



Mashpee Wampanoag Tribe

2020-RES-032
AMENDMENT TO 2016-RES-062
APPROVAL OF REQUEST TO ASSUME HISTORIC
PRESERVATION FUNCTIONS AND APPOINTMENT
OF TRIBAL HISTORIC PRESERVATION OFFICER

WHEREAS, the Mashpee Wampanoag Tribe ("Tribe"), is a federally recognized Indian Tribe with a duly-enacted Constitution and the governing body of the Tribe is known as the Mashpee Wampanoag Tribal Council ("Tribal Council");

WHEREAS, the Tribal Council, deems it essential under Article VI, § 2.A of the Mashpee Wampanoag Tribal Constitution ("Constitution") to promote and protect the health, peace, morals, education, political integrity, economic security and general welfare of the Tribe and members of the Tribe;

WHEREAS, on March 23, 2009, the Tribal Council passed 2009-ORD-002, Natural Resources Department, as may be amended from time-to-time, which established the Mashpee Wampanoag Tribal Natural Resources Department and the Mashpee Wampanoag Tribal Historic Preservation Office;

WHEREAS, the Mashpee Wampanoag Historic Preservation Office was established as the proper Mashpee Wampanoag Tribal authority with regard to any and all consultations, reviews, or projects affecting any historic properties on Wampanoag lands, including those conducted pursuant to the National Historic Preservation Act ("NHPA"), 54 U.S.C. §§ 300101-307108(1966). The Mashpee Wampanoag Historic Preservation Office is empowered to protect and preserve the Tribe's interests in historic properties and resources;



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WHEREAS, on March 26, 2012, the Tribal Council passed 2012-ORD-003, Mashpee Wampanoag Tribal Historic Preservation Department, which removed the Mashpee Wampanoag Tribal Historic Preservation Office from the Natural Resources Department and established as a separate department that is now referred to as the Mashpee Wampanoag Tribal Historic Department;

WHEREAS, the Mashpee Wampanoag Tribal Historic Department was vested with the responsibility to function as the Tribe's consultation representative pursuant to Section 106 (54 U.S.C. § 306108) and designated as the proper Tribal authority with regard to any and all consultations, reviews, or projects affecting any historic properties on Tribal lands, including those conducted pursuant to the NHPA;

WHEREAS, at the time of the adoption of 2009-ORD-002, Natural Resources Department, and later the 2012-ORD-003, Mashpee Wampanoag Tribal Historic Preservation Department, there were no Mashpee Wampanoag Tribal lands held in federal trust. As such, the Mashpee Wampanoag Tribal Historic Preservation Department could not function as a "Tribal Historic Preservation Office" pursuant to the NHPA;

WHEREAS, on November 12, 2015, the Tribe announced that the federal government took formal ownership of Mashpee Wampanoag Tribal lands and placed these parcels into trust for the benefit of the Tribe providing the Tribe with the opportunity to function as a "Tribal Historic Preservation Office" pursuant to the NHPA;

WHEREAS; 54 USC 302702 (formerly Section 101(d) (2) of the National Historic Preservation Act) provides that "An Indian tribe may assume all or any part of the functions of a State Historic Preservation Officer with respect to tribal lands";

WHEREAS, a Tribal Historic Preservation Officer ("THPO") as defined under the NHPA is responsible for the administration of any or all of the functions of a State Historic Preservation Officer ("SHPO") with respect to tribal lands;

WHEREAS, Tribal Council deems it in the best interests of the Tribe to submit a request to the United States National Park Service ("NPS") (acting on behalf of the Secretary of the Interior) to



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assume historic preservation functions on Mashpee Wampanoag Tribal lands and to appoint a THPO.

NOW, THEREFORE, BE IT RESOLVED, that the Tribal Council hereby requests that the Tribe assume historic preservation functions on Mashpee Wampanoag Tribal land with the Mashpee Wampanoag Tribal Historic Preservation Department functioning as a "Tribal Historic Preservation Office" pursuant to the NHPA;

BE IT FURTHER RESOLVED, that the Tribal Council approves the submission of this request to the NPS with any and associated documents needed to assist the NPS in making a decision on this request;

BE IT FURTHER RESOLVED, that the Tribal Council hereby appoints David Weeden, Director of the Mashpee Wampanoag Tribal Historic Preservation Department as the THPO for the Mashpee Wampanoag Tribe and also acknowledges that David Weeden assumed the Tribe's THPO roles and responsibilities as of January 8th, 2019 by Tribal Council as a result of organizational restructuring and has acted in that capacity since that date; and

BE IT FINALLY RESOLVED, that the Tribal Council authorizes the Chairman of the Tribal Council, or his designee, to take such actions as are reasonable and necessary in furtherance of the execution or performance of this Resolution including the submission of required documents to the NPS related to this Resolution.

All resolutions or parts of resolutions inconsistent with this resolution are repealed. This resolution is effective immediately and shall continue pursuant to the authority vested in the Tribal Council pursuant to Article VI, §§ 2.A. of the Constitution.



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CERTIFICATION

We, the undersigned Chairman and Secretary of the Mashpee Wampanoag Tribal Council, do hereby certify that the Tribal Council is composed of 13 members of whom 10, constituting a quorum, were present at a meeting thereof, duly and regularly called, noticed, convened, and held on the 29th day of April 2020, and that the foregoing 2020-RES-033 Amendment To 2016-RES-062, was duly adopted by the affirmative vote of 10 members, with 0 opposing, and with 1 not voting.

DATED this 29th day of April, 2020.

A handwritten signature in cursive script, reading "Cedric Cromwell", written over a horizontal line.

Cedric Cromwell, CHAIRMAN
Mashpee Wampanoag Tribal Council

ATTEST:

A handwritten signature in cursive script, reading "Ann Marie Askew", written over a horizontal line.

Ann Marie Askew, SECRETARY
Mashpee Wampanoag Tribal Council