Tribal Cultural and Historic Preservation

A Practical Guidance® Practice Note by
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This practice note discusses the legal frameworks used to protect historic and cultural resources of importance to Indian tribes. This note first discusses the National Historic Preservation Act (NHPA) and the National Environmental Policy Act (NEPA). These laws, which require federal agencies to consider impacts to historic properties and the environment, are the primary laws governing historic preservation and environmental protection at the federal level. If you are an attorney involved in agency proceedings where historic, cultural, and environmental resources could be impacted, familiarity with the NHPA and NEPA is important. This note offers guidance about practicing before federal agencies in proceedings where the NHPA and NEPA apply. This note then discusses other important laws that protect historic and cultural resources significant to tribes: laws concerning religious freedom, the Native American Graves Protection and Repatriation Act, the Archaeological Resources Protection Act, the Antiquities Act, and the Indian Child Welfare Act.

For a full listing of key content covering construction, see Construction Resource Kit.

National Historic Preservation Act

Overview of Section 106 Process

Section 106 of the NHPA requires federal agencies to take into account the effect of federal undertakings on historic properties before the expenditure of federal funds or the issuance of a license. 54 U.S.C. § 306108. In enacting the NHPA, Congress established the Advisory Council on Historic Preservation (ACHP), an independent federal agency to advise the president and Congress on historic preservation. The ACHP promulgated and oversees regulations governing the Section 106 process:

1. If there is an undertaking, the federal agency initiates the Section 106 process, beginning with identifying consulting parties. Consultation, which then takes place throughout the process, is the cornerstone of the law. Consultation, under the NHPA, "means the process of seeking, discussing, and considering the views of other participants, and, where feasible, seeking agreement with them regarding matters arising in the section 106 process." 36 C.F.R. § 800.16(f). Certain parties are required consulting parties, including State Historic Preservation Officers (SHPOs) and tribes that attach religious and cultural significance to a historic property that might be impacted by an undertaking. An undertaking is defined as

   > a project, activity, or program funded in whole or in part under the direct or indirect jurisdiction of the federal agency, including––(1) those carried out by or on behalf

> of a Federal agency; (2) those carried out with Federal financial assistance; (3) those requiring a Federal permit, license, or approval; and (4) those subject to State or local regulation administered pursuant to a delegation or approval by a Federal agency.
>
> 54 U.S.C. § 300320.

2. If the agency determines that the undertaking might affect historic properties, it next determines the area of potential effects, also called the APE, and identifies any historic properties in that area.
3. If any of these historic properties might be affected by the undertaking, the agency assesses the adverse effects.
4. Lastly, if the historic properties may be adversely affected, the agency resolves those effects either through avoidance or mitigation. If the parties all agree, the process concludes with a memorandum of agreement.

36 C.F.R. §§ 800.3–800.13.

Consultation occurs at each of these steps. While the NHPA does not mandate preservation or guarantee a particular outcome, the procedural protections and requirement for consultation throughout the process help all interested parties reach consensus in many cases.

How the NHPA Applies to Tribes

In the Section 106 process, agencies must consider impacts to historic properties, which are those that are listed on or are eligible for listing on the National Register of Historic Places. Properties of "traditional religious and cultural importance to an Indian Tribe or Native Hawaiian organization may be determined to be eligible for inclusion on the National Register." 54 U.S.C. § 302706. Historic properties may also possess traditional cultural significance that make them eligible for listing on the National Register of Historic Places.

The NHPA and its regulations do not define what it means for a historic property to have traditional religious and cultural significance. "Traditional cultural properties" as they are sometimes called, however, are defined in a National Park Service publication that is a common reference in the field for identifying and evaluating traditional cultural properties.

A "traditional cultural property" is a property that is

> eligible for inclusion in the National Register because of its association with cultural practices or beliefs of a living community that (a) are rooted in that community's history, and (b) are important in maintaining the continuing cultural identity of the community.

Parker, P.L., and T.F. King. 1998. *Guidelines for Evaluating and Documenting Traditional Cultural Properties*. National Register Bulletin 38. Originally published 1990 (revised 1992), U.S. Department of the Interior, National Park Service, Washington, D.C. Available here.

In assessing the eligibility of a historic property, agencies must "acknowledge that Indian tribes and Native Hawaiian organizations possess special expertise in assessing the eligibility of historic properties that may possess religious and cultural significance to them." 36 C.F.R. § 800.4(c)(1).

Although not a defined term in the NHPA or regulations, "traditional knowledge" possessed by Indian tribes is part of tribes' special expertise that is relevant to identifying and evaluating historic properties of traditional cultural and religious significance. The Advisory Council on Historic Preservation has resources on many aspects of the Section 106 process, including explanations of what traditional knowledge is and why it is important.

Tribes may assume some or all of the functions of the SHPO with respect to tribal lands by entering into an agreement with the Department of the Interior. SHPO responsibilities include identifying and nominating eligible property to the National Register and consulting with federal agencies on undertakings that may affect historic properties. 54 U.S.C. § 302303.

The tribe designates a Tribal Historic Preservation Officer (THPO) for this purpose. There are over 200 THPOs in the United States that receive annual funding to run their THPO programs. The funding ($62,700 was the average yearly award in 2019 according to the ACHP) is not sufficient to cover the amount of consultation requests and consultations THPOs handle, presenting volume challenges.

Agencies are required to consult with Indian tribes when they attach religious and cultural significance to a historic property, regardless of where that property is located, meaning whether the historic property is on tribal lands or not. The consultation requirements are different depending on whether a tribe has a THPO and where the potentially impacted historic property is located:

- When a tribe has assumed SHPO functions on tribal lands, the agency consults with the THPO in lieu of the SHPO for undertakings that occur on or affect historic properties on tribal lands. Note that if the undertaking takes place on tribal lands but affects historic properties off tribal lands, the SHPO participates if requested by owners of properties on tribal lands or if the SHPO requests to be consulted and the tribe agrees.

- When a tribe has not assumed SHPO functions on tribal land, the agency consults with the designated tribal representative as well as the SHPO (in this case, the tribal representative has the same rights of consultation and concurrence that THPOs have, except that the SHPOs also have consultation rights).
- Tribes are also required consulting parties if they attach religious and cultural significance to a potentially impacted property, regardless of where the property is located.

36 C.F.R. § 800.2(c)(2).

National Environmental Policy Act

The NEPA requires federal agencies to consider the environmental impacts of "major Federal actions significantly affecting the quality of the human environment" before making decisions. 42 U.S.C. § 4332.

Like the ACHP for the NHPA, the Council on Environmental Quality (CEQ) advises the president on NEPA. CEQ promulgated regulations in 1971 to implement the NEPA. 40 C.F.R. Ch. V, Pt. 1500–1508. In 2020, CEQ issued a final rule making extensive revisions to the NEPA regulations. When President Biden took office in 2021, CEQ announced it would review the 2020 changes, and in May 2022 the administration's Phase 1 final rule, restoring several key aspects of NEPA to the pre-2020 regulations, became effective. See Phase 1 Final Rule, 87 Fed. Reg. 23,453–23,470 (Apr. 20, 2022).

Overview of NEPA Process

NEPA provides for three types of reviews: environmental impact statements (EIS), environmental assessments (EA), and categorical exclusions. The type of review depends on whether the proposed action is likely to have significant environmental effects:

- **EIS.** If the effects are likely to be significant, then the agency must prepare an EIS. The EIS process includes multiple levels of public participation; an agency conducts public scoping before the draft EIS is issued and reviews public comments to the draft EIS before releasing the final EIS.
- **EA.** If there is no categorical exclusion or the significant environmental effects are uncertain, the agency prepares an EA. If the EA process reveals significant environmental effects, then the agency goes through the EIS process.
- **Categorical exclusion.** If the proposed action falls within a categorical exclusion, no EA or EIS is required for these actions unless there are "extraordinary circumstances." Categorical exclusions have been determined to be the category or kind of action with no significant impacts.

How the Process Applies to Tribes

Effect or impacts on the "human environment" include cultural effects, and historic and cultural resources are thus considered under NEPA as well as under the NHPA. The NHPA and NEPA review processes are often done alongside one another, and the ACHP regulations detail how the roles can be coordinated. 36 C.F.R. § 800.8. Tribes participating in agency proceedings where historic or cultural resources are involved therefore often submit comments that address concerns and requirements under both laws. Over-emphasizing divisions between historic, cultural, and environmental resources perceived by most practitioners in the U.S. legal system can be counterproductive when working to protect resources sacred to tribes. NEPA also includes the concepts of "direct" and "indirect" effects and "cumulative" impacts which can be helpful in assessing different types of impacts. See 40 C.F.R. § 1508.1(g).

While traditional cultural landscapes are generally thought about under the NHPA because of their potential eligibility for the National Register of Historic Places, they also form part of the "human environment" that could be impacted by actions considered under NEPA. "Traditional knowledge" that agencies consider in identifying and evaluating properties of traditional religious and cultural significance can include traditional ecological knowledge.

Legal Issues in Ensuring Compliance with the NHPA and NEPA

Although most agency proceedings involving the NHPA and NEPA will not end in court battles, it is valuable for lawyers working in this space to learn about the key disputes in the field. Gaining an understanding of what leads to long and costly litigation in the historic preservation space can help you steer clients in a more positive direction. The following are a few of the issues we have observed here:

- **Standard of review.** Although there is some conflicting case law on the topic, most courts that have considered the question, especially in recent years, have held that the NHPA does not provide a private right of action, meaning the law must be enforced through the Administrative Procedure Act (APA). Under the APA, courts do not have free rein to review agency decisions.

  Challenges to federal agency actions under NEPA must also be made under the APA, meaning challenges are

considered using the standard of review that gives deference to the agency's decisions, as discussed above. Although the standard of review means that establishing a NEPA violation can be challenging, this does not mean that challenges are never successful. See Nat'l Parks Conservation Ass'n v. Semonite, 422 F. Supp. 3d 92 (2019) (holding that the finding by the Army Corps of Engineers that electrical transmission towers across the James River in Virginia would have "no significant impact" was arbitrary and capricious because "important questions about both the Corps's chosen methodology and the scope of the project's impact remain unanswered").

- **Proper remedy.** Even when challenges are successful, the question of a remedy can prove difficult, particularly when construction of a project found to have been permitted improperly has already been constructed. See Nat'l Parks Conservation Ass'n v. Semonite, 422 F. Supp. 3d 92, 100–01 (2019) (questioning plaintiffs' request for vacating the permit without asking for removal of the towers, assuming they wanted to "minimize the appearance of harm . . . by asking only for vacatur at this stage, thus setting the scene to ask for project removal in some other forum in the future—in which case the permit will already have been vacated and project removal will be that much easier to achieve"). The court remanded to the Army Corps with instructions to complete an EIS without vacating the permit.

  The question of the proper remedy can also result in permits that are found to have been issued in violation of NEPA being kept in place. See Oglala Sioux Tribe v. United States NRC, 896 F.3d 520, 538 (2018) (despite a strong ruling that the federal agency had violated NEPA, the court remanded to the agency "for further consideration consistent with this opinion" but did not vacate the ruling, having "not been given any reason to expect that the agency will be unable to correct those deficiencies" and due to concern "about the disruptive consequences of vacating the license").

- **Relevance of other laws.** When NHPA and NEPA apply, there are often other laws involved that could be determinative in some cases. Knowledge of those laws in addition to the NHPA and NEPA could therefore be necessary to advance the strongest arguments. For instance, in United Keetoowah Band of Cherokee Indians in Okla. v. FCC, 933 F.3d 728, 744 (2019), the court ruled that the Federal Communications Commission (FCC) violated the Communications Act when it determined that it was not in the public interest to require NHPA and NEPA review for certain small wireless facilities. Although the decision concerned whether it was in the public interest to conduct NHPA and NEPA reviews of these particular facilities, the basis for the decision was that the FCC's decision to deregulate these facilities was arbitrary and capricious "because its public-interest analysis [under the Communications Act] did not meet the standard of reasoned decisionmaking." United Keetoowah Band of Cherokee Indians in Okla., 933 F.3d at 745.

Some of the other laws that could apply in this context include:

- Section 4(f) of the Department of Transportation Act
- The Endangered Species Act
- The Clean Air Act
- The Clean Water Act
- The Mineral Leasing Act
- The Federal Land Policy Management Act of 1976 – and–
- The Mining Law of 1872

Religious Freedom

Tribes and tribal citizens sometimes use religious freedom arguments to protect their access to sacred sites by advancing arguments under the American Indian Religious Freedom Act (AIRFA) and the Religious Freedom Restoration Act (RFRA).

The AIRFA provides as follows:

> Henceforth it shall be the policy of the United States to protect and preserve for American Indians their inherent right of freedom to believe, express, and exercise the traditional religions of the American Indian, Eskimo, Aleut, and Native Hawaiians, including but not limited to access to sites, use and possession of sacred objects, and the freedom to worship through ceremonials and traditional rites.

42 U.S.C. § 1996.

In 1996, President Clinton issued a related Executive Order, Executive Order 13007, which instructed federal agencies, in managing federal lands, to "(1) accommodate access to and ceremonial use of Indian sacred sites by Indian religious practitioners and (2) avoid adversely affecting the physical integrity of such sacred sites. Where appropriate, agencies shall maintain the confidentiality of sacred sites." 61 Fed. Reg. 26,771 (May 29, 1996). (In between the enactment of the AIRFA in 1978 and Executive Order 13007 in 1996, the NHPA was amended in 1992 to add the provisions discussed

above regarding historic properties of traditional religious and cultural importance to an Indian Tribe or Native Hawaiian organizations.)

AIRFA and Executive Order 13007 do not provide a method for enforcement. See Lyng v. Northwest Indian Cemetery Protective Ass'n, 485 U.S. 439, 455 (1988) ("Nowhere in the law is there so much as a hint of any intent to create a cause of action or any judicially enforceable individual rights."). Not surprisingly, arguments made by tribal members and tribes based on religious freedom and access to sacred sites are now typically advanced under the RFRA, with the most prominent court decision addressing what constitutes a substantial burden on Indian religious freedom being Navajo Nation v. United States Forest Serv., 535 F.3d 1058 (2008).

In that case, six plaintiff tribes, along with other plaintiffs, challenged the use of recycled wastewater to create snow at the Snowbowl ski area on the San Francisco Peaks in Arizona, a sacred area in their religion. The tribes argued that the use of recycled wastewater "will spiritually contaminate the entire mountain and devalue their religious exercises." Navajo Nation, 535 F.3d at 1063. The court found that the artificial snow is "offensive to the Plaintiffs' feelings about their religion and will decrease the spiritual fulfillment Plaintiffs get from practicing their religious on the mountain" but nevertheless held that where there "is no showing the government has coerced the Plaintiffs to act contrary to their religious beliefs under the threat of sanctions, or conditioned a governmental benefit upon conduct that would violate the Plaintiffs' religious beliefs, there is no 'substantial burden' on the exercise of their religion." Id.

RFRA arguments have also been raised by tribal members in the criminal context, including in a recent case in Arizona. After Amber Ortega was arrested and charged with two federal misdemeanors in connection with attempting to block border wall construction at Pipe Cactus National Monument, she argued that the order to leave the construction zone imposed a substantial burden on her religious beliefs because she was protecting Quitobaquito Springs, an area sacred to her and her tribe, from being desecrated. United States v. Ortega, 2021 U.S. Dist. LEXIS 223180 (2021). Following her November 2021 ruling that Ortega did not establish a RFRA defense, Judge Bowman reversed her decision following a motions hearing in January, and found Ortega not guilty, ruling that the government had imposed a substantial burden on Ortega's religious beliefs. Case No. 20-MJ-08904M-LAB, Document 57 (Jan. 19, 2022).

Native American Graves Protection and Repatriation Act

The Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. §§ 3001–3013, contains two main sections:

- For federal agencies and museums that receive federal funds, NAGPRA establishes provisions for the preparation of (1) inventories of Native American human remains and associated funerary objects and (2) summaries of unassociated funerary objects, sacred objects, and cultural patrimony. It then provides a process for the repatriation of those human remains and cultural items to lineal descendants and culturally affiliated Indian tribes. 25 U.S.C. §§ 3003–3005.

  NAGPRA, passed in 1990, required inventories of human remains and associated funerary objects to be completed five years from November 16, 1990, and for summaries of unassociated funerary objects, sacred objects, and cultural patrimony to be completed within three years.

- NAGPRA also protects grave sites and cultural items on federal and tribal lands. 25 U.S.C. § 3002. Intentional excavation and removal of Native American human remains and objects from federal or tribal lands requires (1) an ARPA permit and (2) consultation (for federal lands) and consent (for tribal lands) with the appropriate tribe. If any excavation or removal does occur, the ownership and right of control is determined according to NAGPRA. Any inadvertent discoveries must be reported to the secretary of the Department or the head of any other agency having management authority over the federal lands, to the appropriate Indian tribe for tribal lands, or to the appropriate corporation or group for lands selected by an Alaska Native Corporation or group.

The law also established the NAGPRA review committee, which, among other responsibilities, facilitates the resolution of disputes that arise.

Over 30 years after NAGPRA's enactment, the Department of the Interior on October 18, 2022, the Department of the Interior issued a proposed rule that would revise NAGPRA's regulations. Notice of Proposed Rulemaking, 87 FR 63202–63260 (Oct. 18, 2022). The proposed revisions are comprehensive and seek to address some of the gaps between the intent of NAGPRA--to repatriate human remains and cultural items--and the reality that there are many museums and federal agencies with human remains in particular that have yet to be repatriated.

Archaeological Resources Protection Act

The Archaeological Resources Protection Act (ARPA) was passed "to secure, for the present and future benefit of the American people, the protection of archaeological resources and sites which are on public lands and Indian lands[.]" 16 U.S.C. § 470aa. Note the following:

- ARPA prohibits the unauthorized excavation, removal, damage, alteration, or defacement of archaeological resources from federal or public lands. 16 U.S.C. § 470ee.
- A permit is required for excavation and removal on federal lands or Indian lands, except that an Indian tribe or its member may excavate or remove archaeological resources located on that tribe's lands (except if tribal law provides otherwise). 16 U.S.C. § 470cc.

Antiquities Act

The president is authorized by the Antiquities Act, as amended, to establish historic landmarks, historic and prehistoric structures, and other objects of historic or scientific interest on lands owned or controlled by the federal government. 54 U.S.C. §§ 320301–320303. These areas are called "national monuments" and are more protected than other public lands, for instance, generally prohibiting mining. The Antiquities Act provides a strategy for tribes to protect lands that are sacred to them. There have been questions regarding a president's authority to establish a national monument that is not "confined to the smallest area compatible" as well as over whether a president can revoke or shrink the boundaries of national monuments once established by a previous president.

Indian Child Welfare Act

While not traditionally grouped with other tribal historic and cultural protection laws, the Indian Child Welfare Act (ICWA) is at its core a cultural preservation law. Passed in 1978 in response to widespread U.S. policy of removing Indian children from their families, the law sets out provisions to keep Indian children with their families and tribes.

ICWA applies to "child custody proceedings" and "emergency proceedings" involving an "Indian child" (a member of a federally recognized tribe, or who is eligible for membership and has a parent who is a member). A "child custody proceeding" means foster care placement, termination of parental rights, preadoptive placement, and adoptive placement as defined by ICWA. 25 U.S.C. § 1903(1).

ICWA works to keep Indian children with their parents and prevent unnecessary removal, including requirements to provide "active efforts" to keep the family together. If an Indian child is removed from their home, ICWA's placement preferences help ensure the child is placed with members of their extended family and with other tribal families. 25 U.S.C. § 1915.

Congress recognized that the removal of Indian children from their families and tribes had jeopardized the survival of tribes themselves by preventing history, culture, knowledge, and traditions to be passed down between generations, resulting, for instance, in the loss of tribal languages. See 25 U.S.C. § 1902 (declaring it to be the policy of the United States to protect the best interests of Indian children "and to promote the stability and security of Indian tribes and families" by establishing standard for removal and placement that reflect Indian cultural values). For this reason, ICWA provides rights to federally recognized tribes, including the right to intervene, jurisdiction over certain child custody proceedings involving Indian children, and the right to set the placement preferences. 25 U.S.C. §§ 1911(a)–(c), 1915(c).

Issues to Consider When Working on Matters Involving Cultural Resources

When working on matters involving cultural resources, keep the following considerations in mind:

- **Be aware of confidentiality concerns.** Be aware of confidentiality concerns for tribes' sensitive information, whether you are representing a tribe or another party. Tribes may not want to reveal certain information about sacred sites. The information may not be of the type that is appropriate for disclosure, or there may be concerns about the information's being publicly available. The NHPA and ACHP regulations protect certain sensitive information by allowing the head of a federal agency, after consultation with the Secretary of the Interior, to withhold from disclosure information about "the location, character, or ownership of a historic property if the Secretary and the agency determine that the disclosure may (1) cause a significant invasion of privacy; (2) risk harm to the historic property; or (3) impede the use of a traditional religious site by practitioners." 54 U.S.C. § 307103.

  The protections of these provisions are not ironclad, which has led to pushes for legislative solutions, such as attempts to add an exemption to the Freedom of Information Act which would specifically cover this

type of sensitive information. See Indian Amendment to Freedom of Information Act, S. 2652, 94th Cong. 2d (1975).

State law protections may also apply depending on the proceeding, such the provision in Washington state law that exempts certain material related to traditional cultural places from disclosure in public records requests. Rev. Code Wash. § 42.56.300.

ARPA contains a confidentiality provision which prevents public disclosure of information about the nature and location of an archaeological resource for which an ARPA permit or other permission is required unless the federal land manager determines the disclosure would (1) further the purpose of ARPA or of Chapter 3126 of Title 54 related to the preservation of historic and archaeological data and (2) not create a risk of harm to the resource or the site where the resource is located. 16 U.S.C. § 470hh.

The NAGPRA regulations exempt documentation related to a tribe's request that it should have received a notice of inventory from disclosure under the Freedom of Information Act and other laws. 43 C.F.R. § 10.9(e)(5)(ii). This confidentiality provision is relatively limited in the context of NAGPRA as a whole. A bill was introduced in 2020 seeking to amend NAGPRA to protect confidential information. H.R. 8298, 116th Cong. 2d (2020).

- **Monitor regulatory changes.** If practicing before a federal agency, be aware of the regulations that apply and if there have been any regulatory changes. Both the NHPA and NEPA have implementing regulations issued by the ACHP and CEQ respectively. Some agencies also have their own implementing regulations. Any changes in these regulations should be monitored. Particularly during changes in presidential administrations, there can sometimes be questions about which set of regulations applies to an agency's review, as the recent revisions to the NEPA regulations demonstrate.
- **Create a record.** Also relevant to agency proceedings, create a clear record that supports arguments you might want to make if you need to petition a court to vacate and agency's decision. Although you may not have to challenge the agency's ultimate ruling under the APA, be aware of that law's requirements as well as any cases that have addressed questions of interpretation. Being familiar with these cases will help you create the best record in light of the applicable law.
- **Early consultation and engagement benefits everyone.** Whether you are working from a tribal perspective or the perspective of a developer, remember that there are success stories that never make the news and will not be litigated in the courts. Success occurs when tribes are consulted in good faith and early in the process. Although free, prior, and informed consent is not the law in the United States, certain states and companies are beginning to adopt its principles. A November 2021 Memorandum of Understanding Regarding Interagency Coordination and Collaboration for the Protection of Indigenous Sacred Sites among eight federal agencies commits, among other things, to integrating consideration of sacred sites early into decision-making, regulatory, and consultation processes.
- **Remember the bigger picture.** The relationship between the federal government and Indian tribes is a government-to-government relationship. The federal government owes a trust responsibility to tribes to respect tribal interests and uphold federal law and any obligations the federal government has made to tribes, such as protecting treaty rights. Listen to the tribes who are part of the proceeding when they tell you about their history and culture. Remember that there are 574 federally recognized tribes, each with its own history. For example, some tribes were forcibly removed from their ancestral lands and pushed westward. Others have remained in a smaller segment of their original territory. Make sure you are aware of any relevant treaties and whether there are particular areas where the tribe has historical and cultural connections. At the same time, understand that tribes will not want to share certain information.

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Resource Kits

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Firm co-founder and chief executive Marion Forsyth Werkheiser is an award-winning lawyer and internationally recognized trailblazer in the cultural heritage field. Her well-established practice is firmly rooted at the intersection of preservation and development. She has a proven track record of convening diverse stakeholders to identify shared values, solve tough problems, and scale solutions.

Marion earned her J.D. from Harvard Law School and is licensed to practice law in California, Virginia, and the District of Columbia. She is a Phi Beta Kappa graduate of Indiana University, where she was a Wells Scholar and earned her B.A. degree in political science and classical civilization with an emphasis in art and archaeology.

The Register of Professional Archaeologists honored Marion with the John F. Seiberling Award for her significant and sustained efforts in the conservation of archaeological resources.

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Olga Symeonoglou's practice focuses on indigenous heritage, historic preservation, and art restitution. She counsels American Indian tribes and other clients on strategies to protect cultural and historic resources of significance to them and regularly represents tribes in administrative agency proceedings concerning development projects that impact tribal resources. She also advises clients on ownership disputes over works of art and antiquities and she has presented on the legal framework and history of art looted under colonial rule and art looted by the Nazis during World War II.

Olga joined the firm in 2018 after clerking for the Honorable Florence Pan on the Superior Court of the District of Columbia. She earned her Juris Doctor with honors from Georgetown University Law Center in 2017 and is licensed to practice in the District of Columbia, Virginia, and Missouri. During law school, Olga interned with the Office of General Counsel at the Smithsonian Institution and the Human Rights and Special Prosecutions Section of the Criminal Division of the Department of Justice. She earned her Bachelor of Arts with honors in Art History from Barnard College in 2013.

Olga traces her interest in art history and archaeology to her childhood, when she and her brother accompanied their parents on archaeological excavations on the island of Ithaka, Greece. She has since visited archaeological sites in Greece, Italy, Turkey, Egypt, Libya, and Tunisia.