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In the Matter of: POWERTECH USA, INC. (Dewey-Burdock In Situ Uranium Recovery Facility)	
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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

ATOMIC SAFETY AND LICENSING BOARD

In the Matter of

POWERTECH USA, INC.

(Dewey-Burdock
In Situ Uranium Recovery Facility)

Docket No. 40-9075-MLA

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Hearing Exhibit

Exhibit Number:

Exhibit Title:

Survey to Identify and Evaluate Indian Sacred Sites and Traditional Cultural Properties in the Twin Cities Metropolitan Area



Final Report Revised 08/2010

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Introduction

Historic and cultural resources are identified and evaluated by State Agencies for various reasons and in compliance with various federal laws and mandates. American Indian sacred places have often been misunderstood or identified without early and meaningful consultation with those communities which hold them as sacred. In Minnesota, State agencies, sometimes departments within each agency, may have a particular ‘best management’ policy for identifying historic and cultural resources. These policies have often not included discussions of sacred places or define the approach to be taken towards sacred sites within frameworks developed around the federal definition of Traditional Cultural Property (TCP) as outlined in National Register Bulletin 38. These inconsistencies suggest that a commonly implemented state-wide system for identifying Native American sacred sites is needed.

The primary goal of this project is to create a process, a state-wide system, through which an inventory of American Indian sacred and important sites can take place in Minnesota. Identifying such sites will aid in their management and protection. The process outlined here includes two survey forms and databases which reflect the processes through which the inventory information should be collected. In order to accomplish these primary goals the team conducted ethnographic consultations to specifically examine Dakota communities’ relationships with sacred sites and their experiences working with other identification and management processes dictated by federal laws or mandates. In addition, the ethnographic research resulted in definitions of the concepts of “sacred” and “community” as they are conceived by the people consulted in the course of this investigation. These definitions based in ethnographic investigation are meant to better facilitate the relationships agents documenting and evaluating sites for agencies have with the people who hold sites to be sacred.

During the course of this project the investigators met and interviewed Dakota Elders and cultural knowledge keepers from disparate communities, including federally recognized tribes across the state, communities of Indian descent from non-federally recognized tribes, urban community members, and leaders of nonprofit organizations. All of these individuals, and the communities from which they come, are stakeholders in the treatment of sacred sites in the Metro area. In addition, the team interviewed archaeologists and cultural anthropologists who are invested in preservation of sacred sites through meaningful consultation with the indigenous communities for whom these sites have meaning. The team analyzed forms and processes that have been developed to identify and preserve Native traditional use sites and sacred places.

During ethnographic consultation, the researchers examined Dakota communities’ understanding of landscape, place, sacredness, and access to ‘public’ land. Further, the team examined and critiqued cultural resource management (CRM) processes which show a preference for process rather than meaningful consultation. Within this report, the definition of community is examined, expanded upon, and clarified. The scope of this project was limited to Dakota communities and to the Twin Cities Metro area. However, first and foremost on the list of recommendations is that this process continues to be developed with Anishinaabe and other Indian communities throughout the state of Minnesota, and to continue to investigate how these processes can and

should be applied in the future to other stakeholder communities order to understand the unique concerns and perspectives that each community may have.

The results of this investigation show a sacred site need not meet the federal definition of TCP. Sacredness is relational and interactive and therefore can never be assumed to be diminished due to the intrusion of modernity. In fact, recognition of current communities' relationships with sacred sites, not merely historical relationships, is what defines a place as important as well as what signifies a place as a sacred site.

The ethnographic investigation discussed here shows that Dakota communities' have serious concerns with this proposed process and other CRM methods for site identification, documentation, and evaluation.

- One worry for many consultants is that any process may give outsiders too much power in determining what is really sacred and what happens to sites. It was repeatedly articulated to the research team that if this process is used to create a state-wide inventory, it could be used as a limiting device to define what is sacred and a limiting device of defining what should be considered for protection.
- Another concern is the issue of access and education. Dakota access to their sacred places is not always guaranteed, people are not aware they may have that access, or this access has been interrupted through exile. How an evaluation will enhance or inhibit access is a matter of concern to consultants.
- Another issue for various people is tied to the education of Minnesotans in order that they better understand Dakota history, including their forced removal and exile, and how those events continue to affect perceptions of Dakota and non-Dakota.
- Finally, consultants are concerned about what 'consideration for management purposes' means. If protection or preservation is not an end to this process and these sites may only be considered before they are destroyed, many consultants stated that the risks of sharing sensitive information may be greater than the protection any process might provide.

With these concerns in mind, the team has developed two processes, one for an inventory and the second to supplement any inventory that takes place, both are similar to other CRM processes and both favor meaningful and thorough consultation with multiple communities. This report provides a framework for what community consultation and involvement should look like. It also provides guidance and recommendations for the next steps in developing this process. Specifically, this report recommends the development of a permanent position in the form of a state agent who is knowledgeable of needs and dynamics of communities around the state and who can oversee the maintenance of the inventory and the creation and implementation of workshops and other training support for Agencies and CRM professionals. The success of a statewide-system for documentation of sacred sites relies on support from state agencies, academic institutions, and education of CRM professionals regarding sacred sites. Crucially, it

also requires meaningful consultation with stakeholder communities. With this support, and through the continued development of this process, it is the team's intention that Minnesota, will continue to grow and develop as a model for responsible, engaged, and ethical management of space.

Discussion of Goals

Primary Goal

The primary goal of this project was to create a process to inventory American Indian sacred sites throughout Minnesota in order that they be considered for management and protection. This report provides a discussion of this proposed process. The process includes the following:

- An Access database that can be used to record documented sites.
- A Geodatabase that can be used to record documented sites.
- A site inventory form that community members, scholars and state agencies can use to document sacred sites. This form is to be used in conjunction with the databases.
- A narrative predictive model for identifying sacred sites in the landscape. This model attempts to provide a framework for seeing landscape and the possibility of significant sacred sites within it from a Native, particularly Dakota, point of view. The long term goal of this model is to alert professionals to the possibility of important places warranting further investigation in the course of site surveys.
- A related protocol and accompanying form for documenting sacred or significant sites, employing the predictive model. This form is to be used in conjunction with the databases and is intended to be used by cultural resource management investigators who carry out site surveys prior to any development work.

All forms and databases were created in consultation of the 2005 "State Historic Preservation Office Manual for Archaeological Projects in Minnesota" so that these forms would work in relation with and be compatible with other CRM methodology. Although the process that we set forth may be construed to emphasize data collection, considering the sacred should not be viewed strictly as an information gathering exercise and understanding the significance of sacred and important places is not a form of mitigation, as it can be for archaeology and historic sites. All forms and protocols are intended to encourage investigators to carry out their work in close and meaningful consultation with stakeholder communities.

Supporting Goals

In order to help guide any investigators who may use the proposed processes, the research team also:

- Completed an ethnographic consultation with stakeholders regarding Dakota TCPs and sacred sites in the Twin Cities Metro area.
- Discuss Dakota definitions of “sacred.”
- Develop a definition of the term “community” and provide examples of what kinds of communities may have a stake in the documentation and preservation of sacred sites in Minnesota.
- Discuss related secondary literature on TCPs and sacred site documentation, site reports from the Metro area, literature on Native concepts of the sacred and of landscape, and Dakota culture and history.

Areas of Concern

During the course of this investigation, the team identified areas of concern to the people who were consulted and possible challenges to the successful implementation of these processes outlined here, as well as, successful completion of an inventory. These include:

- The fact that it is impossible to carry out a complete survey or conduct a complete inventory of culturally significant or sacred sites in Minnesota, just as a complete survey or inventory of archaeologically significant sites is not possible.
- Members of Native communities have experienced serious historical structural violence. As a result of systematic marginalization, people do not immediately or uniformly trust state agencies and their representatives. Asking individuals or groups to reveal information about the whereabouts and nature of sacred sites is therefore a delicate issue. In addition, it is not necessarily appropriate for the location and purpose of sites to be made available to the public under most circumstances.
- People with whom the investigators consulted expressed concern that, if sacred sites were made known to the public, the people who use them and any activities that might be carried out at them would become public spectacle.
- Dakota and other Native concepts of the sacred or *wakȝn* do not fit easily into the non-Native concepts of sacred, boundaries around the sacred, access to the sacred, relationships with the sacred, or even protection and preservation of the sacred.
- Several people with whom the researchers consulted fear that a list or inventory would be seen as a gatekeeping device that could be used in the process to actively *exclude* places from recognition as significant and worthy of protection. One person articulated this fear through the idea that “any tool can become a weapon.” Others observed that if an inventory is seen as the final arbiter of site significance, any place not recorded may be seen as, by default, not important enough to protect.

Despite the concerns stated here, it is important and worthwhile to work to develop positive, productive relationships between state agencies and Native communities. During the course of this investigation, one community member did express support for an inventory. They stated that any movement forward at protecting even one site or formulating a list of important sites is productive. However, creating an inventory of sacred sites requires the support of more than one member of one community if it is to be successful. Forming and nurturing trusting relationships must happen slowly between multiple stakeholders of many native communities and multiple state agencies through meaningful consultation and consideration, before mitigation, protection and preservation can happen. The intention is that once the predictive model is tested and used, it can change and reflect the growing body of knowledge on the sacred sites in the state of Minnesota. The following suggestions may help to address the concerns listed above:

- First, training opportunities should be provided in order to introduce and familiarize state officials, the manager of the site inventory, and cultural resource management professionals to the predictive process.
- The results of this investigation also show it is important to assert that any inventory of sacred sites be considered and used in a way similar to the archaeological inventory. That is: never complete, always growing, with limited public access to this information. When an area of potential effect is identified, a site analysis is completed and consultation and mitigation of potential effects is initiated. The form and database the team has created to facilitate identification of sacred sites can then be used in the inventory. It is imperative that agencies work to form and nurture trusting relationships with Native communities and individuals in order to be able to widely consult on the matter of site documentation and preservation in Minnesota.
- Once invested state agencies have created meaningful relationships with several of the communities, or position(s) have been created to manage the site inventory either within Minnesota Historical Society (MHS) or Minnesota Indian Affairs Council (MIAC) then beginning an inventory that includes other sites outside the already well documented public sites, may be possible. This inventory can guide state agencies and inform them of areas that should be avoided and/or protected before changes in the landscape take place.

Below is a discussion of the research methodology, related literature and definitions that should be utilized in these processes. Finally, the team provides recommendations concerning the future of these processes and sacred site identification and inventory in the state of Minnesota.

Methodology

The main approach used in this investigation is ethnographic consultation. The purpose of ethnography is to develop a holistic understanding of an issue. In this case, the results of the investigation are applied, and the final goal is to develop an instrument to be used in cultural resource management work. In such an instance, any materials developed using information gained in ethnographic consultation should reflect as much as possible the worldview, values,

concerns, and interests of all those stakeholders who contribute to the study. The primary methods used in this investigation include:

- Interviews. During the course of this investigation, the team carried out 42 interviews with 21 people. SCSU Human Subjects protocol was followed in relation to these interviews. Unless consultants provided consent to use their names, their names will remain confidential.
- Participant Observation and Site Visits. During the course of the investigation, the investigators made 5 visits to sites in the Metro area and Jeffers Petroglyphs site in Southern Minnesota, and attended 2 community events.
- Secondary Literature Review. Included in the sub-sections of the report are discussions of literature related to the topics of TCPs and sacred site management; Dakota concepts of sacred; and the relationship of Dakota people to the US and Minnesota state governments; and site reports and evaluations made about places located within the St. Paul and Minneapolis metro area.
- Maps. The team consulted historical maps with Dakota place names. In particular, the team consulted the Nicollet map of 1843 and the Durand map from 1994. While these maps were created by non-Natives and are bound to have inaccuracies, they provide an historical look at the traditional homeland of the Dakota through how the map maker interpreted the Dakota landscape. Durand's map and discussion of place names is more contemporary. It therefore provides a lens through which many Dakota people today may see the landscape as it existed before urbanization. It also provides information about what ways that knowledge is being recorded and passed down. This information is valuable to cultural and archaeological anthropologists, state agencies working in development or protection and preservation of cultural resources, and other CRM professionals by providing a Dakota view of the landscape.

Although the team recognizes this process should be useful for recording sites sacred and significant to anyone with an interest in site preservation, the research team focused this preliminary work with members of the Dakota communities of Minnesota. While sacred Native sites are important to many groups, it is also the case that the Metro area is the traditional homeland of the Dakota people. The interviewees include five enrolled members in federally recognized Dakota communities and four members of non-federally recognized communities of Dakota descent. In addition, two members of the Minneapolis American Indian Center community, seven scholars, and three community activists interested in site preservation and protection also participated in this study. These interviews were carried out as group consultation and one-on-one discussions. The interviews were semi-structured, and took between two and five hours each to complete and in many cases, multiple interviews were conducted with the same consultant.

In the beginning of any ethnographic research, it is important to establish the veracity of the people who act as consultants for a project. Contemporary Dakota communities, like historical ones, are diverse. Within them, there are many political stakeholders as well as a wide range of personal opinion held by individual community members. Researchers must be aware that everyone has a bias of some kind. It is also important to be aware that individuals may want to speak with researchers to further a political agenda. Some individuals will not speak to researchers because of their perception of the politics of the research project. While the perspectives of all stakeholders are important to consider during the course of a research project, it is also important to be aware of the context from which any person's motivation to participate as a consultant is derived. During this preliminary investigation, the team prioritized speaking to people with cultural knowledge and those invested in protecting and preserving sacred sites. Every individual we spoke to was referred to the team by well respected scholars who are familiar with the Dakota communities in Minnesota. In addition, many more people were contacted than interviewed, for several reasons. The foremost reason people chose not to be interviewed during the course of this project is the sensitivity of the topic of this project. For some, their concerns had to do with the investigation's political implications. For others, it was tied to their fears about protecting the private nature of sites and the knowledge associated with them. In the future, the team believes further community relationships, with a wider base of consultant perspectives, can be developed.

The contacts initially provided were tribal representatives of the Shakopee Mdewakanton Sioux Community, including their Director of Community Records and the Cultural Resources Director. On behalf of the community, these individuals expressed little interest in participating in the creation of a process for documenting and protecting sacred sites and TCPs at the State level. Their disinterest stems from the fact that the Shakopee tribal government prefers to commit its legal and cultural resource management resources to pursuing the preservation of sites through federal channels.

Tribal policy, according to the interviewees, is to pursue all such activity through its nation-to-nation relationship with the United States federal government. In follow up communication with these individuals it was stated that our proposal had been sent to the Shakopee Tribal Council for approval. As this project was nearing completion, the team had not yet received word on the Tribal Council's decision. As a result, the initial contacts the team made with Native communities came through other channels. These include Associate Professor and Director of the Multicultural Resource Center at St. Cloud State University and enrolled member of the Lower Sioux Community Darlene St. Clair; former president of the World Archaeology Congress and former Minnesota Historical Society archaeologist Larry Zimmerman; and Ethnohistorian of Dakota history and culture and Department of Sociology and Anthropology Chair at St. Olaf College Carolyn Anderson. In addition, Tom Sanders, Site Manager of the Jeffers Petroglyphs, was a valuable reference.

St. Clair, Zimmerman, and Anderson have worked in Minnesota with Dakota communities and individually met with us in the beginning stages of this project and provided insight into the sensitive nature of this investigation. In addition, they made recommendations concerning

consultants and in some cases, initiated face to face introductions to the team. At the time this project was reaching its deadline, the investigators had established contacts with additional people who were willing to speak with us, and possibly carry out further site visits. The team proposes pursuing these contacts as a follow-up project in 2010-2011.

Discussion of Ethnography

Ethnographic research has a number of benefits. These include:

- Ethnographic research helps us understand how other people articulate their own understanding of the world. Ethnography helps us develop an insider's perspective on such explicitly discussed issues as what constitutes "sacred" and how people learn and transmit their understanding of sacredness, landscape, and community identity. In addition, it helps us understand how people interrelate with members of their own community and members of other communities.
- Ethnographic research helps us develop a picture of the unspoken, unwritten, and unacknowledged rules that affect a community and the lived experiences of individuals. In the matter of documentation and protection of sacred sites, this relates in particular to the way different people experience law and policy. Although from the point of view of the government, legal protections and obligations extend equally to all citizens, the way law is experienced may differ widely. Peoples' knowledge of law may be limited. In addition, in the case of the Dakota, the experience of law is mediated by their history of expulsion, marginalization, and exclusion in Minnesota.
- Ethnographic investigation expands our understanding of how the particular context and history of a people affects their current circumstances. It enhances our ability to develop procedures and policies that address the needs and concerns of marginalized communities.
- Ethnographic investigation reveals the diversity within and between communities that often appear homogenous from the outside. In addition, the sources of conflict and diversity are often revealed.
- Ethnographic research that extends over a long period or when it is utilized with historical records reveals consistent themes concerning community development and cultural change as well as strong and consistently held beliefs.

However, it is also the case that ethnographic research methods have a number of associated challenges. It is important to recognize these complications of using ethnographic methods present in applied work. These include:

- Time. Asking people to discuss their sacred sites requires maintaining good relationships and trust. Asking them to disclose what may be private, personal, or proscribed

knowledge may require that consultants discuss the matter with others before agreeing to participate.

- Complications: Results of a survey and outcomes of the consultation process may provide information that conflict with historical and archaeological data. Although conflicting information will make any survey process more messy, it also brings with it the opportunity to develop more fully the understanding those who are interested have of not only how relationships with the sacred were developed in the past, but how they are maintained and developed today.
- Ethnography is viewed as supplemental/supporting material: Through review of the TCP published reports and discussions the team had with anthropological professionals across the state, it appears that ethnographic inquiry is often used only as supplemental/supporting material to other kinds of evidence. It will sometimes be the case that ethnography, history, and archaeology will yield consistent results. However, when ethnographic research conflicts with other evidence, it should not immediately be discounted as weaker or inadmissible evidence without further careful consideration. This does not mean new narratives of sacredness are any more or less real or authentic than historical ones. What is important to consider is that how we read the past is ever changing. The same is true of how we read the present.

Community

One of the strongest recommendations this team makes for a successful process for sacred site identification and preservation is that agencies and the people who represent them engage in meaningful consultation with communities. One question to consider, therefore, is “*what* is a community, and *who* makes up a community.” The definition of community as developed here for the purposes of site survey and identification is:

A group of people who share location, history, use of, interaction with, ownership past and/or present of, or investment in a site. This group shares in common knowledge about, an interest in the use of, development of, preservation of, distribution of or alteration of that site.

In creating a definition of community, several things need to be considered. First, current ways of defining community take their cue from Frederick Barth’s work on ethnicity. He argues that ethnic identity is not a checklist of characteristics shared by a group of people, with x-number of characteristics indicating that a person is a member of y-group. It is instead created through interactions between groups, in interaction with those around them (Barth 1969). It is also created by the interactions of members within the group who take on the roles of transmitting identity to one another (Royce 1982). These definitions of ethnicity - that we are who we are because our neighbors are who they are - have become broadly applied by cultural anthropologists to many kinds of group identity.

Second, checklists reflect a historical habit of anthropologists. The first generations of anthropologists tended to see cultures as having distinct boundaries, described in geography and through geography belief and practice (Kroeber 1939, Wissler 1928). These definitions prompted scholars to see the cultures they studied as isolated from others. And, this created an academic and popular idea that cultures have a core of authenticity without which they lack legitimacy. It also envisions culture groups as retaining a strong impetus to remain unchanged by environmental or social circumstances, a common misunderstanding that Gibbon notes is made about Dakota and Lakota people (2003:15). Bounded notions of group identity pose a number of challenges that an interactive concept of community address. It also focuses on the individuals who belong to a community rather than traits or behaviors that appear to exist beyond individual lives.

“Community” defined as “relational” limits the significance of identifiable traits, the absence of which disqualifies an individual, or group of individuals, from legitimate community membership. It helps account for dispute and conflicts about social norms. It accounts for cultural change over time and allows individuals to be agents of that change. The relationship of innovation to change in the practice of Lakota religion has been remarked by DeMallie *et al* (1987). Anderson notes that “virtually all Dakota knowledge is codified in and emanates from the Creation story and beliefs. Although Dakota ceremonial practices have changed over the past 150 years, the Dakota continue to hold their beliefs and find ways to ceremonially express them” (2004:18). Her assertion makes clear that continuity and consistencies can exist in relation to and survive through cultural change. This report founds its definition of “community” in the scholarship that shows group identity and membership to be formed in interaction, and surviving through change. It also reflects the way the consultants for this report articulated what they believe “community” to be when asked.

In the beginning of any consultation with community members, investigators should see all groups as having an equal stake in contributing to the ethnographic investigation. Community contributions should also be seen as having equal validity at the beginning of the consultation process. Individuals within a community group may have conflicting accounts of the relationship people have with the site and the significance that sites hold for the community.

Examples of Community:

The examples of community described here show the diverse ways in which communities are constituted, and positions from which diverse points of view may originate. They are also examples of the diversity of types of stakeholders who may have an interest in the preservation and protection of Native sacred sites in Minnesota.

Dakota Community

There are many iterations of what it means to be a Dakota community. These include:

- Federally recognized tribes/bands/communities. These are groups who have a nation-to-nation relationship with the US federal government, have a land base, and have active political organizations governing their membership. Dakota bands have land bases in

Minnesota, South Dakota and Nebraska. Members of federally recognized Dakota communities are enrolled with the tribe and have the rights of tribal membership. An individual may belong to another iteration of a Dakota community and be an enrolled member in a federally recognized group.

- Non-federally recognized people of Dakota descent. These are people who are lineal descendants of historical members of the Dakota nation as it was constituted during the 19th century. The Mendota Dakota are an example of such a community in Minnesota. Members of the Mendota Mdewakanton are not enrolled members of the federally recognized Dakota communities. However during the consultation for this report, Shakopee Mdewakanton representatives recognized the Mendota as relatives who share historical and cultural roots.
- Enrollment status governs the relationship individuals have with the State and to members of other tribes/bands/non-recognized groups. In addition to that status, people may have other roles/ identities within their communities. These include:
 - Political status, as past or present employees, or official representatives of a tribe.
 - Religious leader, as a person with special knowledge or experience in matters relating to the sacred.
 - Key cultural experts and elders, as a person with special knowledge or experience in matters relating to culture or history.
 - Youth, as participants in intervention and revitalization programming.

The perspectives individuals bring to any consultation are derived from their personal experiences as well as that of the community to which they belong. They bring to any consultation a diverse and possibly conflicting range of opinion, experience, interest, and investment. In addition, communities change with time, and circumstances that can influence the perspective of an individual can change with it.

“Urban Indian” Communities:

The American Indian Center (AIC) on Franklin Avenue is located in the American Indian urban cultural corridor, and serves as a community center in the sense of a neighborhood center. Along with the AIC, the corridor is the location of Native employment, economic development and legal, health and counseling services. It also provides social support services to Native peoples who live in neighborhoods in Minneapolis and St. Paul beyond the Franklin corridor. The community of urban Indians is, like the community of Dakota, an umbrella term that represents various groups of people. These include:

- People who are connected to the Center because it is a visible and active community support institution in a neighborhood that has long had a large number of American Indian residents. The AIC has also purchased commercial properties on Franklin. As a property owning institution, the AIC serves as a liaison between neighborhood residents who rent homes and development companies and city planners.

- Service users, in and beyond the corridor catchment area. The AIC sponsors youth intervention programming, elder care, legal services, and K-12 after school programming.

The term “Urban Indian” became widely used by the American Indian civil rights movement and is associated in particular with AIM (American Indian Movement). Associated with a political movement, it represents a history of migration by Native peoples to cities, as part of resettlement efforts and as individuals and families independently moving for work, educational, and family needs. The Native peoples who are connected to the AIC in Minneapolis include members of Native nations originating outside Minnesota. It also is a center used by American Indians from tribes with land bases in the upper Midwest region and Minnesota.

Community support services include those drawing on the cultural resources of Minnesota/Upper-Midwest tribes. The youth intervention program, for example aims to prevent diabetes and hypertension in young people. It also is creating a successful cultural revitalization program that teaches youth about traditional cultural practices such as canoe-building and watercraft.

The remit of the AIC represents the diversity of Native peoples living in urban communities in the US today. It includes people who have moved from all over the US, and people whose families have been located in Minnesota for decades, or even centuries. Its service provision, which includes cultural programming specific to tribes of the upper-Midwest and programming aimed at general needs reflect the complexity of an “urban Indian community.”

As with the concept of “Dakota community,” members of the “urban Indian” community of Minneapolis may represent many interests. Whether a person is enrolled in a federally recognized tribe in Minnesota or elsewhere in the US, their age, their particular needs, the length of time they have lived in the Cities, be it recent or all their lives, and whether or not they live in the immediate neighborhood are some of the factors that may influence how people perceive their own membership in the AIC community.

Community Interest Groups:

Community interest groups can be described as issue-based groups. These can be groups organized to address concerns about one specific site, or groups whose remit is to protect particular types of places. These include Great River Greening, which is devoted to the restoration of waterways; The Pilot Knob Preservation Association, which was created to specifically address the proposed development of a historically/currently-significant site sacred to Dakota peoples; and Friends of Coldwater Spring who recognize the Spring as religiously significant and wish to have it preserved and maintained.

Understanding “Sacred”

The definition of “sacred” provided here is the most consistently expressed idea shared with the research team by all Dakota consultants. The metaphors and examples provided to elaborate this definition varied. Not, it should be noted, because there are serious inconsistencies in the meaning of the original term. Instead, people offered different explanations in the manner of patient teachers explaining in as many ways as possible a new idea their students are trying to

integrate into their worldview. The definition of sacred offered in consultation and that guides the process proposed here is:

Everything.

Everything is sacred. The concept of the all-encompassing sacredness of everything was widely defined by consultants as it is in the literature, in the term *wakqn*. In her cultural resource management discussion of Taku Wakqn Tipi, Carolyn Anderson observes that “all sacred sites are the dwelling places of spiritual or *wakqn*, and all sites are part of the larger whole. It was the most sacred responsibility of the Dakota to respect the spiritual beings, their relatives, living at these sites” (Ollendorf and Anderson 2004:18). Citing her previous work, she elaborates:

The Dakota *oyate* (people) could be both one and many, universal and individual. Each person was Dakota, and all together were Dakota. 'To be Dakota' was to manifest or actualize the essence of Dakota, to embody 'Dakotanness' as part of universal wholeness. The essence of 'Dakotanness' was being a good relative, which made for peace, harmony and prosperity for all. It was not a matter of trying to come close to an ideal, but actualizing the true reality --beyond human existence and incomprehensible to humans --in the human realm, a mere reflection of true reality, which is *wakqn* (Anderson 1997:139-40). [Ollendorf and Anderson 2004:18]

Historical accounts of Dakota life in the 19th century include discussions of *wakqn* as a foundational concept. Dakota author and documenter of Sioux life during the late 19th and 20th centuries, Charles Eastman discusses the “great mystery,” observing that sacredness is encountered as it is present in the natural landscape (1911:5). The missionary authors and chroniclers of 19th century Dakota life in Minnesota, Gideon and Samuel Pond also record the existence of the concept and its significance in understanding Dakota spirituality (1867:217). DeMallie observes the same enduring presence of *wakqn* in his discussion of Lakota religious tradition and innovation (1987).

This holistic concept of what sacredness is, is not unique to Dakota people. Peter Nabokov, writing about Native American sacred places observes that while it is an oversimplification to assume all Native spiritualities are the same, common themes emerge in the way Native North Americans understand sacredness and sacred landscapes. Among these is the idea that sacredness is endowed in landscape, and that it can be present in places non-Indians would not look or expect to see it. It can be unattractive, or quotidian (2006:xiv). Keith Basso, in *Wisdom Sits in Places*, his landmark study of the significance of place names in Apache society, details how the sacredness of place, the recollection and recounting of histories of the ancestors, and anchoring narratives of socialized behavior and moral conduct are all located in place names. Recalling and speaking names is an act that connects people, through place, to the most meaningful understanding of social life (1996). The significance of place as a way to access and interact with the sacred is, like for many other Native peoples, a fundamental part of Dakota life.

For non-Natives, who want definitive answers and for whom sacred places tend to be firmly delineated in the landscape, this concept of *wakq̃n* as saturating the environment everywhere, can be very frustrating. And, when *wakq̃n* exists in urban areas where development has and will continue to alter the landscape, differing notions of sacredness can be complicated to negotiate. “If everything is sacred” we are forced to ask, “then how can any development happen?” The tension between these two ways of understanding sacredness in the land was articulated thus by one consultant: “you (meaning non-Native anthropologists, bureaucrats and Christians) ask us to put boundaries on what we consider sacred. Do we ask you to look up at the sky and draw a box around heaven?”

The “everythingness” of what is sacred was articulated to us in many ways. One consultant, quoting a Dakota elder, stated that “sacredness is like rain. It falls everywhere, but it pools in places.” In this framework, sacred is especially present in those pools. The concentration of *wakq̃n* in one place doesn’t diminish the existence of *wakq̃n* in another. Other features of sacredness that emerged in consultation include the idea that *wakq̃n* is relational and interactive. A place can have sacredness activated through use. The more people over time who interact with the sacredness of a place, the more the *wakq̃n* pools there. A place that was important in the past will still be important generations later, and a place that people go to in order to interact with the sacred can become a pooling of *wakq̃n*. Another way that “sacredness” was explained by consultant, Tom Ross, was in the idea that sacredness is experienced, and it is necessary for life. “Sacredness is what people need to do to live” and sacred places are where people go to do those things” (Ross: personal interview May 19th, 2010).

A final and important theme that emerged in consultations is that *wakq̃n* is never diminished. Its presence in the environment is consistent. This concept can lead non-Dakotans to ask “if *wakq̃n* is never diminished then why do sites need any sort of protection? Why can’t we just develop anywhere?” Changes in the landscape do not change or destroy the existence of sacredness, but they can and often *do* make the relationships people have with *wakq̃n*, and the ability they have to interact with it, and do what “needs to be done to live.”

Consultants who discussed definitions of sacredness also recognized that, although *wakq̃n* is everywhere, people must also live. For non-Natives, living means areas must be developed. The concern of one consultant in particular was finding a way for that to happen without continuing to destroy sacred places. For a non-Native, taking his concern seriously means acknowledging Dakota perspectives about how, in areas of development, decisions are to be made about what can and cannot be developed.

When areas are about to be developed or the landscape will be changed in any way, the State needs to consider how these changes to the landscape affect human relationships to the sacred. The goal of cultural resource management, from this point of view, is to work to make relationships with *wakq̃n* easier to maintain.

Although everything is sacred, it is necessary for the purposes of preservation and protection of places to define what a “sacred site” is. Executive Order 13007 defines a sacred site as “any

specific, discrete, narrowly delineated location on federal land that is identified by an Indian tribe or Indian individual determined to be an appropriately authoritative representative of an Indian religion, as sacred by virtue of its established religious significance to, or ceremonial use by, an Indian religion, provided that the tribe or appropriately authoritative representative of an Indian religion has informed the agency of the existence of such a site” (King 1993:18). Lebeau sorts Lakota sacred sites into two kinds: “places where spirits live” and “places where the Lakota go to pray” (2009:30). For the purposes of this project and the processes created, a sacred site is

A burial site or a dwelling place of *wakqn* and/or where individuals and/or communities come to interact with *wakqn*.

This definition should be used as a guide. With future consultations, the definition can be revised.

Traditional Cultural Properties and Sacred Sites

The relationship between law as the governing rules of society and law as an applied and lived experience is not congruent. It bears pointing out, however, because between what law is and how laws are lived lies a diverse range of negotiations, and cultural and individual experiences. In order to understand how those diverse experiences come to be, it helps to look at those things that mediate between laws and the people that live them. One of these is policy (or, in this case, policy articulated as guidelines). Shore and Wright (1997) show in their work that policy is not just a series of rules and guidelines, derived from law and applied in society to make laws workable, living rules. Policy is also often perceived to be, but is not, a force independent of human action, working in the world without the agency of human decision making. It is rather an artifact of human activity and the result of values, decisions, disputes that make up community life. How policy becomes experience is mediated by the authority of people who implement and interpret it, and the agency of the people for whom policies are supposed to be guidelines for productive living.

In matters of what Traditional Cultural Properties and sacred sites are, what it means to recognize and document their existence, and what it means to consider, protect, or preserve them, one of the most significant policy documents for cultural resource management professionals, scholars of Native communities, and Native peoples is the *National Register of Historic Places(NRHP) Bulletin 38*.

Patricia Parker and Thomas King created the term “Traditional Cultural Property” in the *National Register of Historic Places Bulletin 38*. What this term means to local communities, archaeologists, and cultural resource managers is still being developed in practice, and is debated widely in the literature of resource management. As far as this team is aware, no state has a consistent process, used across agencies, as a matter of law or policy, for the recording or evaluation of TCPs or sacred sites. *Bulletin 38*, the federal process, is therefore the most widely applied and most consistent resource for evaluating and documenting culturally significant sites. As a result, the NHRP is the primary medium through which Native communities experience the management of culturally significant sites.

Every community member or anthropologist with whom this team consulted provided a stack of reports that document how they and others experience the policy that is expressed by these guidelines for evaluating and documenting traditional cultural properties. Eligibility determination for the NRHP is the current experience Native people have in regards of consideration, protection, and preservation of their sacred sites and traditional cultural properties. These previous experiences inform and may even determine a community's future relationships with the NRHP process or any state system that may be put in place.

A review of TCP reports carried out for sites in and around the Twin Cities Metro area demonstrates that the process of evaluating the eligibility of TCPs for consideration is a complex issue and often a contentious one. This is as much the case for scholars and CRM professionals as it is for communities for whom TCP evaluations are supposed to be carried out. The debate about the eligibility of sites for consideration is carried out not only between Native peoples and state agencies/ non-Indian interest groups, but between scholars serving in various capacities. Pertinent reports include:

- In an evaluation carried out by the 106 Group of *Wakȟan Tipi* (Carver's Cave), the site was recommended as eligible for consideration for the NRHP under Criterion A and B based on its historical significance to both Dakota and European peoples and its Dakota association with *un kte hi*. Later, it was later designated non-eligible by the State Historic Preservation Office (SHPO) due to degraded integrity (Terrell 2003).
- The evaluation of Coldwater Spring included Terrell's statement that:

based on the findings of [the] study, Coldwater Spring is recommended as eligible for the National Register under Criterion A for its association with the Dakota cultural landscape of Mdote, which for the Mdewakanton Dakota is the center of the earth, or Makoce Cokaya Kin, and, in one belief, is also a point of their creation (2006:ii).

It was also recommended as eligible under Criterion C, based on its status as a representative resource type of natural springs, of which few remain in the area (ii). The report provides supporting arguments from federally and non-federally recognized Native communities in Minnesota including a letter to Minnesota Senator Carol Flynn 3/29/99 from the four federal recognized Dakota communities in MN identifying Coldwater Spring as a "spiritual and cultural sacred site" (47). According to the NPS, however, Coldwater, while acknowledged to hold "significant contemporary cultural importance to many American Indian people...the evidence presented in this report does not meet the criteria of the National Register of Historic Places" (Preface).

Ethnohistorian Bruce White reports that according to the document referred to as a "White Paper" for the Draft EIS, Mississippi National River and Recreational Area's (MNRRA),

Cultural Resources Specialist, Dr. John Anfinson, evaluated Coldwater Spring's eligibility for the National Register as a TCP under 36 CFR part 63 and under National Register Bulletin 38, Guidelines for Evaluating and Documenting Traditional Cultural Properties. He found that Coldwater Spring did not meet the National Register criteria or the guidelines of Bulletin 38. MNRRA presented this initial finding in the Draft EIS. [White 2010]

The MNSHPO found it eligible on April 14, 2010. This excerpt of the letter to the MNRRA from Deputy SHPO Britta Bloomberg:

While the MOA is silent on the matter, we wish to put on record our opinion that Coldwater Spring meets the criteria for listing in the National Register of Historic Places as a Traditional Cultural Property (TCP). Our staff has reviewed the ethnographic resources study prepared by your cultural resources consultant (June 2006) and are in agreement with their findings that the site does qualify as a TCP. We were surprised that the National Park Service has disagreed with this determination. We will be happy to discuss our reasoning. We want to be clear that signing the MOA in no way implies that we concur with the National Park Service's opinion on this matter. We fully expect to revisit this discussion during the separate Section 106 process referenced in Stipulation II.C. of the MOA that will be undertaken before determining the final treatment plan for Coldwater Spring. [Bloomberg 2010]

- The determination of eligibility for consideration of *Taku Wakʷn Tipi* (Morgan's Mound) had conflicting results from the two investigators, one carrying out archaeological investigations and the other focusing on ethnographic resources (Ollendorf and Anderson 2004). At the time, SHPO found it not to meet NRHP criteria (Anfinson 2005).
- The 1998 evaluation of Harriet Island as a potential site for consideration as a TCP for the NRHP was determined through historical documentation and consultation with Dakota elders to be a culturally significant site and further consultation was recommended. However, because of "physical alteration and the absence of current use for traditional cultural practices, The 106 Group recommends that Harriet Island not be considered potentially eligible for listing on the federal National Register of Historic Places as a traditional cultural property" (Abel 1998:26).

These reports show a consistent theme; sites are significant to Native peoples. But, current federal guidelines and criteria limit their eligibility for consideration, often because of issues with site integrity or discontinuous/discontinued use of a site. This conflicting set of statements: "a site is significant, even sacred" and "the site is not eligible for protection based on criteria not necessarily relevant to those for whom the site is sacred" point to a disconnect. The standards of

value laid out in the existing guidelines, mandates, and laws, are created in such a way that other ways of valuing, including those belonging to Native people's, are minimized or elided entirely.

As has been noted by the literature on TCPs, not all sites can be eligible for consideration, and not all sites can be protected (King 2003). This means, for those who hold the worldview that everything is sacred; some places of potential significance will be altered or destroyed. According to Marcia Yablon's 2006 article in the *Yale Law Journal*, the federal legislation, and the procedures derived from it to govern sacred site protection, are doing a much more successful job than in previous decades at meeting these goals. And, while past mistrust over the federal government's ability to protect sites over which it has authority was well-founded, today's track record over determining how sacred sites are used and who is allowed to use them has much improved (1626-7).

This optimistic view of improved practice is not held by all concerned with the well-being of sacred sites in public (and private) control. The challenge for CRM professionals is to design guidelines that minimize the damage inflicted on landscapes that are critical to peoples' ability to encounter and have a relationship with the sacred, while allowing the necessary processes of development to take place. A growing body of research is deliberating what institutional attitudes towards Native sacred spaces need to change, and what best practices can be developed to facilitate these sometimes contradictory goals. Environmental sustainability and social justice scholar/advocate Lyuba Zarsky, in her report for the Sacred Lands Documentary Project creates a rationale for corporate responsibility and the public interest in the preservation of sacred Native sites. Her argument focuses on the idea that, while some Native peoples have had successes against development or destruction of sacred sites through judicial and legislative channels, these are costly and time-consuming approaches towards preserving sacred places (2006:2-5). Through the analysis of six case studies, Zarsky identifies successful measures for preventing sacred site destruction. She envisions what corporate best practices in matters of site preservation and protection might look like; like King, better use of existing legislation and thorough and comprehensive consultation with Native communities are major components of her proposals (15).

Other methods for more effective Native sacred site preservation and protection encourage agents to adopt an indigenous view of what constitutes sacred space, and to develop methods appropriate for identifying, recording, and evaluating them. Among these are Stapp and Burney's 2002 resource guide *Tribal Cultural Resource Management: The Full Circle to Stewardship*. They suggest that, because Native concepts of place and sacredness are holistic, it is helpful to consider the concept of "cultural landscapes," or all-inclusive landscapes composed of smaller interconnected places (152). They identify types of places within such landscapes that may have sacred significance for Native peoples, arguing that such places are systematically related and that the encroachment upon or destruction of one of these can adversely affect the rest (156-157).

Stapp and Burney go on to point out challenges to carrying out such evaluations, including that many traditional cultural places have undergone severe alteration through development, that

because many tribes had been forcibly removed from their homelands, memories of particular sacred places may have been lost, reluctance on the part of tribal members to reveal private or proscribed information to outsiders, and a reluctance to single out particular places in a broader landscape of sacred significance. Despite these difficulties, it is, according to the authors, imperative that that tribes be consulted regarding what is important to them; that is, a community must define the importance and integrity of a place (2002:158). Finally, the authors assert that the more tribal members (specifically knowledgeable elders) that visit an area during the identification process, the better the chances of gathering information (2002:159). This site visitation is beneficial not only to those gathering and recording information, but for the communities themselves. In visiting the sacred areas, access and use is oftentimes reestablished. Other alternative approaches exist in identifying sacred places; specifically they site cognitive mapping (Austin: 1998), resource importance (Stoffle and Evans: 1990), and resource inventory and assessment (Stoffle, Halmo, Evans, and Austin: 1996).

In his 2009 dissertation *Reconstructing Lakota Ritual in the Landscape*, for the University of Minnesota's Department of Anthropology, Sebastian LeBeau develops a predictive model for identifying Lakota sacred sites in the landscape. His approach argues that it is necessary to develop a method that will make it possible for CRM professionals to see the landscape and TCPs within it as Lakota people see them. Rather than conforming Native views of sacredness and significant places to existing criteria to determine whether or not a sacred site should be protected, he seeks to provide CRM personnel with a way of identifying the sacredness that undoubtedly exists for Lakota people. He develops a predictive model using Native categories and features in the landscape, and establishes a method of creating inventories that tell management personnel what Lakota people themselves know to be true about their significant landscapes (25-30). Other documentation methods from within Minnesota include the Leech Lake Band of Ojibwe's internal site inventory form (MS: 2010).

Considerations in Process Development

First it is important to stress that fact that in approaching the landscape or issues concerning the landscape it is important to avoid ethnocentrism. Parker and King stress that those who work to identify TCPs need to seek to avoid ethnocentrism in their evaluations. They define ethnocentrism in Bulletin 38 as "viewing the world and the people in it only from the point of view of one's own culture and being unable to sympathize with the feelings, attitudes and beliefs of someone who is a member of a different culture" (1998:4). Ethnocentrism poses particular problems when concerning sacred sites. There are several additional considerations that contribute to the way the team designed the processes for site documentation in the state of Minnesota. These include that peoples' experiences of site preservation, protection, and management are mediated through existing laws, guidelines, and policies.

The Understanding People Have of Law and Policy

As described above, people's experiences with TCPs are grounded in their experiences with the federal process of Bulletin 38. There are several assumptions that community members and others, including anthropologists, make about TCPs.

- First, when it is stated that a site is a TCP, it is assumed that it is eligible for the National Register. Bulletin 38 defines a TCP “as one that is eligible for inclusion in the National Register because of its association with cultural practices or beliefs of a living community that (a) are rooted in that community’s history, and (b) are important in maintaining the continuing cultural identity of the community” (1). The conflict with TCPs is that communities often have places that meet criteria *a* and *b*, yet are found ineligible by those outside the community who are making an evaluation. Ethnocentric perspectives about what is historical significance and what it means to maintain an identity impede evaluations.
- There is also some confusion about how TCPs come to exist. A site is a TCP because a community values its existence. The reality of importance is not changed by the outcome of NRHP evaluation; whether or not a site is considered to be eligible. TCPs are often thought of similarly to archaeological sites. Like an archaeological site that is not eligible for the National Register but is an archaeological site nonetheless, a TCP exists in a cultural landscape independently of its eligibility status.
- Another assumption the research team encountered is that properties that are eligible for the National Register are protected from destruction. This is not the case; the National Register was not designed to protect these properties. Parker and King in Bulletin 38 state “Establishing that a property is eligible for inclusion in the National Register does not necessarily mean that the property must be protected from disturbance or damage. Establishing that a property is eligible means that it must be considered in planning, federal, federal assisted and federal licensed undertakings, but it does not mean that such an undertaking cannot be allowed to damage or destroy it” (1998:4). Properties eligible for the National Register are only considered if development threatens to destroy them.
- In addition to these widespread assumptions, Dakota people in particular, have further complications in the ways they understand and experience preservation and protection laws, policies, and guidelines. The particular historical experience of the Dakota people further marginalize them and their ability to successfully use existing law to make sure they preserve and protect their valued places. The specific history of Dakota communities: their forced removal, exile, and unwelcome return to the state before becoming federally recognized indigenous communities with land bases in the state in the mid-20th century all contribute to this marginalization.

These complex understandings of what TCPs and sacred sites are and how preservation, protection, and documentation should work, are, in the case of Dakota people in Minnesota, further complicated. This history should be acknowledged when considering how the law, policy, and guidelines for TCP and sacred site preservation and management are understood and experienced by Dakota people in Minnesota.

Access and Integrity

The language of Bulletin 38 is most often used in discourse and analysis surrounding traditional cultural properties and sacred sites. This language should be interpreted through consideration of the particular historical experience of Dakota peoples, particularly the language surrounding *access* and *integrity*.

Access: It is an obvious statement to make, but it bears stating: in order to visit a site and interact with the site by using it, a site must be accessible. The issue of accessibility is important to the Dakota consulted for this report. It is also a common theme addressed in the literature on sacred places and relationships with the sacred. Vine Deloria, Jr. (1999) and Winona La Duke (2005) articulate the significance of place in the practice of Native religions in the US, focusing on accessibility and availability of sacred sites as fundamental to religious practice. LaDuke, posing the question “what is sacred” draws attention to the irony that oftentimes, integrity of sacredness is imposed by non-Indian community outsiders, specifically governments. She observes that, while Judeo-Christian religion and ceremonies are basically commemorative acts, Native American rituals and ceremonies are often based on reaffirming the relationships between humans and the natural world (13). According to LaDuke, while the American Indian Religious Freedom Act of 1978 vaguely granted access of sacred sites to Native Americans, it did not protect these places or their contributing natural resources; vital elements of American Indian religion. She observes that today, many of these resources, both cultural and natural are threatened. Further, Native Americans must request permission to access many sacred sites, which are increasingly becoming desecrated or developed (14).

These are concerns consistently discussed by Deloria, who notes that, while there are legal protections for the practice of Native religions in the US, governments/ non-Indian peoples do not accept that for religion to be possible, places need to be accessible and undamaged (1999:208). For Deloria, Native people have the particular task of “recognizing [that] the sacredness of lands on which previous generations have lived and died is the foundation of all other sentiments. Instead of denying this aspect of our lives, we should be setting aside additional places which have transcendent meaning” (212). This goal is complicated by the fact that “at present, legal remedies for Indian religious practitioners are limited to the procedures provided by various environmental and historic preservation laws which in some circumstances, may provide an indirect means for the protection of sites” (213). Not all past, present or possible future sites with which people wish to have a sacred relationship are or have been accessible in the way that enables Native people to nurture these sacred relationships.

It is ethnocentric to assume that Native people had access to all public or open lands in the state of Minnesota simply because these are public or open lands in the State of Minnesota. It privileges law and policy as it is written, as opposed to the reality of law as it is experienced by Dakota and other Natives as they attempt to have a relationship with the sacred. It elides the historical relationships Native communities, including the Dakota communities, have with the state of Minnesota and the federal government. The results of consultation show that is a common experience for Dakota people to perceive public and open areas as created and developed for non-Native use. Spaces that the public can and do access are not necessarily Dakota-accessible. In consultation, interviewees consistently stated that had directly and

indirectly been told that could not use public spaces for particular sacred ceremonies. An important thing for representatives of State agencies to consider is why if people *should* have access according to the law, they emphatically feel that they in fact *do not*.

Integrity. Integrity of Condition: This means that the “property must not be so messed up physically that it no longer can fulfill its cultural purpose” (King 2003:174). The integrity of *wakȩn* or the mysterious or sacred does not diminish; *wakȩn* is always present in a place. Sacredness is relational and interactive, therefore *wakȩn* is never diminished yet relationships to *wakȩn* can be made more or less difficult. The condition and disturbance to a site can result in a dramatically different appearance or sound. However, this does not mean that relationships with *wakȩn* can no longer exist, nor does this mean that because a site has been altered it can or should sustain further alterations. Bulletin 38 clearly states that “the integrity of a possible traditional cultural property must be considered with reference to the views of traditional practitioners; if its integrity has not been lost in their eyes, it probably has sufficient integrity to justify further evaluation” (Parker and King 1998:12). In consideration of sacred sites, *wakȩn* is always there and any change to the landscape should be done in consultation with the stakeholder communities.

Integrity of relationship: This means that the “group that values the place must perceive a relationship between the place and whatever tradition or traditional activity gives it significance” (King 2003:174). For the purposes of documenting sacred sites in the state of Minnesota, historical as well as contemporary relationships must be considered. Some sites will have great historical significance, some sites will have contemporary significance where relationships need to be nurtured for them to continue and some sites will have both. However, the possibility for humans to interact with *wakȩn* is always there. Parker and King stated in Bulletin 38, “If the property is known or likely to be regarded by a traditional cultural group as important in the retention or transmittal of a belief, or to the performance of a practice, the property can be taken to have an integral relationship with the belief or practice, and vice-versa” (1998:11). The integrity of the relationship is always possible. The integrity of a relationship should not be seen as diminished simply because people have not returned to it year after consecutive year.

The Jeffers Petroglyphs are an important example. Native and non-Natives peoples currently have relationships to that site. The site age is estimated to be 7,000 years old. The site has historical significance and contemporary significance, but it would be very difficult to provide Euro American documentation that within the time period of exile and reservation creation that the Dakota were able to and did visit/access the site. A failure to document visitation should not be seen as evidence of limited integrity as the beliefs that are embodied by the place have not been diminished.

Further Discussion of Dakota/Minnesota History in Relation to TCP Language

Several additional considerations need to be made concerning the relationships of Dakota people with the state of Minnesota when thinking about “access and integrity.”

Specifically, the Dakota were exiled from the state of Minnesota in 1862. The Dakota are members of a group of related people known together as the Sioux. They were, since the time of European contact, further divided into the Lakota, Nakota, and Dakota peoples. Sioux homelands include the northern Great Plains and Upper Midwest, with the center of Dakota homeland located in the region now known as Minnesota and Wisconsin. The Dakota are constituted of subgroups, including the Wahpeton, Wahpekute, Sisseton, and Mdewakanton (DeMallie 2001).

Gibbon notes that the Woodlands of Central Minnesota and Wisconsin where early European explorers encountered the Dakota are now generally acknowledged by Western scholars as the originating homeland of the Sioux people (2003:5-6). The increased frustration in dealing with the US Government and the agents who represented it and increased pressure from European settlement, sparked a conflict between a portion of the Dakota communities in Minnesota, led by Little Crow and European settlers (110). The consequences of the six-week war between Dakota and these settlers resulted in President Lincoln famously ordering the execution of 38 warriors, and the exile of both “friendly” and “hostile” Indians to reservation land in Nebraska. Dakota people began to return to Minnesota as early as the 1880s (111-112). The four federally recognized Dakota communities in Minnesota today were recognized during the mid-20th century.

King observes that the criteria of ‘continuous use’ is an unfair standard to apply when people have been exiled from their sacred places (2003) and Bulletin 38 states “the fact that a property may have gone unused for a lengthy period of time, with use beginning again only recently, does not make the property ineligible for the Register” (Parker and King 1998:18). This problem, of use interrupted under duress applies to the Mdewakanton Dakota. While some Dakota had close relationships with influential non-Natives, in particular Henry Sibley, and were allowed to squat on their land and remain in the state, most Dakotas’ heritage includes a period of alienation from the sacred spaces of their once and future homelands. Exile profoundly affects not only the embodied relationship people are able to have with sacred places, it meant that generations of Dakota were separated from the knowledge of and teaching about the significance of their sites. The redevelopment of relationships to the sacred through interaction with the land is not just an act of cultural maintenance, but of restoration and revitalization.

When most Dakota returned, the metro area of Minneapolis/St. Paul had been developed on top of their traditional land and over some of their most sacred sites. The Dakota were unwelcome in the urban areas. And, as discussed above, Dakota people did and do feel as if the sacred places within the center of their homeland were not theirs to access or use. This alienation is compounded by the fact that, in general, public places in Minnesota, as within the United States more generally, had been and still are created for non-Native use and non-Native access. Even though, as far as this team is aware, there are no state laws that prohibited Native religious practices, the experiences of the Dakota and other Indians (specifically the urban Indian population) in the Metro Area was one of discrimination and even brutalization. The American Indian Movement begun in 1968 was formed in Minneapolis to stop police abuse against Native peoples. American Indians did not receive religious freedom under federal law until 1978 with

the passage of the American Indian Religious Freedom Act. The American Indian Religious Freedom Act was consistently cited in consultation as a turning point for people. It was clear that this affirmation of rights was necessary to begin to change how Native people view their access to sacred places. This is a process that is still unfolding and is by no means complete.

Parker and King also recognize the “the length of time a property has been used for some kinds of traditional purposes may be difficult to establish objectively” (1998:18). For the purposes of these proposed processes, it must be acknowledged that if access is or was denied to a group of people, this should not detrimentally affect the consideration that it receives. As King states when discussing integrity of relationship and condition concerning TCPs, these principles, should be viewed “through the eyes of those who value the property” (2003:174). It is therefore, “inappropriate to interpose some external standard on the relationship” (174) or condition, and in this case, access.

Why Sacred Sites?

For the purposes of this project we recognize TCPs and sacred sites as separate entities with different processes of documentation, consideration, management and protection. The processes proposed here specifically address sacred sites.

King expresses concern for the use of the term “sacred site.” He writes “I’ll stick with *spiritual places* to refer to places that people invest, or believe are invested, with spiritual energy. Some of these places doubtless ought to be inviolate, and those perhaps we *should* call ‘sacred sites,’ But I wouldn’t want to give a place that name without thinking thoroughly about its implications” (2003:9). Christopher Peters of the Seventh Generation Fund recently expressed this opinion concerning the sacred; “In the native belief system sacred places are not sacred because native people believe they are sacred. They have sacredness in and of themselves. Even if we all die off, they will continue to be sacred” (Quoted in King 2003:9). King agrees that this opinion is an accurate portrayal of the belief systems of many indigenous groups in North America and world-wide. “But,” King writes, “I don’t think it can possibly be a basis for policy in a secular democracy, and I also don’t think it’s something that federal government official ought to get into arguments with communities about. The mind boggles at the idea that government could somehow define what is “really” sacred, independent of what people *think* is sacred” (2003:9).

Although this is a legitimate concern, there is rationale for designing a process that focuses on recording sacred sites and calling these sites sacred sites, rather than spiritual places. The reasons for focusing this investigation on sacred sites include:

- Federal policy at this time governs the ways in which agencies deal with TCPs. If the state of Minnesota wants to develop another system to address TCPs, the team recommends a different term be used so as not to create confusion between State recognized TCPs and TCPs eligible for the National Register.
- Consultants wanted to discuss sacred sites, and they wanted to discuss sacred sites that were found ineligible for the National Register as TCPs. As the resources and time

allotted for this project were limited, the team found in preliminary stages of designing these processes that it was most practical and relevant to prioritize the concerns of our consultants as they pertain to this project.

- Minnesota state agencies including MHS and OSA have been in an ongoing conversation with indigenous peoples of the state of Minnesota and surrounding states concerning what constitutes “sacred” at least since the Sacred Grounds Forum of 2005. Currently, these state agencies want to further this dialogue thinking about preservation and protection of sacred sites.
- Not all stakeholders the team met with are protected by federal law and policy as it applies to Indian sacred sites. Sacred sites are recognized under the American Indian Religious Freedom Act and when identified are often left alone. However, the American Indian Religious Freedom Act is federal law that applies only to those individuals enrolled in a federally recognized nation, tribe or community. Therefore, only if individuals from a federally recognized nation, tribe or community state that a site is sacred is it given consideration. However, in Minnesota, there are sites identified as sacred by people who do not belong to a federally recognized tribe. A state process devoted to improving the way agencies identify and protect sites will address the exclusion of the people without federal recognition to the resources of site protection and preservation.
- Sacred sites are not the same thing as community centers, historical landmarks, or old buildings. The value of such places is enhanced when they are widely and publicly acknowledged as significant to communities. Sacred sites are instead very often places where very private relationships between humans and the sacred occur, or, as a consultant described it, where people can “do what they need to live.” Therefore sacred sites need different consideration than other TCPs.
- Current guidelines for identifying TCPs create a “time gap” that effectively excludes Dakota sacred sites from consideration. This is a result of Dakota exile. In order for TCPs to be considered for eligibility to the National Register, the site must not be ineligible due to Criteria Considerations. As defined in Consideration G: Significance achieved within the past 50 years, “Properties that have achieved significance only within the 50 years preceding their evaluation are not eligible for inclusion in the Register unless “sufficient historical perspective exists to determine that the property is exceptionally important and will continue to retain that distinction in the future” (1998:17). This implies that the relationship between the TCP and those that use or find significance with the property must have a relationship with the site that goes beyond 50 years ago and must be able to provide evidence of this relationship. The Dakota exile means that established relationships were interrupted, or new relationships needed to be established on the return of people to the State.

- In order for TCPs to be eligible for the NRHP they must be properties. Properties are often thought to have boundaries. Those within the CRM profession are encouraged to define boundaries of TCPs even though King writes, “The basic question to ask about boundaries is, “Do we need to define them in order to consider impacts? If we don’t, there’s no earthly reason to get involved in the complex, usually arbitrary, exercise of defining them” (2003:174). Boundaries are even more problematic concerning sacred sites. Some sacred sites are rivers, viewsheds, forests and springs. What part of a river is sacred? According to two consultants, it is important to experience *wakqn*. The activity on a river can provide the experience of the sacred or *wakqn*; it is the activity that allows for interaction to take place. In a case such as this, asking Native peoples the question “Which part of the river or forest is sacred?” does not give an answer that addresses their need for preservation. Instead the question, should be, “How will using, intruding, or destroying this part of the river or forest affect your relationship with the sacred?” There may be times where roads cannot be moved, land must be cleared, or buildings must be built. When it comes to sacred areas, these development projects should be done in consultation with the communities that find them sacred in order to protect that necessary ability to experience and interact with *wakqn*.

Federal regulations define a TCP and direct its consideration. As shown above, there are discrepancies between what Bulletin 38 says and what state agencies in Minnesota have deemed to be disqualifying characteristics. In consideration of process development, it is recognized that these discrepancies have a chilling effect that reinforces Native perspectives on this issue. In focusing on sacred sites, the team encourages the development of new relationships and practices.

Preservation

The diversity of sacred sites means that preservation can and will look different for different sites. For example; for some sites like Jeffers Petroglyphs preservation means education of the public, including Native and non-Native peoples, about the place in particular and the cultural underpinnings that give that site and others like it meaning. For other sites, such as individual fasting or prayer sites, preservation means that it should be left alone, with no knowledge or information about the site being shared with the public. For others still, like *Wakpa Wakqn* (known in English as the Rum River) preservation means taking a holistic approach to a place, the wider environment in which it exists, and the many ways in which people can develop a relationship with it.

Current federal protection of sacred sites that also fall under the criteria of a TCP is eligibility status on the NRHP. This status gives consideration before a site is damaged or destroyed. Though different actors in the process act on behalf of the state’s and the nation’s historic places, an agency could, hypothetically, consider a property simply by taking note that it is present within the area of potential effects before it is destroyed. Even though consideration is the first step to preservation and protection, if the state of Minnesota wants to inventory American Indian sacred sites, it will have to offer more than consideration when it comes to their possible destruction.

Sacred places are protected under Executive Order 13007. The federal order states, that “an agency must – to the extent plausible – facilitate access and avoid damaging the integrity of places that are sacred to Indian Tribes or Indian individuals” (<http://www.nps.gov/history/local-law/eo13007.htm>). Outside of federal actions, the Order has no relevance to state affairs and adds an additional layer of frustration and inconsistency concerning community-government relations.

During ethnographic analysis it emerged that currently, consultants fear the risk to benefit ratio for revealing sacred sites in a state inventory. Native communities feel this ratio is unequal, and not in their favor. “If the state only offers ‘consideration’ when it comes to sacred sites,” people asked, “why should Native communities provide their knowledge to the state?” “Why should they risk revealing to the public where sites are and risk their rituals being exploited or co-opted or their sites being violated if by doing so these sites only receive consideration? Why should Native communities share private, privileged, sacred information with the state when this information could be scrutinized unfairly and not valued as legitimate?” Dakota cultural values are not always supported by the way laws and policies of preservation and protection are designed in the United States. This, combined with the fact that they have the same complex understanding of how law and policy works as many non-Native people, means they have to navigate two layers of intercultural communication effectively.

For a successful partnership to be maintained, those state agents pursuing protection and preservation of sacred sites in Minnesota will have to consider how best to address these fears as they engage in meaningful consultation about what protection and preservation mean to all invested communities.

Considering these differing methodologies and the concerns and recommendations of our consultants we have created the following processes.

The Process for Documenting Sacred Sites and Traditional Cultural Properties in Minnesota

It is not the intention of this team to create a system in which the state of Minnesota has the authority to acknowledge or determine those things that are sacred in the same way that agents for the federal government determine eligibility for the National Register. This process is intended to serve as a tool with which community members, scholars, and additional stakeholders *can record sites that they determine to be sacred*, and therefore be eligible for protection in the face of the continued development in the Twin Cities Metro area and the rest of Minnesota. To facilitate this process the team created an inventory form and two databases that allow for sacred sites to be identified by a variety of diverse communities. The process avoids the language of Bulletin 38. In addition, the team created a predictive model that with proper training can be used as a tool for CRM professionals to recognize sacred sites, work with communities to document them, and therefore hopefully prevent their destruction.

The processes the team designed for documenting sacred sites in Minnesota includes two databases, two forms and a predictive protocol.

- An Access database. This database contains the same categories as the forms. For any site that is documented, the fields of the Access database should be populated. State agencies can search this database in an effort to be aware of the sacred sites that are known to exist.
- A Geodatabase populated based on the 1994 Durand Map. This map overlays the current Twin Cities Metro Area and is duplicative of the Access Database. This database reveals the traditional/historical landscape as it relates to the contemporary landscape of the Twin Cities Metro Area. With the permission of consultants sacred sites may be able to be recorded in this database to better facilitate areas that should be avoided in development.
- An inventory form that can be used by community members, scholars and other investigators to carry out site visits and record sacred sites. These forms can then help to populate the databases in order to create a state-wide inventory of sacred sites. Appendix D.
- A standardized file structure that is easy to understand, inclusive of all relevant materials and is linked to the database for easy navigation.
- A form that replicates the narrative predictive model, that with training and through survey analysis, CRM professionals can begin to identify indicators of the likelihood of sacred space within a landscape, consult with diverse communities about these spaces and record sacred sites within these spaces. Appendix E.
- Guidelines for using the form in a level process. These levels are
 - Level I: Initial Analysis
 - Level II: Initiate Contact with Affiliated Communities
 - Level II: Consultation and Mitigation
 - Level IV:NRHP Status

Inventory Form

The inventory form is designed to record publicly known sacred sites and other sacred sites that a community wishes to document. These forms can be used to create a preliminary inventory of sacred sites in the state of Minnesota. However, no inventory will ever be complete. Therefore, the inventory should be considered as always growing. If a site is not included in the inventory, it does not mean the site is not of great importance and value to a community, it only means that the inventory database does not have a record of that site's existence.

The inventory form should be used and filled out by community members, scholars and other investigators to record sacred sites. Ideally, a site visit should be carried out with a CRM professional that can aid the community member, scholar or other investigator in filling out the

form. These forms should then be turned in to the appropriate state agent (the state agent designated to maintain the inventory) in order for the state agent to file the site and record it into the databases. The inventory is a step in protecting and preserving a sacred site. If the site is in the inventory, then developers and other state agencies can be aware of its existence before the area is developed and a site is at risk of destruction.

Steps for filling out the form:

Site Name

If the site has a name used by individuals or a community, it is recorded. The same site may often have more than one name used by the same community, or more than one name used by several different communities. If these names are known, they are recorded. If the site is a historically recorded place, all known names are recorded.

Site Type

Often sacred sites are parts of larger cultural corridors. If a site is part of such a corridor, this is indicated in Site Type. This information is important in considering how a site should be protected or preserved. If the site is a burial, the community may want it left alone, if the site is a gathering place for sacred water, than perhaps the community may want better access to the site.

Locational Information

If the site is widely known this information may be found at SHPO or on the USGS topographic maps. Depending on the circumstances concerning this site, the community may choose to provide very little of this locational information. Any information provided should be used to help protect and preserve this site. Boundaries of the sacred site are not necessary for the inventory. If a river is considered a sacred site, then the location of the whole river should be noted. If and when development will occur and alterations to the site need to be made, then mitigation needs to take place with the stakeholding communities to delineate the boundaries of acceptable changes to the landscape of a sacred site. If allowed, GPS coordinates of the site are recorded. At the end of the form, disclosure information is provided. The community can decide whether they want the public to be aware of this locational information or if it should be made only available internally in the Minnesota Historical Society or whichever state agency decides to house the inventory/records.

Landowner Information

This information is recorded if known and available. Many counties have GIS-based web services that provide ownership information for individual parcels. This will help determine which laws apply to how the site is preserved and/or protected.

Site Characteristics

Visit the site in order to fill out this section of the form. Record all cultural and natural features of the site and cultural and natural features near and around the site. If stakeholder community members are filling out this form, they are encouraged to consult a CRM professional who can help identify the associated features.

Cultural/Community Affiliation

For the purpose of this form, all communities are considered to have equal stake in indentifying sacred sites. This information is requested in order to identify the community and individuals within the community to consult if the site is ever threatened. Only include consultant names if they provide their consent.

Site Significance

In filling out the inventory form, some communities and/or individuals may want to end the process here, simply moving to the end of the form to fill out preparer's name and disclosure information. However, when allowed and appropriate additional information may be gathered and recorded. If community members are filling out this form, they may want to consult a CRM professional to help conduct the necessary research. If a CRM professional is the investigator then they should consult with the relevant communities in order to record contemporary and historical significance. This information will better allow state and federal agencies to consider and protect the site from intrusion, modification, and damage. Please note that for some sites not all categories will be filled out. Full-text citations of all texts cited in the form should be included.

Impact Risk Assessment

A CRM professional can provide insight in filling out this area of the form, but record current impact, modification, destruction of the site at the time of the site visit. Since *wakqn* can not be destroyed, one is not assessing the integrity of *wakqn*. However, current impacts should be noted, so possible future impacts can be assessed.

NRHP Status

Several publicly known sacred sites also fall under the eligibility criteria for the National Register as a TCP and several sites have undergone evaluation. If sites have already been considered, the evaluation provides a wealth of information concerning the site and should be noted. If the site is already eligible for the National Register as a TCP and the project is a federal undertaking, then federal guidelines apply. If not, then the state may want to step in and help preserve/protect the site.

Form Preparation Information

Provide the information asked for in this section, including the dates of any ethnographic investigation and site visits.

Disclosure Information

Unless the site is already well known and found in a public area, then the communities need to be consulted when disclosing locational information. Full text citations of any published document should be included under site significance. All other information that is recorded during the consultation process needs permission from consultants to share with the public.

Additional Information/Attachments

Include any additional photos or information that would be useful in the preservation and or protection of the site that the community would like to file with the state agency.

Once the form is complete, the preparer turns it into the state agency that manages the databases, most likely an office in the Minnesota Historical Society.

The Predictive Model

As discussed above, the results of the ethnographic analysis showed that many Dakota people do not want an inventory of sacred sites in Minnesota. The concerns of these consultants are that an inventory can be used as a tool of narrow definition and exclusion. Therefore, following the framework developed by LeBeau for the identification of sacred Lakota sites (2009), the team proposes a predictive model for indentifying sacred sites. This model has yet to be tested and has not been cross-checked with other Native concepts of the sacred. Yet it is, in the view of this team, a place to start. This predictive model should be thought of as a tool that can grow and change.

This predictive model should be used by CRM professionals who are trained in sacred site analysis. Currently, as far as the team is aware, there is not an individual with the ethnographic and sacred knowledge needed to manage a sacred site inventory, identify sacred sites, and create the partnerships that are needed with community members in consultation and mitigation of such sites. This is foremost in the team's recommendations.

When an area is about to be developed an archaeological site analysis is completed as to not unknowingly destroy a valuable cultural resource, without at the least the opportunity to study and record the site. A sacred site analysis should occur as well as to not unknowingly destroy these cultural resources. This site analysis is conducted in the area of proposed development.

Level I: Initial Analysis

Record the area of potential effect proposed by development. Provide the locational and land ownership information of the APE. Walk the site and record any associated site characteristics listed on the form found in the site. If none of these characteristics are found, describe the landscape in detail. Describe distance of any features found outside the APE. With this information, the investigator needs to recommend an action. If associated site characteristics, i.e. "pools of sacredness," are found within the APE, then Level II should be initiated. Turn this form into the appropriate state official. This official will agree or not to the recommend action.

Level II: Initiate Contact with Affiliated Communities

Contact cultural and affiliated communities. Sending letters to appropriate individuals within these communities notifying them of the potential development and destruction of the landscape is not enough! Contact each community and/or individuals listed on the form. Record the ways these communities were contacted. Record if contact was successful and if contact was not successful provided possible reasons. Once contact is made with affiliated communities, meet with interested parties about the APE. Make site visits if possible. Record site type and all site

names of sacred site if found in APE. It is possible that an area with associated site characteristics is not a sacred or significant site to any affiliated community. Recommended action needs to consider all information provided. If a sacred site is confirmed to exist in the APE by one or more of the communities listed in Level II then Level III should occur.

Turn this section of the form into the appropriate state official who will concur or not with the recommended action.

Level III: Consultation and Mitigation

While stating that a sacred site exists within an APE should be enough to save it from potential intrusion, alteration, or destruction, this is most likely not possible. When sites are found that have cultural significance, such as an archaeological site, consultation and mitigation occurs so that some sort of compromise can be made. If a sacred site is found within an APE, the same should occur between affiliated communities, the state, and developers.

Document site importance through ethnographic research with affiliated communities. Record all narratives surrounding site significance and challenges to these narratives by other communities if found. Is the ethnographic evidence supported by other avenues of evidence? If so, record and document supporting evidence, oral, archaeological, historical or other.

Conduct a current impact assessment. Record how these current impacts have affected the community's relationship with the sacred site. Record how future impacts will affect current and future relationships a community will have with the site. If the site is in immediate danger then mitigation can occur and plan for protection and preservation outlined with community concerns, wants, and desires, as its focus.

When areas are about to be developed or the landscape will be changed in any way, any investigator need to consider how these changes to the landscape affect human relationships to the sacred. Some sites should be simply left alone, those that visit the site should be left to do so in privacy, and to the best of any agency's ability, the public should not be made aware of the site or have privilege to the information concerning the site. Yet, it may be the community's desire to have it at least minimally recorded in the state database, so that consultation and mitigation can occur if the site is about to be harmed in some way.

Does the site have characteristics of a TCP that might make it eligible for the National Register?
Is the community interested in having it evaluated?

Provide a recommended action.

Turn this section of the form into the appropriate state official who will concur or not with the recommended action.

Level IV: NRHP Status

If the community so wishes and the sacred site is enough like a traditional cultural property then Level IV should occur according the federal process.

Form Preparation Information

For each Level, provide the information asked for in this section, including the dates of any ethnographic investigation and site visits.

Disclosure Information

For each level provide disclosure information. Unless the site is already well known and found in a public area, then the communities need to be consulted when disclosing locational information.

Additional Information/Attachments

Include any additional photos or information that would be useful in the preservation and or protection of the site that the community would like to file with the state agency.

These forms are to be housed and logged in the database at the suitable state agency, with suitable restraints put in place to protect sacred knowledge.

RECOMMENDATIONS

In consideration of these laws, policies, guidelines, and the results of the investigation, the team suggests the following strategies:

1. Creation of a position within the state that specializes in sacred site consultation, identification, and management of records. This position should be created independent of new legislation. The position would require both diplomacy and an ability to build and maintain relationships between the state and various interested communities. One of the challenges of such a position is a determining in which agency and/or location the position should be housed. Several possibilities exist, each with advantages and disadvantages.
 - *The creation of several equal positions located in a number of locations.* While this would allow for close community connections around the State and in a variety of agencies held accountable for sacred site identification, the approach would be fraught with problems. First, it would be much more expensive than other alternatives. Second, many people trying to maintain several of the same relationships could be source of irritation for constituents who would have difficulty knowing which agency to contact. Perhaps most concerning is the prospect of communities negotiating with agencies that each have a different set of goals and standards.
 - *The creation an office equivalent to the Office of the State Archaeologist to deal specifically with state cultural affairs.* This position would act as the liaison

between state agencies and communities. A benefit to this position is that it would be independent of other existing state agencies and interest groups. However, the position would not be associated with any existing legislation which would jeopardize its existence and the state-level position might not be consulted regarding federal projects, though involvement could be inserted into existing guidelines and rules.

- *The development of a position at State Historic Preservation Office (SHPO).* Located at the SHPO, the position would serve as a community consultant. In this capacity, the compliance officer would refer to the expertise of the community to determine whether the site in question satisfies the requirements for consideration. Such a position also would be capable of acting on behalf of the state resources as an intermediary between the federal government and communities that ascribe significance to properties in Minnesota. If the position were housed at the SHPO, a potential weakness would be that it would require SHPO approval on projects that typically would not be sent to that office, thus creating a possible source of confusion.
 - *Finally, the creation of a position at the Minnesota Historical Society.* A potential benefit to creating the position at the Minnesota Historical Society(MHS) is that there are already vacant positions for which this position could substitute, for example for the Folklorist. The Minnesota Historical Society could develop guidelines and rules which would require the community consultant to be involved in approval of plans and investigations at both the state and federal level. This position would have the added value of being associated with a prominent institution, and its location at the MHS would reinforce the concept of cultures, particularly those of American Indians, as static and historical in nature. This is the location for the position recommended by the investigative team.
2. Housing at the Minnesota Historical Society of the “sacred site database and forms” developed by the investigative team. The MHS has the resources and expertise to maintain these records. Also, this would be the natural location if the personnel hired to manage sacred site identification and preservation is also housed at the Society.
 3. More consultation need for inventory. Through the consultation process conducted for this report. The team completed three sacred site inventory forms for Coldwater Spring, Pilot Knob, and Carver’s Cave, found in Appendix G. Further consultation with communities is needed in order to build a preliminary sacred site inventory if stakeholder communities wish for such an inventory.
 4. Development of a state level law that is similar to the Minnesota Field Archaeology Act of 1963. Existing laws operate at local, state or federal levels. The laws and the associated scoping guidance documents appear to meet a piecemeal and unclear set of

preservation goals. Sacred sites are only specified for consideration if there is an archaeological, historical or environmental trigger for consultation. Including a state-level policy similar to that of EO 13007 would provide state agencies with greater direction than that of the Minnesota Environmental Policy Act. A socially important site like the Minneapolis American Indian Center, which is an integral component to the cultural revitalization effort amidst most concentrated population of American Indians in Minnesota, appears to warrant consideration as a sociological component of the environment under the Minnesota Environmental Policy Act. However, the Minnesota Department of Transportation guidance on the topic states merely that most actions on existing facilities have no impact and improve the area-wide, long-term vitality of places. It appears that the focus on the future and zones can lead to an important social institution like the Minneapolis American Indian Center to be overlooked. Furthermore, despite a potential impact to an institution that could serve the highest concentration of American Indians in Minnesota, the Minneapolis American Indian Center could be overlooked by a review under Executive Order 12898 because it is not a residence. The new law would require on-the-ground observations and review by a state agent who is knowledgeable of needs and dynamics of communities around the state. These legislated observations and reviews would take into consideration all significant components of the environment.

5. Conducting a pilot of the level process, followed by implementation of the level process in the State of Minnesota.
6. Professional Development Workshops to train CRM professionals in level process. In order to have state agent who is knowledgeable of needs and dynamics of communities around the state and can manage site analysis and the possible inventory, training needs to occur. To ensure the consistency and quality of the process as well as of the training, a manual for the level process should be written. Once there is someone trained for the state position, s/he can create these professional development workshops to train CRM professionals in level process and can write the manual.
7. Creation of a Field School specifically designed to address TCPs and sacred sites. Focusing on sacred sites, the field school offers the benefits of building meaningful relationships with stakeholders as well as providing meaningful experiences for students and the training of potential future advocates in the appropriate handling of sacred sites.
8. Ongoing innovative and meaningful consultation with invested communities concerning protection and preservation of sacred sites. The results of this report show the importance of continued consultation with the Dakota communities about this level process as well as other Native communities and other invested stakeholders in the State of Minnesota.
9. Continued consultation with MHS, MIAC, SHPO, OSA and CRM firms to discuss implementation of level process for recording sacred sites and TCPs in Minnesota.

Appendix A: Relevant Legislation and Policies

In addition to the discussion of the literature and the ethnographic analysis, there are a series of laws and regulations to which state or federal agencies must adhere regarding sacred and culturally sensitive places that need to be taken into consideration. In other parts of the report these laws may have been referenced, and are briefly summarized below. Among the most prominent are the Minnesota Field Archeology Act of 1963, the Minnesota Historic Sites Act, the National Historic Preservation Act of 1966, the American Indian Religious Freedom Act of 1978, Executive Order 12898, the National Environmental Policy Act of 1969 and the Minnesota Environmental Policy Act.

Minnesota Field Archeology Act of 1963

Compliance with the Minnesota Field Archeology Act of 1963, under §138.40, requires that the agencies that controls state land provide the State Archaeologist and the Minnesota Historical Society with an adequate opportunity to review and make recommendations regarding any potential impacts to archaeological or historic sites. Under the same section, the State Archaeologist is responsible for notifying the Minnesota Indian Affairs Council regarding potential impacts to sites that are of concern to Indian history or religion.

Minnesota Historic Sites Act

The Minnesota Historic Sites Act declares that it is in the public interest to inventory and register, with the state, historic properties, including those pertaining to the cultural, social, economic, religious, political, architectural and aesthetic heritage of Minnesota. These sites may meet up to five criteria including significance in American history or culture.

National Historic Preservation Act of 1966

The National Historic Preservation Act of 1966, §106, requires that federal agencies consider the potential effects to historic properties by actions that involve federal money, permits and land. Regulation 36 CFR 800 provides a process for identifying consulting parties, identifying and assessing historic properties and for resolving and adverse effects to historic properties. Section 101(d)(6)(A) includes as eligible for consideration those properties that are of religious and cultural significance to Indian tribes.

At §800.2(c), consulting parties must include the State Historic Preservation Officer and any Indian tribe that is identified as having a cultural and religious interest in properties that may be impacted. Additionally, any recognized tribe that requests involvement must be included. Other consulting parties must receive consideration upon submitting a written request for involvement.

The Advisory Council on Historic Preservation (ACHP) manual “Consultation with Indian Tribes in the Section 106 Review Process: A Handbook” provides guidelines for consultation. The guidelines indicate that simple notification of a project does not constitute consultation. Meaningful consultation could include letters and telephone conversations, though face-to-face meetings and site visits represent the best consultation method. The ACHP notes that consultation should be initiated early and should take place with the understanding that

flexibility is needed when working with schedules of other individuals. At every point leading up to and including any meetings that take place, the agent should be prepared to consult with respect and adherence to the Tribes' cultural norms, including maintaining that resulting information could be sensitive.

American Indian Religious Freedom Act of 1978

The American Indian Religious Freedom Act of 1978 established the position of the federal government to protect the right of religious expression, access and practice. For the first time, Native peoples were openly allowed to practice their ceremonies without fear of prosecution.

Executive Order 12898

Executive Order 12898 is a directive that states that actions using federal money or permits must not place a disproportionately high burden on any low-income or minority population. The Minnesota Department of Transportation and the Federal Highway Administration define these potentially affected populations as those that are readily identifiable as living in the vicinity of the project area. However, the Executive Order, at §3-301(a) defines potentially affected populations as those that live in the vicinity as well those workers who may be exposed to project impacts.

The degree to which a low-income or minority population is impacted by an undertaking is typically assessed in preliminary scoping documents, environmental assessments and environmental impact statements that are prepared for compliance with the National Environmental Policy Act of 1969.

National Environmental Policy Act

The National Environmental Policy Act (NEPA) directs the Council on Environmental Quality and the Environmental Protection Agency to create standards to which federal agencies must measure the impact of federal undertakings. The focus of NEPA is predominantly of regulating pollutants such as noise, light, and particulate matter. Though some socioeconomic impacts are included within assessments and the agency must address, at least in writing, any comments that are received during the public process, the Executive Orders discussed here are more relevant to sacred places.

Executive Order 13007

Executive Order 13007 defines a sacred site as “any specific, discrete, narrowly delineated location on federal land that is identified by an Indian tribe or Indian individual determined to be an appropriately authoritative representative of an Indian religion, as sacred by virtue of its established religious significance to, or ceremonial use by, an Indian religion, provided that the tribe or appropriately authoritative representative of an Indian religion has informed the agency of the existence of such a site” (King 1993:18). Lebeau sorts Lakota sacred sites into two kinds: “places where spirits live” and “places where the Lakota go to pray” (2009:30). For the purposes of this project and the processes created, a sacred site is a burial site, or a dwelling place of *wakq̃n* where individuals and/or communities come to interact with *wakq̃n*. This definition should be used as a guide. With future consultations, the definition can be revised.

Minnesota Environmental Policy Act

The Minnesota Environmental Policy Act, by State Rule Part 4410.2300 and Statute 116.04, codifies the requirements of an environmental impact statement. Statute 116D.04 requires that a government unit at any level, not including courts, school districts and planning commissions other than the Metropolitan Council, must prepare an environmental impact statement for any major action that has potential to have significant impacts to the environment. State Rule Part 4410.2300, Subpart H states that direct, indirect and cumulative impacts that pertain to environmental, economic, employment and sociological issues must be addressed for all proposed alternatives. These sociological issues are not well defined in the regulations.

LL SITE NO:		COMP/STD:		STATE:		COUNTY:	
SITE NAME:		MAP REF (USGS):		SEC:	TWN:	RNG:	
TYPE OF SITE:		____SACRED/CEREMONIAL ____NATURAL RESOURCE COLLECTION					
UTM ZONE: 15	E:	W:	LOCATION DESCRIPTION:				
<i>NAD-83</i>							

INVESTIGATION AT SITE:

INTERVIEW (S)

REMARKS/RECOMMENDATIONS:

CONDITION OF SITE:

PRESENT LAND USE:

POTENTIAL IMPACTS:

TCP POTENTIAL:

☐ **TANGIBLE AND DISCRETE**

☐ **CLEARLY DEFINABLE PHYSICAL BOUNDARIES & ATTRIBUTES WHICH CAN BE DOCUMENTED HISTORICALLY**

☐ **TRADITIONAL VALUES WHICH HAVE BEEN DOCUMENTED AT LEAST 50 YEARS**

☐ **INTERGRAL IMPORTANCE TO A LIVING COMMUNITY**

☐ **SIGNIFICANCE ESTABLISHED THRU ARCHEOLOGY, HISTORY, ORAL TRADITION, ETHNOGRAPHY, ETHNOHISTORY**

RECORDED BY:

INTERVIEW I.D. NO (S):

ATTACHMENTS: ☐ **SITE LOCATION MAP** ☐ **SKETCH MAP** ☐ **PHOTOS**
☐ **TAPE** ☐ **VIDEO** ☐ **INTERVIEW NOTES** ☐ **TRANSCRIPT** ☐ **OTHER**

Appendix C: Discussion with TJ Ferguson and Forms

From: **T J Ferguson** <tjf@wildblue.net>
Date: Wed, Feb 17, 2010 at 1:33 PM
Subject: Re: Traditional Cultural Properties inventory site form
To: Chip.C-C@dmns.org
Cc: ben.gessner@gmail.com

In the work I've done for various tribes, we usually record information in narrative field notes rather than a form per se. In part this is because the tribes I work with are not interested in entering cultural information about traditional cultural properties in a state-wide archaeological or historic properties database.

I'm currently working on an Ethnographic Resource Inventory for the Grand Canyon National Park, and we've developed an Access database to summarize relevant information. I'm attaching a table that lists the data fields we're using, and two screen shots of the data entry forms. Since there are many tribes that ascribe cultural importance to the same places in the Grand Canyon, we have a single locational data form for each place that is then linked to several cultural information data records in a one-to-many relationship. The Access database is linked to a GIS project to provide spatial control. With a UTM location, the GIS project can be used to automatically generate environmental information, e.g., biotic region, hydrologic unit, elevation, etc.

While this database and GIS project do not constitute a traditional cultural property "form," some of the variables we're using may be of interest for the work you are doing.

I'd be interested in seeing the form you develop.

Thanks.

Forms:

Cultural Information

Ethnographic Resource Number	1
Tribe	Hopi Tribe
Tribal Place Name	Qawinpi
Ethnographic Resource Category	Place
Other Ethnographic Resource Number	42
Sacred Site	<input checked="" type="checkbox"/>
Oral Tradition Association	<input type="checkbox"/>
References	Barlett 1940; Colton 1964; Ferguson 1998:196-203
Description	<p>The Hopi Cultural Preservation Office identifies Qawinpi as a traditional cultural property in government-to-government consultation with the USFS. Oral history identifies Red Butte as a place where significant events in Hopi history took place. Red Butte is also a landmark and stopping point along the historic trading route that connected the Havasupai and Hopi people.</p> <p>Red Butte continues to serve an important role in the traditional culture of the Hopi Tribe. Hopis continue to make offerings of prayer feathers and prayer sticks at one ceremonial shrine within the boundary of the Red Butte traditional cultural property. One Hopi tribal member reports that Hopis gather turkeys, deer, pinyon nuts, and sacred herbs in the general area of Red Butte (USDA 1986:69). Additionally, Red Butte lies within the traditional eagle collecting area for the Hopi Greasewood clan. Greasewood clan members retain knowledge of one eagle nest at Red Butte, although it is not known if the nest remains active. Greasewood clan members indicate they continue to make prayer offerings for “the Butte, the eagle, the nest, shrine and gathering areas” and are currently planning an upcoming pilgrimage to Red Butte.</p> <p>The trail running by Red Butte appear on an 1888 Rand McNally map, and is subsequently marked on maps by Barlett (1940), Colton (1964), and Ferguson (1998:196-203).</p>

Locational Information

Ethnographic Resource Number	1
Other Site Number	
Name on Map	Red Butte
Common Name (NPS)	
Hydrologic Unit Code	15010004
Hydrologic Unit Name:	Havasu Canyon
Biotic Community	Great Basin Conifer Woodland
Land Ownership	Forest Service
North Parcel Withdrawal Area	<input type="checkbox"/>
East Parcel Withdrawal Area	<input type="checkbox"/>
South Kaibab Withdrawal Area	<input checked="" type="checkbox"/>
Grand Canyon National Park	<input type="checkbox"/>
Feature Class Type	Point
NPS-Determined Condition	

Table 1
Data Fields for Locational Information Table

<i>Field Name</i>	<i>Data Type</i>	<i>Description</i>
ID	AutoNumber	Control number for records
Ethnographic Resource Number	Number	Primary key; unique ERI number
Other Site Number	Text	Other site designation or number
Name on Map	Text	Name on USGS map
Common Name (NPS)	Text	Common name for resource used by NPS
Biotic Community	Text	Biotic community defined by Brown and Lowe (1980)
Hydrologic Unit	Text	Hydrologic Unit Code (HUC) of associated watershed
Hydrologic Unit Name	Text	Hydrologic Unit Name from USGS
Land Ownership	Text	BLM, USFS, NPS, tribal, state, or private ownership
North Parcel Withdrawal Area	Yes/No	Ethnographic resource is located within this parcel
East Parcel Withdrawal Area	Yes/No	Ethnographic resource is located within this parcel
South Kaibab Withdrawal Area	Yes/No	Ethnographic resource is located within this parcel
Grand Canyon National Park	Yes/No	Ethnographic resource is located within GRCA
Feature Class Type	Text	Entered in GIS as point, line, or polygon
NPS Determined Condition	Text	Condition of resource determined by NPS

Table 2
Data Fields for Cultural Information Table

<i>Field Name</i>	<i>Data Type</i>	<i>Description</i>
ID	AutoNumber	Control number for records
Ethnographic Resource Number	Number	Foreign key, unique ERI number linked to location
Tribe	Text	Name of tribe associated with resource
Tribal Place Name	Text	Tribal names used to refer to resource
Ethnographic Resource Category	Text	Landscape, place, object, natural resource, or trail
Other Ethnographic Resource	Text	ERI numbers for associated resources
Sacred Site	Yes/No	Resource is a sacred site
Oral Tradition Association	Yes/No	Resource is associated with an oral tradition
References	Text	Bibliographic citation documenting resource
Description	Memo	Short narrative description of resource

Table 3
Data Fields for References Table

<i>Field Name</i>	<i>Data Type</i>	<i>Description</i>
ID	AutoNumber	Control number for records
Author	Text	Name of authors of publication
Date	Text	Date of publication
Reference	Memo	Bibliographic citation of publication

Appendix D: State of Minnesota Sacred Site Inventory Form

State of Minnesota Sacred Site Inventory Form

SITE NAME

Native American Place Name: _____

☐ Anishinaabe

☐ Dakota

☐ Other: _____

Source: _____

Literal English translation: _____

Also known as:

Native American Place Name 2: _____

☐ Anishinaabe

☐ Dakota

☐ Other: _____

Source: _____

Literal English translation: _____

Also known as:

Native American Place Name 3: _____

☐ Anishinaabe

☐ Dakota

☐ Other: _____

Source: _____

Literal English translation: _____

English name: _____

Source: _____

SITE TYPE

☐ Landscape / Cultural Corridor
___ Bdote Region

☐ Neighborhood / Community Corridor

☐ Ceremonial
___ Prayer site
___ Offering site
___ Gathering (meeting) site
___ Burial

☐ Object / Landform

☐ Natural Resource

☐ Natural Resource Collection Area

☐ Other: Describe in detail

☐ Building

LOCATIONAL INFORMATION

For sites that are already public well known sites, this information can be obtained at SHPO or on the USGS topographic maps. For other sites, community members and others may only want to disclose a limited amount of this information. Some sites may not have already defined boundaries, if so please do just create boundaries for this form.

City/Township: _____ County: _____

Township: _____ Range: _____ Section: _____ 1/4 Section: _____

Township: _____ Range: _____ Section: _____ 1/4 Section: _____

USGS 7.5' Quadrangle Map (name and year): _____

UTM Coordinates: _____

Zone: _____ Datum: _____ 1927 _____ 1983 _____ Other Method: _____ USGS Map _____ GPS _____ Other

Narrative Location information:

LAND OWNERSHIP INFORMATION

Ownership Type:

- | | |
|----------------------------------|----------------------------------|
| <input type="checkbox"/> Federal | <input type="checkbox"/> Tribal |
| <input type="checkbox"/> State | <input type="checkbox"/> Private |
| <input type="checkbox"/> Local | |

Land Owner:

Name: _____

Address (if known): _____

Current Land Use:

- | | | |
|--|---------------------------------|-----------------------------------|
| <input type="checkbox"/> Agricultural | <input type="checkbox"/> Fallow | <input type="checkbox"/> Woodland |
| <input type="checkbox"/> Cultivated | | |
| <input type="checkbox"/> Residential | | |
| <input type="checkbox"/> Industrial / Commercial | | |
| <input type="checkbox"/> Recreational | | |
| <input type="checkbox"/> Other: Describe in detail | | |

Source of Ownership Information: _____

SITE CHARACTERISTICS

Associated/Contributing Features:

Check all that apply

☐ Water

- ☐ Springs
☐ Boiling springs
☐ Rivers
☐ Confluence of rivers
☐ Creeks
☐ Lakes or ponds
☐ Other: _____

☐ Hills

- ☐ Located within view of water
☐ Located above or near spring

☐ Known Place Name

- ☐ Native American name of site or area
☐ English name of site or area

☐ Evidence of Prayer

- ☐ Tobacco
☐ Tobacco Bundles

___ Indication of burials:
 ___ Pits or Depressions
 ___ Other:

___ Fasting Sites
 ___ Sweat Lodge

☐ Mounds

___ Effigy
 ___ Indication of burials

☐ Contemporary Structures
 ___ Buildings

☐ Geographic features

___ Caves
 ___ Shelters
 ___ Anthropomorphic/Zoomorphic
 natural features

☐ Rock

___ Petroform
 ___ Painted Rock
 ___ Rock Art
 ___ Petroglyphs
 ___ Circles
 ___ Cairns

☐ Natural Resources

___ Wild Rice
 ___ Birch
 ___ Cedar
 ___ Other:

☐ Trails

___ Footpaths
 ___ Four-wheelers
 ___ Other:

☐ None

Describe Landscape:

*Please attach site map, USGS

CULTURAL/ COMMUNITY AFFILIATION

Which communities collaborated with investigator in site visits and or consultation? If appropriate and consent is given, please provide individuals' names and tribal affiliation if appropriate.

☐ Residents of and near sites

- Date of contact/s
- Method/s
 - ☐ Face-to-face introduction
 - ☐ Referral
 - ☐ Event Visit
 - ☐ Email
 - ☐ Phone
- Individuals:

☐ Scholars, consultants

- Date of contact/s
- Method/s
 - ☐ Face-to-face introduction
 - ☐ Referral
 - ☐ Event Visit
 - ☐ Email
 - ☐ Phone
- Individuals:

- ☐ Tribal Council representatives and legal counsel of federally recognized Indian nations
 - ☐ Date of contact/s
 - ☐ Method/s
 - ☐ Face-to-face introduction
 - ☐ Referral
 - ☐ Event Visit
 - ☐ Email
 - ☐ Phone
 - ☐ Individuals
- ☐ Minnesota Indian Affairs Council (MIAC)
 - ☐ Date of contact/s
 - ☐ Method/s
 - ☐ Face-to-face introduction
 - ☐ Referral
 - ☐ Event Visit
 - ☐ Email
 - ☐ Phone
 - ☐ Individuals:
- ☐ Cultural and/or Spiritual Directors of Communities
 - ☐ Date of contact/s
 - ☐ Method/s
 - ☐ Face-to-face introduction
 - ☐ Referral
 - ☐ Event Visit
 - ☐ Email
 - ☐ Phone
 - ☐ Individuals:
- ☐ Cultural and/or Spiritual Committees of Communities
 - ☐ Date of contact/s
 - ☐ Method/s
 - ☐ Face-to-face introduction
 - ☐ Referral
 - ☐ Event Visit
 - ☐ Email
 - ☐ Phone
 - ☐ Individuals:
- ☐ Elders, key knowledge keepers, medicine persons, traditional religious or cultural specialists, key cultural experts
 - ☐ Date of contact/s
 - ☐ Method/s
 - ☐ Face-to-face introduction
 - ☐ Referral
 - ☐ Event Visit
 - ☐ Email
 - ☐ Phone
 - ☐ Individuals:
- ☐ Members and citizens of federally recognized Indian nations, i.e. not official representatives
 - ☐ Date of contact/s
 - ☐ Method/s
 - ☐ Face-to-face introduction
 - ☐ Referral
 - ☐ Event Visit
 - ☐ Email

- ☐ Phone
 - Individuals:
- ☐ Members of Indian cultural communities and heritage lacking federal recognition
 - Date of contact/s
 - Method/s
 - ☐ Face-to-face introduction
 - ☐ Referral
 - ☐ Event Visit
 - ☐ Email
 - ☐ Phone
 - Individuals:
- ☐ Members of urban communities, neighborhoods, Indian and otherwise
 - Date of contact/s
 - Method/s
 - ☐ Face-to-face introduction
 - ☐ Referral
 - ☐ Event Visit
 - ☐ Email
 - ☐ Phone
 - Individuals:
- ☐ “Self-identified” communities with investment in preservation and protection of the site
 - Date of contact/s
 - Method/s
 - ☐ Face-to-face introduction
 - ☐ Referral
 - ☐ Event Visit
 - ☐ Email
 - ☐ Phone
 - Individuals:
- ☐ Property owners of site
 - Date of contact/s
 - Method/s
 - ☐ Face-to-face introduction
 - ☐ Referral
 - ☐ Event Visit
 - ☐ Email
 - ☐ Phone
 - Individuals:
- ☐ Managers of site
 - Date of contact/s
 - Method/s
 - ☐ Face-to-face introduction
 - ☐ Referral
 - ☐ Event Visit
 - ☐ Email
 - ☐ Phone
 - Individuals:
- ☐ Other: Describe in detail:
 - Date of contact/s
 - Method/s
 - ☐ Face-to-face introduction

- ☐ Referral
- ☐ Event Visit
- ☐ Email
- ☐ Phone
- Individuals:

SITE SIGNIFICANCE

In filling out the inventory form, some communities and/or individuals may want to end the process here, moving to the end of the form to fill out preparer's name and disclosure information. Site NAME, LOCATION, CHARACTERISTICS, TYPE, and COMMUNITY AFFILIATION have been provided. However, when allowed and appropriate additional information may be gathered and recorded. This information will better allow state and federal agencies to consider and protect the site from intrusion, modification, and damage. Please note that for some sites not all categories will be filled out.

ETHNOGRAPHIC

Describe all evidence that demonstrates the site's significance to a living community, as documented through appropriate ethnographic research. Provide in detail and attach appropriate narrative.

Are there conflicts/ challenges/ concerns expressed by other consultants associated with the supporting ethnographic evidence? Describe in detail and attach appropriate narrative.

ORAL HISTORY

Describe community affiliation, oral stories, and source of oral history:

ARCHAEOLOGY

Describe all archaeological investigation that has taken place and list site reports:

HISTORICAL DOCUMENTATION/LITERATURE REVIEW

Describe and list historical and literature documentation of site significance:

****All full-text citations of literature cited within the discussion of site significance and form:**

IMPACT/RISK ASSESSMENT

Is there existing disturbance to site? If so, please describe:

- ☐ None
- ☐ Development

- Railroad tracks
- Modern Buildings
- View shed disturbance
- Linear Corridor
 - Roads
 - Power Lines
- ☐ Pollution
 - Noise
 - Light
 - Environmental
- ☐ Agricultural
- ☐ Natural (ex. erosion)

☐ Other: Describe in detail

How has existing or past disturbance affected the community's relationship to the place of significance?

Discuss in detail:

NRHP STATUS

Does the site have characteristics to be considered eligible for the National Register as a TCP (as defined by National Register Bulletin 38)?

Has the site been evaluated?

Is the site eligible for inclusion on the National Register of Historic Places?

- ☐ Eligible/ Listed
- ☐ Not Eligible
- ☐ Unevaluated

If eligible, under which criteria?:

- ☐ A:
- ☐ B:
- ☐ C:
- ☐ D:

Please provide a narrative explanation:

FORM PREPARATION INFORMATION

Principal Investigator (name and affiliation): _____

Ethnographic research dates: _____

Survey Dates: _____

Form prepared by: _____

Form prepared in consultation with (community member/s):

_____**DISCLOSURE INFORMATION**

The locational information contained within this form is considered by the community to be:

- ☐ Public information
- ☐ Private/culturally sensitive information (which therefore should not be made available to the general public)

The narrative information contained within this form is considered by the community to be:

- ☐ Public information
- ☐ Private/culturally sensitive information (which therefore should not be made available to the general public)

ADDITIONAL INFORMATION / ATTACHMENTS:

- | | |
|--|--|
| <input type="checkbox"/> Site Location Map | <input type="checkbox"/> Video |
| <input type="checkbox"/> Sketch Map | <input type="checkbox"/> Interview Notes |
| <input type="checkbox"/> Photos | <input type="checkbox"/> Transcript |
| <input type="checkbox"/> Audio | <input type="checkbox"/> Other: _____ |

Appendix E: State of Minnesota Predictive Model Sacred Site Identification Form

State of Minnesota Predictive Model Sacred Site Identification Form

LEVEL I: INITIAL ANALYSIS

AREA OF POTENTIAL EFFECT

APE Dimensions N-S _____ APE Dimensions E-W _____

Narrative APE Description and Dimensions:

LOCATIONAL INFORMATION

City/Township: _____ County: _____

Township: _____ Range: _____ Section: _____ 1/4 Section: _____

Township: _____ Range: _____ Section: _____ 1/4 Section: _____

USGS 7.5' Quadrangle Map (name and year): _____

UTM Coordinates: _____

Zone: _____ Datum: _____ 1927 _____ 1983 Method: _____ USGS Map _____ GPS _____ Other

Narrative Location information:

LAND OWNERSHIP INFORMATION

Ownership Type:

- | | |
|---|----------------------------------|
| <input type="checkbox"/> Federal | <input type="checkbox"/> Tribal |
| <input type="checkbox"/> State | <input type="checkbox"/> Private |
| <input type="checkbox"/> Local (public) | |

Land Owner:

Name: _____

Address (if known): _____

Current Land Use:

- | | | |
|--|---------------------------------|-----------------------------------|
| <input type="checkbox"/> Agricultural | <input type="checkbox"/> Fallow | <input type="checkbox"/> Woodland |
| <input type="checkbox"/> Cultivated | | |
| <input type="checkbox"/> Residential | | |
| <input type="checkbox"/> Industrial / Commercial | | |
| <input type="checkbox"/> Recreational | | |
| <input type="checkbox"/> Other: Describe in detail | | |

Source of Ownership Information: _____

SITE CHARACTERISTICS

Associated/Contributing Features: **Check all that apply**

- ☐ Waterways
- ☐ Springs
 - ☐ Boiling springs
 - ☐ Rivers
 - ☐ Confluence of Rivers
 - ☐ Creeks
 - ☐ Lakes or ponds
 - ☐ Other: _____

- ☐ "Place Name"
- ☐ Native American Name of Site or Area
 - ☐ English Translation of This Name

- ☐ Contemporary Structures
- ☐ Buildings
 - ☐ Other: _____

- ☐ Hills
- ☐ Located Within View of Water
 - ☐ Located Above Springs
 - ☐ Indication of Burials
 - ☐ Pits or Depressions
 - ☐ Other: _____

- ☐ Evidence of Contemporary Prayer
- ☐ Tobacco
 - ☐ Tobacco Bundles
 - ☐ Fasting Sites
 - ☐ Sweat Lodge
 - ☐ Other: _____

- ☐ Mounds
- ☐ Indication of Burials
 - ☐ Effigy Shaped
 - ☐ Conical Shaped
 - ☐ Linear Shaped
 - ☐ Change in Elevation Where None is Expected
 - ☐ Other: _____

- ☐ Rock
- ☐ Petroform
 - ☐ Painted Rock
 - ☐ Rock Art
 - ☐ Petroglyphs (See discussion in manual)
 - ☐ Cairns
 - ☐ Circles
 - ☐ Other: _____

- ☐ Geographic Features
- ☐ Caves
 - ☐ Shelters
 - ☐ Anthropomorphic/ Zoomorphic natural features

- ☐ Natural Resources
- ☐ Wild Rice
 - ☐ Birch
 - ☐ Cedar
 - ☐ Water
 - ☐ Other: _____

- ☐ Trails
- ☐ Footpaths
 - ☐ Recreational/ ATV trails
 - ☐ Other: _____

☐ None

Narrative description of landscape including surface and other natural features:

Narrative Description of Approximate Site Dimensions (see discussion in manual):

If any of these contributing elements have been identified in a location outside of the Area of Potential Effect (APE), previously or during the course of this identification process, what is the distance of these elements to the APE boundaries? _____

***Note: Please also attach a site map if appropriate**

LEVEL I RECOMMENDED ACTION:

- ☐ Avoidance
- ☐ Alternatives to Development/Mitigation
- ☐ Level II, Estimated Costs _____
- ☐ None

Date: _____

LEVEL II: INITIATE CONTACT WITH AFFILIATED COMMUNITIES

CULTURAL/ COMMUNITY AFFILIATION

The diversity of Native and non-Native peoples within the State of Minnesota necessitates that several communities be initially contacted if associated site characteristics indicate a place of importance or a sacred site. Please see discussion of community in manual.

Contact:

- ☐ Residents of and near sites
 - ☐ Date of contact/s
 - ☐ Method/s
 - Face-to-face Introduction
 - Referral
 - Event Visit
 - E-mail
 - Phone
 - Other: _____
 - ☐ Contact successful? Y/N
 - ☐ If not, why not?

- ☐ Scholars, consultants
 - ☐ Date of contact/s
 - ☐ Method/s
 - Face-to-face Introduction
 - Referral
 - Event Visit
 - E-mail
 - Phone
 - Other: _____
 - ☐ Contact successful? Y/N
 - ☐ If not, why not?

- ☐ Government agents, representatives, and legal counsel of federally recognized Indian nations
 - ☐ Date of contact/s
 - ☐ Method/s
 - Face-to-face Introduction
 - Referral
 - Event Visit
 - E-mail
 - Phone
 - Other: _____
 - ☐ Contact successful? Y/N
 - ☐ If not, why not?

- ☐ Minnesota Indian Affairs Council (MIAC)
 - ☐ Date of contact/s
 - ☐ Method/s
 - Face-to-face Introduction
 - Referral
 - Event Visit
 - E-mail
 - Phone
 - Other: _____
 - ☐ Contact successful? Y/N
 - ☐ If not, why not?

- ☐ Members and citizens of federally recognized Indian nations, i.e. not official representatives
 - ☐ Date of contact/s
 - ☐ Method/s

- Face-to-face Introduction
 - Referral
 - Event Visit
 - E-mail
 - Phone
 - Other: _____
 - Contact successful? Y/N
 - If not, why not?
- ☐ Elders, key knowledge keepers, medicine persons, traditional religious or cultural specialists, key cultural experts
- Date of contact/s
 - Method/s
 - Face-to-face Introduction
 - Referral
 - Event Visit
 - E-mail
 - Phone
 - Other: _____
 - Contact successful? Y/N
 - If not, why not?
- ☐ People of Indian cultural communities and heritage lacking federal recognition
- Date of contact/s
 - Method/s
 - Face-to-face Introduction
 - Referral
 - Event Visit
 - E-mail
 - Phone
 - Other: _____
 - Contact successful? Y/N
 - If not, why not?
- ☐ Members of urban communities, neighborhoods, Indian and otherwise
- Date of contact/s
 - Method/s
 - Face-to-face Introduction
 - Referral
 - Event Visit
 - E-mail
 - Phone
 - Other: _____
 - Contact successful? Y/N
 - If not, why not?
- ☐ “Self-identified” communities with investment in preservation and protection of the site
- Date of contact/s
 - Method/s
 - Face-to-face Introduction
 - Referral
 - Event Visit
 - E-mail
 - Phone
 - Other: _____
 - Contact successful? Y/N
 - If not, why not?
- ☐ Property owners of site
- Date of contact/s
 - Method/s

- Face-to-face Introduction
 - Referral
 - Event Visit
 - E-mail
 - Phone
 - Other: _____
- Contact successful? Y/N
- If not, why not?
- ☐ Managers of site
 - Date of contact/s
 - Method/s
 - Face-to-face Introduction
 - Referral
 - Event Visit
 - E-mail
 - Phone
 - Other: _____
 - Contact successful? Y/N
 - If not, why not?
- ☐ Developers
 - Date of contact/s
 - Method/s
 - Face-to-face Introduction
 - Referral
 - Event Visit
 - E-mail
 - Phone
 - Other: _____
 - Contact successful? Y/N
 - If not, why not?
- ☐ Other: Describe in detail
 - Date of contact/s
 - Method/s
 - Face-to-face Introduction
 - Referral
 - Event Visit
 - E-mail
 - Phone
 - Other: _____
 - Contact successful? Y/N
 - If not, why not?

From initial contact, community stakeholders need to be identified and site type should be obtained.

SITE TYPE

- | | |
|---|--|
| <input type="checkbox"/> Landscape / Cultural Corridor
___ Bdote Region | <input type="checkbox"/> Neighborhood / Community Corridor |
| <input type="checkbox"/> Ceremonial
___ Prayer site
___ Offering site
___ Gathering (meeting) site | <input type="checkbox"/> Object / Landform |
| <input type="checkbox"/> Natural Resource | <input type="checkbox"/> Natural Resource Collection Area |
| <input type="checkbox"/> Other: Describe in detail | <input type="checkbox"/> Building |

According to: Community name (if appropriate):

Community type:

SITE NAME

Native American Place Name: _____

☐ Anishinaabe

☐ Dakota

☐ Other: _____

Also known as:

Native American Place Name 2: _____

☐ Anishinaabe

☐ Dakota

☐ Other: _____

Also known as:

Native American Place Name 3: _____

☐ Anishinaabe

☐ Dakota

☐ Other: _____

Literal English translation: _____

English name: _____

LEVEL II RECOMMENDED ACTION:

☐ Avoidance

☐ Alternatives to Development/Mitigation

☐ Level III, Estimated Costs _____

☐ None

Date: _____

LEVEL III: CONSULTATION AND MITIGATION**SITE IMPORTANCE**

Describe all evidence that demonstrates the site's significance to a living community, as documented through appropriate ethnographic research. Provide in detail and attach appropriate narrative.

Are there conflicts/ challenges/ concerns expressed by other consultants associated with the supporting ethnographic evidence? Describe in detail and attach appropriate narrative.

Is the ethnographic evidence supported by other avenues of evidence? ___yes/___no

If yes, which? Supported by:

- ☐ Oral History
- ☐ Archaeology
- ☐ Historical documentation
- ☐ Other: Describe in detail

Source and date of information: _____

*Please attach supporting supplemental documentation, written and photographic records of historic and/or contemporary site use when available and appropriate.

IMPACT/RISK ASSESSMENT

Current Disturbance

- ☐ None
- ☐ Development
 - ___ Modern Buildings
 - ___ Viewshed Disturbance
 - ___ Linear Corridor – Roads
 - ___ Linear Corridor – Railroad Tracks
 - ___ Linear Corridor – Power Lines
 - ___ Linear Corridor – Other Utilities
- ☐ Pollution
 - ___ Noise
 - ___ Light
 - ___ Environmental
- ☐ Agricultural
- ☐ Natural (ex. erosion)
- ☐ Other: Describe in detail

How has current disturbance affected the community's relationship to the place of significance?

Discuss in detail:

Assessment of Future threats to site

- ☐ None
- ☐ Development
 - ☐ Modern Buildings
 - ☐ Viewshed Disturbance
 - ☐ Linear Corridor – Roads
 - ☐ Linear Corridor – Railroad Tracks
 - ☐ Linear Corridor – Power Lines
 - ☐ Linear Corridor – Other Utilities
- ☐ Pollution
 - ☐ Noise
 - ☐ Light
 - ☐ Environmental
- ☐ Agricultural
- ☐ Natural (ex. erosion)
- ☐ Other: Describe in detail

How will future disturbance/threats to site affect the community's relationship to the site?

Discuss in detail:

Does the site have characteristics to be considered eligible for the National Register as a TCP (as defined by National Register Bulletin 38)? ☐yes/ ☐no

Is the community interested in having it evaluated?
☐yes/ ☐no

LEVEL III RECOMMENDED ACTION:

- ☐ Avoidance
- ☐ Alternatives to Development/Mitigation
- ☐ Level IV, Estimated Costs _____
- ☐ None

Date: _____

LEVEL IV: NRHP STATUS

Could this site also be considered a Traditional Cultural Property (as defined by National Register Bulletin 38)?
 ___ yes/___ no

Do you consider the site eligible for inclusion on the National Register of Historic Places?

- ☐ Eligible/Listed
☐ Not Eligible
☐ Unevaluated

If eligible, under which criteria?:

- ☐ A:
☐ B:
☐ C:
☐ D:

Please provide a narrative explanation:

FORM PREPARATION INFORMATION

Principal Investigator (name and affiliation): _____

Ethnographic research dates: _____

Survey Dates: _____

Form prepared by: _____

Form prepared in consultation with (community member/s):

DISCLOSURE INFORMATION

The locational information contained within this form is considered by the community to be:

- ☐ Public information
☐ Private/culturally sensitive information (which therefore should not be made available to the general public)

The narrative information contained within this form is considered by the community to be:

- ☐ Public information
☐ Private/culturally sensitive information (which therefore should not be made available to the general public)

ADDITIONAL INFORMATION / ATTACHMENTS:

- | | |
|--|--|
| <input type="checkbox"/> Site Location Map | <input type="checkbox"/> Video |
| <input type="checkbox"/> Sketch Map | <input type="checkbox"/> Interview Notes |
| <input type="checkbox"/> Photos | <input type="checkbox"/> Transcript |
| <input type="checkbox"/> Audio | <input type="checkbox"/> Other: _____ |

Appendix F: Preliminary Inventory Forms: Pilot Knob, Coldwater Spring, and Carver's Cave

State of Minnesota Sacred Site Inventory Form

SITE NAME

Native American Place Name: **Oheyawahi**

☐ Anishinaabe

☒ Dakota

☐ Other: _____

Source:

Literal English translation: „The Hill Much Visited“

Also known as:

Native American Place Name 2: _____

☐ Anishinaabe

☐ Dakota

☐ Other: _____

Source:

Literal English translation: _____

Also known as:

Native American Place Name 3: _____

☐ Anishinaabe

☐ Dakota

☐ Other: _____

Source:

Literal English translation: _____

English name: Pilot Knob

Source: Public Record/ Official city name

SITE TYPE

☒ Landscape / Cultural Corridor

☒ Bdote/Mdote Region

☐ Neighborhood / Community Corridor

☒ Ceremonial

☒ Prayer site

☐ Offering site

☒ Gathering (meeting) site

☐ Burial

☐ Object / Landform

☐ Natural Resource

☐ Natural Resource Collection Area

☐ Other: Describe in detail

☐ Building

LOCATIONAL INFORMATION

For sites that are already public well known sites, this information can be obtained at SHPO or on the USGS topographic maps. For other sites, community members and others may only want to disclose a limited amount of this information. Some sites may not have already defined boundaries, if so please do just create boundaries for this form.

City/Township: **Mendota Heights**

County: **Dakota**

Township: **28 North**
 Township: **28 North**

Range: **23 West**
 Range: **23 West**

Section: **28**
 Section: **27**

1/4 Section: **SE ¼**
 1/4 Section: **SW ¼**

USGS 7.5' Quadrangle Map (name and year): **St. Paul West, MN 1993**

UTM Coordinates: **486776 East, 4969528 North**

Zone: **UTM 15N**

Datum: ___ 1927 X 1983 ___ Other

Method: ___ USGS Map ___ GPS X Other

Narrative Location information:

LAND OWNERSHIP INFORMATION

Ownership Type:

- ☐ Federal ☐ Tribal
☐ State ☐ Private
☒ Local

Land Owner:

Name: City of Mendota Heights

Address (if known): 1101 Victoria Curve, Mendota Heights, MN 55118

Current Land Use:

- ☐ Agricultural
 ☐ Cultivated ☐ Fallow ☐ Woodland
☐ Residential
☐ Industrial / Commercial
☒ Recreational
☒ Other: Describe in detail: Indicated for use as Public Green Space.

Source of Ownership Information:

Public Record, Consultants, The Trust for Public Land Press Release:

http://www.tpl.org/tier3_cd.cfm?content_item_id=20334&folder_id=482

SITE CHARACTERISTICS

Associated/Contributing Features:

Check all that apply

☒ Water

- ___ Springs
 ___ Boiling springs
 ___ Rivers
☒ Confluence of rivers: Near confluence
 of Minnesota and Mississippi Rivers
 ___ Creeks
 ___ Lakes or ponds
 ___ Other:

☒ Known Place Name

- ☒ Native American name of site or area
☒ English name of site or area

☒ Hills

- ☒ Located within view of water
 ___ Located above spring(s)
☒ Indication of burials: historical
 presence and documentation of burials.

☐ Evidence of Prayer

- ___ Tobacco
 ___ Tobacco Bundles
 ___ Fasting Sites

- ☐ Pits or Depressions
☐ Other:
- ☐ Mounds
☐ Effigy
☐ Indication of burials
- ☐ Geographic features
☐ Caves
☐ Shelters
☐ Anthropomorphic/Zoomorphic natural features
- ☐ Natural Resources
☐ Wild Rice
☐ Birch
☐ Cedar
☐ Other:
- ☐ None
 Describe:
- ☐ Sweat Lodge
- ☐ Contemporary Structures
☐ Buildings
- ☐ Rock
☐ Petroform
☐ Painted Rock
☐ Rock Art
☐ Petroglyphs
☐ Circles
☐ Cairns
- ☐ Trails
☐ Footpaths
☐ Four-wheelers
☐ Other:

Narrative description of landscape including surface and other natural features:

*Please attach site map, USGS

The public green space owned by the city of Mendota Heights described here is part of the larger place that is documented historically as Oheyawahi/ Pilot Knob. Much of the hill has been developed. In particular, there are cemetery spaces and access roads. The green space is a parcel of land on the hill overlooking the Minnesota and Mississippi river valleys. From the top of the hill, it is possible to see the MSP airport, buildings from historical Fort Snelling, the river valley, and the Mendota Bridge/Hwy 55. The space has a walking trail running from the green space entrance to the edge of the hill overlooking the river. There is a historical marker located at the head of the trail. As part of the greening of the space, the caretakers have begun a restoration project to reintroduce native plants to the property. The land on either side of the trail is covered in long grass and low-growing plants. At the end of the trail, an art installation consisting of sandstone blocks representing the different bands of Dakota people.

CULTURAL/ COMMUNITY AFFILIATION

Which communities collaborated with investigator in site visits and or consultation? If appropriate and consent is given, please provide individuals' names and tribal affiliation if appropriate. Listed below are only those individuals who gave their consent for their names to be used. Others were consulted.

- ☐ Residents of and near sites
 - ☐ Date of contact/s
 - ☐ Method/s
 - ☐ Face-to-face introduction
 - ☐ Referral
 - ☐ Event Visit
 - ☐ Email
 - ☐ Phone
 - ☐ Individuals:
- ☒ Scholars, consultants
 - ☐ Date of contact/s: February, March, May, and June 2010
 - ☐ Method/s

- ✓ Face-to-face introduction
 - ✓ Referral
 - ✓ Event Visit
 - ✓ Email
 - ✓ Phone
- Individuals: Bruce White, Carolyn Anderson, Darlene St. Clair
- ✓ Tribal Council representatives and legal counsel of federally recognized Indian nations
 - Date of contact/s: January 2010, Feb. 9, 2010, March 2010
 - Method/s
 - ✓ Face-to-face introduction
 - ✓ Referral
 - ☐ Event Visit
 - ✓ Email
 - ☐ Phone
 - Individuals:
- X Minnesota Indian Affairs Council (MIAC)
 - Date of contact/s
 - Method/s
 - ☐ Face-to-face introduction
 - ☐ Referral
 - ☐ Event Visit
 - ☐ Email
 - ☐ Phone
 - Individuals:
 - Notes: MIAC was contacted during the course of inventory form pilot process, but not consulted about Oheyawahi/Pilot Knob site significance
- ☐ Cultural and/or Spiritual Directors of Communities
 - Date of contact/s
 - Method/s
 - ☐ Face-to-face introduction
 - ☐ Referral
 - ☐ Event Visit
 - ☐ Email
 - ☐ Phone
 - Individuals:
- ☐ Cultural and/or Spiritual Committees of Communities
 - Date of contact/s
 - Method/s
 - ☐ Face-to-face introduction
 - ☐ Referral
 - ☐ Event Visit
 - ☐ Email
 - ☐ Phone
 - Individuals:
- ☐ Elders, key knowledge keepers, medicine persons, traditional religious or cultural specialists, key cultural experts
 - Date of contact/s
 - Method/s
 - ☐ Face-to-face introduction
 - ☐ Referral
 - ☐ Event Visit
 - ☐ Email
 - ☐ Phone
 - Individuals:

- X Members and citizens of federally recognized Indian nations, i.e. not official representatives
 - Date of contact/s: March, April, May 23, 2010
 - Method/s
 - ✓ Face-to-face introduction
 - ✓ Referral
 - ☐ Event Visit
 - ✓ Email
 - ☐ Phone
 - Individuals: Darlene St. Clair

- X Members of Indian cultural communities and heritage lacking federal recognition
 - Date of contact/s: April, May, June 2010
 - Method/s
 - ✓ Face-to-face introduction
 - ✓ Referral
 - ☐ Event Visit
 - ✓ Email
 - ✓ Phone
 - Individuals:

- ☐ Members of urban communities, neighborhoods, Indian and otherwise
 - Date of contact/s
 - Method/s
 - ☐ Face-to-face introduction
 - ☐ Referral
 - ☐ Event Visit
 - ☐ Email
 - ☐ Phone
 - Individuals:

- ☐ “Self-identified” communities with investment in preservation and protection of the site
 - Date of contact/s: May 23, June 19, 2010
 - Method/s
 - ✓ Face-to-face introduction
 - ☐ Referral
 - ☐ Event Visit
 - ☐ Email
 - ✓ Phone
 - Individuals:

- ☐ Property owners of site
 - Date of contact/s
 - Method/s
 - ☐ Face-to-face introduction
 - ☐ Referral
 - ☐ Event Visit
 - ☐ Email
 - ☐ Phone
 - Individuals:

- ☐ Managers of site
 - Date of contact/s
 - Method/s
 - ☐ Face-to-face introduction
 - ☐ Referral
 - ☐ Event Visit
 - ☐ Email

- ☐ Phone
- Individuals:
- ☐ Other: Describe in detail:
 - Date of contact/s
 - Method/s
 - ☐ Face-to-face introduction
 - ☐ Referral
 - ☐ Event Visit
 - ☐ Email
 - ☐ Phone
 - Individuals:

SITE SIGNIFICANCE

In filling out the inventory form, some communities and/or individuals may want to end the process here. Site NAME, LOCATION, CHARACTERISTICS, TYPE, and COMMUNITY AFFILIATION have been provided. However, when allowed and appropriate, additional information may be gathered and recorded. This information will better allow state and federal agencies to consider and protect the site from intrusion, modification, and damage. Please note that for some sites not all categories will be filled out.

ETHNOGRAPHIC

Describe all evidence that demonstrates the site's significance to a living community, as documented through appropriate ethnographic research. Provide in detail and attach appropriate narrative.

The investigating team had four meetings where the significance of Oheyawahi/ Pilot Knob was discussed in detail. One was with Dakota community members from federally recognized communities and a scholar of Native history and culture in Minnesota. One was a site visit with the same people to the public green space on the hill now owned by the city of Mendota Heights. One was with members of a Dakota community without federal recognition, and one with a community activist involved with the preservation and protection of Oheyawahi efforts.

Several themes emerged in these consultations. These include:

The significance of the history of Oheyawahi is very present for the people with whom we consulted. The fact that Oheyawahi served as the site of signing of the 1851 Mendota treaty that led to the ceding of Dakota territory to the US government was brought up as important to people's relationship to the site. It was mentioned as an important part of Dakota community identity because it is in the region of Black Dog's village. It is also near Mendota, the place where Dakota who were not expelled in 1862, or returned before they were allowed back by the US Government and many of their descendants lived. The importance of the hill as a place to watch the river for traffic coming downstream (the activity from which the English name of the hill is derived) was also mentioned.

Oheyawahi as a site of burials and therefore as a place where Dakota ancestors are buried, and where people are in active relationship to their ancestors was another important theme that was addressed. One of our Dakota consultants observed that Oheyawahi is a burial place for several communities, and that the cemeteries of Christians/Euro-Americans are recognized and treated with respect. Acacia Park Masonic cemetery and a nearby Catholic cemetery exist. The way in which they are treated was a counterpoint to the fact that Dakota burials on the hill have not been recognized by authorities and agencies in the same way. Our consultants stated that they are aware that the bones of their Dakota ancestors had been recovered by Acacia Park workers, and stored in sheds on the cemetery property for years. One noted that we don't know whose burial grounds we could be walking over, or that are included in the preserved green space.

A third theme that emerged during consultation has to do with appropriate use and appropriate preservation. For our Dakota consultants, appropriate access and conservation has to do with the fact that Oheyawahi is a burial ground. One person stated that, to him, appropriate protection would mean that he, too, could also be buried there. To him, being able to rest with his relatives and ancestors would be the most appropriate use of the site. The fact that the hill is public green space is a mixed result for the people who came with us on a site visit. It's good that the site has been saved from development and build-up. However, creating a public green space presents does not guarantee that Oheyawahi would be appropriately accessible for prayer, as a burial site, or other uses. At the same time, there was concern that the hill could be mis-used or treated with disrespect or even misunderstanding by visitors. An example of well-intentioned misunderstanding is the sculpture

installation on the hill. One person, noting it was their individual opinion, observed that the installation was nice, and they could see how it was meant to show the history of the Mdewakanton to the region and the particular site. But it didn't really represent their perspective on that relationship and it didn't communicate their sense of history and belonging in the place. They observed that if Mdewakanton people were to have more control over how the site was used and accessed, there would be more opportunity for Dakota relationships to be fostered with the space, and better opportunities to communicate the importance of the place to others. One person's consistent question was "who are these sites meant for?" Another point that was made included "the State needs to recognize our interpretations" of sites, history, and the significance of place.

For another consultant, a botanist, reflected on the fact of changing climate and the history of climate and the history of plants on the hill. She asked, when we restore a site, to *when* to we restore it? What does it mean to preserve something, when we know there will be changing environmental conditions in the coming decades. She observed that historical sources show Oheyawahi was once oak savannah, and that the projected environmental conditions for the hill in a hundred years' time is one that can support the same kind of plant life. For her, appropriate preservation and restoration should be sustainable for decades.

Are there conflicts/ challenges/ concerns expressed by other consultants associated with the supporting ethnographic evidence? Describe in detail and attach appropriate narrative.

ORAL HISTORY

Describe community affiliation, oral stories, and source of oral history:

ARCHAEOLOGY

Describe all archaeological investigation that has taken place and list site reports:

HISTORICAL DOCUMENTATION/LITERATURE REVIEW

Describe and list historical and literature documentation of site significance:

Cox, Carrie.

2004 "Research Report Pilot Knob, MN (Dakota)" Prepared for The Pluralism Project At Harvard University. <http://pluralism.org/reports/view/175>. Accessed July 30 2010.

This report from Pluralism Project at Harvard University provides a brief account of the significance of Pilot Knob historically, and the efforts on the part of community activists to preserve the site and protect it from development. It also provides perspectives from developers on the preservation efforts, and a discussion of the evaluation of the site for eligibility for inclusion on the National Register of Historic places.

National Park Service

"River of History: A Historic Resources Survey of the Mississippi River and Recreation Area." Accessed July 30, 2010.

The NPS document provides a synthesis of resources documenting the cultural, economic, and political significance of the Mississippi River and National Recreation Area in Minnesota using archaeological evidence, and historical documents from the earliest accounts of the region through contact and into the growth and expansion of the Twin Cities metro area. It includes an extensive bibliography.

Pilot Knob Preservation Association.

2010 "Pilot Knob Burial Register." <http://www.pilotknobpreservation.org/PKregister.html>. Accessed July 30, 2010.

The burial register is an ongoing project collecting accounts demonstrating that Oheyawahi was used as a burial site.

Pond, Samuel W.

1986. *The Dakota or Sioux in Minnesota as They Were in 1834*. St. Paul: Minnesota Historical Society Press.

Pond's book includes detailed ethnographic information of Dakota life in the 19th century. It discusses in particular Oheyawahi, and includes narratives describing it as a place associated with a spirit, and its use as a burial ground.

Wingerd, Mary Lethert, and Kirsten Delegard.

2010. *North country: the Making of Minnesota*. Minneapolis: University of Minnesota Press.

Wingerd and Delegard provide a comprehensive history of Minnesota, particularly Native/ Euro-American relations, politics, culture, and society, in their 2010 publication. The book includes an extensive bibliography and over 100 images.

****All full-text citations of literature cited within the discussion of site importance:**

IMPACT/RISK ASSESSMENT

Is there existing disturbance to site? If so, please describe:

- ☐ None
- ☐ Development
 - ☐ Railroad tracks
 - ☐ Modern Buildings
 - ☐ View shed disturbance
 - ☐ Linear Corridor
 - ☐ Roads
 - ☐ Power Lines
- ☐ Pollution
 - ☐ Noise
 - ☐ Light
 - ☐ Environmental
- ☐ Agricultural
- ☐ Natural (ex. erosion)

X Other: Describe in detail

Consultants' current concern for Oheyawahi included wondering what would happen to the site now that it is designated public green space owned and protected by Mendota Heights City and cared for by the city and county services.

How has existing or past disturbance affected the community's relationship to the place of significance?

Discuss in detail: It was stated to the investigators that the site's designation as a green space is good because it prevents it from being altered/developed further. However, the designation of public green space raises concerns because it is not clear it can be used for ceremonial or other purposes. Consultants stated the significance of the site as a one-time burial location. They noted it would be a purpose to which they would like to see it returned in the future which is not possible with its current use plans.

NRHP STATUS

Does the site have characteristics to be considered eligible for the National Register as a TCP (as defined by National Register Bulletin 38)? Yes

Has the site been evaluated? Yes

Is the site eligible for inclusion on the National Register of Historic Places?

☒ Eligible/Listed

☐ Not Eligible

☐ Unevaluated

If eligible, under which criteria?:

☒ A:

☐ B:

☐ C:

☐ D:

Please provide a narrative explanation:

Oheyawahi was determined eligible for inclusion on the National Register of Historic Places. However, two landowners who own property on the hill did not want the site included on the Register; as a result, inclusion has not been pursued. A review of the circumstances of the preservation determination can be found in the Harvard Pluralism Project's report at: <http://pluralism.org/reports/view/175>.

FORM PREPARATION INFORMATION

Principal Investigator (name and affiliation): Kelly Branam, St. Cloud State University

Ethnographic research dates: May 13th, 2010, June 19th 2010

Survey Dates: May 23, 2010

Form prepared by: Kathleen Costello/Austin Jenkins

Form prepared in consultation with (community member/s): Darlene St. Clair, Bruce White

DISCLOSURE INFORMATION

The locational information contained within this form is considered by the community to be:

☒ Public information

☐ Private/culturally sensitive information (which therefore should not be made available to the general public)

The narrative information contained within this form is considered by the community to be:

☐ Public information

☒ Private/culturally sensitive information (which therefore should not be made available to the general public)

ADDITIONAL INFORMATION / ATTACHMENTS:

☐ Site Location Map

☐ Sketch Map

☐ Photos

☐ Audio

☐ Video

☐ Interview Notes

☐ Transcript

☐ Other: _____

State of Minnesota Sacred Site Inventory Form

SITE NAME

Native American Place Name: **Mni Sni**

☐ Anishinaabe

☒ Dakota

☐ Other: _____

Source: 2003 Shakopee Mdewakanton Sioux Map. Dakota Presence in the River Valley.

Literal English translation: „Water Cold“

Also known as:

Native American Place Name 2: _____

☐ Anishinaabe

☐ Dakota

☐ Other: _____

Source:

Literal English translation: _____

Also known as:

Native American Place Name 3: _____

☐ Anishinaabe

☐ Dakota

☐ Other: _____

Source:

Literal English translation: _____

English name: Coldwater Spring

Source:

SITE TYPE

☒ Landscape / Cultural Corridor

☒ Bdote/Mdote Region

☐ Neighborhood / Community Corridor

☒ Ceremonial

☒ Prayer site

☐ Offering site

☒ Gathering (meeting) site

☐ Burial

☐ Object / Landform

☐ Natural Resource

☒ Natural Resource Collection Area

☐ Other: Describe in detail

☐ Building

LOCATIONAL INFORMATION

For sites that are already public well known sites, this information can be obtained at SHPO or on the USGS topographic maps. For other sites, community members and others may only want to disclose a limited amount of this information. Some sites may not have already defined boundaries, if so please do just create boundaries for this form.

City/Township: St. Paul, MN

County: Hennepin

Township: 28N Range: 23W Section: 20 1/4 Section: NW 1/4 of the SE 1/4; the W 1/2 of the NE 1/4 and E 1/2 of

the NW ¼

USGS 7.5' Quadrangle Map (name and year): St. Paul West Quadrangle, Minnesota 1993

UTM Coordinates: northeast corner – 484583E 4971848N; southeast corner – 484713E 4971292N; southwest corner – 484583E 4971284N; northwest corner – 484332E 4971844N; north-central point – 484416E 4971921N

Zone: 15 Datum: X 1927 ___ 1983 ___ Other Method: ___ USGS Map ___ GPS X Other:
www.topozone.com (Terrell 2006)

Narrative Location information:

The spring is near Minnehaha Falls park; from T.H. 55 turn east at the 54th street light and then turn quickly south on the new frontage road. Go through the Bureau of Mines front gate and continue heading south, the spring flows from the base of the Stone House in the NW corner of the pond.

LAND OWNERSHIP INFORMATION

Ownership Type:

- ☒ Federal ☐ Tribal
☐ State ☐ Private
☐ Local

Land Owner:

Name: The spring is on abandoned U.S. Bureau of Mines land, it was the U.S. Bureau of Mines Twin Cities Research Center that was closed by Congress in 1995, currently under the management of the National Park Service MNRRA.

Address (if known):

Current Land Use:

- ☐ Agricultural
 ☐ Cultivated ☐ Fallow ☐ Woodland
☐ Residential
☐ Industrial / Commercial
☒ Recreational
☒ Other: Describe in detail

The land is open to the public, visitors are able to hike, bike, and drive to the spring. Everyone is allowed to collect water from the spring. Currently, the Mendota Mdewakanton Dakota use the site for sweats, vision quests and ceremonies. In 2010, the site was used for a ceremonial celebration for International Prayer Day. Several indigenous people from North and Central America came together in celebration and prayer.

Source of Ownership Information: _____

SITE CHARACTERISTICS

Associated/Contributing Features:

Check all that apply

X Water

- ☒ Springs
 ___ Boiling springs
 ___ Rivers
 ___ Confluence of rivers
 ___ Creeks

- ☒ Lakes or ponds: Reservoir Pool
☒ Near hill of significance, Describe:
 Taku Wakqn Tipi

- ☐ Known Place Name
 ___ Native American name of site or area
 ___ English name of site or area

- | | |
|--|--|
| <input type="checkbox"/> Hills
___ View above water
___ Above spring
___ Indication of burials
___ Pits or Depressions | X
Evidence of Prayer
X Tobacco
___ Tobacco Bundles
___ Fasting Sites
X Sweat Lodge |
| <input type="checkbox"/> Mounds
___ Effigy
___ Indication of burials | X
Contemporary Structures
X Buildings: Stone House over spring (Spring house) |
| <input type="checkbox"/> Geographic features
___ Caves
___ Shelters
___ Anthropomorphic/Zoomorphic natural features | <input type="checkbox"/> Rock
___ Petroform
___ Painted Rock
___ Rock Art
___ Petroglyphs
___ Circles
___ Cairns |
| X Natural Resources
___ Wild Rice
___ Birch
___ Cedar
X Other: Individual bur and northern red oak trees | <input type="checkbox"/> Trails
___ Footpaths
___ Four-wheelers
___ Other: |
| <input type="checkbox"/> None
Describe: | |

Narrative description of landscape including surface and other natural features: The spring is along the Mississippi River and northwest of Fort Snelling. There is a gravel driveway that takes cars past the abandoned buildings that leads to the Stone Spring House. There is a grassy area next to the spring house, a burned out tree exists in this grassy knoll. There is a very large beautiful Willow Tree next to the pond. The Stone House is above the spring and allows for easy access to collect water. There is a constructed reservoir pool. There is a trail around the pool. The spring is below Taku Wakan Tipi, „House of Great Spirit“ and is thought by some to flow from this source. Coldwater Spring is also near the confluence of the Mississippi/Minnesota Rivers. This area is known as Bdote or Mdote to most Dakota peoples. Bdote/Mdote is the center of the earth and the center of the universe for the Dakota.

*Please attach site map, USGS

CULTURAL/ COMMUNITY AFFILIATION

Which communities collaborated with investigator in site visits and or consultation? If appropriate and consent is given, please provide individuals' names and tribal affiliation if appropriate. If consent was provided consultants names are provided. The investigators interviewed more individuals than listed.

- ☐ Residents of and near sites
 - ☐ Date of contact/s
 - ☐ Method/s
 - ☐ Face-to-face introduction
 - ☐ Referral
 - ☐ Event Visit
 - ☐ Email

- ☐ Phone
 - Individuals:
- X Scholars, consultants
 - Date of contact/s: February, April, May, June 2010
 - Method/s
 - X Face-to-face introduction
 - X Referral
 - X Event Visit
 - X Email
 - ☐ Phone
 - Individuals: Bruce White, Ph.D, Darlene St. Clair
- ☐ Tribal Council representatives and legal counsel of federally recognized Indian nations
 - Date of contact/s
 - Method/s
 - ☐ Face-to-face introduction
 - ☐ Referral
 - ☐ Event Visit
 - ☐ Email
 - ☐ Phone
 - Individuals
- X Minnesota Indian Affairs Council (MIAC)
 - Date of contact/s: February 2010
 - Method/s
 - X Face-to-face introduction
 - ☐ Referral
 - ☐ Event Visit
 - ☐ Email
 - ☐ Phone
 - Individuals: Jim Jones, in our meeting we discussed Coldwater Spring and the creation of a process for an inventory. Jim Jones stated that his concern with impact to the site was with the ability of the spring to produce water. As long as the spring was flowing he was satisfied.
- X Cultural and/or Spiritual Directors of Communities
 - Date of contact/s: May, June 2010
 - Method/s
 - X Face-to-face introduction
 - ☐ Referral
 - ☐ Event Visit
 - ☐ Email
 - ☐ Phone
 - Individuals:
- ☐ Cultural and/or Spiritual Committees of Communities
 - Date of contact/s
 - Method/s
 - ☐ Face-to-face introduction
 - ☐ Referral
 - ☐ Event Visit
 - ☐ Email
 - ☐ Phone
 - Individuals:
- ☐ Elders, key knowledge keepers, medicine persons, traditional religious or cultural specialists, key cultural experts
 - Date of contact/s
 - Method/s
 - ☐ Face-to-face introduction

- ☐ Referral
 - ☐ Event Visit
 - ☐ Email
 - ☐ Phone
- Individuals:
- X Members and citizens of federally recognized Indian nations, i.e. not official representatives
 - Date of contact/s
 - Method/s
 - ☐ Face-to-face introduction
 - ☐ Referral
 - ☐ Event Visit
 - ☐ Email
 - ☐ Phone
 - Individuals: Darlene St. Clair, member of the Lower Sioux Community
- X Members of Indian cultural communities and heritage lacking federal recognition
 - Date of contact/s: May, June 2010
 - Method/s
 - X Face-to-face introduction
 - ☐ Referral
 - ☐ Event Visit
 - ☐ Email
 - ☐ Phone
 - Individuals:
- X Members of urban communities, neighborhoods, Indian and otherwise
 - Date of contact/s
 - Method/s
 - ☐ Face-to-face introduction
 - ☐ Referral
 - ☐ Event Visit
 - ☐ Email
 - ☐ Phone
 - Individuals:
- X “Self-identified” communities with investment in preservation and protection of the site
 - Date of contact/s: June 21st, 2010
 - Method/s
 - ☐ Face-to-face introduction
 - ☐ Referral
 - X Event Visit
 - ☐ Email
 - ☐ Phone
 - Individuals:
- ☐ Property owners of site
 - Date of contact/s
 - Method/s
 - ☐ Face-to-face introduction
 - ☐ Referral
 - ☐ Event Visit
 - ☐ Email
 - ☐ Phone
 - Individuals:

- ☐ Managers of site
 - ☐ Date of contact/s
 - ☐ Method/s
 - ☐ Face-to-face introduction
 - ☐ Referral
 - ☐ Event Visit
 - ☐ Email
 - ☐ Phone
 - ☐ Individuals:
- ☐ Other: Describe in detail:
 - ☐ Date of contact/s
 - ☐ Method/s
 - ☐ Face-to-face introduction
 - ☐ Referral
 - ☐ Event Visit
 - ☐ Email
 - ☐ Phone
 - ☐ Individuals:

SITE SIGNIFICANCE

In filling out the inventory form, some communities and/or individuals may want to end the process here. Site NAME, LOCATION, CHARACTERISTICS, TYPE, and COMMUNITY AFFILIATION have been provided. However, when allowed and appropriate additional information may be gathered and recorded. This information will better allow state and federal agencies to consider and protect the site from intrusion, modification, and damage. Please note that for some sites not all categories will be filled out.

ETHNOGRAPHIC

Describe all evidence that demonstrates the site's significance to a living community, as documented through appropriate ethnographic research. Provide in detail and attach appropriate narrative.

Coldwater spring is significant to the Mdewakanton creation story. Sacred water comes out of the spring from the foundation of *Taku Wakqn Tipi*, „House of Great Spirit.“ It is well documented that all seven of Dakota sacred ceremonies use water and that spring water especially is considered pure and seen to have healing qualities, for further discussion see DeMallie and Parks 1987; Leith 1998; Terrell 2006.

Are there conflicts/ challenges/ concerns expressed by other consultants associated with the supporting ethnographic evidence? Describe in detail and attach appropriate narrative.

Much controversy existed and still exists today over the rerouting of Highway 55 and what this would do to the spring and the relationships communities and individuals have with the spring. All evidence provided by Dakota communities state that the spring is important and in a 1999 letter to Minnesota Senator Carol Flynn, all four federally recognized communities wrote “We once again state our support of our spiritual leaders that the Coldwater Spring is a spiritual and cultural sacred sites.....Foremost, it is more factually accurate to state that the area of maintains cultural significance for all Dakota people in Minnesota.” Most of the controversy surrounds whether the significance of the site makes it eligible as a traditional cultural property on the National Register.

ORAL HISTORY

Describe community affiliation, oral stories, and source of oral history:

See Terrell 2006

ARCHAEOLOGY

Describe all archaeological investigation that has taken place and list site reports:

See Franke, Nick 1970; Ollendorf and Godfrey 1996; Ollendorf 1996; Clouse 2001.

HISTORICAL DOCUMENTATION/LITERATURE REVIEW

Describe and list historical and literature documentation of site significance:

The historical relationships between Dakota Communities and the area around the confluence of the Mississippi and Minnesota Rivers, Coldwater Spring and the area that became Fort Snelling and Camp Coldwater are very well documented. See the following sources for more information:

Doty, James 1953[1820]; Pond, Samuel 1851, 1889, 1986[1908]; Anderson, Garry 1984, 1986; Letterman, Edward 1969
Spector Janet 1993; Nicollt, Joseph 1976; <http://www.tc.umn.edu/~white067/>

****All full-text citations of literature cited within the discussion of site significance and form:**

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DeMallie, Raymond, and Douglas Parks, eds.

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Durand, Paul C.

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Franke, Nick

1970 The Minnesota Trunk Highway Archaeological Reconnaissance Study. Annual Report to the Commissioner of Highways for the period January 1 to December 31, 1969. THY-70-01. On file at the State Historic Preservation Office, St. Paul, MN.

Leith, Chris, Sr.

1998 Affidavit of Chris Leith. Mendota Mdewakanton Dakota Community v. _____, United States District Court, District of Minnesota, October 9, 1998.

Lettermann, Edward J.

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Nicollet, Joseph N.

1976 Joseph N. Nicollet on the Plains and Prairies: the expeditions of 1838-1839 with journals, letters, and notes on the Dakota Indians. Edmund C. Bray and Martha C. Bray, trans. and eds. St. Paul: Minnesota Historical Society Press.

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1851 *Gathering from the Traditionary History of the Mdewakanton Dakotas*. Dakota Friend, May.

1889 *Dakota Superstitions*. Minnesota Historical Society Collections 2:215-255.

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Ollendorf, Amy L.

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Ollendorf, Amy L., and Anthony Godfrey

1996 Draft. Cultural Resources Management Investigation: Closure of the Twin Cities Research Center, U.S. Bureau of Mines, Hennepin and Dakota Counties, Minnesota. Phase I Report: Archaeology. Site Evaluation: History. Braun Intertec Corporation. Prepared for the U.S. Bureau of Mines.

Shakopee Mdewakanton Dakota Community

2003 *Dakota Presence in the River Valley*. Map. Shakopee: Shakopee Mdewakanton Sioux Community.

Spector, Janet D.

1993 *What this Awl Means*. St. Paul: Minnesota Historical Society.

Terrell, Michelle M. *et al.*

2006. *The Cultural Meaning of Coldwater Spring: Final Ethnographic Resource Study of the Former U.S. Bureau of Mines Twin Cities Research Center Property, Hennepin County, Minnesota*. Prepared for the National Park Service. Prepared by Summit Environsolutions, Inc. and Two Pines Resource Group, LLC.

White, Bruce and Dean Lindberg

Camp Coldwater: The Birthplace of Minnesota. <http://www.tc.umn.edu/~white067/>, accessed July 27, 2010

IMPACT/RISK ASSESSMENT

Is there existing disturbance to site? If so, please describe:

- ☐ None
- ☒ Development
 - ☐ Railroad tracks
 - ☒ Modern Buildings
 - ☐ View shed disturbance
 - ☒ Linear Corridor
 - ☒ Roads
 - ☐ Power Lines
- ☐ Pollution
 - ☐ Noise
 - ☐ Light
 - ☐ Environmental
- ☐ Agricultural
- ☐ Natural (ex. erosion)

☐ Other: Describe in detail

How has existing or past disturbance affected the community's relationship to the place of significance?

Discuss in detail: The modern buildings are an eye sore. Most windows are busted out of them and there is graffiti covering the outside walls. It is understood by community members that NPS is working on destroying those buildings and removing them from the area. The Spring is open to the public and so water is always accessible for Mdewakaton Dakota people to collect it for ceremonies and during our site visit we witnessed community members doing this. Public ceremonies are also possible if permits are received, such as the International Day of Prayer Ceremony we witnessed. What is most concerning to Mendota Mdewakaton Community members we consulted was the public accessibility of the land, this makes having private ceremonies such as fasting or sweat lodges always open to the public. In addition, it is thought by Mendota Mdewakaton Community members that they have the right to hold ceremonies at Coldwater Spring, yet NPS rules such as "no overnight visits," and "no construction of permanent or semi-permanent structures" conflict with their ability to hold these ceremonies.

NRHP STATUS

Does the site have characteristics to be considered eligible for the National Register as a TCP (as defined by National Register Bulletin 38)? It does have certain characteristics that indicate an evaluation should be made.

Has the site been evaluated? Yes. Summit Envirosolutions, Inc. and Two Pines Resource Group, LLC
Is the site eligible for inclusion on the National Register of Historic Places?

☐ Eligible/Listed
☐ Not Eligible
☐ Unevaluated

Terrell (2006) found the site to be eligible, but NPS wants further investigation before the site is proposed.

If eligible, under which criteria?:

- ☒ A: for its association with Mdote, the Dakota cultural landscape which is considered the Dakota center to the world (Terrell 2006:ii)
- ☐ B:
- ☒ C: "as representative of a resources type of natural spring, many of which have been destroyed or which are not longer accessible, that are an integral component in the practice of Dakota traditional ceremonies and lifeways that require pure spring water" (Terrell 2006: ii)
- ☐ D:

Please provide a narrative explanation:

For Summit Envirosolutions, Inc. and Two Pines Resource Group, LLC, complete discussion of the cultural meaning of Coldwater Spring please see report titled "The Cultural Meaning of Coldwater Spring: FINAL Ethnographic Resources Study of the Former U.S. Bureau of Mines Twin Cities Research Center Property, Hennepin County, MN: GSA RFQ NO. 71599, PI: Terrell 2006. This report can be found at:
http://www.nps.gov/history/history/online_books/miss/coldwater_spring.pdf.

However, NPS completed an internal evaluation of Coldwater Spring's eligibility for the National Register and states "The National Park Service recognizes that Camp Coldwater spring and reservoir located on the former Bureau of Mines property holds significant contemporary cultural importance to many American Indian people. However, the evidence presented in this report [Terrell 2006] does not meet the criteria for the Register as a Traditional Cultural Property (TCP)" (Statement included in Final Report, Terrell 2006).

FORM PREPARATION INFORMATION

Principal Investigator (name and affiliation): Kelly M. Branam, Ph.D, St. Cloud State University

Ethnographic research dates: May and June 2010

Survey Dates: May 23, 2010

Form prepared by: Kelly M. Branam

Form prepared in consultation with (community member/s): Darlene St. Clair

DISCLOSURE INFORMATION

The locational information contained within this form is considered by the community to be:

- X Public information
- ☐ Private/culturally sensitive information (which therefore should not be made available to the general public)

The narrative information contained within this form is considered by the community to be:

- X Public information
- ☐ Private/culturally sensitive information (which therefore should not be made available to the general public)

ADDITIONAL INFORMATION / ATTACHMENTS:

- | | |
|--|--|
| <input type="checkbox"/> Site Location Map | <input type="checkbox"/> Video |
| <input type="checkbox"/> Sketch Map | <input type="checkbox"/> Interview Notes |
| <input type="checkbox"/> Photos | <input type="checkbox"/> Transcript |
| <input type="checkbox"/> Audio | <input type="checkbox"/> Other: _____ |

State of Minnesota Sacred Site Inventory Form

SITE NAME

Native American Place Name: **Wakȁn Tipi**

☐ Anishinaabe

☒ Dakota

☐ Other: _____

Source: Durand, 1994

Literal English translation: „Sacred Habitation“

Also known as:

Native American Place Name 2: _____

☐ Anishinaabe

☐ Dakota

☐ Other: _____

Source:

Literal English translation: _____

Also known as:

Native American Place Name 3: _____

☐ Anishinaabe

☐ Dakota

☐ Other: _____

Source:

Literal English translation: _____

English name: Carver's Cave

Source:

SITE TYPE

☒ Landscape / Cultural Corridor

☒ Bdote/Mdote Region

☐ Neighborhood / Community Corridor

☒ Ceremonial

☒ Prayer site

☒ Offering site

☐ Gathering (meeting) site

☐ Burial

☐ Object / Landform

☐ Natural Resource

☐ Natural Resource Collection Area

☐ Other: Describe in detail

☐ Building

LOCATIONAL INFORMATION

For sites that are already public well known sites, this information can be obtained at SHPO or on the USGS topographic maps. For other sites, community members and others may only want to disclose a limited amount of this information. Some sites may not have already defined boundaries, if so please do just create boundaries for this form.

City/Township: St. Paul

County: Ramsey

Township: 29N

Range: 22W

Section: 32

1/4 Section: SE, SE

Township: _____ Range: _____ Section: _____ 1/4 Section: _____

USGS 7.5' Quadrangle Map (name and year): St. Paul East, 1993

UTM Coordinates: 494653E, 4977268N

Zone: 15 N Datum: ____ 1927 ☒ 1983 ____ Other Method: ____ USGS Map ____ GPS ☒ Other

Narrative Location information:

The cave entry is located within the Bruce Vento Nature Sanctuary in Saint Paul, MN. The entry is situated between the Mississippi River and Indian Mounds Park. It is also 1 and $\frac{3}{4}$ miles ESE from the Minnesota capital building.

LAND OWNERSHIP INFORMATION

Ownership Type:

- ☐ Federal ☐ Tribal
☐ State ☐ Private
☒ Local

Land Owner:

Name: City of Saint Paul

Address (if known): 15 Kellogg Boulevard W, #140, St. Paul, MN 55102

Current Land Use:

- ☐ Agricultural ☐ Cultivated ☐ Fallow ☐ Woodland
☐ Residential
☐ Industrial / Commercial
☒ Recreational
☐ Other: Describe in detail
-
-

Source of Ownership Information: Ramsey County Online Maps & Data

SITE CHARACTERISTICS

Associated/Contributing Features:

Check all that apply

☒ Water

- ☒ Springs
 ____ Boiling springs
☒ Rivers
 ____ Confluence of rivers
 ____ Creeks
☒ Lakes or ponds
 ____ Other:

☒ Known Place Name

- ☒ Native American name of site or area
☒ English name of site or area

☒ Hills

- ☒ Located within view of water
☒ Located above or near springs

☒ Evidence of Prayer

- ☒ Tobacco
 ____ Tobacco Bundles

☐ Indication of burials
☐ Pits or Depressions
☒ Other: Bluffs

☐ Fasting Sites
☐ Sweat Lodge

X Mounds

☒ Indication of burials
☐ Effigy Shaped
☐ Conical Shaped
☐ Linear Shaped
☐ Change in Elevation where none is expected
☐ Other:

X Contemporary Structures

☐ Buildings
☐ Other: Metal closure over cave.

X Geographic features

☒ Caves
☐ Shelters
☐ Anthropomorphic/Zoomorphic natural features

X Rock

☐ Petroform
☐ Painted Rock
☐ Rock Art
☒ Petroglyphs
☐ Circles
☐ Cairns

☐ Natural Resources

☐ Wild Rice
☐ Birch
☐ Cedar
☐ Other:

X Trails

☒ Footpaths
☐ Four-wheelers
☐ Other:

☐ None

☐ Describe:

Narrative description of landscape including surface and other natural features: The cave is located within the Bruc Vento Nature Sanctuary. Indian Mounds park is directly above the cave, Kaposia is across the Mississippi River, there is a pond at the entrance that is fed by a spring within the cave. Tobacco offerings are present. Petroglyphs have been recorded within the cave.

*Please attach site map, USGS

CULTURAL/ COMMUNITY AFFILIATION

Which communities collaborated with investigator in site visits and or consultation? If appropriate and consent is given, please provide individuals' names and tribal affiliation if appropriate. Individuals listed here provided their consent. The investigators interviewed more individuals than listed.

☐ Residents of and near sites

- ☐ Date of contact/s
- ☐ Method/s
 - ☐ Face-to-face introduction
 - ☐ Referral
 - ☐ Event Visit
 - ☐ Email
 - ☐ Phone
- ☐ Individuals:

- X Scholars, consultants
 - o Date of contact/s May 13 &23, 2010
 - o Method/s
 - X Face-to-face introduction
 - ☐ Referral
 - ☐ Event Visit
 - ☐ Email
 - ☐ Phone
 - o Individuals: Bruce White, Darlene St. Clair
- ☐ Tribal Council representatives and legal counsel of federally recognized Indian nations
 - o Date of contact/s
 - o Method/s
 - ☐ Face-to-face introduction
 - ☐ Referral
 - ☐ Event Visit
 - ☐ Email
 - ☐ Phone
 - o Individuals
- ☐ Minnesota Indian Affairs Council (MIAC)
 - o Date of contact/s
 - o Method/s
 - ☐ Face-to-face introduction
 - ☐ Referral
 - ☐ Event Visit
 - ☐ Email
 - ☐ Phone
 - o Individuals:
- ☐ Cultural and/or Spiritual Directors of Communities
 - o Date of contact/s
 - o Method/s
 - ☐ Face-to-face introduction
 - ☐ Referral
 - ☐ Event Visit
 - ☐ Email
 - ☐ Phone
 - o Individuals:
- ☐ Cultural and/or Spiritual Committees of Communities
 - o Date of contact/s
 - o Method/s
 - ☐ Face-to-face introduction
 - ☐ Referral
 - ☐ Event Visit
 - ☐ Email
 - ☐ Phone
 - o Individuals:
- ☐ Elders, key knowledge keepers, medicine persons, traditional religious or cultural specialists, key cultural experts
 - o Date of contact/s
 - o Method/s
 - ☐ Face-to-face introduction
 - ☐ Referral
 - ☐ Event Visit

- ☐ Email
 - ☐ Phone
- Individuals:
- X Members and citizens of federally recognized Indian nations, i.e. not official representatives
 - Date of contact/s: May, June, and July 2010
 - Method/s
 - X Face-to-face introduction
 - X Referral
 - ☐ Event Visit
 - ☐ Email
 - ☐ Phone
 - Individuals: Darlene St. Clair, Lower Sioux Indian Community
- ☐ Members of Indian cultural communities and heritage lacking federal recognition
 - Date of contact/s
 - Method/s
 - ☐ Face-to-face introduction
 - ☐ Referral
 - ☐ Event Visit
 - ☐ Email
 - ☐ Phone
 - Individuals:
- ☐ Members of urban communities, neighborhoods, Indian and otherwise
 - Date of contact/s
 - Method/s
 - ☐ Face-to-face introduction
 - ☐ Referral
 - ☐ Event Visit
 - ☐ Email
 - ☐ Phone
 - Individuals:
- ☐ “Self-identified” communities with investment in preservation and protection of the site
 - Date of contact/s
 - Method/s
 - ☐ Face-to-face introduction
 - ☐ Referral
 - ☐ Event Visit
 - ☐ Email
 - ☐ Phone
 - Individuals:
- ☐ Property owners of site
 - Date of contact/s
 - Method/s
 - ☐ Face-to-face introduction
 - ☐ Referral
 - ☐ Event Visit
 - ☐ Email
 - ☐ Phone
 - Individuals:
- ☐ Managers of site
 - Date of contact/s
 - Method/s

- ☐ Face-to-face introduction
- ☐ Referral
- ☐ Event Visit
- ☐ Email
- ☐ Phone
- Individuals:
- ☐ Other: Describe in detail:
 - Date of contact/s
 - Method/s
 - ☐ Face-to-face introduction
 - ☐ Referral
 - ☐ Event Visit
 - ☐ Email
 - ☐ Phone
 - Individuals:

SITE SIGNIFICANCE

In filling out the inventory form, some communities and/or individuals may want to end the process here. Site NAME, LOCATION, CHARACTERISTICS, TYPE, and COMMUNITY AFFILIATION have been provided. However, when allowed and appropriate additional information may be gathered and recorded. This information will better allow state and federal agencies to consider and protect the site from intrusion, modification, and damage. Please note that for some sites not all categories will be filled out.

ETHNOGRAPHIC

Describe all evidence that demonstrates the site's significance to a living community, as documented through appropriate ethnographic research. Provide in detail and attach appropriate narrative.

Wakqn Tipi, or Carver's Cave, is associated with the Mdote/Bdote area. Everything began upstream at *Taku Wakqn Tipi*, and life ends at *Wakqn Tipi*. From time immemorial, Dakota from as far away as western Minnesota would bring their deceased loved ones to the cave entry for a final ceremony. *Wakqn Tipi* is literally translated as the dwelling place of the sacred. *Unktehi* lives in the waters that flow from the cave. (Personal interview and site visit with consultant May 23, 2010).

Are there conflicts/challenges/concerns expressed by other consultants associated with the supporting ethnographic evidence? Describe in detail and attach appropriate narrative.

The remaining controversy surrounding *Wakqn Tipi* is regarding its TCP non-status and discussion of its integrity.

ORAL HISTORY

Describe community affiliation, oral stories, and source of oral history:

See Terrell 2003 (SHPO file 2001-3381)

ARCHAEOLOGY

Describe all archaeological investigation that has taken place and list site reports:

See Terrell 2003 (SHPO file 2001-3381)

HISTORICAL DOCUMENTATION/LITERATURE REVIEW

Describe and list historical and literature documentation of site significance:

Terrell 2003 provides a detailed discussion of the literature by Jonathan Carver. She writes that there is great discrepancy between Carver's notes and the journal that was eventually published, *Travels Through the Interior Parts of North America in the Years 1766, 1767, and 1768*. For instance, the published edition tells that the Dakota would bring their dead to Wakan Tipi although the original documents do not. In many instances, these additions were made

unscrupulously by the publisher. Because of these discrepancies, others have attacked Carver's account that *Wakȩn Tipi* was sacred altogether (Terrell 2003, 37).

****All full-text citations of literature cited within the discussion of site importance:**

Durand, Paul C.

1994 Where the Waters Gather and the Rivers Meet: an atlas of the eastern Sioux.

Eden Prairie: P. C. Durand.

Terrell, Michelle M.

2003 Determination of Eligibility of Carver's Cave (21RA27) and Dayton's Bluff Cave (21RA28), Bruce Vento Nature Sanctuary Project, St. Paul, Ramsey County, Minnesota. The 106 Group Ltd. Prepared for the City of St. Paul, SHPO file 2001-3381.

IMPACT/RISK ASSESSMENT

Is there existing disturbance to site? If so, please describe:

☐ None

☒ Development

☐ Modern Buildings

☒ View shed disturbance

☒ Linear Corridor – Roads

☒ Linear Corridor – Railroad Tracks

☐ Linear Corridor – Power Lines

☐ Linear Corridor – Other Utilities

☒ Pollution

☒ Noise

☒ Light

☐ Environmental

☐ Agricultural

☒ Natural (ex. erosion)

☐ Other: Describe in detail

How has existing or past disturbance affected the community's relationship to the place of significance?

Discuss in detail: Current disturbance includes auditory and visual disturbances from Highway 36, construction of the railroad destroyed the cave entrance and produced a source of auditory and visual disturbance. The development in the surrounding area produces light pollution. Erosion has created dangers and disturbance from mass wasting. Despite significant disturbances the sacredness of *Wakȩn Tipi* continues to be conveyed.

NRHP STATUS

Does the site have characteristics to be considered eligible for the National Register as a TCP (as defined by National Register Bulletin 38)? Yes, opinions of integrity must be reconciled

Has the site been evaluated? Yes. See Terrell et al, 2003, recommended that Wakan Tipi be found to be eligible – SHPO determined that Wakan Tipi was not eligible because the integrity has been lost. Many yards of the cave were blasted away in order to allow for expansion of the railroad.

Is the site eligible for inclusion on the National Register of Historic Places?

☐ Eligible/Listed

☒ Not Eligible: Revisiting the determination may be warranted in future decision making

☐ Unevaluated

If eligible, under which criteria?:

- ☒ A: Association with council and intertribal gatherings and ceremonies
- ☒ B: Association with Jonathan Carver and Unktehi
- ☐ C:
- ☐ D:

Please provide a narrative explanation:

See Terrell 2003, page 79 (SHPO file 2001-3381)

FORM PREPARATION INFORMATION

Principal Investigator (name and affiliation): Kelly Branam, St. Cloud State University

Ethnographic research dates: May 13 & 23, 2010

Survey Dates: May 23, 2010

Form prepared by: Austin Jenkins

Form prepared in consultation with (community member/s): Darlene St. Clair

DISCLOSURE INFORMATION

The locational information contained within this form is considered by the community to be:

- ☒ Public information
- ☐ Private/culturally sensitive information (which therefore should not be made available to the general public)

The narrative information contained within this form is considered by the community to be:

- ☐ Public information
- ☒ Private/culturally sensitive information (which therefore should not be made available to the general public)

ADDITIONAL INFORMATION / ATTACHMENTS:

- | | |
|--|--|
| <input type="checkbox"/> Site Location Map | <input type="checkbox"/> Video |
| <input type="checkbox"/> Sketch Map | <input type="checkbox"/> Interview Notes |
| <input type="checkbox"/> Photos | <input type="checkbox"/> Transcript |
| <input type="checkbox"/> Audio | <input type="checkbox"/> Other: _____ |

Appendix G: Human Subjects Form

Project Title

Survey to Identify and Evaluate Indian Sacred Sites and Traditional Cultural Properties in the Twin Cities Metropolitan Area

Principal Investigator

Kelly Branam, Ph.D.

Ethnographer, Assistant Professor of Anthropology, Saint Cloud State University (SCSU), Department of Sociology and Anthropology, 248 Stewart Hall, 720 Fourth Avenue South, St. Cloud, MN 56301

Telephone: (320) 308-2772

Email: kmbanam@stcloudstate.edu

Researchers

Kathleen Costello, Benjamin Gessner, Austin Jenkins

Project Description

The Minnesota Historical Society (Society) and the Oversight Board of the Statewide Historic and Archaeological Survey (Board) propose to fund the development of an inventory of Indian Traditional Cultural Properties (TCPs) and sacred sites within the seven counties that make up the Twin Cities Metropolitan area. Before the state of Minnesota creates such an inventory, a process needs to be created to address how the state should collect this information and what a state database and catalog of Indian TCP and sacred sites should entail. While a TCP and sacred site taxonomy for the state of Minnesota may include categories that are similar to the National Register criteria for evaluation, the state wishes to create its own database that addresses the needs of the Indian communities in the state of Minnesota. The inventory will be a planning tool to help to ensure that the appropriate people are contacted when TCPs and sacred sites must be managed under applicable state and federal laws. Furthermore, this project will serve as a model for the identification and evaluation of TCPs and sacred sites in Minnesota.

Interviews

The team will rely on in-depth, semi-structured interviews with expert consultants to develop a detailed picture of how native communities understand the meaning of sacred spaces and the construction and use of space specifically within the Twin Cities Metropolitan area. These interviews will inform the creation of the State database.

Confidentiality

The information gathered during these interviews will inform the creation of the state database and will inform the final report the State receives from this research. However, any information

that the consultant would like to not be shared with the state will remain confidential. Personal identities of our consultants will remain confidential.

Benefits

Benefits from this research will include a working state database of important Indian places. This database will be used as tool to preserve these places.

Voluntary Participation/Withdrawal

Participation in this research is voluntary. Consultants may decide not to participate or to withdraw their consent to participate in this research at any time, for any reason, without penalty. The decision to participate or not to participate will not affect current or future relationships with Saint Cloud State University, the Minnesota Historical Society, the State Archaeologist's office or the researchers.

Honorariums

Consultants will receive honorariums to thank them for the time they have spent with us.

Please contact Dr. Branam with any questions or concerns. Thank you for your time.

Appendix H: Bibliography

Executive Order 13007

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2005 SHPO Manual for Archaeological Projects in Minnesota (Revised Version). Minnesota State Historic Preservation Office, St. Paul, MN.

2003 National Register of Historic Places Registration Form for Oheyawahi (Pilot Knob).

2002 National Register of Historic Places Registration Form for Maka Yusota (Boiling Springs).

Austin, Diane E.

1998. Cultural Knowledge and the Cognitive Map. *Practicing Anthropology* 20(3):21-24.

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1969 *Ethnic Groups and Boundaries: The Social Organization of Cultural Difference*. Boston: Little, Brown and Company.

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1996 *Wisdom Sits in Places: Landscape and Language Among the Western Apache*. Albuquerque: University of New Mexico Press.

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2010 Letter from Minnesota Historical Society to Paul Labovitz Superintendent of NPS MNRRA attached to MOA: Among the U.S. National Park Service, Mississippi National River and Recreation Area, U.S. Fish and Wildlife Service, and the Minnesota State

Historic Preservation Officer Regarding the Building Removal, Land Restoration and Property Disposition of the Twin Cities Research Center Main Campus. Full electronic document can be found, <http://minnesotahistory.net/?p=2757>, accessed July 31, 2010

Carmean, Kelli

2002 Spiderwoman Walks this Land: Traditional Cultural Properties and the Navajo Nation. Walnut Creek, CA: Altamira Press.

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1994 Sacred Sites, Sacred Places. London: Routledge.

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1984 The Sixth Grandfather: Black Elk's Teachings Given to John G. Neihardt. Lincoln: University of Nebraska Press.

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2009 *Reconstructing Lakota Ritual in the Landscape*. PhD Dissertation, University of Minnesota, Department of Anthropology.

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