for Indigenous Knowledge, agencies frequently ask for more information than is required to make decisions then necessary. Participants flagged that if a Indian Tribe states an area is significant or sacred, it is significant or sacred, and more details are often not needed for an agency to make a determination. Other commenters shared that it is important for federal agencies to share how Indigenous Knowledge will be shared, stored, published, or used and that often, Indian Tribes and NHOs are asked for information without necessary details on how it will be protected or where it will be shared. Some participants remarked that having clear language about the differences between NEPA and the NHPA and how Section 304 could be applied to information shared during reviews pursued using a NEPA substitution would be helpful.

There is a perceived lack of accountability for incorporating Indigenous Knowledge. Participants expressed a perceived lack of accountability in cases when agencies do not incorporate Indigenous Knowledge into federal decision making or the 106 process. Some participants referenced a need for federal agencies to document how Indigenous Knowledge was considered throughout the Section 106 process as part of a reasonable and good faith effort to identify historic properties and properties of religious and cultural significance to Indian Tribes and NHOs. Some commenters suggested that including Indigenous Knowledge earlier in the process would increase the likelihood that agencies will incorporate Indigenous Knowledge into all steps of the 106 process.

Most participants preferred the phrase Indigenous Knowledge to Traditional Knowledge. Some participants shared that they feel the word “traditional” is used to diminish Indigenous ways of knowing and create a binary between western science and Indigenous Knowledge when one does not exist. Other commenters recommended a section discussing Indigenous and western scientific approaches in a pre-ample, and others pointed out that Indigenous Knowledge is knowledge gained through repeated empirical testing of an environment and often scientific in nature.

Implementation plans discussed in the policy statement should emphasize training. Throughout, participants referenced training needs for federal, state, and local organizations and individuals involved in the Section 106 process, as well as contractors involved in federal undertakings or in survey and identification efforts as a part of the 106 process. Participants also referenced a need for ACHP staff involved in providing technical assistance to federal agencies to be trained on the importance of Indigenous Knowledge throughout the 106 process and asked that any implementation plan drafted as part of an Indigenous Knowledge statement include a clear plan for implementing training within the ACHP.