

Comments on Identifying, Evaluating, & Documenting Traditional Cultural Properties for NPS

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Introduction

The importance of traditional cultural properties (TCPs) is evident in the strong cultural attachment Native Hawaiians maintain with their natural, physical, and spiritual surroundings. The values and beliefs associated with these places, or a “sense of place”, have been passed on through the generations and continue to root Native Hawaiians to their *‘āina* (land) and *‘ohana* (family), both living and departed.¹ Connections to traditional cultural places provide feelings of belonging, comfort, and appreciation and enable us to remember stories about who we are, where we come from, and what are values are.²

For Native Hawaiians today, traditional cultural places are not just relics of the past; rather, they are living places bursting with a vibrant history, energy, and *mana* (power - supernatural, divine or spiritual). They are places that attain their significance through the stories, histories, and memories one attaches to them. Many of these storied and legendary places continue to be highly valued and frequently used by local communities today to perpetuate cultural traditions. These places represent more than simply beautiful landscapes or archeological sites to be scientifically studied. Traditional cultural places connect present generations to past ancestors through the continuation of *mo‘olelo* (stories, histories, myths, and legends) and living traditions.

Consequently, the preservation and protection of traditional cultural places, sites, and landscapes are essential for the survival and perpetuation of the Hawaiian culture. However, of the more than 80,000 properties listed on the National Register of Historic Places (NRHP) in the U.S.,³ less than 50 are listed as TCPs.⁴ Traditional cultural properties have been eligible for nomination to the National Register for almost twenty years, however, there still remains only a small number of TCPs on the Register today.

This raises a number of questions: why are so few TCPs being nominated? What are the benefits and disadvantages of listing TCPs on the Register? And, how can indigenous populations in the U.S. benefit from identifying and documenting TCPs? As the Office of Hawaiian Affairs and the Army begin to conduct more and more TCP studies in Hawai‘i, it is essential for Native Hawaiians and the greater public to understand the significance of these studies, why these studies are conducted, what they entail, and how they will

¹ George Kanahale, “Foreword.” In *Ancient Sites of O‘ahu: A Guide to Hawaiian, Archaeological Places of Interest*, by Van James. Honolulu: Bishop Museum Press, (1991).

² King, 2003, 90

³ NRHP, National Register, and Register are used interchangeably throughout the paper

⁴ Per email communication with the NRHP main office on October 12, 2009

affect the community, lifestyle, and landscape of Hawai‘i.

TCP Study Limitations

King admits that there is still much uncertainty about how TCPs should be identified and addressed in cultural resource management practice.⁵ Unfortunately, this is true in Hawai‘i where TCPs have been underutilized because cultural resource managers, the State Historic Preservation Division, and others in the historic preservation field have neglected to systematically promote them. Additionally, in Hawai‘i as well as the continental U.S., TCPs have not been widely acknowledged and/or documented for a variety of practical reasons:

Natural and Intangible Resources

Because places with no human-made features can be considered as TCPs, natural properties can be difficult to recognize by outsiders not familiar with the place or community. This is especially true when conducting routine archaeological, historical, or architectural surveys that tend to focus on physical features and structures. In many cases, it is quicker and easier to locate physical structures on the landscape rather than identifying natural resources which are difficult to identify without background research and community consultation.

According to Maly, natural resources, such as rock outcrops, pools of water, ocean currents, and all creatures from the sea, land and air are all valued as cultural properties by Native Hawaiians.⁶ However, some CRM professionals typically have difficulty comprehending the notion that natural places and features can contribute to the cultural significance of a place.⁷ Consequently, to properly identify natural resources that contain cultural value it is often essential to consult first with knowledgeable groups and individuals.

Sebastian discusses the importance of oral history in determining and evaluating the historical importance of TCPs. She notes that while many TCPs have physical manifestations that anyone walking across the surface of the earth can see, others do not have this kind of visibility. Additionally, and more importantly, the meaning, the historical importance of most traditional cultural properties, can only be evaluated in terms of the oral histories of the community.⁸

Intangible elements such as *mo‘olelo*, songs, dances, values and beliefs are rarely considered when identifying and documenting historic and cultural sites. While intangible elements by themselves are not eligible for the Register, the cultural values

⁵ King, 2003, 36

⁶ Maly, 2001, 2

⁷ King, 2003, 263

⁸ Lynn Sebastian, “Protecting Traditional Cultural Properties Through the Section 106 Process.” *Traditional Cultural Properties*, Patricia L. Parker, guest editor, CRM 16, Special Issue (1993): 22

that a community associates with a place should be considered in the documentation and planning processes.

Bulletin 38 states that “districts, sites, and objects do not have to be the products of, or contain, the work of human beings in order to be classified as properties”.⁹ Consequently, the best solution regarding the problem of identification of natural and intangible features is to ensure that knowledgeable community members are consulted.

Confidential and sacred knowledge

A primary reason why many native communities are reluctant to participate in TCP studies is because they do not wish to reveal *kapu* or sacred knowledge to outsiders and the public. Communities are especially apprehensive about sharing their knowledge with groups such as the military because these institutions are often associated with a long history of mistrust and abuse with native peoples. Additionally, when the intentions of project proponents are unclear, communities are hesitant to openly divulge valuable information when it is uncertain how the information will be used.

Othole, a Zuni tribal member, offers a tribal perspective on TCP consultation:

...we are all too aware that federal and state agencies cannot guarantee the protection of these properties even with such additional information. This puts the Tribe in an extremely awkward situation. Often the protection of a traditional cultural property under the Section 106 process may require the release of confidential information, which in itself diminishes the power and significance of the place to the tribe. When faced with a dilemma such as this the tribe may decide that it is more culturally appropriate to say nothing and risk the destruction of the traditional cultural property rather than divulge proprietary information.¹⁰

Under section 304 of the National Historic Preservation Act, information pertaining to historic and traditional cultural properties may be kept confidential.¹¹ However, this might be insufficient for individuals and groups who fear the negative effects of sharing sacred information. While there is no easy solution for these issues, King suggests looking for ways to avoid having to identify specific TCPs during TCP studies. He goes on to state that there are ways to consider the impacts on TCPs without having to identify specific places. He acknowledges, however, that if a TCP is going to be nominated to the Register, site boundaries must eventually be identified and documented.¹²

⁹ Parker and King, 1990, 9

¹⁰ Andrew Othele and Roger Anyon, “A Tribal Perspective on Traditional Cultural Property Consultation.” *Traditional Cultural Properties*, Patricia L. Parker, guest editor, CRM 16, Special Issue, (1993):45.

¹¹ Parker and King, 1990, 19

¹² King, 2003, 170

Arbitrary Boundaries

Because TCPs can include immense and vast areas, TCP boundaries can be difficult to define. In many cases, TCPs may not have physical boundaries that are practical, with distinct lines drawn around them marking where they begin and end.¹³ This is especially true in Hawai‘i where Native Hawaiians view *wahi pana* (storied places and landscapes) as general locations and not specific places that can be bounded and marked on maps.

TCPs can also be linked to other distant areas, places, and resources located outside the core study area. For example, there are many instances where ancient Hawaiians would gather at or trade with other districts or islands. Consequently, the connection to those distinct places is regarded as part of the traditional cultural landscape.

The difficult and complex issue of determining and assigning boundaries to TCPs remains controversial because of the traditional belief among native communities that the landscape cannot be artificially divided into small pieces of disjointed fragments. When defining boundaries for TCP nominations, the traditional uses to which the property is put must be thoroughly considered.¹⁴ King also suggests that TCPs need not be defined when considering their impacts, and there is often little need to get involved in the complex and arbitrary exercise of defining them.¹⁵

Size and scale of TCPs

The large size and scale of TCPs can be disconcerting and intimidating for CRM practitioners. For instance, the entire *pae ‘āina* (archipelago) of Hawai‘i is considered a TCP according to some Native Hawaiians. Within the Hawaiian worldview, all things are integrated, related and associated; it starts and ends with the *‘āina*, which is intimately connected to people by genealogical relationships. Every portion of the *‘āina* has been either utilized or recognized by ancient Hawaiians. This is evident in the thousands of place names, songs, and chants that describe varying aspects of the landscape as well as the atmospheric elements such as the winds and rains. Understandably, then, for some individuals the complexity of TCP studies can be a daunting and challenging task.

Restricted access and discontinuous use of properties

Traditional Cultural Properties are significant not only for their association with the past, but also for their significance in the ongoing perpetuations of a culture. This continuity of significance in contemporary traditions and practices remains crucial; however, restricted access and use of many TCPs make it extremely difficult for communities to openly and freely engage in traditional and customary practices. Although a resource or site has not been used by a community for generations, does not lessen the significance it holds in the eyes of the community.

¹³ Parker, 1993, 4

¹⁴ Parker and King, 1990, 20

¹⁵ King, 2003, 174

Orthole discusses this issue in terms of his tribe:

It must also be clearly understood that not all traditional cultural properties require use for them to have significance to the ongoing traditions and culture of the tribe. In fact some traditional cultural properties should not be visited by tribal members. Other properties do not need to be regularly or even intermittently used to have significance to the culture of the Zuni Tribe. Many trails and shrines, for example, that may not have been used for centuries still have spiritual links to the ongoing traditions and culture of the tribe.¹⁶

Limited Protection for TCPs

When a TCP is considered eligible or is listed on the Registers it does not necessarily protect it from being altered or demolished. According to King, “Agencies don’t have to preserve all traditional cultural properties any more than they have to preserve all examples of any other kind of historic property; all that recognizing something as a traditional cultural property causes to happen is consultation with the group that ascribes value to it.”¹⁷

Furthermore, according to Hawai‘i Administrative Rules Title 13 Chapter 198, “The Hawai‘i and National Registers of Historic Places Programs”, historic properties listed on the Hawai‘i State Register does not give the State control of the property, impose financial obligations on the property owners, impose obligations to make it accessible to the public, and interfere with the owners right to alter, manage, or dispose of their property.¹⁸ In Hawai‘i, there are a handful of cases that illustrate that even historic properties that are on the National and State Register and very popular in the community, can be destroyed.

TCP Benefits and Recommendations

Expanded Administrative Safeguards and Protections

In the Section 106 process, TCPs nominated or determined as eligible for the NRHP are required to be adequately considered in appropriate planning and decision-making on the Federal level. This mandatory consideration affords TCPs with the opportunity to obtain administrative protection and safeguards that they would not have otherwise received. Consequently, listing a TCP on the Register provides the community with a stronger voice and expanded negotiation powers that can be utilized to better protect those special places in a given community.

¹⁶ Orthole and Anyon, 1993, 44

¹⁷ King, 1993, 63

¹⁸ HAR 13-198

A TCP Paradigm Shift

Native Hawaiians view their natural, cultural and spiritual world as intrinsically intertwined, and the integrity of the natural, cultural and spiritual world is directly correlated to the well being of the living community.¹⁹ Traditional cultural places are living pieces of evidence reflective of a vibrant culture that continues to have special meaning to communities today. Consequently, preserving TCPs remains a crucial and essential mechanism necessary to perpetuate and maintain Native Hawaiian values, beliefs and practices.

The concepts of *mālama ʻāina* and *aloha ʻāina* reflect the Hawaiian worldview of preserving and protecting both the natural and cultural resources found on the land. Native Hawaiians recognize the cultural significance and value of natural resources. Therefore, these resources are impossible to separate from cultural resources. Unfortunately, in the cultural resource management field, many CRM professionals are trained and accustomed to identifying only selected aspects of the built environment.

To fully recognize the significance of the entire cultural landscape in Hawaiʻi, a critical paradigm shift must occur within the CRM field. By incorporating methods that recognize, accept, and respect TCPs, Hawaiʻi's integrated cultural landscape can be better understood, valued, and utilized in CRM, environmental review, and land use planning.

Empowering and educating communities

In Hawaiʻi, TCP studies acknowledge and support the traditional Hawaiian belief that everything in our universe is connected. These studies recognize that Hawaiian *wahi pana* are parts of a larger network rather than isolated and individually significant.²⁰ These studies can provide a wealth of information for local communities to share and learn about their unique resources and how their special places relate to other areas in Hawaiʻi.

The TCP model can be an influential and valuable tool for communities to utilize to better protect the natural and cultural resources important to them. TCP studies specifically document the unique relationship living communities have with the natural and cultural features in their environment. This, in turn, provides a greater emphasis on and recognition for native concepts and perspectives over and above the western scientific theories and means of analyses used by some archaeologists.

¹⁹ Kepa Maly, *Malama Pono I Ka ʻAina, An Overview of the Hawaiian Cultural Landscape*, (Honolulu 2001), 1.

²⁰ In particular TCP work done by Chris Monahan, *Nā Wahi Pana o Waimea (Oʻahu): A Traditional Cultural Property Study of Waimea*. Unpublished report for the Office of Hawaiian Affairs (Honolulu 2008).

TCP studies and proactive planning

According to the authors of Bulletin 38, one of the primary reasons for creating the Bulletin was to “assist in the documentation of intangible cultural resources, to coordinate the incorporation of provisions for the consideration of such resources into Departmental planning documents and administrative manuals, and to encourage the identification and documentation of such resources by State and Federal agencies.”²¹

By accounting for TCPs early in the Federal and State planning processes, more responsible and broader-based decision-making can occur because both the important tangible and intangible aspects of a culture can be equally accounted for. Bulletin 38 advises that the high costs of sufficient consultation measures in the Section 106 process can be “reduced significantly, by early, proactive planning that identifies significant properties or areas likely to contain significant properties before specific projects are planned and that may affect them, identifies parties likely to ascribe cultural values to such properties, and establishes routine systems for consultation with such properties.”²²

TCP studies can be effective and valuable tools when prepared during the initial steps in the planning process. Early consultation presents opportunities for the community to address potential adverse effects on cultural values and resources before development plans are finalized. As a result, TCP studies can enable developers and planners to make more thoughtful, reasoned, and comprehensive decisions regarding Hawai‘i’s resources.

Increase TCP studies and nominations in Hawai‘i

Currently, there are no TCPs in Hawai‘i listed on the National or State Registers of Historic Places²³ because of the aforementioned limitations. However, TCP nominations can become a more common practice if their eligibility determination becomes a required step in the State historic preservation process. For instance, included in the archaeological inventory surveys rules is a section where the evaluation of each historic property’s significance in accordance with the States significance criteria A-E is required.²⁴ This step determines if the historic properties located during the inventory survey are eligible for the State or National Registers.

In Cultural Impact Assessments (CIA), which identify traditional cultural properties that are located in project areas, there are no requirements to determine the significance of the TCPs identified during the study. This is the unfortunate result of limited knowledge regarding TCP documentation and evaluation. However, with the ready availability of the appropriate information and tools, the practice of nominating TCPs to the Register can become as routine and as accepted as the process to nominate historic properties.

²¹ Parker and King, 1990, 2

²² Parker and King, 1990, 5

²³ Per email communication with Stephanie A. Massaro at the NRHP office on October 12, 2009

²⁴ HAR 6E, Chapter 13-276, “Rules Governing Standards for Archaeological Inventory Surveys and Reports”

The OEQC *Guidelines for the Assessing Cultural Impacts* provides useful methods for collecting cultural information that could potentially lead to the classification, eligibility, and nomination of TCPs for the Register. This is an issue that needs to be further explored. One recommendation is to amend the 1997 OEQC Guidelines and include methodological techniques that incorporate TCP recognition, documentation, and eligibility determination as part of the CIA process.

Conclusion

TCP work can be a powerful and constructive mechanism to help communities protect their sacred and special places, but the TCP process is far from perfect. While TCP studies promote traditional knowledge and native perspectives that are typically lacking from archaeological studies, aspects of TCP work also remain culturally inappropriate. Having to share sacred knowledge and establish ill-defined boundaries of sacred sites can be a very unpleasant and reluctant task for native communities. However, if TCP efforts can in the end help to preserve and safeguard these revered places, native residents might be less apprehensive and hesitant about complying with requirements which could benefit their cause.

While there are both disadvantages and advantages to TCP work, it remains one of the only processes or mechanisms currently available for native peoples that offers some level of protection for those special and unique places that local communities truly care about. Everyday in Hawai'i, we witness *wahi pana* being desecrated and destroyed by irresponsible developers and ill-planned development. However, TCP studies can provide an innovative and promising approach to raising awareness and providing enhanced protection of Hawai'i's significant cultural sites.

Although TCP studies do not conveniently fit into the paradigms of cultural and natural resource management, historic preservation, and land use planning, their consideration in these fields can promote more culturally appropriate and sensitive planning endeavors. Currently, I have yet to observe the specific outcomes of TCP work in Hawai'i because their occurrence is so rare. I remain, however, fully optimistic that the development, planning, and cultural resource management fields will begin to recognize, respect, and accept TCP work and utilize these studies to make more culturally relevant planning decisions.