



## **ADVISORY COUNCIL ON HISTORIC PRESERVATION POLICY STATEMENT ON INDIGENOUS KNOWLEDGE AND HISTORIC PRESERVATION**

**PREAMBLE.** Indian Tribes, Native Hawaiians, and other Indigenous Peoples are the original stewards of what is now known as the United States and its various territories and jurisdictions. They have existed as part of their environments for countless generations and have accumulated extensive experiences with, information about, and knowledge of the natural and cultural environment. This knowledge, often referred to as “Indigenous Knowledge,” results from a reciprocal relationship with their traditional territories whereby Indian Tribes, Native Hawaiians, and other Indigenous Peoples both shape and are shaped by the places and landscapes that surround them.

As a result of this interdependent relationship between people and place, sacred sites, and historic properties, including properties of religious and cultural importance to Indian Tribes, Native Hawaiians, and other Indigenous Peoples, exist throughout the United States and its territories and jurisdictions. These locations are often considered to be of great importance by the Indigenous People who ascribe meaning to them and are frequently associated with significant cultural events, important spiritual locations, or are an active part of their living culture.

Indian Tribes, Native Hawaiians, and other Indigenous Peoples frequently rely upon their Indigenous Knowledge to identify and interact with these locations. Sacred sites, historic properties, and properties of religious and cultural importance are often imbued with both tangible and intangible values and resources that are not readily known outside of the community, clan, family, or individual who ascribe significance to them. Therefore, it is critical that federal agencies, state and local governments, and nongovernmental institutions, including private contractors, respect the value of and actively seek to incorporate Indigenous Knowledge into their historic preservation programs and decision making.

**SCOPE OF THE POLICY.** The field of historic preservation should ensure that the archaeological sites, historic structures, cultural landscapes, sacred sites, and other sites of religious and cultural importance to Indian Tribes and Native Hawaiians are equitably considered in decision making. These locations, and the reasons they are important to Indian Tribes, Native Hawaiians, and other Indigenous Peoples, are often best understood and accounted for through consultation with, and by applying the Indigenous Knowledge of, associated Indian Tribes, Native Hawaiian organizations, and other Indigenous Peoples.

Unfortunately, the historic preservation community has struggled to consistently acquire and incorporate Indigenous Knowledge into decision making in an efficient or effective manner. This partially stems from the fact that Indigenous Knowledge has not to date been thoroughly accounted for in implementing the statutory and regulatory framework that guides historic preservation, including the National Historic Preservation Act (NHPA) and its related regulations; nor is Indigenous Knowledge mentioned in the Secretary of the Interior’s Professional Qualifications standards or Executive Order 13007: Indian Sacred Sites. Additionally, many federal agencies, state and local governments, and nongovernmental institutions, including private contractors, lack protocols that account for the role of Indigenous Knowledge in meeting their program objectives and compliance responsibilities.

Despite these challenges, the Advisory Council on Historic Preservation (ACHP) has identified the integration of Indigenous Knowledge into decision making as both valuable and, in some circumstances, a

mandatory part of the Section 106 process the ACHP administers as part of its responsibilities pursuant to the NHPA.<sup>1</sup> In 2019 the ACHP clarified that while the term Indigenous Knowledge is not defined in the NHPA or its implementing regulations, its role in the Section 106 process is necessitated by the regulation stating that agency officials “shall acknowledge that Indian tribes and Native Hawaiian organizations (NHOs) possess special expertise in assessing the eligibility of historic properties that may possess religious and cultural significance to them.”

In 2022 the White House released its *Guidance for Federal Departments and Agencies on Indigenous Knowledge*, an interagency resource meant to promote and enable a broad effort to improve the recognition and inclusion of Indigenous Knowledge. It reaffirms that Indigenous Knowledge should be recognized and, as appropriate, incorporated into decision making, research, and policies. It also advised that agencies use this guidance to develop an approach to Indigenous Knowledge that is appropriate for the contexts and legal frameworks in which they operate and for the Indian Tribes, Native Hawaiian organizations, and other Indigenous Peoples with whom they partner and consult.<sup>2</sup>

The ACHP developed this policy statement to 1) generate consistency within the broader preservation community, 2) respond to the challenges outlined above, 3) identify the role Indigenous Knowledge has in the Section 106 process, and 4) to establish a set of standards and guidelines related to the acquisition and use of Indigenous Knowledge in historic preservation more broadly. This policy clarifies that Indigenous Knowledge should be recognized as an independent, self-supporting line of evidence meant to support program, policy, and procedural decisions related to historic preservation,<sup>3</sup> and identifies designated representatives of Indian Tribes and Native Hawaiian organizations as the appropriate subject matter experts capable of informing decision making related to such knowledge.

The policy also calls on the preservation community to ensure that the appropriate amount of time and resources are dedicated to the identification, documentation, utilization, management, and safeguarding of Indigenous Knowledge, along with developing guidance to inform these activities. An overarching goal of the policy is to ensure that the Indigenous Knowledge of Indian Tribes, Native Hawaiians, and other Indigenous Peoples has an equitable and ongoing role in the decision-making process, recognizing the history of federal-Tribal relations has not consistently or effectively accounted for this information.

**AUTHORITY.** The ACHP has the statutory responsibility to advise on matters relating to historic preservation, to advise the President, Congress, and state and local governments, regarding historic preservation matters, and to recommend methods to federal agencies to improve the effectiveness, coordination, and consistency of their historic preservation policies.<sup>4</sup>

As a federal agency, the ACHP also has a unique legal and political relationship with federally recognized Indian Tribes as set forth in the Constitution of the United States, treaties, statutes, and court decisions, and acknowledges that the federal Indian trust responsibility is a legal obligation under which the United States “has charged itself with moral obligations of the highest responsibility and trust” toward Indian

---

<sup>1</sup> The ACHP is an independent federal agency with the primary mission to encourage historic preservation in the government and across the nation. A key ACHP function is overseeing the federal historic preservation review process established by Section 106 of the NHPA. Section 106 requires federal agencies to consider the effects of projects, carried out by them or subject to their assistance or approval, on historic properties and provide the ACHP an opportunity to comment on these projects prior to a final decision on them.

<sup>2</sup> [Guidance for Federal Departments or Agencies on Indigenous Knowledge](#) (Executive Office of the President Office of Science and Technology Policy [OSTP] and Council on Environmental Quality [CEQ], 2022).

<sup>3</sup> The Foundations for Evidence-Based Policymaking Act (Evidence Act - Pub. L. 115-435 (2018)), established a process for the federal government to modernize data management practices, evidence-building functions, and statistical efficiency. The focus of the Evidence Act is on outcomes where agencies use all available evidence to make better program, operational, and other decisions, and build evidence where it is lacking. Indigenous Knowledges can be a form of evidence as described in the Act, and offices and bureaus should consider this whenever evidence is relevant.

<sup>4</sup> 54 U.S.C. §§ 304102 and 304108.

Tribes.<sup>5</sup> In general, the trust responsibility establishes fiduciary obligations on the part of federal agencies to Tribes, including a duty to protect Tribal lands and cultural and natural resources for the benefit of Tribes and individual Tribal members. An element of the ACHP's trust responsibility is to ensure that its promulgation of the regulations implementing Section 106 of the NHPA incorporate the procedural requirement that federal agencies consult with Indian Tribes and NHOs that attach religious and cultural significance to historic properties that may be affected by undertakings the federal agency proposes to carry out, license, permit, or assist.<sup>6</sup> The ACHP's trust responsibility encompasses all aspects of historic resources, including associated Indigenous Knowledge and other intangible values.<sup>7</sup>

Consistent with its statutory responsibilities, and as part of its trust responsibility to Indian Tribes, the ACHP issues this policy statement to establish a set of standards and guidelines regarding the role that Indigenous Knowledge has in historic preservation.

**INDIGENOUS KNOWLEDGE.** For the purposes of this policy, the ACHP will utilize the definition of Indigenous Knowledge published in the 2022 *Guidance for Federal Departments and Agencies on Indigenous Knowledge*:

*Indigenous Knowledge is a body of observations, oral and written knowledge, innovations, practices, and beliefs developed by Tribes and Indigenous Peoples through interaction and experience with the environment. It is applied to phenomena across biological, physical, social, cultural, and spiritual systems. Indigenous Knowledge can be developed over millennia, continues to develop, and includes understanding based on evidence acquired through direct and indirect contact with the environment and long-term experiences, as well as extensive observations, lessons, and skills passed from generation to generation. Each Indian Tribe, Native Hawaiian, and Indigenous community has its own place-based body of knowledge.*

*Indigenous Knowledge is based in ethical foundations often grounded in social, spiritual, cultural, and natural systems that are frequently intertwined and inseparable, offering a holistic perspective. Indigenous Knowledge is inherently heterogeneous due to the cultural, geographic, and socioeconomic differences from which it is derived, and is shaped by the Indigenous Peoples' understanding of their history and the surrounding environment. This knowledge is unique to each group of Indigenous Peoples, and each may elect to utilize different terminology or express it in different ways. Indigenous Knowledge is deeply connected to the Indigenous Peoples holding that knowledge.<sup>8</sup>*

This definition is intended to inform and educate the reader and to provide necessary context. It is not intended to limit or constrain the application of Indigenous Knowledge.

**POLICY PRINCIPLES** These principles should be applied by federal agencies, state and local governments, and nongovernmental institutions, including private contractors, to advance the integration of Indigenous Knowledge into historic preservation decision making. The following principles represent minimum standards the preservation community should seek to advance as part of their site stewardship, Section 106 participation and compliance, sacred sites management, other historic preservation related actions, consistent with their unique mission and authorities.

1. **Respect and Relationship Building.** Indigenous Knowledge should be treated with respect in all circumstances. This knowledge is frequently revered by the individual, family, clan, or community

<sup>5</sup> *Seminole Nation v. United States*, 316 U.S. 286 (1942).

<sup>6</sup> [The Advisory Council on Historic Preservation's Statement on Its Trust Responsibility](#) (Advisory Council on Historic Preservation, 2004).

<sup>7</sup> [Policy Statement Regarding the Council's Relationship with Indian Tribes](#) (Advisory Council on Historic Preservation, 2000).

<sup>8</sup> [Guidance for Federal Departments or Agencies on Indigenous Knowledge](#) (Executive Office of the President Office of Science and Technology Policy [OSTP] and Council on Environmental Quality [CEQ], 2022), 4.

associated with it and it may have an active role in ongoing cultural practices and ways of understanding. Disrespect, misuse, or abuse could violate cultural and ethical protocols, or may impact an Indian Tribe or Native Hawaiian community in other manners, including socially, politically, legally, or economically. Developing and maintaining a positive and mutually beneficial relationship with Indian Tribes and Native Hawaiian communities can help facilitate increased understanding of what constitutes respect and how those actions can lead to the proper acquisition and integration of Indigenous Knowledge into decision making.

2. **Valid and Self-Supporting.** The Indigenous Knowledge held by an Indian Tribe, NHO, or other Indigenous Peoples is a valid and self-supporting source of information and an aspect of the best available science. It does not require verification by any other knowledge system in order to inform federal decision making. Designated representatives of Indian Tribes and NHOS are, and should be recognized as, subject matter experts regarding the application of Indigenous Knowledge with respect to the identification and documentation, evaluation, assessment of effects, and in the resolution of adverse effects to properties that may be of religious and cultural significance to them, many of which may also be sacred sites.
3. **The Section 106 Process.** For purposes of Section 106, the term “Indigenous Knowledge” includes, but is not limited to, the experiences, insights, and knowledge held by Indian Tribes and NHOs that can assist federal agencies in identifying, evaluating, assessing, and resolving adverse effects to properties that may be of religious and cultural significance to them. Deference can and should be provided to the expertise of designated representatives when Indigenous Knowledge is provided to inform decision making in the Section 106 process. A reasonable and good faith effort includes the responsibility that federal agencies incorporate Indigenous Knowledge in a successive and cumulative manner throughout the four-step Section 106 process.
  - a. **Identification and Documentation.** Indigenous Knowledge is frequently used by Indian Tribes and NHOs to identify properties that may be of religious and cultural importance to them in the Section 106 review process. The development and implementation of identification efforts, including background research and field surveys, should be informed by Indigenous Knowledge to ensure these actions more effectively account for properties that may be of religious and cultural significance. Documentation or recordation of the property or place should reflect the qualities and characteristics identified as relevant by the associated Indian Tribe or NHO to inform subsequent decision making, including evaluation, assessment of effect, and resolution of adverse effects effectively and accurately.
  - b. **Evaluation.** The “special expertise” applied in 36 CFR § 800.4(c)(1) is a component of Indigenous Knowledge. To “acknowledge” that Indian Tribes and NHOs possess special expertise in evaluating historic properties that may be of religious and cultural significance to them, per the requirement in the NHPA and the Section 106 regulations, federal agencies shall consult with designated representatives of Indian Tribes or NHOs to inform the evaluation of significance and integrity of such properties when making determinations of eligibility. Members of the preservation community are not the experts on what constitutes Indigenous Knowledge or how it is utilized to identify or evaluate the eligibility of a property that may be of religious and cultural significance.
  - c. **Assessment of Adverse Effects.** Indian Tribes and NHOs are the authorities and experts about their respective culture, lifeways, and history. To understand if and how an undertaking may affect a historic property of religious and cultural significance to an Indian Tribe or NHO, the federal agency must take into account, and base its assessment of how that property would be affected by the proposed undertaking on, the Indigenous Knowledge and comments provided by the associated Indian Tribes or NHOs.
  - d. **Resolution of Adverse Effects.** Agencies should provide deference to the expertise of associated Indian Tribes or NHOs when seeking to resolve adverse effects to a historic property of religious

and cultural significance. Efforts taken to avoid or minimize adverse effects should reflect the Indigenous Knowledge and other comments provided by the Indian Tribe or NHO, recognizing they are uniquely suited to inform those decisions. There are no limitations on what may constitute appropriate mitigation. Efforts to reach consensus on mitigation should prioritize the preferences of Indian Tribes or NHOs in relation to historic properties of religious and cultural significance to them. Mitigation options should not be classified as “creative,” “alternative,” or “compensatory,” where those terms could constrain resolution.

4. **Agreement Documents and Program Alternatives.** Section 106 agreement documents and program alternatives that relate to or include the identification of, assessment of effects to, or resolution of adverse effects to historic properties of religious and cultural significance to an Indian Tribe or NHO should include language or stipulations that address the role of Indigenous Knowledge in informed decision making and how designated representatives will be involved in any ongoing reviews and consultation.
5. **Compensation.** Indigenous Knowledge is a distinct form of expertise that cannot be supplanted through other forms of knowing. Designated representatives of Indian Tribes or NHOs are the appropriate subject matter experts with the experience and qualifications to inform federal agency decision making. In many cases, acquiring, vetting, and deciding whether and how to share Indigenous Knowledge requires research, work, or additional action on the part of the Indian Tribe or NHO. If a federal agency requests an Indian Tribe or NHO provide Indigenous Knowledge via research, survey, monitoring, or other efforts that are the responsibility of the federal agency under the NHPA, the Indian Tribe or NHO should be reimbursed or compensated.<sup>9</sup>
6. **Administrative Record.** Any determination, finding, or agreement that relates to the identification of or assessment of effects to properties that may be of religious and cultural significance to an Indian Tribe or NHO should include sufficient documentation to enable any reviewing party to identify when and how consultation efforts facilitated opportunities for Indigenous Knowledge to inform decision making. These records should also reflect if and how Indigenous Knowledge was incorporated into final decisions, or include justifications as to why not, being cognizant to protect or withhold information deemed sensitive by the Indian Tribe or NHO in accordance with applicable law, regulation, and agency policy.
7. **Consultation Timelines.** The Section 106 implementing regulations set the minimum standards for federal agency interactions with consulting parties, including Indian Tribes and NHOs. When seeking information from an Indian Tribe or NHO regarding properties that may be of religious and cultural significance to them, the agency official must ensure the consultation is initiated early in the planning process and the federal agencies should provide as much advanced notice of consultation meetings as possible and should extend review timelines accordingly, where appropriate. Timelines should reflect the complexity and nature of the undertaking and should recognize and attempt to accommodate internal decision-making processes of associated Indian Tribes and NHOs.
8. **Protocols and Processes.** The preservation community should seek to develop or update policy, guidance, or other technical resources that inform stewardship and other cultural resources management actions, including under Sections 106 and 110 of the NHPA and Executive Order 13007: Indian Sacred Sites, and as a part of other relevant actions, to account for the role that Indigenous

---

<sup>9</sup> Consistent with ACHP’s [Guidance on Assistance to Consulting Parties in the Section 106 Review Process](#), when the federal agency (or in some cases the applicant) seeks the views and advice of any consulting party in fulfilling its legal obligation to consult with them, the agency or applicant is not required to pay that party for providing its views. Federal agencies should also identify compensation mechanisms consistent with the [Executive Order on Reforming Federal Funding and Support for Tribal Nations to Better Embrace Our Trust Responsibilities and Promote the Next Era of Tribal Self Determination](#) which directs all federal agencies to better live up to the federal government’s trust responsibilities and support Tribal self-determination by reforming federal funding programs that support Tribes.



Knowledge should have in decision making. These resources should be developed in consultation with Indian Tribes and NHOs and should account for applicable principles identified in this policy.

9. **Professional Qualifications.** The ACHP recognizes Indian Tribes, as sovereign Nations, have the right to determine who has the expertise and is qualified to represent them and their Indigenous Knowledge in the Section 106 process. Consistent with departmental procedures, the ACHP recommends that the Department of the Interior pursue amendments to the Secretary of Interior's Professional Qualification Standards to identify the designated representatives of Indian Tribes and NHOs as subject matter experts who meet the professional standards needed to inform findings and determinations relevant to properties that may be of religious and cultural importance to them.
10. **Acquisition and Handling of Sensitive Information.** Indigenous Knowledge frequently includes information that is sensitive, sacred, or internal to an Indian Tribe or NHO. The potential acquisition of Indigenous Knowledge should consider not only how it would influence decision making, but also how it would account for any cultural, governmental, legal, or moral protocols that dictate its application and use. If Indigenous Knowledge is acquired, maximum effort should be taken to limit the inappropriate disclosure of confidential or sensitive information through all available mechanisms.
11. **Sacred Sites.** Locations identified as sacred sites by Indian Tribes or NHOs may also be historic properties of religious and cultural significance under the NHPA. The responsibility to consider access to and protection of sacred sites, consistent with Executive Order 13007: Indian Sacred Sites, is separate from and in addition to an agency's Section 106 review for any proposed undertakings. In developing and implementing procedures pursuant to Executive Order 13007, federal agencies should incorporate consultation with designated representatives of the associated Indian Tribes and NHOs and integrate their Indigenous Knowledge to inform the identification of, protection of, and access to these sites.
12. **United Nations Declaration on the Rights of Indigenous Peoples.** The ACHP recognizes the significance and importance of the Declaration<sup>10</sup> and the support it conveys for Indigenous Knowledge.<sup>11</sup> This policy is intended to work in concert with applicable provisions of the Declaration. While the Declaration is not legally binding, federal agencies can look to it for policy guidance in carrying out their historic preservation responsibilities including in the Section 106 context and in with respect to sacred sites. Because the Declaration was developed with input from Indigenous Peoples around the world, it stands as a guide to what is important to Indigenous Peoples, above and beyond basic human rights. The ACHP suggests that federal agencies, state and local governments, and nongovernmental institutions, including private contractors, consider the Declaration a reference to help inform the outreach, consultation, and consideration of Indigenous Knowledge.<sup>12</sup>

---

<sup>10</sup> In 2010 the United States announced its [support of the United Nations Declaration on the Rights of Indigenous Peoples](#) (Declaration) and in 2013 the ACHP took the bold step to adopt a [plan to support the Declaration](#). This plan included the commitment to incorporate language and principles from the Declaration in future ACHP policy and program initiatives regarding the protection and preservation of historic properties of religious and cultural significance to Indian Tribes, NHOs, and other Indigenous Peoples to improve federal agency Section 106 consultation with Indian Tribes and NHOs. See ACHP's [webpage on the Declaration](#) and ACHP's [Burial Sites Policy: Guidance and Information](#) document for examples

<sup>11</sup> "Indigenous peoples have the right to practice and revitalize their cultural traditions and customs. This includes the right to maintain, protect and develop the past, present and future manifestations of their cultures, such as archaeological and historical sites, artefacts, designs, ceremonies, technologies and visual and performing arts and literature," Article 11, [United Nations Declaration on the Rights of Indigenous Peoples](#).

<sup>12</sup> Article 18 of the Declaration has identified that the right of an individual or associated community to "participate in decision-making in matters which would affect their rights, through representatives chosen by themselves in accordance with their own procedures, as well as to maintain and develop their own decision-making instructions," is a basic human right; Article 31 of the Declaration states that "indigenous peoples have the right to maintain, heritage, traditional knowledge and traditional cultural expressions... They also have the right to maintain, control, protect and develop their intellectual property over such cultural heritage, traditional knowledge, and traditional cultural expressions." Working with Indigenous Peoples, governments "shall take effective measures to recognize and protect the exercise of these rights."

**IMPLEMENTATION OF THE POLICY.** Implementation of this policy statement is primarily the responsibility of ACHP leadership and staff. However, the ACHP recognizes that the appropriate expertise and experience to ensure effective implementation of this policy will require participation from the broader preservation community, including ongoing consultation and collaboration with Indian Tribes, Native Hawaiians, and other Indigenous Peoples.

Consistent with the ACHP's statutory authority to advise the President, Congress, and state and local governments on historic preservation, and to make recommendations to federal agencies to improve their preservation programs, the ACHP calls on federal agencies, state and local governments, and nongovernmental institutions, including private contractors, to advance the principles in this policy consistent with their unique mission, scope, and authorities.

The ACHP commits to advancing consideration of Indigenous Knowledge in conjunction with the broader preservation community, Indian Tribes, Native Hawaiians, and other Indigenous Peoples through the following:

- A. Train ACHP staff regarding the implementation of this policy.
- B. Develop guidance and informational resources that further inform the application and intent of this policy.
- C. Seek opportunities to implement applicable policy principles into Section 106 agreement documents and program alternatives.
- D. Advise federal agencies, state and local governments, Indian Tribes, Tribal and State Historic Preservation Officers, and NHOs in their development of historic preservation protocols, if invited.
- E. Encourage federal agencies and other relevant parties to give full and meaningful consideration to Indigenous Knowledge consistent with this policy statement.
- F. Participate on interagency working groups, including through the White House Council on Native American Affairs and the National Science and Technology Council Subcommittee on Indigenous Knowledge, to advance Indigenous Knowledge through an all-of-government approach.

**DEFINITIONS.** The definitions provided below are intended to be inclusive and are meant to inform the application of this policy statement. However, many terms require the input of associated parties to more fully understand how to interpret or apply each term.

- **Confidential:** Information that is protected by law, regulation, or federal policy. Preserving authorized restrictions on information access and disclosure, including means for protecting personal privacy and proprietary information

- **Consultation:** The process of seeking, discussing, and considering the views of other participants and, where feasible, seeking agreement with them.<sup>13</sup> A foundational activity in the Section 106 review process.

- **Consulting Parties:** Persons or groups the federal agency consults with during the Section 106 process. They may include the State Historic Preservation Officer; Tribal Historic Preservation Officer; Indian Tribes and Native Hawaiian organizations; representatives of local governments; applicants for federal assistance, permits, licenses, and other approvals; and/or any additional consulting parties.<sup>14</sup> Additional consulting parties may include individuals and organizations with a demonstrated interest in the undertaking due to the nature of their legal or economic relation to the undertaking or affected properties, or their concern with the undertaking's effects on historic properties.<sup>15</sup>

---

<sup>13</sup> 36 CFR § 800.16(1).

<sup>14</sup> 36 CFR § 800.2(c).

<sup>15</sup> 36 CFR § 800.2(c)(6).

- **Designated Representative:** Individual(s) authorized by an Indian Tribe or Native Hawaiian organization's governing body, or other authorized person, to represent the Tribal government or NHO or act on its behalf.
- **Historic Property:** Any prehistoric or historic district, site, building, structure, or object included in, or eligible for inclusion in, the National Register of Historic Places maintained by the Secretary of the Interior. It includes artifacts, records, and remains that are related to and located within such properties, and it includes properties of traditional religious and cultural importance to an Indian Tribe or Native Hawaiian organization and that meet the National Register of Historic Places criteria.<sup>16</sup>
- **Indian Tribe:** An Indian Tribe, Band, Nation, or other organized group or community, including a Native Village, Regional Corporation or Village Corporation, as those terms are defined in Section 3 of the Alaska Native Claims Settlement Act,<sup>17</sup> which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.<sup>18</sup>
- **Native Hawaiian:** Any individual who is a descendant of the aboriginal people who, prior to 1778, occupied and exercised sovereignty in the area that now constitutes the state of Hawaii.<sup>19</sup>
- **Native Hawaiian organization (NHO):** Any organization which serves and represents the interests of Native Hawaiians; has as a primary and stated purpose the provision of services to Native Hawaiians; and has demonstrated expertise in aspects of historic preservation that are significant to Native Hawaiians.<sup>20</sup>
- **Section 106:** That part of the NHPA which establishes federal-agency responsibility to take into account the effects of undertakings on historic properties and to provide the ACHP a reasonable opportunity to comment with regard to such action. (54 U.S.C. §306108)
- **Sensitive:** Information that may be protected by law, regulation, or federal policy; information that may be identified as sensitive by the sponsoring entity/original source and considered inappropriate for public disclosure.

*January 11, 2024*

---

<sup>16</sup> 36 CFR § 800.16(1).

<sup>17</sup> 43 U.S.C. § 1602.

<sup>18</sup> 36 CFR § 800.16(m).

<sup>19</sup> 54 USC 300313.

<sup>20</sup> 36 CFR § 800.16(s)(1).