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Assessing Historic  
Significance for  
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Washington, D.C.**

**TRANSPORTATION RESEARCH BOARD  
OF THE NATIONAL ACADEMIES**

## **National Forum on Assessing Historic Significance for Transportation Programs**

**May 23–25, 1999  
Washington, D.C.**

*Sponsored by*  
Transportation Research Board  
Federal Highway Administration  
National Park Service

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HISTORIC AND ARCHAEOLOGICAL PRESERVATION IN TRANSPORTATION (A1F05)

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## Introduction

This report presents the proceedings of “A National Forum on Assessing Historic Significance for Transportation Programs,” held in Washington, D.C., on May 23–25, 1999. The Transportation Research Board’s (TRB) Committee on Historic and Archaeological Preservation in Transportation (A1F05) and an informal planning committee organized the forum. TRB, the Federal Highway Administration (FHWA), and the National Park Service (NPS) cosponsored the forum.

The TRB Committee on Historic and Archaeological Preservation in Transportation is dedicated to

finding ways to effectively implement the cultural resources rules and regulations on transportation projects to protect resources and integrate the Historic Preservation laws with the National Environmental Policy Act to facilitate the implementation of needed transportation improvements for the public. The Committee is charged with identifying cultural resource issues associated with the broad spectrum of transportation projects and programs. This is done through meetings, discussions, surveys, associations with other committees, and conferences. Members of the Committee take a lead in finding and sharing examples of best practices. Research is a primary function of the Committee and includes but is not limited to: 1) identifying critical research needs through interaction with federal Agencies, State Highway Agencies, State Historic Preservation Offices, consultants, universities and colleges, and other interested parties; and 2) developing research problem statements and promoting them for funding ([www.itre.ncsu.edu/A1F05](http://www.itre.ncsu.edu/A1F05)).

This TRB Committee and “Friends” of the committee are made up of historic preservation professionals from state departments of transportation (DOTs), FHWA, FTA, State Historic Preservation Offices (SHPOs), Tribal Historic Preservation Offices (THPOs), tribal governments and organizations, universities, metropolitan planning organizations (MPOs), transportation professionals, and cultural resource management consultants.

The informal planning committee members included: Charles Scott, New Jersey Department of Environmental Protection/Historic Preservation Office; Bruce Eberle, FHWA; Eric Hertfelder, National Conference of State Historic Preservation Officers; Anne Hooker, FAA; Terry Klein, URS Greiner Woodward–Clyde; Lauralee Rappalee-Marsett, New Jersey DOT; Mary McCahon, Lichtenstein Consulting Engineers, Inc.; Linda McClelland, National Register of Historic Places, NPS; Nancy Miller, National Conference of State Historic Preservation Officers; Alexandra Newcomer, Federal Railroad Administration; Anthony Opperman, Virginia DOT; Kate Quinn, Chair of the Committee on Historic and Archaeological Preservation in Transportation; and Beth Savage, National Register of Historic Places, NPS.

The impetus for this forum came from several different sources, particularly the day-to-day experiences of the committee members, and the results of two national conferences that examined the issue of historic resource significance. The conferences were TRB’s Conference on

Environmental Research Needs in Transportation, which is held every 5 years, and a historic preservation conference organized by the NPS and Goucher College in Baltimore, Maryland.

The purpose of TRB's Conference on Environmental Research Needs in Transportation, which is held at TRB's offices in Washington, D.C., is to identify and develop outlines for research statements that respond to current priorities within the nation's transportation and environmental programs. Those attending the conference broke out into working groups, each representing a major environmental topic area, such as air quality, environmental streamlining and stewardship, wetlands and ecosystems, noise, community impacts and environmental justice, and cultural resources. Through discussions and brainstorming, the working groups identify the top research needs in their topic area and write research statements on each of the top research needs. These one- to two-page statements include a problem statement, recommendations for conducting research to address the problem statement, and estimates on the cost and duration for carrying out the research.

The Cultural Resource working group during the 1996 Environmental Research Needs Conference consisted of 13 architectural historians, archaeologists, and historic preservation specialists representing state DOTs, Native American organizations, SHPOs, and cultural resource management consultants (1). After 2 days of discussions and brainstorming, the Cultural Resource working group identified six top research need statements:

- Review and improve existing processes and procedures for evaluating cultural resource significance;
- Identify techniques to improve public and private dialogue regarding impacts and benefits of transportation projects on cultural resources;
- Identify approaches for successfully incorporating 550 tribal nations in an existing transportation network, which recognizes the value of culture and respects sovereign authority;
- Develop effects assessment guidance;
- Evaluate efficiency of "innovative" versus "standard" cultural resource mitigation; and
- Identify and recommend roadway design considerations that can be modified and applied in specially designated corridors.

Of these six research needs, the first, involving the improvement of existing procedures for evaluating cultural resource significance, was ranked as the highest research priority.

In 1997, a year after the TRB Research Needs conference, the NPS, and Goucher College gathered a group of speakers for the first in a series of conferences on issues associated with historic preservation. This first conference was entitled "Preservation of What, for Whom? A Critical Look at Historical Significance." In his opening paper introducing the conference and its speakers, David Ames, Chair of the National Council for Preservation Education, noted,

Historical significance emerged as the unanimous choice of the organizing committee as a topic for the first conference. Historical significance was seen as the critical issue because it is the means by which properties are chosen for preservation, the central task of the field, and the way we interact with the public. Historical significance remains a controversial issue because some believe its scope has been broadened to the point that it seriously dilutes its utility. At the same time, others believe that enlarged notions of historic significance are creating a more democratic history, one that can recognize and

commemorate the contributions of each of the groups that have contributed to the entire society. (2, p. 6)

The issues associated with evaluating the significance of archaeological, historical, and traditional cultural resources are extremely important to transportation managers and historic preservation professionals. Transportation projects are the single greatest source of cultural resource investigations across the country, in terms of number of projects, scale, and funding. The majority of these projects are conducted as a result of the requirements of the National Historic Preservation Act of 1966 (NHPA), as amended. Under the Act, “significance” of archaeological, historical, and traditional cultural resources is defined by whether or not a resource is included in or eligible for inclusion in the National Register of Historic Places. Further, “significance” is a pivotal component of Section 106 of the Act. This section of the Act states,

The head of a Federal agency having direct or indirect jurisdiction over a proposed Federal or federally assisted undertaking in any State and the head of any Federal department or independent agency having authority to license any undertaking shall, prior to the approval of the expenditure of any Federal funds on the undertaking or prior to the issuance of any license, as the case may be, take into account the effect of the undertaking on any district, site, building, structure, or object that is included in or eligible for inclusion in the National Register.

Whether or not a resource is listed in or eligible for listing in the National Register (i.e., is a historic property) is also a critical factor in Section 4(f) of the 1966 Department of Transportation Act. Section 4(f) states,

The Secretary may approve a transportation program or project requiring the use of publicly owned land of a public park, recreation areas or wildlife and waterfowl refuge, or land of an historic site of national, State, or local significance (as determined by the Federal, State, or local officials having jurisdiction over the park, recreation areas, refuge, or site) only if (1) there is no prudent and feasible alternative to using that land; and (2) the program or project includes all possible planning to minimize harm to the park, recreation area, wildlife and waterfowl refuges or historic sites resulting from the use.

Section 106 of the NHPA requires the “consideration” of effects on historic properties, and is a consultation process. Section 4(f), on the other hand, mandates first and foremost the avoidance of historic properties.

As a result of these two statutes, particularly Section 4(f), resource evaluation decisions affect the scope, cost, schedule, and design of transportation projects. In addition, given the scale of transportation projects across the country, the results of this decision-making process have an impact on the current and future character of the nation’s archaeological, historical, and traditional cultural landscape. For these reasons, and to maintain and expand upon the national dialogue on this topic, the TRB Committee on Historical and Archaeological Preservation organized the national forum to explore and discuss this issue in greater depth.

## **A NATIONAL FORUM ON ASSESSING HISTORIC SIGNIFICANCE FOR TRANSPORTATION PROGRAMS**

Prior to the forum, the committee sent out a questionnaire to all federal transportation departments, state DOTs, SHPOs, and THPOs. The questionnaire asked these agencies to identify the key problems and issues associated with evaluating resource significance and which resource categories were the most problematic. The responses to the questionnaire guided the committee in developing the format and focus of the forum.

A total of 190 professionals from different parts of the country and representing different historic preservation expertise attended the forum. The forum began with a series of keynote papers. Each presentation addressed the following topics from the perspective of the keynote speakers' role in the historic preservation process:

- Where have we been, where are we now, and where are we going with regard to evaluating resource significance;
- Application of National Register Criteria;
- Roles of the various players in determining resource significance; and
- The integration of evaluating resource significance and the transportation project delivery process.

Following the keynote speakers, there were a series of panel discussions that focused on specific resource categories and evaluation tools—landscapes, traditional cultural properties, historic contexts, and historic archaeological sites. The keynote speakers and panel presentations were intended to stimulate the discussions and brainstorming sessions that followed the presentations.

The keynote speakers and panel participants represented state DOTs, SHPOs, THPOs, FHWA, the National Register, and private cultural resource management firms. This diverse group of speakers provided a wide range of perspectives from among the different parties involved in the resource evaluation process. The individuals selected as keynote speakers and panel participants all had many years of experience in historic preservation, and they could speak to both the history of the evaluation process and future directions and challenges.

Following the panel presentations, the forum participants broke out into working groups. Each group was assigned one of the following topics:

- Archaeology,
- Relationship and integration of the National Environmental Policy Act of 1969 (NEPA), Section 106, and Section 4(f) processes,
- Traditional cultural properties,
- 20th-century properties,
- Historic structures, and
- Cultural, historic, and rural landscapes.

These six topics were the key issues identified by the state and federal agencies responding to the initial questionnaire sent out by the TRB Committee. Individuals were assigned to a group based on their areas of interest noted on their forum registration form.

Each working group was tasked to identify the critical issues and problem areas associated with their group's topic and to define



- Barriers that impede addressing the issues;
- Resources that are available to address the issues; and
- Strategies to address the issues.

Two experienced facilitators led each of the working groups as they spent a day and a half brainstorming and discussing their respective topics, identifying the critical issues for each and developing strategies for addressing the problems associated with each topic. All of the attendees then reconvened for presentations from each of the working groups on the results of their discussions.

This volume is a final, edited report on the forum's proceedings. Most of the keynote speakers and the panel participants wrote papers on their presentations. For the purpose of this volume, and given the thematic overlap of the presentations during both the keynote presentations and the panel session, the papers are grouped by four themes, and presented in the following section, Panel Presentations. These themes are:

- Perspectives on significance,
- Historic contexts,
- Significance and property types, and
- The experience of the states.

It should be remembered that the keynote and panel papers were presented in 1999, and therefore represent the status of historic preservation laws and regulations at that time. Also, several of the keynote speakers and panel members have moved on to new agencies and organizations.

The third section, issues and strategies, presents a summary of the working groups' discussions. The final section summarizes the forum and discusses what has happened since the 1999 forum in terms of addressing the issues and problems identified by the working groups.

## REFERENCES

1. *Transportation Research Circular 469: Environmental Research Needs in Transportation*. TRB, National Research Council, Washington, D.C., 1997.
2. Ames, D. *Preservation of What, for Whom? A Critical Look at Historical Significance*. (Michael A. Tomlin, ed.), National Council for Preservation Education, Ithaca, N.Y., 1998.

## PANEL PRESENTATIONS

### Perspectives on Significance

As noted in the Introduction, the forum began with a series of keynote papers, followed by presentations by a panel of experts on various aspects of historic properties and significance. Because these papers tended to group into a series of themes, we have chosen to present them here thematically, rather than in the order in which they were presented at the forum.

The first thematic group, “Perspectives on Significance,” comprises three papers providing general perspectives by the three major participants in the process of determining significance for properties affected by transportation projects. The second group, “Historic Contexts,” consists of papers focused specifically on historic contexts as the basis for rational decisions about significance. The third theme, “Significance and Problematic Historic Properties,” addresses specific types of historic properties that can be challenging for cultural resource managers and especially for transportation planners. And the fourth theme, “Experience of the States,” offers practical advice and observations from those dealing with significance and transportation projects at the state level.

Some of the papers in this chapter came to us as formally written articles, while others were essentially scripts designed to accompany slide presentations. The former have been subjected only to light editing; the latter have been more heavily edited to make them more comprehensible, given the absence of the original illustrations.

The central players in determinations of significance for historic properties are the National Register of Historic Places (a program of the NPS), federal agencies whose undertakings may affect historic properties, and SHPOs. Although formal determinations of significance can only be made by the Keeper of the National Register, most federal projects depend on “consensus” determinations about the significance of historic places made by the federal agency, with concurrence from the SHPO. For this reason, the papers in this section provided an important set of perspectives that set the tone for the forum and sparked some of the discussions within the working groups.

The first paper, by Carol D. Shull, the Keeper of the National Register of Historic Places, provides background about the National Register, both in terms of philosophy and in terms for practice. Shull notes the importance of transportation-related properties to our national and local history, stresses the context-driven nature of historical significance, and provides suggestions for incorporating historic property identification and evaluation effectively into federal planning.

The second paper is by Bruce A. Eberle, who was at the time of the conference the Federal Preservation Officer for the FHWA. Eberle stresses the history of FHWA commitment to environmental and historic preservation, and describes the professionalization of state departments of transportation cultural resource staffs. He also touches on changing perceptions of what kinds of properties should be considered historic.

The final paper in this section is by Brenda Barrett, who was at the time the Deputy State Historic Preservation Officer for the commonwealth of Pennsylvania. Barrett describes the role of the SHPO in the process of determining significance for properties that may be affected by federal undertakings, and provides a number of suggestions for how agencies and SHPOs can work together to improve that process.

## PERSPECTIVES ON SIGNIFICANCE

# **The National Register, Historic Significance, and Transportation Programs**

**CAROL D. SHULL**

**T**ransportation programs are enormously important in the history of our nation. The fate of communities and the lives of all of us are affected by decisions of transportation planners. Communities have been born, developed, and in some cases declined or been abandoned depending on how they are served by roads, highways, waterways, railroads, airports, and mass transit. Transportation programs have made major investments in identifying and evaluating cultural resources and in preserving and enhancing them. Many transportation-related resources—roads, bridges (including more than 2,100 bridges that are individually listed in the National Register of Historic Places), railroads, ships, lighthouses, airports, and airplanes—are cultural resources themselves and are worthy of preservation because of what they mean to our heritage. Preservationists and transportation agencies have a great responsibility to the American people to work together effectively to identify historic resources and ensure that they are considered in the planning for transportation programs and projects.

The NPS is pleased to be a cosponsor of this national forum on assessing historic significance for transportation programs. The Secretaries of Transportation and the Interior have signed a cooperative agreement to work more closely together on transportation-related issues. We see this forum as one of the outgrowths of that agreement. The National Register has already worked with the FHWA to develop a National Register travel itinerary on the web to showcase registered historic places associated with the civil rights movement and the Selma to Montgomery route, a DOT-designated All-American Road and an NPS National Historic Trail.

I would like to start by reflecting on the role of the National Register, our national inventory of historic buildings, sites, districts, structures, and objects significant in American history, architecture, archaeology, engineering, and culture. The National Register Criteria for Evaluation are the standard used nationwide to determine which properties are considered significant and worthy of consideration as part of the federal planning process, but the four criteria must be stated in a general way, because they have to be applied to a wide spectrum of cultural resources associated with numerous themes in national, state, and local history.

Individuals everywhere interpret the criteria and participate in identifying places that are eligible for the National Register. The goal of the NHPA is to preserve cultural resources as living parts of communities, and more than 90 percent of the places included in the National Register are of state or local significance.

The process of identifying heritage resources starts with people and communities. It is not imposed from the top down. While the NPS expands and maintains the National Register, the National Register staff actually works to recognize what others have documented as important in illustrating our collective heritage. Information about these places comes to us in nominations from SHPOs, Federal Preservation Officers, and THPOs, and in requests for determinations of eligibility from federal agencies that are planning projects and from the public who care about historic places.

What our citizens seek to have recognized as historic evolves with the passage of time and new scholarship. Sometimes threats to resources motivate people to look at places in new ways or cause them to speak out and seek recognition for the first time in an effort to protect these places. This is exactly what has been happening in recent years with rural historic landscapes, which in many areas of the country are subject to enormous development pressures. In addition, more members of diverse cultural groups are stepping forward to assure that the places they value are recognized and listed or determined eligible for listing in the National Register. This determination ensures that these resources, which have too often been overlooked in the past, will be considered in the federal planning process. These resources may look very ordinary, and they generally cannot be identified through windshield surveys. They require research and, where appropriate, consultation with the people who understand their history. The procedures and methods we use must ensure that those who care about cultural resources are consulted and involved in assessing significance. These constituencies have to be informed so they can participate in federal project planning, so that unnecessary conflicts can be avoided, and so that irreplaceable cultural resources can be preserved.

As we near the millennium, most listings in the National Register illustrate our history in the 20th century. In each decade we address new resource types from later decades, because history never stops. The National Register cannot be a static list, and it must reflect the contributions of all of our people. I have been involved in this process for nearly 30 years, and I am constantly learning.

The National Register tries to assist in the evaluation of new or less understood resource types as the need for technical information becomes evident. We ask those who know the most about these resource types to help us prepare National Register Bulletins that we can all use to assist us in recognizing these resources. The NPS circulates draft bulletins widely for comment before they are published. This is what we did with our bulletins on rural historic districts, traditional cultural places, aviation, maritime resources, and historical archaeology, and we will do so as new bulletins are prepared, including one on historic suburbs and another on historic roads and related resources. We also have several videos: a general one on the National Register, one on traditional cultural places, and another on multiple property submissions, which is a good guide to documenting historic contexts and the properties which relate to them. We give our bulletins away, and many are available on the web. We need to learn from those who work with transportation projects what kind of technical information and assistance would be helpful in evaluating cultural resources for transportation projects and how this information and assistance should be delivered.

In FY97, the last year for which the NPS has completed a final report, SHPOs reviewed over 89,000 projects for their effects on historic properties and provided about 54,000 National Register eligibility opinions to federal agencies. Their evaluation was that 12,325 of these properties met the National Register criteria and 39,842 did not.

Federal agencies generally only request determinations of eligibility from the National Register when a dispute arises between the SHPO and the agency or someone else raises a question concerning the eligibility of the property. Occasionally the Advisory Council on Historic Preservation asks that we make a determination of eligibility on a property on which a question has been raised.

The National Register staff is asked to make formal determinations of eligibility on several hundred properties a year. This indicates to me that agencies and SHPOs are agreeing on what is and is not eligible in most instances, and that questions on eligibility are only raised in a

few projects. In FY98 we were asked to make determinations of eligibility on 592 properties in transportation projects. We determined 299 properties eligible and 255 not eligible. As yet we do not have information to make a determination on 38 properties.

Often the documentation we receive is very sketchy. It may include inventory forms and a photograph of individual properties with little or no information to put the properties in their historic context. Sometimes the properties are evaluated from the perspective of only one discipline. Our most common concern is that properties which may have associative values have been evaluated only for their architectural or engineering significance; in these cases, an interdisciplinary approach is needed. Another common problem is that proposed boundaries sometimes do not relate to the historic boundaries or to the integrity of the resource. When this happens we have to ask the agency for additional documentation, which slows down the process.

Sometimes we hear from citizens who submit comments or their own documentation. Some feel that they were not given an opportunity to participate in the identification process or that their opinions were disregarded. Others claim that the evaluation of resources has been politically influenced or is coming so late in the planning process that opportunities to affect decisions or to consider alternatives are effectively foreclosed. One way to avoid these problems is for transportation officials and SHPO staff to meet regularly and work out ahead of time the best approaches for identifying cultural resources on each project.

It is also important for both SHPO staff and transportation officials to critique documentation as well as scopes of work and consultant qualifications, and to determine whether reports generated for transportation projects achieve the best results. Based on such cooperative evaluations, scopes of work for future projects can be adjusted to ensure that DOT sponsored surveys are as useful as possible in identifying and evaluating cultural resources. Together DOTs and SHPOs can determine what kinds of expertise are needed, who the stakeholders are, and how they should be consulted and involved. Cooperatively they can find the right people to do the work and define the level of effort necessary, based on what is known and not known about a project area, where the project is in the planning process, and what the impacts are likely to be.

Another important solution to the problems that sometimes arise in identification of historic properties during transportation-related planning is development of more and better historic contexts. Perhaps some transportation funding can be used to document needed historic contexts, so that the information will be available to plan both current and future projects. To document historic contexts, we recommend using the format in our bulletin on completing the National Register multiple property documentation form. This format calls for a statement explaining one or more historic contexts, the identification of associated property types and evaluation criteria to identify what characteristics a property must have to be eligible for the National Register, a summary of identification and evaluation methods, and major bibliographical references. These context documents can be used over and over again to assist in evaluating properties that may be affected by transportation projects. Current cooperative efforts to develop computerized inventories and geographic information systems that map the location of cultural resources could be even more useful if they were tied to developed historic contexts.

The timing of evaluation efforts is another critical issue. Cultural resources should be evaluated early enough so that the information about them can be used effectively in making decisions. It is critical that the identification process not only be timed so that the information from it can be used most constructively, but also that it be better coordinated with the NEPA process.

This forum is an opportunity for us to learn from each other, to identify best practices, to resolve issues, and to determine what we can do together to facilitate the assessment of cultural resources for transportation programs. Communication and cooperation are the key. I believe we can help Americans to have the transportation projects that are in the public interest and at the same time preserve the irreplaceable historic places that belong to all of us.

## PERSPECTIVES ON SIGNIFICANCE

### **Significance and Transportation Projects** *A Historical Perspective*

**BRUCE A. EBERLE**

One month ago, the FHWA Administrator, General Wykle, hosted the 3rd Environmental Excellence Awards ceremony. At those awards, the Administrator reiterated the FHWA's firm commitment to environmental concerns and preservation. The FHWA has made environmental consideration and the protection and enhancement of historic properties an essential part of the transportation project development process. Owing to the large number of projects involving historic properties nominated for environmental excellence in previous years, this time we had two categories—projects involving historic structures and projects involving archaeological resources.

The FHWA's commitment to the environment and to more livable and sustainable communities is shared by all modes in the USDOT. Secretary Slater has directed the department to take steps to include public involvement in our goal of creating a safe, efficient, and environmentally sound transportation system.

The public has always desired a high degree of personal mobility. Transportation is the interconnection between communities—urban and rural, north and south, east and west—and it is the connection that sustains our national economy. In the past, transportation planners and engineers were directed to connect locations in the most efficient manner. Usually historic properties were ignored or destroyed in the effort to construct projects in the most direct economical manner. Once planners and engineers became aware of the costs to communities of the loss of historic properties, attitudes and procedures began to change.

Long before the environmental movement in the 1960s the FHWA (then the Bureau of Public Roads in the Department of Commerce) recognized the need for early identification of historic properties and the need for early coordination with knowledgeable experts. The initial concern was with archaeological resources, but historic and architectural resources were also included in planning, even before the passage of the NHPA in 1966. That early policy of concern for historic and prehistoric resources rapidly matured with passage of the NHPA and the expansion of the National Register of Historic Places. That early FHWA policy, which is still in effect, recognizes the value of early coordination with the SHPO, knowledgeable experts, Indian tribes, and the public to identify historic properties. The policy also recognizes the value of evaluation of alternatives so that the impacts to historic properties can be realized and balanced with other impacts and benefits.

As a historian and an archaeologist, it is in my nature to look back occasionally. Identifying historic properties and assessing significance in terms of National Register eligibility has always been challenging, and the process was initially quite overwhelming for our field offices and state DOTs. Their problems fell into four basic categories: technical, personnel, procedural, and organizational. In the late 1970s, our informal policy recommendation to state DOTs was, when in doubt, go with the SHPO or the National Register. At that time, even when we had reservations, there were so few experts at state DOTs that we believed we would be presumed to lack the expertise to adopt and defend a serious position. We went through a period

where the National Register would ask us to determine that a question existed about the eligibility of a particular property and to please ask them to determine its eligibility. More often than not this resulted in delay, even though no additional substantive information was required.

Then the Section 106 process was streamlined to permit consultation to be initiated without a National Register determination of eligibility, if the SHPO and the federal agency agreed. Instead of relying on the National Register to tell them what was eligible, DOTs began to rely upon the SHPO. The FHWA influenced state DOTs to obtain additional expertise; many hired SHPO staff, which often resulted in some disagreements. Now it is only in complicated or controversial situations that SHPOs or the Advisory Council on Historic Preservation recommends that FHWA seek the participation of the National Register in determinations of eligibility. It has taken more than a decade for that pendulum to swing back, and during that period we have seen the National Register application of criteria mature. While few properties were sent to the Register in the 1980s, most were determined to be eligible. With maturity of staff, the criteria are used more selectively, and by the early 1990s the National Register staff carefully weighed all information and did not always rule against FHWA.

While the process has been changing, the context within which significance decisions are made has also undergone some important shifts. SHPOs worked with the NPS to develop statewide historic contents. This resulted in greater awareness of development periods and subregional histories within states. Transportation projects themselves generated awareness of new areas of scholarship. Examples of these include Chinese labor camps and the development and expansion of railroads in the West; historic bridge technology, not only wooden covered bridges, but metal truss and concrete arch bridges; increased awareness for the role of farmsteads in understanding our agricultural heritage in the 19th and 20th centuries; the value of lithic scatters in understanding prehistoric technology and lifeways; growth of suburbs as a result of economic booms and improved transportation; and very recently concern for agricultural landscapes. We all have a tendency to see what we expect or are familiar with. With growing awareness from training and experience, we gain a sense of appreciation for new resource types or new configurations of resources.

What challenges remain before us? One is to determine “Whose responsibility is it to make us aware and appreciative?” Some might argue that this is the role of the SHPO or the NPS, but it is also the responsibility of individual federal agencies such as FHWA. Another challenge to all of us is to ensure that we have access to the expertise needed to meet our historic preservation responsibilities. And finally, we need to carefully examine the issues raised in this forum and find the wisdom to take the next steps.



## PERSPECTIVES ON SIGNIFICANCE

### **Significance and the Role of the State Historic Preservation Office**

**BRENDA BARRETT**

Over the past few years, SHPO have been examining what are “best practices” in several key areas. Assessing significance has been identified as an important area where we all need to do our best work; significance is the new “battleground,” particularly in relation to transportation projects, which can generate many different visions of how a community should grow and develop.

In the past properties were listed in the National Register of Historic Places or determined to be eligible for the National Register and then all the parties locked horns (or amicably agreed as the case may be) about what to do next. Today, the conflict has shifted to an earlier point in the Section 106 process, the point of determining the significance of a resource. The parties now begin by engaging their dueling historians, architectural historians, or other experts in a battle over “What is significant?” So, what should the SHPO do?

#### **RECOGNIZE THE LEAD ROLE OF THE FEDERAL AGENCY**

What part does the SHPO play in the determination of significance related to a federal undertaking? The regulations implementing Section 106 of the NHPA (36 CFR part 800) are clear on this point. The initial call on the eligibility of a resource is the responsibility of the federal agency. The Advisory Council on Historic Preservation’s regulations state that “the Agency official shall apply the National Register criteria to properties that may be affected by the undertaking and that have not been previously evaluated for National Register eligibility” [36 CFR 800.4(c)(1)]. While the waters are somewhat murkier when much of the work is delegated to a state transportation program or to applicants for federal grants or permits, the rule is still the same. The agency official makes the call on significance.

What, then, of the SHPO? Their role is to concur or not concur in the agency’s findings. If there is no agreement on eligibility, and the disagreement cannot be resolved by subsequent discussions and negotiations, the next step is also clear. The federal agency obtains a determination of significance from the Secretary of Interior.

SHPOs are not just a checkpoint in the process of determining historical significance, however. Under the creative federalism of the NHPA, every state office is required to hire qualified personnel, undertake historic site surveys, evaluate properties, nominate resources to the National Register, and prepare preservation plans and historic contexts. After 25 years of making recommendations using the National Register criteria, the states have the largest information pool on tangible historic resources in the nation. Our offices have nominated over 1 million properties successfully to the National Register, and in 1998 we added 1,602 new listings to the National Register and surveyed over 14.9 million acres. In addition, our offices contain millions of inventory forms, thousands of archaeological site forms, many in-depth historical context studies, and hundreds of person years of experience. No wonder SHPOs sometimes forget who makes the opening move in a federal undertaking when we hold so many of the cards.

So, given the SHPO's information and experience base, is it a good thing for federal agencies to make the call on historical significance? In my opinion, the answer is yes. Not only because the regulations say so, but because this reinforces the agency's Section 110 responsibilities under the NHPA. Even more important, the agency's central role in determinations of significance requires an in-depth understanding of the kinds of historic resources that must be addressed in project development. In order for the Section 106 process to be successful, and this goes double for transportation projects, cultural resource identification and evaluation must be factored in at the earliest point in the planning process, often before the SHPO is even involved in the project.

It is also important that agencies accept the lead in the determination of eligibility process because those agencies need to feel a sense of responsibility to plan for heritage values along with other good practices. If decisions about historic or archaeological significance are imposed on an agency, those values will often be given less consideration and be considered one step further removed from the agency's mission. This recognition of responsibility for determinations of eligibility has encouraged real growth in transportation agencies' historic preservation staff and programs.

Now that we have identified the roles and responsibilities of the players on this panel, what else can we do to improve our practices? I have a few recommendations.

### **LEVEL THE INFORMATION PLAYING FIELD**

In a survey of SHPOs a number of years ago, almost every state identified data accessibility as a critical need, and more than half the states were developing geographic information systems (GIS). The most common partners in these efforts were state transportation agencies. Fast access to historic site locations, archaeological predictive models, and other existing cultural resource survey information will reduce review time and encourage the early development of alternatives. At the very least, it will avoid the embarrassing and expensive moment when a consultant prepares a determination of eligibility on a bridge already listed in the National Register of Historic Places.

In Pennsylvania, our DOT has been an invaluable partner, providing significant funding for a geographic information system that will house the cultural resource layer. Over the next couple of years, we hope to use this system to link all information, not just site location, to a georeference point. The linked information will include reports, site files, photographs, surveys, and National Register properties. No more trips to the state capitol to examine that one original copy. Finally, this database will help develop historic and archaeological contexts. It would be naïve to think that just pulling information together will produce a synthesis. There is still a lot of intellectual heavy lifting to do, but it will make it easier.

### **START WITH SIGNIFICANCE**

Significance is not negotiable. Effects can vary with project alternatives and the sky is the limit with creative mitigation ideas, but the one constant in the process is the historic property. Yes, it would be easier to just say it does not meet the National Register criteria and go back to the office. That kind of thinking, however, will lead to the collapse of confidence in us as public agencies and as professionals.

Starting with significance means identifying the resource in its totality. A narrow reading of the area of potential effect or application of the criteria of eligibility to just a corner of something does not work. It is the federal agency's responsibility to identify the resource and evaluate it against the National Register criteria. If the scope of the resource is not understood, then context development, evaluation, and the rest of the process will be flawed.

## **WORK TOGETHER ON HISTORIC CONTEXTS**

The National Register criteria are not a mathematical formula or an engineering standard; they reflect the best professional thinking across a continuum. There are things that we can do, however, to improve our ability to apply the criteria consistently and professionally. There is general agreement among professionals that historic resources are best evaluated in a contextual framework. The multiple property documentation format and other background studies are invaluable tools to determining the significance of a resource. With funding and encouragement from the FHWA, excellent work has been done in most states to evaluate the historic significance of one category of resources—bridges. We cannot rest on our laurels, however; there are many other troublesome resources for us to tackle.

Historic roads are obviously important. These resources and other linear systems present difficulty when it comes to defining the resource and deciding what is eligible. What is significant? The original route? The survival of engineering features? What about realignments? Some of them are historic in their own right. There are also even broader and more challenging issues—rural historic landscapes, battlefields, and traditional cultural properties, to name only a few.

Context studies take advanced planning, time, and funding. They are not easy to fund because cultural resource dollars for transportation are allocated on a project by project basis. Just when you really need deep background, there is no time to prepare the information. If nothing else comes out of this forum, we must identify our research issues and work in a partnership among agencies and perhaps between states to get this necessary work completed.

## **RECOGNIZE THAT SIGNIFICANCE IN THE NATIONAL REGISTER PROGRAM IS A MATRIX**

The National Register criteria encompasses the disciplines of prehistoric and historic archaeology, architectural history, social history, engineering history, military history, political history, and so on. Because of the wide range of significance encompassed in the National Register, I question the ability of any one reviewer to make decisions on eligibility in the field or at his or her desk. Staff review teams or committees can provide quality control on significance decisions and lend credibility to determinations of eligibility, and indeed, state preservation staffs and National Register review boards are required to field a team from a variety of disciplines. In Pennsylvania, all historic survey forms, whether prepared for the Section 106 determinations of eligibility or as the first step in the nomination process, are reviewed by the same staff committee at the same meeting. Sometimes agencies and consultants also attend to provide additional information. This makes it easier to place the historic property in some context.

The challenge for federal agencies and their consultant is to provide the necessary range of expertise, which goes well beyond just having both an “above ground” and a “below ground” specialist. A state's National Register Review Board can be a great resource when questions

about significance arise. Ask your state preservation staff, “What would your National Register Review Board say if they were looking at this resource?”

The fact that very few archaeological sites are ever listed in the National Register and subjected to the rigors of the state review board has led, I believe, to an unfortunate segregation of these resources from the other National Register criteria. Many states have not nominated an archaeological site for over five years.

## **THE ROLE OF THE PUBLIC**

Perhaps this discussion should have been placed at the beginning of this presentation along with the analysis of the roles and responsibilities of the agency and the SHPO. Instead, I have placed it at the end of the process where, unfortunately, it usually occurs. We must not lose sight of those for whom we do this. The goal of the historic preservation process is to give our history fair consideration in federal project development. It seems only right, therefore, that before a government agency decides that somebody’s past is insignificant, the public be accorded the critical and thoughtful consultation envisioned in the NHPA. This goes far beyond just a “thumbs up” or “thumbs down” assessment of the resource. This means a commitment to public participation and a commitment, particularly by the SHPO, to follow-up with preservation proposals and solutions for the history that we agree that is important.

## **CONCLUSION**

Significance matters. In Pennsylvania we like to say that the National Register is the keystone of our program. Despite the honor roll status of the National Register, significance matters today more and more. Just ask a DOT official who is dealing with 4(f) issues or grantees whose state funding is tied to National Register eligibility. Or ask states that use the National Register in their environmental decision making. The National Register is a gold standard, and we need to respect it and keep it that way. Better approaches to determining significance will help us to burnish the National Register’s image and improve our decision making.

## PANEL PRESENTATIONS

### **Historic Contexts**

**T**he central concept woven through everything that happened at this forum was “historic context.” The discussions in the working groups returned over and over to the need for more and better contexts; virtually all of the papers referenced this concept in one way or another. Two papers, however, focused directly on historic contexts as the basis for rational decisions about significance.

Gail D’Avino, who at the time of the forum was the History Section Supervisor for the Georgia DOT, provides a set of examples illustrating several important points about contexts and significance. She reminds us that there are multiple historic contexts within which a single property might be significant, that we need to examine multiple sources of historical information in order to identify all those contexts, and that temporal and spatial context are significant components of the historic context.

Donald Hardesty, who is a professor of anthropology at the University of Nevada at Reno, addresses the problem of establishing significance for archaeological sites. He argues that what is needed is a mechanism for linking the historic context with the archaeological context. He identifies “landscape” as a key concept in this linkage and emphasizes the importance of research designs that make the linkage explicit. Hardesty also offers suggestions for making the concept of “property type” more applicable to archaeological situations.

## HISTORIC CONTEXTS

### **Historic Contexts** *Seeing Beyond the Obvious*

GAIL D'AVINO

In this paper, I would like to address the importance of historic contexts when evaluating eligibility to the National Register of Historic Places. Without contexts, it is impossible to evaluate a resource's significance and subsequently, its integrity. To many, it may seem that I am stating the obvious, but I think that too often in historic survey work we become so immersed that we lose sight of the basics. To be eligible for the National Register, a property must represent a significant part of the history, architecture, archaeology, engineering or culture of an area; the National Register has established four criteria for determining significance (36 CFR part 60.4), and context relates to all four of these criteria.

What is a historic context? It is a pattern, a theme, a trend in history: we look at properties to see if they can convey an association with that theme. To judge significance, the preservation professional must understand the context or contexts within which the property is being evaluated. Evaluations of integrity for historic properties are not part of my topic for this forum, but I would also note that evaluations of integrity must also be done within the context or contexts for which the property is important.

It is important to be aware of the possibilities offered by multiple contexts. In the early 1990s the Georgia SHPO developed a context called *Georgia's Living Places* that identifies and discusses Georgia's architectural legacy. The context established which styles and especially which vernacular types played a role in Georgia's architectural history. We are very fortunate in Georgia to have a good understanding of the important architectural trends in the state, and the context is being updated often to reflect newly recognized trends in vernacular architecture. But architecture is only one context. Below I offer three examples where an understanding of the historic contexts other than architecture played a crucial role in evaluating eligibility. Without an understanding of their contexts, these significant resources would have been overlooked.

My first example is Pine Mountain Valley, a community in west Georgia, near Warm Springs. Pine Mountain Valley is one of several rural communities that were planned and developed during the Great Depression under various New Deal programs. Planned by the Federal Emergency Relief Administration, Pine Mountain Valley was to be a rural colony for resettled submarginal farmers. The community never achieved its planners' dreams of a truly cooperative community. The few ventures run as cooperatives, such as the trading post and the warehouse, did not generate enough income or enthusiasm to continue as cooperative ventures. With the onset of World War II and the improved economy, many residents left for work in urban centers. Also, by 1944, such initiatives lacked congressional support and indeed Congress ordered that they be liquidated.

A 1994 survey of the area identified 88 extant buildings associated with Pine Mountain Valley. Most of these are dwellings. When the houses in this community were evaluated for their architecture, they do not show up in the typology and, indeed, they are architecturally unremarkable. The houses were partially prefabricated. Each house featured a living room, kitchen, and bathroom in the same configuration. The number of bedrooms ranged between one

and three, and house size thus varied between four and six rooms. Porches were located in one of two positions, protruding from the front with a gable roof or on the left side of the front elevation. When these properties were evaluated under Criterion A for their relationship to New Deal programs, however, they were found to be significant for their role in this New Deal associated community, and these houses represent an important aspect of the history of this part of Georgia.

My second example is the Douglasville Mill, located on Bankhead Highway, west of Atlanta. The initial survey of a highway project revealed a brick mill which appeared to date from the 1970s. Historic? We never gave it a second glance during the survey, but additional research revealed that the mill was built around 1900. According to the HABS/HAER division of the NPS, this mill is one of only five built in the South using a "unique structural system" patented in 1894 by Charles A. Praray, a Providence, Rhode Island, mill engineer.

The signature of Praray mills is a series of triangular bay windows, which result in a zig-zag appearance of the exterior walls. The Praray system consists of wooden posts attached to beams with cast iron connections. This type of construction permitted non-load bearing walls with numerous large windows, greatly increasing the amount of natural light in the interior. In the case of the Douglasville mill, the windows have been blocked in on both the front and the back, the front tower has been removed, and the front elevation has been bricked over. But the interior of the mill consists of generally open areas, and the Praray post and beam construction is still in evidence. Thus, this building has been determined to be eligible under Criterion C for its method of construction.

My third example involves highway bridges. The historic contexts developed by Georgia's historic bridge inventory looked at the history of vehicular transportation and focused on the application of bridge technology within the state. Working from these contexts, criteria for determining significance were developed to recognize the subtle but important technological distinctions among a large pool of common bridge types.

Two national register criteria proved to be relevant for Georgia's bridges: Criterion A and Criterion C. For bridges, Criterion A was interpreted to include distinguishable events that made a significant contribution. For example, a bridge located just north of Atlanta was the state's first dualized, that is, four-lane bridge, and it is considered to represent a significant trend in Atlanta's transportation history. Bridges considered significant under Criterion C are (1) those with unusual construction details; (2) those that are rare or early survivors of a bridge type that was significant in the state's transportation system; or (3) those that are particularly good example of their design or type.

In large bridge populations, such as 1920s and 1930s reinforced concrete t-beam bridges, historical associations figured prominently in determining which otherwise common bridges are the better or best examples of the resource type. For example, a 1922 t-beam on a bypassed section of the old Dixie Highway was evaluated as more significant than the same bridge type and design on an otherwise historically undistinguished section of improved roadway. In contrast, another 1925 concrete t-beam bridge was found to lack significance because the technology was widespread by the mid-1920s and this bridge was not distinguished by its setting.

Identifying early applications of a particular technology was an objective of the survey and the tabulation of the findings made it possible to determine which structures truly marked the transitions from one technology to another. Thus a seemingly undistinguished span, such as a 1950 pre-cast reinforced concrete waffle slab or a 1934 continuous steel stringer bridge, might be technologically significant. One bridge in our inventory, a 1934 continuous steel stringer, is one

of only 10 pre-1935 examples of this technology, which was favored during the 1930s for its relative low cost and economy of material. In contrast, later examples of continuous steel stringer bridges are generally not considered historically significant because they lack the distinction of being early examples.

The variable availability of context information can be a problem. In the case of Pine Mountain Valley, much has been written about this community, so the context is readily available. Anyone doing a survey in this area would certainly check the SHPO survey information, which clearly identifies the New Deal associations of the community. In the case of the Douglasville mill, fortunately HAER had been in contact with the downtown development director, who brought it to our attention that the historic significance of this property was identified. As for the bridges, the Georgia DOT, like many state DOTs, has had our bridges evaluated, and that evaluation placed a strong emphasis on context.

I would like to conclude with a few words about the difficulties of establishing significance in the absence of a context. In Georgia, the DOT has encountered considerable difficulty in adequately evaluating farmsteads. What truly conveys significance with regard to agricultural properties: a house and several outbuildings? a house and one barn? outbuildings without a house? a barn alone? Must we have the house, outbuildings, and an intact landscape in order for the property to be significant? To address this problem, the DOT, along with FHWA and the SHPO, has begun the development of an agricultural contextual study.



## HISTORIC CONTEXTS

### **Using Historic Contexts to Evaluate the Significance of Archaeological Resources**

**DONALD L. HARDESTY**

**A**rguably, archaeological resources are the most difficult historic properties to evaluate for historic significance. I suspect that all of us at this forum hold in common the frustrating experience of being forced to make a decision about whether or not what seem to be really scanty archaeological remains or “modern trash” is sufficiently important to be eligible for listing on the National Register of Historic Places. In principle, historic contexts offer a way of making such decisions as well as “standardizing” the process of evaluating archaeological sites for significance. The Comprehensive Preservation Plans developed by many SHPOs, for example, typically include thematically-organized historic contexts intended to be used statewide or for large geographical regions or time periods. But historic contexts such as these often are not “user-friendly” for evaluating archaeological resources.

The most important problem in using historic contexts to evaluate archaeological significance, it would seem, lies in how they are linked to the “real world” of archaeological remains. Clearly, historic contexts often are not well-connected to the “archaeological context,” that is, the associations, physical matrix, and place or provenience of the physical remains. Furthermore, archaeological remains often are not clearly associated with the property types that serve as the key link between historic contexts and material things such as buildings, structures, and objects. Property types define the signs and symbols that convey historical themes, places, and times, and they are the repositories of information needed in scientific and scholarly research. Finally, the research designs used to assess the “information value” of archaeological properties often are poorly linked to historic context, on the one hand, and to archaeological context, on the other.

#### **LANDSCAPES AS “MIDDLE RANGE” HISTORIC CONTEXT**

The key to linking the historic context and the archaeological context is the landscape. Landscapes, which Crumley (*1*) defines as the cumulative material expression of the history of human–environmental interactions, offer perhaps the most immediate and directly observable context of archaeological remains. They are, in effect, “middle range” historic contexts that link the specific history of archaeological remains to the general historical themes, places, and time that define historic contexts. Consider, for example, how landscapes connect archaeological remains to two themes in the NPS Revised Thematic Framework.

#### **LANDSCAPE LINKS TO “TRANSFORMING THE ENVIRONMENT”**

The first theme is “Transforming the Environment.” In this case, landscapes link archaeological information about environmental change to historic contexts. Consider, for example, mining landscapes. Mining-induced environmental changes, and their archaeological record, occur in geographical places ranging in size from small localities to regions covering several square

miles. Patrick Kirch's (2) wonderful archaeological study of modern world environmental change on the Hawaiian Island of Oahu points to a good geographical model of the places where mining-induced environmental change takes place. Such changes often can be viewed as taking place on conceptual "islands" and studied using the methods of cross-cultural comparison [e.g., Kirch (3)]. Each industrial island is, in effect, a case study of the "sensitivity" of geographical places as a habitat for human occupation. The scale and boundaries of the industrial islands ebb and flow with the technology, its social and cultural context, and its history. Some are long-lasting and have dramatic signatures; others are fleeting and leave barely a trace. The islands of mining-induced environmental change vary not only in time and space but also in magnitude and intensity. Mining landscapes are repositories of archaeological information documenting the environmental histories of the islands. They are high resolution "historical analogs" of environmental changes taking place in a time period as short as a few months to as long as several hundred years.

Hattori and Thompson (4) provide a good example in their study of the impact of charcoal making activities, a critical source of raw material used to fuel roasting furnaces and smelters, upon the pinyon-juniper forests in central Nevada's Cortez Mining District. Conventional wisdom, folk history, and photographs of areas around the Cortez mills held that the pinyon-juniper woodland had been clear-cut for a radius of about 60 mi around the settlement of Cortez. Hattori and Thompson used the methods of dendro-chronology and archaeology to date and otherwise analyze tree rings from cut stumps, stacked cordwood, wood remnants at charcoal pits, remains of buildings and structures, and wooden artifacts. They found that the first mining period between 1863 and 1883 was "marked by localized, non-intensive logging to meet the demands of the numerous small mines in the area" (4, p. 70). Mining between 1884 and 1891, the first boom period, greatly thinned the pinyon woodland, but many trees survived and make up about 10% of the trees living today in the district. The woodland reestablished itself after 1897, when fuels and materials for mining technology were imported into the district, and continues to grow, and possibly expand, today. Current expansion of the woodland into the valley floor may represent the impact of overgrazing by cattle in the late 19th century and the subsequent successional replacement of grasses by sagebrush and then by pinyon-juniper forest rather than a response to mining impacts.

## **LANDSCAPE LINKS TO "EXPANDING SCIENCE AND TECHNOLOGY"**

The second theme is "Expanding Science and Technology," and again mining provides a good example. Mining takes place in small, geographically-bounded places with ore bodies or other mineral deposits. Ore extraction and processing involve the use of industrial technologies embedded in complex social and cultural systems. These might be termed "sociotechnical systems," a term coined several years ago by historian of technology Thomas Hughes (5) in his book *Networks of Power* and used effectively by Robert Adams in his recent book *Paths of Fire* (6) to interpret the evolution of technology. Sociotechnical systems link together local "micro-environments," each with an independent history, into regional landscape mosaics with correlated histories that reflect associated land use activities, circulation networks, and settlement patterns.

Consider, for example, the industrial mining technology associated with the Comstock Lode in western Nevada. The Comstock mines in Virginia City and its immediate environs define a mining landscape on a local scale; however, the industrialized Comstock Lode served as a control center for a much larger region that encompassed mills on the Carson River, forests in

and around the Lake Tahoe Basin, and the farmlands of the Carson Valley, all localities several miles away from the Comstock mines. Together, they should be conceptualized as geographical “patches” with distinctive histories and ecologies within a regional ecosystem linked together by Comstock industrial mining. The Lake Tahoe Basin, for example, defines a natural entity with visibly distinct physiographic and other boundaries that define a patch within the regional ecosystem. Comstock-era loggers deforested large areas of the basin in the late 19th century, making it necessary to take human populations into account when considering the evolution of the basin ecosystem. The loggers, however, cannot be understood outside the context of industrial mining on the Comstock Lode many miles away from the lake.

## **CONNECTIONS TO PROPERTY TYPES**

In addition to landscapes, the property type is another key concept for connecting archaeological contexts to historic contexts. Property types may be either signs or symbols or repositories of scientific or scholarly information (e.g., landscapes showing environmental change). The property types for the historic context for the Comstock-era wood industry in the Lake Tahoe Basin, for example, are with wood harvesting, wood conveyance, wood processing, workers housing, wood camps, industrial towns, and industrial landscapes. Property type, however, is an abstract concept that is often not easily connected to the archaeological remains of buildings, structures, and other material expressions of human behavior.

Several years ago, I suggested using the concept of “feature-system” for this purpose (7). Perhaps a more appropriate term is “feature-organization” or “feature-pattern,” since “system” implies feedback and other functional relationships not necessarily intended by the concept. Whatever the name, the concept refers to a network or geographical cluster of discrete archaeological features that can be linked to the same human activity—for example, an industrial mining technology or a domestic household such as a boardinghouse. The feature-system is defined by combining archaeology, history, and ethnography and is used as an interpretive tool. Documentary or ethnographic images of a technological process can be used as a model to identify and interpret archaeological features that are associated with the process. The surviving physical remains, in turn, are used to elaborate and modify the documentary and ethnographic images of the technology.

Feature-systems are defined by working within this interactive framework. The definition of feature-systems often crosscuts archaeological sites, if a relatively long time period is represented. Feature-systems are the physical remains of synchronic processes or organizations, but the archaeological record is the cumulative end-product of all past human activities at the site. Mines, for example, are archaeological sites that may include the physical remains of hoisting works from different time periods, using different technologies. In the 1860s the most typical hoisting system was a whim, followed in the 1870s by steam-driven hoist engine systems in the deep underground mines, and in the 1890s by the introduction of an electric-engine driven system. Each of these hoisting systems is defined as a separate feature-system. Feature-systems often have hierarchical connections to higher order property types and have histories expressed in landscapes. Mining technologies, for example, often form larger “site-complexes,” geographical networks of feature-systems associated with mining-related technologies, activities, and historical events that are “linked together as part of an overall mining strategy” that may encompass the entire mining district.

Consider, for example, the feature-systems and site-complexes that connect the archaeological remains of industrial mining technologies in Nevada's Cortez mining district, referred to earlier in this paper. A key property type is the Tenabo Mill, constructed in 1886 using the then cutting edge Russell lixiviation or leaching technology for processing silver ore. The technology used lime and sulfur to make calcium sulfide as a precipitator rather than the more expensive, if somewhat more effective, sodium sulfide. The need for lime to use in the Russell leaching process led to the connection with a limestone microenvironment nearby where an outcrop was quarried and processed into lime with kilns. Salt used in the process came from the Williams salt works several miles away on the edge of Pleistocene Lake Gilbert. Water for the mill came by pipeline from an aquifer seven miles away at the other side of Grass Valley. And the demand for wood as fuel greatly increased, intensifying clear-cutting and thinning of the pinyon-juniper woodlands.

The mill closed in 1892, but in 1908 a new mining company refitted the abandoned mill with a new technology. Cyanide leaching technology, developed in the 1880s, recovers a higher percentage of metals from the ore and makes economically feasible not only the mining of low-grade ores but also the reworking of old mill wastes. From an archaeological perspective, the result of this change in technology is a distinctive change in landform patterns. Many more and larger new landforms are created by large-scale mining of low-grade ore bodies and the deposition of mill tailings on existing land surfaces. Another distinctive pattern is the displacement of old waste deposits left by earlier milling technologies. Cyanide technology landscapes continued to be formed in the district after the mill burned in 1915, ultimately creating new feature-systems and site-complexes and challenges to connect them to property types and historic contexts.

## **CONNECTING RESEARCH DESIGNS**

Finally, it is clear that the archaeological research design is often the weak link between archaeological context and historic context. James Deetz (8) argues that the use of the comparative method in historical archaeology requires careful attention to research questions, to the type of information needed to answer the questions, and to the scale of place and time. The archaeological remains of domestic households, such as farmhouses, for example, may no longer contain the detailed information about provenience or location needed to answer specific research questions about local or family history. For research questions about domestic households on a much broader regional, national, or international scale, however, the archaeological information from these same sites gains a new significance. Individual examples of the "thousands" of existing 19th and 20th century farmstead sites, for example, acquire more historical value and importance when viewed from the perspective of the late anthropologist Robert Netting's cultural ecology model of small-holder farms as a cross-cultural type (9).

## **CONCLUSION**

In closing, let me reiterate that, in my view, the key to making historic contexts more "user-friendly" for archaeologists is developing and using more "middle range" concepts such as landscape and feature-system. In addition, archaeologists need to give more attention to developing research designs that are tightly linked to both historic contexts and archaeological contexts. Clearly, more work needs to be done.

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## PANEL PRESENTATIONS

### **Significance and Problematic Historic Properties**

**I**n this section, four of the forum speakers address property types that are particularly problematic for cultural resource managers and particularly for transportation agencies. A number of the issues involved in determining historic significance are explored in each paper, along with specific suggestions for solving some of the problems.

Terry Klein, who was at the time of the forum the Archaeology and Historic Architecture Group Manager for URS Greiner Woodward–Clyde, addresses the problem of evaluating significance of historical archaeological sites. Klein notes that the process for evaluating significance under National Register Criterion D, as codified in federal regulation and guidance, is a reflection of the prevailing theoretical perspective in American archaeology at the time the process was created. He argues that this process and the underlying theoretical perspective are not always applicable to historical archaeology, and that they do not incorporate sufficient public involvement.

Alan Downer, the Tribal Historic Preservation Officer for the Navajo Nation, discusses traditional cultural properties—historic places that are significant for their role in the lives of tribes and other traditional communities. Downer describes appropriate procedures for determining significance and for addressing effect and mitigation as well. He emphasizes the central role of consultation with traditional practitioners in completing all of the steps in the Section 106 process, and offers suggestions about how to identify appropriate tribal communities with which agencies should consult.

Robert McCullough, from the University of Vermont, addresses cultural and rural historic landscapes. He describes the process for determining significance of historic landscapes, noting particularly the issues of integrity, boundaries, and multiple periods of significance. Using case examples, McCullough takes us through many of the practical issues that arise when landscapes are evaluated for historic significance. Finally he describes early planning efforts aimed at accommodating transportation needs and landscape preservation and recommends that we incorporate some of those principles in modern transportation planning.

Timothy and Genevieve Keller offer another perspective on rural historic landscapes. The Kellers are the authors of *National Register Bulletin 18: How to Evaluate and Nominate Historic Landscapes*. They advocate an approach to identifying and evaluating historic properties that is focused less upon buildings as individual entities and more on buildings as components in an integrated cultural and natural landscape. They also discuss the problems faced by communities where transportation and other development projects will have an adverse impact on traditionally important vista, circulation pattern, and other landscape issues, and note the importance of community perceptions of significance for historic landscapes.

## SIGNIFICANCE AND PROBLEMATIC HISTORIC PROPERTIES

### Archaeology and the Evaluation of Significance

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As a Cultural Resource Management (CRM) consultant involved in many transportation projects across the country, I find that evaluating the significance of archaeological sites is often a very frustrating experience. Many of my CRM colleagues express similar feelings. These frustrations have led us to question how we currently evaluate archaeological site significance, especially in terms of certain categories of sites. This questioning is also occurring among state DOT archaeologists and even among some SHPO staff. And the significance of archaeological sites is always being questioned by highway engineers and transportation planners who are designing and constructing the projects that trigger CRM efforts. Why is a particular site or group of sites important? Is it worth spending our limited money and time on the identification, evaluation, and treatment of these sites? Have we not looked at and studied enough of these sites already?

The significance of archaeological sites is usually evaluated in the context of National Register Criterion D. Under this criterion, significant archaeological sites are those “That have yielded, or may be likely to yield, information important in prehistory or history” (1). We are encountering difficulties in defining and defending the significance of archaeological resources because of the way that this criterion has been interpreted and used since the NHPA was passed over 30 years ago.

Beginning in the late 1960s and early 1970s, the positivist approach to archaeology (2) provided the framework in which archaeological sites were evaluated. This approach is what is referred to as the “New Archaeology.” A basic tenant of the New Archaeology was to approach the investigation of archaeological sites with explicit and preconceived research questions or hypotheses about the past. In the context of these questions or hypotheses, archaeologists then identify the data that are needed to confirm or deny the hypotheses or address the research questions. The field and analytical approach to a site is then defined and executed so as to recover these data. This “package” of hypotheses, questions, data needs, and methods to obtain these data is what is called a “research design.” The objective of the New Archaeology was to move away from the purely descriptive approach of the “old” archaeology, and to make the discipline more scientific and rigorous, more deductive in its approach, and more focused on cultural processes of the past.

The language and structure of the New Archaeology can be found in government guidelines and documents of the 1970s and early 1980s, such as Appendix II of *How to Complete National Register Forms*, published by the NPS in 1977 (3); the Department of the Interior’s *Resource Protection Planning Process* (or RP3) documentation published in 1980 (4); and the 1983 *Secretary of the Interior’s Standards and Guidelines* for archaeology and historic preservation (5). This positivist approach to archaeological research continues into the 1990s, and in fact has become codified in federal and state regulations and guidelines. For example, in 1991, the NPS published a bulletin on how to apply the National Register criteria. The bulletin states that

Criterion D most commonly applies to properties that contain or are likely to contain information bearing on an important archeological research question. The property must have characteristics suggesting the likelihood that it possesses configurations of artifacts, soil strata, structural remains, or other natural or cultural features that make it possible to do the following: test a hypothesis or hypotheses about events, groups, or processes in the past that bear on important research questions in the social or natural sciences or the humanities; or corroborate or amplify currently available information suggesting that a hypothesis is either true or false. (*I*, p. 21)

The bulletin goes on to say that research questions

... may be derived from the academic community or from preservation programs at the local, State, or national level. Research questions are usually developed as part of a “research design,” which specifies not only the questions asked, but also the types of data needed to supply the answers, and often the techniques needed to recover the data. (*I*, p. 22)

In the 1980s and early 1990s, the positivist approach of the New Archaeology fell in disfavor among several academic archaeologists and some archaeologists in the CRM world, particularly practitioners of historical archaeology. In a 1993 NPS bulletin on how to evaluate historical archaeological sites, the authors of the bulletin *do* recognize other theoretical approaches to archaeological research, such as post-processual archaeology. They still state that the evaluation of historical archaeological sites is based on the evaluation of “data sets and their patterning within the framework of research questions that yield information” (6, p. 27), however. So, the New Archaeology approach still predominates.

The problem with this approach is that we seem to have difficulty defining, in many cases, the research questions that will yield important information about the past. Farmstead sites dating to the 19th and 20th centuries are a prime example. This site type becomes doubly problematic on transportation projects, as many projects involve only a portion of such sites. For example, a roadway widening will generally affect only the front yard of a farmstead. How does one evaluate such a site, when you are allowed to look only at the small piece of it that lies within a project right-of-way?

DOTs, SHPOs, and CRM consultants do not know what to do with this particular category of sites. This became very clear at a workshop on the archaeology of 19th and 20th century farmsteads held during the 1997 annual meeting of the Council for Northeast Historical Archaeology, attended by academicians, DOT staff, SHPO staff, and consultants. Most everyone expressed a frustration concerning the research value of these sites, and an inability to define the important research questions for these resources. I would argue that it is so difficult to identify appropriate research questions for these sites because of the different developmental histories of prehistoric versus historical archaeology.

For prehistoric sites, the positivist approach seems to work well on large, artifact-rich sites, because there have been years of academic research which has defined the questions that count in prehistory for these types of sites. Most CRM work in the 1960s and 1970s was conducted in the context of university programs, so the prehistorians performing CRM work were generally building upon research efforts that were initially developed in an academic setting. Further, the majority of Section 106 compliance excavations involved prehistoric sites.



Today, CRM archaeologists continue to build upon this strong academic foundation for prehistoric archaeology. This is not the case for historical archaeologists working in the CRM world. The practice of historical archaeology in a university setting was quite rare until very recently. As a result, the research issues that guide CRM-related investigations of historic archaeological sites have, for the most part, been developed in the context of CRM work itself, with little connection to long-term academic research, particularly in terms of the discipline of history. Further, most of us who have been practicing historical archaeology for the past 10 years had our academic training in prehistory. This training clearly colors (and some say warps) our approach to the historical archaeological record.

Defining the range of important questions in historical archaeology became an explicit endeavor with a plenary session at the 1987 annual meeting of the Society for Historical Archaeology, entitled “Questions That Count in Historical Archaeology.” Today, historical archaeologists are still bemoaning the lack of appropriate research contexts for interpreting and evaluating sites, particularly 19th and 20th century farmsteads (7). Mary Beaudry, a prominent historical archaeologist at Boston University, notes that most of the questions posed for the investigation and assessment of 19th and 20th century farmsteads consist of a hodge-podge of research questions from urban historical archaeological investigations and from prehistory. She notes that most of these investigations seem to forget the rural and agricultural context in which these sites existed (8).

How is it possible to determine if a site has the potential to provide information *important* in history—for example, National Register Criterion D—when we, as a discipline, are still struggling to determine what is important research? I have emphasized the word “important” because historic period sites, including farmsteads, are often being determined eligible for listing in the National Register simply because they have the potential to provide *any* information. Whether or not this information is important in the context of understanding the past is never really addressed. Further, when such sites are excavated as part of a data recovery program, we often find that our initial questions could not be answered, were too simplistic, or were not relevant, given the nature of the archaeological *and* historical records that came to light during the excavations.

In an article entitled “We’ve Got Thousands of These! What Makes a Historic Farmstead Significant?” Wilson (9) suggests some questions that can be used to make preliminary determinations of a site’s significance in the context of National Register eligibility:

Are features and archaeological deposits temporally and spatially distinct? This concern relates to the National Register question of integrity, both in terms of modern disturbance and sequential historic occupation.

Was the destruction of superstructure catastrophic (as opposed to deliberate)? This is another integrity question, concerned with demolition practices and effects of natural disasters on site data classes. Generally, superstructure demolition or deliberate burning will leave a more distorted artifact and feature record than will such catastrophic events as natural fires and floods.

Is there a good record of successive occupations, relative to the record for similar sites in the study area? A sense of the extent and reliability of the archival record within the area is necessary to answer this question. (9, p. 30)

I think that most historical archaeologists would agree that a farmstead site is significant if the questions posed by Wilson can be answered in the affirmative. We may not know what specific questions could be addressed through the investigation of these sites, but our experience tells us that the research potential of such sites is high. A fellow historical archaeologist, Adrian Praetzellis (personal communication, 1998), recently noted that the significance of some sites is so obvious, based on their content and associated historical record, that going through the exercise of defining a list of research questions in order to evaluate the site's significance results in transforming National Register Criterion D into National Register Criterion "Duh!"

So, am I advocating the elimination of research questions as a mechanism to evaluate the significance of historical archaeological sites? Well, yes and no; but before I explain this answer, let us look at where we are today in terms of using predefined research questions, topics, issues, etc., to evaluate the full range of archaeological sites we encounter on transportation projects.

Archaeologists have been using research questions as the foundation for site evaluations and for data recovery efforts for more than 30 years, but no one in academia, DOTs, SHPOs, or the NPS has evaluated the results of this long effort in terms of the range of sites that have been investigated. The problem is that the focus of state and federal agencies has been, and continues to be, on the review of individual transportation projects, not on a synthesis of the results of cultural resource investigations. Further, CRM firms cannot perform such syntheses, given the scheduling and cost restrictions of projects and the narrow scopes of their efforts. So, reams and reams of data are accumulating in DOT and SHPO files, and there has been no concerted effort to evaluate these data. Our overworked SHPO staffs are just *now* beginning to get a handle on the number and types of sites recorded under their jurisdiction, let alone the association of these sites with research issues. As a result, we seem to be making the same types of recommendations on National Register eligibility over and over again on some categories of sites, never really learning from our past work. The following is an example from my own firm's experience.

For many years, our firm has been conducting surveys of proposed roadway corridors and roadway widening in upland settings within states along the East Coast, using a standard, mandated interval survey technique. These surveys generally result in the identification of small, prehistoric lithic sites that we know will never be considered by the reviewing state and federal agencies as eligible for listing in the National Register. If these sites are continuously being considered not significant, why are we still searching for them, recording them, and filtering them through an evaluation process? Some may say that the problem is in how these sites are perceived. That if we look at them in a different way, they may be seen as significant. Well, we have been looking at them for years, and no one has come up with anything new, either in CRM or academia. In fact, I am unaware of any academic archaeologist who has examined sites of this type in a recent research project. Academic archaeologists do not seem to be seeking grants to find and excavate these types of sites, suggesting that these sites are not considered worthy of research efforts by academics.

But, what about understanding prehistoric settlement patterns in this region, some may say? We need to know the locations of these sites, even though their research value does not extend beyond their initial discovery. In response, I would note that this is not the purpose of our historic preservation regulations. If these sites are not eligible for the National Register, then we should not be using the public's money to investigate them within the Section 106 process.

The need to organize all of the data that have been collected as a result of CRM projects over the past 30 years is well recognized, especially by those of us who are involved in historic preservation and transportation projects (10, pp. 19–20). A few states have succeeded in pulling

together these large amounts of data, but this takes time and a lot of money. And once a database of all previous work is developed, we will still need to figure out what it all means. This will require all of the players in the historic preservation process to get together, brainstorm on the meaning of these data, and decide where we should focus our efforts, given what we now know based on this past work.

A 1997 Newsletter of the Society for American Archaeology describes the results of a report by the Society's "Task Force on Consulting Archaeology" (11). This task force recommended that the society and other groups "Promote the organization of regional databases, syntheses and frameworks for research and resource planning with sharply defined and prioritized research questions," and to "help coordinate the organization of regional task forces charged with developing planning frameworks to guide research, foster data comparability, and integrate data with regional online databases." It is disheartening to note that over 10 years ago, in an article in the Society for American Archaeology journal, William Butler of the NPS made the exact same recommendations to review and synthesize the data found in the thousands of CRM reports that had been produced over the years (12). Let us hope that 10 years from now some new committee or task force will not be repeating these same recommendations.

Recommendations about the need for synthesis are all fine and good, but the recommendations above perpetuate the focus on research questions as the sole defining mechanism for determining the significance of archaeological sites. And, as I noted earlier, this approach runs into trouble when dealing with such properties as 19th and 20th century farmstead sites.

This approach also encounters problems when evaluations of significance need to be defined and defended in the public arena. In dealing with the public, we have to ask the question "To whom are these sites significant?" In most cases, they are significant to historic preservation specialists, agency personnel, archaeologists, and CRM contractors. We perform investigations that answer research questions that are of value and interest to us. Further, we create reports, documents, findings, and so forth that are of interest only to individuals like us; these reports are in a format and language only understandable to us, not the public. Finally, it is the public that ultimately all of this work is supposed to benefit.

Are the sites that we identify and evaluate in the context of transportation projects important to the public? Have we even asked that question? Yes, there are a few impressive success stories across the United States where the public has been involved and listened to in terms of resource identification and evaluation, but these are in the minority when contrasted with the day to day aspects of historic preservation efforts on transportation projects.

So how do we engage the public in our evaluations of significance? In discussing this question with my CRM colleagues, I have encountered a general impression that the public needs to be educated on the issues surrounding the significance of archaeological sites. Currently, public education associated with transportation projects often only involves the production of a small popular report or the construction of an exhibit during and after the completion of an excavation. We need to be more creative on educating the public about the value of archaeological sites, implementing this education throughout all stages of the preservation process and for all types of sites.

Though education of the public is critical, I feel that we at times do not give the public credit for the extent of their knowledge about historic preservation and its importance to them. For example, in the Spring of 1997, Pima County, Arizona passed an "Open Space and Historic Preservation Bond" question by more than a 2-to-1 margin. The passage of this bond issue resulted, in part, in the acquisition, protection, and interpretation of archaeological sites, sites that

were deemed by the public to be significant. So, the public cannot be considered totally unaware of at least the intrinsic value of archaeological sites.

The way to tap into the public's interest in archaeology, besides the use of exhibits, archaeological site tours, lectures, brochures, and the like, is to formally engage the public in decisions about the significance of archaeological sites, particularly at the planning stages of a project, and even prior to a project, when regional planning is taking place. This would involve the use of workshops and other forms of public discussion, where archaeologists, project planners, and the interested public could have a dialogue on the nature and importance of archaeological sites that may be affected by a project or series of projects. This is similar to the public involvement process used in the development of environmental documents required under the NEPA. Efforts to involve the public are required under federal historic preservation regulations, but usually these efforts are carried out only when a known project will adversely impact a site which has *already* been determined to be eligible for listing in the National Register. The interested public's opinion on site significance is rarely sought.

We can also engage the public in the historic preservation process if we investigate sites within a framework that is understandable and enjoyable to the public. Some historical archaeologists are focusing on developing narratives about the historic past, narratives strongly grounded in archaeological and historical data. Under this approach, a significant historic period archaeological site would be one that has intact, datable artifact assemblages, features, and other remains, and an extensive associated historical documentary record. This combination could be used to tell the story of the site's households and their response to local or national events and trends; responses that are clearly expressed in their material culture. Examples of this approach can be found in a compendium of articles in a special publication of the Society for Historical Archaeology entitled "Archaeologists as Storytellers" (13). The use of an explicit, *a priori* research design, following the tenants of the New Archaeology, has no role in this approach.

As Adrian Praetzellis notes,

The legacy of the New Archaeology is that we must put our reasoning on the table where it can be picked at, sized up, used, or discounted. The liberating aspect of modern . . . archaeology . . . is that by throwing positivism out of the window, we have allowed ourselves the freedom to take on an interpretive approach that does not require us to come up with answers to the big questions, those "questions that count." (13, p. 1)

If we expand our application of the significance criteria to recognize the importance of creating historical narratives and to engage the general public, we break out of the New Archaeology mold that has been encoded into how we evaluate sites. This will result in a product that will be more compelling to the public, which pays for our investigations, and we will be able to clearly explain and defend how we determine what is really important and worth preserving since our preservation choices will be based on shared values.

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## SIGNIFICANCE AND PROBLEMATIC HISTORIC PROPERTIES

### **Significance and Traditional Cultural Properties**

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While I was attempting to figure out what my contribution to this forum might be I received a copy of *Preservation of What, for Whom*, the proceedings of a symposium which examined the concept of significance in historic preservation, just off the press. What luck! Something I could crib from (I mean something I could use for research purposes). I've barely had a chance to skim its contents. Actually I was glad to see the preservation community is finally beginning to acknowledge that significance is "socially constructed." I think that this realization is critical to the future of historic preservation and cultural resource management, as well as to recognizing the appropriate role for tribes in historic preservation generally, and transportation specifically. I also skimmed the one article dealing with Native American issues, by Sherene Baugher. Its title asks, "Who Determines the Significance of Sacred Sites and Burial Grounds?" I would like to focus on that question (and also correct some gross errors in fact and law that I found in it).

#### **"HISTORIC" IS AN ASCRIBED TRAIT**

Preservationists have operated historically as if *historic* were an inherent quality of an archaeological site, an old building, a bridge, or what have you. But I'll bet that every archaeologist in this room and many of the nonarchaeologists have heard or even used the phrase "a site only an archaeologist could love." What this means is that the site is important, but its significant features would only be apparent to an archaeologist, and maybe not even to all archaeologists. When a nonarchaeologist uses it, it means, "Man, that's one chintzy-looking site; it sure doesn't look important to me."

Archaeologists, for the most part, accept that a Frank Lloyd Wright building is historically significant as the work of a master. But few archaeologists could name Wright's most famous design style, let alone describe an International Style building, or tell you what was architecturally significant about it beyond its being the work of a "master." In this regard, archaeologists accept the professional judgement of architectural historians. But it is worth noting that not all archaeologists love unlovable sites, and likewise that some architectural historians are highly critical of Wright's work.

The point is, historic is not an intrinsic quality, it ascribed by society (or accepted by society at large on the judgement of the professionals). In short, historical value is socially constructed.

#### **WHAT ARE TRADITIONAL CULTURAL PROPERTIES REALLY?**

Native Americans ascribe value to what the CRM community calls "traditional cultural properties" or TCPs (when I say TCP I am referring to Native American TCPs, although other kinds of traditional communities ascribe traditional values to historically used places). In the CRM community this value is usually described as sacred or religious, and indeed TCPs usually

have a very important sacred dimension. But thinking of them solely as sacred places, that is, places of religious practice, is flatly wrong. Such a conceptualization will lead to fruitless arguments and poor resource management decision making.

The Navajo Nation has been seeking ways to address the management of TCPs since long before the NPS first floated the concept in the early drafts of *Bulletin 38 (1)*. Individuals we have interviewed about sacred places have repeatedly told us that the entire *Diné bikeyah* (Navajoland) is sacred, and it would be wrong to say any one place is more sacred than any other. So I can't tell you about sacred places, but I can tell you about places that have stories told about them. [Klara Kelley and Harris Francis's book, *Navajo Sacred Places*, carried a working title of *A Story Goes with It (2)*.]

These stories, which are often parts of the stories that are elements of Navajo ceremonies, tell about the origins of the Navajo people, of Navajo clans, and of important events in the history of Navajo people. They relate where the Navajo came from, important events in their past, how they and their world came to be as they are today. This, of course, is exactly what history is. It is true that these Navajo stories contain elements that historians and anthropologists would classify analytically as myth or legend, but this is an essential element of the Navajo conception of the past—it is Navajo traditional history.

Because nearly all of these stories involve supernatural beings—the Navajo gods, and supernatural powers—and they frequently involve the curing of illness—which requires intercession with the supernatural—they are rightly thought of, at least analytically, as sacred. But they also embody the essence of the Navajo way, the way of life prescribed to the Navajo by the Holy Beings. Living the Navajo way ensures a harmonious life. Violating its principles is one of the primary sources of illness and misfortune. If the violations are sufficiently widespread they can lead to the destruction of the people.

For the Navajo, the stories are key to a way of life that is conceived of as seamless. Most Navajos have been through enough conventional schooling to talk with some ease about the sacred and the secular. But, traditional Navajo, while able to talk about those analytical categories, make no actual distinction between them in the way they live their lives. There is no Navajo religion, there is only the Navajo way.

The Navajo have an intimate relationship with the land. For centuries they lived a transhumant, gathering and hunting existence, then later they adopted a way of life based on pastoralism and subsistence agriculture. This relationship to the land is retained today by virtually all Navajo reared on the *Diné bikeyah*, no matter how they (and their parents) actually make a living. They do not think of the places featured in the stories as dots on a map in isolation from the surrounding landscape, but this is the way cultural resource managers typically think of cultural resources. (Even if managers conceived of these resources more broadly, they are still routinely dealt with in what I have come to think of as the points-in-space mode.)

While the characteristics that I have described above are specific to the Navajo, every single tribal member or tribal official I have ever discussed this with (and this covers I would guess roughly half of all federally recognized tribes) immediately recognizes this pattern as generally describing the way the traditional people of his or her tribe perceive the landscape of their traditional homelands.

Based on my experience with the Navajo and the anecdotal evidence from many, many other tribes, I suggest that the following generalization is true (although not without some exceptions):

Native American TCPs are not sacred places that are isolated from their surroundings as a result of their sacred power. Instead, they are integral parts of a living landscape that includes the people who make their living on it.

### **HOW IS TCP SIGNIFICANCE DETERMINED?**

Having, I hope, clarified the concept of TCP somewhat, next I will look at how we identify and determine the significance of TCPs. TCPs typically have no associated material cultural remains. They cannot be identified by an on-the-ground survey by archaeologists. Archaeological sites are sometimes TCPs, although this varies greatly among tribes. Even though an archaeologist can identify such a site, its traditional cultural dimension is beyond the archaeologist's expertise. TCPs, particularly among tribes that have been studied intensively, can sometimes be identified in a literature search, but this often requires a degree of familiarity with the landscape, the language, and the stories that even the most highly competent, skilled, and experienced researchers lack. More often they cannot be identified in a literature search. The only way to identify them is by consulting with knowledgeable traditional practitioners. In short, identification of TCPs usually requires primary research, just as does identification of other sorts of historic properties.

It is essential to recognize traditional practitioners as professionals. They may not be able to point to diplomas or hand you a vita that highlights their presentations, publications, or awards, but they have spent years, often in formal training, becoming experts. And they are *the* experts in their traditional culture—far more expert than any professional with a Ph.D. (at least, one who is not also a tribal member) could ever hope to be. Treat them like the professionals they are (and yes, this does mean paying them some form of consultant fee), and recognize the validity of their professional judgement.

If they determine that it is in the interests of their tribe to identify TCPs, they will do so. But you need to be aware that the traditional means of preserving such places was secrecy. The need for secrecy has been reinforced by anthropologists and other trusted individuals who published information about such places that had been revealed to them during the course of their research. Equally important, during the assimilation era it was federal policy to desecrate sacred places. Consequently, information about TCPs is not revealed lightly. And I have had members of tribes tell me that destruction of a sacred places was preferable to revealing any information about it to non-tribal members.

### **ASSESSING EFFECTS**

Just as traditional experts are the only ones who can identify TCPs, they are also the only experts on assessing whether or not an undertaking will have an effect and whether or not that effect can be mitigated or perhaps even accepted. This sounds scary, I know. At least some of you are thinking: What if they tell me there's no way to avoid, mitigate, or minimize an adverse effect? What if they lie? Anyway, these are sacred places, so there's no way to mitigate effects, right? I know what they are going to say—why bother to ask?

The Navajo Nation Historic Preservation Department (HPD) routinely requires consultation with *hataathli* as part of Section 106 review on the Navajo Nation. HPD also conducts several hundred such consultations annually. The word "hataathli" is most frequently glossed in English as "medicine man," a term deeply offensive to most hataathli. A more literal



meaning is “singer” or “chanter,” which is the way most hataathli refer to themselves in English. Chanters are both traditional healers and the caretakers of Navajo traditional culture.

One of the lessons HPD has learned from these consultations is that if you prejudge the outcome you will often be confounded. For example, HPD consulted with a chanter because a Bureau of Indian Affairs (BIA) road would go across his medicine gathering area, causing major damage to this important source of medicine. To me, this appeared to be a major adverse effect. HPD staff consulted with the hataathli and asked for his recommendation: Would he like the road to be re-routed? Would it be possible to allow the road to go through as designed and have the BIA replant the medicine plants in a safe location? The hataathli’s advice was do nothing: “the plants will take care of themselves.”

On another occasion, the Navajo Tribal Utility Authority was designing a power line, which was going to be constructed miles from another hataathli’s medicine gathering area. It would not be visible from either his home or the medicine gathering area. This project appeared to me to have no effect on the medicine gathering area. When HPD staff contacted the hataathli, we were advised that powerful proscriptions prohibited him from walking under the power line either on the way to gather medicine or returning with it. My “no effect” was actually a serious adverse effect.

Is it an effect or isn’t it? Only the traditional experts know for sure, and the question can only be answered by asking them. You must be prepared for an answer you don’t expect. If you always get the answer you expect, it would be well to suspect something is wrong with your methods.

As for treatment of adverse effects to traditional cultural properties, it is widely assumed that since TCPs are just sacred sites masquerading under a name that can get them into the Section 106 tent, there can be no way to mitigate effects to them. This assumption is no more valid than the assumptions made about whether or not an undertaking affects them. Only the traditional leaders will know whether or not an effect can be minimized or mitigated, and here, too, you should be prepared for surprises.

Years ago, AT&T was installing a fiber optic cable in an existing right-of-way. Since this was a new activity requiring a federal permit, even though there was no new right-of-way, the activity was subject to Section 106 compliance. The existing right-of-way crosses the San Francisco Peaks, which are west of Flagstaff, Arizona, and are the westernmost of the Navajo sacred mountains. AT&T consulted with HPD, and we advised consultation with a local hataathli. This was in the days before HPD was involved in Section 106 decision making (back then we merely advised agencies and the SHPO of the Navajo Nation’s opinion), and AT&T contracted with HPD to conduct the consultation on its behalf. HPD staff contacted the hataathli, and we were told that the construction of the fiber optic cable would adversely effect the Peaks. He also informed us that a ceremony could be conducted that would return the Peaks to harmony *and* protect the fiber optic cable. The ceremony was arranged and conducted.

Finally, is it possible to have done a good faith identification effort and not identified any TCPs? Even a properly designed and conducted identification effort may not identify TCPs that may potentially be affected by an undertaking. This does not necessarily mean that a good faith effort has not been conducted. Sometimes the proscriptions against revealing the location of an important TCP are so powerful that even the threat of damage may not provide sufficient justification to reveal the location. As long as the knowledgeable traditional experts have been contacted and the potential consequences of not revealing the information are disclosed and understood by them, if they elect to remain silent, then they have made a valid decision. Recall

that they are the sole experts on when an effect will occur, what the nature of that effect may be, and whether or not it is acceptable or mitigable.

Sometimes traditional experts will not reveal information during the planning stages. They will elect instead to wait and see if the undertaking will actually have an effect on TCPs. If they see no evidence that the resources will be adversely affected as the project is implemented, the places have been protected and cultural strictures have been observed. If they see that TCPs may be affected, they may still elect to remain silent. Again, if the consequences have been fully explained and understood, the good faith standard has been met.

If, on the other hand, they decide to come forward with information when they see that an undertaking will have an effect, the agency must deal with the report of these TCPs as a “discovery” and either implement the discovery provisions of the completed Section 106 documentation, or if there is no such no discovery clause (or more likely, no discovery clause applicable to TCPs), comply with the provisions of 36 CFR 800.

## CONSULTATION

One thing that should be clear from this discussion is that the only way to consult is to talk to people. When *Bulletin 38* was first published the HPD sponsored a workshop on TCPs for contractors and agency staff. At the closing session one state official said (I’m paraphrasing here): “This is really great and I appreciate what you’ve told us. But you know, I still don’t know how I’m supposed to go about identifying TCPs.” I explained that you have to talk to traditional experts—they are the ones who can actually identify TCPs. This finally seemed to get this point across to the participants.

As we were all chatting after the wrap-up, one archaeologist came up to me and said, “You know this was really good. But you have to understand, some of us became archaeologists (rather than cultural anthropologists) so we wouldn’t have to talk to people.” This archaeologist was expressing a position that seems prevalent among those who have to deal with these issues. All I can say is, there is no other way; you just have talk and go in with an open mind.

The Advisory Council regulation, 36 CFR 800, requires that consultations with Indian tribes meet a *reasonable and good faith* standard. The regulations do not go beyond this. So what does it mean? Review of the existing case law on both Section 106 and NEPA compliance makes it clear that consultations must be open. The parties consulted must know what the facts are. The agency must really listen. It must consider the input it receives and, to the extent it is applicable, take it into account before making its decision.

Having your mind made up before you even initiate consultation is not good faith, and neither is consultation conducted under the influence of the prejudgments mentioned earlier (What if they tell me there’s no way to avoid, mitigate, or minimize the adverse effect? What if they lie? I know what they’re going to say, so why bother to ask?). No judge will accept “going through the motions” as meeting the reasonable and good faith standard.

Can an agency meet the reasonable and good faith standard without doing what the Indian tribe wants? Yes, but it must be able to document its consultations. The documentation must demonstrate that the agency was serious about consulting in an open fashion. It must also show that the agency had not already decided what it would do before it started consulting. Furthermore, it must show that the agency had openly considered measures to (in the words of 36 CFR 800) “avoid, minimize, or mitigate adverse effects.” If the agency decision is averse to

the tribal interest in the TCPs, the record must demonstrate all of these things and that the agency had some rational reason for the decision it made.

One last point: I have heard over and over again from agency officials and from Advisory Council staff that other agencies still claim that they will never be able to figure out which tribe(s) they will have to consult. If anyone thinks that a federal judge will buy that as a defense, you need to think harder—no judge will, and that is the surest way to convince a judge that your agency's efforts were not reasonable nor in good faith. Today almost every agency has professional archaeologists on its field staff. They may not be experts in the ethnology of American Indians, but they ought to be able to figure out with which tribes they should begin consultations. Furthermore, most if not all states have at least one book entitled something like "The Indians of \_\_\_\_\_," which is in every public library in the state. Many states have similar books about "their" archaeology. These books range from the popular to the technical.

In addition, the Smithsonian's *Handbook of North American Indians* provides essential baseline information on which tribes were where, when (3). Finally, many law libraries, especially those in Indian Country, have comprehensive information on the proceedings of the Indian Land Claims Commission, which includes very specific information on the aboriginal lands of the tribes making compensation claims. Much of this information has been published as a series by Garland Publishing and is generally available in research libraries across the country. While none of these sources may be regarded as definitive, they provide an essential place to begin, and they completely and utterly undermine the assertion that "we didn't know where to start."

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## SIGNIFICANCE AND PROBLEMATIC HISTORIC PROPERTIES

### **Cultural Landscapes and Rural Historic Districts**

**ROBERT MCCULLOUGH**

**L**andscape, as writer John Stilgoe proclaims, is a slippery word. It is a word that has had different meanings to different cultures during different periods of history. Today, it is a much over used term, difficult to describe or consider without resorting to cliché. Nevertheless, for those of us whose thoughts, whose outlook, whose sense of well-being are tied very directly to our surrounding environment (and I think we are many), landscape is an immensely important ideal—an ideal, alas, that too often lies far beyond our reach.

Today, one who ponders landscapes that are rich in history must become proficient in a vocabulary that has, with a few exceptions such as the writing of Carl Sauer and J.B. Jackson, evolved over the last 30 years or so. We speak of cultural landscapes, vernacular landscapes, designed landscapes, ethnographic landscapes, and rural historic landscapes. Each term has been given a slightly different meaning; each is part of an administrative system that seeks to identify and evaluate landscapes in terms of historic significance and integrity.

This short paper will attempt to accomplish several things. First, it will briefly summarize the structure that the NPS has developed for preserving historic landscapes—primarily the definitions, methods of research, and treatments that are contained in a number of valuable writings and publications. The Mad River Valley Rural Historic District in central Vermont will be used as an illustration.

Second, New England's community-owned forests will be introduced as a property type meriting evaluation as a rural historic district. These ancient wooded landscapes reveal a form of stewardship that began to emerge during the early 17th century and has evolved ever since. Here, cultural and natural landscapes blur to the extent that distinctions between the two become unimportant. Instead, the need for alliances among historic preservationists and other resource-conservation groups becomes clear.

Third, the paper will attempt to isolate at least a few of the issues that confront transportation agencies engaged in regulatory compliance. Underlying all is a desire to encourage transportation officials to recognize historic landscapes as resources worthy of protection. At the same time, there is a suggestion that transportation can play a leading role in the policy-making required to preserve our countryside.

### **ADMINISTRATIVE STRUCTURE FOR PRESERVING HISTORIC LANDSCAPES**

The NPS has prepared a number of valuable bulletins to guide those engaged in identifying, evaluating, documenting, and nominating to the National Register both historic designed landscapes (Bulletin 18) and historic rural landscapes (Bulletin 30). More recently, the Secretary of the Interior's Standards for the Treatment of Historic Properties have been augmented by Guidelines for the Treatment of Cultural Landscapes. Several CRM bulletins add to the mix.

Together, this body of writing provides a method for understanding context, evaluating historic significance and integrity, and applying the four treatments (preservation, rehabilitation,

restoration, and reconstruction) to cultural landscapes in ways that meet the goals of historic preservation, as embodied in the Secretary's standards.

Slippery or not, the term landscape requires definition. Cultural landscapes are geographic areas that include both cultural and natural resources (and the wildlife or domestic animals dependent upon these resources) and are associated with an historic event, activity, or person or exhibit other cultural or aesthetic values. Most landscapes can be categorized by four general types: historic sites, historic designed landscapes, historic vernacular landscapes, and ethnographic landscapes, the latter encompassing natural or cultural features that people who have a long-term association with the landscape define as heritage resources.

Rural historic landscapes fall into the category of vernacular landscapes. As defined by the National Register, they are geographic areas that historically have been used by people or have been shaped or modified by human activity, occupancy, or intervention. They must also possess a significant concentration, linkage, or continuity of areas of land use, vegetation, buildings and structures, roads, waterways, and natural features.

### **Landscape Characteristics**

Evidence of human use is revealed through identifiable characteristics, and the National Register has identified 11 such characteristics that may define a rural historic district. The first four are processes that have influenced the lay of the land and may continue to do so in the face of changing technology or dwindling resources. A complete understanding of landscape is achieved when these processes are linked to the physical components.

1. Land uses and activities—the major forces such as farming, commerce, or industry that have shaped the land.
2. Patterns of spatial organization—large-scale arrangement of landscape; for example, the very irregular patterns of field division characteristic of settlement in many parts of New England, in contrast to the grid of Midwestern states where the land was sectioned by the Public Land Survey.
3. Responses to the natural environment—features such as rivers, river valleys, climate, forests, or mineral deposits that have influenced settlement patterns.
4. Cultural traditions—customs (religious, ethnic, social) that have guided manipulation of the land.
5. Circulation networks—transportation systems, ranging from footpaths and cart-paths to railroads and highways, and, of course, bridges.
6. Boundary markings—features that delineate ownership or divide a landscape according to more subtle functions such as pasture and arable land or, in the case of managed forests, roads that divide compartments by age and species and also provide access.
7. Vegetation—either directly related to traditions of land use, such as planted types, or occurring as more subtle indicators of human influence; for example, the culturally-assisted evolution of different tree species emerging from old pasture or cut-over woodlots.
8. Buildings, structures, and objects—providing shelter for human activities, but also intended to serve particular functions (bridges, for example).
9. Clusters—organized groups of buildings or structures that reveal a particular activity.
10. Archeological sites—remnants that provide important information about prehistoric or historic activities.

11. Small-scale elements—signs, mile markers, or other features that may characterize a particular region.

### **Context**

This system of classifying processes and components is directly linked to the all-important historic context, a thematic approach fundamental to any understanding of historic landscapes. Context, the history of a particular area, expands over time as different themes emerge. As specific landscapes are surveyed, features attach to different themes and the importance of these features then becomes understandable.

For example, early agriculture in the Mad River Valley was diversified, and farm buildings were, by necessity, small and arranged in clusters. Following the invention of the refrigerated railroad car before the middle of the 19th century, and with increasing emphasis on scientific agriculture, farming became more specialized. Dairying emerged as the dominant form of agriculture, and large, gravity-flow barns superseded the much smaller, three-bay Yankee barns.

### **Evaluation of Significance**

Determining whether or not specific landscapes can be considered historic will require evaluation, the process of assessing significance by applying the National Register criteria, gauging integrity, and defining boundaries.

For instance, if agricultural landscapes such as those in the Mad River Valley are to qualify under Criterion A, the characteristics must be directly connected to a thematic context and to the events that establish that context. In addition, the property, through its features, must reveal the period of time in which those events occurred.

To qualify under Criterion C, features such as barns, the arrangement of fields, or the siting of farmsteads must be distinctive or illustrate traditional patterns of land use or methods of construction.

Significance can be evaluated within various categories that often apply to rural landscapes: agriculture, architecture, industry, engineering, community planning, conservation, and a number of others. Similarly, the period of significance of historic landscapes may extend over several thematic periods. The length of time should be limited, however, to the periods when the area actually contributed to historical events. For example, although farming activities in the Mad River Valley survive (but barely so) agriculture is clearly in decline, and its products no longer contribute to the economy and culture of the region in the same way that they once did. Such factors might easily influence the period of significance.

Nevertheless, the legacy that survives in the form of an open, working landscape contributes to the region's economy in different, but no less valuable ways. Thus, the characteristic features of post-World War II agriculture—adjustments in farming practices that allow these farms to survive—may justify extending the period of significance to include these important changes. At the same time, however, the integrity of earlier features must be protected.

## **Evaluation of Integrity**

Landscapes must also retain the physical qualities (location, design, setting, materials, workmanship, feeling, and association) acquired during their periods of significance; in other words, they must possess integrity. Influenced by significance, integrity in some features will be more important than in others.

Evaluating historic integrity, and the related decisions about what the effects of a project might be, can be troublesome because landscapes are both complex and fragile. Something as simple as widening roads can have an enormous impact, creating a visual scar as well as physically separating farm complexes and altering the relationships of buildings within these complexes. Added layers of paved surfaces can also change drainage patterns, channeling water downward into barn foundations, causing movement of framing members during freeze and thaw cycles, opening roofs to the elements, and accelerating deterioration.

On the other side of the fence, such properties can become an administrative burden for transportation agencies when simple projects are escalated into time-consuming and expensive ones, requiring the identification and evaluation of large rural historic districts. Unresolved friction in the realm of regulatory compliance serves the interests of no one. The choice need not be reduced to one of either efficient transportation or protection of countryside, however. One approach is to develop standards for treatments of highways in sensitive areas, standards that recommend minimal change to highway footprints. Landscapes and efficient transportation are thus given equal value, and our countryside is not compromised merely for the sake of convenience to motorists.

Compromise can sometimes be important to the broader goals of preservation. On heavily used roads, for example, added width provides a safer path for bicyclists, a potentially large constituency capable of asserting a strong voice in favor of landscape protection. These opportunities for alliances with like-minded groups should not be dismissed lightly.

## **Evaluation of Boundaries**

Boundaries of rural districts should generally be confined to areas having historic significance and encompassing a concentration of historic landscape characteristics. Legal boundaries, natural features, roads, hedgerows, irrigation ditches, and stone walls can all serve as edges, but the choice of boundaries can generate all sorts of interesting quandaries.

In the Mad River Valley, for example, arable land ascends into hillside pasture, once grazed clean by sheep but now overgrown; overgrown pasture merges with sugarbush, and old woodlots may be interspersed throughout. Higher elevations probably supplied much of the timber for valley buildings, but mixed deciduous woodlands have given way to unmanaged coniferous types, today more suitable for pulp-wood than anything else. Should the upland resource areas be included in the boundaries of a rural district? Distant mountainsides, never actively a part of the farming community but nevertheless always a dominant landscape feature.

## **CHANGING LANDSCAPES**

Evaluating cultural landscapes is vexing because not only are they complex and fragile, they also change, and that change can be slippery indeed. In truth, historic landscapes are settings for activities that make elusive change the norm—from week to week, season to season, year to year, generation to generation. Nevertheless, as change occurs, patterns develop and those patterns are

often repeated, establishing an all-important thread of continuity that guides the evaluation of both significance and integrity.

Forests provide a valuable case study, because harvesting occurs only occasionally yet precipitates profound ecological change over time. Forests may also be significant as a specific property type. Many contribute to the history of conservation in this country, helping to trace the evolution of public policy toward natural resources. Moreover, these policies often vary at different levels of government. For instance, it is not unusual for communities to interpret conservation goals in very creative ways. Forest cover, too, may be significant simply as an appropriate landscape for public lands, one that recalls America's wilderness antiquity.

Consider as an illustration the town forest in Newington, New Hampshire, a small coastal village just inland from Portsmouth. Town forests are a 20th-century phenomenon, one thematic period in a much larger history of community-owned woodlands in New England, a history that extends across four centuries. The context begins in the early 17th century with common land—land owned by town proprietors, each having an undivided right to use the whole. Although land in early village centers was divided into individual lots, proprietors continued to hold surrounding woodlands in common and to manage that land for community benefit throughout much of the 17th century.

Newington began as a parish in the town of Dover but eventually became a separate town. In 1710, proprietors of Dover set aside more than 50 acres of the town's common land as a church lot for Newington Parish, land that became the oldest of three contiguous parcels that today partially surround the village center. Ownership eventually accrued to the town of Newington. Church lots, glebe lots, school lands, minister's lots, and other parcels specifically set aside to sustain community institutions all represent a second thematic period of community-owned woodlands, best described as public lots. In this period, lands initially overlapped with common land but continued to sustain communities long after most common land had passed into private hands by the close of the 17th century. In Newington, a second, 20-acre parcel was acquired in 1765 as a parsonage lot and a third not long after, increasing the total to roughly 120 acres.

Records indicating how these lands were managed during the latter part of the 18th century and first half of the 19th century are incomplete, and it is likely that the parcels were at least partially open meadow or pasture. Stands of white pine, indigenous to that region, are also likely to have been present. Use of woodlands for grazing was a common practice in rural England and was transplanted to New England by colonists. By the second half of the 19th century, trees had grown to maturity and management became thoughtfully supervised. Selective cutting occurred as stands matured, producing revenue to defray the costs of a library in 1894, the installation of running water in town buildings in 1912, and a stone schoolhouse in 1920.

The town parsonage, acquired in 1765 with the parsonage lot, also played an important role. In 1842, building and land were put to service as a poor farm, and trees supplied fuel for the farm and school, as well as private buyers. Poor farms represent a third thematic period of community-owned woodlands, a form of public land that had gained widespread use in New England by the mid-19th century. Many of these farms possessed woodlots that were capably managed. As poor farms dwindled in number during the first part of the 20th century, their woodlots became town forests.

The town forest movement, represented by the fourth thematic period in the history of Newington's forest, emerged during the first decade of the 20th century and grew out of concern for depleted timberlands, abandoned farms, and regional timber shortages. An increasing awareness about the relationship of forest cover to water supply also played a role, and many town forests



protected watersheds. The movement was championed by the Massachusetts Forestry Association, led from 1911 to 1953 by its tireless secretary, Harris Reynolds. Three New England states—Massachusetts, New Hampshire, and Vermont—planted the greatest number of town forests. Other eastern states such as New York and Pennsylvania also developed strong programs, and community forestry, as it was called by the U.S. Forest Service, eventually became a national program during the Roosevelt Administration.

Eager to demonstrate the viability of local forestry, or “forestry for the people” as Harris Reynolds put it, both state and U.S. foresters turned to Newington as a model, one rivaling the ancient community or city forests in Germany and Switzerland. Zurich’s city forest, the Sihlwald, had been studied by American foresters and was the example to which all others aspired.

New England’s town forests represent a class of local woodlands devoted, by statutory definition, to the cultivation of timber. The forest that we see today in Newington is the cultural imprint of forestry practices promoted during the town forest movement, a small part of a much larger campaign to introduce responsible timber management practices. Thus, significance attaches to Newington’s land during each of the four thematic periods and establishes a continuum of stewardship in which forest and land resources were applied to community benefit.

Town forest plantations were typically monocultural compartments of similarly-aged, evenly spaced, coniferous types—primarily, white, red, and scotch pines or Norway and white spruce. These were fast growing and could produce a paying crop of timber with consistent weeding, releasing, and pruning. Compartments were divided by roads that also provided access and fire-breaks. Although practices such as monocultural planting have fallen out of favor, such plantations may nevertheless represent an important phase in the country’s history of conservation.

The town forest movement, however, was plagued by several problems. Community officials often failed to expend the funds necessary for weeding and pruning, a crucial part of proper management. Sections of Newington’s forest reveal this shortcoming and have become overgrown. Compartments tended to be small, not much different in size than a small farm, making timber harvesting economically inefficient. Finally, ownership of local forests is sometimes vulnerable to political change. More than 100 acres of Newington’s forest were acquired by the federal government for construction of Pease Air Force Base in 1953, and portions of some compartments were destroyed. Although that base has closed, the land has not been returned to the town, and the community’s ability to use its public land to protect village integrity has been compromised.<sup>1</sup>

## **TRANSPORTATION AND PUBLIC FORESTS**

“What,” the reader may ask, “does all this have to do with transportation?” One of the intriguing aspects of Newington’s forest is that it demonstrates the value of publicly-owned land in shaping community structure. In an informal way, it employs some of the ideas that were expressed by Ebenezer Howard in his 1898 work, *Garden Cities of Tomorrow*. Fields and forest plantations surrounded Howard’s garden city, ensuring a rural setting for communities of limited size and population.

Howard’s ideas were applied by a group of planners, architects, writers, and philanthropists who called themselves the Regional Planning Association of America. Clarence Stein, Henry Wright, Lewis Mumford, Benton MacKaye, and several others initially considered the name “The Garden City and Regional Planning Association of America (RPAA),” but instead settled on an informal affiliation with their English colleagues.

Among the members of the RPAA, MacKaye was especially farsighted. Forester, planner, and Thoreau-like philosopher, MacKaye recognized the cultural significance of forests to the American landscape. MacKaye is best known for his proposal for the Appalachian Trail, which appeared in a 1921 issue of the *Journal of the American Institute of Architects*, with a foreword by Clarence Stein. His plan, far more complex than the wilderness footpath that now links Mt. Katahdin in Maine with Springer Mountain in Georgia, fused trails, community, and transportation systems into a broad vision for creative forest use.<sup>2</sup>

Later plans developed these themes more completely. As a consultant for the Massachusetts Committee on the Needs and Uses of Open Spaces in 1928, MacKaye devised a system of primary and secondary open and wooded lands and cultural areas. The first were shaped as wide belts occupying ridge lines and river valleys and were intended to block the flood of urban environments. To MacKaye, the flood of “metropolitanism,” a word he used often, was getting out of hand. Secondary areas were confined to narrow strips along highways contrived to allow passage of motor traffic but not the development of road-towns, wayside fungus, or “motor slums,” the latter a term MacKaye credited to naturalist Walter Pritchard Eaton.<sup>3</sup>

Later, in a 1937 publication for the Trustees of Reservations, MacKaye helped with the plan for a Bay Circuit, a series of connected reservations forming a semicircle around greater Boston. Other plans and a large body of articles, such as “The Townless Highway” which appeared in *The New Republic*, expanded these ideas.<sup>4</sup>

It is no coincidence that MacKaye, Mumford, and others focused on transportation corridors and forests as key pieces in the American planning puzzle. What was true during the 1920s remains true today—both the problems and the solutions. The Massachusetts committee that hired MacKaye was unwilling to assert public control over valuable commercial land along transportation corridors for the sake of protecting village integrity and countryside. Seventy years of landscape erosion have not yet strengthened our will.

MacKaye belonged to a small, light-hearted group of conservationists, planners, and foresters who called themselves the “Woodticks.” Members made annual pilgrimages to the summit of Mt. Monadnock in southwestern New Hampshire. There, thoughts about the shaping of America’s landscape were given renewed perspective, a fresh outlook toward distant horizons. We, too, must embark on a similar journey. As our thoughts expand, so too will our landscapes take larger shape. They will become regions bounded as much by geographic landmark as human landmark, no longer confined by political boundaries that for too long have sapped the public will to manage resources in a sensible way.

## CONCLUSION

Today, laws such as the NHPA and the NEPA are alternatives to the methods that MacKaye and others would have used to protect landscapes. Rather than direct public ownership or control of these lands, authority is asserted indirectly over the activities of federal agencies, which can be far-reaching, indeed.

Through its National Register program, the NPS has crafted an artful structure for preserving historic landscapes. It is inspired in concept, thoughtfully written, and comprehensive in approach, an ambitious substitute for direct public control over important landscapes. Transportation systems and landscape protection are inextricably linked, and the future of our countryside is at stake. With proper planning, transportation projects can make enormous

contributions to the protection of cultural landscapes. The methods for conducting that planning have been carefully assembled by the National Park Service and need only be observed.

At the same time, we should not be dependent on a single program. Our historic landscapes are so large and in many ways so complex that the ability to preserve them lies beyond the reach of any one discipline. We must focus, not on narrow objectives, but on a larger, MacKaye-like plan for a reordering of America's land-use ethic, a plan that will require our undivided attention. I am convinced that transportation must be part of that plan.

## NOTES

1. For a general history of Newington, see Rowe, J. F., *Newington, New Hampshire: A Heritage of Independence Since 1630* (Canaan, N.H.: Phoenix Publishing, 1987). See also, Brown, N. C., "The First Community Forest," *American Forests*, Vol. 44 (September 1938): 406–408.
2. MacKaye, B., "An Appalachian Trail: A Project in Regional Planning," *Journal of the American Institute of Architects*, 9 (October 1921): 325–330.
3. MacKaye credits Eaton with coining the phrase, "motor slum," in several writings. See, for example, "Wilderness Ways," *Landscape Architecture* 19 (July 1929): 245. MacKaye also uses the terms "wayside fungus" and "road-towns" to describe what today is commonly called urban sprawl. See, for example, page 9 of "Highway Approaches to Boston," a short publication published by the Trustees of Public Reservations in 1931.
4. See "Townless Highway," in *The New Republic*, Vol. 62 (March 1930): 93–95. MacKaye's *The New Exploration* (1928) is a synthesis of many of his ideas.

## **Rural Historic Districts and the Transportation Planning Process**

**J. TIMOTHY KELLER  
GENEVIEVE P. KELLER**

James Billington, the Librarian of Congress, was quoted in *The Washington Post* in March 1999 as saying, “It’s significant that we call our own time the Information Age. We don’t talk about the Knowledge Age.” This observation is directly applicable to National Register of Historic Places rural historic districts. Both sides of the issue—pro and con—are armed with information. Thousands of dollars are spent on generating information from opposing sides, each with its own spin to determine whether historic resources exist, retain integrity, or exist in sufficient concentrations to warrant consideration as a historic district. What we lack collectively is the wisdom or “knowledge” to use this overwhelming abundance of information in a way that is meaningful to determine what is truly significant. To do so requires an understanding of landscape processes and landscape systems, the courage to consider buildings within the broad framework of a landscape, and the ability to depart from the long-held concept of landscape as mere surroundings and setting.

A colleague recently cited the work of Marion Shoard, a British journalist and landscape observer, who has described a landscape as essentially “a jumble of objects whose origin, function and relationship to each other are mysteries.” According to Shoard, “We understand buildings because our fellow men shaped them for purposes we can understand. But landscapes are different. They are the product of interaction between man’s works and the geography, geology, and biology of our planet.” These are, however, precisely the reasons why we should be able to understand rural landscapes. Their relationships to geography, geology, and biology make them connected to us in a way that is much more vital, although more dynamic, than buildings ever could be. They are rarely the jumbles that Ms. Shoard describes. They are often hierarchical, highly organized, and cyclical, and they demonstrate clear relationships among features and resources that are observable and documentable.

Rural landscapes are not mysterious to the ranchers of Chase County, Kansas, or the farmers of Lake Landing, North Carolina. Farms and ranches are part of the familiar fabric of our American experience. A farm should be the simplest concept to understand in terms of basic human needs for shelter and food production. Childrens’ first songs, books, and toys often have rural themes; even presidential candidates, in their early campaign stops in Iowa and New Hampshire, focus attention on American farms and rural landscapes. Most farms were established on the basis of common sense, environmental adaptation, and longstanding cultural traditions, often by people of limited means and little education. Although the majority of the American population no longer lives in the countryside, rural landscapes provide tangible linkages to many families’ pasts and are part of our popular experience.

The challenge is to understand rural landscape processes within the overall framework of National Register criteria. Ecologists and biologists have little problem documenting and evaluating either the individual or collective features of the landscape; architectural historians do the same for buildings. Why do we need to make something as basic as the land that sustains us

and gives us inspiration so complicated to understand? Defining and evaluating rural districts should be a straightforward, understandable part of the total Section 106 review process.

To local preservationists, rural districts are often the last chance in today's NIMBY (not in my backyard) world. Conversely, many transportation professionals and their consultants ignore and avoid any mention of a possible rural district to ensure that sufficient space remains between individual historic resources to site a new highway alignment. In the 21st century, we need to consider rural districts more carefully and as more than collections of artifact buildings and relict plant material arranged in a historic pattern on the land. We also need to design new roads or improve existing ones in ways that blend with and are acceptable to citizens who are concerned about the effects on nearby or adjacent natural and cultural resources. Intruding on traditional views toward highly visible and recognizable valley and mountain settings by siting a new highway project within such viewsheds is often unacceptable to local citizens.

Too frequently, DOTs are forced to respond to land use issues in rural areas where land use planning is ineffective or nonexistent. In such cases, the DOTs are asked to make decisions that directly affect future land uses without the benefit of a local plan or ordinance to consult. Similarly, the National Register is used as a de facto local land use control to stall or stop a project when a community doesn't have the political will to use local regulatory techniques to protect against the anticipated secondary effects of new roadways and interchanges. Localities too often avoid making the decisions they should and neglect basic planning for decades.

Such situations generally develop in rural communities without strong local planning traditions and without constituencies willing to voice local values until there is a crisis. Many citizens have a perception that they are not included in the planning process and enter the process of project planning and review at the last minute or when it is often too late to affect the outcome. Straightforward public education in basic civics and government is a compelling need in most communities. Creation of a citizenry that understands the process and is prepared to participate at the appropriate times could save many communities the misfortune of extended legal battles and community friction and tension and could result in more responsive transportation planning.

Transportation corridors have always been an important part of rural America. Many, including old toll roads, canals, railroad lines, and parkways, have been designated historic themselves. These cultural resources rarely exist without a significant association with adjacent or underlying natural resources. Railroad tunnels, highway bridges, and scenic overlooks have clear relationships with natural resources. Canals are another prime example; the development of a canal within a specific river corridor is a response to the natural environment; the navigable part of the river channel is a cultural resource along with the locks and dams developed for the canal. Somewhere, sometime, we are going to have to acknowledge that natural features and systems possess cultural value. The cultural value of our natural resources is well documented in our popular culture. Mark Twain's novels and John Denver's recordings have celebrated the cultural importance of such natural resources as the Mississippi and Shenandoah Rivers. They and many other natural features have become important national icons, whose cultural values are inextricably linked with their natural resource values.

Cultural resource specialists need to make hard decisions in evaluating real cultural resource value and not simply determining the age of a resource. Determining an appropriate period of significance is becoming more and more complex. Periods of significance are not so tightly defined as they once were. Periods of significance are likely to span several decades, even

centuries in some cases, and to reflect the evolution of a property or district over time rather than simply its earliest period of development.

We who have lived in the 20th century will need to consider carefully those resources of the 20th century that warrant preservation in the 21st century. We will struggle over the significance of our own past in determining how much of it warrants designation and ultimately protection. We need to make distinctions between what is merely interesting and what is truly significant. In doing so, however, we must not relegate the characteristic representative landscapes and their features to the trash bin, while celebrating and protecting only the unique and the exceptional landscapes. Because of our inclination to want landscapes to be scenic, or to include unique environmental and historic resources, it is easy to lose sight of the importance or value of the everyday qualities that make landscapes significant cultural resources.

The use of quantitative data can too easily deny the qualitative strength of the historic landscape. Most determinations of eligibility for rural properties still come down to counting contributing and noncontributing resources, and these resources are primarily considered to be buildings and structures. But, how do we determine significant features? They are certainly more than the windows and doors that some consultants count to produce a numerical score for the integrity of individual buildings. Some consultants have developed their own arbitrary quantification evaluation systems that perpetuate building biases. Such systems often place undue emphasis on minor building alterations, such as siding and roofing materials, when unmistakable overall design characteristics still persist. Such ratings make a mockery of rural districts when such character-defining components as land use and historic spatial arrangement are ignored. If we are following the spirit of National Register Bulletin 30, we should be looking at the underlying natural characteristics of a rural area and the cultural responses to that natural environment, and not simply observing windows and doors.

We must also look beyond the “lovely Greek Revival” mansion or the distinctive Italianate rural villa to the adjacent rich bottom lands, mineral deposits, or navigable river network that made the construction of such a fine residence possible. It requires looking at representative characteristics—windbreaks, field patterns, hedgerows, fencelines, and corn cribs. Evaluating the significance of landscape features, such as landforms, is especially critical in rural districts, and yet such features are rarely included when resources are enumerated in a National Register nomination or determination of eligibility. If not evaluated as significant, such resources become vulnerable as transportation projects are planned. Modifying the shape or height of landforms, such as mountain ridges or hillsides, or creating new artificial valleys and ridges alters forever not just the view from other historic resources but perhaps a community’s most important point(s) of visual identity and cultural identification.

The persistence of a “building bias” continues. Number crunching—counting every structure as contributing or noncontributing and not quantifying the landscape—remains the norm, with the landscape being treated primarily as setting. Buildings are not considered as a part of an overall landscape or for their value within a complex or cluster of buildings. It may be more reasonable to determine whether the domestic cluster of house and related outbuildings and landscape features still retain its integrity as a unit, rather than determining the integrity of individual structures. We need to stop thinking about districts just in terms of their buildings, and start thinking about buildings in terms of districts. This means a new way of thinking about buildings as a subset within a landscape.

In evaluating significance according to Criterion A of the National Register criteria, it is essential to understand how a landscape has changed over time as human uses have changed and technologies have developed. It is also important to understand how cultural and social needs have evolved within a particular group or perhaps differ dramatically from one group or family to the next. Farms may be significant for their agricultural associations, but may be just as likely to be significant for their ethnic, economic, or historic family associations. It is also important to ask whether only successful farms are eligible to the National Register, given that the history of American agriculture is as much about periods of economic failure and decline as it is about prosperity. For example, are landscapes illustrating poor conservation practices associated with the Dust Bowl and the Great Depression eligible under Criterion A?

One of the most serious issues that we need to resolve together is achieving a consensus that landscapes may change at a scale and rate that is different from architectural resources. This is not a concept basic to the values of historic preservation, and it is a hard one for many to acknowledge and accept. Once-cultivated lands, for instance, may now lie fallow or trees have increased in size without affecting overall significance.

Boundary issues are even more complex. Is the entire viewshed of a rural property or a district to be included within a single boundary if it possesses integrity and is linked to the property thematically? How is integrity evaluated for a viewshed? Must a viewshed be scenic to possess integrity? Where a landscape such as the Skyline Drive was intentionally designed to provide scenic views, are historic views significant today when increased forest cover obscures long-range views and suburban sprawl and industrial development have replaced what was formerly a seamless view of Shenandoah Valley farms? Must the view from a traditional scenic overlook be “pristine” or can it tolerate some degree of change?

Under Section 106 a federal undertaking causes an “adverse effect” on historic property only when it alters the “significant characteristics” that make the property eligible for the National Register. Some of the problems in evaluation may be due to reliance upon our perception that a rural landscape must be beautiful. When considering such issues we need to be able to make clear distinctions between historicity and aesthetics. We need to be able to determine when aesthetics contribute to significance according to Criteria A or C as they may for a scenic parkway or a mountain resort. For such resources, views and the appearance of the surroundings (whether part of actual property to be evaluated or not) are part of the original design intent. We need to look for clues even in nomenclature. If a farm has historically been named Buena Vista and possesses long, expansive river or valley views, should not the view be evaluated and its significance considered, if it retains integrity? We need to consider in such instances what types of mitigation are acceptable to maintain historic character.

Many times local people object to a project when they realize the effect a new road will have on their traditional communities, especially when they believe that a new road will sap the vitality and economic viability of their community. Interstate interchanges often supplant and replace crossroads towns and small downtown commercial districts that have endured despite changing shopping patterns; they are almost certainly destined to die on the vine when traditional circulation patterns are altered once the new road is in place.

In determining eligibility, DOTs and their consultants often pursue an individual property approach rather than a historic district approach, sometimes creating artificial corridors as paths for new roadways. Once implemented, the new corridors obviously affect the integrity of cultural resources and divide resources that have been linked for generations. It often appears to preservationists that evaluating adverse impacts is a farcical process when new corridors are

planned only to avoid direct effects on National Register eligible properties and carefully routed to thread in and out between them, forever separating neighboring properties that share a common history and design tradition. Submerging the new alignment and installing noise reduction baffles may seem like mitigation to transportation engineers, but it seems like complete degradation to the property owners whose rural landscape is soon to change irreparably.

At the same time, however, is it realistic to separate rural districts into two halves simply because a modern thoroughfare has been routed through them? Although it is a daunting physical and visual barrier, is a new four-lane corridor any different in actuality than the rivers and railroads routinely included within district boundaries. Perhaps the new alignment should be considered a linear noncontributing feature within a rural historic landscape that possesses significant historic associations and reflects the same geomorphology and cultural adaptations as the historic landscape.

Finally, an acknowledgment needs to be made of the inequity of the financial and professional resources available to local constituencies that question transportation projects in their communities. In most cases, and probably with some justification, they see themselves as the David to the Goliath DOT. The system forces them to assume this reactive or respondent role and burdens local governments or private citizens with hiring consultants to challenge a well-organized and well-funded public bureaucracy. For most local people, it is their first preservation crisis. Many of their arguments are based on passion and emotion in a process that is foreign and new to them and yet requires that they articulate a reasoned response within a very brief period of time.

Although the National Register clearly recognizes local significance for Criteria A and C, most determinations of eligibility still emphasize high-style architecture of individual distinction over groupings of representative vernacular or historically popular architectural styles. There is a lack of sensitivity to local history, a lack that is usually exacerbated by a corresponding absence of the appropriate historic context in which to evaluate regional social, cultural, agricultural, and economic trends. With these handicaps, it is no wonder that consultants—who are always on a deadline—apply a national context for evaluation and dismiss the landscape as setting. This means that the significance of regional landscape traditions is rarely addressed.

The most successful way to address this inequity is to eliminate the “knowledge gap” that exists between experts and citizens of rural communities. Preservation advocates and transportation professionals need to explore together creative and innovative ways to ensure that property owners affected by proposed transportation projects are not only included in the cultural resource evaluation process but also guaranteed equal resources to document and evaluate the significance and integrity of their cultural landscapes. Conscientious rural resource documentation and planning carried out apart from the transportation process are essential to ensure that rural landscape values are known and acknowledged from the beginning and do not become last-minute concerns to be addressed in a fractious final battle over eligibility or appropriate mitigation.



## PANEL PRESENTATIONS

### **Experience of the States**

**T**he final three authors in this chapter reflect on specific issues concerning historic significance, offering suggestions based on the experience of their states.

Carol Griffith, the Arizona Deputy State Historic Preservation Officer describes the results of her state's considerable efforts to develop a process for dealing with traditional cultural properties within the Section 106 process. Through workshops and meetings with tribes, agencies, consultants, the National Register, and other interested groups, the Arizona SHPO has taken a leading role in developing culturally appropriate mechanisms for identifying and evaluating these historic properties.

Antony Opperman, of the Virginia DOT, describes a process of determining significance of historic properties that often happens outside the federal process but results in a consistent level of resource consideration in this state where historic preservation is an important cultural value. Opperman also offers a variety of recommendations for improving the process of significance evaluation nationwide.

Gail D'Avino, who was at the time of the forum the History Section Supervisor at the Georgia Department of Transportation, discusses the critical importance of early and thorough historic building survey work for transportation planning. D'Avino points out that this work is done with public money and should always consider the public interest.

## EXPERIENCE OF THE STATES

### **Assessing the Significance of Traditional Cultural Properties** *Arizona Practices*

CAROL A. GRIFFITH

Almost a decade after the publication of NPS Bulletin 38, SHPOs, federal agencies, and cultural communities are still working to develop methods and practices for assessing the National Register eligibility of traditional cultural properties (places). Current practices in Arizona are based largely on recommendations developed through workshops on traditional cultural properties and a meeting with the Keeper of the National Register. Two statewide workshops attended by representatives from federal and state agencies, tribes, municipalities, and preservation consultants were held in February and October 1995. Traditional cultural properties (places) are not exclusively Native American, but in Arizona cultural properties related to tribal groups are the most prevalent. A meeting specifically addressing eligibility for Native American traditional cultural properties (places) was held with the Keeper of the National Register, the Arizona and New Mexico SHPOs, and tribal officials in 1998.

The primary goal of the first traditional cultural properties workshop was to open a dialogue among agencies, tribes, and consultants. In addition, the workshop identified major issues, established some basic principles and recommendations for consultation, and set the framework for a second workshop. The more than 100 workshop participants divided into four working groups focusing on: (a) the consultation process and standards, (b) documentation and evaluation, (c) confidentiality of information, and (d) treatment. Some of the major comments generated by the working groups included:

- Consultation to identify traditional cultural properties should be early, often, and ongoing;
- The term “traditional cultural place” is preferred;
- Contractual language for new projects should address access to sensitive information;
- Project dialogue should be on-going and respectful;
- Training on issues of confidentiality should be provided for professionals, students, and tribal members;
- There is no cookbook approach to mitigation and treatment;
- Avoidance is usually the best mitigation option; and
- Treatment and mitigation should be considered early in planning to maximize options.

The second workshop retained the same working groups. The Consultation Process and Standards Working Group produced a guidebook containing preservation legislation, tribal, and agency organizational charts, and key contact positions for consultation. This group also presented a model consultation procedure. The Documentation and Evaluation Working Group made a number of recommendations including a multidisciplinary approach, programmatic agreements with tribal groups regarding standards and procedures, and stronger tribal

involvement in the process. The Confidentiality Working Group recognized that there were special confidentiality issues with tribal traditional cultural places and recommended that tribes should take the lead in gathering and maintaining sensitive information. Agencies should gather only information necessary for projects and should use all legal measures to protect sensitive information from disclosure. The Treatments Working Group had the following recommendations: treatment options should be addressed early in planning, treatment should be decided on a case-by-case basis, avoidance is generally the preferred treatment option, and significance and integrity are important considerations in deciding treatment. Four factors of significance not identified in federal legislation or guideline but considered to be important in considerations of treatments by tribal members in the working group were (a) traditional religious significance, (b) cultural importance, (c) level of use, and (d) multitribal use and significance.

New Mexico and Arizona tribal representatives and the New Mexico and Arizona SHPOs met with the Keeper of the National Register and her staff in May 1998 to discuss eligibility issues for traditional cultural properties. Discussions and presentations included topics related to identification, documentation, evaluation, and boundary determinations. Some salient points from the meeting included: (a) the significance of traditional cultural places at the local level; (b) the need for ethnographic overviews for tribal and non-tribal lands; (c) the importance of early consultation; (d) the need for consultation with appropriate tribal members who are knowledgeable about a property; (e) the importance of continued access to and use of traditional cultural places; (f) the need for funding for more pro-active planning; (g) the need for better documentation; (h) the importance of on-going sensitive consultation; (i) the requirement for properties eligible under National Register Criteria A, B, and C to convey a sense of the past both temporally and physically.

The remainder of this paper will present current practices and perspectives on significance resulting from the workshops and meeting. These practices and perspectives are presented within the framework of questions about significance that were raised and discussed at the meetings.

### **HOW IS NATIONAL REGISTER SIGNIFICANCE DETERMINED FOR TRADITIONAL CULTURAL PLACES?**

The National Register defines significance on the basis of four criteria. The significance of a property for a cultural group is not necessarily the same as significance of a property as defined by the National Register. There are many properties that are of significance to cultural groups but only a subset of these may be eligible for the National Register under existing criteria of significance and integrity. The practice in Arizona is to accept a cultural group's assertion that the property is significant in their culture. Federal agencies then work with the cultural group to determine if the property or place also meets the criteria of significance and integrity for the National Register.

One of the initial difficulties in evaluating the significance of traditional cultural properties in Arizona was that properties were being identified and evaluated like archaeological sites and primarily by archaeologists. Most traditional cultural properties are eligible under Criteria A or B, requiring a broader multidisciplinary approach for identification and evaluation. As methodologies have progressed, identification and evaluation have included more input from knowledgeable representatives from the cultural group and ethnographers. For Native American

traditional cultural places, ethnographic or ethnohistoric studies in combination with on-the-ground visual inspection of the area with tribal members have become accepted practices. Ethnographic and ethnohistoric studies are most useful when they are completed prior to any archaeological studies.

Determinations of National Register eligibility are dependent on significance and integrity. It is difficult to discuss significance without talking about integrity. A higher level of integrity is often required for properties that are significant under Criteria A, B, and C than for properties eligible under Criterion D. Properties eligible under A, B, and C must convey their significance, which requires that more of the seven aspects of integrity be present. The qualities of integrity that need to be present are dependent on the statement of significance. Consultation should include discussions and documentation of significance and the identification of those qualities of the property or place that contribute to its significance.

One issue related to significance that has been discussed in Arizona is whether all archaeological sites are eligible for the National Register as traditional cultural places. Several tribes have presented the argument that all archaeological sites are eligible under Criterion A because of their association with the history of the tribe or under Criterion B because of an association with ancestors. The SHPO and federal agencies assert that significance under Criteria A and B requires a more specific association as opposed to a general association. Examples of more specific association for Criterion A may be archaeological sites that are identified in oral traditions as being associated with a specific event, such as named sites associated with clan migration stories or historic battle sites. An example for Criterion B would be an archaeological site associated with a specific important person. National Register Bulletin 38 discusses “integrity of relationship” which refers to a direct association between the property or place and the maintenance of current cultural values or cultural practices. The significance of the property to current cultural values and practices needs to be documented.

Only a few National Register nominations for traditional cultural places have been processed in Arizona. The SHPO has reviewed a somewhat larger number of documentation reports for traditional cultural places as part of compliance projects. Of the projects and nominations reviewed, there have been four different levels of “integrity of relationship” represented in the documentation. These are (a) named properties with known locations that are still actively being used by the group, (b) named properties with known locations that are not currently being used because of a lack of access to the property, (c) named properties that are still a part of oral traditions without specific locational knowledge, and (d) properties that are not named in oral tradition, have unknown locations, but are discovered during field observations. When the specificity of the connection between the property and the tribe is weak (c and d), there is a greater need for adequate documentation on the significance of the property to determine eligibility.

## **WHO DETERMINES SIGNIFICANCE?**

Under the Section 106 regulations, it is the federal agency that makes the determinations of eligibility. The agency asks for concurrence on eligibility from either or both the SHPO and the THPO. The Keeper of the National Register is the final authority on eligibility for the Register. The determination of eligibility of a property is based in part on its significance and its integrity. The assessment of significance is made on the basis of input from professionals in the field of history, architecture, archaeology and ethnography, as represented by staff at agencies, the SHPO

or THPO, and advisory boards and by interested persons who are knowledgeable about the resource.

Consultation with knowledgeable community members about the resource is absolutely critical to assessing the significance of traditional cultural places. Traditional communities need to be consulted early and often in the identification of potentially significant properties of cultural significance, and they need to be directly involved in providing information about the significance of the property.

Early identification provides the greatest opportunity for avoidance and provides the maximum amount of time for gathering information critical in assessments of eligibility. Consultation with tribes should begin during the scoping phase under the NEPA. At this stage, identifying sensitive areas could result in planning for avoidance without the need for more detailed in depth studies of properties required for the Section 106 process.

### **WHO SHOULD AGENCIES CONSULT ABOUT SIGNIFICANCE?**

It is often difficult to know who should be consulted. This is problematic with Indian tribes because aboriginal land use does not usually correspond with current reservation boundaries. For other groups it is difficult because there is no easily identifiable person(s), agency, or organization to contact. It is often difficult to determine who are the knowledgeable authorities that speak for the group.

Arizona has a rich and varied cultural heritage. There are 21 Indian tribes within the boundaries of the state. Native American peoples have lived for thousands of years in what is today Arizona. We have a strong Hispanic community with traditions and practices that dates back to Spanish contact and settlement of the New World. We have a vibrant Chinese American community that has roots in the historic period. Most tribal governments in Arizona have cultural resources offices or staff responsible for consultation with federal and state agencies. There are three NPS-certified THPOs. The following examples of traditional cultural properties from Arizona illustrate issues of consultation with different cultural groups at local and regional levels. All of the examples given were related to or have relevance for highway projects.

The first property in Arizona to be placed on the National Register for its traditional cultural values was El Tiradito. Listed in 1976, El Tiradito or the Wishing Shrine consists of candles in an open lot. The legends and traditions associated with El Tiradito began in the 1870s. The shrine has been an important place to the members of the largely Hispanic population of the Barrio Historico in Tucson. The Arizona DOT became aware of the importance of this place to the local community when a proposed road project threatened the property. Information about the significance of the property was obtained from the local community and resulted in both a rerouting of the road to avoid the shrine and the nomination of the property to the National Register.

During the process of preparing a nomination for *Itoi M'ō*, a sacred mountain to the *Tohono O'odham*, the NPS had to consult with local tribal districts as well as the Tribal Cultural Committee to obtain information about this sacred place and to obtain approval for the nomination.

Woodruff Butte, a privately-owned cinder cone peak, is a sacred place to three tribes, the Hopi, the Navajo, and the Zuni. The property owner uses the butte as a quarry. When a Federal Highways project contracted with the property owner for road surfacing materials, one of the issues raised was the Register eligibility of Woodruff Butte. Initial information regarding the

significance of the property was obtained through historic documents, ethnohistoric records, and discussions and written correspondence from the three tribes. In order to address the effects damage caused by quarrying activities on the integrity of the property, additional information on the features of the property (aspects of integrity) that are vital to maintain the property's role in the cultures of the three tribes would need to be developed. Gathering this information would require work with tribal preservation offices, tribal elders or cultural committees, and tribal villages or districts at each of the three tribal nations.

The potential eligibility of roadside shrines was discussed with the Keeper of the National Register at the May 1998 meeting. The practice of erecting shrines for persons who have died suddenly has its roots in traditions dating back to the Spanish Colonial Period in Arizona. A number of these shrines could be eligible under a larger context but specific information about individual shrines would need to be obtained not only from the local communities but also from individual families. This would present new challenges to federal agencies for identifying appropriate individuals for consultation.

At the two workshops, the working groups assigned to discuss consultation set as a major goal assembling information on who should be consulted at the different tribes and about tribal aboriginal areas or areas of interest. Several important points related to this were also made at the meeting with the Keeper and the tribes:

- The geographic distance between the resource and the tribe is not a critical factor to tribes even at the local level of significance.
- The number of people consulted is not as important as the knowledge and expertise of the individuals. When working with tribal communities, elders and elder advisory groups are often better sources of information than tribal political groups.
- It is important to identify properties that are significant at the local (village level) as well as tribal level.

### **HOW MUCH AND WHAT KIND OF INFORMATION IS NEEDED TO DETERMINE SIGNIFICANCE AND MAKE A DETERMINATION OF ELIGIBILITY FOR A TRADITIONAL CULTURAL PROPERTY?**

For many Native American communities, revealing information about the importance and significance of a traditional cultural place can be harmful to that place, the community, or the person revealing the information. This often put tribal members in the untenable position of choosing between the cultural consequences of divulging confidential information versus the requirements of Section 106. And even if the information is revealed and the property determined eligible under Section 106, there is no guarantee that the property will be preserved or protected from the adverse effects of a project. Given this situation, tribal members may choose not to provide information about traditional cultural places.

For federal agencies and the SHPO, the lack of information related to significance may make it impossible to determine a traditional place eligible under Section 106. The tribes, the agencies, and the SHPO have been struggling to identify the level of information necessary to determine significance and at the same time minimize the need to be intrusive into cultural systems and values. Our office has asked that information provided be more related to the relationship or association of the property (property-specific association) with maintaining the

culture or cultural practices rather than focusing on the documentation of the details of cultural practices.

Multiple lines of documentation are usually necessary to determine significance, such as historic records, oral histories/traditions, ethnographic and ethnohistoric records and studies, and archaeological research. The development of ethnographic overviews for both tribal and nontribal land may be helpful. These types of studies need a systematic approach to gathering information through an interview process and with sensitivity to tribal confidentiality concerns. Questions developed as part of this process, should focus on obtaining information on significance and integrity rather than specific practices.

### **WHO SHOULD OBTAIN DOCUMENTATION ON A TRADITIONAL CULTURAL PLACE, WHO SHOULD SEE THE DOCUMENTATION, AND HOW WILL THE DOCUMENTATION BE KEPT CONFIDENTIAL?**

While review of this information is necessary for determining significance for the Section 106 process, much of the information is held to be very confidential by the tribes. The tribes have expressed much concern about having sensitive information available beyond the people who have to know. This entire issue is fraught with legal and ethical issues related to confidentiality.

Workshop participants suggested putting language in initial contracts and agreements for projects that would address the issue of confidentiality. Agencies and tribes should work together on developing policies on confidentiality. At the Arizona SHPO reports containing sensitive information on traditional cultural places are kept in a separate secured location. Access to these reports is granted with the permission of the cultural community.

Agencies need to be aware that tribes may decline to participate in sharing information on traditional cultural properties. For some properties confidentiality can be the foremost value and tribes may determine that confidentiality outweighs preservation. Agencies need to respect tribal decisions not to reveal information about a property.

## EXPERIENCE OF THE STATES

### **Significance Determinations and the Virginia DOT** *The Present and Goals for the Future*

ANTONY OPPERMAN

**M**y comments for this forum will be brief and will focus on the experience of the Virginia DOT (VDOT) in the evaluation of historic properties. Our experience may or may not exactly replicate that of other state DOTs, but I'm confident that there are some common successes and challenges.

Evaluation of historic properties for Virginia's transportation program is carried out through consensus decisions with our SHPO—the Virginia Department of Historic Resources, another state agency. Formal eligibility determinations from the Keeper of the National Register are rare. VDOT rarely prepares nominations for properties to be listed in either the National Register of Historic Places or the Virginia Landmarks Register. It is not uncommon, however, for others to prepare nominations involving properties under our jurisdiction, and we usually support such efforts.

As is probably the case with many state transportation agencies, VDOT is the largest single contributor of information to the Commonwealth's cultural resource inventory other than the Department of Historic Resources. The information generated as a result of our projects contributes substantially to the body of information used to support sound judgements concerning resource significance—even though that body of information is underutilized. We consistently operate from the perspective that assessment of historic significance produces information used to make other decisions—decisions involving environmental analysis, highway design, and the treatment of historic properties. Evaluation is an applied effort and not merely an academic or honorific exercise.

Assessment of historic significance is mostly done outside the requirements of Section 106 of the NHPA and without federal involvement. This may sound surprising, but the majority of highway projects in Virginia are state-funded and involve no federal permits. While the federal-state funding proportion may change over the next few years owing to the Transportation Equity Act for the 21st Century (TEA-21), right now 60% of our projects do not involve the federal government. VDOT does, however, evaluate historic properties for state-funded projects using the National Register's guidance, which reflects well on the National Register program. VDOT's program is fundamentally a state program that employs aspects of national policy as we find appropriate or relevant, or when required by law, but the VDOT cultural resource program has matured without reliance on federal participation or oversight. Regardless of the level of federal involvement or interaction, however, historic preservation is extremely important to Virginia and is a value recognized within the Commonwealth's transportation program.

In addition to the characteristics of our program that I've just described, the most prominent characteristic of VDOT's program is that we agree with our SHPO in the outcome of evaluations almost all the time. A figure of 99% agreement is not an overstatement. Over the last 5 years, VDOT has only gone to the Keeper's office for a decision on eligibility three times, and only two of these were because of a disagreement with the SHPO over the significance



assessment. VDOT and the Virginia SHPO agree on several hundred historic property evaluations annually. If success in evaluation can be measured by consensus and lack of controversy, then our experience is one of success. In Virginia, consensus over what is important and what is not allows everyone to focus on the more important questions of how historic properties should be treated.

Despite such success, not everything runs as smoothly as it ideally could. There is always room for improvement, and I will describe a few challenges that need to be taken on. In reading the *Survey on Assessing Historic Significance* that was undertaken and distributed as part of this forum, I was struck by the fact that some of these challenges are shared across the country by all parties involved in evaluating historic properties. The survey also demonstrated that there are some very intractable problems that may be symptomatic of the relationships between people and not necessarily inherent in the activity of assessing significance. Some of the following comments are intended to address this issue as well.

We need to engage in and encourage precise thinking, reasoning, and justification in evaluation. Determining historic significance will always be subjective, but we need to strive to reduce subjectivity by being precise in defining period and area of significance, assessing resource integrity, defining relevant boundaries, and in applying National Register criteria against well developed contexts. An emphasis on objectivity and factual analysis only benefits the efforts of all parties involved in evaluating historic properties.

For archaeological sites, we need to better define real research questions that tangibly can be answered by data. Decisions that archaeological sites are important merely because they have integrity—because they have “undisturbed dirt”—or on the basis of vaguely defined broad research issues end up squandering enormous amounts of public funds in treatment and often result in very disappointing archaeological results.

We must pay more attention to consistency in the use of evidence to support decision-making and justify opinion. The level of evidence development expected of transportation agencies sometimes exceeds that of “conventional” National Register work or is substantially more than is expected for opposing points of view. In Virginia, there has been substantial improvement in this area—especially over the last couple of years. I believe that this improvement reflects the efforts of VDOT, the consultant industry, and our SHPO to make sure that the informational basis for opinion is equitable for all.

We need to enhance accessibility of statewide and national resource inventory data so that significance can be consciously and explicitly assessed against the largest universe of information. Efforts to automate statewide inventories, to develop linked GIS applications, and to make information available over the Internet may be more important than additional survey work. In Virginia, we have been working closely with our SHPO in developing such systems over the last few years, and both agencies recognize that access to information is a shared and important interest. Overall, we under utilize information already gathered. Investment in information management technology and institutional support for data management will benefit all parties.

We need to isolate decisions about significance from other social and political issues to the greatest degree possible. Evaluations must be based on the merits of the resource—on the precision thinking that I advocated earlier—and not be influenced by the nature of the transportation project or by a desire to solve larger social or political issues, such as land use and sprawl. Significance needs to begin and end with the resource, nothing more. In saying this, however, I do not intend to dismiss those larger issues as irrelevant. Transportation projects tend

to be the “hot button” that generates considerable debate over larger public and community values. While there is a great need for open and honest dialog about these larger issues and values, that dialog needs to be kept separate from specific decisions about the evaluation of historic properties.

We need to contain cost and level of effort. Escalation of cost and effort in assessing significance is not any more desirable than “project creep” in transportation design. In Virginia, we have analyzed our own expenditures over the last 10 years, and I regret to report that it takes substantially more time to produce the same products than it did 5 or 10 years earlier. Furthermore, the increase in level of effort does not always yield a corresponding improvement in the precision of thinking or in the focused achievement of evaluation objectives. All parties have a fiduciary responsibility to treat public funds with the utmost care and to ensure that agency efforts are necessary, efficient, and effective in meeting well defined objectives.

We need to strive for reasonableness and moderation in making evaluation decisions. Extreme or marginal views do more damage than good to preservation and erode the support that can be cultivated within the transportation community and the public in general. If you can’t explain a significance determination to the average person or property owner without embarrassment or apology, then the decision needs to be reconsidered.

We need to continue cultivating respect for other views and for the role that other disciplines can play in making significance assessments. In transportation work, this is more than just repeating the mantra that “engineers are people, too.” Transportation professionals can contribute significantly to evaluating historic properties, especially those that are within their own areas of expertise—bridges and roads, for example. In Virginia, the interdisciplinary and interagency involvement of engineers, historians, and cultural resource specialists in reaching consensus in assessing the significance of our statewide bridge inventory is the principle reason why we have gone from arguing about significance to reaching consensus in just a few years. If you expect respect as a cultural resource or historic preservation professional, then you need to respect the expertise of transportation professionals without automatically second-guessing motives. This perspective involves broader values than are specific to assessing significance, but it is a perspective that works well for us and can lead to better dealings between people and agencies.

This forum comes at a crucial time for transportation and historic preservation. Most state transportation agencies have matured to the point that historic preservation and conservation have become integrated with their primary transportation mission. Most preservation agencies have also matured and cooperate closely with their transportation counterparts. The consulting industry has also matured and plays an important role by being the source of the resource information that everyone uses. The topics covered in this forum, however, represent the next horizon of new issues that even mature programs will find challenging, and our exchange of expertise and experience will help all parties get their “houses in order.” The average citizen expects public agencies to get on with the public’s business in the most efficient and effective manner possible—regardless of whether that be transportation or historic preservation. The public, however, will curse both of our houses if we fail to achieve consensus and maintain a positive trajectory.

## EXPERIENCE OF THE STATES

### **Historic Buildings, Significance, and Transportation Planning**

GAIL D'AVINO

Congress passed the laws giving consideration to historic properties over 30 years ago because they deemed it to be in the public interest. We must be certain that the work we do continues to be in the public interest.

To that end, I would like to address the importance of early, thorough, and well-documented historic building surveys to responsible transportation planning. This work should be done early so that the full range of alternatives can be studied from the beginning and alignment decisions can be based on good historic resource evaluations. Alignment decisions should not be made based on “windshield surveys” and “potentially eligible” properties. With more detailed evaluation, properties may be found to be ineligible, boundaries may change, and engineers go crazy! We make every effort to complete a full survey prior to concept development, and this proactive approach has often allowed us to avoid 4(f) protected resources from the start and eliminate the need to redraw alignments.

A thorough survey involves scrutinizing every property 50 years of age or older within the area of potential effect and gathering enough information both about the resource’s significance and its integrity to recommend the property as eligible or ineligible. While most of us in the profession know that 50 years old does not equal historic, the public has grabbed onto this idea (and since we have a new audience on each project, educating the public about National Register eligibility is a never-ending responsibility). It is for this reason that I feel the need to account for every 50-year-old property.

The end product of the survey should be adequate documentation—descriptive information, a significance statement, integrity discussions, and photographs—so that the federal agency and the SHPO can make an informed decision, one that hopefully concurs with our recommendation. This documentation often is all that the agencies have as the basis for an opinion that can have far-reaching effects. Providing adequate information from the start also should limit the number of changed eligibility calls. Be sure to provide adequate documentation on those properties that may appear to be obviously ineligible. So when a property owner calls about his old house, or a local group asks about a specific property within the area of potential effect, you can fully explain why the property was or was not eligible. It also ensures full concurrence from the federal agency and the SHPO.

The timeline from project concept to construction can be a long one, and this increases the need for a solid, complete historic resource survey from the start. With staff turnover, it also ensures that the project file is well documented. Of course, the downside is that several years may pass between the resource identification phase and the assessment of project effects. At times, this means that surveys will have to be updated.

I want to stress the importance of both significance and integrity to evaluations of properties for National Register eligibility. We look at significance in terms of the National Register criteria for which the property is being evaluated, while we assess integrity to see if the resource can convey that significance. To be eligible to the National Register, a property should

not simply reflect a trend but be a strong representative of that trend. I have heard a historic preservation educator in Georgia, an individual preparing the next generation of historic preservation professionals, state that “old and intact” equals National Register eligible! This just is not so! A property might be significant, that is, it might be part of a historically significant trend or context, but lack integrity, so that it is unable to convey that significance, and thus not be eligible. Conversely, the property might lack significance and thus its integrity is not relevant. An intact property that is not significant is not eligible! If we lose sight of the National Register criteria, we are in danger of diluting the whole program. Every old property is not a significant part of our heritage. If we dilute the program, we risk losing public support.

Thorough evaluation of historic buildings early in project planning allows for better decisions both by the historian and the engineer. For the historian, we can better evaluate a property’s significance. Is this one of many properties within this context or is it rare? And if it is one of many, how does it compare to other properties within that context? For the engineer, early availability of information permits an examination of the full range of design options. And better decisions better serve the public.

My staff has complained that we prove ineligibility instead of demonstrating eligibility and that this is philosophically the wrong approach. We have continued to approach our survey work in this manner, however, because we, the Department in general and the historian specifically, are accountable to so many: the public; the review, regulatory, and funding agencies; and our co-workers who are designing around historic properties. Being able to fully justify each call places the survey on more solid ground.

And I hope that SHPO staff members fully appreciate this accountability. The eligibility decisions made in Section 106 reviews directly affect design decisions and thus directly affect those who reside in the project area. An eligibility call on a Section 106 review has consequences that reach much farther than an eligibility determination on a tax act project or even an actual listing. Many property owners in the area of a transportation project feel the effects of a Section 106 eligibility determination while only the owner of a tax act property is directly affected by its eligibility. When eligibility or ineligibility cannot be established with certainty, we have been advised to err on the side of the resource. This seems inappropriate since property owners around the “eligible” resource are impacted. If a resource does not clearly convey its significance, is it National Register eligible? Is it in the public interest to protect a resource whose eligibility cannot be established for certain?

We make a good faith effort to evaluate the significance of properties within the area of potential effect using readily available information, such as published county histories and deed information. Unfortunately we cannot do definitive research on every property along a project corridor since we do utilize public monies, and admittedly, most of our evaluations are for eligibility under Criterion C. But we share our results with local preservation planners and local historical societies in an effort to ensure that no important resources are overlooked. If an association to an important person or event exists, hopefully these individuals are aware of it and can assist us in an accurate evaluation. We coordinate with these groups prior to sharing our survey results with designers. In this way, if a resource is missed, we learn about it early in the process. We also reach the general public and are able to gather previously unavailable information at public hearings, of course, but by the time of the public hearing, an alignment has been drawn, and the project schedule has been set. So, we try to have our eligibility decisions made earlier to avoid redrawing the alignment or upsetting the schedule.

Transportation survey work is probably some of the most extensive and visible historic resource work done today. So, we do make a contribution. We should be certain that it is a valid and useful contribution and that we never lose sight of the public interest.

## Issues and Strategies

Following the keynote and panel presentations, the forum participants broke into small working groups. Each group was assigned a topic and was asked to identify the critical issues and problem areas associated with the topic, and to define

- Barriers that impede addressing the issues;
- Resources that are available to address the issues; and
- Strategies to address the issues.

The topics had been identified as key issues by the state and federal agencies responding to the initial questionnaire sent out by the TRB Committee. The six topics chosen by the TRB Committee for the forum discussions were

- Archaeology;
- Relationship and Integration of the NEPA, Section 106, and Section 4(f) Processes;
- Traditional Cultural Properties;
- 20th-Century Properties;
- Historic Structures; and
- Cultural, Historic, and Rural Landscapes.

Given the scope of the issues associated with “landscapes” and “integration of Section 106, NEPA, and Section 4(f)” topics, two groups were assigned to each of these two topics. Individuals were assigned to a group based on their areas of interest noted on their forum registration form.

Each group met in one of the many meetings rooms within TRB’s office building, and each room was supplied with flip charts and a PC computer. Two facilitators led each of the working groups. The groups spent a day and a half brainstorming and discussing their respective topics, identifying the critical issues for each and developing strategies for addressing the problems associated with each topic.

The first step in this brainstorming and discussion process involved listing the group’s ideas on flip charts, with no discussion on the items and issues identified. No idea was considered incorrect, too crazy, or inappropriate. Then the group, under the direction of the facilitators, discussed the items written on the flip charts, grouping similar items, rewriting some, and expanding on others. The group summarized and transcribed the items and ideas written on the flip charts, focusing on barriers, resources, and strategies. Once this effort was completed, all of the forum attendees reconvened and each group presented a summary of their group’s discussions.

The following are the summaries transcribed by each of the working groups. Under each topic, the issues and problems associated with a topic are identified and defined. This is followed by a list of the barriers that prevent resolution of the issue or problem. Then, a listing of the resources that are needed to successfully address the issue is presented, followed by strategies on how to address the issue. The strategies include making changes to existing processes and organizations, developing training courses or workshops, increasing training opportunities, conducting research on the issue, and so forth.

The summaries from the working groups have been edited to clarify the use of abbreviations and acronyms and have been reformatted for consistency. These summaries are compilations of ideas

that were put forward and discussed in the working groups. The summaries do not represent, and should not be construed as, consensus findings or recommendations of the working group or forum attendees.

## **ARCHAEOLOGY**

### **Issue: BEST PRACTICES**

*Definition of issue: How do we assure that research produces credible and useful results?*

#### **Barriers:**

- Inadequate training
- Lack of consensus regarding methods
- Lack of funding
- Push from schedules
- Being limited to right-of-way
- Inconsistency of review
- Too few historic preservation office staff (states, tribes, and agencies)
- Lack of quality control
- Poorly developed research design
- Antiquated/recycled/dumbed down research designs
- Price-based procurement (i.e., low bid)
- Non-compatibility of data (across state lines, between agencies)
- Cookbook guidelines
- Poor contexts
- Poor coordination with other disciplines

#### **Resources:**

- Society for American Archaeology Curriculum reform
- Professional organizations
- Registry of Professional Archaeologists (RPA), United Association of Field Technicians, TRB, U.S. Army Construction Engineering Research Laboratories
- NPS Archeological Assistance Division guidance/Advisory Council on Historic Preservation (ACHP) guidance
- Universities and continuing education
- State guidelines

#### **Strategies:**

- Broader-based field schools (survey, excavations, etc.)
- Reinforce curriculum reform
- Collecting and integrating agency research and guidelines

- Multidisciplinary approaches to Cultural Resource Management (CRM) in DOTs (Departments of Transportation)
  - Quality-based procurement
  - Qualifications statements included in DOTs' consultant contracts
  - Minimum qualifications for technicians
  - RPA registration for all practicing archaeologists
  - Continuing education
  - Improved national professional qualification standards

**Issue: COMMON SITE TYPES AND RESEARCH ISSUES**

*Definition of issue:* How do we deal with archaeological sites that are considered relatively common?

**Barriers:**

- Lack of context(s)
- Section 106 process
- Redundancy argument or categorical determinations
- National Register guidance and National Register regulations do not agree
- Importance does not equal popular or compelling
- Definition of importance and how we use that definition

**Resources:**

- Existing contexts
- Data in site files and research results
- TEA-21
- Academic symposia
- National Register guidance

**Strategies:**

- Develop more innovative and interesting research questions
- Develop more and better contexts
- Encourage districts and multiple property determinations
- Synthesize existing information and use to make decisions

**Issue: INTEGRITY**

*Definition of issue:* Integrity is an inappropriate gatekeeper for evaluating resources.

**Barriers:**

- Misunderstanding or misapplication of National Register process (Reversed process—integrity should not drive process)
  - Integrity means too many things



- Assessing integrity of something you cannot see
- Looking at integrity as being “all or nothing”
- Poor practices or methods for integrity assessment
- Difficulty of gathering sufficient information to assess integrity
- Lack of contexts
- Limited view of what is needed to evaluate integrity

### Resources:

- Contexts
- Best practices
- National Register guidance (and other federal agency guidance)

### Strategies:

- Base evaluation of integrity on significance or importance
- Realize that integrity is relative (significance + integrity = eligibility)
- Improved guidance for integrity of archaeological sites for Criteria A, B, C.
- Synthesize research information about relationship between surface and subsurface condition
- Do more geomorphological studies
- Communicate best practices for integrity evaluation

### **Issue: EVALUATION: APPLYING THE CRITERIA AND CONSIDERING OTHER VALUES**

*Definition of issue:* What constitutes significance for archaeological resources, and to whom? (Important information and other values.)

### Barriers:

- Cannot articulate what is important
- Poor guidance for applying Criteria A, B, and C to archaeological sites
- Multiple values “out there” not covered by any existing criteria (e.g., traditional cultural values)
- Perception that archaeology = artifacts
- Over-reliance on the deductive method in archaeology
- Artificial separation of above ground/below ground/landscape components
- Over-reliance on “big” questions
- Preservation not a value
- Fear of innovation
- Reluctance of archaeologists to involve other stakeholders and the public
- The Section 106 process—scheduling and funding
- Over-reliance on existing NEPA public involvement process

**Resources:**

- National Register and ACHP guidance
- NEPA process
- Affected people
- Other disciplines
- Contexts

**Strategies:**

- Develop improved guidance for applying Criteria A, B, and C
- Broaden Section 106 process to recognize other values
- Coordinate consideration of resources with NEPA
- Better and different training
- Supplemental guidance for traditional cultural properties—archaeology
- Develop integration guidance for NEPA Environmental Justice and Section 106 for the purpose of identifying other values
  - Be proactive in identifying other values

**Issue: CONTEXT DEVELOPMENT**

*Definition of issue:* Insufficient number of archaeological contexts have been prepared to allow informed statements of significance to be proposed or evaluated.

**Barriers:**

- Setting of priorities
- Middle range theoretical issues (historic context ↔ archaeological context)
- Incomplete contexts or bad contexts
- Assignment of responsibility
- Access to data
- Funding
- No central clearinghouse
- Mechanism for updating
- Political boundaries

**Resources:**

- Existing contexts, SHPO, and National Register offices
- Existing databases (site files, survey reports, GIS, National Archaeological Data Base, Internet, etc.)
  - Existing means of communication (Internet, printed reports, project meetings, and organizations)
  - The public
  - Other disciplines and academic archaeologists

- Funding (TEA-21, state planning and research programs, SHPO, project budgets, partnerships, consultants)

**Strategies:**

- Write and develop contexts and provide for updates
- Encourage context development in project scopes of work for larger projects
- Figure out mechanism for funding updates
- Make context revision mandatory part of reports
- Create a clearinghouse for existing contexts (NPS, SHPO, THPO)
- Make clearinghouse Web accessible
- Make searchable by topics/themes/geography
- Integrate data regionally (through GIS systems?)
- Identify funding sources for specific contexts (enhancements, TRB, partners)
- Develop mechanism for dissemination of new prepared contexts
- Re-evaluate the requirements of State Plan documents

**NEPA, SECTION 106, AND SECTION 4(f)*****Issue: PROCESS COORDINATION AND TIMING***

*Definition of issue:* Problem of coordination or timing for evaluating significance in context of NEPA and Section 106; having adequate and reliable information on historic properties at major project decision points.

**Barriers:**

- Clear definition of decision points
- Poor coordination between project managers and historic preservation specialists
- Insufficient scheduling to obtain information
- Wrong expertise involved at decision points
- Schedule set too early
- Defining “adequate”
- Inadequate scoping [e.g., study area under NEPA versus Area of Potential Effects (APE)]
- Switching state and local to federal track
- Unwillingness to make preliminary calls on preliminary information
- Unwillingness to use money on programmatic inventories and contexts

**Resources:**

- Funding
- Appropriate time for information collection
- Accessible information databases
- Historic contexts

**Strategies:**

- Start early—in the preliminary process
- Build enough time into schedule for historic property identification
- Isolate decisions of historic significance from other factors (e.g., project, land use, sprawl)
- Develop and fund initiatives to develop regional and statewide historic contexts of mutual benefit to transportation agencies, SHPOs/THPOs and other interested agencies
  - During scoping, consider potential for secondary indirect impacts should be considered in defining APE
    - Guidelines on what constitutes adequate historic property identification information at project decision points (draw on past experience of what mattered)
    - Ensure that appropriate historic property people are involved at key decision points
    - Cross-training in NEPA and Section 106
    - Funding to develop resources (databases, context, etc.) including “planning” activities on broader geographic scale
    - Partnering with other agencies to develop resources

**Issue: SHPO/THPO ROLE**

*Definition of issue:* Improving effectiveness of SHPO/THPO role in assessing significance in NEPA and Section 106 context.

**Barriers:**

- Staffing levels
- Funding
- Unwillingness to recognize expertise
- Section 106 experts may not be well versed in NEPA; NEPA experts may not be well versed in Section 106
  - Level of review effort not commensurate with complexity of the historic resource being considered
  - Lack of agency understanding of SHPO/THPO role and responsibility
  - Lack of adequate eligibility documentation provided by transportation agencies

**Resources and Strategies:**

- Transportation agency, SHPO/THPO and consultants work together at the program level to define appropriate and reasonable documentation for assessing historic significance
  - Institute interdisciplinary team review of non-routine historic property evaluations
  - SHPO/THPO and agencies develop programmatic agreements or other alternative means of expediting routine assessments of historic significance
- Transportation agencies and SHPOs/THPOs identify and prioritize needed historic contexts
- TRB committee and other appropriate parties share historic contexts that have already been developed

- Identify funding sources for assessing historic significance and educate funding agency officials as to why it is a wise investment of funds

**Issue: PUBLIC INVOLVEMENT**

*Definition of issue:* When and how much for assessing significance in the context of NEPA and Section 106.

**Barriers:**

- Rigidity of NEPA public involvement practice
- Identifying the right public to involve
- Agency resistance to talk to the public
- Confusion over NEPA and Section 106 processes and requirements
- Agency may not trust public to provide adequate information, and public may not trust agency to let them be involved.
- Lack of timely public response (very late)

**Resources:**

- Database of contacts
- Use of public involvement experts
- Workshops, media, websites, and videos
- ACHP regulations and training
- State public involvement procedures
- FHWA/Federal Transit Administration catalog of public involvement tools

**Strategies:**

- Develop list of databases of contacts of individuals and groups with interest or knowledge of historic properties (especially shares among agencies)
- Institute public involvement ethic of inclusion and engagement (including cultivating media)
- Have public involvement at scoping
- Use public involvement experts (including non-DOT employees)
- Follow up contact with public (feedback on what happened with historic significance determinations)
  - Compile guidelines and best practices on integrated public involvement (NEPA and Section 106). Committee on Historic and Archaeological Preservation in Transportation and other TRB committees dealing with public involvement should coordinate efforts
  - Use full potential of websites, hotlines, and newsletters (but do not overdo in a way that cuts out folks that are not online)
  - Cultivate long-term relationship with interested and knowledgeable individuals and groups (irrespective of projects, i.e., at program level)

**Issue: TRIBAL COORDINATION**

*Definition of issue:* Lack of comprehensive, timely and appropriate coordination with tribes on historic significance.

**Barriers:**

- Lack of trust
- Lack of mutual education or knowledge of who is involved
- Lack of knowledge and sensitivity to tribal history, cultural, customs, and variation from tribe to tribe
- Difficult resource for agencies to adequately address (e.g., traditional cultural properties)
- Difficulty in meshing timing (agency versus tribal timetables)
- Inadequate opportunity for input from tribes on Section 106 and NEPA process integration
- Inadequate or non-existent THPO funding
- Differing interpretation of laws between tribes and agencies
- Assuming that tribes are not interested in issues outside of tribal lands
- Not recognizing tribal sovereignty

**Resources:**

- Maps, databases of tribes (BIA, NPS, THPOs, ACHP, FHWA)
- NPS liaison
- State Native American offices/commissions
- TRB subcommittee
- University transportation centers with Native American focus
- State museums

**Strategies:**

- Establish ongoing relationships to coordinate the spectrum of tribal transportation concerns, beyond traditional cultural properties and archaeological sites to include collaboration (e.g., transportation planning, natural resource protection, etc.)
  - Agency awareness of appropriate organizational level for contact with tribe (e.g., government-to-government contact). Make this information available to others including consultants, local governments, and so on
    - Follow existing tribal-specific procedures and guidelines
    - Involve the correct people in identifying historical properties (e.g., tribal elders, cultural specialists, ethnographers, etc.)
    - More funding for tribal governments to allow their participation in cultural resource identification and evaluation
    - More face-to-face interaction; requires sufficient staff time and funding to accomplish effectively

## **TRADITIONAL CULTURAL PROPERTIES (TCP)**

There are certain overriding principles involved:

- The issue is complicated.
- The process must be culturally diverse.
- The process must be inclusive of all issues and all stakeholders.
- The process must respect different world views.
- The federal government is responsible and accountable for the process.

### ***Issue: PRACTICAL CONSIDERATIONS IN WORKING WITH TCPS***

*Definition of issue:* How to work with unique challenges.

#### **Barriers:**

- Agencies threatened by concept of TCPs
- Determining the appropriate APE
- Determining boundaries can be very difficult

#### **Resources:**

- National Register nomination process
- NEPA
- Treat TCP as historic property

#### **Strategies:**

- Appropriate agencies document and distribute case studies and guidance on best practices.

### ***Issue: ACKNOWLEDGE IMPORTANCE OF TCPS***

*Definition of issue:* Relating importance of TCPs in planning and in general.

#### **Barriers:**

- Lack of sensitivity
- Perceptions
- Reliance on archaeologists
- Multiple interests
- Conflicting claims
- Uneducated decision makers
- Not knowing with whom to consult
- SHPO
- Lack of experience and sensitivity

- Lack of funding

### Resources:

- Proper communication with tribal authorities and experts
- Local governments and community leaders
- National Association of Tribal Historic Preservation Officers
- State agency on “Indian Affairs”
- Section 106 process (36 CFR 800)
- NPS Bulletin 38
- Officer (SHPO)
- NEPA
- Native American Grave Protection and Repatriation Act, American Indian Religious

Freedom Act

### Strategies:

- Increased funding for the process
- Education opportunities for officials
- Conference on TCPs and related issues
- Public education and public awareness
- Meaningful consultations on TCP issues

### *Issue: IDENTIFICATION AND EVALUATION OF TCPs*

*Definition of issue:* How do you identify TCPs? How do you evaluate the significance of TCPs?

### Barriers:

- Difficult to define TCPs
- Unwillingness to disclose TCP location
- Lack of informants with links to the land
- Lack of visibility of TCPs in traditional archaeological research
- Lack of knowledge of local traditions
- Lack of firm boundaries
- Difficulty linking age or time with significance

### Resources:

- Historic contexts—cultural framework
- Oral traditions and history
- Ethnographers
- Archaeology and history



**Strategies:**

- Ensure that TCPs are considered in federal actions
- Develop network in traditional communities for information
- Establish national professional standards for CRM community

**Issue: SENSITIVITY, RESPECT, AND CULTURAL UNDERSTANDING**

*Definition of issue:* Understand and appreciate cultural values pertaining to places and people by federal, state, local and tribal governments.

**Barriers:**

- Identify experts in and out of tribe or group
- Lack of trained practitioners
- Different values and approach
- Confidentiality or secrecy
- Broader than Section 106
- Limited access to information

**Resources:**

- Tribal elders, group experts, and other disciplines
- Education and training
- Literature
- Internet
- Increased opportunities for consultation

**Strategies:**

- Support development of THPOs
- Include in academic education
- Elders as teachers
- All groups are responsible for understanding each other
- Liaison to the state government and to tribes
- Identify appropriate constituency

**Issue: TIMING**

*Definition of issue:* Understanding time constraints, bureaucratic processes, proactive versus reactive.

**Barriers:**

- Lack of early identification of TCPs
- Lack of knowledge in NEPA and the Section 106 process

- Lack of identification of interested parties
- Lack of understanding of tribal processes
- Project complexity versus time for completion

**Resources:**

- Expertise is available
- Funding is provided early in the process

**Strategies:**

- Start early in the process
- Education of decision makers in federal, state, local, tribal governments, and interested parties
- Funding allows proactive approach in identifying TCPs, interested parties, and in identifying potential areas of concern
  - Compliance at all levels is the law and is just as important as the physical project

**Issue: NEW REGULATORY ENVIRONMENT**

*Definition of issue:* Unclear consultation process; parties have not agreed on an appropriate consultation process.

**Barriers:**

- Unclear role of unrecognized tribes
- Agencies do not always know who to contact (tribal, cultural, and ethnic groups)
- Different agencies procedures and policies
- Underdeveloped tribal capacities
- Competing claims
- Underdeveloped community
- Group representation

**Resources:**

- Certified local government, historic commissions, and historic district commissions
- Legal assistance
- Traditional experts
- BIA list of recognized tribes
- THPO and cultural preservation offices
- Archival records of aboriginal homeland territory

**Strategies:**

- Establish ongoing working relationships among federal and state transportation and preservation agencies, tribes, and communities

- Consult directly with tribes on a government-to-government basis
- Education for all parties
- Facilitate national information exchange with tribes
- National effort to work with tribes to protect properties associated with tribes, unrecognized tribes and Indian people
- Improve communication
- Clarify role of state DOT in NEPA and Section 106

## **20th CENTURY PROPERTIES: RECENT PAST**

### ***Issue 1: HOW DO WE DEAL PROACTIVELY WITH POST-WORLD WAR I RESOURCES?***

A lack of context for these leads to a need to develop and establish integrity levels. Focus on transportation-related resources: suburbs, highways, bridges, and interstate road system, motorcourts/motels, roadside eating establishments, shopping centers, parking decks, car dealerships, entertainment sites, and 20th-century archaeological sites.

#### **Barriers:**

- Public *and* professional historic preservation lack of understanding and appreciation of the resources
- Financial and human resources are limited but may take resources away from important bricks and mortar projects
- Who funds surveys or development of contexts

#### **Resources:**

- USDOT funds (e.g. research funds, TEA-21 Enhancement)
- Academic research (e.g. dissertations and publications)
- Historic preservation funding
- TRB cooperative research programs
- Other sources of funds (e.g., Millennium/Save America's Treasurers)

#### **Strategies:**

- Obtain sufficient funding
- Resources surveys to include less than 50-year-old properties (e.g., properties that are 40 years old)
- Partnerships between state DOTs and SHPOs to develop contexts (e.g., similar to bridge surveys)
- Partnerships with national organizations (e.g., Society of Commercial Archeology) to help develop these contexts
- Collection of state/regional/national context data and dissemination via multiple sources including Internet

**Issue 2: THE NEED TO DEFINE INTEGRITY, ESPECIALLY FOR RECENT PAST RESOURCES DUE TO A GREATLY ACCELERATED RATE OF CHANGE DURING THE PAST TWO DECADES**

**Barriers:** See Issue 1.

**Resources:** See Issue 1.

**Strategies:**

- Use upcoming 2000 Recent Past conference in Philadelphia to focus on integrity issues
- Update national guidance on the evaluation of integrity for < 50-year-old properties
- Complete historic road and highway corridor guidance
- Develop specific chat room on integrity
- Develop more complete, user friendly and searchable database for the National Register of Historic Places

**Issue 3: THE NEED FOR CONSISTENT AND REGULAR APPLICATION OF CRITERIA CONSIDERATION G IN IDENTIFICATION AND EVALUATION EFFORTS**

Also look at exceptional significance in a local and state level of significance and not just national.

**Barriers:**

- All parties concerned (including SHPO) have an under appreciation and lack of knowledge of resources that may qualify under Criteria Consideration G. As a result, a skewed view of history may be developed and interpreted, and this can often delay environmental planning and project timetables.

**Resources:**

- Precedent set by previous < 50-year-old properties individually listed in the National Register

**Strategies:**

- Consultant reports that include an examination of 20th century or recent past resources

**Issue 4: SECTION 4(F) IS VIEWED BY TRANSPORTATION AND NON-TRANSPORTATION OFFICIALS IN MANY REGIONS AS BEING INFLEXIBLE AS A CULTURAL RESOURCE TOOL.**

Ways need to be found to ensure flexibility in application, similar to Section 106. Inflexibility leads to increased pressures to force DOT historians and consultants as well as SHPOs to determine properties ineligible and to bring about change in eligibility decision making.

**Barriers:**

- Inconsistent federal district court decisions have led to inconsistent application of Section 4(f) at the FHWA regional level
- Shifting public understanding on Section 4(f) on a case-by-case basis

**Resources:**

- FHWA national perspective on Section 4(f)
- State DOT and SHPO perspective on historic property significance

**Strategies:**

- Conduct a national dialogue on this issue, and examine ways to achieve flexibility in the use of this statute
- Rethink how prudent test is met
- Explore alternative treatment standards for different classes of resources (e.g., develop Programmatic Agreements for classes that have multitude of numbers of properties)

***Issue 5: NEED TO MORE BROADLY EDUCATE PROFESSIONALS, PUBLIC, PRESERVATION COMMUNITY, STATE DOT MANAGEMENT, AND METROPOLITAN PLANNING OFFICES ABOUT SIGNIFICANCE OF 20TH CENTURY RESOURCES***

Also convince public we can make decisions about National Register eligibility for 20th century resources. This should be no different from other resource types, but it begins with context development.

**Barriers:**

- Little or no funding
- Everyone thinks that it is someone else's responsibility

**Resources:**

- Use regularly scheduled national conferences to provide information on topic, look for other cross-training opportunities (e.g., American Society of Civil Engineers, American Association of State and Local Historians, local preservation conferences, and National Association of Home Builders)
- Use TRB Historical and Archaeological Preservation Committee meetings to continue dialogue on issue

**Strategies:**

- Publish National Register bulletin, provide context on suburban development
- Provide improved access to multiple property documentation via Internet
- Use National Conference of SHPOs Internet Bulletin Board to query states on developed contexts, consider production of a bibliography

## **HISTORIC STRUCTURES**

### **Issue: HOW DO WE JUSTIFY RESOURCE BOUNDARIES IN 4(F) SITUATIONS?**

*Definition of issue:* Section 4(f) constraints can affect approach to boundary definition.

#### **Barriers:**

- Inflexibility of Section 4(f)
- Lack of consistency in providing “prudent and feasible”

#### **Resources:**

- National Register publications
- Section 4(f) case law

#### **Strategies:**

- Follow National Register publications and guidelines to define boundaries

### **Issue: WHAT IS THE BURDEN OF THE DEPARTMENT IN DETERMINING LARGE RESOURCES FOR SMALL PROJECTS?**

*Definition of issue:* How to balance level of survey with level of impact.

#### **Barriers:**

- Funding and time
- Agency mistrust
- Lack of guidelines
- Lack of interagency discussion

#### **Resources:**

- Other models

#### **Strategies:**

- Further survey as form of mitigation (where effect is adverse)

### **Issue: HOW IS INFORMATION SHARED? HOW ACCESSIBLE IS THE DATABASE?**

*Definition of issue:* Existing and new data needs to be more widely disseminated.

#### **Barriers:**

- Funding

- Lack of GIS

**Strategies:**

- See context development
- Distribute widely

***Issue: NEED FOR CONTEXT DEVELOPMENT***

*Definition of issue: Self-explanatory.*

**Barriers:**

- Lack of resources (funding, staff, time)
- Conflicting definition of historic context
- No central clearing house
- Undeveloped state preservation plans

**Resources:**

- National Register bulletins
- SHPO and National Register staff
- Consultants with broad experience
- Historic Preservation Fund
- Workshops and seminars
- Available technology
- USDOT leadership and funding
- Third party and other agencies
- Developed state preservation plans

**Strategies:**

- Plan for periodic review and updating of context
- Link history to resource
- Establish proactive programmatic funding
- Agencies prioritize needed contexts
- Seek out third parties

***Issue: RESOLVE WHO DEFINES, WHO COMPLETES, WHO FUNDS, WHAT IS THE TIMETABLE, AND WHO MAINTAINS AND UPDATES IT.*****Barriers:**

- No consensus on priorities

- Inadequate survey
- Practical application not understood
- Outdated contexts

**Resources:**

- Previous contexts (models) from other states

**Strategies:**

- All agencies disseminate best practices by web and other methods on context and planning
- Interagency partnering at all levels
- Context should include mechanism for updating

***Issue: NEED TO DOCUMENT AND EVALUATE ALL CRITERIA (USING INTERDISCIPLINARY INPUT)***

*Definition of issue:* Need to obtain and use all relevant information to assess significance.

**Barriers:**

- Lack of context
- Lack of time and resources
- Lack of expertise
- Failure to follow National Register guidelines

**Resources:**

- National Register bulletins
- SHPO and National Register staff
- Seminars and workshops
- Multidisciplinary staff
- Historic preservation academic programs

**Strategies:**

- Follow guidelines to ensure all components are evaluated
- Use interdisciplinary approach

***Issue: CONSISTENCY OF SIGNIFICANCE AND INTEGRITY***

*Definition of issue:* Perceived need for greater consistency.

**Barriers:**

- Contested review process requires more time and money



- Reviewers provide inadequate justification for comments
- Lack of early assessment of information needs
- Review process is subjective
- Inconsistency of reviewers' comments

**Resources:**

- 36 CFR 800
- National Register publications and SHPO staff

**Strategies:**

- Early and adequate documentation submissions
- Timely and detailed response

**Issue: PROJECTS AND SECTION 4(F) DRIVE EVALUATIONS**

*Definition of issue:* Goal of project is transportation, and eligibility is perceived to be an obstacle.

**Barriers:**

- Project funding and timing drive process
- Often reactive
- Political pressure
- Conflicting agency responsibilities
- Inadequate initial documentation disrupts project schedule

**Resources:**

- Qualified staff
- Transportation funds

**Strategies:**

- Cooperative funding for long-term proactive survey and context development
- DOTs and SHPOs approach process programmatically
- Shared education and training

**Issue: DEFINING RESOURCE BOUNDARIES**

*Definition of issue:* What factors determine historic resource boundaries?

**Barriers:**

- Inadequate analysis or documentation

- Some resources extend far beyond project area
- Boundaries are sometimes defined by desire to keep resource out of project area

**Resources:**

- National Register bulletins
- SHPO and National Register staff
- Professional training
- Well developed surveys and context

**Strategies:**

- Follow National Register guidance to ensure boundaries are justified, period of significance and significance criteria are defined
- Early coordination to determine level of survey

**CULTURAL, HISTORIC, AND RURAL LANDSCAPES**

**Issue: HOW DO YOU DEFINE BOUNDARIES AND CREATE A CONSENSUS OF WHAT A RURAL HISTORIC DISTRICT IS ?**

**Barriers:**

- Difference in organizational viewpoints and cultures
- Lack of knowledge
- Lack of money
- Political boundaries
- Lack of support (management or other)
- Multiple viewpoints and size
- Complexity and size of rural districts
- Public perception or misunderstandings
- Blurring of scenic, natural, and cultural resources

**Resources:**

- Money
- Resource surveys
- Interdisciplinary teams
- More time to delve into issues
- Community input
- Management support
- Historic contexts
- Training and education

**Strategies:**

- Conduct, create, and update contexts
- Resource surveys with landscape data
- Changing the corporate culture by adding disciplines, education, changing ethics (understanding values), etc.
- Add staff to do the work
- Involve public early, effectively
- Acknowledge up front the human element in rural districts, and include those who use the landscape to interpret it
- Sharing best practices, assimilate information—for example, website links (federal and state)

***Issue: HOW TO DETERMINE WHAT IS SIGNIFICANT AND FOR WHOM?*****Barriers:**

- Organizational and personal differences in interpretation
- Differences in values and knowledge
- Degree of success with the process
- Complexity of definitions and the process
- Rural districts are complex
- Political pressure or variances in political power
- Lack of funding

**Resources:**

- Time and staff
- Money
- Public involvement process specific to resource identification
- Local context
- Local inventories
- Interdisciplinary teams

**Strategies:**

- Re-evaluate the products and the process
- Changing attitudes and practices of all parties (e.g., forms to reflect more landscape data)
- Support other rural preservation efforts, forge cooperative projects and partnerships
- What has worked elsewhere?
- Perform a national assessment
- Emphasize use of cultural geographers
- Much consultation and consensus building
- Early identification and proactive planning on a broader scale (e.g., countywide surveys for historic landscapes)

**Issue: MONEY, AWARENESS, AND SUPPORT TO DO GOOD CONTEXT STUDIES****Barriers:**

- Lack of money
- Priorities for use of money
- Who is responsible (finger pointing)
- Those with the money (e.g., DOTs) do not value such studies
- Multiple complex themes

**Resources:**

- Money
- Training
- Staffing

**Strategies:**

- Explore new funding sources (i.e., Department of Agriculture)
- Create linkages with natural resource agencies—open dialogue (e.g., encourage SHPO to work with other agencies)
- Find common ground for better for use of all resources
- Studies as creative mitigation (alternative mitigation)
- Creative funding leverage (e.g., Colorado lottery)
- Utilize public lands legacy—use emphasis to get more money (capitalize)
- Better public relations and education
- SHPOs evaluation of rural empowerment areas
- Become more aware of, seek out, and use state and federal initiatives

**Issue: BETTER ASSESSMENT OF PROJECT IMPACTS ON RURAL LANDSCAPES****Barriers:**

- Prioritizing your efforts
- Improper assessment of impacts
- Impacts are not easily quantifiable
- No precedent—no internal “tradition” for assessments
- Integration with safety and other issues
- Societal and institutional culture: not doing creative thinking

**Resources:**

- Technical analysis (e.g., noise vibration)
- Case precedents and other examples

- GIS
- Incorporate Council for Environmental Quality cumulative effects guidelines in the analysis

**Strategies:**

- Combine efforts—for example, during environmental justice evaluation of low-income areas, do context studies for offsetting benefits
- Continue to seek community assistance in the assessment
- Include assessment of impacts in long range planning
- Better integration of NEPA and Section 106 studies and conclusions

**Issue: IDENTIFICATION OF APPROPRIATE MITIGATION****Barriers:**

- Project scheduling
- Institutional culture
- Projects are hard to scope
- Lack of creative thinking
- Lack of body of literature on design
- Lack of experience
- Failure to design mitigation based on the significance of the resource
- Challenge of the differences in the scale of the landscapes and the project
- High cost of mitigation
- Lack of expertise: landscape, archaeology, architecture, and so on

**Resources:**

- Software and simulation
- Actual experience
- Design flexibility, conferences and reports
- Evaluation of previous projects

**Strategies:**

- Flexibility in the concept stage so that staging to assist in pricing and contracting the mitigation is possible
- DOTs develop teams with design expertise: engineers, landscape architects, architects, and urban design staff
- Design interchanges to reinforce protection of historic resources (acquire public land)
- Everyone take creative mitigation opportunities more seriously

## Summary of Key Issues

Though the forum's working groups were asked to examine issues associated with different historic property types, the groups identified many of the same barriers to making "good" evaluations of property significance. The groups also identified similar tools, resources, and strategies for improving the evaluation process.

In terms of barriers, the following items were repeatedly noted:

- Inadequate training of those involved in the decision-making process. Lack of experience and training with different types of resources, such as traditional cultural properties and 20th-century resources.
- Lack of sufficient historic preservation staff within tribal and state agencies.
- Lack of funding (for agency staff, for managing information, for creating new information).
- Lack of usable and appropriate historic contexts.
- Lack of time to develop tools (e.g., historic contexts) needed for good decision making.

Existing resources that can be used to improve the evaluation process include:

- Existing historic contexts;
- Data within existing resource inventories, existing data bases, including GIS;
- Existing National Register, ACHP, and NPS guidance;
- Best practices, case precedents;
- National Register files;
- Funding from USDOT, Historic Preservation Fund, TRB research funds, and so on;
- Education and training;
- SHPOs and THPOs; and
- University research.

The strategies identified by the working groups involve the use and improvement of these resources, in addition to building upon previous work, projects, and research:

- Develop more and better historic contexts. Develop contexts of mutual benefit to transportation agencies, SHPOs, THPOs, and others. Have agencies and organizations partner to develop historic contexts;
- Synthesize existing information on resources and historic contexts. Create clearinghouses for access to information and contexts;
- Develop better and continuous agency guidance;
- Build upon, share, and disseminate information on best practices;
- Improve and alter existing training and education of historic preservation professionals; and

- Identify funding sources for historic context development, creation of resource databases, dissemination of information, increasing staffing at agencies (especially SHPOs and THPOs).

The working groups also identified issues and problems unique to specific resource categories, particularly TCPs. A continued dialogue is needed on the identification, evaluation, and treatment of TCPs, and the roles and responsibilities of tribes, state agencies, and federal agencies in addressing these issues were frequently noted. Since the 1999 forum, TRB, through the Historic and Archaeological Preservation Committee and the newly created Committee on Native American Transportation Issues, has advanced discussions on TCPs and other tribal issues. The Committee and other organizations and agencies sponsored a conference in Albuquerque, New Mexico, on October 18–21, 2000. The results of this conference are available in TRB's *Transportation Research Circular E-C039: Conference on Transportation Improvements: Experiences Among Tribal, Local, State, and Federal Governments* (<http://gulliver.trb.org/publications/circulars/ec039.pdf>).

Finally, the working groups also identified how the significance evaluation process fits (or does not fit) into the overall Section 106, NEPA, and Section 4(f) processes. Several groups noted the poor integration of these environmental laws and statutes owing to (a) poor coordination among transportation project managers and historic preservation specialists, and (b) disconnects in timing of resource identification and evaluation and implementation of steps and decision points within the NEPA and Section 4(f) processes. Some groups mentioned the development of more programmatic approaches to and flexibility in resource evaluation and treatment in the context of Section 106 and Section 4(f). All of these issues have continued to be of great concern to transportation and historic preservation professionals, as evidenced in several meetings, conferences, and studies conducted by TRB, FHWA, and AASHTO throughout the country. (See <http://www.fhwa.dot.gov/environment/stmrlnng/index.htm> for current discussions and best practices on these and related topics.)

## **WHAT HAS HAPPENED SINCE THE 1999 FORUM**

Discussions on the issues and strategies raised during the national forum continued after the conference through various national and local venues. In the summer of 1999, TRB's Historic and Archaeological Preservation Committee held its annual summer workshop with TRB's Environmental Analysis in Transportation Committee, in Madison, Wisconsin. One session was on the development of historic contexts for evaluating the significance of archaeological sites. Session papers examined issues associated with evaluating Native American properties and the value of ethnographic research in these evaluations; the importance of context and integrity; and why archaeological sites are important and to whom.

The Historic and Archaeological Preservation Committee, along with 12 other TRB committees, participated in a large summer conference in 2000, held in Pittsburgh. The theme of this conference was "Transportation and Environment for the 21st Century." One of the cultural resource sessions, entitled "Complex Cultural Resources and New Cultural Resource Categories" included a presentation on developing and applying a historic context to surveying and evaluating 20th-century suburban resources. This historic context, developed by Paula Spero for the Maryland State Highway Administration (MDSHA), in association with the I-495/I-94 Corridor Transportation Study in the Washington, D.C., metropolitan area of Maryland, is now

available through the MDSHA's website ([http://www.marylandroads.com/keeping-current/maintainroadsbridges/bridges/context\\_intro.asp](http://www.marylandroads.com/keeping-current/maintainroadsbridges/bridges/context_intro.asp)).

TRB's Historic and Archaeological Preservation Committee held a joint summer meeting in 2001 in Key West, Florida, with the TRB Waste Management in Transportation Committee. One session examined the evaluation of vernacular architectural resources encountered along transportation corridors. A second session tackled issues associated with assessing the significance and National Register eligibility of the Eisenhower Interstate Highways. Recently, a number of SHPOs have stated their opinions that state sections of the Interstate system (which will turn 50 years old in 2006) are eligible for listing in the National Register. This has raised serious concerns among FHWA officials and state DOTs. Mary Ann Naber, the FHWA's Federal Preservation Officer, reported during the session that FHWA has formed a study committee to develop a national approach to the evaluation of the Interstate system.

In November 2000, AASHTO sponsored, in cooperation with FHWA, the implementation of the top research need identified by the Cultural Resource work group at the 1996 Research Needs Conference. The research need statement was modified by TRB to focus on "the improvement of existing procedures for evaluating cultural resource significance through the use of information technology." This research project was conducted through the National Cooperative Highway Research Program (NCHRP), which is administered by TRB (NCHRP 8-40).

The first phase of the study involved the collection of information on how state DOTs and SHPOs use (or do not use) information technology in making decisions on resource significance. This was accomplished through extensive literature research and a survey questionnaire sent to all DOTs and SHPOs, in addition to THPOs and a selection of federal agencies. Both the survey and literature search examined whether or not these agencies maintain cultural resource inventories and historic contexts in electronic formats, and whether these inventories and historic contexts (either in paper or electronic forms) are used in significance evaluations.

Key findings of the NCHRP study (1) were as follows:

- Most SHPOs and DOTs have not completed a standard set of historic contexts for their states; and, if the contexts exist, they exist only on paper.
- Many SHPOs and DOTs do not have their resource inventories in a computer database.
- There are competing state, regional, and national efforts in terms of computerized cultural resource database development.
- When databases do exist, they were not developed to be used as a tool for evaluating significance. Rather, the majority is used to describe and locate resources on the landscape regardless of whether or not they are listed in or eligible for listing in the National Register.
- The majority of the DOT and SHPO staffs rarely use their cultural resource inventories or historic contexts to evaluate cultural resources. Rather, they rely on their own personal experiences and knowledge, and those of their cultural resource consultants.
- DOT and SHPO staff are generally not satisfied with the tools that they have to make and justify their decisions on resource significance, and they would like to see increased sharing of information and approaches among agencies and states.



The NCHRP study then made recommendations to improve the current resource evaluation practices among SHPOs, DOTs, and other agencies. These recommendations were based on the results of the survey and comments received from the survey participants. The range of recommended solutions included:

- Training in the use of currently available federal guidance and tools other than information technology (e.g. National Register bulletins);
- Development of computerized attribute matrices or tables to assist in evaluating resources;
- State-specific standardized inventory databases, focusing only on attributes to be used in evaluating significance;
- Electronic formats for developing historic contexts in a standard format;
- Electronic scanning and indexing of existing (paper copy) historic context information available nationwide (includes all records on file with the National Register, which are currently not accessible electronically to outside users);
- Linking standardized resource significance databases that would be developed by the states;
- Developing a central database that houses only information applicable to resource significance—pulled from state standardized databases;
- Participation in the existing Geography Network;
- Development of a national document management system for the databases and collected (scanned and indexed) historic context; and
- Development of a decision-support portal that includes the states' significance evaluation inventories and historic context databases, and a document management system. The portal would enable the sharing of knowledge and experiences through collaborative tools.

The next step in the study is for the NCHRP to evaluate the recommended improvement options and possibly implement one or more of the options. It should be noted that the focus of this study was on the sharing and dissemination of existing and future information that would make resource evaluation decision making more effective and efficient. This study did not provide recommendations on how this information was itself to be created, such as in the development of historic contexts.

The importance of historic contexts was the subject of a cultural resource session at TRB's 2001 annual meeting in Washington, D.C. The session, entitled "Historic Contexts: Key to Assessing Highways," included a presentation on the use of historic contexts to determine the significance of the wide variety of roads that exist across the country, followed by a presentation on the use of contexts to assess the significance of dualized highways. There was also a presentation on Arizona DOT's attempt to create a statewide historic contexts for roadways and the problematic nature of this effort.

During its 2002 annual meeting in Denver, the Society for American Archaeology (SAA) held a forum entitled "Archaeological Sites and the National Register of Historic Places." Twelve senior archaeologists from academia, federal agencies, consulting firms, and nonprofit organizations served as panel members during the forum, and each presented their views on evaluating the significance of archaeological resources. Topics covered by the panelists included the use of historic contexts for evaluating archaeological sites, application of National Register criteria to sites, evaluating problematic categories of sites (e.g., recent past, lithic scatters,

historic period sites), and the role of public values in evaluating significance. The forum organizers are currently examining the best way to report on the results of the forum and to continue the dialogue on this topic.

At the same time as the SAA forum in Denver, TRB held its third Conference on Environmental Research Needs in Transportation in Washington, D.C., on March 21–23, 2002. As with the 1996 conference, one of the 15 working groups focused on the research needs for cultural resources. The 14 members of the Cultural Resource working group, using the results of the 1996 research needs conference, the 1999 forum, and the NCHRP study as a foundation, identified six priority research statements:

- Streamlining the Evaluation of Cultural Resources by Using Historic Contexts;
- Evaluating Historic Significance of the Interstate System: Developing an Historic Context;
- Streamlining the Tribal Consultation Process;
- Rethinking the Application, Effectiveness, Scope, and Flexibility of Section 4(f) as Applied to Historic Properties;
- Best Practices and Guidance for Historic Preservation Stewardship and Streamlining; and
- Tribal Transportation Organizational Development Models.

The full research statements for these and many other research statements may be found in the online document [http://gulliver.trb.org/publications/conf/reports/cp\\_28.pdf](http://gulliver.trb.org/publications/conf/reports/cp_28.pdf) (2).

## **WHAT NEXT?**

One strategy that was repeatedly raised by the forum’s working groups and noted many times by the forum keynote speakers and panelists was the need for more and better historic context. It is interesting that one of the first items listed by the Cultural Resource working group from the 2002 TRB research needs conference, under the category “Proposed Research” for their top research priority, was

- Assessment/investigation of why historic contexts are not widely used.

This was followed by

- Analysis/synthesis of the cost benefit of evaluating resources using historic contexts.

These recommendations for “Proposed Research” are based on the results of the NCHRP study. The study showed that even where historic contexts exist and were accessible, they were rarely used in making decisions on resource significance. Therefore, the 2002 Cultural Resource working group first and foremost saw the need to find out why historic contexts were not being used, prior to making recommendations to spend time, money, and staff developing future historic contexts.

The 1999 forum group discussions provide some indications of the reasons for the infrequent use of historic contexts:

- They are outdated;

- They contain little useful information or guidance; and
- They are not readily accessible.

Given that these conditions have been around for a long time, it would seem reasonable to assume that practitioners have gotten used to not having good, usable historic contexts, so they rely on what is readily accessible and perceived to be up to date—their own experience and knowledge.

In the past few years, new and often extensive historic contexts have been developed, such as the five volumes of historic contexts for Colorado prehistory (3) and a context on Georgia's historic agricultural heritage (4). It would be important to see if these more recent historic contexts are being used, and if so, whether or not the use of the contexts improves the ability to evaluate resources.

If future research on the use and utility of historic contexts does indicate that our efforts really need to be focused on the development of new and updating of old historic contexts, then the barriers of time, money, and personnel still rear their ugly head. A lot of information must be compiled and organized in order to develop historic contexts; as Barrett noted in her presentation during the forum, "It would be naive to think that just pulling information together will produce a synthesis. There is still a lot of intellectual heavy lifting to do, but it will make it easier." So who takes on the responsibility of developing these contexts? SHPOs and THPOs? State DOTs? FHWA? The cultural resource management consultants? Everyone? Though funding and staffing are indeed big hurdles that need to be overcome in order to create and update historic contexts, there is another factor that may have even more sway; a factor that influences the direction of funding and staff time: agency and program priorities.

The focus and priority of all of the parties involved in the historic preservation process, especially in the context of Section 106, is on projects. The mission of state DOTs and other transportation agencies is project delivery, and the resource agencies consulted during the project delivery process have no choice but to focus on specific projects. To implement the strategies from the 1999 forum, and other venues after the forum, requires a non-project perspective, that is, a focus on planning. Several of the forum's working groups identified the need for more proactive planning on a broader scale, in addition to the need to educate agencies on why planning is a wise investment of funds.

Placing increasing emphasis on planning as opposed to projects has become, in recent years, a prominent feature in the way state DOTs and FHWA deal with transportation programs and the natural and social environment. It seems that the cultural and historical environment has not kept pace. This increased emphasis on planning is linked with the concepts of streamlining and environmental stewardship mandated by Congress through the TEA-21 (again, see <http://www.fhwa.dot.gov/environment/strmlng/index.htm> for extensive discussions, case studies, and initiatives on these issues).

So, a precedent for moving from a project-specific focus to a planning orientation has been established within other environmental disciplines, as have the use of creative funding and the redirection of funding to support this effort. What will be required for historic properties is a change in the mindset of the players involved in the Section 106 process and, for land-managing federal agencies, a focus on the mandates of Section 110.

If priorities are reoriented, it is still necessary to answer the questions: "Which historic contexts should be developed?" and "Who should develop them?" Transportation agencies, SHPOs, and THPOs will need to work together to identify and prioritize needed historic

contexts. This approach follows what seems to be the way most recent historic contexts have been created. For example, in her 1999 forum presentation, Gail D'Avino described Georgia DOT's difficulty in adequately evaluating farmsteads. To address this problem, the DOT, in conjunction with the SHPO and FHWA, began to develop an agricultural contextual study. The completed product from this study has been referenced in the previous section of this chapter.

Even if practitioners agree to reorient staff efforts and spend money to create usable and relevant historic contexts, it will take time to develop these contexts. What is to happen during the interim? What do we do now?

Clearly, the next step necessitates answering the questions "Why are existing historic contexts not being used?" and "If new contexts are created, would transportation agencies, SHPOs, THPOs, and consultants use the contexts once they are developed?" These questions require an analysis of the current day-to-day decisions that agencies and consultants make on resource significance. What actual takes place? What are the processes used? How many people are involved? Who is involved? What information is really used in this decision-making process? What information is superfluous to the process? If a usable historic context exists (either on paper or electronically), how are they used as part of the daily routine of evaluating resource significance? What are the essential components for a historic context to be of value on a day-to-day basis?

The results of this analysis will demonstrate whether or not historic contexts are indeed the tools needed to improve the resource evaluation process. It may also demonstrate that given the issues of priorities, money, and staffing, and the mindset of practitioners, we may need to look for other tools or more feasible approaches to accomplishing the task at hand.

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## APPENDIX

### List of Acronyms

ACHP	Advisory Council on Historic Preservation
APE	Area of Potential Effects
BIA	Bureau of Indian Affairs
CRM	Cultural Resource Management
DOT	Department of Transportation
FAA	Federal Aviation Administration
FHWA	Federal Highway Administration
GIS	Geographic information systems
HPD	Navajo Nation Historic Preservation Department
MPO	Metropolitan planning organization
NEPA	National Environmental Policy Act of 1969
NHPA	National Historic Preservation Act of 1966
NPS	National Park Service
RPA	Registry of Professional Archeologists
RPAA	Regional Planning Association of America
SHPO	State Historic Preservation Office
SPR	State Planning and Research programs
TCP	Traditional cultural properties
TEA-21	Transportation Equity Act for the 21st Century
THPO	Tribal Historic Preservation Office
TRB	Transportation Research Board

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