

# Traditional Cultural Places and the National Register

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FROM ANCIENT PREHISTORIC ROCK ART SITES in Texas to an Abenaki Indian craft shop in rural New Hampshire, the National Register of Historic Places has consistently sought to recognize the diversity of our shared American legacy. As the study of historic properties associated with the traditional cultural practices and beliefs of living communities continues to gain prominence in the field of historic preservation, the National Park Service has sought to provide continuing guidance on how to address specific issues related to the identification, documentation, and preservation of these unique sites. As the former keeper of the National Register, Carol Shull, noted in 1993, “Americans are woefully uninformed about the history and the contributions of many cultural groups in the United States. Often they do not even know that contemporary traditional cultures exist. Without this knowledge we cannot expect people to respect, honor, and assist in preserving the traditions and places that reflect the proud achievements and cultural heritage of all of us.”<sup>1</sup>

While the official designation of places associated with traditional cultural practices has been a part of the National Register of Historic Places program since its inception in 1966, with listings for such recognizable Native American cultural sites as Bear Butte in Meade County, South Dakota (NR 1973), and Medicine Bluffs in Comanche County, Oklahoma (NR 1974), few preservationists were totally comfortable with exactly how to deal with such resources. With the release of National Register Bulletin 38, *Guidelines for Evaluating and Documenting Traditional Cultural Properties*<sup>2</sup> in 1990, the National Park Service sought to both broaden the scope of properties that could be considered eligible for listing in the National Register of Historic Places and provide more direct guidance regarding the types of questions that might need to be addressed when working with such sites. Bulletin 38 also provided a common vocabulary for the concepts associated with recognizing these properties. It was in Bulletin 38 that the term “traditional cultural property” (TCP) was first formally established.<sup>3</sup>

From the start, the idea of TCPs was not seen as a separate criterion apart from the definitions provided in the National Register program’s original guiding regulations. It was intended simply to open up the range of property types that could be considered, affirming the potential eligibility of places that might have been previously overlooked by preservationists and/or the government in spite of their significance to contemporary peoples. Properties such as Native American spiritual places, culturally valued landscapes, and traditional neighborhoods were often given short shrift because of their perceived incompatibility with established methodologies for identifying, surveying, and nominating more common “historic” properties such as houses, bridges, dams, and archaeological sites. It was never intended that the National Register change into a vehicle for recognizing cultural values that were purely intangible, but rather to provide mechanisms for identifying and documenting those physical places that might be associated with less tangible aspects of cultural identity. In some

cases these sites might be entirely natural, while others might reveal varying degrees of human “workmanship.” Such efforts seek to demystify the concept of recognizing places whose value might lie equally in the past and the present.

### **National Register listing or determinations of eligibility**

The concept of TCPs as a viable property type worthy of listing in the National Register of Historic Places has actually had little appreciable impact to date on the official rolls of the National Register. For a host of reasons, less than a handful of TCPs have actually come before the keeper of the National Register for formal consideration and listing. Chief among the reasons for this relative dearth of listings has been the reluctance of many traditional communities, particularly Native American groups, to release information pertaining to specific traditional places or practices for fear of damage to or inappropriate use of these special sites. The “publicity” generated by listing is often seen as more of a hindrance to the preservation of important cultural practices than an opportunity to share cultural insights with a broader public.

In some cases the release of information regarding places of traditional cultural activity is restricted by the cultural practices themselves. Information on specific locations or cultural practices may represent esoteric information not readily divulged to anyone inside or outside of the particular traditional community. To the traditional community, release of such information could be more destructive than any planned activities associated with the location. In other cases, the fear is that public identification of sites where traditional activities take place might lead to unwanted visitation or use by outsiders. In much the same way that some in the archaeological community (and property managers) fear that the identification of the location of archaeological sites can lead to increased vandalism, members of traditional communities often see unwarranted exposure of the sites associated with their activities as equally harmful. The result has been a general reluctance to nominate these places for listing in the National Register.

Despite the provisions of Section 304 of the National Historic Preservation Act (NHPA), which allows the restriction of certain sensitive information from public release, the trade offs between increased public awareness of unique aspects of our heritage and the potential damages such broader awareness may engender are not worth the effort. This is often most acute in the case of isolated TCPs located in largely unprotected natural areas. In situations where land managers have been available to work directly with traditional communities in providing arrangements and strategies for the protection of specific TCP sites under their control, National Register listing has been seen as more benign, or even beneficial. The 1994 listing of the *Pitoti Mo’o* and *‘Oks Daha* site in Pima County, Arizona, involved the National Park Service—administrators of the surrounding Organ Pipe Cactus National Monument—working directly with the Tohono O’odham nation to document the importance of the cultural features associated with this traditional cultural place, and to develop a management plan that not only provided protection of the fragile natural resources in the area but assured continued traditional access. In other cases, where the TCP is an already recognized “public” site, National Register listing has been seen by the traditional community as a potentially positive educational and preservation tool. Examples include the recently designated White Eagle Park in Kay County, Oklahoma (NR 2007), and the Black Hawk Powwow Grounds in Jackson County, Wisconsin (NR 2007). Both sites have served, and

continue to serve, not only as important social event centers, but each represents a traditional ceremonial site of critical importance to continued tribal identity. In the case of the Ponca nation in Oklahoma, the White Eagle Park site incorporates not only dance ring and powwow grounds, but it is the location associated with the earliest resettlement and encampment of tribal members in their new Oklahoma home after forced relocation by the government in the nineteenth century. As such it remains a vital link to maintaining the group's sense of identity.

There is also the perception that the National Register program's current requirements for full narrative descriptions, contextual discussions, photographs, maps, and physical boundaries are too onerous and present too many potential hurdles for attaining what is little more than honorary recognition for these sites. There is no arguing the sometimes bureaucratic nature of the current National Register program, but experience has shown that perceptions may paint too difficult a picture regarding the nomination process. With additional approved listings and the promotion by the National Park Service of success stories related to the efforts undertaken to attain these listings, the value of National Register documentation efforts for TCPs may increase.

Where the concept of a TCP has seen its most practical application is under the provision of Section 106 of the NHPA, where federal agencies must take into consideration the impact of their policies and actions on historic properties listed in or *eligible for listing* in the National Register. Without the perceived "publicity" accompanying National Register listing, Section 106 determinations of eligibility for TCPs have radically altered environmental planning and protection activities across the country. From Georgia to Alaska, TCPs have been evaluated for their eligibility for the National Register and thus have played a substantial role in natural and cultural resources management efforts.

The keeper's office regularly reviews such determination of eligibility requests as part of the National Register's regulatory responsibilities. Under current practices, however, the keeper is involved in only a very small number of these cases each year, most often when disagreements arise between federal agencies and the state historic preservation offices or other consulting parties as to the eligibility of a particular TCP. The great majority of decisions made regarding the eligibility of TCPs are made outside the keeper's purview. While this system clearly represents an efficient method for completing the thousands of Section 106 compliance reviews initiated each year, it does at times lead to the development of inconsistent interpretations of the National Park Service guidance, creating difficulties for managing agencies, consultants, project reviewers, and the traditional communities themselves. Calls for the periodic issuance of new or revised guidance remain a constant topic of debate.

A third category of designation for TCPs that has grown to significant proportions is that of inclusion in tribal historic registers. With the passage of the 1992 amendments to the NHPA, the development of tribal historic preservation offices was given tremendous impetus. These offices—some carrying on the work of longstanding tribal programs while others were newly formed under the provisions of the NHPA—began assuming direct responsibility for the identification and documentation of cultural sites, including TCPs, on reservation lands and in ancestral territories. The ability of tribes to work within the confines of their own cultural sensitivities, and to better protect the release of information under their own terms, has given rise to substantial research and documentation efforts aimed at increasing the roles of tribally maintained historic registers. Maintenance of these registers also provides many tribes and tribal preservation offices with enhanced roles in the consultation process

with regard to land management issues and Section 106 reviews. One small glimpse into the level of interest in such efforts can be seen in the number of grant applications for TCP surveys received by the National Park Service from tribes in recent years, both on and off reservation lands.

### **East versus West**

The identification and documentation of TCPs to date has been focused almost exclusively on areas west of the Mississippi River. Owing in no small part to the vast areas of federally controlled land in the West subject to Section 106 consideration, the TCP listings and determinations of eligibility seen by the keeper's office have largely represented sites associated with western states. As a consequence, western state historic preservation officers (SHPOs), cultural resource management (CRM) specialists, federal land managers, and tribes have developed an increasingly stronger understanding of TCP identification and documentation strategies.

In just the past 18 years since the introduction of Bulletin 38, consideration of TCPs as a legitimate resource type has progressed greatly. Whereas many federal agencies, including the National Park Service, were often reluctant to embrace or were confused by the entire concept of TCPs at the beginning, much progress has been made and most (if not all) parties now share an increasing familiarity with the concepts and approaches necessary to deal with TCPs as a property type. Arguments still arise as consideration of new and different cultural resource types are contemplated, but increasingly standard methodologies are being developed.

Chief among these is an understanding of what constitutes adequate research or consultation to identify these properties. The era when TCP consultation relied on a single letter sent by a federal agency to a tribe asking that tribe to write down any and all sacred sites of interest to them within a proposed project area for public scrutiny has for the most part disappeared. The revisions to the NHPA, along with the Advisory Council on Historic Preservation's regulations and its development of consultation guidance, have further encouraged the development of working dialogues between traditional communities and federal agencies and CRM professionals in the identification of TCPs and other sites of interest to traditional groups. In the best of all worlds, TCP identification is no longer an afterthought conducted once the building and archaeological surveys are completed, but an ongoing aspect of a comprehensive identification and evaluation process.

Another aspect of the TCP identification and documentation work that has undergone an evolution is the broadening of the professional fields now brought into these efforts. Whereas architectural historians and archaeologists may have once dominated most CRM field work, even when it focused predominantly on the identification and evaluation of potential TCPs, a better understanding of the unique character of these sites has now led to the involvement of a much broader group of professionals, including ethnographers, cultural anthropologists, ethnohistorians, folklorists, and oral historians, as well as the members of the traditional communities themselves. Survey studies that once reported negative findings for TCPs simply based upon lack of concrete archaeological evidence are no longer considered sufficient without adequate reference to ethnographic research, oral history studies, or direct consultation with potential traditionally associated groups. The vital role of oral his-

tory, listening and gathering information from the traditional community—those best situated to know about the particular values and practices that may be associated with a particular place—has taken it rightful, central place in most good efforts.

TCP studies remain a balancing act, trying to knit together all of the potential lines of evidence to convey a single story regarding the potential significance of a particular location or site. The best efforts bring as many of these multidisciplinary lines together as possible to convey the historic and contemporary story of a place.

The emphasis on western TCP documentation efforts is not meant to say that eastern regions have no interest in TCP identification, but federal agencies, SHPOs, and tribes operating in those areas seem less disposed to the identification of properties that fit into the TCP mold, at least so far. While most agencies and SHPOs have developed guidelines for cultural resource surveys in their areas, fewer eastern states have formulated specific guidelines directed at TCP consultation or identification efforts as part of those broader strategies. The 1999 determination of eligibility for the Ocmulgee Old Fields in Georgia was the first TCP designation made east of the Mississippi. Associated with the Muscogee (Creek) people, and threatened by highway expansion, the Ocmulgee TCP expanded on the previously documented Ocmulgee National Monument and its impressive ceremonial mounds to encompass surrounding land areas containing archaeological and natural features retaining the imprint of traditional Muscogee culture. Direct consultation with tribal authorities and considerable ethnographic and archaeological research documented the area's long association with the traditional beliefs of the Muscogean people as a place of origin. To date, very few additional TCPs from east of the Mississippi have been formally presented to the keeper for listing or a determination of eligibility. Recent efforts in New York and Massachusetts, most notably in association with traditional rock formations, appear to represent signs of growing awareness and involvement on the part of Native American groups and other cultural communities.

### **Native American TCPs versus Euroamerican sites**

By far the most active traditional cultural group to acknowledge the value of TCP documentation has been the Native American community. Even though Bulletin 38 clearly stated that any cultural group can have special connections to a place that might make it a TCP, it has been the Native American community that has made the most significant use of the concept in attempting to secure protection of its valued sites. Native American cultural and spiritual sites often fit more easily within the parameters of the current guidance on TCPs and the preservation community has widely accepted their association with Native American culture. Many professionals are even now surprised when told that TCPs are not the sole realm of Native American investigations and study.<sup>4</sup>

While this trend is a clear illustration of the Native American community's efforts to better assert a direct role in the evaluation and protection of properties most significant to them, it also reflects the fact that many of the sites most highly valued in the eyes of Native Americans are a poor fit for the conventional National Register documentation procedures. Sites with little or no physical remains, sites associated with intangible elements or belief systems, sites of spiritual importance, or natural sites where the character of the location itself is primary were often difficult to document with the routine methods used to address historic buildings or archaeological sites. The TCP perspective broadened the way we could think

of historic resources, and thus found a level of acceptance within the Native American community as an approach best able to present those sites of intrinsic value to their traditional communities.

Historic sites associated with Euroamerican and other non-native cultural groups have historically been able to rely on more conventional methodologies for documentation and evaluation. Historic sites from Hibernian meeting halls in Montana to Chinese-American communities in California, for example, have been listed in the National Register based largely on their historic ethnic associations, regardless of any continuing potential value or significance to living members of those traditional groups. In recent years a few different non-native American groups have sought to use the TCP concept to protect sites of interest. Among the difficulties faced by these efforts is reconciling the nature of the represented “traditional community” or cultural group, which remains an as yet undefined term. Where familiarity with the longstanding cultural communities formed by Native American traditionalists poses little debate, the nature of more modern or fluid communities raises intriguing questions. Work on developing better guidance on how non-Native American groups can also make use of the TCP concept appears to be a priority.

### **Continuing issues**

If anything, working with TCPs in the years since Bulletin 38 was published has revealed the need for continuing dialogue and guidance on the concepts and methodologies for the identification, documentation, and registration of these important sites. Among the ongoing issues where continued disagreements or confusion can be found are: establishing appropriate boundaries, defining who is best suited to undertake identification and evaluations work, agreeing on what constitutes sufficient documentation, deciding how integrity should properly be considered, and determining how traditional cultural groups can best be defined. Each topic could be expanded into an independent essay or briefing paper well beyond the scope of this overview.

In looking briefly at just one of these issues we can see exactly how much work is still necessary to help establish consistent approaches to dealing with TCP sites. There is perhaps no more problematic issue than the identification of appropriate boundaries for TCPs. Drawing lines around a TCP, attempting to mark where a site begins and where it ends, is often seen as totally inconsistent with the value or unique cultural characteristics of the place. TCPs represented by natural formations or features are often the most problematic. The top of a mountain or the location of a specific ceremonial activity as evidenced by a documented archaeological feature might be obvious, but where is the bottom of the mountain, and what about the traditional pathway used to access the ceremonial site? What about the locations along those paths used for ritualistic preparations in anticipation of the final activities? And what of those areas and broad vistas that comprise the essential character of setting for these sites? What is properly left in and what gets left out? Trying to make such determinations, as required by the National Register program standards, can often lead to artificial constructs in conflict with traditional perspectives. To some, this represents the ultimate example of trying to fit a round peg into the square bureaucratic hole that is the National Register program, and represents yet another reason to forego listing in favor of a perceived less-rigorous determination of eligibility.

When dealing with houses, bridges, or other similar fixed permanent resources, the identification of historic lots and plat maps makes boundary justification a straightforward task. Few such aids are available when dealing with the less tangible aspects of a TCP site, where the requirements that a finite boundary be placed around nominated properties is often in direct conflict with traditional cosmology and worldviews. Nevertheless consideration of all appropriate factors is essential. Such consideration must first rely on a basic grounding in the National Register perspective that boundaries should be derived directly from the documented significance of the resource, taking into consideration all of the various lines of evidence (archaeology, ethnography, oral history, written records) used to establish the significant historic nature of the site. Such determinations will always be tempered by a pragmatic understanding of the limitations of a resource-based documentation program, but will provide a strong foundation for such decisions.

Direct consultation with those placing significant traditional value on the site is essential to any discussion of boundaries for a TCP. Boundary documentation cannot be completed without some form of direct consultation with the traditional group that values the place in order to define the nature of that property. Knowledgeable members of the traditional community should always be consulted for guidance about what criteria are important in deciding what constitutes the physical place and what elements of the setting are essential to maintaining its character. From this basis of understanding regarding the essential nature of the site, decisions based on land management issues and other outside concerns will play potentially less important roles in the final boundary determinations.

## **Conclusion**

Seeing the distances traveled to date in our evolving understanding of these resources, the National Park Service remains optimistic of the ability of our programs to bridge the gap between established, long-standing cultural resource management processes and the hundreds, if not thousands, of unrecognized traditional cultural places awaiting protection. Such sites remain as key to understanding ourselves as a nation as do Mount Vernon and Monticello.

## **Endnotes**

1. Carol D. Shull, "Traditional Cultural Places in the National Register of Historic Places: Educating the Public About Cultural Heritage," *CRM*, vol. 16, 1993. (U.S. Department of the Interior.)
2. Patricia L. Parker and Thomas F. King, *Guidelines for Evaluating and Documenting Traditional Cultural Properties*, National Register Bulletin 38 (Washington, D.C.: National Register of Historic Places, National Park Service, 1990).
3. The National Park Service currently prefers the use of the term traditional cultural places instead of properties, in deference to concerns voiced by traditional communities regarding the perceived association between property and ownership. The common shorthand for either term remains TCP.
4. One of the earliest Register-listed TCP sites was El Tiradito in the Old Barrio area of

*Traditional Cultural Properties*

downtown Tucson, Arizona (NR 1971), a site associated with the local traditional Hispanic community.

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