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RESOLUTION OF THE
WHITE MOUNTAIN APACHE TRIBE OF THE
FORT APACHE INDIAN RESERVATIONFORT APACHE INDIAN
AGENCY
WINTER RIVER, AZ

- WHEREAS, the National Parks Service has proposed new rules which were published in the Federal Register November 16, 1981, and
- WHEREAS, said proposed rules pertain to the National Register of historic places, a federal list of significant archaeological sites and historic places and buildings, and
- WHEREAS, in the past and as stated in the proposed rules, nominations and other register activities have proceeded primarily through State Historic Preservation Offices without consultation with Indian Tribes even though nominations for National Register activities may involve Indian Tribes and Indian lands, and
- WHEREAS, the proposed rules for 36 CFR Parts 60 detailed procedures concerning the National Register nomination, removal and consultation processes which do not make specific reference to Indian Tribes but refer instead to "Property Owners" or "State and Local Governments", and
- WHEREAS, the Tribal Council urges the National Parks Service to alter the language to make specific mention of Indian Tribes, and
- WHEREAS, the need for this specific language has been outlined in a similar discussion in the proposed counterpart regulations to 25 CFR Park 281 prepared by the Bureau of Indian Affairs, June, 1980, and
- WHEREAS, Indian Tribes have a unique interest in cultural resources due to cultural, religious and economic development factors, and
- WHEREAS, tribal communities may have a profound concern for the conservation and preservation of certain property not within the external boundaries of the reservation because reservation boundaries were drawn to include only small portions of aboriginal territories of most tribes, and
- WHEREAS, this broad level of interest is specifically recognized to the American Indian Religious Freedom Act (Public Law 95-341), and
- WHEREAS, Section 60.1 of the proposed rules discusses procedure for nomination of properties to the National Register which states that local governments "in states with no approved state historic preservation program" as well as "Federal Agencies" are empowered to submit nominations (a 5), and
- WHEREAS, these authorizations do not include tribal governments whose sovereignty is not subsumed under Federal Agencies, and

WHEREAS, the White Mountain Apache Tribe joins with the recommendation of the Inter-Tribal Council of Arizona and urges that the National Parks Service add a subpart (6) stating: "Nominations submitted by any Indian Tribe, Band, Nation, Rancheria, Pueblo or other organized community including any Alaska-Native Village or Regional Corporation as defined in or established pursuant to the Alaska-Native Claim Settlement Act (85 Stat. 688) and approved by National Parks Service", and

WHEREAS, the above addition would indicate the tribes can submit nominations of properties on reservations to National Parks Service directly without necessarily proceeding through the Bureau of Indian Affairs or State Historic Preservation Offices, and

WHEREAS, Section 60.9 (c) of the proposed rules requires notification of "Local Officials of the County (or equivalent Government Union) and municipal political jurisdiction in which the property is located", and

WHEREAS, said notification for comment on a nomination should also be sent directly to officials of tribes with historical, cultural and religious interest in the area in which the property is located, and

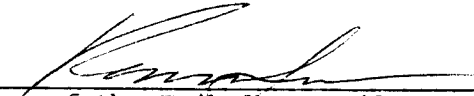
WHEREAS, Section 60.13 (b) establishes procedures for notification of listing of a property in the National Register of "Appropriate State Historic Preservation Officers, Federal Preservation Officer, person or local government when there is no approved State Program", and

WHEREAS, this notification list needs to be expanded to include "Appropriate Indian Tribes" where appropriate as defined as suggested for 60.9 (c) as tribes with historical, cultural, and religious interest in the nomination area, and

WHEREAS, the Tribal Council desires that these comments be included in the formal record and appreciates the opportunity to make comments on these proposed rules and is further interested in participating in any consultations in intronitting these proposed rules.

BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby recommends to the National Parks Service amendments to their proposed rules as set forth above as recommended by the Inter-Tribal Council of Arizona.

The foregoing resolution was on February 05, 1982 duly adopted by a vote of 10 for and 0 against by the Tribal Council of the White Mountain Apache Tribe, pursuant to authority vested in it by Article V, Section 1 (a, c, f, g, and h) of the Amended Constitution and By-Laws of the Tribe, ratified by the Tribe June 27, 1958 and approved by the Secretary of the Interior on May 29, 1958, pursuant to Section 16 of the Act of June 18, 1934 (48 Stat. 984).


Chairman of the Tribal Council


Secretary of the Tribal Council