

ACTION PLANS FOR
IMPROVING
SECTION 106 TRIBAL
CONSULTATION

CaITHPO-SHPO Summit
October 31, 2013

SUMMIT FOCUS

- o Build a bridge among Cal THPOs and SHPO/OHP to promote best practices in Section 106 to identify and protect traditional cultural properties and historic properties

GOAL OF DAY 2 PANEL

Develop action plans & ideas that promote “best practices” tribal consultation to protect sacred sites, locations, and historic- and cultural-landscapes.

- o Actions & ideas that THPOs & Tribes (federal agencies) can consider and employ

OBSERVATIONS

- o (1) Sections 101, 106, and 110 provide opportunities and challenges for THPOs and Tribes when consulting with federal government agencies when trying to identify and protect historic and traditional cultural properties off-tribal lands under jurisdictions of federal agencies with and without land managing responsibilities; and on different types of landownership.

OBSERVATIONS, cont.

- o (2) President Barack Obama's EO-13175 and California Governor Edmund G. Brown EO-B-10-11 make it a requirement for local state and government agencies to develop policy and guidance on how to proactively consult with Tribes.
- o This includes consultation at many dynamic levels, not just resources management and environmental planning.

OBSERVATIONS, cont.

- o (3) Does Section 106 SHPO review of process include consultation with THPOs or Tribes?
- o (4) Does Section 106 and the OHP require examination of the CEQA or SB18 record of consultation?

OBSERVATIONS, cont.

- o (5) There are three avenues to resolve effects to properties Tribes ascribe religious and cultural significance to:
 1. *Working directly with the developer or the lead agency to come to some sort of agreement;*
 2. *Working with the OHP and SHPO;*
 3. *Involving the ACHP if the tribe's request it.*

OBSERVATIONS, cont.

Working with the OHP and SHPO to develop an effective form of consultation that works for your tribal interests;

- o 36 CFR 800 a step by step discussion

OBSERVATIONS, cont.

You should be thinking what would works for your Tribe:

- o Consultation Protocol;
- o Guidance Documents;
- o Agreement Documents;
- o Program Alternative;

PANELISTS

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

- Dwight Dutschke, Ione Band of Miwok Indians – Discussant
- Thomas Gates, Ethnographer, California Energy Commission – Discussant (Historical Overview)
- Marcos Guerrero, RPA, Cultural Resources Manager, United Auburn Indian Community of the Auburn Rancheria (Panel Co-Chair) – Facilitator (Open/Closing)
- D. Bambi Kraus, President, NATHPO – Discussant (Historical Overview)
- Susan Stratton, Cultural Resources Program Project Review Unit Supervisor, California Office of Historic Preservation (Panel Co-Chair) – Presenter

INTERACTIVE PLAN

OPPORTUNITIES FOR AUDIENCE PARTICIPATION

We'll address written questions from Day 1

Facilitator: Marcos Guerrero

Historical Overview: Tom Gates and D. Bambi Kraus

Presenter and Summary of Discussion:

Susan Stratton

Discussants: Dwight Dutschke, Tom Gates and D.
Bambi Kraus

Audience Moderators: Julie Burcell, Patti Garcia &
Suntayea Steinruck