

## Preserving Sacred Sites

by Patricia J. Cummings

Aiding the nationwide struggle for the preservation of Indigenous sacred sites is an effective law that can be used successfully to protect these sites while respecting native traditions. The National Historic Preservation Act (NHPA) provides a process for consulting with native leaders and nominating sites to the National Register of Historic Places (NRHP). While the NHPA may not necessarily put an end to a particular development, if the federal government complied with the act, it could result in the protection of sacred sites.

One of the more remarkable, and least known, aspects of the NHPA is the requirement that traditional practitioners, such as tribal elders and spiritual leaders, be consulted by the government in the historic review process. An amendment to the NHPA signed by President Bush in late 1992 now requires that the federal government consider traditional native sites eligible for the NRHP. Ceremonial sites, healing places and sites that show no sign of use can be protected under NHPA as "traditional cultural properties."

### Preserving Traditional Lands

The Cultural Conservancy (TCC) is a land conservation organization dedicated to the preservation of traditional cultures. The conservancy supports research and educational programs on traditional ways of life, advocates religious freedom and human rights for land-based spiritual practices and beliefs, and provides technical and legal assistance to native groups. Where appropriate, TCC acts as a land trust, but prefers to assist local native groups to form their

#### Protecting International Sacred Sites

Sacred Sites International is a non-native organization founded in an effort to foster preservation of sacred sites throughout the world and to document and perpetuate the traditional practices of the peoples and cultures that created and used these sites.

Through SSI's efforts in recording the Earth's sacred places and establishing an international registry and archive of sacred sites, it hopes both to promote responsible research into the sites and their related cultures, and to provide support and information services to researchers.

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own trusts to acquire land, property rights and cultural conservation "easements" in order to protect the natural habitat integral to their traditional cultures.

TCC works with existing public and private organizations, Native American tribes and native preservation groups to ensure that the lands and property rights acquired or transferred to native people are maintained, restored and protected as traditional cultural reserves. TCC's board of directors, advisors and staff include native leaders, traditional practitioners and experts in historic preservation, law, natural and cultural resource conservation, land rights, religious freedom and philanthropy.



### Site Preservation Successes

**Mt. Shasta, California:** With the help of TCC, the traditional Wintu people and other Northern California natives convinced the US Forest Service to study and nominate Panther Meadows, a stunning mountain meadow and springs that is a sacred Wintu medicine site, as well as Mt. Shasta itself, for inclusion on the NRHP. This listing process has delayed plans for a forest service ski resort development at Panther Meadows and may preclude it altogether.

**Hui 'Aina o Hana, Hawai'i:** TCC assisted a group of native Hawai'ians to form the first native land trust in the islands: *Hui 'Aina o Hana* (The Organization that Works for the Land). The *Hui* works throughout the Hawai'ian archipelago to preserve traditional culture by assisting local groups in land conservation and native rights advocacy, providing technical assistance, identifying critical cultural resources that are threatened and working with land trusts on resource conservation and land use planning.

**Halawa Valley, Hawai'i:** A few native Hawai'ian women are currently occupying

a women's *heiau* (shrine) in the Halawa Valley on the island of Oahu. A freeway proposal that has been in litigation for years is once again threatening some of the most significant sacred sites discovered to date on Oahu, which lie along the planned route of the highway. When an archeologist for the Bishop Museum, contracted by the state to evaluate nearly 80 sacred sites questioned previous studies of the area, he was promptly fired. He then made public his findings that the entire valley is a rich cultural complex and that the freeway will be built through important sacred ceremonial sites. TCC board member Mililani Trask is part of a coalition that is taking legal action to ensure that the NHPA process is reopened and that the freeway is relocated so that the valley can be nominated to the NRHP as a protected, traditional cultural property.

### "Big-Seated Mountain" Defense

The University of Arizona and its partners Germany's Max Planck Institute and the Vatican, are in the process of constructing research telescopes on Mt. Graham, the sacred mountain of the San Carlos Apache tribe, known as *Dzil Nchaa Si An* (Big-Seated Mountain). The Vatican has declared that the mountain is not sacred because there are allegedly no shrines there. The US Forest Service refuses to re-open the NRHP process. The Apache Survival Coalition, consisting of traditional Apache and their supporters (who are represented by TCC board member and attorney Patricia J. Cummings), are in federal court seeking to have the cultural and religious significance of Mt. Graham recognized. The university claims that it obtained an exemption from all federal regulations after it spent millions of dollars to obtain special interest legislation from Congress. There was no public participation in the process and there were no hearings on the university-sponsored special legislation, an increasingly common way for powerful interests to avoid their legal and moral obligations. A federal court will decide if the NHPA applies and, if so, the US Forest Service will have to consult with traditional Apache leaders before the project can proceed.

□ **What You Can Do:** contact *The Cultural Conservancy*, PO Box 5124, Mill Valley, CA 94942 or *The Law Office of Patricia J. Cummings*, 2000 Bayhills Drive, San Rafael, CA 94903; (415) 491-1948. [For further information about the NHPA process and free copies of helpful publications, contact the National Register of Historic Places, National Park Service, US Department of the Interior, PO Box 37127, Washington, DC 20013.]