



Preserving America's Heritage

Consultation Process Pursuant to E.O. 13175: **Consultation and Coordination with Indian Tribal Governments**

Advisory Council on Historic Preservation
February 3, 2010

In accordance with Section 5(a) of Executive Order 13175: Consultation and Coordination with Indian Tribal Governments, the Advisory Council on Historic Preservation (ACHP), in March 2001, submitted to the Office of Management and Budget (OMB) a plan outlining its process for ensuring meaningful and timely input from tribal officials in the development of regulatory policies that have tribal implications. In 2001, the ACHP also named Valerie Hauser, Native American Program Coordinator, the tribal consultation official pursuant to the executive order.

In accordance with the Presidential Memorandum on Tribal Consultation, dated November 5, 2009, the ACHP submits this updated plan to the Office of Management and Budget.

Introduction

The ACHP serves as the policy advisor to the President and Congress in the field of historic preservation. A key ACHP function is overseeing the federal historic preservation review process established by Section 106 of the National Historic Preservation Act (NHPA). Section 106 requires federal agencies to consider the effects of undertakings on historic properties and provide the ACHP an opportunity to comment on these undertakings prior to a final decision on them.

Amendments to the NHPA in 1992 enhanced the role of Indian tribes and Native Hawaiian organizations in the national preservation program, clarified federal agency responsibilities to consult with them, and authorized the ACHP to enter into agreements with Indian tribes to substitute their historic preservation regulations for the Section 106 implementing regulations on tribal lands. The amendments also added a Presidentially-appointed member of an Indian tribe or Native Hawaiian organization to the ACHP.¹ In addition to the tribal or Native Hawaiian organization member, the General Chairman of the National Association of Tribal Historic Preservation Officers sits on the ACHP as an observer.

The ACHP amended the regulations implementing Section 106, 36 CFR Part 800, "Protection of Historic Properties," to incorporate the requirement that federal agencies, in carrying out their Section 106

¹The ACHP is comprised of twenty three members. A small staff carries out the daily work of the ACHP.