

PERSPECTIVES FROM THE FIELD

Cultural Resources in Environmental Impact Assessment

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***Cultural resource* is a term that means different things to different people. In the United States, it is commonly conflated with the legally defined term *historic property*, but this conflation can deny consideration to a wide range of culturally valued aspects of the environment. In impact assessment, the jobs of identifying cultural resources and impacts on them are typically assigned to archaeologists and architectural historians, who often apply their own even narrower definitions of the term. This can result in systematically failing to analyze the most important impacts on the most culturally sensitive aspects of the environment. People responsible for environmental impact assessment should think carefully about how to address all kinds of potentially affected cultural resources. This usually involves making sure that those with cultural connections to an environment are involved productively in the assessment and its outcomes.**

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What Are *Cultural Resources*?

The environmental impact assessment (EIA) regulations of the United States (US) Council on Environmental Quality use the term *cultural resource* four times, without definition.¹ So the meaning of the term is pretty much up for grabs. Wherein lies a tale.

The Ethnographer's Tale

An ethnographer² was awarded a contract to study the area to be affected by a proposed construction project. The work involved interviewing Native Americans with cultural connections to the area and going into the field with them to identify possible “traditional cultural places”—that is, places

of special cultural importance to them that might, as a result, be eligible for the US National Register of Historic Places.³ Under Section 106 of the US National Historic Preservation Act, such places would demand special consideration in project planning, in consultation with stakeholders.

Native American elders and younger members of the tribe led the ethnographer to a place they said was very significant to them, a streamside grove associated with traditional stories, plant gathering, fishing, and other activities.

But upon arriving at the place they were surprised at its condition. “Where,” they asked, “is our school?”

The elders explained that, in the late 19th and early 20th centuries, there had been a public school on the site. If they attended it, they did not have to go to the distant Indian boarding school, where they would be punished if they used their native language or practiced their traditions. Those who had been able to attend the public school treasured their association with the old building and its surroundings. When they arrived with the ethnographer at the school site, the school was gone—obviously recently demolished.

When the ethnographer looked into what had happened to the school building, it turned out that it, and its surroundings, had been evaluated for purposes of Section 106 review by an archaeologist and an architectural historian. The archaeologist had advised that the location wasn't an archaeological site—it exhibited no artifacts or other sources of data on its surface or, apparently, underground. The architectural historian had said that the building wasn't eligible for the National Register as an example of a significant building type or school of design and that it lacked “integrity” (being old and dilapidated). Thus, nothing had been found to be eligible for the National Register, and the construction project had been approved. The local Native Americans hadn't been consulted; they may or may not have seen the jargon-laden public notices

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about the proposed project that had been published in local newspapers and posted on official bulletin boards.

The ethnographer, the client explained, had been hired to study the area as mitigation, not as part of project review.

The Problem with Cultural Resources

What happened here? Surely the EIA conducted on the project that destroyed the school—and EIA *was* done, ostensibly as required by state and federal law—was flawed by its failure to identify and consider effects on the environment that mattered to the Native Americans, whose association with the area goes back thousands of years and whose traditions embody a great deal of traditional ecological knowledge. Surely those Native Americans are among those humans the drafters of the US National Environmental Policy Act had in mind when they directed federal agencies to consider effects on “the human environment.”⁴ So why were the cultural resources the Native Americans valued—those aspects of the environment they held dear—not considered? Was it sufficient for the purposes of EIA to conduct an ethnographically uninformed archaeological survey and architectural study—and then to do ethnography as mitigation? Is this not rather like ignoring the potential wildlife impacts of a proposed highway while planning to do a post-construction study of roadkill?

Don't look for official answers to such questions. In the US, at least, they aren't addressed in law or regulation, and only vaguely in official guidance.⁵ I'm fairly sure the same is true of most other countries and of such international authorities as UNESCO⁶ and the World Bank (with one enlightened exception, discussed below).

What you *will* find is direction about considering specific *kinds* of cultural resources—some of it far more directive and expansive than others. The predictable result is that those aspects of the environment that are the subjects of governmental direction get attention, while those that aren't go begging.

The cultural resources for which identification and analysis are paramount in EIA practice are—conveniently and not coincidentally—those that specialists in a couple of well-known academic disciplines are trained to understand and appreciate. They are also pieces of the environment that hold still to be weighed and measured—that don't run around or shape-shift. They are, in the trenchant words of the 1994 Interorganizational Guidelines and Principals of

Social Impact Assessment,⁷ variables that are “easy to count”—but may not be those that “really count.”

Taking the schoolhouse site as an example: why was the site examined during the EIA process only by an archaeologist and an architectural historian? Why not by a cultural anthropologist, cultural geographer, public historian, or sociologist (any of whom would almost certainly have conducted ethnographic interviews and thus learned about the landscape and the schoolhouse's importance to the Native American community)? Probably because whoever was responsible for assembling an interdisciplinary team to do the EIA didn't appreciate the need to *talk with people* about what they valued in the environment. The team leader probably assumed that practitioners of archaeology and architectural history were the ones qualified to do the work and that considering only archaeological and architectural variables was sufficient. That's an understandable assumption, but one that's likely to leave much unconsidered.

Section 106 of the National Historic Preservation Act requires that agencies consider the potential effects of their actions on “historic properties,” which, the statute says, means places eligible for the National Register. Historic properties can be a lot of things other than archaeological sites and notable pieces of architecture; for example, they can be cultural landscapes and old schoolhouses of no architectural interest but valued by communities. However, archaeological sites and architecturally distinguished buildings are the most commonly known (though perhaps not the most common) types of historic property, so it has been customary since the beginnings of EIA in this country to assign historic property identification and evaluation to architectural historians and archaeologists. To help people evaluate archaeological sites and old buildings, the secretary of the interior has published extensive guidelines, as well as professional qualifications standards for the main historic preservation disciplines: history, archaeology, architectural history, architecture, and historic architecture.⁸

Agencies and firms performing EIA have responded to the National Historic Preservation Act and the secretary's direction by employing archaeologists and architectural historians to assess impacts on—well, there's the rub. Architectural historians will usually tell you that their job is to identify and analyze historic architecture, but archaeologists tend to say that they're identifying and evaluating *cultural resources*. Influenced by archaeological usage, quite a few US and state government agencies have adopted similar terminology, issuing guidelines for dealing with cultural resources that are really about only archaeology and

(sometimes) architecture. There *is* official guidance on some other kinds of historic properties (for example, historic ships⁹ and cultural landscapes¹⁰), but in practice, these are referred to only when there is some obvious need to; they do not have much influence on day-to-day EIA practice.

As for cultural resources that are *not* historic properties, there is virtually no direction. Indeed the term cultural resource is defined nowhere in US law or regulation.¹¹ By default, then, EIA managers tend to assume that if their teams have addressed archaeological sites and architecturally distinguished buildings, they have discharged their responsibility to address cultural resources. So they hire and retain archaeologists and architectural historians, causing the “cultural resource management” job market to select for archaeologists and architectural historians, and the status quo is perpetuated.

Neither an archaeologist nor an architectural historian is likely to be trained or predisposed to look for other kinds of cultural resources—particularly those for which significance lies in the minds of living people—or to talk to people about what’s important to them in the environment. So it’s very easy to back into situations such as the case of the bulldozed schoolhouse in which your expert specialists walk right past, over, around, or through pieces of the environment that people really value.

Here’s what anyone assembling an interdisciplinary EIA team needs to understand: cultural resource means different things to different people, so when people say they’re cultural resource specialists, it really doesn’t mean a thing. And a firm that specializes in cultural resource management probably *doesn’t*; it probably specializes in applied archaeology or maybe applied history or architectural history (though in that case, a firm will probably say it does *historic preservation*).

Regular people in regular communities, however, ascribe cultural value to aspects of the environment for reasons that have nothing to do with the practices of archaeology or architecture. Those ascriptions of value can be very important to people—fundamental to their senses of self, their community identity, their self-perceived cultural integrity—but they tend to get short shrift in EIA, elbowed out of the analysis by archaeology and architecture.

But...

“But wait a minute,” I can imagine a reader asking. “In real world, dollars-and-cents terms, why should the EIA in the schoolhouse case have dealt with things other than

archaeological sites and architecture? Was there some specific legal requirement to assess impacts on the Native Americans’ feelings about the place?”

I can offer two answers to that question: “No, but” and “Yes.”

No, but... There is no law—in the US, at least—that requires EIA to address people’s feelings about places. But is it sensible to think that understanding impacts on that “human environment” referred to in the National Environmental Policy Act doesn’t involve understanding how human beings perceive that environment or perceive impacts? Or that one need consider only the perceptions of selected experts about what *they* value? The relevant regulations direct that the term *human environment* be interpreted “comprehensively to include the natural and physical environment and the relationship of people with that environment.”¹² They don’t say to include only those elements specifically enumerated in statute or in the teachings of particular academic disciplines.

Alternatively...

Yes. First, old buildings and archaeological sites aren’t the only kinds of things that can be eligible for the National Register, and hence subject to the quite-specific requirements of the National Historic Preservation Act. Landscapes can be eligible; rivers and creeks and hills and mountains can be eligible. Urban neighborhoods can be eligible and so can farms and ranches. Trees can be eligible; ships and airplanes can be eligible. Places important in tradition—that is, traditional cultural places (which may be landscapes, rivers, trees, farms, neighborhoods, etc.)—can be eligible.¹³ Animals and plants and air and water quality can contribute to the eligibility of places. And old buildings may be eligible for reasons other than how they fit into architectural history; archaeological sites can be eligible for reasons other than their research potential. Eligibility for the Register may be—I would actually say *always is*—grounded in what someone thinks about a place; the question is, do you pay attention only to what an archaeologist or historian thinks, or also to what other people think, such as Native American former schoolkids and their descendants?

And is it reasonable to think that the word *cultural* refers only to eligibility for the National Register, or that *resource* means only “place?”

Archaeological and architectural values are among the many things that can make a place eligible for the National Register, and National Register-eligible places are only one

kind of cultural resource. Like it or not, a good EIA ought to involve finding out what people of all kinds, including former schoolkids with fond memories, think about the places and things—as *they* define them—that are likely to be affected, what they think the effects might be, and what might best be done about them. This means *talking with people*, not just looking at the dirt and the buildings and writing technical reports.

Another “But...”

“But,” I imagine my interlocutor saying, “whoever was responsible for the project that took out the schoolhouse *did* provide for talking to the people, as a mitigation measure.”

Well, yes, but you wouldn’t say that recording the quality of water in a river after a dam was put in substitutes for considering the project’s impacts on pre-project water quality, or that picking up all the flattened desert tortoises after the earthmovers run over them substitutes for predicting tortoise impacts before cranking up the machines. Sometimes in consultations under the National Historic Preservation Act, ethnographic studies *are* agreed to as mitigation measures, but those words “agreed to” are very important. If the stakeholders in a project and its impacts agree that postdecision studies are reasonable mitigation, so be it, but that doesn’t excuse planners from knowledgeably considering impacts in advance. Environmental impact assessment is a look-before-you-leap operation; it does no good to assess the height of the cliff after you’ve jumped off.

What’s an EIA Manager to Do?

So if you’re organizing a team to do an EIA, what should you do about cultural resources? I think it all comes down to doing good scoping. When you’re figuring out the scope of your EIA, when you get to the “cultural resource” elements, set aside the abstract terminology and ask yourself and others: “what do we think might be out there in the environment that has cultural value, and how might this project affect it?” Then structure your team—and its research methods—accordingly.

If you’re working on a power transmission line across a desert, you’re probably going to need to worry about visual impacts on culturally significant landscapes and viewsheds. You’ll need people on your team who can identify such impacts in consultation with those who value the landscapes or views—maybe indigenous people, maybe property owners, maybe visitors. You’ll need people skilled in dealing

with such stakeholders and in considering impacts as *they* understand them. If you’re working on an urban development scheme, you’re going to need team members who are good at interacting with neighborhood groups and their interests and who can appreciate, for instance, the groups’ feelings of identity with their neighborhoods. And yes, in either case, you’ll probably need archaeologists and architectural historians—just don’t assume that they can take care of the whole cultural-resource impact-assessment enterprise unless they demonstrate that they can.

The key thing to remember is that the affected cultural resources are likely to be significant because of what they *mean to people*. So you have to design ways, and make time, to find out who values the environment that may be affected and to work with those groups to understand their concerns and seek ways to resolve them. This may involve working in languages with which you’re not familiar, with differing communication styles, with people who don’t readily read public notices, and with cultural values different from yours and those of your team members—pretty much what the Council on Environmental Quality has recommended since 1997 as ways to avoid environmental injustice.¹⁴ This is why some kind of ethnographic expertise is likely to be helpful.

A Simple Principle

When you deal with hydrology, you need to understand water. When you work in biology, you have to know about plants and animals. When you deal with cultural resources, you need to deal with culture. Not just archaeology, not just old buildings—though both are important—but *culture*.

Although we seem to be finding that more and more species have culture, we generally think of it as something that is uniquely human; it may be what makes us human. It exists in our heads and in our relationships, among ourselves and with other parts of the environment. It produces things like archaeological sites, buildings, cities, farms, and spaceships, and these physical things can be called cultural resources. But so can what UNESCO calls “intangible cultural heritage,”¹⁵ human “practices, representations, expressions, knowledge, skills,” which show up in the environment in forms such as

- (1) oral traditions and expressions, including language as a vehicle of the intangible cultural heritage;
- (2) performing arts;
- (3) social practices, rituals, and festive events;
- (4) knowledge and practices concerning nature and the universe; and
- (5) traditional craftsmanship.

Such resources are important parts of the human environment, and they interact with one another and with the physical environment. The landscape in which the schoolhouse once stood is a physical, natural environment, but it is also a place where social practices have taken place and where knowledge has been transmitted, and these live on in oral traditions and expressions. The schoolhouse itself was a physical structure, but it embodied oral traditions, social practices, and knowledge. This complex, interrelated physical and mental environment was disrupted by the project that destroyed the schoolhouse. This disruption may have been perfectly justified, but its impacts on the whole human environment, including the cultural environment, should have been assessed before the go/no-go decision was made.

Any given project will, of course, affect its own unique suite of cultural resources. An important part of scoping should be to predict what that suite will be and then to assemble the expertise needed to understand it. Sometimes it may be perfectly appropriate only to address impacts on archaeological sites or historic buildings, but other times it's not. EIA practitioners need to be wise enough to establish a scope of study that is appropriate to the cultural environment that's subject to effect.

Where to Look for Help

Where can someone planning an EIA turn for guidance? I know of only one really good, semi-official source, which was produced not by cultural-resource specialists but by the biology community. The *Akwé Kon* Guidelines,¹⁶ issued by the Secretariat of the Convention on Biological Diversity, lay out a ten-step process for impact analysis that includes things such as identifying relevant communities and stakeholders, establishing methods for their participation in the assessment, and effectively seeking agreement on what's important, how it will be affected by a proposed project and alternatives, and what to do about it. The *Akwé Kon* Guidelines (the name is a Mohawk term meaning "everything in creation") are not binding, but they are authoritative, and they're worth a good, hard look. Organize your EIA with reference to *Akwé Kon* and include people who understand *Akwé Kon* on your interdisciplinary team, and I don't think you'll go far wrong.

Notes

1 40 CFR §§ 1502.16(g), 1508.8, 1508.27(a)(3), and 1508.27(a)(8), which for example says that the intensity of impact is to be judged with reference to (among other things) "the degree to which the action... may cause loss or destruction of significant scientific, *cultural*, or historical *resources*" (emphasis added).

- 2 A social scientist (e.g., an anthropologist, sociologist, cultural geographer) who performs the systematic description of specific groups of people and their cultural practices and beliefs, usually based substantially on fieldwork.
- 3 Traditional cultural properties (TCPs) are defined by the US National Park Service as places that are eligible for inclusion in the US National Register of Historic Places because of their association with cultural practices or beliefs of living communities that are (1) rooted in the communities' histories and (2) important in maintaining their continuing cultural identity. See <http://www.nps.gov/nr/publications/bulletins/nrb38/nrb38%20introduction.htm#tcp>, accessed 1/24/16. Current usage favors the word place rather than property out of respect for some Native American groups who regard property as implying a commodity that can be bought and sold. Best practice also recognizes that eligibility for the National Register is not what makes a place significant as a TCP. Traditional cultural significance may make a place eligible for the National Register, but even if it does not meet the Register's standards, it remains part of the human environment that ought to be considered under the National Environmental Policy Act.
- 4 NEPA Section 102(c): "include in every recommendation or report on proposals for legislation and other major Federal actions significantly affecting the quality of the human environment, a detailed statement..." 42 USC § 4332(c).
- 5 For an example of such fuzzy guidance, see <http://www.achp.gov/nepa106.html>.
- 6 United Nations Educational, Scientific, and Cultural Organization.
- 7 See http://www.nmfs.noaa.gov/sfa/social_impact_guide.htm, accessed January 24, 2016.
- 8 See http://www.nps.gov/history/local-law/arch_stnds_9.htm, accessed February 2016. *Architectural history* is the study of the history of architecture; *historic architecture* is the practice of architecture on historic buildings and structures.
- 9 See <http://www.nps.gov/nr/publications/bulletins/nrb20/>, accessed February 4, 2016.
- 10 See <http://www.nps.gov/tps/how-to-preserve/briefs/36-cultural-landscapes.htm>, http://www.achp.gov/na_culturalandscapes.html, and <http://www.nps.gov/nr/publications/guidance/nrli/index.htm>, accessed February 4, 2016.
- 11 Except, in various ways, in agency-specific and program-specific guidance documents.
- 12 40 CFR § 1508.14, see <https://www.law.cornell.edu/cfr/text/40/1508.14>, accessed February 2, 2016.
- 13 See <http://www.nps.gov/nr/publications/bulletins/nrb38/>, accessed February 2, 2016.
- 14 C.f. https://ceq.doe.gov/nepa_information/justice.html, accessed January 25, 2016.
- 15 UNESCO Convention for the Safeguarding of the Intangible Cultural Heritage, 2003; see <http://www.unesco.org/culture/ich/en/convention>, accessed January 24, 2016.
- 16 <https://www.cbd.int/traditional/guidelines.shtml>, accessed January 26, 2016.

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