

Subject: Interim Storage Partners license application -- NHPA Section 106 consultation with non-federally recognized tribes

Location: Teleconference call

Start: Fri 08/23/2019 3:00 PM

End: Fri 08/23/2019 4:00 PM

Recurrence: (none)

Meeting Status: Meeting organizer

Organizer: Park, James

Required Attendees: Drew Sitters

Dear Mr. Sitters:

This call is to discuss the following questions regarding consultation under Section 106 of the National Historic Preservation Act with non-federally recognized tribes within the State of Texas:

1. What is the status of non-federally recognized tribes within the State of Texas? In particular, what is the State process for recognizing such tribes and what "rights" does that process accord a recognized tribe?
2. How many non-federally recognized tribes have received recognition by the State? Which tribes are these?
3. On the Texas Historical Commission's website, there is a page (<https://www.thc.texas.gov/project-review/tribal-consultation-guidelines>), on which there is a link to a frequently asked question (FAQ) regarding consultation with Indian groups that are not federally recognized. In the answer to that particular FAQ, the website states, "There is no legal requirement to consult with Indian groups or tribes that are not recognized by the federal government; however, non-federally recognized tribal groups may comment on a project or undertaking as an "interested party." How is "interested party" defined with respect to this answer?
4. On the same FAQ webpage and for the same question/answer, a distinction is made between "consult" and "comment" with respect to non-federally recognized tribes within the State. How is the THC defining these terms with respect to this FAQ answer?
5. With respect to the ACHP's guide to working with non-federally recognized tribes (attached), it states on page 7, "Some state laws and regulations include special provisions for non-recognized tribes that need to be factored into planning for projects that require compliance with state laws." Does the State of Texas have such laws and/or regulations?

The particulars of the call are:

Phone number: 1-877-951-3947

Passcode: 4698290#

I look forward to speaking with you. The call is scheduled for an hour, but certainly if we finish earlier or go longer, that is fine from my perspective.

Regards,  
James Park, Project Manager  
U.S. Nuclear Regulatory Commission