

for archeological resources, where similar archeological resources can be found adjacent to the project area. In the environmental community, wetlands off site mitigation is a very common practice.

Other Factors in Creative Mitigation

There are a lot of creative ideas out there.

The biggest stumbling block to implementing creative approaches to Section 106 are a lack of time and money. A couple of key concepts for improved mitigation include:

Public Involvement

The development of mitigation should be done in concert with the public and the interested parties. Whether the product is an interpretive sign or a new zoning ordinance, it will have value only if the parties who must care for it or implement it are involved in its development. Taking time early in the consultation process to identify interested parties is important and it doesn't have to be just the local historical society!

Lessons Learned

Every consultation on adverse effects under Section 106 is a teaching moment. For federal and state agencies it should be an opportunity to reflect on how to plan and develop projects to avoid adverse effects in the future. For members of the public and for interested parties, the stakes may be higher. After all, they may not have another Section 106 case that effects their neighborhood or home. However, the adverse effect and the opportunity for consultation and negotiation can be a

starting point for better historic preservation in the future. If agencies truly involve the public, they may be empowered to come up with both good mitigation and a better approach to the preservation of community heritage.

Planning Mitigation Measures

State preservation offices and agencies can identify research issues and needed historic context and, as projects are proposed that would impact this type of resource, match up the need with the potential impact. Another planning approach is the production of public benefit products. For example, SHPOs and agencies may develop a history or archeology series that can be added to through mitigation products. Early involvement of educators in developing educational curriculums can help identify needs and match mitigation products to those needs.

This effort is intended as a framework to assist all parties in improving the Section 106 consultation. On behalf of myself and the National Conference of State Historic Preservation Officers, I would appreciate comments and additions to this work. Special thanks to Elizabeth Merrit of the National Trust for Historic Preservation and to Don Klima and Jane Crisler of the Advisory Council on Historic Preservation for their assistance.

Brenda Barrett is the Deputy State Historic Preservation Officer for Pennsylvania.

Tom McCulloch and Alan Stanfill

Comments on Compliance and Management

The articles presented in this issue of *CRM* are examples of projects and programs designed to benefit historic properties and their management through collaboration. These cases represent some of the more innovative and creative solutions to the conflicts that occur between development and historic property values that we see at the Council. They are not the only creative solutions we have seen in recent years, but they provide a useful range of situations, and solutions, that professionals in cultural resource management may want to know about.

There is a fairly diverse range of historic properties and issues tackled by the presenters here:

Mike Andrews worked to bring the history and engineering aspects of the Shoshone Irrigation

Project to the interested public. Various kinds of media exhibits were used to convey the range of historical significance the project exhibited.

Fred Chapman's dilemma was to try to uphold the values that made the Medicine Wheel sacred site significant in the first place in the face of an agency and local community who wanted to develop it for heritage tourism purposes.

Jan Balsam was faced with development of programs to accommodate the Bureau of Reclamation's perennial water releases from the Glen Canyon Dam into the Grand Canyon, where hundreds of archeological and traditional cultural properties vulnerable to and suffering from the effects of water release practices needed to be managed in the long term.

For Virginia Parks, the Cathlapotle Project focused on how to use a federally owned property to benefit research while increasing public awareness, including contributing information to the heritage education programs of the Chinook Tribe.

Karen Watkins' central issue was involving concerned tribes in decisionmaking regarding infrastructural improvements of waste water treatment facilities, in an increasingly urbanized setting, and planning for various contingencies that always seem to arise.

Denise McLemore and Rob Jackson found themselves working to improve the efficiency and effectiveness of archeological property management within the wider, regional context.

And finally, Brenda Barrett emphasizes the need to continue to seek innovative ways to treat threatened historic properties, but also provides a much needed reality check on many of the problems we face when trying to be "creative." She notes that translating ideas into successful preservation solutions can be a daunting task. While anyone can be creative on paper, it takes drive and commitment to make it operational.

Of necessity, each author approached their respective problems and issues differently, but all attained a high level of success in the final outcome. These differing approaches to problem solving reflect the particular situations each faced, and the historical values of the properties involved. Despite these differences, however, the solutions to the problems shared important commonalities that merit examination.

First, for the cases in this issue and the examples Brenda Barrett cites, compliance with the National Historic Preservation Act was the driving force, and the Council's regulations for implementing Section 106 of that Act provided the framework to help clarify the issues and resolve the problems. The solutions reached were formalized in agreements (memoranda of agreement and programmatic agreements) to provide documentary evidence that statutory requirements were met.

Second, development of these agreements was used as the procedural basis for promoting and maintaining communication among those who had an interest in the future of the historic resources. This demonstrated the flexibility of the Section 106 review process, and its applicability to all kinds of situations requiring the resolution of conflicts between the need to preserve our historic properties and provide for economic growth and other forms of development. The responsible parties relied on consultation with interested persons and other stakeholders to bring about meaningful

and mutually satisfactory solutions that reflect the public's interests. All of the projects and programs discussed here produced agency decisions that accommodated the interests of the various parties that had legitimate interests in the outcomes. Rather than seek ways to minimize the number of parties participating in consultation or the amount and effort of consultation, the responsible parties allowed for, and in most cases openly promoted, the participation of others in their decisionmaking efforts. The final outcomes for all were the direct result of the participation of the interested publics. The Section 106 review process enabled them to work together and communicate with each other to ensure that their diverse and sometimes conflicting needs were met. And there is a lesson in this that merits more discussion.

Some of these projects and programs took longer than others to develop and legitimize in Section 106 agreement documents because some were more complicated, and/or were more controversial than others. These parties understood that the consultation process is not about getting "clearance" for federal projects as quickly as possible, nor is it about creating *pro forma* paper trails to be filed away in a cabinet and forgotten. They were aware that attempts to restrict participation in this process will not really make completing the process any faster, and may actually cause delays if there are legal challenges down the road.

The Section 106 review process is about building consensus among people who hold differing views, in a manner that recognizes the needs of all. For most projects, the process is completed easily and quickly because the projects, or their impacts on historic properties, are neither complicated nor controversial. For those that are complicated or controversial, however, there is no magical formula that will guarantee an agency will complete the Section 106 review process in a prescribed timetable. The framework for reaching these decisions is the process itself, as set out in federal regulation. Following the spirit of the process, which is informed decisionmaking through consultation, the result tends to be intelligent and defensible decisions. Such decisions are never reached through haste or ignorance.

Historic preservation and the federal preservation program are about how to accommodate and preserve historic properties. Historic properties derive their importance not from any inherent qualities or inviolate universal laws, but from the values that living people attribute to them. These values are personal, cultural, subjective, and judgmental. Those of us who know that consensus building can be exasperating also know that it is

worth the effort. The projects and programs presented in this volume were successful not despite the participation of many interested parties, but because of their participation. Public participation results in projects and programs that are better, more creative, responsive, and, in the end, meaningful. All who see value in historic properties have the capacity to contribute to better, more thoughtful solutions when those properties are threatened.

If we learn only one thing from these papers, let it be the realization that the more the public and tribes participate in the Section 106 process, the better. The examples discussed in these papers demonstrate the valuable contributions that interested persons and tribes can make when provided real opportunities to participate in decisions that affect our national heritage. They also demonstrate that responsible agencies can reach informed decisions, and that federal agencies are capable of committing the time and effort needed to reach that point. The task is to get more agencies to break out of their conservative, administrative shells. This requires that we all become sales people. We have an important product to sell; but our customers won't appreciate the value of what we offer unless we adopt the confidence in and commitment to our product, as Denise McLemore and Rob Jackson did with their FARM program, and Mike Andrews did for the Shoshone Irrigation Project.

The cases discussed here show that it is possible to attain a better solution to conflicting values and priorities when people of good faith are encouraged to work together, rather than allowed only to mail in their cards and letters of opposition as may be the case in other forms of environ-

mental review. The National Park Service and the Bureau of Reclamation could have taken an easier approach to considering the historic properties in the Grand Canyon, but they didn't. Instead, as Jan Balsam showed, they brought the tribes to the table early on and with them created on-going monitoring and management strategies that meld Section 106 and 110* requirements effectively, and for which the tribes continue to carry out a critical role. Karen Watkins demonstrated this in her example of how the King County Wastewater Treatment Division established a tribal initiatives program of long term government-to-government commitments with the Muckleshoot and Suquamish tribes. Virginia Parks also has shown this with the Cathlapotle Archaeological Project and its partnership with the Chinook Tribe.

All of the papers presented here demonstrate that our national heritage—our places of historic, prehistoric, traditional, cultural, and religious importance—deserve our utmost efforts to preserve and manage them in ways that respect the values and qualities that make them significant. By respecting the values of historic properties, we show respect for those who hold them valuable. And when we make that effort, wonderful things can happen.

* Section 110 of the National Historic Preservation Act sets out the broad historic preservation responsibilities of federal agencies and is intended to ensure that historic preservation is fully integrated into the ongoing programs of all federal agencies.

Tom McCulloch and Alan Stanfill are archeologists with the Office of Planning and Review, Advisory Council on Historic Preservation. Tom is a historic preservation specialist with the Washington Office. Alan is a program analyst with the Lakewood, Colorado, office.



Printed on
recycled paper

CRM

U.S. Department of
the Interior
National Park Service
Cultural Resources (Suite 350NC)
1849 C Street, NW
Washington, DC 20240

OFFICIAL BUSINESS
PENALTY FOR PRIVATE USE \$300

FIRST CLASS MAIL
Postage & Fees Paid
U. S. Department of the Interior
G-83

VOLUME 22 • NO. 3
Cultural Resources
Washington, DC