



## SHA Government Affairs Newsletter – July 2023

### ***Congress Avoids Defaulting on the National Debt***

As part of the debt limit deal negotiated in Congress, several changes were made to U.S. federal permitting policy. The key changes to the National Environmental Policy Act include:

- Imposing time limits on environmental reviews - 2 years for Environmental Impact Statements and 1 year for Environmental Assessments
- Allowing federal agencies to adopt categorical exclusions used by other agencies
- Creating page limits on environmental reviews
- Permitting project developers to sue federal agencies if timelines are not met
- Mandating approval of the controversial Mountain Valley Pipeline.

### ***Securing Funding for Historic Preservation***

While the debt limit deal set maximum levels of government spending for next year, Congress must still decide how much money to appropriate to each federal agency. The deadline for passing these bills is September 30th, when the fiscal year ends.

We will continue **advocating for robust funding** of historic preservation programs, including full funding of the African American Burial Grounds Preservation Program. Read a full summary of our appropriations request [here](https://heritagecoalition.org/coalition-requests-225-million-for-historic-preservation-fund/). (<https://heritagecoalition.org/coalition-requests-225-million-for-historic-preservation-fund/>)

### ***Support Strong Funding of Federal Preservation Programs***

SHA joined a coalition of preservation groups in supporting H.R. 3350, a bill to reauthorize the Historic Preservation Fund. The bipartisan legislation is sponsored by Rep. Mike Turner (R-OH) and Rep. Earl Blumenauer (D-OR), who co-chair the Congressional Historic Preservation Caucus. In a joint letter ([HR3350-Coalition-Support-Ltr-062623.pdf \(heritagecoalition.org\)](#)) to the bill sponsors, we commended them for introducing this important bill and asked Congress to approve the legislation.

Email your Members of Congress today! Ask them to cosponsor H.R. 3350! To contact your Representative, [visit www.house.gov](http://www.house.gov) and enter your zip code into the box in the top right corner. Then, click on the name of your Member of Congress. On your Member's web page, click the "Contact" button to submit an email.

Guidelines for Writing a Great Email to Congress:

- Include your home address so that the Member of Congress knows you are a constituent.
- Share some information about yourself and why this issue matters to you. For example, say that you are a member of a local preservation group, work at a cultural resources management firm, or have a degree in archaeology.

- Use this key line: “Please support H.R. 3350, a bill to reauthorize the Historic Preservation Fund for the next ten years.”

### ***Supporting BLM Decision to Consider Conservation on par with Other Land Uses***

Protecting public lands by prioritizing the health and resilience of ecosystems across those lands is consistent with our fundamental values. We strongly support BLM’s efforts to ensure protection and restoration of public lands and cultural resources, sacred sites, treaty-reserved rights and other reserved rights of Indian Tribes and Indigenous Peoples. Read the [comment letter](#) SHA submitted as part of the Coalition for American Heritage. ([BLM-Conservation-Rule\\_FINAL.pdf \(heritagecoalition.org\)](#))

### ***U.S. Supreme Court Decision Could Reduce Number of 106 Reviews***

Unfortunately, it appears that the May 25th Supreme Court decision on *Sackett vs. the Environmental Protection Agency* (EPA) may cause far fewer historic resources to be identified and protected. In a 5-4 ruling, the U.S. Supreme Court narrowed the reach of environmental regulations by restricting the EPA's ability to regulate wetlands.

The ruling changes the definition of the Waters of the United States (WOTUS). The court said that the law does not allow the EPA to regulate the discharges into wetlands that are near a body of water, unless the wetland has “a continuous surface connection” to those waters. In addition to wetlands, the decision likely excludes many temporary streams. These include ephemeral streams, which flow only after snow- or rainfall — such as flooding desert washes — and intermittent ones, which sometimes go dry, like the Rio Grande in New Mexico.

Reduced federal jurisdiction means fewer projects will need permits. Reducing the number of permits needed will result in **fewer Section 106 reviews**. This will have wide-ranging impacts on preservation efforts, especially in the western United States where ephemeral streams are most common.

### ***Advising the National Park Service on Updating TCP Guidance***

SHA and the Coalition for American Heritage submitted recommendations on the National Park Service’s (NPS) plan to update its guidance on nominating traditional cultural properties. Read [our letter](#) (<https://heritagecoalition.org/wp-content/uploads/2023/05/Coalition-Bulletin-38-Letter-final-1.pdf>) for details on why we support the proposed revisions and how we think they could be further strengthened.

### ***Advising BOEM on Protecting Underwater Archaeology***

SHA and the Coalition for American Heritage joined the [Advisory Council on Underwater Archaeology](#) (ACUA) and the [Society for American Archaeology](#) (SAA) in advising the Bureau of Ocean Energy Management (BOEM) on how best to protect underwater archaeological resources.

In a comment letter to the agency, the preservation organizations highlighted the positive changes that the proposed regulations would make. They also suggested how revising some technical aspects of the regulations would better support the agency’s goal of strengthening preservation of underwater cultural heritage.

Read a full copy of the letter [here](#). ([https://heritagecoalition.org/wp-content/uploads/2023/04/BOEM-Rule-change\\_FINAL-COMMENT-LETTER.pdf](https://heritagecoalition.org/wp-content/uploads/2023/04/BOEM-Rule-change_FINAL-COMMENT-LETTER.pdf))

## **Supporting NAGPRA Update**

SHA and the Coalition for American Heritage submitted a [letter](https://heritagecoalition.org/wp-content/uploads/2023/02/FINAL-Coalition-NAGPRA-Letter.pdf) (https://heritagecoalition.org/wp-content/uploads/2023/02/FINAL-Coalition-NAGPRA-Letter.pdf) to the Department of the Interior (DOI) in support of the proposed revisions to the Native American Graves Protection and Repatriation Act (NAGPRA).

Many of the changes the DOI proposes would streamline and improve the repatriation process, a goal that the Coalition strongly supports. The Coalition was also pleased to see the DOI emphasize timely tribal consultation, strengthen the authority of tribes, and place greater focus on enforcement measures.

In some areas of the proposed revisions, the Coalition has suggestions for how DOI could bring greater clarity to the repatriation process. For details on our recommendations, please read a full copy of our [letter](https://heritagecoalition.org/wp-content/uploads/2023/02/FINAL-Coalition-NAGPRA-Letter.pdf). (https://heritagecoalition.org/wp-content/uploads/2023/02/FINAL-Coalition-NAGPRA-Letter.pdf)

## **Senators Support Funding to Preserve Historic African American Burial Grounds**

In a [letter to the Senate Appropriations Committee](https://heritagecoalition.org/wp-content/uploads/2023/04/FY24-African-American-Burial-Grounds-Appropriations-Letter.pdf), (https://heritagecoalition.org/wp-content/uploads/2023/04/FY24-African-American-Burial-Grounds-Appropriations-Letter.pdf) led by Sen. Sherrod Brown (D-OH), senators highlighted the importance of fully funding the African American Burial Grounds Preservation Program at the U.S. Department of the Interior. They asked the Appropriations Committee to provide \$3 million in Fiscal Year 2024 to fund grant opportunities and technical assistance to local partners to research, identify, survey, and preserve these important and historic African American burial grounds.



The letter was signed by Sen. Bob Casey (D-PA), Sen. Mark Warner (D-VA), Sen. Tim Kaine (D-VA), Sen. Bernie Sanders (I-VT), Sen. Elizabeth Warren (D-MA), and Sen. Alex Padilla (D-CA). SHA is deeply grateful to these senators for their leadership on this important issue.

## **How You Can Get Involved**

For additional information on SHA's advocacy efforts, please sign up for email alerts from the Coalition for American Heritage at <https://heritagecoalition.org/for-individuals/> and follow the Coalition on Facebook at @heritagecoalition and on LinkedIn at <https://www.linkedin.com/company/coalition-for-american-heritage/>. You'll get Calls to Action with sample scripts for emailing/calling your Member of Congress. You will also receive information on how to send a comment letter to federal agencies and examples of what you may choose to say.

Also, please consider joining SHA's Government Affairs Committee! Given increasing threats (to both terrestrial and underwater sites) from the current Administration, your involvement is critical. If interested, please contact Terry Klein at [tklein@srfoundation.org](mailto:tklein@srfoundation.org) or Marion Werkheiser ([marion@culturalheritagepartners.com](mailto:marion@culturalheritagepartners.com)). We look forward to working alongside you to advance the protection of our historical archaeological heritage!