



United South and Eastern Tribes, Inc.  
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**USET Resolution No. 2011:016**

**AMENDING THE PROGRAMMATIC AGREEMENT ON PROTECTION OF HISTORIC PROPERTIES DURING EMERGENCY RESPONSE UNDER THE NATIONAL OIL AND HAZARDOUS SUBSTANCES POLLUTION CONTINGENCY PLAN**

- WHEREAS,** United South and Eastern Tribes Incorporated (USET) is an intertribal organization comprised of twenty-five (25) 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 Programmatic Agreement (PA) on Protection of Historic Properties During Emergency Response Under the National Oil and Hazardous Substances Pollution Contingency Plan (PA) was written in 1997 and signed by the Advisory Council on Historic Preservation, the National Conference of State Historic Preservation Officers, U.S. Environmental Protection Agency, U.S. Department of the Interior, the U.S. Department of Homeland Security - Coast Guard, National Park Service, U.S. Department of Commerce, National Oceanic and Atmospheric Administration, U.S. Department of Energy, U.S. Department of Defense and the U.S. Department of Agriculture; and
- WHEREAS,** there was no Tribal consultation conducted when this PA was written; and
- WHEREAS,** the PA calls for extensive pre-planning for a spill or release of hazardous material specifically related to historic properties including compiling and maintaining a database of historic properties with the potential to be affected by such a spill, a list of contacts to be consulted in the case of a spill which should specifically include Indian Tribes, and identification of areas with a high potential for unidentified historic properties; and
- WHEREAS,** none of the above referenced pre-planning provisions of the PA had been adhered to when the Deepwater Horizon/MS Canyon 252 oil well disaster occurred in April, 2010, which resulted in significant delays in responding to the other provisions of the PA and the National Historic Preservation Act, Section 106, (specifically including consultation with appropriate federally recognized American Indian tribes and the identification of historic properties of religious and cultural significance to those tribes which were being affected by the oil spill itself and the operations to contain and clean up the oil); therefore be it
- RESOLVED** the USET Board of Directors calls on the Commandant of the U.S. Coast Guard and the U.S. Environmental Protection Agency Administrator to fully comply with the Programmatic Agreement and incorporate its provisions into all Area Contingency Plans in the next revision cycle for these documents; and therefore be it
- RESOLVED** that the Board of Directors of the United South and Eastern Tribes calls on all the signatories of the PA to comply with the current Advisory Council on Historic Preservation Regulations (36 CFR 800) to ensure that the delays and oversights which occurred during the initial stages of the response to the Deepwater Horizon/MS Canyon 252 disaster do not occur again.

CERTIFICATION

This resolution was duly passed at the USET Annual Meeting, at which a quorum was present, in Verona, NY, on Thursday, October 14, 2010.



Brian Patterson, President  
United South and Eastern Tribes, Inc.



Robert McGhee, Secretary  
United South and Eastern Tribes, Inc.

*“Because there is strength in Unity”*