



**NATIONAL ASSOCIATION
OF TRIBAL HISTORIC
PRESERVATION OFFICERS**

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September 15, 2023

Tracy Stone-Manning
Director
Bureau of Land Management
1849 C Street NW, Room 5665
Washington, DC 20240

Dear Director Stone-Manning,

The National Association of Tribal Historic Preservation Officers (NATHPO) has the following comments regarding the Bureau of Land Management's (BLM) invitation for Tribal Nations to participate in revising and updating its National Programmatic Agreement (NPA) for the National Historic Preservation Act (NHPA).

NATHPO is the only national organization devoted to supporting Tribal historic preservation programs. Founded in 1998, NATHPO is a 501(c)(3) non-profit membership association of Tribal government officials who implement federal and Tribal preservation laws. NATHPO empowers Tribal preservation leaders protecting culturally important places that perpetuate Native identity, resilience, and cultural endurance. Connections to cultural heritage sustain the health and vitality of Native peoples.

There are foundational problems with how staff at the BLM engage with members of Tribal Nations about the impact that projects will have on cultural resources and sacred places. NATHPO members do not believe that a revision and updating of the NPA for the NHPA would address BLM staff members' failure to respect tribal sovereignty, uphold federal trust responsibilities, and engage in meaningful government-to-government consultation with Tribal Nations.

The three concerns outlined below are a manifestation of the foundational problems that need to be addressed:

1. Far too often, the BLM staff members fail to adhere to the Bureau's existing regulations regarding Tribal consultation. It is hard for THPOs to see the value of revising and updating an NPA that is regularly ignored by BLM staff. With this in mind, NATHPO members would appreciate a clear statement of procedures intended to guarantee that local and regional staff follow both the existing NPA and the rules laid out in [BLM Manual 1780](#). Those procedures must include accountability for BLM staff who fail to follow the Bureau's policies on proper Tribal consultation.
2. Furthermore, the vast majority of BLM staff assigned to work on Tribal relations are archaeologists who, on a fundamental level, fail to recognize the perspective of Tribal Nations. This is inevitable since these archaeologists have been trained to see landscapes and resources from a Western academic perspective. NATHPO believes that there would be better protection of Tribal Nations' cultural resources and sacred places if staff who are assigned to engage Tribal Nations in determining the cultural importance of sites and the effects of specific projects had greater respect for Tribal knowledge.

PROTECTING NATIVE PLACES

3. Finally, a key aspect of better engagement by the BLM with Tribal Nations is proper funding for THPOs. The Department of the Interior fails to propose budgets that would make sure that THPOs have the resources that they need to effectively engage with BLM staff about the impact of proposed projects on Tribal Nations' cultural resources and sacred places. Proper funding of THPOs is not just another line item in the budget. It is a trust responsibility.

NATHPO's members believe that these foundational problems must and can be addressed. Far too often, the lack of effective consultation is framed as "a Tribal problem." It is not a Tribal problem. It is a Federal problem. Because of the large amount of Tribal Nations' ancestral lands that are under its jurisdiction, it is incumbent on the BLM to be a leader in addressing this Federal problem.

The Biden Administration has voiced a clear commitment to strengthening government-to-government relations with Tribal Nations. A key part of that commitment is addressing the foundational problems that prevent effective Tribal consultation and put Tribal Nations' cultural resources and sacred places in harm's way. Efforts to revise the NPA for the NHPA must include these elements or risk becoming yet another piece of paper.

NATHPO looks forward to further engagement with the BLM in this process, as well as using this opportunity to elevate these fundamental challenges and effect some overdue change.

Sincerely,



Valerie J. Grussing, PhD
Executive Director

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