The INTER-TRIBAL COUNCIL of the FIVE CIVILIZED TRIBES

A Resolution Supporting and Encouraging Protection of the National Historic Preservation Act Regulations

Chuck Hoskin, Jr.
Principal Chief

Chris Anoatubby
Governor

Gary Batton
Chief

David W. Hill
Principal Chief

Sena Yesslith
Chief

Resolution No.26-26

WHEREAS, the Inter-Tribal Council of the Five Civilized Tribes (ITC) is an organization that unites the tribal governments of the Cherokee, Chickasaw, Choctaw, Muscogee (Creek), and Seminole Nations, representing approximately 877,000 Indian people throughout the United States; and

WHEREAS, all ITC member tribes have experienced the loss of portions of their ancestral homelands through treaties and federal policies, including the forced removal of their citizens to present-day Oklahoma, and because present-day reservation boundaries do not encompass their ancestral homelands, meaningful tribal participation in federal decisions affecting those lands and cultural resources remain essential; and

WHEREAS, for more than two decades, ITC member tribes have participated in consultation with federal agencies under the National Historic Preservation Act (NHPA) regarding federal undertakings that may affect historic properties and places of religious and cultural significance to the tribes, including properties located within and outside present-day reservation boundaries; and

WHEREAS, this consultation has resulted in the identification, documentation, evaluation, and treatment of historic properties and cultural resources that are important to ITC member tribes, while also contributing to the preservation of the broader historical and cultural heritage of the United States; and

WHEREAS, four ITC member tribes have entered into agreements with the National Park Service pursuant to Section 101(d)(2) of the NHPA to assume the functions of a State Historic Preservation Officer for purposes of historic preservation activities on tribal lands; and

WHEREAS, ITC member tribes recognize that the NHPA and its implementing regulations may be improved and modernized, but find that the existing framework has provided an important and effective mechanism for tribal participation in federal historic preservation decisions and for meaningful consideration of tribal interests; and

WHEREAS, NHPA consultation has provided ITC member tribes with information concerning tribal history, cultural landscapes, archaeological resources, and other historic properties that have supported tribal heritage

revitalization, education, cultural preservation, and heritage tourism efforts; and

WHEREAS, the Advisory Council on Historic Preservation has proposed revisions to the regulations implementing Section 106 of the NHPA, 36 C.F.R. Part 800, which are currently pending review by the Office of Information and Regulatory Affairs. However, the proposed revisions have not been made publicly available and Tribal Nations have not been afforded meaningful participation in their development prior to interagency review. Revising regulations that govern federal agencies' consultation responsibilities without meaningful tribal involvement raises significant procedural and substantive concerns, particularly where such revisions may affect the government-to-government relationship, tribal participation in the Section 106 process, and the identification and protection of historic properties of religious and cultural significance to Tribal Nations; and

WHEREAS, Tribes must be able to provide culturally sensitive information to federal agencies when necessary for meaningful consultation while retaining appropriate protection for confidential, sacred, or otherwise sensitive information concerning tribal cultural resources and places; and

WHEREAS, Congress is considering changes to the NHPA, including Section 106, as part of broader efforts to reform federal permitting and environmental review processes that could affect the scope and effectiveness of Section 106 review and tribal consultation, and ITC member tribes believe that any such changes should be developed through meaningful consultation with federally recognized tribes and made available for public review.

NOW THEREFORE LET IT BE RESOLVED THAT, the Inter-Tribal Council of the Five Civilized Tribes calls upon to the Advisory Council on Historic Preservation to:

1. Ensure that any proposed regulatory changes affecting the NHPA, Section 106, tribal historic properties, or tribal consultation are developed through meaningful government-to-government consultation with federally recognized Indian tribes;
2. Reject regulatory amendments that would weaken the National Historic Preservation Act, diminish Section 106 protections, or reduce meaningful tribal participation in the federal historic preservation process;
3. Recognize that present-day reservation boundaries do not define the extent of tribal ancestral homelands, historic interests, or cultural and religious connections to place, and that meaningful tribal participation in Section 106 should extend to federal undertakings that may affect historic properties and places of religious and cultural significance within those homelands; and
4. Support a Section 106 regulatory framework that preserves meaningful tribal participation in identification, evaluation, assessment of effects, consultation, and resolution of adverse effects.

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CERTIFICATION

The foregoing resolution was adopted by the Inter-Tribal Council of the Five Civilized Tribes meeting in Durant, Oklahoma on this 9th day of October, 2026, by a vote of All for 0 against and 0 abstentions.

Chris Anoatubby, Governor
The Chickasaw Nation

David W. Hill, Principal Chief
Muscogee (Creek) Nation

Gary Batton, Chief
Choctaw Nation of Oklahoma

Sena Yesslith, Chief
Seminole Nation of Oklahoma

Chuck Hoskin Jr., Principal Chief
Cherokee Nation