

Iditarod was removed for reuse by people on snowmachines. The damage was not discovered until several months later when a BLM crew in a helicopter was working in the area.

Management Directions

Because the gold rush associated with the Iditarod trail is so recent (1896-1927), a rich reservoir of journals, photographs, and oral histories exists. During the mid 1980s, the Bureau of Land Management interviewed people who used and lived along the Trail during the height of trail activity. (Many of these people have since died.) Unfortunately, many had not signed a release form so that this data could be published—once this problem is dealt with by finding and getting permission from the families of these people, transcriptions will eventually be available to the public. These collections are still on tape, but the BLM Anchorage District Office plans to have these interviews transcribed this winter.

A more recent oral history project occurred in conjunction with a building survey of the town of Flat. This work was conducted under a cooperative agreement with the State of Alaska's Office of History and Archaeology. When the building sur-

vey is complete, both the building survey and the oral histories will be published as companion volumes by the BLM Anchorage District Office.

Most recently, BLM assisted the U.S. Fish & Wildlife Service in getting a University of Alaska at Fairbanks field school in historic archeology set up at the abandoned village of Dishkaket. This village, located on the Innoko National Wildlife Refuge, was originally an Athabaskan village. When gold was discovered nearby, it became a hub for several Iditarod Trail segments. Results of the excavation will be forthcoming in a doctoral dissertation by Mary Ann Sweeney.

Directions for the future of BLM cultural resource management along the Iditarod Trail include National Register nominations, interpretive sites along a section of historic trail near the town of Girdwood, and the cataloguing of a collection of historic Iditarod Trail photographs in Nome.

Donna Redding is the staff archeologist at the BLM Anchorage District in Alaska. Previously she worked in the American Southwest, northern and southern California, and arctic and subarctic Alaska.

John Conoboy

Historic Trail Preservation by Handshake Can Certification Agreements Protect Trail Resources?

On January 24, 1991, Oklahoma rancher Dan Sharp signed a certification agreement with the National Park Service making part of his ranch, Autograph Rock, the first certified trail on the Santa Fe National Historic Trail. While such certification involved a written agreement, it has no more weight than a verbal agreement and a handshake. Neither party is legally bound to the terms of the agreement. Either may back out of the agreement at any time and for any reason. The agreement spells out how both parties may work together in partnership and in good faith to keep the terms of the agreement in order to preserve the historic resources of the site and to make them available to the visiting public in a manner that protects the owner's property and rights.

What is Site and Segment Certification?

For historic preservation advocates who believe that to preserve a historic resource an agency or organization must own the land, or at

least a preservation easement, such an agreement might appear to offer little or no protection. However, we believe that these agreements are central to protecting historic trail sites and developing sound partnerships in a manner consistent with the National Trails System Act.

The concept of site and segment certification originates in section 3(a)(3) of the National Trails System Act, which recognizes that "Only those selected land and water-based components of a historic trail which are on federally-owned lands and which meet the national historic trail criteria established in this Act are included as federal protection components of a national historic trail." It then goes on to state that "The appropriate Secretary may *certify* (emphasis added) other lands as protected segments of an historic trail upon application from State or local governmental agencies or private interests involved if such segments meet the national historic trail criteria established in this Act and such criteria supple-

mentary thereto as the appropriate Secretary may prescribe....”

One of the first trail management plans, the *Oregon National Historic Trail Comprehensive Management and Use Plan*, was completed in 1981. It provided for non-federal landowners and managers to apply for certification to the National Park Service through each State Historic Preservation Officer (SHPO). Certain information was required in the application process, but how such “certification” would occur was not specified. This program was not implemented.

The 1990 *Santa Fe National Historic Trail Comprehensive Management and Use Plan* (CMP) proposed that site and segment certification would occur through a voluntary, good-faith, written agreement between the owner/manager and the National Park Service. A sample application form was included in the Plan, although it was found not to work well and is no longer used. The certification agreement implements that language of the National Trails System Act with supplementary criteria from the CMP, and the agreement spells out how they will be achieved.

Certification applies to all non-federal trail sites and segments; however, for this article I will address only agreements with private landowners.

Compliance

The process is simple. A landowner can “apply” for certification by writing to the federal trail administrator’s office (in our case, in Santa Fe, NM), phoning us, or just telling us that they want a site certified. Usually they have already read our “Certification Guide” and our CMP, which explains the process in some detail. If not, we send them copies. One of our staff visits the site to gather background information and discuss

certification in more detail. We prepare a draft certification agreement and send it to the owner. If necessary, we negotiate with them and rewrite the agreement until a final document is developed that both sides feel meets their needs. Agreements may be for any term, but we use five years as a maximum length so that we will have to review and revisit the agreement with the partner.

The first sections of the agreement contains a summary of background information on the location, history, resources, and other characteristics about the site. Following this are sections on legal and policy compliance, administration, and resource management. These sections are the core of the agreement, because they outline how the partnership will work.

Because national historic trail projects undertaken at certified sites are in support of a federal program, they are subject to environmental and historic preservation review under the National Environmental Protection Act, Section 106 of the Historic Preservation Act, and more. Accomplishing compliance is the responsibility of the National Park Service. However, we use the expertise of the owner, local historical societies, the State Historic Preservation Officer, and others to gather the information and complete the compliance documents. For example, state agencies may agree to provide an archeologist or other professional to evaluate a site, an NPS staff employee may be used, or even qualified professionals from the private sector or universities may assist. In some cases, if a project involves another agency, it may take the lead in handling compliance.

The review process is the same as it would be if the project was being done on federal lands. All actions must be agreeable to the owner. Compliance does not apply to actions taken by the owner that are not related to the agreement, but under certification we ask the owner to consult with us regarding any action that might impact the site’s resources. Owners are willing to work with us because the relationship is one of consultation, discussion, and a search for mutually agreeable solutions, not the imposition of regulations.

The administration and resource management sections contain the terms regarding who will do what and how it will be done. The goal is to work in good faith to use National Park Service standards for natural and cultural resource management, interpretation, and visitor use. Although we try to treat the site as if it was inside a national park, the terms must take into account the owner’s needs to conduct their day-to-day business and protect their property and privacy. Terms include such actions as development of resource management plans, evaluation of carrying capacities when appropriate, avoidance of ground disturbance to

Community volunteers build a trail at Autograph Rock near Boise City, Oklahoma. This project was part of a site management and resource protection plan developed by the NPS and the landowner at a certified Santa Fe National Historic Trail site. NPS photo.



protect subsurface resources without consultation with the NPS and the SHPO, and more.

The site or segment owner agrees to allow the public onto the land to visit the historic site. How and when are spelled out in the agreement. Some owners do not mind relatively unlimited visitor access; others want to restrict access to certain times and/or with certain conditions. One couple in New Mexico is quite comfortable with signs along the highway directing the public to their site. At Autograph Rock, the site is only open at certain times, and visitors must go to the local historical society museum to learn if the site is open. If it is, they are given directions to and information about the site. Some owners prefer to only open the property up to organized tours at specified times. Such tours, however, must be open to the public.

Benefits of Certification

A major issue of concern to landowners is their potential liability if they open their historic sites to the public. Fortunately, most states have excellent laws which protect landowners from such liability when they open their lands for public recreation. In most cases, this applies only when there is no use fee charged. In addition, under the National Trails System Act, a landowner may be enrolled as a Volunteer-in-the-Park, which provides coverage under the Federal Tort Claims Act and, if appropriate, for workman's compensation for approved certified site activities.

Certified sites are eligible for NPS technical and limited financial assistance. Certification gives access to broader professional assistance than most owners can obtain on their own. We may visit a site with an historical architect to evaluate a structure and make recommendations to the owner, or with an archeologist to make recommendations for research needs. Partners at certified sites have access to a wide network of NPS professionals, training programs, and support.

Certification can provide other benefits, too. It brings a strong and favorable public image through recognition of the owners' efforts to preserve resources and provide for appropriate public use. The display of the national historic trail logo at the site lets people know that the property is part of a nationally-significant trail, and that protection, interpretation, and public use all meet the high standards of quality that the American people expect in NPS areas. Members of the community—especially school children—can benefit from the civic pride that comes with recognition and increased knowledge about the history of their area. Local efforts to obtain grants for historic preservation and other civic projects related to the trail can gain additional justification.

How Well is Certification Working?

Preservation of historic trail resources requires a big "toolbox" for agencies and trail organizations. Other methods are being used along the Santa Fe Trail to protect sites. A trail enthusiast in Kansas City donated his property to the Kansas City Board of Parks Commissioners. A landowner in Colorado has donated a trail site to the Archeological Conservancy. The site will be protected, but certification has also been requested by the Conservancy so that it will become part of the national historic trail. In New Mexico, a landowner has donated an easement on a trail segment to a land trust, which is also in discussions with several other landowners about easements. Certification has not been requested for the donated easement.

Certification agreements are working, and they are surviving the transfer of property from one owner to another. We have had one owner die. She willed her historic site to a neighbor she knew would protect it. The new owner promptly signed a new agreement. In some cases the community helps. When one certified Kansas historic site was sold, the new owners were promptly contacted by trail supporters in the community and they too agreed to continue certification.

Certification provides a positive way for a landowner to get help preserving trail resources without giving up any rights they have on their land. In time, some landowners may decide they would like to donate their site or an easement to a local historical society or land trust, or take other actions. Other owners will not. However, as long as the sites are certified, they will be protected through a partnership that has agreed to do the best we all can with the resources available. Almost all the landowners we meet along the trails are extremely proud that they own a piece of our nation's history, and they already want to protect it as best they can; but they also want to protect their property, their families, and their rights. Certification allows us to help them do better what they already want to do without compromising their other needs. Certification works because we have a mutual goal. We both know we will not always agree on the best course of action, but we are willing to discuss the issues, discuss our differences, and strive to do the best we can. And then we shake hands. On the Oklahoma panhandle, and along the rest of America's historic trails, a handshake is a mighty powerful tool.

With a background in resource management and ranger skills, John Conoboy serves as Chief of Interpretation and Resource Management in the NPS Long-Distance Trails Group Office in Santa Fe, NM.