



**NATIONAL ASSOCIATION
OF TRIBAL HISTORIC
PRESERVATION OFFICERS**

P.O. BOX 19189
WASHINGTON, D.C. 20036-9189
(202) 628-8476
INFO@NATHPO.ORG
WWW.NATHPO.ORG

**Testimony of the National Association of Tribal Historic Preservation Officers
Reno Franklin, Chairman of the Kashia Band of Pomo Indians, Tribal Historic Preservation Officer for
the Enterprise Rancheria of Maidu Indians
H.R. 6589 - The Historic Preservation Enhancement Act
April 28, 2022**

Chair Neguse, Ranking Member Fulcher, and Members of the Committee, I appreciate the opportunity to testify on H.R. 6589, The Historic Preservation Enhancement Act. I serve as Chairman of the Kashia Band of Pomo Indians and Tribal Historic Preservation Officer (THPO) for the Enterprise Rancheria of Maidu Indians. I also serve as a Board Member of the Advisory Council on Historic Preservation. While I am here to speak to you as the Chairman of my tribe, I also speak with you as a representative of the National Association of Tribal Historic Preservation Officers (NATHPO), which is a national non-profit 501(c)(3) membership organization, founded in 1998, of Tribal preservation leaders protecting culturally important places that perpetuate Native identity, resilience, and cultural endurance.

Thank you, Congresswoman Leger Fernandez, for sponsoring this bill. It reflects yours and this Committee's support for the preservation and protection of Tribal Nations' cultural resources and sacred places.

THPOs and our partners, the State Historic Preservation Officers (SHPOs), are the backbone of our nation's efforts to preserve and protect the places and resources that tell the story of our country. THPOs are officials designated by federally recognized Tribal governments to protect culturally important places that perpetuate Native identity, resilience, and cultural endurance. THPOs' work is grounded in sovereignty, self-determination, traditional knowledge, and cultural values.

Under the National Historic Preservation Act, THPOs are required to consult on federally funded and permitted projects, but, unfortunately, they have not received the funding necessary to fulfill this responsibility. By permanently authorizing the Historic Preservation Fund (HPF) at \$300 million and fully funding it, the Historic Preservation Enhancement Act would provide THPOs and SHPOs the resources they need to consult on projects in a timely and efficient manner. Permanent authorization and full funding at a higher level is essential for Tribal Nations to tell their own histories, revitalize cultures and languages, and protect their important resources and places. I sincerely appreciate Congresswoman Leger Fernandez's respect for and understanding of the importance of the work that THPOs do to strengthen Native communities.

The story of the my tribe, the Kashia Band of Pomo Indians and other Tribal Nations are an essential part of our nation's story. My tribe are the first inhabitants of the coastal Sonoma County area around our village of Metini which would later become Fort Ross. Our ancestral extend from the Gualala River in the North to Duncan's Point south of the Russian River. From the West, Kashia territory extended from the Pacific coast over coastal mountain ranges down the Warm Springs Creek to the confluence of Dry Creek, thirty miles inland. An estimated 23,000 Kashia people inhabited this area when Russian fur traders first visited us and signed the treaty of Hagenmeister in 1812. The rich history of my tribe and the Russian, French, Hawaiian and Alaska Native peoples is one of the most diverse merging of cultural

histories on the west coast. The documentation of our shared history is permanently preserved in the California, United States and International libraries of science and ethnography.

The HPF is an important tool for the preservation of each Tribal Nations' history. It allows us to tell the story of our culture, our sacred sites and our places of importance. The HPF plays an important role in allowing us to interpret the meaning of these things for others to learn. Our history is the history of this nation, the HPF makes sure that we have the ability to tell those rich histories.

Since Fiscal Year 2014, the total HPF appropriations has grown from \$56.4 million to \$173.1 million, but the portion that THPOs receive has only grown from \$8.9 million to \$16 million. When dispersed among the 208 Tribal Nations out of 574 Tribal Nations with THPOs, this amounts to an average of about \$75,000 per THPO. And this underfunding gets worse annually because the increases in THPO funding are not enough to offset the fact that every year 5 to 10 more Tribal Nations establish a THPO.

This is not simply an accounting problem. There are real world consequences associated with the federal government's failure to adequately fund THPOs. Cultural resources are being lost and landscapes are being destroyed because THPOs do not have the ability to effectively consult on the impact that projects with a federal nexus have on their communities and ancestral homelands.

According to the National Park Service, the number of acres surveyed by THPOs has increased from 346,760 in 2018 to 21,160,711 in 2020 and the number of federal undertakings on Tribal Nations' ancestral lands that required THPO consultation increased from 106,565 in 2018 to 128,968 in 2020. In 2021, one THPO with three employees received 3,400 consultation requests. That translates into 13 consultation requests every workday all year for these three THPO staff. They are only able to respond to 50 percent of these requests for consultation. This situation will only get worse as the Infrastructure Investment and Jobs Act is implemented in the coming years.

The delays associated with underfunding not only threaten Tribal Nations' cultural resources and sacred sites. They also hinder the American economy by creating unnecessary delays in infrastructure and clean energy projects that are important for the country, including Tribal Nations. In fact, in many cases, Tribal Nations would benefit the most from the completion of these projects.

When the HPF was created in 1976 and authorized at \$150 million per year, THPOs did not even exist. A 1992 amendment to the National Historic Preservation Act created THPOs and when they first received funding in 1996, there were only 12 THPOs. As noted, currently there are 208 THPOs and that number grows annually.

It is imperative that Tribal Nations who want to establish THPOs are able to. Because cultural and natural significance are inseparable, this encompasses all foundations of worldview and subsistence, from sacred sites to critical habitat, all grounded in indigenous understandings and languages. Landscapes must be managed holistically and THPOs are on the front lines. The best way to preserve and protect Tribal Nations' cultural and natural resources is to increase funding for the HPF.

The significant growth in the overall HPF since Fiscal Year 2014 has been accompanied by a growth in the programs funded by the HPF. In Fiscal Year 2014, the HPF total was \$56.4 million with \$46.9 million going to State Historic Preservation Offices, \$8.9 million going to THPOs and \$500,000 going to support historic preservation in underrepresented communities. The \$173.1 million that was appropriated for the HPF in Fiscal Year 2022 was distributed among more than seven programs, including efforts to

preserve sites associated with the Civil Rights movement and the buildings on the campuses of Historically Black Colleges and Universities. All of the HPF programs are needed to tell the story of America, and THPOs should not be forced to compete against valuable programs for a limited pool of money.

The solution is simple: increase the authorization of the HPF to \$300 million from the \$150 million authorization level from 1976 and fully fund the HPF, which is what Congresswoman Leger Fernandez's bill would do. While I am unequivocally supportive of the bill in its current form, I believe it would benefit from provisions guaranteeing that THPOs' needs are specifically taken into account. This would include requiring a portion of the funding to be dedicated to THPOs and guaranteeing that the growth in the number of THPOs is taken into consideration. I look forward to working with the Congresswoman and the Committee on these provisions as the bill moves forward.

Our goal is for HPF funding to reflect the America of 2022, not the America of 1976. Today's America recognizes that Tribal Nations' cultural and natural resources are worthy of preserving and protecting – that Tribal Nations' sacred places are deserving of reverence and respect. Today's America acknowledges the unjust removal of peoples from lands they stewarded since time immemorial, and that restoration of rights and traditional knowledge is the only way forward together. It is time for the respect America has for Tribal Nations to be reflected in the way it funds THPOs and the sacred work they do to protect Native places. The path forward to making this happen has never been clearer – the time is now to make lasting change for THPOs by authorizing the increase of the HPF to \$300 million from the 1976 \$150 million and finally have it fully funded.

Thank you for considering my testimony. I would be pleased to answer any questions you have.