

Traditional Cultural Properties

Pros, Cons, and Reality

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As the archeologist for the Salt River Project, a large electrical and water utility, I am currently in the interesting position of trying to complete the cultural clearance process for a large proposed coal mine project. The Fence Lake Mine will be located in west-central New Mexico with a transportation corridor that runs from the mine to the existing coal generating station located 45 miles to the west. The project area is primarily located on lands owned by the Salt River Project, but also includes lands under the jurisdiction of the states of New Mexico and Arizona and lands administered by the Bureau of Land Management. There are no tribal lands in the project area.

It is always interesting to try to wade through the cultural resource compliance process for any project, but it becomes even more interesting when you are working with new federal laws that do not yet have regulations (NAGPRA) and with new guidelines from the National Register that have sections written with an Alice-in-Wonderland approach to the real world. Let me just say that Salt River Project's desire to structure an approach to identify traditional cultural properties on the Fence Lake Project was rarely aided by clear-cut guidelines from the federal agencies involved or by the infamous National Register Bulletin 38, "Guidelines for evaluating and documenting traditional cultural properties."

The intentions of the authors of Bulletin 38 were good, but this document has probably created more questions than answers. It does not set forth well-defined methodologies for how to proceed, and since it is only a guideline, there are no clear federal regulations backing the Bulletin. It is difficult to proceed on a new project when few federal agencies or State Historic Preservation Offices have had an opportunity to create their own approaches and written requirements for the identification of traditional cultural properties, and indeed, some federal agencies just seem to be trying to avoid the entire subject.

There has been almost no consistent guidance from the Advisory Council on Historic Preservation as to when traditional cultural property identification will be required or what the level of documentation should be, and decisions from the Council about who will be required (or allowed) to be signatories to Programmatic Agreements and Memoranda of Agreement have been quite inconsistent. For companies currently trying to get through the cultural resource compliance process, the federal process is often-times inconsistent, confusing, complex, contradictory, and extremely lengthy.

Among those agencies that are requiring that traditional cultural properties be documented there often exists the naive idea that the needed information will be easily accessible. The project proponent just needs to approach the appropriate tribe and ask where the important sacred sites

are located. The tribal representatives will then hand over a nice neat statement of importance, together with a map, and this information can then be forwarded to the federal agencies for a determination as to whether the site or sites are eligible for the National Register, together with recommendations for mitigation.

The idea is good, but few, if any tribal groups have accumulated the necessary data on their own history in enough detail to be able to provide the information required by the federal government. And even when the information is available, in some cases they may not be comfortable providing that information to outsiders.

When I contacted the tribal groups that had expressed concerns about our project during the Environmental Impact Statement phase, I very quickly came to realize that the tribes had important concerns about pilgrimage trails that crossed our project area on their way to the sacred Zuni Salt Lake. The lake is located 12 miles southwest of the mine and four miles south of the transportation corridor, entirely outside of the project area.

In recent years, all of the tribes had been utilizing existing roads and modern vehicles to reach the Zuni Salt Lake. In most instances, no one was left who had been on the actual trails, except for a few who had been on them as children; and needless to say their memories of the exact route were not clear. It is an unfortunate fact, but knowledge of many of the sacred site locations for some tribal groups has been lost as elders who held this important information have passed on without imparting that information to younger tribal members or leaving a written history.

On a legal basis, it is questionable whether Salt River Project would have been required to do anything further since the exact pilgrimage routes could not be identified by the tribes. We felt, however, that it was important, from a historical perspective and realizing the spiritual significance of the trails to some of the tribes, to try to identify their locations. Owing to the timing of the Fence Lake Project, little direction was available from the federal agencies about how to proceed or about the appropriate level of study to be completed. Clear-cut written directions from the federal agencies on how to proceed apparently do not exist. In the absence of regulations, many of the agencies have not even decided whether they are going to implement the guidelines requiring identification of traditional cultural properties, and even if they have decided that they should, none have decided how they will implement them. On the positive side, it should be noted that several agencies and State Historic Preservation Offices are diligently working on creating guidelines and requirements. For the current project, the Bureau of Land Management and State Historic Preservation Office archeologists have worked closely with us to try and determine a feasible methodology.

The level of tribal interest and interaction on the Fence Lake Project has varied through time. The SRP and BLM have been working with some of the tribes since the mid-1980s on the current project. In at least two cases, the tribes have changed their minds from earlier evaluations and increased their level of interest and involvement. In 1991, it became obvious from meetings that SRP, the New Mexico Bureau of Land Management, and the Arizona and New Mexico State Historic Preservation Offices held with the tribes that for the traditional cultural properties study to

proceed, additional meetings would be necessary, together with interviews with elders and some time spent in the field with the appropriate elders to identify the trails. The Institute of the North American West was contracted to complete the interviews, field work, and ethnohistoric report (as well as make my life infinitely simpler—if there is such a thing on this type of project).

The decisions on the best approach for the project were developed in consultation with the Institute ethnohistorians, who with their long history of working with tribal groups had some excellent suggestions as to how to proceed. We subsequently held individual meetings with each of the tribal groups, with the specific ethnohistorian who would be working with that group, and discussed how the tribe would like to proceed. In all cases, each tribe identified a research team as the main contact group for the ethnohistorian. In some cases the research team included tribal council members, while other tribes chose not to involve council members. In all cases, tribal elders were prominent members of the committee. In addition, a tribal interpreter and coordinator was appointed to work closely with the ethnohistorian and to help with the interviews.

In an initial effort to identify potential sacred areas or traditional use areas, the ethnohistorian, tribal coordinator, and research team walked a portion of the coal haul transportation corridor to locate properties. Walking the project area did not work well for identifying trails, since it was not clear exactly where the trails were located, and the tribes had not identified any other specific traditional properties to be located.

During the following summer and winter and prior to returning to the field, a second phase of the identification process was implemented. Phase 2 consisted of detailed interviews between the ethnohistorian and tribal interpreter and any appropriate tribal members as identified by the tribe's research team.

While the interviews were taking place, two other independent lines of research were occurring. A detailed aerial analysis of existing imagery of the project area was undertaken by Dr. G. Lennis Berlin of Northern Arizona University. Berlin's task was to identify any potential trails in the vicinity of the project area. This was not a simple task, since the area has drawn people for years, both prehistorically and historically, because of its proximity to the Zuni Salt Lake. In addition, it has been heavily grazed. Not only were we looking for wagon roads, but also for burro pack trails and foot trails. In essence, we were trying to identify trails that had been impacted by soil accumulation, erosion, sheep, and cows—cows who love to follow trails and make their own. To aid Berlin's study, several helicopter and field reconnaissance trips were scheduled to view the potential trail segments, both from the air and on the ground.

Simultaneously the ethnohistorians were continuing their archival studies, searching for information and maps that might describe the old trails. As it turned out, they were able to recover a series of 19th-century maps that were quite valuable in locating some of the trails. As the studies proceeded and available information reached a point where the investigators thought that a certain trail could be identified and its use associated with a particular tribe, the ethnohistorians and Berlin met with the tribal research teams in the field. Together they tried to locate specific segments of the trails on the ground and to deter-

mine whether the information recovered in the interviews matched what was found on the ground. By using several sources of information—archival research, aerial analysis, oral tradition, and field reconnaissance—we were able, in many cases, to identify the locations of trails even when this information had been largely lost through time.

The ethnohistoric report is currently in draft, being reviewed by the numerous federal and state agencies involved in this project. Although the report is not yet finalized, I feel it safe to say that in most cases, for everyone concerned, the venture has been very positive and important historical information has been recovered. It is hoped that future projects will use a similar approach for incorporating different cultural groups who have concerns about a project, into the planning and historical data recovery stage. The final report will provide an important contribution to the documentary history of those tribes involved and to the larger history of the diverse groups that make up the Southwest region of the United States.

Having said that, I have suggestions and comments to make for future projects for everyone concerned. For these types of projects, the ethnohistorian will be expected to provide an unbiased expert opinion based on his or her knowledge of all facets of the studies. With any group or individual being studied, there are likely to be political or emotional considerations that affect how individuals wish to be viewed historically. The ethnohistorian needs to look beyond the political and emotional issues and report, to the best of his or her ability, the known factual materials. That job becomes even more difficult when there is little documentary information available and decisions must be based on current oral traditions. In many cases, different lines of evidence can be pulled together to reconstruct history. But in some cases, the final source is the traditional beliefs.

I also would like to suggest that if tribal groups want to be involved in projects outside reservation lands, they need to start working on their own archives, identifying and documenting sites of concern to them. The reality is that many development projects do not have a great deal of time or money to identify traditional cultural properties prior to the start of construction. If the tribe is unable to respond in a reasonable time, it is unlikely that their concerns will be addressed. In addition, the tribes should implement the same programs and mitigation requirements on their own lands that they are requesting on projects outside of the reservation, otherwise it will be difficult to convince others that their concerns are legitimate.

Federal agencies need to start making some hard decisions about the content requirements as well as the level of effort they will require for ethnohistoric studies. In addition, they need to start applying a balanced and consistent approach to when such studies need to be done and to how tribes should be included in the Section 106 compliance process. By regional areas, strict decisions on what constitutes a traditional cultural property need to be made. The current definitions are extremely broad and ill-defined.

Questions about who should be responsible for paying for tribes to interview elders and try to locate sacred sites need to be addressed. In many cases, I would argue that it is inappropriate for the project proponent to have to pay

(Hadley—continued from page 47)

for a tribe to research their own history. I do not believe that was the intent of the preservation laws, but often the tribes can not afford to pay someone to complete the interviews and research. If federal agencies are to take into account the effects of projects on public lands on traditional cultural properties, shouldn't the federal agencies be working with tribes to identify such features, so that every new project is not kept on hold while the research takes place?

In addition, federal agencies must be held responsible for producing clear-cut guidelines and regulations governing this process. Companies need to know exactly what it is that they are suppose to do; both companies and tribes need to know when it is appropriate for tribes to be involved and at what level of intensity the involvement should occur.

Now I come to archeologists. Our attitudes about whether it is appropriate to involve modern tribes in reconstructing the prehistoric past need to be updated and brought into the 1990s. Many of the tribal groups on the Fence Lake Project have gone out of their way to point out features to me and explain their significance so that I can better understand their concerns. Much of that information has been classified by the tribes as confidential. I can tell you that there are important features out there that we archeologists are not trained to recognize.

On our project, the tribes, working in conjunction with the ethnohistorians, have provided information about physical archeological features that can now be tested as part of a planned scientific data recovery program. Certain prehistoric features, for example, were tentatively identified by one tribal group as potential shrines. When asked how an archeologist could test the feature to determine if it was indeed a shrine, the research team detailed some of the type of materials that might be found, based on their knowledge of present-day shrines. The tribal members felt that it was important to determine, through archeology, what the prehistoric feature was and to help to provide information about that period long ago.

These historical data provide new insight for archeologists to work with and provide clues for interpreting the past, a past that while memorialized in oral traditions, may be foggy in details that may have changed through the years. By working to develop a mutual trust between Native Americans and archeologists we can develop data recovery programs that will open windows of information for reconstructing the past that have been closed to us by our own attitude of doing things without input from historical tribes.

I am not advocating that we throw hypothesis testing out the window and decide that everything a Native American tells us is historically accurate. All humans tend to have their own view of their history, one that is not necessarily historically accurate in all details. Memories fade through time, some oral traditions change depending on the storyteller, and some things are just forgotten. As the saying goes, put three archeologists together and you will get three theories on any subject. I also have found, put three Native Americans from the same tribe together and ask them a question, and you are likely to get three answers on certain topics.

Modern day tribes do have valuable insights into their own activities that we are not privy to, however, and these insights may shed light on interpreting the past. And, I would like to add, in many cases this can be done without the tribal groups having to reveal sacred information. As archeologists we have to realize that there is certain information that tribes will not share with us, nor do they share with other tribes. There is a public level of information that we can share, however, and use to study the past, but creating a situation in which this information may be shared requires an effort on everyone's part and a development of trust.

Many of the Native Americans I have worked with are interested in how archeologists may help them to recover lost information about their past and to determine affinity to the prehistoric inhabitants of certain village sites. On the Fence Lake Project, as a result of the positive dialogue that had occurred, two of the tribes requested that a physical anthropologist come talk to their elders and explain to them why burials are studied and what, if anything, could be learned from these studies that might benefit the tribe. We called on Dr. Charles Merbs, from Arizona State University, to help us, and he did a great job. While the elders did not necessarily agree with the scientific conclusions on some issues, they were quite interested in the level of the information that could be recovered through analysis. In turn they used the new information that they acquired to help determine the level of analysis they would approve for the burials prior to repatriation. In fact, those presentations were made early last year, and some of the elders are still discussing with interest what they learned about skeletal analyses.

It has been an honor to work with the tribal elders, and I look forward to our continuing involvement. Despite the overall seriousness of the project, we have had fun times together (although most of the jokes have been on me), and our consultation process has been an education for everyone involved. As a consequence of what I have learned, I firmly believe that the scientific techniques that are the foundation of archeological studies must be upheld, but by working closely with the tribes, together we can provide a means for learning about our past ...to the benefit of all.

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