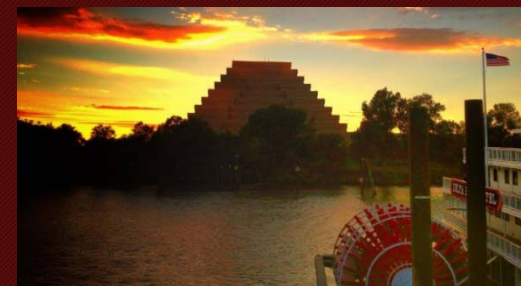


2013 CalTHPO-SHPO Summit
October 31, 2013



Section 106 Tribal Intergovernmental Consultation



TRIBAL INTERGOVERNMENTAL CONSULTATION

Jason Camp, Tribal Historic Preservation
Officer, United Auburn Indian Community of
the Auburn Rancheria

Marcos Guerrero, RPA, Cultural Resources
Manager, United Auburn Indian Community of
the Auburn Rancheria

Legal Disclaimer



Entering into agreements with local, state, and federal agencies may constitute a limited waiver of sovereign immunity. You must consult with your Legal Counsel and Tribal Council before drafting or signing any guidance documents, policy, and agreement documents like memorandum of understanding, memorandum of agreements, and programmatic agreements



Consultation Process Pursuant to E.O. 13175

Consultation and Coordination with Indian
Tribal Governments (OBAMA 2010).

Traditional Cultural Landscapes Action Plan

Adopted by ACHP on November 2011



Sacred Sites Memorandum Of Understanding

On December 5, 2012, the
Departments of Defense, the Interior,
Agriculture, and Energy, and the
Advisory Council on Historic
Preservation



The MOU calls for development of
guidance for management and treatment
of sacred sites including creation of
sample tribal-agency agreements.



SUMMIT FOCUS

To build relationships among the SHPO, government agencies, and Cal THPOs and promote best practices in Section 106 to identify and protect traditional cultural properties and historic properties



This could include:

- Agreement Documents – CA, PA, MOA
- Guidance, Protocols, Toolkits
- Tribal ordinances and resolutions
- Designated Tribal Representatives
- Government to Government Relationships



ACHP regulations (36 CFR Part 800) CLARIFY Federal agencies requirements to consult with Indian tribes UNDER Section 106 of the NHPA.



(1) binds federal agencies to consult with tribes,

(2) Makes it so that the SECTION 106 PROCES via 36 CFR Part 800 CANNOT BE CHANGED without an approved “program alternative”

§ 800.2 Participants in the Section 106 process

(c) Consulting parties.

(ii) Consultation on historic properties of significance to Indian tribes.

(D) WHEN INDIAN TRIBES ATTACH RELIGIOUS AND CULTURAL SIGNIFICANCE TO HISTORIC PROPERTIES ***OFF TRIBAL LANDS***, SECTION 101(D)(6)(B) OF THE ACT REQUIRES FEDERAL AGENCIES TO CONSULT WITH SUCH INDIAN TRIBES IN THE SECTION 106 PROCESS.

FEDERAL AGENCIES BE AWARE
HISTORIC PROPERTIES ARE LOCATED ON ANCESTRAL, ABORIGINAL, OR
CEDED LANDS OF INDIAN TRIBES
CONSIDER THAT WHEN COMPLYING WITH THE PROCEDURES IN THIS PART.

Federal agency must:

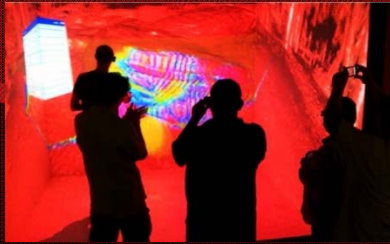
Step I: Initiate the process

Step II: Identify historic properties

Step III: Assess adverse effects

Step IV: Resolve adverse effects



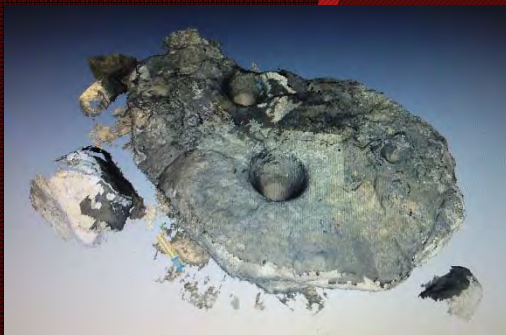


§ 800.6 Resolution of adverse effects.

(c) MOA.

(2) Invited Signatories.

(ii) THE AGENCY OFFICIAL MAY INVITE AN INDIAN TRIBE THAT ATTACHES RELIGIOUS AND CULTURAL SIGNIFICANCE TO HISTORIC PROPERTIES LOCATED **OFF TRIBAL LANDS** TO BE A **SIGNATORY** TO A MEMORANDUM OF AGREEMENT CONCERNING SUCH PROPERTIES.



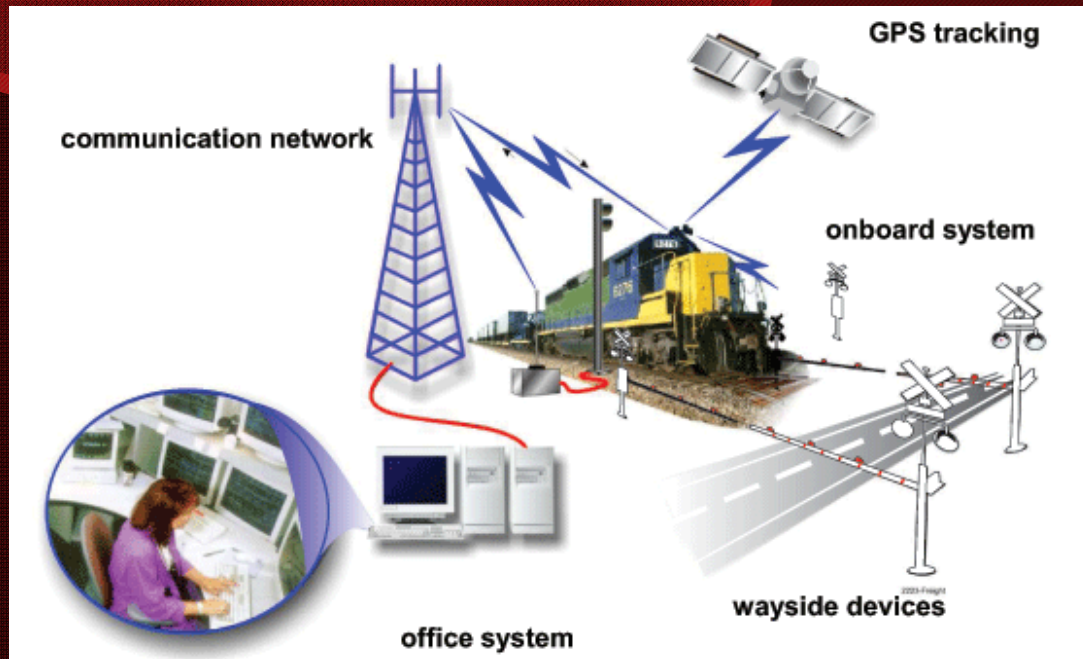
Presidential Memorandum to Modernizes Federal Infrastructure Review:

On May 17, 2013, President Obama issued a Presidential Memorandum entitled “Modernizing Federal Infrastructure Review and Permitting Regulations, Policies, and Procedures,”

Steering Committee formed under Executive Order 13604, and ACHP has developed an agency plan, called “Improving Performance of Federal Permitting and Review of Infrastructure Projects.”

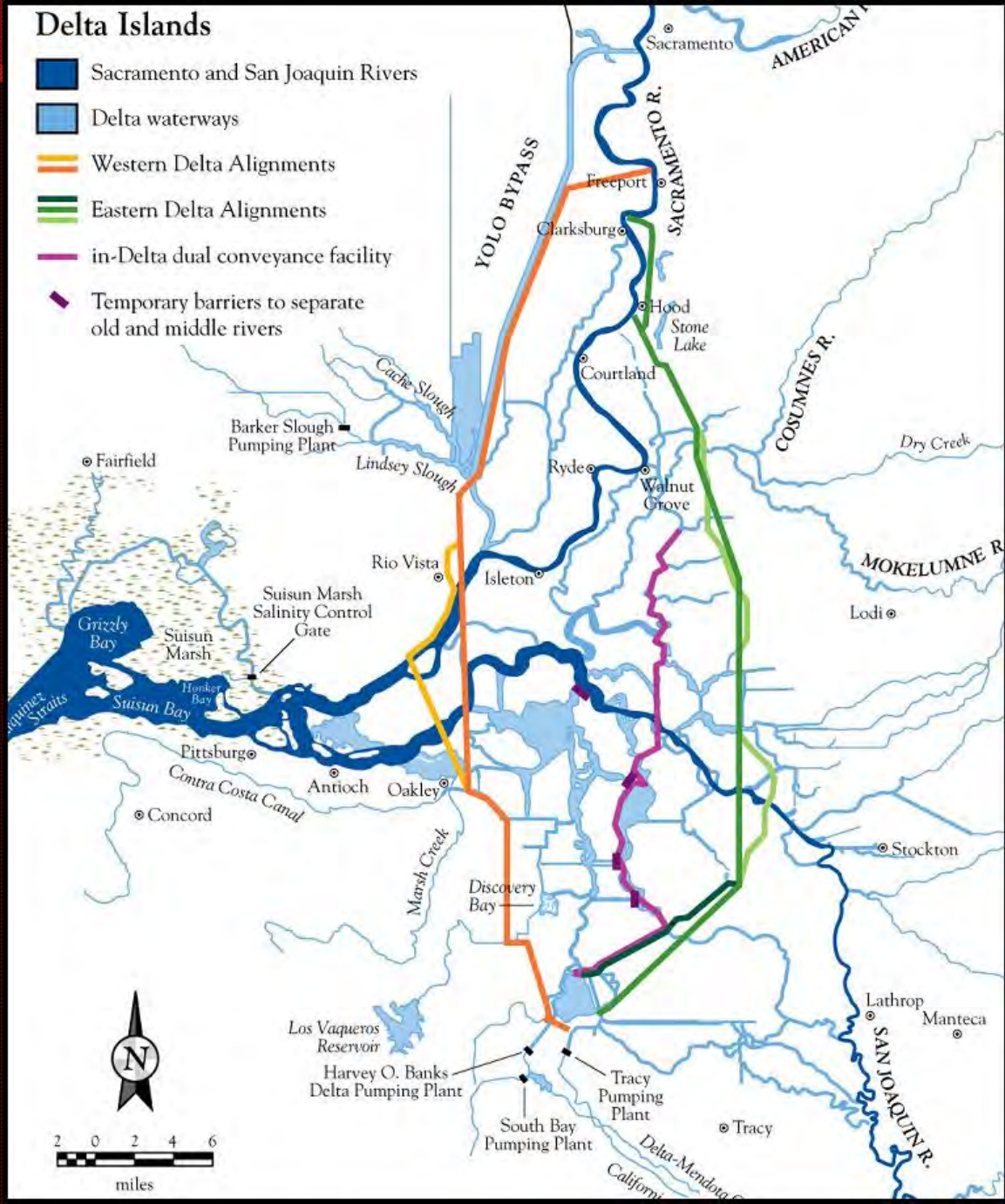


High Speed Rail

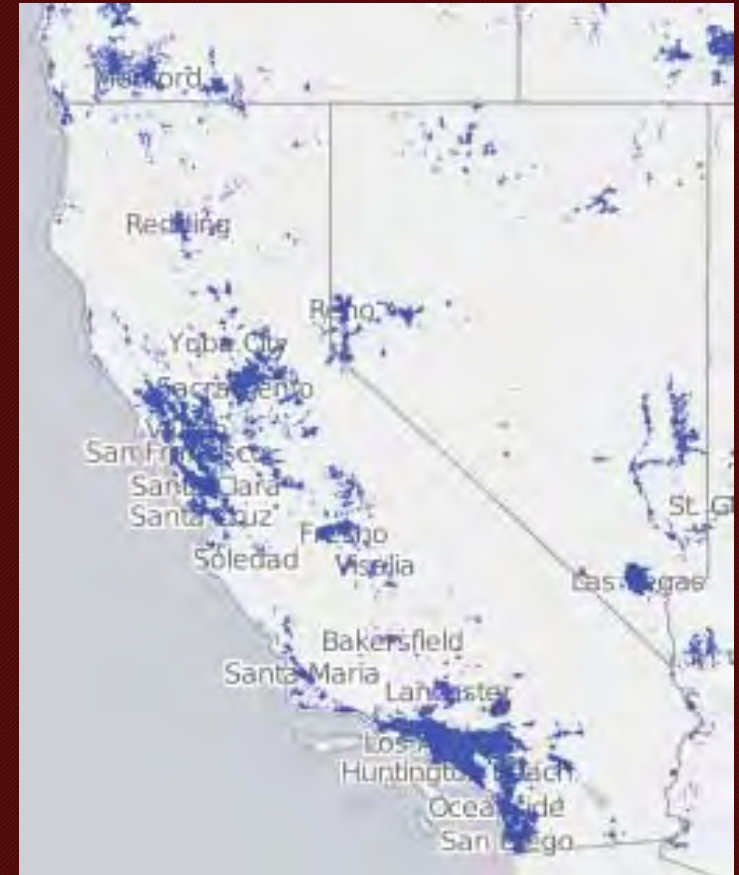


Positive Train Control





Bay Delta Peripheral Canal (BDCP)/ Delta Habitat Conservation and Conveyance Plan (DHCCP)

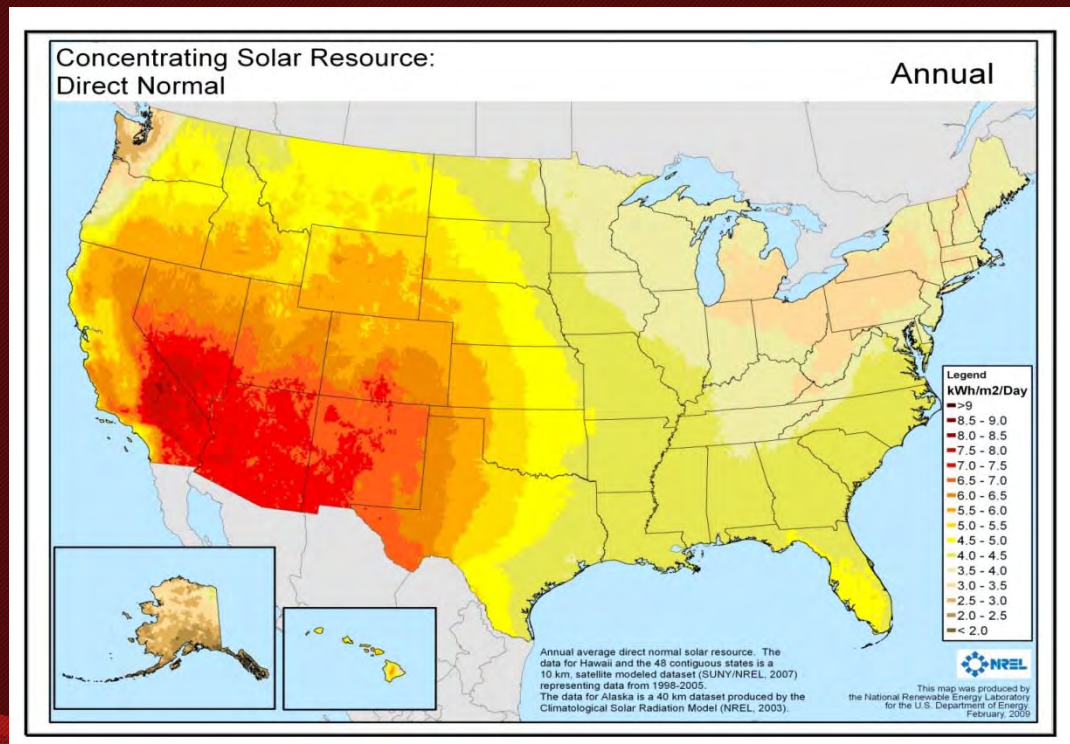


Broadband

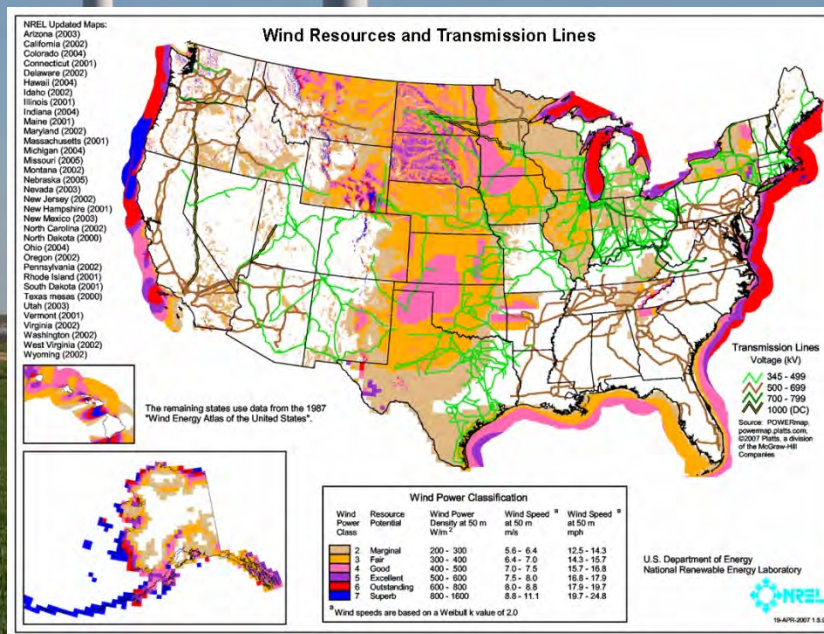
Tribes are being contracted to consult on Broadband Infrastructure Working Group Executive Order 13616, "Accelerating Broadband Infrastructure Deployment." ACHP will collaborate with THPO's under Section 800.14, "Protection of Historic Properties" (36 CFR Part 800)."



New Presidential Memorandum to Speed Modernization of Electric Grid, Save Money, June 7, 2013.



Wind Farms



PANELISTS INTRODUCTIONS

SHPO Perspectives

- **Susan Stratton**, Cultural Resources Program Project Review Unit Supervisor, California Office of Historic Preservation

ACHP Perspectives

- **D. Bambi Kraus**, President, National Association of THPOs

THPO Perspectives

- **Patricia Garcia**, Tribal Historic Preservation Officer and Director, Agua Caliente Band of Cahuilla Indians

Intergovernmental Agency Perspectives

- **Erin Hess**, National Historic Preservation Act Compliance Regulatory Division, Sacramento District U.S. Army Corps of Engineer
- **Charlotte Hunter**, PhD, Bureau of Land Management (BLM) State Office, Deputy Preservation Officer
- **Raymond Andrews**, Tribal Historic Preservation Officer, Bishop Paiute Tribe
- **Julie A. Burcell**, RPA, Tribal Historic Preservation Officer/People's Center Museum, Karuk Tribal Member

Opportunities for audience participation

- Write down questions **AND IDEAS FOR IMPROVING CONSULTATION** from Day 1 to be answered on Day 2.

Presentations for each panelist will run **10-minutes**. Please be courteous to others and stay within your allotted times.



