CULTURAL HERITAGE

Linking time with the land

BY LESLEY CUSICK

In our desire as planners, engineers and developers to be precise and measured, we may be missing the objective of context and comprehensiveness in our due diligence processes, especially where project impacts are concerned. Fully identifying *and* understanding impacts is essential to the ability to explain those impacts to others, often including our own team members, but especially to the public. We may be challenged by how we categorize and integrate project impacts into projects; our thinking may be too limited. The limitations are sourced in long-standing practices and processes, metrics (what and how we measure and how it's weighted) and time. It is our understanding of time — or misunderstanding of it — and the value placed on it, that can have the most impact on infrastructure development. Time involves history *and* culture.

Casting the Due Diligence Net for Time

There is an aspect of diligence and planning that extends beyond what we can see or measure, and that is the element of time. This isn't the difference between Chronos and Kairos time — a schedule vs. when the "time is right" for a community meeting. Rather, it is the concept of time as an envelope — a space that extends both above and beyond the surface of the ground. That space is occupied by history. This concept of time is more familiar to anthropologists than planners and engineers. It is extremely familiar to indigenous populations. If your project will involve land *that is* or *was* occupied by indigenous populations, recognizing that land through the lenses of both space and time can be the difference between project progress, costly delay or even cancelation.

"Due diligence" casts a wide but rather shallow net, most often focused on environmental elements of the land, along with realty, title and other information necessary for infrastructure development. The Nov/Dec 2020 issue of Right of Way Magazine included an article ("Due Diligence, New Diligence — it's time for Community Due Diligence") noting the need to broaden the scope of due diligence to include the voices of the communities that may be affected by projects. As we are witnessing now and what has been written about in many Social Ecology columns in Right of Way Magazine, public voices are increasing in number, intensity, and effectiveness in bringing challenges to projects, including cancelation. The most persistent challenges are those that can be categorized by opponents as harmful to their present quality of life, lifeways, and traditions. Opposition that affects these factors is certain to be amplified, especially now. The opposition may be occurring today, but the roots of it may go back a dozen generations.

Traditional due diligence methods of seeking to learn more about a project location's history are constrained by the research methods themselves and the arc of time being studied. For example, if the research begins and ends with a search of the National Register of Historic Places (NRHP) or a state historic sites registry, and nothing was identified, it doesn't mean that there are no historic properties. There may be historic properties that are not eligible for the NRHP or have not been found because the area hasn't been *archaeologically* surveyed; historians may have evaluated the built environment, but the subsurface may be unstudied. An "unexpected discovery" could be found during ground-disturbing activities. The

term "unexpected discovery" provides a further clue to the challenges faced by projects — unexpected by whom? A question about the history of a place will get one answer from an historian, a different one from an archaeologist or anthropologist and a very different and possibly much more personal one from a Native American or Alaska Native. Who you ask is sometimes as important as what you ask.

Note that publicly available archaeological information sources are unfortunately not complete. The information is voluminous and may be awaiting digitization. Further, access to the reports is typically controlled so that extant resources are not harmed.

Context and Perspective Matter

Due diligence may identify reports of negative archaeological survey results when nothing historic was identified. Those negative archaeological survey results may answer a specific question about a specific place or a narrow route but lack context. For example, floodplains with upgradient river terraces facing east or west are renown for archaeological sites. An infrastructure corridor may have threaded the needle between sites when it was first developed, but when the corridor is surveyed for widening, a vast area of archaeological sites may be found. Negative results may not always be entirely negative.

The modern-day perspective of time can also starve of us context. Consider the mindset of young adults. Their understanding of time is heavily weighted to the present. Given the speed at which information becomes "old news," there is little room for anything in the past — it's all about now and tomorrow. There is the present, preceded by the generation of their parents, their grandparents, their great grandparents (ancient history's WWII), maybe the Civil War if they saw a movie about it, the pyramids and then dinosaurs. Where in that perspective can indigenous tribes be found? There are nearly 600 federally recognized tribes in the US along with other State-recognized tribes with millions of members living both on and off reservations. The tribal members have voices that can link the present with the past and may be helpful in attaining successful projects.

Terminology is Evolving and Can be Confusing

Projects that require compliance with the National Historic Preservation Act (NHPA) work with 36 CFR 800, et. seq. (Protection of Historic Properties), for the regulatory process to follow to identify historic properties. The universe of historic properties is much larger than the properties on the NRHP. A common term used is "cultural resources," yet 36 CFR 800 regards historic properties, not cultural resources. An additional consideration is that the most common use of the word "cultural" in the NHPA implementing regulations is "cultural significance." Significance implies value, and value is subjective — one that requires context. Who provides that?

Cultural resource terminology today has moved to the more expansive "cultural heritage." Cultural heritage is defined by the International Encyclopedia of Human Geography (2020) as "an expression of the ways of living developed by a community

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and passed on from generation to generation, including customs, practices, places, objects, artistic expressions and values." These are eye-opening concepts — how do you map them and factor them into project planning?

Then there are Traditional Cultural Properties (TCPs). According to the National Register Bulletin 38, "a TCP is a property that is eligible for inclusion in the National Register based on its associations with the cultural practices, traditions, beliefs, lifeways, arts, crafts or social institutions of a living community. TCPs are rooted in a traditional community's history and are important in maintaining the continuing cultural identity of the community. A TCP must be a physical property or place — that is, a district, site, building, structure or object." Examples can include features such as caribou migratory routes and traditional use sites for hunting, worship or collecting water. TCPs are best identified by consulting directly with members of a traditional community. This is not something you can determine on your own; it takes patient, humble engagement.

TCPs are more abundant and extensive than may be realized. They can include locations associated with indigenous peoples and regard their origins or the nature of the world, for example. Awareness of the expanse of land associated with tribal communities may be a surprise to many; they extend far beyond present-day reservations and can be thousands or tens of thousands of acres. Historic-era communities may also be TCPs such as Czech villages in Nebraska, African American communities in Kansas and Oklahoma established in the 1800s and those of much more recent immigrants such as Laotians in Lowell, MA — each of these are cultural communities whose buildings and structures and/or lifeways reflect the cultural traditions valued by the community. It is essential to remain sensitive to cultural values, as preemptive judgement could lead to devastating effects on not only the community itself, but a loss of its history.

In the space that is time, that is land, that is air and water, and extends above and below its surface is where you can learn about the cultural heritage of the indigenous people that live there now, and that lived there before. Oral traditions carried on through the generations may make the history of the long-ago past as vivid today as if it were yesterday. History can be seen, felt, and experienced today; it hasn't left its place. History isn't the past to many indigenous peoples, it's today. Their ancestors haven't died and disappeared without leaving a trace — the traces are everywhere. This is nothing you can look for, it must be shown to you — and depending on circumstances, it may not be shown at all, or it may be shown obliquely, but not on your schedule. You need to allow time for the context of time to be shared.

Community engagement, especially where it involves cultural heritage matters, can't be distilled into a snapshot. Listening to community voices will turn snapshots into documentaries. If you want to bring change to a cultural community, you can't use a snapshot, you will need the documentary.

A series of conversations were held with members and/or representatives of several indigenous communities in preparation for this article. A selection of their thoughts are provided below, adding present-day context to the history that is time. ✪

"If you want to know what we value, come and visit with us for a couple of weeks, go to our businesses, look at the photographs on the walls, talk to the people — that is our culture. Don't judge it, observe it."

"Relationships have to be established outside of what a developer wants to do. You have to ask permission to establish a relationship. The best way to do that is to offer acts of service."

"Stereotypes of Native American cultures prevail — don't preserve them!"

"We live our history."

"We value things that strengthen our culture. Thank you for asking what we value."

Lesley Cusick is the program director for Community Outreach and Engagement with RSI EnTech, LLC, an ASRC Industrial Services Company. Lesley has over 30 years of professional experience assisting public and private sector clients with project development, and advocates for responsible project development and resource protection. Email Lesley at lcusick@rsienv.com.