



UNITED SOUTH AND EASTERN TRIBES, INC.

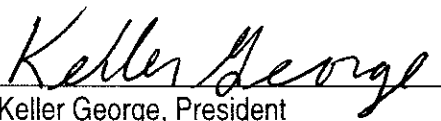
USET Resolution No. 2004:001

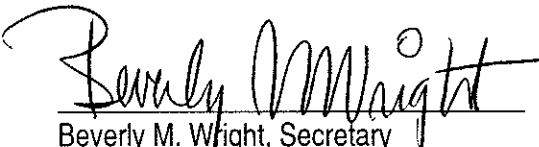
ACHP PROPOSED SECTION 106 REGULATIONS AMENDMENTS

- WHEREAS,** United South and Eastern Tribes, Incorporated (USET) is an intertribal organization comprised of twenty-four (24) federally recognized tribes; and
- WHEREAS,** the actions taken by the USET Board of Directors officially represent the intentions of each member tribe, as the Board of Directors comprises delegates from the member tribes' leadership; and
- WHEREAS,** the Advisory Council on Historic Preservation (ACHP) has proposed amendments to the regulations pursuant to Section 106 of the National Historic Preservation Act (NHPA) that set forth how Federal agencies take into account the effects of their undertakings on historic properties and afford the ACHP a reasonable opportunity to comment; and
- WHEREAS,** the proposed amendments are largely limited to those that directly respond to recent court decisions that held that: 1) the ACHP could not force a Federal agency to change its determinations regarding whether its undertakings affected or adversely affected historic properties, and 2) that Section 106 does not apply to undertakings that are merely subject to State or local regulation administered pursuant to a delegation or approval by a Federal agency; and
- WHEREAS,** the Justice Department refused to appeal this court decision resulting in these proposed amendments to the NHPA Section 106 regulations; and
- WHEREAS,** the ACHP has not held any consultations with Tribes as required by the NHPA about these proposed changes to the NHPA Section 106 regulations; therefore, be it
- RESOLVED** that the USET Board of Directors records its objection to the failure of the Justice Department to appeal this court decision and; be it further
- RESOLVED** that the USET Board of Directors calls on the ACHP to conduct proper government-to-government consultation with tribal governments on these proposed amendments to the ACHP Section 106 regulations.

CERTIFICATION

This resolution was duly passed at the USET Annual Meeting & EXPO, at which a quorum was present, in Mashantucket, CT, on Thursday, October 23, 2003.


Keller George, President
United South and Eastern Tribes, Inc.


Beverly M. Wright, Secretary
United South and Eastern Tribes, Inc.