



**NATIONAL ASSOCIATION
OF TRIBAL HISTORIC
PRESERVATION OFFICERS**

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October 30, 2023

Alejandro N. Mayorkas
Secretary
U.S. Department of Homeland Security
245 Murray Lane, SW
Washington, DC 20528-0075

Dear Secretary Mayorkas,

The National Association of Tribal Historic Preservation Officers (NATHPO) has the following comments regarding the Department of Homeland Security's (DHS) Section 106 Nationwide Programmatic Agreement (NPA) for Climate Resilience and Sustainability Undertakings on DHS-Owned Assets. 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.

While NATHPO's members greatly appreciate the importance of preparing DHS buildings and other infrastructure to withstand the impacts of climate change, they have concerns about the use of an NPA. In general, we are concerned about the focus on streamlining the Section 106 process, rather than on providing Tribal Historic Preservation Officers (THPOs) with the resources that they need to effectively consult on projects with a federal nexus.

Until THPOs receive the funding needed to handle the flood of requests for consultation, it is impossible to evaluate the possible benefit of identifying more efficient ways to conduct the Section 106 process. The funding challenges that THPOs face are not specifically a DHS issue but are a reflection of a larger federal government challenge. In recent years, the Biden Administration has strongly supported and signed into law landmark infrastructure and clean energy bills that exponentially expanded the number of projects on which THPOs consult. For example, the DHS received \$500 million in the Inflation Reduction Act (IRA) of 2022 for sustainability and environmental programs. During the same time period that the IRA and other laws have been enacted, the Biden Administration has asserted its strong commitment to both Tribal sovereignty and meaningful consultation with Tribal Nations. NATHPO's members support the Administration's efforts on infrastructure and clean energy and appreciate the recognition of the importance of Tribal sovereignty and meaningful consultation.

Demands on current THPOs are exacerbated by the fact that every year Tribal Nations create five to 10 new THPOs. There are currently 221 THPOs and the Congressionally appropriated funding for THPOs under the Historic Preservation Fund does not keep pace with the growing number of THPOs.

As the third largest agency in the Executive Branch, it is incumbent on DHS to be a leader. In terms of protecting and preserving Tribal Nations' cultural resources and sacred places, this would entail protecting the vital role that THPOs play. Specifically, the DHS should strongly support THPOs having the

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resources they need to consult on the many new projects that have been funded in recent years. It would also mean specifically providing THPOs with funding when they consult on the impact that DHS projects would have on Tribal Nations' cultural resources and sacred places.

NATHPO greatly appreciates the Biden Administration's support for Tribal Nations and looks forward to working with the DHS and other federal agencies on proposals that protect Tribal Nations' cultural resources and sacred places and respect Tribal sovereignty.

Sincerely,

A handwritten signature in black ink that reads "Valerie J. Grussing". The signature is written in a cursive style with a large, prominent "V" at the beginning.

Valerie J. Grussing, PhD
Executive Director