

Culturally Important Places: Guidelines and Protocols for a Collaborative Pre-Incident Planning Process

INTRODUCTION:

In 2019, a group of people interested in the protection of culturally important places in the event of an oil spill convened in Anchorage for a workshop to share information about existing and future protections and response strategies. The 2019 Alaska Historic Properties Specialist Workshop was attended by cultural resource professionals representing Alaska Native Tribes, organizations, and local governments, personnel from Federal and State agencies, and other cultural resource management professionals from various industries.

One outcome of the workshop was the realization that collectively and collaboratively, we need to develop a way to identify and document culturally important places before the next major spill event. This is a critical part of pre-incident planning for oil spill response in Alaska. Multiple pathways are proposed towards this goal, with recommendations for land-managing agencies, Tribes, and local governments.

PURPOSE:

These protocols have been developed to provide guidance for future collaborative efforts between state and federal land-managing/spill response agencies, Tribes, individual communities, and local governments, with the aim to improve pre-incident planning for spill response in Interior Alaska. Proactively identifying and documenting Culturally Important Places is our most effective means to ensure their protection during spill response.

GUIDING PRINCIPLES:

- Collaborative management & shared decision-making
- Flexibility to meet the unique needs and preferences of partner communities
- Respect for Culturally Important Places
- Respect for Traditional Knowledge¹
- Respect for Tribal Sovereignty and confidentiality
- Respect for emergency response personnel and protocols
- Foster open communication to improve coordination during spill response

GOALS:

- 1) Proactively identify Culturally Important Places
- 2) Foster dialogue, open communication, and collaboration between communities, Tribes, land-managing agencies, and spill responders
- 3) Facilitate the early communication of relevant location information about those Culturally Important Places during a response

¹ Advisory Council on Historic Preservation Bulletin on Traditional Knowledge and the Section 106 Process:
<https://www.achp.gov/sites/default/files/2021-05/TraditionalKnowledgePaper5-3-21.pdf>

DEFINING CULTURALLY IMPORTANT:

Rural communities throughout Alaska uphold and value a lifestyle that balances modern and traditional lifeways, continuing subsistence practices that maintain a deep connection to landscapes rich in history and cultural significance. These protocols acknowledge this history by approaching pre-incident planning through loosely defined Culturally Important Places. This shifts the focus from legal definitions of historic properties (see below) to a wider scope of places that are culturally significant to living communities.

Culturally Important Places are areas of rich heritage highly valued by a community, held in the memory of its members. In Alaska, these may be traditional subsistence locations with long histories of occupation by individual families: places where specific hunted, fished, or gathered foods are reliably found year after year through the generations, predictable in an ever-changing landscape. Culturally Important Places could also be ancient settlement sites, revered burial locations, or sacred spaces with deep significance in local oral traditions.

Why not use the terms Cultural Resources, or Historic Properties?

The term ‘cultural resources’ is widely used and interpreted differently by different audiences. Where a federal agency might view cultural resources strictly in terms of historic properties, Tribal audiences may view cultural resources far more broadly to include natural resources, inextricably connected to subsistence and other cultural practices. Various definitions have been offered for ‘cultural resources.’ However, essentially cultural resources are objects, places, traditions, and beliefs that are significant to a group of people and form a collective cultural identity.

The National Historic Preservation Act provides a legal definition for ‘historic property.’ Therein, a historic property is defined as *any prehistoric or historic district, site, building, structure, or object included in, or eligible for inclusion in, the National Register of Historic Places maintained by the Secretary of the Interior. This term includes artifacts, records, and remains that are related to and located within such properties. The term includes properties of traditional religious and cultural importance to an Indian tribe or Native Hawaiian organization and that meet the National Register criteria.*

In most cases, places that are documented as Culturally Important could also be formally defended as a historic property as defined by NHPA,² should there be sufficient time and funding to investigate and evaluate them for eligibility to the National Register. However, there are many Culturally Important Places that have not ever been evaluated in this way, as well as those that do not fit well into the National Register framework. This however, should not imply that they are any less important or worthy of protection during an active spill response. During an active spill response, the NHPA provides one means for consideration of effects to properties. One intent of these Guidelines and Protocols is to identify, document, and plan to protect *all* Culturally Important Places in a given community regardless of their National Register eligibility status.

While pre-incident planning could certainly include formal determinations of eligibility for specific sites, a broader concern is that living communities have an opportunity – in a open and collaborative Pre-Incident Planning process – to prioritize and plan for protection of their own Culturally Important Places, regardless of National Register status. Similarly, because spill responders must ultimately prioritize places in the landscape to protect during an incident, the term Culturally Important Places is more location-specific than the general term, ‘cultural resources.’

² See Traditional Cultural Properties, Parker and King 1990.

CONTEXT:

During a spill response, as in any federal undertaking³, federal agencies are required by the National Historic Preservation Act (NHPA) to consider the effects of their actions on Historic Properties, as defined in the Act.⁴ The procedures through which federal agencies consult with relevant Tribes and communities about those effects, referred to as the Section 106 process, is designed to allow time for a methodical and meaningful consultation between interested parties.

As Alaska witnessed in the Exxon-Valdez spill,⁵ oil spills have the potential to impact both natural and cultural resources. Historic Properties and other places that are considered culturally important by local communities are often more at risk from disturbance by the actions of spill responders working to contain and clean-up a spill than from the spill itself.



Figure 1: Spill response cleanup efforts may involve anchoring spill cleanup equipment like sorbent booms and skimmers on shorelines, agitation of river sediments, and physical cleaning or removal of oiled material by hand or with heavy machinery. Photos: Public Domain, courtesy of NOAA Office of Response and Restoration.⁶

As a result, it can be difficult to establish communication and meaningful consultation, particularly about the specific locations of important places, in the early hours of an incident response when decisive action may be needed. Existing agreements and guidance between agencies at the national⁷ and state⁸ level provide direction to ensure that federal agencies meet their Section 106 obligations by considering the potential effects of both spills and spill response activities on historic properties. During a major spill, a Historic Properties Specialist will be activated to ensure that these places are considered during a response.

³ Any project a federal agency carries out, assists, funds, permits, licenses, or approves.

⁴ The National Historic Preservation Act: <https://www.achp.gov/sites/default/files/2018-06/nhpa.pdf>

⁵ J. Bitner, 1996. Cultural Resources and the Exxon Valdez Oil Spill: An Overview. Proceedings of the Exxon-Valdez Oil Spill Symposium. American Fisheries Society.

⁶ <https://response.restoration.noaa.gov/resources/images>

⁷ 1997 National Programmatic Agreement (PA) on the Protection of Historic Properties: https://www.nrt.org/sites/2/files/Programmatic_Agreement_on_Protection_of.pdf

⁸ Alaska Implementation Guidelines for Federal On-Scene Coordinators for the 1997 PA: https://alaskarrt.org/PublicFiles/AK_Implementation_Guidelines.pdf

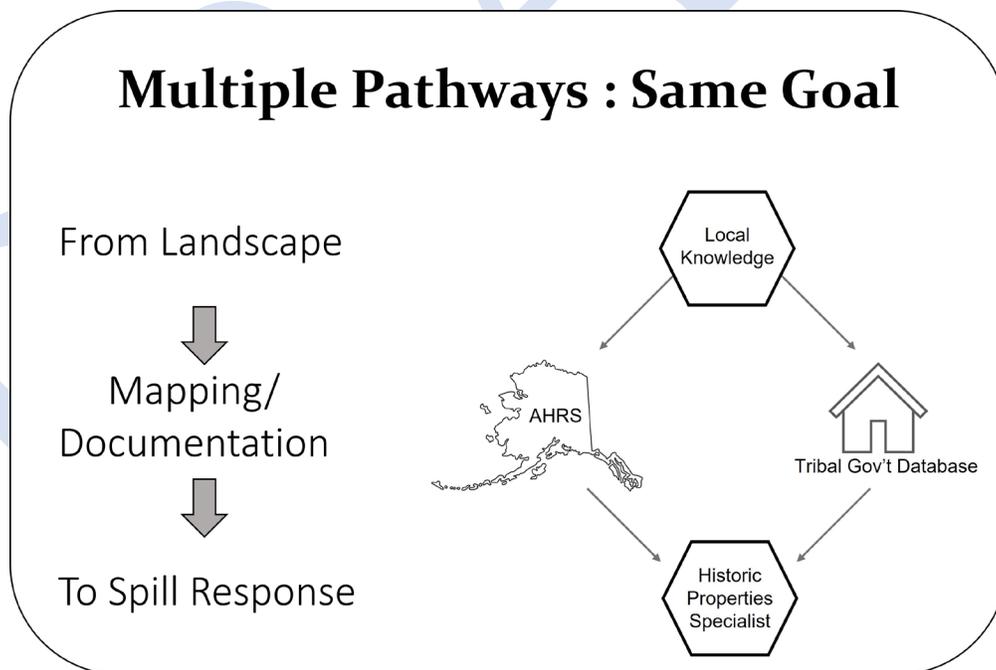
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CO-MANAGEMENT: A FLEXIBLE APPROACH

Many Culturally Important Places for which communities would prioritize protection during an incident are highly sensitive in nature. In some cases, it may not be appropriate for those outside the community to have access to details about specific places, such as the nature of a site (i.e., subsistence, ceremonial, traditional use areas, etc.) or its exact locations. Fortunately, spill responders do not need detailed information about sensitive or sacred places if they are able to incorporate general location information about sensitive places early enough in the planning process. Even if they don't know why to avoid an area, responders can adequately protect an area simply by knowing that a general area is highly sensitive.

In recognition of the unique needs and concerns of individual communities and cultures across Alaska, both confidentiality and flexibility are critical guiding principles for pre-incident planning for Culturally Important Places. Regardless of the method, the goal is that places are documented, so that a Historic Properties Specialist can quickly obtain relevant location information in coordination with community members to help spill responders avoid or minimize harm to Culturally Important Places.

Pre-Incident planning greatly improves the ability for State and Federal agencies to meet their legal responsibilities during a spill response, so these agencies are encouraged to develop programs to fund collaborative partnerships with communities in their regions to document Culturally Important Places. Similarly, Tribes and local governments are encouraged to consider development of their own databases to collect information about Culturally Important Places, so that their locations can be quickly communicated during an incident.



⁹ 1997 National Programmatic Agreement (PA) on the Protection of Historic Properties: https://www.nrt.org/sites/2/files/Programmatic_Agreement_on_Protection_of.pdf

¹⁰ Alaska Implementation Guidelines for Federal On-Scene Coordinators for the 1997 PA: https://alaskarrt.org/PublicFiles/AK_Implementation_Guidelines.pdf

PRE-INCIDENT PLANNING WORKFLOW:

State and Federal land-managing agencies in Alaska serve as co-stewards of landscapes with a rich cultural history. As part of general pre-incident planning, these agencies should work to maintain open lines of communication with Tribes and local communities who hold deep ties to the areas they help manage. In addition to the guidelines and protocols for consultation with Tribes prepared by individual Agencies, the Advisory Council on Historic Preservation,¹¹ the Alaska Regional Response Team,¹² and other entities¹³ provide further guidance for consulting with Tribes regarding places of cultural importance.

Though these protocols are written for any state or federal agency interested in pursuing pre-incident planning (hereafter: the Agency), the process may be initiated by other interested parties (individual communities or Tribes).

Alternatively, Tribal and local governments may wish to undertake projects that document or map Culturally Important Places without involving state or federal agencies. Tribal or local administrators might maintain a set of maps or a local database internally that may be used to quickly relay sensitive locations to spill responders. For those interested in seeking outside funding to establish a database of Culturally Important Places, National Park Service Tribal Heritage Grants can provide funding for 2-3-year projects to Federally Recognized Tribes and Alaska Native Corporations, focused on survey and inventory of historic or significant places.¹⁴ This proactive Pre-Incident Planning – either undertaken independently or in coordination with State and Federal response agencies – will allow for greater consideration and protection of Culturally Important Places during an active spill response and reduce the need to conduct rushed consultation with key community leaders, culture-bearers, and elders during an active response.

OUTCOME:

While spill preparedness is an ongoing process, maintained through regular communication between agencies, Tribal representatives, and communities, the documentation of Culturally Important Places has a clear objective. Following documentation, the community will have maps and information about the location and nature of Culturally Important Places gathered into one place for quick reference, should a spill ever occur.

Documented Culturally Important Places that qualify as Historic Properties may be submitted to the Office of History and Archaeology for inclusion in the Alaska Heritage Resources Survey (AHRS). The AHRS is a data repository held by the Office of History and Archaeology for the State of Alaska to protect identified cultural resources from unwarranted destruction. Locations of Culturally Important Places that are shared with the Alaska Heritage Resources Survey (AHRS) will benefit from their incorporation into response planning as early as possible. Culturally Important Places documented only in community, Tribal, or local records can still be incorporated into spill response, but rely on the swift and effective communication about their locations between community representatives and a Historic Properties Specialist or On-Scene Coordinator during a spill response.

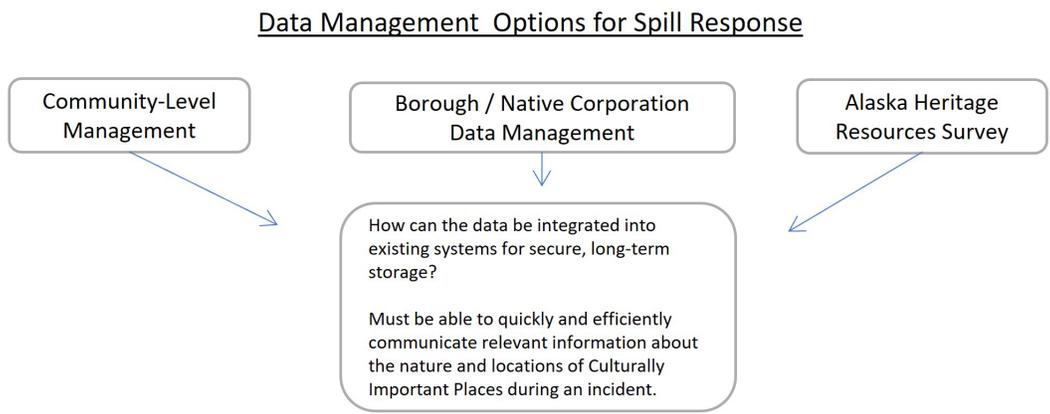
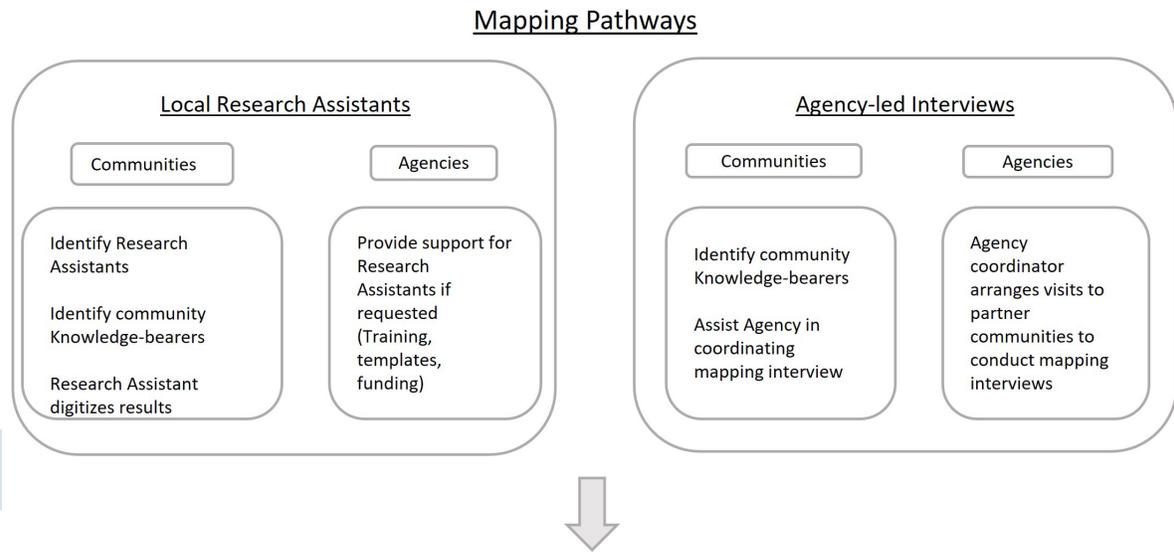
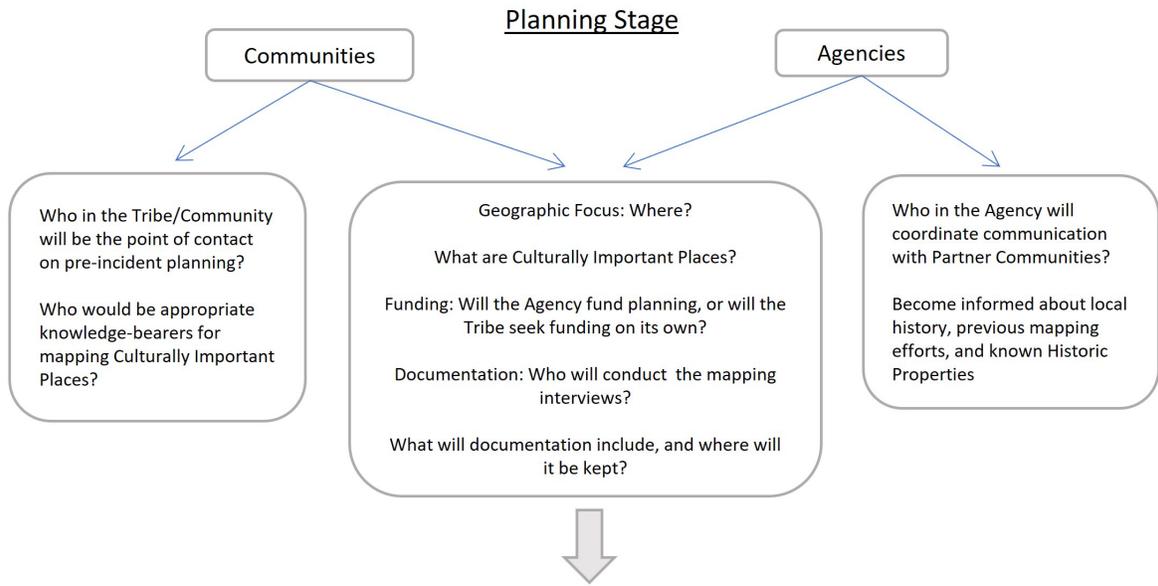
¹¹ ACHP 2021: Consultation with Indian Tribes in the Section 106 Review Process: The Handbook. <https://www.achp.gov/sites/default/files/2021-06/ConsultationwithIndianTribesHandbook6-11-21Final.pdf>

¹² ARRT 2020: Guidelines for Coordination & Consultation with Federally Recognized Tribes. https://alaskarrt.org/PublicFiles/ARRT_TribalGuidance_2020.pdf

¹³ Ball et al., 2015: A Guidance Document for Characterizing Tribal Cultural Landscapes.

¹⁴ National Park Service Tribal Heritage Grants: <https://www.nps.gov/subjects/historicpreservationfund/tribal-heritage-grants.htm>

Workflow for Documenting Culturally Important Places



GUIDANCE FOR DOCUMENTING CULTURALLY IMPORTANT PLACES

1: Establish Pre-Incident Planning Focus

- Before contacting potential collaborators, the Agency should determine who will coordinate Agency communication with potential partner communities. This may involve ensuring ongoing funding for a position dedicated to consultation with Tribes over the long term, such as a Tribal Liaison.
- The identified coordinator should complete an initial background review prior to consultation to facilitate respectful and informed discussion. The background review should include:
 - Recent community/regional history
 - Recorded cultural values and lifeways prior to the 19th century
 - Previously documented historic properties
 - Place-name data, if applicable
- The Agency should prepare funding in advance for collaborating communities. When possible, funding and training for local research assistants is highly recommended (See Step 5)

2: Open Communication

- Whether instigated by Agencies seeking to reduce harm to Culturally Important Places through pre-incident planning or by individual communities interested in working with state or federal agencies, the first step is opening lines of communication.
 - Contact information listed in agency databases can quickly become out of date, making this first step in re-establishing contact between community level governments and state/federal agencies a valuable piece of pre-incident planning itself.
- Agencies must be committed a sustained, good-faith effort to maintain communication with Tribes and communities.
 - A spirit of flexibility and collaboration, without forcing a strict adherence to Agency timetables, is key for effective pre-incident planning. Agencies must respect that timelines in Alaskan communities are often driven by variable, time-limited subsistence practices, and that immediate day-to-day concerns may take priority over efforts to proactively document places for pre-incident planning.
- All communication via letters and email, including formal government to government consultation, should be supplemented with regular phone communication.
- Formal presentation of project goals (pre-incident planning) and proposed documentation methods to local or Tribal government.
 - When possible, the Agency coordinator should meet with Tribes in person, requesting permission to discuss the project at a regularly scheduled meeting time.
 - Tele- and videoconferences are now commonplace, but the Agency coordinator should ensure that physical documents describing the project are made available for Tribal and local governments to review during a teleconference presentation.
- If there is interest in pursuing a collaborative project as a partner community, points-of-contact in the local/Tribal government and participating Agencies should be established to coordinate future communications.
- As next steps are discussed, a formal grant agreement or MOU between the Agency and collaborating communities may be helpful to ensure a clear and common understanding of project goals, roles, expectations, and funding parameters.

3: Determine Geographic Focus

- The project area, or focus of mapping efforts, will be determined through direct collaboration between agencies and partner communities or amongst key community representatives. Example: land along coastlines and interior waterways where spill responders would conduct clean-up efforts or stage personnel camps in the event of a water-borne spill.
- Communities will identify the kinds of places they consider Culturally Important, which would require consideration by spill responders to avoid harming them during an incident.
- The geographic focus should include both culturally sensitive areas and “Areas of Risk,” which are defined as areas judged to be at a high risk of having a spill occur (e.g., waterways/roadways with high or congested traffic, navigational hazards, are geographically constricted, or are near established fuel exchange locations).

4: Confirm Data Management Plan

- For documentation of Culturally Important Places to be useful during a future spill response, the data must be securely curated long-term, integrated into existing systems or associated with existing roles when possible. Discussion of how collected-information about Culturally Important Places will be managed should occur early in the process.
- Sensitive information about Culturally Important Places can be retained by individual communities, for reference during incident-driven consultation. Tribal sovereignty and confidentiality should be a top priority at all times.
- Communities may elect to share some or all details about Culturally Important Places with other, pre-existing and secure databases.
 - In Alaska, one of the first places a Historic Properties Specialist will look for information about Culturally Important Places is the Alaska Heritage Resources Survey (AHRs), managed by the State of Alaska Department of Natural Resources, Office of History and Archaeology.
 - The AHRs preserves spatial data and descriptions of cultural resources across the state. Access to the AHRs is restricted under the federal Freedom of Information Act (PL 89-554), National Historic Preservation Act (PL 89-665, 54 U.S.C. 300101), and the Archaeological Resources Protection Act (PL 96-95). AHRs restrictions are also supported by Alaska state law AS 40.25.110 and Alaska State Parks Policy and Procedure No. 50200.
 - Inclusion of site data in the AHRs also ensures that places are readily available for consideration during other state or federally funded projects.
 - Other land managing agencies (e.g., National Park Service, Bureau of Land Management, US Forest Service) also retain databases of cultural resources under their stewardship.
 - Local governments and Native Corporations may also maintain databases that can house sensitive information about Culturally Important Places. Examples include the North Slope Arctic Borough Traditional Land Use Inventory (TLUI) and Northwest Arctic Borough Subsistence Mapping Project.

5a: Establish Documentation Methods: Interview

- Identify source of funding to compensate knowledge-bearers for their time and specialized expertise.
- Ideally, the Agency will work with collaborators to keep the mapping and documentation process firmly rooted in their communities, providing support (financial and technical) for local Research Assistants.
 - Research Assistants should be identified by the point-of-contact individual in each community
 - The Agency coordinator should communicate directly with Research Assistants to provide recommendations on interview and mapping methods
 - Research Assistants will work with Tribal/local government to identify appropriate knowledge-bearers in the community for interviews.
- If no Research Assistants can be identified:
 - The Agency coordinator will be responsible for identifying qualified personnel to conduct mapping interviews. This role may be fulfilled by the Agency coordinator.
 - Direct and regular communication regarding the mapping interviews with the community point-of-contact will determine the best approach for conducting interviews.
 - Scheduling interviews must prioritize the availability of the community knowledge-bearers and technical/cultural specialists.
 - Interviews should be conducted in-person, if possible, or at a minimum accommodate the scheduling and availability needs and preferences of the community points-of-contact.
 - Other protocols regarding visits must be followed, such as safety procedures to mitigate risks during the COVID pandemic.
 - The Agency coordinator should ensure familiarity with appropriate behavior and customs for building relationships in partner communities during their visit.

5b: Establish Documentation Methods: Site Visits

- In some cases, Agency personnel may be invited to visit communities or specific Culturally Important Places in person, supplementing interviews.
 - If transportation to sites is arranged by members of the community, the Agency should ensure funding is available to provide reimbursement for time and fuel costs.

- In-person visits provide the opportunity for more detailed documentation: photographs, detailed descriptions, GPS coordinates, evaluation of site stability and susceptibility to disturbance. It is critical that permission/restrictions on sharing this information be obtained from the point of contact in the community.

6: Documentation and Mapping

- Traditional Mapping using large-format printed maps and in-person interviews remains a simple and effective means for mapping place locations, though other methods using a Geographic Information System (GIS) or Google Earth can use 3D aerial imagery for a more intuitive view of the landscape.
- Mapping places through stories of past events or seasonal movements across the landscape can help generate discussion about Culturally Important Places.¹⁵
 - Consider known place names as indicators of older Culturally Important Places to generate discussion. Historic or ancient places may remain named and remembered even when landscape changes (ex. a river meanders/shallows) cause the place to fall out of active use in the present.
- The interviewer should prepare documentation templates in advance for recording information about the interview, place location descriptions, and other information about the places. A sketch map of the location is helpful, if the interviewee is comfortable doing so.
- Preliminary location information can be derived from physical Topographic maps by referencing the MTRS system. Increased precision can be achieved by digitizing mapped places into a GIS and deriving coordinates from the georeferenced maps.

7: Follow Data Management Plan

- Digitization of handwritten documentation and hand-drawn maps facilitates their preservation for the future, when integrated into an appropriate data management plan.

¹⁵ Example helpful resource for place mapping: Tobias, 2000. Chief Kerry's Moose: A Guidebook to Land Use and Occupancy Mapping, Research Design, and Data Collection. Union of British Columbia Indian Chiefs and Ecotrust Canada.