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Preserving America's Heritage

North Dakota Tribal Consultation Effort Receives Advisory Council on Historic Preservation Award

WASHINGTON, D.C.—The Advisory Council on Historic Preservation (ACHP) presented its Chairman's Award for Achievement in Historic Preservation to the Tribal Consultation Committee, North Dakota Department of Transportation, and Federal Highway Administration for their exemplary efforts to improve Tribal consultation practices over the past two decades.

“When we participated in the Northern Plains Tribal Summit in May, we were greatly and favorably impressed with the way Tribes and North Dakota transportation projects handled Section 106 of the National Historic Preservation Act,” said Milford Wayne Donaldson, FAIA. “It just makes sense to bring key players together regularly to consider historic preservation issues as is being done in North Dakota. We would like the process and inclusiveness that has been created there to serve as a model for other states and federal agencies to improve their Tribal consultation processes.”

The Chairman's Award for Achievement in Historic Preservation, whose purpose is to highlight outstanding historic preservation practices, was presented at the fall business meeting of the ACHP in the Kennedy Caucus Room of the Russell Senate Office Building Nov. 6. Accepting the award certificates from Donaldson were the following:

- On behalf of the Tribal Consultation Committee and the Tribes involved in the consultation process: Pete Coffey, Tribal Compliance Officer, Three Affiliated Tribes (Mandan, Hidatsa, and Arikara Nation); and, Dr. Erich Longie, Tribal Historic Preservation Officer, Spirit Lake Tribe;
- On behalf of the North Dakota Department of Transportation (NDDOT): Jeani Borchert, Cultural Resource Section; and,
- On behalf of the Federal Highway Administration (FHWA): Gerald Solomon, Director of the Office of Project Development and Environmental Review.

In North Dakota, long-term consultation among Tribes, the NDDOT, and FHWA led to the creation of a Tribal Consultation Committee (TCC) that meets regularly and brings key decision makers together to consider impacts on historic places and ways to avoid or mitigate them.

Eight tribes were involved in creating the original 2006 Programmatic Agreement. They are the Crow Tribe, Fort Peck Assiniboine and Sioux Tribes, Northern Cheyenne Tribe, Sisseton-Wahpeton Oyate, Spirit Lake Dakotah Nation, Standing Rock Sioux Tribe, Three Affiliated Tribes, and Turtle Mountain Band of Chippewa Indians. Subsequently, the Cheyenne River Sioux Tribe, Crow Creek Sioux Tribe, Lower Sioux Indian Community, Oglala Sioux Tribe, Rosebud Sioux Tribe, Santee Sioux Tribe of Nebraska, Wahpekute Band of Dakotah, and Yankton Sioux Tribe also have participated in the process.

Background: The changes wrought to the National Historic Preservation Act in 1992, especially those relating to Tribes, resulted in much greater Tribal consultation and involvement with federal

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undertakings. For many years, the NDDOT and FHWA worked individually with the numerous Tribes that either had reservations or ancestral homelands located within North Dakota. The first cultural relations staffer hired by NDDOT came in 1989, and that staffer began meeting with Tribes and laying the foundation for future consultations. At first consultations generally involved Tribes associated with areas involving specific projects. These experiences led to the recognition of the need to formalize the consultation process according to the needs of the respective Tribes. Recognizing this, NDDOT and FHWA management endorsed the concept and supported the effort to create a more efficient and effective process to involve Tribes.

As is noted in the report created by the FHWA on this effort, *In Their Own Light: A Case Study in Effective Tribal Consultation*: “Rather than going to the Tribes with preconceived notions and draft agreement documents in hand, the NDDOT first went to them and asked what each Tribe envisioned in terms of effective consultation. A prototype document was developed only after NDDOT had consulted with the appropriate Tribal representatives on each of the eight reservations.”

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