



Exploring Indigenous Methodological Perspectives in Cultural Resource Management: The Case Study of the Ram's Head Medicine Tree



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Thesis Submitted for the Degree of
Master of Philosophy in Indigenous Studies
Faculty of Humanities, Social Sciences and Education
Norway
Spring 2012

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Spring 2012

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Dedicated to my family, Shanley & Sage

Acknowledgements

Special thanks to my advisor Bryan Hood for his direction.

Thank you to the University of Tromso and all the staff at the Center for Sami Studies who have contributed to a successful journey in the High North! To Bjorg Evjen, you have been so kind and supporting, thank you! To Hildegunn Bruland, you too have been so helpful and always there in times of need! To Per Haetta & Line Vrabeg, I will never forget the kindness you have shown us, and especially for the love you have shown for Sage and our family! A very special thanks to Kathryn Shanley, without you this would not have been possible, you are a Mom, a mentor and a friend, I will always keep you close to my heart!

A Special thanks to the Salish & Pend d'Orielle Culture Committee and the Confederated Salish & Kootenai Tribes.

Pictured on the front cover, left to right: Adele Vanderburg, Harriet Adams (Whitworth), Mary Kaltomee (Sackwoman), Ateline Joscum, Angelique Finley, Chief Martin Charlo, Eneas Finley, Victor Vanderburg, Rose Marengo, On the ground: Louis Pellew.

A special dedication and acknowledgement for my Grandmothers pictured on the cover, they are the three ladies on the far left: Adele (Great Grandmother), Harriet (Grandmother), and Mary (Great Great Grandmother).

Abstract

This thesis suggests that the state of cooperation between Native American peoples and the archaeological community today is a product of historical circumstances. The historical situation is characterized by the frustration felt by Native American communities as to the treatment of cultural resources. Two questions were posed: *How can an indigenous methodological perspective operate effectively within state and federal Cultural Resource Management (CRM) frameworks concerning the identification, evaluation, assessment, and treatment of cultural properties? How are the laws and practices that regulate indigenous and scientific communities in the practice of archaeology and CRM, adaptable to the ideals of an indigenous methodological perspective?* This thesis aims to clarify distinctions between western scientific and indigenous methodological perspectives within the practice of cultural resource management. The basis of the discussion is centered on authority and cultural values, and illustrated in the case study of the Ram's Head Medicine Tree. A landscape perspective is utilized as a bridge for understanding, which accounts for scientific and traditional knowledge systems. Ultimately this thesis suggests that an indigenous methodological paradigm concerning the research and management of traditional cultural properties can contribute to archaeological knowledge and understanding of indigenous peoples within the western scientific archaeological community.

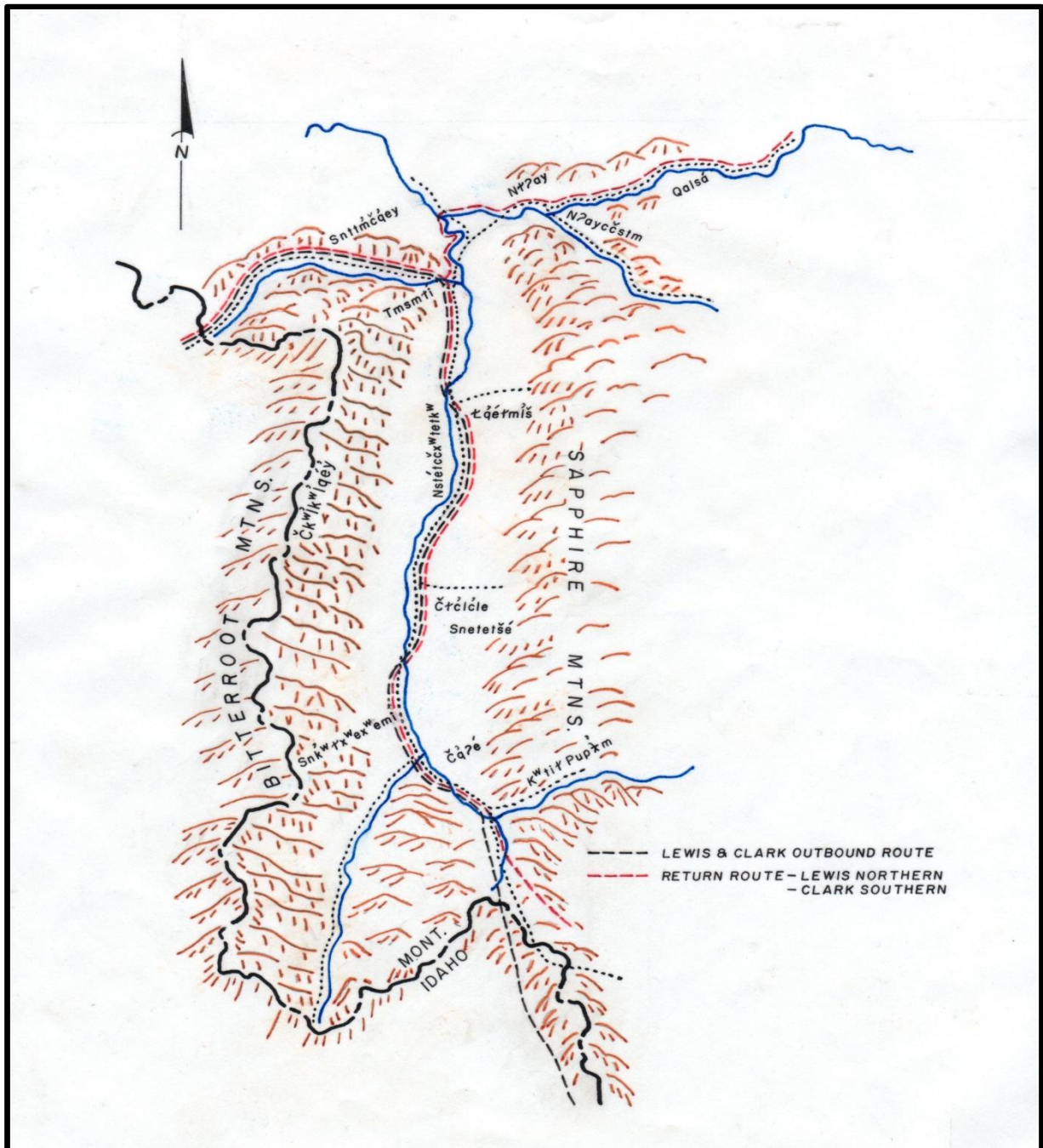
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Map of Salish Placenames

Map 1: Placenames in the Bitterroot Valley, Map by Michael Louis Durglo Sr. Salish-Pend d’Orielle Culture Committee/Preservation Office (Salish & Pend d’ Orielle C.C. 2005:40).



The Medicine Tree is the place Čqʔè, bottom one third and middle.

Acronyms and Abbreviations

ACHP: Advisory Council on Historic Preservation

ARPA: Archaeological Resource Protection Act

APE: Area of Potential Effect

CRM: Cultural Resource Management

CS&KT: Confederated Salish & Kootenai Tribes

DOE: Determination of Eligibility

EA: Environmental Assessment

FHA: Federal Highway Administration

FONSI: Finding of No Significant Impact

GIS: Geographical Information Systems

MDT: Montana Department of Transportation

MOA: Memorandum of Agreement

NHPA: National Historic Preservation Act

NRHP: National Register of Historic Places

NPS: National Park Service

TCPs: Traditional Cultural Properties

THPO: Tribal Historic Preservation Office

SHPO: State Historic Preservation Office

USFS: United States Forest Service

UNESCO: United Nations Educational, Scientific and Cultural Organization

WPA: Works Progress Administration

1. Introduction

In 1853 the United States mapped out what they referred to as Washington Territory. It engulfed the states we know today as Washington, Oregon, Idaho, and parts of Montana and Wyoming. Existing in this territory at the time were tribes known to the Western plains, Great Basin and Northern Plateau including the Blackfeet, Nez Perce, and Bitterroot Salish. In 1855 the Hellgate Treaty was negotiated and signed between the United States government and the Bitterroot Salish, Kootenai and Pend d'Oreille peoples. It established the Flathead Reservation, and gave legal justification for the federal government's policy of removal of the Salish aboriginal people from their territory in the Bitterroot Valley in Western Montana. Consequently much of the Salish aboriginal territory was sold and divided between private, state and federal ownership. Management of most the Salish peoples traditional cultural properties (TCPs) such as the Ram's Head Medicine Tree became the responsibility of federal and state agencies who were disassociated from Salish culture, and who had little understanding of their cultural significance. Destruction of traditional cultural properties, such as the Ram's Head Medicine Tree, became commonplace creating an enormous concern for Salish people. My research seeks to understand this predicament in terms of an historic colonialist policy, and the influence it has had on the establishment of current archaeological and cultural resource laws and practice. My research questions ask: *How can an indigenous methodological paradigm operate effectively within state and federal Cultural Resource Management (CRM) frameworks concerning the identification, evaluation, assessment, and treatment of cultural properties? How are the laws and practices that regulate indigenous and scientific communities in the practice of archaeology and CRM, adaptable to the ideals of an indigenous methodological perspective?* These issues will be discussed in relation to methodological perspectives and approaches in CRM and within the framework of different landscape understandings.

Specifically, this thesis aims at clarifying how the narrative and presence of the Ram's Head Medicine Tree constitutes an important connection between the landscape and Salish culture that can often be set aside or misunderstood by the "scientific" community, and federal or state cultural heritage management systems. The analysis focuses on the section 106 review, consultation process, and assessment of significance that led to the eventual protection and nomination of the Ram's Head Medicine Tree to the National Register of Historic Places

(NRHP) under the National Historic Preservation Act (NHPA). The analysis will also consider the integration of landscape understandings within an indigenous methodological perspective, and that discuss the effectiveness and adaptability of current CRM laws and practices through the Case study of the Ram's Head Medicine Tree.

1.1 Ram's Head Medicine Tree

For the Bitterroot Salish people the story of the Ram's Head Medicine Tree represents a spiritual and physical connection to their landscape. The story represents one of many creation myths that are associated with the Salish people and describes what happened at that place. The site where the Ram's Head Medicine Tree is located constitutes not only a spiritual and symbolic aspect of Salish worldview, but a functional and historical presence of Salish traditional life as well. The Salish people who passed the medicine tree would leave offerings for safe passage and success. Salish people believed that the treatment of that place directly influenced their daily and spiritual lives, and that consequences of ill treatment would follow them in their endeavors.

1.1.1 The Story of 'Where the Ram's Head Got Stuck'

As Coyote continued on his journey through what is now called the Bitterroot Valley, he saw his friend Meadowlark sitting in a bush. Meadowlark remembered that earlier, Coyote had inadvertently stepped on Meadowlark's leg and broken it. But Coyote, who was the first great medicine man, had then fixed a splint for Meadowlark's leg and healed it.

Meadowlark told Coyote that he was sitting in the bush to be out of Coyote's way.

Coyote laughed. He didn't blame Meadowlark for not wanting his leg broken again.

Meadowlark then warned Coyote of a gigantic, mean bighorn sheep ram up ahead, near the south end of the Bitterroot Valley. Ram killed everything that tried to pass.

Coyote thanked Meadowlark and continued on his way. He thought about what Meadowlark had told him and wondered how he could survive this. But Coyote knew that he had to face Ram and kill it to make this place safe for the human beings who were yet to come.

Coyote walked on, and soon he heard a fierce sound. He looked up and saw Ram up on top of the hill. Ram immediately snorted and charged down toward Coyote.

Coyote waited until Ram got very close and then yelled out, "Hold on there!"

Ram was surprised by this and stopped.

Coyote demanded to know why Ram intended to kill him.

Ram replied that it was his place and that for many years he had killed everyone who tried to pass. Coyote knew that in the world to come, although different nations and animals were to have their territories, it would not be acceptable to kill everyone who simply passed through one's land. This monster had to be destroyed.

So Coyote then asked Ram how he killed.

Ram said, "With my powers – I am quick and strong, and my horns are sharp."

Coyote asked Ram to demonstrate this power.

Ram scoffed and said Coyote was just wasting his time.

Coyote then pointed to a little tree and said he wanted to see Ram knock it over.

Ram couldn't resist this easy chance to show his strength. He thundered toward the tree and smashed it with his great head. One horn penetrated all the way through the tree, with the horn sticking out the other side.

Coyote leapt up and grabbed the protruding tip with all his might in one hand, and with the other, pulled out his flint knife. Ram pleaded for his life, but Coyote knew what he had to do, and cut off Ram's head with three swift strokes of the knife.

Coyote then stood by the tree and said, "In the generations of human beings to come, there will be no such wicked creatures. This tree will be a place for human beings to leave offerings of their prized possessions, and to give thanks, and to pray for their well-being, for good fortune and good health. Those who are not sincere and serious in making their wishes will have misfortune and even death."

Then Coyote cut the head of Ram completely away from the horns, and hurled it up on the rocky hillside where it left the profile of a human face. Coyote said, "That face will be a sign of my doings here." (Salish & Pend d' Orielle C.C, 2005: 73-74)

1.2 Historical Significance

In the following section I present a short discussion of the historical constructions of perception of the "other". Further detail will be expanded upon in later chapters and presented here to offer context for the historical relationship between indigenous peoples and the establishment of institutions of archaeological practice.

1.2.1 Perceptions of Indigenous Peoples: Myth of the Moundbuilders

Before the arrival of Europeans on the North American continent, indigenous populations existed and flourished leaving their imprint throughout the landscape. The landscape indigenous peoples occupied fostered cultural beliefs and practices intimately connecting them to it. This is evident in the construction of monumental pre-historical features such as Cahokia and the mounds of the Mississippi and Ohio River Valleys. However, early contact with indigenous peoples fostered perceptions that were equated with a savage mentality and personified in the interpretation of these grand monuments. Explanations of these monuments were accredited to a list of possibilities other than indigenous peoples. The premise for this interpretation was that indigenous peoples were biologically and culturally inadequate to have been responsible for their construction (Trigger, 1996:160). Rob Mann (2005:1) reiterates this assumption by discussing the connection of the “Myth of the Moundbuilders” as a response to a colonialist mentality. Mann (2005:2) goes on to say that this colonial discourse was meant to establish a picture of the “blood thirsty savage” that ravaged the countryside thereby justifying “...their own wars against Native Americans and the seizure of their lands.” This colonialist mentality has been co-opted and has played a key role in archaeology as a representation of national identity (Neumann et al., 2010:3). In the nineteenth century archaeology looked at the prehistoric Moundbuilders and their associated artifacts as Euro-American and associated them with the ten lost tribes of Israel (Neumann et al., 2010:3). The possibility that Moundbuilders were culturally associated with Europeans was the justification for the western intellectual tradition to document Moundbuilder sites (Neumann et al., 2010:3). Although the debate has been resolved and attributed to aboriginal peoples, the mounds were appropriated as markers of “national” cultural identity contributing to “American discourse” and in effect diminishing the contribution of indigenous peoples who built them (Neumann, et al., 2010:3-4).

This western tradition built on national identity has spilled over in the emergence of cultural resource legislation and funding for archaeological research in the United States and is “the reasoning behind relevant laws” (Neumann et al., 2010:3). These perceptions are significant to the research because this thesis aims to clarify the effectiveness of an indigenous perspective and methodological approach, and which questions the ideals of the non-indigenous research community and the adaptability of alternative methodological perspectives within current CRM laws and practices.

1.2.2 Laws & Practices

Historically, indigenous tribal groups have voiced concern over the management, analysis and interpretation of traditional cultural properties (TCPs). The consequence of a colonialist policy towards past and existing indigenous peoples' has left existing tribal nations in the United States with a diminished land base a lack of respect within the scientific research community. Today a large portion of traditional aboriginal territories are in the hands of private ownership or managed by federal and state agencies. Some tribes, however, have developed their own cultural preservation programs that manage traditional cultural properties with autonomy and comprehensive regulation policies, while others have deferred to federal and state regulation policies (Neumann et al., 2010:40). Some native tribes have developed Tribal Historic Preservation Offices (THPOs) which are analogous to State Historic Preservation Offices (SHPOs). Tribal Historic Preservation Offices consult with external agencies concerning undertakings that could potentially affect the cultural resources associated with them (Neumann et al., 2010:39-40). However, the laws and practices that regulate CRM in the United States are vast and complex. This complexity requires that those working in archaeology and CRM have an educational and field background to effectively navigate CRM laws and practices (Neumann et al., 2010:20, 46). My research will focus on the comprehensiveness of these laws and practices both historically and today, first to illustrate the disconnect between indigenous and western scientific research communities with respect to the development of CRM laws and practices, and second to show the possibilities of cooperation and adaptability between each community in the course of cultural resource and preservation management. In the analysis specific discussion will focus on the policy of the National Historic Preservation Act (NHPA) and its section 106 for assessment of significance, which outlines the consultation process giving each community the opportunity to come to mutual agreements and understanding. The case study of the Ram's Head Medicine Tree will help to provide a clear perspective concerning the relationship between the various archaeological and CRM research communities, and indigenous communities.

1.3 Problem Statement

At the heart of this heritage management controversy is what recent scholars and researchers simply refer to as the "other". It is apparent to indigenous peoples that they have been largely excluded from the archaeological research community, unless they are the research focus. Evjen (2009:190) refers to this growing awareness by indigenous researchers in which a new

paradigm called “indigenous methodology” has developed with a focus which “...holds that indigenous research should be designed by those understanding the culture to ensure the indigenous peoples’ knowledge is the foundation” and that research should be “conducted by those who understand the culture”, thus shifting what once was a research “object” into a research “subject” with equal status to the majority population. The dichotomy of the insider/outsider reformulated as collaboration, and not just a focus on the “other”, “may present different knowledge, differences that together provide a broader picture of an indigenous culture than by either one of them alone” (Evjen, 2009:191).

A particular aspect of indigenous research focuses on the historical and contemporary aspects of dominant ideologies and how they have shaped archaeological scientific understanding and perspectives, and at times have excluded those of indigenous communities. Harris (2010:66) says that although there is a growing recognition of indigenous knowledge, there has been an historical outlook that views western generated scientific knowledge as generally the only valid source of knowledge. Smith (2010:57-59) tells us that the positional superiority of western knowledge is seated next to the colonizing of new places in which scientific thought during the modernist movement in the 18th and 19th centuries allowed for the expansion of new knowledge by classifying indigenous peoples alongside “flora and fauna”, and ranking them as “nearly human” or “almost human”.

I am interested in identifying what constitutes an insider perspective or an indigenous perspective versus that of the “western scientific” or outsider perspective, considering non-western worldviews and ways of knowing. Because a “western scientific perspective” can be abstract and vast in its own right, this review will be approached both historically and contemporarily in relation to general perspectives and approaches to archaeological research, research values, cultural values, and more specifically CRM management policy and practice. Harris (2010:64) considers this issue in relation to worldviews in which a holistic indigenous thought is at odds with western thought, by stating that western thought distinguishes between animate and inanimate while indigenous thought “...is characterized by conceptions of the interconnectedness of all life” such that the animate/inanimate distinction is not part of indigenous ways of knowing.

I will consider the difference in understanding of an indigenous methodological perspective in relation to a western scientific perspective. In order to understand these two distinct perspectives in relation to CRM and archaeological practice, I will present what generally

constitutes western scientific and indigenous methodological approaches. Some have claimed that western scientific methods are often designed around a positivist approach, which is generally more quantitative, objective, and reductionist (Harris, 2010:66-67), although this does not represent the sizeable array of methodological approaches used in archaeology and CRM today. It does, however, point to a polarization between the two general approaches in question. The other side of the dichotomy is that an indigenous methodology is generally more qualitative, subjective, and experimental "...contending that experiences which cannot be measured are no less real than those that can be measured" (Harris, 2010:66-67). Non-western research values can often be in contention with western research values. Scientific research in archaeology can sometimes be data driven and site specific whereas non-western or an indigenous methodological approach tends to avoid excavation when necessary and generally prefers non-destructive preservation methods. Zimmerman expresses this concern by Native Americans in the power relationship between archaeology professionals and the "other" when he states "Archaeology has been a dominant society tool, viewed by Native Americans as part of the western tradition's repression of the 'other'", and where he expresses his suspicions "...of any scientific theory or position that looks like a metaphor of the social ideology or that can be construed as contributing to the alienation of any class or group, which is exactly what archaeology has done" (Zimmerman, 2010:73). To help clarify further, my research will point out that the indigenous research community can and has used a variety of methodological approaches towards the management of their respected cultural resources. Practitioners may have different views which can affect the methodological approach they use, and they may also be dependent on the program goals they prefer or the mandate within which they implement in their preservation of cultural resources.

1.4 Research Questions & Objectives

Silverman (2010:84) suggests that research questions should provide: a) organizational structure, coherence and direction to a project, and b) a set of boundaries to the research. Together, these dimensions keep the researcher focused and constitute a framework for the writing process.

My research questions focus on indigenous archaeological perspectives, their contributions, and understandings which integrate indigenous participation and consultation in scientific research and CRM. Ultimately I am interested in whether an indigenous methodological paradigm can operate effectively within state and federal CRM frameworks and how the

policies and practice of CRM might be better integrated with or be more accommodating towards an indigenous methodological perspective. My main research questions ask: *How can an indigenous methodological paradigm operate effectively within state and federal Cultural Resource Management frameworks concerning the identification, evaluation, assessment, and treatment of cultural properties? How are the laws and practices that regulate indigenous and scientific communities in the practice of archaeology and CRM adaptable to the ideals of an indigenous methodological perspective?* More general questions are related to the historical circumstances that have perpetuated a dominant ideology in the methodological foundations of western scientific research, and that have problematized the methodological foundation that an indigenous contribution would bring to archaeological practice and CRM. Identification and clarification questions will help to identify and define what constitutes (a) a western scientific perspective, and (b) an indigenous methodological perspective concerning archaeological practice in general, and more specifically CRM laws and practices. Specifically I will be addressing the issue: (1) in what ways does a western scientific perspective prevent an indigenous methodological perspective from contributing to archaeological knowledge and understanding within the western scientific community therefore perpetuating continued colonialism, and (2) how can landscape understandings and an indigenous methodological perspective be used to supplement/challenge the scientific “status quo” in a post-colonial environment and contribute to the decolonization of indigenous Cultural Resource Management policy and practice. My thesis states: An indigenous methodological paradigm concerning the research and management of indigenous traditional cultural properties and cultural resources can contribute to archaeological knowledge and understanding of indigenous peoples within the western scientific research community.

1.5 Theoretical Framework

Silverman (2010:109) says that theory is “a set of concepts used to define and/or explain some phenomenon.” I will use post-colonial theory as the overarching framework for my research. Stuart Hall (reference) argues that “post-colonialism is a *process* that involves the disengagement of colonizers and colonized from their former relationships of mutual entanglement and definition.” This thesis aims to evaluate whether or not a colonialist relationship still exists between CRM laws and practices and indigenous peoples, or to what extent this relationship has been redefined. Decolonization requires indigenous repossession, which will “...ultimately result in new forms of belonging within post-settler nations”

(Sissons 2005:154). Indigenous methodological perspectives are therefore a means of achieving decolonization by empowering indigenous researchers "...presenting them with clear alternatives to the societies in which they are enculturated, thus broadening their room for action" (Wobst, 2010:78).

The post-colonial process with respect to archaeology and indigenous peoples is further analyzed through the lens of landscape theory. A landscape perspective provides a more concrete framework with which to facilitate a contrasting of western scientific and indigenous understandings, thus contributing to the decolonization of Cultural Resource Management policy and practice. Landscape theory holds that landscapes have meaning to humans, and that landscapes are culturally constructed. Landscapes can function as either narratives or a symbolic legacy that can be manipulated or appropriated. There are two identifiable meanings in anthropology of landscape: the first is "...as a framing device used objectively to bring a people into view", and the second is "...to refer to the meaning people impute to their surroundings...", now, "The concept of landscape is productive in accounting for the social construction of place by imbuing the physical environment with social meaning" (Low & Lawrence-Zuniga, 2003:16). In this way people can socially construct meaningful relationships with their landscape. It is my contention that the use of landscape theory and landscape archaeology can provide a way that we can combine an indigenous methodological perspective with that of a scientific theoretical perspective to help frame and better understand indigenous archaeologies. Specifically, my analysis will point out both the potential advantages and disadvantages in using landscape theory within an indigenous methodological approach to assessing the significance of traditional cultural properties in the NHPAs section 106 process.

1.6 Case Study & Research Methodology

1.6.1 Case Study Identification & Research Design

The tensions between western scientific and administrative reason and indigenous perspectives will be explored in a case study of the Ram's Head Medicine Tree located in Western Montana. This unique traditional cultural property was the recent focus of a CRM undertaking between the Montana Department of Transportation (MDT) and the Confederated Salish & Kootenai Tribes (CS&KT). The inspiration for the case study was derived from my own previous research that looked at culturally modified trees as an archaeological and

cultural resource. Culturally modified trees have only recently been noticed and recognized as a cultural resource amongst the management community; as such they have required attention because of their lack of understanding. The Ram's Head Medicine Tree exemplifies this recent acknowledgment as it has had much attention throughout the late 19th and twentieth centuries. Simply put the tree lies outside tribal jurisdiction but finds its home within the original Salish aboriginal territory located in the Bitterroot Valley, and under management of the Montana Department of Transportation. This has been a source of contention for the tribes because the tree has been repeatedly vandalized and in danger of major destruction. Ultimately the tribes have been motivated by a lack of participation in cultural resource management activities, and have employed assertiveness and self-determination in establishing their presence when it concerns the protection of their cultural identity. This case study allows me the opportunity to explore aspects of CRM and cooperative undertakings in relation to a historically dominant western scientific research paradigm in a post-colonial environment, and how it has affected the methodological achievements in indigenous research and CRM laws and practice. This will be done: (a) by presenting cultural resource management "outsider" discourse and management practice related to the Ram's Head Medicine Tree and how this has played out at the state and national levels regarding agencies and policy; (b) by looking at the Confederated Salish and Kootenai Tribes "insider" discourse and cultural practices related to the medicine tree; and (c), by looking at areas of conflict and potential cooperation considering different types of knowledge and practices.

1.6.2 Data Sources & Data Collection Methods

The data used in the analysis involved both primary and secondary sources. In order to unravel the specifics of the management debates around the Ram's Head Medicine Tree, primary documents were accessed from government agencies -- the United States Forest Service (USFS), Montana Department of Transportation (MDT) -- as well as the Confederated Salish & Kootenai Tribes Preservation Office and Salish Cultural Committee. These sources are usually only available within the offices responsible for CRM and they require informal conversation and inquiry to gain access. This informal process of networking led to the acquisition of government documentation associated with the CRM section 106 and progression in the management of the Ram's Head Medicine Tree. Resources include primary government management documents such as the memorandum of agreement (MOA) between agencies, the determination of eligibility (DOE), official agency letters and transcripts, and

other miscellaneous reports such as the Finding of No Significant Impact (FONSI) report and Environmental Assessment (EA) reports. The methods employed to accomplish data acquisition in this area was to identify the consulting parties and make contact via phone or in person. Because my research is literature-based, interviews were avoided in the sense that informants were not needed to acquire necessary data related to the research topic.

The University of Montana's Mansfield Library was employed for a comprehensive secondary resource database. Library research included relative books and journal articles, including ethnographic and oral histories. A comprehensive history gives context to the contemporary situation, and provides an account of past relationships between colonial America and indigenous peoples. Historical research was also conducted to provide a history of the Salish people, and to provide context in connection to the Ram's Head Medicine Tree. My historical research focused on the laws and practices that regulate archaeology and CRM. These histories will be discussed in depth in additional chapters.

1.6.3 Data Analysis & Interpretation

My case-study research is designed to identify central themes in archaeological practice and CRM and relate them to post-colonial discourse by delineating differences in western scientific and indigenous methodological perspectives. These two general methodological perspectives can take many forms although what is important is that each is analytical in their own right. For example, a non-western indigenous methodological perspective and western scientific perspective help to categorize themes in terms of historical relationships, worldview, and methodological approach. In this way these themes can be compared, and distinguished from one another. The co-management of the Ram's Head Medicine Tree helps to illustrate this post-colonial relationship, while at the same time it helps to define the relationships of the two camps required within archaeology and CRM laws and practices. The analysis of the NHPAs section 106 process which outlines the responsibilities of consultation, is included to give a perspective on effective methods of meaningful consultation. The landscape perspective provides a common platform for discussing both conflicts and intersections between western scientific and indigenous views.

1.7 Researcher's Role & Ethical Considerations

My ability to accomplish the field research goals relied on the working relationship with the Confederated Salish & Kootenai Tribes. An insider or emic perspective and relationship as a

member of the Bitterroot Salish and Confederated Salish & Kootenai Tribes did not initially guarantee complete cooperation for research permission. The first step in the process of working with the Confederated Salish & Kootenai Tribes Salish elders committee was to inform them of my intentions as a student, researcher, and member of the tribes. The reaction initially was skeptical, and warranted explanation from me as to what the research would be used for. I was not surprised to receive this reaction from the elders committee considering the historical implications of past regressions regarding the use and research on the “other”. The elders committee was concerned with where the knowledge (thesis) would be kept and by whom. Reassurance by me as the researcher and a member of the Confederated Salish & Kootenai Tribes at first did not evoke enough confidence that their concerns would be acknowledged. It took many phone conversations and two meetings with the elders committee to accomplish what turned out to be a verbal commitment for research permission. The first meeting involved administrative members and professors from the University of Tromso, and the University of Montana. The intent of the first meeting was to inform the committee of the potential for research cooperation between the Native American Studies program at University of Montana and the Center for Sami Studies in Tromso Norway. The second meeting allowed me to provide the elders committee with the research goals for the thesis. I informed them that I only wanted to accomplish literature research and review for the Ram’s Head Medicine Tree, and that the research on the Ram’s Head Medicine Tree will be used to support an indigenous methodological contribution by the “other” towards archaeological knowledge and understanding.

Because my research contends that consultation and inclusion in archaeological and academic research should be integral, I felt ethically bound to treat this thesis research in the same manner. Excluding the Confederated Salish & Kootenai Tribes in the research process would have perpetuated the negativity that has shrouded past relationships between researchers and indigenous peoples. Specifically I wanted to ensure that the research would not divulge sensitive information and provide for confidentiality, for these reasons I only used appropriate resources. As a member of the tribes and having a cultural understanding of the importance of spirituality and worldview the research will only include information that recognizes these concerns. To accommodate the sensibilities towards oral traditions, such as the story of the Ram’s Head Medicine Tree, the research will only include published and accessible research documentation. It would seem hypocritical to claim consultation, and inclusion in the research process are vital, without taking into account the ethical considerations in my own research.

2. Introduction: Landscape Meanings

The focus of this chapter is on the anthropology of space and place, landscape archaeology and theory. *How do people form meaningful relationships with the landscape, how do they attach meaning to space, and how do they transform that space into place? How do one's experiences connect one to a place and how does space hold the memories connecting those memories to a place?* I will discuss the central tenets of landscape theories, identifying their major proponents as well as the strengths and weaknesses of various approaches. The review will address my central research and provide a direction for the thesis, as well as providing context for the analysis of the story and case study of the Ram's Head Medicine Tree.

2.1 Theoretical Conceptions of Landscape & Landscape Archaeology

Because landscape archaeology and theory is an integral portion of this thesis, the need to provide its meaning and background is given in this section. Given the complexity of landscape meanings this chapter offers a variety of perspectives in landscape theory and landscape archaeological approaches.

In chapter 3 I will refine two models of understanding, a (a) western scientific and (b) an indigenous methodological perspective, first by clarifying their distinctions from one another and within the practice of archaeology and CRM, and second by clarifying how each mode of understanding views the landscape. However, before clarifying these distinctions, the perceptions and approaches of landscape archaeology and theory are presented here. A review of landscape meanings will provide context and support for the discussion in chapter 3 and help further to identify the perceptions and approaches of each mode of understanding in the integration of landscape meanings.

2.1.1 The Theoretical Landscape: Space & Place

The foundations of contemporary landscape approaches are rooted in the social sciences extending back to the nineteenth century and the early twentieth centuries where those like Ratzel looked at the relationship of human groups and their differences in relation to their natural environments, and where Durkheim viewed society as an outgrowth of "collective consciousness" shaped by "institutional frameworks" and considered human environmental interaction of indirect concern (Anshuetz et al., 2001:157-58). Hollenback says that landscape studies tend to be multidiscipline pointing to an extensive history arising

independently from British and American intellectual movements including just a few mentioned here such as architecture, sociology, anthropology, ecology, art and history (Hollenback, 2010:186-187). Hollenback (2010:187) goes on to say that in both regions landscape studies have sought to break the “site focused” view of the world. Landscape was seen through the work of W.G. Hoskins in the 50s and 60s, “...as the social construction of space, containing a bundle of practices, meanings, attitudes, and values”, a more humanistic approach to understanding the environment (Darville, 2002:220). Landscape theory in the 1990s has been influenced by and draws on theory from other disciplines outside of anthropology including geography, history, philosophy, and sociology. This has allowed anthropologists the ability to understand culture in specialized ways acknowledging that space is essential to socio-cultural theory (Low and Lawrence-Zuniga, 2003:1-2).

From the definition of Chapman (2006) *Landscape Archaeology* and research focuses on the landscape rather than the site, the space between sites and their interrelationships, and most importantly information from all areas of archaeological research may be used to examine archaeological landscapes. Chapman outlines three principle philosophical approaches that he believes will provide avenues to interpretation and management of past landscapes. The first is as a mirror to the history of the landscape where removal of datable layers to get to earlier ones, using methods like cartographic evidence, and aerial photography, allude to clues identifying a palimpsest of past activities shedding light on today’s landscape. The second is focusing on the physical remains of the past viewed through the scientific reconstruction of changing environments through time using botanical studies. This analysis than can be used to tease out information about environments and their past conditions. The third is more recent focusing on interpretation of qualitative aspects of archaeological landscapes. Chapman says this can be accomplished through narrative approaches using techniques from social sciences looking at the interrelationships between monuments themselves and monuments and natural features (Chapman, 2006:11-14).

In contemporary landscape theory in the social sciences there are two identifiable meanings of landscape: the first is “...as a framing device used objectively to bring a people into view”, and the second is “to refer to the meaning people impute to their surroundings” (Low & Lawrence-Zuniga, 2003:16). They state, “The concept of landscape is productive in accounting for the social construction of place by imbuing the physical environment with social meaning” (Low & Lawrence-Zuniga, 2003:16). In this way people can socially

construct meaningful relationships with their environment. Low and Lawrence-Zuniga (2003) describe two categories of space and place they term *Embodied* space and *Inscribed* spaces. They tell us (2003:4) embodied space focuses on proxemics, "...the study of people's use of space as an aspect of culture", and "the importance of the body as a physical and biological entity, as lived experience, and as a center of agency, a location for speaking and acting on the world" (Low and Lawrence-Zuniga, 2003:1-2). Inscribed space implies that people leave their mark on the landscape with their presence and focuses on landscape as place, "...a fundamental relationship between humans and their environment's they occupy (Low and Lawrence-Zuniga, 2003:13)."

Bender (2002) gives a good description of what landscapes are and what they mean to people and how they engage in them. She states, "Landscapes are created out of people's understanding and engagement with the world around them", and "...they are always in process of being shaped and reshaped" (Bender, 2002:103). These landscapes are always temporal and a recording that is a reflection of human agency and action. She goes on to say that there is spatiality to people's engagement with their surroundings and illustrates the imbedded-ness of people to their landscape (Bender, 2003:103).

There have been many theoretical influences on landscape theory and the theory of space and place. Beginning with cultural ecology "...which looked at the variety of human cultures and their adaptation to the environment", and required the ethnographic information of Native Americans for explanation (Gamble, 2008:25). Culture history and Gordon Childe embraced Marxism studying Marxist approaches of change in social relations with emphasis on production, society as a whole, internal confrontation as opposed to adaptation to external factors, emphasis on human action or praxis...a significant role as opposed to environmental determinism, and knowledge is made by people and past knowledge is dependent on the social and political context of the time (Gamble, 2008:32-33).

Ingold (1993) adheres to the unity of multiple disciplines and unity of themes of archaeology and social-cultural anthropology. Two themes are presented; human life as a process that involves the passage of time and life-process, "...the process of formation of the landscape in which people have lived" (1993:152). He says the purpose of his 1993 article is to unite the perspectives of archaeology and anthropology through a focus on the "temporality of the landscape", arguing that "...every landscape is a particular cognitive or symbolic ordering of space" (1993:152).

Space and place in landscape archaeology provides a base for the progression of the field. Applying a dualistic approach for understanding our lived in environment, such as “place is security, space is freedom”, which provides “...an opportunity to divide landscapes of different periods between places and the spaces between them, and that “landscapes consist of a series of places that are culturally constructed through the activities, stories or memories associated with them” (Chapman, 2006:130). Ashmore and Knapp (1999) examine the ways in which archaeology incorporates attention to space within the landscape. They say that traditionally settlement archaeology was the mode in which landscape meanings were directed towards the analysis of isolated “hot spots” that are site specific and where recently attention has turned to “sacred landscapes” considering the social meaning of “space as place” (Ashmore and Knapp, 1999:1-2). Ashmore and Knapp (1999:2) stress the holistic approach to landscape meanings provides importance in the “interrelationships among people and such traces, places and features, in space and through time.”

2.1.2 History, Influences & Approaches in Landscape Archaeology

This section looks at shifts over time in how nature and landscape has been viewed by archaeologists.

The history of landscape archaeology can be traced back to the early 19th century to a Swedish pre-historian named Jens Worsaae who suggested ancient remains can only be understood in relation to their environment. In the 1970's landscape was seen as its own discipline when Aston and Rowley applied landscape methodology in the field. In the 1980s landscapes archaeology began to take shape however before this, regional archaeology overshadowed landscapes focusing more on site distributions, artifact distributions, subsistence-settlement systems, and human environmental interactions (Schiffer, 2010:187).

Processual and post-processual archaeology has been influenced by landscape meanings. Hollenback (2010:186) states that despite the multitude of landscape meanings, landscape archaeologists share an interest in archaeological phenomenon where behavioral aspects are focused on landscape interactions and landscapes are seen as artifacts with features in the natural environment at a scale larger than the site itself (Schiffer, 2010:186). Archaeology first began to use landscape approaches in the 1970s and 1980s which prompted a post-processual interest amongst behavioral archaeologists who approached landscape studies as an explicit framework for “investigating formation processes at the landscape level”, and for

“understanding how people interact with places, spaces, and landscapes over time in their explorations, alterations, use, and maintenance of these elements” (Schiffer, 2010:186). Those like Binford focused on explanations of culture processes rather than to describe it, and to become more scientific (Johnson, 2004:12). Processual archaeology explained in Johnson (2004), says it “offers a scientific learning strategy that systematically builds on prior knowledge to inform our ignorance about variability in the archaeological record, and by extension the natural and cultural processes that contribute to its formation” (Johnson, 2004:24). The prior knowledge Johnson (2004:24) refers to is Binford’s knowledge of environmental variability, and ecological dynamics that ultimately lead to the development of frames of reference to use for archaeological analysis. Studies in the field of processual archaeology have been centered on technology, subsistence, mobility, and environment in relatively small-scale hunter-gatherer groups. Johnson (2004:24) tells us these areas of study are not the limits of processual archaeology.

“Behavioral archaeology” is a variant of the processual approach which emerged in the 1970s and 1980s and has since developed its own perspective on landscape studies. It incorporates a life history approach regarding the formation processes of the archaeological landscape, based on the classic behavioral archaeology distinctions between archaeological context and systemic context in formation processes of the archaeological landscape (Schiffer, 2010:188). The archaeological context is that which is observable to the archaeologist today such as visible artifacts, features, sites, whereas the systemic context is the unobservable cultural system of the past which produced archaeological effects. In other words, archaeologists aim to infer the systemic context from what is observable in the archaeological context. With respect to landscapes, Heilen et al. (2008:602) distinguishes between “archaeological landscapes, which consist of arrays of artifacts, features, deposits, and sites,” and “systemic landscapes”, which are “...networks of people, places, materials, and activities connected through the exchange of matter, energy, and information in a behavioral system.” Heilen’s et al. (2008) framework involves scales or dimensions including “spatial, temporal, and behavioral”, where “spatial” consists of two variables, “extent” and “grain”, where the “extent is the absolute size of the study area or landscape, and grain is the absolute size of the smallest unit” (Heilen, 2005; Heilen et al. 2008:603). The “temporal” scale, considering archaeological phenomena, is understood in terms of “span”, the absolute time, and “interval” the smallest unit of time (Heilen et al. 2008:603). The last scale or dimension is split up into “interactions, activities, and behavioral systems” (Heilen et al. 2008:604). “Interactions” are the smallest

behavioral scale referring to interactions between people and materials, "...activities are at a slightly larger scale and consist of a finite number of interactions", and "behavioral systems" are networks of activities, all of which "...occur on the landscape and modify landscapes in systemic contexts" (Heilen et al. 2008:604). As the name of this approach implies, it emphasizes observable and measurable behavior within abstracted space rather than meaningfully constituted action.

Since the 1990s, Geographical Information System (GIS) technology has revolutionized the documentation and analysis of spatially distributed information in landscape studies. GIS technology can serve landscape archaeology by linking digitized maps and other geographical information with tools that generate quantitative results and provide qualitative graphical interfaces that permit predictive modeling, three-dimensional landscape models, view shed analyses and other analytical functions. This allows for operationalization of an array of theoretical themes within landscape archaeology (Chapman, 2006:129):

1. "As a set of relationships between named locales.
2. To be experienced and known through the movement of the human body in space and through time.
3. As a primary medium of socialization.
4. Creating 'self-identity' by controlling knowledge and thereby influencing power structures."

Geographical Information Systems tend to work in service of a western scientific paradigm, with its concern for quantification and analysis of relationships between variables, but has also been used to good effect by indigenous groups to document their traditional land-use patterns. Chapman claims that GIS is well suited for exploring and using these theoretical approaches in a quantitative way (Chapman, 2006:130). The Confederated and Salish and Kootenai Tribes have been successful in the use of GIS in their placename project combining their values to interpret and preserve the landscape (Martin, 2001:40).

As mentioned, landscape archaeology can be described as drawing from multiple disciplines such as geography, ecology, anthropology and placename studies. As Darville (2002) points out, a number of theoretical approaches have used landscape archaeological practice. There are two main areas of study, the first being descriptive, mapping archaeological features to give a wide area shot of the landscape patterns and arrangements. The second is an

interpretive approach that focuses on the social use of space together with comprehension and engagement with the world. Using the application of phenomenology as a framework the focus and interest has become more on much larger areas comprised of single sites rather than single defined sites (Darville, 2002:220-221).

In the 1990s landscape archaeology began to be influenced by other theoretical approaches prominent in post-processual archaeology such as structuralism, post-structuralism, and phenomenology leading to less emphasis on economic and functional views and more of a focus on “attempts to understand the ways in which natural and architectural features were experienced by humans in the past and how modification of the landscape can be interpreted as a reflection of cognitive processes” (Shaw and Jameson, 1999:351). Hollenback (2010:187) states that the impact of post-processualism on landscape studies has diversified, presenting research combining landscape with ideology, identity, ethnicity, and symbolism.

Tilley (2010) gives an explanation of the phenomenological perspective which looks at how one gains knowledge of landscapes. The phenomenological landscape approach has recognized that landscapes are “fundamental for human existence” and “...the physicality of landscapes acts as a ground for all thought and social interaction” (Tilley, 2010:26). Tilley (2010:26) says that “...the physicality of landscapes grounds and orientates people and places within them; it is a physical and sensory resource for living and the social and symbolic construction of life-worlds.” Tilley states that knowledge of landscapes is gained through a “...perceptual experience of them from the point of view of the subject...”, reciting experiences with a “...rich or thick description...” involving participant observation and immersion from the inside and which may be contrasted with an outside perspective gained from a multitude of qualitative and quantitative research such as texts, mapping and statistics (Tilley, 2010:25). Such approaches can be based on the researcher’s projection of their own subjective experience into the past (Tilley’s) or on the use of ethno-archaeological or ethnographic analogies.

Chapman (2006:20) categorizes this post-processual trend as *Theoretical*, in contrast to scientific. This trend reflects a more humanistic view of the archaeological record and has become its own discipline applied to landscape archaeology. The central tenet of this approach is “the presumption that landscapes are imbued with meaning, and that this meaning transcends economics and filters into all activities” (Chapman, 2006:20). Now landscapes can be viewed as “interactive platforms for human experience”, and through interaction with the

landscape it is constantly changing and altering the relationships between it and the people who interact with it (Chapman, 2006:18-20).

In the aftermath of the processual/post-processual debates, a range of eclectic landscape approaches have been discussed, which feature various combinations of behavioral and actor-oriented perspectives. Anschuetz et al. (2001:160) define a paradigm as “a set of working assumptions, procedures, and findings that define a pattern of inquiry about the nature of our knowledge of the world or some aspect of the world.” They consider a landscape paradigm to be a construct paradigm that methodologically is a “system of strategies and tools for approaching particular kinds of scientific inquiry as well as interpreting what they do”, and where they say “In this capacity, a landscape paradigm is defined more by what it does than what it is (Anschuetz et al. 2001:160).”

Anschuetz, Wilshusen, & Scheick (2001) examine the issue of, what are landscapes, how are landscapes relevant to help build an understanding of cultural processes, and how a relationship between nature and culture can be used to transform physical places into meaningful spaces. The landscape paradigm is explained in Anschuetz, Wilshusen & Scheick (2001:160-61):

1. “Landscapes are not synonymous with natural environments, they are synthetic with culture systems structuring and organizing peoples’ interactions with their natural environments.” Landscapes recognize the subjective human experience and its relationship with the external world.
2. Landscapes are worlds of cultural product, and “through their daily activities, beliefs and values communities transform physical spaces into meaningful places.” Landscape is not the world we see but the construction or composition of that world. Landscapes represent a way in which people signify themselves and their world through their relationship with the environment, and “...communicating their social role with respect to the external environment.”
3. “Landscapes are the arenas for all culture activities...” they are the constructs of human populations, a patterning for all relationships within a place and between place contexts. “Observable patterns of both material traces and empty spaces come from interactions between culturally organized dimensions and non-culturally organized resources and life-space distributions. With landscapes organizing perception and action, economy, society, and ideation are not only interconnected but they also are interdependent.”
4. “Landscapes are dynamic constructions, with each community and each generation imposing its own cognitive map on an anthropogenic world of interconnected morphology, arrangement, and coherent meaning. Because landscapes embody fundamental organizing principles for the form and structure of peoples’ activities,

they serve both as a material construct that communicates information as a kind of historical text. Moreover, the landscape, as a system for manipulating meaningful symbols in human actions and their material by-products, and helps to define customary patterned relationships among varied information. Processes of behavioral change across space and over time necessarily result in an ever-changing landscape. Thus landscape is a cultural process.”

Within the behavioral archaeological approach Whittlesey (1998) considers a holistic anthropology of place where in cultural anthropology “...landscapes are approached through an analysis of cognition and symbols”, and where the social construction of the environment and landscape is integral to the approach (Whittlesey, 1998a:20). Whittlesey (1998a:21) argues there are different conceptions of space in holistic anthropology of place, and that space “...does not and cannot exist apart from the events and activities within which it is implicated”, and to fully investigate cultural landscapes, “...archaeologists must study both the physicality and social meanings of these phenomena.” Whittlesey (2003:13) says “...a cultural landscape is not only created by people, it is one created by *culture*... It is the result of people living with the physical and biological environments, interacting with them and modifying them in a myriad of ways, and modeling worldview, ideology, and cognition upon the land.” Whittlesey goes on to say (2003:14) that cultural landscapes “...do not exist outside the mental templates societies use to understand them”, Cultures are contextualized and realized within a physical world, and landscapes are shaped by human thought and action. Whittlesey (1998a:24-26) considers the individual life history of different landscapes in the formal, historical, and relational dimensions. The *formal dimension* involves the modifications made by human activities such as living spaces and ceremonial structures, or natural elements on the landscape used by people; the *historical dimension* “...which allows for the transformation of landscapes to be identified” including both human and environmental processes and best explored using the life history model; and finally the *relational dimension* composed of links between humans and the land, the organization of landscapes relative to different elements such as features, sites and regions. Whittlesey (1998a:26) argues that the best source of evidence for the landscapes historical dimension is oral history, and “...changes in the formal and relational dimensions of a landscape allow for the reconstruction of landscape histories.”

2.1.3 Indigenous Perspective

An indigenous perspective of the landscape can be expressed in many ways. Many researchers have articulated differences in worldviews between western scientific and indigenous communities as indigenous knowledge and alternative ways of knowing. It wouldn't be a stretch to say that indigenous peoples are somewhat defined by their worldview. Equally one could postulate that ways of knowing are fostered within ones communal landscape and directly influences the way in which people view their world and interact with it.

Suagee (1982:9-10), suggests that differences in religions point to differences in belief systems. Western religions are seen as “commemorative” because they trace their origins to a specific person or event such as Jesus and Mohammed, and tribal religions are described as “...continuing because they are a continuing process of creation” (Suagee, 1982:10). An appreciation and concern for the natural world Suagee (1982:10) says “...can be seen as one of the most significant common attributes of the different tribal religions – they share the realization that human existence is not possible without the natural environment, that the survival of human beings depends upon the survival of other living things.” Rituals come from an appreciation of mother earth as a living entity and giver of life. Suagee says (1982:10) “...there is an element of stewardship in the performance of such rituals because they are seen as necessary to ensure that the plants, animals, birds, and fish will continue to flourish and make themselves available for human needs...”, and “...the correct performance of these rituals requires the use of sacred objects made from sacred plants, animals, and minerals.” The manner of rituals and ceremonies often are strictly prescribed for the place and time in which they are performed (Suagee, 1982:10). Harris (2010:63) suggests that although there are many manifestations of indigenous cultures, “...there are surprising similarities in worldview, enough so that it is possible to contrast Indigenous worldview with Western worldview.” Harris (2010:63) quotes Gregory Cajete, an indigenous educator as saying, “...there are elemental understandings held in common by all...derived from a similar understanding and orientation to life...”, and “...cosmologies differed from tribe to tribe, but the basic belief was constant.” Harris (2010:64) reiterates the animation of indigenous ways of seeing as a fundamental equality where western scientific thought rejects this, placing humans at the top of an evolutionary existence and religiously western tradition expressively places humans as having dominion over the earth. Holistically indigenous peoples are

“...characterized by their conceptions of the inter-connectedness of all life; perpetual movement of all through space and time; connection between the past, present, and future; and life and death as aspects of the same thing” (Harris, 2010:64).

Historical archaeologists have been interested in how sites (places) and surrounding areas might reveal “Native peoples constructions of particular localities from perception and experience” (Rubertone, 2000:436). Rubertone (2000:436) explains that landscape research has revealed cultural differences of space and a better understanding of “...the role of place in Native peoples’ lives...”, and that “...the insights gained about native landscapes as active and animated places steeped in names, memories, and routines have shed considerable light on why relationships to ancestral homelands have remained important.”

Zedeno (2000:98) has developed a landscape framework that draws upon both western scientific and indigenous understandings. For Zedeno, understanding lived in environments involves exploring the sequence of interactions that, (a) “transform a place or a localized resource into a category of material culture” called a “*landmark*”, and (b) “link single landmarks into an integrated network or *landscape*.” Zedeno however distinguishes between two approaches for describing and explaining landscapes “space-bound” which she says originates in a western conceptions of land tenure and “...where a researcher delimits an arbitrary space for the study and then focuses on what is inside those arbitrary boundaries”, and “place-bound” approach which “...focuses instead on one object, then progressively describes its relationship with other objects”, she adopts the last approach (Zedeno et al. 1997; Zedeno 2000:106). Zedeno also makes use of analytical units such as “*space*” which involve a “discrete locus of human behavior or discrete locus of human--land interactions” (Zedeno et al. 1997:125; Zedeno 2000:106). “*Landmarks*” are locations markers where interactions and activities occurred, they can be altered or modified features, and remains a place of influence for later peoples (Zedeno et al. 1997:125). “*Territory*” is the “...total bounded space, wherein a broad range of human-land interactions takes place through time” (Zedeno, 2000:107). Finally, the largest unit of analysis in behavioral cartography is the landscape itself consisting of “...the web of interactions between people and landmarks” (Zedeno, 2000:107). Like Whittlesey (1998a) Zedeno (1997, 2000) uses two tools from behavioral archaeology, to “...understand how people transform spaces and places into culturally meaningful nodes on the landscape, connected through networks of behavior and meaning.” Zedeno (et al. 1997:126) also makes use of the three dimensions of landscape within her framework. For

Zedeno (et al. 1997:126) the “*formal dimension* refers to attributes of landmarks, such as size, color, and location”; the “*relational dimension* is conceived as the interactive links (e.g., economic, social, and ritual) that connect landmarks to one another through the movement of people”; and finally “...the *historical dimension* consists of the sequential links that result from the successive uses of places.” The life history model refers to landscapes and everything occupying them as having life histories where developments result from human environmental interaction and landscapes go through cycles of change and transformation (Zedeno, 1997:126).

2.2 Conclusion

This chapter has charted the development of landscape perspectives in general, and in archaeology in particular. In the context of both western scientific and indigenous modes of thought, I view a “perspective” as the totality of understanding. Landscape understanding refers to the way each mode comprehends, identifies, and prescribes meaning to and within the landscape. Landscape meanings can be the actual meaning a landscape or cultural property invokes for an actor directly experiencing the landscape, such as symbolic or spiritual meaning, or they can be meanings an actor extends to others, such as passing of oral tradition, knowledge or information. In the context of a mode of understanding, a landscape perspective encompasses every aspect of its origin, influence, and practice, which is the perspective of each mode in its totality.

According to Anschuetz et al. (2001), today archaeologists instead of just viewing landscape as a backdrop for cultures material traces, are using landscape in the forefront of their studies but have trouble with any acceptable definition of landscape and how to use it, and deal with a multiplicity of meanings for landscape (Anschuetz et al., 2001:157-58). The critique here is that “the abundance of terminologies and approaches that raises concerns over the usefulness of landscape concepts in archaeology today is not simply the result of inappropriate borrowing of a singular well-developed idea from another discipline. At issue today, just as it has been more than a century, is the fundamental nature of the relationships between people and the spaces they occupy” (Anschuetz et al., 2001:158). The authors contend that the landscape idea is compatible with social sciences and archaeology and can begin to be defined and applied to the landscape approach, and agree that a common terminology is needed for a “pattern which connects” human behavior and place and time, suggesting settlement ecology,

ritual landscapes and ethnic landscapes as a landscape paradigm connecting archaeologists and traditional communities (Anschuetz et al., 2001:157).

How the landscape perspective can play an important role in resolving conflicts in CRM is discussed in the chapter 3, and chapter 5 analyses and conclusion.

3. Introduction: Clarifying Perspectives & Understanding

This chapter focuses on clarifying what constitutes or defines the two models proposed: (a) a western scientific perspective and (b) an indigenous methodological perspective, both in terms of their relationship to general archaeological perspectives and practice and more specifically within the practice and policy of CRM. The aim of this chapter is to illustrate how these two modes of understanding play out in the practice of Cultural Resource Management (CRM) and Section 106 compliance towards the assessment of significance of traditional cultural properties. An historical overview charts the developing relationship between the United States nation state, archaeology, and Indigenous peoples. In so doing it illustrates the misconceptions of indigenous peoples that became established in the western world, and points to the exclusion of indigenous peoples from archaeological practice and CRM. A historical and contemporary review of general archaeological implementation of CRM policy and practice will help to clarify the mode of a western scientific perspective. The critical response to this policy and practice on the part of indigenous peoples then forms the basis for an indigenous methodological perspective.

The remainder of the chapter focuses on the integration of landscape meanings within western scientific and indigenous CRM. *How do the respective landscape understandings of western scientific and indigenous methodological perspectives play out in the management practice of CRM, specifically with respect to determination of the significance and integrity of traditional cultural properties (TCPs), and consultation?* I am particularly interested in how indigenous landscape understandings can contribute to the consultative process spelled out in Section 106 of the National Historical Preservation Act.

3.1 The Development of Archaeological Practice & Theory

One could contend that the way in which we interpret archaeological remains can be highly subjective. In the same sense it could be said that archaeological research can be influenced by a variety of different factors. The positivistic view can be said to have a scientific approach to the study of archaeology where as long as the data is adequate and available, and data analysis is approached using proper scientific methods, than the validity of the results and conclusions would be independent from the researchers prejudices or personnel beliefs (Trigger, 1996:17). This, however, does not characterize or represent the views of all

archaeologists, as in fact some believe there is very little that separates the researcher and subjective interpretations in archaeological analysis (Trigger, 1996:17).

Early Archaeology in the United States has its roots situated within a colonial setting; Trigger (1996:114) states, “The study of the past in colonial settings has always been a highly ideological activity that most often seeks to justify the seizure of land and the exploitation of indigenous peoples.” Early questions regarding indigenous peoples centered on their origins, which often grouped them with foreign peoples or lost tribes which represented the pretensions or ethnocentricities of European settlers (Trigger, 1996:115). The classification by Europeans of indigenous peoples as savages had religious overtones which allowed for the justification and exploitation by early colonists, however later there was recognition of the theory by the Jesuit priest Jose de Acosta (1539-1600) that Indians had come to North America by way of Siberia (Trigger, 1996:115-16). Early evolutionists and proto-evolutionists looked at indigenous peoples within theological terms as the “childhood of all humanity” and their perception of indigenous inferiority gave ground for theories that related climatic conditions to differences in customs and achievements (Trigger, 1996:116).

In the late 18th century archaeology was not of much interest although in 1784 Thomas Jefferson carried out a systematic excavation of an Indian burial mound which he idealized would contribute to transforming prehistoric peoples from Indians to First Americans, and thereby to symbols of the new country (Trigger, 1996:117). Neumann et al. (2010:4), relate three episodes that were governmentally driven that resulted in fundamental change in how archaeology was done. The first episode came as a congressional mandate instructing the Smithsonian Institute to solve the mound builder problem, sparking revisions in excavation methods in problem oriented archaeology for a half century (King, 2010:4). The mystery of the mound builders at times has been controversial, where early on interpretations of the mound builders were characterized by grand ideas that the builders must be more intelligent than Indians and therefore must be a lost race of civilized people (Trigger, 1996:160). The idea of an advanced civilization and its demise is a point in contention early on, giving very little credit to the indigenous inhabitants, a point Rob Mann (2005:1-10) makes clear and which he takes further by pointing out that these early narratives shaped how archaeologists interpreted the archaeological record. Kornfeld (1995:290-291) says that during the early years of the republic it was important to provide a perception that served the purposes of its

creators and which observed several persistent practices that characterized white interpretation of Native Americans or Indians:

- Generalizing from one tribe's society and culture to all Indians.
- Conceiving of Indians in terms of their deficiencies according to white ideals rather than in terms of their own various cultures.
- The use of moral evaluation as description of Indians.

Ferguson (1996:64) reiterates that the practice of archaeology occurs within a social context in which “interpretations of the archaeological record” will be used for political purposes and where early archaeology in America was a colonialist pursuit. Believing that Indians had no capacity for development, the interpretations of the archaeological record served the purposes of the nation state (Ferguson, 1996:64). Archaeological theory in the 19th century began to take a stance that supported the social context of superiority through theories of unilinear evolution which “...characterized Indian societies as static cultures at a relatively primitive stage of development compared with European civilizations” (Ferguson, 1996:64). The fundamental premise of unilinear evolution is that a ranking of modern cultures from the simplest to the most complex could be used to model prehistoric cultural stages from which the most advanced cultures had developed (Trigger 1996:166). By the 1840s separate branches of anthropology had been developed including archaeology, linguistics, ethnology, and physical anthropology which were identified as the study of American indigenous peoples (Trigger, 1996:166). Indigenous peoples had two choices under evolutionist ideas, die out or adapt. Those that were doomed for extinction were regarded as changeless in quality and static by nature, and any change was attributed to a “...processes other than creativity in indigenous cultures” (Trigger, 1996:177). Ferguson (1996:65) refers to it as the “Vanishing Red Man” theory that influenced government policy justifying the forced relocation and establishment of reservations now characterized as genocide.

In the late 19th and early 20th centuries American archaeology was concerned with manufacture and use of artifacts (Little, 2007:10). Culture historical archaeology gained recognition in the late 19th century due to little faith in technological progress and awareness in geographical variability during a time when cultural evolution was being challenged (Trigger, 1996:211). Human history became central to new developments in nationalism, and ethnicity presented an opportunity to exploit racial tendencies as factors in shaping human

history (Trigger, 1996:211). By the 1880s, ideas of diffusion and migration began to gain popularity and led to the rejection of evolutionism (Trigger, 1996:217).

By 1910, as a response to a growing understanding of the archaeological record the cultural historical approach was incorporated to take on new social problems such as assimilation of indigenous peoples, which were being defined in cultural terms (Trigger, 1996:278). The popularity of Boasian anthropology was characterized by its use of ethnographic culture as a basic unit of study and viewed diffusion as the major cause of culture change (Trigger, 1996:279). At this time archaeological research began to reveal more complexity in indigenous cultures. These complexities included temporal evidence of something other than replacement theory, and evidence for an existence on the continent that extended much further in prehistory than previously thought (Trigger, 1996:279). Chronology became an ever important aspect of culture change and artifact assemblages became indicators of cultural group distinctions (Trigger, 1996:279). Culture History developed under the tutelage of Nels C. Nelson and Alfred Kidder, both of whom viewed excavation methodologically and stratigraphic work as significant in the interpretation of culture historical archaeology (Trigger, 1996:280-81). Although culture history has had trouble balancing ethnographic data and the excavation of archaeological remains, the larger problem became the difficulties in interpreting prehistoric phases (Rubertone, 2000:427). Rubertone (2000:427) says the consequence of this reconstructive approach was that historical sites were only used to gain a backwards glance at earlier ones and minimized the struggles of historic post-contact America, stating: “By diminishing archaeology’s relevance to contributing information that might lead to alternative understandings of Native Americans in the postcontact (sic) period, the direct-historical approach underscored the widely accepted opinion that European contact signaled the inevitable demise and eventual disappearance of native cultures.”

Kidder continued with a chronological approach to culture history presenting his work on Southwest archaeology at the first Pecos Conference in 1927, in which he presented his classification of Pueblo peoples (Trigger, 1996:282). Kidder’s approach viewed cultures as a collection of traits accumulated from random patterns of diffusion, and he rejected the use of integrated systems, functional traits, ecological significance, and human behavior was not included in the explanation of his collective traits (Trigger, 1996:283). Finally Trigger states that by and large, “interpretations of archaeological data during the culture-historical period were characterized by a lack of will to discover, or even to search for, any overall pattern to

North American prehistory” (Trigger, 1996:288). This period in Archaeology can be characterized by excavation of archaeological remains, its use of ethnographic units (tribes), and cultural traits and chronology as indicators of culture change; one could argue that what is missing is the presence of the indigenous peoples.

Artifacts were not the only interest of archaeologists during this period, floral and faunal data were obtained for evidence of subsistence, and skeletal remains were used to pattern physical traits of site occupants (Trigger, 1996:301). During the economic depression of the 1930s surplus money became available as relief and was distributed through park services, museums and universities to be used primarily in salvage archaeology in preparation of hydroelectric projects (Trigger, 1996; 301). Neumann et al. (2010:5) say that this is the second major episode of governmental involvement in archaeological practice, also known as the “New Deal” programs and the Works Progress Administration (WPA) from 1935 to 1943, and the Missouri River Basin Survey from 1945 to 1969. They go on to say that this period had much influence in modern archaeological research and cultural resource management that was problem oriented, resulting in processed and analyzed collections, and a generated final research report (Neumann, et al., 2010:4).

As the inadequacies of culture-historical archaeology became apparent new approaches in what is known as functional-processual archaeology gained interest. Culture-historical studies often tried to explain changes from the outside, attributing them to diffusion and migration where functional and processual studies “try to understand social and cultural systems from the inside by determining how different parts of these systems are interrelated and how these parts interact with one another” (Trigger, 1996:314). Ferguson (1996:65) says the processual archaeology that developed in the 1960s and 1970s “...focused explanations of change in Native American societies on internal sociocultural developments and ecological variables.” Neo-evolutionism began as a response to a resurgence in cultural evolutionism, and which considered that “Boasian anthropology could not adequately explain culture changes” (Trigger, 1996:387). Behavioral archaeology, which began as an outgrowth of “new” or processual archaeology in the 1970s agreed with processualists that archaeology needed to become more scientific and generate their own theories, models, and laws through the use of experimental research, ethno-archaeology, and the archaeological record (Schiffer, 2010:5). Processualism, championed by Lewis Binford, sought to answer more complex questions about the past believing that truth or fact in archaeology research was less definite and that

teasing this information from data collection was equally challenging (King, 2005:31). Processual archaeology saw a need to become more scientific and attempted to answer larger complex questions about the past using theory and data analysis to test hypotheses (King, 2005:30). Processualism was thus marked by a commitment to logical positivism. This approach continued into the 1970s and 1980s.

Post-processual archaeology of the 1980s and 1990s was challenged with rediscovering the concept of culture which looked at cross-cultural variation in human beliefs and behavior (Trigger, 1996:444). Intellectual movements of the time included Marxism and postmodernism, but positivism was disapproved of because it accepted "...only what can be sensed, tested, and predicted as knowable", and "...seeks to produce technical knowledge that will facilitate the exploitation of commoners by oppressive elites" (Trigger, 1996:452). Trigger (1996:452) says archaeologists like Ian Hodder "maintained that archaeologists had no moral right to interpret the prehistory of other peoples and their main duty should be to provide individuals with the means to construct their own views of the past." The Post-Processual movement therefore asserted an anti-positivist, more relativist view of knowledge construction and promoted a more pluralistic and multi-vocal archaeology.

Thus, Ethnocentric perceptions of indigenous peoples have been apparent throughout the history of archaeology, and have been paralleled by minimal participation and contributions of indigenous peoples in the practice of archaeology. The practices and perceptions of a western scientific approach have been intertwined with subjective interpretations and political and social stigma, including a perception of indigenous peoples as inferior. The opening up of archaeology in recent years to more pluralistic views has included the claim by indigenous peoples that they can contribute to archaeological understanding and furthermore that they have a right to assert control over their own cultural heritage. These claims are part of the process of decolonizing archaeology.

3.2 Cultural Resource Management Policy & Practice: Origins & Influences

Because the practice of archaeology is complex in its many perspectives and approaches, the policies and practice of Cultural Resource Management (CRM) is utilized as a major analytical component that helps provide context for the larger issues of inclusion, participation and contributions of indigenous peoples to archaeological understanding. The origins of CRM are presented because it provides a perspective on a federally mandated

professional archaeological commitment that has been questioned by indigenous communities as to its treatment of archaeological remains, their interpretation and a disregard for indigenous preservation concerns. Because the realm of CRM has a legislative history of policy and practice of law, it offers an avenue to address the issue of participation in drafting policy and practice, and whether CRM policy and practice is sufficient in accounting for indigenous perspectives and preservation concerns.

During the middle of the 1960s CRM did not exist; the management of archaeological resources was left up to academics in a university or museum setting. With the passage of the 1966 National Historic Preservation Act the field of CRM was born (Neumann et al., 2010:16). Early CRM started specifically based on a single congressional mandate instructing the Smithsonian Institute to investigate the “mound builder origins” (Neumann et al., 2010:4). Because the Moundbuilders were thought to be descendants of Euro-Americans, interest in determining whether there were prehistoric ties fueled a national ancestry debate (Neumann et al., 2010:3-4). Fagan (1997), and Kohl and Fawcett (1996) have said National identity plays a key role in archaeology (Neumann, et al., 2010:3). Other major incidents have also contributed to the beginning of public archaeology and CRM. The purchase of the first president George Washington’s residence by the Mount Vernon Ladies’ Association of the Union was for the purpose of preservation and to uphold its social importance as an element in the nation’s emergence and identity (Neumann, et al., 2010:5). A major incident that resulted in cultural resource legislation was a Supreme Court ruling that prevented a railroad from cutting through the Gettysburg Battlefield from the American Civil War. The ruling was significant because it supported a path through which the powers of eminent domain were used to secure lands from private owners for the purpose of preservation and the establishment of national parks (Neumann, et al., 2010:6). Neumann et al. (2010:6) note that these events helped establish three criteria which determine whether a site is worthy of preservation, the first is buildings or structures related to important people in our history or important events transpired, and second is battlefields representing a space where an important event happened, even if the visible traces are no longer present (Neumann, et al., 2010:6). The third criterion represents what makes up most of today’s cultural resources, which are common archaeological sites defined by only traces of past human activities, including historic and prehistoric sites (Neumann, Sanford & Harry, 2010:6).

In 1889 a late prehistoric Pueblo ruin in Casa Grande Arizona (an architectural gem) was protected by legislation which addressed concerns over the preservation in the Southwest United States. It was sites like these that gave rise to the nations preservation concerns and inception that led to the drafting of the Antiquities Act of 1906 (Neumann, et al., 2010:6). The 1906 Antiquities Act established a basic federal policy that promoted resource protection on public lands (Green & Doershuk, 1998:123). Neumann et al. (2010:6) state that it provided protection of any object of antiquity on federal land, established regulations regarding disturbance of or damage, and authorized the president to designate National Monuments on Federal lands. Specifically it established permit requirements for archaeological investigations and excavations on federal lands, and required that damage or removal of archaeological resources was a criminal offense (Suagee, 1982:17). Fowler (1982:5) outlines the three major components:

- It established a permit system for the excavation of archaeological remains on public lands.
- It gave the President the authority to set aside as national monuments as cultural properties of national significance.
- It delegated rule-making authority to the secretaries of the Department of the Interior, Agriculture, and War.

Fowler (1982:5) makes a clear connection between national identity and government where he states “It has been a declared federal policy since 1935 that the preservation of the nation’s cultural resources is a public good to be sponsored and fostered by the federal government.” He also points out that up until 1935 earlier events such as the Moundbuilder controversy and battlefield preservation helped to shape the legal atmosphere. It was an 1896 United States Supreme Court hearing that upheld the use of eminent domain, the right of the state to expropriate land, and “established the preservation of cultural resources as an allowable federal activity” (Fowler, 1982:5). The court had also upheld that properties acquired through the process must have national significance, a ruling that Fowler (1982:5) says had implications in later federal legislation.

The next significant piece of legislation was the Historic Sites Act of 1935 which created Federal policy regarding historic structures, battlefields, and antiquities. Neumann et al. (2010:7) say the act as was a precursor to the 1966 National Historic Preservation Act, designed to preserve objects, buildings, sites, and antiquities of “national significance” by

declaring a national policy of preservation for the public use. For the first time the designation “uniqueness” is considered in determining a characteristic of significance as a preservation criteria (Neumann, et al., 2010:7). It also gave research authority of study projects in the hands of educational programs related to properties with potential national significance (Suagee, 1982:18). Under amendments in 1960 and 1974, the Historic Sites Act became responsible for reporting actions related to any federal undertaking that may cause irreparable loss or destruction of significant historical or archaeological data, and a provision that allocated money for salvage archaeological projects (Suagee, 1982:18). Fowler (1982:6) points out that the Historic site act had two important developments for the field of CRM, the first was that “the emphasis on *national* significance of cultural resources puts constraints on the kinds of cultural properties the government could acquire or protect”, and it “limited the assistance that the government could give to state, local or regional groups concerned with the preservation of resources of less than national significance.” Fowler goes on to say that the authority to conduct archaeological research in cooperative efforts with education and scientific institutions made it possible for the National Park Service after WW II to play an active role in the “reservoir salvage” programs of the 1940s and 1960s (Fowler, 1982:6).

Reservoir salvage existed under and was administered by the WPA. The Works Progress Administration was a depression era public works program that provided employment and was fostered by President Franklin D, Roosevelt’s New Deal programs (Neumann, et al.,2010:7). The term “WPA archaeology” has become synonymous with professional archaeology and the precursor of the National Historic Preservation Act. The WPA’s existence from 1935 through 1943 was driven by a need to jumpstart a nation out of the great depression and represented the first large scale interaction between the government and academic archaeology (Neumann, et al., 2010:7-8). Despite the contributions such as new standards in “professionalism and scientific measurement”, there are four aspects of WPA archaeology in particular that were concerns in the development of the CRM profession (Neumann, et al., 2010:8):

- A perception that government regulators and administrators imposed inappropriate bureaucratic expectations;
- the occasionally slovenly work that took place under deadline conditions;
- excavation for the sake of excavation and not for solution of research problems; and
- the lack of analysis and publication.

Neumann et al. (2010:8) also state that the American archaeology that came about in the 1960's and 1970's did so in response to these four aspects.

The Missouri Basin Project as part of the Smithsonian's River Basin Survey existed from 1945 to 1969 and would add to the emergence of professional archaeology at the national level (Neumann, et al., 2010:13). Professional archaeological groups such as the Society of American Archaeology became the committee overseers in the recovery of cultural remains and functioned as an advisory and lobbying group testifying formally before congressional committees, which worked informally to provide information to the public (Neumann, et al., 2010:13-14). With the legislation of the Federal-Aid Highway Act of 1956 and the Reservoir Salvage Act of 1960, provisions were designed for the recovery of archaeological site data for any federally sponsored land-altering activity that might destroy them, thus were precursors of the National Historic Preservation Act (Neumann, et al., 2010:14-15).

The National Historic Preservation Act enacted in 1966 mandated federal agencies to provide leadership in preserving significant historic and prehistoric resources (Suagee, 1982:19). Fowler (1982:7) says it increased the federal role in cultural preservation, and shifting away from cultural properties of national significance as the primary concern. The act established the Advisory Council on Historic Preservation (ACHP) and authorized the Secretary of the Interior to establish and expand the National Register of Historic Places (NRHP) (Suagee, 1982:19). The criteria for eligibility and nomination in the National Register of Historic Places are governed by the regulations issued by the National Park Service (NPS), and as amended to establish a grant program administered also by the National Park Service which developed administration positions like the State Historic Preservation Officer (Suagee, 1982:19). The National Historic Preservation Act required that federal agencies "consider the effects of their actions on any cultural resources including archaeological sites eligible for the listing on the National Register" (Neumann, et al., 2010:15). Neumann et al. (2010:16) say that a surge in legislation during the period of the 1960s and 1970s resulted in academic interest in many disciplines concerned with historic resources, but given that this process was driven by legislative mandates there was a substantial shift from academic archaeology to professional archaeology.

The National Environmental Policy Act (NEPA) of 1969 expanded upon Section 470f of the National Historic Preservation Act which takes into account effects of undertakings on cultural resources to assess potential impacts of federal projects to the "total environment,

natural and cultural”, and to consider alternative project proposals (Fowler, 1982: 8). The assessment of adverse effects on cultural resources provisioned for appropriate “mitigation measures” to avoid or lesson the impacts on all federal agency projects (Fowler, 1982:8).

The Archaeological Resource Protection Act (ARPA) of 1979 was brought about in response to the inadequacies of the 1906 Antiquities Act which was ineffective in protecting archaeological resources on public and Indian lands from, unauthorized investigation, removal, damage, and destruction (Suagee, 1982:24). At its basics it prohibited unauthorized archaeological activities, provided for penalties and provided for a permitting process (Suagee, 1982:24). It did however provide tribes the right to regulate the excavation or removal of archaeological resources on tribal lands, and provided a provision for adverse effects in federal undertakings (Suagee, 1982:25). The Archaeological Resource Protection Act interfaces with the National Historic Preservation Act like most current legislation effecting cultural resources however there may be slight differences where the National Historic Preservation Act becomes the primary ruling policy and others work within or alongside each other. In this case, the Archaeological Resource Protection Act is triggered by the presence of archaeological resources on public or Indian lands where a proposal to take an action that will affect resources is followed, and the National Historic Preservation Act is triggered by federal undertaking that may affect an historic property regardless of the land ownership where the resource is located (Suagee, 1982:26-27).

Fowler (1982:19) deals with the question of how CRM research is to be conducted and outlines four principle management considerations:

- The “conservation ethic” which holds that because cultural resources are non-renewable a portion of them should be conserved for the future rather than be used now, assuming that the future may provide new techniques, methods, or frames of reference which would increase the chances of recovering more information. The problematic aspect is which resources should be saved and which ones used.
- How the objectives of management and research can be reconciled and coordinated, which centers around whether data generated for planning and compliance purposes can be used for research purposes and if so, how?
- The third point relates to “significance” as used in the federal laws and regulations that structure much of the practice of CRM, which has become difficult when applied to archaeological resources.

- Finally, there is “quality control”, to ensure that the information generated is adequate for management and research purposes.

There are a few considerations to be made when dealing with the conservation ethic such as project design, time and cost, and the use of design alternatives that avoid or minimally damage cultural resources within the project area. This Ethic will be considered later in the indigenous perceptions of CRM and cultural resources.

Despite the demands of the conservation ethic, Green and Doershuk (1998:130) tell us of three benefits for CRM and archaeology: It forces archaeologists to cope theoretically and methodologically with unexplored and unexplained archaeological remains; promotes a scientific merging of historical and prehistoric archaeology; and stimulates archaeologists to probe the resource base in new and explicit ways for all possible dimensions of significance.

3.2.1 CRM & NHPA’s Section 106 Compliance & Review Process

Although it may be tough to see the scientific aspect of CRM research but as we know cultural properties must be managed by determining their eligibility for nomination to the National Register of Historic Places, where Elston (1992:38) states, “As fuzzy as National Register significance criteria are, they demand attention to the scientific value of cultural properties.” Of course these are precisely two areas in contention for tribes today and require attention in which I will come back to.

Early on the determinations of eligibility to the National Register of Historic Places were troublesome because of wording and “significance” criteria that seemed to exclude archaeological resources but included historic properties; prior to the 1980 amendments no specific scientific criteria are given (Fowler, 1982:25). Under the 1980 amendments two areas of significance are added: pre-historic, defined as “The scientific study of life and culture of indigenous peoples before the advent of written records”, and historic archaeology, defined as “The scientific study of life and culture in the New World after the advent of written records.” These statements add scientific considerations to the National Register criteria (Fowler, 1982:25). The debate and problem of satisfying both a “humanistic” and a “scientific” interpretation of significance can be evaluated in terms of usual National Register criteria of significance and how “scientific” relates to the total amount of information which can be gathered from the archaeological research design (Fowler, 1982:26).

Section 106 of the NHPA requires that a Federal Agencies involved in undertakings on federal lands must first take into account the effect that that activity will have on anything present that could be listed in the National Register of Historic Places (Neumann, et al., 2010:31). The lead agency issues the permits, or funds the project, and is responsible for ensuring that the Section 106 Process is followed (Neumann, et al., 2010:36). Decisions are made by the lead agency; they “determine the level of effort required to identify, evaluate, and—if there are National Register eligible properties—mitigate any adverse effects of the undertaking” (Neumann, et al., 2010:36). Although the lead agency has the final decision, the Section 106 Process is implemented to ensure that the viewpoints of others are considered and spelled out in the consultation process (Neumann, et al., 2010:36). Proposed actions or undertakings that require Section 106 review are as King explains (2005:89), “things that agencies are thinking about doing themselves, things they may help someone else do, and things they permit someone else to do.” Compliance requires the lead agency to follow the review process laid out in regulations issued by the Advisory Council on Historic Preservation (ACHP) and which oversees the Section 106 review (King, 2005:89).

Section 106 review Elston says (1992:38) is “tied to the size, complexity, and often, political sensitivity of the undertaking compelling it”, but he says “in every case Section 106 review demands some level of inventory, evaluation, assessment of effects, and consideration of adverse effects”, thus evaluating scientific values and developing research and project plans that “incorporate appropriate field and analytical methods.”

Before proceeding into significance criteria and integrity for the evaluation of cultural resources it is important to outline what is required by the Code of Federal Regulation 36 CFR 800 for federal compliance (King, 2005:90):

1. The lead agency must contact all interested parties who may be interested in the undertaking, such as the State Historic Preservation Office (SHPO), Tribal Historic Preservation Offices (SHPO), and other related agencies, as well as coordinate review with other laws such as the National Environmental Policy Act (NEPA). The SHPO must be notified because it administers federally assisted historic preservation activities in the state, and the SHPO does the same for tribes.
2. Must identify historic properties and effects on them, first by determining the *Area of Potential Effects* or APE, doing background research, and often field surveys and other studies. If historic properties are found that look like they may be eligible for the

National Register of Historic Places, they are evaluated using standards issued by the National Park Service.

3. If historic properties may be affected adversely by the action, further consultations are required with the SHPO, THPO, and other interested parties to try to find ways to “resolve” the adverse effects—perhaps by abandoning the action altogether, but more often by altering it somehow to reduce damage or by documenting whatever is significant about the property. Whatever is decided is formalized in a Memorandum of Agreement (MOA), and signed by the consulting parties.
4. Carrying out whatever is in the MOA is required. In rare cases, though, if agreements aren’t reached, the Advisory Council on Historic Preservation (ACHP) then “renders a comment” which advises the lead agency what it thinks they should do. The agency doesn’t have to do what the council says because the council is only considered advisory but must consider the council’s advice at a high level, explaining their line of action.

An important point to make is that listed historic properties and those that are eligible for the National Register of Historic Places are not always fully protected and can in fact still be destroyed, however the opportunity to collect sufficient information about the structure or site usually will be made before it is destroyed (Neumann, et al., 2010:36).

Neumann et al. (2010:41-43), give a more in depth account of the steps for Section 106, as required by 36 CFR 800.3-88-5:

1. The lead agency first needs to determine whether there is an undertaking and, if so, whether there is any chance it could affect historic properties. If there is no such chance, the process ends there.
2. If the undertaking has potential to cause effects, then the Agency needs to:
 - a. Identify the appropriate SHPO/THPO and other consulting parties;
 - b. Develop a plan to involve the public;
 - c. Review existing information on historic properties (properties eligible for National Register listing) potentially affected by the undertaking, as well as the likelihood of encountering unknown properties; and
 - d. Consult with the SHPO/THPO on other background information that may be needed.

3. Next, the agency develops the scope of identification efforts needed, which includes identifying the area of potential effects. *Indian Tribes or Native Hawai'ian organizations are to be contacted about possible properties of "religious or cultural significance," even if those are located off of tribal or native lands.*
4. If at this point it seems a good idea to physically check the project area, then the Federal Agency, in consultation with the SHPO/THPO, will "make reasonable and good faith effort to identify historic properties that may be affected by the undertaking" [36 CFR 800.4 (b)(1)]. For the practicing archaeologist, this would be part of the Phase I Identification process.
5. If cultural resources are identified in step 4, those properties are to be *evaluated by the Federal Agency in consultation with the SHPO/THPO, along with any Indian tribe or Native Hawai'ian organization that attaches religious or cultural significance to the resource, to see whether they are eligible for listing on the National Register.* This corresponds to an archaeological Phase II investigation.
6. If no cultural resources were identified during step 4, or if the cultural resources identified were not considered eligible for listing on the National Register in step 5, documentation of those results is given to the SHPO/THPO. The SHPO/THPO has the opportunity to agree or disagree.
7. If cultural resources eligible for listing on the National Register (that is, "historic properties" in Federal terminology) were identified during step 5, then the effects of the undertaking on the properties will be determined (that is, the Criteria of Adverse Effect [36 CFR 800.5 (a)] will be applied). The regulations provide procedures to help resolve differences in interpretation between the Agency, the SHPO/THPO, and other consulting parties [36 CFR 800.6].

There are two crucial aspects of the Section 106 process, consultation and significance of cultural resources. Because consultation is required by Section 106 [36 CFR 800.2 (c)] significance can be a bit more contentious, however there are guidelines for "significance" and "integrity" for evaluation criteria. There are five properties or cultural resource types used in determining eligibility for the National Register: objects, sites, buildings, structures and districts (NRB #16, 1995b:41-42).

The criteria for listing eligibility according to 36 CFR 60.4 are "the quality of significance", and "is the key concept in the application of Federal law to cultural resource assessment"

(Neumann, et al., 2010:32). The criteria for evaluation of significant historic properties state that “the quality of significance...is present if a property has integrity” and satisfies one of the following criteria (Neumann, et al., 2010:35):

- (a) association with events that have made a significant contribution to the broad patterns of our history; or
- (b) association with the lives of persons significant in our past; or
- (c) embodiment of distinctive characteristics of a type, period, or method of construction, or 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) has yielded, or is likely to yield, information important in prehistory.

To hold significance eligibility requires integrity to be significant in a historic property (Neumann, et al., 2010:35). Integrity requires that the condition of the property remain as “physically true as possible to the reasons why the property is eligible for listing”, such as in criterion (d) where integrity would require a site was sufficiently intact to recover relevant information to be eligible (Neumann, et al., 2010:35). In 36 CFR 60.4 the seven aspects of integrity are listed (National Park Service, 1995a): integrity of location, design, setting, materials, workmanship, feeling, and association.

3.2.2 Traditional Cultural Properties

Traditional cultural properties (TCPs) have been considered within the National Register Bulletin 38 where having “*traditional cultural significance*” can make traditional cultural properties eligible for inclusion in the National Register (NRB #38, 1998:1). “Traditional” refers to “those beliefs, customs, and practices of a living community of people that have been passed down through the generations, usually orally or through practice.” Culture as part of a traditional cultural property understanding is defined as “traditions, beliefs, practices, lifeways, arts, crafts, and social institutions of any community”, which included Indian tribes (NRB #38, 1998:1). A traditional cultural property, then, can be defined generally 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 (NRB #38, 1998:1). The evaluation process of a traditional cultural property is generally the same as for

other historic resources; the property must first be considered for nomination. Integrity is then considered under the earlier mentioned seven criteria in 36 CFR Part 60 (NRB #38, 1998:11). Two fundamental questions must be asked about integrity of relationship: *does the property have an integral relationship to traditional cultural practices or beliefs; and is the condition of the property such that the relevant relationships survive?* The next step would be to evaluate the property with respect to the National Register Criteria (36 CFR Part 60) applying criterion a-d to establish significance (NRB #38, 1998:12). Once National Register criteria have been determined not to exclude a property, moving forward with the registration and inclusion is possible.

3.3 Indigenous Perceptions in Archaeology and CRM

I have implied that a western scientific perspective and an indigenous methodological perspective, (a) and (b), are two modes of understanding. Each model of understanding is represented by their histories, political and social influences, schools of thought, and world views and ways of knowing, giving each their own perceptions. So far, I have focused on the CRM system as a form of scientific management. The next section, however, takes a look at the historical and current state of relationships between the archaeological field and indigenous peoples. Indigenous perceptions and mistrust of the scientific community can arguably be relative to the historical relationship endured in the historic period from European arrival to the present. It also could be said that the perceptions of indigenous peoples by European peoples can be considered to be a major contributor to the lack of inclusion and participation in the practice of archaeology and CRM. I am interested in this predicament and how indigenous perspectives in particular are under-represented in the practice of archaeology and CRM.

3.3.1 Historical Implications: Fostering Indigenous Perceptions

I have suggested that there are historical connections to indigenous perceptions towards archaeology. These histories are in a sense very much connected to the way we understand the very beginnings and current condition between western scientific and indigenous communities. Lippert (1997:121) says “The history of interaction between archaeologists and native peoples fuels much of the resentment many Indian people feel toward the discipline.” Early anthropology was focused on studying and recording as much about tribes as they could, based on an acceptable belief that the cultures were dying out. Native peoples found

this to be intrusive, and much of the ethnography and sacred knowledge was published without consent, giving native peoples the feeling they were used like specimens and not people (Lippert 1997:121). Referring to archaeologists Wobst (2005:27-28) states, "If we present Indigenous pasts only in reference to the material traces preserved in the ground, we miss the boat..." This is reflected in different archaeological strategies and reporting of research with no regard to intellectual ownership. The result of this is nothing new is learned about indigenous peoples because of the lack of meaningful interactions which ultimately results in a continuance of colonizing the past based on biased interpretations (Wobst, 2005:27-28).

Recently Native Americans have criticized archaeology as a western scientific tradition questioning why and how archaeology is conducted (Ferguson, 1996:63). Smith (2010:59) suggests that as the scientific tradition became secularized in its pursuits, the spiritual aspects of nature were diminished, where "scientists devoted their attention to identifying material principles and observable phenomenon", and "American archaeologists were trained to research for material 'proof'-- diagnostic samples of tools, pots, and other artefacts (sic), and detectable features, in the presumed absence of Native informants." Considering the legal, political, social and intellectual ramifications of restructuring this relationship, in terms of understanding it is important to provide an indigenous perception of the historical account. Ferguson (1996:64) considers this negative indigenous perception stating "Early archaeology in the Americas was essentially a colonialist endeavor, part of an intellectual development that occurred in many places where native populations were replaced or dominated by European colonists", and where "Native peoples were denigrated by a colonialist belief that native societies lacked the initiative and capacity for development." The kicker, Ferguson (1996:64) says is that "The interpretation of the archaeological record was inextricably linked to the political and cultural processes entailed in taking land from Native Americans for incorporation into expanding nation states." Unilinear evolution, touched upon in section 3.1, was seen as dehumanizing and objectifying towards the remains of ancestors used in craniology studies used to prove that Native Americans were racially inferior and naturally doomed for extinction (Ferguson, 1996:65).

Smith (2010:57) states that the development of scientific thought lies right beside the exploration, expansion, trade, and establishment of colonies contributing to colonization of indigenous peoples in the 18th and 19th centuries. She (2010:58) goes on to say, "The

production of knowledge” and “ideas about the nature of knowledge and the validity of specific forms of knowledge became as much commodities of colonial exploitation as other natural resources.” Smith (2010:60) reminds us that most traditional disciplines are rooted in cultural worldviews, and says this is why there is a belief that science is the “all embracing method for gaining an understanding of the world.” Harris (2010:66) has given this topic some attention suggesting that historically western generated knowledge is often seen as more valid quoting Vine Deloria as saying, “In America we have an entrenched state religion, and it is called science.” Harris (2010:67) states that western science is not the only method by which knowledge can be created, citing the knowledge of indigenous peoples who have tested methods in oral tradition passing on observations of phenomenon helping later generations to remember their importance.

A prevalent topic that has shaped the historical perceptions of indigenous peoples in archaeology and CRM is scientific authority over knowledge. It is common knowledge that indigenous peoples have lost much of their aboriginal territories, which put much of the responsibility for those lands under control of federal and state entities. Archaeologists and cultural resource managers have been given the responsibilities of management decisions over federal and state properties and the writing of historical accounts of Tribes. As a consequence, Smith (2005:59) says, field archaeologists “professing detachment from religious superstitions, took personal or institutional ownership of archaeological ‘finds’ – Native American Indian bodies, material remains, and cultural artefacts (sic) – as though they were inanimate scientific specimens.” Watkins (2010:153) tells us that Archaeologists, based on their credentials as scientists, have consistently considered themselves to be the authority in the interpretation of the archaeological record. This is based on their scientific training in theory and method which they consider best equips them for scientific research and an objective analysis (Watkins, 2010:153). As for authority over knowledge, Watkins (2010:153) says because science is socially accepted in formal education, “archaeologists are generally seen to possess knowledge that is somehow beyond the understanding of non-scientists; they are the keepers of that knowledge.” The Antiquities Act of 1906, although designed to protect archaeological and historic sites of public importance, “ultimately developed a permitting system that centered protection of the past within the scientific community rather than in the hands of those whose ancestors were responsible for its creation (Watkins, 2010:154).” In fact, until the passage of Archaeological Resource Protection Act in 1979, Native American tribes did not have explicit rights to participate in and regulate the excavation and removal of

archaeological remains. The Archaeological Resource Protection Act only gave those rights on tribal lands under their direct control and ownership (Watkins, 2010:154).

There are an abundance of archaeological examples that justify the reaction and perceptions of indigenous peoples when considering the historical implications of the current state of archaeological understanding. The removal of burial remains to the basements of museums and the destruction of cultural and spiritual sites in the United States are all highly emotional and culturally damaging points of contention. These types of issues can be considered the “how” part of the “how and why” archaeology is conducted. Archaeological care and destruction of resources is an area of deep contention amongst tribal peoples, considering the identification, evaluation, assessment, and treatment of archaeological sites and remains. This contention can be attributed to many differences between cultural traditions, schools of thought, worldviews, ways of knowing, and spirituality. It is difficult to pin down the *source* of contention although it is usually easy to identify the *object* of contention. Silliman et al. (2010:181) point out that a distinction in excavation methods and cultural concern for disturbance can only be explained by a difference in animate thought and understanding the nature of animate entities. Silliman et al. (2008:181) capture this sentiment in their description of an archaeological field school where the methodological implications could be felt from two different perspectives, where non-indigenous students perceived shovel testing as simply a sampling strategy in the excavation process, but for Eastern Pequot students every shovel pit was seen as a disturbance to their ancestral lands that needed an offering to honor the disturbance. Tsosie (1997:66) notes that although archaeologists research the past methodology of archaeologists in a Native American perspective is much more invasive. Tsosie (1997:66) goes on to say that archaeologists aren’t content just studying oral histories and they will often seek to excavate and gather the material remains of the past for lab analysis. Ultimately the values scientists seek to protect are those of “science” (Tsosie, 1997:66). From the indigenous perspective, the care and preservation of archaeological remains are related to a view of the past that is preserved in oral histories and ongoing ceremonial practices and beliefs (Tsosie, 1997:66). Many native people dispute scientific interpretations of their past and where they came from, their origin stories already tell them and the honor of their ancestors is respected regardless of the length of time between their passing (Tsosie, 1997:66).

The fact that there is an obvious separation in understanding between scientific and indigenous perspectives points to the subject of worldview and ways of knowing. It's not that the western world doesn't have an understanding of indigenous peoples and their ways of knowing, it's the fact that the differences are often exploited to serve a scientific or social purpose. Lippert (1997:121) says native perspectives on their own prehistory were dismissed as "myth and folklore, neither of which was as powerful as science." Indigenous ways of knowing and indigenous people's accounts of their own histories have drawn skepticism from western science. The foundations of Indigenous worldviews are based on a universe that is alive, has power, will and intelligence. "The dichotomy between animate and inanimate held in the Western worldview usually has little meaning in Indigenous ways of seeing" (Harris, 2010:63-64). This animation and spirituality requires an equality of all life between things breathing and not, from rocks to the smallest creature, nothing than is more important than another (Harris, 2010:64). Harris (2010:64) states that his is very different perspective from that of Western religions where dominion over the earth and a western scientific perspective of evolutionary biology place humans at the top of the evolutionary scale.

Harris says (2010:64), "These divergences in fundamental perceptions between archaeologists and Indigenous people can result in serious misunderstandings." This is evident in the fact that indigenous peoples embody a holistic view of life (Harris, 2010:64). Agrawal (1995:418) outlines three major themes that separate indigenous and western knowledge:

1. Substantive – there are differences in the subject matter and characteristics of indigenous vs. western knowledge;
2. methodological and epistemological – the two forms of knowledge employ different methods to investigative reality, and possess different worldviews; and
3. contextual – traditional and western knowledge differ because traditional knowledge is more deeply rooted in context.

If we are to get a sense of indigenous concerns and perceptions of western based knowledge and archaeological practice, than we must first acknowledge that both forms of knowledge have their influences and contexts and which have been at odds throughout the history of archaeological development in the United States. The animosity of Native American peoples has been focused on scientific authority that dehumanized Indian peoples as specimens, the interpretation of the archaeological record, the treatment of archaeological or cultural remains, and participation in archaeological investigation and practice. Much of the literature

highlights the dimension of worldviews and ways of knowing as a point of contention and contributor of hostility between Indian people and the scientific archaeological community. Under these conditions one could conclude that mutual understanding and partnership might be a daunting challenge. To understand the concerns of indigenous peoples within archaeological practice it is imperative we understand the past relationship between the two communities. This section was to present the historical predicament that has shaped the current condition and relationship between the western scientific community and indigenous people within archaeological practice.

3.3.2 Indigenous Peoples in Cultural Resource Management (CRM)

The historical relationship between indigenous peoples and the archaeological community has a parallel history within the professional realm of archaeology known as Cultural Resource Management (CRM). Although the practice of CRM is professionally and scientifically bound by the field of archaeology, the laws and practices that govern the practice of historic preservation present another dynamic which could be considered institutional scientific authority. Tsosie (1997:68), says, “The law as it relates to historical preservation and archaeological excavation has been consistent with the popular perception of Indian people as “historical resources” and as appropriate objects of scientific study.”

A critique by Tsosie (1997:68) of the Antiquities Act of 1906 which was intended to protect archaeological sites on federal and tribal lands, outlined how “dead Indians” were found on federal lands as “archaeological resources” and as “objects of historic or scientific interest”, and how these deceased persons were treated as “federal property”. The act gave authority under federal law to “disinter Indian bodies – provided that the necessary permits were secured – and deposit the bodies in permanent museum collections”, which resulted in at least 14,500 Native American bodies coming into the possession of various federal agencies. Tsosie (1997:68) says that it is important to recognize that the act “does not speak of tribal interests at all, nor does it give effect to tribal laws, customs, or beliefs as to the appropriate care of such sites”, and although the Archaeological Resource Protection Act has replaced it, “it does not represent a significant departure in terms of the values and interests it protects.”

The National Historic Preservation Act (NHPA) of 1966 serves as the basic charter for America’s historic preservation program, which gives authority to the federal government to preserve historic sites of public interest (Tsosie, 1997:71). Despite the mandates to establish

the National Register of Historic Places (NRHP), criteria for eligibility, and the Section 106 review process, it is important to note that it wasn't until 1992 that amendments clarified what a "traditional cultural property" was and included it as a category of historic and prehistoric eligibility (Tsosie, 1997:71). Amendments in the 1992 Section 101 of the NHPA require that Native American values be considered in the management of archaeological sites and historic properties which included sacred sites and natural resource collection areas (Ferguson, 1996:67). Under the amendments Native American sacred sites may be considered for eligibility in the National Register, which before was problematic because of the lack of direct evidence for human occupation, but moreover Section 106 mandated notice and consultation with tribes on proposed undertakings that might affect a sacred site eligible for listing in the National Register (Tsosie, 1997:72). Tsosie (1997:72) says despite the 1992 amendments to the National Historic Preservation Act there still are no guarantees of non-disturbance or damage to historic properties. In many cases the burden fell on tribes to "prove" that their ancestral sites were "worthy" of preservation often listing outside archaeologists as credible informants (Tsosie, 1997:72). Ferguson (1996:67) says that the management of Traditional Cultural Properties as historic sites created new issues for archaeologists in CRM, including the integration of ethnohistoric data in archaeological reports, and negotiations with tribes to maintain confidentiality of sensitive findings, materials and locations. These 1992 amendments allowed tribes to implement tribal historic preservation programs and assume management and compliance responsibilities over their lands which usually were exercised by State Historic Preservation Officers (Ferguson, 1996:67).

Elston (1992:38-39) states, "The degree to which a particular CRM study advances cultural resource management, or advances an intellectual contribution to archaeology, depends on well-defined management and scientific goals, good archaeological practice, and some means of monitoring and correcting performance." These goals, although important in the scientific approach, fail to recognize that these may not be the goals of tribes, and that through participation and consultation tribal concerns can then be recognized. Fuller (1997:184) considers this, suggesting that because professional archaeologists are trained scientists their body of data and theoretical position is scientific. Fuller (1997:184) suggests they fail to see, for example, a cultural landscape as other than a lithic site, which is evaluated as separate locations drawing little circles around features, whereas native people see the landscape as a link between the features within it, revealing the activity performed there, and scientific theory rejects human activity that cannot provide tangible evidence, and oral traditions are

often rejected because they aren't scientific. This has also created some controversy in the CRM world, where consultation and participation have been topics of discussion for indigenous communities and where Traditional Cultural Properties are in danger.

Because CRM can often be project driven consultation with tribes is important to avoid extra expenses in the event of an inadvertent discovery of cultural resources. As I have explained, the National Historic Preservation Act is mandated to consult on any federal undertaking that might affect tribal cultural resources (Swindler and Cohen, 1997:198). Because this thesis case study focuses on the process of consultation and the Section 106 process, it is important to give some attention to tribal concerns in this area. Federal undertakings can include strip mining, highway construction, reservoir development, and other similar actions (Suagee, 1982:54). Often the consultation process is affected by these activities and past relationships, but the "increased frequency of contact between archaeological professionals and the growing participation of Native American tribes in archaeological activities through the tribal consultation process have provided the basis for common ground." (Rice, 1997:219). Fowler (1999:29) reminds us that there are still problems today in consultation that are not a new occurrence but can be enhanced through better relationships with Native Americans. Consultation and consent must be considered on issues "affecting their inherent right to govern themselves and, more importantly, to determine the direction of their cultural and tribal identity" (Fowler, 1999:30). This gives tribes the capacity to identify and determine which sites are of cultural importance rather than having an outsider do it for them (Fowler, 1999:30). Fowler (1999:33) says, "Much of the legislation relevant to Native Americans for historic preservation today was passed because of bad policies, lack of communication, and insensitivity to the needs of Native Americans." For these reasons he recommends considerations in consultation with tribal representatives that account for these past transgressions (Fowler, 1999:33).

The identification, evaluation, assessment, and treatment of cultural resources may be the main areas tribal peoples are concerned about when considering past relationships in archaeological practice and the current practice of CRM. The lack of participation by indigenous peoples is equally apparent in the development of the laws and practices that govern CRM. Although the right to participate in CRM is guaranteed by the National Historic preservation Act, indigenous peoples are asking for the right to be consulted and to have their interests genuinely considered. The interests of individual tribal groups, given their individual

histories with archaeological practice and their own worldviews ultimately influence and determine the methodological approach taken. However the laws and practices of CRM are rigid enough that the requirements of CRM methodology in the protection of cultural resources, is ultimately determined by its principles of significance and integrity, which have been defined within a scientific framework. It is this process of evaluating significance and integrity where an indigenous methodological perspective has room to make a contribution. Consultation requires a mutual understanding that can only be accomplished by mutual interest and respect. Charles (1999:31) says this can be accomplished by incorporating positive attitudes, methods for communication, and the development of long term interactive communication through formal agreements or tribal resolutions. Consultation concerning significance and integrity of cultural resources can fruitfully be discussed by both archaeologists and indigenous communities within the framework of landscape understanding. I now turn to this connection.

3.4 Landscape and Cultural resource Management

The specific question for this section addresses landscape understandings in cultural resource management: *How do western scientific and indigenous methodological perspectives that incorporate landscape understandings play out in the management practice of CRM and Section 106 compliance towards the assessment of the significance and integrity of traditional cultural properties?*

Ashmore and Knapp (1999:9) provide terms and themes that recognize the cultural landscape in an emerging focus and practice of “cultural heritage” or CRM, where it “adopts concepts relating to tradition, memory and the cultural landscape in evaluating potentially significant sites.” Because there has been an urgency to identify, preserve and unify the study of unique “cultural” or “natural” landscapes, United Nations Educational, Scientific and Cultural Organization (UNESCO) has developed specific criteria for identifying three categories of the cultural landscape (Ashmore and Knapp, 1999:9):

- “Clearly defined” landscapes were “designed and created intentionally.” These include gardens and parklands, often associated with religious or other monumental structures.

- “Organically evolved” landscapes began as a particular socioeconomic, administrative or religious initiative which evolved subsequently in association with and response to the natural environment. Sub-categories include *relict* (or *fossil*) archaeological landscapes such as mines or quarries, or ancient agricultural complexes, and *continuing* landscapes.
- “Associative cultural” landscapes are identified by such features as sacred promontories, or “religious settlements in outstanding landscapes.”

Ashmore and Knapp however offer their own distinctions within their own three categories (1999:9) which they term constructive, conceptualized and ideational. These three categories are then considered within four themes in current archaeological study: landscape as memory, landscape as identity, landscape as social order, and landscape as transformation. The three categories are as follows (Ashmore and Knapp, 1999:10-13):

- *Constructed landscapes*, in general, mobile human groups create their landscapes by projecting ideas and emotions onto the world as they find it – on trails, views, campsites or other special places. Sedentary peoples, on the other hand, structure their landscapes more obtrusively, physically constructing gardens, houses, and villages on the land, often in the vicinity of notable natural landmarks. Contemporary beliefs, visions and myths can and often do lead to metaphorical and physical (re)construction of the archaeological record, and constructed landscapes are particularly susceptible to such “freezing” of meaning.
- *Conceptualized landscapes* offer a variety of images, which are interpreted and given meaning through localized social practices and experiences. These conceptualized landscapes are mediated through and to some extent constitutive of social processes, which in turn are integral to their reproduction as concepts.
- *Ideational landscapes* may provide moral messages, recount mythical histories, and record genealogies. Sacred or symbolic, it is an insider (emic) or outsider (etic) point of view.

The four themes are as follows (Ashmore and Knapp, 1999:13-19):

- *Landscape as memory*, landscape is often regarded as the materialization of memory, fixing social and individual histories in space.
- *Landscape as identity*, people recognize, inscribe, and collectively maintain certain places or regions in ritual, symbolic, or ceremonial terms; conversely, these places create and express sociocultural identity.
- *Landscape as social order*, just as landscape maps memory and declares identity, so too it offers a key to interpret society, where the land itself, as socially constitutes, plays a fundamental role in the ordering of cultural relations. And, as a community merges with its *habitus* through the actions and activities of its members, the landscape may become a key reference point for expressions of individual as well as group identity.
- *Landscape as transformation*, transformation of landscapes is often linked interpretively with cyclical time, and with the perpetuation or change of the social order, and in any society, individuals will, for their own reasons, locate themselves in different places, hold differing conceptions of the world and their place within it, and make differing demands on the world resulting in tension, contestation and transformation.

Landscape meanings offer a platform for CRM and indigenous peoples to engage with and interpret landscapes, and that complement existing laws and practices and Section 106 evaluation of significance. It also acts as a platform for consultation discussion, and interpretations of landscapes based on similarities in landscape understandings.

3.4.1 Landscape Understandings & CRMs Section 106

Now that I have established generally the way in which a western scientific and indigenous perspective views the landscape, the next step is to address how landscape understandings might play out in Section 106 evaluation and assessment of significance of traditional cultural properties. We know that the laws and practices of CRM within the National Historic Preservation Act and Section 106 are fairly rigid and are mostly determined by significance criteria. It also is fair to say that there are a variety of landscape meanings and understandings and it is apparent that landscapes have been the focus of considerable attention within the western scientific and indigenous communities. It is the goal of this section to uncover

barriers and conditions that prevent or support the incorporation of landscape understanding in Section 106 evaluation of significance.

Because Section 106 requires significance and integrity of historic properties for inclusion in the National Register, significance evaluation relies on credible research in which the burden of proof can often rely on the efforts of concerned parties such as tribes, but ultimately relies on a good faith effort to identify properties with potential for nomination in the National Register (Neumann, et al., 2010:93). Research methodologies seem to be an important tool for interpreting the credibility of significance in this process, so the potential of alternative research methodologies must be established as having value in identification, evaluation, assessment, and treatment of cultural properties.

As there are many archaeological avenues for scientific research, CRM has streamlined the process. Where methodology provides direction for the research process, room for interpretation of cultural properties can arguably be decided by the actual research itself. Providing an example seems to be the best way in which to illustrate the process of incorporating landscape understandings. The chapter 4 case study and analysis will carry the bulk of the illustration load, so here I will merely outline a hypothetical example.

3.4.2 Eligibility of Historic Structures & the NRHP: Hypothetical Scenario

The Section 106 evaluation process is outlined by the Secretary of the Interiors guidelines and is divided into three phases. Phase I is the identification of relevant cultural properties process, Phase II involves the evaluation of significance, and phase III deals with mitigation of adverse effects (Neumann et al, 2010). Although phase I is important in identification of cultural properties, it is phase II where significance is determined. It is necessary to point out that although phase I defines cultural properties as "...any location of prehistoric or historic occupation or activity", there is no actual or "...firm definition of what this actually constitutes" (Neumann et al.2010:129). Neumann et al. (2010:129) say the "...decision should be consistent with the needs and opinions of the state", and where "...more often, the state leaves this to the judgment of the archaeologist."

The criteria for Section 106 evaluation describe how properties are significant for their association with important events or persons, for their importance in design or construction, or for their information potential. The basis for judging a property's significance, and ultimately

its eligibility for the National Register is *historic context*. The use of historic context allows a property to be properly evaluated in a nearly infinite number of capacities. Within the scope of the historic context, the National Register Criteria define the kind of significance that the properties represent (Bulletin 15, 1995a). For a property to qualify for the National Register it must meet one of the National Register Criteria for Evaluation by being associated with an important historic context and retaining historic integrity of those features necessary to convey its significance. Categorizing the property must consider which prehistoric or historic contexts the property represents. The National Register Criteria for evaluation says the property must possess significance in American history, architecture, archaeology, engineering, or culture when evaluated within its historical context. These must be present in districts, sites, buildings, structures, and objects that possess integrity of location, design, setting, materials, workmanship, feeling, and association, and: Criteria for evaluation A, B, C, and D (Bulletin 15, 1995a). Criteria considerations are assessed once the criterion for evaluation has been established.

Rock cairns are strewn across the landscape marking trail systems, mountain tops, and even gravesites. They are not the typical structure one might expect would qualify as an historic property and they are troublesome in the application of National Register criteria. The background for this property is hypothetical although it represents the reality of evaluation. The rock cairn was identified on the initial survey and is located on a seemingly insignificant mountain top, endangered by a logging operation. The rock cairn is obviously human-related and appears to have been erected sometime in the prehistoric past. There are no written records describing it or that allude to its origins or importance. Initial notification of concerned parties has uncovered a tribal concern. The tribe is claiming that it is a significant piece of their prehistory, but this can be objectified only by tribal oral tradition. The tribe is claiming that the site has a direct connection to vision questing and while it has a long history it is still in contemporary use. Because this is a sacred site, its location is highly sensitive within the tribe and kept secret. The possible destruction of the site will affect tribal spirituality and pose a threat of lost cultural heritage. The evaluation proceeds as follows:

- The tribes are claiming that significance lies in the cultural category (a) for significance (i.e. associated with significant historical events) and also may have archaeological importance.

- The rock cairn is considered a site in property criteria and its integrity appears to be intact.
- Evaluation criteria are assessed although not considered under (a), (b), and (c), but criterion (d) has the most potential: has yielded, or is likely to yield, information important in prehistory or history.

Under Section 106 consultation the tribes are informed of the process and are asked to provide research that will support their claims. Because the site has no written history, oral tradition is not considered a valid source of historical background by the lead agency and the case proceeds as such.

Although this is only a hypothetical situation the problems associated with the process are apparent. First of all we can see differences considering the importance and value of the site that the evaluation criterion do not account for. In this scenario the tribes see this site as sacred and secret, whereas the laws and practices of CRM look at the site as insignificant by CRM standards of practice and lacking proof of recognizable or tangible significance. For the tribe the site is not a site at all, but rather an integral connection to the landscape, a place of meaning, and behaviorally significant in avoiding consequences in their spiritual lives. For the sake of argument, let us say that the Rock Cairn was the only visible marker of a battle in the Civil War, and which although there are not visible traces, there are written accounts of the historical event. Because the archaeological tradition has research extending throughout American history on battlefield significance, it now seems easy to substantiate given the values of why this site is important historically. Now significance has value in every category (a through d), and integrity is comparable given the site has not been disturbed.

This scenario has been presented to show the problems of evaluation when we consider research values and perspective. These problems are now considered in more detail.

3.4.3 Landscape Understandings & Section 106 Assessment of Significance

In Chapter 2 I established that a western scientific perspective, and in particular the behavioral approach, sees the landscape as space, more as an abstract dimension of human activities and quantified for analysis as scales, units, attributes, and spatial configurations of culture. Space is seen as existing side by side with the events and activities, the result of living

with the physical and biological environment, interaction with them, and modifying them based on their “worldview, ideology and cognition upon the land” (Whittlesey, 2003:13). Culture is seen as being contextualized and realized within the physical world and landscapes are a by-product of human thought and action (Whittlesey, 2003:14). In some ways this view compliments an indigenous view of the landscape, in which generally the landscape is seen as experienced and contextualized by humans, and as a social construction of meaningful places. Where nature and culture is concerned, however, western science and the behavioral landscape perspectives see them as independent dimensions. Indigenous peoples see nature and culture as interwoven and places are viewed as complex and interrelated rather than as measurable quantities. Sites are seen as places on the landscape and part of the holistic landscape rather than a point on a map.

The methodological approach can be discussed in terms of research values, or how we “see” and “do” things. Value is synonymous with “significance” in the practice of CRM and is viewed in terms of national heritage, whereas “significance” for indigenous peoples is often related to personnel and cultural histories. Value for indigenous peoples in most respects can also be equated with the identification, evaluation, assessment, and treatment of cultural resources. This includes methods of archaeological research, which in a western tradition might include survey, site identification, excavation, artifact procurement, artifact analysis, and report and research write-ups. Often, most concerns of indigenous peoples are centered on excavation methods where destruction and desecration of cultural resources can occur. This is problematic because indigenous peoples view cultural resources as sensitive, sacred and meaningful. Cultural resources are generally considered to be rooted within all aspects of existence. The requirements for navigating their existence are traditional knowledge, mutual respect, and meaningful interaction, all of which is consequential and determined by treatment of the landscape.

Let us now return to our hypothetical scenario and consider the significance criteria within an integrated perspective regarding behavioral archaeological and indigenous understanding of the landscape. The behavioral approach to landscape is used here to illustrate the possibilities of integration as it incorporates classic landscape meanings and incorporates a life history approach, conceptions of archaeological context and systemic context, and formation processes of the archaeological landscape (Schiffer, 2010:188).

The purpose of Phase II testing and evaluation “is to see whether archaeological sites identified during the Phase I survey satisfy criteria for listing in the National Register of Historic Places (36 CFR 60.4)”, and satisfy significance and integrity (Neumann, et al., 2010:135). The results of a phase II study are meant to evaluate relative background information in the determination of significance and eligibility for the National Register (Neumann, et al., 2010:135). The hypothetical rock cairn falls under criterion d, contribution of information important in prehistory or history. A landscape perspective offers an explicit framework for understanding the feature in terms of its relationship to the whole of which it is a part. Because significance is assessed within the framework of historic context, time and place needs to be established. “Under criterion d, for each historic context, specific research questions or data gaps are identified, as are the data requirements needed to address those questions” (Neumann, et al., 2010:138). Neumann (et al., 2010:138) says “This framework is intended to ensure that the research questions used to evaluate the significance of archaeological sites are not frivolous”, where the procedure “...requires that the eligibility of each site be evaluated against what is already known; thus, the archaeologist must be familiar with the data gaps for the region under study.” Therefore sites must have sufficient historic contexts and potential to answer questions about the past. An integrated landscape perspective is a framework for addressing potential research questions. Specifically the behavioral approach allows for explanation of the formation of *archaeological landscapes* consisting of artifacts and features, and *systemic landscapes* consisting of networks of people, places, and activities. Let us consider Whittlesey’s three dimensions of space in relation to historic contexts and potential for answering questions about the past.

Whittlesey (1998a:24-26) seems to have considered differences in understandings and perspectives of the landscape with respect to life histories within landscapes. Her three dimensions of space can be used to describe and identify human activities and interaction with/within the landscape. She suggests that oral histories are valuable for the landscapes *historical dimension* and allow for the reconstruction of landscapes (Whittlesey1998a:26). She says in order to understand differences in landscapes we must consider these domains, (1) the creation of and maintenance of territories, (2) the use and procurement of dwellings and ritual space, and (3) the overall maintenance and modification of the landscape through time; in this way we can see how past peoples perceived and interpreted their landscapes (Whittlesey, 1998b). The demonstration of similarities in landscape understandings between the behavioral landscape approach and indigenous perspectives concerning how we ‘see’

things serves as a framework within which where an appropriate methodological approach can be developed. Within this framework indigenous communities are able to incorporate oral tradition and in the case of a rock cairn can express not only its cultural value but its potential to address research questions in larger historic context.

When we consider “traditional cultural significance” under the National Register Bulletin #38, association with cultural practices and beliefs in the community’s history and maintaining cultural identity allow for consideration of eligibility in the National Register, given that integrity is present (NRB #38, 1998:1). In terms of a CRM methodology in Section 106, value in relation to how we “see” and “do” things can be accounted for. Documentation in terms of identification, evaluation, assessment, and treatment can now be considered, and steps to mitigate these concerns can be addressed through consultation and meaningful interaction.

4. Introduction

4.1 Salish Historical Context & Case Study Background

This chapter presents the historical and spiritual context for the Bitterroot Salish people. The aim is to provide the historical background in the context of tribal and government relationships, and a spiritual background consisting of cultural values, and traditional knowledge. The lack of understanding and a consistent policy of invasion, mistreatment, and land acquisition by the U.S. government is presented in order illustrate a difference in positions of authority, and perceptions of one another. A practical introduction of the Ram's Head medicine Tree Case study is provided to illustrate the general progression of the complex negotiation process between the Confederated Salish & Kootenai Tribes and other federal and state agencies.

As a researcher I am aware of the need to provide source materials when presenting historical fact. As an indigenous person and a member of the Bitterroot Salish people, some of my knowledge of historical events is based in oral tradition and a personal knowledge of my tribal history. Therefore, some of the information provided is cited and other information is not cited as in a western tradition. The sensitivity of many oral stories and tradition requires that these histories be handled in a respectful manner. In the case of presenting oral tradition, only published versions of the stories are provided.

4.2 Salish Historical Context

Historical and ethnographic documentation of the 18th and 19th centuries tells the story of assimilation, the introduction of infectious epidemic diseases, and hostile encounters with other tribes. The inability to access the Plains, to fight off epidemic diseases, and the destruction caused by assimilation, had serious impacts such as limited bison procurement, high mortality rates, and culture loss. It is estimated that between 1780 and 1805 “at least half and possibly two-thirds of the native people of our region died from introduced diseases...” where “oral histories tell of particular bands from which only a single person survived” (Salish & Pend d' Orielle C.C, 2005:82). These imposing threats drove the Bitterroot Salish to the Bitterroot Valley in Montana, where they concentrated their subsistence efforts. The introduction of the horse and gun added to major interruptions of life for the Salish. Before contact with the Lewis and Clark Corps of Discovery Expedition in 1805, there was minimal

contact from the east by whites, although eastern influences had already reached far ahead of the masses. These influences created further competition between tribes for rights to trade routes, access to trade items, and hunting territories. Although the horse provided the Salish with a new means of travel, excursions to hunting territories on the eastern plains was an extremely hazardous activity. “By this time the Blackfeet and adjacent tribes had also adopted the horse-culture, and in addition, were being supplied with firearms and other articles by fur traders” (Schaeffer, 1937:228).

The Salish people were interested in power, or as they would call it, ‘strong medicine,’ associated with the white people, which they attributed to spirituality. Towards the close of the fur trade period an interesting development was noted by white travelers in the Columbia-Snake region, where “The Flathead and adjacent tribes during the early eighteen thirties were observed to perform religious ceremonies compounded of pagan and Christian forms” (Schaeffer, 1937: 229). Some scholars have attributed this phenomenon to that of the Prophet Dance introduced by Catholic Iroquois (Schaeffer, 1937:230). These are some of the first documentations of a spiritual augmentation. “With these were compounded practices of Christian origin, such as the observance of Sabbath and church holidays, genuflection and, less certainty, prayers for morning, evening, and before meals” (Schaeffer, 1937:230). The Bitterroot Salish viewed Christianity as medicine and a means to compete for bison resources on the plains. The Salish had Iroquois living among them who had come from the east with the fur trade, bringing the practice of Catholicism (Forbis, 1950:42). This was the beginning of a transformation, or melding of Christianity and Salish spirituality. Among these new spiritual transformations was the Prophet Dance which had a strong resemblance to the Iroquois Christian beliefs and practices (Schaeffer, 1937:231). There is a story among the Salish that gave incentive to seek out what the Salish referred to as “Black Robes” which says, “A native who, while mourning in the mountains because of his wife’s death, was informed in a vision of the coming of the priests” (Schaeffer, 1937:231). Another story told of a young girl who had died, but on her deathbed gave warning of priests coming, and that the people should follow their instruction (Schaeffer, 1937:231). On the spot of her deathbed there was to be built a house of worship. Some believe that the St. Mary’s Mission, which still stands today, was built on that site (Schaeffer, 1937:231).

After these affirmations and prophecies, the Salish began to consider sending a party to look for missionaries. Between 1831 and 1839 a delegation made up of Flatheads (Bitterroot

Salish) and Nez Perce Indians traveled to St. Louis to seek out Christian missionaries (Forbis, 1950:1). In 1839 Jesuit missionaries were secured and a mission church was promised to be built in Salish territory. When Father De Smet arrived in 1840 he was welcomed with much warmth. This was attributed to the fact that the winter before, “A few Flathead had encountered a large force of Blackfeet on the plains, and in the ensuing battle fifty of the latter were killed without loss to a single Flathead” (Schaeffer, 1937:234). The Salish victory was seen as power provided by the church and was attributed to the coming of the Jesuits. With the presence of the church also came social customs, such as marriage and divorce. Many traditional customs were seen by the Jesuit priest as evil and primitive. Games that Salish had been playing for many years if not hundreds or thousands, were seen as a form of gambling, and were abolished. Marriage customs of the Salish which included the taking of multiple wives, also were seen by the Jesuits as heathen and against the views of the church. “Flathead society approved of polygamy and did not frown upon frequent divorce” (Schaeffer, 1937:236).

Many things that had brought success during this time period were attributed to the introduction and power of the Jesuits, but as time passed dissention formed because new priests were less sympathetic, disease was killing significant numbers of Salish, Blackfeet attacks were becoming more frequent, and the church had favored the actions of French-Canadian trappers over the Salish (Schaeffer, 1937:237). These circumstances created a loss of faith and trust in the priests, and in Christian ways. Even with the profound modifications in Salish life the Jesuits could not stop the Salish people from returning to the old ways of plains bison hunting. “Unable to assimilate the latter and fearing the threatened loss of bison hunting economy, the Flathead thrust aside the thin veneer of white culture for a return to the former mode of existence” (Schaeffer, 1937:250). The only white customs that were kept were those from what was left of the influence by the Iroquois.

In 1855 the Hellgate Treaty was signed at the place the Salish refer to today as Council Grove. This place, however, has more significance and in the placename tradition is called “Tree Limb Cut Off” (Salish & Pend d’ Orielle C.C, 2005:44). This place was known for a special white chokecherry that grew there, good winter grazing for horses, and as a trail hub that led in many directions (Salish & Pend d’ Orielle C.C, 2005:44). It was at this place where the Bitterroot Salish negotiated the settlement that ceded over a half million acres in exchange for the Flathead Indian Reservation. Chief Charlo, who was recognized as a the Head Chief of

the Bitterroot Salish from 1870 to 1910, expressed his sense of frustration with the coming of the Corp of Discovery in 1805 and the course of treatment of the Salish to this point when he gave this speech in 1876:

Since our forefathers first beheld him... [the whiteman] has filled graves with our bones...His course is destruction. He spoils what the Spirit who gave us this country made beautiful and clean. But that is not enough. He wants us to pay him besides his enslaving our country...and...that degradation of a Tribe who never were his enemies. What is he? Who sent him here? We were happy when he first came...To take and to lie should be burned on his forehead, as he burns the sides of my horses with his own name. Had heaven's Chief burnt him with some mark, we might have refused him. No, we did not refuse him in his weakness. In his poverty we fed, we cherished him—yes, befriended him, and showed the fords and defiles of our lands...We owe him nothing. He owes us more than he will pay...His laws never gave us a blade of grass nor a tree nor a duck nor a grouse nor a trout...You know that he comes as long as he lives, and takes more and more, and dirties what he leaves (Salish & Pend d'Orielle C.C, 2005:88).

Although the treaty had created the Flathead reservation, the Salish for the most part remained in the Bitterroot valley. In 1887 the General Allotment Act was passed, which divided lands within the reservation designed to make Indians farmers and landowners. Once allotments were decided, families were encouraged to make use of them, a practice which seemed alien to the Salish and which went against every aspect of their existence. Meanwhile, the Salish living in the Bitterroot Valley had grounded themselves amongst an onslaught of homesteaders moving in. Conditions in the Bitterroot were becoming intolerable for the Salish by the late 1880s, while at the same time the railroad had been constructed through Missoula and tribal lands "...with neither permission from the native owners nor payment to them" (Salish & Pend d' Orielle C.C, 2005:116). The culmination of the Salish stay in the Bitterroot came when Chief Charlo signed an agreement to leave in 1889, which was delayed and "In October 1891 a contingent of troops from Fort Missoula forced Chief Charlo and the Salish out of the Bitterroot and roughly marched our people some sixty miles to the Flathead Reservation" (Salish & Pend d' Orielle C.C, 2005:116). In 1904 the Flathead Allotment Act extended surplus lands within the reservation to be available to white homesteaders, an act which was highly contested by the Salish and which directly violated the Hellgate Treaty, which says the reservation would be for "...the exclusive use and benefit of said confederated tribes" (Salish & Pend d' Orielle C.C, 2005:116). In 1910 the reservation was opened for homesteading and by 1934 under the Indian Reorganization Act homesteading was stopped,

but as a result the reservation had been reduced and fragmented, transferring more than 540,000 acres to white ownership (Salish & Pend d' Orielle C.C, 2005:116-17).

Today the tribes have reasserted themselves culturally and politically by extending control over tribal government and tribal interests, where the reacquisition of tribal lands within the reservation is over 60 percent (Salish & Pend d' Orielle C.C, 2005:119). This has been made possible in part because of legislation such as the Self-Determination Act and the determined efforts of tribal representatives. Culturally, the Salish have had difficulty retaining their traditional ways, but under the supervision of the Salish and Pend d' Orielle Culture Committee the process of gathering oral histories and compiling a significant database of cultural documentation has served as a source of cultural determination. In the 1980s the Culture committee began a Cultural Resource Protection program "...designed to safeguard cultural sites on and off the reservation...", and in 1996 the Tribal Historic Preservation Office (THPO) was started (Salish & Pend d' Orielle C.C, 2005:120). The 1990s were especially concerning for the tribes because of highway plans by the Montana Department of transportation to expand the already busy U.S. Highway 93 through the reservation into a high speed four lane road. The tribes opposed the action based on cultural and environmental concerns stating it was "...the biggest threat to their well-being since the opening of the reservation in 1910" (Salish & Pend d' Orielle C.C, 2005:121). Because of the National Trust for Historic Preservation's 1997 enactment which added the entire Flathead Reservation to the list of America's Most Endangered Historic Places, in 2000 the Montana Department of Transportation and the Federal Highway Administration (FHA) signed a Memorandum of Agreement to design and build a less destructive road (Salish & Pend d' Orielle C.C, 2005:121-22).

The Ram's Head Medicine Tree has direct bearing in the progression of cultural determination and in the direction and negotiations for the Montana Department of Transportation's U.S. Highway 93 project. The case study of the Ram's Head Medicine Tree represents not only the political aspects of progression, but is of cultural significance in terms of the continuance of cultural expression in light of a history defined by cultural invasion, loss and destruction.

4.3 Cultural Tradition & Medicine Trees of the Bitterroot Salish

The Bitterroot Salish, having an intimate connection to their landscape gained over thousands of years from living in one place, timed the cycles of the camas and bitterroot plants, the ripening of berries and the return of the bison in the east. Fahey (1974:8-9) mentions the importance of the life cycle and that the Salish, while seeking their primary food source (bison) had to supplement their diets by timing the gathering of roots and berries. “The Yearly cycle of the Salish and Pend d’Orielle people was based on a deep spiritual connection to the land, on a finely honed ability to care for and harvest its bounty, and on an intimate knowledge of its fluctuating cycles across seasons and years and even centuries” (Salish & Pend d’ Orielle C.C, 2005:32). The Missoula and the Bitterroot valleys were favorite gathering places of the Bitterroot Salish and knowledge of these cycles were necessary for the survival of the people (Salish & Pend d’ Orielle C.C, 2005:19-22).

Salish world view and ways of knowing are equally ingrained with spirituality and traditional knowledge, and are carried and passed down through oral tradition. The Salish people believe that they have occupied their homelands from the beginning of time, sometimes referred to as “Time Immemorial”. Their creation is attributed to Amotken, “the big spirit above”, the creator of the sun and everything on earth. Amotken, however, did not create a perfect world. They believe their world was once full of monsters and giants, also known as “people-eaters”, little people and animals (Salish & Pend d’ Orielle C.C., 2005:7). Left behind today are the remnants and reminders of these giants and monsters and of past events that tie the Salish people to their landscape (Clark, 1966:64-70). Coyote is a principle character in most Salish oral creation stories and the protector of the Salish people. Coyote was to be Amotken’s special helper, and who would rid the world of giants and monsters. “Coyote made the world safe for the people who were yet to come. He prepared the land and made it good. He showed us how to live, and the consequences of both good and bad behaviors” (Salish & Pend d’ Orielle C.C., 2005:7). These creation stories tell of Coyote, who travels from the Jocko Valley and south to the Missoula and Bitterroot Valleys, where he rids them of the giants and monsters along the way. The stories of Coyote and other animal people teach about traditional ways of hunting and fishing, places for gathering foods and medicines, making tools and weapons, music, proper ways of raising children, relationships between people, spiritual dimensions of the world, and relationships with animals and nature (Salish & Pend d’Orielle C.C., 2005:7). These stories tell of Salish origins and how the people are tied to particular

places on the landscape and hold traditional placenames (Salish & Pend d'Orielle C.C., 2005:7). "Coyote stories, in short, are both the great spiritual literature of the Salish and Pend d'Orielle people, and also a reflection of the length and depth of the collective tribal memory, which reaches back to the distant beginnings of the people's history" (Salish & Pend d'Orielle C.C., 2005:8). These creation stories speak of a tenure extending back to the last glacial event in North America that created what is known as Glacial Lake Missoula where, "In many of the tribal creation stories, we find uncanny parallels with the findings of scientists regarding the end of the last ice age" (Salish & Pend d'Orielle C.C., 2005:8). Although this tenure is disputed in many cases by the scientific community, new evidence of continued occupational site locations have been recorded in areas like the confluence of the Flathead and Clark's Fork rivers, and in lithic scatters along the known shoreline of Glacial Lake Missoula (Salish & Pend d' Orielle C.C., 2005:8-9).

The story of the Ram's Head Medicine Tree, presented in full in the introduction, illustrates just one of these creation stories. In the oral tradition, Coyote encounters a Ram that has been terrorizing anyone who attempts to pass his way. Through the Coyote's superior intellect and the help of Meadowlark, he is able to trick the Ram into charging him. At the last moment Coyote moved and the Ram struck the tree where he was incased for all time (Salish & Pend d' Orielle C.C., 2005:73-74). The spiritual importance of this story forever connects the Rams Head Medicine Tree and that place to the Salish People. The importance of the tree and the story tells the Salish how they should treat that place (Clark, 1966:78-81).

The Ram's Head Medicine Tree is a point on the landscape located at the very southern end of the Bitterroot Valley in which the Salish have passed on their journeys to the east to hunt bison, always leaving an offering for safe passage and success. The consequences of how the Salish acted in that place, they believe severely affected the outcome of their journeys. The Nez Perce, who were allies of the Bitterroot Salish, also knew of the Medicine Tree and often treated it with the same respect as the Salish. In one story a Nez Perce warrior who was traveling with the Salish on their way to hunt bison fired a rifle ball into its trunk. Once they had reached the eastern plains, the Nez Perce warrior while running alongside the bison fell on his horse and was killed. The Salish say that he spoiled his luck by mistreating the Ram's Head Tree (Weisel, 1951:8). "Chief Joseph and the Nez Perce made their last journey through the area when fleeing the U.S. Cavalry in 1877. The estimated 800 fleeing Nez Perce camped across the river from the Medicine Tree and prayed there before resuming their epic 1,170-

mile journey en route to Canada. They never made it and eventually surrendered in October 1877 in the Bear Paw Mountains south of present day Chinook” (Azure, 2012).

The Bitterroot Medicine Tree has had other mishaps throughout its life time. H.W. Lord of Darby, Montana says that the reason the ram’s head isn’t visible today is because of some “vandal” who cut off the exposed part of the head (Weisel, 1951:9). Some dispute the location of the tree itself, but those who have been visiting the tree for many years contest the idea and recall many events of visiting themselves or hearing their relatives tell stories of the Ram’s Head Tree. Ellen Bigsam recalls visiting the Medicine Tree as a child and hanging her hair on it for luck (Weisel, 1951:9). It was a common practice of the Bitterroot Salish to recognize certain trees as powerful.

Other Medicine trees have disappeared with little knowledge of their precise locations, but the oral traditions have survived and tell of the importance of these places. One story tells of the importance of possessing medicine or what the Salish call in their language, Sumesh. The story tells of a medicine tree in Hellgate Canyon just east of the current city of Missoula, called Medicine Tree Hill. This canyon was known as a passage to the east and was often used by the Blackfeet to ambush travelers, hence the name Hellgate Canyon. The story tells of a warrior being outnumbered and pursued by the enemy. He went up the hill to get away and rest. He hung his medicine necklace on a tree and soon fell asleep. He awoke to hear the war cries of the enemy who had discovered his hiding spot. A battle commenced and to the surprise of the Salish warrior and the enemy (Blackfeet), no arrow had touched his body and they even seemed to fly away from him. This was discouraging to the Blackfeet warriors and every arrow shot by the Salish warrior killed an enemy. One of the Blackfeet observed the events and saw the medicine necklace hanging on the tree. The enemy warrior scrambled up the hill and grabbed the powerful necklace. The very next arrow shot by the enemy struck the Salish warrior and killed him. Afterwards, young men who passed by this location left something personal on the tree so as to avoid consequences and gain strong medicine and safe passage. The tree was eventually cut down and the location lost to memory (Weisel, 1951:13).

Another story tells of a Medicine Tree located south of Ravalli Montana and North of Arlee. This was a large pine tree where the Salish left offerings for success. They would cross this area when traveling in either direction. Those who would pass would shoot arrows into the upper part of the tree, sticking them into it. At one time one could see hundreds of arrows stuck in the tree. When the reservation was opened for homesteading in 1910 the man who

owned the property cut it down and today the location is a mystery (Weisel, 1951:12). Another important medicine tree was located on the west slope of Mount Jumbo on the outskirts of present day Missoula Montana. The locals called it Sentinel Pine and recall that during stick games and horse races the natives would visit the tree for good luck. Both winners and losers would climb and give thanks for success or ask for it. It was not uncommon for someone to stay for days or until they received their medicine (Weisel, 1951).

4.4 Ram's Head Medicine Tree Case Study Background

The Bitterroot Medicine Tree is located on the east bank of the East Fork of the Bitterroot River between Darby and Sula Montana. Highway 93 South runs within a few feet of the Medicine Tree and is located within the right-of-way. The Medicine Tree, because of its listing in the National Register of Historic Places (NRHP) is subject to protection pursuant to the National Historic Preservation Act of 1966 (NHPA), and the American Indian Religious Freedom Act (AIRFA) (EA, 2004:2). Pursuant to Section 106 of the National Historic Preservation Act (NHPA) and the Advisory Council on Historic Preservation regulations (ACHP) 36 CFR 800, a cultural resource survey, literature review and report were first completed by Historical Research Associates in 1989, which identified the Medicine Tree as eligible for the National Register of Historic Places. It was listed in the National Register of Historic Places as part of the Determination of Eligibility (DOE, 1995), April 13th 1995 as a Traditional Cultural Property (TCP). The Medicine Tree Site was applicable under National Register Criteria for evaluation 36 CFR 60.4, under criterion (a) properties that are associated with events that have made a significant contribution to the broad patterns of our history, and criterion (b) properties that are associated with the lives of people significant in our past.

An Environmental Assessment (EA, 2004:1-13,14) was first drafted in December 1995, which addressed five alternative routes for the highway that were assessed for avoidance and minimization of impacts to the Medicine Tree. A Draft Memorandum of Agreement (MOA, 1999) was initiated to protect the Medicine Tree Site and identifies a mutual agreement between the Montana Department of Transportation (MDT) in cooperation with the Confederated Salish & Kootenai Tribes in the undertaking to construct the Conner North and South Project. The Section 106 process was adhered to in response to possible adverse effects to historic properties. Section 4f, which is the provision for integrity in the state CRM framework, was also applied because the Montana Department of Transportation's responsibilities' for transportation projects requires it. Previous impacts to the site were

considered to have been mostly a consequence of the highway location, although integrity was considered to be intact.

The Environmental Assessment (EA, 2004:2-2) acknowledges the sacredness of the place for the Confederated Salish & Kootenai Tribes as well as other Native American groups, and that it represents the most culturally sensitive area within the project corridor. The Environmental Assessment also acknowledges the need for continued use of the Medicine Tree for spiritual purposes (EA, 2004:2-2).

The proposed action is for the improvement of the highway which is subject to National Highway System Standards (EA, 2004: ES-1). Five routes were proposed to comply with those standards. Alternative alignment D was agreed upon by the Montana Department of Transportation and the Confederated Salish & Kootenai Tribes (Draft MOA, 1999). The Montana Department of Transportation determined through the Environmental Assessment (EA), Section 106, section 4(f) of the DOT Act (49U.S.C. 303) and the Memorandum of Agreement, that there would be no effect on the Medicine Tree Site. A letter dated February 26, 2003 was drafted for the Montana State Historic Preservation Office (SHPO) and prepared by the Montana Department of Transportation, determined the alternative alignment D would have no effect. The proposed alternative plan was determined not to pose a threat to the integrity of the location and conveyed its significance under Nation Register Criterion (a) and (b). Alternative route D would follow closely to the original proposed alignment but would shift the road 12 feet to the west toward the river. The alternative included two twelve foot lanes and a 4 foot shoulder on the Medicine Tree side, a five foot shoulder on the opposite side, and a 42 inch privacy wall on the Medicine Tree side to minimize and avoid impacts (EA, 2004:2-1, 2-7).

The Finding of No Significant Impact (FONSI, 2004:29) addressed all resources within the Area of Potential Effect (APE), including the concerns of the Confederated Salish & Kootenai Tribes. It was determined that there were no effects to the Medicine Tree site because avoidance and minimization measures were incorporated, and there were no Section 4(f) impacts. The primary impacts addressed in the EA (2004:1-1) and included in the Finding of No Significant Impact (FONSI) were cultural resources, right of way, water resources and quality, wetlands, floodplains, threatened or endangered species, and section 4(f) impacts. It was determined that there were no effects for all primary resources. The Confederated Salish & Kootenai Tribes also complied with National Historic Preservation Act and American

Indian religious Freedom Act for purposes of the environmental review pursuant to the National Environmental Policy Act (NEPA) (1969) and the Montana Environmental Policy Act (MOA, 1999:3

The next chapter will include the bulk of the case study, and bring forward the concepts presented thus far for analysis and conclusion.

5. Analytical Discussion & Case Study Conclusions

5.1 Introduction

The case study of the Ram's Head Medicine Tree as provided here represents one of many examples within CRM and the preservation of cultural resources. The case study embodies the problem in its larger context and is utilized to show the finer points of a long complicated history between the two communities of western heritage management and indigenous perspectives. A comprehensive history of western scientific and indigenous perspectives regarding archaeological practice and Cultural Resource Management (CRM), as well as the historical context, traditional practices and worldview for the Bitterroot Salish have been presented throughout the thesis. These conceptions are brought forward to illustrate differences and similarities in understandings which constitute the context for the major analysis of how the co-management of the Ram's Head Medicine Tree has evolved. Ultimately I am interested in assessing the outcome of a long negotiation process that has produced the co-management of the Ram's Head Medicine Tree.

The case study analysis focuses on the Section 106 evaluation of significance and consultation considering co-management and the historical context surrounding the Ram's Head Medicine Tree. Attention is given to the research questions and major themes that have been presented thus far, which include scientific and indigenous perspectives in CRM, authority and cultural values. I have suggested that, (a) western scientific perspectives and (b) indigenous methodological perspectives are modes of understanding that represent the totality of the historical contexts, worldviews, and cultural values, each consisting of their own perspectives and approaches. These modes of understanding are wrapped up, packaged, and reflected in their perspectives and approaches within archaeological practice and CRM.

Discussion focuses on the complex series of negotiations and emergence of the current arrangement between the Confederated Salish & Kootenai Tribes and federal and state agencies regarding the case study. The underlying issue most prevalent in this context is "authority" over the establishment of archaeological practice, specifically within CRM. Authority is dictated by "top down" federal and state CRM policy and practice. I am interested in how the Bitterroot Salish have maneuvered "bottom up" to acquire authority that is regulated by the "top down" system. I am also interested in how different landscape understandings can contribute to indigenous perspectives and approaches in the assessment of

significance of traditional cultural properties. Finally, attention is directed toward the value of participation and meaningful consultation as mandated by the National Historic Preservation Act.

Authority in this context is represented by an institutional system (CRM), and regarded as a legitimate through its use of scientific method and theory as well as the policy outlined in the laws and practice that regulate it. Therefore, scientifically generated knowledge is considered the only valid source of knowledge. In this context I am interested in where authority comes from, and how indigenous methodological perspectives can affirm traditional knowledge as a legitimate source of knowledge.

The primary research questions ask how indigenous methodological perspectives can effectively operate within federal and state CRM frameworks regarding the *identification, evaluation, assessment, and treatment* of traditional cultural properties, and how CRM policy and practice might be adaptable to the ideals of indigenous perspectives. These questions are presented to guide the direction of the thesis which ultimately will allow for conclusions to be made. The previously proposed supporting thesis questions are readdressed in the following sections as they are essential to the direction and support of the analysis.

I have suggested that historically there are precursors that essentially are the backdrop for a historical predicament which in this context is exemplified by the case study of the Ram's Head Medicine Tree. This predicament is characterized by these three contexts: *historical interaction, worldviews, and political and social institutions*. These three elements are discussed in relation to the themes of *authority* and *cultural values*. These themes capture the current frustration expressed by indigenous peoples with *institutionalized scientific authority* and the lack of concern for *traditional cultural values*.

5.2 Historical Development & Contexts for Authoritative Knowledge

This section will discuss a set of historically significant contexts and their relevant implications (consequences) focusing first on the context of *historical interaction*. The categorical focus is intended to provide the historical basis for the current arrangements concerning the Medicine Tree. Two recurring themes, *authority* and *cultural value*, are discussed throughout the entire chapter and in the context of *interaction, worldview, and political and social institutions*. It is authority that is in question and as such requires

attention. Cultural values deserve attention as they are equally visible in all three themes and play a significant role considering mutual understanding and meaningful cooperation between indigenous and scientific communities.

The Medicine Tree is representative of the entire history of the Bitterroot Salish from the first engagement with the white society and the Corp of Discovery to the current day. The Medicine Tree is analogous to this history in that it holds the memories and traditions of the past. The path of destruction that followed the Corp of Discovery represents the many broken branches and limbs of a past characterized by a diminished land base, death, assimilation, confinement, and culture loss. With the encroachment of outsiders in Salish aboriginal territories the loss of land and eventual removal to the Flathead Indian Reservation was unavoidable. As a consequence, the Bitterroot Salish were alienated from the Medicine Tree. Confinement of the Salish led to the responsibility for its care and stewardship falling to others and eventually the Montana Department of Transportation. All of this was accomplished through the concept of authority: authority to take property, enforce restrictions, and to influence social institutions of science and political institutions of government. Some have approached these issues in relation to colonialist authority. Specifically, archaeological practice is associated with a social ideology and for a political purpose. It essentially was a “colonialist endeavor” that intellectually minimized Native peoples as inferior and became institutionalized within the scientific community as unilinear evolution (Ferguson, 1996:64-65). Politically, it alienated indigenous peoples and replaced them with European colonists based on the perception that indigenous peoples “lacked the initiative or capacity for development” (Ferguson, 1996:64-65). This was no different for the Salish, who represented another broken branch on the tree. These actions perpetuated negativity expressed by the Salish as mistrust and misunderstanding, wherein the history of archaeological practice was characterized by “ineffective communication” and a “lack of mutual respect” (Ferguson, 1996:65).

The historical *interaction* has not been kind, to the Salish or the Medicine Tree. Throughout the historical period, outsiders in the Bitterroot Valley were aware of the Medicine Tree’s existence and subjected it to many destructive activities. The Salish know of instances where the destruction came in the form of fire, gasoline, and salt, and some have even tried to cut it down and choke the life from it. Others challenged the validity of its location and intellectually have tried to minimize its cultural value. These destructive events could not

delete its existence and only succeeded in knocking the bark, branches and limbs from its core. What outsiders weren't able to accomplish, the natural environment has. In the late 1990s the tree died, and in a windstorm not long after the top was broken off.

Another prevalent context to consider historically is *worldview*. As I have mentioned in previous chapters, there is a long standing perception by the western world that indigenous belief systems and traditional knowledge are invalid with respect to scientific understanding. The perceptions of these traditional belief systems are considered by the scientific community as subjective and spiritual, not a tangible source of knowledge (Harris, 2010:66). These scientific views are considered dominant ideologies and have been discussed as excluding Native perspectives and as positioning superior scientific perspectives as the authority (Smith, 2010:57-59). Discussion also has considered the source of these perceptions, where the lack of mutual respect was associated with a western mentality that equated indigenous peoples with savagery, or as “nearly human” and alongside other life with less value like “flora” and “fauna” (Smith, 2010:57-58). One of the aims of this thesis is to clarify the how the narrative of the Medicine Tree constitutes an important connection to the landscape within Salish culture. Understanding of oral traditions within western perspectives often perceives them as myths and legends. Agrawal (1995:418) considers this a contextual problem in which western knowledge isn't as deeply rooted in its context. The Salish see the Medicine Tree in a traditional and spiritual manner and the narrative expresses an intimate connection with the landscape in animate and holistic ways. Within the context of authority the Salish and many indigenous peoples value their oral traditions as culturally authoritative. This will be discussed further within the context of landscape understandings and Section 106 significance, evaluation, and consultation.

The themes of *authority* and *cultural values* are used here to delineate perceptions of western scientific and indigenous communities when considering their historical significance and implications within the context of *political* and *social institutions*. My supporting research questions focused on clarifying the constitution of the scientific and indigenous modes of understanding and the influence of these modes in institutions specifically in relation to CRM policy and practice. Historically, the policies and practice of CRM can be characterized by the protection of historic properties having a connection to national identity (Neumann et al., 2010:3). National identity was based upon criteria of worthiness and the importance (Neumann et al., 2010:6). This ideology was transferred to the policies and practice of CRM.

The Antiquities Act of 1906 gave the authority for excavation of archaeological remains, and presidential authority over protection of them (Fowler, 1982:5). National identity then became national and federal policy, sponsored and fostered by the federal government to appropriate land for preservation purposes based on national significance, and granting authority to conduct archaeological research (Fowler, 1982:5-6). CRM laws and practices have been criticized by indigenous communities for minimizing the value of traditional knowledge and practice (Smith, 2010:60; Harris, 2010:66). Within these institutions the policies and practices have objectified indigenous peoples as specimens of science, and have been intrusive within the practice of ethnography with the recording of sacred knowledge, a practice considered by indigenous communities as a continuance of colonialism (Lippert, 1997:121; Wobst, 2005:27-28). In the context of the Medicine Tree and the interpretation of the archaeological record, scientists consider themselves as the ultimate authority based on scientific theory, method and training (Watkins, 2010:153). Within the institution of CRM policy and practice cultural values and methods such as oral traditions are not considered scientifically generated. Authority over knowledge falls under the responsibility of federal and state entities and CRM frameworks where a position of ownership of archaeological remains continues to ignore the concerns of indigenous communities regarding their identification, evaluation assessment, and treatment (Smith, 2010:59; Watkins, 2010:153). This will be discussed further in terms of significance and Section 106 in the coming analysis.

5.3 Landscapes, Significance, and Consultation

This section discusses the Medicine Tree with respect to its meaning and understandings within western scientific and indigenous methodological perspectives, and landscape understandings. The indigenous methodological perspective is represented by the Medicine Tree, Salish beliefs systems, and cultural values. The western scientific perspective is represented by the scientific tradition in landscape studies, and the institution of CRM and the National Historic Preservation Acts Section 106 review process. My supporting research question asked: *How do western scientific and indigenous methodological perspectives that incorporate landscape understandings play out in the management practice of CRM and Section 106 compliance towards the assessment of the significance and integrity of Traditional Cultural Properties?* The case study offers a platform for discussion where the goal is to uncover barriers and conditions that prevent or support the integration of landscape understandings in Section 106 evaluation of significance.

5.3.1 Landscapes

Landscape understandings in the scientific tradition and from an indigenous perspective were presented in previous chapters. The analytical discussion here uses the narrative of the Medicine Tree to illustrate key points of landscape understandings in significance evaluation and consultation strategy. The behavioral approach to landscape is used as an illustrative focus, as it reflects the basics of scientific landscape understandings. In the behavioral approach to landscape, space represents the landscape as an abstract dimension of human activities, where culture is fostered within the physical world and the landscape is the by-product (Whittlesey, 2003:13). Space in the behavioral approach is seen as having physical and biological environments seen as independent dimensions, where an indigenous understanding of space is embodied in nature and culture as interwoven and complex (Whittlesey, 2003:14).

Space in an indigenous perspective is the landscape itself consisting of interrelated places and part of a holistic landscape. The narrative of the Medicine Tree in the oral tradition illustrates this connection to the landscape and the places within it. In the narrative we see that for the Salish the world is alive in holistic ways. The narrative tells of Coyote expelling monsters and giants in preparation for the arrival of the Salish people. The inevitable confrontation between Coyote and the Ram alludes to the importance of the Medicine Tree as place within the landscape. The narrative tells how the Ram was encased in the tree as a consequence of his actions. The Ram could not resist showing Coyote his strength and intended to kill him. This wickedness by the Ram is seen by the Salish as unbecoming and a reminder of consequences for behavior. As a response, the Salish see the Medicine Tree in a reciprocal manner in which thanks to Coyote is represented by offerings that secures their well-being. The Salish landscape is seen as a multitude of places, all interrelated and which hold the memories of their people and culture and give meaning to place. The Medicine Tree in the application of a behavioral landscape perspective is seen as “contextualized and realized” within the physical world, and as an abstraction of human activities that can be quantified for analysis. The Salish placename project has mapped much of their aboriginal territory including the Bitterroot Valley where places like the Medicine Tree represent an integral portion in the holistic value of the landscape (See Map 1). The use of GIS is used as a tool in which to project the totality of places within the Salish aboriginal landscape.

These conditions of integration are considered further in the context of the case study and the negotiation process. Landscape understandings within the behavioral approach and within Salish methodological perspectives now can be considered in the context of significance and integrity.

5.3.2 Significance

Significance of the Ram's Head Medicine Head Tree was determined in terms of national heritage, where the value of significance is assessed by criteria outlined in the National Historic Preservation Act (36 CFR 60.4). National Register Bulletin #38 considers properties of traditional cultural significance and outlines the direction of evaluation of traditional cultural properties. I have suggested that in CRM, significance is approached methodologically in terms of cultural values, where value is synonymous with significance. In this respect the cultural values reflected in an indigenous perspective, in this case represented by Salish cultural values, are related to personnel and cultural histories such as the Medicine Tree. Cultural value is thus considered and is reflected in the direction of the case study with respect to the identification, evaluation, assessment, and treatment.

Evaluation of the Medicine Tree was initiated in 1989 with a cultural resource survey, literature review and report that identified the medicine tree as having potential for nomination to the National Register. As part of the Determination of Eligibility in 1995, the Medicine Tree was listed in the National Register as a traditional cultural property. It was listed under criterion (A) that are associated with events that have made a significant contribution to the broad patterns of history, and (B) that are associated with the lives of people significant in our past (36 CFR 60.4). Despite the exterior condition of the Medicine Tree, integrity was considered to be intact. Under the National Register Bulletin #38, the association of the Medicine Tree with cultural practices and beliefs in Salish history, and its contribution to the maintenance of these traditions, allowed for consideration of nomination to the National Register (NRB #38, 1998:1). The assessment included an acknowledgement in the Environmental Assessment (2004:2-2) of the sacredness and sensitivity needed for purposes of spirituality and the need for continued use by the Confederated Salish and Kootenai Tribe and other Native American groups. The language in a letter from the Montana State Historic Preservation Office dated February 22, 1995, to the Keeper of the National Register conveys these needs. The letter recognizes first that the consideration of significance

relates to criterion (A), where the Medicine Tree was applicable to traditional religious activity, and its integrity was intact (EA, 2004:141). The language states:

“The religious nature of these values does not diminish the significance of the site, rather it is an extension of the Salish worldview, which does not distinguish between the religious and the secular. Thus the spiritual assistance sought at the Medicine Tree lends power and definition to the community as a whole. This relationship of the people to the Medicine Tree fits the very definition of a traditional cultural property, one that is rooted in history and whose ongoing practice is essential to the continuance of culture” (EA, 2004:142).

The language here expresses the significance of the Medicine Tree to traditional cultural and spiritual practice and acknowledges its association with the maintenance and continuance of cultural expression.

The identification component of the process applied to the Medicine Tree accounted for proper identification of the traditional cultural property and its association with the Bitterroot Salish. The evaluation component revealed the historical and cultural value of the Tree, and the assessment component established its significance and integrity, leading to its inclusion in the National Register

The outcome of the Medicine Tree process consists of the element of treatment and protection, in which it is vital to Salish cultural practice that the tradition surrounding the Medicine Tree and its associative landscape be maintained. The capability of maintaining traditional cultural practices and cultural values are considered further regarding the history of decisions to mitigate the possibilities of adverse effects to the Medicine Tree and the undertaking of the Conner North and South Project.

5.3.3 Consultation

While significance of the Medicine Tree had been established by the Determination of Eligibility (DOE:1995) the ability to preserve its location and secure its existence was a product of planning, required to consider the future of its protection and the integrity of the location. This section looks at consultation and considers the expression of cultural values and issues relating to the evaluation of treatment of the Medicine Tree. The discussion focuses on examples where cultural values of the Salish people were considered and represented within

the scope of the undertaking. These issues are also discussed in the context of meaningful consultation required in Section 106 [36 CFR 800.2 (c)], and ensure that the viewpoints of consulting parties are considered and spelled out. By responsibility mandated by the National Historic Preservation Act, the Montana Department of Transportation identified potential consulting parties outlined in 36 CFR 800.3-88-5. The Confederated Salish and Kootenai Tribes were consulted and a comprehensive section 106 compliance history began dating back to 1988 (EA, 2004:127). The agreements made in consultation were written out and secured within the Memorandum of Agreement (Draft MOA:1999).

These agreements considered alternate highway plans and took into account actions that might affect the integrity of the Medicine Tree. Alternative plans were drafted and alternative D was determined and agreed upon as having no effect and posing no threat to the integrity of the location (FONSI:2004; EA, 2004:145). Consideration of the Confederated Salish and Kootenai Tribes of the alternative highway route D depended upon the treatment of the Medicine Tree and the site. Measures to protect were agreed upon to include sufficient space from the highway and a privacy wall to minimize and avoid impacts (EA, 2004:2-1, 2-7). Alternative D states that the realignment of the highway will allow for sensitivity where many of the qualities that make the tree important to Native Americans would be restored, allowing the Salish to conduct religious ceremonies without much intrusion (DOE, 1995:3). The Determination of Eligibility (1995) considers the importance of the Medicine Tree in relation to traditional cultural values of the Salish people.

The Memorandum of Agreement (MOA, 1999) addressed concerns of the Confederated Salish & Kootenai Tribes over treatment and ownership and provided for the transfer of property on which the Medicine Tree is located. The responsibilities of the Montana Department of Transportation outlined in the Memorandum of Agreement (1999:1-2) provided for payment to the Confederated Salish & Kootenai Tribes in the amount of \$100,000 for reimbursement of Tribal expenditures toward the study, acquisition, and protection of land and cultural resources located in and adjacent to the Medicine Tree site, authorized pursuant to the Federal Highway Administration (FHWA) Memorandum of December 12th, 1991 for the Montana U.S. Highway 93 Native American religious site. Conveyance of the land was to be appropriated within thirty days of the effective date of the agreement by quitclaim deed, all right and title (MOA. 1999:2). Tribal responsibilities were to consummate the purchase of the Medicine Tree property and expend no less than \$20,000 to

satisfy a matching funding quantum. This is an example of negotiations expressed by meaningful consultation and the ability to convey the importance of the Medicine Tree site.

5.4 Discussion

This thesis sought to answer how indigenous methodological perspectives can effectively operate within federal and state CRM frameworks regarding *identification, evaluation, assessment, and treatment* of traditional cultural properties, and how CRM policy and practice might be adaptable to the ideals of indigenous perspectives. To understand what I consider to be a historical predicament, the background and case study research focused on the historical foundations of archaeological practice and CRM, the historical interaction between scientific and indigenous communities, and western scientific and indigenous methodological perspectives in the practice and policy of CRM. Specifically, I addressed the predicament by questioning how a western scientific perspective prevents indigenous methodological perspectives from contributing to archaeological knowledge and understanding within the western scientific community, therefore perpetuating continued colonialism, and how can landscape understandings and indigenous methodological perspectives can be used to supplement/challenge the scientific “status quo” in a post-colonial environment and contribute to the decolonization of indigenous Cultural Resource Management policy and practice. Authority and cultural values and perspectives are both obstacles to, and contributors in this process.

The analytical discussion approached the historical component by considering the themes of *authority* and *cultural values* in relation to the contexts of *interaction, worldview, and political and social ideology*. The institution of CRM practice and policy is a manifestation rooted in the historical relationships and ideologies, and reflected in current perspectives of western science and indigenous communities. It is apparent that the scientific community for the most part has been considered the authority in the practice and policies of archaeology. The historical basis for research on indigenous peoples and by archaeology is considered to be a “colonialist endeavor” and a major contributor to the frustrations and animosity indigenous people have toward the archaeological profession (Ferguson, 1996:64). Ideology had direct authoritative bearing on perceptions of indigenous peoples by western science and has been used to justify land acquisitions, social assimilation, and confinement. These transgressions were justified socially and scientifically and in the case study, resulted in the alienation of indigenous people from cultural specific and spiritual places such as the Medicine Tree. The

case study *interaction* theme is characterized by the lack of meaningful communication and lack of respect for Salish cultural practices. *Worldviews* are a representation of the way in which people make sense of it. The Salish see their world as interactive, and a living entity where the landscape is full of places that hold memories and meaning. The reciprocal relationship requires interaction for renewal and for the avoidance of social and spiritual consequences. Relationships with places like the Medicine Tree have symbolic and practical meaning which requires an understanding of Salish worldview to navigate it. Dominant ideologies have had an effect on the ability to convey these non-traditional worldviews as authentic in a western sense. Western scientific perspectives generally take an inanimate view of the world, their interpretations have characterized indigenous peoples as primitive cultures, and scientific theory and method have been regarded as authoritative. When considering the implications of *political* and *social ideologies*, their influence in relation to colonial and western scientific perceptions show that concepts of national identity were prevalent in the evaluation of historic properties. The institution of CRM reflects a nationalistic identity within the legislative policy that regulates the identification, evaluation, assessment, and treatment of archaeological resources.

Landscape meanings offer a conceptual framework consisting of overlapping understandings that can be combined within western scientific and indigenous methodological perspectives in the evaluation of significance in Section 106 of the National Historic Preservation Act. The analytical discussion focused on a western scientific behavioral approach to landscape studies as a medium for understanding illustrated by the Medicine Tree. Although the behavioral landscape approach and Salish worldview differ on issues of nature and biology, there are many similar understandings that can be used for purposes of contextualizing landscapes within indigenous perspectives. When considering the integration of landscape understandings, the concept of value can be given meaning within the context of methodological evaluation and research. Ashmore and Knapp (1999:9-13) have identified categories of cultural landscapes that are valuable and designed for the application of evaluating potentially significant sites. The basis of evaluation of significance is concerned with the association and maintenance of traditional cultural practices. It is then necessary not only for landscape meanings to be able to contextualize a place within the landscape, but be consistent with the cultural values embedded within an indigenous methodological perspective, thereby building towards mutual understandings of the landscape. The illustration of the Ram's Head Medicine Tree narrative expresses the Salish cultural values where oral

tradition is not just a narrative but a form of knowledge. Although it is clear that the evaluation of significance for the Medicine Tree was based on the association of cultural beliefs and the maintenance of those traditions, my contention is that landscape meanings provide a platform for evaluating site significance and integrity within Section 106.

Significance is approached methodologically in Section 106 and considers cultural values to be synonymous with significance. The evaluation criteria for significance in Bulletin #38 takes into account traditional cultural properties as significant based on cultural histories where the integrity of a traditional cultural properties are linked to ongoing cultural practices vital for the maintenance of traditional culture. It is expressed here in the language of the Montana State Historic Preservation Officer:

“The Medicine Tree site gains significance as a most important historic property type, representative of other such sites which have been destroyed and lost to the tribe. Today, the Darby Medicine Tree is one of a very few remaining in the Salish homeland. The protection of its living spirit is a matter of grave concern to the Salish and their neighbors; preservation of the tree, and the site itself, is vital to their culture and the continuance of its culture and the continuance of important cultural ceremonies and rituals”
(EA, 2004:142).

The acknowledgement by the State Historic Preservation Officer of the cultural value of the Medicine Tree is interesting because it speaks to the value of consultation and the ability and effectiveness to express an indigenous methodological perspective in the process of significance evaluation.

The case study and consultation process in Section 106 illustrates an extensive process designed to fulfill compliance responsibilities and concerns of treatment. Section 106 is built on a “top down” system where the Confederated Salish and Kootenai Tribes maneuvered from the “bottom up” to secure the cultural preservation of the Medicine Tree. An EA was prepared for the Montana Department of Transportation in 2002, and approved November 5th, 2003 for a MDT/CS&KT land exchange. The fundamental need for the proposed land exchange was to transfer one or more properties as compensation for a long-term easement of the Hoskin’s Landing Wetland Mitigation site and for future acquisition of right-of-way purposes for Montana Department of Transportation projects within the Flathead Reservation

(EA, 2003: 1). The exchange of properties settled the Montana Department of Transportation's (MDT) obligation to the Confederated Salish & Kootenai Tribes and was consistent with CS&KT policy for consolidating lands within the reservation boundary. The land exchange has direct bearing on the property transfer of the Medicine Tree site and securing the Perma pictograph site. "The proposed land exchange would facilitate the implementation of future MDT projects within the Flathead Indian Reservation", and "establish a process whereby MDT's excess land can be exchanged for trust or fee lands needed for highway purposes" (EA, 2003:1). The Department of Natural Resources and Conservation (DNRC), and the Montana Department of Transportation agreed on a transfer to the tribes. Part of the land exchange dealt with a Montana Department of Transportation property that the Department of Natural Resource and Conservation property desired in Belgrade Montana (EA, 2003:5-6). Nine sites in the land exchange were identified, including the Perma Pictograph site, which had specific preservation concerns for the Confederated Salish & Kootenai Tribes. The Montana Department of Transportation sent for a concurrence of no effect on the Perma Pictograph Site October 3rd, 2003 and received no response from Confederated Salish & Kootenai Tribes Preservation Program. Since there was no reply within 15 days MDT assumed concurrence. The Confederated Salish & Kootenai Tribes gave easement rights to Montana Department of Transportation for the sum of One Dollar for 25 years and described in the Easement Deed (EA, 2003) dated January 10th, 2002.

The CS&KT utilized the Ram's Head Medicine Tree to assert themselves in position of authority, and to acquire properties which have special cultural interest and preservation concerns. They were able to do this because of MDT's highway responsibilities and their need to extend highway projects within the CS&KT boundaries. The tribes were not only able to protect specific properties like the Ram's Head Medicine Tree and the Perma Pictograph site; they now own the properties for which they reside. These are examples of utilizing consultation to maneuver "bottom up", and an expression of self-determination and cultural expression. As we see, funding made it possible for the Confederated Salish and Kootenai Tribes to secure multiple properties. The give and take suggests that the tribes gave up rights to future projects within the Flathead Indian Reservation boundary; a minimal compromise considering the return.

5.5 Conclusion

Western scientific and indigenous methodological perspectives are modes of understanding that represent the totality of historical contexts, worldviews, and cultural values, each consisting of their own perspectives and approaches. These modes of understanding are reflected in the perspectives and approaches within archaeological practice and CRM. The case study represents a successful negotiation where an indigenous methodological perspective has contributed to archaeological knowledge and understanding and challenged the authority of institutionalized archaeological practice. Success here is measured in the ability to present an indigenous understanding, represented in the case study, while at the same time breaking down barriers, therefore contributing to the decolonization of indigenous methodological perspectives in CRM policy and practice. Without the ability to participate, an indigenous methodological perspective cannot contribute to archaeological understanding.

The Medicine Tree is a holistic representation of Salish traditional culture where traditional beliefs and practices are embodied within its roots. This is reflected in the cultural values, perceptions and methodological approaches used by the Bitterroot Salish to identify, evaluate, assess and treat the Medicine Tree. Today the Medicine Tree stands but is a remnant of its former self, as only the bottom one third is still standing. For the Salish people the state of its existence does not diminish its cultural value. These values could be said to exist within the roots of the people and is held within the roots of the Medicine Tree.

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