



The National Association of Tribal Historic Preservation Officers

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TRIBAL CONSULTATION: BEST PRACTICES IN HISTORIC PRESERVATION”

New study outlines history and attributes leading to ‘best practices’ among federal agencies and tribes

For Immediate Release

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(Washington, D.C., June 6, 2005) – A new study by the National Association of Tribal Historic Preservation Officers (NATHPO) identifies a ‘best practices’ model for successful consultation between federal agencies and tribes on matters that concern places of traditional religious and cultural significance.

The project was conceived by NATHPO and the Advisory Council on Historic Preservation with the National Park Service providing funds in support. Eleven individuals representing federal agencies, and state and tribal governments served on the project’s advisory committee. The goal of the study – the first of its kind to ever be published -- was to identify the attributes of a successful consultation among tribes and federal agencies in the execution of their historic preservation activities.

According to Section 106 of the National Historic Preservation Act, federal agency officials are required to consult with any Indian tribe or Native Hawaiian organization that attaches religious and cultural significance to historic properties that may be affected by an undertaking. The study also includes information about the legal and historical backdrop of the consultation process and various laws and Presidential Executive Orders that relate to tribal matters.

"Tribal consultation is required by law and this study provides the legal background, as well as a model protocol to follow for when federal agencies consult with tribes on projects that will affect them," said Sherry Hutt, Ph.D. and one of the report’s authors. "Regardless of the desired result -- to build bridges of communication or to proceed smoothly into a project -- this study shows that if tribal consultation is not early and informed, a meeting is not consultation."

"Consultation with tribal governments is not consulting with an interested party," said NATHPO Chairman Alan S. Downer. "Tribal governments are the primary party."

"This study also demonstrates the value of involving Tribal Historic Preservation Officers early in the planning process," said Downer.

A few of the hypotheses and their results -- drawn from assumptions that have been made over the years about the federal-tribal consultation process -- that were tested during the study include:

- "Do agencies have the ability to determine the appropriate consulting partner tribes?" The study found this to be a true assumption as there are abundant and accessible means available to agencies to determine which tribe(s) to consult.

- It is true that the timing of consultation events is critical to success, the place of consultation is a factor in success, and the adequacy of information provided to tribes prior to consultation is critical to success.
- It was found to be false that agencies are more concerned with completing the consultation process and its “outputs,” and that tribes are more concerned with “outcomes.”

Boolean analysis – a management tool that seeks to identify the critical attributes of decision making and the presence or absence of those attributes in case studies -- was an added step to the study and was implemented as an objective method of defining consultation.

“It is our hope that this study will provide tribes and agencies with the background and tools to work together in a way that fosters mutual respect and trust, and that agencies will not merely see consultation with tribes on a government-to-government basis as an obligation but as an opportunity to seek a process that is efficient and conserves the time and financial resources of the parties, at the same time it achieves mutual goals,” said David Blick, historic preservation officer for the U.S. Dept. of Housing and Urban Development.

“This study will go a long way in dispelling myths and misperceptions about working with tribes not only in the field of historic preservation, but also in many other disciplines,” said NATHPO President D. Bambi Kraus (Tlingit). “What we have learned in conducting this study can be applied to any federal agency working with tribes where consultation is required.”

The free study is available on NATHPO’s web site www.nathpo.org/special_projects-Best_Practices.html

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The National Association of Tribal Historic Preservation Officers (NATHPO) is a Washington, D.C.-based non-profit membership association representing the collective and shared interests of tribal historic preservation officers and tribal governments. NATHPO provides technical assistance, training, and operates a web site (www.nathpo.org)