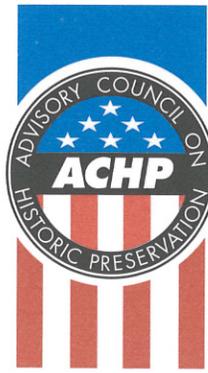


Milford Wayne Donaldson
Chairman

John M. Fowler
Executive Director



Preserving America's Heritage

July 22, 2011

Mr. Jacob J. Lew
Director
Office of Management and Budget
725 17th Street, NW
Washington, DC 20503

Subject: Report on the Status of Actions under the ACHP's E.O. 13175 Consultation Plan

Dear Mr. Lew:

In accordance with the President's memorandum of November 5, 2009, entitled, "Tribal Consultation," the Advisory Council on Historic Preservation (ACHP) is submitting this report on the status of actions since the ACHP submitted its E.O.13175 consultation plan to the Office of Management and Budget (OMB) on February 3, 2010.

The President's memorandum directed each agency to develop a plan of action for ensuring compliance with E.O. 13175. The executive order required federal agencies to:

"have an accountable process to ensure meaningful and timely input by tribal officials in the development of regulatory policies that have tribal implications. Within 30 days after the effective date of this order, the head of each agency shall designate an official with principal responsibility for the agency's implementation of this order. Within 60 days of the effective date of this order, the designated official shall submit to the Office of Management and Budget (OMB) a description of the agency's consultation process."

Accordingly, the ACHP submitted a description of its consultation process to OMB in 2001. In the intervening years, the ACHP has not had occasion to officially apply this consultation process. The nature of the ACHP's authorities and mission is such that its actions generally do not result in "substantial direct effects on one or more Indian tribes." However, in response to President Obama's memorandum, the ACHP clarified and strengthened its existing consultation plan and submitted it to OMB on February 3, 2010.

The ACHP has had a tribal consultation policy since 2000, as well as a publicly available statement regarding our trust responsibility. Additionally, the ACHP's Office of Native American Affairs (ONAA) maintains regular contact with tribal historic preservation officers and tribal cultural resources staff through email, website publications, and monthly teleconferences.

Finally, the ACHP has, for many years, maintained on its website a suite of guidance to assist both federal agencies and Indian tribes in navigating the consultation requirements of the ACHP's regulations, *Protection of Historic Properties (36 CFR Part 800)*. A list of the guidance materials is attached. To

ADVISORY COUNCIL ON HISTORIC PRESERVATION

1100 Pennsylvania Avenue NW, Suite 803 • Washington, DC 20004

Phone: 202-606-8503 • Fax: 202-606-8647 • achp@achp.gov • www.achp.gov

accommodate the needs of Indian tribes for training, the ACHP has turned to web-based training to reach more tribal staff at no cost.

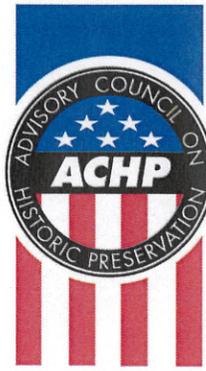
If you any questions or would like additional information, please feel free to contact Ms. Hauser at (202) 606-8530 or vhauser@achp.gov.

Sincerely,



John M. Fowler
Executive Director

Enclosure



Preserving America's Heritage

ACHP's Tribal Consultation Guidance

Limitations on the Delegation of Authority by Federal Agencies to Initiate Tribal Consultation Under Section 106 of the National Historic Preservation Act (2011)

Whom to Contact if You Have Section 106 Issues: Guidance for Indian Tribes and Native Hawaiian Organizations (2010)

Consultation with Indian Tribes in the Section 106 Process: A Handbook (2008)

Section 106 Consultation Between Federal Agencies and Indian Tribes Regarding Federal Permits, Licenses, and Assistance: Questions and Answers (2008)

Agency Section 106 Agreements with Indian Tribes and Native Hawaiian Organizations (2005)

Fees in the Section 106 Process (2002)

The Relationship between Executive Order 13007 Regarding Sacred Sites and Section 106 (2001)

Interagency Working Group on Indian Affairs

As Chair of the Interagency Working Group on Indian Affairs (IWGIA), the ACHP also maintains IWGIA guidance on its website:

Tribal Consultation Principles (2010)

Holding Regional Consultation Meetings with Tribal Leaders (2009)

July 2011

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