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Update on Major Activities

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

Updates to the ACHP's Policy Statement Regarding Treatment of Burial Sites, Human Remains, and Funerary Objects

Memorandum of Agreement on Native Languages



MEETING
NATIVE AMERICAN AFFAIRS COMMITTEE
Friday, October 21, 2022
1 p.m.–2:30 p.m. EDT

Join ZoomGov Meeting:

<https://achp.zoomgov.com/j/1618536083?pwd=Z1laamRUeE96MkxxM3B2bm1Cb0Jpdz09>

Meeting ID: 161 853 6083

Passcode: 089226

Dial in: 669-254-5252

PROVISIONAL AGENDA

- I. Welcome and Introductions
- II. ACHP Policy Statement Regarding Burial Sites, Human Remains, and Funerary Objects
- III. Memorandum of Agreement on Native Languages
- IV. Salish Kootenai College Memorandum of Understanding and 2023 Summit
- V. White House Council on Native American Affairs Updates
- VI. Other Updates

ADVISORY COUNCIL ON HISTORIC PRESERVATION

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SALISH KOOTENAI MEMORANDUM OF UNDERSTANDING AND 2023 SUMMIT **Office of Native American Affairs**

Background. The ACHP signed a [Memorandum of Understanding \(MOU\)](#) with Salish Kootenai College (SKC) and the ACHP Foundation (Foundation) to support SKC's [Tribal Historic Preservation](#) and [Tribal Governance and Administration](#) programs on September 23, 2019. This MOU allows the ACHP to support and educate tribal youth regarding historic preservation in a structured and predictable manner.

In March 2022, the Native American Affairs (NAA) Committee committed to extending this MOU and directed staff to complete necessary updates. Throughout the spring of 2022, the signatories developed and agreed to updates and prepared the MOU for signature; however, delays in the appointment of the ACHP's full-time chairman placed execution on hold. In September 2022, the NAA Committee recommended that ACHP Vice Chairman Jordan Tannenbaum advance the MOU in order to keep the agreement from expiring.

ACHP-SKC-Foundation MOU. Despite interest in updating and extending the MOU, the signatories delayed execution until 2023 to establish a more comprehensive agreement that included recent and pending initiatives. Additionally, increasing the emphasis on the internship program, including intern participation in the White House Council on Native American Affairs (WHCNA) committee and subcommittees, was identified as a priority. Intern participation in the WHCNA will provide for expanded experiential opportunities, result in higher profile intern work products, and will lead to additional opportunities to participate in policy work and develop professional contacts directly related to Indian Country. The following agreements were included in the MOU to advance this effort:

- [Memorandum of Agreement on Native Languages](#)
- [Memorandum of Understanding regarding interagency coordination and collaboration for the protection of Indigenous Sacred Sites](#)
- [Memorandum of Understanding regarding interagency coordination and collaboration for the protection of Tribal Treaty and Reserved Rights](#)
- [Climate Impacts to Indian Tribe and Native Hawaiian Sacred Sites and Historic Properties: Plan for ACHP Actions](#)

Additionally, the ACHP's recent participation in the Native Language MOA calls for an agency implementation plan aimed at outlining specific measurable actions to advance educational equity, excellence, and economic opportunity for Native American communities (see the Memorandum of Agreement on Native Language paper in this tab). The MOU with SKC has been identified as the primary vehicle the ACHP can use to advance those responsibilities. As such, the Native Language MOA implementation plan and the MOU require additional coordination to ensure effective and efficient implementation that advances both agreements.

The ACHP is also collaborating with SKC and the National Park Service (NPS) to advance a tribal preservation summit in 2023. This summit will focus on the trust responsibility federal agencies have to Indian tribes and will feature leadership conversations between the ACHP, NPS, and Indian tribes (and other applicable federal agencies). This proposed summit will also include a workshop to allow senior agency staff and tribal representatives an opportunity to explore topics of concern to Indian tribes in the Section 106 process.

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Action Needed. Committee members should be prepared to identify opportunities for ONAA interns to collaborate with the WHCNAA and their agency on the intersection of Section 106 with sacred sites, treaty and reserved rights, Native languages, Indigenous Knowledge, and/or climate change. Committee members should also be prepared to discuss topics of concern that ACHP and NPS leadership and staff can mutually advance during the 2023 summit.

Attachments: Draft ACHP-SKC-Foundation MOU
ACHP-SKC-Foundation Internship Program
FY 2023 ACHP-BIA-NPS-SKC Tribal Preservation Summit Outline

October 12, 2022



**Memorandum of Understanding
Among
the Advisory Council on Historic Preservation (ACHP),
the ACHP Foundation (Foundation), and
Salish Kootenai College (SKC)
Regarding the Tribal Preservation Training Partnership**

WHEREAS, the ACHP, an independent federal agency, promotes the preservation, enhancement, and sustainable use of the nation's diverse historic resources and advises the President and the Congress on national historic preservation policy;

WHEREAS, per 54 U.S.C. § 304102(a), the ACHP is authorized to, among other things, "encourage ... public interest and participation in historic preservation," "encourage, in cooperation with appropriate public and private agencies and institutions, training and education in the field of historic preservation," and "inform and educate ... Indian tribes ... and private groups and individuals as to the Council's authorized activities;"

WHEREAS, federal trust responsibilities to federally recognized Indian tribes applies to all executive departments and federal agencies, and emanates from Indian treaties, statutes, Executive Orders, and the historical relationship between the Federal Government and Indian tribes. Part of the ACHP's trust responsibility is to ensure that the regulations implementing Section 106 incorporate the procedural requirement that federal agencies consult with Indian tribes. The ACHP views its trust responsibility as encompassing all aspects of historic properties including their intangible values and is committed to supporting Indian tribes in the Section 106 process;

WHEREAS, the ACHP Foundation is a tax-exempt nonprofit organization with an Internal Revenue Service designation of 509(a)(3) that supports the purposes of the ACHP by raising funds and distributing them to the ACHP as well as conducting activities for the benefit and/or to carry out the purposes of the ACHP;

WHEREAS, the ACHP and Foundation want to develop more preservation capacity in Indian Country through a partnership with SKC to provide educational, personal development and professional growth opportunities to students in the Tribal Historic Preservation (THP) and Tribal Governance and Administration degree programs at SKC;

WHEREAS, in accordance with Section 302702 (formerly 101(d)(2)) of the National Historic Preservation Act (NHPA) Indian tribes may assume on their tribal lands the responsibilities of the State Historic Preservation Officer for purposes of Section 106 of the NHPA, which requires federal agencies to take into account the effects of projects they carry out, license, or financially assist on historic properties, and to do so in consultation with Indian tribes;

WHEREAS, in accordance with Section 302705 (formerly 101(d)(5)) of the NHPA an Indian tribe may enter into an agreement with the ACHP to permit undertakings on tribal land to be reviewed under tribal historic preservation regulations in place of review under regulations promulgated by the ACHP (36 CFR Part 800 Protection of Historic Properties);

WHEREAS, the mission of SKC is to provide quality post-secondary educational opportunities for Native Americans, locally and from throughout the United States; and,

WHEREAS, SKC's THP program is committed to training resourceful, skilled, multi-disciplinary preservationists and promoting the involvement of tribal people and governments in cultural resources management that respects and values indigenous ways of knowing, oral tradition, and Native ideologies.

Now, therefore, the ACHP, Foundation, and SKC (the Parties) agree to work together to implement the following goals.

Mutual Goals (MG):

MG #1 - Build awareness of the SKC THP program and the Parties collaboration;

MG #2 – Facilitate educational opportunities for SKC students via in-person and/or video teleconference regarding historic preservation consistent with the THP curriculum and program needs;

MG #3 - Develop National Historic Preservation Act course content that will provide SKC students with guidance on the following: the Section 106 process; reasonable and good faith effort standards; roles and responsibilities of Indian tribes and Tribal Historic Preservation Officers; Indigenous Knowledge; treaty and reserved rights; sacred sites; the United Nations Declaration on the Rights of Indigenous People (UNDRIP); Native language preservation; sites of religious and cultural significance; ancestral lands; the federal-tribal relationship; and other applicable topics;

MG #4 - Develop experiential educational opportunities to include internships (see ACHP-Foundation-SKC Internship Program attachment), participation in interagency working groups related to tribal historic preservation, and field schools;

MG #5 - Develop a mentor program to facilitate guided interaction between the ACHP and THP program students;

MG #6 - Co-host annual historic preservation gatherings such as tribal summits with Salish Kootenai College (see Tribal Preservation Summit attachment);

MG #7 - Host an annual meeting either at the SKC campus or at the ACHP offices to review the MOU, develop best practices, and explore additional opportunities for collaboration;

MG #8 – Assure confidentiality of information, including SKC students and programs, from disclosure without approval; and

MG #9 – Seek out funds, donors, and/or resources to support implementation of this MOU.

To advance the interests of this MOU, the Parties agree to undertake the following with respect to the Mutual Goals listed above:

ACHP:

MG #1 - Forward information and material to SKC as it pertains to historic preservation jobs, internships, or other professional opportunities. The ACHP will promote SKC's THP and Tribal Governance and Administration programs on its website and at appropriate venues including but not limited to the White House Council on Native American Affairs, conferences, meetings, and to Indian tribes.

MG #1 - Seek additional federal partners, in consultation with SKC, to participate in this MOU to provide support and professional expertise.

MG #2 - Facilitate the availability of ACHP staff subject matter experts, as appropriate, to offer virtual class lectures and, funding permitting, in-person at SKC. Coordinate with other federal agencies to provide SKC with subject matter experts who can provide class lectures via video teleconferencing on Section 106 and/or other applicable historic preservation or environmental laws and regulations.

MG #3 - Provide/develop information related to Section 106, Indigenous Knowledge, climate change, treaty and reserved rights, sacred sites, UNDRIP, and other relevant subject areas that can be integrated into existing SKC courses and curricula; work with partner agencies to provide/develop information and materials regarding other preservation laws that can be integrated into existing SKC courses.

MG #4 - Work with the Foundation and SKC to develop experiential education opportunities for SKC students such as internships and field schools.

MG #4 - Incorporate SKC interns into ACHP and interagency initiatives that advance the interests of Indian tribes, including but not limited to the White House Council on Native American Affairs, to advance the following agreement documents and action plans:

- [Memorandum of Agreement on Native Languages](#)
- [Memorandum of Understanding regarding interagency coordination and collaboration for the protection of Indigenous Sacred Sites](#)
- [Memorandum of Understanding regarding interagency coordination and collaboration for the protection of Tribal Treaty and Reserved Rights](#)
- [Climate Impacts to Indian Tribe and Native Hawaiian Sacred Sites and Historic Properties: Plan for ACHP Actions](#)
- [ACHP Plan to Support the U.N. Declaration on the Rights of Indigenous Peoples](#)

MG #5 - Provide ACHP mentors or advisors for SKC students who can serve as educational resources, assist with professional development opportunities, and/or provide any other agreed upon guidance as it pertains to historic preservation.

MG #6 - Work with SKC to co-host a federal-tribal-student preservation gathering at SKC including development of agenda, facilitating federal agency participation, coordinating with the Confederated Salish and Kootenai Tribes, and other necessary actions.

MG #7 - Participate in an annual in-person meeting with SKC and the Foundation to assess the standing and utility of the MOU.

MG #8 - Not distribute information and material regarding the THP and Tribal Governance and Administration programs provided by SKC that is not publicly available or is a product of this MOU.

ACHP Foundation:

MG #1 - Work with the ACHP and SKC to build awareness of the program and collaboration to expand educational and employment opportunities.

MG #4 - Work with the ACHP and SKC to develop experiential education opportunities for SKC students such as internships and field schools.

MG #5 - Assist in identifying Foundation mentors to support SKC students.

MG #7 - Participate in an annual in-person meeting with ACHP and SKC to assess the standing and utility of the MOU.

MG #8 – Assure confidentiality of information, including SKC students and programs, from disclosure without approval.

MG #9 - Assist in identifying financial support for SKC students in the Tribal Historic Preservation Program.

MG #9 - Assist in identifying, cultivating, and securing potential funds for the ACHP to participate in this partnership. Assist in identifying, cultivating, and securing potential financial support for this partnership.

MG #9 - Collaborate with the SKC Development staff to identify and solicit potential donors and funders.

Salish Kootenai College:

MG #1 – Coordinate with the Foundation and the ACHP to provide the necessary information and resources, including participation in mutually agreed upon interviews, podcasts, and other events, to facilitate increased awareness of the SKC's THP program.

MG #2 - Provide the ACHP with information relevant to the Tribal Historic Preservation course (i.e., class schedule, reading list, syllabus, etc.) and an invitation to offer course lecture one month in advance.

MG #3 - Coordinate with ACHP staff and staff of other federal agencies in the development of original Section 106 curriculum for implementation into existing SKC courses or as a stand-alone course.

MG #4 - Coordinate with ACHP staff to define experiential education requirements necessary for students to receive credit hours in conjunction with the THP program.

MG #5 - Coordinate with ACHP staff regarding ACHP mentors/advisors to SKC students to ensure that students are paired with an appropriate ACHP staff expert. Review and approve mentor agreement and any associated content.

MG #6 - Provide conference space or virtual platforms to host the proposed historic preservation gatherings. Assist with planning and coordination where feasible including but not limited to agenda development, and coordination with local federal agencies and Indian tribes.

MG #7 - Participate in the annual in-person meeting with the ACHP and the Foundation.

MG #8 – As necessary, advise the ACHP and the Foundation on appropriate external messaging and information sharing;

MG #9 - Properly steward donors and develop appropriate recognition for this partnership.

General Provisions and Limitations

This MOU is a voluntary agreement that expresses the good-faith intentions of the Parties, is not intended to be legally binding, does not create any contractual or fiscal obligations, and is not enforceable by any party. It does not create any right or benefit, substantive or procedural, enforceable by law or equity, by any party, against the Parties, their officers or employees, or any other person. This MOU does not direct or apply to any person outside of the Parties.

All commitments made by the ACHP in this MOU are subject to the availability of appropriated funds and budget priorities. Nothing in this MOU, in and of itself, obligates the ACHP to expend appropriations or to enter into any contract, assistance agreement, interagency agreement, or incur other financial obligations.

All commitments made by the Foundation in this MOU are subject to the availability of funds and budget priorities. Nothing in this MOU, in and of itself, obligates the Foundation to expend Foundation funds or to enter into any contract, assistance agreement, or incur other financial obligations.

All commitments made by the SKC in this MOU are subject to the availability of funds and budget priorities. Nothing in this MOU, in and of itself, obligates SKC to expend funds or to enter into any contract, assistance agreement, or incur other financial obligations. SKC will only provide publicly available materials pertaining to its THP and Tribal Governance and Administration programs to the ACHP, Foundation, or other partners or signatories to this MOU for public use and distribution.

This MOU does not transfer or convey any copyright or other intellectual property right held by SKC in the Tribal Historic Preservation Curriculum/Degree Program to the ACHP, Foundation, or any other party. SKC may share the Tribal Historic Preservation Curriculum/Degree Program materials with these parties for the sole purpose of fulfilling the terms of this MOU.

Administrative Provisions

This MOU takes effect upon signature of all Parties and shall remain in effect through the 2024-2025 academic year. This MOU may be extended or amended upon written consent from any Party and the subsequent written concurrence of the others.

Any Party can opt out of this MOU by providing a 60-day written notice to the other signatories.

Memorandum of Understanding
Among
the Advisory Council on Historic Preservation (ACHP),
the ACHP Foundation (Foundation), and
Salish Kootenai College (SKC)
Regarding the Tribal Preservation Training Partnership

Signatories:

Salish Kootenai College

Dr. Sandra Boham
President

Date

Advisory Council on Historic Preservation Foundation

Katherine Slick
President

Date

Advisory Council on Historic Preservation

Jordan E. Tannenbaum
Vice Chairman

Date

ACHP-Foundation-SKC Internship Program

Background

Since 2019, the Advisory Council on Historic (ACHP), Salish Kootenai College (SKC), and the ACHP Foundation have participated in a Memorandum of Agreement (MOU) to provide educational and professional opportunities to SKC students. A central component of that MOU includes the Foundation funding an annual internship for an eligible SKC student to work with the ACHP's Office of Native American Affairs (ONAA). This internship program focuses on integrating students into ongoing agency actions and initiatives that will advance the student's knowledge in policy, Section 106, consultation, and project management. Interns also benefit by acquiring real world experience that can be incorporated into their resume to advance their professional career or to support ongoing educational pursuits.

Eligibility

Applicants should be enrolled in, or be recent graduates of, SKC. Preference will be given to Tribal Historic Preservation or Tribal Governance and Administration program students.

Position Description:

Day-to-day work focuses on advancing current ACHP initiatives and Section 106 casework in addition to pursuing any expertise or research interests expressed by the intern. While initiatives change to accommodate agency, constituent, and Administration priorities and needs, the ACHP regularly participates in interagency working groups and with the White House Council on Native American Affairs (WHCNA) to advance topics of interest to Indian tribes, Native Hawaiians, and other Indigenous Peoples. Interns are expected to collaborate with ACHP and other federal agency staff and interns in the development of interagency products and to advance any individual products consistent with ACHP or intern priorities.

Format and Location:

The internship is virtual. The position can be hosted full (40 hours per week) or part time (20 hours per week). Interns are supervised by the ONAA director and work closely with other ACHP offices and staff. Internships can occur any time of the year but generally occur over summer break.

Examples of Success: Previous interns have tailored their experience to pursue a range of interests including the following: climate adaptation planning and cultural resources; historic preservation and food sovereignty; Indigenous Knowledge and federal decision making; and, the United Nations Declaration on the Rights of Indigenous Peoples and ACHP Policy Statements. Products relating to these interest areas have been successfully incorporated into ongoing ACHP initiatives and as deliverables to the WHCNA.

**2023 ACHP-BIA-NPS-SKC
TRIBAL PRESERVATION SUMMIT**

Proposal: The ACHP, Bureau of Indian Affairs (BIA), and National Park Service (NPS) propose to co-host a summit with Salish Kootenai College and Indian tribes focused on historic preservation and cultural perpetuation. This event will include two-hour high-level discussions between tribal and agency leadership followed by a workshop led by tribal and agency staff meant to advance topics of interest.

Justification: The ACHP, BIA, and NPS have a unique trust responsibility to Indian tribes relevant to historic preservation. Effectively implementing this moral and legal responsibility includes consulting in a bilateral manner that recognizes the sovereign authority unique to each federally recognized Indian tribe. Scheduling time for agency and tribal leadership to participate in authentic dialogue provides a forum where issues, opportunities, and expectations can be discussed in a neutral and collaborative manner.

Date: One day event proposed for the week of April 24, 2023

Time: Specific time TBD – proposed for 11 a.m.-5 p.m. ET

Format: Virtual - to allow for maximum participation by Indian tribes

Attendees: See list below. The Leadership session will be limited to federal agencies and Indian tribes (including SKC).

- Indian tribes - elected leaders, cultural leaders, Tribal Historic Preservation Officers (THPO), and other cultural resources personnel
- ACHP, BIA, and NPS – appointed leadership and senior level staff, program managers, and Federal Preservation Officer(s)
- Salish Kootenai College – president and vice president, Tribal Governance and Tribal Historic Preservation program students, and program directors
- National Association of Tribal Historic Preservation Officers – board chair and executive director
- National Conference of State Historic Preservation Officers - executive director

Draft Agenda: Detailed agenda TBD; rough agenda for planning purposes below:

TOPIC	TIME
Opening (blessing and remarks)	11:00AM – 11:30AM
Agency and Tribal leadership*	11:30AM – 1:30PM
Break (agency and tribal leadership have option to depart)	1:30PM – 1:45PM
Agency-led discussion**	1:45PM – 3:00 PM
THPO-led discussion*	3:00PM – 4:15PM
Closing remarks (blessing and remarks)	4:15PM – 4:30PM

*Topics, comments, or questions for these sessions will be solicited during registration

**Topic(s) are TBD



UPDATE ON MAJOR ACTIVITIES
Office of Native American Affairs
June–October 2022

Sacred Sites Webinar

In September, Office of Native American Affairs (ONAA) Director Ira Matt led a two-hour webinar with Department of Energy (DOE) personnel and several Indian tribes and pueblos regarding Executive Order 13007: Indian Sacred Sites (EO). This webinar addressed several key topics including the following: the language of the EO—key terms and considerations; the 2021 Indigenous Sacred Sites Memorandum of Understanding; related laws, executive orders, and policy considerations; and hurdles and opportunities related to the implementation of sacred sites procedures. This event was intended to be part of a larger effort aimed at identifying future webinar and training needs. It also informs an in-person workshop meant to advance the development of procedures for implementation of EO 13007 by the DOE and interested Indian tribes. Per request, additional emphasis was provided to the intersection of the Section 106 process and the EO including common misconceptions and potential opportunities.

NATHPO 2022 Sacred Places Summit

In September, ONAA participated in the National Association of Tribal Historic Preservation Officers' 2022 Sacred Places Summit, presenting alongside other agency officials to provide an update to more than 150 tribal historic preservation professionals on the *Memorandum of Understanding Regarding Interagency Coordination and Collaboration for the Protection of Indigenous Sacred Sites* (MOU). The presentation provided an overview of accomplishments under the MOU in 2021 and 2022, and key opportunities that remain under the MOU's implementation. ONAA presented about how the MOU has influenced the office's Climate Action Plan; efforts to update the ACHP's policy on burial sites, human remains, and funerary objects; work to incorporate Indigenous Knowledge across the office's initiatives; updates to the ACHP's Salish Kootenai College MOU; and interagency engagements around the protection of sacred sites (DOE).

Podcast Participation

In August and September, three podcast episodes were released that feature Mr. Matt. He was interviewed on *Tangible Remnants*, a podcast hosted by Nakita Reed that explores the interconnectedness of architecture, historic preservation, sustainability, and identity. That episode included more than 45 minutes of discussion about tribal member motivations for participation in historic preservation, preservation as cultural perpetuation, and the importance of Indigenous Knowledge in the Section 106 process. An interview with Mr. Matt was also featured on two one-hour episodes of *THPO Talk*, a podcast about current issues facing Tribal Historic Preservation Officers (THPOs). The podcast is hosted by two former THPOs: Sheila Bird (United Keetoowah Band of Cherokee Indians) and RaeLynn Butler (Muscogee [Creek] Nation), and Deanna Byrd (Choctaw Nation of Oklahoma), a Native American Graves Protection and Repatriation Act liaison and archaeologist. The discussion covered a range of topics including identifying historic properties of religious and cultural significance, an overview of the role of ONAA at the ACHP, records management in Tribal Historic Preservation Offices, and tribal consultation in the Section 106 process. The podcasts allowed ONAA to highlight themes of crucial importance to the ACHP and the broader historic preservation community in new forums.

October 12, 2022