

Cultural Resources and Your Project

Cultural Resources Compliance

What is Archaeology?

- Archaeology is one of the five subdivisions of Anthropology.
- Anthropology is the study of mankind.
- Archaeology is the study of mankind through material remains.

Why Does the Chapter have to Deal with Archaeology?

- Land on the Navajo Nation is held in trust by the Federal Government.
- Projects which have Federal involvement require compliance to Federal Laws. These laws include those which deal with Historic Preservation issues.
- Those projects which do not have federal involvement must follow Navajo Nation Code.

What are the Federal Laws and the Navajo Nation Code?

- Antiquities Act of 1906.
- National Historic Preservation Act of 1966 (NHPA).
- American Indian Religious Freedom Act of 1978 (AIRFA).
- Archeological Resources Protection Act of 1979 (ARPA).
- Native American Grave Protection and Repatriation Act (NAGPRA).
- Navajo Nation Cultural Resources Protection Act (NNCRPA).

Antiquities Act of 1906

Forbids disturbance of antiquities on Federal land without a permit from the Secretary of the Interior. Allow the President to withdraw public lands to create National Monuments.

National Historic Preservation Act of 1966 (NHPA)

SECTION 106: The head of any Federal agency having direct or indirect jurisdiction over a proposed Federal or federally assisted undertaking in any State and the head of any federal department or independent agency having authority to license any Federal funds on the undertaking or prior to the issuance of any license, as the case may be, take in account the effect of the undertaking on any district, site, building, structure, or object that is included in or eligible for the inclusion in the National Register. The head of any such federal agency shall afford the Advisory Council on Historic Preservation . . . A reasonable opportunity to comment with regard to such undertaking.

Undertaking

“Undertaking” means a project, activity, or program funded in whole or in part under the direct or indirect jurisdiction of a Federal agency, including—

- a) those carried out by or on behalf of the agency;
- b) those carried out with Federal financial assistance;
- c) those requiring a Federal permit, license, or approval; and
- d) those subject to State or Local regulations administered pursuant to a delegation or approval by a Federal agency.

Historic Properties

“Historic Property” means any prehistoric or historic district, site, building, structure, or object included in or eligible for inclusion on the National Register of Historic Places . . . Such as but not limited to:

- Artifact Scatters
- Rock Art Sites
- Trails (prehistoric and historic)
- Prehistoric/Historic Pueblos
- Prehistoric/Historic Hogans
- Pueblitos
- Other Historic Sites
- Modified Trees
- Traditional Cultural Properties

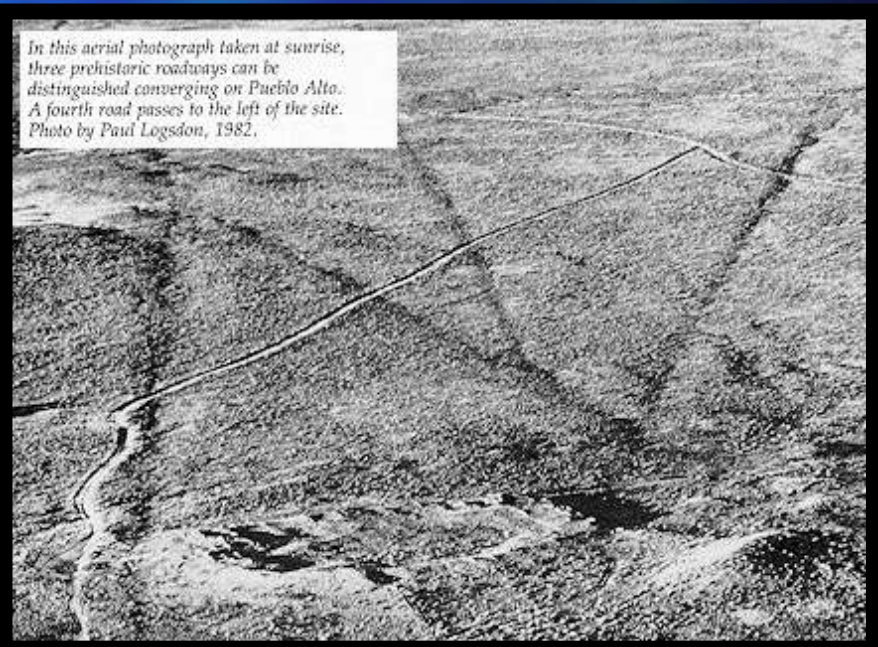
Artifact Scatters



Rock Art Sites



Prehistoric and Historic Trails

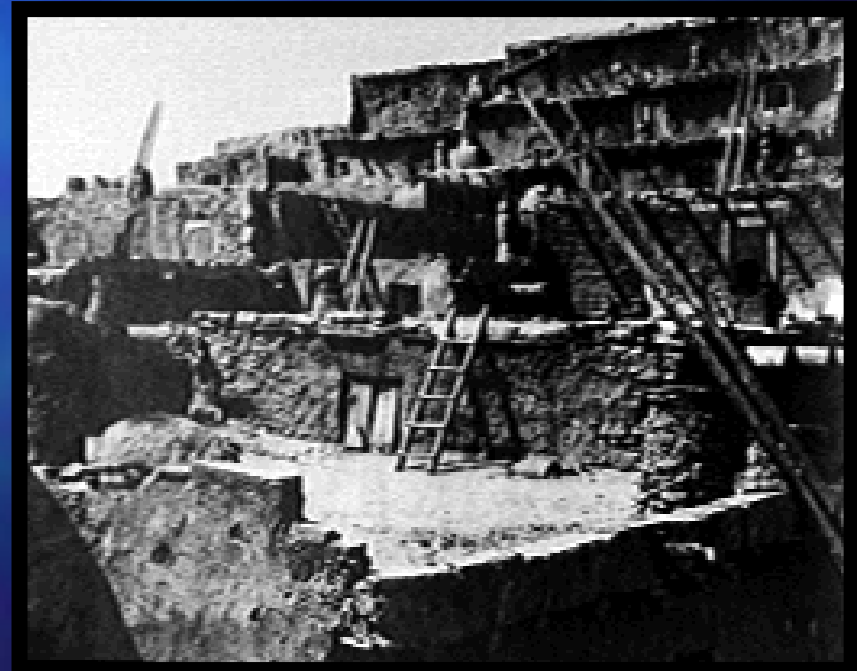


In this aerial photograph taken at sunrise, three prehistoric roadways can be distinguished converging on Pueblo Alto. A fourth road passes to the left of the site. Photo by Paul Logsdon, 1982.

Prehistoric Pueblos



Historic Pueblos



Prehistoric Hogans



Pueblitos



Historic Hogans



Other Historic Sites



Modified Trees



Traditional Cultural Properties

- “A traditional cultural property... can be defined as one that is eligible for inclusion in the National Register because of its association with cultural practices or beliefs of a living community that (a) are rooted in that community’s history, and (b) are important in maintaining the continuing cultural identity of the community.”

Traditional Cultural Properties

- Traditional Cultural Properties (TCP'S) include both places with material remains and places that lack evidence of human use.
- It is necessary to consult the local people in the area where the chapter projects are going to take place.

Mountains or Mountain Ranges

Examples include the Four Sacred Mountains and Chuska Mountains.



Buttes, Mesas, and Hills



Buttes are associated with stories concerning the Holy People such as the Hero Twins and Changing Woman. They are considered to be the homes of different Holy Beings such as Wind, Air, Lightning, or Big Snake. Many are associated with ceremonies such as Flint Way, Wind Way and Blessing Way.

Hills

Hills are where prayers with sacred stones are offered for ones well being. Protection, prosperity and for rain. Some families utilize hills near their homes for their special prayer places.



High Point in Area

There are high points in places where prayers with offerings of sacred stones are said at dawn. These are places where the sun's rays will first strike as it rises over the eastern horizon.



Natural Springs



Natural Springs on mountains, hills, and mesas are where prayers with sacred stones are offered for rain.

Places For Gathering Contents of Sacred Bundles

There are places where the contents of the Mountain Soil Bundle, the Protection Bundle and medicine men ceremonial bundles are gathered.



Places For Gathering Minerals For Sandpainting and Other Ceremonies



There are many kinds of minerals used in traditional Navajo curing ceremonies for sandpaintings and other uses.

Medicine Gathering Places

These are places where medicines and herbs are gathered for use in ceremonies to help cure the ill. These are places where prayers with sacred stones or corn pollen are offered.



Talking Rock Places

Places that produce echoes are favored by some medicine men as places to offer prayers. Talking rocks have the ability to amplify and transmit a message or a prayer that is sent to the Holy People.



Cornfields

Cornfields are places where sand is gathered for sandpaintings, for hand trembling ceremonies. They are also places where prayers said and offerings are placed.



Places Where Eagles Nest

Eagles Nests are usually located on mountains and buttes.



Antelope Traps

Antelope Traps are considered to have great religious significance. They are usually hard to detect since only portions of the outside walls remain. But the main catch pens are usually intact enough that one can identify it.



Carins

Carins are piles of rocks and branches that Navajos place there when offering prayers with sacred stones and corn pollen.



Abandoned Homesites With Corrals



Abandoned homes may have sacred significance.
Ceremonies may have been performed in the homes
and in the corrals associated with them.

Sweatlodges

Sweatlodges are where prayers and songs for blessings and one's well being are conducted.



Place Where Ceremonies Have Been Held



These are locations where ceremonies such as the Enemy Way or the Night Way have been conducted. These are usually located near in-use or occupied homesites. They can be identified by brush windbreaks or arbors that are still standing.

Petroglyph, Pictograph or Natural Discoloration of Rock

These areas are considered to have religious significance to the people.



Graves

Graves are considered to be one of the most sacred places. They should not be disturbed. Projects should be reroute or an alternative location should be found for projects.



Traditional Cultural Properties

There are additional places that are considered to have sacred qualities which will be identified by the people that are interviewed in relationship to chapter projects.

National Register of Historic Places

- The official list of properties significant in American history, architecture, archaeology, engineering and culture. Significance may be at the National, State or Local Level
- The quality of significance is present in districts, sites, buildings, structures and objects that possess integrity of location, design, setting, materials, workmanship, feeling and association, and:

National Register of Historic Places

- a) are associated with events that have made a significant contribution to the broad patterns of our history; or
- b) are associated with the lives of person significant in our past; or
- c) embody the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or
- d) have yielded, or may be likely to yield information important in prehistory or history.

American Indian Religious Freedom Act of 1978 (AIRFA).

Establishes as U.S. policy to protect and preserve for American Indians their inherent right of freedom to believe, express, and exercise [their] traditional religions... including but not limited access to sites [by Indians]...

Archeological Resources Protection Act of 1979 (ARPA).

Forbids disturbance of archeological sites on Federal and Indian land without a permit from the responsible land manager; establishes permit standards; prescribes penalties for violation.

Native American Grave Protection and Repatriation Act (NAGPRA)

Requires all Federal agencies and “museums” that receive Federal assistance to inventory their collections to determine whether they are holding Native American remains or other “cultural items”, and to give tribes and other Native Americans the opportunity to have these repatriated to them. At Section 3(c) and (d) addresses future discovery and disposition of such items.

Navajo Nation Cultural Resources Protection Act (NNCRPA).

Navajo Nation Law on Cultural Resources. This law covers Tribal Undertakings. Tribal Undertakings include "any project, activity, or program that can result in changes in the character or use of cultural properties, If any such cultural properties are located in the area of potential effects. The project activity or program must be under the direct or indirect jurisdiction of a Sponsor. Undertaking include new and continuing projects, activities, or programs not previously considered under the authority of this Act". (NNCRPA Section 10 [s])

How do you get cultural resource compliance for your project?

- Chapter/Client has Legal Survey Done by Navajo Land Department or Other Land Surveyor.
- Navajo Land Department Gives Chapter/Client Copy of the Legal Survey and a List of Archaeological Contractors.
- Chapter/Client Hires an Archaeologist.
- The Archaeologist Prepares Cultural Resource Report.
- Cultural Resource Report Submitted to Navajo Nation Historic Preservation Department (NNHPD).
- Cultural Resource Compliance Form is Prepared by NNHPD.
- Compliance Form is Submitted to BIA by NNHPD.
- HPD Distributes "Section 106" Compliance Form to BIA Agency Real Estate Services, Archaeologist, State Historic Preservation Officer, Sponsor (usually the Client).

What is the Chapter's responsibility?

1) **Collect Project Information**

- a) Start Legal Land Withdrawal
- b) Get Legal Survey
- c) Obtain Legal Survey Plat
- d) Project Description (Undertaking Description)
- e) Area/Corners Staked Prior to Field Inventory

2) **Hire an Archaeologist**

- a) Give archaeologist a copy of the Legal Survey Plat.
- b) Give archaeologist a copy Project Description (Undertaking Description)
- c) Area/Corners Staked Prior to Field Inventory

What does the Archaeologist Do?

1) Collect Project Information

- a) Existing Data Check
- b) Topographic Map
- c) Legal Survey Plat
- d) Project Description
- e) Area Corners Staked Prior to Field Inventory

2) Complete Fieldwork

- a) Field Inventory
- b) Ethnographic Data Collection (TCPs)
- c) Site Recording/Mapping
- d) Project Reroutes/Relocations

What does the Archaeologist Do?

3) Report Preparation

- a) Report Text
- b) Typing Report
- c) Drafting Maps
- d) Photocopying Final Draft

4) Submit Report to Navajo Nation Historic Preservation Department for Review.

What Does Navajo Nation Historic Preservation Department do?

- 1) Review Cultural Resource Reports.
- 2) Prepares "Section 106" Cultural Resource Compliance Form.
- 3) Submits "Section 106" Cultural Resource Compliance Form to BIA Area Director's Signature.
- 4) Distributes "Section 106" Cultural Resource Compliance Form to BIA Agency Real Estate Services, Archaeologist, State Historic Preservation Officer, Sponsor (usually the Client).