

Hinon'ainino'

Northern Arapaho Tribe

TRIBAL HISTORIC PRESERVATION OFFICE

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Subject: Comments Regarding Federal Consultation on Decision making for Infrastructure Projects

Regarding Federal Consultation on Decision making for Infrastructure Projects, the Northern Arapaho THPO offers these comments:

1. Meaningful Consultation must be carried out by what it implies.
 - Tribes must be included at the very beginning of the consultation process.
 - Lead Federal Agency must clarify what type of role the Tribe has at the table as far as being a Regulator, Signatory, or Listener.
 - The type of consultation that is taking place, how many consultations have taken place, and what has been done in the past regarding federal undertakings must be clarified.
 - Tribes are often found attending a consultation and the Lead Federal Agency will listen, agree, and then go on with the project while tribes concerns and comments are not addressed or considered.
 - Shifting the Burden to the Federal Government/Agencies that created the legislation is the next step in promoting Meaningful Consultation.
 - Proper staff within Lead Federal Agencies need to know their own Policies/Procedures regarding Tribal Consultation.
2. The need for more Funding is vital to assist Tribes in attending and participating in consultations.
 - Too often Tribes are footed with the bill in sending representatives to Consultations, which are usually regarding our treaty rights and cultural resources.
 - This takes up valuable resources that could be used to address other important matters.
3. Extending the 30 day comment period.
 - This would give tribes the appropriate and needed time to respond in an informative manner.
4. Accountability and penalties for agencies not in compliance with consultation policies.
 - Tribes often feel as if we are left out of the process, and by the time we are included a decision has already been made.
 - There must be stricter penalties issued by the Lead Federal Agency for the violation of our treaty rights and cultural resources.
5. Broad policy across all Federal Agencies to implement better consultation with Tribes.
 - It is often confusing to interpret how a Federal Agency defines its policies and procedures in conjunction with other similar policies.



- A broader policy would be better to determine the way Tribal Consultation is carried out by all federal agencies.
 - Tribes would need to help and technical assistance in drafting such a policy.
6. Tribes must be including in the very beginning of the Identification, Evaluation, Protection and Determination of Eligibility for Historic properties.
 - Before a Cultural Resource Inventory is proposed, tribes must be included so that we may have adequate representation to identify, evaluate, protect, preserve or mitigate our Tribal Cultural Properties. (Historic Properties)
 - Federal Undertakings that occur within a tribes Ancestral Migratory Territory must be presented to the tribe that claims that Ancestral Migratory Territory.
 7. A register of Individual Tribes and their associated Ancestral Migratory Territories.
 - Could assist Federal Agencies in certain areas with information of which Tribes they should be consulting with.
 8. Nationwide Programmatic Agreement between Federal Agencies and Tribes regarding consultation Practices and the Identification, Evaluation, Protection and Determination of Eligibility for Historic Properties.

Thank you for consulting with the Northern Arapaho THPO and have a Good Day!!

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