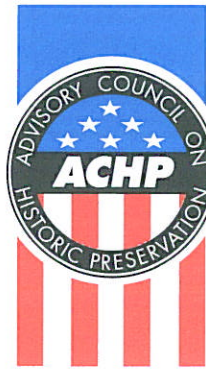


John L. Nau, III
Chairman

Susan S. Barnes
Vice Chairman

John M. Fowler
Executive Director



Preserving America's Heritage

September 16, 2009

Memorandum

To: ACHP Members
Executive Director

From: Chairman

Subject: Procedures for Government-to-Government Consultation Between the Advisory Council on Historic Preservation and Indian Tribes

This memorandum formalizes the procedures the Advisory Council on Historic Preservation (ACHP) has long used to initiate and conduct government-to-government consultation with Indian tribes.

ACHP must consult, on a government-to-government basis with Indian tribes when the ACHP is considering certain program alternatives pursuant to 36 CFR Part 800.14; when the ACHP is developing a policy that might affect historic properties of religious and cultural significance to Indian tribes; and, when the ACHP revises its regulations, 36 CFR Part 800.

In 2000, the ACHP adopted "The Policy Statement Regarding the ACHP's Relationships with Indian Tribes" and affirmed its commitment to the government-to-government relationship.

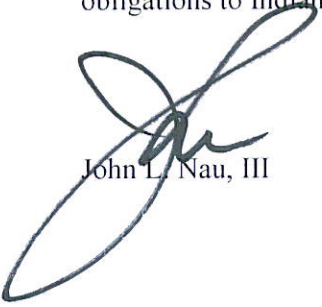
"In recognition of the status of Federally recognized Indian tribes as sovereign authorities and in accordance with the President's Memorandum on "Government to Government Relations with Native American Tribal Governments" (April 29, 1994), the ACHP is committed to operating on the basis of government-to-government relations with Indian tribes. Together with other executive departments, the ACHP acts on behalf of the Federal Government to fulfill the intent of the President and Congress regarding government-to-government consultation. The ACHP acknowledges that Federal-tribal consultation is a bilateral process of discussion and cooperation between sovereigns."

Responsibility for the ACHP's government-to-government consultation rests with the Chairman. When the ACHP is required to carry out government-to-government consultation, the initial contact with tribal leaders is made by the Chairman in the form of an official letter sent either via U.S. Mail and/or E-mail. ACHP's government-to-government consultation meetings are hosted by the ACHP Chairman or the Chairman's designee, typically another ACHP member or the Executive Director. Similarly, teleconferences in lieu of face-to-face meetings are hosted by the Chairman or the Chairman's designee.

ADVISORY COUNCIL ON HISTORIC PRESERVATION

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The Executive Director is responsible for ensuring that all contacts with a tribal leader are handled appropriately and responded to in a timely manner. The Executive Director is also responsible for implementing staff-level procedures to ensure that the ACHP meets its government-to-government obligations to Indian tribes.

A handwritten signature in black ink, consisting of a large, stylized initial 'J' followed by 'L. Nau, III'.

John L. Nau, III