

# Protecting Places Important to American Indians

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## Abstract

*American Indian groups have had to struggle to keep their unique cultural systems over the last several hundred years. Initially, as Europeans arrived on the continent it was the loss of physical life that threatened the Indian way of life. Later, migration, religious conversion, and governmental restrictions led to increasing loss of traditional ways and adoption and adaptation of new ways. Even today, as Indian peoples seek to maintain their values and culture, they face many challenges from constant pressures of the surrounding non-Indian culture. Life for most Indian people has improved in many ways in recent decades. But factors such as employment, education, and infant survival continue to fall below, whereas alcoholism and diseases such as diabetes surpass most other cultural groups in North America. Still, Indian culture persists.*

*In this paper, we focus on one element of the struggle to maintain culture—the fight to protect cultural landscapes. We begin by placing the cultural landscape in the context of a present-day cultural system. We then describe the rampant loss of the cultural landscape that has occurred, and continues to occur. This leads us to the subject of landscape survival and the need to develop strategies to prevent further destruction. We close with a few brief comments on the roles that applied anthropologists can play in these protection efforts.*

## The Cultural Landscape and Its Relationship with the People

What do people make of places? The question is as old as people and places themselves, as old as human attachments to portions of the earth. As old, perhaps, as the ideas of home, of “our territory” as opposed to “their territory,” of entire regions and local landscapes where groups of men and women have invested themselves (their thoughts, their values, their collective sensibilities) and to which they feel they belong. The question is as old as a strong sense of place—and the answer, if there is one, is every bit as complex (Basso 1996:xiii).

The importance of the landscape to American Indians is well known to students of American Indian cultures. Regardless of whether we refer to the land as cultural landscapes, landscapes of the heart, traditional cultural properties, ethnographic landscapes, sacred landscapes, cultural geography, or some other name, it is the land and the resources and their place in Indian culture that is being talked about. The people have ties to the landscape for foods, medicines, stories, raw materials, ceremonies, the ancestors, and the spirit. The land and its various components are part of the cultural system. For example, a particular place on the landscape may be important for its role in a creation story, but it is also important because of all of the ideas, activities, and interactions that occur in relationship to this

place: the traveling, the roles that certain individuals play in preserving and telling the story, the relationship of the story to the overall epistemology of the group, the various activities that take place during the telling of the story, both onsite and offsite, and so on. This is an important point because we all too often focus on the place itself, and not the broader context of the place in the cultural system.

Certainly the relationship of American Indian groups to their land has changed over the centuries. Many groups have moved and had to develop new relationships with the land. Many have changed their religious beliefs and thus the meaning of many places has shifted. Most peoples' diets, material culture, and technologies have changed dramatically, so their dependence on land-based resources has altered, in some cases from day-to-day economic uses to ceremonial uses. Despite the changes, relationships with the land go on, many of which are centered on discrete places. Maintaining the integrity of these places allows the landscape to continue to function, which in turn supports the cultural survival of the group.

It is for this reason that tribes continue to fight to protect their lands. Despite the many gains achieved by tribes in the 20th century, the assault on their landscapes continues and in many cases has accelerated as a result of the massive development that North America has seen since World War II. Economic improvements

are making it possible for some tribes to reacquire lands they lost in the past and keep them from development; other tribes are able to obtain expertise so that laws can be used to protect places not under their direct control. The struggle to protect important places is ongoing across the continent.

### **The Loss of Cultural Landscapes**

Cultural landscapes have not fared well over the centuries. They have been abandoned, destroyed, altered, restricted, and developed. The story is a familiar one and need not be retold here. Suffice it to say that with the arrival of non-Indians into North America, until the 1970s there was a steady loss of land owned by tribes or tribal members. The details may differ in particular cases. A treaty might have been abrogated, or ignored, or rewritten. A group may have been moved. The Dawes Act of 1887 may have carved a reservation up into allotments. Or a tribe may have been terminated and the land sold to the highest bidder. But the results have typically been the same—a diminishing land and resource base.

Efforts began early in the 20th century to return some Indian lands to tribes. For example, the Taos Pueblo began a fight at the turn of the 19th century to get its sacred Blue Lake back, and was finally successful, with the lake being returned 64 years late in 1970. The Yakama Nation's effort to secure its sacred Mount Adams in the 1970s also was successful. Other efforts, such as those involving the Black Hills of South Dakota, have not met with success.

In most cases, tribes have not been able to get their lands back physically. To address the hundreds of claims made by tribes, the United States Congress created the Indian Claims Commission in 1946 to provide financial compensation for lands lost. Hundreds of claims were settled over the next three decades through financial payments.

A major step forward toward stemming the loss of land occurred in 1934 with the passage of the Indian Reorganization Act. Spearheaded by new Commissioner of Indian Affairs John Collier, tribal governments were established and the process of returning decision making to tribes commenced.

Interestingly, Collier had been involved in the Taos Pueblo's fight for Blue Lake, and was an advocate for tribal sovereignty.

The situation deteriorated in the 1950s when the United States government attempted to terminate tribal governments, but by the 1960s, this threat had passed, and a new era was about to begin. Laws such as the National Environmental Policy Act of 1969 (NEPA) and the National Historic Preservation Act of 1966 (NHPA) were passed by Congress. These laws instituted processes whereby impacts to the environment and cultural places needed to be considered in the governmental decision-making process. Over time, amendments strengthened the roles of tribes in these decision-making processes. *Bulletin 38* clarified the definition of *historic properties*, meaning places eligible for listing in the National Register of Historic Places, relative to *traditional cultural properties* (TCPs) (Parker and King 1998). Other laws that related to places and resources included the American Indian Religious Freedom Act of 1978 (AIRFA), the Archaeological Resources Protection Act of 1979 (ARPA), the Native American Graves Protection and Repatriation Act of 1990 (NAGPRA). These laws have helped enable tribes to be involved in decisions affecting places, resources, and remains from their past.

It is not really clear, however, how much impact these cultural and historical resource-related authorities have had on stemming the loss of cultural landscapes. None of these laws requires the federal government to protect or preserve anything. The only real requirement on an agency is to notify tribes and others of impending actions, solicit input, and consider that input when making decisions about how a potential project may impact that resource. Some mitigation may be required, but there is nothing that prevents any cultural resource from being destroyed. In general, cultural landscapes continue to lose.

### **Strategies for Stemming the Loss of Cultural Landscapes**

Interest in preserving and protecting cultural landscapes is a worldwide phenomenon. United Nations Educational, Scientific, and Cultural

Organization (UNESCO) recently issued a major volume on landscape conservation (UNESCO 2002). In that report, Roessler (2002:10) describes the three types of landscapes that UNESCO conceptualizes: The most easily identifiable is the **clearly defined landscape** designed and created intentionally by humans. This embraces garden and parkland landscapes constructed for aesthetic reasons which are often (but not always) associated with religious or other monumental buildings and ensembles.

The second category is the **organically evolved landscape**. This results from an initial social, economic, administrative, and/or religious imperative and has developed its present form by association with and in response to its natural environment. Such landscapes reflect that process of evolution in their form and component features. They fall into two subcategories as follows. A **relict or fossil landscape** is one in which an evolutionary process came to an end at some time in the past, either abruptly or over a period. Its significant distinguishing features are, however, still visible in material form. A **continuing landscape** is one that retains an active social role in contemporary society closely associated with the traditional way of life, and in which the evolutionary process is still in progress. At the same time it exhibits significant material evidence of its evolution over time.

The final category is the **associative cultural landscape**. The inclusion of such landscapes on the World Heritage List is justifiable by virtue of the powerful religious, artistic, or cultural associations of the natural element rather than material cultural evidence, which may be insignificant or even absent (Roessler 2002:11).

Many countries have individual efforts underway to protect landscapes that have heritage or environmental significance to the population or to specific cultural groups. Within the United States, the National Park Service of the United States Department of the Interior maintains a cultural landscape program, issues guidance and provides support, an example being *Preservation Brief 36*, "Protecting Cultural Landscapes: Planning, Treatment and Management of Historic Landscapes" (Birnbaum 1994). Within the National Park Service's Applied Ethnography Program, focus is directed at *ethnographic land-*

*scapes*. And within the National Register program, cultural landscapes are viewed as National Register Districts, which must meet certain standards for registration.

Tribes today, like many indigenous groups around the world, continue to fight for their cultural landscapes in the face of widespread development. Situations vary considerably, and as a result, so do the strategies used by tribes to protect their landscapes and resources. In our work in the Pacific Northwest, we have observed a variety of strategies that have been used. In an attempt to identify strategies that may be useful to others, we have looked at case studies we are familiar with, identified the strategic elements, and analyzed the benefits and drawbacks.

One of the major factors in working to protect tribal cultural landscapes and their component parts relates to the degree of cultural sensitivity. Some knowledge is not meant to be shared with others and therefore, people are reticent to discuss the cultural meanings of places. Even within some tribes, information about places and practices is often held within families, and meant to stay that way. Another important factor concerns the threats the resources face. If development is imminent, action may need to be taken; if it is not, maintaining the status quo may be the appropriate approach. In looking at various landscape preservation cases and the strategies that were used, we have identified six elements that often appear in various combinations to form a strategy:

The first is the **degree of information sharing within a tribal group**. Will information be shared as it has been traditionally? Or are expanded efforts needed, for example, to involve elders or inform children?

The second is the **degree of information sharing with agencies/local governments**. Does the tribe want to stay silent about places and landscape issues, or initiate a dialogue with the entity managing the area?

The third is the **degree of information sharing with the general public**. Does the tribe want to stay silent about places and landscape issues, or initiate a dialogue with the public about the importance of the landscape and individual places?

The fourth is **participation in formal**

**decision-making processes** such as the National Environmental Policy Act or the National Historic Preservation Act. Does the tribe want to participate in these legal venues, which are perceived to require public disclosures about locations and significance? The National Register does provide for not revealing exact locations of sacred, archaeological, and ethnographic sites, but many times there are reasons for not wanting to discuss even the general nature of the place with agencies or the public.

The fifth is **degree of documentation**.

Does the tribe want the landscape or resource minimally documented or fully documented to National Register of Historic Places standards?

The sixth refers to **specific actions needed**.

Has the tribe identified specific actions that are needed to prevent harm, such as access controls, management plans, or restoration or rehabilitation?

#### **Four Real-Life Examples of Strategies for Stemming the Loss of Cultural Landscapes**

**Example 1.** The following examples illustrate how these elements can be used in real-life situations. This first example is of an important ethnographic traditional fishing and root gathering area used seasonally by the tribe. Threatened by a federal access easement, the place was documented as a traditional cultural property for listing in the National Register of Historic Places as part of the Section 106 process of the National Historic Preservation Act. Located in a recreation and camp area, it was believed that the easement could result in increased visitation and hinder tribal access. Since the location was well known as a tribal fishing area, the level of documentation required for the National Register nomination was acceptable to the tribe. Agreement was reached to work with the agency's cultural resources staff to conduct oral-history interviews as well as archival and archaeological research to document the significance of the area to the tribe concerning long-term use. National Register status required that the agency develop a Memorandum of Agreement (MOA) to mitigate adverse effects of the easement on the fishing site. Protective stipulations provided by the tribe and outlined in the MOA included continued

access to the resource for traditional fishing and gathering activities and participation in the development of interpretive materials on the history of the fishing area and its cultural significance. The National Register nomination resulted in the documentation of the significance of the location for the tribe, including an educational legacy for children. And it provided procedural protection allowing continued access to the resource and an opportunity to raise agency, county, and public awareness of the cultural significance of the place.

**Example 2.** The second example involves a mountain that is highly valued for religious, cultural, and spiritual reasons. It is also an important plant gathering and vision quest area. The mountain is located on the interior of agency lands and is not publicly accessible. In the early 1980s, in response to a proposed federal drilling project, the agency was informed that the mountain was sacred, essentially stopping the project. Prior to this action, the sacredness of the mountain was largely unknown by the federal agency because laws requiring tribal involvement were not as strict or pervasive. A decade later, shortly after the agency had begun to develop a cultural resources program, the agency nominated the mountain to the National Register of Historic Places based on archaeological evidence of past use of the mountain.

Today several smaller scale federal projects continue to be proposed, such as communication towers, road upgrades, and research experiments, all of which are mitigated or negotiated through the Section 106 process. Concerned about the trend, tribes asked the agency for a more proactive approach in the protection of the mountain, including a cultural resources management plan that would provide guidance on ways to rehabilitate the mountain from impacts related to past and current undertakings as well as guidance on future impacts. Examples include having the agency remove old communication equipment that is visually obtrusive and re-vegetating areas scarred by past projects.

**Example 3.** The next example is of a culturally significant fishing and resource gathering area located in a spot that has become popular for recreational fishing. This place may be transferred to another federal agency whose mission

could emphasize the recreational attributes of the river and increase tourism. It is expected that this type of land transfer could put this location into further jeopardy, but due to cultural sensitivity, the importance of this area is not publicized to other tribes or the public.

Cultural resource staffers have been approached for the agency to begin documenting the archaeological and ethnographic evidence of use and presence at this site. Although site visits with elders indicate that this area has great spiritual importance, this aspect of the significance is not the current focus of the documentation. It is hoped this type of proactive documentation, which could easily transition to National Register documentation standards, will convince the current and potential future land manager that the place is significant and ensure that fishing access and use are protected for the long term.

**Example 4.** The last example is of two places that are spiritually and cosmologically significant. They are not threatened by any federal action and currently remain in protected status. The stories associated with the significance of these places are not known outside the tribe. These places are visited to regain place memory and transmit cultural information to children. A minimal documentation effort has been initiated with cultural resources staff. Documentation at one place consisted of completion of a video of an elder describing its significance in broad terms. A cursory documentation effort was completed for the other location describing again in broad terms that the place is important. The site forms and video are currently stored in a secure manner and can only be accessed with tribal permission. It is believed that this sort of documentation will provide proof of their use in the event the places and access are threatened in the future.

### **Advantages and Disadvantages of Different Approaches**

These examples demonstrate the complexity of situations that arise when protecting traditional resource areas. Generally, a combination of efforts is needed to deal with each unique situation. By deploying a multiple-element strategy, the chances of long-term protection increase, and helps ensure the passage of the

knowledge onto younger generations.

In developing the multi-element strategy, the community must weigh the advantages and disadvantages of the various elements. For example, if information is provided to an agency or local government, it will be more likely to believe a place is important and provide assistance in maintaining its integrity. But this must be weighed against the cost of making this information available outside the tribal community, say in cases where such information is not to be shared. The question of documentation faces similar concerns. It is often the case where many of the options identified that may be beneficial in the short term, have long-term consequences for the individuals involved, as well as for the group.

### **Anthropological Roles in Cultural Landscape Protection**

There are many anthropologists, applied anthropologists, archaeologists, other social scientists, tribal members and non-Indian people working with tribes, agencies, and communities to protect cultural landscapes and their component parts. Some of this work in the United States is conducted within the National Historic Preservation Act framework (see King 2003, 2005), while other work is outside that framework (see Basso 1996 and Kelley and Francis 1994). As shown above, there are a variety of tasks needed in cultural landscape protection, and anthropology clearly possesses many of the skills and understanding to provide good service.

One of the primary needs that can be served by the anthropologist is helping explain the interests, concerns and expectations of one side to the other, which is generally done within a consultation framework. Other services include evaluating policy requirements and developing compliance strategies; identifying landscapes, which will involve ethnohistorical research, interviews, and on-the-ground surveys; documenting the landscape by completing federal, state, or tribal forms and other forms of media; evaluating the importance of the landscape and identifying those aspects that contribute to the importance; assessing impacts and identifying activities that mitigate or minimize future impacts; and assisting with implementation of protective measures, which might involve repair,

re-vegetation, access controls, or signage.

Much of this work is performed in a reactive mode, usually the result of some new development activity. One effort we would like to see anthropologists make is to assist tribes in proactively protecting landscapes. Tribes and agencies typically must work in a reactive mode because they do not have the budgets and staff to conduct the long-term planning studies required to move into the proactive mode. Nevertheless, it is instructive to consider how such long-term studies could be done and explore the roles that anthropologists can play in designing and implementing such studies.

Using the landscape structure developed by the United Nations Educational, Scientific, and Cultural Organization and the protective strategic elements outlined earlier, we offer the following three-step protection model:

- **Step 1.** Identify the various landscapes of interest using the categories developed by UNESCO (2002):
  - Clearly defined landscapes—examples include gardens, memorials, cemeteries, and small-scale commemorative parks.
  - Organically evolved landscapes—
    - Relic—examples include pre-contact landscapes represented largely by the distribution of archaeological sites, and abandoned historic communities
    - Continuing—examples include existing tribal communities, reservations, large-scale parks associated with tribal history or culture
  - Associative landscapes—examples include ethnographic landscapes, traditional use areas, ceded lands, sacred lands, or any other areas that tribes associate with their history and culture.
- **Step 2.** Develop a protective strategy. Using the protective elements identified earlier, identify and answer a set of questions, which, when answered form the basis for a protective strategy; for example:
  - Do we need to heighten awareness of this place within the tribe?
  - Do we need to heighten awareness of this place among federal, state or local agencies that have some management responsibility?
  - Do we need to heighten awareness of this

place among the public and the private sector corporations who may impact the resource?

- Do we need to be involved in any compliance processes (NEPA, Section 106, state environmental review processes, local planning boards)
- Do we need to get this place documented so there is some type of record in place?
- Are there any immediate actions we need to take to repair, restore, or prevent damage?
- **Step 3.** Develop an action plan for those landscapes or parts of landscapes that need immediate attention in order to keep or restore the landscape's integrity.

Simply discussing the various landscapes is a major step forward. Not only does it bring the landscape into focus, it also forces staff and tribal officials to actively think about the future of the landscape and those who depend on it. For example, once decision makers decide to share information about a landscape, they must decide what that message will be. The message then must be developed into the medium, be it a radio interview, a newspaper article, a video, a letter to an agency, or an onsite event.

One final thought concerns the relationships anthropologists develop as they perform their activities. Working with a people to understand the landscapes is a long-term endeavor. It requires building trust and a lot of learning. Many times these relationships will evolve from professional relationships into close personal relationships. At one end of the spectrum, then, we can find an anthropologist who has maintained the strictly professional relationship, while at the other end of the spectrum we can find the anthropologist who has immersed himself or herself into the culture, developed close friendships, maybe even to the extent of becoming "family." Most situations fall somewhere between the two extremes.

The notion on whether anthropologists can remain objective if they develop personal relationships with those they are working for is a longstanding current in anthropology. Our purpose is not to revisit this debate, but rather to bring it to the forefront so that young anthropologists are aware of the dynamics that they may encounter with others and within them-

selves. Can one become close to a group and remain objective? Can one be objective if one has not become close enough to a group to understand them? No easy answers here.

Related to the issue of closeness and objectivity is the issue of activism. Is it appropriate for anthropologists to go beyond their specific job and promote awareness of issues important to the group they have been working with? Is it appropriate to become an advocate? What about an activist? Or to flip the question around, is it appropriate for an anthropologist to *not* become advocate or activist? And does becoming an advocate or activist by definition then mean that you are no longer objective? Again, no easy answers, but these are important questions for anthropologists to debate within themselves, if not with others.

For ourselves, as applied anthropologists, we are guided by the spirit of Sol Tax, the internationally recognized anthropologist from the University of Chicago (Stocking 2000). Tax suggested in his "action anthropology" approach that an anthropologist's role is to provide recommendations to the group that will help them achieve their goal, recognizing that it is the group's decision to make. Applying this concept to cultural landscape protection, we would see an anthropologist's role as helping a tribe develop the protection strategy by working through the options for each element of a strategy, providing their opinions on the advantages and disadvantages of each option.

We have found it particularly helpful to use Sol Tax's principles to guide our work. These principles are outlined by Robert Hinshaw (1979) and are as follows:

- To serve one's fellows, contribute as you can knowledge of the choices available to them; to learn about one's fellows, observe the choices they make.
- Have the respect not to decide for others what is in their best interests; assume you will never understand them that well.
- But do have the courage to protect wherever possible the freedom of others to make those decisions for themselves; and even to make mistakes.
- For oneself, avoid premature choices and action; assume there always is more knowledge to be brought to bear on any matter than is

currently available.

## Conclusion

The assault on American Indian cultures is centuries old. Following periods of genocide and displacement, the assault turned to more passive measures. Society deemed that Indians could exist, just not exist as Indians, and so measures were put in place to transform social and religious practices, language, traditional subsistence, and so on. Over time, society decided that it was okay to be an Indian, and so the assault shifted from changing social and cultural practices to securing land and resources for the dominant society. This economic development of lands has resulted in wholesale destruction of traditional use areas, sacred sites, and resources. It was within this context that measures have been taken by the government and others to help American Indians protect places and landscapes that are important to them.

Stoffle (2005) discusses an important problem with identification of important places by American Indians, that being the acceptance of proof that a place is important. The dominant Western-based society has certain epistemological rules for proving that something is so, what Feldman refers to as "The Standard View" (Feldman 2003:1-8). Alternatives to the so-called standard view, such as those of American Indians and other indigenous societies, are subsumed under the rubric of *epistemological relativism* and generally discounted by the mainstream. This was part of the problem in the Enola Hill case described by Frank Occhipinti (2002), whereby the United States Forest Service simply did not believe the evidence of the American Indians involved that an Oregon location was culturally significant.

Certainly the inability of an American Indian group to convince a community or a court of law that a particular place is significant to its cultural existence is a problem. However, there is an equally, if not more serious problem that tribes face in protecting resources, places, and landscapes. The dominant society can, and generally does, expropriate the resource in question if its needs outweigh those of the (usually smaller) American Indian group. The agency officials could believe 100 percent what a tribe tells them, but if they need the land, they can

take it. Yes, laws exist that afford protection to certain resources under many conditions, but no laws *guarantee* protection. Moreover, the law is often quite fickle, with decisions based more on the political leanings of the courts than any inherent quality of a specific law or case.

It is for this reason that protective strategies cannot solely rely on legal remedies. In fact, the legal route is generally the last resort. If places and resources are important to the cultural future of a group, that group needs to develop a strategy to ensure continued survival of the place. Such strategies require conscious decisions on how much information to share, with whom, how much documentation to produce, and protective measures that need to be taken. If asked, anthropologists can make a significant contribution in developing and implementing protection strategies. ○

## Notes

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