



**NATIONAL ASSOCIATION
OF TRIBAL HISTORIC
PRESERVATION OFFICERS**

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April 8, 2024

PoQueen Rivera
Director of Tribal Affairs
Federal Permitting Improvement Steering Council
1800 M Street, NW, Suite 6006
Washington, DC 20036

Dear Ms. Rivera,

The National Association of Tribal Historic Preservation Officers (NATHPO) has the following comments regarding the Federal Permitting Improvement Steering Council's (Permitting Council) implementation of Executive Order (E.O.) 13175, "Consultation and Coordination With Indian Tribal Governments."

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.

NATHPO appreciates the Permitting Council's sincere desire to effectively consult with Tribal Nations and adhere to E.O. 13175, but must note that some fundamental issues need to be addressed for this to become a reality.

The Fixing America's Surface Transportation Act (FAST-41), which established the Permitting Council in 2015, failed to provide funding for Tribal Historic Preservation Officers (THPOs) to engage in consultation on projects. Under the National Historic Preservation Act (NHPA), THPOs are required to consult on the impact that federally funded or permitted projects would have on Tribal Nations' cultural resources and places.

Although NATHPO supports the Permitting Council's mission of improving the transparency and predictability of the Federal environmental review and authorization process for FAST-41 infrastructure projects, it would be a shame – and a violation of law – if that "transparency and predictability" failed to also include effective Tribal consultation.

The Permitting Council's implementation of E.O. 13175, represents a step in the right direction, but in the absence of funding for THPOs, it has limited value.

Under the NHPA, the federal government delegates to THPOs the responsibility for reviewing impacts of federal projects on Tribal Nations' historic properties. This has always represented a significant amount of work for THPOs, but in recent years with the enactment of laws providing federal support for infrastructure and renewable energy projects, the burden on THPOs has grown significantly.

The increase in the THPO workload has not been matched with a commensurate increase in funding. THPOs' sole source of funding for the consultation work that they do comes from the Historic Preservation Fund (HPF). The average THPO currently receives a little more than \$100,000 from the HPF, which is barely enough to pay one employee and certainly not enough to consult on thousands of federal projects.

PROTECTING NATIVE PLACES

Federal laws, like FAST-41, that place a large burden on THPOs must also provide funding for THPOs. While NATHPO understands that it is in Congress' purview, and not the Permitting Council's, to put these provisions into legislation, we would be remiss not to highlight this fundamental flaw.

In order for E.O. 13175 and this request for comment on the Permitting Council's implementation of E.O. 13175 to be anything more than platitudes, there must be a concerted effort by lawmakers and Administration officials to provide THPOs with the funding that they need to effectively consult on federal projects.

NATHPO appreciates the Permitting Council's implementation of E.O. 13175 and looks forward to a time when the federal government provides THPOs with the funding they need to engage effectively in the consultation process.

Sincerely,

A handwritten signature in black ink that reads "Valerie J. Grussing". The signature is written in a cursive, flowing style with a large initial "V" and a distinct "J" and "G".

Valerie J. Grussing, PhD
Executive Director