

Collaboration for Protection of a Sacred Site: A Case Study on Tamanowas Rock

by

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## ABSTRACT

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Stephanie Blumhagen

Across the globe there are places set apart, designated as places of worship, reflection or other sacred use. Many sites are held sacred by indigenous groups and are integral to the preservation of traditional cultures and religions as well as the preservation of land and species. In the United States, many of these sites are on land lost during colonization and are threatened by encroaching development or desecrated by use incompatible with their sacred status. One of these sites, Tamanowas Rock, a monolith in the Pacific Northwest, has recently been protected in perpetuity by the collaborative efforts of the Jamestown S'Klallam Tribe, Jefferson Land Trust and Washington State Parks. The Jamestown S'Klallam Tribe now owns this sacred site and it is protected by a conservation easement. This case study shows how cross sector collaboration between a tribe, a non-profit and a state government agency was an effective tool for the preservation and continued management of this sacred site. By collaborating across sectors those working to protect sacred sites can leverage additional resources, increase community awareness of their efforts and ensure that efforts toward protection address spiritual, cultural and ecological values of the site. Increased collaboration is useful and necessary in natural resource management, and particularly in protecting sacred sites.

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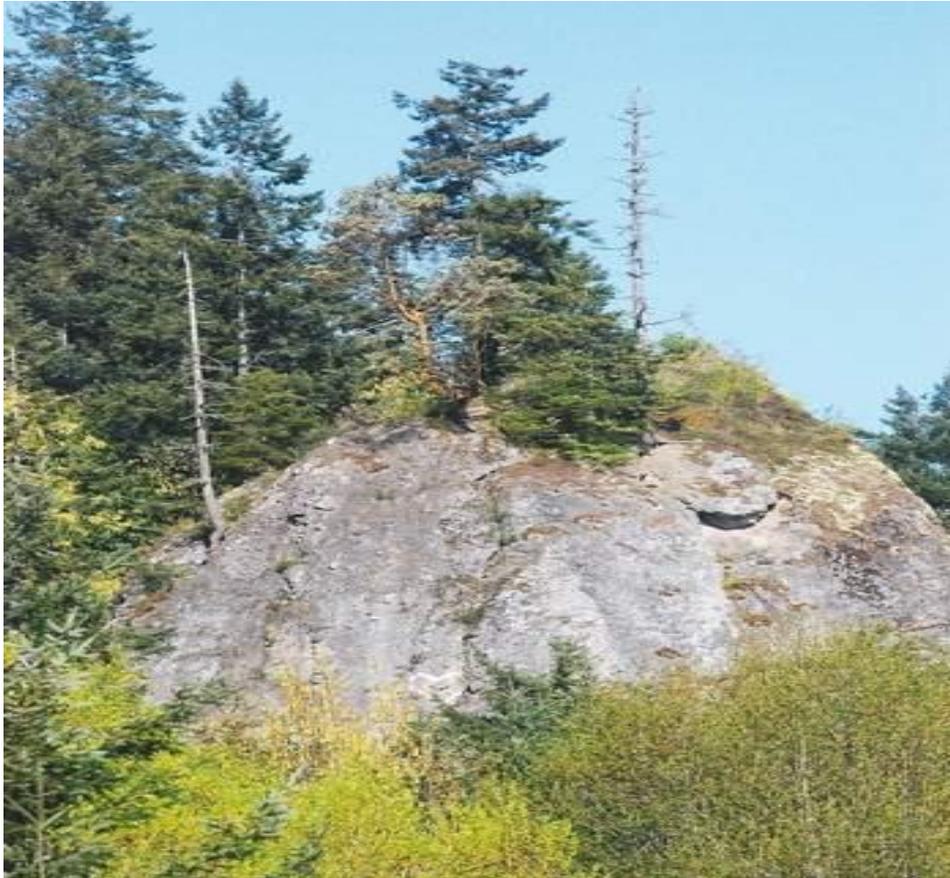
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## **Introduction**

Across the globe natural places with spiritual significance are set aside for worship or special use. These sacred sites are significant not only for their spiritual, but also for their cultural and ecological value. Many of these sites face threats to their existence or to their sacred status and various groups have undertaken the work of protecting sacred sites. In North America the most threatened sacred sites are those that are sacred to Native American Tribes. This case study describes Tamanowas Rock, a Pacific Northwest sacred site and the collaborative efforts of the Jamestown S'Klallam Tribe, Jefferson Land Trust and Washington State Parks to purchase the land and protect this site in perpetuity.

In this case study I've examined whether cross sector collaboration is an effective tool in sacred site protection. I've described the collaborative process between the Jamestown S'Klallam Tribe, Jefferson Land Trust and Washington State Parks as they worked to protect Tamanowas Rock on the northeastern corner of the Olympic Peninsula. After describing this process and analyzing the surrounding circumstances I found that increased collaboration is an effective tool in sacred site protection and suggest that more collaboration is needed in the realm of sacred site protection and in most areas of natural resource management.



Tamanowas Rock

Rice, Peninsula Daily News, 2013

### **Tamanowas Rock: A Case Study**

Tamanowas Rock is an ancient volcanic rock on the northeastern part of Washington's Olympic Peninsula that is sacred to the people who have inhabited this area since time immemorial. This giant egg-shaped monolith is nestled into a tree-covered hillside overlooking the forests of the peninsula and the waters of the Hood Canal. For centuries it has been a place of ceremony and spiritual renewal for many Pacific Northwest tribes. Like other sacred sites in North America and around the globe, Tamanowas Rock has been threatened by development and used as a recreational site by those lacking understanding or respect of its sacred

status. The Jamestown S'Klallam Tribe has worked hard to reclaim this place to protect it from encroaching development and preserve its sacred identity and to this end has collaborated with Jefferson Land Trust and Washington State Parks to purchase the site.

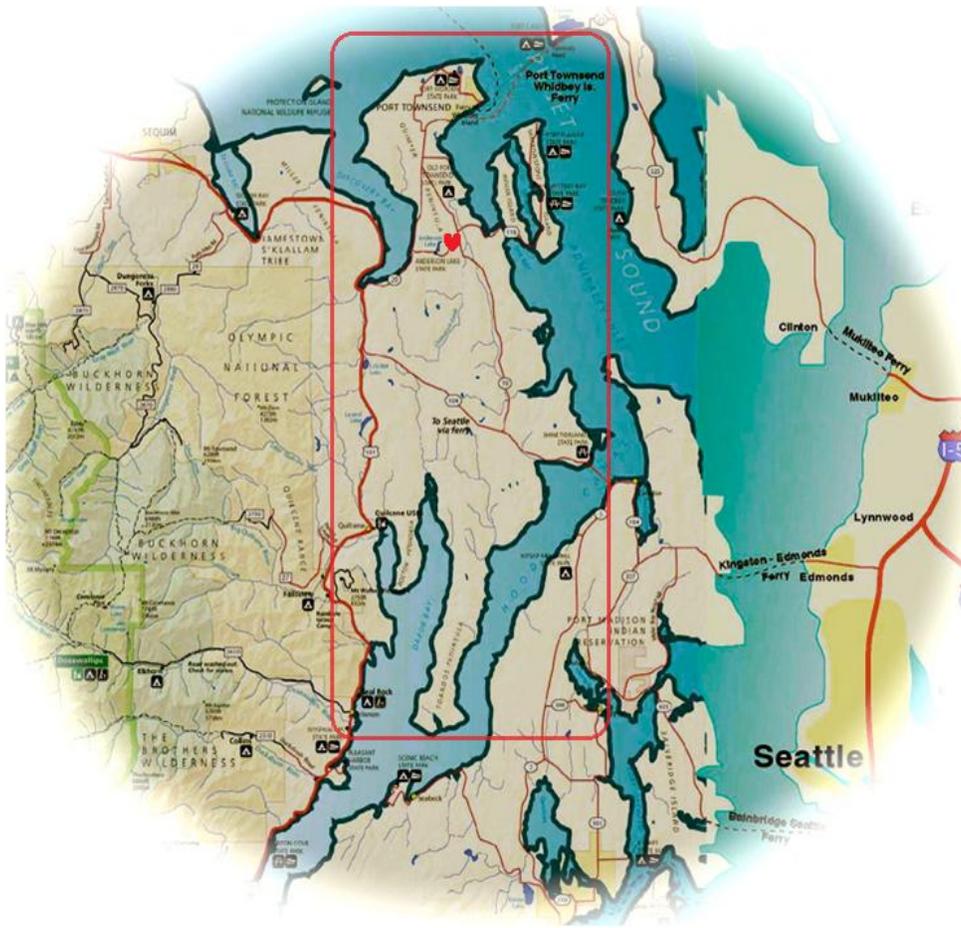
The rock is over 150 feet tall, dark grey and rough. It has stood here for thousands of years, slightly apart from a cliff of the same material, and appears to have split away from the cliff. A trail to the site enters into a protected dished areas between the rock and the cliff face. Most noticeable are the many rounded hollows and caves in the rock's surface, called "huecos." These were likely left by gas bubbles when the rock formed. (Staffki 2009)

Tamanowas Rock is an igneous rock. Made of adakite, it formed below the earth's surface as either magma or lava hardened. Adakite forms from mantle material mixed with "felsic" (rich in feldspar and quartz) partial melts of descended slabs of oceanic crust basalt and is pushed to the surface along the margins of a fault. Adakites typically form in subduction zones and have also been found in Tibet in the zone where two continents collided. (Adakite 2012)

Tamanowas Rock and other rocks at this site were formed 43 million years ago during the Eocene Period following a period of widespread rift-related volcanism on the Olympic Peninsula. Tamanowas Rock pre-dates the period of subduction-related volcanism associated with the modern Cascade Range. According to a recent lecture by Dr. Jeff Tepper of University of Puget Sound, studies suggest Tamanowas Rock is an example of "slab window volcanism."

This unusual process occurs when a sea floor spreading ridge enters a subduction zone. (Oppenheimer, 2013)

Tamanowas Rock is located on a smaller peninsula jutting out from the northeastern corner of the Olympic Peninsula. If you look at a map of the Olympic Peninsula with an imaginative eye you can find the shape of a dragon-like creature on the northeastern corner. Port Townsend is right where the dragon's fire breathing mouth would be, shooting flames toward Whidbey Island. The dragon's long tail is the Toandos Peninsula separating Dabob Bay from Hood Canal. The region that is the dragon's head and neck is called the Quimper



**Viewed from above, the Quimper Peninsula resembles a dragon. Tamanowas Rock is the dragon's heart.** (No-Qui-Klos: The Dragon of Tomanowas Rock 2011)

On the Quimper Peninsula, Tamanowas Rock can be seen from Center Road which heads north from Quilcene. Across from Red Dog Farm, roughly a mile south from Chimacum, one can look to the northwest, and clearly see the tall oval rock tucked into the hillside like an egg in a nest. Here on the northeastern corner of the Olympic Peninsula, Tamanowas Rock is part of a unique ecosystem.

Comprising the northwestern most corner of the United States, the Olympic Peninsula originated on the Juan de Fuca plate, separate from the North American plate that supports the rest of the continent. As the Juan de Fuca plate subducted or slid under the North American plate, rocks and other material were scraped off of the Juan de Fuca plate and accreted to the North American plate. This accreted material is now the forested mountains of the Olympic Peninsula, bounded on the west by the Pacific Ocean and the deep fjord we call the Hood Canal on the east. The northern boundary of the peninsula is the Strait of Juan de Fuca. The Olympic Mountain range running across the middle of the peninsula provides another boundary.

Because of its coastal location and the moisture-trapping Olympic Mountains, the western side of the Olympic Peninsula is extremely wet, with some areas receiving over 200 inches of rainfall annually. The eastern side of the peninsula where Tamanowas Rock is located, is considerably drier receiving around 25-40 inches of rain annually. This area is often referred to as the "banana belt" of the Olympic Peninsula. The forests here are composed of coniferous

species more tolerant of drier conditions such as Douglas Fir (*Pseudotsuga Menziesii*).

Tamanowas Rock lies within Jefferson County which spans the top of the Olympic Peninsula. The county has a population of about 29,000 with 9,129 of those people living in Port Townsend, the largest city and home to a paper mill and a hospital, the largest employers in the area. Historically industry here has focused on ship building, sawmills, farming, logging and canneries. Today the eastern portion of the county is becoming more and more reliant on tourism and home to an increasing number of retirees. (Jefferson County Washington 2013)

### **Tamanowas Rock's Dual Identities: Sacred site, Non-sacred Use**

Covered in caves, crevices and cliffs, Tamanowas Rock has been a sacred place for the inhabitants of this area perhaps going back 10,000 years and is still sacred to many Pacific Northwest Tribes today. (Jefferson Land Trust, 2012)

“Tamanowas” is also spelled “Tamanous” and comes from Chinook Jargon, a common trade language used on the Pacific Northwest coast between tribes and fur traders. “Tamanowas, for the S’Klallam people means a spirit power of having knowledge of the future or capacity to see into the future,” said Kathy Duncan of the Jamestown S’Klallam Tribe. (Carr 2006) The S’Klallam, Chemakum, Twana, and by extension the Quileute, all have ties to this sacred site. It is a place of great importance to tribal esteem, cultural integrity and spiritual practices in general and particularly to the S’Klallam people.

Gene Jones, Sr., of the Port Gamble S'Klallam Tribe said of Tamanowas Rock in the Port Townsend Leader, "It's the most sacred place for our S'Klallam Tribe." He explained that the name roughly translates to "Guardian Spirit." He described his grandfather bringing him to the rock as a child and telling him that spirits lived in the caves around the rock. His grandfather told him, "It's the home of our ancestors. Our spirits are there." Jones said that respect for the place is something he's carried through the rest of his life and added, "There's stories about people tying themselves to the rock," Those stories might relate to the huge tsunami caused by an earthquake on the Cascadia Subduction Zone in 1700. At one time, he believes the base of the rock was at sea level and that's how the caves around the base were formed." (Burke 2009)

An article from the *North Kitsap Herald* includes an account of how Gene Jones' grandfather, a spiritual leader would help people in need of spiritual guidance by leading them to Tamanowas Rock. There, they would scale the cratered side of the rock and fast on its summit for three days until their spiritual path would become clear. "They would find their answer, no matter what it was," Jones said. Like his grandfather, Jones has taken people to fast on the rock in the traditional way. (S'Klallam Tribe Reclaiming Hallowed Ground 2010)

Preservation of this sacred site is part of the indigenous cultural revival happening in the Puget Sound region. (Carr 2006) Jones has led youth groups to the rock where tribal youth have cleaned off graffiti, picked up litter and learned about their heritage and the spiritual value of this sacred site. When Jones visits

he sings songs and plays a drum to honor his ancestors. Jefferson Land Trust has posted a video of Jones drumming and singing at Tamanowas Rock as well as clips from interviews with Jones about the sacred site. (Video clips can be found by visiting this web address: [http://www.saveland.org/news/News\\_Detail.aspx?processID=84](http://www.saveland.org/news/News_Detail.aspx?processID=84) or by visiting [www.saveland.org](http://www.saveland.org) and clicking on "videos" in the upper right corner.)

Tamanowas Rock has been listed in the Washington Heritage Register since 1976 as a place of significant archeological interest. The rock was nominated (unsuccessfully) to the United States Department of the Interior as a historic site in 1977. (Carr 2006)

Tamanowas Rock has another name, Chimacum Rock, which denotes another identity held by this sacred place. Chimacum Rock has been a favorite site for local rock climbers as well as picnickers and revelers. (Chimacum is also the name of the nearby town, started as a housing development for the workers at a nearby mill.) Like Bear's Lodge (Devil's Tower National Monument) in Wyoming and Uluru (Ayers Rock) in Australia, Tamanowas Rock (Chimacum Rock) holds two identities resulting from different groups claiming it as a place of significance. All three of these places are sacred places to the indigenous people of their respective areas. All three of these places have also been used as recreational spots in more recent years.

Tamanowas Rock sits on land that adjoins Anderson Lake State Park and people have used the area as an extension of the park, for picnicking, building campfires and rock climbing, all activities considered in conflict with the sacred

identity of the place. The S'Klallam and other tribes that hold the place sacred believe climbing on the rock is offensive to the spiritual ancestral beings that reside in the rock and that the area around the rock should be treated with respect. The Tribe says, "Recreational climbing on the Rock and caves is perhaps the most offensive activity to the Tribal people, who consider this to be physically disrespectful to the spiritual habitants therein. From a mundane perspective, it creates liability issues for property owners and managers." The Jamestown S'Klallam Tribe's management plan lists rock climbing as a prohibited use. (S'Klallam Tribes Joint Report Tamanowas Rock Access Management Plan December 7, 2010)

While the Tribes believe access to the rock should be restricted, other users, particularly rock climbers felt they also held the rock sacred in their own way. In discussions on the Cascade Climbers forum dated shortly after the land the rock sits on was purchased by the Jamestown S'Klallam Tribe, climbers indicated they felt that they held the rock sacred in their own way and hoped to retain access to the rock for recreational climbing. Others expressed openness to finding an alternative spot in the area for recreational climbing. (malcolm777b 2009)

On his blog, "Whittaker Writes" Port Townsend local and climber Leif Whittaker notes,

It is easy to complain about a moss-covered rock speckled with old bolt hangers, shrubs, and Hadlock grime, but at least we have a local place to climb... A white heart is spray painted on the wall's face, just one sign of

the multiple applications that the rock provides. From painter's canvas to drinking spot to after school smoke den, the rock has served greater Chimacum area since essentially the beginning of time. (Whittaker 2009)

Whittaker describes rock climbing at this spot and many online climbers' forums and directories include descriptions of climbing routes up the rock, (which they describe as "chossy" or crumbly), directions to find it and photos of the spot. (Dreher 2010) (OlympicMtnBoy 2010) ) (Klayton 2009) (malcolm777b 2009)

Another local climber, Stewart Mattheisen, interviewed in a local news article, said that he had been climbing the rock for almost 20 years and added that his father took him there as a boy to climb the cable on the back side. A steel cable, anchored with a loop around a sturdy stump at the base of the rock and anchored at the top, provides a route up the side of the rock. The rock's surface is rough and pitted providing inviting hand and footholds, and the reward at the top is a panoramic view of the Chimacum Valley, Hood Canal and North Cascades. Mathiesen advocated for access being maintained for all users, including climbers and claimed his relationship to the rock was like "a communion with nature." (Chew 2010)

Unfortunately the steel cable attached to the rock is not the only evidence of climbing. Climbing anchors are left bolted in to the face of the rock. Not only is the act of climbing on the rock considered disrespectful by Native Americans but also leaving gear bolted into the rock defaces the rock and is a further affront to the site's sacred status. Visitors to the rock have also disrespected this place by leaving litter, spray painting graffiti on the rock itself and leaving the burned out

remains of bonfires behind. Furthermore unmanaged access to the site has resulted in significant erosion and exposed tree roots around the rock and on the steep slope on the path approaching the rock. (Jamestown S'Klallam Tribe 2012)

A further threat to Tamanowas Rock came from the site's beautiful location and the fact that it was privately owned. The land the rock sits on was privately owned until the mid-nineties when it was put up for sale and nearly developed. Had the site been developed, Tamanowas Rock would have been destroyed. It would have no longer been a place of worship or recreation.

Central to the matter for this and other sacred sites is the issue of controlled access to the site, particularly when the site is being used for ceremonial purposes. The issue is not so much restriction of access to Tamanowas Rock as restriction of activities that can occur there. The management plan produced by the Jamestown S'Klallam Tribe specifies that only the following activities are allowed: "*tribal sacred ceremonies, scientific and educational study, and limited public use: access for quiet use and enjoyment, passive recreation such as bird watching, nature observation, walking, etc.*" (Jamestown S'Klallam Tribe 2012) People unaffiliated with the Tribe (the public) may go to the spot, so long as they enjoy the place peacefully and unobtrusively, leaving no trace of their presence there.

As attached as local rock climbers may be to their local climbing spot and their view, the rock's identity as a sacred place should take precedence over its recreational use. Tamanowas Rock was used as a place of ceremony long before

the first climber scaled the rock's face. Tamanowas Rock and other sacred sites are places of worship and should be owed the same respect given a cathedral, mosque or temple.

In order to protect Tamanowas Rock and the area surrounding it, ensuring that it is preserved and managed for its cultural, spiritual and natural value, the Jamestown S'Klallam Tribe has worked closely with the Jefferson Land Trust and Washington State Parks Commission to purchase the land and protect this sacred site for future generations.

### **The Process of Protecting Tamanows Rock**

As a sacred site and a recreational site, Tamanowas Rock has, in short, long been a significant place to the residents of the Quimper Peninsula. Though the land was under private ownership, Jefferson Land Trust, the Jamestown S'Klallam Tribe and Washington State Parks all viewed the site as a property of interest. While their respective interests in the property were compatible, each organization had their own motivations and bureaucratic procedures for protecting the site.

The Jamestown S'Klallam Tribe was concerned about the spot because of the spiritual and cultural value the place held for their tribe. The Tribe is concerned about reviving and maintaining traditional culture and practices, and reclaiming this sacred site was integral to that cultural revival. Jefferson Land Trust was interested in the site because of their commitment to preserve open space in Jefferson County and because both tribal and non-tribal members in

Jefferson County placed high importance on the place. Washington State Parks was interested in the spot because it adjoins their own property, Anderson Lake State Park. I've provided some background on each organization in order to help the reader understand each of their motivations for participating in collaborative efforts to protect this site.

### **The Jamestown S'Klallam Tribe**

S'Klallam is the modern English spelling of the phonetically spelled, nəxʷsʔáyəm which means “the strong people.” The 576 enrolled tribal members of the Jamestown S'Klallam Tribe are one of three S'Klallam Tribes: the Lower Elwha S'Klallam, the Port Gamble S'Klallam and the Jamestown S'Klallam. The Jamestown S'Klallam Tribe provides services to 640 Native Americans, including Jamestown S'Klallam and other tribes. The Tribe's Land Consolidation Area stretches as far west as Port Angeles, as far east as Port Hadlock and south along Highway 101 to Quilcene and includes some area around Brinnon. The Land Consolidation Area is the area within which the majority of tribal members live, fish, hunt and gather and where the Tribe engages in Economic Development, businesses management and natural resource work. (Jamestown S'Klallam Tribe Introduction and Overview 2008,2010)

Much of the traditional territory of the S'Klallam people was lost to the tribe with the Point No Point Treaty signing. Their territory originally stretched across the Olympic Peninsula “*from the Hoko River to the east side of Discovery Bay into Port Townsend Bay including Indian Island, Marrowstone Island, Oak*

*Bay and Whidbey Island.*” (Jamestown S’Klallam Tribe Introduction and Overview 2008,2010). In January 1855 leaders of the S’Klallam, Chimacum and Twana Tribes signed the Treaty of Point No Point, ceding hundreds of thousands of acres of their homelands to the United States Government. The Tribes retained the right to gather, hunt, and fish at their “usual and accustomed” areas and were to receive educational and medical services from the federal government. The Tribal leaders who signed the treaty believed their people would retain the right to stay in their traditional homelands and thought a reservation would be established within their traditional territory for hunting, gathering and fishing. However the treaty stated that the S’Klallam were to move to the Skokomish reservation further south along the Hood Canal. (Jamestown S’Klallam Tribe Introduction and Overview 2008,2010) The S’Klallam chose not to move to the Skokomish reservation, and many chose to stay near their traditional lands and fishing grounds.

Several S’Klallam families pooled money to purchase their own land in 1874. Under the leadership of Lord James Balch, the son of one of one of the signatories to the Point-No-Point Treaty, these families raised \$500 to purchase 210 acres near Dungeness along the Strait of Juan de Fuca, north of Sequim. In honor of Lord James Balch, this land was named Jamestown. The approximately 100 people who lived there became the Jamestown S’Klallam.

Under Termination Policy in 1953 the Federal Government no longer recognized the Jamestown S’Klallam Tribe and stopped providing any services to

them. The aim of Termination, which lasted until 1964, was to end the recognition of Tribes and their special federal trustee relationship with the federal government. Tribes became subject to state laws, and their lands were converted to private ownership. Over 100 tribes were terminated, and over 1.37 million acres of trust land were removed from protected status. Over 13,000 Native Americans lost tribal affiliation. (Indian Termination Policy 2013) The Jamestown S'Klallam Tribe was not a federally recognized tribe, partly because they chose to remain on the land they had purchased themselves rather than move to a reservation.

The Jamestown S'Klallam began working toward federal recognition in the late 1960's when it became clear that federal recognition would help provide much needed healthcare and education and secure their hunting and fishing rights (The Boldt Decision upheld Tribal Treaty rights in 1974). The Tribe worked diligently gathering the documentation needed to prove they had long been organized and “functioned as a cohesive political unit.” (Oppenheimer, Nesse, et al. 2011) When they finally filed their petition, their records were so complete that their petition was moved up to the second slot in the long waitlist of those petitioning for federal recognition because the government wanted to use them as a test case to provide examples for others. (Oppenheimer, Nesse, et al. 2011)

On February 10, 1981, the Jamestown S'Klallam became a Federally recognized Tribe. Since then the Jamestown S'Klallam Tribe has formed a stable, professional operational structure for its government which is headquartered at

Blynn, to the northwest of Tamanowas Rock. Overlooking beautiful Sequim Bay, the Jamestown S’Klallam Tribe’s Tribal Campus houses the offices of the tribal government, including the five-member elected Tribal Council, and Administrative staff, which includes Cultural Resources, Human Resources, Facilities Management, Information Systems, Enrollment and Housing. Also located here are the offices of the Tribe’s Social and Community Services and Health Services, including the Jamestown Family Health Clinic and Jamestown Family Dental Clinic, and a Planning Department, and Natural Resources Department. They also have an Economic Development Authority which supports numerous tribal enterprises. (Jamestown S’Klallam Tribe Introduction and Overview 2008,2010)

Tamanowas Rock is sacred to all three S’Klallam Tribes and part of tribal history and identity. The Jamestown S’Klallam have taken the lead role in working to preserve the site by securing the land on which it sits. In an interview, Jamestown S’Klallam Tribal Chairman Ron Allen, explained that acquiring land in their traditional land area is key to the Tribe's goal of self-reliance and essential to maintaining cultural identity. He said,

The tribe and its community are not just about fishing or hunting. We are also about land. Land is essential to our governmental and cultural identity. We are never going to recover our land base that was traditionally ours, which covered over four hundred thousand acres across the Olympic Peninsula. But, a good land base that preserves your way of life and the environment, as well as provides for economic development, is essential to our future. We are trying to buy back some of the original land in the Jamestown community so at least we can preserve some of where our community originated. (Stauss, 2002, pg 179)

The Jamestown S'Klallam Tribe is very clear in its intent to preserve traditional culture and identity and these goals are evident in their Tribal Vision Statement, Tribal Mission Statement and Comprehensive plan. The Tribe's Comprehensive plan includes the following goals:

Goal E11. Reacquire additional homelands and when appropriate, submit for conversion to trust status. Create opportunities to provide outdoor recreational spaces and facilities that will contribute to the Tribe's social, cultural and natural resource goals.

Goal SP19. Protect and enhance the natural resources of the Jamestown S'Klallam Tribe. (Jamestown S'Klallam Tribe 2012)

The Jamestown S'Klallam Tribe's work to purchase and protect Tamanowas Rock is in keeping with these goals. By purchasing the land they reacquired homelands and protected natural resources. To reach these goals, the Tribe has collaborated with a conservation focused non-profit, Jefferson Land Trust.

### **Jefferson Land Trust**

With a focus on protecting natural and open spaces in Jefferson County, Jefferson Land Trust was a logical partner to aid the Jamestown S'Klallam Tribe in protecting Tamanowas Rock. Jefferson Land Trust has preserved at least 54 properties and protects over 10,000 acres of Jefferson County's natural habitat, open spaces and working farmlands. The organization was formed in 1988 when Virginia McIntyre, Stephanie Lutgring, Julie McCulloch and Doug Mason banded together to protect natural and open spaces from development and industry encroaching on the North east Olympic Peninsula. Jefferson Land Trust, is now a 501c3 non-profit with over 400 members. (Jefferson Land Trust 2004-

2013) Under the leadership of Executive Director, Sarah Spaeth and the organization's board of directors, the land trust protects open spaces in several ways. In some cases the land trust purchases land outright to prevent development. In other cases the trust purchases a conservation easement from the owner. Often the landowner gifts the easement to the land trust.

In order to describe the collaboration between the Jamestown S'Klallam Tribe and Jefferson Land Trust, it is helpful to first understand a bit about land trusts. Jefferson Land Trust is a conservation land trust. These are also sometimes referred to as Illinois type land trusts. Land trusts are private, non-profit organizations and can have different purposes, such as putting land in trust to lower taxes. They exist to conserve land by assisting or undertaking in land or conservation easement acquisition or by stewardship of such land or easements. Land trusts work with landowners to protect land for the future and preserve its natural, recreational, scenic, historic or productive value. (Land Trust Alliance 2008)

Mainly land trusts purchase or accept donations of conservation easements from landowners. A conservation easement is a voluntary legal agreement between the landowner and a land trust or a government. The land trust (or government) is granted certain rights, typically development rights to the property but the landowner continues to own and use the property. This means that even if the property is sold, no one may develop or disturb the land. Specific exceptions can be written into the easement, such as an easement on farmland which prevents development, but allows the land to be farmed. Another example is a landowner

who limits development rights but allows one building of a particular size. The grant of conservation easement is recorded in the local land records and becomes a part of the property's chain of title. Landowners may also benefit from tax reductions on their land when they sell or donate a conservation easement.

Conservation land trusts have existed since 1891 and are a successful and rapidly growing conservation strategy. In 2010, the date of the most recent census of land trusts conducted by the Land Trust Alliance, there were 1,723 active land trusts in the United States and they'd conserved about 47 million total acres of land. Land trusts typically preserve land to protect sensitive natural areas, farm land, ranch land, water sources, cultural resources and notable landmarks. Sacred sites fall in the category of cultural resources, but are also preserved as sensitive natural areas. Land trusts typically take on monitoring and restoration responsibilities for the lands they protect. They typically have members and rally volunteers to assist with restoration projects and other activities such as fundraising. (Land Trust Alliance 2008) (2010 National Land Trust Census Report: A Look at Voluntary Land Conservation in America 2010)

The land trust structure and mission of protecting sensitive natural areas made Jefferson Land Trust a valuable ally to the Jamestown S'Klallam Tribe. Another valuable ally and the third collaborator in protecting Tamanowas Rock was the Washington State Parks Commission.

## **Washington State Parks**

Washington State Parks participated in this collaboration because they own and manage land, Anderson Lake State Park, adjacent to Tamanowas Rock. This is a day use park, meaning there are no campgrounds. It is surrounded by 410 acres of woods and wetlands and forested with cedar, fir and alder mixed with freshwater marshes. The park includes 70-acre Anderson Lake. (Washington State Parks, Anderson Lake State Park 2013)

Washington State Parks is a state agency that oversees 100 developed parks, recreation programs, trails, boating safety and winter recreation programs. The agency is governed by a board of seven volunteer citizens appointed by the governor. The mission of Washington State Parks is:

The Washington State Parks and Recreation Commission acquires, operates, enhances and protects a diverse system of recreational, cultural, historical and natural sites. The Commission fosters outdoor recreation and education statewide to provide enjoyment and enrichment for all and a valued legacy to future generations.

Washington State Parks, as previously noted, was interested in the Tamanowas Rock property because it adjoins Anderson Lake State Park and had been identified as a property of interest during the Classification and Management Planning (CAMP) process. CAMP is a four stage process, required by and reflecting the standards of Washington's State Environmental Policy Act (SEPA). The public is encouraged to participate in the CAMP process. The four stages of the CAMP process are:

1. **Identify** issues and concerns of park stakeholders.

2. **Explore** alternative approaches to address identified issues.
3. **Prepare** preliminary recommendations to address issues or suggest a realistic compromise.
4. **Propose** final recommendations for formal agency and Commission adoption.

(Washington State Parks, Park Planning and New Developments 2013) Because of the proximity of Anderson Lake State Park and the shared goal of preserving cultural and natural sites, Washington State Parks thus also became involved in efforts to protect Tamanowas Rock.

Tamanowas Rock and about 150 acres of surrounding property are now protected from any future development. In order to reach this current protected status, there has been unprecedented collaboration between the Jamestown S’Klallam Tribe, Jefferson Land Trust and Washington State Parks. The community of Jefferson County residents has provided an outpouring of support in the form of donations and loans and a local environmentally focused foundation, The Bullitt Foundation has provided a major loan. There have been hours of meetings, negotiations, rallying of community support and fundraising. Parcels of land have been purchased, sold and changed hands. But the work is not yet complete. While they have reached a milestone, the Tribe, land trust and Washington State Parks continue to meet to work toward stewardship goals for the property and ongoing restoration and management of the land.



**Three separate parcels were purchased and protected: the Nicholson Short Platt, the Phase One Property and the Tamanowas Rock Property**

(The map is taken from the Jefferson Land Trust's application for Jefferson County Conservation Futures Funds, 2010)

The map on the previous page shows the three distinct properties that were involved in the process of preserving this site: the Tamanowas Rock Property, the Phase One Property and the Nicholson Short Plat Property. The 64 acre property where the rock is located is composed of two parcels, 901102004 and 901102006 and is referred to as the Tamanowas Rock Property. It is adjacent to Anderson Lake State Park. The Tamanowas Rock Property is of most concern since it is the property on which the rock sits. It was owned by Roger Theriault until 1993 when it was purchased by George Heidgerken. (Jefferson County Recorder 2013)

Directly north of the Tamanowas Rock Property is a 20 acre property referred to as the Phase One Property. The parcel number for this property is 9011003003. This property was previously owned by a Seattle based lumber exporter called Citifor Inc. (Sarah Spaeth 2013)

An additional 66 acres to the north of the Phase One property is referred to as the Nicholson Short Plat. A “short plat” is a short subdivision, or re-division of land into four or fewer tracts. (RCW. 58.78.20) This type of subdivision is often done in preparation to develop and build on the land. (Washington State Legislature) The Nicholson Short Plat consists of nine parcels in all: 975000001, 975000002, 975000003, 975000005, 975000006, 975000007, 975000008, 975000009, 975000010. (Jefferson Land Trust, Application for Jefferson County Conservation Futures Funding 2010) This platted property has been subdivided and includes roads and blocks. While the actual acreage is about 80 acres, when the roads are subtracted the remaining land is about 60 acres. (Sarah Spaeth 2013)

In 1993, George Heidgerken, owner of Managing Green, LLC, purchased the Tamanowas Rock Property from Roger J. Theriault. (Jefferson County Recorder 2013) Jamestown S’Klallam tribal members met with him shortly thereafter and there were attempts to purchase the land from him. Washington State Parks negotiated with him unsuccessfully for purchase of the land. Heidgerken logged some of the property during this time and built some gravel roads, though the trees nearest the rock were left standing. (Burke 2009)

While early attempts to acquire the Tamanowas Rock Property were unsuccessful, it was also important to protect surrounding land. In 2005 the Phase One and Nicholson Short Plat properties, both owned by the Seattle based lumber exporter, Citifor, came up for sale. It became evident that there was a connection between Citifor and Heidgerken, then owner of the property on which Tamanowas Rock sits. (Sarah Spaeth 2013) Access to the properties Citifor owned was through a right of way easement across the Tamanowas Rock property. If the Nicholson Short Platt And the Phase One property, 86 acres in all, were purchased and developed into home sites, a road would be built across the Tamanowas Rock Property. According to Sarah Spaeth, director of Jefferson Land Trust, ”There was great concern on the part of all these partners that if someone bought (The Nicholson Short Plat and Phase One Property) and exercised (the easement) and the right to put a road in and develop home sites on the Nicholson Short Platt, that would really compromise the conservation and the cultural values and the spiritual values of the rock itself.” (Sarah Spaeth 2013)

In response to this dilemma, the Jamestown S’Klallam Tribe obtained loans and purchased the Nicholson Short Plat Property, and the 20 acre Phase One Property. The Jefferson Land Trust helped gather some community contributors to aid in expenses. The Tribe also applied to the Jefferson County Conservation Futures fund for money to aid in this purchase and put a conservation easement on the property.

The Jefferson County Conservation Futures fund is generated by a levy on Jefferson County property taxes and exists to “preserve a system of public open space lands in the county.” This supports the health and quality of life of county residents and maintains Jefferson County as a desirable place to live, visit and locate businesses. The Jefferson County Conservation Futures Program is governed by a Conservation Futures Citizen Oversight Committee which makes recommendations to the Board of County Commissioners on the selection and funding of open space projects utilizing the Conservation futures Fund. (Jefferson County Washington, Jefferson County Conservation Futures Program 2013)

Sarah Spaeth sat on this committee and offered her insight as director of the Jefferson Land Trust, but abstained from voting on projects in which the Land Trust is involved. (Sarah Spaeth 2013) Organizations or individuals can apply to the program for grant funding with which to protect open space land in Jefferson County. Applications are due every March and decisions made around late May or early June. (Jefferson County Washington, Jefferson County Conservation Futures Program 2013)

The Jamestown S’Klallam Tribe was awarded Jefferson County Conservation Futures Funds in May 2006 which aided in the purchase of the Phase One Property. These funds helped pay for a conservation easement on at least 20 acres of this land. The easement was completed in 2008. This easement is held by Jefferson Land Trust and was later amended to include the Tamanowas Rock Property as well. However an easement was not placed on the Nicholson Short Plat property because the Jamestown S’Klallam Tribe was not sure that they could raise enough money from the Conservation Futures Fund to put an easement on this property also and more importantly they hoped to eventually sell this property, possibly to Washington State Parks. (Sarah Spaeth 2013)

By 2008 the Jamestown S’Klallam Tribe owned the 86 acres north of Tamanowas Rock which was the Nicholson Short Plat and the Phase One Property. The Phase One Property also had a conservation easement on it and they’d drawn up a management plan for the 20 acre Phase One Property. The 64 acre Tamanowas Rock Property was still owned by George Heidgerken, who had purchased it April 30, 1993 from Ralph J. Theriault. (Jefferson County Recorder 2013) This was the most important piece of land the Tribe hoped to protect.

“For years this has been a property that has been on the radar of the Tribes, State Parks, and more recently the land trust,” said Spaeth in an interview. The land trust and the Tribe had collaborated to protect the Nicholson Short Plat and the Phase One property, but were in a holding pattern, trying to determine what to do about the Tamanowas Rock Property. (Sarah Spaeth 2013)

In early 2009 Heidgerken put the Tamanowas Rock property up for sale. Spaeth said, “When George Heidgerken put up a sign, saying (the property) was for sale for \$1.2 million, we saw the sign and we said “Oh no! Now we’ve got to do something quick!” (Sarah Spaeth 2013) So Jefferson Land Trust, the Jamestown S’Klallam Tribe and Washington State Parks kicked into high gear and put their heads together in earnest. They all wanted to protect this property and prevent it from being sold to anyone who might develop it but none of the three had the funds readily available for a purchase. Washington State Parks was willing to take the lead in negotiating with Heidgerken and to enter into a purchase and sale agreement contingent on an appraisal of the land and Heidgerken agreeing to sell at the appraised price. The state hired an assessor who valued the land at \$600,000. Heidgerken agreed to that price provided the deal closed by December 2009.

In the meantime the Jefferson Land Trust and Washington State parks and the Jamestown S’Klallam Tribe were sorting out who would make the purchase and how to raise the funds. The Tribe was hesitant because they were seeking federal funding; if they held the title to the land already it would jeopardize their attempts to procure federal funding. Said Spaeth, “Getting reimbursed after the fact is not as easy as trying to get funds up front for something.” (Sarah Spaeth 2013)

Washington State Parks, though willing to negotiate the deal, was not willing to make the purchase. So Jefferson Land Trust persistently made

presentations to the Parks Commission. Then, fortuitously, one of the land trusts's board members became a parks commissioner and was willing to advocate for the project. Finally Washington State Park offered a deal.

Washington State Parks was short on funding due to state budgetary restraints. The agency was having troubles maintaining their existing state parks, including Anderson Lake State Park. Washington State Parks said that if Jefferson Land Trust and the other partners would help by rallying community support in the form of a Friends of Anderson lake State Park Group, perhaps some funding could be liberated for the Tamanowas Rock project. However, this was going to take time and the property was for sale immediately.

In the meantime, the Bullitt foundation offered a loan for the purchase of the property. The Bullitt Foundation loan was for three years for \$485,000 or 80 percent of the purchase price. Local donors contributed funds as well. In November of 2009, Washington State Parks entered into a purchase agreement for the 64 acre Tamanowas Rock Property. Washington State Parks transferred the purchase agreement to Jefferson Land Trust and the land trust's subsidiary, JLT Resources purchased the property for \$600,000.

Local media covered the efforts to protect the site. An article published in a local paper in December 2009 said "the deal inked last week creates a two-year window thanks to a loan from the Bullitt Foundation that provided 80 percent of the purchase funding." (Burke 2009) Another article said "the Tribe came up with the funding balance through loans from community members." (Chew 2010) The

Jamestown S'Klallam Tribe contributed by purchasing an option agreement with JLT Resources for \$120,000. This bought the Tribe the option to purchase the property from JLT resources.

About eighty percent of this total price (\$480,000) came from the Bullitt Foundation in the form of a two-year loan. The remaining twenty percent was raised through private lenders and donors. A news article from 2010 noted that the Jamestown S'Klallam Tribe, Suquamish Tribe, Port Gamble S'Klallam Tribe, Washington State Parks and Jefferson Land Trust would work together to raise the funds to repay the loan and mentioned a fundraiser auction at which the Jefferson Land Trust raised \$40,000 toward this repayment. These entities also planned to secure federal, state and county funds as well as private donations. (Burke 2009)

At last, in 2010, Washington State Parks saw that the Friends of Anderson Lake State Park group had indeed been created. The state agency had some discretionary money so State Parks purchased the Nicholson Short Plat property and added it to Anderson Lake State Park in early December 2012. This helped reimburse the Tribe for costs they had incurred. The Tribe and Jefferson Land Trust also applied for \$200,000 from Jefferson County Conservation Futures Fund in June 2010. The Tribe contributed the remaining funds to repay the Bullitt Foundation. In December 2012 the Jamestown S'Klallam Tribe took ownership of the Tamanowas Rock property and simultaneously the easement on the Phase

One Property was amended to include all 84 acres. Finally, Tamanowas Rock and surrounding land were protected in perpetuity.

### **Site Stewardship and Management**

Once the land was protected and in the Tribe's name, the work of restoration and management began in earnest. The Jamestown S'Klallam Tribe has drawn up two management plans, though the first only covered the 20acre Phase One property and has since expired as it was for ten years. The second outlines the Tribe's management goals for the Tamanowas Rock property. Their goals include both restoration of the site to mitigate damage done by prior use of the site and also management to protect the cultural integrity and prevent future harm to the place. While the Tribe wants to ensure tribal access to the property will remain, they are open to allowing the public to visit the place as well. However the site management plan outlines specific activities that will and will not be allowed at the site. Rock climbing on Tamanowas Rock is specifically not allowed. (Carr 2006) (Jamestown December 7, 2010)

Sarah Spaeith said, "...the Tribe and the land trust and the county all understand that the Tribe wants Tribal access of the property and that they are willing and open to have public use of the property as well, and they do want to control it to some degree. Whether it's how the property is developed and trails and signage or the ability to close it during sacred ceremonies. Or, if there are additional trails to be built that they can't have bicycles or horses on them. And they very definitely do not want climbing on the rock." (Sarah Spaeith 2013)

While the land trust holds the conservation easement on the property, management of the site and dictating what activities happen there is the Tribe's responsibility and privilege as the landowner.

The conservation easement is designed to protect the conservation value of the property, but does not prohibit climbing on the rock, Spaeth explained. The easement addresses development, such as whether a building can be erected on the property.

The easement says things like, 'there shall only be one building on the property. It shall be east of the access zone and that's where a caretaker's cabin can be. The road right of way can be maintained where it is and a couple of gravel parking lots can be maintained for elders, but other than that there is no motorized vehicle use on the property'

Spaeth described how the conservation easement also addresses ongoing management of the site. She adds that adaptive management is a key principle here. Adaptive management is used in natural resource management to reduce uncertainty over time by continuously gathering information and adapting future management strategies accordingly.

Often conservation easements will refer to a stewardship plan, saying "these are the barebones requirements that we feel are necessary to protect the conservation values of the property, but how you reach those goals can be adaptive. And the stewardship plans that are agreed upon by both the owner and the conservation organization are things that are worked out and if things are changed over time you revisit that conservation easement. Let's say there's a fire and then the stewardship plan really needs to talk about how to revegetate."

The management plan addressing the stewardship of Tamanowas Rock and surrounding property was drawn up by the Jamestown S'Klallam Tribe. The site management plan allows the following uses at Tamanowas Rock:

tribal sacred ceremonies, scientific and educational study, and limited public use: access for quiet use and enjoyment, passive recreation such as birdwatching, nature observation, walking, etc.

Prohibited uses constitute a longer list:

open fires, pyrotechnics, horseback riding and pets, bicycle riding, subdivision of land, building and development, hunting, operation and storage of motorized vehicles, drug and alcohol use, camping and picnicking, rock climbing, new access roads, sports activities, agriculture and livestock grazing, dumping and storage of waste, materials and equipment, commercial and non-commercial harvest of forest products such as bark, fir boughs, salal and similar vegetation, Introduction of non-native plants, lawns and animal species, damming, diking, dredging, manipulation of water courses except when subject to restoration plan, Harvest of all standing timber, except to enhance wildlife habitat and forest health, control fires, remove hazard trees, mining and removal of soil, peat, rock and gravel.

Trail planning has been part of the management plans, first when it was under the land trust's ownership and now again since the Tribe has gained ownership. Currently the trail to the rock goes up a steep hillside and years of foot traffic have heavily eroded the soil and exposed tree roots leading up to and around the rock. Sarah Spaeth said of the erosion, "That's a personal sore spot for me because I've really seen it degraded over the last 10 -12 years, pretty severely." She added that this is an area that the Tamanowas Rock Working Group continues to address. Jefferson Land Trust's Stewardship director did some trail planning during JLT Resources ownership and the Tribe is also doing

planning around development of new trails and decommissioning of old trails. Trail planning and development can help manage pedestrian access and new gates can mitigate access by motorized vehicles such as ATVs. There is also interest in having an onsite caretaker. (Sarah Spaeth 2013)

### **Analysis**

Tamanowas Rock is a success story because it is protected from development and under ownership of the people who hold it sacred. This case study is unique because of the collaboration that occurred across sectors (tribal, non-profit and government) to protect Tamanowas Rock. Many other sacred sites across North America and around the world are threatened by development or use incompatible with their sacred status. This case study serves as a model for other groups working to protect other sacred places.

This case study should be emulated by others for several reasons. First, the end result of these efforts was tribal ownership of the sacred site. This case study illustrates the importance of land ownership in protecting sacred sites. It also illustrates the value of cross-sector collaboration in helping leverage additional resources and increasing community involvement. Finally in this collaboration, all of the sites values were considered: spiritual, ecological and social.

It is important to note that although the Jamestown S'Klallam Tribe collaborated with Jefferson Land Trust and Washington State Parks in the process of purchasing and protecting Tamanowas Rock, ultimately it is the Tribe that now holds ownership of the site and surrounding land. This allows the Tribe to drive

the management plan and to decide what activities are and are not acceptable at Tamanowas Rock. Without the Tribe's legal right of ownership which grants the power to declare what is acceptable use, the site's sacred status would not truly be protected.

Many North American sacred sites are on land under governmental ownership, such as those in National Parks or on US Forest Service Land. Or, like Tamanowas Rock once was, they may be on privately owned land. In either case, the people who hold the site sacred have little control over its protection or activities that can occur there because they don't have legal ownership of the land. This has been a contentious issue for sacred sites in National Parks which are protected from development, but not from recreational uses conflicting with their sacred status.

The collaboration to protect Tamanowas Rock is a model that should be emulated by others seeking to protect sacred places. The collaboration involved three separate entities representing different sectors, with differing motivations for protecting this site. Not only did the collaboration allow the three to access more resources and types of funds to protect the site, but differing motivations and viewpoints ensured that spiritual cultural, and environmental aspects were all considered. While the Tribe was very concerned about the spiritual and cultural value of the site the land trust brought the ability to protect the environmental value of the site through the conservation easement. The land trust was also unique in that it provided a conduit and advocate for the voice of the larger non-tribal, local community in discussions about the site's protection and conversely

could also raise awareness about the unique spiritual value of this site. They have done this both by highlighting it on their website and through lifting Tamanowas Rock as a special cause during their fundraiser auction in 2010. State Parks was also a valuable ally, partly because they owned and protected nearby land (Anderson State Park) and because they had the resources to initiate the purchase through the hire of an assessor and negotiation of a purchase agreement. This collaboration is unique and effective and it is my hope that further collaborative efforts are established to protect sacred sites elsewhere.

The remaining pages discuss the significance of the case study method and why I used a case study to examine collaboration in sacred site protection. I also discuss what makes a particular location sacred and the spiritual, cultural, social and ecological value of sacred sites as well as where sacred sites are threatened elsewhere, who else is working to protect sacred sites and what legislation addresses sacred site protection.

### **Methodology: Why a Case Study?**

While there were many different research methods I could have used to examine this issues of sacred sites' protection and collaboration, I chose to write a case study. The case study method allowed me to provide more depth and detail on one clearly defined issue (the protection of Tamanowas Rock) than I could have by collecting data from a broad sampling of units. Case studies are distinguished from other methods of research in that they are clearly focused on a well-defined “individual unit” and follow the development of that individual unit

through time, focusing on relation to the environment and context. (Flyvbjerg 2011) More traditional quantitative data collection methods are useful for developing theoretical knowledge while case studies produce the more in depth, hands on knowledge associated with the leap from theory to practice and mastery of a subject.

Case studies do have weaknesses. They are not always clear on statistical significance, may overstate or understate relationships and cannot show how widespread the phenomena is which they describe. While the case study will help us understand one instance of cross sector collaboration to protect one sacred site, it will not tell us much about the total number of tribes in North America who are collaborating with others to protect sacred sites or the success rate of tribes using collaboration. Though far beyond the scope of this project, quantitative efforts at determining the total number of tribes engaged in collaboration combined with the qualitative case study research that digs deeper into the details of specific instances of collaboration would provide a well-rounded picture showing the depth and breadth of the issues involved in sacred sites protection.

Case studies comprise much of what is known about the empirical world including treasured classics in many areas of social science, education, economics, management, biology and medical science. (Flyvbjerg pg 302) Case studies are also used in teaching. Pioneered at Harvard University, the case method is *a recognized form of using case studies to teach interdisciplinary concepts*. By using real-world problems in teaching, students are more deeply

engaged and motivated to use higher order reasoning. The Evergreen State College has established the Enduring Legacies Native Cases Initiative in order encourage the use of the case method in K-12 tribal curriculum and tribal institutions of higher education. The program was awarded NSF funding to develop curriculum, publish case studies on Native American issues (with teaching notes) and host an annual four-day summer institute, The Enduring Legacies Native Cases Institute, to teach faculty how to effectively use the case method in their classrooms and write excellent case studies. The idea for this thesis developed when I attended the June 2011 Native Cases Institute.

I chose this case study because I was intrigued by the kinds of partners involved in the collaboration. I was particularly intrigued by the partnership between the tribe and the land trust because there are few other recorded examples of collaboration between tribes and land trusts. Jefferson Land Trust's goals of preserving open space aligned with the Jamestown S'Klallam Tribe's goal of reclaiming and preserving their traditional sacred land. As a non-profit with a mission of protecting land, the land trust already had existing outreach mechanisms and fundraising infrastructure, including an annual fundraiser auction. One year they made Tamanowas Rock the special cause of the evening at the fundraising auction and raised \$40,000 in one night for this special initiative. (Burke 2009) Because of tools like these, Jefferson Land Trust could help facilitate the protection and acquisition of Tamanowas Rock. There is potential for increased partnership between tribes and land trusts nationwide to protect sacred sites.

Simply put, case studies are stories, about a person, a community, a place, an organization or whatever that "individual unit" might be. Story telling connects the listener or reader to the time, place and events of the story. This case study is the story of Tamanowas Rock and the people that valued this sacred place and worked together to protect it. At the beginning of the case study I described the Quimper Peninsula as being shaped like a dragon and Tamanowas Rock as being where the dragon's heart would be. It was clear in my research that both native and non-native people living on the Quimper Peninsula felt a special connection to Tamanowas Rock. In that sense it truly is the "heart" of the Quimper Peninsula. Sacred sites the world over create a tangible and visceral connection to the land. They play a unique role in compelling people to care about and protect land. By telling the story of Tamanowas Rock, the Heart of the Dragon, my hope is that more people may become aware of this and other sacred sites, why they are significant and be compelled to work together to protect them.

### **Collaboration**

This collaboration between a tribe, land trust and a state government agency is one example of collaboration in natural resource management, a field in which this shift is much needed. Government, particularly in the realm of Natural Resource Management has a history of "acting upon" rather than "acting with" local stakeholders. As natural resources policies and agencies evolve to take into consideration the value of environmental resources (cultural value, social value or even intrinsic value as opposed to only ecological value) rather than the economic value of the natural resource products extracted from them, some practitioners are

also taking into consideration the value of social capital. Natural resource agency staff have begun to recognize the importance of including community members, citizen groups and land owners in decision making processes and placing more value on the unique ground-level perspective these partners bring. There are many benefits to collaboration. Collaboration builds understanding, creates more widespread support for decisions, and helps develop relationships across boundaries. It is also often more cost effective. Collaboration is a means to building understanding, support and capacity. (Wondolleck and Yaffee 2000)

Wondolleck and Yaffee point out that “In viewing the world as a place where human behavior involves self-interest pursued through competition, they argue there is little reason that rational people will cooperate.” (Wondolleck and Yaffee 2000)

This increased emphasis on innovation and collaboration since the early 1990’s is fuelled by policies encouraging increased citizen involvement such as the National Environmental Policy Act and the national Forest Management Act and a backlash against old ways of working that emphasized top down decision making. This is an effort to move away from decision making processes that were ineffective and biased and often adversarial. Agencies tended to make land use decisions then call public meetings to present to community members what was already decided. Now, some attempts are being made to include community members and all stakeholders in the decision making process from the beginning. (Wondolleck and Yaffee 2000) However much remains to be done to shift the

culture of natural resource management from a bureaucratic one to a collaborative one.

There is a need for increased consultation and collaboration between governments and tribes in the management of natural resources, including sacred sites. Because Tribes are Sovereign Nations, Federal and State governments must work with tribes on a government to government basis, rather than a top down, government/stakeholder basis. According to a report by The Indigenous Peoples Subcommittee, one of six subcommittees of the National Environmental Justice Advisory Council (NEJAC), a federal advisory committee of the U.S. Environmental Protection Agency (EPA),

"... the federal government has a responsibility to consult and collaborate with American Indian and Alaska Native tribal governments as an essential element of its trust responsibility to federally recognized tribal governments. However, the NEJAC contends that effective consultation and collaboration between federal agencies and federally recognized tribal governments is lacking." (National Environmental Justice Advisory Council 2000)

Much of the literature I've found has been written for natural resource managers and federal land managers who are charged by legislation to consult with stakeholders and to collaborate with tribes. The "Guide on Consultation and Collaboration with Indian Tribal Governments and the Public Participation of Indigenous Groups and Tribal Members in Environmental Decision Making" provides guidelines for governments on how to more effectively collaborate with tribes. It makes clear the distinction between consultation and collaboration. "Consultation is built on the exchange of ideas, not simply providing

information." In working with tribes, consultation is distinct from concepts such as "stakeholder involvement" "Public participation" or even "collaboration" Most importantly, federal agencies are required by a number of federal statutes and by the federal tribal trust relationship to consult with tribes on many issues of natural resource management. (National Environmental Justice Advisory Council 2000)

Furthermore, global scale recommendations such as the Rio Declaration call for increased consultation and collaboration. Principles and 10 and 22 of the Rio Declaration address the issue of stakeholder participation stating that, "Environmental issues are best handled with participation of all concerned citizens, at the relevant level."(principle 10) Furthermore, Principle 22 states,

Indigenous people and their communities and other local communities have a vital role in environmental management and development because of their knowledge and traditional practices. States should recognize and duly support their identity, culture and interests and enable their effective participation in the achievement of sustainable development.

Finally, Tribal involvement in environmental management creates better decisions. As evidenced by Cronin and Ostergren's case study on tribes and watershed management, accomplishments are limited when major stakeholders are left out of the process, particularly so when major watershed owners such as tribes are not included. (Cronin and Ostergren 2007) However in the case of Tamanowas Rock, the Jamestown S'Klallam tribe is initiating the efforts toward land preservation and is now the land owner, which changes the nature of the collaboration.

The collaborative efforts to protect Tamanowas rock provide an example that others could replicate. While this collaboration seems to have been driven by the Jamestown S'Klallam Tribe and the Jefferson Land Trust, Washington State Parks was a participant and played a pivotal role in that they were willing to negotiate with Heidgerken, then the owner of the Tamanowas Rock Property, hire an assessor, and enter into a purchase agreement for the property. The Friends of Anderson Lake State Park group that developed from this collaboration also appears to be a potential avenue for greater stakeholder involvement.

### **Tribes and land trusts**

The Jamestown S'Klallam are not the first tribe to partner with a land trust to preserve a sacred site. However it is not common to find tribes partnering with land trusts. One recent example of collaboration between a tribe and a land trust is the Taos Land Trust and the Taos Pueblo. The Taos Land Trust and the Taos Pueblo have preserved Ponce de Leon Hot Springs, which has been sacred to the Taos Pueblo since time immemorial. In July 2012, the Taos Land Trust transferred ownership of Ponce de Leon Hot Springs to the Taos Pueblo. The land trust acquire the hot springs in 1997 using donated funds in order preserve and protect the sacred site from development. (Polidor 2012)

The Land Trust Alliance provides a two-page fact sheet on land trusts and tribal entities which provides contact information for organizations dedicated to reclaiming Indian lands: Indian Land Tenure Foundation, National Tribal Environmental Council, Indian Land Working Group, National Association of Tribal Historic Preservation Officers, National Council of American Indians, The

Cultural Conservancy and Gathering Waters (a statewide land trust assistance center in Wisconsin). They also list land trusts that work closely with tribes: the Little Traverse Conservancy, which works with the Little Traverse Bay Band of Odawa Indians, Kachemak Heritage Land Trust, Montana Land Reliance, Trust for Public Land and White Earth Lands Recovery Project. (The Land Trust Alliance 2008)

### **What is a sacred site?**

Why does this all matter? What is the scope of the problem? By broadening our view from the microscope lens I've directed at efforts to protect Tamanowas Rock to the panoramic view of thousands of sacred sites around the globe we can see why protecting sacred sites matters. What exactly constitutes a sacred site? What differentiates one patch of land as a holy place while the acres surrounding it may be ordinary fields? Sacredness and sacred sites are a social construct, illuminating a special relationship humans have with our surroundings. They are valuable both culturally and ecologically and their protection is a matter of social justice and environmental justice. To this end there are a number of legal directives for their protection within the United States and statements issued by international groups aiming to put some legal clout toward the goal of protecting sacred places.

"SACRED" ....What exactly does the word mean? It is used in various ways, referring to things that are personally precious or have particular importance to an individual or to a community and is also used in reference to

mainstream faiths, such as "sacred music" which is used in church worship services. (Dudley 2005) A general interpretation of the word sacred is

*"...dedicated or reserved or appropriated to some person or purpose".*

The Merriam Webster Collegiate Dictionary defines "sacred" as *"dedicated or set apart for the service or worship of a deity."* It also means *"devoted exclusively to one service or use"* The National Council of American Indians says that, *"Sacred sites are those that are integral to the practice of Indian religions."*

Rivers, mountains, forests, springs, lakes and many other natural features are considered sacred and are centers of devotion for one or many religions. Many sacred sites are considered to be the birthplace of a deity, the burial place of a religious leader, or the site of a revelation, ancient ruins, the site of an ancient temple or cemeteries. They can be categorized as: outstanding natural features, commemorative sites, or utopias. Some believe their gods or spirits inhabit the sacred sites. We don't know how many sacred sites there are, but one estimate numbers them in excess of a quarter of a million. Estimates in terms of land area are equally hard to reach, but 400-800 million hectares of forest are owned by local communities, a proportion of which would certainly be sacred land. Additionally, the property owned by mainstream faith communities is estimated to be seven percent of the planet.

Those who hold them sacred, indigenous and non-indigenous alike, sacred sites are holy ground. People go to sacred places to meditate, pray or connect with

a higher power or otherwise practice their religion. They are places of sanctuary, held apart for ceremony, worship, reflection or connection with something “other”, something outside the human experience. The German Scholar Rudolf Otto termed this the “wholly other”: “*Whether it reveals a vision of heaven or hell, the encounter with the sacred moves us to the depths of our being to disclose a realm of existence beyond the power of words to describe.*” (Otto 1940) People often visit sacred sites when they have a need for sanctuary or physical, emotional or spiritual healing. Gene Jones described his grandfather taking people to the top of Tamanowas Rock when they had a burning spiritual issue in need of resolution.

While the word sacred refers to things not of this world, that are above and beyond our day to day existence, the word mundane ("of, relating to, or characteristic of this world" ) describes what sacred sites are not. We can often understand what something is by describing what it is not and sacred sites are not places for the activities of day to day life. Sacred sites are places that are dedicated or set apart and devoted exclusively to one service or use and not to be used in mundane (or profane) ways, for resource extraction, logging, mining, agriculture, firewood gathering or any other way in which humans derive utilitarian value from land. Some cultures hold taboos against these activities such as taboos against wood gathering in sacred places.

Sacred uses generally cannot co-exist with or occur alongside mundane uses. Because sacred places are used for prayer and worship, recreational use of these sites is also not allowed. For example, Bear's Lodge or Devil's Tower National Monument in Wyoming is a sacred ceremonial site for many Plains

Tribes as well as a popular destination for rock climbers. The tribes find the rock climbing to be distracting and disruptive of the ceremonies and the climbing gear left behind is a disfigurement and desecration to this holy place. (Dussias 2000-2001)

It is important then to find ways to limit the activities that occur at sacred sites more so than limiting who can access the place, though often limiting activities is done by limiting access. At Tamanowas Rock, activities that are counter to the sacred nature of the place are not allowed, such as climbing on the rock, drug and alcohol use, or camping and picnicking. Activities that could degrade the area are also forbidden, including open fires, operation and storage of motorized vehicles, harvest of forest products or development of the area. (Jamestown S'Klallam Tribe 2012) Allowable activities are tribal sacred ceremonies, scientific and educational study, and limited public use for non-intrusive activities such as access for quiet use and enjoyment, passive recreation such as bird watching, nature observation, and walking.

While it is important to understand what constitutes a sacred site, it is also necessary to understand why sacred sites are significant. The study of sacred sites and the protection of sacred sites is necessary because they are not only spiritually significant, they are also ecologically, culturally, and socially valuable.

### **The Social and Cultural Value of Sacred Places**

Place is a social construct imbued with meaning much deeper than relative location on a map. Whether we are aware of it or not, the places we live, work,

play, eat, sleep and dream shape who we are. The environment we exist in and our relationship to the land we live upon shapes our thoughts and perceptions and ultimately our decisions and actions. The idea of place is a social construct, created by humans for our own understanding of ourselves and the space in which we exist. The meaning we imbue on our sacred places is a reflection of who we are. Social constructs are reflections of who we are as a people and a society and our relationship with our environment is a reflection of who we are, of our values and ethics.

We create the significance of the place with our own history. Burial grounds, village sites, battle grounds or the site of a revelation; these places bear the weight of the events that happened there. Basso in Wisdom Sits in Places discuss the importance of place and relationship to land. Basso describes the Western Apache's deep ties between place and cultural identity. The stories of their people are written on the landscape and recorded in the place names they've credited to each feature. Names will come from that people's ideas about the place, the stories they create about the place and the stories they create in that place, the history that happens there. As Basso's transcribed stories always end, "It happened in that place" (Basso 1996)

Literal historical events are not all that make places sacred. Events in the mythical past and stories told about a place also stamp a place with the mark "sacred". Many sacred sites have stories or legends associated with them that describe how the site was formed. Gene Jones described his grandfather reminding him as a child to respect Tamanowas Rock because "*It's the home of*

*our ancestors. Our spirits are there.*" (Burke 2009) Other stories describe No-  
Qui-Klos, the dragon that would rest on Tamanowas Rock. (No-Qui-Klos: The  
Dragon of Tomanowas Rock 2011)

Carmichael points out that when traditional lands are colonized, the loss of  
land is a spiritual loss as well as material loss for indigenous groups. "*...Indian  
religion and cosmology are intimately connected with the land. As with other  
Native American groups (and also Australian Aboriginal groups) the land is  
made sacred by events that took place in the mythical past.*" Carmichael pg 5.  
(Carmichael 1994).

Many sacred sites have multiple names, a result of colonization. Naming  
is claiming. Often when a conquering people overtake a place they will claim and  
rename significant places, including sacred places. This serves as an attempt not  
only to take a people's land, but their culture and spiritual heritage as well. The  
same spot with the same geographic coordinates will carry varying names and  
identities.

The name "Tamanowas Rock" is tied to the site's identity as a spiritual  
place. However those who used the site as a place of recreation renamed it  
"Chimacum Rock" reflecting the different identity that they associated with that  
place. Another example is Bear's Lodge, a sacred place to the Plains Indians  
renamed as Devil's Tower National Monument and claimed and managed by the  
National Park Service of the United States. And a third example is in our own  
backyard. Mount Rainier, a mecca for mountaineers seeking to conquer high

places, a National Park, and an icon for those living in the Puget Sound region, was first named Takhoma or Tahoma and was sacred to the Yakama Tribe. It was dubbed Mount Rainier by the explorer Vancouver who named it for English Rear Admiral, Peter Rainier, who likely never saw the mountain, nor had any real connection to it.

### **Ecological Value of Sacred Places**

Sacred natural sites are the oldest form of land preservation. Sacredness was the first impetus for land protection and sacred natural sites were the first protected areas on the planet. Long before Yellowstone National Park became the first National Park in the US and long before the legislation, policy and practice that have been created to protect land, sacred sites were protected by beliefs about the spiritual significance of these places. (Wild and McCleod 2008) Through the course of history, sacred natural sites have been one of the most effective forms of nature conservation. Inspiring feelings of awe, veneration, and respect, the sacred is a powerful driver of conservation.

Now more and more, conservationists are recognizing the value of sacred sites and their role in the protection of species and ecosystems. Sacred sites often have high levels of biodiversity, particularly those that have been undisturbed for generations. Sacred sites provide a link between conservation and religion. Some people may hold little concern for the environmental value of a place, but will still protect it because of their religious beliefs about its sacred status. As environmental managers begin implementing community based conservation strategies and garner more involvement from local stakeholders, sacred sites can

play an increasingly greater role in bringing land managers and stakeholders together.

Sacred sites that have been undisturbed often are repositories of biodiversity, or biological diversity, the immense variation and richness of the living world. (Groom, Meffe and Ronald Carroll 2006) Greater variation, whether at the genetic, species or ecosystems level is an indicator of health and resilience. Roughly eighty-three percent of the earth's surface has been transformed by human activity (Sanderson, et al. 2002) and sixty percent of earth's ecosystems are degraded or used unsustainably. (United Nations Environment Program 2005) Land preservation and the protection of biodiversity are essential to the health of the planet and those that live upon it.

Because sacred sites are often left undisturbed, they often provide sanctuary to threatened and endangered species and play an important role in species preservation and protection of biodiversity. Case studies comparing sacred sites with nearby areas of the same type found higher levels of biodiversity at the sacred sites.

One case study examined sacred groves of trees in India believed to house spiritual beings and protected by taboos against harvesting even a twig of firewood. There are at least 150,000 of these sacred groves, some as large as 20 hectares. Though the land around the groves may be converted to agricultural use, the sacred groves are left untouched. Destruction of the grove could bring down the wrath of that grove's god. One interview suggested that groves located on

steep slopes tend to house more malevolent and ferocious deities because those groves serve particularly important ecological functions (erosion prevention) and the more malevolent the deity, the greater the deterrent against interfering in the grove. (Tomalin 2004)

Sacred sites are also ecologically valuable due to the role they play in inspiring more people to preserve and protect land. The current ecological crisis necessitates that many more people engage in conservation and preservation of species, or at least be more cooperative with conservation efforts. According to Edward O. Wilson,

...religion and science are the two most powerful forces in the world today.....If religion and science could be united on the common ground of biological conservation, the problem would soon be solved. If there is any moral precept shared by people of all beliefs, it is that we owe ourselves and future generations a beautiful, rich, and healthful environment.

The conservation of sacred sites is one area where these two disciplines so often at odds, can find common ground.

### **Threats to sacred places**

Despite their ecological, social and cultural value, sacred sites across the globe face threats from wide range of activities. Illegal extraction of timber and wildlife poaching, impacts from extractive industries' operations, encroachment by outsiders, disrespectful tourism, poverty and population dynamics, degradation of neighboring environments, reduction of the availability of lands and resources for traditional peoples all put pressure on sacred places. (McCleod) Threats from development and natural resource extraction endanger the very existence of some

sacred sites. Other sites face threats to their sacredness by recreational use incompatible with the sacred status of the place, or desecration by vandalism, graffiti or litter. Still other sites are both protected and recognized as sacred, but those who hold them sacred lack access to the site. There is overall, a lack of understanding, academic and otherwise, of the nature and significance of sacred sites.

Prior to being purchased by the Jamestown S'Klallam Tribe, Tamanowas Rock was threatened by development. Had the parcel to the north been sold and developed, a road would have been built very near the rock. The land the rock sits on was also for sale and could have been sold and developed to home sites. Fortunately Tamanowas Rock is now under tribal ownership and protected by a conservation easement.

Many examples of threatened sacred sites worldwide are displayed on an interactive map published online by the Sacred Land Film Project at the following web address: <http://www.sacredland.org/home/resources/sacred-lands-interactive-map/> These sites are categorized by the severity of the threat and the site includes detailed reports on each site. If I were to attempt to catalog threatened North American sacred sites, the pages would fill a book. The following examples from across the American West show the range of sacred sites in North America that are threatened by development or recreation. Sites include California's Six Rivers National Forest, Nevada's Mount Tenabo, South Dakota's Bear Butte, Utah's Rainbow Bridge, Wyoming's Bear's Lodge or Devil's Tower and the San Francisco Peaks of the Coconino National Forest.

A sacred site in the Six Rivers National Forest and Mount Tenabo in Nevada were both sites threatened by development. A six-mile two-lane logging road was proposed through Northern California's Six Rivers National forest, intended to increase timber harvesting in the area. This area is sacred to the Karuk, Tolowa and Yurok Tribes. Known as the G-O Road Controversy, this was one of the more prominent cases of legal action to protect a sacred site. Ultimately development of the road was halted. (Ementheiser 1999) Another example is Mount Tenabo, a Western Shoshone sacred place in Nevada. This sacred mountain is threatened by proposed gold mining by Barrick Gold. (Corbin 2010)

South Dakota's Bear Butte is an example of a site threatened by recreation. This sacred place of worship for the Northern Cheyenne and other plains tribes overlooks The Broken Spoke Saloon, a recently built massive biker bar/campground and concert venue designed to attract revelers attending the nearby Sturgis Motorcycle Rally. The noise and traffic pose a threat to this place as a sacred worshipful place.

Many sacred Navajo places were flooded by the creation of Glen Canyon Dam. Rainbow Bridge, a natural stone arch in Utah, became easily accessible by boat after Glen Canyon Dam created Lake Powell. Rainbow Bridge's sacred status is now threatened by increased tourism and boaters visiting the site to sunbathe, picnic and drink. Despite signs asking visitors to remain a respectful distance of 200 feet from the arch, many choose to disregard the signs and walk beneath the sandstone arch, an act considered disrespectful to its sacred status. (Sproul 2001)

Devil's Tower National Monument or Bear Lodge is used for many ceremonies including the annual Sundance ceremony. However because it is on Federal Public land it is managed by the National Park Service and is both a tourist destination and is a mecca for recreational rock climbers. A final example is the San Francisco Peaks of the Coconino National Forest. The US Forest Service approved development of Arizona Snowbowl ski resort in 1979. Not only is recreation disruptive to this sacred site, Arizona Snowbowl has chosen to use reclaimed sewage water to create artificial snow on the sacred mountain, an act seen as a desecration and a disgrace by the tribes that hold the San Francisco Peaks sacred.

In many cases, though sacred sites are on protected land, they are inaccessible to those who hold them sacred. Often governments declare areas legally protected, such as national monuments or other federally protected lands. While these areas are protected for their ecological significance there is little or no regard for sacred and cultural value of the sites within. There is a lack of regard for the local community values and traditional beliefs, practices, skills and knowledge that have sustained the associated locations, cultures and resources. Indigenous rights are violated when management direction prevents access to and use of these areas by traditional communities. This creates mistrust and animosity and a lack of local support for the effective management of such sites and areas. (Wild and McCleod 2008)

Religious veneration can also be detrimental to sacred places. Sites that are centers of pilgrimage, such as Mecca, are affected by impacts of a massive

influx of people. Mecca receives nearly two million pilgrims each year, converging there in the span of roughly a month. One can imagine the roads, hotels and infrastructure necessary to handle this quantity of visitors each year. Additionally, once a sacred site is publicized, the resulting influx of tourists can make it difficult or impossible for those who have traditionally worshiped there to access and use their sacred site. Panther Springs is a sacred site on California's Mount Shasta. This sacred spot of the Wintu Tribe has been co-opted by tourists and practitioners of new age religions. (Christopher McLeod/Earth Island Institute 1999-2013) Often to protect the site, the location of a sacred place is kept secret and tribal members do not speak of the site or activities that happen there.

Sacred sites are also threatened by a lack of understanding in regard to their nature and significance. Carmichael addresses a lack of understanding of the significance of sacred sites in the fields of archeology and anthropology. He refers to a “neglect of ritual and religion in archeological theory.” and the “heavy-handedness of the legal and social treatment of many such special places.” He also points out the tendency to treat sacred sites as artifacts, frozen in time, rather than living places, actively used by people as places of worship, ritual, cleansing, or other rites. This is especially problematic when decisions regarding use and management of sacred sites are made without consultation of the group that holds it sacred, usually a Native American Tribe. (Carmichael 1994)

Carmichael points out that while archeologists are generally well aware of the importance of Native American burial sites and the treatment of human remains, there is still a lack of understanding of the significance of other types of

Native American sacred sites and the range of rules and regulations regarding people's behavior in relation to sacred sites. These places bear significance greater than their location on the landscape. Land use conflicts and imbalances of power are central themes in the struggles of many North American indigenous groups to protect sacred lands. In fact these are central themes in the struggle to protect sacred places the world over. Ultimately, sacred sites protection boils down to respect, “*the recognition of the inherent right of others to be here.* (Harjo 1992)”

### **Who is protecting sacred sites?**

Organizations dedicated to the protection of sacred lands are forming as increasing numbers of people recognize the value of sacred sites. Researchers are addressing the issue both from a conservation stand point and a cultural standpoint. International groups have assembled to study, catalogue and protect sacred sites. Internationally most efforts are focused toward protecting sacred sites that are culturally valuable to indigenous groups, but mainstream religions holds some sacred sites as well. Other groups focus on sacred sites in the United States and most relevant to this paper are the many groups focused on protection of Native American sacred sites.

Created in 1948, The International Union for the Conservation of Nature (IUCN) is the oldest and largest global conservation organization. The IUCN created the specialist group on Cultural and Spiritual Values of Protected Areas in 1998. Originally the "Task Force on Non Material Values of Protected Areas" the group took on the name "Task Force on Cultural and Spiritual Values of Protected

Areas in 2003. This group has approximately 100 volunteer general members from 24 countries. (IUCN 2011) The task force has a number of projects and resources for those managing, researching and working to protect sacred natural area. One resource is a manual on conserving sacred sites for natural managers, aimed to help those who work for governmental conservation programs to preserve the cultural integrity of sacred natural sites and work with those who have managed the sacred place according to their religious customs. (Wild and McCleod 2008)

The Delos Initiative is one project of the IUCN's Task Force on Cultural and Spiritual Values of Protected Areas. Named for the sacred Greek island, Delos, this is a project to "identify the pertinence and meaning of sacred natural sites found in the developed world" by analyzing sacred sites in the developed world and writing case studies about these sites. The aim of the Delos project is to learn how spiritual values can impact the conservation and wise use of significant natural areas in the developed world. The Delos Initiative focuses on the sacred natural sites in developed countries throughout the world (such as Australia, Canada, the European countries, Japan, New Zealand and the United States of America). Its main purpose is to help in maintaining both the sanctity and the biodiversity of these sites, through the understanding of the complex relationship between spiritual / cultural and natural values. One of the goals identified is to "attempt to resolve eventual conflicts between the spiritual character and uses of sacred sites and conservation and management

requirements, establishing instead synergies where possible. (The Delos Initiative)

Also linked to the IUCN's Specialist Group on Cultural and Spiritual Values of Protected Areas, The Silene Documentation Center (<http://www.silene.es/enlaces.asp>) is a comprehensive online repository of academic writing on sacred sites protection and the intersection of religion and conservation. It is maintained by the Silene Association, a non-profit based in Catalonia Spain that works toward the dissemination, study and promotion of the intangible and spiritual cultural heritage values inherent in nature. (SILENE 2008)

Another international group working to protect sacred places is the Sacred Mountains project of the Mountain Institute. Headquartered in Washington D.C. with offices in West Virginia, Nepal and Peru, this non-profit is dedicated to the preservation of mountains around the world that are considered sacred to varying religious groups as well as economic development in the mountains, support for mountain cultures and conservation of mountain environments. (Bernbaum 1997)

While not focused directly on sacred sites preservation, the Forum on Religion and Ecology (FORE) at Yale University does bear mentioning. This project melds religion and environmental concern in seeking comprehensive solutions to both global and local environmental concerns, including sacred sites. Their objective is to create a new field of academic study which has implications for public policy. (McAnally 2013) A similar organization, The Alliance of Religions and Conservation is a secular organization founded by HRH Prince

Philip in 1995 to help major religions of the world develop their own environmental programs. (Alliance of Religions and Conservation 2013)

There are undoubtedly many other organizations dedicated to sacred sites protection on an international scale. Two more examples are the Sacred Mountains Project of the Mountain Institute and The Gaia Foundation. The organizations described above are the most prominent that I found with projects encompassing a broad range of sites around the globe. Comprehensive lists of projects and resources for sacred sites protection can be found at the website of the IUCN's Specialist Group on Cultural and Spiritual Values of Protected Areas. (<http://www.fsd.nl/csvpa>) Additional resources are found on the websites of the other organizations mentioned.

More relevant to the topic of preserving Tamanowas Rock is a brief description of the many groups dedicated to the protection and preservation of Native American Sacred sites in the United States. They range in size from large organizations that include sacred site protection among many other Indian rights and social justice activities to small grass roots organizations and organizations dedicated to the protection of one particular site. As with organizations dedicated to protecting sacred sites on a national scale, I am only discussing a handful of organizations to provide an example of who is working to protect sacred sites. Cataloguing all the organizations devoted to this purpose is beyond the scope of this paper.

The Association on American Indian Affairs is the oldest Indian Advocacy group in the United States and among the most influential. It was founded in 1922 for the protection of the Pueblo Indians in the American Southwest and has grown to encompass a broad spectrum of issues affecting American Indian people. The organization focuses on promoting the health, education and welfare of children and youth; sustaining and perpetuating tribal languages and cultures; protecting tribal sovereignty, religions and natural resources; and advocating for tribal constitutional, legal and human rights. (Association on American Indian Affairs 1999-2013)

Most well-known for creation of the Medicine Wheel Coalition and protection of the Big Horn Medicine Wheel/Medicine Mountain, the AAIA has worked on a national basis and directly with numerous tribes around the United States. AAIA provides training and technical assistance specifically on protecting sacred places to tribal advocates, attorneys and federal land managers. This technical assistance includes workshops on using the law to protect sacred sites and the group has developed a handbook (available for download on their website) summarizing these laws. The AAIA has worked diligently on national policy around sacred sites and took part in an effort to obtain American Indian religious freedom legislation in the 1990s which resulted in the strengthening of the National Historic Preservation Act, and passage of Executive Order 13007 pertaining to sacred sites. More recent efforts have focused on amending policies of specific federal agencies, such as the Forest Service. (Association on American Indian Affairs - Sacred Sites 1999-2013)

The Indian Law Resource Center includes protection of sacred sites in its work because protecting sacred sites and protecting the ability to conduct ceremonies and rituals at traditional sites without interruption is one piece of the broader picture of cultural survival. They also see sacred sites protection as a human rights issue, identified in the UN Declaration on the Rights of Indigenous People and protected by international law. The Center provides communication training and assistance to Indian nations on protecting sacred sites. (Indian Law Resource Center 2010)

The Sacred Land Film Project is a project of the Earth Island Institute and Christopher McCleod and has produced seven documentaries on threatened sacred places in the American West including award-winning PBS documentary *In the Light of Reverence*. They are currently in post production on a four part series on sacred sites around the world, *Standing on Sacred Ground*. The Sacred Land Film Project also maintains a website with educational materials about sacred sites, resources for those working to protect sacred sites and a map with pinpoints showing locations of sacred sites across North America. (Christopher McCleod/Earth Island Institute 1999-2013)

Finally, other organizations also exist dedicated to the protection of specific sacred sites. Black Mesa Trust, for example, is just one of many organizations dedicated to protection of Black Mesa in Arizona and was founded to protect this sacred site against destruction by Peabody Coal. Likewise, Defenders of the Black Hills is focused on halting uranium mining in the Black

Hills in South Dakota and numerous organizations are focused on protection of the sacred San Francisco Peaks.

### **Legislation and Sacred Sites**

The hard nut at the core of land use conflicts over sacred sites is the matter of control: Who decides who may access that land, where its boundaries lie and what can and cannot be done on that land? This makes the issue one of social justice. Today Indian land is about 5% of the total land area of the United States. (Josephy 2001) Many North American sacred sites are on land that was once Native American territory and was lost during the implementation of treaties. Control and access to the sites was lost after treaties were signed and tribes were forced onto reservations. Legislation such as the American Indian Religious Freedom Act is an attempt to acknowledge and rectify past injustices, but much remains to be done. A person's right to religious freedom is compromised if they are denied access to their chosen place of worship and unable practice their religion as they choose.

In many cases, protectors of sacred sites turn to the courts. The protection of sacred sites is a matter of human rights, that is civil rights, and religious rights. A number of declarations have been passed pertaining to indigenous sacred sites worldwide. These include the UN Declaration on the Rights of Indigenous People, and the Rio Declaration. US Federal law and policy pertaining to sacred sites in the United States include the American Indian Religious Freedom Act

(AIRFA), the North American Graves and Repatriation Act (NAGPRA) The Religious Freedom Restoration Act and Executive Order 13007.

The First Amendment to the Constitution of the United States of America includes protections for the rights of religious freedom, but it has not always effectively protected religious rights of the people who lived on these lands before they became the United States. While sacred sites are spiritually and ecologically valuable, part of their cultural value is tied to the protection of religious rights, which are also civil rights. Those working to protect sacred sites and preserve access to these sites so that people may continue worshiping there, are also working to protect religious rights and religious freedoms.

The American Indian Religious Freedom Act (commonly referred to as AIRFA) was passed in 1978 in an attempt to recognize if not rectify many injustices against Native people and traditional cultures. AIRFA was amended in 1994 and again revisited in 1996 when President Clinton passed Executive Order 13007. Removal from traditional lands and relocation to reservations meant that many Native American people could no longer get to their traditional places of worship or ceremony. Furthermore, many governmental policies intended to assimilate Indians have been detrimental to the practice of traditional religions or have made them illegal. How have AIRFA and its amendments affected subsequent litigations involving sacred lands? What responsibilities do US government land management agencies have to conserve the cultural history and religious rights of indigenous people?

The American Indian Religious Freedom Act is codified under Code 42, “Public Health and Welfare”, Chapter 21, “Civil Rights” Subchapter 1 “General” 1996 “Protection and preservation of traditional religions of Native Americans” AIRFA is not solely about religion or culture, but is really a law enforcing civil rights. These rights are the rights of religious freedom, rights of cultural heritage and rights of land use for the people who hold that site sacred.

AIRFA exists to protect and preserve the

inherent right of freedom to believe, express, and exercise the traditional religions of the American Indian, Eskimo, Aleut, and Native Hawaiians, including but not limited to access to sites, use and possession of sacred objects, and the freedom to worship through ceremonials and traditional rite (American Indian Religious Freedom Act of 1978 )

The act clearly points out the connection between religion and culture in the following lines:

Whereas the United States has traditionally rejected the concept of a government denying individuals the right to practice their religion, and as a result, has benefited from a rich variety of religious heritages in this country;

Whereas the religious practices of the American Indian (as well as Native Alaskan and Hawaiian) are an integral part of their culture, tradition, and heritage, such practices forming the basis of Indian identity and value systems;

Whereas the traditional American Indian religions as an integral part of Indian life, are indispensable and irreplaceable;” (American Indian Religious Freedom Act of 1978 )

To deny a person or people their religious rights it to deny their heritage and identity. This is not only about culture, it is also a question of the appropriate use of land and natural resources. In many instances, places that are integral to

Native American religions or have been held sacred for generations are now under the management of federal or state government.

Federal land management agencies' attitudes toward land are vastly different than traditional Native American ideas about land. The term “land management” implies that human involvement is necessary for land to effectively function. The US Forest Service is rooted in a concern with land preservation and management for the economic benefit to be gained from the effective management of the natural resources on the land. Theodore Roosevelt was president in 1905 when the US Forest Service was established. The administration of Theodore Roosevelt and the Progressive ideology to which he adhered held the view that Nature existed as a commodity to be used to gain wealth. Gifford Pinchot, Theodore Roosevelt’s Chief Forester and the person responsible for organizing the US Forest Service in 1905 said that land must play a role in our nation’s economy. He believed that public lands must contribute to the welfare and prosperity of the country. (Worster 2006)

AIRFA admits to past infringement of Native American rights to use of sacred lands and admits that land use policies were passed without taking religious use into consideration.

Whereas such laws were designed for such worthwhile purposes as conservation and preservation of natural species and resources but were never intended to relate to Indian religious practices and, there, were passed without consideration of their effect on traditional American Indian religions;

Whereas such laws and policies often deny American Indians access to sacred sites required in their religions, including cemeteries;

Whereas such laws at times prohibit the use and possession of sacred objects necessary to the exercise of religious rites and ceremonies;

Whereas traditional American Indian ceremonies have been intruded upon, interfered with, and in a few instances banned;" (American Indian Religious Freedom Act of 1978 n.d.)

The loss of sacred places has gone hand in hand with colonization, loss of land held by indigenous people and the loss or prohibition of their religions. Not only did the U.S. Federal government systematically push Native people away from their traditional territories, then confine them to reservations, but there were also policies enacted intended to assimilate Native people into white culture and society by making the practice of traditional ways illegal. The Indian Homestead Act of 1875 encouraged Native people to abandon their tribes and become acculturated to white society in return for a homestead. Soon after, the Dawes Act was passed which subdivided tribally held land into parcels which were allotted to families, resulting in the destruction of the tribe as a cohesive unit and the loss of millions of acres of tribal land.

Indian children were removed from their families and sent to white boarding schools, returning unable to speak their native languages. Different denominations of the Christian faith divvied up the reservations as fertile mission ground and federal subsidies were provided to Christian missionaries to educate Native children under the Civilization Act of 1819. Under the Grant Administration entire nations were placed under the jurisdiction of specific churches as Federal Indian Agents were nominated by those churches. (Swift 1998)

Native American people were forbade to practice their traditional religions and expected to convert to Christianity. In 1883 the Bureau of Indian Affairs issued throughout the reservations a circular entitled “The Code of Religious Offenses” which effectively prohibited the practice of traditional Native American Religions. (Ballantine 2001) This policy continued well into the 20th century. The potlatch was outlawed in 1885. In 1921 the Bureau of Indian Affairs issued Circular 1665, which advised all superintendents and missionaries to discourage Indian dances. These restrictions ended in 1934 with the Indian Reorganization Act. (Ballantine 2001)

In the 1970s, under legislation to protect endangered species Native Americans were arrested for possessing eagle feathers for religious purposes. They were also arrested for using peyote in religious ceremonies. (Swift 1998) In 1990 the US Supreme Court upheld an Oregon law that outlawed Peyote use (Oregon Employment Division vs. Smith). In light of these past injustices, the recovery of sacred sites plays an integral role in the resurrection of Native American Religious practices and culture.

The American Indian Religious Freedom Act lacked sufficient weight to protect Native American rights and so in 1993 the [Religious Freedom Restoration Act](#) was passed, and by 1994 the American Indian Religious Freedom Act Amendments were passed as Public Law 103-344. (American Indian Religious Freedom Act of 1978 )

Two years later, in 1996, President Clinton passed Executive Order 13007. It charges executive branch agencies responsible for managing federal lands with the following:

to the extent practicable, permitted by law, and not clearly inconsistent with essential agency functions, (1) accommodate access to and ceremonial use of Indian sacred sites by Indian religious practitioners and (2) avoid adversely affecting the physical integrity of such sacred sites. Where appropriate, agencies shall maintain the confidentiality of sacred sites. (Clinton 1996)

One definition used by President Clinton's Executive Order 13007, defines a sacred site as a defined place that is "sacred by virtue of its established religious significance to, or ceremonial use by, an Indian religion" (Clinton, 1996) (provided that the Tribal authorities have informed the government of the existence of the site.) Clinton also later issued Executive Order 13175 in 2000 to

"establish regular and meaningful consultation and collaboration with tribal officials in the development of Federal policies that have tribal implications, to strengthen the United States government-to-government relationships with Indian tribes, and to reduce the imposition of unfunded mandates upon Indian tribes" (Clinton 2000).

In 2010 Secretary of Agriculture, Tom Vilsack ordered a study on how the U.S. Forest Service could better accommodate and protect American Indian and Alaska Native sacred sites while pursuing the agency's multiple use mission. In December 2012 the results of the study were reported. The study included listening sessions with tribal leaders, culture-keepers, traditional practitioners, unaffiliated Native descendants and the general public who raised concerns about the lack of consultation and collaboration with Native people in managing sacred sites, concerns that sacred sites didn't carry the same weight as other competing

uses and finally concerns about actions by the Forest Service that have destroyed or damaged sacred sites. (USDA Office of Tribal Relations and USDA Forest Service 2012)

“American Indian and Alaska Native values and culture have made our nation rich in spirit and deserve to be honored and respected,” Vilsack said in a press release announcing the report. “By honoring and protecting sacred sites on national forests and grasslands, we foster improved tribal relationships and a better understanding of Native people's deep reverence for natural resources and contributions to society.” (Toensing 2012)

The report itself does not change policy. However, in conjunction with the release of the report the Departments of Agriculture, Defense, Energy and the Interior signed a Memorandum of Understanding with the Advisory Council on Historic Preservation agreeing to increased interagency collaboration to improve protection of sacred sites as well as access to sacred sites by Native people. These improvements include training of federal staff on existing legal protections for access to and protection of sacred sites and training to improve consultation and collaboration with Indian tribes, tribal leaders, and spiritual leaders. Other improvements include development and implementation of best practices for managing sacred sites and efforts to educate the public about the importance of maintaining the integrity of sacred sites as well as a mechanism to protect the confidentiality of information about sacred sites that is not meant for public consumption. (Toensing 2012) While this does not fully resolve the problems of

threatened sacred sites and lack of access by those who hold them sacred, it is a step in the right direction.

### **Recommendations for Further Research**

The role of sacred sites in conservation is a topic that has received considerable attention lately. Organizations devoted to the study and furthering of this topic include Yale's Forum on Religion and Ecology (FORE), the Association for Religion and Conservation (ARC), and the Delos Initiative, a project of the IUCN. IUCN has published a manual on conserving sacred sites for natural managers, aimed to help those who work for governmental conservation programs to preserve the cultural integrity of sacred natural sites and work with those who have managed the sacred place according to their religious customs.

There are also many case studies already existing on sacred sites. The conclusion reached nearly unanimously is that sacred sites are valuable repositories of biodiversity. This is to be expected for any place in which natural integrity is preserved by prevention of human activities which disturb the land such as resource extraction or agriculture. Many case studies compared sacred sites with nearby areas of the same type that were not managed or part of a conservation program. These studies found considerably higher levels of biodiversity on the sacred sites versus the disturbed areas.

It seems that the question here is not whether conservation is effective at preservation of biodiversity. Rather the question is one of motivation for conservation and what conservation methods result from that motivation, be it

religious or governmentally mandated. I would propose a study in which at least two sacred sites, managed and conserved *because of their sacred status by local people using traditional methods* are compared with at least two sites of similar topography and in nearby areas that are managed as conservation areas by a government. (A third element of the study could be a comparison to another similar conservation site run by a foreign NGO.) The study would look at how the conservation sites compare in terms of species richness, both of flora and fauna, that is numbers of different species, as well as in terms age, particularly of trees and plant and animal health. Methods of conservation would be compared between the sites. The study would also include interviews of local people to learn about their attitudes toward the conservation area and their involvement in preserving it or their level of cooperation in not destroying the area.

Another opportunity for further research would be a case study for the Delos Initiative. This is a project of The IUCN/WCPA Task Force on Cultural and Spiritual Values of Protected Areas (CSVPA). They are compiling a number of case studies on various sacred sites in developed countries. Many of these case studies have been proposed, but not carried out. They provide such useful resources as a guide for researching and preparing a case study. (The Delos Initiative, <http://www.med-ina.org/delos/>)

## **Conclusions**

Sacred sites across the United States and around the globe face many threats: development and natural resource extraction, damage and desecration, and lack of access. It is important that these sites be protected. They are integral

to preserving indigenous cultures and religions and conserving land and species. Many people and organizations worldwide and in the United States are working hard to protect sacred sites and their spiritual, cultural and ecological value. Various pieces of legislation address sacred sites' protection. However, much work is still needed in order to ensure that sacred sites remain.

This case study on Tamanowas Rock shows that cross-sector collaboration is effective and necessary in the continued fight to protect and preserve sacred sites. This is an in-depth look at the process that a tribe, non-profit and state agency used to purchase the sacred site in the tribe's name and protect it with a conservation easement. It shows how collaboration helps leverage greater resources, develops avenues for greater community-wide support and ensures the site's spiritual, cultural and ecological values are all protected.

By focusing on the collaboration that successfully protected Tamanowas Rock I hope to provide useful evidence and encouragement for others engaged in battles to protect their own sacred places. Just as Tamanowas Rock is the "Heart of the Dragon", sacred sites' protection is the "heart" of land conservation. Sacred sites across the globe provide a tangible way for people to connect to land and compel people to care about the earth in a unique way. In telling the story of Tamanowas Rock, the Heart of the Dragon, my hope is that more people may become aware of this and other sacred sites, and why they are significant. More importantly I hope more people will be compelled to work together to protect sacred sites. This type of collaboration between tribes, state government and non-profits is rare and if emulated could benefit efforts to save other sacred sites.

Increased collaboration is necessary and can help save sacred sites, just as the Jamestown S'Klallam Tribe, Jefferson Land Trust and Washington State Parks saved Tamanowas Rock.

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