

Outline from Module 2

OUTLINE: Tribal Cultural Resource Management Module 2 / Week 2 Notes Topic: Cultural Resource Protection Legal Frameworks

1. Sacred site and cultural site protection strategies typically involve three types of laws:
 - a. historical protection;
 - b. environmental protection and
 - c. cultural protection (intellectual property/religious freedom).
2. Early cultural resource protection laws were **NOT** focused on protecting the “totality of a site” with tribal consultation (*input*) for continuing use by a tribe or tribal people.
 - a. The focus was on preserving the artifacts associated with that site for study by the broader American public.
3. A site generally refers to a bounded location such as an identified and recorded archaeological site where a **landscape** includes a greater geographic area that may encompass the specific plants and animals, water resources, “viewscape,” the land below, and the airspace above a particular site.
 - a. Cultural landscapes are landscapes that have been affected, influenced, or shaped by human involvement. A cultural landscape can be associated with a person or event. It can be thousands of acres or a tiny homestead. It can be a grand estate, industrial site, park, garden, cemetery, campus, and more. Collectively, cultural landscapes are works of art, narratives of culture, and expressions of regional identity. <https://tclf.org/places/about-cultural-landscapes>
 - b. View this: <https://www.nps.gov/subjects/culturallandscapes/understand-cl.htm>

OUTLINE: Guide Document for Characterizing Tribal Cultural Landscape

1. The guide presents a method for agencies to consult with tribes more effectively and appropriately in advance of any proposed undertakings historical protection;
 - a. NOTE this is a guide so this is not universally accepted at all agencies
 - b. An approach of this nature can ensure that tribal governments are involved and responsible for the identification and protection of resources of interest to them.
 - c. federal agencies are only required to conduct government-to-government consultation with federally recognized tribes
 - d. This document is intended to apply broadly to indigenous peoples, and are critical and necessary for meaningful and effective engagement, consultation, and collaboration even when they are not required by policy or law
2. Linda Tuhiwai Smith’s, Smith articulates the process in which many indigenous peoples and their supporters are engaged via revitalization of indigenous cultures/this is the basic premise of TCL framed in the following principals:
 - a. Indigenous determination of research needs and priorities;
 - b. Indigenous articulation of the ways research should proceed;
 - c. Training of indigenous researchers and extending opportunities for indigenous peoples;
 - d. Discussion of culturally appropriate ethics, and ongoing development of culturally sympathetic methods;
 - e. Increased collaboration among tribes;
 - f. Tribal development and dissemination of literature on research;
 - g. Continued self-reflection, evaluation and critique of the community of indigenous researchers;
 - h. Education of the wider research and government community, including scientific, academic and policy communities regarding principles 1-7 above; and
 - i. Accountability to and outcomes for tribes.

3. cultural landscape approach (CLA) - integrates environmental science with historical, archaeological, and traditional knowledge to provide a robust and cost-effective procedure to document places and resources of past and present significance to tribal community.
4. The Tribal Cultural Landscape (TCL) approach (Pg. 5)
 - a. Properly engage with tribal and indigenous communities prior to the proposal of activities that may impact tribal resources and areas;
 - b. Involve tribal and indigenous communities in the identification of their own significant resources and areas of use; and
 - c. Clarify tribal interests in specific planning areas.
5. Tribal Cultural Properties
 - a. Some tribes were relocated due to displacement or treaties and may be extant today in places other than where they originated. (Pg. 6)
 - b. TCPs and TCLs is that the latter are defined as significant by indigenous communities, rather than by exterior criteria
 - c. TCP can refer to places of importance to any community, not just indigenous communities
 - d. TCL carries the same meaning and utility as this phrase and encompasses indigenous communities more inclusively.
6. TCL approach can also help minimize conflicts, controversy, legal challenges (Pg. 8)
7. Traditional Knowledge (TK) may be privileged or otherwise controlled or regulated by cultural constraints within a tribe.
 - a. non-native definition of TK is “a cumulative body of knowledge, practice and belief evolving by adaptive processes and handed down through generations by cultural transmission, about the relationship of living beings
 - b. indigenous ways of knowing about the environment may differ fundamentally from those of most non-native or industrialized societies
 - i. the indigenous paradigm regards humans as an integral and inseparable part of nature, with a continuous duty of care for its sustainability.
 - ii. traditional cultural significance of a historic property is derived from the role the property plays in a community's historically rooted beliefs, customs, and practices
 - c. Each tribe is unique, influenced by its local environment, as is its traditional knowledge

MODULE 2/WEEK 2 QUESTIONS - For the Native Youth Track Only – Leaders **Module 2- Week 2 Questions (Sub-part are hints to be expanded):**

1. What is a tribal cultural landscape? (Chapter 2)
 - a. More than Reservation boundaries
 - b. Includes gathering grounds – food, water, burial locations that may be off reservation
2. How is a “tribal cultural landscape” different from a traditional cultural property? (Chapter 2)
 - a. Cultural property includes tangible items, funerary, etc.
 - b. Cultural landscape goes beyond this which is where tribes may gather food (acorn, etc.) or materials to make items (basket materials like willow and yucca locations, etc.).
3. How may indigenous ways of knowing about the environment differ from non-native or industrialized society’s ways of characterizing the environment? (Chapter 3)
 - a. Real property is basis of capitalism and is used to develop for profit
 - b. Native people utilize the land in balance for plant life for items (see above). Land is utilized in balance so as not to overharvest or strip the lands of food, material resources.
4. What types of information may be considered culturally sensitive? Why? (Chapter 3)
5. Of the strategies listed in Chapter 4 (beginning on page 11), which do you think would be the most effective in improving the tribal consultation process?