



2026 Annual Convention Snoqualmie, Washington

RESOLUTION # 2026 – 053

“OPPOSITION TO THE PROPOSED REVISIONS TO 36 C.F.R. PART 800 AND CALLING FOR MEANINGFUL TRIBAL CONSULTATION IN THE REVISION OF THE SECTION 106 REGULATIONS”

PREAMBLE

We, the members of the Affiliated Tribes of Northwest Indians of the United States, invoking the divine blessing of the Creator upon our efforts and purposes, in order to preserve for ourselves and our descendants rights secured under Indian Treaties and benefits to which we are entitled under the laws and Constitution of the United States and several states, to enlighten the public toward a better understanding of the Indian people, to preserve Indian cultural values, and otherwise promote the welfare of the Indian people, do hereby establish and submit the following Resolution:

WHEREAS, the Affiliated Tribes of Northwest Indians (ATNI) are the representatives and advocates for national, regional, and specific Tribal concerns; and

WHEREAS, ATNI is a regional organization comprised of American Indians/Alaska Natives and Indian Tribal governments in the states of Washington, Idaho, Oregon, Montana, Nevada, Northern California, and Alaska; and

WHEREAS, the health, safety, welfare, education, economic and employment opportunity, and preservation of cultural and natural resources are primary goals and objectives of ATNI; and

WHEREAS, the Affiliated Tribes of Northwest Indians, invoking the divine blessing of the Creator upon our efforts and purposes, seeks to preserve for ourselves and our descendants rights secured under Indian Treaties, Executive Orders and the laws and Constitution of the United States, to preserve Indian cultural values, and otherwise to promote the welfare of the Indian people; and

WHEREAS, the National Historic Preservation Act (NHPA), including Section 106, establishes an important federal responsibility to consider the effects of federal undertakings on historic properties and provides an essential mechanism through which Tribal Nations participate in federal decision-making concerning places of traditional religious and cultural significance; and

WHEREAS, Tribal Nations are sovereign governments with a government-to-government relationship with the United States, and tribal consultation and participation in the Section 106 process is not merely participation by members of the general public or the provision of supplemental cultural information, but is an exercise of tribal sovereignty and an essential component of the federal government's trust and treaty responsibilities; and

WHEREAS, meaningful Tribal consultation requires that federal agencies engage in actions that are in-person, interactive, pre-decisional, informational and transparent consultation when planning actions with tribal implications and in line with Free, Prior and Informed Consent (FPIC) principles; and

WHEREAS, Section 106 consultation is particularly important to Tribal Nations because historic properties and cultural resources of importance to Tribal Nations frequently include sacred places, burial places, cultural landscapes, archaeological sites, ancestral lands, and other places and resources that may retain religious and cultural significance even when those places are located outside reservation, ceded and other tribal lands; and

WHEREAS, Section 106 consultation is particularly important to Tribal Nations because historic properties and cultural resources frequently include sensitive and irreplaceable resources critical to the development of tribal identities and cultures, and the protection, preservation and perpetuation of people, place and practice, that cannot be replaced or mitigated once altered or destroyed; and

WHEREAS, Section 106 consultation is particularly important to Tribal Nations because meaningful tribal consultation allows Tribal Nations, Tribal Historic Preservation Officers (THPOs) and tribal historic preservation programs to identify conflicts before substantial project resources are committed, support projects in avoiding culturally sensitive places, inform project alternatives and reduces the potential for disputes, litigation and subsequent project delays; and

WHEREAS, on July 24, 2026, the Advisory Council on Historic Preservation (ACHP) voted to advance proposed revisions to the regulations implementing Section 106 of the NHPA at 36 C.F.R. Part 800 that were developed without tribal consultation for further federal review and consideration as a Notice of Proposed Rulemaking; and

WHEREAS, the proposed revisions would make substantial changes to the existing Section 106 regulations, including changes affecting tribal consultation, the consideration of places of religious and cultural significance to Tribal Nations, the scope of effects considered under Section 106, and the authority of federal agencies to make and control important decisions in the Section 106 process; and

WHEREAS, the proposed revisions would remove or diminish language recognizing the special expertise of Tribal Nations concerning properties of religious and cultural significance and would remove or diminish express recognition of the government-to-government relationship between the United States and Tribal Nations, tribal sovereignty, treaty rights, and the significance of properties located on reservation, ceded or other tribal lands/ancestral, aboriginal, or ceded lands; and

WHEREAS, the proposed revisions would narrow the consideration of effects on historic properties by removing references to indirect and cumulative effects and limiting adverse effects to reasonably foreseeable effects having a reasonably close causal relationship to an undertaking, changes that may particularly affect Tribal Nations whose cultural resources can be fundamentally altered or harmed through changes to access, setting, privacy, sound, visibility, water, vegetation, ceremonial conditions, or the ability to continue religious and cultural practices; and

WHEREAS, the proposed revisions significantly expand federal agency discretion over important aspects of the Section 106 process including establishing deadlines, the area of potential effects, identification efforts, agency findings, and importantly whether and how consultation with Tribal Nations occurs and how comments from consulting parties are considered; and

WHEREAS, increasing unilateral federal agency control over the Section 106 process, while reducing the role of Tribal Nations and tribal expertise, risks undermining meaningful tribal consultation and diminishing the ability of Tribal Nations to protect places and resources of religious and cultural significance; and

WHEREAS, ATNI recognizes that the Section 106 regulations can and should be improved to make federal historic preservation review more effective, predictable, timely, and accountable, but such improvements must not be achieved by diminishing tribal consultation and participation, narrowing the consideration of tribal cultural resources, or weakening federal responsibilities to consult with Tribal Nations; and

WHEREAS, there are serious concerns regarding both the substance and legality of the proposed revisions and the process by which the revisions were developed and advanced, including concerns that Tribal Nations were not consulted when drafting the revisions to provide meaningful input before the ACHP acted to advance the proposal; and

WHEREAS, revisions of this magnitude should be developed through a transparent, deliberative, and inclusive process that provides Tribal Nations with a meaningful opportunity to

consult and participate before substantive decisions are made concerning regulations governing the federal government's obligations to Tribal Nations; and

WHEREAS, the federal government has trust and treaty obligations to Tribal Nations, and federal agencies must carry out their responsibilities in a manner consistent with the federal trust responsibility and the government-to-government relationship between the United States and Tribal Nations; now

THEREFORE, BE IT RESOLVED, that ATNI expresses serious concern and opposes the advancement of the proposed revisions to 36 C.F.R. Part 800 that diminish tribal sovereignty, weaken tribal consultation, narrow consideration of places of traditional religious and cultural significance, or reduce the ability of Tribal Nations to participate meaningfully in the Section 106 process; and

BE IT FURTHER RESOLVED, that ATNI calls upon the ACHP to conduct meaningful tribal consultation with Tribal Nations concerning any proposed revisions to 36 C.F.R. Part 800 and to provide Tribal Nations sufficient time and meaningful opportunities to review, analyze, and respond to the proposed regulations; and

BE IT FURTHER RESOLVED, that ATNI calls upon the ACHP to ensure that any revised regulations preserve and uphold expertise of Tribal Nations and THPOs throughout the Section 106 process, including identification and evaluation of historic properties, assessment of effects, development and consideration of alternatives, resolution of adverse effects, and the expertise of Tribal Nations concerning places of traditional, religious, and cultural significance; and

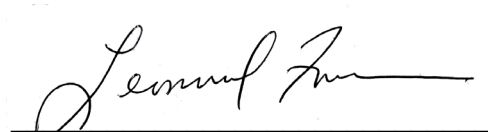
BE IT FURTHER RESOLVED, that ATNI calls upon the Administration, the ACHP, and Congress to recognize that meaningful tribal consultation is an essential component of federal historic preservation framework responsibilities and should not be treated as an impediment to efficient federal decision-making; and

BE IT FURTHER RESOLVED, that ATNI encourages its member Tribes to participate fully in the formal rulemaking process for revisions to 36 C.F.R. Part 800, including by submitting comments, engaging in tribal consultation, and communicating tribal concerns directly to the ACHP, federal agencies, and Members of Congress; and

BE IT FINALLY RESOLVED, that this will be the policy of ATNI until it is withdrawn or modified by subsequent resolution(s).

CERTIFICATION

The foregoing Resolution was adopted at the Affiliated Tribes of Northwest Indians 2026 Annual Convention held at the Snoqualmie Casino and Hotel in Snoqualmie, Washington, on September 13-17, 2026, with a quorum present.



Leonard Forsman, President



Norma Jean Louie, Secretary