



SOCIETY FOR AMERICAN ARCHAEOLOGY

April 26, 2021

The Honorable Deb Haaland  
Secretary of the Interior  
1849 C Street NW  
Washington, DC 20240

RE: Interior Secretarial Order #3398

Dear Secretary Haaland,

The Society for American Archaeology lauds you for issuing Interior Secretarial Order #3398, “Revocation of Secretary’s Orders Inconsistent with Protecting Public Health and the Environment and Restoring Science to Tackle the Climate Crisis.” This important and badly-needed directive has set the Department and its agencies back on the path of scientific responsibility, and also reaffirmed their commitment to the National Historic Preservation Act (NHPA) and its Section 106 process.

The SAA is an international organization that, since its founding in 1934, has been dedicated to research about and interpretation and protection of the archaeological heritage of the Americas. With nearly 7,000 members, SAA represents professional and avocational archaeologists, archaeology students in colleges and universities, and archaeologists working at Tribal agencies, museums, government agencies, and the private sector.

In addition to ignoring the scientific evidence of climate change and other pressing environmental matters, the previous administration promulgated Secretarial Order #3389, that would have greatly weakened protections for heritage resources under Section 106. Section 106 and its implementing regulations help preserve our shared historic and cultural heritage. Millions of archaeological and historic sites and artifacts, alongside historic structures and buildings, have been saved from destruction through the 106 process.

The Trump administration claimed that its policy would have generated transparency in federal undertakings on Department of Interior land by streamlining compliance and increasing coordination between the National Environmental Policy Act (NEPA) and the Section 106 processes. In fact, it would have had exactly the opposite effect, by requiring DOI agencies to use the newly-revised NEPA process instead of the Section 106 process, even though agencies would still need to complete Section 106 reviews. No time savings would have been realized, and project managers would have had to deal with additional documentation requirements and increased costs. By requiring DOI agencies to renegotiate all existing Programmatic Agreements (PA) in order to ensure that they complied with the new arrangement, SO 3389 would have caused enormous time delays, costs, and confusion. Finally, the order’s disapproval of offsite

compensatory mitigation to the impacts of undertakings on heritage resources relied upon a deliberate misreading of the law, and would have resulted in the severe limitation of agencies' ability to preserve our cultural assets and employ alternative mitigation measures.

SO 3398 allows us to avoid all of these misbegotten initiatives and their adverse consequences, and to begin the process of creating an effective DOI response to the climate crisis. Thank you for your swift attention to this vital matter. We look forward to working with you in the future on heritage resources protection.

Sincerely,

A handwritten signature in black ink, appearing to read "Deborah Nichols". The signature is fluid and cursive, with a prominent initial "D".

Deborah Nichols, Ph.D., RPA  
President