



Background: The 2003-2007 Review of Forest Service Sacred Sites Policies

In 2003, the Forest Service (FS) chartered a team to conduct a review of the Agency's implementation of Executive Order 13007 on Indian Sacred Sites. That team first met in 2003, and proceeded to conduct numerous listening sessions with Tribal leaders and citizens, traditional practitioners, and elders throughout the western United States and in Alaska. The team also analyzed policies from the FS and other agencies, and interviewed FS personnel. The listening sessions and interviews yielded several themes around how people felt about the Agency's land management decisions and especially about how those decisions may affect Indian sacred sites. In 2007, the team reported to FS leadership on the results of their investigations. The observations, conclusions, and associated themes from their work are summarized below.

Observations Expressed

In general, Tribal people, including leaders, elders, and other individuals expressed concern that their views had not been fully considered in important forest management decisions that relate to protection of and continued access to sacred sites. It was suggested that this situation will need to be corrected if proper and ongoing consultation and relationship-building is to be meaningful. More specifically,

- Tribal people expressed that they feel betrayed, not heard, and not valued when they speak about the importance of protecting sacred sites and maintaining a connection to them. Tribal representatives consistently say that traditional perspectives were not critical considerations in current land management decisions.
- Regular meetings between the FS local unit and appropriate Tribes need to be encouraged and maintained. It is important to the government-to-government relationship. In addition, Tribes indicated that every forest needs to conduct open discussions on developing an agreement to deal with sacred sites; the Native American Graves Protection and Repatriation Act; the protection and use of our medicine, food, and cultural needs in their traditional homelands; and watershed impacts.
- Tribes believe everything is sacred. Yet some areas can accommodate an appropriate level of natural resource management. Some areas are more special and are considered to be more sacred. The FS must work with Tribes through the consultative process to investigate what this means.
- When describing the importance of access to and the protection of sacred sites, Tribal people related that these sites are vital to the survival of all humanity and that traditional people pray for all living entities.
- When Tribal representatives and traditional practitioners described what sacred sites were, they represented these locations at multiple geographic scales, from landscapes of mountain ranges to specific areas associated with plant gathering. They also represented sacredness in terms of temporal scale – past, present, and future.
- Tribes expressed that consideration of Traditional Ecological Knowledge (TEK) must be integrated into national forest management on an equal footing with what we term as "science." Tribes have cultivated TEK over thousands of years and see themselves as stewards of the land. Tribes reflected that in collaboration with the FS, TEK could help improve land management decisions. Because of the Federal Government's trust responsibility, tribes asserted that the FS also has an obligation to protect indigenous cultures and promote and preserve their connection to their cultures.

- An important function of a living culture is to pass on traditional values and perspectives to members through a variety of traditional practices. Within Tribal communities this includes hunting, gathering, processing food, and conducting religious ceremonies at historic and cultural significant sites. The actual activity of hunting, gathering, and conducting religious ceremonies, in and of themselves are considered sacred by traditional people. Associated songs, stories, protocols, and locations are also sacred.
- Tribes have established governments. These governments have and maintain internal protocols and processes that govern Tribal interactions with members and external entities. Recognition and respect of these Tribal infrastructures and relationships with Tribal Councils and Traditional leaders will improve FS relationships with Tribes.
- Tribes are concerned that the FS and the Federal government, in general, seem to be in a continual state of re-organization. The continual replacement of FS personnel inevitably results in interruptions that hinder long-term relationship development between the Tribe, traditional practitioner, and/or Native Corporation, and the FS. The FS needs to institutionalize and integrate consultation and protocols so that regardless of personnel changes, their actions honor and incorporate the concerns of Tribal governments into land management decisions and practices. It is important and appropriate to ask Tribal governments, in particular, how to work with them.
- In emergencies, Tribes expressed a desire to have a sacred sites policy that could “trigger” responses at the most appropriate level to the situation and be a collaborative process. Ideally, this means a policy has been negotiated prior to an immediate need for direction and that all parties know and understand the guidance set forth in the policy. Tribal people referred to inadvertent discoveries in a NAGPRA context as an example, but then extended the idea to inadvertent discoveries of sacred sites in land management activities and natural disasters.

Conclusions of the Team

- More effort should go into fully considering traditional values and perspectives in management decisions;
- Regular meetings between land managers and Tribes should be held, and, where useful, should lead to agreements;
- While everything is sacred, there are different degrees of sacredness and categories of sacredness that can only be determined through consultative processes;
- Traditional practitioners conduct their rituals for all living entities; some sacred sites are vital to the survival of all humanity;
- Sacred sites may occur at multiple geographic scales and may concern past, present, and future temporal scales;
- Traditional ecological knowledge is often connected to sacred sites; this must be taken into account in land management actions. Protecting indigenous cultures and promoting their connection to their cultures will improve land management decisions;
- Sacred sites are essential elements in Tribal communities’ ability to pass on traditional values and perspectives through the practice of traditional activities such as hunting, gathering, processing food, conducting religious ceremonies. Associated songs, stories, protocols, and locations are also sacred;
- Recognition and respect of Tribal governmental structures, including internal protocols and processes, will improve FS relationships with Tribes;
- Because of continual turnover of FS personnel, protocols related to sacred sites should be developed in consultation with Tribes and institutionalized to transcend Agency personnel; and
- Such protocols could extend to emergency situations and inadvertent discoveries of sacred sites in land management activities and natural disasters.

Themes

Several themes emerged from this effort:

- **TRUST:** The importance of trust in both the federal trust responsibility to Tribes, and in the sense of interpersonal relationships between agency employees and Tribes
- **CONFIDENTIALITY:** Whether the FS can keep information confidential; that talking about sacred sites may be culturally prohibited; and that providing information about sacred sites may “quantify” it in a way that would result in restrictions
- **MANAGEMENT AND ACCOUNTABILITY:** in a sense much like trust, whether the FS officials would follow through and implement actions, thus honoring their commitments. In addition, the FS should:
 - Provide information in easily accessible ways (TV, web, regular meetings)
 - Work with traditional, spiritual, and clan leaders, as well as the Tribal governments, to identify culturally/traditionally appropriate communications protocols
 - Develop and include in Agency processes clauses to protect sacred sites and access
 - Work with Tribes on place names and heritage sites
 - Coordinate special forest products management across jurisdictional boundaries
 - The Agency and Tribes should work together to resolve conflicts about sacred sites
 - Co-manage sites, special use areas and other lands
- **TRAINING:** FS personnel should undergo training about Tribal history, Tribal law, and cultural sensitivities
- **INTERPRETATION** of Tribal culture and sites should be developed in cooperation with Tribal people and should involve Tribal youth
- **SPECIAL USES** (including recreation, special forest products, energy, wildlife & fish, etc.) of lands and resources of Tribal importance should consider the impacts to sacred sites and traditional uses
- **INTELLECTUAL PROPERTY RIGHTS** of Tribal people, such as rock art, clan crests, etc, should be protected
- **NON-FEDERALLY RECOGNIZED INDIAN GROUPS AND COMMUNITIES** may have historical ties to national forests; these groups should not be left out of the process

In addition, the team recognized that many Tribal people would like to see *legislation* making elements of EO 13007 legally enforceable in court. The Tribes and Agency employees who were interviewed also recognized a need to work through disagreements with respect, using *established procedures for conflict and dispute resolution*.