

**Historic and Cultural Preservation Primer**  
**Prepared for January 26, 2007**  
**Spirit Mountain Community Fund**

**by Donald B. Ivy**

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**A brief introduction**

In Oregon, there are nine federally recognized tribes; they are similar in some ways yet distinctly different. Both the similarities and the differences are the result of circumstances and experiences unique to each tribe; and that uniqueness is the framework for how each tribe operates as a tribal government and community. Tribes have a distinct lens through which they see and relate to other tribes and the non-tribal community around them. Consequently, there is no one size fits all explanation that addresses all of what is important or pressing to tribal governments, or to their historic and cultural preservation efforts. There are, however, a few general ideas and concepts to consider that help describe tribal historic/cultural perspectives as they may differ from those of the non-tribal community. The following definitions may prove useful to the balance of this discussion:

**Some definitions**

- Cultural resources- all those things in the physical world that are significant and relevant to the values, beliefs, identity and sustainability of a tribe today- and in the future- among them: Ancient archeological sites; cemeteries; special ceremonial places; baskets (and habitats where such materials grow); hunting and fishing places; plants and animals; and unusual geological features
- Time - concepts of measuring and remembering that embrace the cycles, phenomena, and circumstances of the natural world as ways to mark the beginning of things or when certain things happen or should be done; among them: Seasonal rounds, solstices, winter time, root harvests, first salmon ceremony, or “when the salmonberry blossoms.”
- History - a concept that argues a continued and uninterrupted progression of time and human experience from deepest antiquity to the modern era; Frequently described as “since time began,” or “since time immemorial,” or “since the people (meaning ancestors) first came here.” (Note: for certain, “history” does not begin with the coming of the white man, or when the first non-Indian outpost or town was established.)
- Government to Government: A legal/political doctrine first written in the U.S. Constitution and further promulgated and defined by treaties, court cases and federal laws that established the sovereignty of Native tribes. It formalized that tribal governments were to have a direct relationship with the U.S. Congress, and primacy among all other subordinate governments within the U.S.

Although these concepts have unique tribal expressions, they frequently help to distinguish the response of a particular tribal cultural resources program and/or project from that of a state or federal agency to the same situation. Similarly, these concepts offer

insight into how or why a particular tribe might respond to that same situation or agency differently than another tribe.

### **Tribe-agency relations**

Although their methods and motives may sometimes differ, as a general rule tribal cultural/historic preservation professionals work well—and cooperatively—with their respective state and federal counterparts. At the federal level, tribe-agency cultural resource interactions typically occur in context of one or more of four federal laws: Archeological Resource Protection Act (ARPA); National Historic Preservation Act (NHPA); National Environmental Policy Act (NEPA); and the Native American Graves Protection and Repatriation Act (NAGPRA). All federal agencies have within their organizational structure a function or mechanism responsible for cultural resource consultation with tribes in response to those four laws.

At the state level [in Oregon], a significant aspect of tribe-agency cooperation and collaboration occurs because of Oregon Senate Bill 700, which compels state agencies to consult with tribe(s) to identify and describe where and when state agency actions or decisions may coincide with the legal, political, or cultural interests and concerns of a tribe- or tribes- in a particular region or locale.

At the local level cooperative relations are mostly non-existent. In nearly every instance of Oregon's counties and cities, there is not a cultural/historic preservation function within those governments. As a result, cultural resource communications and collaborations between tribes and local governments are frequently strained and reactionary; and nearly always centered on a development project of some sort that threatens a tribal cultural site or interest. It seems when local-level preservation conversations do occur it is after the fact or damage done, except when federal or state agencies enforce laws beforehand.

That is not to say that many of Oregon's cities or counties don't care about historic preservation—they do. It's just that the "history" typically cared about is the history since Lewis and Clark, the Oregon Trail, Oregon's Statehood, or the first pioneer settlements. Typically someone contacts a project consultant, museum curator, or the historical society first before the local tribe.

### **Preservation challenges**

In spite of workable laws and regulations, there are still many challenges that tribes must overcome to create and sustain meaningful and effective cultural and historic preservation efforts in Oregon. A foremost challenge of course, is money. Whether federal, state, local or tribal, all cultural and historic preservation initiatives in Oregon suffer serious funding deficiencies; and there is not one part or parcel of the state that could not use some new money to solve an urgent preservation need.

But, money in and of itself—no matter how big a pile—will not assure that all needs will be met, or that problems will be forever solved. For every known archeological site requiring protection now, there is one more to be discovered tomorrow. For every preserved historic building or place saved, another is smashed into oblivion. And for every talented teacher, scholar, traditional practitioner, artist, or basket weaver that might be celebrated at this moment, one day they will be gone, and with them will go their knowledge and skills. The awards and gifts bestowed upon them in their lifetime will become the cultural and historic artifacts that future generations will strive to preserve.

The point is, take the long view of the tribes, that “preservation” isn’t only about the past—it’s also about the future.

So, what to do with the limited funding that is available? Here are four potential applications:

- **Build institutional capacity**, including facilities and archival systems appropriate to collect, curate, store, and protect the invaluable assemblages of artifacts and objects, documents and photographs, and oral histories that each tribe possesses, or could possess, if such facilities existed at tribal locations.
- **Support the next generation** by ensuring that the bearers of tribal and cultural knowledge and traditional practice can sustain and rejuvenate their roles and responsibilities as still practiced.
- **Support tribe-agency collaborations and partnerships**, including projects that benefit local and/or regional cultural and historic preservation goals and assist in the development and strengthening of cross-jurisdictional partnerships.
- **Support tribal projects that have extended reach**, such as initiatives useful to other tribes, organizations, or agencies within the state.

### **Utilization of current tribal preservation dollars and resources**

There isn’t significant funding to address the aforementioned opportunities. Funds generally target specific programs or projects to satisfy federal or state objectives and budgets. These objectives may or may not align with the overall interests, ambitions, or organizational needs of a particular tribe. In most instances, tribes are utilizing all the outside dollars they can access from federal, state, and private foundation sources.

Tribes typically utilize federal dollars in the form of limited duration grants or contracts with specific criteria targeting mainly archeological or cultural resource site protection. State dollars are even more limited in amounts, uses, and duration, and aim primarily at archeological and cultural resource site protection. There are a few federal and state grant programs tribes can use for cultural training or education purposes, but they typically require a match that tribal programs cannot meet. Grants available to tribes via federal or state budgets are always competitive, historically under-funded, and offer little to build or support recurring or long-term tribal preservation efforts.

Tribes do utilize their own internal budget resources, and all Oregon tribes have allocated some portion of their own dollars to establish and sustain some form of cultural/heritage preservation program. Each tribe makes its own choice about how those programs are organized and staffed; and each tribe has its own preservation priorities and emphasis. As a result, a tribal cultural program can take many forms. It may be a component of a tribal education department; it might be a function within a tribal natural resources program; it might be an extension of tribal government that operates as a semiautonomous enterprise; or it might be an extension of the government operating as a committee.

### **Three key unmet cultural/historic preservation needs**

There are three additional areas where tribes are working to reach surrounding non-Indian communities. Ultimately this work can benefit all of Oregon's citizens. The benefits include:

- Repatriation of tribal cultural patrimony that, by extension, is also the heritage of the local communities wherein Oregon's tribes originated or currently reside.
- Revision of Oregon's K–12 education curriculum in order to foster a greater awareness and appreciation of Oregon's history and cultural diversity among all its citizens. Tribes believe—as do many of Oregon's educators—that “Oregon history” becomes a persistent aspect to history and social studies curricula taught at all grade levels.
- Implement and enforce existing federal and state historic and cultural preservation regulations at the local level. Whether by allowing tribes to assume this role, or by building capacity some other way, most observers agree that Oregon's history and heritage happens at the local level; and it is at the local level where it will be saved or lost.

### **How tribal cultural/historic preservation in Oregon might look ten years hence**

Politically, economically, socially, and culturally, tribes have emerged as significant factors and contributors to the identity, diversity, and prosperity of all of Oregon, especially rural Oregon. Tribes and their enterprises are some of the largest employers and present the most significant economic opportunities in their respective regions. Tribal enterprises create new and dynamic growth and add excitement to all of Oregon's tourism and service economy. Tribes are qualified experts, recognized leaders, and well-informed innovators in any number of natural resource issues. And to witness the Annual Governor's Government to Government Summit, we know that tribes are now major players in the politics and governance of the State.

If this same trajectory and success can be sustained and translated into dramatically expanded cultural preservation capacity at the local level, both tribal and non-tribal communities will benefit.

Some potential future outcomes:

- Each of Oregon's federally recognized tribes are the guardians, stewards, or co-managers of their respective cultural patrimony and historical archives, to the benefit of themselves and their local communities/regions.
- Each of Oregon's federally recognized tribes is a full partner in the implementation and enforcement of all applicable cultural/historic preservation laws and regulations, with focus at the local level.
- A fully funded and operational Oregon Cultural Trust as originally envisioned and intended.

### **Closing comments**

Remember, that in Oregon, as in all other states, Indians do not all live on reservations.

Tribal cultural preservation is a local matter now, and will be into the future, and it is not exclusively a tribal issue. It broadens in its scope with careful thought, illustrated by some examples: Basket weavers need materials growing on private and public lands. Old Indian ceremonial regalia are the possessions of out of state university museums. Tribal governments do not own or manage ancestral homelands. Nearly every town, city, or small community founded in the 1800s sits on top of an Indian village or camp site. And so on. The creation of new local partnerships that value cultural resources and their preservation requires significant work across the state to achieve positive outcomes.

Tribal cultural preservation is a task that requires and relies on interdependence between tribes and the non-tribal communities. The success of these two communities is interrelated.

***Donald B. Ivy** - Historic Preservation - (Coquille), Cultural Resources Program Coordinator for the Coquille (pronounced Ko-Kwell) Indian Tribe Since 1997 and conducted extensive work with federal and state agencies to protect archeological sites and traditional cultural places on the south coast, on public and private lands; and has authored or co-authored several papers discussing protection. Prior to 1997 He consulted for ATNI and various NW tribes in the areas of tribal community and economic planning and development; federal/tribal consultation; and governmental organizational systems. The Coquille Tribe Cultural Resources Program sponsors and hosts an annual Statewide Cultural Preservation Conference that emphasizes and celebrates inter-tribal and inter-agency collaborations and partnerships; and offers hands-on workshops to teach and interpret traditional technologies and practices.*