

Cultural Resource Management in National Park Service Wilderness Areas: Conflict or Cooperation?

The National Park Service has a clear, and long-standing, mandate to preserve, protect, and manage cultural resources in all units of the National Park System. The legal mandates include, but are not limited to, the Antiquities Act of 1906, the National Park Service (Organic) Act of 1916, the Historic Sites Act of 1935, the National Historic Preservation Act of 1966, the Archeological Resources Protection Act of 1979, the Native American Graves Protection and Repatriation Act of 1990, and the National Parks Omnibus Management Act of 1998. There are regulations pursuant to these laws, as well as National Park Service policies, especially Management Policies 2001 and Director's Order 28, Cultural Resource Management and its accompanying guideline. The agency also has a legal mandate that is almost 40 years old to preserve, protect, and manage wilderness areas within National Park System units. This mandate is the result of the Wilderness Act of 1964 and National Park Service policies, specifically Management Policies 2001 and Director's Order 41 and Reference Manual RM 41, Wilderness Preservation and Management. No one can question the validity of either of these mandates, yet when the two come together they seem to generate more conflict than cooperation, more strife than common sense, and more strongly held opinions than legally supported positions. As a result, the presence and appropriate treatment of cultural resources in wilderness areas within units of the National Park System has been an issue of considerable and, at times, contentious debate within the agency for a number of years. This paper will examine some of the underlying reasons for this conflict, explore whether or not there is a basis in law and policy for the conflict, and make recommendations on how to move from conflict to cooperation.

As stated in Sections 1(b)(2), (3), and (4) of the National Historic Preservation Act, "the historical and cultural foundations of the Nation should be preserved..."; "historic properties significant to the Nation's heritage are being lost ... with increasing frequency"; and "the preservation of this irreplaceable heritage is in the public interest..." Pursuant to these guiding principles, cultural resource

management in the National Park Service generally involves five types of resources and six different professions. The resources are archeological sites, ethnographic resources, museum collections, historic structures and cultural landscapes. The professions are archeologist, cultural anthropologist, museum curator, historian, historical architect, and historical landscape architect. The resources sit on

or under the ground or in a museum and largely behave themselves. It is the practitioners, the professionals, who have conflicts with one another, not the resources. What is it about cultural resource managers that could lead to conflicts with wilderness managers?

Regardless of the profession, all cultural resource managers have many years of training in areas of study that have well-developed and often explicit codes of conduct and professional standards. Those standards tend to pertain to a particular type of resource and not necessarily to the entire universe of cultural resources. This leads to a high degree of specialization, which doesn't always lend itself to an open mind when it comes to differing points of view regarding how a resource, especially a resource within that area of specialization, should be treated. This can result in highly professional work that is important to the preservation and protection of the resource in question, but which does not necessarily entertain a great deal of flexibility when new and different constraints, e.g., the requirements of the Wilderness Act, are thrown into the mix.

Wilderness management consists of much less clearly defined professions, but is no less professional and specialized. The National Park Service Resource Careers Initiative, implemented by the director in December 1999, included a benchmark position description for an interdisciplinary wilderness coordinator position, which was to be either a biologist or a physical scientist. Clearly not every biologist or physical scientist would qualify for a wilderness

coordinator position, but only those that have the necessary training and experience. What is it about wilderness managers that could lead to conflicts with cultural resource managers?

Like cultural resource managers, wilderness managers have standards and beliefs that guide their approach to their jobs. Those standards and beliefs tend to be rooted in the Wilderness Act and the relevant literature that exists both before and after passage of the act. One of the guiding principles, as expressed in the *Wilderness Act Handbook*, is "to preserve some of the country's last remaining wild places in order to protect their natural processes and values from development" (The Wilderness Society 2000:1). This reflects the part of Section 2(c) of the Wilderness Act which states that wilderness is "an area of undeveloped Federal land retaining its primeval character and influence, without permanent improvements or human habitation, which is protected and managed so as to preserve its natural conditions." The preservation of cultural resources does not fit neatly into such standards.

On top of this double set of seemingly mutually exclusive standards and beliefs, is the all-too-human tendency to have tunnel vision when it comes to reading and interpreting laws, regulations, and policies. Cultural resource managers tend to know the laws and policies very well, but only in their fields of expertise or responsibility. Wilderness managers tend to know the parts of the Wilderness Act and relevant policies that support their own standards and beliefs, but not necessarily the parts that allow actions

in wilderness they do not support. This tendency for selective interpretation of the laws and policies, combined with narrowly defined professional standards and beliefs, creates an environment that is ripe for conflict when managers from cultural resource and wilderness perspectives come together armed with what they perceive to be mutually exclusive mandates.

A few examples may help to illustrate this point. At a national park unit in the Pacific Northwest an outside organization is taking the National Park Service to task for not protecting the wilderness adequately. To quote from their own web page: “[Park officials] think aging ... structures are cultural treasures, more significant than the wildlands they were built to protect.” Additionally, “the park needs to demonstrate precisely the overwhelming cultural significance of these structures that cause them [to] trump wilderness protection.” The overwhelming sentiment is that cultural resources do not belong in wilderness and somehow having them there threatens wilderness protection. This same sentiment resulted in park officials in an Alaskan park with over 2,000,000 acres of wilderness deciding to let a historic structure go to ruin because its presence somehow “threatened” the wilderness. These attitudes and actions on the part of wilderness advocates and managers have resulted in cultural resource advocates and managers becoming more combative, instead of cooperative.

A good illustration of this is a 17-page document that a National Park

Service cultural resource manager in Alaska prepared to justify the use of helicopters to conduct archeological site identification and evaluation fieldwork in a very large area of wilderness. While his justifications are sound and well reasoned, he felt the need to go well beyond a minimum requirements analysis and justification and to attack the concept of wilderness and its advocates. “Just as the experiential concept of wilderness is falsely assumed to protect the naturalness of areas, so too is it frequently and incorrectly assumed that primitive methods, if employed by all users, will best preserve the ‘wilderness resources’ of ‘wilderness areas’. This notion is rooted in several 18th and 19th century philosophical trends.” Continuing this line of thought, “in many places today, ‘primitive tool’ use in wilderness has been elevated to ceremonial practice, believed to be essential for transcending to a natural condition and justified in an empty rhetoric of environmental protection.”

What seems to be lost on many of the “combatants” in this “feud” is that there is no basis in law and policy for this conflict. The Wilderness Act clearly directs our stewardship of cultural resources in wilderness areas. In its definition of wilderness in Section 2(c), the act states that “an area of wilderness ... may also contain ecological, geological, or other features of scientific, educational, scenic or historical value.” The act further addresses cultural resources in Section 4(b) when it clarifies the use of wilderness areas. That sections states, “[W]ilderness areas shall be devoted to the public purposes of recreational, scenic,

scientific, educational, conservation, and historical use.”

For National Park Service wilderness areas Section 4(a)(3) is even more specific. Not only does it state that “nothing in this Act shall modify the statutory authority under which units of the national park system are created,” but goes on to state that designation of wilderness areas “shall in no manner lower the standards evolved for the use and preservation of such park, monument, or other unit of the national park system in accordance with the Act of August 25, 1916 [the Organic Act], the statutory authority under which the area was created, or any other Act of Congress which might pertain to or affect such area, including, but not limited to, the Act of June 8, 1906 [the Antiquities Act] ... and the Act of August 21, 1935 [the Historic Sites Act].” It is significant that Congress specifically mentioned the Antiquities Act and the Historic Sites Act because in 1964 they were the foundation of the historic preservation/cultural resource programs. They have since been expanded by the Archeological Resources Protection Act of 1979, as amended, and the National Historic Preservation Act of 1966, as amended.

National Park Service policies provide further elaboration on the inclusion of cultural resources in wilderness. As stated in Director’s Order 41: “There has been extensive prior human use in most areas now designated as wilderness, resulting in archeological sites, historic structures, cultural landscapes and associated features, objects and traditional cultural properties that are contributing ele-

ments to wilderness. It is important to recognize that laws ... intended to preserve our cultural heritage, are applicable in wilderness.... [A]ctions involving all cultural resource types in wilderness must comply with cultural resource laws, such as compliance actions and inventory requirements mandated by NHPA [the National Historic Preservation Act]” (National Park Service 1999a:C4). In addition, “[h]istoric properties eligible for the National Register of Historic Places that have been included within wilderness will be protected and maintained according to the pertinent laws and policies governing cultural resources, using management methods that are consistent with preservation of wilderness character and values. These laws include the Antiquities Act of 1906 and the Historic Sites Act of 1935, as well as subsequent historic preservation legislation, including the National Historic Preservation Act, the Archeological Resources Protection Act, the Native American Graves Protection and Repatriation Act, and the American Indian Religious Freedom Act” (National Park Service 1999b:sec.6.3.8).

The Wilderness Act does not supersede or override historic preservation laws, such as the National Historic Preservation Act and the Archeological Resources Preservation Act. Section 4(a) of the Wilderness Act states: “The purposes of this Act are hereby declared to be within and supplemental to the purposes for which national forests and units of the national park and wildlife refuge systems are established and administered....” As declared in the 1916

National Park Service organic act, “the purpose [of National Park System units] is to conserve the scenery and the natural and historic objects and the wild life therein....” As stated above, for units of the National Park System this idea of being “within and supplemental” was reinforced in Section 4(a)(3) and the historic preservation laws were specifically cited.

At the same time historic preservation laws do not supersede or override the Wilderness Act. Managers must comply with all of the historic preservation laws in all areas in all units of the National Park System, whether they are wilderness or not. If the cultural resources are in a wilderness area, however, the provisions of the Wilderness Act must also be complied with when conducting cultural resource activities, such as inventory, monitoring, treatment, and research.

Since Congress specifically included cultural resources as part of wilderness, historic structures and other cultural resources do not need to be removed from wilderness areas to protect wilderness values. In Section 2(c), Definition of Wilderness, Congress stated that “an area of wilderness is further defined to mean in this Act an area of undeveloped Federal land ... which (1) *generally appears* to have been affected *primarily* by the forces of nature, with the imprint of man’s work *substantially* unnoticeable” [italics added]. The qualifiers in this portion of the sentence are significant. The area does not have to be “pristine” or “pure.” It does not have to have no imprint from human activities. Simply put, it only needs to *appear*

that way with the human imprint *substantially* unnoticeable. A landscape can have hundreds of prehistoric and historic archeological sites on it and still appear to have been affected primarily by the forces of nature. Even a maintained historic structure could be substantially unnoticeable if it were surrounded by many acres of land that did not contain other structures.

In addition, as declared in Section 2(a) of the act, the intent of Congress was to stop the “increasing population, accompanied by expanding settlement and growing mechanization” from “occupy[ing] and modify[ing] all areas within the United States.” As noted above, Congress also clearly included historic resources within wilderness areas. With this understanding, the prohibition on structures and installations in wilderness areas in Section 4(c) clearly refers to modern, not historic, structures. This does not mean that all historic structures in wilderness areas have to be maintained, but it also does not justify the assertion that they all have to be removed.

The National Historic Preservation Act does not require that all historic structures be preserved, whether in wilderness or not. They can be removed, but it is not a quick or easy process. As stated in National Park Service policies for wilderness management, maintenance or removal of historic structures will additionally comply with cultural resource protection and preservation policies and directives (National Park Service 1999b:sec.6.3.10). As stated in National Park Service policies for cultural resource management, “demol-

ishing a historic structure or deliberately allowing it to decay naturally is justifiable only when all alternatives have been determined infeasible in the planning process” (National Park Service 1997:123). No historic structure can be removed or deliberately neglected without review by cultural resource specialists and approval by the regional director. If removal or deliberate deterioration is approved, documentation of the structure must be recorded according to law and policy before that happens.

In addition, removal would also have to comply with the minimum requirement aspect of the Wilderness Act. The same is true of cultural resource activities, including research and resource treatment actions. Section 4(c) of the Wilderness Act states: “[E]xcept as necessary to meet minimum requirements for the administration of the area for the purpose of this Act ... there shall be no temporary road, no use of motor vehicles, motorized equipment or motorboats, no landing of aircraft, or other form of mechanical transport, and no structure or installation within any such area.” Reference Manual 41 states that scientific activities—which Director’s Order 41 (National Park Service 1999a) specified as being both natural and cultural—“must also be evaluated using the minimum requirement concept and include documented compliance which assesses impacts against benefits to wilderness. This process should assure the activity is appropriate and utilizes the minimum tool required to accomplish project objectives” (National Park Service 1999b:sec. 6.3.6.1).

National Park Service policies properly and accurately incorporate cultural resource stewardship requirements into the management standards for wilderness areas. They accurately reflect the requirements of the Wilderness Act as well as numerous pieces of cultural resource legislation. The ongoing controversy and debate about how stewardship of cultural resources fits in wilderness seems to stem mainly from personal values and selective interpretation of parts of the Wilderness Act, the National Historic Preservation Act, and National Park Service policies.

The Wilderness Act and all of the historic preservation laws are part of the National Park Service’s stewardship mandate and we must put our efforts into making them work in concert with one another, even when they appear to be in conflict. Director’s Order 41 contains a requirement that needs to be emphasized and followed more closely. In Section B4, Cultural Resource Management in Wilderness, it states that “cultural resource specialists shall fully participate in the development of a park’s wilderness management plan” (National Park Service 1999a). Failure to include cultural resource specialists as full participants in the development of wilderness management plans has contributed to the present level of controversy and debate. An example of this is the development of the Wilderness Stewardship Plan Handbook, also known as the Generic Wilderness Management Plan, by a sub-committee of the National Wilderness Steering Committee. Cultural resource specialists were not full par-

ticipants in the early stages of the development of the handbook and the quality of how it dealt with cultural resources in wilderness suffered accordingly. Once cultural resource specialists became engaged in the process, the treatment of cultural resources in the document improved significantly and it is now close to being finalized.

The flip side of this situation also needs to be improved. Cultural resource specialists prepare many different kinds of plans for conducting research, inventory, monitoring, and treatment studies and actions in park areas throughout the National Park Service. When the resources and areas in question are in wilderness, it is incumbent upon the cultural resource specialists to engage the wilderness managers so they can participate in the preparation of those plans. Neither “side” can expect the other to support any final plan if they did not have the opportunity to participate in its development.

Simply putting wilderness managers and cultural resource managers in the same room and telling them to work together is not going to solve the problem, however. Each will continue to have his or her strongly held values and beliefs and will tend to view one another with suspicion and distrust. It is a common human trait to fear or distrust what you don't understand or appreciate. It is clear that that not all wilderness managers understand or appreciate cultural resource laws, policies, and values, and not all cultural resource managers understand or appreciate the Wilderness Act and

wilderness polices and values. Since all wilderness areas contain cultural resources, all wilderness managers should receive training in cultural resource values and management. In addition, all cultural resource managers in parks that contain wilderness areas should receive training in wilderness values and management. This may not change anyone's personal values, but hopefully it will increase the understanding and appreciation of the differing sets of values and enable the various wilderness and cultural resource managers to more effectively work together to accomplish the stewardship mission of the National Park Service.

Representatives from the National Park Service National Wilderness Steering Committee and the Arthur Carhart National Wilderness Training Center are working together to develop a cultural resource training module that can be inserted into existing wilderness training classes and a wilderness training module that can be inserted into existing cultural resource training classes. These modules should be ready for use within the next year. As they become implemented and increased cross-pollination between cultural resource and wilderness managers occurs, working relationships should improve. Hopefully, this will enable us to move from conflict to cooperation so we can spend more of our efforts working to achieve our daunting resource stewardship mandates and less time working to push a one-sided (pick your side) agenda.

References

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