



United States Department of the Interior

NATIONAL PARK SERVICE

P.O. Box 37127
Washington, D.C. 20013-7127

IN REPLY REFER TO:

H32(2255)

SEP 9 1996

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NCP

Maria E. Lopez-Otin
Nuclear Regulatory Commission
Mail Stop 3D-23
Washington, D.C. 20555

Dear Ms. Lopez-Otin:

Section 101(d)(2) of the National Historic Preservation Act provides that federally recognized Indian tribes may assume all or any of the functions of a State Historic Preservation Officer with regard to tribal lands. Before such an assumption of responsibilities can occur, the National Park Service, acting on behalf of the Secretary of the Interior, must approve a tribe's plan for carrying out those responsibilities.

NPS has now approved tribal plans and executed formal agreements with the tribes listed below for assuming certain SHPO duties:

Standing Rock Sioux Tribe, Fort Yates, North Dakota
Yurok Tribe, Eureka, California
Lac du Flambeau Band of Lake Superior Chippewa Indians,
Lac du Flambeau, Wisconsin
Mille Lacs Band of Ojibwe Indians, Onamia, Minnesota
Hualapai Tribe, Peach Springs, Arizona
Tunica-Biloxi Tribe, Marksville, Louisiana
Confederated Tribes of the Colville Reservation, Nespelem, Washington
Narragansett Indian Tribe, Charlestown, Rhode Island

Enclosed for your reference are the relevant portions of the Act, along with a brief discussion of tribal lands. Also enclosed are profile sheets on each of these tribes that include the name, address, and telephone number for each tribal historic preservation officer. These sheets also indicate which SHPO functions each tribe is assuming and which are remaining with the State. You will note that in every case the tribe is assuming responsibility for maintaining an inventory of historic and cultural resources, as well as responsibility for reviewing Federal undertakings pursuant to Section 106 of the Act.

Please inform your appropriate field offices as soon as possible that these tribes have assumed formal standing in the national historic preservation program, and in particular that they have assumed responsibilities pursuant to Section 106 on tribal lands. The National Park Service also encourages you and your field staff to contact these new tribal historic preservation officers to welcome them to the national historic preservation program and to begin establishing your new working relationships with these tribes.

If you have any questions or need additional information, please contact me at (202) 343-9569 or Bryan Mitchell at (202) 343-9558. The National Park Service is committed to providing whatever assistance it can, in order to promote communication, coordination, and cooperation among Federal agencies and tribal historic preservation offices. Please do not hesitate to contact us, if we can be of assistance.

Sincerely,

A handwritten signature in dark ink, appearing to read 'de Teel Patterson Tiller', with a long horizontal flourish extending to the right.

de Teel Patterson Tiller, Acting Program Manager
Heritage Preservation Services

Enclosures

cc: Mr. Tim Mentz, Standing Rock Sioux Tribe
Dr. Thomas Gates, Yurok Tribe
Ms. Patricia Hrabik Sebby, Lac du Flambeau Band
Ms. Brenda Boyd, Mille Lacs Band
Mr. Monza Honga, Hualapai Tribe
Mr. William Day, Tunica Biloxi Indians
Ms. Adeline Fredin, Colville Confederated Tribes
Mr. John Brown, Narragansett Indian Tribe
Dr. Robert Bush, Advisory Council on Historic Preservation
Mr. Eric Hertfelder, National Conference of State Historic Preservation Officers

NATIONAL HISTORIC PRESERVATION ACT
TRIBAL ASSUMPTION OF FORMAL RESPONSIBILITIES

PROFILE INFORMATION

Standing Rock Sioux Tribe

Preservation Officer: Mr. Tim Mentz
 P. O. Box D
 Fort Yates, North Dakota 58538

Telephone: (701) 854-2120
FAX: (701) 854-2138

Key staff: Ms. LaDonna Brave Bull Allard, Cultural Resource Planner

NOTE: The Standing Rock Sioux reservation includes land in North Dakota and South Dakota.

Functions assumed by the tribe on tribal land:

- Conduct a survey and maintain an inventory of historic properties
- Review Federal undertakings pursuant to Section 106
- Carry out comprehensive historic preservation planning
- Conduct educational activities
- Advise and assist Federal and State agencies and local governments

Functions retained by the State Historic Preservation Officer on tribal land:

- Nominate properties to the National Register of Historic Places
- Assist local governments in becoming certified
- Assist in evaluation of preservation projects eligible for Federal financial incentives

Effective Date: August 14, 1996

NATIONAL HISTORIC PRESERVATION ACT
TRIBAL ASSUMPTION OF FORMAL RESPONSIBILITIES

PROFILE INFORMATION

Yurok Tribe

Preservation Officer: Dr. Thomas Gates
1034 6th Street
Eureka, California 95501

Telephone: (707) 444-0433
FAX: (707) 444-0437

Functions assumed by the tribe on tribal land:

- Conduct a survey and maintain an inventory of historic properties
- Nominate properties to the National Register of Historic Places
- Review Federal undertakings pursuant to Section 106
- Carry out comprehensive historic preservation planning
- Conduct educational activities
- Advise and assist Federal and State agencies and local governments
- Assist in evaluation of preservation projects eligible for Federal financial incentives

Function retained by the State Historic Preservation Officer on tribal land:

- Assist local governments in becoming certified

Effective Date: August 14, 1996

NATIONAL HISTORIC PRESERVATION ACT
TRIBAL ASSUMPTION OF FORMAL RESPONSIBILITIES

PROFILE INFORMATION

Lac du Flambeau Band of Lake Superior Chippewa Indians

Preservation Officer: Ms. Patricia Hrabik Sebby
P. O. Box 67
Lac du Flambeau, Wisconsin 54538

Telephone: (715) 588-3303 ext. 261
FAX: (715) 588-7930

Functions assumed by the tribe on tribal land:

- Conduct a survey and maintain an inventory of historic properties;
- Nominate properties to the National Register of Historic Places;
- Review Federal undertakings pursuant to Section 106;
- Carry out comprehensive historic preservation planning;
- Conduct educational activities;
- Advise and assist Federal and State agencies and local governments;
- Assist in evaluation of preservation projects eligible for Federal financial incentives.

Function retained by the State Historic Preservation Officer on tribal land:

- Assist local governments in becoming certified.

Effective Date: August 14, 1996

NATIONAL HISTORIC PRESERVATION ACT
TRIBAL ASSUMPTION OF FORMAL RESPONSIBILITIES ..

PROFILE INFORMATION

Mille Lacs Band of Ojibwe Indians

Preservation Officer: Ms. Brenda Boyd
 HCR 67, Box 194
 Onamia, Minnesota 56359

Telephone: (612) 532-4181
FAX: (612) 532-4209

Key staff: Elisse Aune, Cultural Resource Specialist, Compliance

Functions assumed by the tribe on tribal land:

- Conduct a survey and maintain an inventory of archeological and traditional cultural properties
- Review Federal undertakings pursuant to Section 106 for effect on archeological and traditional cultural properties
- Carry out comprehensive historic preservation planning
- Conduct educational activities
- Advise and assist Federal and State agencies and local governments concerning archeological and traditional cultural properties

Functions retained by the State Historic Preservation Officer on tribal land:

- Conduct a survey and maintain and inventory of standing structures
- Nominate properties to the National Register of Historic Places
- Review Federal undertakings pursuant to Section 106 for effect on standing structures
- Advise and assist Federal and State agencies and local governments concerning standing structures
- Assist local governments in becoming certified
- Assist in evaluation of preservation projects eligible for Federal financial incentives

NOTE: Because the Tribe and the State have agreed to split review responsibilities pursuant to Section 106 between the two offices, both the Tribe and the State must be consulted for Federal undertakings on tribal land.

Effective Date: August 20, 1996

NATIONAL HISTORIC PRESERVATION ACT
TRIBAL ASSUMPTION OF FORMAL RESPONSIBILITIES

PROFILE INFORMATION

Hualapai Tribe

Preservation Officer: Mr. Monza Honga
Office of Cultural Resources
P. O. Box 310
Peach Springs, Arizona 86434

Telephone: (520) 769-2223
FAX: (520) 769-2235

Key staff: Ms. Loretta Jackson, Program Manager

Functions assumed by the tribe on tribal land:

- Conduct a survey and maintain an inventory of historic properties
- Nominate properties to the National Register of Historic Places
- Review Federal undertakings pursuant to Section 106
- Carry out comprehensive historic preservation planning
- Conduct educational activities
- Advise and assist Federal and State agencies and local governments

Functions retained by the State Historic Preservation Officer on tribal land:

- Assist local governments in becoming certified
- Assist in evaluation of preservation projects eligible for Federal financial incentives

Effective Date: August 20, 1996

NATIONAL HISTORIC PRESERVATION ACT
TRIBAL ASSUMPTION OF FORMAL RESPONSIBILITIES

PROFILE INFORMATION

Tunica-Biloxi Indians of Louisiana

Preservation Officer: Mr. William Day
P. O. Box 331
Marksville, Louisiana 71351

Telephone: (318) 253-9767
FAX: (318) 253-9791

Functions assumed by the tribe on tribal land:

- Conduct a survey and maintain an inventory of historic properties
- Nominate properties to the National Register of Historic Places
- Review Federal undertakings pursuant to Section 106
- Carry out comprehensive historic preservation planning
- Conduct educational activities
- Advise and assist Federal and State agencies and local governments
- Assist in evaluation of preservation projects eligible for Federal financial incentives
- Assist local governments in becoming certified

Functions retained by the State Historic Preservation Officer on tribal land:

- None

Effective Date: August 20, 1996

NATIONAL HISTORIC PRESERVATION ACT
TRIBAL ASSUMPTION OF FORMAL RESPONSIBILITIES

PROFILE INFORMATION

Confederated Tribes of the Colville Reservation

Preservation Officer: Ms. Adeline Fredin
P. O. Box 150
Nespelem, Washington 99155

Telephone: (509) 634-8890
FAX: (509) 634-4116

Key staff: Dr. Harvey S. (Pete) Rice, Tribal Archeologist

Functions assumed by the tribe on tribal land:

- Conduct a survey and maintain an inventory of historic properties
- Nominate properties to the National Register of Historic Places
- Review Federal undertakings pursuant to Section 106
- Carry out comprehensive historic preservation planning
- Conduct educational activities
- Advise and assist Federal and State agencies and local governments

Functions retained by the State Historic Preservation Officer on tribal land:

- Assist in evaluation of preservation projects eligible for Federal financial incentives
- Assist local governments in becoming certified

Effective Date: September 9, 1996

NATIONAL HISTORIC PRESERVATION ACT
TRIBAL ASSUMPTION OF FORMAL RESPONSIBILITIES

PROFILE INFORMATION

Narragansett Indian Tribe

Preservation Officer: Mr. John Brown
 P. O. Box 700
 Wyoming, Rhode Island 02898

 Telephone: (401) 364-1100 or (860) 848-4557
 FAX: (401) 364-1104

Functions assumed by the tribe on tribal land:

- Conduct a survey and maintain an inventory of historic properties
- Nominate properties to the National Register of Historic Places
- Review Federal undertakings pursuant to Section 106
- Carry out comprehensive historic preservation planning
- Conduct educational activities
- Advise and assist Federal and State agencies and local governments

Functions retained by the State Historic Preservation Officer on tribal land:

- Assist in evaluation of preservation projects eligible for Federal financial incentives
- Assist local governments in becoming certified

Effective Date: September 9, 1996

SECTION 101(d) OF THE
NATIONAL HISTORIC PRESERVATION ACT

- (1) (A) *The Secretary shall establish a program and promulgate regulations to assist Indian tribes in preserving their particular historic properties. The Secretary shall foster communication and cooperation between Indian tribes and State Historic Preservation Officers in the administration of the national historic preservation program to ensure that all types of historic properties and all public interests in such properties are given due consideration, and to encourage coordination among Indian tribes, State Historic Preservation Officers, and Federal agencies in historic preservation planning and in the identification, evaluation, protection, and interpretation of historic properties.*
- (B) *The program under subparagraph (a) shall be developed in such a manner as to ensure that tribal values are taken into account to the extent feasible. The Secretary may waive or modify requirements of this section to conform to the cultural setting of tribal heritage preservation goals and objectives. The tribal programs implemented by specific tribal organizations may vary in scope, as determined by each tribe's chief governing authority.*
- (C) *The Secretary shall consult with Indian tribes, other Federal agencies, State Historic Preservation Officers, and other interested parties and initiate the program under subparagraph (a) by not later than October 1, 1994.*
- (2) *A tribe may assume all or any part of the functions of a State Historic Preservation Officer in accordance with subsections (b)(2) and (b)(3), with respect to tribal lands, as such responsibilities may be modified for tribal programs through regulations issued by the Secretary if --*
- (A) *the tribe's chief governing authority so requests;*
- (B) *the tribe designates a tribal preservation official to administer the tribal historic preservation program, through appointment by the tribe's chief governing authority or as a tribal ordinance may otherwise provide;*
- (C) *the tribal preservation official provides the Secretary with a plan describing how the functions the tribal preservation official proposes to assume will be carried out;*
- (D) *the Secretary determines, after consultation with the tribe, the appropriate State Historic Preservation Officer, the [Advisory] Council (if the tribe proposes to assume the functions of the State Historic Preservation Officer with respect to review of undertakings under section 106), and other tribes, if any, whose tribal or aboriginal lands may be affected by conduct of the tribal preservation program --*

(i) that the tribal preservation program is fully capable of carrying out the functions specified in the plan provided under subparagraph (c); --

(ii) that the plan defines the remaining responsibilities of the Secretary and the State Historic Preservation Officer;

(iii) that the plan provides, with respect to properties neither owned by a member of the tribe nor held in trust by the Secretary for the benefit of the tribe, at the request of the owner thereof, the State Historic Preservation Officer, in addition to the tribal preservation official, may exercise the historic preservation responsibilities in accordance with subsections (b)(2) and (b)(3); and

(E) based on satisfaction of the conditions stated in subparagraphs (a), (b), (c), and (d), the Secretary approves the plan.

(3) In consultation with interested Indian tribes, other Native American organizations and affected State Historic Preservation Officers, the Secretary shall establish and implement procedures for carrying out section 103(a) with respect to tribal programs that assume responsibilities under paragraph (2) [section 103(a) concerns the apportionment of such funds as are made available by the Congress].

(4) At the request of a tribe whose preservation program has been approved to assume functions and responsibilities pursuant to paragraph (2), the Secretary shall enter into contracts or cooperative agreements with such tribe permitting the assumption by the tribe of any part of the responsibilities referred to in subsection (b)(6) on tribal land, if --

(A) the Secretary and the tribe agree on additional financial assistance, if any to the tribe for the costs of carrying out such authorities;

(B) the Secretary finds that the tribal historic preservation program has been demonstrated to be sufficient to carry out the contract or cooperative agreement and this Act; and

(C) the contract or cooperative agreement specifies continuing responsibilities of the Secretary or of the Appropriate State Historic Preservation Officers and provides for appropriate participation by --

(i) the tribe's traditional cultural authorities;

(ii) representatives of other tribes whose traditional lands are under the jurisdiction of the tribe assuming responsibilities; and

(iii) the interested public.

(5) *The [Advisory] Council may enter into an agreement with an Indian tribe to permit undertakings on tribal land to be reviewed under tribal historic preservation regulations in place of review under regulations promulgated by the Council to govern compliance with section 106, if the Council, after consultation with the tribe and the appropriate State Historic Preservation Officers, determines that the tribal preservation regulations will afford historic properties consideration equivalent to those afforded by the Council's regulations.*

(6) (A) *Properties of traditional religious and cultural importance to an Indian tribe or Native Hawaiian organization may be determined to be eligible for inclusion on the National Register.*

(B) *In carrying out its responsibilities under section 106, a Federal agency shall consult with any Indian tribe or Native Hawaiian organization that attaches religious and cultural significance to properties described in subparagraph (A).*

(C) *In carrying out his or her responsibilities under subsection (b)(3), the State Historic Preservation Officer for the State of Hawaii shall --*

(i) consult with Native Hawaiian organizations in assessing the cultural significance of any property in determining whether to nominate such property to the National Register;

(ii) consult with Native Hawaiian organizations in developing the cultural component of a preservation program or plan for such property; and

(iii) enter into a memorandum of understanding or agreement with Native Hawaiian organizations for the assessment of the cultural significance of a property in determining whether to nominate such property to the National Register and to carry out the cultural component of such preservation program or plan.

TRIBAL LANDS

Section 301 (14) of the National Historic Preservation Act defines tribal lands as:

- (A) all lands within the exterior boundaries of any Indian reservation; and*
- (B) all dependent Indian communities.*

The tribe's jurisdiction is not limited to trust lands: all lands within the boundaries of the reservation - whether held in trust for the tribe or for tribal members, or owned by a Federal, State, or local agency, or owned in fee by a private citizen or organization - are tribal lands for the purposes of this program. Section 101(d)(2)(D)(iii) provides that, where the land is not held in trust for the tribe or owned by a tribal member, the land owner may request that the State Historic Preservation Officer participate along with the tribe in any decisions arising under this Act. However, in no case does the SHPO replace the tribe in carrying out any function for which the tribe has assumed responsibility.

The National Park Service construes the term "reservation" to include lands formally designated as a reservation, any additional land held in trust for the tribe by the Secretary of the Interior, and any land owned by the tribe subject to a restriction on alienation.

Dependent Indian communities may exist outside the formal boundaries of a reservation, if they meet certain factual tests related to such things as operation of the tribal government and cohesiveness of the tribal community. For the purposes of the National Historic Preservation Act, a dependent Indian community must be recognized or acknowledged as such by the Department of the Interior.