



# Eastern Band of Cherokee Indians

## Job Description

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| <b>Position ID Number:</b> | 090-3800-003                         | <b>Last Revised:</b> | 05/17/2016                          |
| <b>Position Title:</b>     | Historic Preservation Specialist     | <b>Department:</b>   | Tribal Historic Preservation Office |
| <b>Reports to:</b>         | Tribal Historic Preservation Officer | <b>Division:</b>     | Administration & Public Works       |

**Primary Function:** This position is in the Tribal Historic Preservation Office (THPO) Program of the Eastern Band of Cherokee Indians. The Historic Preservation Specialist (HPS) assists the THPO execute the THPO program plan pursuant to the National Historic Preservation Act (NHPA) Section 101 (d), wherein American Indian Tribes assume the duties of the State Historic Preservation Office (SHPO), specifically in regard to reviewing and regulating EBCI and Federal Agency Section 106 compliance, both on and off the Qualla Boundary.

### Job Duties and Responsibilities:

- Assists the THPO in the performance of historic preservation related duties, specifically Section 106 compliance reviews and consultations with contract, city/county, state, and federal agency representatives, such as the United States Forest Service (USFS), the National Park Service (NPS), the Federal Highway Administration (FHWA), the Federal Communications Committee (FCC), Department of Defense, the Army Corps of Engineers, state Army National Guard installations, state Departments of Transportation, telecommunication tower applicants and local housing, water, and sewer authorities.
- Assesses and responds to agencies' identification and evaluation reports concerning the methods used for cultural resource identification and assessment, the project's Area of Potential Effect (APE).
- Determines the significance and integrity of cultural resources (using Secretary of Interior Eligibility Criteria) and probability of human remains discovery within the boundaries of each proposed undertaking's work and/or right of way(s) using knowledge of archaeological survey, construction methods, site records, maps, historical accounts, ethnographic accounts, and Tribal knowledge.
- Evaluates and responds to agencies' reports of "No Effect," "No Adverse Effect," and "Adverse Effect," to sites listed, eligible, or potentially eligible for inclusion in the National Register of Historic Places.
- Suggests and evaluates possible alternative resource protection, mitigation, and management measures when cultural resources are to be affected by an undertaking.
- Completes the NHPA portion of annual the NPS THPO grant.
- Supervises all external internships.
- Maintains and updates the EBCI THPO library and its archives.
- Conducts historical and cultural investigations as per tribal community requests, as well as official representatives from Tribal Executive Council.
- Creates scholarly articles and attends events/conferences as a representative of the EBCI THPO.
- Recognizes the probability of the discovery of human remains and negotiates with federal agencies to acquire compliance to Tribal guidelines for human remains handling and disposition before or during an undertaking.
- Requests comments from the Advisory Council on Historic Preservation if an agreement between the EBCI and the federal agency cannot be reached.
- Develops and negotiates creative, efficient, and effective long-term Section 106 compliance relationships through Memorandums of Agreement (MOA), Memorandums of Understanding (MOU), Programmatic Agreements (PA), etc. between the EBCI and all applicable agencies.
- Creates and sustains open, respectful, reciprocal, and mutually modifying consultation with

agency representatives on behalf of the EBCI preservation interests, especially concerning NHPA issues.

- Updates and maintains a Section 106 database and filing system upon which decisions can be made to manage Tribal historic resources for current and future use.
- Attends Section 106-related consultations when deemed necessary by the THPO for the POC.
- Attends cultural and historic preservation training opportunities when offered or directed by the THPO.
- Answers inquiries about Cherokee historic preservation with general information available from the THPO and Cultural Resources data files and records.
- Performs research relevant to Tribal historic preservation programs by initiative and by request from the THPO Manager.
- Convenes a monthly meeting of an Elder's Council to present current issues and to seek advice for resolutions to historic preservation problems.
- Performs all other duties as assigned by the THPO.

**Education  
/Experience:**

A Master's Degree is required from an accredited university in a field related to the ability of the HPS to perform Section 106-related duties. Such degree programs include Anthropology (physical or cultural), Archaeology, History, or Historic Preservation. Specific emphasis should be in Cultural Resources Law. Experience in identification and treatment of human remains is a plus. The position requires at least two (2) years of general work experience and at least one (1) year of work experience related to Section 106 compliance and other cultural resources management initiatives. Experience is preferred in conducting Section 106 compliance, NAGPRA, or other CRM activity within or for Native American Indian Tribes.

**Job Knowledge:**

This position requires four to eight weeks to become familiar with tribal procedures and tribal programs relationships to the THPO office in order to satisfy tribal program needs on a priority basis. The following aspects related to job knowledge should have already been acquired, as the amount of technical knowledge needed to be immediately effective is too large to provide on the job training by the THPO office. The HPS must have legislative knowledge relative to historic preservation and archaeology including the following statutes and their implementing regulations:

- The National Historic Preservation Act (NHPA), as amended, with a particular awareness of Sections 101 (d)(z) and Section 106 implementing regulations, 36 CFR 800
- The National Environmental Protection Act (NEPA)
- The Archaeological Resources Protection Act (ARPA)
- The American Indian Religious Freedom Act (AIRFA)
- Native American Graves Protection and Repatriation Act (NAGPRA)

And the following Executive Orders and Presidential Memoranda:

- Executive Order 13007-Accommodation of Sacred Sites
- Executive Order 12593-Protection and Enhancement of the Cultural Environment
- Executive Order 13175-Consultation and Coordination with Indian Tribal Governments
- Memorandum for the Heads of Executive Departments and Agencies dated April 29, 1994: Government-to-Government Relations with Native American Tribal Governments

The HPS must have knowledge of, and the ability to assess, cultural resources management initiatives, tools, and reports used by a myriad of agencies and entities including, but not limited to, Initial Consultation requests, Determinations of APE, Phase I, II, and III, cultural resources surveys (both archaeological and above-ground resources), Data Recovery reports, Determinations of Eligibility (DOEs), Findings of No Significant Impact (FONSIs), Historic Property Management Plans, Integrated Cultural Resources Management Plans, National Register of Historic Places nominations, National Historic Landmark nominations, MOAs, MOUs, and Programmatic Agreements. Particular knowledge of tribal policies regarding treatment and

disposition procedures and the ability to acquire compliance to those procedures. The HPS must be able to operate a computer word processor and printer, spreadsheet and database programs, telephones, copy machine, fax machines, video and still cameras, and other office equipment.

**Complexity of Duties:**

A high degree of complexity is associated with the performance of the HPS's duties. The position requires: delivery of NHPA-related scholarship, based in cultural resources legislation, to the THPO, social networking, cooperative cross-cultural communication, legal language interpretation, regulation, and implementation, oral history, archival and secondary resource research and anthropological/archaeological theory, methods including physical anthropological for human remains identification purposes. The position also requires the ability to analyze and synthesize oral and written data in a timely manner to create thorough and professional project documentation.

**Contact with Others:**

There will be extensive contact with people from a wide spectrum of educational, vocational, and cultural backgrounds. The HPS must be able to work cooperatively with people, as well as work independently and in collaborative groups. The HPS must be able to communicate effectively, both in writing and verbally, with agency and tribal representatives and the public. The HPS must follow instructions from the THPO and be willing to seek and listen to advice from other staff and professionals in the field. This position requires the use of tact, courtesy, etiquette, and business manners.

**Confidential Data:**

The HPS must be aware of the confidential and sensitive nature of data relative to the Section 106 compliance program, especially as it relates to possible ARPA violations. The HPS is required to maintain the confidentiality of the location and nature of archaeological sites, historic aboveground resources, sacred and religious sites, and inhumations, unless permission is granted otherwise to make this information available for the purposes of cultural resources management and Section 106 compliance. The HPS must be aware of the confidentiality sections contained within such statutes as NAGPRA, ARPA, and NHPA. The HPS will maintain confidentiality within the THPO program and between the Executive Board and Tribal Council in regard to sensitive data and tribal policies. The HPS must adhere to tribal confidentiality policies and procedures.

**Mental /Visual /Physical Effort:**

Close concentration and attention to detail are required to perform most duties. Physical duties include walking, sitting, reaching, lifting (usually less than 20 pounds), reading, writing, speaking, hearing, and driving. Occasional outdoor physical activity (walking, standing, and bending) associated with site visits may be required.

**Environment:**

Works in a busy office environment frequently interacting with other staff, tribal members, agency representatives, and the general public. Works in the field during site visits, professional conferences, and consultations. Some travel on a local and national level is required to attend conferences, seminars, consultations, and training opportunities assigned by the Tribal Historic Preservation Officer.

**Supervision Received:**

The successful incumbent is a self starter that requires no supervision. To effectively assist the THPO in the performance of historic preservation duties requires a high degree of resourcefulness and initiative. The HPS must have the ability to communicate appropriate responses to agencies or the public quickly, and often without the department manager's comment. The HPS will conform to tribal employee attendance policy. Familiarity with the status of Section 106 compliance within the THPO Office and the legislation governing the Section 106 process will determine daily activities. The Historic Preservation Specialist must also execute the duties of the position according to professional work ethics as defined by the American Association of Anthropology and the Society of American Anthropology.

**Responsibility for Accuracy:**

Accurate scholarship is imperative to the performance of the HPS. Inaccurate documentation could lead to expensive delays in project implementation and/or completion for tribal, federal, and states' agencies. The HPS must be able to accurately: cite resources when providing Section 106 responses, developing/negotiating agreements (MOAs, MOUs, Programmatic Agreements, etc.), report writing, and recording notes during consultations; reference and cite federal, tribal, state, and local cultural resources statutes and regulations in formal Section 106 responses and written/verbal consultations; infer conclusions concerning the adequateness of a cultural resources survey and APE determination and the NRHP eligibility of, and possible adverse effects to cultural resources within project areas; and edit all written communication for grammar, spelling, clarity, tone, and completeness. The HPS should possess accurate judgment and effective decision-making skills.