



**A RESOLUTION OF THE TRIBAL COUNCIL  
OF THE DELAWARE TRIBE OF INDIANS TO  
COMPLY WITH DEPARTMENT OF INTERIOR  
BEST PRACTICES TO USE SECTION 106 FEES  
IN SUPPORT OF HISTORIC AND CULTURE  
PRESERVATION**

**RESOLUTION 2015-66**

**WHEREAS**, the Delaware Tribal Council, the supreme governing authority, is authorized by Article I – Supreme Authority of the Constitution and Bylaws of the Delaware Tribe of Indians to represent and act in all matters that concern the general welfare of the Tribe; and,

**WHEREAS** Section 106 of the National Historic Preservation Act (NHPA) requires federal agencies to consider the effects of their actions on historic properties and to seek comments from Advisory Council of Historic Preservation (ACHP); and,

**WHEREAS**, the purpose of Section 106 is to avoid unnecessary harm to historic properties from federal actions as outlined in the ACHP regulations, “Protection of Historic Properties” (36 CFR Part 800); and,

**WHEREAS**, the regulations ensure that historic properties of religious and cultural significance to an Indian Tribe may be located on ancestral, aboriginal, or ceded lands of that Tribe and agencies must make a reasonable and good faith effort to identify Indian Tribes that attach such significances but may now live at great distances from the undertaking’s area of potential effect; and,

**WHEREAS**, the regulations also provide for an Indian Tribe to enter into an agreement with a federal agency regarding any aspect of tribal participation in the review process. The agreement may provide the Indian Tribe with additional participation or concurrence in agency decisions under Section 106 provided that no modification is made to the roles of other parties without their consent; and,


**WHEREAS**, the Delaware Tribal Council of the Delaware Tribe of Indians authorizes and approves the Delaware Tribe Section 106 Consultation Program to support the historic and culture preservation of the Delaware Tribe.

**THEREFORE BE IT RESOLVED**, Due to the Department of Interior (DOI) studies which support best practices proclaiming that fees collected through the Section 106 “Protection of Historic Properties” (36 CFR Part 800), should only be collected to support their historic/culture preservation programs, all Delaware Tribe fees will be returned to the program based on the following percentages:

40% Lenape Language and Culture Program  
20% Archives and Documentation  
10% Museum and Library  
20% THPO Salaries  
10% In-direct Cost

### CERTIFICATION

I hereby certify that the foregoing was considered by the Delaware Tribal Council of the Delaware Tribe of Indians and failed this 15TH day of DECEMBER 2015 with a vote of 2 yes, 5 no, and 0 abstaining.

  
Chester Brooks, Chief

  
Annette Ketchum, Secretary

**FAILED**