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**Native American Affairs Committee**

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Update on Major Activities

*Please see the following papers in Tab 1 for the Native American Affairs Committee discussion:*

ACHP Strategic Plan Update

America the Beautiful



**MEETING**  
**NATIVE AMERICAN AFFAIRS COMMITTEE**  
**Monday, December 13, 2021**  
**3 p.m.—4:30 p.m. EST**

Join ZoomGov Meeting  
<https://achp.zoomgov.com/j/1602635866?pwd=OW9CV3NhT0xnYTFRReGtQTGMwNThKQT09>

Meeting ID: 160 263 5866

Passcode: 881549

or

Dial by phone

+1 646 828 7666 US

Meeting ID: 160 263 5866

Passcode: 881549

**PROVISIONAL AGENDA**

- I. Introductions
- II. Strategic Plan
- III. America the Beautiful Initiative
- IV. Traditional Knowledge Initiative
- V. White House Tribal Nations Summit Report



## TRADITIONAL KNOWLEDGE INITIATIVE Office of Native American Affairs

**Background.** In 2018, the Office of Native American Affairs (ONAA) launched an initiative to promote an understanding of and respect for traditional knowledge (TK) in the Section 106 process. The initiative was in preparation for the United Nations Permanent Forum on Indigenous Issues (PFII) meeting on TK in April 2019. In addition to assisting the U.S. Department of State in drafting the U.S. statement on TK and attending the PFII meetings, the ACHP co-hosted a side event with the Environmental Protection Agency and the U.S. Forest Service on TK in conjunction with the PFII meetings.

ONAA spent the next two years collaborating with Indian tribes and Native Hawaiian organizations (NHO) to develop an [information paper](#) on TK. During this collaboration, tribal and Native Hawaiian representatives made it clear that in order for TK to be effectively and meaningfully understood and considered in the Section 106 process, guidance from the ACHP would be needed. Before beginning work on guidance, ONAA has focused on sharing information about TK as widely as possible in the preservation community. Since issuing the paper in April 2021, ONAA has offered numerous presentations to federal agencies and others regarding the role of TK in the Section 106 process.

**Government-wide Initiative on Traditional Knowledge.** On November 15, the Council on Environmental Quality (CEQ) and the White House Office on Science and Technology Policy (OSTP) announced a [memorandum](#) to all federal agencies regarding traditional ecological knowledge in federal decision making. The memorandum recognizes “Traditional Ecological Knowledge (TEK)—a form of Indigenous Knowledge—as one of the many important bodies of knowledge that contributes to the scientific, technical, social, and economic advancements of the Nation and our understanding of the world.” The memorandum establishes an interagency working group and further states that the “Administration recognizes that the Federal Government should solicit TEK only in a manner that respects the sovereign rights of Indigenous communities to control access to their knowledge and to dictate the terms of its application. It further recognizes that, should Indigenous communities decide to share TEK and otherwise collaborate with the Federal Government, the Federal Government should ensure that the application of that knowledge and complementary collaborative efforts are beneficial not only to the Federal Government, but to the Indigenous communities as well.” Therefore, CEQ and OSTP have initiated a process to develop government-wide guidance for federal agencies.

**Development of Guidance.** The guidance CEQ and OSTP intend to develop “will include best practices on how to approach and collaborate with Indigenous communities about TEK to achieve mutually beneficial outcomes, how to address government-wide challenges to the collection and application of TEK such as navigating Federal laws and interagency processes, and how to appropriately respect the knowledge holders’ right to give or deny access to TEK.” The guidance will be developed through tribal consultation and public input.

**Implications for the ACHP’s Work on TK.** During the White House Council on Native American Affairs meeting on October 13, Vice Chairman Jordan Tannenbaum committed the ACHP to joining the interagency working group. This presents the ACHP with the opportunity to incorporate into the

government-wide guidance the importance of TK in the Section 106 process as well as consultation with Indian tribes and NHOs.

**Action Needed.** Committee members should consider and be prepared to discuss other actions the ACHP might take or recommendations the ACHP might make through the interagency working group.

*December 6, 2021*



## WHITE HOUSE TRIBAL NATIONS SUMMIT Office of Native American Affairs

***The Summit.*** On November 15 and 16, 2021, the Biden-Harris Administration hosted its first Tribal Nations Summit. The summit took place virtually due to the ongoing COVID-19 pandemic.

The summit featured seven panels that included Cabinet members and other senior Administration officials in discussion with tribal leaders about a variety of topics ranging from COVID-19 response to addressing climate impacts. In addition to President Joe Biden's remarks, Vice President Kamala Harris, Agriculture Secretary Tom Vilsack, and other Cabinet members addressed the summit.

In his address to the Summit, President Biden announced a number of new initiatives highlighted in the [\*White House Fact Sheet: Building a New Era of Nation-to-Nation Engagement\*](#). Among these announcements were two memoranda of understanding (MOU) signed by the ACHP and other federal agencies and a Presidential Memorandum regarding [\*Indigenous Traditional Ecological Knowledge and Federal Decision Making\*](#). Both the Tribal Treaty and Reserved Rights MOU and the Sacred Sites MOU update and strengthen the original MOUs adopted during the Obama Administration; the memorandum on Indigenous Knowledge brings new efforts to recognize and strengthen that information through forthcoming deliverables. Neither of the MOUs will directly impact the Section 106 process but do commit each signatory agency to integrate treaty rights and sacred sites protection into their decision-making processes. The ACHP continues to be an active member in both MOUs and will participate in federal agency efforts to advance the Presidential Memorandum on Indigenous Knowledge.

***New Sacred Sites MOU.*** In addition to the ACHP, the [MOU](#) was signed by the Departments of the Interior, Agriculture, Transportation, and Energy and the Council on Environmental Quality and the Environmental Protection Agency. One of the most notable changes to the Sacred Sites MOU is the addition of the Native Hawaiian community. Two previous versions of the MOU addressed only tribal sacred sites. Particularly significant for the Section 106 process, the MOU adds a commitment of the signatory agencies to continue and enhance consideration of sacred sites early in decision making, regulatory, and consultation processes. Also, the MOU requires discussion with an Indian tribe during consultations on projects or actions that may have an effect on that tribe's sacred sites and cultural resources.

***Treaty and Reserved Rights MOU.*** In addition to the ACHP, the Departments of the Interior, Agriculture, Transportation, Energy, Commerce, Defense, State, Veterans Affairs, Housing and Urban Development, Education, Homeland Security, Justice, Labor; the Environmental Protection Agency; Council on Environmental Quality; and Office of Personnel Management signed the [MOU](#). The MOU calls for the creation of a searchable and indexed database of all treaties between the United States and tribal nations. This database will greatly facilitate the consideration of treaty rights early in project planning. Other requirements include the development of best practices and procedures to protect treaty and reserved rights and annual reporting on progress.

***Indigenous Traditional Ecological Knowledge Memo and Working Group.*** The memo recognizes Indigenous Traditional Ecological Knowledge (ITEK)—a form of Indigenous Knowledge—as a valid

form of information and instructs the White House Office of Science and Technology Policy (OSTP) and the White House Council on Environmental Quality (CEQ) to develop an interagency working group to implement the objectives listed in the memorandum. The group will develop government-wide guidance for federal agencies and best practices among other deliverables. The ACHP will serve on the working group. In April 2021, the ACHP issued an [information paper](#) about traditional knowledge and will work to incorporate it into the government-wide guidance to be developed.

**Summit Report.** In conjunction with the summit, the White House issued [The White House Tribal Nations Summit Progress Report](#) which documents what the Biden-Harris Administration has accomplished to date. The report mentions the two MOUs as well as the ACHP's [treaty guidance](#). This guidance is being updated and will include a link to the new treaty database.

**Action Needed.** There is no member action needed, but Committee Chairman Reno Franklin will report on the summit at the business meeting.

*December 6, 2021*



**UPDATE ON MAJOR ACTIVITIES**  
**Office of Native American Affairs**  
**July—December 2021**

***United Nations Declaration on the Rights of Indigenous Peoples (Declaration) Webinar.*** The ACHP, Department of State, and Environmental Protection Agency (EPA) hosted a government-wide webinar on the Declaration on November 4. Katherine Fennell (State) explained the history of the Declaration and the U.S. position on its applicability. Danny Gogal (EPA) shared how the Office of Environmental Justice works with the Declaration. Valerie Hauser talked about the ACHP’s plan to support the Declaration and the subsequent work done by the ACHP including the issuance of two guidance documents. More than 100 federal staff attended.

***Traditional Knowledge Webinars.*** In September and October, the ACHP co-hosted two webinars on traditional knowledge with the EPA. The webinars were part of EPA’s Environmental Justice series for indigenous peoples. The first webinar was on September 15 and featured presentations by Reno Franklin, the U.S. Forest Service, National Park Service, Bureau of Ocean Energy Management, Ira Matt, and EPA. The second webinar was on October 19 and featured presentations by representatives from the Narragansett Indian Tribe, the Confederated Salish and Kootenai Tribes, and the Ala Kahakai Trail Association. More than 1,000 people attended the two webinars.

***Working Effectively with Tribal Governments Course.*** The ACHP’s Office of Native American Affairs with the Department of the Interior’s Office of the Assistant Secretary–Indian Affairs and the Department of Justice National Advocacy Center are working on an update to the online course *Working Effectively with Tribal Governments*. The course was initially launched in 2008, updated in 2017, and is currently offline until new revisions are completed. The updated course is expected to be available online in January 2022. The course is designed to help federal employees develop an understanding and awareness of tribal issues, the unique status of Indian tribes and their historical relationship with the federal government, and federal responsibilities to tribes. The course presents important concepts such as tribal treaties, federal recognition, tribal sovereignty, and the federal trust responsibility. It also examines the complexities of Indian law and jurisdictional issues, cultural aspects, and provides tips on consultation with Indian tribes. While it is focused on federal responsibilities, it will be available to the general public and is free of charge.

***Section 106 and National Register Training for Indian Tribes and SKC Students.*** On October 13, the ACHP and National Park Service, for the first time, partnered to offer a day-long workshop for Indian tribes in Montana, Idaho, and Wyoming and students in the tribal preservation program at Salish Kootenai College (SKC). The workshop was originally planned to take place at SKC but was moved to a virtual platform because of the ongoing COVID-19 pandemic. Topics included how to work with the National Register criteria and tips for successfully navigating the Section 106 review process. Student participation was facilitated by former Office of Native American Affairs intern Ahwahnee Williams.

*December 6, 2021*