

# Anatomy of a Traditional Cultural Property: The Saga of Auke Cape

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IN AN ERA WHEN INDIGENOUS PEOPLE FACE LIMITED SOVEREIGNTY, MINORITY STATUS, and continuing pressure on traditional lands and resources, how can important cultural landscapes best be conserved as living landscapes? For Native Americans, the process for evaluating and conserving traditional cultural properties (TCPs), first introduced twenty years ago, constituted a small but important governmental response to the accelerating problem of erosion of their communal lands and historical and sacred sites. Bulletin 38 offered a set of guidelines for evaluating these places as “living landscapes” of national historical significance due to their association with “cultural practices or beliefs of a living community that (a) are rooted in the community’s history, and (b) are important in maintaining the continuing cultural identity of a community.” If a cultural property receives a positive evaluation, it can then be nominated for inclusion in the National Register of Historic Places. To mitigate a property’s vulnerability in the interim between a positive eligibility determination and the completion of the nomination process, the property can be treated “as if” it had been successfully nominated and placed on the Register by the keeper. This procedure is followed because often agencies do not have the time and resources necessary to complete the formal nomination process; the interim listing provides protection until the formal nomination process is completed.

Traditionally, the Register had been biased toward non-Native landscapes of significance—battlefields, architectural marvels, pioneer trails, etc.—based primarily on the antiquity of material remains and a rather singular interpretive framework for how these sites fit into the master narrative of the nation’s or region’s development and character. Although sites on the Register can be of local, regional, or national significance, the bias was nearly always toward the physical and material objectification of history in a “built” environment (i.e., structures, landscapes, etc.) This framework held little regard for places of continuing symbolic and material significance to Native American communities, and so they remained either unprotected or invisible, or both. Hence, there was a need for new guidelines to address these kinds of cultural properties.

There is no question that the TCP process and criteria are more inclusive than those of the conventional Register, but the critical political-ecological questions remain: what is being conserved and for whom under the guise of historic sites conservation in the United States? Has the TCP process helped conserve cultural landscapes of significance to Native American communities? In Alaska, where not a single Alaska Native TCP has been formal-

ly recommended for inclusion in the National Register by the State Historic Preservation Office, despite positive eligibility determinations and nominations, the answer is unequivocally “not yet.” To understand why not yet, it is useful to examine the saga of Auke Cape (also known as Indian Point), a Tlingit TCP found eligible for inclusion, with concurrence from the Alaska State Historic Preservation Office, and first nominated for the Register more than a decade ago based on an investigation I conducted in 1997 (Thornton 1997), but which continues to languish in the Register “approval” process for a variety of reasons not altogether clear.

In this essay, I examine the Auke Cape TCP case as a means for evaluating the efficacy of the TCP process itself. In doing so, I draw on what I term a political ecology of cultural models framework. Political ecology examines how humans compete for, manage, and impact “scarce” environmental resources, such as land, trees, fish, and wildlife, from a political-economy and ecological perspective. Cultural models (cf. Holland and Quinn 1987; Shore 1998) theory posits that human groups possess shared and distributed cognitive frames which play a critical role in coordinating their thoughts and actions in response to environmental phenomena, including landscapes such as Auke Cape. Combining the two theoretical strains, a *political ecology of cultural models* examines how differing cultural models of environmental phenomena compete—often unequally—in shaping collective perceptions and actions towards particular landscapes, including historic sites and traditional cultural properties.

### Negotiating cultural models of Auke Cape in the 1960s

The dominant cultural model of Auke Cape, among non-Natives especially, is that of a prime waterfront landscape. The property defines one side of Auke Bay, the premier harbor in Alaska’s capital city of Juneau and a favored settlement site for its access, views, sun, and shelter among the city’s 30,000 residents. By the end of the 20th century, Auke Cape stood out as an oasis of undeveloped public land along the otherwise highly developed waterfront corridor between Juneau’s downtown and greater Mendenhall Valley. The waterfront peninsula was divided into separate lots managed by the National Park Service (NPS), which developed a portion as employee housing and a dock serving Glacier Bay National Park, and the city and borough of Juneau. Pro-development forces in the city viewed the property as ripe for commercial development and a residential subdivision, while others saw it as an important habitat and scenic recreation area to be maintained in its present state. Efforts to develop the non-federal portion of the property for waterfront housing and other facilities in the late 1960s were defeated by a coalition of Native and non-Native groups seeking to protect the forested peninsula in its present condition. Though politically on the same side, the Natives and non-Natives argued from different cultural models of the landscape. Non-Natives stressed the peninsular landscape’s beauty and pristine character and its potential for recreation. Natives, in contrast, primarily stressed the peninsula’s significance as Áak’w K̄wáan (Auke Tlingits’) *at.óow* (sacred property), including its status as a historic settlement, fort, subsistence, and burial site. These two cultural models coalesced into a successful united front against the cultural model of “development” for Auke Cape because, despite their

different primary conceptualizations of the landscape, they were in consensus in opposing any significant alteration of the site's character.

The Juneau-based *Southeast Alaska Empire* newspaper reported on the pivotal testimony at a May 10, 1969, public hearing which helped convey Tlingit conceptualizations of the property to non-Natives and seal the defeat of efforts to rezone Auke Cape for residential development.

Eight members of the Tlingit and Haida tribes spoke at the Wednesday Borough Assembly hearing to decide whether Indian Point should become a private residential area or be turned to public use.

Rosetta [Rosita] Rodriguez [now Worl, see her companion essay in this volume], Amos Wallace, Mrs. Edward [Cecilia] Kunz, Nellie Bennett, Hank Croyley, Mrs. Nora Florendo [now Dauenhauer], and Mrs. Anita Engeberg.

Mrs. Rodriguez, who is Chairman of the A.N.B Heritage Committee and Secretary of Tlingit and Haidas, said in a prepared statement:

“Indian Point is more than an issue of land or a possible source of revenue. It represents to us a link to our past, our forefathers, and our way of life. Perhaps you may understand this feeling if you think of the many historical sites and monuments, such as Plymouth Rock where the pilgrims first landed, or Abraham Lincoln's humble one-room log cabin, or of the Statue of Liberty. The Federal government has seen fit to designate these and many other areas historical sites. Indian Point is all this to us. . . .”

She concluded by expressing the hope that the Assembly would “see that Indian Point would better serve its citizens by becoming an area where all may go to enjoy its natural grandeur, where Tlingits may continue in their traditional activities.”

Others affirmed the historical nature of the sites because of Indians buried there and because of the herring spawn fishery conducted on the shore.

Without this cross-cultural appeal to non-indigenous cultural models of landscape conservation, it is unlikely the Tlingit *at.óow* paradigm of historic preservation would have prevailed on its own in protecting Auke Cape, at least not beyond the burial sites. Tlingits were already a minority in Juneau and their “property rights” were theoretically being “settled” through separate federal claims process (consummating, ultimately, in the Alaska Native Claims Settlement Act of 1971). What is more, few material traces of their long historical presence on the land had been documented in the archaeological record, and there was no process in place for recognizing the multitude of material and non-material cultural associations with the land as a “link to our past, our forefathers, and our way of life,” or what Tlingits term their *shagóon*, “heritage and destiny” (see de Laguna 1972; Dauenhauer and Dauenhauer 1989; Thornton 2008). The National Historic Preservation Act (NHPA) of 1966 itself was only a few years old. Thus, Tlingits had to argue by analogy (to non-Native monuments) and appeal to the dominant non-Native historical and recreational values in order to make their case for protecting their historic landscape. Such was the political ecology of cultural models in the late 1960s; Native models had little valence.

With this victory, the bulk of the 78-acre Auke Cape property remained undeveloped for the next three decades. However, the fate of the peninsula came to a head again in September 1996, when the National Oceanic and Atmospheric Administration (NOAA) selected Auke Cape as its preferred site for constructing a new consolidated office and research laboratory facility in Juneau. As they had 30 years previously, local and regional Native organizations opposed this alternative due to concerns for cultural and historic values associated with the site. By this time Auke Cape had become divided into four large lots (see Figure 1) controlled by several different entities. The two southern and outermost lots (Lot 3 and 4, which had been tagged for development in the 1960s) continued to be property of the city and borough of Juneau. Lot 1 at Indian Cove is federal land managed by the National Park Service as a support facility for Glacier Bay National Park. Lot 2, the largest undeveloped lot, was conveyed to NOAA by the Bureau of Land Management for potential development of the consolidated facility. However, part of this original lot, now known as Lot 2A, remained under the control of the Bureau of Land Management, and was not included in the transfer of land to NOAA because of evidence of Indian graves on the site. A recreational trail, maintained by the city and borough of Juneau, the Park Service, and volunteers, wends its way through parts of all four lots before terminating at Indian Point on the end of the peninsula. Beyond this, the tidelands surrounding the cape are owned by the state of Alaska.

Through provisions set out in the Alaska Native Claims Settlement Act (ANCSA), Section 14(h)1, for protecting Native cemetery and historic sites, Juneau-area Natives, now organized into regional (Sealaska) and village (Goldbelt) corporations, identified Auke Cape as a historic settlement and grave site in their survey (Sealaska 1975:824). However the site was not thoroughly surveyed, in part due to the split federal–state jurisdiction (state lands could not be selected) and potentially competing allotment and other claims on the land. Undoubtedly, additional historic sites could have been confirmed had there been more time and resources available for assessment of sites. Without protection under 14(h)1 or other provisions, the bulk of Auke Cape remained open to development.

### The 1996 TCP evaluation and nomination

Fortunately, by 1996, the process of assessing environmental and cultural impacts of development projects on federal lands had been significantly



**Figure 1** Lot map of Auke Cape with the footprint of the proposed NOAA/NMFS Consolidated Facility. The boundaries of the proposed TCP include Lots 1–4 and offshore islands (Indian Island, Pillar Rock). Source: NOAA 1998.

enhanced, thanks to the National Environmental Policy Act (NEPA; 1969) and the NHPA. Under Section 106 of NHPA, federal agencies were required to take into account the effect of their projects (“federal or federal-assisted undertakings”) on sites that are included in or eligible for inclusion in the National Register of Historic Places. Amendments to NHPA in 1992 provided a greater role for Indian tribes in federal and state preservation programs and added greater federal responsibility for the identification, evaluation, and nomination of historic properties to the National Register of Historic Places, and for consideration of historic properties during agency decision-making. The 1996 regulations provided greatly expanded guidance and requirements for consultation with Indian tribes in the process of taking into account the effects of the agency’s undertaking on historic properties. This provision triggered the need for a cultural resource survey of Indian Point, the need to document and evaluate whether any properties might be eligible for inclusion in the National Register, and the need for consultation with Indian tribes in these efforts. In addition, Bulletin 38 had been issued in 1990, defining procedures for assessing and protecting TCPs, including landscapes with significant non-tangible attributes, such as religious beliefs and ancestral traditions.

With all of these changes, it seemed that the Tlingit *at.óow* model of sacred possession could be more fully recognized in the process of assessing NOAA’s proposed facility. Indeed, the draft environmental impact statement (required under NEPA) on the consolidated facility noted up front that “the site’s location, near Auke Bay, Auke Creek, and Auke Lake, and a short distance from the traditional winter Auke Village, makes it likely that Native resources are located on the site.” Cultural resource surveys of the proposed building tract were conducted in 1992 and 1996 by Charles M. Mobley. Through archaeological surveying on the building site (Lot 2) and limited interviews and archival research, Mobley was able to develop a picture of past occupancy and land use of the area. Historic human activities and sites included salmon and herring egg fisheries; cockle, clam, and other marine invertebrate harvesting; some 31 culturally modified hemlock trees (modified, among other reasons, for the inner bark which is a prized Native food); four canoe runs; smokehouses; camping sites; and burial grounds. Mobley (1996:46–47) concluded that portions of the building tract, namely the canoe runs and the midden upslope from those runs (together given Alaska Heritage Resources Survey number JUN-701) are eligible for the National Register of Historic Places based on criterion D, their potential to yield information important to our understanding of prehistory or history. Among his mitigation considerations, Mobley (1996:48) suggested that this area be avoided in development of the facility, as construction would “likely obliterate any cultural resources in its footprint.” His conclusions bolstered the public testimony on the part of local Tlingits, and the initial findings of the 1975 Sealaska historic sites survey.

As a consequence, federal and Native leaders agreed that a TCP evaluation should be conducted on Auke Cape to determine if all or parts of the area might be eligible for nomination to the National Register of Historic Places. My TCP investigation was initiated in late April 1997. Between April and June 1997, I reviewed documentary and oral sources of information pertaining to Auke Cape and conducted more than 40 interviews with local Tlingits and others familiar with the history and uses of the property (Thornton 1997). Results of the investigation revealed that Auk Tlingits conceive of Auke Cape as a single property, that the

boundaries of the site, called *X'unáxi* Tlingit (referring to its earliest use as a stopover and camping place), encompass not only Auke Cape but the nearshore areas of Auke Nu Cove and Indian Cove and the immediate offshore islands (Indian Island and “Pillar Rock”; Figure 2), and that Auk Tlingits repeatedly have fought to maintain both the integrity of condition of Indian Point and their relationship and rights to the site in the face of increasing encroachments.

Further, the property was found to be historically significant in four major respects. First, the Indian Cove side of Auke Cape, also known as Fairhaven, is the original habitation site of the Áak'w Kwáan in the Juneau area. Members of the Yaxtetaan (Dipper House) of the L'eineidí (Dog Salmon) clan moved with their leader from Young Bay, ultimately landing at Auke Cape/Indian Cove (*X'unáxi*). Here the group erected the first Dipper House (matrilineal clan house) in Juneau and lived prosperously for some time; eventually, the village was moved a short distance northward to what is now the site of Auke Recreation area where the name *Anchgaltsoww* (“Town that Moved”) was applied to the new settlement. Second, *X'unáxi* was—until the decline of the herring run—a hallowed subsistence site for fishing and gathering activities. Third, Auke Cape and its nearshore islands are the site of historic Native graves, including shaman graves. Shaman graves constitute particularly powerful landscapes that extend some distance beyond the actual above-ground burial sites and generally are avoided out of respect for the power of the spirit(s) that continue to dwell in their midst. Fourth, Auke Cape is a historic lookout, refuge site, and meeting place for major events in Áak'w Kwáan history, including battles and encounters with other groups in which key Yaxtetaan leaders, in typical Northwest Coast Indian fashion, earned their prestigious titles and through which the clan established its preeminent status as owners of Auke Bay and the surrounding territory. Collectively, these characteristics defined Auke Cape as a cultural property of deep and abiding cultural significance, a critical component of the Áak'w Kwáan history, *at.óow*, and *shagóon*.

**Figure 2** Pillar Rock, part of the Indian Point/Auke Cape Traditional Cultural Property. Photo courtesy of the author.



The report concluded that the cultural beliefs and practices associated with Auke Cape meet the guidelines established in National Register Bulletin 38 for evaluating Register-eligible traditional cultural properties. Auke Cape is *deeply rooted in the community's history*, and the tangible resources associated with the site *are important in maintaining the continuity and identity of the community*. The report also found that the site meets criteria for eligibility to the National Register because it is (a) associated with key events of the Áak'w K̄wáan, (b) associated with key persons of significance, and (c) likely to yield more significant findings concerning the history and prehistory of Southeast Alaska. I found no obvious conditions that would make the property ineligible for the National Register. The landscape still held its integrity as a historic site, vital to the contemporary Auke Tlingit community. Similarly, the shamans' burial ground remained a potent influence on Tlingits from other communities, such as Hoonah, who observe the culturally prescribed avoidances and gestures of respect when passing the site when coming in and out of Auke Bay.

Federal officials were, at first, dubious about the cultural values of the property. In particular, they misunderstood the Tlingit model of claiming the property by revealing oral histories about how it came to be possessed as *at.óow*. One of these oral histories, the story of how *Yeeshanaalx̄* ("Newly Rich Man") got his name, was told by Áak'w K̄wáan leader Rosa Miller at meeting concerning the proposed consolidated facility in 1997. Her mother, Bessie Visaya (Visaya 1972), Cecilia Kunz (Kunz 1997) and Forrest DeWitt (DeWitt 1985) also have recorded versions of this story, part of which is also recounted in John R. Swanton's well-known *Tlingit Myths and Texts* (1909:58ff). The basic details of the story are as follows:

At Auke Cape, a Áak'w K̄wáan leader (*K̄wudakaa*) meets, challenges, and ultimately defeats a Yakutat (Tlingit community to the north) rival in a display of wealth—thus earning the name *Yeeshanaalx̄* ("Newly Rich Man"). The conflict was precipitated by the Yakutat leader's failure to pay a visit to the Auk leader during a trip down to the Taku River. On the way back north from Taku River, a messenger was sent out to the point (Indian Point at the tip of Auke Cape, in most versions of the story) to invite the Yakutat group (the L'oox'eidí clan) ashore at *X'unáxi* (Auke Cape) for a feast at which the Auk leader proceeded to insult the Yakutat leader by burning the decorated prow of his canoe in the fire.

Angry, the Yakutat chief left, but returned to *X'unáxi* the following spring to settle the score. A quarrel began and soon the Yakutat leader started throwing copper shields (*tináa*)—symbols of wealth—into the water to show his superior status. The Auk chief responded in kind by bringing out his own coppers and disposing of them in the water. The Auks also brought forth a young woman who imitated her crest, the dog salmon, in a spawning dance, except that instead of laying eggs she deposited valuable things like copper bracelets and abalone into the water, another symbolic gesture to demonstrate the superior wealth and status of the Auk group. Soon the Yakutat leader ran out of coppers and his group resorted to substituting spruce bark. Although they weighted the spruce bark with rocks so it would sink like the coppers, somehow it re-floated and their ruse was exposed.

Victorious, the Auks then sang an insulting song, prompting the Yakutat group to give up in shame.

From this event, *Kwudakaa* earned his new title, *Yeeskanaalx* (“Newly Rich Man”). The L’oox’eidí, it is said, have never been seen since.

NOAA officials were baffled as to why Miller would tell this story, as the events themselves—involving conflict, rivalry, and deception—seemed, as one official put it to me privately, “pitiful.” But in Tlingit cultural logic, it was a kind of “title search” to show how the Áak’w *Kwáan* had come to own Auke Cape legitimately, and had their claims to it as cultural property validated publicly. However, rather than culminating in a written legal document, the Tlingit model of property ownership concentrates on the *event* of title purchase, which becomes a constituent part of their own identity and status as a community, as embodied in the very names of their leaders, like *Yeeskanaalx*, as well as the story and the song, all of which are carried still today. In the Tlingit cultural model, the surrender and retreat of the Yakutat L’oox’eidí in the face of the Auk song is also important, for it established that the Auk claim was accepted by competing groups. The public performance and ritual validation of the story of *Yeeskanaalx* is thus the legal starting point for defending Auke Cape as Áak’w *Kwáan* cultural property.

### **Denouement or irresolution?**

My report and positive findings concerning the eligibility of Auke Cape as a TCP were accepted by the lead federal agency, NOAA, and reported in the final environmental impact statement on the Auke Cape facility (NOAA 1998). The site was determined officially to be eligible for inclusion in the National Register of Historic Places as a TCP. As a result, an alternative site (Lena Point) was chosen for development of what would become the Ted Stevens Marine Research Institute, named for the state’s influential US senator, who had helped originally to secure federal money to build the facility. Significantly, from a cultural models standpoint, in explaining the decision to move the facility from Auke Cape to Lena Point, Juneau’s vice mayor did not explicitly recognize the value of Auke Cape as a Tlingit TCP worthy of protection, but simply stated that the site had “cultural problems.” The new \$51 million institute finally opened in the spring of 2007, and to this day Natives are blamed for the delay.

Meanwhile, the fate of Auke Cape as a cultural property has languished in the state’s historic preservation bureaucracy. Shortly after the 1998 eligibility determination, Sealaska Heritage Foundation (now Institute), the non-profit arm of the Sealaska regional Native corporation, acting on behalf of the Áak’w *Kwáan*, initiated the process of nominating the site for inclusion in the National Register. In 2002 the nomination form and supporting material were formally submitted to the Alaska state historic preservation officer (SHPO). Between 2002 and 2005 the SHPO’s office requested more information from Sealaska Heritage Institute concerning the boundaries and integrity of the site. Sealaska responded to these requests with additional documentation, which was accepted by the SHPO. Then, sudden-



ly, in 2006, the SHPO asserted that TCP form had “changed so much” that it was necessary for the Alaska Historical Commission to re-review the nomination of Auke Cape. More pictures, clearer demarcation of boundaries, and additional data in support of criterion D (that “the property has yielded, or is likely to yield information important in prehistory or history”) were needed. Again, Sealaska Heritage Institute, through staff anthropologist Kathy Miller, obliged this request. Significantly, the state has submitted the nomination materials to the National Register in Washington, D.C., for an informal review, and the Register office has found the documentation sufficient to go forward. Yet, as of this writing, the Auke Cape is still awaiting approval as the state of Alaska’s first historic site recognized under the TCP nomination process.

Is the state stalling? There does seem to be a concern among government officials, particularly at the state level, that a granting TCP status to Auke Cape could open up the “flood-gates” to innumerable other TCP claims and nominations, which, in turn, could “lock up” significant amounts of land to development (always a concern in Alaska, which boasts more acreage in parks and preserves than any other state, by far). However, as Bulletin 38 makes clear, TCP status itself does not preclude development; rather it requires that in federal or federally assisted undertakings, the federal agency must take into account the effect of the undertaking on the historic property, in association with the SHPO, and in consultation with people and groups for which the site has cultural and religious significance. Certainly another brake slowing the process is the fact that TCP nomination procedures are themselves still fairly new, and necessarily involve a cross-cultural grasp of landscapes, if not of models of valuing and maintaining ties to property. Thirdly, in a major Alaska city such as Juneau, where Natives are a minority (less than 20% of the population) who until recently have been cowed by racial discrimination and strict acculturation policies into practicing their culture almost invisibly, the contemporary assertion of strong cultural ties to property strikes some as surprising, at best, and a strategic “(re)invention of tradition” at worst; therefore, there is a need to proceed with caution. As the Auke Cape investigation clearly shows, however, the Tlingit claims are not merely an act of strategic essentialism (Sheridan 2005). As much as any other North American Indian group, Tlingits have maintained strong ties to historical properties through both material and symbolic means, despite discrimination and acculturation. And their record of defending properties from encroachment and dispossession, including Auke Cape, spans hundreds of years (Thornton 1997).

At base, the irresolution of the Auke Cape TCP nomination reveals some critical problems with the TCP evaluation process as it stands today. The most important of these is the political ecology of cultural models problem. Even while the TCP evaluation process itself, especially when carried out by investigators sensitive to diverse models of cultural property, becomes increasingly inclusive of cultural landscapes not previously protected under the NHPA, the state historic preservation offices and historical commissions ultimately evaluating these properties often do not include anthropologists or minorities in significant numbers. Thus, there is no way to ensure that these officials will be inclusive, and no guarantee that they will not continue to measure cultural properties against their own (or their largest constituency’s) dominant cultural models, professional standards, and prototypes of what such sites consist of, rather than the TCP criteria themselves, and find them wanting. This is

the essence of the political ecology of cultural models problem. This is why the Alaska SHPO wants more *written* documentation, photographs, and clearer *boundaries* for Auke Cape. A similar set of time-space boundary issues prompted the Alaska SHPO to torpedo another Tlingit TCP nomination, the Kiks.ádi Survival March Trail, in 1997 (see Thomas King's paper in this volume). In the end, it appears it will be this kind of documentation, and not the story of *Yeeskanaalx*, that will secure Auke Cape's entry into the National Register. Similarly, it will be this kind of documentation that leads to successful management of Auke Cape as a TCP, not merely a "cultural park with long houses, [a] few totem poles, etc.," as has been suggested by the Juneau Parks and Recreation Advisory Committee (2005).

### Conclusion: TCPs and biocultural diversity

How do you solve the political ecology of cultural models problem that hampers the successful nomination of TCPs such as Auke Cape into the National Register? Further, can the TCP process succeed in legitimizing Native American and other non-mainstream models of cultural property against the dominant cultural models that have shaped historic preservation in the United States? Clearly, it will not be easy. To begin with, it is important to note that for Native Americans the TCP model of landscape preservation is only the latest in a series of efforts to conserve their important historical sites, the vast majority of which have not succeeded. The most spectacular failure, of course, was the 1978 Native American Religious Freedom Act which was rendered virtually impotent by the Supreme Court in its 1987 *Lyng v. Indian Cemetery Protective Association* decision (United States GPO 1991; also see Sherry Hutt's paper in this volume). The court found that construction of a major logging road and clearcut logging operation on national forest lands, held sacred by the Yurok and Karuk Indians of northern California, did not constitute a violation of the Indians' religious freedom. Justice Sandra Day O'Connor, writing for the 5-3 majority, argued that construction of the road did not expressly prohibit the practice of the religion because the Forest Service was not proposing to prevent Indian access to their sacred sites. She failed to grasp that the logging development would have degraded the sites, and, unlike churches, these sacred landscapes could not be moved or rebuilt elsewhere. While the justices might have been sympathetic to the Indian case, overall they were bound by the dominant cultural models of both property rights and of religious practices, which in Euroamerican culture typically are tied to structures (churches) rather than geographic places. Ironically, completion of the logging road (known as the Gasquet-Orleans, or G-O, road) was prevented by environmentalists for biological (not cultural) conservation reasons, and the area was declared a "wilderness," a cultural model of landscape alien to northern California Indians.

These failures have led to more pointed efforts to protect Indian sacred landscapes, including the TCP process and President Bill Clinton's 1994 Executive Order 13007. The latter specifically directs federal land managers to "(1) accommodate access to and ceremonial use of Indian sacred sites by Indian religious practitioners and (2) avoid adversely affecting the physical integrity of such sacred sites." Neither of these processes has been tested in the Supreme Court, but if they were challenged, they would very likely face similar biases to those that crippled the American Indian Religious Freedom Act. The political ecology of

cultural models of cultural property likely will not shift very much under the present Supreme Court, without legislative changes.

A better approach might be to begin a broad campaign to educate contemporary land managers and environmentalists about the virtues of recognizing Native American TCPs in particular as part of a large-scale plan to maintain not just biological diversity, but *biocultural diversity*. It goes without saying that a TCP, by virtue of having traditional cultural value in the eyes of a distinct community, may be central to maintaining diverse cultural traditions and resource bases. Furthermore, it has been shown that there is a strong correlation between indigenous linguistic, cultural, and biological diversity in many parts of the world (Maffi 2005). To the extent that TCPs, like Auke Cape, represent diverse indigenous cultural landscapes, they can become a tool in the effort to maintain a healthy level of biocultural diversity on the land, and to expand the narrow political-ecological framework that still governs cultural property and resource evaluations in United States. Auke Cape and Áak'w K̄wáan need each other to thrive in the future, just as they have in the past. Hopefully, the National Register nomination process will recognize this fact and act accordingly to make Auke Cape Alaska's first official traditional cultural property.

[Guest editor's note: in early March 2009, a representative of the SHPO informed the author that the nomination was recently approved by the state review board and will be forwarded to the National Register at an unspecified date in the future.]

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