



UNITED SOUTH AND EASTERN TRIBES, INC.

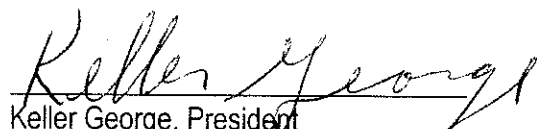
USET Resolution No. 2004:061

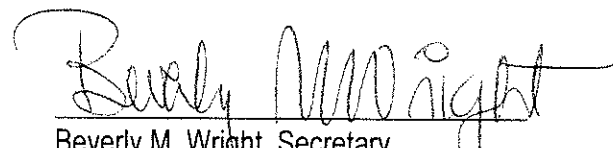
INVALID NATION-WIDE PROGRAMMATIC AGREEMENTS UNDER THE NHPA

- 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 United States Government and all its agencies have a government-to-government relationship with all federally recognized Indian Tribes and each of those agencies as a result of that relationship has a trust responsibility to each of those Indian Tribes; and
- WHEREAS,** the National Historic Preservation Act (NHPA), among other federal laws, regulations and executive-orders, requires consultation with Indian Tribes during the formulation and drafting of agreement documents such as nation-wide and regional programmatic agreements; and
- WHEREAS,** there are dozens of nation-wide programmatic agreements which are in force, many of which have been in force since before the 1993 Amendments to the NHPA (and some of which since before even the 1979 amendments!) and virtually all of which were written before the promulgation in 2000 of the regulations implementing the 1993 amendments; and
- WHEREAS,** with few exceptions, none of the nation-wide programmatic agreements conducted the mandated Tribal Consultation during their formulation; and
- WHEREAS,** because the requirements of the NHPA were not followed in the creation of these nation-wide programmatic agreements, they are inconsistent with federal law and thus, at best, questionably illegal if not out-right invalid; therefore, be it
- RESOLVED** that the USET Board of Directors wishes to go on record as not recognizing the authority or applicability of any such agreement documents, due to the questionable legality and the lack of tribal consultation on virtually all of the nation-wide programmatic agreements, and; be it further
- RESOLVED** that the USET Board of Directors calls on the Advisory Council on Historic Preservation and all federal agencies which have entered into any nation-wide programmatic agreements pursuant to the NHPA to review those documents, conduct the mandated tribal consultation in the creation of such documents and amend all nation-wide programmatic agreements to conform to that consultation and other current laws and regulations.

CERTIFICATION

This resolution was duly passed at the USET Semi-Annual Meeting, at which a quorum was present, in Hollywood, FL, on Thursday, June 17, 2004.


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


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

“Because there is strength in Unity”