



*Preserving America's Heritage*

## **NATIVE AMERICAN TRADITIONAL CULTURAL LANDSCAPES ACTION PLAN**

The Advisory Council on Historic Preservation (ACHP) has seen an increasing number of Section 106 reviews involving large scale historic properties of religious and cultural significance to Indian tribes or Native Hawaiian organizations (NHOs). Improvements in federal agency consultation with Indian tribes and NHOs and greater recognition of their expertise in identifying historic properties of significance to them have likely contributed to this increase. It is equally likely that there have also been increasing development pressures in places not previously developed.

These large scale properties are often comprised of multiple, linked features that form a cohesive “landscape.” The recognition, understanding, and treatment of such places can be a struggle for the non-tribal or non-Native Hawaiian participants in the Section 106 process, partly due to the lack of experience in addressing such places and partly due to the lack of guidance regarding these traditional cultural landscapes.

In response to growing concerns about the impacts to these properties of religious and cultural significance to Indian tribes and Native Hawaiian organizations, in 2009, the ACHP began an informal dialogue with tribal representatives primarily via teleconferences and e-mail exchanges. During the Tribal Summit on Renewable Energy in January 2011 (go to [www.achp.gov/renewable\\_energy.html](http://www.achp.gov/renewable_energy.html) for more information), participants recognized the importance of identifying and considering historic properties at the landscape level and avoiding inappropriately breaking these larger properties into smaller units that are managed separately and out of context. As a result of these discussions as well as the ACHP’s experience in individual Section 106 reviews, it is evident that the issues are complex and warrant the attention of the larger preservation community. To that end, the ACHP held a forum in August 2011, to introduce the ACHP members to the challenges of recognizing and protecting Native American traditional cultural landscapes and to elevate the issues to policy levels within the federal preservation program (go to [www.achp.gov](http://www.achp.gov) for more information).

This proposed plan is based on the suggestions the ACHP has received and the discussions with its preservation partners since 2009. It sets forth actions designed to affirmatively address the challenges the ACHP believes are most critical for both protecting these important historic properties as well as addressing identified hurdles in the Section 106 and National Environmental Policy Act (NEPA) processes when proposed projects may impact Native American traditional cultural landscapes. The appropriate and early involvement of those parties for whom these places are so important, Indian tribes and NHOs, and the clarification of how these landscapes are to be recognized and treated in Section 106 and NEPA reviews are key elements to accomplishing these goals.

The first set of action items focuses on raising awareness both within the preservation community and among our partners about the existence of traditional cultural landscapes and their importance to Indian tribes and Native Hawaiian organizations. This purpose of this outreach is to ensure that Native American traditional cultural landscapes are considered early in land management and project planning decisions.

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Early consultation with Indian tribes and Native Hawaiian organizations to identify areas of religious and cultural significance prior to project siting decisions is not only the most effective means to avoid impacts to these places but is also the best way to minimize project delays.

The second set of action items focuses on the Section 106 process and the development of tools to assist all participants in the recognition and consideration of Native American traditional cultural landscapes. Given the increasing threats to these places from large-scale developments, the ACHP will focus its attention on this action items in FY 2012 and early FY 2013.

In order to ensure the success of these proposed measures, the ACHP and the Department of Interior (DOI) must formally commit to work together to address the broad issues surrounding Native American traditional cultural landscapes. The ACHP, as the agency with responsibility for overseeing the Section 106 review process, and DOI, through the National Park Service (NPS), as the agency with responsibility for overseeing the National Register of Historic places, should provide leadership in addressing Native American cultural landscapes in the national historic preservation program. Together, the ACHP and NPS should:

- Promote the recognition and protection of Native American traditional cultural landscapes both within the federal government and the historic preservation community as well as at the state and local levels, and,
- Address the challenges of the consideration of these historic properties in the Section 106 review process as well as in NEPA reviews.

To meet these goals, the ACHP and NPS should, in consultation with key partners including Indian tribes, Tribal Historic Preservation Officers (THPOs), Native Hawaiian organizations, State Historic Preservation Officers (SHPOs), federal agencies, preservation organizations, cultural landscape experts, and industry representatives, carry out the following actions:

1. Promote the recognition and protection of Native American traditional cultural landscapes both within the federal government and the historic preservation community as well as at the state and local levels.
  - NPS and the ACHP should work with the National Association of Tribal Historic Preservation Officers (NATHPO) and other intertribal organizations to advance the recognition of Native American traditional cultural landscapes in the broader national preservation program through their interaction with preservation partners including the National Conference of State Historic Preservation Officers, the National Trust for Historic Preservation, federal agencies, and others.
  - DOI, the ACHP, the Council on Environmental Quality (CEQ), and other federal agencies should work with Indian tribes, THPOs, and NHOs to reach out to applicants and trade associations to promote the early consideration of, and consultation with Indian tribes, THPOs, and NHOs about sacred sites and Native American traditional cultural landscapes in project planning and scoping.
  - Federal agencies should develop long-term, meaningful relationships with Indian tribes, THPOs, and NHOs to ensure effective and early consultation that leads to better planning and, where appropriate, identifying areas of cultural sensitivity.
  - The ACHP and CEQ should encourage federal agencies to integrate consultation and coordination with Indian tribes, THPOs, and NHOs as early as possible in their planning processes to identify and address potential cultural resource concerns.

- The Administration should include the protection of Native American landscapes and historic properties in its agenda for the annual Tribal Nations Meeting at the White House to engage and hear from tribal leaders on this issue.
- The Administration should promote training for federal officials on working more effectively with tribal governments and developing greater cultural sensitivity.

2. Address the challenges of the consideration of Native American traditional cultural landscapes in the Section 106 review process as well as in NEPA reviews.

- NPS should issue additional guidance on how to apply the National Register criteria to these historic properties. The guidance should define “traditional cultural landscapes” as they relate to Indian tribes or Native Hawaiian organizations. It should also address what constitutes adequate documentation; how to protect sensitive and confidential Native American cultural knowledge and information; and, the role of traditional cultural knowledge in making determinations of eligibility.
- NPS should update National Register Bulletin 38: *Guidelines for Evaluating and Documenting Traditional Cultural Properties* to clarify how this guidance applies to historic properties of religious and cultural significance to Indian tribes and Native Hawaiian organizations. NPS should also explore how guidance regarding Native American traditional cultural landscapes might inform the treatment of large historic properties or landscapes of significance to non-Native communities.
- The ACHP should develop a policy statement and issue formal guidance on the need for early tribal and Native Hawaiian consultation and the consideration of Native American traditional cultural landscapes in the Section 106 review process to include the role of Indian tribes, THPOs, and Native Hawaiian organizations and how to determine effects on such historic properties.
- The ACHP should work with NATHPO to develop a special case digest of Section 106 cases, best practices, and examples where federal agencies effectively managed such places, consulted tribes, developed innovative mitigation approaches, etc.
- The ACHP and DOI should work with their preservation partners to address the perceived conflicts regarding confidentiality of sensitive information and the transparency of agency decision making in the Section 106 process.
- The ACHP should promote the consideration of Native American traditional cultural landscapes through its leadership role in the Interagency Working Group on Indian Affairs as a means to reach a broader federal audience and to explore the potential intersections with other federal programs and initiatives including climate change and sacred sites protection.

With the formal adoption of this action plan by the ACHP members on November 10, 2011, the ACHP is committed to carrying out its responsibilities under this plan.

*November 23, 2011*