



THE PROTECTION OF INDIAN SACRED SITES: GENERAL INFORMATION July 2015

I. INTRODUCTION AND PURPOSE

Tribal leaders have asked federal agencies to help them inform private citizens and state, county, and local governments about the importance of sacred sites to Indian tribes so that they might be better protected and preserved. This paper is offered by the Departments of Defense, the Interior, Agriculture, and Energy and the Advisory Council on Historic Preservation as one means to help non-tribal people and entities have a better understanding of and appreciation for Indian sacred sites.

Public and private lands in the United States are carved out of the ancestral lands of American Indians and Alaska Natives. Since colonization, their lands have been reduced to a fraction of what they once were, placing the fate of their sacred sites in the hands of non-Indian peoples. The fact that most Indian sacred sites are no longer under the control of Indian tribes makes them vulnerable to damage and destruction. Past federal policies prohibiting traditional lifeways and ceremonies meant that Indian peoples had to carry out their ceremonies in secret. And, the removal of many Indian tribes from their homelands separated them from the places they held, and still hold, sacred. All of these factors, in addition to present-day development, threaten the existence of Indian sacred sites and, in turn, Indian tribes and their cultures. However, despite all the threats, American Indians' and Alaska Natives' historical and spiritual connection to these culturally important and relevant places has not been extinguished.

Among the many responsibilities the federal government has to Indian tribes is the protection of their sacred sites. Federal lands include many such places but there are also a great many sacred places on state, local, and private lands. This paper is intended to inform non-federal land managers and owners that there are sites that Indian tribes hold to be sacred and that are of central importance to the maintenance of their cultures. Protection of sacred sites is of such significance to indigenous peoples that it is included in the United Nations Declaration on the Rights of Indigenous Peoples.

II. FEDERAL INTERAGENCY EFFORTS REGARDING INDIAN SACRED SITES

Since the management of tribal sacred sites is integral to the management of federal lands, in 2012, the Departments of Defense, the Interior, Agriculture, and Energy and the Advisory Council on Historic Preservation (signatories) entered into a memorandum of understanding (MOU) to improve the protection of and tribal access to Indian sacred sites through enhanced

and improved interdepartmental coordination and collaboration. For many years, tribal leaders have asked federal agencies to assist them in informing the public about the importance of preserving and protecting sacred sites. Therefore, the MOU commits the signatories to inform the public about the importance of maintaining the integrity of sacred sites and the need for public stewardship in the protection and preservation of such sites.

III. SACRED SITES: WHAT ARE THEY AND WHY ARE THEY IMPORTANT

For federal agencies, a sacred site is defined in Executive Order 13007: Indian Sacred Sites “as any specific, discrete, narrowly delineated location on Federal land that is identified by an Indian Tribe, or Indian individual determined to be an appropriately authoritative representative of an Indian religion, as sacred by virtue of its established religious significance to, or ceremonial use by, an Indian religion; provided that the Tribe or appropriately authoritative representative of an Indian religion has informed the agency of the existence of such a site.”

While the federal legal definition of a sacred site is tied to a specific location, Indian tribes have often suggested that the definition be revised to reflect that sacred sites are often not specific locations with constrained boundaries. Instead, they should be viewed as “cultural landscapes” that are more than just their physical location—they also include plants, animals, sound, light, view shed, and other sometimes intangible features. In general, Native peoples have a special relationship with the land and sacred sites may be revered through or described, through a tribe’s language, in songs, stories, ceremonies, and place names.

It is important to understand that without these sacred sites, tribal communities would lose their cultural identity. These places are essential for tribal communities to pass on traditions, language, and beliefs to the next generation. Americans are more familiar with the dominant world religions, where if a church or other place of worship is destroyed; believers can continue to practice their faith elsewhere. However, that is not a luxury for many Native peoples; often, tribal religious beliefs and practices are directly tied to specific geographical places. If those specific places are destroyed or altered, those unique tribal religious beliefs and practices will no longer exist and the impacted tribes will lose their ability to freely exercise their religion. Because of the unique status of Indian tribes in the history of the United States, protecting their spiritually and culturally-important sites also has historical value for the nation as a whole.

IV. PROTECTION OF INDIAN SACRED SITES

What can you, as a state or local official, developer, or private citizen do to contribute to the protection of these important sites? To help protect the physical integrity of sacred sites for ceremonial use, be kind to the land by adhering to the following recommendations:

- Understand and respect the fact that Native peoples may not wish to share information about their sacred sites and that, in some cases, such information is actually protected by law. Such information may be culturally inappropriate to be shared with someone outside the community or there may be deep mistrust that the information will be misused.
- However, it is often possible to gain some understanding by researching local customs and being aware of sacred events that are known to the public, such as feast days,

voluntary bans on climbing, observance times when sites should not be visited, being respectful of prayer bundles, and driving slowly during sacred runs/horse rides

- Contact any Indian tribes that may live in the vicinity of tribal historic preservation officers in the state, especially if you are planning an activity that may alter parts of landscapes or are planning to sell land that could be culturally important to a tribe or tribes. Ask whether an Indian tribe has an historical or current interest and ask what you can do to avoid harming any sacred sites.
- Walk lightly while visiting public lands, and keep in mind that the beautiful places we all enjoy may be sacred to Indian tribes. Do no harm by not cutting down plants or digging into the land unless the proper permission has been granted. On federal and state land, such activities may require a permit so know the rules.
- For further background and context, you should read:
 - the *Report to the Secretary of Agriculture - USDA Policy and Procedures Review and Recommendations: Indian Sacred Sites* (<http://www.fs.fed.us/spf/tribalrelations/documents/sacredsites/SacredSitesFinalReportDec2012.pdf>) and
 - the *Interagency Sacred Sites MOU* (<http://www.fs.fed.us/spf/tribalrelations/sacredsitesmou.shtml>)