



# THE HARVARD PROJECT ON AMERICAN INDIAN ECONOMIC DEVELOPMENT

John F. Kennedy School of Government • Harvard University

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### **Cultural Resources Protection Program Natural Resources Department Confederated Tribes of the Umatilla Indian Reservation (Pendleton, OR)**

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*Since contact, the Cayuse, Umatilla, and Walla Walla have lost cultural objects and sacred sites to looting, development, and archaeological excavations. Over the years these three bands brought together in 1855 and united into a single tribal government in 1949 as the Confederated Tribes of the Umatilla Indian Reservation mourned the loss of irreplaceable cultural artifacts. Sadly, under federal management, these losses continued well into the late twentieth century. Convinced that they could do better, the Tribes began the development of their own Cultural Resources Protection Program in the late 1980s. Today, the Program is a recognized leader in enforcing cultural resource management laws, influencing public policy, and building support for tribal management of critical resources.*

On October 14, 1805, Lewis and Clark looted one of the Cayuse, Umatilla, and Walla Walla's protected sites during their exploration of the Pacific Northwest. Although the expedition had made it a point at all times not to take any thing belonging to the Indians, they took parts of a house which the Indians had very Securely covered with Stone [sic]. Regrettably, this first contact established a pattern that the Confederated Tribes of the Umatilla Indian Reservation (CTUIR) combated for the next two hundred years.

During those years, a surging interest in Indian cultures and lands resulted in the excavation of hundreds of Indian cultural and sacred sites. Amateur and professional archaeologists' forays and the penchant for collecting among institutions such as the Smithsonian and the Bureau of American Ethnology resulted in the loss of countless artifacts. Subsequent development of Indian lands meant that even more sacred sites were disturbed. During the 1960s, the CTUIR watched in horror as their lands were destroyed in preparation for a reservoir. Although a professional archaeologist directed the work, looters were omnipresent and the CTUIR lost thousands of artifacts including funerary objects as well as the disinterred remains of their ancestors.

The Bureau of Indian Affairs (BIA) has long held responsibility for managing the CTUIR's cultural resources. From the Tribes' perspective, however, the federal government's management was unsatisfactory, if not troubling. The BIA often took windshield surveys (that is, not getting out from the vehicle) of cultural sites, tolerated looting, and exerted minimal effort to identify and protect cultural and sacred sites. Perhaps not surprisingly, the BIA rarely consulted the CTUIR. The CTUIR's experience is not atypical; tribes throughout Indian Country share similar frustrations. While cultural resource management laws have been strengthened significantly over the past twenty-five years (for example, the 1979 Archaeological Resources Protection Act and the 1990 Native American Graves Protection and Repatriation Act), many tribes still struggle to prevent looting, repatriate funerary artifacts, and engage in meaningful consultation with government agencies. Even tribes that contracted management of their own cultural resources confront the challenges of inadequate capacity, insufficient funding, and a lack of respect from the field, which remains dominated by Western-trained anthropologists and archaeologists.

Nevertheless, two centuries of chronic mismanagement convinced the CTUIR that they could and must do better. In the mid-1980s, the CTUIR identified their mission in cultural resource management: they would secure, preserve, and perpetuate cultural resources for future generations by learning from the past and seeking opportunities in the present for direct tribal participation. To fulfill this mission, the CTUIR knew that it was necessary for them to develop expertise. So in 1987, four tribal members attended a paraprofessional archaeologist training, and then went to work for the Tribes as seasonal cultural resource technicians. The Tribes' technical and organizational capacity grew quickly, and in 1988 they received their first cultural resource management contract. In 1994, the CTUIR formally established the Cultural Resource Protection Program (CRPP).

Although it began with only two part-time employees, the CRPP has grown into one of Indian Country's largest and most comprehensive cultural resource management programs. It employs twenty full-time staff members who are engaged in a wide spectrum of activities, including enforcement, advocacy and policy development, contract work, and public education. In the arena of enforcement, the CRPP's regular monitoring of sensitive sites significantly reduces vandalism and looting of reservation sites. Recognizing the need for even stronger cultural resource management laws, the Program works closely with policymakers at the state and national levels to develop legislation that provides greater protection for sacred sites. The Program also offers a variety of contract services for government and private entities including site inspections, excavations, artifact analysis, site mapping, site monitoring, and database management. In addition to conducting regular cultural sensitivity trainings, the Program reaches out to academic institutions, museums, scholars and the general public to explain and teach the CTUIR worldview via papers, reports, presentations, and videos.

Impressively, the work of the CRPP is largely self-sustaining. Although the CRPP receives funding from the CTUIR and federal agencies, the vast majority of its \$1.5 million annual operating budget is earned through the contract work it performs for governmental agencies, tribes, and private organizations. In its early years, the CRPP lost bids to other archaeological firms, but it has long since proven its ability to manage vulnerable resources with cultural sensitivity and technical expertise. To be sure, the CRPP is now respected within the archaeology community and among federal agencies.

The number of completed contracts is one measure of the CRPP's success. Over a five-year period it totaled two hundred twenty contracts (for excavations, site inspections, artifact analysis, etc.) with federal agencies, private organizations, cities, tribes, and states. Of course, these contracts hold a far greater significance than the millions of dollars they generated in revenue. Each completed contract means that the CRPP assisted an agency or organization in identifying and fulfilling the Program's cultural resource responsibilities. Sites and artifacts that would otherwise have been damaged or lost were protected, and excavations or development projects that might have proceeded without tribal involvement were assisted by the CRPP.

Indeed, the CTUIR's CRPP a leader in protecting the sacred cultural heritage of Indian tribes throughout the region. Two centuries of mismanagement taught the CTUIR that Native knowledge must serve as the foundation for their cultural resource management. Upon this foundation, the Program built the necessary human and technical capacity to become an effective institution of self-governance. A testament to its effectiveness, the CRPP won Tribal Historic Preservation Office status in 1996. This status invests the Tribes with primary authority over cultural resources on their reservation, thus allowing the CRPP to transform the archaeological community surrounding the CTUIR from one with no Native involvement to one that requires it. The state and BIA must obtain tribal approval prior to working on reservation lands. This status, coupled with the staff's relentless effort to educate outsiders about the validity and importance of Native perspectives, gives the CRPP a credible and much needed voice in a field that remains dominated by non-Indians trained in Western academic approaches.

This success in protecting the sacred is the result, in part, of the CRPP's expertise in the laws that govern cultural resources. The CRPP knows these laws better than the agencies responsible for

enforcing them and the Tribes make certain that the laws are enforced. The CRPP trained nearly seven hundred professionals in Archaeological Resources Protection Act (ARPA) enforcement and hosted ARPA crime scene investigations, leading to an impressive sixteen ARPA citations, four ARPA prosecutions, and the return of forty-one thousand artifacts and twelve thousand dollars. Still, the CRPP seeks to do more than just enforce existing cultural management laws. The Program aggressively works to strengthen these laws. The CRPP collaborated with the Oregon State Legislature to pass a bill that increased civil penalties of convicted grave robbers from five hundred to ten thousand dollars per burial site. The Program also contributed to the passage of Oregon State Bill 7161 that states any archaeological excavation on state lands must possess an archaeological permit. The CRPP's work is an inspiring example of how Indian tribes can shape public policy.

The CRPP's unyielding efforts to educate others in cultural resource management not only protect sacred cultural resources, but also change others' attitudes toward these resources. The CRPP's determination to secure compliance with culture resource protection laws initially met with resistance is now welcomed. Further, the CRPP established six Memoranda of Understanding with government agencies that specify the role that Tribes will play in cultural resource management. The Bonneville Power Administration and the US Army Corps of Engineers have even adopted CRPP policies. Moreover, since 1988, the CRPP advised twenty-one tribes on developing cultural resource programs.

Arguably, the most significant result of the CRPP's work is the support that it builds for tribal sovereignty and self-governance. Others look at the CRPP and see a well-organized, highly professional, and technically sophisticated tribal government program that does exemplary work. Besides showing the world that sovereignty and success often go hand-in-hand, the CRPP spends a great deal of time exposing outsiders to the Tribes' history and culture. For example, the Program hosts three-day cultural sensitivity camps for Army Corps personnel (and soon others), who are exposed to sweat lodges, flint knapping, and traditional games. Further, the CRPP regularly invites local leaders, state legislators, the media, and others to come meet the staff, tribal elders, and to see their work in the field. These low-cost investments have long-term pay-offs.

Cultural resources provide a present connection to the past. CTUIR tribal members visit cultural sites to understand both who they were and who they are becoming. In their development of the Cultural Resource Protection Program, the CTUIR ensured the integrity of its cultural memory. In developing management expertise, enforcing protection laws, and educating the public, the Tribes guarantee their ability to control their past for the benefit of their future.

#### Lessons:

- Sometimes the best way to protect tribal cultural resources is to include non-tribal entities at the table, rather than excluding them. For the CTUIR, a potentially difficult relationship with the Army Corps of Engineers has evolved into a productive one marked by goodwill.
- Integrating cultural practices into highly sensitive day-to-day business tasks (e.g., exhumation, land surveying, site excavation) provides tribal citizens with the means to perform those duties. For example, having a medicine man on staff has allowed CTUIR to perform specialized ceremonies if a burial site is found or disturbed.
- Tribal governments that wish to control their cultural and natural resources need to invest in training their staff in order to achieve the necessary technical expertise in relevant fields. As experts in their fields, staff is capable of performing required duties and also commands the respect of non-tribal agencies.