

The TCP Bulletin

Revision and Reissuance

Tribal Consultation

Nantucket Sound, Massachusetts (NR DOE 2010) determined eligible for listing in 2010 under Criteria A, B, C, and D. (Image courtesy Sara Mulrooney, 2022.)

This presentation addresses the revision and reissuance of the National Register's Traditional Cultural Places Bulletin.

Agenda

Context

Historical Timeline

Issues and Analysis

Path to Revision and Reissuance

Q&A

All images are from National Register documentation unless otherwise noted.



Creek Council Tree Site (OK)(NR Ref. 76001576) listed in 1976 as a site for its historical and cultural significance to the Muscogee Nation. (Image courtesy Felicity Good, 2022.)

The TCP Bulletin: Revision and Reissuance 2023

I have an approximately fifteen to twenty minute presentation of 24 slides to share with you.

Here's the agenda.

First, to set the context for this presentation, I'll do a quick review of National Register practice.

Next, I'll review the history of the development of the original bulletin, and its revisions in the late '90s.

Then, I'll present some of the most common issues that have been raised in the decades since about potential National Register TCPs, along with an analysis of the changes from the original bulletin to the Draft Bulletin that address those issues.

Finally, I'll lay out the path to revision and reissuance of the TCP Bulletin.



First, a quick review: to be listed in the National Register.....

- The resource under consideration must be a building, structure, object, site, or district.
- It must possess historic significance under one or more National Register criteria.
- AND it must retain the integrity to convey that significance.

Here you see a few examples of National Register listed TCPs:

Tarpon (**taar-pn**) Springs Greektown Historic District is listed, of course, as a district

Maka Yusota (**ma-ka yu-SO-tah**) as a site

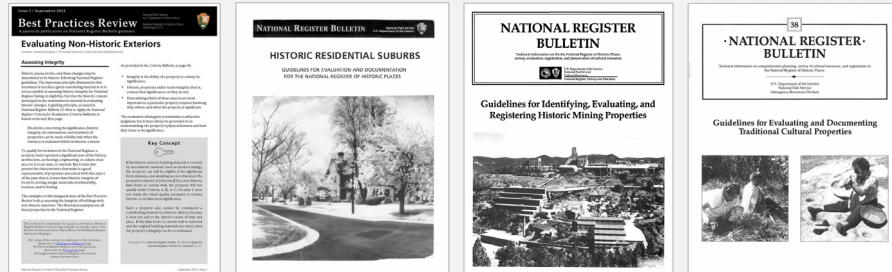
Bohemian Hall and Park is listed as a building

Our Lady of Mount Carmel Grotto, as a structure

Sleeping Buffalo Rock, as an object

National Register guidance for unique places

- Bulletin 46: Historic Residential Suburbs
- Bulletin 42: Historic Mining Properties
- Bulletin 38: Traditional Cultural Properties (Places)



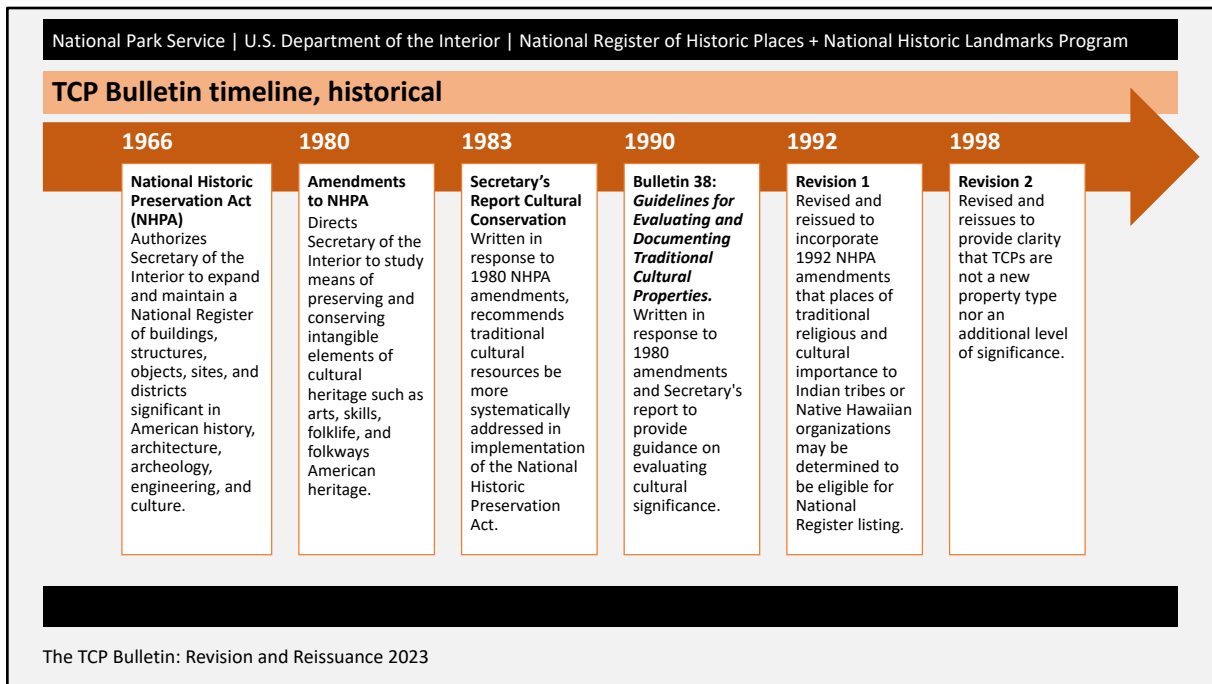
Available at www.nps.gov/subjects/nationalregister/publications.htm

Page from Best Practices Review; covers of Bulletins 36, 42, and 38.

The TCP Bulletin: Revision and Reissuance 2023

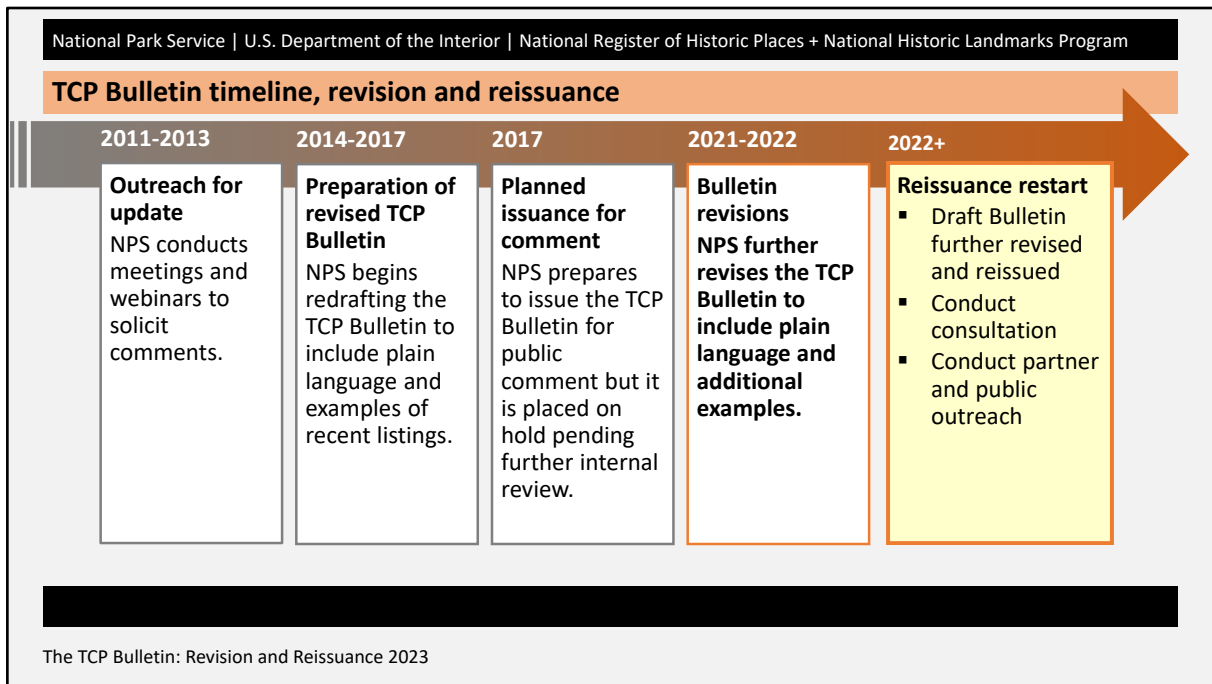
To assist in applying the criteria and evaluating property types, the National Register has issued guidance, most often in the form of "Bulletins" and most recently in a new quarterly publication, the Best Practices Review.

Several bulletins focus on specialized places, such as residential suburbs, mining properties, and, of course, traditional cultural places.



The original TCP Bulletin was published in 1990 in response to amendments to the National Historic Preservation Act. Those amendments focused on preserving and conserving elements of cultural heritage.

The bulletin was revised and reissued in 1992 and again in 1998 to address questions about religious places, property types, and significance.



In 2011, the National Park Service began work to update the TCP Bulletin. But in 2017, the work was placed on hold.

In 2021, the NPS resumed this work, and with the release of the draft Bulletin in October 2022, the reissuance process has restarted.

Issues and analysis

- Definition of “traditional cultural place”
- Determination of period of significance
- Issue of “continuity of use” by a living community
- Conflicts between historical and contemporary sources
- Assessing integrity
- Determining boundaries



Rain shrine within Kaho'olawe Island Archeological District, Hawai'i (NR Ref. No. 81000205 R), listed 1981 as a district under Criterion D.

The TCP Bulletin: Revision and Reissuance 2023

(Image dated August 26, 2008, courtesy of the U.S. Department of Agriculture, Natural Resources Conservation Service, Pacific Islands.)

In the decades since the Bulletin was last revised, many questions have been asked about nominating TCPs to the National Register. The recently-released Draft Bulletin attempts to address those.

In the next series of slides, I'll compare language from the original Bulletin to the Draft Bulletin for a few of the most commonly asked questions.

Definition of “traditional cultural place”

1998 Bulletin

A traditional cultural property, then, can be defined generally as one that is eligible for inclusion in the National Register because of its association with cultural practices or beliefs of a living community that (a) are rooted in that community’s history, and (b) are important in maintaining the continuing cultural identity of the community. (p. 1, col. 3.)

October 2022 Draft Bulletin

A traditional cultural place (TCP) is a building, structure, object, site, or district that may be eligible for inclusion in the National Register for its significance to a living community because of its association with cultural beliefs, customs, or practices that are rooted in the community’s history and that are important in maintaining the community’s cultural identity. (p. 10, lines 15-18.)

Analysis: Stylistic changes for clarity; no change in meaning.

The TCP Bulletin: Revision and Reissuance 2023

There is no change from the original bulletin to the Draft Bulletin in how a traditional cultural place is defined as applies to potential National Register eligibility.

A traditional cultural place is a building, structure, object, site, or district that may be eligible for inclusion in the National Register for its significance to a living community because of its association with cultural beliefs, customs, or practices that are rooted in the community’s history and that are important in maintaining the community’s cultural identity.

Definition of “traditional cultural place”: essential characteristics

October 2022 Draft Bulletin

To be considered eligible for inclusion in the National Register, a traditional cultural place must have all of the following characteristics:

- 1) The place must be associated with and valued by a living community.
- 2) The community that values the place must have existed historically, and continue to exist in the present.
- 3) The community must share beliefs, customs, or practices that are rooted in its history and held or practiced in the present.
- 4) These shared beliefs, customs, or practices must be important in continuing the cultural identity and values of the community.
- 5) The community must have transmitted or passed down the shared beliefs, customs, or practices, including through spoken or written word, images, or practice.
- 6) These shared beliefs, customs, or practices must be associated with a tangible place.
- 7) The place must meet the criteria for listing in the National Register of Historic Places.
 - A place must have significance: it must be important in a community's history, architecture, archeology, engineering, or culture.
 - A place must have integrity: it must retain the ability to convey its significance.

Analysis: Revised text for clarity; no change in meaning.

The TCP Bulletin: Revision and Reissuance 2023

The Draft Bulletin further describes the essential characteristics of a TCP:

One, the place must be associated with and valued by a living community.

Two, that community must have existed historically, and continue to exist in the present.

Three, the community must share beliefs, customs, or practices that are rooted in its history and held in the present.

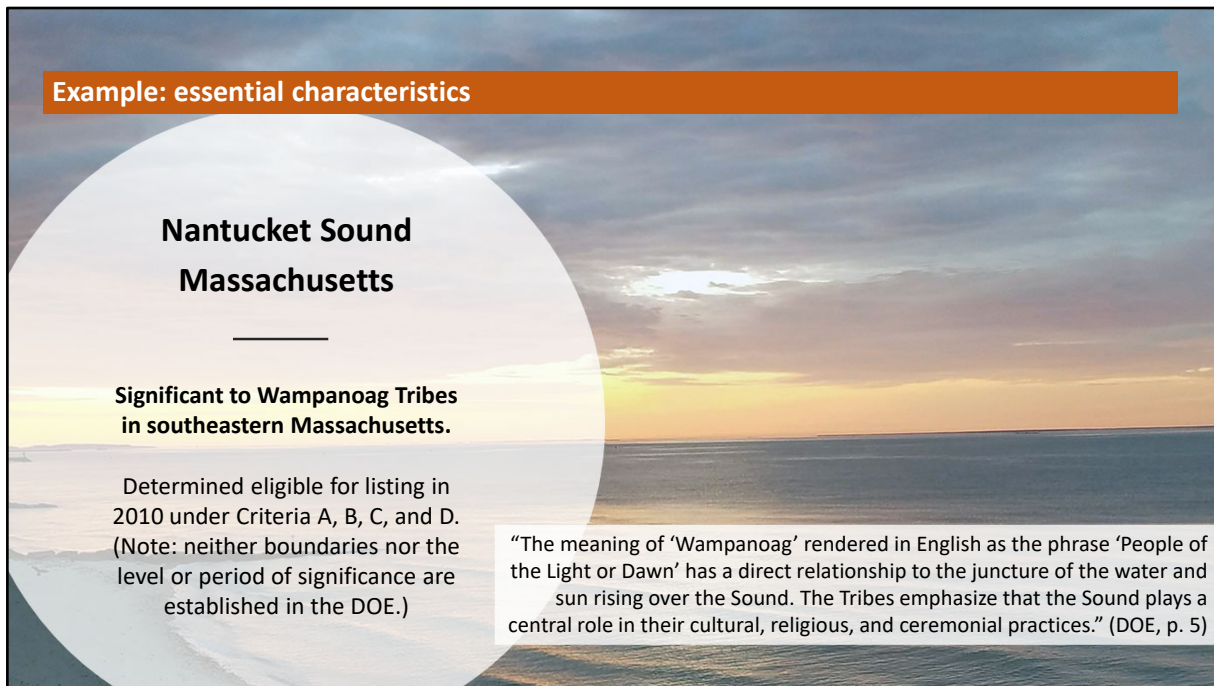
Four, these shared beliefs, customs, or practices must be important in continuing the community's cultural identity and values.

Five, the community must have passed down the beliefs, customs, or practices.

Six, the beliefs, customs, or practices must be associated with a tangible place.

And seven, to be listed in the National Register, the place must meet National Register criteria:

- It must have significance: that is, it must be important in a community's history, architecture, archeology, engineering, or culture.
- And it must have integrity; that is, it must retain the ability to convey its significance.



The passage of time since the original bulletin was issued has allowed for the inclusion in the Draft Bulletin of many more listings to provide examples for guidance.

In 2010, Nantucket Sound was determined eligible for listing in the National Register for its significance in Wampanoag beliefs, customs, and practices..

This example, and the others you’ll see in this presentation, are included in the Draft Bulletin, along with many more.

Determination of period of significance

1998 Bulletin

[T]here are often two different kinds of "periods." One of these is the period in which, in tradition, the property gained its significance..... The second period that is often relevant to a traditional property is its period of use for traditional purposes. (p. 17, col 3; p. 18, col. 1.)

October 2022 Draft Bulletin

(1) The period of significance as presented in a National Register nomination may be the period in which, in tradition, the place gained its significance according to the beliefs of the community that values it..... (2) A second period of significance for some TCPs is the period during which the place has actually been used for cultural purposes. (p. 50, lines 1-3, 15-16.)

Analysis: Stylistic changes for clarity; no change in meaning.

The TCP Bulletin: Revision and Reissuance 2023

Another question frequently asked over the years has been, how is the period of significance determined?

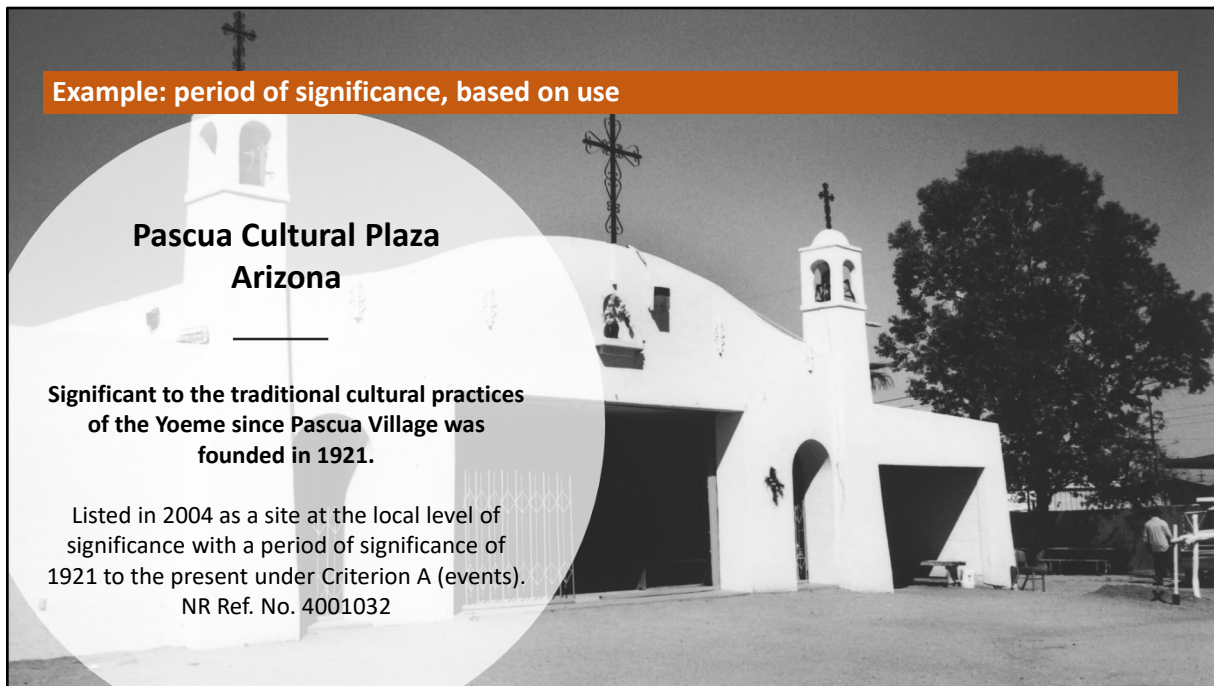
As in the original bulletin, the Draft Bulletin describes two different kinds of periods of significance for a National Register nomination:

- The period of significance may be the period of time in which the place gained its significance according to the beliefs of the community that values it.....
- Or the period of significance may be for the period of time during which the place has actually been used for cultural purposes.



Here is an example of a listed TCP with a period of significance determined by when the place gained its significance according to the beliefs of the community that values it.

In the traditions of the several Tribes that value Gold Strike Canyon / Sugarloaf Mountain, “creation to the present” is the period over which they conducted traditional cultural practices at numerous and specific locations here.



Here is an example of a listed TCP with a period of significance determined by the time period over which the place has actually been used for cultural purposes. Pascua (**PAS-kwa**) Plaza has served as the location for ceremonial activities of the Yoeme (**yo-EM-may**) community since Pascua (**PAS-kwa**) Village was founded in 1921. The period of significance then is 1921 to the present.

Common to both these TCPs, and indeed to many TCPs, is the fact that the period of significance extends into the present. Recall the definition of a TCP: it is a place that may be eligible for inclusion in the National Register for its significance to a living community because of its association with beliefs, customs, or practices that are important in maintaining the community's cultural identity. So it follows that if a place is important in the continuity of a community's cultural identity, the period of significance continues into the present.

But that idea of "continuity" has raised questions over the years.....

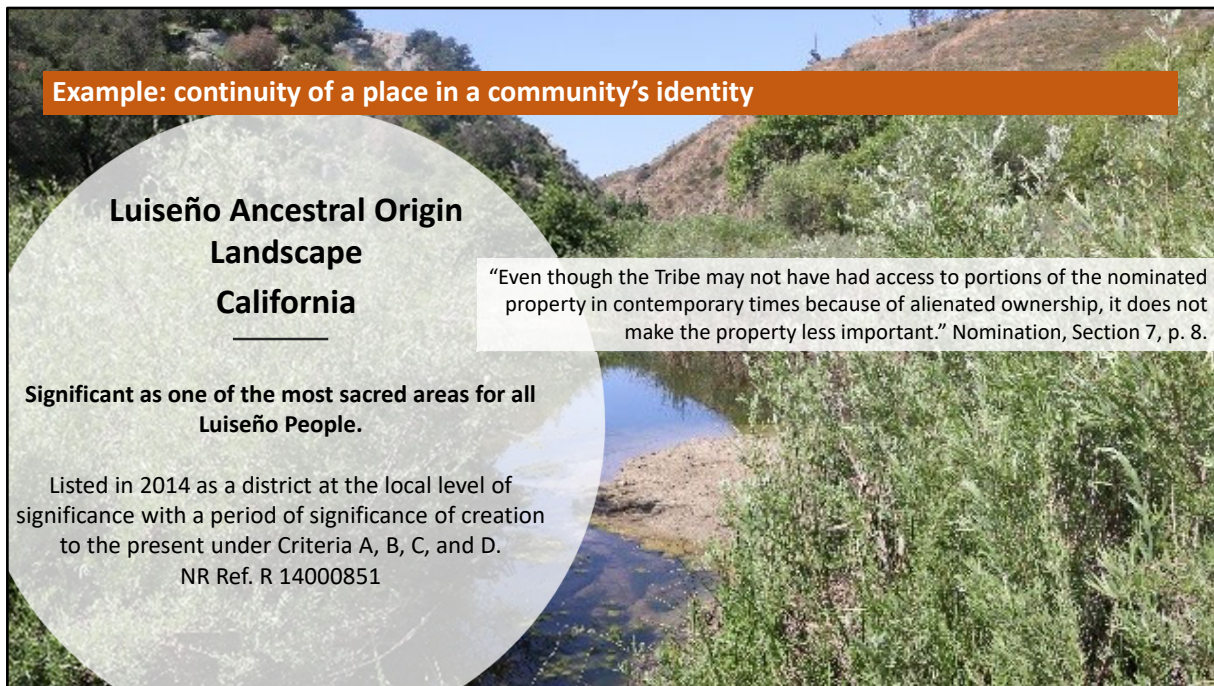
Issue of “continuity of use” by a living community

- The TCP Bulletin did not and does not use the phrase “continuity of use.”
- No place need have been in continuous use by a living community to be valued by that community as a traditional cultural place and to be potentially eligible for National Register listing.
- But a place must be associated with the shared beliefs, customs, or practices important in *continuing* the cultural identity and values of the community.

The TCP Bulletin: Revision and Reissuance 2023

As clarified in the Draft Bulletin, no place need have been in continuous use by a living community to be valued by that community as a traditional cultural place and to be eligible for National Register listing.

A place may be important in the continuity of a community’s identity, despite that community’s inability to access the place for some period of time.



The Luiseño Ancestral Origin Landscape in California is recognized by the Indigenous People of the area as the place of creation. The period of significance for traditional purposes extends back to this time and into the present, even though the people that value the place were forcibly removed from it in contemporary times. (Draft TCP Bulletin, Text, p. 49.)

Conflicts between historical and contemporary sources

1998 Bulletin

In general, the only reasonably reliable way to resolve conflict among sources is to review a wide enough range of documentary data, and to interview a wide enough range of authorities to minimize the likelihood either of inadvertent bias or of being deliberately misled. Authorities consulted in most cases should include both knowledgeable parties within the group that may attribute cultural value to a property and appropriate specialists in ethnography, sociology, history, and other relevant disciplines. (p. 9, col. 2)

October 2022 Draft Bulletin

In general, the views of those who ascribe cultural value to a place should be prioritized; after all, it is they who value it, and therefore are the most authoritative about its significance. Where this simple standard cannot be applied, then the only reasonably reliable way to resolve discrepancies among sources is to review a wide enough range of information, and confer with a wide enough range of experts, to minimize the likelihood either of inadvertent bias or of being deliberately misled. Authorities consulted in most cases should include experts within the community that may attribute cultural value to a place and appropriate specialists in ethnography, sociology, history, and other relevant disciplines. (p. 27, lines 15-21.)

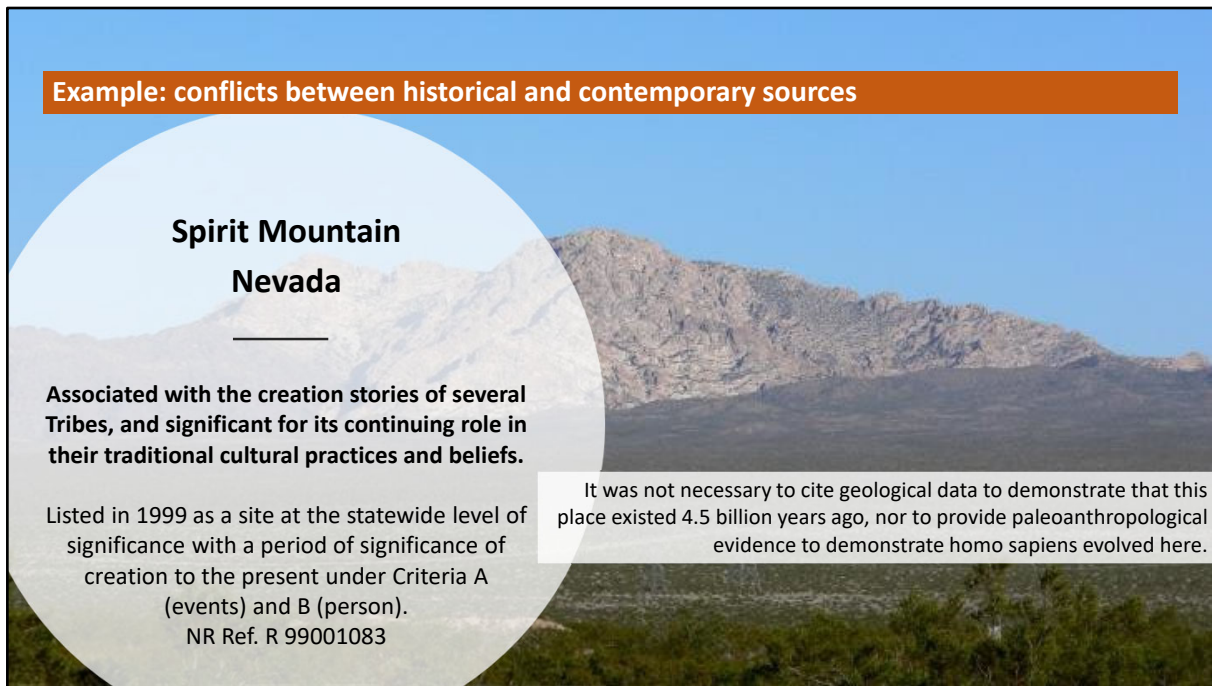
Analysis: Reiterates traditional knowledge as acceptable source; no change in meaning.

The TCP Bulletin: Revision and Reissuance 2023

Questions have been asked about how to resolve conflicts between historical and contemporary sources about the significance of a place.....

In documenting any place—be it a place significant for its role in cultural identity or a building significant for its architecture—a nomination preparer may encounter conflicts between historical and contemporary accounts, between what is documented in books and what the community shares about it.

Both the original and Draft Bulletins stress that traditional knowledge is an independent line of evidence provided by the people who are the authorities in their culture and the connection that culture has to a place.



For example, Spirit Mountain in Nevada is a site associated with the creation stories of several Tribes. The mountain continues to serve an essential role in their traditional cultural practices and beliefs.

The period of significance—creation to present—for Spirit Mountain has been defined by the Tribes that attach significance to this place.

Tribal members shared information on the significance of this place with the understanding that they could not provide detailed information because of its extreme spiritual sensitivity. Nevertheless, the nomination is well-documented with both historical and contemporary sources, including oral histories.

Assessing integrity: feeling and association

1998 Bulletin

In the case of a traditional cultural property, there are two fundamental questions to ask about integrity. First, does the property have an integral relationship to traditional cultural practices or beliefs; and second, is the condition of the property such that the relevant relationships survive? (p. 10, col. 1)

Integrity of relationship (p. 10, col. 1)

Integrity of condition (p. 10, col. 2)

October 2022 Draft Bulletin

Evaluating whether a place has integrity of feeling and association involves exploring two questions:

- (1) Does the place have an essential relationship with traditional cultural beliefs or practices?
- (2) Does the relationship with the place endure, despite any alterations, in the view of those who value it? (p. 42, lines 31-32 and p. 43, lines 1-3)

Is the relationship essential? (p. 43, line 5)

Does the relationship endure? (p. 43, line 21)

Analysis: Stylistic overhaul for clarity, no change in meaning.

The TCP Bulletin: Revision and Reissuance 2023

Over the years, questions have been raised about how to assess a place's integrity of feeling and association.....

The original bulletin's use of the phrase "integrity of relationship" has been misunderstood as adding an eighth aspect of integrity to the seven existing aspects of location, setting, design, materials, workmanship, feeling, and association.

In the Draft Bulletin, "integrity of relationship" has been reframed as "is the relationship essential?" (The same question could have been asked as "is the relationship integral" but using this closely related word risks the same confusion.)

Likewise, "integrity of condition" has been restated as "does the relationship endure?" to provide guidance in assessing whether a traditional community's relationship with a place endures despite changes to the place.

Example: assessing integrity of feeling and association: is the relationship essential?

Is the Relationship Essential?

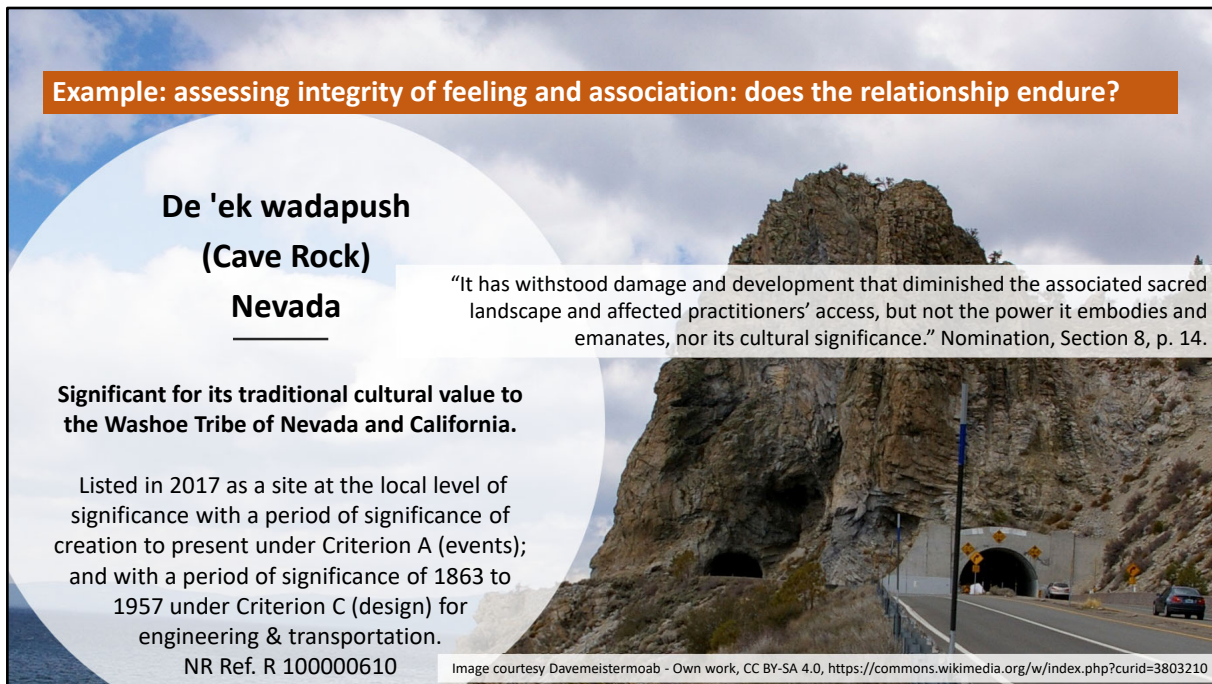
Evaluating how essential the relationship is between a place and the beliefs or practices that may give it significance involves understanding how the community that holds the beliefs or carries out the practices views the place. If the place is known or likely to be regarded by a traditional cultural group as important in maintaining or passing on a belief, or to the performance of a practice, the place can be said to have an “essential relationship” with the belief or practice.

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

Text clip from *Draft TCP Bulletin* dated October 27, 2022, p. 43.

With respect to the question of whether the relationship between a place and a community's beliefs, customs, and practices is essential....

Both the original bulletin and the Draft Bulletin offer this hypothetical example describing the difference between a body of water important in a community's traditional practices and a particular body of water essential to a community's traditional practices.



With respect to the question of whether the relationship between a place and a community's beliefs, customs, and practices endures...

Here is an example included in the Draft Bulletin of an enduring relationship with a place despite modern impacts to its integrity.

This is De 'ek wadapush (**Cave Rock**) in Nevada. Listed in the National Register in 2017, this place continues to be regarded as a sacred place of extraordinary spiritual power to the Washoe (**waa-show**) people despite the intrusions of a vehicle tunnel and, for a time, recreational rock climbing.

Determining boundaries

- Consistent with other National Register Guidance, both the original bulletin and the Draft Bulletin state that a boundary is based on the significance and integrity of the resources that makeup the place. (*National Register Bulletin 16A: How to Complete the National Register Registration Form*, p. 56; Original Bulletin, pp. 18, col. 3 and p. 19, col. 1; Draft Bulletin, p. 52, line 13-14.)
- Both acknowledge that determining boundaries for traditional cultural places can be a challenge. (Original Bulletin, p. 18, col. 2; Draft Bulletin, p. 51, lines 23-26.)
- Both acknowledge that a boundary decision may seem arbitrary, such as the one for the Helkau Historic District in northern California, where the boundary was drawn along topographic lines that included all the locations and travel routes associated with traditional activities as well as the immediate viewshed surrounding them. (Original Bulletin, p. 18, col. 3; Draft Bulletin, p. 51.)

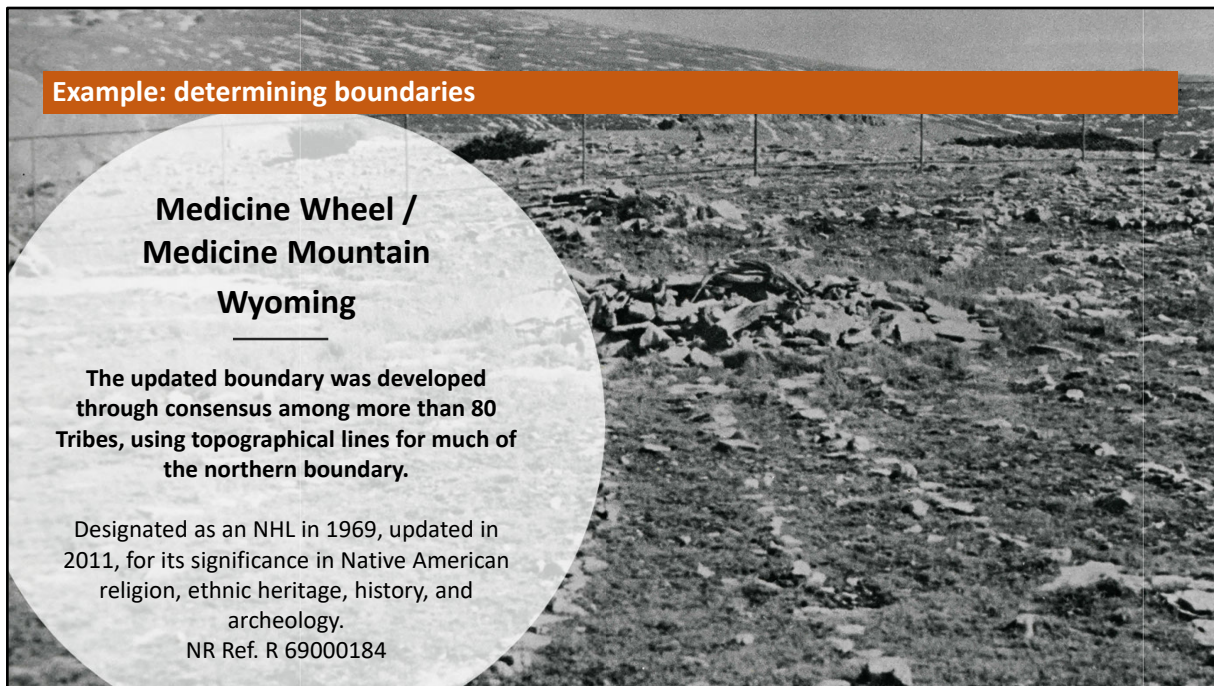
The TCP Bulletin: Revision and Reissuance 2023

And finally, before we look at the schedule for the Bulletin's reissuance.....

A specific boundary description and justification for any nominated place, including those recognized as TCPs, must be included in a National Register nomination. Boundaries should be carefully selected based on the significance and integrity of the place.

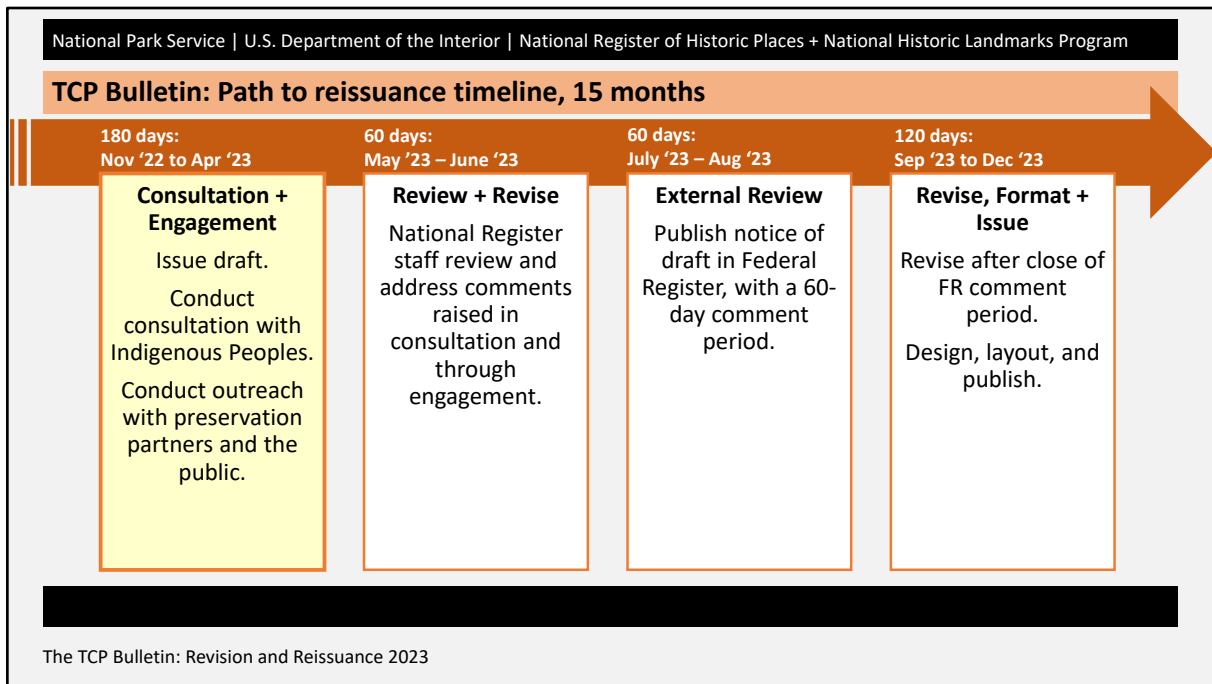
Both the original Bulletin and the Draft Bulletin acknowledge that determining boundaries for traditional cultural places can be a challenge.

Both acknowledge that a boundary decision may seem arbitrary, such as the one for the Helkau Historic District in northern California. Here, the boundary was drawn along topographic lines that included the locations and travel routes associated with traditional activities; and the immediate viewshed surrounding them.



The Draft Bulletin provides an additional examples.....

The updated boundary established for Medicine Wheel / Medicine Mountain in Wyoming in 2011 was developed through consensus among more than 80 Tribes, using topographical lines for much of the northern boundary. The expansion from 100 to more than 4,000 acres reflects the recognition that the Medicine Wheel was built in this location because of the importance of the mountain summit and its associated lands.



Let's take a look now at the proposed path to reissuance of the TCP Bulletin.....

We've developed a 15 month schedule, aiming for issuance by December 2023.

The schedule assumes 6 months to conduct partner and public outreach, and consultation with Native American Tribes, Native Hawaiian Organizations, and Alaska Native Corporations. You'll find the schedule posted on the project website, which is available from the National Register home page.

National Park Service | U.S. Department of the Interior | National Register of Historic Places + National Historic Landmarks Program

TCP Bulletin: review and comment

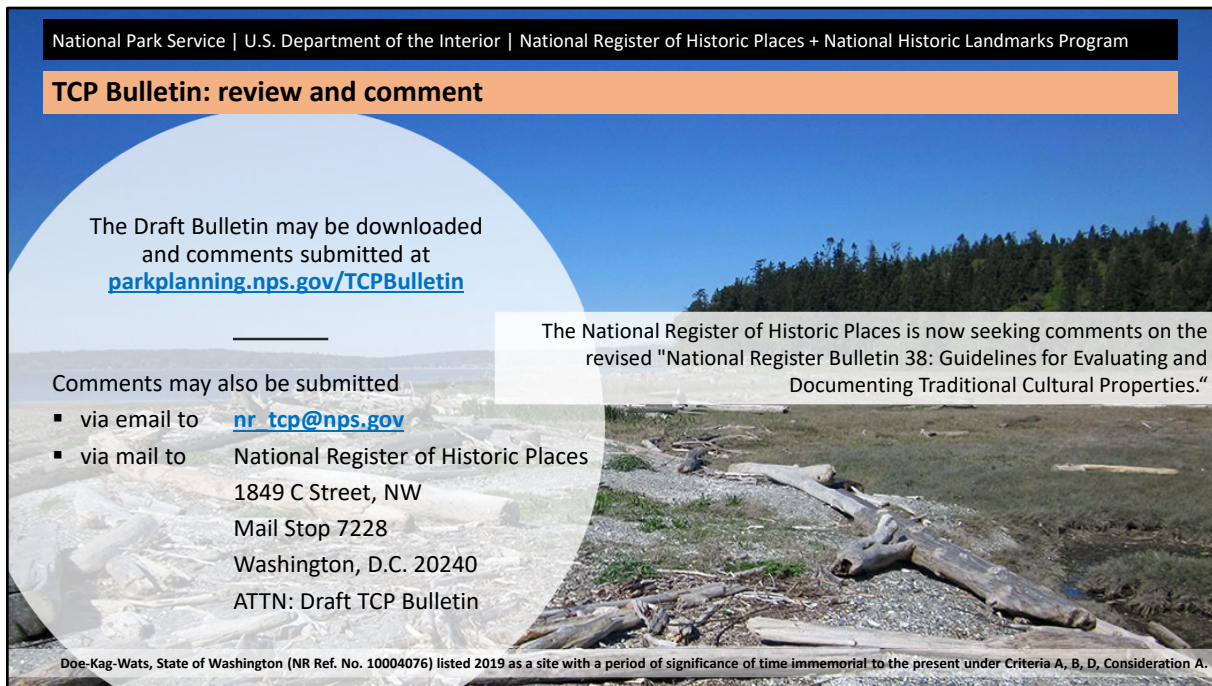
The Draft Bulletin may be downloaded and comments submitted at parkplanning.nps.gov/TCPBulletin

Comments may also be submitted

- via email to nr_tcp@nps.gov
- via mail to National Register of Historic Places
1849 C Street, NW
Mail Stop 7228
Washington, D.C. 20240
ATTN: Draft TCP Bulletin

The National Register of Historic Places is now seeking comments on the revised "National Register Bulletin 38: Guidelines for Evaluating and Documenting Traditional Cultural Properties."

Doe-Kag-Wats, State of Washington (NR Ref. No. 10004076) listed 2019 as a site with a period of significance of time immemorial to the present under Criteria A, B, D, Consideration A.



And with this side, the formal presentation is concluded.

You see here information for providing comments on the Draft Bulletin.