

Tribal Consultation Under the National Historic Preservation Act

ANYTIME TENNESSEE SHPO IS CONSULTED, APPROPRIATE TRIBES MUST BE CONSULTED.

If there are no specific directives given in the “When to Consult” column, they still **MUST** be consulted.

Consultation Process:

- a. Once tribes with a potential interest in the project are have been identified (A-21), the Certifying Officer (CO) mails/emails a letter to each tribe to invite consultation. The letter (and any publication notices), **must be on City/County letterhead, and signed by the Certifying Officer.**
- b. The letter that invites consultation should contain a request for assistance in identifying historic properties of religious and cultural significance in the project area - archeological sites, burial grounds, sacred landscapes or features, ceremonial areas, traditional cultural places, traditional cultural landscapes, plant and animal communities, and buildings and structures with significant tribal association - and any initial concerns with impacts of the project on those resources.
- c. Some tribes have both a tribal leader and a Tribal Historic Preservation Officer (THPO). Send letters to both and ask that the tribe’s response indicate a single point of contact if possible.
- d. You must add a description of the project into the letter. The description should include, as applicable: the location and size of the property; type of project; type and scale of new building(s) or structures; construction materials; number of housing units; depth and area of ground disturbance; introduction of visual, audible or atmospheric changes; or transfer, lease or sale of property.
- e. Enclose a map showing the location of the project and the Area of Potential Effect (APE), which may be larger than the project property. For urban sites, a map generated from a site like Google Earth is preferred. **For rural sites**, a USGS topographic map is preferred.
- f. HUD’s policy is to request a response to the invitation to consult within **30 days from the date the tribe receives the letter.** For gauging the beginning and end of the 30 day period, a CO may assume that an emailed letter is received on the date it is sent. For a hard copy letter, a CO may send the letter certified mail, or, if mail delivery is predictable and reliable, the CO may assume a 5-day delivery period, and assume that the period ends 35 days after the letter is mailed.

If a tribe wishes to be a consulting party, the tribe must provide within 30 days an indication of their desire to consult. The tribe does not need to actually provide information about historic properties of religious and cultural significance within 30 days; that may take longer. If a tribe responds that they do not want to consult, document the response in the ERR. If a tribe does not respond to the invitation to consult within 30 days-email request or 35 days-USPS request, the CO should include documentation of the invitation in the ERR; further consultation is not required.

**Tribes in Bold Have Formalized THPOs
All Other Tribes Are Consulting Parties**
See A-21 for Counties of Interest

If there are no specific directives given in the “When to Consult” column, you still **MUST** consult them.

Tribe	When to Contact
<p>Alabama-Coushatta Tribe of Texas Nita Battise Chairperson 571 State Park Road 56 Livingston, TX 77351 p. 936.563.1100 f. 936.563.4170 tcnbattise@actribe.org</p> <p>Bryant Celestine THPO 571 State Park Road 56 Livingston, TX 77351 p. 936.563.1181 c. 936.933.7297 f. 936.563.417 CelestineBryant@actribe.org</p>	<p>Consult request to be sent for all projects</p> <p>PREFER CONSULTATION VIA EMAIL</p> <p>Please include in the consult request:</p> <ul style="list-style-type: none"> Maps – topographically also Past and present usage of site Current photos of the area Any archeological research completed by TNSHPO Any completed surveys

<p>Alabama-Quassarte Tribal Town Tarpie Yargee Town King P.O. Box 187 Wetumka, OK 74883 p. 405.452.3987 f. 405.452.3968 chief@alabama-quassarte.org</p> <p>Molly Franks THPO P.O. Box 187 Wetumka, OK 74883 p. 405.452.3881 f. 405.452.3968 aqhpo@mail.com</p>	<p>Consult as a party of interest on new construction with soil disturbance.</p>
<p>Catawba Indian Nation Bill Harris Chief 996 Avenue of the Nations Rock Hill, SC 29730 p. 803.366.4792 f. 803.366.0629 bill.harris@catawbaindian.net</p> <p>Dr. Wenonah G, Haire THPO 1536 Tom Steven Road Rock Hill, SC 29730 p. 803.328.2427, x 224 f. 803.328.5791 Email: wenonahh@ccppcrafts.com</p>	<p><i>Monroe County only.</i></p> <p>Initiate Section 106 consultation anytime you consult with SHPO, but only if disturbing any soil.</p> <p><u>They will not accept email.</u> When requesting consult, send photos of project area, and previous land use history.</p>

<p>The Chickasaw Nation Bill Anoatubby Governor P.O. Box 1548 Ada, OK 74821 Tel: (580) 436-2603 Fax: (580) 436-4287 tammygray@chickasaw.net</p> <p>Kirk Perry Tribal Historic Preservation Officer P.O. Box 1548 Ada, OK 74821 p. 580.272.5323 hpo@chickasaw.net</p>	<p>Language to include when contacting this tribe:</p> <p>“Pursuant to statute, the State, as the recipient of HUD funds, assumes the role of the federal agency and the responsibility for compliance with environmental laws, including Section 106 of the national Historic Preservation Act and its implementing regulations, 36 CFR Part 800 “Protection of Historic Properties.” First and foremost, the goal of compliance is to avoid harm to historic properties. If any inadvertent discoveries occur, the regulations prescribe how to address them in 35 CFR 800 (b). [City/County] of Tennessee must certify to HUD that the project complies with Section 106,. Failure to comply could lead to HUD issuing a finding of non-compliance and possible corrective actions or sanctions. The [City/County] of Tennessee will pursue protection of any historic properties of religious and cultural significance in the project area, and we would greatly value your assistance in identifying such resources and helping to assess any potential project impacts on them. We hope that you will choose to begin consultation with us on this project within the requested 30-day timeframe.”</p> <p>Prefer to receive copy of SHPO clearance, any archeological studies, and copies of any other Tribal responses.</p>
<p>Choctaw Nation of Oklahoma Gary Batton Chief P.O. Drawer 1210 Durant, OK 74702 p. 580.924.8280 f. 580.924.1150 gbatton@choctawnation.com</p> <p>Ian Thompson THPO P.O. Box 1210 Durant, OK 74702-1210 p. 800.522.6170. x 2216 f. 580.920.3102 ithompson@choctawnation.com</p>	<p><i>Shelby County only.</i></p> <p>Initiate Section 106 consultation anytime you consult with SHPO, <u>but only if disturbing any soil</u></p>

<p>Coushatta Tribe of Louisiana Lovelin Poncho Chairman P.O. Box 818 Elton, LA 70532 p. 337.584.1401 f. 337.584.1507 CBertrand@coushatta.org</p> <p>Linda Langley THPO P.O. Box 10 Elton, LA 70532 p. 337.584.1560 f. 337.584.1616 llangley@coushatta.org</p>	<p><u>Prefers request to consult via email.</u> <i>If the file(s) are too large, they will notify you of a link to a drop box.</i></p> <p>Consult on new construction and projects with soil disturbance.</p> <p>Do not need to receive consult requests on projects with no ground disturbance, rehabs of existing structures, resurfacing (paving).</p>
<p>Eastern Band of Cherokee Indians Michell Hicks Principal Chief P.O. Box 455 Cherokee, NC 28719 p. 828.497.2771 f. 828.497.7007 michhick@nc-chokeee.com</p> <p>Russell Townsend Tribal Historic Preservation Specialist P.O. Box 455 Cherokee, NC 28719 p. 828.554.6851 f. 828.497.1590 russtown@nc-chokeee.org</p> <p>Tyler Howe Section 106 Assistant P.O. Box 455 Cherokee, NC 28719 p. 828.359.6852 Please send all correspondence to Mr. Howe via postal mail. He is unable to accept email due to capacity.</p>	<p><u>Prefers request to consult via email.</u></p> <p>In the request list County and State where project is located, type of Federal funding, any information about previous ground disturbance at project site, if the project is replacing existing structures, and if the area is within a town/city. Also, send copies of topos.</p>

<p>Eastern Shawnee Tribe of Oklahoma Glenna Wallace Chief P.O. Box 350 Seneca, MO 64865 p. 918.666.2435 f. 888.971.3905 chief@esstoo.net</p> <p>Robin Dushane THPO P.O. Box 350 Seneca, MO 64865 p. 918.666.2435 RDushane@estoo.net</p>	<p>Consult as a party of interest on new construction and projects with soil disturbance.</p> <p><u>Prefers request to consult via email.</u></p>
<p>Mississippi Band of Choctaw Indians Phyliss Anderson Chief P.O. Box 6010 Choctaw, MS 39350 p. 601.656.5251 f. 601.656.1992 PhylissAnderson@choctaw.org</p> <p>Ken Carleton Archeologist p. 601.650.7316 kcarleton@choctaw.org</p> <p>James Robinson p. 601.650.1562 jrobinson@choctaw.org</p>	<p><i>Bradley County only.</i></p> <p>Three consult requests to be sent:</p> <p>1) Hard copy consult request is to go to Chief.</p> <p>2) Email consult request to be sent to the other two individuals listed.</p> <p>Please make sure maps are included in your correspondence.</p>

<p>Muscogee (Creek) Nation George Tiger, Principal Chief P.O. Box 580 Okmulgee, OK 74447 p. 918.756.8700 f. 918.758.1434 gtiger@mcn-nsn.gov</p> <p>RaeLynn Butler THPO P.O. Box 580 Okmulgee, OK 74447 p. 918.756.7678 f. 918.758.0649 section106@mcn-nsn.gov</p>	<p>Consult for new soil disturbance.</p> <p><u>Prefers request to consult via email.</u> Any reports sending with consult that are too big, put on disk and send to P.O. Box.</p>
<p>Quapaw Tribe of Oklahoma John Berrey Chairperson P.O. Box 765 Quapaw, OK 74363 p. 918.542.1853 f. 918.542.4694 jberrey@oqahpah.com</p> <p>Everett Bandy THPO P.O. Box 765 Quapaw, OK 74363-0765 p. 888.642.4724 Gf. 918.542.4694 ebandy@quapawtribe.com</p>	<p>Email correspondence is okay.</p>