

# TRADITIONAL CULTURAL PROPERTIES



Questions



Answers



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## Questions and Answers

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# INTRODUCTION



The Southern Region of the United States National Forest Service undertook, in 1999, in conjunction with the Southeast Region of the National Park Service, the Alabama Historical Commission, and others, a program of education about Traditional Cultural Properties (TCPs) in the William Bankhead National Forest, in northern Alabama. This education program was directed primarily at the local community living around the Bankhead National Forest. Within the local community were groups which voiced concerns about activities of the Forest Service in the Bankhead National Forest and its effects on cultural resources, including TCPs, which the local community considered significant to its history and beliefs. It was believed that the most effective way the Forest Service could address these concerns was to develop an education program which would identify the specific concerns of the local community and explain the role of Forest Service in the management of cultural resources and TCPs.

Not having any prior experience in dealing with TCPs, the Southern Region of the Forest Service requested and received funding, through the NPS Cultural Resources Training Initiative (CRTI) Program, to hold a series of public meetings to identify the major concerns of the local community regarding cultural resources and TCPs in the Bankhead National Forest, and to provide information about the broad range of TCPs which might be found in its area. Moreover, the Forest Service hoped to determine what role it should play in the management of these resources on Federal land. Joining the Forest Service in this education program were professionals from the National Park Service, the Alabama Historical Commission, and other partners.

It is not always easy for a Federal agency to undertake public meetings to discuss sensitive topics, such as TCPs, because the meetings could become forums for groups or individuals who want only to discuss problems or air grievances. Hence, the agency should strive to make these meetings positive exchanges whereby the people from the local community feel that they and their concerns are being listened to by the agencies. Agency managers need to listen carefully to what the local community is trying to say in order to establish communication. As a result of the Bankhead meetings, the Forest Service and the local community have developed a better understanding and respect for each group's role in cultural resources management and preservation of TCPs on Forest Service lands in northern Alabama.

One of the elements of the CRTI grant project was to develop a brochure on TCPs, derived in part from the Bankhead meetings and from published information on this topic. The intent of this brochure is to list those questions most commonly associated with TCPs that the authors encountered in the Bankhead meetings and from their own research. It is hoped that this brochure will be of assistance to Federal managers and preservationists who may find themselves dealing with TCPs for the first time.



# Questions and Answers



## *1. What are TCPs?*

**T**raditional Cultural Properties, or TCPs, have very specific meanings to those people and agencies involved in cultural resource management. A TCP may be defined as an area that is eligible for inclusion in the National Register of Historic Places because of its association with cultural practices or beliefs of a living community. TCPs are rooted in that community's history and are important in maintaining the continuing cultural identity of the community. TCPs can be districts, sites, buildings, structures, or objects, including natural areas and features.

## *2. How are TCPs different from other cultural resources?*

**C**ultural resources, which are more familiar to Federal managers, usually consist of tangible man-made properties, such as, buildings, archeological sites, structures, objects, or historic districts. These same types of cultural resources may also be TCPs when cultural groups identify them as an important part of their community's history or as important to maintaining the cultural identity of their community. Generally, the major difference in property types between cultural resources and TCPs are that the latter may be natural areas with no evidence of human activity or intervention. Such areas may be culturally significant to a community because this area serves to reinforce its beliefs or because the area is one from which that community derives natural resources important to the community. Contact between the Federal manager and the local community is essential in order to ascertain the location and significance of such TCPs, as they may not be readily apparent to a Federal manager.



### *3. What criteria are used to evaluate TCPs?*

**T**CPs are evaluated in accordance with the National Register Criteria for Evaluation. It is recommended the reader consult the National Register Bulletin, *Guidelines for Evaluating and Documenting Traditional Cultural Properties* (Pages 8-16). This National Park Service Bulletin provides Federal managers with specific guidance on a great variety of TCPs and how to evaluate the same. TCPs are usually found eligible for inclusion in the National Register under National Register *Criterion A* because of their association with events reflecting broad patterns in an area's or group's traditional cultural history.

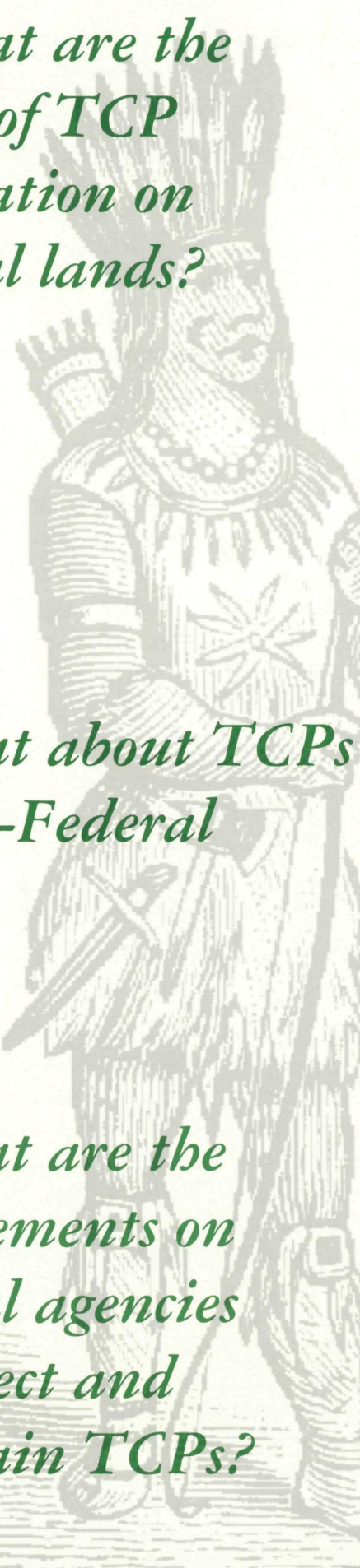
### *4. How are TCPs identified?*

**T**CPs may be highly visible and recognized as significant by many cultural groups or they may only be known to a local community. Under 36 CFR 800, the Advisory Council on Historic Preservation's regulations, Federal cultural resource managers are required to make a "reasonable" effort to identify cultural resources, such as TCPs, in conjunction with their Federal activities. It is recommended that managers develop contacts in local communities who may have special knowledge and interests in the history and culture of their areas of responsibility. Where possible, it is recommended that background research be conducted into an area's history, ethnography, and folklife, possibly as part of a Management Overview of cultural resources for land use planning.

### *5. How are TCPs nominated and/or recognized?*

**F**ederal Cultural Resource Managers have a responsibility under the National Historic Preservation Act to nominate TCPs to the National Register of Historic Places which meet the National Register criteria. A manager's decision in this matter, however, may be influenced by the needs of the agency, the desires of the cultural group, or the need to protect confidential information about the TCP. Appropriate consultation with the parties involved can assist in identifying the relevant issues and considering suitable approaches. Circumstances may dictate that a manager simply obtain a determination of eligibility from the State Historic Preservation Officer. While Federal agencies have the responsibility to nominate eligible properties located Federal land, any person or interested group may prepare the necessary documentation for presentation to a Federal agency for consideration.





## *6. What are the effects of TCP designation on Federal lands?*

Should a TCP on Federal land be nominated or determined eligible for inclusion in the National Register, Federal managers will be required to evaluate the effects of any future Federal activity on that particular property, but not necessarily protect the property from disturbance or damage, under Section 106 of the National Historic Preservation Act (NHPA). At their discretion, Federal agencies can develop historic/cultural resource preservation plans to deal in advance with any future Federal activities affecting the TCP. However, other Federal legislation, such as the National Environmental Policy Act (NEPA) of 1969, also requires agencies to consider the effects of their actions on the human environment, which includes the biophysical as well as the cultural environment. In this respect, a TCP may be associated with intangible aspects of the cultural environment of a particular piece of Federal land, whose destruction may have serious implications for the social cohesion, land use practices, community lifeways, and religious and cultural beliefs of a local community.

## *7. What about TCPs on non-Federal lands?*

Not all TCPs identified by local communities as significant are Federally owned. However, if these resources will be affected by Federal activities involving Federal funds, licenses, or permits, then, in accordance with the Council's regulations (36 CFR 800), Federal managers should make a "reasonable" effort to consult with the State Historic Preservation Officer and local communities regarding their activities on non-Federal lands in order to identify TCPs. This may require non-landholding Federal agencies to develop internal guidance on how to deal with their activities that may affect TCPs.

## *8. What are the requirements on Federal agencies to protect and maintain TCPs?*

As noted above, Federal agencies are required to initiate the Section 106 consultation process when a Federal activity may affect a TCP which meets the National Register criteria. At their discretion, Federal agencies may develop and implement a preservation program for a TCP under Section 110 of the NHPA. However, other Federal directives may place additional requirements on the Federal land manager where the TCP is considered an "Indian Sacred Site." For example, Executive Order 13007 requires agencies to accommodate reasonable and prudent access to sacred sites on Federal land by Indian tribes and to try to attempt to avoid damaging the physical integrity of such sites as part of their land management efforts.





## *9. How does a Federal agency “mitigate” adverse effects on a TCP?*

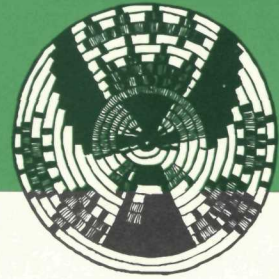
Over the last few decades, Federal managers have developed a number of practices to minimize or mitigate the adverse effects of Federal projects, and preserve cultural properties either listed in or determined eligible for inclusion in the NRHP. Such practices may entail amending proposed projects to avoid significant properties or areas, redesigning certain elements to lessen their impact on historic properties, or developing protective measures to preserve the significant qualities of a particular property. In many instances, these practices may be appropriate and acceptable for TCPs. In other cases, the parties may agree that no such measures are possible, but that the adverse effects must be accepted in the public interest. Mitigation in these cases might involve the recovery and study of information that defined the significance of the cultural property through generally accepted professional practices, such as archeology or anthropology, or physical documentation through photography or measured drawings. Some TCPs may require the Federal manager to develop an “accommodation” attitude where such properties are considered significant for the collection of significant craft materials, or religious and ritual practices. Knowledge of how a TCP is utilized, as derived from early consultation with local communities, will be an important step in determining the best management practices.

## *10. What is the role of the Advisory Council with regard to TCPs?*

The Advisory Council on Historic Preservation is an independent Federal agency that monitors Federal activities and effects on cultural resources and TCPs. The Council’s regulations (36 CFR 800) establish a process of consultation among Federal agencies, State Historic Preservation Officers, Native Peoples, and other parties. It is in the best interests of Federal agencies to notify or seek the involvement of Native peoples and local communities with legitimate interests in TCPs early in the consultation process. The Council may be consulted by Federal agencies on the appropriate treatment of cultural resources and TCPs throughout the consultation process.



# Identifying & Evaluating TCPs



The following illustrations are intended to provide Federal managers with an understanding of the wide varieties and types of properties which might be considered significant under the National Register of Historic Places Criteria as Traditional Cultural Properties. Managers are referred to the National Register Bulletin, *Guidelines for Evaluating and Documenting Traditional Cultural Properties*, for additional assistance.

## **Criterion A—Areas associated with events that have made a significant contribution to the broad patterns of American history.**



At the outset, it must be noted that not all historic sites that are imbued with cultural importance by a particular group are considered TCPs. To be identified as such, the property must be important to the community today and play the same role in the community's traditions as it did in the past. An example is Tahquitz Canyon, near Palm Springs, California. It was listed in the National Register in 1972. The canyon is important in the creation history of the Cahuilla Indians and remains an important location of spiritual use.

Likewise, the Bassett Grove Ceremonial Grounds in Oklahoma have been the site of specific ceremonies conducted by the Seneca and Cayuga Indians since 1832. The Grounds were listed in the National Register in 1983 and illustrate the necessary link between a place and a community's significant traditions. If the traditional Seneca ceremonies could be carried out anywhere, then there would be no strong association between the



activity and the place, and the site would probably not be considered a TCP. But in the case of Bassett Grove, the continuing use of these ceremonial grounds for over 150 years reflects an intimate association between the valued traditional practices and a singular location.





The history of a cultural group and its beliefs may also be orally transmitted and apply to natural features, such as Mount Shasta, in northern California, viewed by several northern California tribes as a sacred area. Portions of Mount Shasta were determined eligible by the Keeper of the National Register in 1994 in association with a Section 106 case involving the U.S. Forest Service. At that time, the areas determined eligible were considered significant for their associations with the cultural history and cultural identity of several Native American groups.

In a smaller scale, the El Tiradito Shrine in Arizona was listed in the National Register in 1971 based partially on its continuing importance to local Hispanic people as a traditional location where residents may go to ask the dead to grant wishes for the living. This specific site has functioned as such within the local community since the early twentieth century.



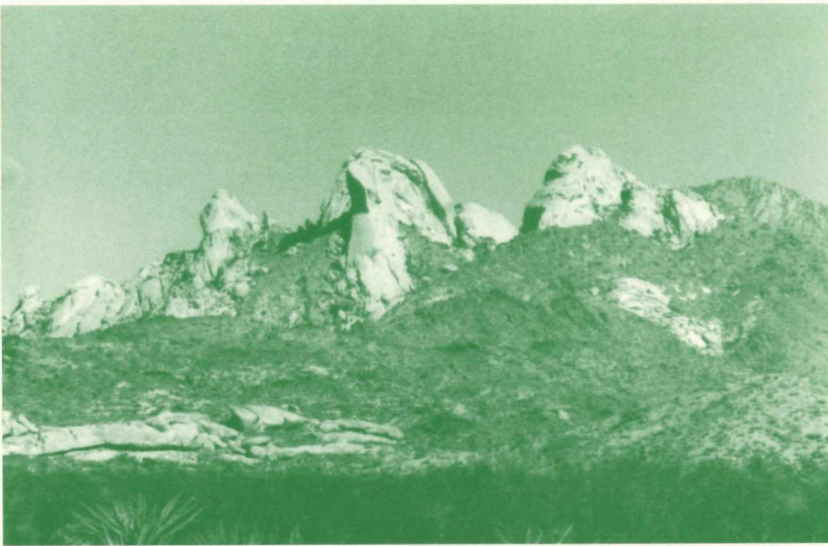
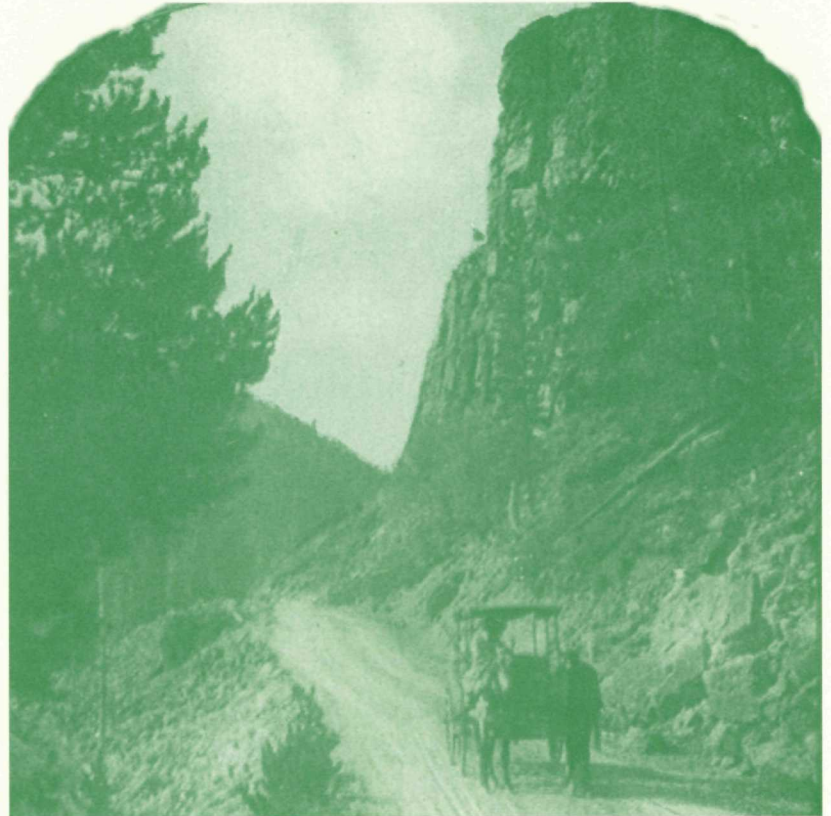


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key element in the identification of a natural feature or area as a TCP under *Criterion A* is that the area must demonstrate an ongoing participation or linkage of an ethnic or social group with an area's history. The extinction of cultural groups or changes in how a group views a cultural area may change through time.

O

bsidian Cliff, in Yellowstone National Park, Wyoming, has been shown scientifically to be the main source of obsidian for the Middle Woodland, or Hopewell people, of the Ohio River Valley. The Hopewell people fashioned ceremonial objects from this exotic material for interment with their elite in burial mounds. The Secretary of the Interior designated Obsidian Cliff as a National Historic Landmark in 1996 for its significance in prehistoric archeology, but not as a TCP, because the Hopewell culture no longer exists, and we can only speculate on the ceremonial significance of Obsidian Cliff to this group.



Spirit Mountain in Clark County, Nevada, was listed in the National Register in 1999. The mountain is acknowledged by indigenous traditionalists as one of the most sacred places in the cosmological universe of the lower Colorado River Yuman-speaking tribes. The prominent natural features are associated with events and personages of critical importance in the traditional creation stories of the local Native American groups and continue to serve an essential role in the cultural

people. The significance of the site was documented through a combination of oral history, ethnographic documentation, and archeological study. Identifying such multiple lines of evidence greatly aided in the evaluation and subsequent listing of the site.

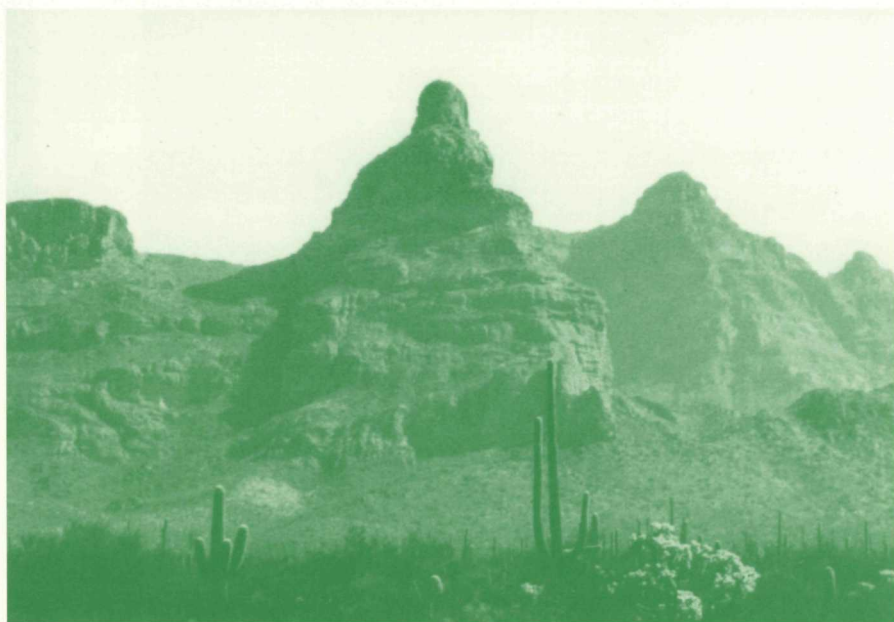


**Criterion B**—Association with the lives of persons significant in our past.



**B**ear Butte in South Dakota draws its historic importance from its association with the sacred cultural beliefs of the Cheyenne Indians. It is believed that at Bear Butte, the revered prophet, Sweet Medicine, learned how the Cheyenne should live and act. Bear Butte was listed in the National Register in 1973 and is also a National Historic Landmark.

**L**isted in the National Register in 1994, I'itoi Mo'o (Montezuma's Head) is located in Pima County, Arizona. According to the traditions of the Tohono O'odham people, the rock outcropping is associated with the deity I'itio and his instructions to the people about living and surviving in the desert. The site remains a sacred spot for the local people who return regularly to conduct traditional ceremonies and sacred practices.



The I'itoi Mo'o site is an excellent example of a TCP associated with a "person" that may or may not have existed in Eurocentric terms, but is still clearly tied by traditions to a physical place that can be listed in the National Register. The previously noted Tahquitz Canyon in California is also associated with a significant individual/demigod—Tahquitz—who figured prominently in the tribe's traditions and is said to occupy an obsidian cave high in the canyon.



**Criterion C**—Represents those cultural resources which embody distinctive characteristics of construction, represent of the work of a master, possess high artistic values, or are a component of a larger entity. Often, these resources consist of buildings, structures, or objects.



**T**aos Pueblo, in northern New Mexico, is listed in the National Register, as a National Historic Landmark, as the most traditional of all the Native American pueblos in the American Southwest. The Taos people used local materials (earth, stone, and wood) to construct the pueblo over six hundred years ago and the inhabitants maintain the pueblo using traditional craftsmanship. Taos Pueblo was also designated as a World Heritage Site by UNESCO in 1992.

**M**aster works and the craftsmen who produce them do not have to be educated and trained in the western sense to produce works of great merit. Often, these works embody spiritual, as well as artistic values, which reflect an ethnic group's distinctive mode of religious expression. Pictured to the left is a late nineteenth-century whale totem executed by a master totem maker at Fort Wrangle, Alaska. Such a totem would be considered a TCP only if its builder were venerated or valued by a *living* traditional community.



**C**ultural artistry can embody cultural elements such as song, dance, and costume. It should be kept in mind, however, that many of the resources associated with these kinds of activities, while worthy of preservation, are not necessarily TCPs. Traditional Cultural Properties are places and must be rooted in the physical landscape.

Traditional dances, while important, cannot be listed in the National Register. The place where they occurred historically and continue to be practiced in a traditional manner might be eligible, usually under Criterion A. An example is the Los Matachines de El Rancho site, where a New Mexico Hispanic community has conducted its Matachines dances in a specific area since the early 1900s. The site was determined eligible for listing in the National Register in 1991.





within the neighborhood considered significant to the local community and the Blue Clan of the Echota Cherokee, were determined eligible for inclusion in the National Register in 2000.

Utilitarian objects, executed by traditional ethnic craftspersons using local materials, pose an interesting point of concern for a Federal manager. Shown to the right are Chippewa women braiding a rush mat from locally collected materials. It may be determined that the location of the rushes from which the mats are constructed may constitute a natural TCP (and therefore be eligible for the National Register under Criterion A). Without the preservation of a natural area, the traditional craft of mat making could be imperiled.

A natural feature modified by humans may also be considered to be a TCP if it can be shown that its crafter is venerated or valued by a *living* traditional community. Sometimes, without the assistance of the group which executed the feature, the significance of the feature may not be understood by Federal managers. Pictured to the left is a tree located in the Bankhead National Forest in northern Alabama. Many years ago, it was modified by Native peoples to serve as a guidepost to mark a trail. This tree, and many other cultural resources



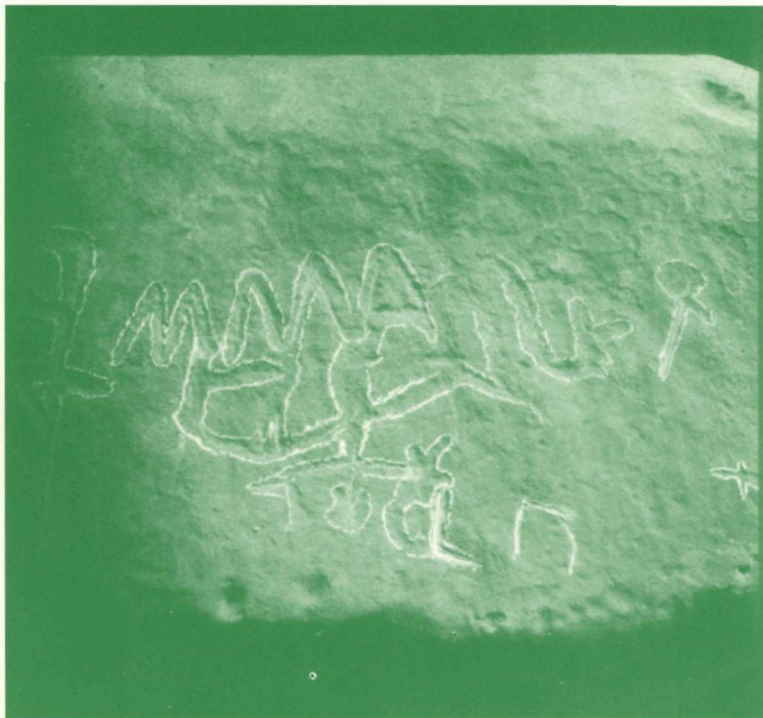
century features of Moravian life and religion, such as the garden and farm lots assigned to the residents, as well as God's Acre—the Moravian cemetery—are preserved and continue to be used in the traditional manner. Bethania was listed in the National Register in 1976.

In certain communities, the combination of traditional buildings and structures which, taken together, constitute a historic district. Bethania, North Carolina, was founded in 1759 by the Moravian church as a planned farming community settled by church members. For over 200 years, Moravian residents maintained the eighteenth-century town plan and character of the community, while continuing to practice their religion in the local Bethania church. Many of the essential eighteenth-



## **Criterion D—Properties which have yielded or may yield information important in prehistory or history.**

**N**ot all archeological properties significant under Criterion D are automatically eligible as Traditional Cultural Properties. Documentation must reveal the continued role and value of such sites in a group's traditional cultural beliefs. In such cases, properties eligible for listing under Criterion D for their information potential may *also* be eligible under Criterion A or other criteria for their historic associations.



**T**hese petroglyphs (shown to the left and below) from Kinlock Cave in the Bankhead National Forest of northern Alabama are examples of prehistoric artwork that continue to be associated with modern beliefs of native peoples in northern Alabama and are highly valued for their link to past generations. They were determined eligible for the National Register in 2000.

**A**rcheological remains may also serve as valuable evidence of the traditional or cultural use of certain sites by historic community members. Such evidence may be especially valuable in documenting the historic

use of a particular location when little or no visible evidence of human activity is present, such as at important ceremonial sites or traditional fishing camp locations where no permanent structures were ever completed. Moreover, archeological information can often be used to help verify or substantiate information obtained through oral or ethnographic history, thereby strengthening the particular case for a National Register nomination.





