



ADVISORY COUNCIL ON HISTORIC PRESERVATION POLICY STATEMENT ON INDIGENOUS KNOWLEDGE AND HISTORIC PRESERVATION

PREAMBLE. Indian Tribes, Native Hawaiians, and other Indigenous Peoples¹ are the original stewards of what is now known as the United States and its various territories and jurisdictions. They have existed as part of their environments for countless generations and have accumulated extensive experiences with, information about, and knowledge of the natural and cultural environment. This knowledge, often referred to as “Indigenous Knowledge,” results from a reciprocal relationship with their traditional territories whereby Indian Tribes, Native Hawaiians, and other Indigenous Peoples both shape and are shaped by the places and landscapes that surround them.

As a result of this interdependent relationship between people and place, sacred sites and historic properties, including properties of religious and cultural importance to Indian Tribes, Native Hawaiians, and other Indigenous Peoples, exist throughout the United States and its territories and jurisdictions. These locations are often considered to be of great importance by the Indigenous People who ascribe meaning to them and are frequently associated with significant cultural events, important spiritual locations, or are an active part of their living culture.

Indian Tribes, Native Hawaiians, and other Indigenous Peoples frequently rely upon their Indigenous Knowledge to identify and interact with these locations. Sacred sites, historic properties, and properties of religious and cultural importance are often imbued with both tangible and intangible values and resources that are not readily known outside of the community, clan, family, or individual who ascribe significance to them. Therefore, it is critical that federal agencies, state and local governments, and nongovernmental institutions, including private contractors, respect the value of and actively seek to incorporate Indigenous Knowledge into their historic preservation programs and decision making.

SCOPE OF THE POLICY. The field of historic preservation should ensure that the archaeological sites, historic structures, cultural landscapes, sacred sites, and other sites of religious and cultural importance to Indian Tribes, Native Hawaiian organizations (NHOs), and other Indigenous Peoples are equitably considered in decision making. These locations, and the reasons they are important, are often best understood and accounted for through consultation with, and by applying the Indigenous Knowledge of, associated Indian Tribes, Native Hawaiians, and other Indigenous Peoples.

Unfortunately, components of the broader historic preservation community have struggled to consistently request and incorporate Indigenous Knowledge into decision making in an efficient or effective manner. This partially stems from the fact that Indigenous Knowledge has not been consistently recognized or accounted for in implementing historic preservation programs, despite language about the roles and expertise of Indian Tribes and NHOs in the [National Historic Preservation Act](#) (NHPA) and the [Section 106 regulations](#). Additionally, until very recently, many federal agencies, state and local governments, and nongovernmental institutions, including private contractors, lacked protocols to account for the role of Indigenous Knowledge in meeting their program objectives and compliance responsibilities.

Despite these challenges, the Advisory Council on Historic Preservation (ACHP) has identified the integration of Indigenous Knowledge into decision making as a valuable and important part of the Section

¹ For the purpose of this policy, “Indigenous Peoples” include peoples who are indigenous to the United States and its territories and jurisdictions, but are not a federally recognized Indian Tribe, Native Hawaiian, or Native Hawaiian organization (as these terms are defined in the glossary attached to this policy statement).

106 process the ACHP administers as part of its responsibilities pursuant to the NHPA.² In 2019, the ACHP clarified that, while the term Indigenous Knowledge is not specifically mentioned in the NHPA or its implementing regulations, Indigenous Knowledge includes the information or knowledge shared by Indian Tribes and NHOs for the purposes of identifying, evaluating, assessing, and resolving adverse effects to historic properties of religious and cultural significance to them. The ACHP also clarified that Indigenous Knowledge informs the body of knowledge referred to at 36 CFR § 800.4(c)(1) in the Section 106 regulations as “special expertise.”³ Pursuant to the requirement that federal agencies are to ensure that their Section 106 consultation provides Indian Tribes and NHOs “a reasonable opportunity to identify its concerns about historic properties, advise on the identification and evaluation of historic properties, including those of traditional religious and cultural importance, articulate its views on the undertaking’s effects on such properties, and participate in the resolution of adverse effects,”⁴ and that agency officials “shall acknowledge that Indian Tribes and Native Hawaiian organizations possess special expertise in assessing the eligibility of historic properties that may possess religious and cultural significance to them,”⁵ this policy statement affirms that Indigenous Knowledge has a role in all four steps of the Section 106 process when properties that may be of religious and cultural significance to Indian Tribes or NHOs may be affected by an undertaking.

Furthering the federal discussion on Indigenous Knowledge, in 2022 the White House Office of Science and Technology Policy (OSTP) and the Council on Environmental Quality (CEQ) released *Guidance for Federal Departments and Agencies on Indigenous Knowledge*, an interagency resource meant to promote and enable a broad effort to improve the recognition and inclusion of Indigenous Knowledge. It reaffirms that Indigenous Knowledge should be recognized and, as appropriate, incorporated into decision making, research, and policies. It also advised that agencies use the guidance to develop an approach to Indigenous Knowledge that is appropriate for the contexts and legal frameworks in which the agencies operate and for the Indian Tribes, NHOs, and other Indigenous Peoples with whom they partner and consult.⁶

In support of the 2022 guidance document, and to further inform statements made by the ACHP in 2019 regarding Indigenous Knowledge, the ACHP developed this policy statement to 1) generate consistency within the broader preservation community, 2) clarify the role Indigenous Knowledge has in the Section 106 process, 3) establish a set of principles and guidelines related to the integration of Indigenous Knowledge in historic preservation more broadly, and 4) to provide additional recommendations that will further support respect of and consideration for Indigenous Knowledge in historic preservation. This policy reinforces that Indigenous Knowledge should be recognized as an independent, self-supporting line of evidence meant to support program, policy, and procedural decisions related to historic preservation, and recognizes designated representatives of Indian Tribes and NHOs as the appropriate subject matter experts capable of informing decision making related to such knowledge.

The policy also calls on the preservation community to ensure that the appropriate amount of time and resources are dedicated to the identification, documentation, utilization, management, and safeguarding of Indigenous Knowledge, along with developing guidance to inform these activities. An overarching goal of the policy is to ensure that the Indigenous Knowledge of Indian Tribes, Native Hawaiians, and other Indigenous Peoples has an equitable and ongoing role in historic preservation decision-making process, recognizing the history of federal-Tribal/Native Hawaiian relations has not consistently or effectively

² The ACHP is an independent federal agency with the primary mission to encourage historic preservation in the government and across the nation. The NHPA authorizes the ACHP to promulgate the regulations implementing Section 106, which the agency has done at [36 CFR Part 800](#) (see 54 U.S.C. § 304108(a)). Section 106 requires federal agencies to consider the effects of projects, carried out by them or subject to their assistance or approval, on historic properties and provide the ACHP an opportunity to comment on these projects prior to a final decision on them.

³ See 36 CFR § 800.4(c)(1) and [Traditional Knowledge and the Section 106 Process: Information for Federal Agencies and Other Participants](#) (ACHP, 2021).

⁴ 36 CFR § 800.2(c)(2)(ii)(A).

⁵ 36 CFR § 800.4(c)(1).

⁶ [Guidance for Federal Departments or Agencies on Indigenous Knowledge](#) (Executive Office of the President Office of Science and Technology Policy [OSTP] and Council on Environmental Quality [CEQ], 2022).

accounted for this information.

AUTHORITY. The ACHP has the statutory responsibility to advise on matters relating to historic preservation; to advise the President, Congress, and state and local governments regarding historic preservation matters; and, to recommend methods to federal agencies to improve the effectiveness, coordination, and consistency of their historic preservation policies.⁷

As a federal agency, the ACHP also has a unique legal and political relationship with federally recognized Indian Tribes as set forth in the Constitution of the United States, treaties, statutes, and court decisions, and acknowledges that the federal Indian trust responsibility is a legal obligation under which the United States “has charged itself with moral obligations of the highest responsibility and trust” toward Indian Tribes.⁸ In general, the trust responsibility establishes fiduciary obligations on the part of federal agencies to Tribes, including a duty to protect Tribal lands and cultural and natural resources for the benefit of Tribes and their members.⁹ An element of the ACHP’s trust responsibility is to ensure that its promulgation of the regulations implementing Section 106 of the NHPA incorporates the procedural requirement that federal agencies consult with Indian Tribes and NHOs that attach religious and cultural significance to historic properties that may be affected by undertakings a federal agency proposes to carry out, license, permit, or assist.¹⁰ The ACHP’s trust responsibility encompasses all aspects of historic resources, including associated Indigenous Knowledge and other intangible values.

Consistent with its statutory responsibilities, and as part of its trust responsibility to Indian Tribes, the ACHP issues this policy statement to establish a set of principles and guidelines regarding the role that Indigenous Knowledge has in historic preservation.

INDIGENOUS KNOWLEDGE. For the purposes of this policy, the ACHP will primarily utilize the description of Indigenous Knowledge published in the 2022 *Guidance for Federal Departments and Agencies on Indigenous Knowledge*:

Indigenous Knowledge is a body of observations, oral and written knowledge, innovations, practices, and beliefs developed by Tribes, [Native Hawaiians,] and Indigenous Peoples through interaction and experience with the environment. It is applied to phenomena across biological, physical, social, cultural, and spiritual systems. Indigenous Knowledge can be developed over millennia, continues to develop, and includes understanding based on evidence acquired through direct and indirect contact with the environment and long-term experiences, as well as extensive observations, lessons, and skills passed from generation to generation. Each Indian Tribe, Native Hawaiian, and Indigenous community has its own place-based body of knowledge.

Indigenous Knowledge is based in ethical foundations often grounded in social, spiritual, cultural, and natural systems that are frequently intertwined and inseparable, offering a holistic perspective. Indigenous Knowledge is inherently heterogeneous due to the cultural, geographic, and socioeconomic differences from which it is derived, and is shaped by the Indigenous Peoples’ understanding of their history and the surrounding environment. This knowledge is unique to each [Indian Tribe, Native Hawaiian community, or] group of Indigenous Peoples, and each may elect to utilize different terminology or express it in different ways. Indigenous Knowledge is deeply connected to the Indigenous Peoples holding that knowledge.¹¹

This description is intended to inform and educate the reader and to provide necessary context. It is not

⁷ 54 U.S.C. §§ 304102 and 304108.

⁸ *Seminole Nation v. United States*, 316 U.S. 286 (1942).

⁹ [Policy Statement Regarding the Council’s Relationship with Indian Tribes](#) (Advisory Council on Historic Preservation, 2000).

¹⁰ [The Advisory Council on Historic Preservation’s Statement on Its Trust Responsibility](#) (Advisory Council on Historic Preservation, 2004).

¹¹ [Guidance for Federal Departments or Agencies on Indigenous Knowledge](#) (Executive Office of the President Office of Science and Technology Policy [OSTP] and Council on Environmental Quality [CEQ], 2022), 4.

intended to limit or constrain the application of Indigenous Knowledge.

POLICY PRINCIPLES. These principles should be applied by federal agencies, state and local governments, and nongovernmental institutions, including private contractors, to advance the integration of Indigenous Knowledge into historic preservation decision making. The following principles and guidelines represent and explain baselines the preservation community should seek to implement and advance as part of their site stewardship, Section 106 participation and compliance, sacred sites management, and other historic preservation-related actions, consistent with their unique mission and authorities.

1. **Respect and Relationship Building.** Indigenous Knowledge should be treated with respect in all circumstances. This knowledge is frequently revered by the individual, family, clan, or community associated with it, and it may have an active role in ongoing cultural practices and ways of understanding. Disrespect, misuse, or abuse could violate cultural and ethical protocols, or may impact an Indian Tribe, NHO, or other Indigenous Peoples in other ways, including socially, politically, or economically. Developing and maintaining a positive and mutually beneficial relationship with Indian Tribes, NHOs, and other Indigenous Peoples can help facilitate an increased understanding of what constitutes respect and how those actions can lead to the proper integration of Indigenous Knowledge into decision making.
2. **Valid and Self-Supporting.** The Indigenous Knowledge held by an Indian Tribe, NHO, or other Indigenous Peoples is a valid, sound, and self-supporting source of information and is an aspect of the best available science. It does not require verification by any other knowledge system to inform federal decision making in historic preservation. Designated representatives of Indian Tribes and NHOs are, and should be recognized as, subject matter experts regarding the application of their Indigenous Knowledge with respect to the identification and documentation, evaluation, assessment, and resolution of adverse effects to properties that may be of religious and cultural significance to them, many of which may also be sacred sites.
3. **The Section 106 Process.** For purposes of Section 106, the term “Indigenous Knowledge” includes, but is not limited to, the experiences, insights, and knowledge held by Indian Tribes and NHOs that can assist federal agencies in identifying, evaluating, assessing, and resolving adverse effects to historic properties that may be of religious and cultural significance to them. While the NHPA directs federal agencies to make the final decisions in the Section 106 review, the law also directs agencies to consult with Indian Tribes and NHOs in carrying out the review process. Deference can and should be provided to the expertise of designated representatives about Indigenous Knowledge that is provided to inform decision making in the Section 106 process. A reasonable and good faith effort includes the responsibility that federal agencies, consistent with 36 CFR § 800.2(c)(2)(ii)(A), consider Indigenous Knowledge in a successive and cumulative manner throughout the four-step Section 106 process.
 - a. **Identification and Documentation.** Indigenous Knowledge is frequently used by Indian Tribes and NHOs to identify properties that may be of religious and cultural importance to them in the Section 106 review process. The development and implementation of identification efforts, including background research and field surveys, should be guided and informed by Indigenous Knowledge, where Indian Tribes and NHOs consent to share that knowledge with federal agencies, to ensure these actions more effectively account for properties that may be of religious and cultural significance to Indian Tribes or NHOs. Where Indigenous Knowledge is freely shared with federal agencies, documentation or recordation of the property or place should reflect the qualities and characteristics identified as relevant by the associated Indian Tribe or NHO to inform subsequent decision making, including, as appropriate, evaluation, assessment of effect, and resolution of adverse effects effectively and accurately.

- b. **Evaluation.** The “special expertise” recognized in 36 CFR § 800.4(c)(1) is a component of Indigenous Knowledge and is an aspect of the best available science. The Section 106 regulations require federal agencies to acknowledge the special expertise of Indian Tribes and NHOs in identifying and assessing the eligibility of historic properties that may be of religious and cultural significance to them.¹² Acknowledgement in this context means to recognize and defer to Tribal or NHO interpretation of the property’s significance and integrity. Members of the preservation community are not the experts on what constitutes Indigenous Knowledge or how it should be utilized to identify or evaluate the eligibility of a property that may be of religious and cultural significance to an Indian Tribe or NHO, including, but not limited to, ancestral materials recorded and documented as “archaeological.”
- c. **Assessment of Adverse Effects.** Indian Tribes and NHOs are the authorities and experts about their respective cultures, lifeways, geographies, and histories. To understand if and how an undertaking may affect a historic property of religious and cultural significance to an Indian Tribe or NHO, the federal agency must take into account, and should include in its assessment of how that property would be affected by the proposed undertaking, the Indigenous Knowledge and comments provided by the associated Indian Tribe(s) or NHO(s).
- d. **Resolution of Adverse Effects.** Efforts taken to avoid or minimize adverse effects should reflect the Indigenous Knowledge and other comments provided by the Indian Tribe or NHO, recognizing they are uniquely suited to inform those decisions and can provide information to help define what may be or may not be appropriate. When considering ways to resolve adverse effects to historic properties of religious and cultural significance to Indian Tribes or NHOs, agencies should defer to the expertise of associated Indian Tribes or NHOs. Efforts to reach consensus on mitigation should prioritize and recognize the preferences of Indian Tribes or NHOs in relation to historic properties of religious and cultural significance to them. Mitigation options should not be classified as “creative,” “alternative,” or “compensatory,” where those terms could constrain resolution in the Section 106 review.
4. **Agreement Documents and Program Alternatives.** Section 106 agreement documents and program alternatives that relate to or include the identification of, assessment of effects to, or resolution of adverse effects to historic properties of religious and cultural significance to an Indian Tribe or NHO should include language or stipulations that address the role of Indigenous Knowledge in informed decision making and how designated representatives would be involved in any ongoing reviews or consultation.
5. **Compensation.** Indigenous Knowledge is a distinct form of expertise that cannot be supplanted through other forms of knowing. Designated representatives of Indian Tribes or NHOs are the appropriate subject matter experts with the experience and qualifications to inform federal agency decision making in the identification of, and assessment and resolution of adverse effects to, historic properties of religious and cultural significance to them. In many cases, identifying, vetting, and deciding whether and how to share Indigenous Knowledge requires research, work, or additional action on the part of the Indian Tribe or NHO. If a federal agency requests an Indian Tribe or NHO provide Indigenous Knowledge via research, survey, monitoring, or other efforts that are the responsibility of the federal agency under the NHPA, the Indian Tribe or NHO should be reimbursed or compensated.¹³

¹² 36 CFR § 800.4(c)(1).

¹³ Consistent with the ACHP’s [Guidance on Assistance to Consulting Parties in the Section 106 Review Process](#), when the federal agency (or in some cases the applicant) seeks the views and advice of any consulting party in fulfilling its legal obligation to consult with them, the agency or applicant is not required to pay that party for providing its views. Federal agencies should also identify compensation mechanisms consistent with the [Executive Order on Reforming Federal Funding and Support for Tribal Nations to Better Embrace Our Trust Responsibilities and Promote the Next Era of Tribal Self Determination](#), which

6. **Administrative Record.** Any determination, finding, or agreement that relates to the identification of or assessment of effects to properties that may be of religious and cultural significance to an Indian Tribe or NHO should include sufficient documentation to enable any reviewing party to identify when and how consultation efforts facilitated opportunities for Indigenous Knowledge to inform decision making. These records should reflect if Indigenous Knowledge was incorporated into final decisions, or include detailed justifications as to why not, being cognizant to protect or withhold information deemed sensitive by the Indian Tribe or NHO in accordance with applicable law, regulation, and agency policy.
7. **Consultation Timelines.** The Section 106 implementing regulations set the minimum standards for federal agency interactions with consulting parties, including Indian Tribes and NHOs. When seeking information from an Indian Tribe or NHO regarding properties that may be of religious and cultural significance to them, the agency official must ensure the consultation is initiated early in the planning process, and the federal agencies should provide as much advanced notice of consultation meetings as possible and should extend review timelines accordingly, where appropriate, to ensure sufficient consultation and sharing of Indigenous Knowledge can occur. Timelines should reflect the complexity and nature of the undertaking and should recognize and attempt to accommodate internal cultural, political, legal, and social decision-making processes of associated Indian Tribes and NHOs including time needed to ensure the appropriate information can be identified and prepared for consultation purposes.
8. **Protocols and Processes.** The preservation community, including federal agencies, state and local governments, and nongovernmental institutions, including private contractors, should seek to develop or update policy, guidance, or other technical resources that inform their historic preservation responsibilities. It is important to recognize that historic preservation policies and programs intersect and coordinate with other related efforts, such as those taken under Executive Order (EO) 13007: Indian Sacred Sites.¹⁴ The protocols and policies should account for the role that Indigenous Knowledge has in historic preservation decision making. These resources should be developed in consultation with Indian Tribes and NHOs and should account for applicable principles identified in this policy.
9. **Professional Qualifications.** The ACHP recognizes that Indian Tribes, as sovereign Nations, have the right to determine who has the expertise and is qualified to represent them and their Indigenous Knowledge in the Section 106 process. Consistent with departmental procedures, the ACHP recommends that the Department of the Interior pursue amendments to the Secretary of Interior's Professional Qualification Standards to explicitly identify the designated representatives of Indian Tribes and NHOs as subject matter experts who meet the professional standards needed to inform findings and determinations relevant to properties that may be of religious and cultural importance to them.
10. **Managing Sensitive Information.** Indigenous Knowledge frequently includes information that is confidential, sensitive, sacred, and/or internal to an Indian Tribe or NHO. To the maximum extent practicable, federal agencies should clearly inform Indian Tribes or NHOs of any limitations on the agencies' ability to keep Indigenous Knowledge confidential before discussing Indigenous Knowledge. When seeking or integrating Indigenous Knowledge, federal agencies should consider not only how it would influence decision making, but also how it would account for any cultural, governmental, legal, or ethical protocols the Indian Tribe or NHO may have that dictate its application and use. If Indigenous Knowledge is provided, maximum effort should be taken, to the

directs all federal agencies to better live up to the federal government's trust responsibilities and support Tribal self-determination by reforming federal funding programs that support Tribes.

¹⁴ [The Relationship Between Executive Order 13007 Regarding Sacred Sites and Section 106.](#) (ACHP, 2018)

fullest extent of the law, to limit the inappropriate disclosure of confidential or sensitive information through all available mechanisms.

11. **Sacred Sites.** Locations identified as sacred sites by Indian Tribes or NHOs may also be historic properties of religious and cultural significance under the NHPA. The responsibility to consider access to and protection of sacred sites, consistent with EO 13007: Indian Sacred Sites, is separate from and in addition to an agency's Section 106 review for any proposed undertakings. Federal land management agencies, and other agencies including the ACHP, have committed to working together and consulting with Indian Tribes and NHOs in implementing EO 13007 through the Memorandum of Understanding Regarding Interagency coordination and Collaboration for the Protection of Indigenous Sacred Sites.¹⁵ As federal agencies continue to implement the Executive Order and Memorandum of Understanding, the ACHP encourages consultation with designated representatives of the associated Indian Tribes and NHOs to include integration of freely shared Indigenous Knowledge to inform the identification of, protection of, and access to these sites.
12. **United Nations Declaration on the Rights of Indigenous Peoples.** The ACHP recognizes the significance and importance of the Declaration¹⁶ and the support it conveys for Indigenous Knowledge.¹⁷ This policy is intended to work in concert with applicable provisions of the Declaration. While the Declaration is not legally binding, federal agencies can look to it for policy guidance in carrying out their historic preservation responsibilities, including in the Section 106 context and with respect to sacred sites. Because the Declaration was developed with input from Indigenous Peoples around the world, it stands as a guide to what is important to Indigenous Peoples, above and beyond basic human rights. The ACHP suggests that federal agencies, state and local governments, and nongovernmental institutions, including private contractors, consider the Declaration a reference to help inform the outreach, consultation, and consideration of Indigenous Knowledge.¹⁸

IMPLEMENTATION OF THE POLICY. Implementation of this policy statement is primarily the responsibility of ACHP leadership and staff. However, the ACHP recognizes that the appropriate expertise and experience to ensure effective implementation of this policy will require participation from the broader preservation community, including ongoing consultation and collaboration with Indian Tribes, Native Hawaiians, and other Indigenous Peoples.

Consistent with the ACHP's statutory authority to advise the President, Congress, and state and local governments on historic preservation, and to make recommendations to federal agencies to improve their preservation programs, the ACHP calls on federal agencies, state and local governments, and

¹⁵ 2021 [Memorandum of Understanding Regarding Interagency Coordination and Collaboration for the Protection of Indigenous Sacred Sites](#).

¹⁶ In 2010, the United States announced its [support of the United Nations Declaration on the Rights of Indigenous Peoples](#) (Declaration) and in 2013, the ACHP took the bold step to adopt a [plan to support the Declaration](#). This plan included the commitment to incorporate language and principles from the Declaration in future ACHP policy and program initiatives regarding the protection and preservation of historic properties of religious and cultural significance to Indian Tribes, NHOs, and other Indigenous Peoples to improve federal agency Section 106 consultation with Indian Tribes and NHOs. See the ACHP's [webpage on the Declaration](#) and the ACHP's [Policy Statement Regarding Burial Sites, Human Remains, and Funerary Objects: Explanations and Discussion](#) document for examples.

¹⁷ "Indigenous peoples have the right to practice and revitalize their cultural traditions and customs. This includes the right to maintain, protect and develop the past, present and future manifestations of their cultures, such as archaeological and historical sites, artefacts, designs, ceremonies, technologies and visual and performing arts and literature," Article 11, [United Nations Declaration on the Rights of Indigenous Peoples](#).

¹⁸ Article 18 of the Declaration has identified that the right of an individual or associated community to "participate in decision-making in matters which would affect their rights, through representatives chosen by themselves in accordance with their own procedures, as well as to maintain and develop their own decision-making instructions," is a basic human right; Article 31 of the Declaration states that "indigenous peoples have the right to maintain, heritage, traditional knowledge and traditional cultural expressions... They also have the right to maintain, control, protect and develop their intellectual property over such cultural heritage, traditional knowledge, and traditional cultural expressions." Working with Indigenous Peoples, governments "shall take effective measures to recognize and protect the exercise of these rights."

nongovernmental institutions, including private contractors, to advance the principles in this policy consistent with their unique missions, scope, and authorities.

The ACHP commits to advancing consideration of Indigenous Knowledge in conjunction with the broader preservation community, Indian Tribes, Native Hawaiians, and other Indigenous Peoples through the following:

- A. Train ACHP staff regarding the implementation of this policy.
- B. Develop guidance and informational resources that further inform the application and intent of this policy.
- C. Seek opportunities to implement applicable policy principles into Section 106 agreement documents and program alternatives.
- D. Advise federal agencies, state and local governments, Indian Tribes, Tribal and State Historic Preservation Officers, and NHOs in their development of historic preservation protocols, if invited.
- E. Encourage federal agencies and other relevant parties to give full and meaningful consideration to Indigenous Knowledge consistent with this policy statement.
- F. Participate on interagency working groups, including through the White House Council on Native American Affairs and the National Science and Technology Council Subcommittee on Indigenous Knowledge, to advance consideration and incorporation of Indigenous Knowledge through an all-of-government approach.

DEFINITIONS. The definitions provided below are intended to be inclusive and are meant to inform the application of this policy statement. However, many terms require the input of associated parties to more fully understand how to interpret or apply each term.

- **Confidential:** Information that is protected by law, regulation, or federal policy. Preserving authorized restrictions on information access and disclosure, including means for protecting personal privacy and proprietary information

- **Consultation:** The process of seeking, discussing, and considering the views of other participants and, where feasible, seeking agreement with them.¹⁹ A foundational activity in the Section 106 review process.

- **Consulting Parties:** Persons or groups the federal agency consults with during the Section 106 process. They may include the State Historic Preservation Officer; Tribal Historic Preservation Officer; Indian Tribes and Native Hawaiian organizations; representatives of local governments; applicants for federal assistance, permits, licenses, and other approvals; and/or any additional consulting parties.²⁰ Additional consulting parties may include individuals and organizations with a demonstrated interest in the undertaking due to the nature of their legal or economic relation to the undertaking or affected properties, or their concern with the undertaking's effects on historic properties.²¹

- **Designated Representative:** Individual(s) authorized by an Indian Tribe or Native Hawaiian organization's governing body, or other authorized person, to represent the Tribal government or NHO or act on its behalf.

- **Historic Property:** Any prehistoric or historic district, site, building, structure, or object included in, or eligible for inclusion in, the National Register of Historic Places maintained by the Secretary of the Interior. It includes artifacts, records, and remains that are related to and located within such properties, and it includes properties of traditional religious and cultural importance to an Indian Tribe or Native Hawaiian organization that meet the National Register of Historic Places criteria.²²

¹⁹ 36 CFR § 800.16(1).

²⁰ 36 CFR § 800.2(c).

²¹ 36 CFR § 800.2(c)(5).

²² 54 U.S.C §§ 300308, 302706, 36 CFR § 800.16(1).

- **Indian Tribe:** An Indian Tribe, Band, Nation, or other organized group or community, including a Native Village, Regional Corporation or Village Corporation, as those terms are defined in Section 3 of the Alaska Native Claims Settlement Act,²³ which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.²⁴
- **Native Hawaiian:** Any individual who is a descendant of the aboriginal people who, prior to 1778, occupied and exercised sovereignty in the area that now constitutes the state of Hawaii.²⁵
- **Native Hawaiian organization (NHO):** Any organization which serves and represents the interests of Native Hawaiians; has as a primary and stated purpose the provision of services to Native Hawaiians; and has demonstrated expertise in aspects of historic preservation that are significant to Native Hawaiians.²⁶
- **Section 106:** That part of the NHPA which establishes the federal agency's responsibility to take into account the effects of undertakings on historic properties and to provide the ACHP a reasonable opportunity to comment with regard to such action.²⁷
- **Sensitive:** Information that may be protected by law, regulation, or federal policy; and separately, information that may be identified as sensitive by the sponsoring entity/original source and considered by the source to be inappropriate for public disclosure.

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²³ 43 U.S.C. § 1602.

²⁴ 54 U.S.C. §300309, 36 CFR § 800.16(m).

²⁵ 54 U.S.C. § 300313, 36 CFR § 800.16(s)(2).

²⁶ 54 U.S.C. § 300314, 36 CFR § 800.16(s)(1).

²⁷ 54 U.S.C. § 306108.