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Special Issue

Traditional Cultural Properties

What You Do and How We Think

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Traditional cultural properties were the subject of a National Register Bulletin, Bulletin 38, that was issued by the National Park Service in 1990. In the three years since it was issued, both the Bulletin and its subject matter have been the focal points of considerable discussion and debate in the preservation community. This special issue of *CRM* presents several perspectives on the debate.

To begin with a definition—a "traditional cultural property" is a property, a place, that is eligible for inclusion on the National Register of Historic Places because of its association with cultural practices and beliefs that are (1) rooted in the history of a community, and (2) are important to maintaining the continuity of that community's traditional beliefs and practices. Examples of places important to maintaining the traditional beliefs of a community are the vision quest sites important to many Indian tribes of the northern plains and the Sandia sandbars, important to maintaining the ceremonial practices of the people of Sandia Pueblo. Examples of places important to the continuation of traditional subsistence practices include the special sedge fields from which Pomo basketmakers gather the materials they need to continue their basket making traditions, and the habitat ranges of birds, fish, turtles, and other animals whose continued presence and use are essential to continue on-going cultural traditions.

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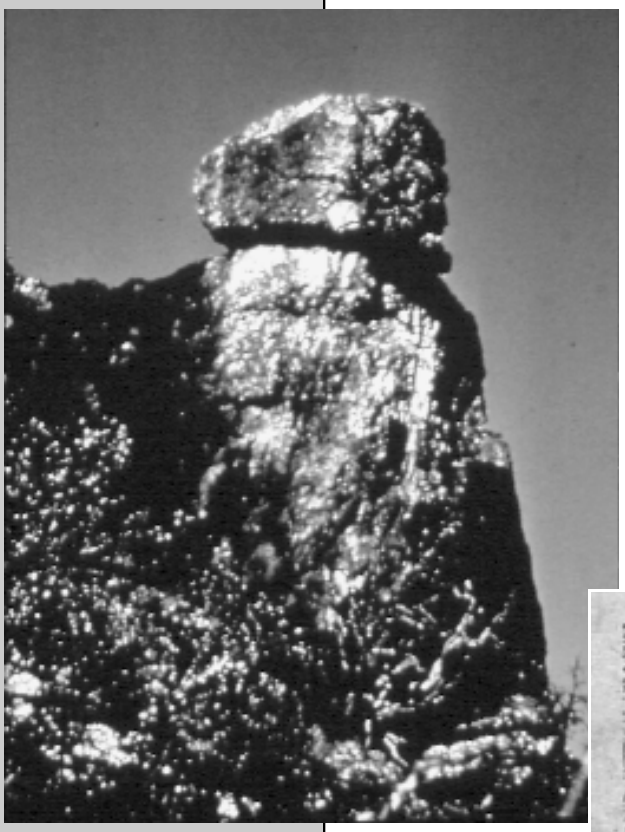

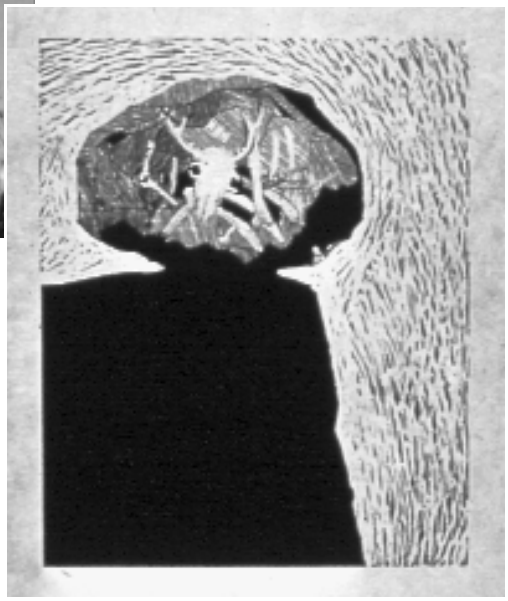

It is necessary to try to understand traditional places through the eyes of those who value them. This rock outcrop in California is called "bag of bones" by local Native American elders, one of whom drew this picture of it—literally a container full of bones, powerfully associated with the traditions of his people. Photos by Frank LaPena, Wintu Nomtipon.

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What You Do and How We Think

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The authority to protect properties important to maintaining community traditions is not new. One of the purposes of the National Historic Preservation Act of 1966, is to "preserve the historical and cultural foundations of the Nation as living parts of community life." The National Register itself consists of "districts, sites, buildings, structures, and objects significant in American history, architecture, archeology, engineering, and **culture** (emphasis added). Mount Tonaachaw in Micronesia was listed in the National Register in the early 1970s. It is the location where Chuukese society took form, whose top is the metaphorical head of a giant octopus with tentacles that link hundreds of islands into the empire of the warrior-god Sowukachaw. The mountain as a whole, as well as specific locations upon it, are physical manifestations of events recorded in traditional narratives still used in ceremonial occasions in Chuuk today.

New or not, I believe that the concept is here to stay. It is consistent with a broader social and political climate supporting enactment of the Native American Graves Protection and Repatriation Act, and widespread interest in amending the American Indian Religious Freedom Act in ways that better protect the religious rights of American Indians, Alaska Natives and Native Hawaiians. It is consistent with the interest in schools, local governments, and the general public in celebrating, and hopefully protecting, the nation's cultural diversity.

The 1992 amendments to the National Historic Preservation Act strengthen the concept in several ways. The new Section 101(d) states specifically that properties of "traditional religious and cultural importance to Indian tribes or Native Hawaiian organizations may be determined eligible for inclusion on the National Register." New provisions also exist for establishing tribal preservation offices which may, under certain circumstances, assume some or all of the responsibilities of State Historic Preservation Offices. Section 110, which outlines the preservation responsibilities of federal agencies, has been strengthened. Agencies are now directed to manage and maintain historic properties in ways that "consider the preservation of their historic, archeological, architectural, and **cultural** values in compliance with Section 106…(emphasis added).

Section 304 broadens the authority of the Secretary of the Interior and the heads of federal agencies to withhold from public disclosure information about the location, character, or ownership of a historic property if such disclosure may (1) cause a significant invasion of privacy, (2) risk harm to the historic resource, or (3) impede the use of a traditional religious site by practitioners.

The term, "traditional cultural property," or TCP as used in some circles, is frankly bureaucratic and boring. It is even offensive to some American Indian groups—like the Navajo, who prefer to call these kinds of places "sacred sites." However, we selected these words because they can be defined administratively in relatively neutral terms and because they embrace the full range of properties that have cultural value, not only those that are "sacred."

"Traditional" is used in National Register Bulletin 38 to refer to the "beliefs, customs, and practices of a living community that are passed down through generations, generally through oral literature or oral history, or through the practice of traditional skills. "Culture" in the Bulletin refers to the beliefs, practices, lifeways, and social institutions of any community—not just Native American communities. "Properties" in the Bulletin refer to places or "historic properties" as defined in the National Historic Preservation Act. The Act established the National Register of Historic Places and the requirements under Section 106 of that Act that federal agencies take into account the effects of their actions on historic properties listed on or eligible for inclusion on the National Register. This term is also offensive to some American Indians who dislike the implication that places of cultural, historical, ancestral, and spiritual value are "property," presumably to be bought and sold. Nevertheless, it is "historic properties" that the National Historic Preservation Act is designed to protect, and we use the term "property" to emphasize that federal agencies, State Historic Preservation Offices, and others who conduct activities pursuant to environmental and historic preservation legislation are responsible for identifying, documenting, and evaluating them and considering them in planning.

The process of fulfilling these responsibilities brings together a variety of perspectives, or worldviews.

One perspective is that of the National Register staff and the National Register eligibility process as it has developed over the past 25 years. Given that process, one of the strategies we used when writing National Register Bulletin 38 was to make traditional cultural properties fit within the existing structure as much as possible without rendering the concept meaningless.

*(**Parker**—continued on page 4)*

Most of the articles in this special edition of the *CRM* were originally prepared for two symposia dealing with traditional cultural properties held at the 58th Annual Meeting of the Society for American Archaeology in St. Louis, MO on April 15, 1993. All of the papers from the symposium called "Take Me to Your Leader: Archeologists and Consultation with Native American and Other Traditional Communities" are included in this publication, and are introduced by Lynne Sebastian and commented upon in the concluding article by Thomas F. King, co-author of National Register Bulletin 38, *Guidelines for Evaluating and Documenting Traditional Cultural Properties.* The papers by Patricia Parker and by Sally Thompson Greiser and T. Weber Greiser were prepared for a symposium entitled "Vanishing Spaces: Native American Sacred Places" organized by Sally Thompson Greiser. The paper by Alan Downer and Alexa Roberts was presented at another symposium at the same meeting, while those by Carol Shull and Antoinette Lee were prepared especially for this issue.

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Consistent with this, traditional cultural properties are defined and evaluated for the most part by standard operating procedures.

1. Traditional cultural properties are always places—they are not "intangible."
2. A traditional cultural property is eligible for the National Register only if it meets one or more of the National Register criteria. From the writers' perspective, this poses no real problems, and in the Bulletin we show how traditional cultural properties can be evaluated under each of the criteria. However, at recent meetings where TCPs were discussed, tribal and federal agency representatives argued for a separate, presumably additional, criterion for TCPs, which may be desirable given further study.
3. Like other kinds of historic properties, to be eligible for the National Register, a traditional cultural property must have integrity—integrity of relationship and integrity of condition.
4. A traditional cultural property is subject to the same general time threshold as other historic properties—it must have been important to maintaining traditions for at least 50 years.
5. To be determined eligible, traditional cultural properties must not be ineligible because of one or more National Register criteria considerations.
6. Traditional cultural properties must be described, and their significance documented.
7. Traditional cultural properties must have some kind of boundaries.

Meeting these standards makes the National Register staff comfortable. They are doing business as usual.

However, "business as usual" for the National Register is not "business as usual" for American Indians, because the Register's business is based on one culturally specific way of thinking about places and their connection with the past, present, and future and this way of thinking is decidedly not an Native American way of thinking.

I would like to establish the context from which I make my observations concerning "Native American perspectives." In 1990, Congress provided the National Park Service with the opportunity to assess and report on the preservation needs of Indian tribes on tribal lands. The assessment was to be based on direct discussions with Indian tribes and Alaska Native groups. The resulting report, *Keepers of the Treasures—Protecting Historic Properties and Cultural Traditions on Indian Lands,* was sent to Congress in September 1990. In that same year, Congress for the first time appropriated funds for direct grants to Indian tribes to "protect their unique cultural heritage" as authorized by the 1980 amendments to the National Historic Preservation Act. Appropriations have continued annually. Because "cultural heritage" is a culturally relative term, the National Park Service has defined the grant program in response to the cultural needs expressed in the grant applications we receive. My comments are based upon the two to three hundred grant applications we review each year, on the findings of the Keepers report, and on discussions currently being held with tribal representatives concerning implementing the tribal provisions of the 1992 amendments to the National Historic Preservation Act.

It comes as no surprise that "preservation" from a tribal perspective, concerns a much wider set of issues than those traditionally associated with the programs of State Historic Preservation Offices, Certified Local Governments, and federal agencies authorized by the National Historic Preservation Act. Cultural priorities for Indian tribes often include, (1) the return and reburial of tribal ancestors, (2) the institution of strong measures to rescue, maintain, and support the retention of American Indian languages, oral history, and oral literature, and (3) reinforcing, nurturing, and strengthening the spiritual traditions of life. These priorities often take precedence over identifying and evaluating traditional cultural properties unless such places are in imminent danger of damage or destruction.

In such circumstances, however, when Indian tribes are brought into the National Register process to deal with traditional cultural properties, it can be difficult to make the system work because of fundamentally different cultural beliefs and values.

The National Register process is based on linear chronology and basic assumptions about cause and effect through time that are simply not applicable when dealing with many traditional cultural properties. True, in order to be eligible for the National Register, the significance of traditional cultural properties must be rooted in time. But traditional cultural properties are also significant now, in the present. It is the continuity of their significance in contemporary traditions that is important, and that makes them significant in the past and present simultaneously.

There is the issue of boundaries. Many, if not most, traditional cultural properties, were and are simply not meant to have lines drawn around them marking where they begin and where they end. Trying to do so can lead to some fairly bizarre and artificial constructs. For example, with vision quest sites, what is eligible for the National Register? The place where an individual sat or stood? That area and the path the individual took to get to the quest site? Those areas and everywhere the individual gazed while seeking a vision?

Many Native Americans know of general areas where ancestors or spirits stay and think of these areas as general locations, not specific "places" that can be bounded on maps. In the context of the National Register process, boundary issues usually can be resolved through consultation concerning the nature of the property and how it might be affected by proposed actions. However, such decisions may necessarily be arbitrary given the nature of some traditional cultural properties. The arbitrary nature of these decisions is not necessarily a problem, because in most cases the eligibility of traditional cultural properties is assessed in the context of Section 106 review, where boundaries of the area of potential effect are far more important than the boundaries of specific properties. The boundaries of a mountain top on which religious practitioners seek visions could be drawn around the toes of a person sitting on it, but the area of potential effect could include everything within that person's viewshed.

Many traditional cultural properties are considered sacred by American Indians. To many American Indians, the entire earth is sacred—or an entire mountain range is sacred, or the entire landscape, including spaces invisible to most, but visible to the knowledgeable. A tribal elder once told me, "you are talking about preserving the environment and the plants and animals that we see. I am worried about preserving the environment that we do not see—the places where the spirits live." The photos on the cover of this issue illustrate how dramatically different these perspectives can be. To Euro-American observers, "Bag of Bones" is an interesting rock outcrop. To a religious practitioner it is literally a bag of bones, powerfully reflecting the tribe's cultural beliefs.

One fundamental difference between traditional cultural properties and other kinds of historic properties is that their significance cannot be determined solely by historians, ethnographers, ethnohistorians, ethnobotanists, and other professionals. The significance of traditional cultural properties must be determined by the community that values them. A traditional cultural property is a functional property type. It is not based on aesthetics, stylistic types, or the potential to provide information about the past. A traditional community, usually represented by its traditional leaders, decides which places are important to maintaining their traditions and whether those places retain integrity of relationship and condition. Thus the methodological emphasis in National Register Bulletin 38 is on consulting—talking to the people who may value traditional cultural properties. There is no substitute for this no matter how much has been written about a place.

Native Americans and archeologists are likely to have different standards of evidence. An archeologist, or National Register historian, will look for scientific or historical evidence to document the significance of a place. However, in traditional communities the elders or traditional leaders are the culture bearers whose words are historical truth. A group member does not ask a traditional leader to "prove it." Some tribal members have told me that by asking the elders to make treasured knowledge public by documenting, or writing down, why a place is important, is too painful to do, even to protect the place. One man said, "by documenting these places, we are doing to ourselves what we don't want others to do to us."

After a day's discussion on these issues with a group of tribal members, one of them observed "there is just too much of a gap between what you do and how we think."

Having said all this, can National Register Bulletin 38 serve as a bridge between the worldviews of an established administrative process and the worldviews of hundreds of different American Indian tribes? Some tribal people say "no", and several have suggested that traditional cultural properties be kept on a different register than the National Register and held to different standards of evidence. That may be what needs to be done.

On the other hand, I am hopeful that guidelines like Bulletin 38 can be helpful in identifying and evaluating traditional cultural properties. The past 3 to 4 years since the bulletin came out correspond to the 3 to 4 years that the National Park Service has been offering grants for cultural projects to Indian tribes and Alaska Native groups. Before 1990, to my knowledge, only the Makah Nation and the Navajo Nation had conducted surveys of traditional cultural properties on their reservations, supported in part by grants from State Historic Preservation Offices. Both tribes found the results very helpful. The Makah surveyed places associated with sea harvesting traditions and identified, with the help of tribal elders, fishing grounds, sea mammal hunting grounds, whale sighting points, canoe landing places and so forth, on their reservation and on their ancestral territory off the reservation. This year they applied for, and were awarded, funding to expand their traditional cultural property survey efforts to forest or land-based resources important to maintaining their traditions related to forest resources.

Over the past four years, tribal interest in identifying, documenting, and evaluating traditional cultural properties has increased five-fold as measured by the grant proposals the National Park Service receives. There is nothing in the application and guidelines to account for this. We are as likely to fund a language retention project as a TCP survey. In 1990 we received one or two proposals for standard archeological surveys. The second year, 1991, we received 2-3 archeological proposals. The third year we received 2-3 archeological proposals and one proposal to do a traditional cultural properties survey. This year we received 22 proposals from all over the country—California, Montana, Arizona, North Carolina, Nevada, and Washington—to do traditional cultural properties on reservations or on ancestral lands off reservations.

One way to account for this that may be overly optimistic is that Indian tribes find value in the process of identifying and evaluating places important to them because of the role that they play in maintaining their cultural traditions. Those who sent us proposals to do so want to use the information to influence land use planning decisions by tribal governments, federal agencies, or others who may control their ancestral lands. If they are successful in doing this, then the process as it applies to traditional cultural properties is a valuable, if not a perfect, one.

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National Register Bulletin 38 was published in 1990, at a time when the National Register did not date their Bulletins. That policy has changed, and the correct citation should now include the date rather than "n.d." used by some of the contributors.