



## **Tribal Historic Preservation Officer (THPO)** **A Quick Guide for Preserving Native American Cultural Resources**

### **What is a Tribal Historic Preservation Officer (THPO)?**

In accordance with the National Historic Preservation Act (NHPA), a Tribal Historic Preservation Officer (THPO) is the designated tribal preservation official of a federally recognized Indian Tribe. A THPO is responsible for the administration of any or all of the functions of a State Historic Preservation Officer (SHPO) with respect to tribal land.

### **What is meant by the term "tribal land"?**

Tribal land, as defined by the NHPA, means all lands within the exterior boundaries of any Indian reservation and all dependent Indian communities.

### **Who appoints a tribal preservation official?**

Tribes appoint their own preservation official. They may appoint whomever they wish to administer their tribal historic preservation program. Tribes frequently appoint a tribal member with a preservation related background or proficiency in cultural traditions.

### **What is the process for designating a THPO?**

The NHPA provides a process for a tribe's preservation official to be formally designated as a THPO:

#### **THPO Designation process**

- Tribe submits a request to the National Park Service (acting on behalf of the Secretary of the Interior) to assume historic preservation functions on tribal lands. Request must be a written resolution adopted by and signed on behalf of the tribe's chief governing authority.
- Tribal preservation official submits a THPO Application Form and a program plan to the National Park Service Tribal Preservation Program.
- National Park Service Tribal Preservation Program reviews the tribe's program plan and provides comments.
- Program plan is approved.
- THPO agreement is signed by the Tribal Chairman and the Director of the National Park Service on behalf of the Secretary of the Interior.
- THPO receives formal recognition under NHPA and administers and carries out the historic preservation functions outlined in the program plan.



### What is a program plan?

In order for a tribe's preservation official to be formally designated as a THPO, the NHPA requires that the tribal preservation official submit a program plan to the National Park Service (acting on behalf of the Secretary of the Interior). The plan describes how the THPO will administer and carry out the historic preservation functions they propose to assume (see *Section 101(b)(3) of the NHPA*) and is generally composed of, but not limited to:

#### Program Administration

- Description of program staff or consultants.
- Description of THPO advisory review board participation in preservation program.
- Acknowledgment that non-tribal property owners within tribal lands may request participation of the SHPO.
- Establishment of an advisory review board to provide advice to the THPO.
- Method for public participation in the preservation process by tribal traditional cultural authorities, other tribes, and interested parties.

#### Historic Preservation Functions

- List of historic preservation functions that the tribe proposes to assume.
- List of historic preservation functions, if any, that will remain with the State.
- Description of how the tribe will carry out each of the assumed historic preservation functions.
- Description of the tribe's current preservation program and/or activities as they relate to the historic preservation functions.

- *National Register of Historic Places*: procedures for nominations and oversight.
- *Section 106 of NHPA*: duties and procedures for carrying out Section 106 compliance
- *Waivers*: requests to modify any NHPA standards that are incompatible with tribal cultural traditions including proposals for remedy or alternate procedures.

The National Park Service (NPS) Tribal Preservation Program will provide technical assistance in completing a program plan as well as the THPO Application Form. Tribes are encouraged to contact the NPS Tribal Preservation Program to clarify any aspect of the THPO application process and to share a rough draft of their program plan for comment before a formal submission.

### When may a tribe submit a program plan and a THPO Application Form?

A tribe may submit a request to assume historic preservation functions at any time. To ensure that all tribes who request THPO designation have an equal and fair opportunity for THPO grant funding in the following fiscal year, the program plan and THPO Application Form must be received by the NPS Tribal Preservation Program prior to **May 31**. Grants for approved THPO programs are awarded shortly after the beginning of each fiscal year (October 1). In order to participate, a THPO program plan must be *approved before* the beginning of the fiscal year.



### **What are a THPO's duties?**

A THPO performs the duties associated with the historic preservation functions the tribe has assumed under their program plan. The most common functions assumed by THPOs include, but are not limited to:

- administering Federal assistance for tribal historic preservation ;
- advising and assisting Federal and state agencies and local governments in carrying out their historic preservation responsibilities;
- consulting with Federal agencies on Federal undertakings that may affect tribal historic properties and on any plans to protect, manage, reduce, or mitigate harm to such properties (see *Quick Guide – Section 106*);
- cooperating with the Secretary of the Interior, the Advisory Council on Historic Preservation, and other Federal and state agencies, local governments, organizations, and individuals to ensure that tribal historic properties are taken into consideration at all levels of planning and development;
- identifying and nominating properties to the National Register of historic Places, administering applications for listing in the National Register;
- preparing and implementing an historic preservation plan;
- providing public information, education and training, and technical assistance in historic preservation;
- surveying and inventorying tribal historic properties

In addition, THPOs may also perform Native American Graves Protection and Repatriation Act (NAGPRA) and Archeological Resources Protection Act (ARPA) enforcement related duties (see *Quick Guide – Laws and Regulations*).

### **What are some of the benefits to a tribe of having a THPO?**

There are many benefits that come with having a THPO, the primary one being that the THPO is the official tribal representative for historic and cultural preservation and is recognized as such by the national preservation community. The THPO is also recognized as the official tribal representative under multiple Federal laws to include NHPA, AIRFA, ARPA, and NEPA (see *Quick Guide – Laws and Regulations*). In addition, the THPO assumes oversight of the Section 106 process from the State, providing the tribe with review authority over Federal undertakings both on and off tribal land (see *Quick Guide – Section 106*).

THPOs are eligible for non-competitive grant funding on an annual basis. THPO grants are awarded by the NPS Historic Preservation Grants Program using an apportionment formula agreed on by THPOs and the NPS Tribal Preservation Program (see *Quick Guide – NPS Grants*).

### **More information**

For more information about THPOs and THPO Grants, visit the Tribal Preservation Program on the National Park Service's website at: <http://www.nps.gov/history/thpo/grants.html>

For more information about the THPO Application Form and writing a program plan, refer to the *Application for THPO Designation* at: [http://www.nps.gov/history/thpo/grant\\_application.html](http://www.nps.gov/history/thpo/grant_application.html)