



**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

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Senator Sheldon Whitehouse
Hart Senate Office Bldg., Rm. 530
Washington, DC 20510

Dear Senator Whitehouse,

The National Association of Tribal Historic Preservation Officers (NATHPO) has the following comments on your draft version of the Create Offshore Leadership and Livelihood Alignment By Operating Responsibly And Together for the Environment (COLLABORATE) Act.

NATHPO is the only national organization devoted to supporting Tribal historic preservation programs. Founded in 1998, NATHPO is a 501(c)(3) non-profit membership association of Tribal government officials who implement federal and Tribal preservation laws. NATHPO empowers Tribal preservation leaders protecting culturally important places that perpetuate Native identity, resilience, and cultural endurance. Connections to cultural heritage sustain the health and vitality of Native peoples.

Tribal Historic Preservation Officers (THPOs) greatly appreciate that you are exploring ways to strengthen Tribal Nations' ability to review the impact of offshore wind energy projects on Tribal Nations' cultural resources and sacred places. We urge you to consider adding these additional provisions that aim to have Tribal Nations involved earlier in the process:

- A requirement that prior to the approval of any offshore wind (OSW) call areas, Bureau of Ocean Energy Management (BOEM) and other agencies involved would have to develop a plan for meaningful consultation with potentially impacted Tribal Nations. By engaging Tribal Nations early in the process, BOEM and other agencies can work to develop boundaries of call areas and wind energy areas that have no or limited impact on cultural resources.
- A requirement that impacts to cultural and archaeological resources, including places of cultural, religious, and/or spiritual significance to Tribes, be analyzed in cooperation with Tribes and the State Historic Preservation Officer prior to finalization of wind energy areas.

Overall, the sooner Tribal Nations are engaged, the more likely that their concerns can be addressed in a thoughtful and productive manner.

While our members are supportive of efforts to increase capacity building and community engagement, they have specific concerns about the new grant program that the draft bill would create. Your bill proposes a grant program for "States, Indian Tribes, Tribal organizations, fishermen, and nonprofit associations that represent the fishing industry or other potentially affected ocean users to compile data, conduct analyses, educate stakeholders, and complete other activities relating to offshore wind environmental reviews, permits, and consultations." The program would be authorized to receive \$25 million annually.

We find both the structure of the grant program along with the authorization of \$25 million annually to be problematic. Creating a new competitive grant program in which THPOs would be pitted against states, fishing organizations, and others fails to acknowledge the status of Tribes as sovereign nations. It

PROTECTING NATIVE PLACES

is also problematic when the average THPO is receiving a little more than \$100,000 per year in dedicated federal funding, which does not provide sufficient capacity to successfully apply for competitive grants.

We would strongly support adding a provision to your bill that directs funding to THPOs in a non-competitive manner. We also urge you to support legislation that increases the authorization of the Historic Preservation Fund (HPF) and requires that a minimum of 20 percent of that funding be directed to THPOs. There should also be a provision requiring an evaluation of whether the funding is keeping pace with the growing number of THPOs.

NATHPO is not suggesting that these proposals to support THPOs replace the grant program that you have proposed. That program is something that can exist along with supporting a grant program for THPOs and an HPF reauthorization that directs a minimum of 20 percent of the funding to THPOs. The Congressional Budget Office has scored the HPF at \$0 because it is a transfer of funds from the royalties from drilling for oil and gas on the Outer Continental Shelf (OCS). This would be a good way to help Tribal Nations without increasing the deficit. NATHPO would also support the inclusion of language in your bill authorizing a study to determine if some or all of the OCS royalties that go to the HPF could be replaced with revenue generated from renewable energy projects, like offshore wind.

THPOs are leading the efforts to protect Tribal Nations' cultural resources and sacred places. The protection of these sacred places is not an ancillary discussion, but in fact is at the heart of historic preservation. THPOs preserve an understanding of where Tribal Nations have come from and strengthen the future of Tribal Nations. NATHPO would greatly appreciate it if you included provisions in your bill that supported the work that THPOs are doing. Such provisions would both strengthen the process for permitting offshore wind projects and protect Tribal Nations' cultural resources and sacred places.

Sincerely,

A handwritten signature in black ink that reads "Valerie J. Grussing". The signature is written in a cursive, flowing style.

Valerie J. Grussing, PhD
Executive Director