
PART II: TRIBAL PARTICIPATION IN THE NATIONAL HISTORIC PRESERVATION PROGRAM

Section 1: Tribal Perspectives on States and Federal Agencies

The regulations implementing Section 106 and the guidelines for implementing Section 110 of the National Historic Preservation Act provide for the participation of Indian tribes in the review of Federal projects on their ancestral lands. In general, however, tribes do not fully participate in Section 106 review (see **Part II, Section 2** below). Some tribal members dislike that the Advisory Council on Historic Preservation's Section 106 regulations require the participation of the State Historic Preservation Office in the review process between Federal agencies and Indian tribes. Others feel that the State Historic Preservation Office involves them grudgingly. There is a general feeling that tribal interests are not adequately served by the current system.

Any time anything happens on the reservation, it seems that they go to the 1906 Antiquities Act, the Reservoir Salvage Act, the National Historic Preservation Act, the Archeological Resource Protection Act, the American Indian Religious Freedom Act. Each of these different groups are writing separate regulations. It seems that the National Historic Preservation Act is the one that has the most teeth in it that we can use. These new regulations aren't really out there where the people can get a hold of them. They're still looking at some of these old acts, if they can't find a way of getting around it to build a shopping center or a mall or apartment building or something like that. In some cities where some of our graves are, they go to one of the other acts, and they pull that portion that says they can do this and this and this, as long as they work with the State Historic Preservation Office. Our Colville tribe has been in a battle with the SHPO for many years. We do get along with them, but we ask that we be involved. (Andrew Joseph, Colville)

If [historic preservation] is going to do something good for the United States and its citizens, moreover the Indian people of this country, then you'd better put some teeth into the language of some of those statutes to do what is intended to be done. (Billy Yallup, Yakima)

The National Register of Historic Places is one of the mechanisms that helps give some protection, and it can help if you have cooperation between major players and you start using it early on in the process. In the long run, what we really need to be looking for is building a nationwide community of tribal officials and other Indian leaders who are involved in the preservation of cultural properties, and [this] needs to be done in cooperation with State and Federal agencies. (Dean Suagee, representing the Miccosukee Tribe)

Much of the preservation-related activity involving State governments and tribes is associated with State laws concerning Indian graves. Many States are reviewing, updating, and strengthening penalties for disturbing Indian graves. Tribes are still concerned, however, that the new laws do not offer adequate protection.

Recently, we were asked to make comments about a very bad situation, this grave robbing. Up until July of this year, anyone convicted under the previous rules and laws in the State of Washington was guilty of a misdemeanor. But today it is a Class C Felony. It's a \$10,000 fine, for anybody found guilty. So, this grave robbing thing or disturbance of any sacred areas has changed some.

But, the escape clause is a very bad situation. Under the terms of act(s) there is always this language. You find it in codes and CFR [Code of Federal Regulations] and regulations. If these people want not to be convicted, there is language in there that says "knowingly and willingly." Almost always these people go before the magistrate and say "I didn't know that grave was there. I'm not a professional archeologist, so I didn't do it willingly." But yet, they are grave robbers. (Billy Yallup, Yakima)

While tribes generally want to cooperate with State Historic Preservation Offices, they are very concerned about protecting the locations of their sacred sites. They look at the State Historic Preservation Office site inventories as public information systems that do not sufficiently protect information about their sacred sites.

In general, we share all of our information with the State Historic Preservation Office. But in the case of sacred sites, I'm not really convinced that it is a good idea to share these [locations] with State and Federal agencies. [This is] because they go into a register; someone wants to do an investigation, gets a permit, and there is not much you can do about it. The safeguards that you need to protect the sacred sites are not necessarily in place. It may not be anybody's fault at this time, but I would keep careful track of sacred sites and preserve them but keep them very, very confidential. Even the most well meaning scientist can inadvertently spread the locations further than you might like. (Rick Knecht, Kodiak Area Native Association)

There are too many things that occur within my program that I do not care to share with the SHPO. The 106 review process . . . [requires] my nomination or any other nomination to be scrutinized by people I don't care to have look at it. I think that there are sacred things that people do not need to share with anyone else except themselves. (Billy Yallup, Yakima)

In general, tribes may wish to look to the State Historic Preservation Office for technical and even financial assistance (see **PART III**, below), but tribal preservation programs will develop on their own initiative.

When it comes right down to it, the State Historic Preservation Office can be a way of facilitating, but we are really taking the lead in all ways. . . . We pushed the [New York] legislation to protect the burial sites. Whatever we are going to do internally, language-wise and anything culturally, it certainly is not going to be with the State Historic Preservation Office. . . . (Pete Jemison, Seneca)

While there is broad interest in being part of the national historic preservation program, there is considerable suspicion of the program and its major current participants. This suspicion is the product of several factors: the resentment that virtually all tribes feel toward the assimilationist policies of Federal, State and local governments in the past, and the belief that those policies have not necessarily been completely abandoned; the feeling that the national program addresses only a small segment of the cultural environment that is important to Indian tribes; and the belief that archeology and other preservation disciplines tend to ignore, or even be inimical to, the cultural interests and values of the tribes.

It can generally be concluded that most tribes want very much to participate in the national historic preservation program, but they want to do so on a government-to-government basis with the United States Government, cooperating with State Historic Preservation Offices but not working through them. Further, they want the national program to recognize and be sensitive to the breadth of their preservation interests, rather than forcing them to give priority to the same kinds of preservation activities given priority by State Historic Preservation Offices and Federal agencies. Finally, they are wary of the application of professional standards and policies that could effectively remove their preservation programs from tribal control in favor of control by archeologists and other professionals whose interests and ethics may differ from their own.



Kin Ya'a is a Chaco outlier site with a prominent tower kiva. This Chaco archeological protection site is also regarded as sacred by traditional Navajo. (Navajo Historic Preservation Department photograph)

Section 2: The National Park Service and the Chaco Archeological Protection Sites

Many Indian tribes have long-term relationships with the National Park Service based on historical and traditional associations with land and resources located in or near National Parks. The National Park Service assists Indian tribes to manage, research, interpret, protect, develop, and preserve historic properties on Indian lands and within National Parks in a variety of ways.

The National Park Service Anthropology Division and Southwest Regional Office provided the information from which this section was prepared.

National Park Service Responsibilities for Historic Properties on Indian Lands

A variety of arrangements have been established between Indian tribes and the National Park Service wherein the National Park Service is given responsibility to manage, protect, interpret, develop, research, and administer funds for preservation efforts on Indian lands. For example, the National Park Service's Alaska Regional Office is responsible for the preservation and management of the Kijik Cemetery and Historic Site. Agreements between tribes and the National Park Service's Pacific Northwest Regional Office give the National Park Service responsibility to preserve and protect the Nez Perce cemetery and to assist the Colville and Spokane tribes in protecting rock art sites on Indian land along Lake Roosevelt.

Sometimes the National Park Service has responsibility for historic properties owned by a tribe, as at Canyon de Chelly National Monument and at the south unit of Badlands National Park. In other cases, tribes have donated land to be managed by the National Park Service, as the Minnesota Chippewa Tribe and Grand Portage Band did at Grand Portage National Monument, with the condition that the donated land revert to tribal ownership should the National Park Service ever withdraw.

The National Park Service and the Chaco Archeological Protection Sites

The Chaco archeological protection sites represent a special case of National Park Service collaboration with an Indian tribe and other agencies to address the preservation needs of a unique complex of archeological properties. In December 1980, Congress passed Public Law 96-550 to recognize, protect, and facilitate research into the historic properties associated with the prehistoric Chacoan culture of the San Juan Basin. Public Law 96-550 enlarged the boundaries of

Chaco Culture National Historical Park and established a system of 33 outlying archeological protection sites, most of which are located on Navajo land.

A planning team with representatives from the National Park Service, Bureau of Land Management, Bureau of Indian Affairs, Navajo Nation, State of New Mexico, and U.S. Forest Service completed a joint management plan in 1983. The joint management plan provided for the management of 33 discrete archeological protection sites and allowed for future additions. Those sites on Navajo land were to be managed by the Navajo Nation with the technical and financial assistance of the Bureau of Indian Affairs.

In February 1990, the joint management plan was amended to establish National Park Service responsibility for requesting and distributing funds to the Navajo Nation for the management of the archeological protection sites on Navajo land. Such funds will be requested through the National Park Service's budgeting process.

The National Park Service will request funds for: 1) identification and documentation of Chacoan archeological protection sites; 2) preparation of site-management plans; 3) site protection, including patrolling and monitoring activities; 4) preparation of interpretive materials and devices; 5) design and construction of a Navajo-operated interpretive facility; 6) site stabilization and resource management needs; and, 7) annual operations costs.

Guidelines for the administration and use of funds appropriated for Chacoan sites on Navajo lands will be developed and formalized in a cooperative agreement or other suitable arrangement between the National Park Service and the Nation.

National Park Service projections of the funding needs for the Chaco Archeological Protection Sites are listed in the table below.

<u>Funding Needs</u>	<u>Amount per Year</u>	<u>Number of Years</u>	<u>Total</u>
Site Identification and Management Planning	\$300,000	5	\$1,500,000
Site Stabilization	\$ 75,000	10	\$ 750,000
Site Protection and Patrol	\$250,000	10	\$2,500,000
Land Protection	\$250,000	5	\$1,000,000
Navajo Interpretative Facility			\$2,400,000
Total			\$8,150,000

Historic Properties Significant to Indian Tribes Located on National Park Service Land

Many units under National Park Service management are located in areas of historical and cultural significance to Indian tribes.¹⁶ These National Park units, linked with Indian tribes, are likely to contain properties of historic and cultural significance to Indian tribes. Information provided by the Anthropology Division of the Washington Office of the National Park Service indicates that at least 133 Indian tribes are culturally or historically associated with 101 of the 355 National Park units. More such associations are likely to be identified with further research.

Unfortunately, data on the extent and nature of these properties and the culturally appropriate protections expected for them is meager. The ethnographic record of significant buildings, sites, structures, or objects barely exists at any Park unit. The archeological record is more extensive, but contains major gaps. Each new addition to the National Park System generates additional identification and documentation needs.

The National Park Service has begun an ethnographic program in which cultural anthropologists work with tribal members and members of other communities traditionally associated with areas now within the boundaries of National Park units to identify, document, and evaluate historic properties and to make recommendations for their protection. The ethnographic program is one way that the National Park Service implements its policy to "plan and execute programs in ways that safeguard cultural and natural resources while reflecting informed concern for the contemporary peoples and cultures traditionally associated with them."¹⁷

National Park Service Units in Alaska and Contemporary Alaska Natives

All National Park units in Alaska are associated with Alaska Native group(s) and contain significant evidence of their cultural heritage in the form of prehistoric, historic, and ethnographic properties. In units like Bering Land Bridge National Preserve, Cape Krusenstern National Monument, and Kobuk Valley National Park, the National Park Service cooperates with associated Native peoples to identify, document, evaluate and protect these properties. Given the immense acreage of

¹⁶ Units within the national park system are designated as Battlefields, Battlefield Sites, Battlefield Parks, Historical Parks, Historic Sites, Lakeshores, Monuments, Memorials, Military Parks, Parks, Preserves, Rivers or Riverways, Recreation Areas, Seashores, Scenic Rivers or Riverways, and Parkways.

¹⁷ National Park Service, *Management Policies*, (Washington, D.C., National Park Service), December 1988: p. 5:11.



Inupiat residents of Ambler, Alaska ice fish near the confluence of Ambler and Kobuk Rivers in October, 1973. (National Park Service photograph by Robert Bellous)

National Park units in Alaska, however, the National Park Service has only begun to inventory the historic properties associated with the heritage of Alaska Native populations. Unfortunately, many significant properties are being destroyed by natural forces and, in some cases, vandalism.

Under Section 1318 of the Alaska National Interest Lands Conservation Act (Public Law 96-487), the National Park Service is required to assist Alaska Natives, upon request, to manage natural and cultural resources on lands that have been selected for, or are in the process of, conveyance as Native allotments. Such assistance has been provided to the Bering Straits Corporation, Unalaska Corporation, Ahtna Corporation, Kijik Corporation, and the Sealaska Corporation.

The National Park Service also cooperates with Native people in the management of conservation easements in which it has acquired an interest, such as at Lake Clark National Park and Preserve, where the National Park Service has acquired an interest in approximately 6,000 acres of Alaska Native land.

Expanded National Park Service Efforts to Support Tribal Preservation

The National Park Service efforts to preserve and protect historic properties and cultural traditions of American Indians needs expansion. The National Park Service assists Indian tribes to manage, research, interpret, protect and develop historic properties on Indian lands in National Parks under various authorities. In order to meet the critical level of resource management and protection needs ethnographic and archeological survey, interpretive facilities, collection management, site stabilization and preservation planning programs should be expanded significantly.

Section 3: Federal Agency Perspectives

Advisory Council on Historic Preservation

Section 106 of the National Historic Preservation Act requires that Federal agencies consider the effect of their actions, and of those actions they assist or license, on historic properties. Section 106 applies to actions on Indian, Federal, and non-federal lands. The regulations of the Advisory Council implementing Section 106 (36 CFR 800) establish a process of consultation among Federal agencies, State Historic Preservation Officers, tribes, and other interested parties to identify historic properties and effects and to avoid or mitigate effects that are adverse. The Section 106 process can provide tribes with ways to protect historic properties both on and off reservations. The Advisory Council provided the following observations on tribal participation in Section 106 review.

1. Participation by Indian tribes in the Section 106 review process would provide important opportunities for the protection of historic properties of significance to tribes. Tribal participation would provide more effective consideration of traditional cultural properties that are of great significance to Indian tribes, but are often unfamiliar to, and therefore overlooked by, State Historic Preservation Offices and Federal agencies in their identification activities. Traditional cultural properties are historic properties that derive their significance from the role they play in on-going cultural traditions, for example areas used by tribal members to gather and process food, medicine, basket making materials, vision quest sites, ceremonial sites, and so forth.

Tribal participation in the review process would provide greater opportunity for ensuring culturally appropriate treatment of human remains and funerary objects and for the culturally appropriate disposition of tribal objects recovered during mitigation projects. Opinions and approaches to dealing with human remains vary among tribes, States, and agencies. This leads to tribal mistrust, Federal agency confusion, and Federal applicant exasperation over the appropriate course of action. Successful resolution of such cases has resulted from early and continuing consultation with tribes as full consulting parties and with a reasonable and flexible policy on the part of the Federal agency.

Regular participation by Indian tribes in the Section 106 process might also create a forum for forging partnerships with others interested in advocating preservation issues.

2. Indian tribes generally do not participate fully in Section 106 review. Although there are exceptions, in the Council's view, most tribes are not well informed about the Section 106 process and how they can participate in it. As a result, most tribes do not participate on a regular basis.

Federal agencies whose undertakings are subject to review under Section 106 are responsible for ensuring that tribes have adequate opportunities to participate. However, some agencies do not provide for culturally sensitive consultation with tribes when carrying out their Section 106 responsibilities. Combined with the tribes' mistrust of Federal and State government agencies, this discourages active tribal participation and encourages tribes to see Section 106 review as only a Federal/State bureaucratic process.

Particularly with respect to projects on non-reservation lands, Federal agencies often fail to notify or seek the involvement of tribes with legitimate interests in historic properties subject to effect. Ineffective notification and involvement leads to lost opportunities for cooperation, adversarial relationships between tribes and agencies, and ineffective consideration of alternatives that could avoid or minimize effects on properties of concern to the tribes.



In the summer of 1986, Kristy Balluta and her sister, Cherie, pick fireweed at Ch'ghitalisha, a Dena'ina fish camp near Nonalton, Alaska. Fireweed leaves are used to store sockeye salmon. (National Park Service photograph)



Tahquitz Canyon, in southern California, is listed on the National Register of Historic Places because of its association with the traditions of the Cahuilla Indians. In this canyon the ancestors of the Cahuilla entered the world from a world below. The protection of Tahquitz canyon was the subject of several cases under Section 106 of the National Historic Preservation Act. (Photograph by Thomas F. King)

Advisory Council staff, too, may not be cognizant of potential tribal interests, and may be poorly prepared to address tribal concerns, particularly when they arise late in the review or consultation process.

Many State Historic Preservation Officers, not fully recognizing potential tribal interests in specific Section 106 cases, may provide inadequate advice concerning such interests to Federal agencies. This contributes to the inadequacy of agency provision for tribal participation. Differing impressions about tribal sovereignty also influence tribal relationships with State Historic Preservation Offices; State Historic Preservation Officers, as State officials, may not always view tribal sovereignty with as much seriousness as the tribes do. If not sensitively dealt with by the State Historic Preservation Office, such differences may cause mistrust and miscommunication. Differing views of the State Historic Preservation Office's role also create problems. In some cases, a tribe may rely on the State Historic Preservation Office to advocate its concerns, while the State Historic Preservation Officer does not see himself or herself as an advocate but as a provider of advice and assistance to Federal agencies.

Tribes differ considerably in their ability to represent their interests through the Section 106 process. Tribes may have conflicting or competing interests in particular cases. For example, one segment of the tribe may favor a project because it will stimulate economic development, while another opposes it because it will destroy traditional sites. Internal mechanisms may be lacking to resolve such conflicts, or may produce one-sided results or stalemates. Federal agencies and others involved in the Section 106 process, who may be relatively inexperienced in working with tribes, may tend to disregard tribal interests when confronted with differing points of view from the members of a single tribe or from several tribes concerned with the same case.

As part of a recent survey on the effectiveness of the Council's regulations, the Council sent questionnaires to tribes and received several responses. The tribe that responded in the most detail reported the following.

- o Section 106 review was applied to all tribal projects by the Bureau of Indian Affairs, yet projects by other Federal agencies on the same reservation were not systematically subjected to review.
- o The cumulative and long-term effect of federally sponsored actions such as deep plowing of fields and pastures, road maintenance, fencing of grazing units and range areas, and construction for business leases on the reservation is a serious preservation problem. Such effects are not adequately dealt with under the Council's regulations.
- o Contrary to the Council's regulations, Federal agencies almost never consult with the tribe regarding its concerns on non-tribal lands.

3. Tribal participation in Section 106 review can be improved by providing Indian tribes with adequate and culturally sensitive training opportunities.

The Council believes that:

- o Funds should be made available for the hiring or training of expert personnel within tribal governments to manage historic preservation matters in general, and to coordinate tribal participation in the Section 106 process.
- o Training in the Section 106 process should be targeted to Indian tribes. Such training should address tribal concerns on tribal lands and on ancestral lands off reservations. It should be offered in close proximity to reservations, and be offered frequently enough to allow interested tribes and individuals to participate.
- o A clearinghouse should be established, perhaps within the National Park Service, for sharing of information about tribal preservation programs. A list should be prepared, in consultation with tribal governments, of contact people within tribes, so that the Council and State Historic Preservation Officers could better advise Federal agencies about inviting tribal participation in the Section 106 process.

4. These suggestions could be implemented at relatively modest funding levels. A clearing house could be established under current authorities with little or no additional funding except for the assignment of responsible staff. Funding a specific position for this purpose would certainly increase the chances of success.

Modest funding would substantially enhance the ability of tribes to participate in the Section 106 process. The Council currently offers a three-day training course called "Introduction to Federal Projects and Historic Preservation Law." The course can be tailored to address specific constituent needs. For example, the Council has sponsored the development of special curriculum materials and targeted case studies for the U.S. Forest Service. The three-day workshop could be offered to 30 tribal members and other interested individuals for \$5,000. \$10,000 annually would allow the Council to offer the courses twice a year at no cost to the participants other than travel expenses, which could be minimized by holding the course near several reservations.



These sandbars in the Rio Grande River are eligible for inclusion in the National Register because they have been used for generations by the people of Sandia Pueblo for rituals involving immersion in the River's waters. (Photograph by Thomas F. King)

5. Tribal participation in Section 106 cases typically takes several forms. Following are three examples.

Tribal Participation in the Section 106 Process as a "Federal Agency"

With certain types of Federal assistance, such as Community Development Block Grants (CDBG) for housing and infrastructure projects from the U.S. Department of Housing and Urban Development, the tribe may assume the responsibilities of a Federal agency for the purposes of compliance with Section 106 of the National Historic Preservation Act. This was the case with several New Mexico Pueblo communities in the last few years, most recently Taos Pueblo. The Pueblo, with assistance from the New Mexico SHPO and the Council, developed a Programmatic Agreement covering its residential rehabilitation and small-scale new construction projects that incorporate standards for protecting significant historic structures and archeological remains from inadvertent construction project damage. CDBG projects will be administered by the tribe in accordance with that Agreement.

Tribal Participation in the Section 106 Process as an "Interested Party" Off Reservation Lands

The Salem, Oregon, District Office of the Bureau of Land Management (BLM) consulted with the Confederated Tribes of Siletz Indians on the development of recreation facilities at site 35Lnc62 in the Yaquina Head Outstanding Natural Area. The Yaquina Head site has significance for its research potential as well as for its traditional cultural and religious significance to the Siletz Indians. Through the Section 106 consultation process, BLM developed a Memorandum of Agreement that establishes a mutually agreeable strategy for treating any human remains encountered during data recovery or other circumstances (such as naturally-occurring headlands erosion of the site). The agreement also provides active involvement by the Siletz Indians in the data recovery programs.

Tribal Participation in the Section 106 Process as an "Interested Party" Adjacent to Reservation Lands

The Corrales North subdivision near Albuquerque, New Mexico, involved a required permit for effluent discharge into the Rio Grande from the Environmental Protection Agency (EPA). Although a Memorandum of Agreement was executed among EPA, the New Mexico SHPO, the developer, and the Council for the project, several issues of great concern to the people of Sandia Pueblo across the river continued unresolved. Notable among these was the historical significance of a series of sandbars in the Rio Grande where the people of the Pueblo have long carried out important religious observances. The project will discharge effluent material immediately across from this site. The question was raised of whether and how a property used for traditional religious purposes can be included in the National Register. In August 1988, the Keeper of the National Register, after a detailed study of pertinent documentation, determined that the sandbar is eligible for the Register. As a result, further consultation was needed to reduce the project's effects on it. During 1989, the developer negotiated an agreement with the Pueblo of Sandia; unfortunately, the case has still not been completely resolved, since there will be two more treatment plants that were not covered under the Memorandum of Agreement with EPA. Further consultation will undoubtedly take place in the future, but at least the channels of communication have been opened for effective tribal participation.

Federal Land Managing Agencies and Tribal Preservation

Besides the National Park Service and the Advisory Council, other Federal agencies, notably those that manage public lands, have historic preservation programs that interact in various ways with Indian tribes. The National Park Service Archeological Assistance Division surveyed several of these agencies regarding the ways in which Indian tribes participate in the historic preservation activities of their agencies, the ways tribal participation might be improved, and the need for funding to assist the tribes with preservation-related work. The Bureau of Indian Affairs (BIA), the Bureau of Land Management (BLM), the Fish and Wildlife Service (FWS), the Bureau of Reclamation (BR), the USDA Forest Service, and the National Oceanic and Atmospheric Administration (NOAA) responded to a questionnaire that sought answers to the following questions:

- o Does your agency manage historic properties on Indian lands, or otherwise formally undertake historic preservation projects on Indian lands?
- o Does your agency manage historic properties on Federal lands that Indians or Indian tribes consider to have significant historical or heritage values?

- o Does your agency collaborate with Indian tribes to manage, research, interpret, protect and develop significant historic properties (including culturally significant natural resources) on Indian lands or Federal lands?
- o What funding is required to manage, research, interpret, protect and develop historically significant heritage properties on Indian lands or Federal lands?

Responses to each question are summarized and discussed below.

1. Historic preservation on Indian lands by Federal agencies is mostly Section 106 compliance. BIA reported that it does not manage historic properties on Indian lands, and that it does not regard historic preservation as among the trust responsibilities that it is obligated to carry out on behalf of Indian tribes. However, BIA does exercise trust responsibilities with respect to Indian lands. It manages some Indian lands and carries out some operations on Indian lands. In these contexts BIA reported that it coordinates its compliance with Sections 106 and 110 of National Historic Preservation Act and implementation of the Archeological Resources Protection Act with Indian tribes. This coordination is carried out on a government-to-government basis, mostly at the Area Office level. BIA has also contributed to historic preservation projects carried out by tribes as funds permit, and has helped tribes develop historic preservation programs. BIA also participates in the intergovernmental program to protect the Chacoan site complex.

BLM manages no properties on Indian lands, but does maintain a broad spectrum of relationships with tribal governments; BLM noted that while it could perform historic preservation work on behalf of tribes, it has never done so. Similarly, FWS commented that while it has provided technical assistance to Indian tribes, it has never provided such assistance in historic preservation. FWS, like BLM, manages no properties on Indian lands.

BR also does not manage historic properties on Indian lands, except where such properties are within the boundaries of a BR-managed project (e.g. a reservoir). It does carry out historic preservation activities on Indian lands, in compliance with Sections 106 and 110 of the National Historic Preservation Act. It consults with tribes in accordance with the regulations of the Advisory Council in conducting such activities; the potential for consultation under the Archeological Resources Protection Act also exists. In some specific projects and programs, for example the Central Arizona Project, special consultative arrangements have been developed with tribes, BIA, and other agencies.

Neither the Forest Service nor NOAA manage historic properties on Indian lands, and the Forest Service reported conducting no preservation activities on Indian lands. It is the Forest Service's policy, however, to promote preservation partnerships with Indian tribes and Alaska Natives in the management of historic



Bedrock mortars, like this one in central California, are essential to processing Black Oak acorns. (Theodoratus Cultural Research photograph)

properties on Indian and Forest Service lands. The Forest Service's policy provides technology transfer and technical assistance to tribal governments. NOAA reported that while at present it does not carry out historic preservation activities on Indian lands, it is possible that in the future National Marine Sanctuaries will be created adjacent to Indian lands, most likely in Alaska and the Pacific Northwest. This would create the potential for the conduct of NOAA activities on Indian lands.

In summary, such historic preservation activities as Federal agencies carry out on Indian lands are virtually all the products of compliance with Section 106 of the National Historic Preservation Act and the Advisory Council's regulations and, to a lesser extent, implementation of Section 110 of the National Historic Preservation Act and the Archeological Resources Protection Act. Tribes are consulted in the course of carrying out such activities, but as the Advisory Council noted above, such consultation is not always effective. BIA occasionally assists tribes in the conduct of historic preservation projects and programs, but apparently does not give such assistance high priority. BIA does not regard historic preservation as one of its trust responsibilities. Other agencies, notably BLM and FWS, have the potential to provide assistance to tribes in historic preservation on Indian lands, but traditionally have not done so.

2. Management of historic properties on Federal lands is carried out by the responsible Federal agencies. BIA stated that it manages a number of properties, including Indian schools, that tribes regard as having historic, cultural, or religious qualities, and that it consults with tribes in the conduct of Section 106 review of actions affecting such properties, as well as under the Archeological Resources Protection Act where it is applicable. BIA also reported consulting with tribes regarding reburial and repatriation of human remains.

BLM reported managing many such properties on Federal lands, including areas valued by tribes for traditional uses such as food gathering and the conduct of religious activities. BLM has developed substantial direction to its field personnel regarding Native American coordination and consultation, and accommodates the continuation of traditional activities through its land use and planning process. BLM defines "cultural resources" to include not only historic properties but "traditional lifeway values" as well, and provides for the management of both types of resources in its BLM Manual 8100.

FWS said that it manages both historic properties and natural resources of historic, cultural, and religious value to Indian tribes. It consults with tribes regarding effects of management and development activities on historic properties under Section 106 and the Advisory Council's regulations, and considers tribal requests for traditional use of natural resources in accordance with agency policy. It also interacts with tribes in enforcement of the Archeological Resources Protection Act. In two specific cases, at Stillwater (Nevada) and Malheur (Oregon) Wildlife

Refuges, FWS has engaged in extensive consultation with tribes about management of archeological sites containing human remains that were threatened by erosion and artifact collectors.

BR reported that it interacts with tribes in connection with Section 106 review of project impacts on historic properties, and often finds that tribes are concerned about effects on burial sites and sacred objects and places, as well as about how human remains will be addressed if encountered. It commented that consultations would be facilitated by improvements in tribal historic preservation programs.

The Forest Service, with which the tribes reported the most interaction on historic preservation matters, expectably reported that many tribes consider areas of the national forests to be historically or culturally significant. Tribes continue to use traditional cultural areas within national forests, particularly for religious purposes and to gather natural resources for specific cultural reasons. It reported that tribes are regularly contacted during forest planning and during planning for specific undertakings, apparently in the context of Section 106 review. Forest Plans document and provide direction on managing historic properties and for consulting with Indian tribes. The Forest Service also noted that cooperative work with tribes in historic preservation is becoming more common, and that State Historic Preservation Officers and others are also participating in such cooperative activities.

NOAA noted that prehistoric sites in some of its sanctuaries might be of interest to Indian tribes, and that its consultation with tribes thus far has been carried out through the National Park Service.

In summary, most of the agencies reported that they do manage properties that are regarded as culturally significant by Indian tribes and other Native American groups, and some of them are making definite efforts to manage such properties in consultation with the tribes. BLM's efforts seem to be particularly organized, and illustrate a holistic approach in addressing both historic properties and cultural traditions. The Forest Service also shows a high level of sensitivity to the interests of tribes in historic properties and culturally significant natural resources under its management.

3. Collaboration in management, research, interpretation, protection and development is reported by all responding Federal agencies. BIA did not report specific examples of collaboration, but suggested that such activities are carried out upon request, through Area Office archeologists. In contrast, BLM reported substantial collaborative activity with tribes in the conduct of broad-scale cultural resource overviews, in information sharing, in planning and management in general, and in specific preservation and interpretation projects. BLM pointed to a joint management agreement with the California State Native American Heritage Commission, an agreement with the Fort Bidwell Paiute tribe regarding



A view of the Ak-Chin Reservation, in central Arizona.
(Photograph by Eric Long, Smithsonian Institution)

management of a significant rock art complex, and an agreement with the Shoshone-Bannock Tribes of Fort Hall Reservation regarding the Chief Tendoy Cemetery as examples of collaborative efforts.

FWS noted that collaborative projects in research and management undertaken at various refuges often involve volunteers from Indian tribes. BR reported two formal collaborative efforts with the Ak-Chin Indian Community in connection with the Central Arizona Project. Through a grant under the Reclamation Small Loans Act to mitigate the impacts of development activity at no cost to project applicants, funds were provided to the Ak-Chin community for archeological data recovery and public education; this has led to a program for major museum development by the Ak-Chin community. BR has now entered into formal arrangements with the Ak-Chin community for curation of the BR's Ak-Chin and Tohono O'odham archeological collections.

The Forest Service also reported a number of collaborative activities, including tribal participation in its current "Windows on the Past" interpretive initiative. Collaborative management of historic properties is being undertaken in national forests in Idaho, Montana, Arizona, New Mexico and Wyoming. A collaborative interpretation project has been established at Elden Pueblo in the Coconino National Forest. National Forests in the Southwest have collaborated with the Hopi, Navajo and others in the protection of historic properties. At the regional level, the Eastern and Southeastern Regional Offices of the Forest Service collaborated with numerous tribes through the National Congress of American Indians to develop and implement a policy regarding appropriate treatment of human remains and grave goods. The Western Regional Office regularly consults with Indian tribes regarding management and protection of historic properties and tribal access to traditional properties and natural resources. Continued collaboration should be assured through the Forest Service's planning process which requires consulting with Indian tribes.

NOAA said that its Estuarine Research Program could be of interest to Indian tribes, and that its participation in the establishment of an National Park Service-operated museum in Channel Islands National Park involved consultation with Indian tribes.

In summary, BLM and the Forest Service seem to be particularly interested in collaborative activities with Indian tribes, and to be making vigorous efforts to encourage and develop such activities. The relationship that has developed between BR and the Ak-Chin community might well serve as a model of collaboration for other agencies.

4. Funding needs were identified by all responding Federal agencies. None of the agencies provided detailed estimates of funding needs, but all except BIA suggested that additional programs and funding are needed. BIA suggested



The U.S. Army Corps of Engineers, Seattle District, conducted archeological field training for 48 members of the Colville Tribe. The training was from survey work, site excavation, and filling in the site forms, unit level forms, feature forms, datum forms, and the countless other forms that are important to testing and data recovery. The tribal member shown here is excavating an old house-pit site. (Andrew Joseph, Colville Confederated Tribes) (Colville Confederated Tribes Museum photograph)

that it is up to the tribes to determine funding priorities, based on the principle of self-determination, noting again that historic preservation is not a BIA trust responsibility. Some BIA funding might be available in the future for reburial and repatriation efforts or for technical assistance in museum development, but apparently such matters have not yet been addressed.

BLM reported that a recently convened internal working group identified as a priority the need for training of BLM staff in the conduct of consultation with Native American groups, to improve coordination with tribes and others. BLM also has recently undertaken a servicewide public education and outreach program called "Adventures in the Past," which together with its joint management agreements could provide a mechanism for funding collaborative historic preservation programs.

FWS said that it needs to give greater emphasis to the preservation of historic properties important to the tribes. It pointed particularly to the need for an inventory to determine the extent of artifact collections for which FWS is responsible that relate to such properties. Apparently few records were maintained of such collections gathered under Archeological Resources Protection Act permits prior to 1984. FWS also suggested that broader interpretation of and public education about cultural resources under FWS administration would be beneficial.

BR emphasized the importance of collaboration with Indian tribes, particularly in regard to development of tribal museums, curation and conservation, public education, tribal involvement in agency preservation programs, and the identification of historic properties. It emphasized the need to resolve issues surrounding the treatment of human remains in order to remove impediments to tribal participation in historic preservation programs. BR also noted specific interest in collaborative activities on the part of the Ak-Chin community, the Shoshone-Bannock tribe, and the Colville tribe.

The Forest Service noted that additional funding for its cultural resources programs would improve its ability to deal with culturally significant historic properties. Additional funding needs include a variety of actions from consultations and technical training to collaborative interpretations. NOAA suggested that with appropriate funding it could assist tribes in research, public education, and interpretation where its Estuarine Research Program or Sanctuary Program involved lands of cultural importance to Indian tribes.

5. In summary, five of the six reporting agencies would like to educate their staffs in techniques of consultation with tribes, to engage in more collaborative efforts with tribes, to improve public education and interpretation regarding resources important to the tribes, and generally to improve their means of identifying and protecting culturally significant historic properties. BIA reports that it carries out these activities as part of the

agency's mission. Although none outlined specific dollar amounts needed, some identified programs that could efficiently administer additional funding for such purposes, and most noted that additional funding would be welcome to advance their efforts in these areas.

American Indian Programs in the Smithsonian Institution

In preparation of this report, the Smithsonian Institution was asked how its programs currently met the preservation needs of Indian tribes, what additional assistance to tribes was needed, and what it would cost to provide that additional assistance. The Smithsonian's Office of Public Affairs supplied the information from which this section was prepared.

1. President Bush signed Public Law 101-85 on November 28, 1989, establishing the National Museum of the American Indian within the Smithsonian Institution. The legislation calls for three separate facilities:

- o a museum on the National Mall in Washington, D.C., scheduled to open in 1998;
- o an exhibition site, the George Gustav Heye Center of the National Museum of the American Indian, in the Old United States Custom House in lower Manhattan, New York; and
- o a storage, research and conservation facility at the Smithsonian's Museum Support Center.

The centerpiece of the new museum will be the extensive collections of the Museum of the American Indian, Heye Foundation. Those collections contain more than one million artifacts covering the entire Western Hemisphere, an extensive archive of photographs, and other resource materials.

The National Museum of the American Indian Act provides the Smithsonian with the opportunity to work with Indian tribes in unprecedented ways. Smithsonian Secretary Robert McCormick Adams commented:

*[The Act] opens new horizons for the Smithsonian and the world because we'll be working with Native American communities in ways we have never done before, and it's a new model for working with other communities. Beyond that, this museum is unique because it is the first opportunity for American Indians to present their own civilizations in their own way, in their own voice.*¹⁸

¹⁸ "Indian Museum Bill Passes House: Vote Is Unanimous; Senate Approval Expected Today," *Washington Post*, 14 November 1989, Section C, p. 7.

2. The American Indian Program in the National Museum of Natural History was established in 1986 to serve as an outreach program to Indian reservations and communities, to make the Smithsonian more accessible to Indian people, and to encourage collection, research, exhibitions, and public programming by and about Indian peoples. One of the program's objectives is for staff to collaborate on projects with Indian-controlled museums, colleges, and other cultural and educational institutions. These projects could include traveling exhibits, loans of collections, and tribally initiated research efforts.

3. The National Anthropological Archives (National Museum of Natural History/National Museum of Man) serves as a repository for American Indian photographs and documents. The Archives actively engages in acquiring materials from Indian tribes, usually in exchange for copies of other documents in its holdings.

4. The Human Studies Film Archives (Department of Anthropology, National Museum of Natural History/National Museum of Man) was established in 1981 to collect, preserve, and make available for research anthropological film and video records. The Film Archives contains film and video materials of American Indians and include footage from the early 20th century as well as more recent material. Annotations, photographs, and sound recordings, field notes and dissertations accompany many of the film projects.

5. The Handbook of North American Indians (Department of Anthropology, National Museum of Natural History/National Museum of Man) is a 20 volume encyclopedia of North American Indian culture, language, history, prehistory, and human biology. The Handbook has become a standard reference for anthropologists, historians, students, and general readers.

6. The Arctic Program (Department of Anthropology, National Museum of Natural History/National Museum of Man) emphasizes cultural resources, education, exhibits, and research in the Arctic. International and multi-institutional in scope, its primary emphasis is on Alaska. A training aspect involves American Indians and covers curation, exhibition, and research. Once the program is fully established, fellowships will be made available to American Indians.

7. The American Indian Program at the National Museum of American History was founded in 1984 to offer technical assistance and cooperative support to American Indian tribes and communities and to other educational and cultural institutions; produce exhibits publications, and educational and scholarly materials; sponsor research and training; and develop collections, public programs, and collaborative initiatives on American Indians. The program works with and invites participation by a variety

of tribal, institutional, and individual projects. These include internships at the Smithsonian and supervision of research by Smithsonian scholars.

8. The Office of Museum Programs targets ethnic and minority museums, including American Indian museums. Workshops and other training are designed to meet special needs of such museums and is directed toward awareness of organizational issues rather than task specific activities. Research is continuing on the role of museums in tribal communities, specifically where they differ from Western concepts of empowerment. The Office of Museum Programs has worked closely with the Ak-Chin Indian Community in Arizona on the development of an eco-museum. The Office also administers funds appropriated for training of American Indians in museum operations.

9. The Office of Fellowships and Grants has a Native American Awards Program which is used to fund interns and American Indian community scholars who study Native American resources in Smithsonian collections.

10. The Office of Folklife Programs has helped tribal groups establish their own ethnographic programs by assessing tribal needs. While the folklife projects range from the collection of tribal music to tribal narratives, the Office of Folklife Programs is most notable for its annual Folklife Festival, which has had consistent American Indian representation in its activities on the Mall in Washington, D.C.

11. The Office of Elementary and Secondary Education makes a special effort to sponsor minorities, especially American Indian high school students, in its High School Summer Intern Program. It also reaches out to American Indian communities with school publications and other communications resources.

12. The Office of Quincentenary Programs coordinates a variety of activities and programs throughout the Institution relating to the 500th anniversary of the Columbus voyages to the New World. Among the projects planned is a major exhibition, to be developed by the National Museum of American History, titled "American Encounters." The exhibit will focus on encounters between Spanish, Indian, and Anglo-American cultures in New Mexico. The National Museum of Natural History/National Museum of Man is planning a major exhibit organized around the concept "Seeds of Change." The exhibit will look at plant, animal, and disease exchanges that occurred between the Old and New Worlds, transforming the cultural ecological landscape of the Americas. The National Zoological Park will present "Heritage Garden Plant Pioneers: Algonquin Indian Foods and Medicine." This is an interpretative garden to be cared for by volunteers.

The Smithsonian's Office of Telecommunications and the Native American Public Broadcasting Consortium are developing a radio series on the Columbus

encounter and its aftermath from a Native American perspective. The Corporation for Public Broadcasting has committed \$224,000 for production costs. Among the topics to be considered are Native American views of medicine, Indian religion and cosmology, and the history of treaties between Indian tribes and the government. The series of 13 half-hour programs will air on public radio stations nationwide in 1992. An accompanying educational packet for schools is also planned.

In summary, the Smithsonian Institution sponsors extensive American Indian programs throughout its research and museum facilities. These programs include, but are not limited to, training in research, exhibits, curation, conservation, production of educational materials, and developing tribal archives. The National Museum of the American Indian Act opens new possibilities for working with Indian tribes on an unprecedented scale. These programs, including the National Museum of the American Indian, focus on museums, collections, and research. They do not, however, address the full range of preservation needs identified by Indian tribes in **PART I** of this report nor the land management aspects of cultural preservation.

Section 4: State Historic Preservation Office Perspectives

State Historic Preservation Offices can assist tribes to manage, research, interpret, protect, and develop historic properties on Indian lands and on ancestral lands off reservations. This section describes how State Historic Preservation Offices view tribal needs, how they presently assist tribes, and how they would like to assist tribes in the future.

The information in this section was provided by State Historic Preservation Officers who were asked to describe how their offices assisted Indian tribes to manage, research, interpret, protect and develop historic properties on Indian lands. Some States, like Ohio, in which no Federally recognized tribes or Indian lands are located, did not provide information for this report. When appropriate, information provided by State Historic Preservation Offices concerning the preservation assistance provided to tribes by other State agencies has been included.

Assistance to Tribes on Indian Lands

State Historic Preservation Offices seldom, if ever, have programs of financial and technical assistance exclusively for tribes. Most provide assistance on a case by case basis. The Washington State Historic Preservation Office provided an

overview that broadly describes the relationship between tribes and State Historic Preservation Offices.

We offer technical assistance as requested by tribes, particularly concerning the protection of properties on ceded lands within the State. We fully support and recognize the government to government relationship between the State and the tribes and are supportive of the protection and preservation of tribal cultural values and properties. We have no separately funded programs for the identification, evaluation, or protection of cultural properties on Indian lands. (Washington State Historic Preservation Office)

Some State Historic Preservation Offices, however, have outreach efforts that address tribal issues. The Montana State Historic Preservation Office conducts an annual conference to provide a forum for the discussion of issues of importance to tribes.

For the past three years our office has co-sponsored a series of meetings which we call the "Maiden Conference" (named after Camp Maiden, the site of the first meeting). These conferences are meetings of tribal cultural representatives, archeologists, cultural resource managers, and Federal and State agency supervisors to discuss current cultural resource issues and to facilitate communication and face to face contact between tribal cultural representatives and cultural resource managers. Topics discussed at these meetings include cultural resource and American Indian Religious Freedom legislation, proposed statewide burial legislation, sacred landscapes, cultural resource information management, current Section 106 and American Indian Religious Freedom negotiations, and weed spraying programs which affect tribal plant collecting. (Montana State Historic Preservation Office)

Each conference costs the Montana State Historic Preservation Office about \$5,000.

1. State Historic Preservation Offices assist tribes in management activities on Indian lands. Management was defined in the worksheets sent to State Historic Preservation Offices to include preservation planning, establishing and maintaining inventories of historic properties, managing cultural centers and museums, administering language preservation programs, and managing the curation and care of tribal objects.

The Arizona State Historic Preservation Office has provided Historic Preservation Fund grants to the Navajo, Hopi, and the Fort McDowell Mojave Apache Indian

tribe over the past three years. In Fiscal Year 1987, the Navajo received \$25,000 for a pilot study in five Navajo Chapters as the first phase in developing a historic preservation plan for the Navajo Nation. In Fiscal Year 1988, the Hopi received \$12,804 to assess the Awatovi ruins on Hopi lands. One product of that assessment was a preservation plan for the site and recommendations for the development of an overall preservation plan for the Hopi tribe. In Fiscal Year 1990, the Fort McDowell Mohave Apache Indian tribe received a grant of \$8,000 to prepare, among other things, a preservation plan for the Fort McDowell historic district which is to be nominated to the National Register of Historic Places.

Most State Historic Preservation Offices reported that their inventories contain properties significant to Indian tribes and that they shared this information with Indian tribes on request. The cost of doing so is generally absorbed by the State Historic Preservation Office. Some State Historic Preservation Offices regularly communicate with tribes concerning properties and proposed activities on areas of importance to tribes.

The Montana State Historic Preservation Office regularly provides information to tribes upon request about documented sites on tribal lands from the statewide cultural resource information system. Computer printouts are provided to cultural committees and site forms are provided to the tribes for the cost of photocopying. We also provide information to tribes about past and upcoming Federal and State cultural resource compliance activities on Indian lands and on off-reservation lands of expressed concern to the tribes. We consistently make recommendations for Federal and State agencies who are conducting activities on Indian lands or in acknowledged aboriginal territory to contact the appropriate tribes. (Montana State Historic Preservation Office)

The Minnesota Historical Society has provided assistance to the Mille Lacs, Fond du Lac, and Red Lake bands of Chippewa for the curation and care of tribal archival materials through a State Grants-In-Aid program. Over the past five years, over \$29,000 has been spent for these purposes. In 1988, the Minnesota legislature authorized a capital building request of \$165,000 for development of a Tribal Information Center at Red Lake Reservation that will include archival storage, a research area, public library, and an interpretive center. Construction is planned to begin in the summer of 1990.

The Rhode Island State Historic Preservation Office curates and cares for tribal objects and archival materials. In 1983, the office spent about \$15,000 to stabilize the collection and spends about \$1,000 per year to maintain it.



Young people from the Coushatta, Chitimacha, Houma, and Choctaw tribes attended an archeological field school in 1982. The field school was sponsored by the Intertribal Council of Louisiana, the University of New Orleans, and the Louisiana State Historic Preservation Office. (Louisiana State Historic Preservation Office photograph)

The South Dakota State Historic Preservation Office has been working on a program to permanently protect Wounded Knee. They have spent \$3,000 to \$6,000 a year for the past two years and are working now to complete a feasibility study for site protection and interpretation. Of the \$15,000 spent to date, most has been from the Historic Preservation Fund with some assistance from the state tourism agency and from the Bureau of Indian Affairs.

In Utah, the State Historic Preservation Office helps with tribal preservation programs with the Utes and Paiutes and is consulting with the Paiutes on a proposed cultural center. The office uses from \$15,000 to \$25,000 per year in State and Federal funds.

The Wyoming State Historic Preservation Office maintains the records of all survey and sites conducted within the boundaries of the Wind River Reservation. Information pertaining to properties on the Reservation is not released without the permission of the Arapaho or Shoshone.

Several State Historic Preservation Offices reported on the assistance given to Indian tribes by other State agencies in managing historic properties. The Museum of Florida History, for example, administers a consulting service for history museums and historical societies, and in that capacity has answered questions and met with at least two Indian groups in the State.

2. State Historic Preservation Offices assist tribes in research on Indian lands. Research was defined in the worksheet sent to State Historic Preservation Offices to include surveying, identifying, recording, and documenting historic properties, traditional cultural practices and oral tradition; documenting where tribal objects are located; archeological excavations on tribal lands; recording traditional use of plants, animals, natural landmarks, and other natural resources; preparing nominations to the National Register of Historic Places; and conducting ethnographic studies.

The pilot study in five Chapters of the Navajo Nation was funded by a Fiscal Year 1987 Historic Preservation Fund matching grant (described below). The project included archival research, ethnographic research, and field visits to identify sites eligible for inclusion in the National Register of Historic Places. Additional phases of the project will include similar identification activities. In Fiscal Year 1990, the Hopi received a Historic Preservation Fund matching grant for \$11,000 to document certain archeological, historic, and sacred properties on the Hopi Reservation, including those within a 50 mile radius of the village of Moenkopi. This will include archeological surveys of major sites, assessment of surface artifacts, and preliminary evaluation of adjacent petroglyphs to correlate with Hopi oral history concerning those sites.



Bobby Henry teaches Danny Wilcox to make a Seminole cypress canoe. (Bureau of Florida Folklife Programs photograph)

Reclaiming the Tribal Past Through Archeological Research

The Mashantucket Pequot Indians have continuously occupied land now designated as the tribe's reservation for more than a thousand years. The Mashantucket's language and much of the tribe's history was lost during the past three and half centuries. The Mashantucket Tribal Council realized that one way to regain the tribe's cultural heritage was through historical and archeological research.

The Mashantucket Pequot Archeological Project was initiated by the tribe and funded by Historic Preservation Fund grants administered through the Connecticut State Historic Preservation Office. From 1984 - 1987, the Connecticut State Historic Preservation Office allocated \$68,695 to the project. In 1987 and 1988 the State Historic Preservation Office allocated \$15,000 and \$11,500, respectively, from the State of Connecticut Historic Restoration Fund for more detailed investigation and interpretation of significant archeological properties on the Pequot Reservation. Tribal members designed and carried out the work in cooperation with State Historic Preservation Office and the University of Connecticut.

Seventy-five archeological sites on the reservation have been identified, and 11 of these have been listed on the National Register of Historic Places. A museum is being planned to house the archeological and historic materials found during the project.

The Mashantucket Pequot Historical Conference was planned and sponsored by the Pequots in cooperation with the University of Connecticut. The conference brought together scholars from numerous disciplines and stimulated interest in Pequot history.

The Mashantucket Pequot Archeological District project was a recipient of a 1988 National Historic Preservation Award from the Secretary of the Interior and the Advisory Council on Historic Preservation. The jury commented: "This project is a rare example of research and documentation by Native Americans of their own resources on land that has been integral to their heritage. Particularly praiseworthy is the Pequots' initiative in sharing their findings with academicians and the public."

The Florida State Historic Preservation Office has awarded a Historic Preservation Fund matching grant of \$6,000 for a survey of properties on Seminole reservation land. The Office has awarded about 40 grants for the identification, evaluation, and documentation of Indian properties on lands off reservations.

The Bureau of Florida Folklife documents Seminole, Miccosukee, and Creek folklife as requested by cultural organizations and in support of projects like museum exhibits and video projects. From 1988 to 1989, the Bureau of Florida Folklife spent about \$8,500 on projects documenting Florida Indian folklife.

The Bureau of Florida Folklife also administers the State Folklife/Folk Arts Apprenticeship Program. Through the Apprenticeship Programs, students are able to work with a master folk artist to learn the techniques, aesthetics, and values



Jennie O. Billie teaches Minnie Bert how to make Miccosukee patchwork clothing. (Bureau of Florida Folklife Programs photograph)

associated with a folk tradition. The purpose of the program is to foster the continued practice of traditional forms and processes. During the last five years, four apprenticeships have gone to Indians in the State for Seminole herbal medicine, Seminole dugout canoe making, Creek pine needle basketry, and Miccosukee patchwork sewing. Apprenticeships cost approximately \$4,500 each, and are funded by grants from the National Endowment for the Arts Folk Arts Program, the Florida Division of Cultural Affairs, and State general revenue funds.

The Michigan State Historic Preservation Office assists tribes to research historic properties on Indian lands on request. The Office provides information to the Bureau of Indian Affairs and edits nominations to the National Register of Historic Places of properties on Indian lands. The Office plans to continue to solicit applications from tribes for Historic Preservation Fund grants.

The Minnesota Historical Society has assisted the Leech Lake and the Mille Lacs bands of Chippewa to conduct archeological surveys on reservation lands at a cost of \$70,000. These funds were appropriated by the Minnesota legislature as an "Indian-History Grant-In-Aid." The Minnesota Historical Society also funded a National Register nomination for the Birch Coulee School, an Indian school, at the cost of approximately \$1,500 from the Historic Preservation Fund. The State has also provided \$29,428 in State Grants for oral history projects. These funds have helped leverage private foundation grants of \$60,000, and Federal National Historical Publications and Records Commission funds of \$116,000 for oral history and other historic records projects. Grants for oral history and historic records projects have been awarded to the Mille Lacs, White Earth, Leech Lake, and Red Lake Bands of Chippewa.

The Nevada State Historic Preservation Office reports that while it has not assisted tribes in conducting research, some tribes are aware that they have historic properties, but they do not know how to record them or how to keep an inventory.

The New Mexico State Historic Preservation Office cooperated with the Arizona State Historic Preservation Office to fund the pilot project to identify historic properties on the Navajo Nation in New Mexico. As part of that project, described above, archeological survey was conducted and nominations to the National Register of Historic Places were prepared. The project was funded with a \$25,000 Historic Preservation Fund matching grant.

The South Dakota State Historic Preservation Office awarded a \$35,000 Historic Preservation Fund grant to survey sites associated with the Yankton Sioux.

The Utah State Historic Preservation Office assists with survey on Ute land, and with excavation when requested. The Office library has assisted research into Paiute oral history. Most funds for these projects have come from private sources.

The Wyoming State Historic Preservation Office is in the process of establishing a survey program for the Wind River Reservation to be staffed by Arapaho and Shoshone. The Office will provide survey training and will set up a historic properties inventory system for the Reservation. The Wyoming State Historic Preservation Office also prepares and modifies nominations to the National Register of Historic Places of historic properties on the Wind River Reservation.

3. State Historic Preservation Offices assist tribes in interpretation on Indian lands. Interpretation was defined on the worksheets sent to State Historic Preservation Offices as including such activities as preparing exhibits, signs, markers, and performing traditional arts, crafts, skills, to enhance and continue traditional tribal lifeways. In general, State Historic Preservation Offices assist tribes less in this area than in others because these activities, while eligible for funding with Historic Preservation Funds, have not been required of States or identified as Federal program priorities.

In Iowa, the State Historic Preservation Office has loaned artifacts for a major exhibit of Mesquakie art, but there was no formal State Historic Preservation Office involvement in the exhibit.

In Maryland, a traveling photographic exhibit will be created from the Piscataway Oral History Project described above that will be seen in schools, museums, and libraries throughout the State. The exhibit will be funded with \$5,000 from the Division of Historical and Cultural Programs.

The Maryland Commission on Indian Affairs has an aggressive program to interpret Indian culture in Maryland.

A major concern of the Indian community in the State is the limited availability of quality educational materials about Maryland Indians, both contemporary and historical, at all grade levels in the Maryland school system. The Commission began working with the Maryland Department of Education in 1989 to address this problem, recommending changes in school curricula. On a closely related matter, the Commission provided technical assistance to Maryland Instructional Television in the development of a video on the Maryland Indian for use at the fifth grade level. The video will be used during the 1990 school year. (Maryland Historic Preservation Office)

The Director of the Commission and members of the Maryland Indian community make public appearances in schools, seminars and conferences, libraries, and art institutions. In 1989, in addition to attending many public events in the State and

across the nation, the Commission made 21 public presentations at universities and other institutions, made 582 presentations on Indian crafts and history, and responded to 864 general requests for information.

Maryland's Indian community is also featured in two major articles: "Maryland's First Americans," in *Maryland Magazine*, and "The Last of the Piscataways, Maryland's First People Struggle to Preserve Their Identity," in *Inquiry Quarterly*, published by the University of Maryland.

In Michigan, the State Historic Preservation Office has a State marker program and is planning an exhibit on Michigan Indians for the State Historical Museum.

The Minnesota Historical Society administers and interprets a historic site within the boundaries of the Mille Lacs Chippewa Reservation. The site is open to the public. Annual operating costs for the site average \$150,000 per year; projected capital costs are approximately \$4,000,000. This is funded through the Minnesota Historical Society's Historic Sites Department budget. The Society would like to replace the current museum, restore the historic trading post located at the site, and improve the interpretive program by developing new exhibits and education programs, recording oral histories, developing library resources at the site, and transferring the curation of the Society's related archival collections to the site.

The Minnesota Historical Society has also cooperated with the Mille Lacs Band of Chippewa in their planning of commercial development near the proposed new museum and cultural center. The Band views the new museum as vital to the success of its commercial ventures.

The Nevada State Historic Preservation Office erected historic markers for the Walker River Reservation and the Pyramid Lake War, and received the tribe's approval of the text beforehand. The markers were put in place over five years ago. More could be proposed by the State Historic Preservation Office if Nevada tribes are interested.

South Dakota has a State Folklorist, funded through the National Endowment for the Humanities, who organizes folk festivals and exhibits featuring traditional Indian crafts, dance, and music at a cost of roughly \$5,000 to \$10,000 per year.

4. All State Historic Preservation Offices provide assistance in the protection of historic properties on Indian land through their participation in the Section 106 review process described above. The Nevada State Historic Preservation Office reported on particular problems associated with conducting Section 106 review on Indian lands, usually stemming from poor communication, lack of support from other Federal agencies, and ignorance about historic properties.



Saint Benedict's Mission School, White Earth Band of Chippewa Reservation, is listed in the National Register of Historic Places. A restoration project for the School was funded through the Minnesota State Historic Preservation Office under the Emergency Jobs Act of 1983. (Minnesota Historical Society photograph)

Tribal councils often apply for grants from the Department of Housing and Urban Development, the Economic Development Administration, or work from the Bureau of Indian Affairs. Many of these requests for review come from groups a long distance from Carson City so correspondence through the mail may be our sole means of communication (telephone systems are often poor). Submissions usually include a brief project description, a map and photographs. If we should request additional information, such as building inventory forms, we rarely receive a response. Most of our visits to tribal lands occur as a result of Section 106 generated correspondence. Through these visits, we have learned that historic sites exist. Often, projects are redesigned to avoid impacting properties, particularly buildings that might be eligible for inclusion on the National Register. Unfortunately, the tribes have informed us that the Department of Housing and Urban Development has not encouraged the reuse of historic properties and has made it difficult to obtain funds for rehabilitation of older buildings. Therefore, many buildings stand in major disrepair and do not stand a chance of being preserved. . . . We do know of examples where through ignorance, . . . archeological sites have been damaged or destroyed for construction projects. We usually discover these situations after the fact. When informed that archeological sites were present, Native Americans expressed amazement. They had not noted artifacts or features.

5. State Historic Preservation Offices assist tribes in developing historic properties on Indian lands. Development in the worksheet sent to State Historic Preservation Offices was defined to include, stabilizing, restoring, and rehabilitating historic properties; establishing facilities to manage, research, interpret, and protect historic properties and tribal traditions; and conducting cultural tourism programs and establishing cultural parks. With the exception of the Emergency Jobs Act of 1983, State Historic Preservation Offices have not been allowed to pay for development projects with Historic Preservation Funds since Fiscal Year 1981. States provide technical assistance, however, regarding standards and techniques for development projects, and some assist development using nonfederal funds.

The Minnesota State Historic Preservation Office provides funds for the stabilization, restoration, and rehabilitation of properties listed on the National Register of Historic Places on Indian lands. Over the past five years, the State Grants-In-Aid program has awarded \$14,619 for work on historic properties to the Lower Sioux Band of Dakota and to the Fond du Lac and White Earth Bands of Chippewa. In 1983, \$15,000 from the Historic Preservation Fund was awarded to the White Earth band for a development project under the Emergency Jobs Act.

The New Mexico State Historic Preservation Office helped to secure State funding for restoration work on Taos Pueblo. The State appropriated \$100,000 which was matched by a \$300,000 Housing and Urban Development grant along with private contributions.

Assistance to Indian Tribes on Non-Indian Lands

State Historic Preservation Officers assist Indian tribes with preservation on non-Indian lands in a variety of ways.

1. State Historic Preservation Offices did not report providing assistance with management on non-Indian lands, as that term was defined in the worksheet distributed to the States.

2. State Historic Preservation Offices assist tribes in research on non-Indian lands. The California State Historic Preservation Office estimates that it spends less than \$5,000 per year of Historic Preservation Funds and State funds to survey and record traditional use sites of California Indians. An expanded program is needed and is likely to cost \$50,000.

The Iowa State Historic Preservation Office has invited the Mesquakie to comment on nominations of Mesquakie sites off settlement lands to the National Register of Historic Places.

During 1990, the Maryland State Historic Preservation Office will use a \$7,500 Historic Preservation Fund matching grant for a project that will:

. . . develop a methodology for identifying Maryland Indian sites (many unmarked), as well as evaluation criteria to better pinpoint their significance. Survey work will be done on a test basis in Dorchester County, Maryland, an area rich in Indian history, and will result in the preparation of a number of Maryland Inventory of Historic Property forms. (Maryland State Historic Preservation Office)

The Office hopes to expand and accelerate the survey and evaluation activities into a five year program to gather basic information on Maryland Indian sites.

The Maryland Humanities Council awarded a \$15,000 grant to the Piscataway Indians Oral History Project to be completed in 1990. The grant was matched with in-kind and donated services from the Maryland Commission on Indian Affairs and the Maryland Indian community.



Participants in the Oral History Project of the Piscataway Indians of Southern Maryland, 1989-1990 (Maryland Commission on Indian Affairs photograph)

The goal of the project is to capture the voices, both old and young, of this group, so that Maryland's Indian culture, values, and beliefs are not lost for future generations. Materials collected for this oral history project will be used by archivists, historians, anthropologists and other social scientists, and should lead to further studies of the Piscataways, and the collection of additional oral histories from other Maryland tribes (this is a Division [of Historical and Cultural Programs] goal for the next five years). Recordings will ultimately be housed in the Maryland State Archives. (Maryland State Historic Preservation Office)

The Minnesota Historic Preservation Office is currently conducting a survey of Indian land treaty sites in Minnesota under contract. The survey was initiated after consultations with the Minnesota Historical Society Indian Advisory Committee regarding potential survey projects.

3. State Historic Preservation Offices assist tribes with interpretation on non-Indian lands. Some States have historical marker programs funded by State or private funds and State Folklife programs that assist tribes to interpret historic properties and traditional lifeways. For example, the State Historic Preservation Office in Florida administers a State marker program funded by the State. No markers have yet been erected on Indian land, but approximately 20 markers throughout Florida interpret Indian prehistoric and historic sites. In Blountstown, Florida, the Cochranetown marker that interprets a historic Creek settlement is the State's first bilingual marker, written in English and Apalachicola Creek. State historical markers cost approximately \$1,300.

The Minnesota Historic Society administers a historical marker program and interprets significant sites related to Indian history on non-Indian lands as well as on the reservation. The Society also consults with its newly formed Indian Advisory Committee to interpret the history of the Minnesota Indian population in historic sites owned by the Society and open to the public on non-Indian lands.

The Bureau of Florida Folklife arranges for Seminoles, Miccosukees, and Creeks to present their folk traditions at festivals, workshops for teachers and students, museum demonstrations, and other events. In these programs, the tribes have built chickees (traditional structures); cooked fry bread, sofkee, and turtle; demonstrated stick ball; told stories; and taught counting songs. The Bureau also helps prepare small traveling exhibits, videotapes and publications portraying Florida Indian folklife. The Bureau has spent an average of \$4,000 annually over the past three to five years on these activities. Most of these funds were used to cover expenses and honoraria of participating Seminoles, Creeks, and Miccosukees.



The hill behind Joe Rockboy was used by the Yankton Sioux as a place for fasting during spirit quests. (South Dakota State Historic Preservation Office photograph circa 1975)

In the past three to five years, the Museum of Florida History has produced two traveling exhibits on the Seminoles and the Miccosukees. The exhibits were produced in consultation with both tribes and involved extensive research. A display on the "Lifeways of Florida Indians" will be incorporated in the Museum of Florida History's permanent exhibit called "Peoples of Florida," at an estimated cost of \$30,000.

Four video programs on "Native American Peoples of Florida" and a photo essay book on the peoples of Florida are planned by the Bureau of Florida Folklife to commemorate the Columbian Quincentennial. Funds for these projects have been requested from the Florida legislature. The Bureau also is planning to produce a radio series on Florida folklife that will include selected Florida Indian traditions. Costs for the radio series have not been established.

4. State Historic Preservation Offices assist tribes in protection on non-Indian lands. The Arizona Site Steward Program is an organization of volunteers, sponsored by public land managers and tribal governments for the purpose of preventing destruction of prehistoric and historic archeological sites in Arizona through site monitoring on Indian and non-Indian Lands. Members of the Site Steward Program are selected, trained, and certified by the Arizona State Historic Preservation Office and must volunteer at least one day a month and serve at least a two year term. The Site Steward Program has more than 250 volunteers working to protect archeological sites throughout Arizona.

The Idaho State Historic Preservation Office assists the Nez Perce to monitor sites on their ancestral lands off the reservation to prevent vandalism. The cost of these activities is between \$5,000 and \$10,000 per year and is funded by the Historic Preservation Fund.

The Maryland State Historic Preservation Office and the Maryland Commission on Indian Affairs will work during 1990 with a variety of other interested groups and organizations on a Governor's Task Force on the Protection of Cemeteries. The Task Force is to complete a broad, statewide policy on the disposition of all burials and grave goods regardless of cultural origin. Reinforcing these efforts, the Office also has established a special emphasis on the "identification and survey of marked and unmarked ethnic burials" as a priority in their 1990-1991 Historic Preservation Fund Grant Application.

Several State Historic Preservation Offices reported that they have been working with tribes to strengthen State legislation to protect burials. The Florida State Historic Preservation Office works with tribes in Florida to amend and strengthen Florida statutes to protect Native American burials. The North Carolina State Historic Preservation Office worked with Cherokee representatives on the North Carolina Commission on Indian Affairs to develop burial laws. A workshop entitled "Burial Law and Problems with Vandalism" was held several years ago and funded by a North Carolina Humanities Council grant.

5. State Historic Preservation Offices did not report providing assistance with development on non-Indian lands, as that term was defined in the worksheet distributed to the States.

How State Historic Preservation Offices Would Like to Assist Tribes with Historic Properties

1. State Historic Preservation Offices would like to assist tribes to manage historic properties. States had several suggestions regarding how they would like assist tribes to manage properties on Indian lands.

The California State Historic Preservation Office reports that it spends less than \$5,000 per year assisting tribes in preservation planning projects but that it would be desirable to fund the development of tribal preservation programs and para-professional programs which would require about \$35,000.

The Florida State Historic Preservation Office is planning to flag, in its inventory, the historic properties on the three large reservations in the State and to keep this identification current. The office suggests that if a State service position were established for museum consulting services in the Museum of Florida History, the State could better assist tribes in managing historic properties on Indian lands. This would require approximately \$23,400 for salary and benefits.

The Minnesota Historical Society would like to see tribes develop preservation programs coordinated with the statewide preservation plan that include preservation planning and establishing and maintaining an inventory of tribal properties. As part of its preservation planning activities (in accordance with the "Secretary of the Interior's Standards and Guidelines for Preservation Planning"), the State Historic Preservation Office has identified a number of historic contexts ranging from ca. 12,000 B.C. to the reservation period.¹⁹ The Minnesota Historical Society is also consulting with the newly formed Minnesota Historical Society Advisory Committee and the Minnesota Indian community to further refine these contexts. These contexts will discuss historic Indian-related properties on both Indian and other lands.

The North Carolina State Historic Preservation Office reports that it does not regularly assist the one federally recognized tribe in the State, the Eastern Band of Cherokee, in preservation management. It would like, however, to work with the Cherokee on developing a tribal preservation program, maintaining an archeological site inventory, curation and conservation of artifacts and records, and completing a comprehensive inventory of archeological sites and historic structures.

¹⁹ *Federal Register*, Volume 48, Number 190, Part IV, September 29, 1983, p. 44716-44742.

The office estimates that these activities would require \$75,000 per year, of which about \$1,500 would be costs of the State Historic Preservation Office.

The Utah State Historic Preservation Office thinks tribes are interested in additional assistance in curation and language programs; such assistance could be provided for a little more than \$20,000 per year over the next three years.

2. State Historic Preservation Offices would like to assist tribes to research historic properties. The Iowa State Historic Preservation Office would like to conduct an intensive survey of the Mesquakie settlement and to nominate eligible sites to the National Register of Historic Places. These activities would cost approximately \$40,000.

A basic continuing program to document Florida Indian folklife can be funded for \$30,000 to \$45,000.

The Minnesota State Historic Preservation Office would like to see more survey and recording of historic properties on Indian lands and continuing projects in oral history and historic records. This is estimated to cost \$500,000 over the next three to five years.

The Montana State Historic Preservation Office would like to assist tribes in developing tribal historic property registration programs.

In order to adequately consider sites of value to tribes it is most efficient to obtain information about cultural sites in advance of proposed undertakings. A program of cultural site identification and evaluation encourages the tribes to identify properties in advance of threats. This allows government agencies an opportunity to undertake active rather than reactive historic preservation. The end result is that it streamlines the 106 process and avoids battles that result from misinformation or misunderstanding. (Montana State Historic Preservation Office)

The Montana State Historic Preservation Office would also like to establish cooperative archeological efforts with tribes.

We believe that cooperative archeological efforts with willing tribes are an important step in bridging understanding between tribes and archeologists. The mistrust and misunderstanding that have surfaced in the past between tribes and archeologists are best eliminated through communication and cooperative effort. We believe that the tribes have much to contribute to Montana archeology and that archeology has much to contribute to the tribes. . . . We would like to work with tribes to assist in excavating sites

of historic interest as a means of demonstrating the methods and theories of archeological research. We further anticipate that tribal knowledge and tradition can go a long way to help us to better understand and interpret Montana's archeological record. (Montana Historic Preservation Office)

The North Carolina State Historic Preservation Office reports that while no direct research assistance has been provided to the Eastern Band of Cherokee, a full range of cultural and historic inventories should be established. Estimated costs for archeological survey on and off the reservation, testing of archeological sites, preparation of nominations to the National Register of Historic Places, and preservation planning activities are \$226,500.

The Rhode Island State Historic Preservation Office estimates that a survey of the Charlestown reservation would cost between \$30,000 and \$50,000. The Office also suggests that it would be useful to prepare guidelines for survey targeted at Indian tribes.

The South Dakota State Historic Preservation Office reports that more survey is needed to identify and evaluate sites associated with the Yankton Sioux at an estimated cost of \$50,000.

The Utah State Historic Preservation Office suggests that the tribes would be interested in assistance for ethnographic studies and arts and crafts. Costs for adequate ethnographic studies for the Ute, Paiute, and Goshute are estimated at more than \$100,000 over a three year period.

The Wyoming State Historic Preservation Office would like to assist the Arapaho and Shoshone establish an oral history program on the Wind River Reservation.

We feel this would be one way to gather critical data in a manner fully compatible with the history of oral transmission of knowledge still practiced by both tribes. The cost [of this program] would be approximately \$25,000 per year, the likely salary of a full-time oral historian. (Wyoming State Historic Preservation Office)

3. State Historic Preservation Offices would like to assist tribes to interpret historic properties. The Minnesota State Historic Preservation Office provides predevelopment grants on tribal properties listed on the National Register of Historic Places in need of rehabilitation. These Historic Preservation Fund matching grants have totaled \$5,450.



The Stockbridge-Munsee Historical Library/Museum displays historical materials at the bingo hall as part of celebrating the fiftieth anniversary of their settlement on their reservation. (Stockbridge-Munsee Historical Library/Museum photograph)

The Montana State Historic Preservation Office is interested in setting up training opportunities for tribal members. The office is planning and reviewing cooperative efforts to provide training to tribal members in archival management, conservation, and collections management. The Office sees the interpretation of tribal culture through tribal cultural centers as central to the preservation of tribal tradition.

The development of cultural centers where tribal traditions, ceremonies, workshops, discussions, meetings of elders, cultural committee meetings, and so forth, can take place is very important to every Montana tribe. They believe that they need these kinds of facilities to assist in the transfer of tribal culture to future generations and to the interested public. The development of tribal cultural centers would provide much needed support for the preservation and continuation of traditional culture. This would not only benefit the tribes involved, but would be beneficial to the general public so that they can learn about and appreciate the rich Indian heritage of our nation.

The oral traditions, spiritual teachings, languages, arts, and crafts of Montana's Indian tribes are an active and living presence in the native communities. Many of those knowledgeable about cultural matters are elderly. A great concern in the tribal communities is the possible loss of these unique cultural traditions. Without recordation and documentation of these individuals' knowledge, many tribal traditions, stories, histories and philosophies are in danger of being lost. We believe that tribal oral history, arts and crafts, and language are essential for the preservation of traditional culture. Many tribes in Montana have begun such programs, while others recognize the need but do not have the facilities or expertise to develop them. (Montana State Historic Preservation Office)

The Montana State Historic Preservation Office wants to see curricula developed for elementary and secondary schools on the history and traditions of Montana Indians.

Such curricula should be developed directly with tribes and archeologists using archeological, ethnographic, and tribal data. The tribal representatives should have an active role in the development of the curriculum materials and in its review and finalization. A network of tribal representatives and archeologists should be developed to provide lectures, workshops and forums on important issues upon request. This educational effort is critical to eliminate the prejudice and misunderstanding between the Indian and white communities. We believe that Montana's rich Native American cultural traditions are an asset for our State and nation.

Realizing the potential of these unique cultural resources makes good sense from a cultural perspective as well as an economic perspective. (Montana State Historic Preservation Office)

The Montana State Historic Preservation Office would like to see additional interpretation of the archeological resources of the region. Associated projects should include public oriented programs for local citizens and documentation of arts and crafts. Such additional activities will cost approximately \$15,000 per year.

The South Dakota State Historic Preservation Office would like to expand the database on traditional lifeways and the program for displaying them at a cost of \$50,000 per year.

4. State Historic Preservation Offices would like to assist tribes to protect historic properties. California estimates the cost of establishing a training program in the Section 106 process in California at \$15,000.

The Minnesota State Historic Preservation Office would like to see tribes develop tribal preservation ordinances to improve the protection of historic properties, and estimates that this would cost \$200,000 over the next three to five years. The South Dakota State Historic Preservation Office also recommends that specific reservation protective legislation be passed and that good local protective organizations be established. The South Dakota Historic Preservation Office estimates that would cost \$75,000 to \$250,000 per reservation, or between \$500,000 and \$1,750,000 total.

The Nevada State Historic Preservation Office recommends more work to control vandalism in conjunction with a State Task Force on vandalism at a cost of \$50,000 for the three Nevada tribes that have, or will have shortly, a historic preservation officer.

The New Mexico State Historic Preservation Office suggests that additional funds for addressing preservation concerns be added to development projects funded by Federal agencies. Additional funding in New Mexico could begin at about \$50,000 per year.

The Rhode Island State Historic Preservation Office would like to assist the Narragansett to develop an ordinance to protect historic properties on their reservation.

5. State Historic Preservation Offices would like to assist tribes to develop historic properties. The Arizona State Historic Preservation Office's assistance to the Hopi tribe in assessing the Awatovi ruins was described above. The Office further reports:

The future might include stabilization work [and] analyses of mortar for biological and cultural remains. Too often this important aspect of stabilization is overlooked. The further development of Awatovi is a recommendation, but there are concerns among the Hopi that further excavation and development at Awatovi would cause spiritual unrest. (Arizona State Historic Preservation Office)

The Montana State Historic Preservation Office notes the importance of tribal museums for the preservation of tribal culture.

Many tribes are actively pursuing communally significant artifacts from private collections and museums nationally and internationally. Many private collectors and museums have expressed an interest in repatriating those items. The greatest problem for tribes in the transfer of these items which are significant in their cultural and ceremonial traditions is the lack of adequate facilities for curation. Most museums will not transfer such items without an acceptable facility for curation.

In addition, many tribal artifacts require special treatment and curation in a manner that is sensitive to tribal traditions. For example, the Northern Cheyenne of Montana do not accept storage of sacred artifacts in basements since the traffic of people on the upper floor is considered to be trampling on the sacred items.

Having a tribal facility for the storage of these important tribal artifacts is necessary for the preservation of tribal cultural objects, ceremonies and activities. Many of these items play significant roles in basic ceremonies such as the sun dance or annual renewal ceremonies. The loss of these items had a devastating effect on traditional practices.

The North Carolina State Historic Preservation Office reports that the Nununyi mound on the reservation of the Eastern Band of Cherokee warrants protection and could be developed with both a research and educational/tourism focus. At least \$25,000 is required to clear and reclaim the site; additional funds are needed to develop exhibits, trails, and support facilities.



The Stockbridge-Munsee Tribal Council used funds from the Bureau of Indian Affairs to build the Stockbridge-Munsee Historical Library/Museum equipped with a fire-proof vault, historical research room and exhibition space. In 1978, the Stockbridge-Munsee were awarded grant from the National Endowment for the Humanities for an annotated catalog of Historical Library/Museum materials. (National Park Service photograph)

State Historic Preservation Office Views of Tribal Needs

Several State Historic Preservation Offices advised that it is almost impossible for tribes to fund preservation because of other pressing tribal needs.

[We] have discussed the need for survey and inventory work and have encouraged tribes at Yomba, Duck Valley, Duckwater and Ely to apply for Historic Preservation Fund grants. However, tribal planning staff are stretched thinly and priorities for grants and matches for grants center on basic needs--health centers, senior centers, schools, water and sewer systems, employment. (Nevada State Historic Preservation Office)

Lack of adequate funding to support preservation can frustrate the efforts of State Historic Preservation Officers to work with tribes. The participation of tribal members in negotiations concerning Federal and State assisted projects is not supported financially by the responsible agencies.

Tribes need assistance to at least maintain basic level cultural programs and staff. One of the biggest problems we face in working with the tribes is maintaining permanent cultural contacts who can work with us on particular issues. Currently, with the lack of tribal funding for cultural programs and the dire economic conditions on many reservations, cultural programs are very difficult for the tribes to begin and maintain. Many tribal members work without pay and cover expenses from their own pockets to ensure that cultural concerns are heard. This is frustrating for the professionals who work with these individuals (who provide an invaluable service to cultural resource professionals) and difficult and embarrassing for Indian contacts. While all agencies think nothing of paying an archeologist for consulting on cultural resource issues, they sometimes take issue with compensating tribal representatives for providing a similar service. (Montana State Historic Preservation Office)

State Historic Preservation Officers deal not only with federally recognized tribes, but also with tribes that are not currently recognized. Patricia King, Director of the Maryland Commission on Indian Affairs, points out some problems that unrecognized tribes face.

It is unfortunate, and this is the point I want to convey, that State-recognized and unrecognized tribes are faced with the same issues, dilemmas, etc., that federally recognized tribes are, and yet do not

have the means or the money to do preservation planning, research, management and implementation of preservation programs and the like. Nor do they have the organization to help them. In many instances, the Indian community stands on its own and has to initiate preservation concerns. The State Historic Preservation Office and the Maryland Historical trust are helpful, but only to a limited extent. (Patricia King, Maryland Commission on Indian Affairs)

Several States addressed the need to respect the confidentiality of information concerning historic properties on tribal land and on ancestral lands off reservations.

The tribes also need to be assured that they can share information about important historic and traditional sites without fear of the information being misused and abused by agencies and individuals. The tribes have often expressed their concerns on the management of cultural site information. This concern extends beyond Indian lands to areas of concern off the reservations. (Montana State Historic Preservation Office)

Several State Historic Preservation Offices made broad suggestions concerning the need for developing tribal preservation programs and providing necessary training and funds.

I do not know whether the tribes would see it useful, but I would encourage the establishment of a historic preservation liaison officer on every reservation. We would find it helpful to deal with the same person every time a preservation issue arose. It would be helpful if each officer were to receive Section 106 training and other types of training and education. Each officer could be responsible for maintaining a set of maps of tribal lands where historic properties are located and where historic/archeological surveys were conducted. They could monitor sites for deterioration, vandalism or illegal collecting. They could establish programs for interpretation for their own people and the public. They could submit applications for historic preservation grants as needs arise. (Nevada State Historic Preservation Office)

All tribes need extensive training regarding identification and preservation of cultural resources on their lands. In addition, extensive training in the Section 106 process should be offered. Technical assistance should be available to all tribes, including an architect and a National Register specialist. The archeologist and

architect could provide training and technical assistance regarding identification of resources and the Section 106 process. The National Register specialist could work with tribal administrators to complete inventories of tribal cultural resources and have significant resources listed on the National Register. Perhaps a scholarship fund could be established to train Native Americans in archeology, architecture, and related fields. [This would cost] approximately \$85,000 per year, without a matching requirement for technical assistance. (New Mexico State Historic Preservation Office)

Almost all State Historic Preservation Offices identified training in the Section 106 process as a funding need for protecting historic properties on Indian lands.

The formalized participation of tribes in Section 106 actions and the growing awareness and activity of tribes in acknowledging and protecting historic and sacred properties requires strong and active tribal programs that can work in partnership with the State Historic Preservation Office and Federal and State agencies. (Montana State Historic Preservation Office)

Section 5: Summary

Indian tribes want to participate in the national historic preservation program, but their participation today is sporadic, and is impeded by a number of factors. Notable among these is the fact that in order to participate in many aspects of the program, a tribe today must work through one or more State Historic Preservation Officers. Even where relations between the State Historic Preservation Office and a tribe are excellent, or where the State Historic Preservation Office is anxious to cooperate, the belief that tribal sovereignty may be infringed by working through the State Historic Preservation Office tends to impede cooperation.

In theory, the Federal government could assist tribes in working with State Historic Preservation Offices in ways that did not infringe upon their sovereignty. Since historic preservation is not regarded as a trust responsibility of the Federal government, however, creative efforts to facilitate cooperation between tribes and State Historic Preservation Offices have not been undertaken at the national level.

Another impediment to tribal participation is the fact that the standards and guidelines used in many program activities promote the curation of human remains and grave goods rather than their repatriation and reburial. These same standards and guidelines also tend to require that information pertaining to sacred sites and cultural practices be made available to the public. Both tendencies are

often deeply objectionable to tribes, and make it virtually impossible for them to cooperate in the national program.

A more general problem is the perception that in order to participate, a tribe must adopt approaches to preservation that are foreign to them. These approaches include the narrow definition of "historic preservation" as pertaining only to tangible properties, and the use of professional standards that are not always relevant, and may be antithetical, to tribal needs.

Finally, on a very practical level, most tribes lack personnel with the training and experience needed to participate in such activities as Section 106 review, activities that are basic to the operation of the national program.

Despite these impediments, excellent examples exist of tribal participation in the national program. These include cooperation between tribes and the National Park Service regarding the Chaco Protection Sites and other properties of cultural importance to tribes, both within and beyond the boundaries of the National Park System; a number of cooperative efforts with State Historic Preservation Officers; work with Federal agencies, notably Bureau of Land Management, the Forest Service, and the Bureau of Reclamation; and participation in many Smithsonian Institution programs.

Both Federal agencies and State Historic Preservation Officers express the desire to work more closely with tribes and to facilitate tribal participation in those aspects of the national program for which they are responsible. As discussed in **PART IV**, relatively minor changes in policy and procedure and relatively minor increments of funding, would be required to increase such participation.