

**Cultural Preservation Supports Strong Tribal Nations
Presented by Chairman Milford Wayne Donaldson**

To

**The Fifth General Assembly of the National Congress of American Indians'
67th Annual Convention
November 18, 2010
Albuquerque, NM**

This is the first time the Advisory Council on Historic Preservation (ACHP) has had the opportunity to address the General Assembly of the National Congress of American Indians. It is an honor and a pleasure to be invited.

The theme of this annual meeting is Strong Tribal Nations, Strong America, and the ACHP believes that you have strong tribal nations when you have strong cultures. You have strong cultures when the places where you practice your beliefs are preserved. The cultures that know no boundaries, the intrinsic values, and the changes over time are our life ways. It is not about the buildings and things, it is about our sustainable communities and those deep rooted values we hold so dear. It is keeping one's integrity intact over time.

As a federal agency, the ACHP will be accessible, will be advocates, and will be there for Indian Country.

Though appointed by President Obama as ACHP chairman recently, I have had six years of working with Indian Country as the California State Historic Preservation Officer (SHPO) and have demonstrated my commitment to working with Indian tribes and Tribal Historic Preservation Officers (THPOs) in California. When I became the SHPO in 2004, there were only three THPOs in the state and there are now 20 in California. With 109 federally recognized tribes and 74 non-federally recognized tribes in California, you are always in Indian Country. Annual summits have provided an ongoing forum for both my office and California tribes to address issues and have led to improved working relationships based on trust and commitment.

Be Accessible

The ACHP is a federal agency located in Washington, D.C. with a board of 23 presidentially appointed members and about 40 full-time staff. The ACHP is the only federal agency which oversees our collective preservation programs.

We oversee what is called "the Section 106 process" of the National Historic Preservation Act among our many responsibilities. This is one of the most important federal regulations because it requires federal agencies to consult with Indian tribes, Alaska Natives, and Native Hawaiian organizations in making project decisions. It affords tribes an opportunity to influence federal decision making about projects and programs that might impact tribal historic and sacred sites.

Many of the policy and program initiatives that the ACHP is working on have a tribal component and are the subject of some of the sessions of this convention.

For instance, on Tuesday, there was a special session on the future of Indian Country with an emphasis on the future of self-determination and the trust responsibility. The ACHP works with tribes so they can represent themselves more effectively in consultations with federal agencies. We now have an Office of Native American Affairs to both advocate for and to assist Indian tribes working with federal agencies to

protect historic and sacred sites. The ACHP staff is always accessible and includes John Fowler, the executive director; and Valerie Hauser and Bill Dancing Feather of the Office of Native American Affairs

There was also a breakout session on Tuesday called “Making Consultation Work for Tribes: Assessing Current Methods, Improving Accountability, and Sharing Information.” Not only does the ACHP focus on consultation in much of its policy work and review of federal projects but we chair the Interagency Working Group on Indian Affairs (IWGIA). The IWGIA is comprised of staff and appointees from 25 federal agencies, all with responsibilities for working with tribes. The group develops government-wide guidance on tribal consultation and coordinates inter-agency initiatives that support tribes.

Be Advocates

Yesterday, John Fowler and I participated in a roundtable discussion about the Department of Housing and Urban Development’s position on government-to-government consultation. Not only is the ACHP aware of the tribal concerns about this position but was the entity that initiated discussions with HUD in 2005 to try to resolve this. Federal agencies need not hide behind laws, regulations, and attorney opinions. You know what is right and fair and as sovereign nations, you need to work with federal agencies, not grant recipients or non-profit organizations, and be allowed to build a house on your tribal lands with no interference.

There are new and unique challenges to preserving and protecting cultural properties important to Indian Country. Energy resource extraction is coming in new and innovative ways and although Indian Country’s sacred sites have survived for thousands of years, they are at grave risk in the next five to 10 years as demand grows for independent renewable energy sources in the United States. Solar panels, wind power, geothermal, biomass, and tidal power all pose new challenges that will have major ramifications that are yet unknown. The ACHP and Indian tribes must share information and partner to find sites for these projects that do no harm.

The ACHP is working on addressing historic preservation and renewable energy development, and one of the elements of this is getting industry and agencies to bring tribes into the very early planning stages, before project sites are decided. Early and better planning generally results in better decision making. The ACHP is committed to conducting summits with policy makers and tribal leaders to help facilitate better and alternative solutions.

Like you, we are focused on green buildings and sustainability. Working through our newly formed Sustainability Task Force, we find ourselves at the critical intersection of sustainability and protection of cultural resources. We have much to learn from tribes about sustainable design. The ACHP is taking a leadership role in promoting the essential harmony between sustainability and preservation goals within federal agencies and their policies.

Our youth initiatives include working with the Corporation for National and Community Service to bring attention to the fact that service learning and historic preservation are a natural fit. What better way to preserve culture than to involve youth in its preservation?

And, I have advocated for increasing the voice of Native Americans in the work of the ACHP. Under our enabling legislation, the National Historic Preservation Act, one of the members must be a tribal or Native Hawaiian representative. The current representative is the Honorable John Berrey, Chairman of the Quapaw Tribe.

In 2004, the ACHP established a group of tribal and Native Hawaiian advisors that work with us on policy and major program issues. The Native American Advisory Group is comprised of 13 members

(one representative from each of the 12 BIA regions and one Native Hawaiian representative). Arden Kucate of the Pueblo of Zuni is currently the chair. It is the strength of the relationships with and among this group that ensures the ACHP stays focused on Native issues and concerns.

For many years, the National Association of Tribal Historic Preservation Officers has participated in the ACHP as an observer. From its formation in 1998 with four THPOs, there are now 109 THPOs throughout Indian Country. NATHPO is a regular participant in ACHP activities as an observer. However, in order to be a voting member of the ACHP, the organization must be added in the legislation. I look forward to the day NATHPO sits at the ACHP table as a voting member. This will happen during my tenure as chairman of the ACHP.

Be There When Issues are Critical

I believe that through partnership and collaboration with intertribal organizations, we can work to strengthen tribal nations. The ACHP views Indian tribes as partners in the protection of historic properties. When all of us work together, much more can be accomplished. The ACHP has a good working relationship with the United South and Eastern Tribes, and we are interested in expanding our relationships to include NCAI. We hope to become a regular participant in NCAI's meetings to both bring issues to your attention and to hear from you about challenges you are confronting in cultural preservation and tribal consultation.

Cultural preservation is an important element of strong tribal nations and a strong America. The ACHP will be accessible, will be advocates, and will be there for you.

Thank you for the honor and opportunity to share my thoughts with all of you today.