

EPA Releases Final Policy for Consultation and Coordination with Indian Tribes

The U.S. Environmental Protection Agency (EPA) recently released its final policy on consultation and coordination with Indian tribes. EPA is among the first of the federal agencies to finalize its consultation policy in response to President Obama's first tribal leaders summit in November 2009, and the issuance of executive order 13175 to establish regular and meaningful consultation and collaboration with tribal officials in the development of federal policies that have tribal implications.

"EPA is dedicated to strengthening our collaboration with tribes and ensuring that they have a voice and a seat at the table on the issues that touch their health and their economy," said EPA Administrator Lisa P. Jackson. "President Obama has directed agencies across the federal government to revisit and update the ways we work together with tribal nations, a step that is critical to meeting the needs of today and ensuring our communities are cleaner, healthier and more prosperous heading into the future."

The final policy builds on EPA's 1984 Indian policy and is intended to make good on the Obama administration's commitment to strengthen tribal partnerships by establishing clear agency standards for the consultation process, to promote consistency and coordination. The policy establishes a new, broader standard for the types of actions that may be appropriate for consultation and makes clear the two-way nature of government-to-government consultation by inviting tribes to request issues for consultation. Actions that may be appropriate for consultation include developing standards, guidance, policies, permitting decisions, and activities under international agreements. The policy also establishes a management, oversight and reporting structure that will help ensure accountability and transparency by identifying responsible individuals in each office and requiring EPA program and regional offices to identify actions appropriate for consultation at least twice a year.

For more information on the policy visit www.epa.gov/indian.

Salazar Honors Four Public Service and Tribal Employees With Historic Preservation Awards

Secretary of the Interior Ken Salazar honored four government and tribal employees with the annual Secretary of the Interior Historic Preservation Awards on May 17, 2011, recognizing their outstanding contributions to the preservation of historic places and artifacts.

"In presenting these awards, I am giving thanks on behalf of all Americans to these extraordinary professionals for their outstanding contributions to historic preservation," Salazar said. "Their skill, dedication, and professionalism are ensuring that the story of America continues to be passed down to future generations."

The Secretary's award is distinguished from other historic preservation award programs in that it focuses on the accomplishments of individual employees and not on programs or projects. The award also recognizes the contributions of employees at multiple levels of government. Award winners are individuals whose contributions surpass the expected scope of their positions, and whose creativity and expertise have significantly fostered the overall goals of the National Historic Preservation Act. The winners of this year's awards are:

Terry D. Cole – Tribal Historic Preservation Office Category

Cole is the first Tribal Historic Preservation Officer for the Choctaw Nation, where he has worked for over a decade. He is an expert at developing and enhancing the "government to government" relationship between the Choctaw Nation and a variety of federal agencies. In this role, he has represented the Choctaw people in numerous undertakings in compliance with the National Historic Preservation Act and the Native American Graves Protection and Repatriation Act.

In 2002, Cole established the highly successful "To Bridge a Gap" conference which facilitates interaction among Native

peoples and the U.S. Forest Service. Recently, he completed an archaeological law enforcement class that trains historic preservation professionals in the skills of crime scene investigation and police procedure. This training is essential for successful prosecutions of crimes committed in violation of the Archaeological Resources Protection Act.

A graduate from Southeastern Oklahoma State University, Cole served as the Chair of the Intertribal Council of the Five Civilized Tribes Heritage Commission, an organization that represents more than 500,000 tribal members nationwide. He was also instrumental in the Choctaw sponsorship of the 11th Annual National Association of Tribal Historic Preservation Officers' meeting in Durant, Oklahoma during 2009.

Michael Leventhal – Certified Local Government Category

Since 1997, Leventhal has served as the Historic Preservation Coordinator for Arlington County, Virginia. As the county's Certified Local Government representative, he has creatively and effectively leveraged funds made available from the Virginia Department of Historic Resources through the Historic Preservation Fund to identify, evaluate, and recognize more than 10,000 historic properties as part of 24 National Register historic district nominations. During his tenure, he has assisted more than 150 property owners in successful federal and/or state rehabilitation tax credit projects. The ultimate benefit from this work has been the private investment of more than \$60 million in rehabilitation projects, resulting in the creation of an estimated 2,200 jobs.

In 2006, Arlington County adopted a Historic Preservation Master Plan, which is a model for local community planning as it explicitly links the identification and stewardship of historic resources with economic growth and quality of life issues.

Last year, Leventhal completed work on updating the county's historic preservation zoning ordinance. Over the last five years, he has coordinated an effort to preserve one of the county's few remaining post-World War II all-metal construction "Lustron Houses." Leventhal's team of experts disassembled a threatened Lustron House and placed it in storage, eventually installing the home as the centerpiece of an exhibit at the Metropolitan Museum of Art in New York City.

Scott B. Shepherd, III – Federal Preservation Office Category

For more than two decades, Shepherd has been the principal historic preservation steward for Randolph Air Force Base near San Antonio, Texas. Established in 1930, Randolph AFB is known internationally as the "showplace" of the United States Air Force for its distinctive Spanish Colonial Revival style architecture and its unique facility plan and orientation. In 1993, the Texas Historical Commission listed the base among the 10 most endangered places within the state. Due in large part to Shepherd's stewardship, the Air Force have been able to successfully integrate its ongoing mission requirements with an appreciation for the history of the facility.

Shepherd's responsibilities included oversight of the large installation's wide array of important historic buildings. Over the years, the innovative design and layout of Randolph AFB has not been significantly altered and it retains an exceptional degree of integrity, particularly with its individually distinctive buildings, such as the Administration Building, known as the "Taj Mahal."

Shepherd's efforts focused not only on details of the day-to-day operation and maintenance of a large and complex

facility, but also on securing federal acknowledgement of the property's significance. As a result of his efforts, the Secretary of the Interior designated the 415-acre "Randolph Field Historic District" as a National Historic Landmark in 2001 for its association with the history of American aviation.

Ruth L. Pierpont – State Historic Preservation Office Category

Pierpont serves as the Deputy State Historic Preservation Officer for the State of New York. She not only manages the State Historic Preservation Office but also oversees the stewardship of 37 state historic sites and cultural activities at nearly 180 state parks. Her staff annually generates approximately 10 percent of all National Register listings nationwide. Currently, New York boasts 5,200 National Register listings that contain almost 90,000 contributing resources. Her office also fulfills the SHPO's role within the Section 106 compliance process, effectively shouldering a 150 percent workload increase over the last year due to projects funded by the American Recovery and Reinvestment Act.

Pierpont also oversees an active and growing program of Certified Local Governments within New York. Her office is completing a \$1.8 million grant from the Department of Transportation to revamp and update the SHPO's electronic data systems so that digital records and cartographic information will be readily accessible through the agency's website. An adjunct professor at Rensselaer Polytechnic Institute, Pierpont is currently the President of the National Conference of State Historic Preservation Officers, a position which entails substantial interaction and consultation with preservation professionals across the country.

Interior Secures Authorization to Talk with Tribal Leaders on Land Consolidation Provisions of Cobell Settlement

A federal judge, in response to a motion on behalf of the Department of the Interior, has granted permission for Interior officials to begin communicating with class members on land trust consolidation provisions of the Cobell Settlement agreement. The Department will soon publish a Federal Register notice announcing its intent to begin formal government-to-government consultations with tribal leaders. Interior expects the land consolidation consultations to begin by late-summer.

Judge Thomas F. Hogan of the U.S. District Court for the District of Columbia granted the motion to communicate with class members on May 27, 2011. At Interior's request, the Department of Justice filed the motion with Judge Hogan on April 6, 2011 for permission to communicate with class members regarding trust land consolidation.

The Cobell settlement was approved by Congress on November 30, 2010 (Claims Settlement Act of 2010) and signed by President Obama on December 8, 2010. Interior officials have been under a longstanding court imposed prohibition from communicating with Cobell class members while the litigation continues. Judge Hogan's order allowing for communication between the parties states that, "This case has materially changed since the date of any other order that

have prohibited such communication. The case's posture now compels the Court to grant the motion."

The \$3.4 billion Cobell Settlement will address the Federal Government's responsibility for trust accounts and trust assets maintained by the United States on behalf of more than 300,000 individual Indians. A fund of \$1.5 billion will be used to compensate class members for their historical accounting, trust fund and asset mismanagement claims.

In addition, to address the continued proliferation of thousands of new trust accounts caused by the "fractionation" of land interests through succeeding generations, the Settlement establishes a \$1.9 billion fund for the voluntary buy-back and consolidation of fractionated land interests. The land consolidation program will provide individual American Indians with an opportunity to obtain cash payments for divided land interests and free up the land for the benefit of tribal communities.

The court documents filed by DOJ are available at www.doi.gov/tribes/special-trustee.cfm. More information on the Cobell Settlement, including resources for Indian Trust Beneficiaries, is available at www.doi.gov/ost/cobell/index.html or www.indiantrust.com/index. ♣