



Confederated Tribes  
of the  
Umatilla Indian Reservation  
Department of Natural Resources  
**Cultural Resources Protection Program**

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December 19, 2005

Robert E. Feldman, Executive Secretary  
Attention: Comments/Legal ESS  
Federal Deposit Insurance  
Corporation, 550 17th Street, NW.,  
Washington, DC 20429.

Transmitted Via E-mail: [comments@fdic.gov](mailto:comments@fdic.gov).

Dear Mr. Feldman,

This letter is in response to the request for comments of the Proposed Statement of Policy by the Federal Deposit Insurance Corporation (FDIC) of October 18, 2005. 70 Fed. Reg. 60523-60524. These comments are filed on behalf of the Cultural Resources Protection Program (CRPP) of the Department of Natural Resources of the Confederated Tribes of the Umatilla Indian Reservation (CTUIR).

The CRPP supports the decision of the FDIC to adopt this policy. The policy is a helpful, proactive step in furthering the protection of historic properties which may be affected by the regulatory oversight of the FDIC. However, the provision referencing the interests of tribes is limited to those sites on tribal lands. Tribes have a right to be consulted under the National Historic Preservation Act under the regulations 36 CFR 800.2(c)(2)(i)(B) irrespective of whether the Historic Property is located on or off tribal lands. It is the responsibility of the FDIC to make a "reasonable and good faith effort" to identify Indian tribes that shall be consulted for undertakings such that the tribe(s) be given a "reasonable opportunity to identify its concerns about historic properties, advise on the identification and evaluation of historic properties, including those of traditional religious and cultural importance, articulate its views on the undertaking's effects on such properties, and participate in the resolution of adverse effects." 36 CFR 200.2(c)(2)(ii). In an effort to err on the side of caution, it is often best to advise applicants to consult with tribes historically or currently located in the region. Often the State Historic Preservation Office can advise on which tribes are appropriate to consult with.

As a final point, there is an error in the Relevant Laws, Executive Orders and Regulations section. The citation to the Native American Graves Protection and Repatriation Act omits the word "Protection" from the statutes name. Further, Executive Order 13175 regarding "Consultation and Coordination With Indian Tribal Governments" may be relevant to decisions effecting historic properties.

We appreciate the opportunity to comment on this proposal and support the decision of the FDIC to codify compliance with the NHPA into policy. If you have any questions, please feel free to contact me at 541-276-3629. Thank you.

Sincerely,



Teara Farrow  
Teara Farrow, Program Manager  
Cultural Resources Protection Program

Cc: Carey Miller, Tribal Historic Preservation Officer  
Eric Quaempts, Director, Department of Natural Resources  
Cultural Resources Committee