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Forward Together: A Culture-Nature Journey Towards More Effective Conservation in a Changing World

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The Challenges of Landscape Preservation in the American West

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Abstract

The American West is filled with beautiful, vast, environmentally diverse landscapes. While most Americans consider these to be natural landscapes, in reality, for many indigenous tribes, these are also cultural landscapes that hold their sacred places, points of origin, and traditional use and subsistence areas. These places are evaluated for their significance through the criteria established for the National Register of Historic Places, which is a Euro-American lens. However, this evaluation criterion does not mesh well with large indigenous landscapes that may or may not contain archaeological sites and/or features. Washington State has listed natural features on the National Register of Historic Places such as Snoqualmie Falls, Mt. St. Helens and Tamanowas Rock. However, with the current Administration's emphasis on economic development and resource extraction the concept of landscapes as historic properties has come under intensified scrutiny. The potential listing of Chu'it'nu in Alaska, which is described as a 153 square mile living traditional cultural landscape, has the Administration questioning the validity of traditional cultural places as historic properties. This paper looks at the current state of cultural landscapes in the American West, explores enhanced methods of evaluating the significance of landscape level properties and approaches for protecting these types of resources.

Keywords

Cultural Landscape, Traditional Cultural Property, Section 106, National Register of Historic Places, National Historic Preservation Act, Antiquities Act

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The Challenges of Landscape Preservation in the American West

The concept of acknowledging vast landscapes as historically significant is fairly recent in U.S. cultural resource management, having only emerged beyond academia and into regulatory considerations during the last thirty years. In the American West, that recognition has clashed with private property rights and with the current Administration's focus on natural resource extraction. Section 106 of the National Historic Preservation Act of 1966 (NHPA) and its associated regulations is a process designed to balance federally funded or permitted project development with cultural resource protection and/or mitigation through communication and consensus. In today's polarized political environment, the ability to reach consensus on a path forward has become much more difficult and contentious. Missing from so many of the negotiations is acknowledgment by federal agencies that they have a responsibility to the American people, and Native American tribes, to preserve our shared history. That shared history, particularly in the American West, includes large landscapes. Further, we as preservationists have not been successful in developing financial incentives similar to the conservation easements available to private property owners who own sites with important natural resources. We have not been diligent in providing recognition and acknowledgment for the care and protection of historic places. Finally, we need to change the outmoded evaluation style embedded in the business of cultural resource management to include landscape level considerations.

In essence, the United States is one large cultural landscape. From big cities, to managed forests, to traditional use in national parks, to our agricultural heritage, and even wilderness areas, 300 million Americans have completely altered the natural landscape of the North American continent. But within what is essentially a 3.8 million square mile cultural entity there are smaller landscapes to be considered. The National Park Service divides cultural landscapes into four separate entities: historic sites, historic vernacular landscapes, historic designed landscapes and ethnographic landscapes. Historic sites, historic vernacular and historic designed seem to be well understood by government and the public. However, it is the evolution of ethnographic

landscapes and traditional cultural places, particularly in the American West, that have moved the visibility of these resources from an academic and regulatory perspective into the current unfriendly political environment.

The recognition of the importance of historic designed and vernacular landscapes in the Eastern and Southern United States has been acknowledged since the Mt. Vernon Ladies Association saved both the house and the plantation acreage of George Washington's Mt. Vernon in the nineteenth century. The significance of western landscapes took much longer to evolve. In the 1980s oil and gas exploration along with logging and other economic development projects created a large inventory of archaeological sites in western states through the Section 106 process. Archaeologists in cultural resource management were inventorying large areas of land before federally permitted or funded projects could proceed. From the middle to the end of the twentieth century the majority of archaeological sites were evaluated independently rather than being considered inter-related entities that formed landscape level archaeological or historic districts.

In 1990, the National Park Service issued National Register Bulletin 38 Guidelines for Evaluating and Documenting Traditional Cultural Properties (TCP) that created a new category of cultural significance. While Bulletin 38 gave guidance on methods to evaluate the significance of a traditional cultural properties, cultural resource professionals lacked a methodology or structure that integrated the concept into the Section 106 process. This caused regulatory and managerial issues for state and federal government officials in the American West who were on the front lines of managing landscape level properties. Government staff were left without assistance when making final decisions on what constitutes significance and integrity for the purposes of the National Register of Historic Places and what additional intrusions into a landscape creates an adverse effect to a resource. While decisions were expected to be made in consultation with tribal governments and staff, tribes have their own cultural perspective on what constitutes historic significance and what is considered disturbance to a resource.

The 1992 amendments to the National Historic Preservation Act established tribal and Native Hawaiian preservation programs and legally recognized that properties of cultural and religious importance to Indian Tribes and Native Hawaiians can be deemed eligible for listing on the National Register of Historic Places. Unfortunately, Congress did not change the definition of property types. These remained sites, structures, objects and districts but in terms of the phrase ‘properties of religious and cultural significance’ the term property wasn’t defined at all. There was a proposal to add landscape as a property type in the 1991 revisions to NHPA but this was rejected when the legislation became negotiated amendments in a larger 1992 omnibus bill. Traditional cultural properties/places and cultural landscapes remained as administrative classifications rather than legally entities recognized by Congress. However, as the term ‘property’ in the amendment referencing places having tribal cultural and religious value was not defined, NPS was given administrative freedom. Regardless there remains a tension between the indigenous perspective of what makes a landscape significant, a perspective where nature is culture, and the Euro-American emphasis on historic significance as rooted in the presence of material culture.

After 1992 amendments, the growth of tribal historic preservation offices and cultural staff corresponded with an influx of sites and National Register nominations that fit the definition of both a traditional cultural property and a cultural landscape. Into the 21st century the recognition of indigenous landscapes as historic cultural entities, requiring consideration during the regulatory process, continued to evolve. It has become fairly common to recognize both TCPs and cultural landscapes as properties that may consist of thousands of acres of federal, state and private property representing human interaction with the natural environment. For indigenous communities these may also be places of origin, spiritual areas or culturally important subsistence places. Washington State now has 59 sites directly identified as traditional cultural places and 6 are listed on the National Register of Historic Places.

During the Obama administration the recognition that cultural landscapes should be formally recognized as a National Register historic property type was advocated by the former Associate

Director for Cultural Resources for National Park Service, Stephanie Toothman. Dr. Toothman promoted adding landscapes as an amendment to the National Historic Preservation Act along with existing property types of sites, buildings, structures, districts and objects. This effort was not successful and ultimately not necessary at least for tribal and Native Hawaiian sites after the passage of the 1992 amendments. When the National Historic Preservation Act was re-codified in 2014 as U.S.C. Title 54, the definition of a property of cultural and religious significance remained undefined. Therefore, the National Park Service retained the freedom to list any cultural or religious entity important to tribes and Native Hawaiians including landscapes. The American West is currently facing a new surge of energy development under the rubric of American energy dominance. States such as Washington, Alaska and Wyoming have seen a surge of proposed projects such as uranium and coal mining, wind farms, coal terminals and dam relicensing. The requirement to consider religious and cultural places beyond the traditional notion of sites, objects, structures etc. during the federal regulatory process has raised the visibility of identifying and acknowledging indigenous and cultural landscapes with the current Administration. Since Congress refrained from including landscapes as a legal property type, both cultural landscapes and traditional cultural properties became a focus of industry's analysis that these are administrative terms that have no basis in law, because the term 'property' remains undefined in U.S.C. Title 54.

Another change needed to affirm landscapes as significant historic places is the manner in which archaeologists evaluate archaeological sites. Consulting archaeologists or archaeological firms who often have been hired by private development businesses or federal agencies, evaluate sites as individual disconnected entities as opposed to analyzing them as a reflection of interconnected patterns of human behavior across the landscape. This became apparent to the Washington State Department of Archaeology and Historic Preservation during a survey for a transmission line replacement for the Bonneville Power Administration. The archaeological contractor, from Montana, had identified up to fifty archaeological sites within a mile from the Area of Potential Effect, and yet, when discovering new sites, evaluated each for historic significance individually. They determined each independently as not eligible for listing on the National Register of

Historic Places. The consultant failed to recognize that they were observing a grouping of sites that together reflected the story of human interaction along the Columbia River.

Using a landscape level approach our agency examined the individual entities as possibly related using our Geographic Information Systems program known as the Washington Information System for Architectural and Archaeological Resource Data (WISAARD). It quickly became apparent that we were observing an archaeological district that encompassed two distinct watersheds. Larger villages were adjacent to the Columbia River and smaller activity level sites were located away from habitations on higher elevations. Any graduate level archaeology course in spatial patterning analysis would have immediately identified and correlated the connections. In the more mundane existence of cultural resource management basic theoretical approaches to archaeological analysis are often forgotten. What should have been easily recognized as a complex grouping of cultural connections was lost to expedient analysis.

After an internal analysis of these sites our agency put a clear geographic boundary around two watersheds and created the Columbia Hills Archaeological District that we deemed eligible for listing on the National Register of Historic Places. While state historic preservation offices are not expected to do evaluations for federal agencies, this was a case where our agency found the evaluation so deficient that we took the initiative to determine the boundaries, wrote a significance statement, and sent our findings back to the consultant and federal agency. Since that time our agency has improved our focus on examining groupings of sites on a landscape as potential districts as opposed to small scale finds. We have become more vocal in expressing the need for the cultural resource community to examine these connections as landscape level districts and not as individual entities.

Ch'u'itnu in Alaska is an example of a watershed that was nominated to the National Register of Historic Places in 2018 as a landscape level property. The area is comprised of 153 square miles and part was proposed for a coal mine, conveyer belt and terminal. The nomination brings together the concept of a traditional cultural place and a cultural landscape to create a newer

concept entitled a subsistence traditional cultural landscape. The historic significance of the area is deemed to be rooted in the current and historical use of the watershed to maintain the subsistence of the local indigenous population. Unlike the Columbia Hills Archaeological District, Ch'u'itnu did not include specific locations of structures or archaeological sites and therefore was returned to the state and indigenous community by the National Park Service. However, based on U.S. Code 54 § 302706 the need for identifying exact property types may not have been necessary. This particular proposal is one of many currently before the National Park Service that raised the question of whether there should be constraints on the size of listed properties.

This brings us to the question of how innovative processes can be utilized to help maintain and protect important historic landscapes in the American West particularly as the pressures of energy development increase. The reality is, the United States already has multiple innovative approaches. The cultural resource community needs to utilize them more effectively and frequently. One of the biggest hurdles is the lack of communication and education with landowners which could increase their appreciation for managing a piece of American history on their property. Without better communication many perceive historical places as a regulatory burden.

The Antiquities Act of 1906 still offers the most innovative approach to landscape level preservation in the American West. The Antiquities Act, the creation of Theodore Roosevelt gives a sitting President the ability to create National Monuments that may or may not become part of a National Park. The beauty of this initiative can be witnessed across the Western United States. The first National Monument, created in 1906, was the landscape feature known as Devils Towers in Wyoming. In Washington State the 51 mile free flowing reach of the Columbia River of the Tri-Cities, known as the Hanford Reach, was designated as a national monument by President Clinton in 2000. The Monument contains over 1100 identified archaeological sites, and at least two cultural entities significant to Native American tribes for their spiritual qualities and gathering traditions, and sacred plants that are core to the tribe's cultural identity. The

Monument also contains undisturbed riverine environments that includes the last free-flowing stretch of the Columbia River.

The Hanford Reach is an outstanding example of how the Antiquities Act functions as the highest level of landscape preservation in the American West and in the process protects thousands of archaeological and historic properties. Another example, but more controversial has been Bears Ears in Utah which was designated a National Monument by President Obama. This Monument, which is in throes of the controversy between energy development and conservation, has become the focus of whether a sitting President has the legal authority to change boundaries or de-designate a monument. Changes to Bears Ears National Monument demonstrates the tension between the current Administration's America's energy dominance campaigns, which has focused on opening previously protected areas to energy development, and the need to protect and preserve significant landscapes and their cultural and historical places. The Hanford Reach National Monument was also listed for boundary reconsideration however both Governor Jay Inslee and the Washington State Attorney General maintained that a sitting President had no authority to alter existing boundaries and threatened to litigate should the Hanford Reach be reduced in size. The Antiquities Act, held to its original intent and purpose, is the most productive tool available for landscape preservation in the American West and should be maintained without political considerations.

Other innovative approaches include conservation easements that are readily utilized by the natural resource community but not used as often by those of us in cultural resources. The historic preservation community readily uses façade easements on historic buildings but does not seem to recognize the utility of these easements for landscape level protections. Easements can reduce property taxes for landowners which becomes an incentive based means of protection as opposed to regulatory oversight that creates distrust of government.

Another area for improvement is the need to enhance the relationship between the cultural resource community and environmental groups such as the Nature Conservancy, wilderness

advocates (that previously have been hostile to preservation), and state environmental councils. When there is an alliance, it often appears as if cultural resources are being leveraged by natural resource groups for alternative purposes as opposed to having cultural concerns as the primary focus. Certainly, when working towards the protection of National Monuments cultural and environmental resource protections should create a natural alliance.

Most importantly, the cultural resource community needs to vastly improve education, recognition and coordination with private landowners to gain public support. For example, the WA Department of Archaeology and Historic Preservation maintains an honorary list of heritage barns in our state. Rather than having barn owners apply directly to a bureaucratic agency for listing, we wrote legislation that requires a heritage barn nomination to be formally approved by the Governor's Advisory Council on Historic Preservation at their quarterly meetings. If the owner is in the audience they are given the opportunity to speak publicly about their property. The Council formally votes on the nomination, the barn owner receives a round of applause and there is a presentation complete with a certificate and heritage barn plaque. Owners are often in tears when describing their family's agricultural heritage that can go back generations. When creating the initial legislation, we were conscious of creating a process that included ceremony and appreciation as opposed to a generic bureaucratic application procedure. We provide an owner with a sense of participation, ceremony and recognition which adds to their own appreciation of the resource.

There is nothing comparable during the Section 106 review process, leaving landowners enmeshed in a regulatory maze. A property owner may or may not be told they have a National Register eligible site on their property and when informed they own something of significance we do nothing to laud that ownership or work to encourage incentives for preservation through conservation easements or other mechanisms. The cultural resource community needs to embark on a more active approach to honoring and recognizing landowners whose property contains these significance historical places. Even more importantly we often are lacking in publicly accessible explanations of why certain places are historically significant. This situation

has less to do with the ambition of preservation offices and more to do with underfunded and overworked historic preservation agencies that field thousands of federal reviews a year, leaving little time for public outreach and education. Public appreciation is the ultimate key to government support for landscape level protections, particularly in an age when these resources are clearly threatened by energy projects.

Innovative strategies to protect landscape level resources from development already exist but we need to increase their utilization. At the front end, we need the cultural resource community to analyze archaeological and cultural sites at a landscape level instead of conducting routine individual evaluations that finish in a determination of non-significance. We require professional archaeologists to have training in cultural anthropology and spatial analysis in order to understand human movement and behavior on the landscape, yet that emphasis has been abandoned by business of cultural resource management. Federal and state agencies need to amplify their work with landowners, honoring them for managing historic places to gain public support. Agencies must increase the public's educational awareness to diffuse mythologies such as government taking of land, and the fear of existing tribes claiming access and ownership should an indigenous site be identified on private property. We should recognize that in the 2014 codification of the National Historic Preservation Act, U.S.C. Title 54, the lack of a definition of term property may have eliminated the need to place landscapes with the context of a site, building, object, structure or district. We should use that authority more liberally when listing landscape level resources. And most importantly we must protect the existing strategies we have in place such as the designation of National Monuments. The Antiquities Act still remains the strongest and best path to landscape preservation in the American West.

Biographical Notes

Dr. Allyson Brooks is the Washington State Historic Preservation Officer and Director of the Department of Archaeology and Historic Preservation, the sole agency in Washington state government devoted to historic, archaeological and cultural issues and the repatriation of human

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