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INTRODUCTION  
TO INDIGENOUS CULTURAL SITES IN  
SHUTESBURY, MASSACHUSETTS

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SHUTESBURY HISTORICAL COMMISSION

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Introduction to Indigenous Cultural Sites in Shutesbury

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## Overview

Human-made stone structures are found throughout Shutesbury. While some are clear evidence of Euro-American settlement, many have unclear origins. Many structures lie in tracts determined to be Forest Conservation zones (per Town Zoning Bylaws), far from Euro-American settlement sites. Shutesbury is within the 16-mile radius of a ceremonial district surrounding the Turners Falls Sacred Ceremonial Hill Site, a site determined to be eligible for the National Register of Historic Places.

This Ceremonial District shapes our understanding of our community. The Historical Commission agrees with the federal government that only official representatives of traditional communities, i.e., Indigenous communities, are qualified to determine what is traditional or sacred to their community.

The Commission advocates for respectful consultation with Tribal representatives as a best practice for preserving Indigenous cultural resources. In this capacity, the Commission has begun efforts to engage with Indigenous communities, including Tribal Historic Preservation Offices. In doing so, we hope to build collaborative relationships that will help our shared goals. In this Introduction, we explore Indigenous cultural roots in our community. We also discuss how our framework of federal, state, and local laws can support our Town's preservation efforts.

### Why an Introduction?

The Shutesbury Historical Commission, established under MGL 40 §8D to protect historical and archaeological assets in the Town of Shutesbury, created this *Introduction* to explain how to apply this mandate to Indigenous Ceremonial Stone Landscapes and to outline best practices for their preservation. We hope this document will help both the Town government and the public understand the importance of protecting Indigenous sites in Shutesbury. Appendices A through C provide definitions, abbreviations, and related statutes/resolutions.

### The Role of the Local Historical Commission

**State and Federal Law:** The Historical Commission advises the town government and furthers its preservation goals at all times, including as they may arise during development or other threats to historic properties. In Massachusetts, municipal Historical Commissions derive their mission and authority from MGL c. 40 §8D (see Appendix B). Shutesbury's zoning bylaws include historic preservation goals, e.g., the Zoning Rural Siting Principles note the need to preserve stone walls and hedgerows, which are ubiquitous about town.

The Commission's mission is to preserve and protect the tangible evidence of the architectural, aesthetic, cultural, economic, archaeological, political, and social history of Shutesbury. The Historical Commission is interested in all types of historical information and artifacts, both pre-colonial and colonial. Indigenous descendants have also long expressed an interest in preserving their archaeological legacy as a vital aspect of their cultural identity and ceremonial practices.

As advocates for local preservation, we are a resource for information about historical resources and activities. We welcome opportunities to work with other Town boards, the Massachusetts

Historical Commission, and other groups to preserve the distinctive and vital characteristics of Shutesbury.

The Massachusetts Historical Commission (MHC) tasks town commissions with compiling local surveys and inventories of cultural and historic resource areas. Databases of historic properties are necessary for, among other things, National Register of Historic Places (NRHP) nominations. In situations where federally-involved development projects occur, both municipal historical commissions and the MHC play a role. The Shutesbury Historical Commission is the conduit through which any local sites pass if they are eligible for National Register consideration. Indigenous sites are still eligible for NRHP inclusion, even if traditional communities have abandoned them for long periods.

MHC also instructs local historical commissions to assist with local preservation plans and to consult with other parts of municipal governments. When a federal undertaking is involved in a development project affecting a historical/cultural resource area, the federal Advisory Council on Historic Places (ACHP) establishes the National Historic Preservation Act Section 106 process regulations (discussed below). The ACHP regulations allow that municipal governments unique consultative roles in the Section 106 process.

**Tribal Initiatives:** The United South and Eastern Tribes (USET) is an inter-Tribal organization of all 33 federally-recognized Tribes of the Eastern seaboard. USET is committed to advocating for its Tribal members. While each Tribe has its own government and goals, Appendix B lists some Resolutions passed by USET about preserving Ceremonial Stone Landscapes. These Resolutions call upon landowners and all government levels, including local governments, to protect Ceremonial Stone Landscapes.

**Role of Historical Commission in Zoning:** The Historical Commission plays a vital role in Special Permit Reviews. Municipal Special Permit Review Criteria 9.2-2.K includes a review of developments' impact on historic structures and features. The Municipal Solar Zoning Bylaw, moreover, creates a unique role for the Historical Commission. This role is critical as large-scale solar developments cover large areas of land. Section 8.10-3.F of the Bylaw requires a written assessment of the project's effects on historic resources, including pre-colonial and colonial features. The Bylaw further requires mitigation efforts for identified historic resource areas. Finally, Section 8.10-4.A.3 requires that the Shutesbury Historical Commission be notified of Areas of Potential Effect (APE) and an opportunity to respond in writing to Special Permit applications under this Bylaw. Historic preservation through zoning is discussed further in a companion to this report, *Historical Preservation and Solar Development in Shutesbury*.

### **The National Historic Preservation Act**

The National Historic Preservation Act of 1966 (NHPA) was established to provide federal oversight of historic preservation nationwide. It was amended in 1992 to include Indigenous cultural and religious sites. As a result of this legislation, historic structures that would be affected by federal projects-or by work federally funded-now had to be documented to standards issued by the Secretary of the Interior. The law created an Advisory Council on Historic Preservation (ACHP) and the National Register of Historic Places (NRHP).

**National Register of Historic Places:** This official list includes important buildings, structures, districts, objects, and archaeological sites. The National Historic Preservation Act of 1966 (NHPA) applies to "historic properties" either on the NRHP or **potentially eligible** for inclusion.<sup>1</sup> The nomination process for listing requires an application to the Massachusetts Historical Commission, which serves as the Commonwealth's State Historic Preservation Office (SHPO). The MHC passes its recommendations to the National Park Service. If the site's proponents disagree with the MHC's ruling, the Keeper of the National Register will make a Determination of Eligibility.

A site does not have to be on the National Register for the NHPA to have jurisdiction. It is also worth noting that the NHPA and the National Register listings do not mean a site is automatically protected from development or impact. The process, however, requires that identified properties receive special consideration (through consultation and identification) before they are affected.

The National Register of Historic Places (NRHP) is administered by the National Park Service and regulated by the Advisory Council on Historic Preservation (ACHP). To be eligible for listing in the National Register, a property must be at least 50 years of age and possess significance in American history and culture, architecture, or archaeology. A property of potential significance must meet one or more of four established criteria:

- A. Associated with events that have made a significant contribution to the broad patterns of our history;
- B. Associated with the lives of persons significant in our past;
- C. Embody the distinctive characteristics of a type, period, or method of construction, or that 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;
- D. Yield, or likely to yield, information important in prehistory or history.

**Federal Undertakings:** Projects with federal involvement, including projects on private property, are subject to the NHPA if there is direct or indirect federal involvement. **Any federal "undertaking"**—whether it be a permit, a funding source, or a project on federally owned land—can trigger this process. It does not have to be a direct action that involves ground disturbance activities. This process is not dependent on publicly financing or use of public property: the statutory requirements involve the federal agency and the Tribes, even for private projects.

"Section 106" has become a shorthand reference to the whole body of regulations and laws that carefully define how Tribal authorities and federal agencies interact around the NHPA. The goal of Section 106 is to ensure a federal agency's decisions on carrying out, financially assisting, licensing, or permitting an undertaking are well informed regarding effects to historic properties and the views of others regarding those effects.

The legal and statutory basis for Tribal involvement is based upon a policy of "government-to-government" relationship between the United States government and Indigenous Tribes. In policy, statutes, and case law, the federal government has been found to have a unique trust relationship with Tribes that creates fiduciary standards in its dealings with Tribal governments. This unique legal relationship is reflected in the Constitution of the United States,

treaties, federal statutes, Executive Orders, and numerous court decisions. Broken treaties, genocide, land theft, discriminatory laws, and cultural erasure, however, create an uneven playing field. The NHPA and its many regulations require the federal government to commit to government-to-government dealings consistent with Tribal self-governance and autonomy. The federal government is obligated to consult with Tribal governments before implementing an action or policy that will significantly affect Tribal resources. This obligation includes efforts to facilitate communication and to remove undue burdens on Tribes.<sup>2</sup>

The NHPA and the ACHP regulations require consultation with Tribal authorities if they believe a historic property is significant to their community (see Appendix B). Section 54 U.S.C. 302706 of the National Historic Preservation Act clarifies that properties of religious and cultural importance to an Indian Tribe or Native Hawaiian organization can be eligible for inclusion on the National Register of Historic Places. Therefore, these properties must be considered in the Section 106 review process. The knowledge, or special expertise, brought to the process by Tribal and Native Hawaiian participants is the basis for identifying such cultural properties.

Section 106 consultations include many federal agencies. A Section 106 consultation begins with a project notification alerting the State Historic Preservation Office (SHPO) and the involved federal agency of a possible adverse effect. Usually, this notification would be initiated by a proponent of the federal undertaking, such as a developer, municipality, or state agency. Note that the SHPO for Massachusetts is the Massachusetts Historical Commission. The process of this notification is defined by federal regulations and differs somewhat from agency to agency. A SHPO or THPO can also contact the federal agency themselves and express an interest in consultation. Once made aware of the issue, the federal agency is supposed to begin a fact-finding process. Once the federal agency is notified, the agency is supposed to communicate with the involved parties in hopes of arriving at a mutually satisfactory resolution. The federal action is ideally withheld until the consultation process has concluded.

Federal agencies must include any federally-recognized Tribe that expresses an interest, not just those that are, at present, geographically close. Because of the displacement and forced removal of some Indigenous communities, some Tribes far from the Northeast have a historical and cultural tie to this region. In some projects, multiple Tribes participate in the project. In other instances, Tribes may decide to have one THPO take the lead.

As part of the process, formal notification by project proponents to THPOs of Tribes that express an interest in an area is required. Proponents can identify Tribal Historic Preservation Offices through the ACHP and other federal agency websites. The ACHP acts as a clearinghouse for Section 106 information, including an online library of resources for newcomers to the process.<sup>3</sup> The National Association of Tribal Historic Preservation Officers is a member of the ACHP and offers a nationwide directory of THPOs at [www.nathpo.org](http://www.nathpo.org). In addition to the ACHP as a resource ([www.ahcp.gov](http://www.ahcp.gov)), individual federal agencies maintain Section 106 Liaison Offices. For Section 106, many Tribes indicate online which regions are relevant to them. In many instances, multiple Tribes should be notified, and more than one may choose to become involved. THPOs who express an interest must be consulted.

In addition to federally-recognized THPOs, other traditional communities, including state-recognized Tribes and others, can request involvement in a Section 106 process. While Indigenous parties outside of Tribal government may participate, they are not a substitute for THPOs in this context. State-recognized Tribes may participate as important stakeholders, but – unfortunately – they are unable to replace federally-recognized Tribes in a required Section 106 process.

Appendix G contains a summary of how Section 106 is implemented. Section 106 of this federal law gives jurisdiction over the NRHP process to the Advisory Council on Historic Preservation (ACHP), a federal agency. The ACHP establishes the regulations that pertain to the implementation of the NHPA.

In addition to the State Historic Preservation Office (SHPO), the federal Advisory Council on Historic Preservation, local governments, other historic preservation organizations, and the public may become involved. The SHPO's responsibility is to represent the state's preservation interests and to provide recommendations to the federal government.

Section 106 consultation has the end goal of resolving differences, including avoiding or mitigating harm to cultural properties. At a minimum, developers and stakeholders each make their case about how to resolve any concerns. The process does not mean that a project is defeated or that the Tribal consultants alone decide a project's outcome.

Instead, this process attempts to resolve potential differences. Sometimes, projects may undertake additional investigations. Tribal experts may conduct site visits, monitor construction activities, and advocate if they have concerns. The process may, but need not, result in an NRHP eligibility determination. The consultation result is a Memorandum of Agreement (MOA) detailing the parties' agreement on measures to resolve adverse effects. King (2003, p. 13) notes, "If the (federal) agency and SHPO cannot agree, or if the Advisory Council or the keeper of the National Register so request, then the agency goes to the keeper for a final, formal determination (of NRHP eligibility)."<sup>4</sup>

The ACHP regulations and guidelines clarify that direct engagement, face-to-face meetings, and on-site visits are appropriate and often necessary. The ACHP guidelines indicate:

"Consultation constitutes more than simply notifying an Indian tribe about a planned undertaking. The ACHP views consultation as a process of communication that may include written correspondence, meetings, telephone conferences, site visits, and e-mails."<sup>5</sup>

Federal agencies involved in undertakings are advised to approach the process with flexibility and respect for Tribal authority. Recommended best practices include: early Tribal involvement, plans to address concerns about the confidentiality of data, reasonable and good-faith efforts to identify Tribes that may attach religious and other cultural significance to a site, respectful dialogue, and efforts to ensure Tribes have a reasonable opportunity to identify Traditional Cultural Properties and participate in the resolution of adverse effects.

Importantly, development applicants and federal agencies in the Section 106 process are expected to act in "reasonable and good faith" and not engage in anticipatory demolition of resource areas. Section 110 (k) of the NHPA forbids federal agencies to grant permits or other undertakings if it

is found that a developer intentionally destroyed a resource area in an attempt to circumvent Section 106 review. Since the process hinges on timely notification, much depends on the proponent's promptness and diligence.

The values underlying the Section 106 process are spelled out in a landmark publication by the US Department of the Interior entitled "Bulletin 38" (see Appendix D). Since its publication in the 1980s, Bulletin 38 is a "best practices" roadmap for how federal agencies and archaeologists can consult with Indigenous authorities about the preservation of their Traditional Cultural Properties, that is, properties that are of cultural, ceremonial, or historical relevance to the Indigenous community.

**Shortcomings:** It is worth noting that the ideal Section 106 process is far different from its implementation realities. The standards outlined in Bulletin 38 remain aspirational in a world where federal agencies fall short of doing their due diligence, and oversight mechanisms in the ACHP do not exist in practice. Dongoske et al. (2018, p. 162) note that the NHPA process is often "stacked against Native peoples by promoting an unfair and one-sided environment in which Native people are required to demonstrate and documentation a greater degree of association than is required for scientific information potential."<sup>6</sup> Inadequate understanding of Indigenous religious and cultural traditions, especially here in the Northeast, has led to neglect and destruction of many sites without Tribal input. Even when proper procedures are followed, projects slip through with little or no meaningful Tribal engagement. Even if an adverse effect is identified, it is possible for one party to terminate the consultation prematurely and allow the federal action be approved. As Marincic (2018) points out:

"The NHPA requires only that the federal agency consider the adverse effects an undertaking may have on a historic site, rather than requiring that action is taken to remedy those effects. Because of this lax standard, courts often rule in favor of the federal agency decision-maker on a claim brought under the NHPA. Unless there has been a clear violation of the NHPA or another statute, courts afford great deference to the agency's decision to permit the undertaking."<sup>7</sup>

Marincic explains how weak statutory language and limited avenues for judicial review block effective NHPA enforcement. Because of its limitations, there have been calls for amended legislation to strengthen the NHPA.

Nevertheless, Tribal governments and historic preservationists continue to view the NHPA as an important tool for the preservation of Indigenous cultural sites. Even if consultation is flawed, the process often allows Tribal governments some voice that they might otherwise be denied. Tribes have also been successful at times, gaining recognition and protection for cultural sites through the NHPA. Today, THPO offices for Tribes across the country are regularly involved in consultation on development projects. Successful Section 106 consultation outcomes, however, have often required advocacy and persistence.

**Local Government and Section 106:** Federal regulations ensure that local governments are parties to Section 106 review. Federal agency officials responsible for carrying out Section 106 review are supposed to invite local government representatives to participate in

consultation to resolve the effects of its actions on historic properties. A representative of a local government is entitled to participate as a consulting party (36 CFR 800.2(c)(3)). Local government representatives can be a governing body, an elected official, or staff with responsibilities for planning, recreation, or historic preservation. Historical Commissions may provide expertise on local ordinances protecting historic districts, design review, and the identification of properties of local or regional significance. Local government participation can ensure that a Section 106 review considers the Town's preservation priorities. Local governments can actively pursue mitigation measures that most benefit their community, develop partnerships with other parties, and promote future preservation efforts.

In cases where there is no federal undertaking to trigger Section 106, municipal governments can still work with Tribes and other Indigenous representatives to ensure that the spirit of Section 106 is maintained and that traditional communities have a say in the preservation of Traditional Cultural Properties. First and foremost, that "say" should include the right to define a TCP for that particular traditional or Indigenous community. It is disrespectful and inappropriate for a municipal government, developer, or even archaeologist to presume to identify and name a TCP. Only designated members of a traditional community such as a state- or federally-recognized Tribe possess the necessary cultural knowledge needed to interpret a TCP.

With the assistance of Tribal representatives, municipal governments can also help educate the public about preservation priorities. They can also encourage schools to include curricula sensitive to Indigenous history and heritage. Towns can also create bylaws to protect CSLs, either through preservation bylaws, demolition delay bylaws, historic districts, and tax incentives for preservation restrictions.

**Takeaways:** The US Department of the Interior Bulletin 38 and the NHPA combine to protect civil rights in historic preservation. They acknowledge Tribal sovereignty and the right of Indigenous communities to have a say in what is meaningful for their culture. Although very imperfect and frequently inadequately implemented, these statutes attempt to level the playing field between Tribal governments on the one hand and generations of Euro-American policy-makers, landowners, archaeologists, historians, and anthropologists. This process' ultimate goal is social justice: a mutually-respectful process that seeks to correct generations of misguided, Eurocentric, and sometimes racist efforts to define and control what is Indigenous.

### **Who is an Expert?**

Before delving into Shutesbury's history, we must discuss who is qualified to be an expert and evaluate conflicting opinions. Professional and nonprofessional historians, preservationists, anthropologists, and archaeologists contribute to our understanding of our community, our world, and how we connect to the past. However, there are limits to the scope of academically-trained researchers, particularly in the study of Indigenous culture and history, where Euro-American researchers must struggle to understand another culture than their own.

We also observe a long and troubling history of Euro-American "experts" who have misunderstood and, frankly, erased Indigenous heritage. In New England, there is a long record of emphasizing colonial history while essentially ignoring or "erasing" Indigenous communities' continued

presence among us. Indigenous historian, Jean O'Brien, characterizes this as "firsting" and "lasting." By "firsting," she means the tendency to romanticize New England colonial history as the first and foundational civilization for our land. "Lasting" refers to ignoring Indigenous communities, erasing them from our collective memory, and regarding them as extinct.<sup>8</sup>

Examples of Indigenous denialism and cultural erasure are easy to find in government reports, anthropological studies, and histories. It is easy to understand this dynamic both as a function of unintended ethnocentrism and the result of colonization's continuing process. Indigenous communities cannot assert rights and challenge assumptions if they no longer exist.

Egregious cases in Massachusetts include government studies that misidentified and undercounted Indigenous people and statutes such as the 1869 Enfranchisement Act, which stripped Indigenous communities of their rights. Dr. Rae Gould, a Nipmuc scholar, describes poignantly how incomplete and error-ridden 19<sup>th</sup>-century government reports contributed to the federal government's failure to award recognition to the Nipmuc Nation in 2004.<sup>9</sup> The 1860 Earle Report, a governmental study of the Massachusetts Native population, erroneously misclassified Mary Curliss Vickers, a Nipmuc woman living in Massachusetts in the mid-19<sup>th</sup> century, as a "Miscellaneous Indian" rather than as a Nipmuc person. As a result of this single error, 177 present-day Nipmuc Tribal members, all descendants of Mary Curliss Vickers, were excluded from the federal government's data for Tribal recognition. This exclusion contributed to the Tribe's failure to win much-needed and deserved recognition by the federal government. Without this recognition, Tribal members are denied access to federal services and benefits, and the Tribe is denied equal footing with other federally-recognized Tribes. In just this one recent example, the tragic and continuing consequences of Euro-American errors and denialism in our region become clear.

Both archaeology and history face significant obstacles in the study of Ceremonial Stone Landscapes (CSLs) or other Traditional Cultural Properties (TCPs). These features are only understandable within the traditional culture, belief system, and oral history of Indigenous society. As Bruchac (2014) points out:

"Indigenous knowledges are conveyed formally and informally among kin groups and communities through social encounters, oral traditions, ritual practices, and other activities. They include: oral narratives that recount human histories; cosmological observations and modes of reckoning time; symbolic and decorative modes of communication; techniques for planting and harvesting; hunting and gathering skills; specialized understandings of local ecosystems; and the manufacture of specialized tools and technologies (e.g., flintknapping, hide tanning, pottery-making, and concocting medicinal remedies)."<sup>10</sup>

Simply put, many archaeologists and historians lack the tools and knowledge needed to understand CSLs.<sup>11</sup> This knowledge is available among Indigenous communities who have handed it down from generation to generation, but the information is often unavailable to the non-Indigenous researcher. For many reasons, including protecting their culture from misinterpretation, appropriation, and other destructive incursions from the outside, many Tribal communities are understandably protective of their cultural and spiritual practices.

There are approaches to studying CSLs that overcome many of these sometimes-insurmountable problems. A growing number of Indigenous archaeologists, anthropologists, and historians can infuse an Indigenous-centric view into old academic disciplines. Importantly, Tribal Historic Preservation Offices can identify Traditional Cultural Properties and advocate for their preservation.

In 1990, Congress directed the National Park Service to study and report on Tribal preservation funding needs. These findings, *Keepers of the Treasures--Protecting Historic Properties and Cultural Traditions on Indian Lands*,<sup>12</sup> became the template for the Tribal Historic Preservation Office Program. Through authorization in the NHPA and funding from the US Department of the Interior, federally-recognized Tribes have established their own Tribal Historic Preservation Offices (THPOs).

This successful program enables Tribes to train preservationists, i.e., THPOs, to be essential experts who can assist development projects through interpretation and site monitoring. Archaeologists agree that ethical and accurate interpretation of Traditional Cultural Properties requires consultation with THPOs. They are the most appropriate class of experts for this task. While many non-Indigenous Massachusetts residents have probably never heard of a THPO, the Tribes in this region have trained representatives skilled and prepared to evaluate development projects.

**Takeaways:** Though many of us possess skills and knowledge, the Historical Commission recognizes that we are all newcomers to the Town's history and land. We all have much to learn, but we affirm here that non-Indigenous persons cannot determine a Traditional Cultural Property or Ceremonial Stone Landscape (CSL). For this reason, we consider all proposed Indigenous stone structures to be “suspected” CSLs unless and until an Indigenous representative has certified them to be relevant to their cultural tradition.

We also take care in this report not to provide a pat definition of a Ceremonial Stone Landscape. While this approach may be frustrating, it is the most respectful way to acknowledge what is not ours to name. For traditional Indigenous communities, these are sacred sites where their ancestors worshipped, explored the cosmos, and were buried. By engaging in a dialogue with Tribal representatives in our region, we hope to offer more clarity in the future.

To resist falling victim to ethnocentrism, historic preservationists would do well to prioritize Indigenous scholars when possible. In this report, we have attempted to include Indigenous scholarship and guidance.

### **More About Traditional Cultural Properties**

A Traditional Cultural Property (TCP) is any physical property or place of significance to a culture, e.g., a district, site, building, structure, or object. A Traditional Cultural Property can be a place, a human-made structure, or a natural landscape or region. A TCP may be eligible for inclusion in the National Register of Historic Places (NRHP) based on its level of significance, as determined by its culture and community. Significance is often determined by (but not limited to): associations with the cultural practices, traditions, beliefs, lifeways, arts, crafts, or social institutions of a living

community. TCPs are rooted in a traditional community's history and are important in maintaining the community's continuing cultural identity.

The National Historic Preservation Act and the accompanying 36 CFR 800 regulations refer to “properties of traditional religious and cultural significance” and “properties of traditional religious and cultural importance. These terms refer collectively to *Traditional Cultural Properties*, a vernacular term described in the National Park Service Bulletin 38 (see Appendix D). They are geographic places that are important for a particular traditional community's cultural practices, beliefs, and values when those practices, beliefs, or values are shared within the group, have been passed down through the generations, and have served a role in maintaining the group's cultural identity. Bulletin 38, discussed above, makes it clear that only representatives of traditional communities can identify what is meaningful for their culture and identity.<sup>13</sup> Indigenous Traditional Cultural Properties can and are listed on the National Register of Historic Places (NRHP). Examples include Bear Butte (South Dakota), Tecate Peak (California), Medicine Lake Highlands (California), Nantucket Sound (Massachusetts).

Like a Traditional Cultural Property, a Traditional Cultural Landscape is a spatial area or resource area associated with a traditional community's cultural practices, beliefs, or identity. An example of a Traditional Cultural Landscape, which links human-made features to the natural environment, could be a complex of Ceremonial Stone Landscapes built around and close to water sources and wetlands. Understanding Traditional Cultural Landscapes often requires a holistic examination of the larger landscape within which a site is situated.

In 2010, for example, Nantucket Sound was found eligible for listing on the NRHP as a Traditional Cultural Landscape. The Sound was determined to be an important historic and archaeological property associated with Indigenous exploration and settlement of Cape Cod and the Islands. The landscape was found to be culturally significant for two federally-recognized Tribes, the Wampanoag Tribe of Gay Head (Aquinnah) and the Mashpee Wampanoag Tribe. This landscape was found eligible even though its area is large, it includes open water, and some cultural resources are submerged.<sup>14</sup> While the NRHP ruling defined a boundary for Nantucket Sound, the determination also found that it could be a contributing feature of a larger district that would require additional documentation. As discussed below, a Traditional Cultural Landscape in Turners Falls, Massachusetts, was also found eligible for NRHP listing in 2008.

Traditional Cultural Properties, including Ceremonial Stone Landscapes, may or may not be related to Traditional Knowledge or traditional cultural information that is not generally available to the public. “In general, Indigenous ways of knowing about the environment may differ fundamentally from those of most non-native or industrialized societies” (Ball et al., 2015).<sup>15</sup> King (2003, p.100) notes that TCPs all appear to have one or more of the following attributes: spiritual power, practice, oral tradition, therapeutic (healing) quality, and remembrances.<sup>16</sup> Information about TCPs can be culturally sensitive and may be regarded as culturally privileged or confidential. Cultural beliefs and norms may restrict the sharing of some. Ball et al. (2015) recommend that consulting parties (government officials, developers, public) do their “homework” to be prepared for a productive process. That homework includes educating oneself about the culture and worldview of the Indigenous Tribe, the history of the Tribe, norms within Tribal culture, and Tribal

perceptions of time. It may not be possible to know in advance what information is culturally sensitive to a traditional community. Still, respectful engagement allows non-Indigenous parties an opportunity to foster a dialogue even if some information must remain non-public.

### **Shutesbury Land Use Patterns**

**Pre-Contact Upland Land Use Patterns:** The date of Contact (between Indigenous societies and European society) is defined as 1492 CE, when Europeans began colonizing the Western Hemisphere. “Pre-colonial” and “Pre-Contact,” used interchangeably in this report, refer to the time period before 1492 CE. Any time after 1492 CE can be regarded as “Post-Contact.” This nomenclature, however, does not mean there was an abrupt change to Indigenous settlement after the introduction of Europeans. Gould, Herbster, and Mrozowski (2020) point out:

“Archaeologists often use the term ‘contact’ to refer to the arrival of Europeans in the ‘New World’ . . . but this label tends to overstate the finality of colonialism as a historical process. Colonization of indigenous peoples in this hemisphere brought genocide, with catastrophic results. But . . . Native American societies and identities have endured culturally and politically.” (pp. 41-42)<sup>17</sup>

Before European settlement, Indigenous peoples inhabited this region. Researchers now agree that people settled in New England at least 12,000 years ago, if not much longer. There is an emerging body of evidence that a maritime Indigenous culture, with sophisticated navigational skills and ocean-faring capabilities, existed in the Northeast over 8,000 years ago.<sup>18</sup> These maritime-adapted peoples possessed technology and skills for ocean travel and sea mammal hunting. These discoveries are consistent with Indigenous oral traditions that speak of ancient maritime lifestyles.

As new investigations continue, including submerged archaeological studies on the continental shelf where humans lived during the Ice Age, the earliest known dates of human habitation along the Atlantic seaboard are being pushed farther and farther back.<sup>19</sup> Remarkable new studies conducted in just the past year now point to possible human habitation along the Atlantic seaboard as early as 20,000 years BP.<sup>20 21 22</sup>

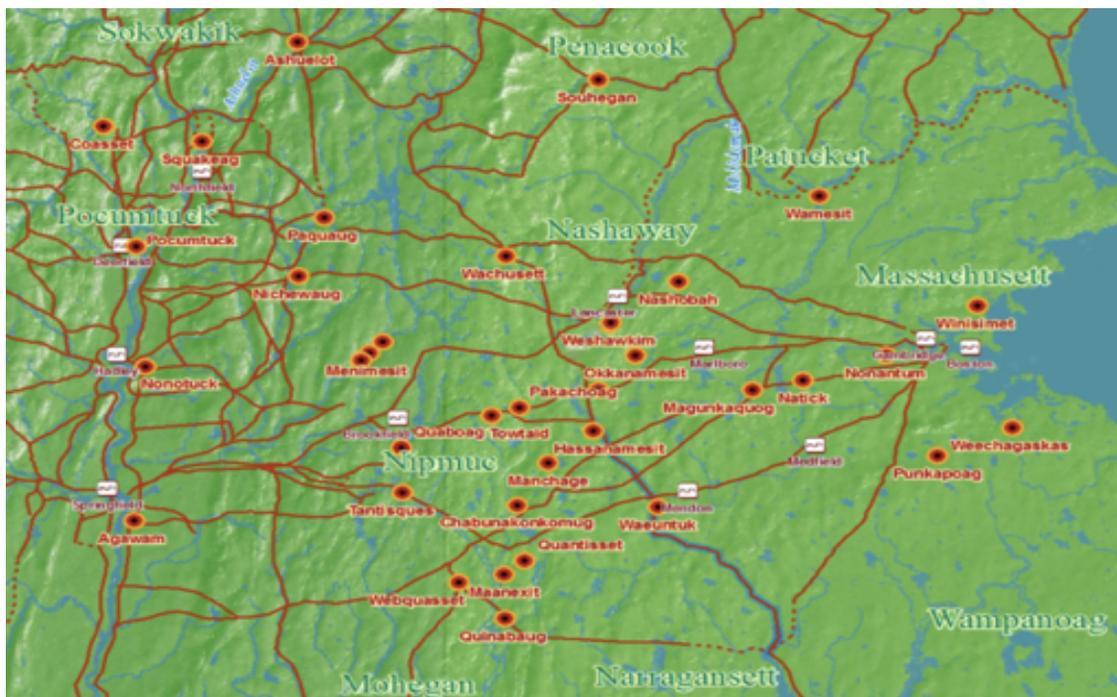
For thousands of years, this region was home to a complex web of interrelated tribal groups that shared linguistic, ritual, cultural, economic, political, and familial ties. Throughout human habitation of the Northeast, the Connecticut River served as a major corridor for habitation, travel, and trade.

Prior to European colonization, the region’s inhabitants belonged to the Algonquian-speaking cultural tradition that spanned an enormous territory, including the Northeast, northeastern Canada, and parts of the Midwest. Trade routes connected the Northeast to other Indigenous groups located south and west, crisscrossing North America. By 1300 CE or earlier, Algonquian-speaking peoples acquired maize horticulture from trading partners to the west and south, and began transitioning to a more agrarian group of societies. While hunting, fishing, and gathering nuts, plants, and fruit, these societies also farmed maize (corn), squash, beans, and sunflowers. A variety of other plants and herbs supplemented their diet. Evidence of widespread trade and cultural exchange includes the discovery in this region of artifacts that used mid-Western techniques and materials.

While communities had individual or local traditions, there was widespread trade and cultural sharing throughout this territory. By the time of European Contact, Indigenous peoples were semi-sedentary with settled villages, farms, ceremonial sites, and seasonal hunting/fishing grounds. Bands and villages belonged to larger confederacies of related groups with sometimes far-reaching alliances with other tribal groups. Besides horticulture and hunting/gathering, Native peoples routinely burned forest undergrowth and fields to improve hunting and agricultural yields. Gould, Herbster, and Mrozowski (2020, p. 43), note: “Based upon ethnographic and historical information, women played a primary role in horticulture, resulting in political leadership as well.”<sup>23</sup>

As illustrated in Figure 1, by the beginning of the 16<sup>th</sup> century, the land that is now Shutesbury lay between Nipmuc communities in the Swift River Valley to the east and Norwottock/Pocumtuck communities along the Connecticut River in the west. Native byways in Shutesbury connected Nipmuc villages to villages along the Connecticut River Valley. Both groups were related to each other through cultural and kinship ties.

Many of the names of Indigenous communities mentioned here are "locative" names that describe geographical features.<sup>24</sup> Some of these names were assigned by Europeans. In many instances, we do not know the actual names that ancient Indigenous peoples used to describe themselves and their homelands. We must keep in mind that much of what we know has been filtered through the lens of Euro-American colonialism. “Tribes” as we know them today are not the same thing as the civilizations that existed before European contact. Likewise, our Eurocentric view of “territory,” as a region with clear fixed boundaries, does not accurately describe pre-colonial



**Figure 1. Pre-Contact Tribal Homelands<sup>1</sup>**

Indigenous society's views.

Bruchac (2011) notes that Indigenous villages in the early 17<sup>th</sup> century were relatively autonomous and had multiple *sachems* and *sunksquas*, male and female clan leaders. The relationships and distinctions between communities or “Tribes” were fluid before European Contact, with complex inter-relationships forged from language, alliances, intermarriage, trade, and shared spiritual practice. Cultural diffusion, or the spread of shared practices and beliefs, was widespread throughout the Western Hemisphere.

Even by the early 17<sup>th</sup> century, when Europeans began to colonize the Northeast, many Indigenous communities had already been affected by European-introduced pandemics that swept the region. Many groups were displaced through European colonization and genocide. For this reason, we



must use caution when referring to one Tribe or another claiming Shutesbury as part of their ancestral homeland. Many current-day Tribes have familial, cultural, and historical ties to this region. Indigenous groups based today in many areas (e.g., Massachusetts, Connecticut, Vermont, Rhode Island, New York, Canada, and Wisconsin) have ties to this area.

**Figure 2. Indigenous Trail Network (1500–1620 CE)<sup>25</sup>**

The Pocumtuck “confederacy” was a Euro-American term given to an association of villages/bands in the early 17<sup>th</sup> century that developed in response to European territorial encroachment and warfare with other Indigenous groups. Warfare, we might add, was often incited and encouraged by Euro-American colonial governments. This alliance included communities along the Connecticut River: *Agawam* (Springfield), *Woronoco* (Westfield), *Nonotuck* (Amherst/Hadley/Northampton), *Pocumtuck* (Deerfield/Greenfield), and *Sokoki* (Northfield/Brattleboro/Hinsdale).<sup>26</sup> A Nipmuc confederacy covered a region including Central Massachusetts and parts of Rhode Island and Connecticut. Villages included *Paquaug* (Athol), *Nichewaug* (Petersham), *Naukeag* (Ashburnham), *Wabaquasset*, *Hassanamesit* (Grafton), *Quinnebaug*, *Menimesit* (North Brookfield), *Quaboag*, and *Wachusett* (Princeton).<sup>27</sup> Importantly, trade and social relationships between the Indigenous communities across our region resulted in a network of regularly-used paths that crisscrossed Shutesbury and served as the basis for later roads (see Appendix E). Figure 2 shows the layout of these byways through the Shutesbury/Leverett area.

While Indigenous villages were often located along waterways, uplands such as Shutesbury were an integral part of seasonal and ceremonial life. As Appendix D notes, Shutesbury is an upland area rich in water resources. It encompasses the headwaters for two river systems. Indigenous ceremonial sites across the Northeast were often located on hills and near wetlands, considered sacred. Occupation sites may have centered around Lake Wyola, the West Branch of the Swift River, and central Shutesbury's gentle uplands.<sup>28</sup> Besides being a resource for hunting, fishing, horticulture, and other sustenance activities, this area was also home to a vast network of ancient ceremonial sites. Indigenous spiritual practices were associated with stone structures, piles, rows, and natural features related to astronomy, historical and seasonal events, funerary practices, celebrations, beliefs, and prayers. The Connecticut River Valley contains many examples of these ancient stone structures.

After the displacement of Indigenous peoples, Euro-American colonists encountered these abandoned stones. Colonists built roads atop ancient byways and used available stones from CSLs to make field fences and boundary markers.

**Origins of Ceremonial Stone Landscapes:** Ceremonial stone structures and mounds, some of which include burial sites, have been identified throughout the Northeast.<sup>29</sup> For a long time, non-Indigenous archaeologists negated Indigenous stone building evidence in the Northeast, even when early settler reports documented their presence. That perspective, discussed in more detail below, has persisted despite the vast body of evidence that Indigenous civilizations across the Western Hemisphere engaged in earthworks and stone building.

In the past couple of decades, scientific research using new dating tools has demonstrated stone structures in the Northeast predate European Contact. Optically-Stimulated Luminescence (OSL) is a highly accurate, geophysical methodology used to date soils, minerals, and rock structures (see Appendix C). Feathers and Muller (2020) used OSL to date a stone structure in eastern Pennsylvania.<sup>30</sup> Their study revealed that the stone structure, which was clearly human-made, was built between 900 and 240 BCE. A recent United States Geological Survey (USGS) study using OSL found scientific evidence that a large stone structure in Leverett was constructed between 1220 and 1420 CE.<sup>31</sup>

Dr. Lucianne Lavin, archaeologist and Director of Research and Collections at the Connecticut-based Institute for American Indian Studies, notes that one can find Indigenous stone-related sites across the Northeast.<sup>32</sup> Adding support to the hypothesis that Indigenous peoples in the Northeast created mounds and stonework, a recent Massachusetts archaeological investigation found evidence of Adena material culture in central Massachusetts.<sup>33</sup> Adena culture refers to Indigenous cultural practices and material culture that flourished in Ohio, Indiana, Kentucky, West Virginia, and Pennsylvania between 800 BCE and 1 CE. This civilization is also associated with mound-building. After around 1 CE, some Adena groups began building larger earthworks and acquiring rare raw materials by trade. This later civilization is now referred to as the Hopewell culture, which flourished until sometime around 500 CE. Mound-building and CSLs have now been found in every Western Hemisphere region, from South America to Canada.

With trade routes that crisscrossed the Western Hemisphere, it is reasonable to conclude that shared stonework and mound-building practices spanned the continent. It is not reasonable to

conclude that the Northeastern Indigenous people were somehow less advanced or less sophisticated in their engineering skills and ritual practices than the rest of the Western Hemisphere civilizations.

European settlers from the early colonial period also observed the Indigenous use of ceremonial stones. In the early 1700s, Thomas Church reported to the Massachusetts Colony General Court that the town of Little Compton, Rhode Island, had over 120 miles of stone rows built by Indigenous people.<sup>34</sup> Two noteworthy colonial antiquarians, the Reverend Gideon Hawley in 1753 and the Reverend Ezra Stiles in 1762, both recorded observations of Indigenous ceremonial stone structures (Hoffman, p. 30). These two writers exemplify many such historical primary sources that recorded the use of ceremonial stone structures by intact Indigenous communities in the early Post-Contact period.

**The Federally-Recognized Ceremonial District:** In 2008, the US Department of the Interior determined that an archaeological site located at the Turners Falls Municipal Airport (in Montague, MA) was a large, ceremonial hill complex.<sup>35 36</sup> The Department of the Interior decision, in redacted form, can be found in Appendix D. As noted above in the Overview, this determination made the site eligible for inclusion on the National Register of Historic Places. This determination arose out of a Federal Aviation Administration project involving an expansion of the Turners Falls airport. The hill site was described by the Tribal experts as an example of a "prayer hill," including rock piles and stone row structures used for ceremonies and astronomical observations. Researchers identified astronomical alignments between this site and other ceremonial structures in the region. The consulting Tribes indicated the site is associated with the ceremonial practice related to the observation of major astronomical events (e.g., equinoxes, solstices, meteor showers) and the history of the Narragansett Indian Tribe, the Mashpee Wampanoag Tribe, and Wampanoag Tribe of Gay Head (Aquinnah) as well as other regional Tribes.

An award-winning film, *The Great Falls*, outlines the archaeological, ethno-astronomical, and oral history related to the Sacred Ceremonial Hill site in Turners Falls and similar sites across the Northeast.<sup>37</sup> The highly influential film was used in 2008 to present the Tribes' case for the Sacred Ceremonial Hill site to the Department of the Interior. The film also describes Indigenous preservationists' and archaeologists' efforts to correct the erasure of Indigenous ceremonial sites from the modern-day historical record.

**Note: *The Great Falls* film, along with a series of other highly informative films about archaeology and Indigenous peoples of the Northeast, can be rented for online streaming at the film director's website (<http://www.twtimreck.com>).**

The Great Falls, or Turners Falls as we know them, is of great cultural and historical significance to many Indigenous groups in the Northeast. It was the location of annual inter-tribal gatherings, ceremonies, and celebrations in the Pre-Contact period. Representatives of these Indigenous peoples also gathered nearby at the time of the Turners Falls or Peskeomskut Massacre on May 19, 1676.<sup>38</sup> On this date, a group of colonial militia led by Captain William Turner massacred over two hundred unsuspecting women, men, and children in a pre-dawn attack on a fishing village at what is now known as Turners Falls. This event has been characterized as a historical turning point, after which Indigenous communities in western and central Massachusetts were dispersed,

relocated, or annihilated. After the Massacre and the conclusion of Metacom's (aka King Philip) War, cultural suppression prevented Indigenous communities from maintaining these sacred sites.

The Sacred Ceremonial Hill complex was found eligible for inclusion on the National Register of Historic Places (NRHP). The site is considered by Tribal authorities to be a part of a ceremonial district, spanning several named sites known to the Tribal and archaeological communities. The approximate boundaries of this district include a 16-mile radius around the Turners Falls site. In effect, the Department of the Interior and the NRHP agreed with this analysis. The Department of the Interior ruling allows for future NRHP nomination of additional single or multi-site properties within this district should they be identified.

As Figure 3 illustrates, much of Shutesbury falls within this radius. While the 2008 DOI decision names several surrounding sites, their locations are redacted from public documents for security reasons.<sup>39</sup> This district is the only such district so recognized east of the Mississippi River.

State- and federally-recognized Tribes with historical, cultural, and familial ties to this region's original inhabitants have expressed their desire to preserve CSLs in this region. The United Southern and Eastern Tribes, Inc., an association of the federally-recognized Tribes along the Atlantic seaboard, have issued multiple Resolutions about Ceremonial Stone Landscapes (see



USET Resolutions in Appendix B). These Resolutions affirm that Tribal authorities are aware of the existence and importance of CSLs and may be interested in partnerships with municipal governments.

**Figure 3. Possible Ceremonial District Post-Contact Town Land Use Patterns:**

Between the 15<sup>th</sup> and the 17<sup>th</sup> centuries, Indigenous populations declined by as much as 90% due to European-introduced diseases (e.g., smallpox), genocide, land theft, and forced removal/enslavement. Some estimates suggest the pre-colonial

population in New England was as great as 100,000. Initially, contact between Indigenous communities and colonists in Western Massachusetts revolved around the trade for corn, beaver furs, and European goods (textiles, tools, weapons, etc.).

In the mid-to-late 17<sup>th</sup> century, the English colonial government looked to use land transfers and deeds to acquire land inhabited by Indigenous peoples. The colonial government recognized that Indigenous people had land rights, but the government severely limited how they could exercise these rights. Indigenous people were only permitted to sell land to the colonial government. The colonial government then granted the purchased land to Euro-American settlers. According to Bain, Manring, and Matthews:

“When they could no longer supply beaver furs to European traders, Native people lost bargaining power and trading leverage. Land became the only resource

Europeans were willing to accept in payment for European goods and to pay off debts accumulated through the English credit system. Land sales escalated and English towns began to line the Massachusetts portion of the Connecticut River between 1636 and 1685.<sup>40</sup>

There is considerable evidence that Indigenous leaders in the region resisted land transfers as long as possible.<sup>41 42</sup> The use of fraud and deception in these land grants was pervasive. Indigenous signatories were deceived about the terms of the deeds or pressured to sign deeds through blackmail or intoxication.<sup>43</sup> Deeds were executed in exchange for sums of money, trade goods, or wampum. In some cases, the signatories were released from debts that could have led to their enslavement. Indigenous debt became a serious problem as European traders offered European trade goods on credit to be repaid with beaver pelts. As the beaver population declined due to over-trapping, Indigenous trappers were confronted with unsustainable debts.<sup>44</sup> Bruchac and Thomas also note that land deeds executed in the mid-to-late 1600s resulted from the duress placed on Pocumtuck communities by British-incited, Mohawk attacks, as neighboring groups were forced to compete for beaver territory and trade dominance.<sup>45 46</sup>

Importantly, Bruchac (2011) reports that Indigenous people never truly vacated Western Massachusetts as colonial historians would have us believe. She further notes, “Although territorial markers and boundaries were carefully denoted and new ‘owners’ assigned, the language of these deeds preserved agreements intended to support continued Native presence” (Bruchac, 2011, p.42). Indigenous people continued to live in the region, some assimilating into Euro-American communities and traveling between Indigenous settlements in Canada, New York, and New England.

**1658 Deed:** William Pynchon (1590-1662) and his son John (1626-1703), English fur traders and land brokers, were authorized to execute land deeds along the Connecticut River Valley. In 1658, John Pynchon purchased a tract of land including Hadley, Amherst, Belchertown, and Shutesbury. Figure 4 shows a 1636 land deed for Springfield that is very similar to the 1658 land deed.

The 1658 deed covers land from the Fort River’s mouth and Mount Holyoke in the south, north to the mouth of the Mohawk Brook and Mount Toby, and easterly nine miles.<sup>47</sup> While this deed’s exact boundaries are difficult to determine, it would appear that this deed covered parts of Shutesbury. This land deed described the deeded land using Indigenous place names, some of which may include sites within Shutesbury’s territory.

Possible Shutesbury place names include *Sunmukquommuck* (difficult, rough country), *Quaquatchu* (possibly Brushy Mountain), and *Kunckkiunckqualluck* (rolling or upset land).<sup>48</sup>

Three Nonotuck sachems — Umpanchela/Womscom, Quonquont/Wompshaw, and Chickwolopp/Wowahillow — signed the land deed for a quantity of wampum and other small gifts. However, an annotation in the deed noted that the Indigenous signers reserved the right for their descendants to have future access to the land. Thus, this “deed” belies the fact that this was

A copy of a deed whereby the Indians at Springfield made sale of certain land on both sides of the great River at Springfield to William Pynchon Esq & Mr. Henry Smith & Jehu Burr, for the town of Springfield for ever.

A copy of a deed Whereby the Indians at Springfield made sale of certain land on both sides of the great River at Springfield to William Pynchon Esq & Mr. Henry Smith & Jehu Burr, for the town of Springfield for ever.

Agawam  
 This fifteenth day of July, 1636.

It is agreed between Commucke & Matanchan ancient Indians of Agawam, in the Name of all the other Indians, in particular for & in ye name of Cuttonis, the right owner of Agawam & Quana, & in the Name of his mother Kewenusk the Tamasham, or wife of Wenawis, & Niarum the wife of Coa, & to & with William Pynchon, Henry Smith, & Jehu Burr, their heirs & associates for ever to trucke & sel al that ground & muckesquittaj or meadow, accomsick, viz: on the other side of Quana; & al the ground & muckesquittaj for ten fathom of Wampam, Ten coates, Ten howes, Ten hatchets & Ten knives: also the said ancient Indians with the Consent of Menis & Wrutherna & Napompenam—do trucke & sel to William Pynchon, Henry Smith, & Jehu Burr, & their successors for ever, al that ground on the East side of Quinnicket River called Wyniock, & Nyoget reaching about four or five miles in Length, from the north end of Massackie up to Chickupe River, for four fathom of Wampam, four coates, four howes, four hatchets, four knives, & to the said ancient Indians Doe with the Consent of the other Indians, & in particular with the Consent of Matanchan, Wenapawin, & Mokeemoos trucke & sel the ground & muckesquittaj, & grounds adjoining called Masackie, for four fathom of wampam, four coates, four howes, four hatchets, four knives, & four knives.

Agawam, alias Agawam, This fifteenth day of July, 1636.

It is agreed between Commucke and Matanchan, ancient Indians of Agawam for & in the name of all the other Indians, & in particular for & in ye name of Cuttonis, the right owner of Agawam & Quana, & in the Name of his mother Kewenusk the Tamasham, or wife of Wenawis, & Niarum the wife of Coa, & to & with William Pynchon, Henry Smith & Jehu Burr, their heirs & associates for ever to trucke & sel al that ground & muckesquittaj or meadow, accomsick, viz: on the other side of Quana; & al the ground & muckesquittaj on the side of Agawam, except Cottinackeesh or ground that is now planted for ten fathom of Wampam, Ten coates, Ten howes, Ten hatchets & Ten knives: also the said ancient Indians with the Consent of the rest & in particular with the Consent of Menis & Wrutherna & Napompenam—do trucke & sel to William Pynchon, Henry Smith, & Jehu Burr, & their successors for ever, al that ground on the East side of Quinnicket River called Usquoik & Nayasset, reaching about four or five miles in Length, from the north end of Masackie up to Chickupe River, for four fathom of Wampam, four coates, four howes, four hatchets, four knives, & to the said ancient Indians Doe with the Consent of the other Indians & in particular with the Consent of Macheuthood, Wenapawin, & Mokeemoos trucke & sel the ground & muckesquittaj & grounds adjoining called Masackie, for four fathom of wampam, four Coates, four hatchets & four knives.

And the said Pynchon hath in hand paid the said eighteen fathom of wampam, eighteen coates, 18 hatchets, 18 howes, 18 knives to the said Commucke & Matanchan & doth further condition with the said Indians, that they shal have & enjoy al that Cottinackeesh, or ground that is now planted; And have liberty to take Fish & Deer, ground nuts, walnuts, akornes & sasashiminesh, or kind of pease, And also if any of our Cattle spoile their corne, to pay as it is worth, & that hows shal not goe on the side of Agawam but in akorne time: Also the said Pynchon, doth give to Wrutherna two Coates over and above the Particulars expressed, & in Witness hereof the two said Indians & the rest, doe set to their hands, this present 15th day of July, 1636.

And the said Pynchon hath in hand paid the said eighteen fathom of wampam, eighteen coates, 18 hatchets, 18 howes, 18 knives to the said Commucke & Matanchan & doth further condition with the said Indians, that they shal have & enjoy al that Cottinackeesh, or ground that is now planted; And have liberty to take Fish & Deer, ground nuts, walnuts, akornes, & sasashiminesh or a kind of pease, And also if any of our Cattle spoile their corne, to pay as it is worth, & that hows shal not goe on the side of Agawam but in akorne time: Also the said Pynchon, doth give to Wrutherna two Coates over and above the Particulars expressed, & in Witness hereof the two said Indians & the rest, doe set to their hands, this present 15th day of July, 1636.

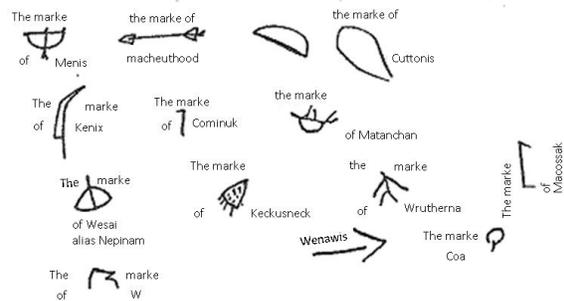


Figure 4. 1636 Land Deed for Springfield, Massachusetts<sup>49</sup>

ever considered by the Tribal signatories to be a permanent and total land grant. As Bruchac (2011, p. 42) points out, “One could argue that the so-called ‘Indian deeds’ might more appropriately be read as “joint use agreements” rather than quitclaims.”

**1735 Deed:** While the 1658 land deed appears to cover the territory of Shutesbury, a later land deed also appears to include the purchase of land in Shutesbury from a different Indigenous group, the Schaghticoke of northwestern Connecticut and New York. This last deed, executed in August 1735, deeds a large parcel of land along the Lancaster Road, the dirt road for which Shutesbury was originally named Roadtown.

The Indigenous signatories to this land deed were Francois, son of Nepuscauteusqua (mother) and Ompontinnuwaw Penewanse Cockiyowah (alias Pinewans) and Wallenas, sons of Woolauootaumesqua (mother). Nepuscauteusqua and Woolauootaumesqua were sisters, making these three signatories cousins. These three Indigenous leaders and the deed witnesses are well-documented, historical figures of the 18<sup>th</sup> century. The deeds, signed by male sachems, list the sachem’s mothers’ names, indicating inheritance through the matrilineal line. Pinewans, Wallenas,

Francois, and their families had complex relationships with colonists. They variably lived amongst colonists, maintained close relationships with some of them, traded and scouted for them, entered into treaties with them, and sometimes engaged in armed resistance against them.<sup>50</sup> Unlike the earlier deed, however, this deed contains no mention of Indigenous people's continued land access.

The land deed was part of many land deeds, covering large portions of New England, signed by a group of "Schaghticoke" signatories in August 1735. These deeds occurred in conjunction with an August 1735 peace meeting in Deerfield, known as the Deerfield Conference, that included the colonial government and representatives from several surviving regional Indigenous communities. The Deerfield Conference was a colonial effort to end armed conflict with the Tribes in the wake of Queen Anne's War (1702-1713) and the Wabanaki-New England War (aka Gray Lock's or Dummer's War) (1722-1725). The colonial government used the Deerfield Conference, and the land deeds that arose out of it, to clear the region for colonial settlement and permanently eliminate Indigenous land claims.<sup>51</sup>

The 1735 Schaghticoke deeds are also the product of massive dislocations and reorganizations of Indigenous communities in the Northeast by the mid-18<sup>th</sup> century. By this time, colonial settlement, military aggression, and forced removals had broken up the middle Connecticut River Valley's traditional communities. Many Indigenous residents, but not all, fled the region, integrating into other safer communities, such as the Schaghticoke settlement in New York.

Although originally Mohican, by the early 18<sup>th</sup> century, Schaghticoke had become a center for Algonkian-speaking peoples of Western Massachusetts. Bruchac (2005; 2011) and Brooks (2008) agree that tribal labels ascribed to the land deeds in the 18<sup>th</sup> century are misleading because thousands of people from different communities, including the Connecticut River Valley groups, took refuge in the Schaghticoke village of New York and in Abenaki villages of Vermont, New Hampshire, and Canada.<sup>52 53</sup> Yet because Indigenous people continued to live in the region, the colonial government endeavored to use land deeds as a tool for stripping them of their rights.

Even after the signing of these land deeds, Indigenous people continued to live in this region. Some remained in colonial villages. Even the signatories of the 1735 deeds continued moving seasonally between Schaghticoke, southern Vermont, and Abenaki villages in Canada. Resistance against colonial expansion also continued well into the 18<sup>th</sup> century. Bruchac (2004) documents how an Abenaki family (the Sadoques), based in the Odanak/St. Francis Abenaki settlement along the St. Francis River of Quebec, revisited their homeland in Deerfield in 1837, 1922, and 2004.<sup>54</sup> This example of continuous familial and cultural connection to the land, maintained through oft-repeated oral histories, contrasts with the conventional belief that Western Massachusetts lacks a living and continuous Indigenous presence. Bruchac (2004, p. 268) concludes:

"These stereotypical images, oft-repeated in fiction, drama, and historical writing, obscured more realistic portrayals of Native peoples. In this light, encounters with living Indians could be an unwanted reminder of a people who had refused to vanish under the onslaught of colonization. Throughout the nineteenth century, the lives of many Native peoples in New England were poorly documented, unless they were intriguing, dramatic, or destitute enough to catch the eye of white historians. While

New Englanders were inventing stories about the ‘last of the Indians,’ the Indians themselves carried on with their ordinary lives.”

**1735 Euro-American Settlers Deed:** Post-Contact land use is well-documented by MHC inventories and other reports.<sup>55 56</sup> While it is interesting and worthy of our attention, this is not the focus of this report. The earliest Euro-American activity in Shutesbury was the construction of the Lancaster Road (circa 1733), an east-west corridor that ran through Shutesbury and Leverett, ending at a ferry crossing in Sunderland.<sup>57</sup> Built by Lancaster residents who hoped to receive land grants in exchange for labor, they built the dirt cart road atop existing Indigenous paths already well-established. The Lancaster Road entered Shutesbury via present-day Cooleyville Road and traversed Prescott, Leverett, Pratt Corner, and Broad Hill Roads. The road extended down to present-day East Leverett, joining Teawaddle Hill and Juggler Meadow Roads.<sup>58</sup> At the time of the road’s construction, Leverett was a part of Sunderland.



The 1735 land grant to 95 Lancaster speculators or proprietors involved the assignment of lots via a lottery on October 30, 1735. Figure 5 shows the original 1735 survey, noting “Thomas Wells, Esq.,

**Figure 5. 1735 Town Survey Map**

William Richardson and others” as the proprietors. The survey refers to the tract as “Unappropriated Land.” Settlers were required to commit to building homesteads and to pay a fee to the colonial treasury. Euro-American settlers began to build

homesteads in what was then called Roadtown shortly after receiving land grants in 1735. However, early homesteading was sparse as some proprietors sold their shares or were unable to raise the funds for settlement. By 1737, seven colonial families had settled upon homesteads. The town was incorporated in 1761 as Shutesbury, named after a 17<sup>th</sup>-century colonial Governor Samuel Shute (in office 1716-1723), whose niece was the then Governor Belcher’s wife. Figure 6 shows an 1871 Shutesbury map showing early settlement patterns.

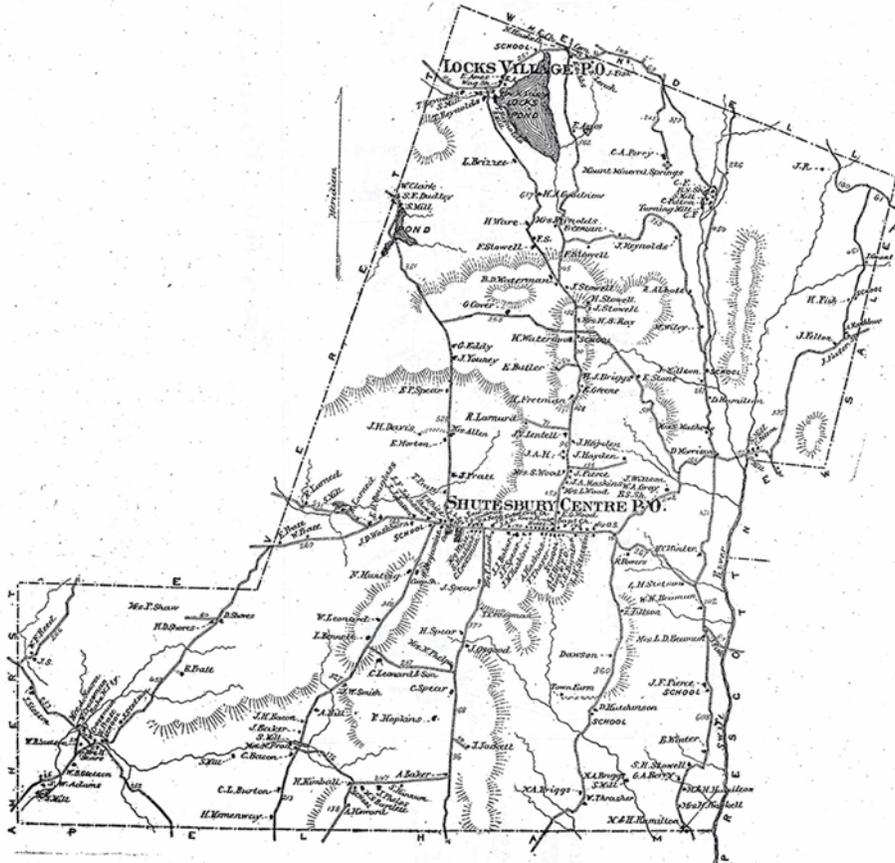
An interesting historical side note, the original Lancaster settlers who founded the town of Roadtown/Shutesbury had already received approval for the land grant on April 17, 1735, a few months **before** the last Indigenous deed was signed away. The August 1735 deed, then, appears to be the last sad step in the permanent erasure of Indigenous land rights in our region.

According to the 2015 Open Space Plan Update, Shutesbury is 87% forested. Pasture and cropland constitute less than 1% of the Town's land surface. A significant portion (81%) of open space in the Town is under permanent, limited, or temporary protection.

Only 6% of the Town's land is devoted to residential dwellings. While residential development is relatively dense along roadways, large tracts of land zoned as Forest Conservation are subject to relatively lower-impact

# SHUTESBURY IN 1871

Map from Beers Atlas of Franklin County



**Figure 6. Shutesbury in 1871**

development, mostly related to forestry activities. There are no surviving dwellings in Shutesbury from the colonial period (1675-1775). All documented historic structures that survive date from the late 18<sup>th</sup> century to the early 19<sup>th</sup> century.<sup>59</sup>

One can still find cellar holes, wells, mill structures, and stone walls associated with the earliest 18<sup>th</sup>-century settlements along abandoned roads in forested tracts. The Massachusetts Historical Commission has completed inventories of Post-Contact historical resources in Town. The state's MACRIS system contains mapped details of 183 historic features throughout Shutesbury, including historic districts.<sup>60</sup>

## Stone Structures in Shutesbury

The town of Shutesbury is without a doubt full of human-created stone structures. Stone walls border many roads, and there are various kinds of stone structures in the forest interiors, including cellar holes, foundations, rows, wells, rock piles, enclosures, and subsurface chambers. Some of these structures are clearly the product of Euro-American settlers and more recent activities, but many are not. The Town's land area was dissected by well-used Indigenous paths running east and west, as noted above (see Appendix E). Some existing roads are built atop these paths. Road-side

stone walls, built along the roads that replaced these paths, are probably the most visible evidence of Shutesbury's stonework.

Stone walls are ubiquitous across New England. Robert Thorson, a geologist at the University of Connecticut, is a leading expert on New England stone walls. He estimates that there are more than 240,000 miles of stone walls in New England, amounting to 40 million "man-days" of labor.<sup>61</sup> Colonial stone wall building occurred primarily during the early Federal Period (1775-1825). Based on a detailed review of the written record of colonial agriculture in New England, Gage (2013, p. 27) notes that field clearing occurred primarily in plowed fields: livestock pastures and orchards, such as are found in Shutesbury, were rarely cleared.<sup>62</sup>

In the first comprehensive study of stonework in New England, researchers Mavor and Dix (1989, p. 84) note that many stone walls in New England have celestial alignments, occur far from Euro-American homesteads, and do not appear to serve as boundary markers.<sup>63</sup> Many stone features in New England show human handiwork, including petroglyphs, carving/chipping, and splitting. Some include the inexplicable placement of huge boulders atop a bed of smaller stones or the equally mysterious placement of piles of small stones atop boulders. Mavor and Dix report:

"Rather than use the functionally limiting terms *fence* and *wall*, we prefer to call the linear stone structures by the name of *stone row*. We are then not confined to a utilitarian image but can visualize them as landscape architecture following land contours, connecting tops of hills with valleys and ponds, connecting large boulders and rock outcrops, defining the shapes of the wetlands and highlighting distant horizons." (pp. 84-85)

Stone structure researchers Gage and Gage (2016) have also conducted extensive research on New England stonework and note that many stone structures and rows appear in areas not subject to settler activities. They demonstrate that many stone structures, presumably Indigenous in origin, can be found on various terrains within many surviving former woodlots.<sup>64</sup> This discussion suggests we should not assume that all stone "walls" and other structures in our community are the product of settler activities. As Mavor and Dix (1989, p. 304) point out, "The ancient tradition of large-scale stone construction among Algonquian-speakers, the historic accounts of this native stone construction, the nature and quantity of stonework on the New England landscape, and the deliberately low social visibility of Indians since the time of the Second Puritan War lend support to the hypothesis that Native Americans constructed the majority of New England's stone rows and other stone structures."<sup>65</sup>

Archaeologists and other researchers have also discovered stone features that may be Ceremonial Stone Landscapes or CSLs in Shutesbury.<sup>66 67 68 69</sup> In addition to Euro-American settlement products (e.g., cellar holes and mill foundations), Shutesbury contains Indigenous land-use sites.

Appendix G is an excerpt of the Historic Resources Chapter of the 2004 Shutesbury Master Plan, available on the [www.shutesbury.org](http://www.shutesbury.org) website. This report discusses known archaeological resource areas in Shutesbury and beyond. Archaeological reports are maintained by the MHC and are not public. This informative chapter was authored with review by a professional archaeologist, Dr. Dina Dincauze. While the archaeological discussion in this report may require updating, the

available information is revealing. The report indicates documentation of extensive Indigenous habitation in the nearby Quabbin DCR watershed. The authors note:

“Currently, the Massachusetts Historical Commission (MHC) has records for over seventy prehistoric sites on the state-owned Quabbin Watershed Reservation. Although Quabbin Watershed Reservation includes only a small portion of the town of Shutesbury, it nevertheless provides meaningful context and suggests the archaeological potential for this area. While informative, this figure is artificially low. Although the MHC's records are the single most complete archaeological data bank in the state, they represent but a small fraction of the actual number of sites that are known to vocational archaeologists and collectors.”

In Shutesbury, suspected Indigenous structures include a three-foot-high by two-and-a-half-foot-wide stone with a human-like petroglyph on Mt. Mineral, an underground stone chamber at the mountain base, an above-ground slab chamber, an underground “beehive” chamber, and the “hearthstones” of “Hearthstone Hill.” Appendix G shows a selection of stone structures throughout Shutesbury that serve no function associated with early settler activities. During the 2016 Wheelock Tract Solar Project permitting, two possibly Indigenous structures were identified: a large pyramidal mound adjacent to a wetland and a balanced boulder. The Master Plan chapter concludes there are other archaeological sites yet to be surveyed, although many sites may have been damaged over time. Actual archaeological artifacts have been found at two sites in Shutesbury.<sup>70</sup>

Dr. Curtiss Hoffman, a professional archaeologist and professor emeritus of Bridgewater State University, published a 2018 comprehensive study of Indigenous stone structures across the Atlantic seaboard states.<sup>71</sup> His research included an inventory of 5,550 sites from seventeen Eastern states and three Canadian provinces. These inventories did not document all stone structures within specific communities. Most importantly, for this discussion, the study inventoried stone structures across Shutesbury. Across Massachusetts, Hoffman inventoried 1,778 sites with 10,925 stone structures (p. 66). States with higher-than-average densities of structures/km<sup>2</sup> included in descending order: Rhode Island, Massachusetts, Connecticut, Vermont, New Hampshire, Georgia, and New York. Hoffman (pp. 198-209) conducted an extensive statistical analysis to test four hypotheses about the origins of stone structures: a) structures are the result of colonial farm field clearing; b) structures are natural features of a glaciated landscape or downslope erosion; c) structures are the creation of ancient European explorers from the pre-colonial period; or d); structures are the result of Indigenous ritual activity over a long period.

Hoffman notes that the fieldstone hypothesis is unsupported by the data. Physical factors argue against many structures being Euro-American. He notes the following evidence: the high prevalence of stone structures in areas where no colonial agriculture took place, the association of a high density of complex stone structures on many sites, the diversity of structures that are inconsistent with Indigenous names, structures on very steep slopes, petroglyphs, balanced rocks, effigies. Several stone structures across the Eastern seaboard have now been dated with either radiocarbon or Optically Stimulated Luminescence methods. In the 21 instances where absolute dates of stone structures are available, they are all pre-colonial (p. 20).

In Hoffman's analysis of individual communities and their stone structure density levels, Shutesbury fell within the highest density category (69 sites identified, density/km<sup>2</sup> = 0.86) (p. 69). Other archaeological investigations have also described methodologies for systematically distinguishing between Indigenous structures and Euro-American field clearing activities.<sup>72</sup>

Hoffman also convincingly disputes the theory that stone structures are just natural features of the landscape. The commonality of structure characteristics across the Eastern seaboard, including southern states unaffected by glaciers, argues against a glacial till explanation (pp. 205-206). Natural causes are excluded by the non-random concentration of structures in some areas and the clear evidence of human manipulation found in many structures. If structures were due to erosion, they would not be found, as they are, in upland areas and on steep slopes. He further notes that the relatively recent absolute dates for some structures (e.g., 1220-1420 CE, Leverett Massachusetts) argues against an ancient geological process that predates human occupation.

Cachat-Schilling (2016, p. 39) also notes that stone structures in Shutesbury are grouped primarily in the interior of forested tracts, away from historic farms. Moreover, the low population density of colonial-era Shutesbury does not explain the relatively high density of structures. In his 2016 study, Cachat-Schilling surveyed 60 stone structure sites in Shutesbury located on public or access-permitted private land. Of the 60 sites, he tallied 754 stone structures. He notes the areas studied were associated with rocky slopes and upland wetlands. Figure 7 shows the 19 qualitative criteria Cachat-Schilling developed for distinguishing from other stone features.

1. Structures are positioned in an area impractical for known post-Contact Euro-American economic uses, and construction is difficult.
2. Structures consist of stone types and shapes not evidenced in nearby Euro-American structures or in historic-period, overseas, European stone works.
3. Structures show labor intensity and extent of labor that is impractical and would be inefficient/wasteful under pragmatic terms.
4. Number and elaboration of features are obstructive of co-use for grazing, watering stock, etc.
5. Frequency of structures and similar sites defies practical explanation.
6. Orientation and nature/types of features do not translate to Euro-American uses.
7. Orientation and nature/types of features translate to known Algonquian ritual uses (direction of ritual significance, primary resource orientations, unique land features orientation.)
8. Features fit known ritual practices of the Middle-Late Woodland-to-Contact Period.
9. Terrain on which features sit lacks evidence of Euro-American use, documented or by visible artifact (including vegetation types, tracks, debris, relics.)
10. Neighboring terrain is unsuited to Euro-American uses.

- |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <ol style="list-style-type: none"> <li>11. Site lacks evidence of Euro-American structures.</li> <li>12. Site is consistent with recorded Algonquian CSL sites in terms of location and content.</li> <li>13. Structure lacks evidence of recent tampering.</li> <li>14. Structure is consistent with other structures on site.</li> <li>15. Structure is consistent with structures in other sites in Town.</li> <li>16. Structure is consistent with known structures outside of Town, but in the Eastern Algonquian region.</li> <li>17. Structure is consistent with a documented written description, drawing, painting, or photo of an Eastern Algonquian structure.</li> <li>18. Structure is consistent with a known structure that has received Federal or State recognition as a Native American historic feature.</li> <li>19. Structure is consistent with tribally recognized features.</li> </ol> |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

**Figure 7. CSL versus non-Indigenous Stone Features Criteria (Cachat-Schilling, 2017)<sup>73</sup>**

In a quantitative evaluation of the inventoried sites, Cachat-Schilling reports that over 68% of structures met all 19 criteria, 96% met 16+ criteria, and 88% met 18+criteria.

We cannot say with certainty that all stone walls in Shutesbury are Euro-American. While some were built from clearing fields of stones and for agricultural activities, some stone walls may have been constructed from repurposed, Indigenous stone structures. Some stone walls may have been built atop pre-existing stone rows. Given all of these possible factors, we should take care not to jump to the misinformed conclusion that all stone walls and stone piles originated in the same manner.

Regardless of their origin, stone structures and walls are a unique heritage resource in our community. Shutesbury’s many stone walls contribute to the rural nature of our roads and byways. The Commission prioritizes preserving stone walls whenever possible and is exploring preservation strategies such as a future Scenic Byways Bylaw.

### **The MHC’s Position on Indigenous Stone Structures**

As has been true in other parts of the Western Hemisphere, the field of archaeology in the Northeast has been slow to understand the complexity of Indigenous civilization and the extent of human-made structures in the landscape.

Lavin (2013, p. 286) notes that early colonial primary resources (e.g., letters, legal documents, maps, etc.) attest to the fact that European-American colonists in the early post-Contact period knew about widespread Indigenous stone structures and ceremonial use of stones across the Northeast.<sup>74</sup> Unfortunately, this awareness was lost to the academic world as a result of ignorance and willful denial of Indigenous civilization. During the 19<sup>th</sup> and 20<sup>th</sup> centuries, European-

American archaeologists failed to understand these structures and created a picture of pre-colonial Indigenous society as being too decentralized and nomadic to create large construction projects. This narrative was compounded by the conclusion, unsupported by any scientific methodology, that all stone structures in New England were the result of early Euro-American field clearing. Hoffman (2018) notes that the traditional “it’s just stones from field clearing” theory has become more implausible and unsustainable with the accumulating empirical evidence that Indigenous CSLs are widespread across the Northeast.

The Massachusetts Historical Commission, the Commonwealth’s historic preservation agency, has a long-standing position that there are no Indigenous stone structures in the Commonwealth. Its official position is that all stone structures are post-Contact. For example, the MHC’s official website includes this statement:

“Piles or continuous walls of fieldstones are common in rural Massachusetts wherever there are rocky soils. When historians and archaeologists have conducted thorough, professional research into such stone piles, they have invariably shown that these features are not associated with the Native American settlement of Massachusetts.”<sup>75</sup>

This policy has not changed even with new “hard data” such as the OSL dating of the Leverett and Upton sites and the objections of Indigenous groups. In a survey of the positions of all State Historic Preservation Offices in the United States, Moore and Weiss (2016) note that MHC has maintained the most extreme stance of denial of CSLs of any such agency.<sup>76</sup> Most importantly, the MHC has been unwilling to consider the input of Indigenous communities who have oral traditions and cosmologies that involve the use of CSLs.

Lavin (2011) describes a number of archaeological sites in the Northeast and Massachusetts that involve mounds and stone structures.<sup>77</sup> A stone “monument” on Monument Mountain in Great Barrington was documented as early 1734, but it is not acknowledged by the MHC. Figure 8 shows a 1762 drawing of the mound documented by the Reverend Ezra Stiles. Lavin notes that are dozens of concentrated stone piles in neighboring Sheffield and New Marlborough, Massachusetts which are not documented by the MHC. One large earthen mound in Great Barrington has been documented by the MHC and may several thousand years old. A large burial mound, built with earth and stacked stone, in Salisbury, Massachusetts has been found to have an average radiocarbon date of 5215 BCE. Other Indigenous mound and stone burial sites have been identified across the Northeast and elsewhere in North America. Stone structures of possible Indigenous origin throughout New England have been documented by field researchers.<sup>78 79</sup> Efforts are underway to date stone structures across New England using Optically-Stimulated Luminescence, a geophysical dating technology.

In 2008, the US Department of the Interior actually overruled the MHC concerning the Turners Falls Ceremonial Hill and the surrounding Ceremonial District, naming the site as significant. The federal ruling remarkably took the final determination of NRHP eligibility for this site out of the MHC's hands.

To provide some context for the MHC's unwavering position on stone structures in the Commonwealth, it is instructive that other State Historic Preservation Offices (SHPOs) from the Northeast have different views. In Pennsylvania, for example, the Pennsylvania State Historic Preservation Office determined that there are many Indigenous stone structures throughout the state.<sup>80</sup>

According to the Pennsylvania SHPO, "While the traditional archaeological



**Figure 8. 1762 Sketch of Indigenous Stone Structure in Great Barrington.<sup>81</sup>**

perspective would attribute these constructions to historic-period field clearing practices, these features exhibit a level of careful, labor-intensive, and at times artistic effort

that does not readily conform to the idea that they are agricultural in origin."

**Takeaways:** Ultimately, the MHC positions are not dispositive, and the MHC has been over-ruled on the Turners Falls Ceremonial Hill determination. Historical and scientific data do not support the MHC position. We wish our State's Historic Preservation Office would base policy decisions on evolving science and social norms. It appears, however, that MHC's policy is locked in a denialist position influenced by Euro-American colonial attitudes. In the absence of state-level leadership and policy, municipal governments must look to the federal government for guidance and take affirmative steps to recognize Indigenous landscapes. Other towns in Massachusetts, faced with the same dilemma as Shutesbury, have opted to undertake their own Indigenous CSLs preservation projects.

### Conclusions

This brief summary of Indigenous land use does not begin to do justice to the rich sources of information available about this area's Indigenous communities. This *Introduction* aims to stimulate curiosity and further conversations about Shutesbury's unquestionable Indigenous roots. At the very least, we hope the review heightens everyone's awareness that Indigenous civilization existed here before Europeans and continues to thrive today.

The idea that our New England landscape is home to a vast network of Indigenous structures, earthworks, and sacred sites inspires awe and respect. These treasures of Indigenous peoples' homelands remain despite genocide, war, displacement, repurposing, neglect, and carelessness. Since Shutesbury is within the suspected Ceremonial District's radius, it is our community's job to be good protectors of this remarkable aspect of our landscape. We also have a responsibility to resist the erasure and denial of Indigenous people that have plagued New England for generations. We encourage Shutesbury to view reservation efforts through the lenses of equity and social justice: Indigenous communities, long disenfranchised and displaced from this land, are our

neighbors and should have a voice in preserving their heritage and sacred sites. Moreover, these sites continue to inform Indigenous identities and ceremonial practices regionally and beyond.

Identifying and preserving cultural and historical resource areas of all kinds benefits the entire Town. Many residents feel deserved pride in the early Euro-American history of Shutesbury. An increased appreciation for Indigenous sites as well will contribute to community pride and respect for the land. In addition to the sense of wonder inspired by the Ceremonial District, the preservation of CSLs will add to our sense of continuity and interconnectedness.

The Historical Commission has identified the preservation of pre-colonial sites as a priority for the Commission's efforts. Our reasons for doing so are two-fold. First, there are fragile, possibly pre-colonial sites in town at risk of destruction. We also recognize the need for public education about Indigenous history and cultural preservation.

In 2018, the Historical Commission sponsored a public education event with noted preservationist and now-retired Deputy Tribal Historic Preservation Officer of the Narragansett Indian Tribe, Doug Harris. Mr. Harris has been a leading figure in the Northeast, educating the public about Indigenous heritage sites.

The Commission continues to look for opportunities to engage with Indigenous communities and inform residents about Shutesbury's ancient and ongoing Indigenous presence. While we remain committed to preserving Shutesbury's early settler history, we believe attention is also due to our community's Indigenous past. As part of this effort, the Historical Commission recently initiated a Ceremonial Stone Landscapes Project in conjunction with a professional preservationist and anthropologist, Dr. Lisa McLoughlin, Ph.D. This project aims to provide new educational resources for the community and initiate new preservation projects. We hope this *Introduction* will stimulate further discussion and exploration of preservation strategies.

We also have begun to seek guidance from Tribal government representatives in our region, including the Wampanoag Tribe of Gay Head (Aquinnah), the Nipmuc Nation, and the Chaubunagungamaug Nipmuck. These are only the first steps: we look forward to strengthening our relationships with Indigenous communities in the future.

The Historical Commission recognizes that many Town areas, including public and private land, may have Indigenous stone structures. We encourage community members to educate themselves about Ceremonial Stone Landscapes (CSLs) and consult with the Commission if they wish to protect a site or nominate it for the National Register of Historic Places (NRHP). Private landowners, of course, retain the right to do as they wish with their property within the limits of existing laws. We hope all Town residents and landowners will exercise care and sensitivity when dealing with historical stone structures of all kinds. In the coming months, the Commission plans to sponsor a series of educational programs for residents on topics related to CSLs and stone structures.

## Appendix A Abbreviations

**ACHP: Advisory Council on Historic Preservation**

**APE: Area of Possible Effect**

**BP: Before Present**

**CE: Common Era**

**CSL: Ceremonial Stone Landscape**

**DOI: Department of Interior**

**MACRIS: Massachusetts Cultural Resource Information System**

**MGL: Massachusetts General Law**

**MHC: Massachusetts Historical Commission**

**MOU: Memorandum of Understanding**

**NHPA: National Historic Preservation Act**

**NRHP: National Register of Historic Places**

**SHPO: State Historic Preservation Office**

**TCP: Traditional Cultural Property**

**THPO: Tribal Historic Preservation Office**

**USET: United Southern and Eastern Tribes**

## **Appendix B Historical Preservation Statutes and Indigenous Resolutions**

### **MGL Part 1, Title VII, Chapter 40, Section 8D:**

*Historical Commission; establishment, powers and duties. A city or Town which accepts this section may establish an historical commission, hereinafter called the Commission, for the preservation, protection and development of the historical or archeological assets of such city or Town. Such Commission shall conduct researches for places of historic or archeological value, shall cooperate with the state archeologist in conducting such researches or other surveys, and shall seek to coordinate the activities of unofficial bodies organized for similar purposes, and may advertise, prepare, print and distribute books, maps, charts, plans and pamphlets which it deems necessary for its work. For the purpose of protecting and preserving such places, it may make such recommendations as it deems necessary to the city council or the selectmen and, subject to the approval of the city council or the selectmen, to the Massachusetts historical commission, that any such place be certified as an historical or archeological landmark. It shall report to the state archeologist the existence of any archeological, paleontological or historical site or object discovered in accordance with section twentyseven C of chapter nine, and shall apply for permits necessary pursuant to said section twenty-seven C. Any information received by a local historical commission with respect to the location of sites and specimens, as defined in section twenty-six B of chapter nine, shall not be a public record. The Commission may hold hearings, may enter into contracts with individuals, organizations and institutions for services furthering the objectives of the Commission's program; may enter into contracts with local or regional associations for cooperative endeavors furthering the Commission's program; may accept gifts, contributions and bequests of funds from individuals, foundations and from federal, state or other governmental bodies for the purpose of furthering the Commission's program; may make and sign any agreements and may do and perform any and all acts which may be necessary or desirable to carry out the purposes of this section. It shall keep accurate records of its meetings and actions and shall file an annual report which shall be printed in the case of towns in the annual town report. The Commission may appoint such clerks and other employees as it may from time to time require.*

### **National Historic Preservation Act of 1996, Section 106:**

*The head of any Federal agency having direct or indirect jurisdiction over a proposed Federal or federally assisted undertaking in any State and the head of any Federal department or independent agency having authority to license any undertaking shall, prior to the approval of the expenditure of any Federal funds on the undertaking or prior to the issuance of any license, as the case may be, take into account the effect of the undertaking on any district, site, building, structure, or object that is included in or eligible for inclusion in the National Register. The head of any such Federal agency shall afford the Advisory Council on Historic Preservation established under Title II of this Act a reasonable opportunity to comment with regard to such undertaking.*

### **National Historic Preservation Act of 1996, Section 110(k):**

*Each Federal agency shall ensure that the agency will not grant a loan, loan guarantee, permit, license, or other assistance to an applicant who, with intent to avoid the requirements of section 106, has intentionally significantly adversely affected a historic property to which the grant would relate, or having legal power to prevent it, allowed such significant adverse effect to occur, unless the agency, after consultation with the Council, determines that circumstances justify granting such assistance despite the adverse effect created or permitted by the applicant.*

**ACHP Regulations: § 800.2 Participants in the Section 106 process.**

*800.2(2)(ii): Consultation on historic properties of significance to Indian tribes and Native Hawaiian organizations. Section 101(d)(6)(B) of the act requires the agency official to consult with any Indian tribe or Native Hawaiian organization that attaches religious and cultural significance to historic properties that may be affected by an undertaking. This requirement applies regardless of the location of the historic property. Such Indian tribe or Native Hawaiian organization shall be a consulting party.*

*800.2(c)(3) Representatives of local governments. A representative of a local government with jurisdiction over the area in which the effects of an undertaking may occur is entitled to participate as a consulting party. Under other provisions of Federal law, the local government may be authorized to act as the agency official for purposes of section 106.*

**Municipal Zoning Bylaw Rural Siting Principles Section 8.3-2:**

*Preserve stone walls and hedgerows. These traditional landscape features define outdoor areas in a natural way and create corridors useful for wildlife. Using these features as property lines is often appropriate, as long as setback requirements do not result in constructing buildings in the middle of fields.*

**Municipal Special Permit Review Criteria 9.2-2.K:** *Integration of the project into the existing terrain and surrounding landscape by minimizing impacts on wetlands, steep slopes, and hilltops; protecting visual amenities and scenic views; preserving unique natural or historical features; minimizing tree, vegetation, and soil removal; minimizing grade changes, and integrating development with the surrounding neighborhood in a manner that is consistent with the prevailing pattern, design, and scale of development and that protects historic structures and features.*

**Municipal Solar Zoning Bylaw:**

*Section 8.10-3.F. Mitigation for Disruption of Historic Resources and Properties: Historic resources and properties, such as cellar holes, farmsteads, stone corrals, marked graves, water wells, or pre-Columbian features, including those listed on the Massachusetts Register of Historic Places or as defined by the National Historic Preservation Act, shall be excluded from the areas proposed to be developed, including clearing for shade management. A written assessment of the project's effects on each identified historic resource or property and ways to avoid, minimize or mitigate any adverse effects shall be submitted as part of the Special Permit. A suitable buffer area shall be established on all sides of each historic resource. The Special Permit may be conditioned to effectuate and make enforceable this requirement.*

*Section 8.10-4.A.3. Locations of all known, mapped or suspected Native American archaeological sites or sites of Native American ceremonial activity. Identification of such sites shall be based on responses, if any, to written inquiries with a requirement to respond within 35 days, to the following parties: all federally or state recognized Tribal Historic Preservation Officers with any cultural or land affiliation to the Shutesbury area; the Massachusetts State Historical Preservation Officer; tribes or associations of tribes not recognized by the federal or state government with any cultural or land affiliation to the Shutesbury area; and the Shutesbury Historical Commission. Such inquiries shall serve as a notice to the aforesaid parties and shall contain a plan of the project, specific identification of the location of the project, and a statement that permitting for the project is forthcoming. Accompanying the site plan shall be a report documenting such inquiries, the responses from the parties, a description of the location and characteristics, including photographs, of any Native American sites and the outcomes of any additional inquiries made based on information obtained from or recommendations made by the aforesaid parties. A failure of parties to respond within 35 days shall allow the applicant to submit the site plans.*

**USET Resolution 2003:022, Sacred Landscape Within the Commonwealth of**

**Massachusetts:** *Resolved: the USET Board of Directors support the efforts of its member Tribes to partner with the pertinent towns and call upon the towns to join the Tribes in preservation of this unique and irreplaceable Indian resource.*

**USET Resolution 2009:057, Partnerships to Preserve Sacred Ceremonial Landscapes:**

*Resolved: the USET Board of Directors supports those member Tribes who wish to partner with individual landowners, agencies, towns, counties, and states that have stewardship of these properties, in order to create historic preservation initiatives that will support the permanent protection of such sacred landscapes.*

**USET Resolution 2007:037**



UNITED SOUTH AND EASTERN TRIBES, INC.

USET Resolution No. 2007-037

SACRED CEREMONIAL STONE LANDSCAPES FOUND IN THE ANCESTRAL TERRITORIES OF UNITED SOUTH AND EASTERN TRIBES, INC. MEMBER TRIBES

- WHEREAS, United South and Eastern Tribes, Incorporated (USET) is an intertribal organization comprised of twenty-four (24) federally recognized Tribes; and
- WHEREAS, the actions taken by the USET Board of Directors officially represent the intentions of each member Tribe, as the Board of Directors comprises delegates from the member Tribes' leadership; and
- WHEREAS, within the ancestral territories of the USET Tribes there exists sacred ceremonial stone landscapes and their stone structures which are of particular cultural value to certain USET member Tribes; and
- WHEREAS, for thousands of years before the immigration of Europeans, the medicine people of the USET Tribal ancestors used these sacred landscapes to sustain the people's reliance on Mother Earth and the spirit energies of balance and harmony; and
- WHEREAS, during and following the Colonial oppression of Southern and Eastern Tribes, many cultural and ceremonial practices, including ceremonial use of stones and stone landscapes, were suppressed; and
- WHEREAS, the properties which comprise these sacred landscapes are threatened by the encroachments of imminent development; and
- WHEREAS, whether these stone structures are massive or small structures, stacked, stone rows or effigies, these prayers in stone are often mistaken by archaeologists and State Historic Preservation Offices (SHPOs) as the efforts of farmers clearing stones for agricultural or wall building purposes; and
- WHEREAS, archaeologists and SHPOs, categorically thereafter, dismiss these structures as non-Indian and insignificant, permitting them to be the subjects of the sacrifice of archaeological dissection and later destruction during development projects; and
- WHEREAS, Federal laws exist, including, but not limited to, Section 106 of the National Historic Preservation Act (NHPA) as amended with 38 CFR Part 803, the American Indian Religious Freedom Act, Executive Order 13007, and all other related laws, rules, regulations and executive orders that support the rights of Tribal Nations, but have yet to proactively influence protection of sacred ceremonial stone landscape sites; and
- WHEREAS, many sacred ceremonial stone landscapes are on lands controlled by or are within projects which are advised, funded or permitted by government departments and agencies such as the Department of the Interior, Department of the Army, Department of Agriculture, National Park Service, U.S. Forest Service, U.S. Fish & Wildlife Service, Army Corp of Engineers, Federal Aviation Administration, Federal Communications Commission, National Oceanic & Atmospheric Administration, the Advisory Council on Historic Preservation, and the National Register of Historic Places; and
- WHEREAS, claiming them as products of farm clearing, professional archaeologists and the SHPOs annually pass judgment on the significance and potential protection of these sacred ceremonial stone landscapes and their structures within USET ancestral territories;
- Therefore, be it

*"Because there is strength in Unity"*

USET Resolution No. 2007:037

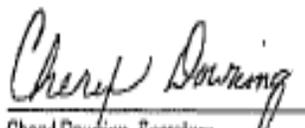
- RESOLVED** the USET Board of Directors requests that all relevant government departments and agencies actively and formally facilitate consultation with the federally recognized Indian Tribes of the region regarding the sacred ceremonial stone landscapes; and, be it further
- RESOLVED** the USET Board of Directors recommends that the Federal departments and agencies facilitate regional workshops between Tribes, State Historic Preservation Offices, archaeologists and Federal Departments and Agencies to facilitate a better comprehension of these concerns and a correction in these dismissive and destructive local policies; and, be it further
- RESOLVED** the USET Board of Directors requests a draft Federal Government enforcement policy for the protection of the National Historic Preservation Act under Executive Order 13007; and, be it further
- RESOLVED** the Federal Government will provide the member Tribes of United South and Eastern Tribes, Inc. with assistance, when requested, for the protection of historical sites and sacred landscapes within their ancestral territories.

CERTIFICATION

This resolution was duly passed at the USET Impact Week Meeting, at which a quorum was present, in Arlington, VA, on Thursday, February 15, 2007.



Brian Patterson, President  
United South and Eastern Tribes, Inc.



Cheryl Downing, Secretary  
United South and Eastern Tribes, Inc.

## Appendix C Definitions

**Advisory Council on Historic Preservation (ACHP):** *The ACHP is an independent federal agency that oversees Section 106 review and issues the regulations that implement it. The ACHP must be notified when an undertaking may adversely affect a historic property. The ACHP exercises its discretion in deciding to participate in the consultation process. The ACHP issues formal comments to the head of an agency when an agreement is not reached on how to resolve an undertaking's adverse effects. The ACHP also participates in the development of program alternatives under the regulations, and coordinates with federal agencies and consulting parties on these program alternatives.*

**Area of Potential Effects (APE):** *The area of potential effects or APE means the geographic area or areas within which an undertaking may directly or indirectly cause alterations in the character or use of historic properties, if any such properties exist. The APE is influenced by the scale and nature of an undertaking and may be different for different kinds of effects caused by the undertaking." 36 CFR 800.16(d).*

**Ceremonial Stone Landscapes (CSLs):** *USET, United Southern and Eastern Tribes, Inc., is a non-profit, intertribal organization of over 30 federally-recognized Tribes along the eastern coast of the United States which was formed in order for these Nations to be able to speak with one voice on issues of concern to them all. Ceremonial Stone Landscapes is the term used by USET, for Indigenous stone work sites in eastern North America. Elements often found at these sites include dry stone walls, rock piles (sometimes referred to as cairns or stone groupings), u-shaped structures, standing stones, stone chambers, unusually-shaped boulders, split boulders with stones inserted in the split, and boulders propped up off the ground with smaller rocks (balanced rocks), marked stones, petroglyphs, stone circles, effigies (e.g., turtles, serpents), mounds, platforms, enclosures, and niches.<sup>82</sup> The variety of stone structures requires expertise to identify, and TCP of Indigenous Tribes, requires a designated representative of the Tribe to do so.*

**Cultural Resources:** *Cultural resources can be defined as physical evidence or place of past human activity: site, object, landscape, structure; or a site, structure, landscape, object or natural feature of significance to a group of people traditionally associated with it.*

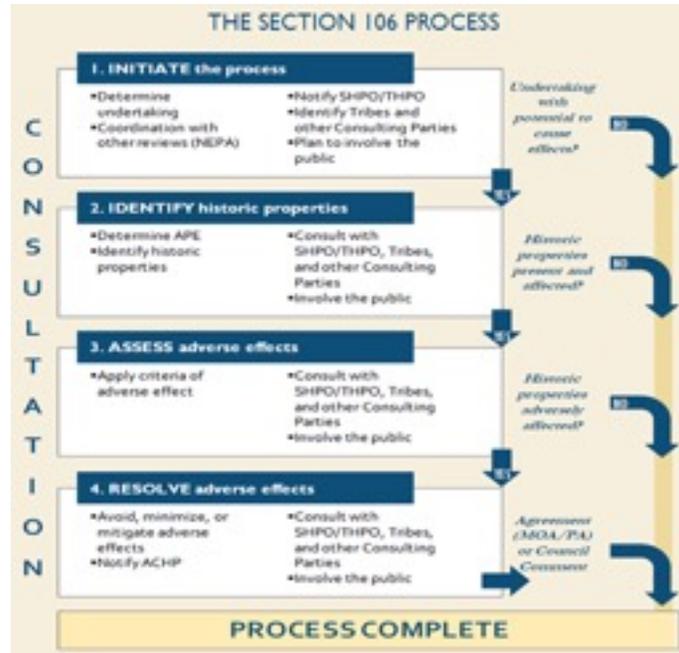
*Types of cultural resources can include: archeological resources, historic structures, cultural landscapes, ethnographic resources, and artifacts that manifest human behavior and ideas. "These nonrenewable resources may yield unique information about past societies and environments, and provide answers for modern day social and conservation problems. Although many have been discovered and protected, there are numerous forgotten, undiscovered, or unprotected cultural resources in rural America."<sup>83</sup>*

**Cultural Resource Management:** *Cultural Resource Management (CRM) involves inventorying sites, evaluating them, and sometimes mitigating the adverse effects of development projects and construction. CRM involves: archaeological surveys/inventories, recording historical buildings, consulting with Native American Tribes, evaluating resources according to Massachusetts and federal standards, and providing advice to landowners and developers.*

**Federal undertaking per Section 106 of NHPA:** *A Federal undertaking is a project, activity, or program either funded, permitted, licensed, or approved by a Federal Agency. Undertakings may take place either on or off federally controlled property and include new and continuing projects, activities, or programs and any of their elements not previously considered under Section 106.*

**Indigenous:** *Relating to or being a people who are the original, earliest known inhabitants of a region, or are their descendants. For the purposes of this report, the term “Indigenous” is primarily used to describe the first peoples of the Western Hemisphere. We have selected “Indigenous” because it can apply to all groups and is a term widely used internationally. “Indigenous” can be used to describe a group with a long history of settlement and connections to specific lands that has been adversely affected by colonialism, marginalization, exploitation, and displacement. We capitalize “Indigenous” as a sign of respect.<sup>84</sup>*

**National Register of Historic Places:** *The National Register of Historic Places is the nation's official list of properties recognized for their significance in American history, architecture, archaeology, engineering, and culture. It is administered by the National Park Service, which is part of the Department of the Interior. The Secretary of the Interior has established the criteria for evaluating the eligibility of properties for the National Register. A historic property need not be formally listed in the National Register in order to be considered under the Section 106 process. Simply coming to a consensus determination that a property is eligible for listing is adequate to move forward with Section 106 review. When historic properties may be harmed, Section 106 review usually ends with a legally binding agreement that establishes how the federal agency will avoid, minimize, or mitigate the adverse effects. Section 106 reviews ensure federal agencies fully consider historic preservation issues and the views of the public during project planning. Section 106 reviews do not mandate the approval or denial of projects.*



### Section 106 Consultation Process

**NHPA Section 106 Process ("Section 106"):** *In the National Historic Preservation Act of 1966 (NHPA), Congress established a comprehensive program to preserve the historical and cultural foundations of the nation as a living part of community life. Section 106 of the NHPA is crucial to that program because it requires consideration of historic preservation in the multitude of projects with federal involvement that take place across the nation every day. Section 106 requires federal agencies to consider the effects of projects they carry out, approve, or fund on historic properties. Also, federal agencies must provide the ACHP an opportunity to comment on such projects prior to the agency's decision on them. Section 106 requires tribal consultation in all steps of the process when a federal agency project or effort may affect historic properties that are either located on tribal lands, or when any Native American tribe or Native Hawaiian organization attaches religious or cultural significance to the historic property, regardless of the property's location. Because of Section 106, federal agencies must assume responsibility for the consequences of the projects they carry out, approve, or fund on historic properties and be publicly accountable for their decisions.*

**Optically-Stimulated Luminescence (OSL):** OSL is used to accurately date archaeological sites. OSL is a geophysical method used to date soils and stones. Unlike carbon dating, this technique does not require organic materials. OSL is a complex but accurate method of measuring how long ago mineral grains were last exposed to sunlight or sufficient heating. It uses various methods to stimulate and measure the luminescence of minerals. Luminescence

refers to the spontaneous emission of light by a substance not resulting from heat. Different kinds of minerals have different luminescent properties.

**Traditional Cultural Properties:** *A Traditional Cultural Property (TCP) is any physical property or place that is of significance to a culture, e.g. a district, site, building, structure, or object. A TCP may be eligible for inclusion in the National Register of Historic Places (NRHP) based on its level of significance, as determined by the culture with which it is associated. Significance is often determined by (but not limited to): associations with the cultural practices, traditions, beliefs, lifeways, arts, crafts, or social institutions of a living community. TCPs are rooted in a traditional community's history and are important in maintaining the continuing cultural identity of the community*

**TCP Identification:** *TCPs are best identified by consulting directly with official representatives of members of a traditional community. Members often have a special perspective on properties that play important roles in their historically rooted beliefs, customs, and practices. While certain properties may be documented in the historic literature or through previous ethnographic or archeological studies, information on other properties may have only been passed down through generations by oral history or practice. For Indian Tribe and Native Hawaiians, knowledge of TCP locations may reside with tribal elders or traditional practitioners who may retain specific confidential information regarding the location of properties and the special qualities associated with them. Sensitivity to these issues may be necessary during any identification and documentation process. Indian Tribes and Native Hawaiians are acknowledged by the NHPA to have the final word on identification of their TCP. That is, while archaeologists may conclude something is TCP, they may not conclude something is NOT TCP.*

**Traditional Communities:** *A traditional community is one that has beliefs, customs, and practices that have continued over time, been passed down through the generations, are shared, and help to define the traditions of the community.*

# NATIONAL REGISTER BULLETIN

Technical information on the the National Register of Historic Places:  
survey, evaluation, registration, and preservation of cultural resources



U.S. Department of the Interior  
National Park Service  
Cultural Resources  
National Register, History and Education

## Guidelines for Evaluating and Documenting Traditional Cultural Properties



The mission of the Department of the Interior is to protect and provide access to our Nation's natural and cultural heritage and honor our trust responsibilities to tribes.

This material is partially based upon work conducted under a cooperative agreement with the National Conference of State Historic Preservation Officers and the U.S. Department of the Interior.

***Cover photographs:***

*Many traditional cultural properties are used for practical purposes by those who value them. This sedge preserve in northern California, for example, is tended and harvested by Pomo Indian basketmakers as a vital source of material for making their world famous baskets. The preserve was established at Lake Sonoma by the U.S. Army Corps of Engineers. (Richard Lerner)*

*This bedrock mortar in central California plays an essential role in processing Black Oak acorns. (Theodoratus Cultural Research)*

# NATIONAL REGISTER BULLETIN

## GUIDELINES FOR EVALUATING AND DOCUMENTING TRADITIONAL CULTURAL PROPERTIES

BY

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U.S. DEPARTMENT OF THE INTERIOR  
NATIONAL PARK SERVICE  
NATIONAL REGISTER, HISTORY AND EDUCATION  
NATIONAL REGISTER OF HISTORIC PLACES

1990; REVISED 1992; 1998

Introduction to Indigenous Cultural Sites in Shutesbury

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# I. INTRODUCTION

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## WHAT ARE TRADITIONAL CULTURAL PROPERTIES?

The National Register of Historic Places contains a wide range of historic property types, reflecting the diversity of the nation's history and culture. Buildings, structures, and sites; groups of buildings, structures or sites forming historic districts; landscapes; and individual objects are all included in the Register if they meet the criteria specified in the National Register's Criteria for Evaluation (36 CFR 60.4). Such properties reflect many kinds of significance in architecture, history, archeology, engineering, and culture.

There are many definitions of the word "culture," but in the National Register programs the word is understood to mean the traditions, beliefs, practices, lifeways, arts, crafts, and social institutions of any community, be it an Indian tribe, a local ethnic group, or the people of the nation as a whole.<sup>1</sup>

One kind of cultural significance a property may possess, and that may make it eligible for inclusion in the Register, is *traditional cultural significance*. "Traditional" in this context 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. The traditional cultural significance of a historic property, then, is significance derived from the role the property plays in a community's historically rooted beliefs, customs, and practices. Examples of properties possessing such significance include:

- a location associated with the traditional beliefs of a Native American group about its origins, its cultural history, or the nature of the world;
- a rural community whose organization, buildings and structures, or patterns of land use reflect the cultural traditions valued by its long-term residents;
- an urban neighborhood that is the traditional home of a particular cultural group, and that reflects its beliefs and practices;

- a location where Native American religious practitioners have historically gone, and are known or thought to go today, to perform ceremonial activities in accordance with traditional cultural rules of practice; and
- a location where a community has traditionally carried out economic, artistic, or other cultural practices important in maintaining its historic identity.

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. Various kinds of traditional cultural properties will be discussed, illustrated, and related specifically to the National Register Criteria later in this bulletin.

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<sup>1</sup> For a detailed definition, see Appendix I.



Numerous African Americans left the South to migrate to the Midwest. The A.M.E. Church (on left) and District No. 1 School remain in Nicodemus Historic District in Nicodemus, Kansas, which was declared a National Historic Landmark by the Secretary of the Interior in 1976. (Clayton B. Fraser for the Historic American Buildings Survey)

## PURPOSE OF THIS BULLETIN

Traditional cultural values are often central to the way a community or group defines itself, and maintaining such values is often vital to maintaining the group's sense of identity and self respect. Properties to which traditional cultural value is ascribed often take on this kind of vital significance, so that any damage to or infringement upon them is perceived to be deeply offensive to, and even destructive of, the group that values them. As a result, it is extremely important that traditional cultural properties be considered carefully in planning; hence it is important that such properties, when they are eligible for inclusion in the National Register, be nominated to the Register or otherwise identified in inventories for planning purposes.

Traditional cultural properties are often hard to recognize. A traditional ceremonial location may look like merely a mountaintop, a lake, or a stretch of river; a culturally important neighborhood may look like any other aggregation of houses, and an area where culturally important economic or artistic activities have been carried out may look like any other building, field of grass, or piece of forest in the area. As a result, such places may not necessarily come to light through the conduct of archeological, historical, or architectural surveys. The existence and significance of such locations often can be ascertained only through interviews with knowledgeable users of the area, or through other forms of ethnographic research. The subtlety with which the significance of such locations may be expressed makes it easy to ignore them; on the other hand it makes it difficult to distinguish between properties having real significance and those whose putative significance is spurious. As a result, clear guidelines for evaluation of such properties are needed.

In the 1980 amendments to the National Historic Preservation Act, the Secretary of the Interior, with the American Folklife Center, was directed to study means of:

preserving and conserving the intangible elements of our cultural heritage such as arts, skills, folklife, and folkways. . .



*The German Village Historic District in Columbus, Ohio, reflects the ethnic heritage of 19th century German immigrants. The neighborhood includes many simple vernacular brick cottages with gable roofs. (Christopher Cline)*

and to recommend ways to:

preserve, conserve, and encourage the continuation of the diverse traditional prehistoric, historic, ethnic, and folk cultural traditions that underlie and are a living expression of our American heritage. (NHPA 502; 16 U.S.C. 470a note)

The report that was prepared in response to 502, entitled *Cultural Conservation*, was submitted to the President and Congress on June 1, 1983, by the Secretary of the Interior. The report recommended in general that traditional cultural resources, both those that are associated with historic properties and those without specific property referents, be more systematically addressed in implementation of the National Historic Preservation Act and other historic preservation authorities. In transmitting the report, the Secretary directed the National Park Service to take several actions to implement its recommendations. Among other actions, the Service was directed to prepare guidelines to assist in the documentation of intangible cultural resources, to coordinate the incorporation of provisions for the consideration of such resources into Departmental planning documents and administrative manuals, and to encourage the identification and documentation of such resources by States and Federal agencies.

This bulletin has been developed as one aspect of the Service's response to the *Cultural Conservation* report and the Secretary's direction. It is intended to be an aid in determining whether properties thought or alleged to have traditional cultural significance are eligible for inclusion in the National Register. It is meant to assist Federal agencies, State Historic Preservation Officers (SHPOs), Certified Local Governments, Indian Tribes, and other historic preservation practitioners who need to evaluate such properties when nominating them for inclusion in the National Register or when considering their eligibility for the Register as part of the review process prescribed by the Advisory Council on Historic Preservation under 106 of the National Historic Preservation Act. It is designed to supplement other National Register guidance, particularly *How to Apply the National Register Criteria for Evaluation and Guidelines for Completing National Register of Historic Places Forms*. It should be used in conjunction with these two Bulletins and other applicable guidance available from the National Register, when applying the National Register Criteria and preparing documentation to support nominations or determinations that a given property is or is not eligible for inclusion in the Register.

This Bulletin is also responsive to the American Indian Religious Free-

dom Act (AIRFA) of 1978, which requires the National Park Service, like other Federal agencies, to evaluate its policies and procedures with the aim of protecting the religious freedoms of Native Americans (Pub. L. 95341 2). Examination of the policies and procedures of the National Register suggests that while they are in no way intended to be so interpreted, they can be interpreted by Federal agencies and others in a manner that excludes historic properties of religious significance to Native Americans from eligibility for inclusion in the National Register. This in turn may exclude such properties from the protections afforded by 106, which may result in their destruction, infringing upon the rights of Native Americans to use them in the free exercise of their religions. To minimize the likelihood of such misinterpretation, this Bulletin gives special attention to properties of traditional cultural significance to Native American groups, and to discussing the place of religion in the attribution of such significance.

The fact that this Bulletin gives special emphasis to Native American properties should not be taken to imply that only Native Americans ascribe traditional cultural value to historic properties, or that such ascription is common only to ethnic minority groups in general. Americans of every ethnic origin have properties to

which they ascribe traditional cultural value, and if such properties meet the National Register criteria, they can and should be nominated for inclusion in the Register.

This Bulletin does not address cultural resources that are purely “intangible”—i.e. those that have no property referents—except by exclusion. The Service is committed to ensuring that such resources are fully considered in planning and decision making by Federal agencies and others. Historic properties represent only some aspects of culture, and many other aspects, not necessarily reflected in properties as such, may be of vital importance in maintaining the integrity of a social group. However, the National Register is not the appropriate vehicle for recognizing cultural values that are purely intangible, nor is there legal authority to address them under 106 unless they are somehow related to a historic property.

The National Register lists, and 106 requires review of effects on, tangible cultural resources—that is, historic properties. However, the attributes that give such properties significance, such as their association with historical events, often are intangible in nature. Such attributes cannot be ignored in evaluating and managing historic properties; properties and their intangible attributes of significance must be considered together.

This Bulletin is meant to encourage its users to address the intangible cultural values that may make a property historic, and to do so in an evenhanded way that reflects solid research and not ethnocentric bias.

Finally, no one should regard this Bulletin as the only appropriate source of guidance on its subject, or interpret it rigidly. Although traditional cultural properties have been listed and recognized as eligible for inclusion in the National Register since the Register’s inception, it is only in recent years that organized attention has been given to them. This Bulletin represents the best guidance the Register can provide as of the late 1980s, and the examples listed in the bibliography include the best known at this time.<sup>2</sup> It is to be expected that approaches to such properties will continue to evolve. This Bulletin also is meant to supplement, not substitute for, more specific guidelines, such as those used by the National Park Service with respect to units of the National Park System and those used by some other agencies, States, local governments, or Indian tribes with respect to their own lands and programs.

<sup>2</sup> It is notable that most of these examples are unpublished manuscripts. The literature pertaining to the identification and evaluation of traditional cultural properties, to say nothing of their treatment, remains a thin one.



*These sandbars in the Rio Grande River are eligible for inclusion in the National Register because they have been used for generations by the people of Sandia Pueblo for rituals involving immersion in the river’s waters. (Thomas F. King)*

## ETHNOGRAPHY, ETHNOHISTORY, ETHNOCENTRISM

Three words beginning with “ethno” will be used repeatedly in this Bulletin, and may not be familiar to all readers. All three are derived from the Greek *ethnos*, meaning “nation;” and are widely used in the study of anthropology and related disciplines.

*Ethnography* is the descriptive and analytic study of the culture of particular groups or communities. An ethnographer seeks to understand a community through interviews with its members and often through living in and observing it (a practice referred to as “participant observation”).

*Ethnohistory* is the study of historical data, including but not necessarily limited to, documentary data pertaining to a group or community, using an ethnographic perspective.

Ethnographic and ethnohistorical research are usually carried out by specialists in cultural anthropology, and by specialists in folklore and folklife, sociology, history, archeology and related disciplines with appropriate technical training.<sup>3</sup>

*Ethnocentrism* means viewing the world and the people in it only from the point of view of one’s own culture and being unable to sympathize with the feelings, attitudes, and beliefs of someone who is a member of a different culture. It is particularly important to understand, and seek to avoid, ethnocentrism in the evaluation of traditional cultural properties. For ex-

ample, Euroamerican society tends to emphasize “objective” observation of the physical world as the basis for making statements about that world. However, it may not be possible to use such observations as the major basis for evaluating a traditional cultural property. For example, there may be nothing observable to the outsider about a place regarded as sacred by a Native American group. Similarly, such a group’s belief that its ancestors emerged from the earth at a specific location at the beginning of time may contradict Euroamerican science’s belief that the group’s ancestors migrated to North America from Siberia. These facts in no way diminish the significance of the locations in question in the eyes of those who value them; indeed they are irrelevant to their significance. It would be ethnocentric in the extreme to say that “whatever the Native American group says about this place, I can’t see anything here so it is not significant” or “since I know these people’s ancestors came from Siberia, the place where they think they emerged from the earth is of no significance.” It is vital to evaluate properties thought to have traditional cultural significance from the standpoint of those who may ascribe such significance to them, whatever one’s own perception of them, based on one’s own cultural values, may be. This is not to say that a group’s assertions about the significance of a place should not be questioned or subjected to critical analysis, but they should not be rejected based on the premise that the beliefs they reflect are inferior to one’s own.

## EVALUATION, CONSIDERATION, AND PROTECTION

One more point that should be remembered in evaluating traditional cultural properties—as in evaluating any other kind of properties—is that establishing that a property is eligible for inclusion in the National Register does not necessarily mean that the property must be protected from disturbance or damage. Establishing that a property is eligible means that it must be considered in planning Federal, federally assisted, and federally licensed undertakings, but it does not mean that such an undertaking cannot be allowed to damage or destroy it.

Consultation must occur in accordance with the regulations of the Advisory Council (36 CFR Part 800) to identify, and if feasible adopt, measures to protect it, but if in the final analysis the public interest demands that the property be sacrificed to the needs of the project, there is nothing in the National Historic Preservation Act that prohibits this.

This principle is especially important to recognize with respect to traditional cultural properties, because such properties may be valued by a relatively small segment of a community that, on the whole, favors a project that will damage or destroy it. The fact that the community as a whole may be willing to dispense with the property in order to achieve the goals of the project does not mean that the property is not significant, but the fact that it is significant does not mean that it cannot be disturbed, or that the project must be foregone.

<sup>3</sup> For a detailed discussion of the qualifications that a practitioner of ethnography or ethnohistory should possess, see Appendix II.

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## II. TRADITIONAL CULTURAL VALUES IN PRESERVATION PLANNING

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Traditional cultural properties, and the beliefs and institutions that give them significance, should be systematically addressed in programs of preservation planning and in the historic preservation components of land use plans. One very practical reason for this is to simplify the identification and evaluation of traditional cultural properties that may be threatened by construction and land use projects. Identifying and evaluating such properties can require detailed and extensive consultation, interview programs, and ethnographic fieldwork as discussed below. Having to conduct such activities may add considerably to the time and expense of compliance with 106, the National Environment Policy Act, and other authorities. Such costs can be reduced significantly, however, by early, proactive planning that identifies significant properties or areas likely to contain significant properties before specific

projects are planned that may affect them, identifies parties likely to ascribe cultural value to such properties, and establishes routine systems for consultation with such parties.

The *Secretary of the Interior's Standards for Preservation Planning* provide for the establishment of "historic contexts" as a basic step in any preservation planning process be it planning for the comprehensive survey of a community or planning a construction project. A historic context is an organization of available information about, among other things, the cultural history of the area to be investigated, that identifies "the broad patterns of development in an area that may be represented by historic properties" (48 FR 44717). The traditions and traditional lifeways of a planning area may represent such "broad patterns," so information about them should be used as a basis for historic context development.

The *Secretary of the Interior's Guidelines for Preservation Planning* emphasize the need for organized public participation in context development (48 FR 44717). The Advisory Council on Historic Preservation's *Guidelines for Public Participation in Historic Preservation Review* (ACHP 1988) provide detailed recommendations regarding such participation. Based on these standards and guidelines, groups that may ascribe traditional cultural values to an area's historic properties should be contacted and asked to assist in organizing information on the area. Historic contexts should be considered that reflect the history and culture of such groups as the groups themselves understand them, as well as their history and culture as defined by Euroamerican scholarship, and processes for consultation with such groups should be integrated into routine planning and project review procedures.

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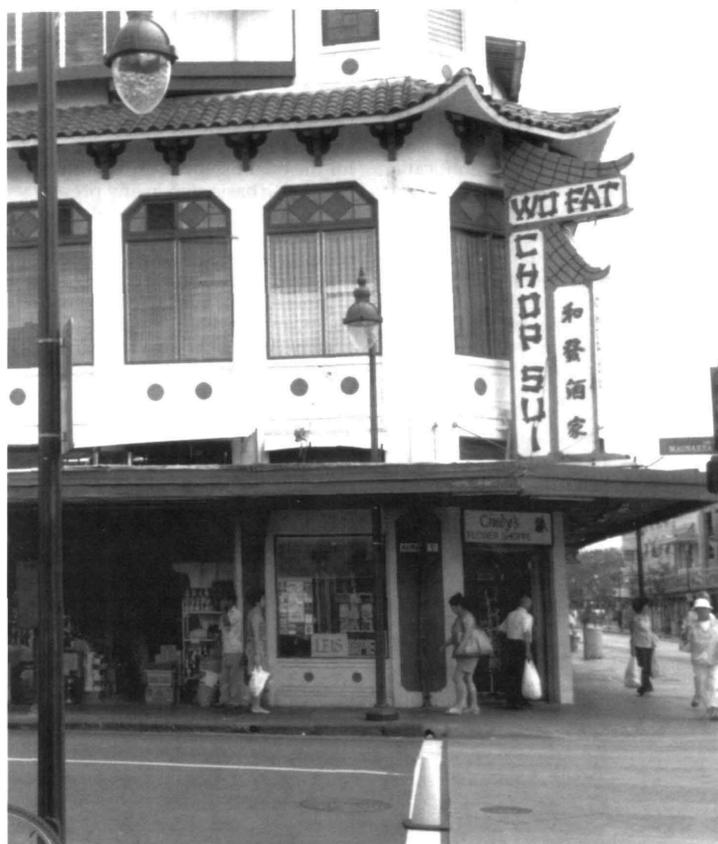
# III. IDENTIFYING TRADITIONAL CULTURAL PROPERTIES

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Some traditional cultural properties are well known to the residents of an area. The San Francisco Peaks in Arizona, for example, are extensively documented and widely recognized as places of extreme cultural importance to the Hopi, Navajo, and other American Indian people of the Southwest, and it requires little study to recognize that Honolulu's Chinatown is a place of cultural importance to the city's Asian community. Most traditional cultural properties, however, must be identified through systematic study, just as most other kinds of historic properties must be identified. This section of the Bulletin will discuss some factors to consider in identifying traditional cultural properties.<sup>4</sup>

## ESTABLISHING THE LEVEL OF EFFORT

Any comprehensive effort to identify historic properties in an area, be the area a community, a rural area, or the area that may be affected by a construction or land-use project, should include a reasonable effort to identify traditional cultural properties. What constitutes a "reasonable" effort depends in part on the likelihood that such properties may be present. The likelihood that such properties may be present can be reliably assessed only on the basis of background knowledge of the area's history, ethnography, and contemporary society developed through preservation planning. As a general although not in-



*Honolulu's Chinatown reflects the cultural values and traditions of its inhabitants not only in its architectural details but also in its organization of space and the activities that go on there. (Ramona K. Mullahey)*

<sup>4</sup> For general guidelines for identification see the *Secretary of the Interior's Standards and Guidelines for Identification* (48 FR 44720-23), *Guidelines for Local Surveys: A Basis for Preservation Planning* (National Register of Historic Places bulletin) and *Identification in Historic Preservation Review: a Decisionmaking Guide* (ACHP/DOI 1988).

variable rule, however, rural areas are more likely than urban areas to contain properties of traditional cultural importance to American Indian or other native American communities, while urban areas are more likely to contain properties of significance to ethnic and other traditional neighborhoods.

Where identification is conducted as part of planning for a construction or land-use project, the appropriate level of effort depends in part on whether the project under consideration is the type of project that could affect traditional cultural properties. For example, as a rule the rehabilitation of historic buildings may have relatively little potential for effect on such properties. However, if a rehabilitation project may result in displacement of residents, "gentrification" of a neighborhood, or other sociocultural impacts, the possibility that the buildings to be rehabilitated, or the neighborhood in which they exist, may be ascribed traditional cultural value by their residents or others should be considered. Similarly, most day-to-day management activities of a land managing agency may have little potential for effect on traditional cultural properties, but if the management activity involves an area or a kind of resource that has high significance to a traditional group—for example, timber harvesting in an area where an Indian tribe's religious practitioners may continue to carry out traditional ceremonies—the potential for effect will be high.

These general rules of thumb aside, the way to determine what constitutes a reasonable effort to identify traditional cultural properties is to consult those who may ascribe cultural significance to locations within the study area. The need for community participation in planning identification, as in other forms of preservation planning, cannot be over-emphasized.

## CONTACTING TRADITIONAL COMMUNITIES AND GROUPS

An early step in any effort to identify historic properties is to consult with groups and individuals who have special knowledge about and in-

terests in the history and culture of the area to be studied. In the case of traditional cultural properties, this means those individuals and groups who may ascribe traditional cultural significance to locations within the study area, and those who may have knowledge of such individuals and groups. Ideally, early planning will have identified these individuals and groups, and established how to consult with them. As a rule, however, the following steps are recommended:

### BACKGROUND RESEARCH

An important first step in identifying such individuals and groups is to conduct background research into what is already recorded about the area's history, ethnography, sociology, and folklife. Published and unpublished source material on the historic and contemporary composition of the area's social and cultural groups should be consulted; such source material can often be found in

the anthropology, sociology, or folklife libraries of local universities or other academic institutions. Professional and nonprofessional students of the area's social and cultural groups should also be consulted—for example, professional and avocational anthropologists and folklorists who have studied the area. The SHPO and any other official agency or organization that concerns itself with matters of traditional culture—for example, a State Folklorist or a State Native American Commission—should be contacted for recommendations about sources of information and about groups and individuals to consult.

### MAKING CONTACT

Having reviewed available background data, the next step is to contact knowledgeable groups and individuals directly, particularly those groups that are native to the area or have resided there for a long time. Some such groups have official repre-

Federal agencies and others have found a variety of ways to contact knowledgeable parties in order to identify and evaluate traditional cultural properties. Generally speaking, the detail and complexity of the methods employed depend on the nature and complexity of the properties under consideration and the effects the agency's management or other activities may have on them. For example:

- The Black Hills National Forest designated a culturally sensitive engineer to work with local Indian tribes in establishing procedures by which the tribes could review Forest Service projects that might affect traditional cultural properties;
- The Air Force sponsored a conference of local traditional cultural authorities to review plans for deployment of an intercontinental missile system in Wyoming, resulting in guidelines to ensure that effects on traditional cultural properties would be minimized.
- The New Mexico Power Authority employed a professional cultural anthropologist to consult with Native American groups within the area to be affected by the Four Corners Power Project.
- The Ventura County (California) Flood Control Agency consulted with local Native American groups designated by the State Native American Heritage Commission to determine how to handle human remains to be exhumed from a cemetery that had to be relocated to make way for a flood control project.
- The Utah State Historic Preservation Officer entered into an agreement with the American Folklife Center to develop a comprehensive overview of the tangible and intangible historic resources of Grouse Creek, a traditional Mormon cowboy community.
- The Forest Service contracted for a full-scale ethnographic study to determine the significance of the Helkau Historic District on California's Six Rivers National Forest.

representatives—the tribal council of an Indian tribe, for example, or an urban neighborhood council. In other cases, leadership may be less officially defined, and establishing contact may be more complicated. The assistance of ethnographers, sociologists, folklorists, and others who may have conducted research in the area or otherwise worked with its social groups may be necessary in such cases, in order to design ways of contacting and consulting such groups in ways that are both effective and consistent with their systems of leadership and communication.

It should be clearly recognized that expertise in traditional cultural values may not be found, or not found solely, among contemporary community leaders. In some cases, in fact, the current political leadership of a community or neighborhood may be hostile to or embarrassed about traditional matters. As a result, it may be necessary to seek out knowledgeable parties outside the community's official political structure. It is of course best to do this with the full knowledge and cooperation of the community's contemporary leaders; in most cases it is appropriate to ask such leaders to identify members of the community who are knowledgeable about traditional cultural matters, and use these parties as an initial network of consultants on the group's traditional values. If there is serious hostility between the group's contemporary leadership and its traditional experts, however, such cooperation may not be extended, and efforts to consult with traditional authorities may be actively opposed. Where this occurs, and it is necessary to proceed with the identification and evaluation of properties—for example, where such identification and evaluation are undertaken in connection with review of an undertaking under 106—careful negotiation and mediation may be necessary to overcome opposition and establish mutually acceptable ground rules for consultation. Again, the assistance of anthropologists or others with training and experience in work with the community, or with similar communities, may be necessary.

## FIELDWORK

Fieldwork to identify properties of traditional cultural significance involves consultation with knowledgeable



*The Helkau Historic District, in the Six Rivers National Forest of California, is eligible for inclusion in the National Register because of its association with significant cultural practices of the Tolowa, Yorok, Karuk, and Hoopa Indian tribes of the area, who have used the district for generations to make medicine and communicate with spirits. (Theodoratus Cultural Research)*

parties, coupled with field inspection and recordation of locations identified as significant by such parties. It is often appropriate and efficient to combine such fieldwork with surveys to identify other kinds of historic properties, for example archeological sites and properties of architectural significance. If combined fieldwork is conducted, however, the professional standards appropriate to each kind of fieldwork should be adhered to, and appropriate expertise in each relevant discipline should be represented on the study team. The kinds of expertise typically needed for a detailed ethnographic study of traditional cultural properties are outlined in Appendix II. Applicable research standards can be found in *Systematic Fieldwork, Volume 2: Ethnographic Analysis and Data Management*. (Werner and Schoepfle 1986)

## CULTURALLY SENSITIVE CONSULTATION

Since knowledge of traditional cultural values may not be shared readily with outsiders, knowledgeable parties should be consulted in cultural contexts that are familiar and reasonable to them. It is important to understand the role that the information being solicited may play in the culture of those

from whom it is being solicited, and the kinds of rules that may surround its transmittal. In some societies traditional information is regarded as powerful, even dangerous. It is often believed that such information should be transmitted only under particular circumstances or to particular kinds of people. In some cases information is regarded as a valued commodity for which payment is in order, in other cases offering payment may be offensive. Sometimes information may be regarded as a gift, whose acceptance obligates the receiver to reciprocate in some way, in some cases by carrying out the activity to which the information pertains.

It may not always, or even often, be possible to arrange for information to be sought in precisely the way those being consulted might prefer, but when it is not, the interviewer should clearly understand that to some extent he or she is asking those interviewed to violate their cultural norms. The interviewer should try to keep such violations to a minimum, and should be patient with the reluctance that those interviewed may feel toward sharing information under conditions that are not fully appropriate from their point of view.

Culturally sensitive consultation may require the use of languages other than English, the conduct of

community meetings in ways consistent with local traditional practice, and the conduct of studies by trained ethnographers, ethnohistorians, sociologists, or folklorists with the kinds of expertise outlined in Appendix II. Particularly where large projects or large land areas are involved, or where it is likely that particularly sensitive resources may be at issue, formal ethnographic studies should be carried out, by or under the supervision of a professionally qualified cultural anthropologist.

## FIELD INSPECTION AND RECORDATION

It is usually important to take knowledgeable consultants into the field to inspect properties that they identify as significant. In some cases such properties may not be discernible as such to anyone but a knowledgeable member of the group that ascribes significance to them; in such cases it may be impossible even to find the relevant properties, or locate them accurately, without the aid of such parties. Even where a property is readily discernible as such to the outside observer, visiting the property may help a consultant recall information about it that he or she is unlikely to recall during interviews at a remote location, thus making for a richer and more complete record.

Where the property in question has religious significance or supernatural connotations, it is particularly important to ensure that any visit is carried out in accordance with appropriate modes of behavior. In some cases, ritual purification is necessary before a property can be approached, or spirits must be propitiated along the way. Some groups forbid visits to such locations by menstruating women or by people of inappropriate ages. The taking of photographs or the use of electronic recording equipment may not be appropriate. Appropriate ways to approach the property should be discussed with knowledgeable consultants before undertaking a field visit.

To the extent compatible with the cultural norms of the group involved, traditional cultural properties should be recorded on National Register of Historic Places forms or their equivalent.<sup>5</sup> Where items normally included in a National Register nomination or request for a determination of eligibility cannot be included (for ex-

ample, if it is culturally inappropriate to photograph the property), the reasons for not including the item should be explained. To the extent possible in the property's cultural context, other aspects of the documentation (for example, verbal descriptions of the property) should be enhanced to make up for the items not included.

If making the location of a property known to the public would be culturally inappropriate, or compromise the integrity of the property or associated cultural values (for example, by encouraging tourists to intrude upon the conduct of traditional practices), the "Not for Publication" box on the National Register form should be checked; this indicates that the reproduction of locational information is prohibited, and that other information contained in the nomination will not be reproduced without the permission of the nominating authority. In the case of a request for a determination of eligibility in which a National Register form is not used, the fact that the information is not for publication should be clearly speci-

fied in the documentation, so that the National Register can apply the same controls to this information as it would to restricted information in a nomination.<sup>6</sup>

## RECONCILING SOURCES

Sometimes an apparent conflict exists between documentary data on traditional cultural properties and the testimony of contemporary consultants. The most common kind of conflict occurs when ethnographic and ethnohistorical documents do not identify a given place as playing an important role in the tradition and culture of a group, while contemporary members of the group say the property does have such a role. More rarely, documentary sources may indicate that a property does have cultural significance while contemporary sources say it does not. In some cases, too, contemporary sources may disagree about the significance of a property.



*Much of the significance of traditional cultural properties can be learned only from testimony of the traditional people who value them, like this old man being interviewed in Truk. (Micronesia Institute)*

<sup>5</sup> For general instructions on the completion of National Register documentation, see *How to Complete the National Register of Historic Places Form*.

<sup>6</sup> Section 304 of the National Historic Preservation Act provides the legal authority to withhold National Register information from the public when release might "create a substantial risk of harm, theft, or destruction." For detailed guidelines concerning restricting access to information see the National Register bulletin entitled, *Guidelines for Restricting Information About Historic and Prehistoric Resources*.

Where available documents fail to identify a property as culturally significant, but contemporary sources identify it as such, several points should be considered.

- (a) Ethnographic and ethnohistorical research has not been conducted uniformly in all parts of the nation; some areas are better documented than others simply because they have been the focus of more research.
- (b) Ethnographic and ethnohistorical documents reflect the research interests of those who prepared them; the fact that one does not identify a property as culturally important may reflect only the fact that the individual who prepared the report had research interests that did not require the identification of such properties.
- (c) Some kinds of traditional cultural properties are regarded by those who value them as the loci of supernatural or other power, or as having other attributes that make people reluctant to talk about them. Such properties are not likely to be recorded unless someone makes a very deliberate effort to do so, or unless those who value them have a special reason for revealing the information—for example, a perception that the property is in some kind of danger.

Particularly because properties of traditional cultural significance are often kept secret, it is not uncommon for them to be “discovered” only when something threatens them—for example, when a change in land-use is proposed in their vicinity. The sudden revelation by representatives of a cultural group which may also have other economic or political interests in the proposed change can lead quickly to charges that the cultural significance of a property has been invented only to obstruct or otherwise influence those planning the change. This may be true, and the possibility that traditional cultural significance is attributed to a property only to advance other, unrelated interests should be carefully considered. However, it also may be that until the change was proposed, there simply was no reason for those who value the property to reveal its existence or the significance they ascribe to it.

Where ethnographic, ethnohistorical, historical, or other sources identify a property as having cultural significance, but contemporary sources say that it lacks such significance, the interests of the contemporary sources should be carefully considered. Individuals who have economic interests in the potential development of an area may be strongly motivated to deny its cultural significance. More subtly, individuals who regard traditional practices and beliefs as backward and contrary to the

best contemporary interests of the group that once ascribed significance to a property may feel justified in saying that such significance has been lost, or was never ascribed to the property. On the other hand, of course, it may be that the documentary sources are wrong, or that the significance ascribed to the property when the documents were prepared has since been lost.

Similar consideration must be taken into account in attempting to reconcile conflicting contemporary sources. Where one individual or group asserts that a property has traditional cultural significance, and another asserts that it does not or where there is disagreement about the nature or extent of a property’s significance, the motives and values of the parties, and the cultural constraints operating on each, must be carefully analyzed.

In general, the only reasonably reliable way to resolve conflict among sources is to review a wide enough range of documentary data, and to interview a wide enough range of authorities to minimize the likelihood either of inadvertent bias or of being deliberately misled.

Authorities consulted in most cases should include both knowledgeable parties within the group that may attribute cultural value to a property and appropriate specialists in ethnography, sociology, history, and other relevant disciplines.<sup>7</sup>

<sup>7</sup> For excellent examples of studies designed in whole or in part to identify and evaluate traditional cultural properties based on both documentary sources and the testimony of consultants, see Bean and Vane 1978; Carroll 1983; Johnston and Budy 1983; Stoffle and Dobyms 1982, 1983; Theodoratus 1979.

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# IV. DETERMINING ELIGIBILITY: STEP BY STEP

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Whether a property is known in advance or found during an identification effort, it must be evaluated with reference to the National Register Criteria for Evaluation (36 CFR Part 60) in order to determine whether it is eligible for inclusion in the Register. This section discusses the process of evaluation as a series of sequential steps. In real life of course, these steps are often collapsed into one another or taken together.

## STEP ONE: ENSURE THAT THE ENTITY UNDER CONSIDERATION IS A PROPERTY

Because the cultural practices or beliefs that give a traditional cultural property its significance are typically still observed in some form at the time the property is evaluated, it is sometimes perceived that the intangible practices or beliefs themselves, not the property, constitute the subject of evaluation. There is naturally a dynamic relationship between tangible and intangible traditional cultural resources, and the beliefs or practices associated with a traditional cultural property are of central importance in defining its significance. However, it should be clearly recognized at the outset that the National Register does not include intangible resources themselves. The entity evaluated must be a tangible property—that is, a district, site, building, structure, or object.<sup>8</sup> The relationship between the property and the beliefs or practices associated with it should be carefully considered, however, since it is the beliefs and practices that may give the property its significance and make it eligible for inclusion in the National Register.

Construction by human beings is a necessary attribute of buildings and structures, but districts, sites, and objects do not have to be the products

of, or contain, the work of human beings in order to be classified as properties. For example, the National Register defines a “site” as “the location of a significant event, a prehistoric or historic occupation or activity, or a building or structure, whether standing, ruined, or vanished, where the location itself possesses historic, cultural, or archeological value regardless of the value of any existing structure.”<sup>9</sup> Thus a property may be defined as a “site” as long as it was the location of a significant event or activity, regardless of whether the event or activity left any evidence of its occurrence. A culturally significant natural landscape may be classified as a site, as may the specific location where significant traditional events, activities, or cultural observances have taken place. A natural object such as a tree or a rock outcrop may be an eligible object if it is associated with a significant tradition or use. A concentration, linkage, or continuity of such sites or objects, or of structures comprising a culturally significant entity, may be classified as a district.

In considering the eligibility of a property that contains no observable evidence of human activity, however, the documentary or oral evidence for the association of the property with traditional events, activities or observances should be carefully weighed and assessed. The National Register discourages the nomination of natural features without sound documentation of their historical or cultural significance.

## STEP TWO: CONSIDER THE PROPERTY’S INTEGRITY

In order to be eligible for inclusion in the Register, a property must have “integrity of location, design, setting, materials, workmanship, feeling, and association” (36 CFR Part 60).

In the case of a traditional cultural property, there are two fundamental questions to ask about integrity. First, does the property have an integral relationship to traditional cultural practices or beliefs; and second, is the condition of the property such that the relevant relationships survive?

## INTEGRITY OF RELATIONSHIP

Assessing the integrity of the relationship between a property and the beliefs or practices that may give it significance involves developing some understanding about how the group that holds the beliefs or carries out the practices is likely to view the property. If the property is known or likely to be regarded by a traditional cultural group as important in the retention or transmittal of a belief, or to the performance of a practice, the property can be taken to have an integral relationship with the belief or practice, and vice-versa.

For example, imagine two groups living along the shores of a lake. Each group practices a form of baptism to mark an individual’s acceptance into the group. Both carry out baptism in the lake. One group, however, holds that baptism is appropriate in any body of water that is available; the lake happens to be available, so it is used, but another lake, a river or creek, or a swimming pool would be just as acceptable. The second group regards baptism in this particular lake as essential to its acceptance of an individual as a member. Clearly the lake is integrally related to the second group’s practice, but not to that of the first.

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<sup>8</sup> See *How to Apply the National Register Criteria for Evaluation* for discussion of property types.

<sup>9</sup> See *How to Complete the National Register Form*.

## INTEGRITY OF CONDITION

Like any other kind of historic property, a property that once had traditional cultural significance can lose such significance through physical alteration of its location, setting, design, or materials. For example, an urban neighborhood whose structures, objects, and spaces reflect the historically rooted values of a traditional social group may lose its significance if these aspects of the neighborhood are substantially altered.

In some cases a traditional cultural property can also lose its significance through alteration of its setting or environment. For example, a location used by an American Indian group for traditional spirit questing is unlikely to retain its significance for this purpose if it has come to be surrounded by housing tracts or shopping malls.

A property may retain its traditional cultural significance even though it has been substantially modified, however. Cultural values are dynamic, and can sometimes accommodate a good deal of change. For example, the Karuk Indians of northwestern California continue to carry on world renewal rites, ancient ceremonies featuring elaborate dances, songs, and other ritual activities, along a stretch of the Klamath River that is now the site of a highway, a Forest Service Ranger Station, a number of residences, and a timber cutting operation. Specific locations important in aspects of the ceremony remain intact, and accommodation has been reached between the Karuk and other users of the land. The State Department of Transportation has even erected "Ritual Crossing" signs at locations where the Karuk religious practitioners cross the highway, and built shallow depressions into the roadway which are filled with sand in advance of the ceremony, so the feet of the practitioners need not be profaned by contact with man-made macadam. As this example shows, the integrity of a possible traditional cultural property must be considered with reference to the views of traditional practitioners; if its integrity has not been lost in their eyes, it probably has sufficient integrity to justify further evaluation.

Some kinds of traditional cultural significance also may be retained regardless of how the surroundings of a



*Cannonball Island, off Cape Alava on the coast of Washington State, is a traditional cultural property of importance to the Makah Indian people. It was used in the past, and is still used today, as a navigation marker for Makah fisherman, who established locations at sea by triangulation from this and other landmarks. It also was a lookout point for seal and whale hunters and for war parties, a burial site, and a kennel for dogs raised for their fur. (Makah Cultural and Research Center Archives)*

property may be changed. For example, the First African Baptist Church Cemetery in Philadelphia, rediscovered during archeological work in advance of highway construction in 1985, has considerable cultural significance for the congregation that traces descent from those interred in the Cemetery, and for Philadelphia's African American community in general, even though its graves had been buried under fill and modern construction for many decades.

It should also be recalled that even if a property has lost integrity as a possible traditional cultural property, it may retain integrity with reference to some other aspect of significance. For example, a property whose cultural significance has been lost through disturbance may still retain archeological deposits of significance for their information content, and a neighborhood whose traditional residents no longer ascribe significance to it may contain buildings of architectural importance.

### **STEP THREE: EVALUATE THE PROPERTY WITH REFERENCE TO THE NATIONAL REGISTER CRITERIA**

Assuming the entity to be evaluated is a property, and that it retains

integrity, it is next necessary to evaluate it against the four basic National Register Criteria set forth in the National Register regulations (36 CFR Part 60). If the property meets one or more of the criteria, it may be eligible; if it does not, it is not eligible.<sup>10</sup>

### **CRITERION (A): ASSOCIATION WITH EVENTS THAT HAVE MADE A SIGNIFICANT CONTRIBUTION TO THE BROAD PATTERNS OF OUR HISTORY.**

The word "our" in this criterion may be taken to refer to the group to which the property may have traditional cultural significance, and the word "history" may be taken to include traditional oral history as well as recorded history. For example, Mt. Tonaachaw on Moen Island in Truk, Federated States of Micronesia, is in the National Register in part because of association with oral traditions about the establishment of Trukese society.

"Events" can include specific moments in history of a series of events reflecting a broad pattern or theme.

<sup>10</sup> For general guidelines, see *How to Apply the National Register Criteria for Evaluation*.

For example, the ongoing participation of an ethnic or social group in an area's history, reflected in a neighborhood's buildings, streetscapes, or patterns of social activity, constitutes such a series of events.

The association of a property with significant events, and its existence at the time the events took place, must be documented through accepted means of historical research. The means of research normally employed with respect to traditional cultural properties include ethnographic, ethnohistorical, and folklore studies, as well as historical and archeological research. Sometimes, however, the actual time a traditional event took place may be ambiguous; in such cases it may be impossible, and to some extent irrelevant, to demonstrate with certainty that the property in question existed at the time the traditional event occurred. For example, events recounted in the traditions of Native American groups may have occurred in a time before the creation of the world as we know it, or at least before the creation of people. It would be fruitless to try to demonstrate, using the techniques of history and science, that a given location did or did not objectively exist in a time whose own existence cannot be demonstrated scientifically. Such a demonstration is unnecessary for purposes of eligibility determination; as long as the tradition itself is rooted in the history of the group, and associates the property with traditional events, the association can be accepted.

**CRITERION (B):  
ASSOCIATION WITH THE  
LIVES OF PERSONS  
SIGNIFICANT IN OUR PAST.**

Again, the word "our" can be interpreted with reference to the people who are thought to regard the property as traditionally important. The word "persons" can be taken to refer both to persons whose tangible, human existence in the past can be inferred on the basis of historical, ethnographic, or other research, and to "persons" such as gods and demigods who feature in the traditions of a group. For example, Tahquitz Canyon in southern California is included in the National Register in part because of its association with Tahquitz,

a Cahuilla Indian demigod who figures importantly in the tribe's traditions and is said to occupy an obsidian cave high in the canyon.

**CRITERION (C)(1):<sup>11</sup>  
EMBODIMENT OF THE  
DISTINCTIVE  
CHARACTERISTICS OF A  
TYPE, PERIOD, OR METHOD  
OF CONSTRUCTION.**

This subcriterion applies to properties that have been constructed, or contain constructed entities—that is, buildings, structures, or built objects. For example, a neighborhood that has traditionally been occupied by a particular ethnic group may display particular housing styles, gardens, street furniture or ornamentation distinctive of the group. Honolulu's Chinatown, for example, embodies the distinctive cultural values of the City's Asian community in its architecture, landscaping, signage, and ornamentation.

<sup>11</sup> Note: Criterion (C) is not subdivided into subcriteria (1), (2), etc. in 36 CFR Part 60.4. The subdivision given here is only for the convenience of the reader.

**CRITERION (C)(2):  
REPRESENTATIVE OF THE  
WORK OF A MASTER.**

A property identified in tradition or suggested by scholarship to be the work of a traditional master builder or artisan may be regarded as the work of a master, even though the precise identity of the master may not be known.

**CRITERION (C)(3):  
POSSESSION OF HIGH  
ARTISTIC VALUES.**

A property made up of or containing art work valued by a group for traditional cultural reasons, for example a petroglyph or pictograph site venerated by an Indian group, or a building whose decorative elements reflect a local ethnic groups distinctive modes of expression, may be viewed as having high artistic value from the standpoint of the group.



*In Trukese tradition, the Tonaachaw Historic District was the location to which Sowukachaw, founder of the Trukese society, came and established his meetinghouse at the beginning of Trukese history. The mountain, in what is now the Federated States of Micronesia, is a powerful landmark in the traditions of the area. (Lawrence E. Aten)*

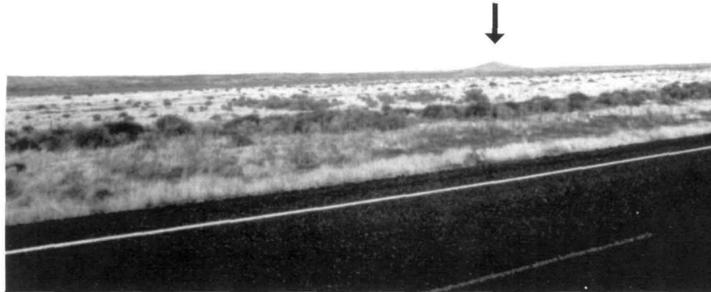
**CRITERION (C)(4):  
REPRESENTATIVE OF A  
SIGNIFICANT AND  
DISTINGUISHABLE ENTITY  
WHOSE COMPONENTS  
MAY LACK INDIVIDUAL  
DISTINCTION.**

A property may be regarded as representative of a significant and distinguishable entity, even though it lacks individual distinction, if it represents or is an integral part of a larger entity of traditional cultural importance. The larger entity may, and usually does, possess both tangible and intangible components. For example, certain locations along the Russian River in California are highly valued by the Pomo Indians, and have been for centuries, as sources of high quality sedge roots needed in the construction of the Pomo's world famous basketry.

Although the sedge fields themselves are virtually indistinguishable from the surrounding landscape, and certainly indistinguishable by the untrained observer from other sedge fields that produce lower quality roots, they are representative of, and vital to, the larger entity of Pomo basketmaking. Similarly, some deeply venerated landmarks in Micronesia are natural features, such as rock outcrops and groves of trees; these are indistinguishable visually (at least to the outside observer) from other rocks and trees, but they figure importantly in chants embodying traditional sailing directions and lessons about traditional history. As individual objects they lack distinction, but the larger entity of which they are a part—Micronesian navigational and historical tradition—is of prime importance in the area's history.

**CRITERION (D): HISTORY  
OF YIELDING, OR  
POTENTIAL TO YIELD,  
INFORMATION  
IMPORTANT IN  
PREHISTORY OR HISTORY.**

Properties that have traditional cultural significance often have already yielded, or have the potential to yield, important information through ethnographic, archeological, sociological, folkloric, or other stud-



*Many traditional cultural properties look like very little on the ground. The small protuberance in the center of this photo, known to residents of the Hanford Nuclear Reservation in Washington State as Goose Egg Hill, is regarded by the Yakima Indians of the area as the heart of a goddess who was torn apart by jealous compatriots. They scattered her pieces across the landscape, creating a whole complex of culturally significant landforms. (Thomas F. King)*

ies. For example, ethnographic and ethnohistorical studies of Kaho'olawe Island in Hawai'i, conducted in order to clarify its eligibility for inclusion in the National Register, have provided important insights into Hawai'ian traditions and culture and into the history of twentieth century efforts to revitalize traditional Hawai'ian culture.

Similarly, many traditional American Indian village sites are also archeological sites, whose study can provide important information about the history and prehistory of the group that lived there. Generally speaking, however, a traditional cultural property's history of yielding, or potential to yield, information, if relevant to its significance at all, is secondary to its association with the traditional history and culture of the group that ascribes significance to it.

**STEP 4:  
DETERMINE WHETHER ANY  
OF THE NATIONAL  
REGISTER CRITERIA  
CONSIDERATIONS (36 CFR  
60.4) MAKE THE PROPERTY  
INELIGIBLE**

Generally speaking, a property is not eligible for inclusion in the Register if it represents a class of properties to which one or more of the six "criteria considerations" listed in 36 CFR 60.4 applies, and is not part of a district that is eligible.

In applying the criteria considerations, it is important to be sensitive to

the cultural values involved, and to avoid ethnocentric bias, as discussed below.

**CONSIDERATION A:  
OWNERSHIP BY A  
RELIGIOUS INSTITUTION  
OR USE FOR RELIGIOUS  
PURPOSES.**

A "religious property," according to National Register guidelines, requires additional justification (for nomination) because of the necessity to avoid any appearance of judgement by government about the merit of any religion or belief.<sup>12</sup> Conversely, it is necessary to be careful not to allow a similar judgement to serve as the basis for determining a property to be ineligible for inclusion in the Register. Application of this criteria consideration to traditional cultural properties is fraught with the potential for ethnocentrism and discrimination. In many traditional societies, including most American Indian societies, the clear distinction made by Euroamerican society between religion and the rest of culture does not exist. As a result, properties that have traditional cultural significance are regularly discussed by those who value them in terms that have religious connotations. Inyan Karan Mountain, for example, a National Register property in the Black Hills of South Dakota, is sig-

<sup>12</sup> *How to Complete the National Register Form.*

nificant in part because it is the abode of spirits in the traditions of the Lakota and Cheyenne. Some traditional cultural properties are used for purposes that are definable as religious in Euroamerican terms, and this use is intrinsic to their cultural significance.

Kootenai Falls on the Kootenai River in Idaho, part of the National Register-eligible Kootenai Falls Cultural Resource District, has been used for centuries as a vision questing site by the Kootenai tribe. The Helkau Historic District in northern California is a place where traditional religious practitioners go to make medicine and commune with spirits, and Mt. Tonaachaw in Truk is an object of spiritual veneration. The fact that such properties have religious connotations does not automatically make them ineligible for inclusion in the Register.

Applying the “religious exclusion” without careful and sympathetic consideration to properties of significance to a traditional cultural group can result in discriminating against the group by effectively denying the legitimacy of its history and culture. The history of a Native American group, as conceived by its indigenous cultural authorities, is likely to reflect a kind of belief in supernatural beings and events that Euroamerican culture categorizes as religious, although the group involved, as is often the case with Native American groups, may not even have a word in its language for “religion.” To exclude from the National Register a property of cultural and historical importance to such a group, because its significance tends to be expressed in terms that to the Euroamerican observer appear to be “religious” is ethnocentric in the extreme.

In simplest terms, the fact that a property is used for religious purposes by a traditional group, such as seeking supernatural visions, collecting or preparing native medicines, or carrying out ceremonies, or is described by the group in terms that are classified by the outside observer as “religious” should not by itself be taken to make the property ineligible, since these activities may be expressions of traditional cultural beliefs and may be intrinsic to the continuation of traditional cultural practices. Similarly, the fact that the group that owns a property—for example, an American Indian tribe—describes it in

religious terms, or constitutes a group of traditional religious practitioners, should not automatically be taken to exclude the property from inclusion in the Register. Criteria Consideration A was included in the Criteria for Evaluation in order to avoid allowing historical significance to be determined on the basis of religious doctrine, not in order to exclude arbitrarily any property having religious associations. National Register guidelines stress the fact that properties can be listed in or determined eligible for the Register for their association with religious history, or with persons significant in religion, if such significance has “scholarly, secular recognition.”<sup>13</sup> The integral relationship among traditional Native American culture, history, and religion is widely recognized in secular scholarship.<sup>14</sup> Studies leading to the nomination of traditional cultural properties to the Register should have among their purposes the application of secular scholarship to the association of particular properties with broad patterns of traditional history and culture. The fact that traditional history and culture may be discussed in religious terms does not make it less historical or less significant to culture, nor does it make properties associated with traditional history and culture ineligible for inclusion in the National Register.

## CONSIDERATION B: RELOCATED PROPERTIES.

Properties that have been moved from their historically important locations are not usually eligible for inclusion in the Register, because “the significance of (historic properties) is embodied in their locations and settings as well as in the (properties) themselves” and because “one basic purpose of the National Register is to encourage the preservation of historic properties as living parts of their communities.”<sup>15</sup> This consideration is relevant but rarely applied formally to traditional cultural properties; in most cases the property in question is a site or district which cannot be relocated in any event. Even where the property can be relocated, maintaining it on its original site is often crucial to maintaining its importance in traditional culture, and if it has been moved, most traditional authorities would regard its significance as lost.

Where a property is intrinsically portable, however, moving it does not

<sup>13</sup> *How to Complete the National Register Form.*

<sup>14</sup> For example see U.S. Commission on Civil Rights 1983; Michaelson 1986.

<sup>15</sup> *How to Complete the National Register Form.*



*The fact that a property has religious connotations does not automatically disqualify it for inclusion in the National Register. This Shaker community in Massachusetts, for example, while religious in orientation, is included in the Register because it expresses the cultural values of the Shakers as a society. (Historic American Buildings Survey)*



*Some traditional cultural properties may be moveable, like this traditional war canoe still in use in the Republic of Palau. (Papua Historic Preservation Officer)*

destroy its significance, provided it remains "located in a historically appropriate setting."<sup>16</sup> For example, a traditionally important canoe or other watercraft would continue to be eligible as long as it remained in the water or in an appropriate dry land context (e.g., a boathouse). A property may also retain its significance if it has been moved historically.<sup>17</sup> For example, totem poles moved from one Northwest Coast village to another in early times by those who made or used them would not have lost their significance by virtue of the move. In some cases, actual or putative relocation even contributes to the significance of a property. The topmost peak of Mt. Tonaachaw in Truk, for example, is traditionally thought to have been brought from another island; the stories surrounding this magical relocation are parts of the mountains cultural significance.

In some cases it may be possible to relocate a traditionally significant property and still retain its significance, provided the property's "historic and present orientation, immediate setting, and general environment" are carefully considered in planning and executing the move.<sup>18</sup> At Lake Sonoma in California, for example, the U.S. Army Corps of Engineers relocated a number of boulders contain-

ing petroglyphs having artistic, archeological, and traditional cultural significance to protect them from inundation. The work was done in consultation with members of the local Pomo Indian tribe, and apparently did not destroy the significance of the boulders in the eyes of the tribe.<sup>19</sup>

#### **CONSIDERATION C: BIRTHPLACES AND GRAVES.**

Birthplaces and graves of famous persons are not usually eligible for inclusion in the Register as such. If the birthplace or gravesite of a historical person is significant for reasons other than its association with that person, however, the property can of course be eligible.<sup>20</sup> Thus in the case of a traditional cultural property, if someone's birth or burial within the property's boundaries was incidental to the larger traditional significance of the property, the fact that it occurred does not make the property ineligible. For example, in South Texas, the burial site of Don Pedrito Jaramillo, a well documented folk healer who practiced at the turn of the century, has for more than seventy years been a culturally significant site for the performance of traditional healing rituals

by Mexican American folk healers. Here the cultural significance of the site as a center for healing is related to the intangible belief that Don Pedrito's spirit is stronger there than in other places, rather than to the fact of his burial there.

On the other hand, it is possible for the birth or burial itself to have been ascribed such cultural importance that its association with the property contributes to its significance.

Tahquitz Canyon in southern California, for example, is in a sense the traditional "birthplace" of the entire Cahuilla Indian people. Its status as such does not make it ineligible; on the contrary, it is intrinsic to its eligibility. Mt. Tonaachaw in Truk is according to some traditions the birth-

<sup>16</sup> *How to Complete the National Register Form.*

<sup>17</sup> *How to Complete the National Register Form.*

<sup>18</sup> *How to Complete the National Register Form.*

<sup>19</sup> The location to which a property is relocated, and the extent to which it retains its integrity after relocation, must be carefully considered in judging its continued eligibility for inclusion in the National Register. See *How to Complete the National Register Form* for general guidelines.

<sup>20</sup> *How to Complete the National Register Form.*

place of the culture hero Souwooniras, whose efforts to organize society among the islands of Truk Lagoon are the stuff of Trukeese legend. The association of his birth with the mountain does not make the mountain ineligible; rather, it contributes to its eligibility.

#### **CONSIDERATION D: CEMETERIES.**

Cemeteries are not ordinarily eligible for inclusion in the Register unless they “derive (their) primary significance from graves of persons of transcendent importance, from age, from distinctive design values, or from association with historic events.”<sup>21</sup> Many traditional cultural properties contain cemeteries, however, whose presence contributes to their significance.

Tahquitz Canyon, for example, whose major significance lies in its association with Cahuilla traditional history, contains a number of cemeteries that are the subjects of great concern to the Cahuilla people. The fact that they are present does not render the Canyon ineligible; on the contrary, as reflections of the long historical association between the Cahuilla and the Canyon, the cemeteries reflect and contribute to the Canyon’s significance. Thus the fact that a traditional cultural property is or contains a cemetery should not automatically be taken to render it ineligible.

#### **CONSIDERATION E: RECONSTRUCTION.**

A reconstructed property—that is, a new construction that ostensibly reproduces the exact form and detail of a property or portion of a property that has vanished, as it appeared at a specific period in time—is not normally eligible for inclusion in the Register unless it meets strict criteria.<sup>22</sup> The fact that some reconstruction has occurred within the boundaries of a traditional cultural property, however, does not justify regarding the property as ineligible for inclusion in the Register. For example, individuals involved in the revitalization of traditional Hawai’ian culture and religion have reconstructed certain religious structures on the island of Kaho’olawe; while the structures themselves might not be eligible for inclusion in the Register, their con-

struction in no way diminishes the island’s eligibility.

#### **CONSIDERATION F: COMMEMORATION.**

Like other properties, those constructed to commemorate a traditional event or person cannot be found eligible for inclusion in the Register based on association with that event or person alone.<sup>23</sup> The mere fact that commemoration is involved in the use or design of a property should not be taken to make the property ineligible, however. For example, traditional meetinghouses in the Republic of Palau, included in the National Register, are typically ornamented with “story boards” commemorating traditional events; these derive their design from traditional Palauan aesthetic values, and thus contribute to the cultural significance of the structures. They connect the structures with the traditional history of the islands, and in no way diminish their cultural, ethnographic, and architectural significance.

#### **CONSIDERATION G: SIGNIFICANCE ACHIEVED WITHIN THE PAST 50 YEARS.**

Properties that have achieved significance only within the 50 years preceding their evaluation are not eligible for inclusion in the Register unless “sufficient historical perspective exists to determine that the property is exceptionally important and will continue to retain that distinction in the future.”<sup>24</sup> This is an extremely important criteria consideration with respect to traditional cultural values. A significance ascribed to a property only in the past 50 years cannot be considered traditional.

As an example, consider a mountain peak used by an Indian tribe for communication with the supernatural. If the peak has been used by members of the tribe for many years, or if it was used by members of the tribe in prehistory or early history, it may be eligible, but if its use has begun only within the past 50 years, it is probably not eligible.

<sup>21</sup> *How to Complete the National Register Form.*

<sup>22</sup> *How to Complete the National Register Form.*

<sup>23</sup> *How to Complete the National Register Form.*

<sup>24</sup> *How to Complete the National Register Form.*



*Several hundred persons visit this shrine to Don Pedrito Jaramillo, curandero (faith healer), yearly to seek his healing spirit. (Curtis Tunnell, Texas Historical Commission)*



*Tahquitz Canyon, in southern California, is included in the National Register because of its association with the traditions of the Cahuilla Indians. The ancestors of the Cahuilla came into this world from a lower one at the beginning of time, and an evil spirit, named Tahquitz, is believed to live in the upper reaches of the canyon. (Thomas F. King)*

The fact that a property may have gone unused for a lengthy period of time, with use beginning again only recently, does not make the property ineligible for the Register. For example, assume that the Indian tribe referred to above used the mountain peak in prehistory for communication with the supernatural, but was forced to abandon such use when it was confined to a distant reservation, or when its members were converted to Christianity. Assume further that a revitalization of traditional religion has be-

gun in the last decade, and as a result the peak is again being used for vision quests similar to those carried out there in prehistory. The fact that the contemporary use of the peak has little continuous time depth does not make the peak ineligible; the peak's association with the traditional activity reflected in its contemporary use is what must be considered in determining eligibility.

The length of time a property has been used for some kinds of traditional purposes may be difficult to es-

tablish objectively. Many cultural uses may have left little or no physical evidence, and may not have been noted by ethnographers or early visitors to the area. Some such uses are explicitly kept from outsiders by members of the group ascribing significance to the property. Indirect evidence and inference must be weighed carefully, by or in consultation with trained ethnographers, ethnohistorians, and other specialists, and professional judgements made that represent one's best, good-faith interpretation of the available data.

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# V. DOCUMENTING TRADITIONAL CULTURAL PROPERTIES

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## GENERAL CONSIDERATIONS

Generally speaking, documentation of a traditional cultural property, on a National Register nomination form or in eligibility documentation, should include a presentation of the results of interviews and observations that systematically describe the behavior, beliefs, and knowledge that are germane to understanding the property's cultural significance, and an organized analysis of these results. The data base from which the formal nomination or eligibility determination documents are derived should normally include appropriate tape recordings, photographs, field notes, and primary written records.

Obtaining and presenting such documentation can present special challenges, however. First, those who ascribe significance to the property may be reluctant to allow its description to be committed to paper, or to be filed with a public agency that might release information about it to inappropriate people. Second, documentation necessarily involves addressing not only the physical characteristics of the property as perceived by an outside observer, but culturally significant aspects of the property that may be visible or knowable only to those in whose traditions it is significant. Third, boundaries are often difficult to define. Fourth, in part because of the difficulty involved in defining boundaries, it is important to address the setting of the property.

## THE PROBLEM OF CONFIDENTIALITY

Particularly where a property has supernatural connotations in the minds of those who ascribe significance to it, or where it is used in ongoing cultural activities that are not readily shared with outsiders, it may be strongly desired that both the nature and the precise location of the property be kept secret. Such a desire on the part of those who value a property should of course be respected, but it presents considerable problems for the use of National Register data in planning. In simplest terms, one cannot protect a property if one does not know that it is there.

The need to reveal information about something that one's cultural system demands be kept secret can present agonizing problems for traditional groups and individuals. It is one reason that information on traditional cultural properties is not readily shared with Federal agencies and others during the planning and environmental review of construction and land use projects. However concerned one may be about the impacts of such a project on a traditional cultural property, it may be extremely difficult to express these concerns to an outsider if one's cultural system provides no acceptable mechanism for doing so. These difficulties are sometimes hard for outsiders to understand, but they should not be underrated. In some cultures it is sincerely believed that sharing information inappropriately with outsiders will lead to death or severe injury to one's family or group.

As noted above, information on historic properties, including traditional cultural properties, may be kept

confidential under the authority of 304 of the National Historic Preservation Act.<sup>25</sup> This may not always be enough to satisfy the concerns of those who value, but fear the results of releasing information on, traditional cultural properties. In some cases these concerns may make it necessary not to nominate such properties formally at all, or not to seek formal determinations of eligibility, but simply to maintain some kind of minimal data in planning files. For example, in planning deployment of the MX missile system in Wyoming, the Air Force became aware that the Lakota Indian tribe in the area had concerns about the project's impacts on traditional cultural properties, but was unwilling to identify and document the precise locations and significance of such properties. To resolve this problem, Air Force representatives met with the tribe's traditional cultural authorities and indicated where they wanted to construct the various facilities required by the deployment; the tribe's authorities indicated which of these locations were likely to present problems, without saying what the nature of the problems might be. The Air Force then designed the project to minimize use of such areas. In a narrow sense, obviously, the Air Force did not go through the process of evaluation recommended by this Bulletin; no specific properties were identified or evaluated to determine their eligibility for inclusion in the National Register. In a broader sense, however, the Air Force's approach represents excellent practice in the identification and treatment of traditional cultural prop-

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<sup>25</sup> For details regarding maintaining confidentiality, see *Guidelines for Restricting Information About Historic and Prehistoric Resources*.

erties. The Air Force consulted carefully and respectfully with those who ascribed traditional cultural significance to properties in the area, and sought to accommodate their concerns. The tribe responded favorably to this approach, and did not take undue advantage of it. Presumably, had the tribe expressed concern about such expansive or strategically located areas as to suggest that it was more interested in impeding the deployment than in protecting its valued properties the Air Force would have had to use a different approach.

In summary: the need that often exists to keep the location and nature of a traditional cultural property secret can present intractable problems. These must be recognized and dealt with flexibly, with an understanding of the fact that the management problems they may present to Federal agencies or State Historic Preservation Officers may pale into insignificance when compared with the wrenching cultural conflicts they may present to those who value the properties.

### DOCUMENTING VISIBLE AND NON-VISIBLE CHARACTERISTICS

Documentation of a traditional cultural property should present not only its contemporary physical appearance and, if known, its historical appearance, but also the way it is described in the relevant traditional belief or practice. For example, one of the important cultural locations on Mt. Tonaachaw in Truk is an area called "Neepisaram," which physically looks like nothing but a grassy slope near the top of the mountain. In tradition, however, it is seen as the ear of "kuus," a metaphorical octopus identified with the mountain, and as the home of "Saraw," a warrior spirit/barracuda. Obviously a nomination of "Neepisaram" would be incomplete and largely irrelevant to its significance if it identified it only as a grassy slope near the top of the mountain.

### PERIOD OF SIGNIFICANCE

Describing the period of significance for a traditional cultural property can be an intellectual challenge, particularly where the traditions of a Native American or Micronesian group are involved. In such cases

there are often two different kinds of "periods." One of these is the period in which, in tradition, the property gained its significance—the period during which the Cahuilla people emerged from the lower world through Tahquitz Canyon, or the period when civilization came to Truk through the magical arrival of the culture-bearer Sowukachaw on Mt. Tonaachaw. Such periods often have no fixed referent in time as it is ordinarily construed by Euroamerican scholarship.<sup>26</sup> To the Cahuilla, their ancestors simply emerged from the lower world at the beginning of human life on earth, whenever that may have been. A Trukese traditional authority will typically say simply that Sowukachaw came to Truk "*nóómw nóómw nóómw*" (long, long ago). It is usually fruitless, and of little or no relevance to the eligibility of the property involved for inclusion in the National Register, to try to relate this sort of traditional time to time as measured by Euroamerican history. Traditional "periods" should be defined in their own terms. If a traditional group says a property was created at the dawn of time, this should be reported in the nomination or eligibility documentation; for purposes of National Register eligibility there is no need to try to establish whether, according to Euroamerican scholarship or radiocarbon age determination, it really was created at the dawn of time.

The second period that is often relevant to a traditional property is its period of use for traditional purposes. Although direct, physical evidence for such use at particular periods in the past may be rare in the case of properties used by native American groups, it is usually possible to fix a period of use, at least in part, in ordinary chronological time. Establishing the period of use often involves the weighing of indirect evidence and inference. Interviews with traditional cultural authorities are usually the main sources of data, sometimes supplemented by the study of historical accounts or by archeological investigations. Based on such sources of data it should be possible at least to reach supportable inferences about whether generations before the present one have used a property for traditional

<sup>26</sup> Except, perhaps, by some of the more esoteric subfields of cosmology and quantum mechanics.

purposes, suggesting that it was used for such purposes more than fifty years ago. It is seldom possible to determine when the traditional use of property began, however—this tends to be lost, as it were, in the mists of antiquity.

### BOUNDARIES

Defining the boundaries of a traditional cultural property can present considerable problems. In the case of the Helkau Historic District in northern California, for example, much of the significance of the property in the eyes of its traditional users is related to the fact that it is quiet, and that it presents extensive views of natural landscape without modern intrusions.

These factors are crucial to the medicine making done by traditional religious practitioners in the district. If the boundaries of the district were defined on the basis of these factors, however, the district would take in a substantial portion of California's North coast Range. Practically speaking, the boundaries of a property like the Helkau District must be defined more narrowly, even though this may involve making some rather arbitrary decisions. In the case of the Helkau District, the boundary was finally drawn along topographic lines that included all the locations at which traditional practitioners carry out medicine-making and similar activities, the travel routes between such locations, and the immediate viewshed surround this complex of locations and routes.

In defining boundaries, the traditional uses to which the property is put must be carefully considered. For example, where a property is used as the Helkau District is used, for contemplative purposes, viewsheds are important and must be considered in boundary definition. In an urban district significant for its association with a given social group, boundaries might be established where residence or use by the group ends, or where such residence or use is no longer reflected in the architecture or spatial organization of the neighborhood. Changes in boundaries through time should also be taken into consideration.

For example, archeological evidence may indicate that a particular cultural practice occurred within particular boundaries in the past, but the practice today may occur within dif-

ferent boundaries perhaps larger, perhaps smaller, perhaps covering different areas. The fact that such changes have taken place, and the reasons they have taken place, if these can be ascertained, should be documented and considered in developing a rationale for the boundaries identified in the nomination or eligibility documentation.

### DESCRIBING THE SETTING

The fact that the boundaries of a traditional cultural property may be drawn more narrowly than they would be if they included all significant viewsheds or lands on which

noise might be intrusive on the practices that make the property significant does not mean that visual or auditory intrusions occurring outside the boundaries can be ignored. In the context of eligibility determination or nomination, such intrusions if severe enough may compromise the property's integrity. In planning subsequent to nomination or eligibility determination, the Advisory Council's regulations define "isolation of the property from or alteration of the character of the property's setting" as an adverse effect "when that character contributes to the property's qualification for the National Register" (36 CFR 800.9(b)(2)). Similarly, the

Council's regulations define as adverse effects "introduction of visual, audible, or atmospheric elements that are out of character with the property or alter its setting" (36 CFR 800.9(b)(3)).

To assist in determining whether a given activity outside the boundaries of a traditional cultural property may constitute an adverse effect, it is vital that the nomination form or eligibility documentation discuss those qualities of a property's visual, auditory, and atmospheric setting that contribute to its significance, including those qualities whose expression extends beyond the boundaries of the property as such into the surrounding environment.



*Individual structures can have traditional cultural significance, like this Yapese men's house, used by Yapese today in the conduct of deliberations on matters of cultural importance. (Yap State Historic Preservation Office)*

# COMPLETING REGISTRATION FORMS

The following discussion is organized with reference to the National Register of Historic Places Registration Form (NPS 10-900), which must be used in nominating properties to the National Register. To the extent feasible, documentation supporting a request for a determination of eligibility should be organized with reference to, and if possible using, the Registration Form as well. Where the instructions given in the National Register bulletin entitled *How to Complete the National Register Registration Form*, are sufficient without further discussion, this is indicated.

## 1. Name of Property

The name given a traditional cultural property by its traditional users should be entered as its **historic name**. Names, inventory reference numbers, and other designations ascribed to the property by others should be entered under **other names/site number**.

## 2. Location

Follow *How to Complete the National Register Registration Form*, but note discussion of the problem of confidentiality above.

## 3. Classification

Follow *How to Complete the National Register Registration Form*.

## 4. State/Federal Agency Certification

Follow *How to Complete the National Register Registration Form*.

## 5. National Park Service Certification

To be completed by National Register.

## 6. Function or Use

Follow *How to Complete the National Register Registration Form*.

## 7. Description

Follow *How to Complete the National Register Registration Form* as applicable. It may be appropriate to address both visible and non-visible aspects of the property here, as discussed under General Considerations above; alternatively, non-visible aspects of the property may be discussed in the statement of significance.

## 8. Statement of Significance

Follow *How to Complete the National Register Registration Form*, being careful to address significance with sensitivity for the viewpoints of those who ascribe traditional cultural significance to the property.

## 9. Major Bibliographical References

Follow *How to Complete the National Register Registration Form*. Where oral sources have been employed, append a list of those consulted and identify the locations where field notes, audio or video tapes, or other records of interviews are housed, unless consultants have required that this information be kept confidential; if this is the case, it should be so indicated in the documentation.

## 10. Geographical Data

Follow *How to Complete the National Register Registration Form* as applicable, but note the discussion of boundaries and setting under **General Considerations** above. If it is necessary to discuss the setting of the property in detail, this discussion should be appended as accompanying documentation and referenced in this section.

## 11. Form Prepared By

Follow *How to Complete the National Register Registration Form*.

## Accompanying Documentation

Follow *How to Complete the National Register Registration Form*, except that if the group that ascribes cultural significance to the property objects to the inclusion of photographs, photographs need not be included. If photographs are not included, provide a statement explaining the reason for their exclusion.

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## VI. CONCLUSION

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The National Historic Preservation Act, in its introductory section, establishes that “the historical and cultural foundations of the Nation should be preserved as a living part of our community life in order to give a sense of orientation to the American people”<sup>27</sup> (16 U.S.C. 470(b)(2)). The cultural foundations of America’s ethnic and social groups, be they Native American or historical immigrant, merit rec-

ognition and preservation, particularly where the properties that represent them can continue to function as living parts of the communities that ascribe cultural value to them. Many such properties have been included in the National Register, and many others have been formally determined eligible for inclusion, or regarded as such for purposes of review under 106 of the Act. Federal agencies, State

Historic Preservation Officers, and others who are involved in the inclusion of such properties in the Register, or in their recognition as eligible for inclusion, have raised a number of important questions about how to distinguish between traditional cultural properties that are eligible for inclusion in the Register and those that are not. It is our hope that this Bulletin will help answer such questions.

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<sup>27</sup> 16 U.S.C. 470(b)(2).

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# VIII. APPENDIX I

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## A DEFINITION OF "CULTURE"

Early in this Bulletin a shorthand definition of the word "culture" is used. A longer and somewhat more complex definition is used in the National Park Service's internal cultural resource management guidelines (NPS-28). This definition is consistent

with that used in this Bulletin, and may be helpful to those who require further elucidation of the term. The definition reads as follows:

"Culture (is) a system of behaviors, values, ideologies, and social arrangements. These features, in addition to tools and expressive elements such as graphic arts, help humans interpret their universe as well as deal with features of their environments, natural and social.

Culture is learned, transmitted in a social context, and modifiable. Synonyms for culture include "lifeways," "customs," "traditions," "social practices," and "folkways." The terms "folk culture" and "folklife" might be used to describe aspects of the system that are unwritten, learned without formal instruction, and deal with expressive elements such as dance, song, music and graphic arts as well as storytelling."

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# IX. APPENDIX II

## PROFESSIONAL

### QUALIFICATIONS:

#### ETHNOGRAPHY

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When seeking assistance in the identification, evaluation, and management of traditional cultural properties, agencies should normally seek out specialists with ethnographic research training, typically including, but not necessarily limited to:

I. Language skills: it is usually extremely important to talk in their own language with those who may ascribe value to traditional cultural properties. While ethnographic fieldwork can be done through interpreters, ability in the local language is always preferable.

II. Interview skills, for example:

- The ability to approach a potential informant in his or her own cultural environment, explain and if necessary defend one's research, conduct an interview and minimize disruption, elicit required information, and disengage from the interview in an appropriate manner so that further interviews are welcome; and
- The ability to create and conduct those types of interviews that are appropriate to the study being carried out, ensuring that the questions asked are meaningful to those being interviewed, and that answers are correctly understood through the use of such techniques as translating and back-translating. Types of interviews normally carried out by ethnographers, one or more of which may be appropriate during evaluation and documentation of a traditional cultural property, include:
  - semi-structured interview on a broad topic;
  - semi-structured interview on a narrow topic;
  - structured interview on a well defined specific topic; open ended life history/life cycle interview; and
  - genealogical interview.

III. Skill in making and accurately recording direct observations of human behavior, typically including:

- The ability to observe and record individual and group behavior in such a way as to discern meaningful patterns; and
- The ability to observe and record the physical environment in which behavior takes place, via photography, mapmaking, and written description.

IV. Skill in recording, coding, and retrieving pertinent data derived from analysis of textual materials, archives, direct observation, and interviews.

Proficiency in such skills is usually obtained through graduate and post-graduate training and supervised experience in cultural anthropology and related disciplines, such as folklore/folklife.

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# X. APPENDIX III LIST OF NATIONAL REGISTER BULLETINS

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## **The Basics**

How to Apply National Register Criteria for Evaluation \*

Guidelines for Completing National Register of Historic Places Form

Part A: How to Complete the National Register Form \*

Part B: How to Complete the National Register Multiple Property Documentation Form

Researching a Historic Property \*

## **Property Types**

Guidelines for Evaluating and Documenting Historic Aids to Navigation \*

Guidelines for Identifying, Evaluating and Registering America's Historic Battlefields

Guidelines for Evaluating and Registering Historical Archeological Sites

Guidelines for Evaluating and Registering Cemeteries and Burial Places

How to Evaluate and Nominate Designed Historic Landscapes \*

Guidelines for Identifying, Evaluating and Registering Historic Mining Sites

How to Apply National Register Criteria to Post Offices \*

Guidelines for Evaluating and Documenting Properties Associated with Significant Persons

Guidelines for Evaluating and Documenting Properties That Have Achieved Significance Within the Last Fifty Years

Guidelines for Evaluating and Documenting Rural Historic Landscapes \*

Guidelines for Evaluating and Documenting Traditional Cultural Properties \*

Nominating Historic Vessels and Shipwrecks to the National Register of Historic Places

## **Technical Assistance**

Contribution of Moved Buildings to Historic Districts; Tax Treatments for Moved Buildings; and Use of Nomination Documentation in the Part I Certification Process

Defining Boundaries for National Register Properties\*

Guidelines for Local Surveys: A Basis for Preservation Planning \*

How to Improve the Quality of Photographs for National Register Nominations

National Register Casebook: Examples of Documentation \*

Using the UTM Grid System to Record Historic Sites

The above publications may be obtained by writing to the National Register of Historic Places, National Park Service, 1849 C Street, NW, Washington, D.C. 20240. Publications marked with an asterisk (\*) are also available in electronic form on the World Wide Web at [www.cr.nps.gov/nr](http://www.cr.nps.gov/nr), or send your request by e-mail to [nr\\_reference@nps.gov](mailto:nr_reference@nps.gov).

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# Appendix E Turners Falls Sacred Ceremonial Hill Determination of Eligibility



IN REPLY REFER TO:

## United States Department of the Interior

NATIONAL PARK SERVICE  
1849 C Street, N.W.  
Washington, D.C. 20240

### DETERMINATION OF ELIGIBILITY NOTIFICATION

#### National Register of Historic Places National Park Service

**Name of Property:** The Turners Falls Sacred Ceremonial Hill Site (Formerly, The Airport Improvement Project – Turners Falls Municipal Airport)

**Location:** Franklin County

**State:** Massachusetts

**Request submitted by:** John C. Silva, Manager, Environmental Programs, FAA, New England Division

**Date received:** 05/25/2007

**Additional information received:** 11/07/2008

#### Opinion of the State Historic Preservation Officer:

Eligible       Not Eligible       No Response       Need More Information

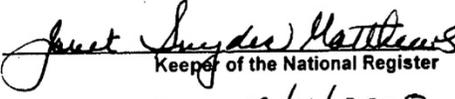
#### Comments:

The Secretary of the Interior has determined that this property is:

Eligible      Applicable criteria: A, D       Not Eligible

Comment: See attached comments.

Documentation insufficient  
(Please see accompanying sheet explaining additional materials required)

  
Keeper of the National Register  
Date: 12/11/2008

WASO-28

**The United States Department of the Interior  
National Park Service**

**National Register of Historic Places  
Determination of Eligibility Comment Sheet**

Property Name: The Turners Falls Sacred Ceremonial Hill Site  
(Formerly, The Airport Improvement Project-  
Turners Falls Municipal Airport)  
Franklin County, Massachusetts

Secretary of the Interior Findings: Eligible, Criteria A and D

Comments:

INTRODUCTION

On May 21, 2007, the Federal Aviation Administration (FAA) submitted a request for a formal determination of eligibility (DOE) to the National Register of Historic Places, pursuant to federal regulations 36 CFR 63. This request was in response to a disagreement between the FAA and two official consulting parties, the Narragansett Tribe and the Wampanoag Tribe of Gay Head (Aquinnah), over the identification and potential significance of stone features located at Turners Falls Municipal Airport (the Airport). The FAA maintained that the four stone piles are features associated with the remains of a nineteenth-century rock wall construction project; the Tribes maintain that the stone features are components of a traditional cultural place (TCP), known as a "sacred ceremonial hill," and include the four visible stone piles and an extended row of stacked stones; further research may reveal additional features.

In June 2007, Paul Loether, Chief of the National Register of Historic Places and the National Historic Landmarks Programs, made a site visit, accompanied by members of the Narragansett Tribe. In July 2007, the National Register found that the documentation submitted by the FAA was insufficient to determine the eligibility of the stone piles as a TCP or any type of historic or precontact property under any of the National Register Criteria. We provided comments to the FAA that detailed the information that was needed to make a decision and encouraged FAA to work with any interested Tribes and/or parties to provide that information to us.

On April 24, 2008, members of the Narragansett tribe met with Paul Loether and National Register staff in Washington D.C. to discuss the determination of eligibility and show National Register staff an independent film entitled, *Hidden Landscapes*<sup>1</sup>, that records, through the medium of film, an oral history with the tribes about the sacred ceremonial hill and a larger ethnographic and cultural landscape of sacred significance.

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<sup>1</sup> *Hidden Landscapes* is now the name of the film series.

On November 11, 2008, the Massachusetts State Historic Preservation Office submitted a written copy of their opinion that explained why they believe the property is not eligible for the National Register.

#### 1) CRITERIA A AND D

The Turners Falls sacred ceremonial hill site at the Turners Falls Airport is a traditional cultural place that is eligible for the National Register of Historic Places under Criteria A and D. The property is associated with events that have made a significant contribution to the broad patterns of Narragansett, Aquinnah-Wampanoag, and Mashpee-Wampanoag history. The property may also be significant to other tribes of the northeastern United States. Located in the middle Connecticut River region of New England, this site also possesses the potential to yield important information about traditional Native American practices, beliefs, and sacred rituals.

The Turners Falls sacred ceremonial hill site meets the characteristics of a traditional cultural place as defined in the National Register Bulletin, *Guidelines for Evaluating and Documenting Traditional Cultural Properties*. Specifically, the property is associated with several living, traditional groups that existed historically and have continued to practice traditional ways up to the present. These groups share cultural practices, customs, and beliefs rooted in their history. Those practices, customs, and beliefs continue to be practiced today and are important in maintaining the groups' continuing cultural identities. Additionally, these groups transmit and pass down the shared cultural practices, customs, and beliefs that are associated with this place. It is also important to note here that the long period of disuse due to forced abandonment, with use beginning again just recently, does not make the property ineligible for the National Register. The *National Register Bulletin, Guidelines for Evaluating and Registering Traditional Cultural Properties*, notes that the fact that a property has little continuous time depth does not make the property ineligible; the property's association with the traditional activity reflected in its contemporary use is what must be considered in determining eligibility. This includes recent revitalization of traditional sacred practices at a place that may have been abandoned in the past for various reasons (Parker and King 1998, p. 18).

The site is a highly significant "prayer hill" containing stone features, and is referred to by the tribes as a "sacred ceremonial hill." The site is central to the cosmology of the combined tribes and the traditions that have marked Native American sacred and ceremonial practices for numerous generations. This site directly links modern-day tribes, most of whom share similar Algonquin-based language and culture, with their ancestral origins and long-standing cultural traditions. The tribes named above are direct descendants of those who traditionally gathered at the site of Wissatinnewag-Peskeompscut/Turners Falls for sacred ceremonial purposes, as well as seasonal subsistence activities (fishing, hunting, and farming). In addition the site may have sacred meaning to other tribes of the northeastern United States, including the Western Abenaki, Nipmuck, Wabenaki, and Mahican, who in part are believed to have common ancestry with the tribes of the Pocumtuck Confederacy (including the Pocumtucks, Nonotucks, and Norrotucks) who occupied the middle Connecticut River Valley at the

time of first contact and Anglo-American settlement. Representatives of all of these tribes had gathered at Wissatinnewag-Peskeompscut and nearby Squaqheag/Northfield at the time of the Turners Falls Massacre/Falls Fight of May 19, 1676. This event signified an important turning point in the conflicts between Indian tribes and Anglo-American settlers in the New World and brought an end to what seems to have been a long period of Native American settlement, farming, and seasonal encampment in the middle Connecticut River Valley.

The dispersal of Indian tribes to other parts of New England, Canada, and New York, was followed by an era of cultural suppression in which Indians not only were denied access to traditional hunting and fishing grounds but also became disconnected from their sacred ceremonial places. As Tribal Chairwoman and past THPO of the Wampanoag Tribe of Gay Head (Aquinnah), Cheryl Andrews-Maltais, explained: "The traditions and the ceremonies started to subside. We were not allowed to go to these places. There were prohibitions written on the books (laws) to stop us from going to these places. Additionally, if the people would not adopt and accept Christianity and still continued the practices, those practitioners were usually taken away. And if they kept going to the site, even without the leadership or practitioners or the holy people or the spiritual leaders, then the places were destroyed... to eradicate them from current day memory."(interview: *The Great Falls* 2008).

The stone features are shown through oral traditions (both Native and Anglo-American), documentary history, and recent verification activities by the Narragansett, Wampanoag, and affiliated tribes, to be interrelated, constructed features utilized by Native American tribes for ceremonial purposes in conjunction with calendar observations based on the positions of the sun and a cosmology that has assigned sacred meaning to the natural environment, astronomical events, traditional medicinal practices, and spirits, including the all powerful spirit Cautantowwit, who is considered both the source of life and guardian of all beings in the afterlife and has his home in the Southwest (Bragdon, 1996; *The Great Falls* 2008 ). Surviving present-day, federally recognized tribes acknowledge that the grouping of stone features here is the central component of a ceremonial landscape, which is defined by the "viewscape" visible from this observation point and interrelated points to the south and west, [REDACTED]

[REDACTED] (D. Harris 2008; *The Great Falls* 2008). Celestial observations made by tribal members, tribal representatives, scientific analysts, and field researchers, in August 2007 revealed that the observation point marked by the stone features was aligned with the setting sun [REDACTED] during the height of the Perseid meteorite shower. The passage of the meteorite shower from northeast to southwest during this astronomical event is of great importance in the cosmology of Eastern tribes (Scope of Work 2008; *The Great Falls* 2008). These observations coincided with the mid-August Celebration, which has been an annual event of the Narragansett tribe for more than three hundred recorded years (332, according to the colonial calendar).

The sacred ceremonial hill at Turners Falls Airport is eligible for listing in the National Register of Historic Places because:

1) It is one of an undetermined number of traditional cultural places in the middle Connecticut Valley that can be documented through oral history, historical record, archeological data, and ongoing research to be associated with the sacred practices and beliefs of the various Native American tribes that either lived in the middle Connecticut River Valley or that traveled to the area to partake in seasonal activities and traditional rituals. The National Register eligibility of member sites can be evaluated individually as part of a multiple property group or through a district nomination.

2) It is an archeological site that contributes to a National Register eligible expansion of the Riverside Archeological District (NR 1975); this expansion encompasses a significant concentration of precontact archeological sites on the south/east side of the Connecticut River in the town of Montague, [REDACTED], and portions of Montague Plain that were traversed by the north to south Indian Trail. In addition to its location on the Connecticut River, a major transportation corridor for Native Americans, this enlarged district also includes the confluence of the Millers River, a major waterway that provided east and west movement across the northern tier of Massachusetts.

3) In addition, the ceremonial hill may be one of a group of traditional cultural places forming a rural historic landscape made up of natural features important in cultural beliefs and origin stories and sites related to sacred ceremonial rituals, including but not limited to astronomical observations, gathering of medicinal herbs, and funerary practices. Within the context of other related features, the ceremonial hill has the potential to yield important information to Native American tribes about their origins, relationship to spirits, and traditional sacred practices. Many of the sacred connections to this pauwau (medicine) district may have been severely stressed, and some may have been lost due to cultural suppression during and after King Philip's War of 1675-76 in the mid-seventeenth century.<sup>2</sup> Ongoing research, which includes astronomical observations from the Turners Falls site and a survey of related stone features throughout the region, is contributing to the reaffirmation of traditional practices and sacred precepts and rituals related to this and other sites.

This determination of eligibility is based on a review of the documents provided by the FAA and the consulting tribes, as well as a review of historical accounts; related National Register nominations; oral history by elders, Tribal Historic Preservation Offices, and tribal spokespersons; recent scholarship in history, anthropology, and archeology; an independent film (*The Great Falls* 2008); and websites relating to Connecticut River history, Native American history and traditions, and the typology of stone features associated with Native American ceremonial practices.

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<sup>2</sup> The Wampanoag chief sachem Metacom was known to the colonists as King Philip.

## 2) A CONTEXT FOR CEREMONIAL LANDSCAPE FEATURES IN THE CONNECTICUT RIVER VALLEY

### General

Verified by the archeological record, the area along the middle Connecticut/Quinneticott River, extending from Ashuelot/Hinsdale, New Hampshire, and Brattleboro, Vermont, south to Northampton and Hadley, Massachusetts, is associated with more than 12,000 years of human use and activity centered on the River as a source of sustenance, transportation, commerce, communication, and spiritual fulfillment. The tribes believe they have used the area from time immemorial. This area can be seen as a large, connected, cultural landscape that includes related historic sites, traditional cultural places, and archeological sites. Stone features, such as the ones evaluated here, may be integral parts of these properties. Historical accounts, Native American oral history, and archeological data support the long-standing value of this region for its abundance of fish, fertile meadows and bottomlands for farming, and forest resources for hunting. These sources also corroborate the Native American reverence for the region's distinctive topography of river, hills, streams, and cataracts, as well as the use of the land and river in the vicinity of Wissatinnewag-Peskeompscut/Turners Falls for sacred ceremonial purposes.

Much of the diverse cultural heritage of this area is related to nationally important themes of American precontact history and history as defined by the National Park Service's Thematic Framework, including Peopling Places, Expressing Cultural Values, and Transforming the Environment. A number of previously recognized National Register eligible archeological sites in the area document the continuity of human occupation of the area from the Paleoindian and other eras.

1) Documentation of Paleoindian sites of importance in understanding the lifeways and patterns of the Earliest Americans can be found in The Earliest Americans Theme Study, NHL Program, 2004. (See also: <http://www.nps.gov/history/archeology/EAM/index.htm>). These include the Dedic Site (NR) in South Deerfield and the Hanneman Site (Nassaney 1999) [REDACTED]

2) Continuum of Native American occupation and use from the Paleoindian period up until 1676—the date marking the dominance of Anglo-American settlement in the region and the dispersal of Native American groups (north to Vermont, New Hampshire, Maine, and Canada or west to the Hudson River Valley). This continuum is demonstrated in the stratification of sites (from Paleoindian to Late Woodland) making up the Riverside Archeological District (NR 1975), which covers a 674-acre area on the north and west banks of the Connecticut River in the towns of Gill and Greenfield and includes Wissatinnewag and the now-submerged area known as Barton's Cove (Nassaney 1999). Wissatinnewag, known as the place of the shining or slippery rocks, is located atop the bluffs in Greenfield; an Indian fishing station, the site is linked to the water's edge by a series of trails (D. Harris, conference call, October 27, 2008; Dudek et al. 2002).

Stratified sites also exist on the opposite river bank [REDACTED]

3) The Pocumtuck Confederacy occupied the lands in the middle Connecticut River Valley in the 1660s. According to Sheldon (1895), the confederation included the following tribes, each acting as an autonomous community: the Pocumtucks who occupied the land in the present-day towns of Deerfield, Montague, and Greenfield; Nonotucks in the vicinity of current day Hadley and Northampton, the Podunks at Windsor (Conn.), the Warranokes (also spelled Woronoco) along the Westfield River, Tunxis at Farmington (Conn.), and the Squaheags at Northfield (Sheldon, p. 48). According to one scholar, the seventeenth century was a period of socio-political instability for the member tribes: "Patterns of alliance sometimes shifted rapidly....Ties between communities were forged, strengthened, weakened and/or ruptured under the pressures, constraints and opportunities that arose from the fur and wampum trade, epidemics, European settlement, and wars (E. Johnson 1999, p.158)." According to another ethnohistorian, these tribes shared an "underlying cosmology, similar languages, and a long history," this included a common search for connectedness with spirits, called "manitou" and defined as "the impersonal force that permeated the world, observable in anything marvelous, beautiful, or dangerous" (Bragdon 1996).

4) Both Native American oral history and Anglo-American literature of the nineteenth century (based in large part on "pioneer" oral tradition) substantiate that the portion of the river above the rapids, particularly the area surrounding Wissatinnewag-Peskeompscut and the area above and below the falls were known as abundant fishing grounds and intertribal gathering places in the Spring when the shad and salmon came upriver to spawn. Hosted by the Pocumtuck, tribes from many parts of New England gathered here at this time to harvest fish and for related ceremonies and celebrations (Nussaney 1999; Bruchac 2006; D. Harris 2008; Scope of Work 2008; *The Great Falls*, 2008). The return of the anadromous fish each year signified to the tribes the cyclic renewal of nature and a connectedness with the earth mother. The area west of the river, also called Pocumtuck, was settled by Anglo-Americans in 1669 and renamed Deerfield; for many years, Indians returned to the area in hopes of reclaiming it.

The Pocumtuck tribe was known for its successful use of the broad meadows at Deerfield, Greenfield and Northfield for cultivating corn, squash, and beans, and for its storage of food in underground granaries many of which were found by settlers in the surrounding landscape (Sheldon 1895, pp. 76-77; Thomas 1976; Bruchac 2006; Bragdon 1996; Melvoin 1989). Sheldon explains the bounty offered by the river, arable fields, berry thickets, and wild forests as the primary reason Peskeompscut was selected by Indian leaders for what appears to have been intended as a permanent settlement in 1675-1676; he wrote "Nowhere else could provisions for the summer and stores for the winter be so easily procured (Sheldon 1895, p.145)." In May 1676, the Indians who gathered at

Wissatinnewag-Peskeompscut had already cultivated and planted the fields and were preparing for the annual fishing harvest.

Much, but by no means all historical scholarship and literature, relates to the importance of this area, known in Anglo-American literature as the "Pioneer Valley," as a contested landscape - one which figured importantly in the early interaction of Native American tribes and Anglo-American traders and became the setting of highly significant events in colonial history. Of particular interest to current day historians and ethnohistorians is the century-long transition of the middle Connecticut River Valley from a region dominated by Native American culture (fishing, hunting, farming, ceremonial activities, and burials) to one organized in the form of small New England towns settled by yeoman farmers and enterprising tradesmen. The Anglo-American settlement of the area is represented by the Old Deerfield Historic District (NHL) and a number of National Register districts. This transition began with the events challenging the unity and power of the Pocumtuck Confederacy and presaging the hostilities of 1675-76 (called King Philip's War or Metacom's War). Conflicts continued intermittently between Anglo-American settlers and displaced Native Americans, who having migrated to New York, Vermont, and Canada, remained hopeful that they would be able to return to the middle Connecticut Valley. Hostilities between Indian tribes and colonists ended with the close of the French and Indian War in 1763. About this time Montague, which had been called "Hunting Hills," was settled as an extension of Sunderland ("Swampfield.")

5) Important events surrounded the interaction of Native American groups and Anglo-American traders and settlers in the period ca. 1600 to 1763. These relate to legal matters (e.g. deeds of land, alliances, etc.) as well as military conflicts. The recording of five deeds for a total of 8000 acres of land, much of it prime agricultural land, in the middle Connecticut Valley (within present-day Deerfield) in the late 1660s and early 1670s marked the beginnings of valley fur-trader John Pynchon's efforts to make Indian land a commodity that could be bought and sold (replacing the declining trade in beaver pelts); such transactions and the attempts to form settlements that followed stemmed from questionable motivations and engendered conflicting understandings about the meaning of land ownership, thereby becoming a source for rising tensions between native groups and colonists (Melvoin 1989, pp. 56-57; Thomas 1976). Anglo-American history chronicling the events indicates the presence of Metacom (a.k.a. King Philip), the chief sachem of the Wampanoag (formerly called the Pokanoket), in the region in the winter of 1675-76 (possibly at Northfield/Squaheag) when tribal leaders are known to have gathered at a council site north of the river in Northfield. At least one interpretation explains his presence here as indicative of his strategy of laying claim to the region as the center of the unified Indian empire (Sheldon 1895, pp. 138-145). The Narragansett oral tradition and Sheldon's account (p. 145) confirm that the encampment at the falls in 1676 had been established by Canonchet, the Narragansett's chief sachem, as a refuge for the Native American families who had been displaced by conflicts with the Massachusetts Bay, Plymouth, and Connecticut colonies and their militias (Bruchau 2006; D. Harris, oral interview, August 10, 2008; *The Great Falls* 2008).

6) Many Native American families were present in the area and were camped on both sides of the falls on May 19, 1676 when Capt. William Turner and a militia made up mostly of men from the Hadley, Northampton, and Springfield settlements launched the surprise attack known as the Falls Fight/Turners Falls Massacre (Judd 1908; Pressey 1910; Sheldon 1895). Based on the accounts provided by colonist Thomas Reed who escaped from captivity at Wissatinnewag-Peskeompscut/Turners Falls and alerted the Hadley settlement of a great gathering and festivity of Indian tribes, as well as the accounts of members of the militia who participated in the raid, Sheldon reported:

“Their principal camp [was] at the head of the rapids on the right bank of the river at Peskeompscut, another was at some distance above it, a third nearly opposite on the left bank, while a fourth was on Smead’s Island, a short distance below, and still another at Cheapside guarded the ford of the Pocumtuck River. Besides these, every fishing place on the Connecticut as high up as the Ashuelot [River near Hinsdale] had its camp.”(Sheldon 1895, p. 151)

7) Two important long-distance Indian trails converged on Montague Plain, one a south to north route that followed the Connecticut River between New Haven and Canada (ultimately leading to Montreal), another running east and west through Shutesbury (past Dry Hill) to the east and Greenfield to the west.

[REDACTED]

#### *A Native American Cultural Landscape*

The interest of the Gay Head (Aquinnah) and Wiasnpee Wampanoag and Narragansett tribes in this area suggests that 1) the sacred meaning of this place extends to many tribes of the northeastern United States, and that 2) the well-documented fishing, hunting, and farming activities that defined the Native American lifeways in this region during the pre- and post-contact periods were accompanied by a strong spiritual attachment to the native landscape and a sacred ceremonial tradition based on astronomical observations.

The proximity of the ceremonial hill to the abundant fishing grounds at Wissatinnewag-Peskeompscut/Turners Falls is of major importance and suggests that ceremonial activities accompanied the gathering of many tribes at the falls during the spring shad and salmon runs. Sacred ritual surrounded the planting and harvesting of corn, which bore a sacred relationship to Cautantowwit (Bragdon 1996). Oral history also tells us that the familiar gathering place drew special tribal members and clans at other times for rituals associated with healing and other sacred practices. Great importance is attached to water in Native American cosmology, drawing attention to the importance of “Deep Hole,” [REDACTED] (Bragdon 1996). Oral

tradition, as well as other evidence, demonstrates that this area was reserved for ceremonial events.

Of particular note is the Narragansett tribe's acknowledgement that the ceremonial hill is significant for its use in making astronomical observations that figure importantly in the tribe's sacred rituals (Scope of Work 2008; *The Great Falls* 2008). In an effort to understand the extent of such ceremonial use, observations by tribal members, tribal representatives, scientific analysts, and field researchers, were made in mid-August 2007 during the time of the Perseid meteorite shower. [REDACTED]

[REDACTED] on the evening when the Perseid meteorite shower was most visible (D. Harris 2008; *The Great Falls* 2008). It appears such astronomical observations were related to celestial events, the daily and seasonal movement of the sun, and the relationship of the sun to natural features within what the documentation calls the "viewscape" (Scope of Work 2008). As early as 1643, colonial leader Roger Williams, in *Key into the Language of the Indians of New England*, referenced Native American interest in the constellations: "By occasion of their frequent lying in the fields and woods, they much observe the stars; and their very children can give names to many of them, and observe their motions...." (Reprinted [www.nativestones.com/fell](http://www.nativestones.com/fell)). The ceremonial practices that accompanied such observations involve, for the Narragansett, their connectedness to the spirit Cautantowwit (NR nomination, DOE 2007). Some of the details about these rituals cannot be disclosed. The hearth feature at the Hanneman Site (Paleo-Indian) and a hearth feature (with an associated small mammal burial) [REDACTED] (UMass Archeological Management Memorandum 2005, 2006) may also be associated with ceremonial practices that were carried out at some time during the area's long history of human use and occupation.

The ceremonial use of this area is indicated by the National Register documentation given to the National Park Service as part of the DOE of 2007 which notes that the absence of Native American lithic chipping debris and projectiles around the stone pile features supports the interpretation of the site as ceremonial, "in that they occupied a sacred space where the discard of refuse (such as lithic chipping debris and projectile points) would have been considered inappropriate." This pattern of use can be seen in the archeological record of sacred spaces at some traditional cultural sites across the country, where domestic sites were located on one side of a geographic feature such as a mountain, lake, river, or butte, and ceremonial sites that lacked artifacts were found on another side (see, for instance, Medicine Wheel/Medicine Mountain, NR and NHL draft documentation on file 2003).

Additionally, the high number of burials and burial sites in the Turners Falls area is one important element among others that is suggestive of a ceremonial and/or sacred relationship. Previous DOE documentation (the NR nomination that is part of the DOE of 2007) notes that the spirit Cautantowwit, which is related to the ceremonial hill site, holds dominion over creation and death. The discovery of inhumations during agricultural and development activities in the historic record in the vicinity of

Wissatinnewag-Peskeompscut/Turners Falls was not only noted by European American settlers, but recorded to such a degree that local historians in the nineteenth century wrote authoritatively about distinct modes of burials in the area. The modes identified included extended and flexed burial patterns, as well as one highly distinctive circular pattern comprised of twelve graves (Nassaney 1999, p. 223; Pressey 1910; Sheldon 1895). Native American cremations have also been found in the area.

The following entry from the catalogue for Memorial Hall museum at Deerfield conveys nineteenth century ideas about the significance of the circular or spokes burial found in the village of Gill at Wissatinnewag-Peskeompscut:

“Twelve bodies buried with their feet resting in a circle about five feet in diameter, the heads radiating out like the spokes of a wheel... The abundance of charcoal gave evidence of the presence of fire at the burial...It is a significant fact that among the bones and charcoal were fragments [of implements] broken by fire.” (George Sheldon, *Catalog of the Collection of Relics in Memorial Hall*, 2<sup>nd</sup> ed., Deerfield, Mass. Pocumtuck Valley Memorial Association 1908, reprinted books.google.com/books, July 28, 2008).

The spokes burial is an important element to modern tribes within the larger cultural landscape. Reported by both George Sheldon (1895, p. 78-79) and Edward Pressey (1910, p. 63), the circular burial was one of the most significant and enigmatic finds of the late nineteenth century.

[REDACTED]. Pressey attached significance to the number twelve and commented that it “being the extremely ancient number connected with sun worship leads one to conjecture a mystical religious significance in the scheme”(Pressey 1910, p. 63).

Furthermore, artifact collecting during the historic era, and collection through modern archeological excavation, have recovered artifacts, both from burials, and in other contexts, that may be ceremonial in nature. These include stone weapons, smooth rattle stones, a carved stone pipe of a hooded figure (Nassaney 1999), Manitou stones (site observation/personal communication, Paul Loether 2008; *The Great Falls* 2008), and a soft pebble with scratch marks and drilled stone beads that are possibly talismanic at the Dedic/Sugarloaf Site (Earliest Americans Theme Study 2004).

[REDACTED]

[REDACTED] The viewscape from the top of the ceremonial hill reveals a number of natural features said to have sacred meaning in tribal cosmology. These features are believed to take on special meaning when they are viewed from the ceremonial hill in relationship to the stone features and astronomical or celestial events. The importance attached to such features is supported by early Anglo-American knowledge of Indian place names and recording of Indian legends.

The sacred meaning of several natural features which prominently appear in the viewscape across Montague Plain [REDACTED] was referenced in Edward Pressey's *History of Montague* (1910). These include Lake Pleasant and Grassy Lake, [REDACTED] which he noted for the "power of its fascinating beauty (251)"; Kunckwadchu/Mt. Toby, which with cataracts and caves was the legendary home of "Wittum" in Abenaki folklore; and the Wequamps/Sugar Loaf Mts., which was formed in the image of a beaver by "Hobmock," the spirit giant of Abenaki lore. According to Pressey (1910), what is known about sacred features such as Lake Pleasant, Mt. Toby, Mt. Sugarloaf, and the rivers and streams, appears to have come from the legends of the Abenaki (Algonquian-based language). Many of the place names attributed to Native American familiarity with this area of the Connecticut River can be found in recorded deeds; in many cases these names persisted in local usage and were recorded in the local histories written ca. 1900 by George Sheldon, Edward Pressey and Sylvester Judd. The film, *The Great Falls*, draws special attention to the importance of Wequamps in the origin stories of New England tribes and their relationship to the geological events that created glacial Lake Hitchcock (*The Great Falls* 2008).

Although a substantial amount of information is known by anthropologists about subsistence, food storage, fishing, and farming (corn, squash, beans, and tobacco), little is known by anthropologists about the spiritual beliefs and ceremonial practices of the Pocumtuck, their ancestors, intertribal relatives, and other regional tribes. Recorded observations and the collection/interpretation of physical artifacts at the end of the nineteenth century by Anglo-American historians and amateur archeologists corroborate the claims made by Native American tribes that the general area where the stone features are located was central to traditional ceremonial practices of several New England tribes. Such observations include the discovery of a circle on Montague Plain believed to have "ceremonial" purpose and the finding of several Manitou stones within this circle (Pressey 1910). The collections of Historic Deerfield and the Turners Falls library are repositories of some of the artifacts collected along the Connecticut River, on the Montague Plains, and surrounding hills (Sheldon 1908; Nassancy 1999).

### 3) STONE FEATURES AS A PROPERTY TYPE

For at least the past two decades some types of stone features in New England have increasingly been recognized by non-traditional groups, as well as historic preservation professionals, as a highly significant property type related to traditional cultural practices, including ceremonial, sacred, and medicinal practices (*The Great Falls* 2008: see especially the interviews with archeologists: Dr. James Petersen, University of Vermont and Dr. Paul Robinson, State Archaeologist, Rhode Island; Ballard 2000). However, it should be noted that not all historic preservation professionals agree that some stone features are traditional cultural places. Some professionals argue that most, if not all, stone features date to the historic period and are related to historic wall construction (Simon 2008; Massachusetts Department of Cultural Resources, "Stones that Speak: Forgotten Features of the Landscape," *Terra Firma* 5, 2007). In response to those who insist that the region's stone features can be attributed only to farm clearing or land

division by non-Indian settlers, Dr. Ella Sekatau, the tribal ethnohistorian and medicine woman for the Narragansett Tribe, has stated: "Those of us who know our oral traditions and originations know that's not correct....there is evidence, if they look. It is there." (interview: *The Great Falls 2008*).

There are many references to the sacred meaning of stone features and to Native American tribes in the northeastern United States in early Anglo-American literature to support the finding that such stone features can possess traditional and/or sacred significance. Such sources as the following support the association of tribes at first contact with these features and suggest their sacred importance, especially in regards to effigy-making and burial practices.

Ezra Stiles, a Congregationalist minister who served as President of Yale College, spent his early adult years as a missionary among the native tribes of New England, where he began to make detailed observations of the spiritual rituals of tribal members. He drew attention to the presence of effigy or god stones in the New England landscape (*The Great Falls 2008*). In his entry for September 19, 1794 (*The Literary Diary of Ezra Stiles*), Ezra Stiles noted observing on top of West Rock at New Haven: "a carved or wrought stone which I know to be one of the Indian Gods, of which I have found about or above twenty in different places from Boston to Hudson River, and particularly between New Milford on West and Medfield Massachusetts on East." (Reprinted [www.nativestones.com/effigy](http://www.nativestones.com/effigy)).

In *Travels in New England and New York* (1821) Timothy Dwight, a later Yale president, commented on the Indian mode of erecting stone monuments under "extraordinary" circumstances (as compared with routine burials) to mark the consecrated ground where burials had taken place. He notes Monument Mountain in Stockbridge, Massachusetts, Sacrifice Rock on Cape Cod, and another site near New Milford, Connecticut. He also observes the recent desecration of several of these sites. "I ought, in my account of that, to have added, that this mode of erecting monuments was adopted on peculiar occasions [for example, the grave of an Indian sachem]. The common manner of Indian burial had nothing in it of this nature. The remains of the dead, who died at home, were lodged in a common cemetery, belonging to the village, in which they had lived. Sometimes they were laid horizontally, and sometimes they were interred in a sitting posture.... These monuments were plainly erected under the sanctions of Religion: for every Indian felt himself religiously obliged, when he passed by, to cast a stone upon them." (Timothy Dwight, *Travels in New England and New York*, 1821, Vol. 3, p. 408, reprinted [www.nativestones.com/cairns](http://www.nativestones.com/cairns))

Dwight also observed: "They also formed images of stone and paid them religious homage. One of these idols is now in the museum at Hartford. Sacred stones exist still in several places; one particularly, at Middletown, to which every Indian who passes by makes a religious obeisance." (1821, Vol. 1, p. 85, reprinted [www.nativestones.com/effigy](http://www.nativestones.com/effigy)).

E.G. Squier, in *Antiquities of the State of New York* (1851) noted that such a stone effigy of white granite, measuring 31 inches high and 17 wide, had been found in East Hartford 1788 and was displayed at the Yale College museum. Squier observed: "The superstition of the Indians extended to remarkable objects in nature. A tree or stone of singular form seldom failed to command their reverence. A stone, which, from the action of natural causes, has assumed the general form of a man or an animal, is especially an object of regard, and the fancied resemblance is often heightened by artificial means, as by daubs of paint, indicating the eyes, mouth, and other features." (*Antiquities of the State of New York*, Smithsonian Contributions to Knowledge, Vol. 11, 1851, p. 170-2, reprinted [www.nativestones.com/effigy](http://www.nativestones.com/effigy)).

Noah Webster, in a letter of 1788 to Ezra Stiles, commented on Indian burials:

"The Indians seem to have two methods of burying the dead—one was, to deposit one body (or at most but a small number of bodies), in a place, and cover it with stones, thrown together in a careless manner. The pile thus formed would naturally be nearly circular, but those piles that are discovered, are sometimes oval. In the neighborhood of my father's house, and about 7 miles from Hartford, on the public road to Farmington, there is one of these Carnedds [cairns] or heaps of stone. I often passed by it in the early part of my youth, but never measured its circumference or examined its contexts. My present opinion is that its circumference is about 25 feet. The inhabitants in the neighborhood report, as a tradition received from the natives, that an Indian was buried there, and that it is the custom for every Indian that passes by, to cast a stone upon the heap. This custom I have never seen practiced; but have no doubt of its existence, as it is confirmed by the general testimony of the first American settlers....The other mode of burying the dead was to deposit a vast number of bodies, or the bones which were taken from the single scattered graves, in a common cemetery, and over them raise vast tumuli or barrows; such as the mount at Muskingham, which is 390 feet in circumference, and 50 feet high. The best of these cemeteries may be found in Mr. Jefferson's *Notes on Virginia*, which will appear the most satisfactory to the reader in his own words."

Thomas Jefferson makes specific reference to stone piles or "barrows," in his *Notes on the State of Virginia* (1743-1846). He says, "... the Barrows, of which many are to be found all over this country. These are of different sizes, some of them constructed of earth, and some of loose stones. That they were repositories of the dead, has been obvious to all: but on what particular occasion constructed, was matter of doubt. Some have thought they covered the bones of those who have fallen in battles fought on the spot of interment. Some ascribed them to the custom, said to prevail among the Indians, of collecting, at certain periods, the bones of all their dead, wheresoever deposited at the time of death" (p. 223); and, "But on whatever occasion they may have been made, they are of considerable notoriety among the Indians: for a party passing, about thirty years ago, through the part of the country where this barrow is, went through the woods directly to it, without any instructions or enquiry, and having staid about it some time, with expressions which were construed to be those of sorrow, they returned to the high road, which they had left about half a dozen miles to pay this visit, and pursued their journey. There is another barrow, much resembling this in the low grounds of the South

branch of Shenandoah, where it is crossed by the road leading from the Rock-fish gap to Staunton. Both of these have, within these dozen years, been cleared of their trees and put under cultivation, are much reduced in their height, and spread in width, by the plough, and will probably disappear in time. There is another on a hill in the Blue ridge of mountains, a few miles North of Wood's gap, which is made up of small stones thrown together. This has been opened and found to contain human bones, as the others do. There are also many others in other parts of the country" (pp. 225, 226).

Noah Webster also noted evidence that the burning of bones was also practiced in Indian burials and he noted the presence of ising glass (a sample of which Stiles had previously shown Webster), formed of pure clay, and or shells and cement hardened by fire, without glazing, which was often found in the meadows of the Connecticut River Valley. These observations are presented in the context of the then-current intellectual dispute about the relationship of North American Indian practices and pre-Columbian European influences. In the third of his letters to Stiles, Webster refuted his earlier opinion that the Muskingham mounds on the Ohio River between West Virginia and Ohio were created by DeSoto. (G. Hubert Smith, "Noah Webster, The Archaeologist," *American Anthropologist* 33, no.4, (Oct.-Dec, 1931), pp. 620-624, reprinted [www.jstor.org/stable/661015?seq=1](http://www.jstor.org/stable/661015?seq=1). Also reprinted [www.nativestones.com/cairns](http://www.nativestones.com/cairns)).

Recently, archeologists, historic preservation professionals, and others have begun to work with tribes to document and record the traditional and/or ceremonial meanings and the importance of such places. For instance, Edwin C. Ballard has been investigating the uses of specific "U" shaped structures since the late 1980s and hypothesizes that these features are viewing platforms. Such structures would have been used to view astronomical events (Ballard 2000; see also *The Great Falls* 2008).

Through this research, tribes and others have identified several types of stone features including, but not limited to: cairns, rock piles, stone rows, and stone row complexes, linking rows, fish weirs, enclosures, stone chambers, standing stones, pedestals, niches, portals, and effigy stones (*The Great Falls* 2008, see also [www.stonestructures.org](http://www.stonestructures.org), Reference Materials). Each of these types of stone features may have been used for multiple purposes temporally and by different tribes. Some of the uses of these features include, but are not limited to: burial markers, for subsistence related activities, as prayers and/or for ceremonial purposes, as celestial markers, and as viewing platforms (D. Harris 2008; [www.stonestructures.org](http://www.stonestructures.org), *The Great Falls* 2008, NR nomination, DOE 2007; Scope of Work 2008). These features are often related to other stone features and other types of markers and sites across a larger cultural landscape (Scope of Work 2008).

#### 4) TURNERS FALLS SACRED CEREMONIAL HILL

The tribes maintain that this property is an example of a prayer hill that includes rock piles and stone row features that are believed to have been used for ceremonial purposes and as viewing stations for celestial events. Rock piles and stone rows often include godstones and/or Manitou stones, several of which are recorded at this site (Loether 2007). They can be large or small. They are often used as ceremonial directional

markers and components of ceremonial calendars (D. Harris 2008; *The Great Falls* 2008; Scope of Work 2008).

However, while the FAA, initially disagreed and the Massachusetts SHPO continues to disagree with the tribes's assertion that this property is a traditional cultural place used as a prayer hill, it should be noted that the use of the stone row and existing piles in conjunction with the annual Perseid meteorite shower (mid-August) is credible and consistent with the practices of the tribes in the northeastern United States and eastern Canada, some of whom referred to their home land as "Dawnland" or the land of the first light. The use of wheels in ceremonial rituals and healing practices is common to a number of North American tribes and has been associated with native cosmologies in which astronomical observations figure prominently (see, for example, the Medicine Wheel/Medicine Mountain NHL and NR draft documentation on file 2003). Manitou stones are a common marker of Native American practices (Mavor and Dix 1989; *The Great Falls* 2008; D. Harris 2008).

Tribal oral tradition provides further evidence of the connection between sacred ceremonies and places such as the prayer hill and their continuing importance to tribal identity. John B. Brown III, a hereditary medicine man-in-training and THPO of the Narragansett Indian Tribe, has stated, "Remember, these ceremonies were our science. We had a way of delving into the places of other existences, other realities without necessarily intruding upon them. It was more of an attempt to understand our place in the universe and our place in existence. . . . The ceremonies that were performed there would have been performed simultaneously in other places. That area was one simple locus of many loci in which simultaneous ceremonies would have been held." (interview: *The Great Falls* 2008).

Corroborating the Native American claims that the area is associated with traditional ceremonial practices, Edward Pressey in *History of Montague: A Typical Puritan Town* (1910), reported the finding of two sacred ("Manitou") stones at a site on Montague Plain within several hundred feet of the ceremonial hill:

"William Marsh has shown me two Indian sacred symbol stones, figuring seemingly the spread wings of the "thunder bird," the war god, one very rare with eye pierced for standard, the other slightly carved to suggest feathers, both beautiful. These relics were found at different times within the same circle of ground which seems to have been made softer and clearer of stones than the surrounding gravel, . . . in the middle of Montague Plain, at the point where Kunckwadchu [Mt. Toby], the sacred mountain most impressively punctuates a wide horizon of hills when the August sun or the February moon is highest in the heavens. We guess that this was an important ceremonial place" (Pressey 1910).

The stone features are noted by tribes to be the central component of a ceremonial landscape that can be defined by a "viewscape" and relates to locations where other stone features have been confirmed. An ongoing survey has to date located a number of stone features (believed to have sacred meaning) [REDACTED]

[REDACTED]

This roughly circular area corresponds to a possible multiple property study area having as its thematic focus traditional land uses and ceremonial practices associated with the region's Native American cultural groups. Within this context, the ceremonial hill with its component stone features at Turners Falls Airport has been determined individually eligible under Criteria A and D.

In addition, the ceremonial hill with its component stone features is considered a contributing property within an expanded National Register eligible historic/archeological district [REDACTED]

[REDACTED]

Although the final boundaries of such a Turners Falls Cultural Landscape District are presently undetermined, [REDACTED]

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## **Appendix F Shutesbury Topography and Physical Features**

Shutesbury lies in the hills east of the Connecticut River Valley. Its topography contains a complex of broken uplands, with peak elevations between 900 and 1200 feet above sea level. The topography is hilly with steep-sided stream valleys. The highest point is 1270 feet. The two largest waterways--the Swift River and the West Branch of the Swift River--cut through the eastern uplands, draining into the Quabbin Reservoir.<sup>85</sup> The Quabbin Reservoir inundated some portions of southeastern Shutesbury. The United States Geological Survey (USGS) and MassGIS indicate there are low-to-medium-yield aquifers located in the vicinity of the following waterbodies: Lake Wyola and Ames Pond; Dudleyville marsh, West Branch of the Swift River, Roaring Brook, and, Dean Brook.<sup>86</sup>

Surficial geology consists of mostly glacial till ranging from 0 to 50 feet in thickness. Glacial till is a non-sorted, non-layered mixture of materials of all grain sizes: clay, silt, sand, pebbles, cobbles, and boulders. More sorted, layered deposits are present along stream valleys (e.g., Swift River) and water basins (Lake Wyola, Atkins Reservoir, Ames Pond). The Town contains many brooks, streams, and marshy areas that are the Quabbin Reservoir headwaters. Western sections of Town include Roaring Brook, Dean Brook, Nurse Brook, and Adams Brook, all draining west toward the Connecticut River. Stream alluvium and swamp deposits, with variable amounts of organic matter, are found around ponds, marshes, streams, isolated wetlands. Shallow fractured bedrock, less than 10 feet from the surface, is common, especially at higher elevations.<sup>87</sup>

As mentioned, streams in town drain into two river systems. Many forested and non-forested wetlands are located in the headwaters of these two water systems. While larger surface hydrology systems are mapped and documented by state surveys, many wetlands and vernal pools are undocumented. Town Bylaws, Massachusetts wetland regulations, and federal law protect Shutesbury's many water features, watershed areas, and wetlands. Four Living Waters Core Habitats have been identified in Town by MassWildlife's Natural Heritage and Endangered Species Program (NHESP). Almost all of Shutesbury's undeveloped parcels zoned as Forest-Conservation are designated Core Habitat or Critical Natural Landscape under the Commonwealth's BioMap2 biodiversity preservation program.

## Appendix G 2004 Master Plan Historic and Scenic Resources

Shutesbury's historical resources are "heirlooms" entrusted to current day care by preceding generations. Many of Shutesbury's natural scenic features are the result of historic human events and activities. Together these irreplaceable historical and natural features provide a scenic backdrop that enhances the quality of everyday life in Shutesbury. The purpose of this chapter is to promote an appreciation of the wealth of Shutesbury's historical and scenic resources, which will ensure their continued protection.

What follows is a limited summary of Shutesbury's vast historical and scenic resources to give the reader a flavor of close to 300 years of documented history, preceded by thousands of undocumented years, and of countless hours of scenic hiking and exploring. A comprehensive written history that would similarly document Shutesbury's recent history to follow Louis Everet's 1879 treatment of Shutesbury's early history in the History of the Connecticut Valley in Massachusetts is one important recommendation noted in this chapter.

Subsequent to the July 1998 start of the development of a Master Plan for the Town of Shutesbury, the Historical Commission has been actively involved in the identification and protection of historical resources. Two major projects that spawned subsequent preservation activities are:

*The Community Documentation Plan.* This plan was drafted during winter 2000/2001 by William F. Carroll, CA, consulting archivist for the Massachusetts Historic Resources Advisory Board (MHRAB) Community Heritage Grant, with the cooperation of municipal officials and representatives, participating non-profit organizations, and with the collaboration and assistance of the Records Review Grant Committee members. Shutesbury resident Carrie Stone directed the effort. The project mission was to ensure the collection and preservation of records and materials that document all aspects of daily life in the Town of Shutesbury, to provide access to such records and materials, and to raise awareness of and appreciation for the heritage of the Town of Shutesbury.

The *Shutesbury Historic Resources Survey* prepared in 2001-2002, by Margaret Hepler. Margaret reviewed the existing Massachusetts Historical Commission forms, updated the Shutesbury Historical Commission inventory, and created a complete and accurate inventory of the town's most important architecture, cultural landscapes, structures, and other visible aboveground historical features.

The Final Report of the Shutesbury Historic Resources Survey 2001-2002, written by Margaret Hepler lists fourteen individual properties and two area properties as potential candidates for the National Register of Historic Places. The Historical Commission will advise and support property owners who want to have such designation placed on their properties. The Commission will explore securing registration for appropriate historical town owned properties including the Town Common, with the listed historical resource preservation partners.

This chapter was prepared under the guidance of the Shutesbury Historical Commission, the Master Plan Committee, the Town Administrator and the Franklin Regional Council of Governments (FRCOG) Planning Department. Other resources include: Archaeological resources information, provided by Massachusetts Department of Conservation and Recreation (DCR) Archaeologist Thomas Mahlstedt, was revised and adapted for the Shutesbury Master Plan by DCR Planner and Shutesbury resident Leslie Luchonok, and the revision reviewed by Professor Emerita of Anthropology at the University of Massachusetts at Amherst, Dina Dincauze.

Surveys conducted in preparation for writing this chapter include:

The 2000-2001 Master Plan Survey completed by the residents and property owners of Shutesbury.

The June 2001 *Community Documentation Plan* written by William Carroll, Certified Archivist. The August 2002 *Shutesbury Historic Resources Survey*, completed by independent preservation consultant Margaret Hepler.

A 2002 graduate student project undertaken by Alex Ganiaris and Andrea Morris of the Conway School of Landscape Design entitled the Town Center Plan was commissioned by the Master Plan Committee to provide various perspectives on the preservation of Shutesbury's historic town center.

The Goal and Objectives of this chapter, based on the 2000-2001 Master Plan survey, were compiled by William Labich, FRCOG Land Use Program Manager and approved by the Shutesbury Master Plan Committee.

### Goal and Objectives

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#### Goal:

Identify and protect historical and scenic resources including buildings, sites, and landscapes.

#### Objectives:

Review the existing **Massachusetts Historical Commission forms** and the updated Shutesbury Historic Commission inventory to determine if any actions are still needed to create a complete and accurate inventory of all historical buildings, sites, foundation holes, important stonewalls, and landscapes.

In 2001-2002, the *Shutesbury Historic Resources Survey* surveyed eighty-six individual property forms and four area forms. These include 125 buildings, seven cemetery-associated resources and twenty-nine structures, landscapes and objects.

The town's many mill sites, stone chambers of undetermined origin, hearthstones of "Hearthstone Hill" and other archaeological sites may be subjects for a future survey. This will be balanced with the risks of vandalism imposed on irreplaceable archaeological resources after

their publication. A guiding principle of the Shutesbury Historical Commission is that historical treasures are “heirlooms” entrusted to our care by the generations preceding us. Shutesbury has treasures few other towns have the opportunity to preserve, and is dedicated to their protection.

Consider adopting steps such as implementing a **demolition delay by-law** to support the protection of significant historical structures in Town.

The Shutesbury Historical Commission uses the guiding principal of not imposing on private property owners but believes that the Commission should advise and support property owners who want to act on their own. The Commission will collaborate with the municipal groups listed in the resources section, to develop a position on a demolition delay by-law for town-owned property.

Identify and pursue **federal and state grants** in support of historical resource protection especially for the old Town Hall.

The Shutesbury Historical Commission is unanimous in its position that the objectives of the Master Plan should be met with local resources and not with state or federal grants—which can introduce outside requirements or control. The founding mission of the Friends of the Historical Commission is to support the preservation of the Old Town Hall.

Identify, document, and protect significant historical and scenic landscapes especially remaining agricultural and community development landscapes.

This will be balanced with the risks of vandalism imposed on irreplaceable archaeological resources once locations have been published. A guiding principal of the Shutesbury Historical Commission is that Shutesbury’s historical treasures are “heirlooms” entrusted to our care by the generations preceding us. Shutesbury has treasures few other towns have the opportunity to preserve, and the Historical Commission is dedicated to their protection.

Develop a **policy for use of the Town Common, Spear Memorial Library, and the Old Town Hall**, which respects the traditional uses of these buildings while at the same time, providing access for all town residents to these popular community resources.

The Conway School of Landscape Design study presents multiple preservation possibilities. The Shutesbury Historical Commission will collaborate with the previously listed, town historical resource preservation partners in development of such policy.

Adopt **local scenic road designation** for Shutesbury’s most scenic roads.

The Historical Commission will work with the Planning Board and other historical resource preservation partners regarding scenic roads, including the protection of trees and stonewalls.

Explore the feasibility of National Historic designation for the Shutesbury Town Common.

### Historical and Natural Scenic Features of Shutesbury

Shutesbury is a small, hill town situated in southeastern Franklin County along the high drainage divide between the Connecticut and Swift River basins. Most of the town is above 1,000 feet in elevation, with the town center at 1,225 feet above sea level. The highest elevation is 1,305 feet at “Meetinghouse Hill,” so-called in the July 1756 Proprietors meeting record, two miles north of the town center. The lowest elevation is around 400 feet, near Pratts Corner in the southwestern part of the town. The town contains twenty-six square miles of territory. <sup>1</sup>

The Shutesbury Town Common, lying on the crown of the ridge, is a largely open space from which views could once be had on clear days as far west as Mt. Greylock, as far east as Mt. Wachusett, and as far north as Mt. Haystack. Early twentieth century photographs show how dramatic those views were before a number of surrounding view-blocking plantings and woods grew in height and breadth. <sup>2</sup>

In the northwest corner of Shutesbury, Lake Wyola, a 125-acre dammed pond is the center of a thriving summer cottage community that is increasingly a year-round residential village. In the eighteenth and nineteenth centuries it was a millpond called Lock's Pond that supplied a series of mills on the outflow stream, Sawmill River, which flows into Leverett one quarter mile west of the lake.<sup>3</sup> The current dam, built in 1888, commands a 125-acre body of water and offers a scenic gateway to Lake Wyola for travelers from the west. A view, not soon to be forgotten, is that of the full moon rising over the lake as seen from that town-owned dam.

On a hilltop in northeast Shutesbury, about one mile east of Lake Wyola, stone features from the nineteenth century-Mt. Mineral Springs Hotel today form part of the landscape of Temenos, an active center for meditation and retreat. The site, in a remote forest-covered part of Shutesbury, is accessed via an unpaved road (Horse Hill Road) which winds uphill from Mt. Mineral Road through ledge studded slopes to a small level clearing near the top of the hill. Here a small pond, cottages, and stonework from the era of the resort surround small mineral spring pools. A large weathered ledge displays graffiti also from nineteenth century activity.<sup>4</sup>

A primitive woodland trail from the Temenos cabin complex leads the hiker to a west-facing ledge out-cropping. From that out-cropping, one has a clear-day background view of Mount Greylock above a close-up panorama of the Ames pond and bog. The Department of Conservation and Recreation (DCR) holds a Conservation Restriction on a 140-acre area that includes the Ames pond, bog and surrounding land, site of the late 19<sup>th</sup> and early 20<sup>th</sup> century Ames Sawmill.

In the southern end of Shutesbury, Baker Reservoir, dammed in the 1890s, is a pond covering about four acres surrounded by marshland and woods. Currently ungated, the dam opening releases pond water into a culvert under the road, which then flows into a small brook on the north side of Baker Rd. The small brook becomes one of the tributaries of Baker Brook, which

flows under West Pelham Rd to the site of the former Baker sawmill. Albert Baker, of 7 Baker Rd, was a member of the third and last Baker generation to run the sawmill located West of West Pelham Rd,<sup>5</sup> buying the sawmill at the public auction of his father's John J. Baker's estate in 1878, and selling it to Henry Adams of Amherst in 1905. As viewed from Baker Rd, the Baker Reservoir transitions into a swamp at its south end with much wetland vegetation growing in the water.

<sup>1</sup> Louis H. Everts, History of the Connecticut Valley in Massachusetts, Vol. II (1879) p. 757. <sup>2</sup> Margaret Hepler, "Final Report of the Shutesbury Historic Resources Survey" 2001-2002. <sup>3</sup> Ibid.

Just east of Baker Reservoir, on land owned by the Sirius Community, a series of hearthstone shaped stone structures are scattered across a hillside. Future research may link them to an early 19<sup>th</sup> century survey referencing "Hearthstone Hill." Currently lost amidst a forest, it is thought that these structures may once have graced an open west-facing slope.

Atkins Reservoir, in the southwest corner of Shutesbury replaces the Amherst Water Company's 1900 Atkins Pond source of water for North Amherst. A 1930 Tighe and Bond survey prepared for the Amherst Water Company and housed in the Shutesbury Assessors' oversized "black book" identifies private lands taken to create the larger reservoir. At full capacity, the 64-acre reservoir contains 295,000,000 gallons of water. At low capacity, the pre-1930 location of Cushman Road with flanking stonewalls is visible along the southeast side of the reservoir. At high and low capacity, today Atkins Reservoir provides a scenic view of water, shores and waterfowl for travelers of both January Hills and Cushman Roads.

The state-owned Quabbin watershed dominates Shutesbury's eastern border. On April 28, 1938 at 12:01 AM, the four towns of Dana, Enfield, Greenwich and Prescott were unincorporated to create the Quabbin Reservoir. A large portion of Shutesbury's most fertile farmland in the valley of the West Branch of the Swift River was sacrificed for Boston's historic watershed. Currently valued for scenic hiking down historical woodland roads the watershed area was once the home of many prominent town officials including Benjamin Winter, Selectman for eight years and Representative to the General Court, George A. Berry, Selectman for five years and Town Clerk for two years, Harrison Hamilton, Town Clerk and Selectman for three years, H.C. Winter, Selectman for four years and Jesse and Jonas Winter, each with Select Board terms. The stone walls and foundations, the giant sugar maples and crippled old fruit trees, and the still flowering lilies and lilacs, suggest the relative prosperity of the specific property owners listed on the 1871 Beers Atlas (Appendix G -I) to present day hikers.

The 2000-2005 Open Space and Recreation Plan contains a complete Inventory of Shutesbury's "Scenic Resources and Unique Environments." (Appendix G-II)

<sup>4</sup> Margaret Hepler, "Final Report of the Shutesbury Historic Resources Survey" 2001-2002.

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## Archaeological Resources

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### State of Knowledge

In reviewing the archaeological data of the Quabbin Watershed, within which a portion of Shutesbury lies, one is impressed first with the number of prehistoric sites, and secondly with the poor quality of the data concerning the formation processes. Unfortunately most of the sites in the former Swift River Valley and along its tributaries have been disturbed in one way or another, so there is little substantive information regarding prehistoric occupation in the area.

Analysis of artifacts from prehistoric sites in the greater Quabbin area reveals a pattern of multiple, recurrent occupation. Few sites have yielded artifacts from a single cultural/temporal period. Instead, artifacts from several periods have typically been recovered from sites. This suggests that some particularly well-sited locations were occupied, or otherwise utilized, more than once. Recurrent, though intermittent, occupation of a single site, sometimes over a period of several thousand years, appears to have been the prevalent pattern of prehistoric site development in this region.

Small groups, probably based on kinship, would have found the uplands most attractive for short-term occupation. Settlement is likely to have occurred on virtually any elevated, level and well drained surface that was located immediately adjacent to sources of fresh water, including the headwaters of ephemeral streams, springs, and small wetlands and ponds. Rock shelters and other natural overhangs, and locations with southerly exposures would also have been utilized.

Archaeological resources are fragile and non-renewable. Once destroyed they are gone forever; they cannot be re-grown, rebuilt, repaired or otherwise brought back to health like many of our natural systems. Similar to endangered and threatened species of flora and fauna, the fragility of these resources places a value on them that is difficult to calculate.

Currently, the Massachusetts Historical Commission (MHC) has records for over seventy prehistoric sites on the state-owned Quabbin Watershed Reservation. Although Quabbin Watershed Reservation includes only a small portion of the town Shutesbury, it nevertheless provides meaningful context and suggests the archaeological potential for this area. While informative, this figure is artificially low. Although the MHC's records are the single most complete archaeological data bank in the state, they represent but a small fraction of the actual number of sites that are known to vocational archaeologists and collectors.

### Prehistoric Overview

Existing archaeological evidence derived from MHC records of the Quabbin Watershed Reservation suggests that Paleo-Indian hunters and gatherers, the first human inhabitants of the New World, reached the Swift River drainage sometime between 9,500 to 12,000 years ago.

Approximately 9,500 years ago climatic warming responsible for melting the last glacier created an environment in southern New England that supported a mixed pine-hardwood forest.

Archaeological sites further indicate that human occupation of the area continued during the *Early Archaic period* (ca. 9,500 to 8,000 years ago).

During the *Middle Archaic period* (ca. 8,000 to 6,000 years ago) climatic and biotic changes continued and the mixed deciduous forests of southern New England were becoming established. Significantly, the present migratory patterns of many fish and birds are believed to have become established at this time (Dincauze; 1974). During spring, those rivers, streams and ponds, which were utilized by anadromous fish for spawning would have been particularly important for fishing, and the former Swift River, and its East and West Branches seemed to have played a major role in this important subsistence activity. Small groups, comprised primarily of extended families, are likely to have traveled considerable distances to camp adjacent to falls and rapids where they could easily trap and spear the salmon, herring, shad and alewives that were on their spawning runs. This subsistence strategy persisted throughout prehistory. Archaeological sites indicate evidence of Native American occupation of the Quabbin region during this *Middle Archaic* period.

Many sites within the Quabbin Watershed have yielded diagnostic *Late Archaic period* (ca. 6,000 to 3,000 years ago) materials. The marked increase in site frequencies and densities is consistent with findings throughout most of southern New England, and may document a population increase during this period. Each of the three traditions - the Laurentian, Susquehanna and Small Stemmed Traditions - is well represented in the archaeological record of local sites. Terminal Archaic activity (ca. 3,000 - 2,500 years ago) is also suggested at archaeological sites.

During the *Early, Middle and Late Woodland* periods (3,000 - 450 years ago) Native Americans continued to occupy the Swift River drainage. Regionally, horticulture was introduced during the Late Woodland and small gardens may have been planted in clearings located on the fertile alluvial terraces next to the Swift River and its larger tributaries.

#### Native American Settlement at the Beginning of the Colonial Period

According to The Major Tribes of New England ca. 1635 map (Appendix G IIIa), at the time of colonial settlement, the Pocumtucks and Nipmucs inhabited the area of Shutesbury.<sup>4</sup> According to Shutesbury – Historical Notes (from the Booklet published September 6, 1937), “Perhaps the earliest record of Shutesbury lands is in an Indian deed. This conveyance ‘unto Major Jon Pynchon of Springfield’ was dated December 5, 1658 and signed by ‘Umpanchla alias Womscum,’ ‘Quonquont alias Wompshaw,’ and ‘Chickwolopp alias Wowahillow —ye sachems of Nolwotogg.’ It included parts of the present towns of Shutesbury, Amherst, Belchertown, Pelham and Hadley ‘being neare about nine miles in length from ye south part to ye North part, And all within ye Compass from Quenecticot River Eastward Nine miles out into ye Woods’.”

#### Historical Sites

In addition to prehistoric archaeological sites, Quabbin watershed contains a wealth of historic archaeological sites. Since 1736, colonists have been drawn to the Swift River Valley by its water resources for manufacturing purposes and the valley's rich alluvial soils.

By 1822, Prescott, Enfield, Dana and Greenwich had a combined population of 3,000 people and they were incorporated as towns. Over the ensuing century, these communities prospered but retained their small size and rural characteristics.

The Swift River Act of 1927 appropriated funding to build the Reservoir. The lands within the four Swift River communities were appraised and purchased by the Commonwealth as plans for the Quabbin Reservoir were finalized. With additional land from adjacent towns, the state acquired a total of 80,433 acres by 1938. During this time, 650 houses and 450 structures were removed from the valley. Many of the superstructures of these buildings were relocated to other communities, and some had their cellar holes filled, leaving little or no trace of their existence. The filling was especially prevalent in Prescott. However, the foundations from farmsteads and mills in the other communities were often left intact. Also scattered across the landscape is a maze of stone walls, farm roads, wells and other cisterns, and refuse piles that further document the historical land use of the Swift Valley. A historical site inventory performed by the former Metropolitan District Commission from 1994 to 1998 identified thirty-one historical archaeological sites just in the portion of Shutesbury that lies within the Quabbin Watershed Reservation. These remnants of the Swift River Valley's historical past represent a valuable cultural resource.

Due to popular interest in archaeological sites in other parts of Shutesbury, in 1979 the University of Massachusetts-Amherst Archaeological Field School systematically explored Shutesbury's major above ground and underground sites, to answer the basic question, "How could the structures and other material remains illuminate understanding of past life in New England, historical or prehistoric?" The conclusion, written by University of Northern Iowa's John R. Cole and published in the fall 1982 issue of *Man In The Northeast* was that "No evidence was found to suggest that structures preceded historical settlement."

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**Appendix H Photographs of Stone Structures in Shutesbury**



## End Notes

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