GREAT PLAINS TRIBAL CHAIRMEN'S ASSOCIATION, INC.

US Post Office Box 988, Rapid City, SD 57709

GREAT PLAINS TRIBAL CHAIRMEN'S ASSOCIATION, INC. (GPTCA)

RESOLUTION

PROTECTING SECTION 106 OF THE NATIONAL HISTORIC PRESERVATION ACT; OPPOSING THE SECTION 106 AMENDMENTS IN S. 5653; AND OPPOSING THE ADVISORY COUNCIL ON HISTORIC PRESERVATION'S PROPOSED REGULATORY CHANGES.

Resolution No. – 07-10-10-2026

WHEREAS, the Great Plains Tribal Chairmen's Association, Inc. (GPTCA) is composed of the elected Chairs and Presidents of sovereign Tribal Nations within the Great Plains Region of the Bureau of Indian Affairs; and

WHEREAS, GPTCA was formed to promote the common interests of its member Tribal Nations and their citizens and to protect Tribal sovereignty, self-government, self-determination, and treaty rights; and

WHEREAS, the United States has solemn obligations to Tribal Nations arising under treaties, the Constitution, federal law, and the federal trust responsibility; and

WHEREAS, Section 106 of the National Historic Preservation Act (NHPA), 54 U.S.C. § 306108, requires agencies to consider effects on historic properties and allow a reasonable opportunity for Council comment before approving federal expenditures or issuing licenses, and 54 U.S.C. § 302706 recognizes properties of traditional religious and cultural importance and requires consultation with affected Tribal Nations; and

WHEREAS, S. 5653, the Bipartisan American Affordability and Jobs Act of 2026, introduced September 30, 2026, would weaken these protections through Division B, Title III, and related exemptions; and

WHEREAS, section 2301 would narrow covered undertakings, exclude assistance-only projects not primarily for historic preservation, restrict the effects and geographic areas reviewed, and define traditional religious or cultural property by reference to an identifiable location or feature at which an event occurred, raising concerns for creation-story places and living cultural landscapes; and

WHEREAS, sacred places, burial grounds, and cultural landscapes within and beyond reservation boundaries must be evaluated with Tribal knowledge, oral traditions, and continuing spiritual relationships; their significance cannot always be reduced to a discrete event, and destruction cannot be remedied by consultation afterward; and

WHEREAS, section 2301 would impose short Tribal response periods, permit agencies to proceed after nonresponse, allow preservation measures to be declined when other considerations outweigh preservation, and limit reconsideration following later identification of historic properties; and

WHEREAS, section 2301 would provide for program evaluations at least every two years, potential funding suspension and federal assumption of Tribal Historic Preservation Officer (THPO) functions, qualification standards reflecting traditional knowledge and developed with Tribal leaders, THPOs, and nonprofits, and a requirement to devote at least half the workweek to certain overdue consultations; these measures threaten Tribal control over preservation programs; and

WHEREAS, section 2301 would restrict judicial review through a generally applicable 150-day filing period, substantial deference to agencies, and remand without vacatur or injunction for NHPA violations, subject to a narrow preliminary-injunction exception for violations of federal law other than NHPA or the National Environmental Policy Act, and bar nonsignatories from challenging programmatic-agreement implementation; and

WHEREAS, sections 1204 and 2102 would exempt specified nationwide-permit reissuances and transmission or pipeline activities from Section 106, although existing corridors may contain sacred places and unidentified cultural resources; and

WHEREAS, section 2302(c) would authorize $20 million annually for fiscal years 2027 through 2030 for competitive THPO database grants, rather than guaranteeing operating support or an equal grant to each THPO; such assistance cannot substitute for reliable operating funds or justify weakened protections; and

WHEREAS, GPTCA also opposes the regulatory overhaul proposed by the Advisory Council on Historic Preservation (ACHP), advanced July 24, 2026, because it would replace staged consultation with an agency-certified report, narrow review of effects, expand agency control over consultation deadlines, and remove Tribal concurrence for certain post-review discoveries on Tribal lands, weakening protection of irreplaceable sacred places.

NOW, THEREFORE, BE IT RESOLVED, that GPTCA opposes the Section 106 amendments in Division B, Title III, of S. 5653 and the related Section 106 exemptions in sections 1204 and 2102, and urges Congress to remove those provisions; beneficial preservation funding should be considered separately; and

BE IT FURTHER RESOLVED, that GPTCA opposes ACHP's proposed revisions to 36 C.F.R. Part 800 and calls for their withdrawal; any replacement must be developed through meaningful government-to-government consultation, preserve federal accountability and Tribal consultation rights, and strengthen protection of sacred places; public comment cannot substitute for Tribal consultation; and

BE IT FURTHER RESOLVED, that Congress and federal agencies must work directly with Tribal Nations on any replacement legislation or regulations, preserve early and meaningful government-to-government consultation, and provide adequate response time; Tribal silence, participation, or receipt of funding does not constitute consent; and

BE IT FURTHER RESOLVED, that reform must preserve review of federally funded undertakings and effects on sacred places, creation-story places, burial grounds, and cultural landscapes, including beyond reservation boundaries; recognize Tribal knowledge, oral traditions, and continuing spiritual relationships in identification and evaluation; protect confidential cultural information; and preserve judicial remedies before irreparable harm occurs; and

BE IT FURTHER RESOLVED, that Tribal Nations should determine the qualifications, selection, and supervision of their THPOs, including expertise grounded in Tribal languages, traditional knowledge, and relationships with cultural authorities; federal assistance must respect this authority; and

BE IT FURTHER RESOLVED, that GPTCA calls for dependable, adequate THPO operating appropriations, separate from competitive database grants, and supports Tribal-directed surveys, qualified federal staff, and negotiated review procedures; inadequate consultation risks shifting unresolved conflicts into litigation and construction; and

BE IT FURTHER RESOLVED, that GPTCA authorizes its Chairman and Executive Director to transmit this resolution to congressional leadership, bill sponsors, relevant committees, the Secretary of the Interior, and the Advisory Council, submit comments opposing ACHP's proposed rule, and coordinate opposition with member Tribal Nations and Tribal organizations, including against successor measures containing these harmful provisions; and

BE IT FINALLY RESOLVED, that this resolution preserves all Tribal sovereignty, sovereign immunity, treaty rights, land claims, and other rights and authority, and does not authorize consent to an undertaking or disclosure of protected cultural information on any member Tribal Nation's behalf; and

BE IT FINALLY RESOLVED that this resolution shall be the policy of the Great Plains Tribal Chairmen's Association, Inc., unless and until withdrawn by subsequent resolution.

Resolution No. – 07-10-10-2026

CERTIFICATION

This resolution was enacted at a duly called meeting of the Great Plains Tribal Chairmen's Association, Inc. held at Rapid City, SD on October 10th, 2026, at which a quorum was established, with 9 members voting in favor, 0 members opposed, 0 members abstaining, and 7 members not present.

Dated this 10th day of October 2026

Chairwoman Chelaine Knudsen, Yankton Sioux Tribe,
Secretary, Great Plains Tribal Chairmen's Association, Inc.

Attest:

President Frank Star Comes Out, Oglala Sioux Tribe,
Chairman, Great Plains Tribal Chairmen's Association, Inc.