



*Preserving America's Heritage*

## **Forum on Traditional Cultural Landscapes August 10, 2011 Seattle, Washington**

The Advisory Council on Historic Preservation (ACHP) and the National Park Service (NPS) held a forum to discuss Native American traditional cultural landscapes on August 10, 2011, at the Daybreak Star Cultural Center in Seattle, Washington. In response to the growing threats to cultural landscapes of religious and cultural significance to Indian tribes and Native Hawaiian organizations, the forum was intended to introduce the members of the ACHP to the challenges in the identification, evaluation, and preservation of these large historic properties.

If you would like to offer general comments on Native American traditional cultural landscapes, please send them to [landscapes@achp.gov](mailto:landscapes@achp.gov).

### **Summary of Key Issues**

#### **1. Impacts to Traditional Cultural Landscapes**

The areas, including traditional cultural landscapes, where Indian tribes practice their traditions is shrinking. The threats to these places are not only from development but are also a result of not involving the tribes in the identification and evaluation of historic properties.

#### **2. Tribal Consultation**

Early consultation is essential to the preservation of traditional cultural landscapes. However, consultation rarely occurs early in project planning when there is the widest range of alternatives.

The consultation process and federal agency tribal consultation protocols needs to be examined at the highest levels within the Administration. Agencies have to have policies that require consultation and the policies have to be implemented throughout the agencies.

There need to be efficiencies overall in consultation between the federal government and Indian tribes. Tribal leaders receive many requests to consult. Federal agencies need to look for ways to collaborate with each other when there are similar issues that require tribal consultation.

The federal government needs to acknowledge its past actions regarding Indian tribes in order to build lasting and effective relationships with Indian tribes.

ADVISORY COUNCIL ON HISTORIC PRESERVATION

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### 3. The Section 106 Process

Often, the process (and consultation) begins after fundamental decisions are made about project location and siting. There often do not appear to be mechanisms in place to facilitate better planning on how large areas or landscapes could be identified and protected. Instead, impacts are addressed on a case-by-case basis, thus, planning is piecemeal and cumulative effects are not recognized and addressed.

The identification and evaluation of such historic properties is challenging on several levels:

Federal agencies tend to use archeologists to carry out the identification and evaluation rather than working with tribal experts.

While the ACHP's regulations require federal agencies to acknowledge the special expertise of Indian tribes and Native Hawaiian Organizations in evaluating historic properties of religious and cultural significance to them, it does not routinely happen. This may be for several reasons including lack of respect for traditional knowledge and lack of understanding about tribal history and culture by federal officials.

Few practitioners have adequate expertise to apply the National Register criteria to large historic properties including landscapes. In addition, there is uncertainty about adequate levels of documentation and what can be kept confidential. From the State Historic Preservation Officer (SHPO) perspective, the need for confidentiality can challenge a public agency's need for transparency in decision making and the ability to maintain administrative records of those decisions.

The National Register criteria do not adequately fit tribal and Native Hawaiian cultures. The criteria are not reflective of living communities.

There is no consensus or shared definition for traditional cultural landscapes of significance to Indian tribes and Native Hawaiian organizations. Perhaps the National Register should create another type of historic property.

The role of the SHPO in addressing impacts to these places can be challenging and each state has different standards and practices for addressing documentation needs and understanding of properties of significance to Indian tribes.

Federal agencies interpret not only the process and its requirements differently but also have different understandings about these kinds of historic properties.

There are very different views on the treatment of effects to traditional cultural landscapes. Non-native people tend to think in a linear fashion while native peoples tend to think cyclically. This difference in world view affects not only whether or not the significance of sacred places is understood but also how such places should be treated. These places are part of living communities and are their actual history.

## **Summary of Suggested Actions**

### **1. Addressing Impacts**

The federal government should invest in the identification and evaluation of historic properties, including traditional cultural landscapes as envisioned by Section 110 of the NHPA rather than approaching identification and evaluation on a case-by-case basis. This information should then be used to establish areas where development can and cannot take place. This not only creates efficiencies in project planning but allows for the protection of important historic properties.

### **2. Tribal Consultation**

The ACHP should elevate the voice of Indian tribes within the federal government and should recommend to the President that the overall consultation process be reexamined. The Administration should establish a standing advisory committee.

Federal agencies should invest in technology to make information more accessible to everyone.

State –tribal relations also need to be considered by federal agencies and should be assisted when necessary.

### **3. The Section 106 Process**

The process needs to be strengthened and given more authority.

Documentation standards, as applied in the Section 106 process, need to be more flexible. The documentation standards for listing traditional cultural properties and landscapes are onerous and needs to be revisited. Use an ethnographic approach to the collection of information from tribes and acknowledge that federal agencies do not need to know everything about a historic property to make decisions in the Section 106 process.

Develop best practices for the gathering, sharing, and safeguarding of information.

There needs to be National Register guidance about traditional cultural landscapes of significance to Indian tribes and Native Hawaiian organizations and Bulletin 38 should be updated.

Perhaps SHPOs should be not be included in the consultation to determine what is eligible for listing in the National Register when the information about historic properties of religious and cultural significance to Indian tribes cannot be shared with the SHPO because of confidentiality concerns.

*October 4, 2011*