

United States Department of the Interior
BUREAU OF LAND MANAGEMENT
California State Office
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To: Field Managers and Archaeologists
From: State Director
Subject: Sacred Areas

In California we have worked for nearly two decades in trying to identify and facilitate use of special areas by California's aboriginal inhabitants who presently reside on 105 federally recognized reservations. We have worked diligently with State and self recognized native groups to assist in sound land use planning and use throughout the state. In order to work with various groups of California Indians we have entered into MOU's with the California Native American Heritage Commission, have developed protocols with local Indian groups, have developed specific planning efforts on the Carrizo Plain and in the Santa Rosa Mountains National Scenic Area where California Indian individuals and groups provided specific management counsel. We have set aside portions of the landscape to emphasize Indian collecting and harvesting areas as well as have developed ACEC's for sacred geography.

In 1996 President Clinton signed Executive Order 13007 to facilitate the preservation of Indian religions and to provide for access to sacred and religious sites on federal property, as long as that access was not inconsistent with other laws or policy (See Attached). The Order also provided for the formal development of Protocols between the BLM and all of the federally recognized tribes which considered California to be their homeland. Also attached is the Department Manual 512, Part 3 and some basic questions and answers designed to help you in working with sacred sites.

You Field Managers and your archaeologists have taken great pain in developing protocols. We have over a dozen which have been developed in the last two years. Many more are in the planning and discussion mode and will be completed this year. I encourage you to finish them as quickly as you can, but keep in mind the fact that the protocol is the end product of the development of a meaningful relationship between you as the Bureau's representative and the tribal chair as the representative of aboriginal peoples in your specific area.

I have enclosed an article courtesy of Current Anthropology for you to review with your staff archaeologist. This article analyzes a "sacred site" in Santa Barbara from an historical and anthropological perspective. The discussion is extremely relevant to the management of public lands within your field area because it discusses not only anthropologically relevant data and process, but the politics of Indian interest related to non reservation lands. Try and follow the essay through to the logical end and read some of the comments. You will be seeing more discussion in the newspapers about the issue because it is active and divisive in the local community pitting Indians, archaeologists, land use planners, and project proponents in "no win" situations. These situations may have been avoided with better research and better negotiation,

but emotions with "sacred" sites often run high.

In California, on public lands we may have sites which have been determined by the same type of process to be of special significance. There is at least one site which has been designated as a sacred place where there is absolutely no historic background to indicate that the site had special meaning historically. While it is important to listen to concerned land users it is equally important to listen to your staff specialist and analyze their data and reasoning before making a long term land use decision.

Please continue to work with California's tribes in a positive manner to develop protocols. A list of our current protocols will be sent to the WO since the Director has expressed an interest in them.

Please contact the State Office Indian Coordinator if you have questions on how to verify some of the special attributes claimed to occur on the landscape before these places receive long term planning designations. If you have questions, please contact Russell L. Kaldenberg at 916 978-4635.

Signed
Ed Hastey
State Director

Authenticated
AJ Ajitsingh
Records Management Team

4 - Attachments:

- 1 - Executive Order 13007 (2 pgs)
- 2 - Departmental Manual Part 512 (5 pgs)
- 3 - Questions and Answers (Draft, BLM) (6 pgs)
- 4 - Essay "Anthropology and the Making of Chumash Tradition" (34 pgs) {Under Separate Cover}

THE WHITE HOUSE
May 24, 1996
Executive Order 13007
INDIAN SACRED SITES

By the authority vested in me as President by the Constitution and the laws of the United States, in furtherance of Federal treaties, and in order to protect and preserve Indian religious practices, it is hereby ordered:

Section 1. Accomodation of Sacred Sites.

(a) In managing Federal lands, each executive branch agency with statutory or administrative responsibility for the management of Federal lands shall, to the extent practicable, permitted by law, and not clearly inconsistent with essential agency functions, (1) accomodate access to and ceremonial use of Indian sacred sites by Indian religious practitioners and (2) avoid adversely affecting the physical integrity of such sacred sites. Where appropriate, agencies shall maintain the confidentiality of sacred sites.

(b) For purposes of this order:

(i) "Federal lands" means any land or interests in land owned by the United States, including leasehold interests held by the United States, except Indian trust lands;

(ii) "Indian tribe" means an Indian or Alaska Native tribe, band, nation, pueblo, village, or community that the Secretary of the Interior acknowledges to exist as an Indian tribe pursuant to Public Law No. 103-454, 108 Stat. 4791, and "Indian" refers to a member of such an Indian tribe; and

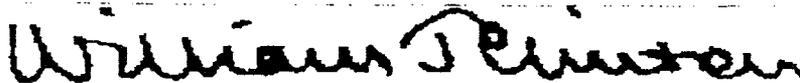
(iii) "Sacred site" means any specific, discrete, narrowly delineated location on Federal land that is identified by an Indian tribe, or Indian individual determined to be an appropriately authoritative representative of an Indian religion, as sacred by virtue of its established religious significance 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.

Section 2. Procedures. (a) Each executive branch agency with statutory or administrative responsibility for the management of Federal lands shall, as appropriate, promptly implement procedures for the purposes of carrying out the provisions of section 1 of this order, including, where practicable and appropriate, procedures to ensure reasonable notice is provided of proposed actions or land management policies that may restrict future access to or ceremonial use of, or adversely affect the physical integrity of, sacred sites. In all actions pursuant to this section, agencies shall comply with the Executive memorandum of April 29, 1994, "Government-to-Government Relations with Native American Tribal Governments." (b) Within 1 year of the effective date of this order, the head of each executive branch agency with statutory or administrative responsibility for the management of Federal lands shall report to the President, through the Assistant to the President for Domestic Policy, on the implementation of this order. Such reports shall address, among other things, (i) any changes necessary to accommodate access to and ceremonial use of Indian sacred sites;

(ii) any changes necessary to avoid adversely affecting the physical integrity of Indian sacred sites; and (iii) procedures implemented or proposed to facilitate consultation with appropriate Indian tribes and religious leaders and the expeditious resolution of disputes relating to agency action on Federal lands that may adversely affect access to, ceremonial use of, or the physical integrity of sacred sites.

Section 3. Nothing in this order shall be construed to require a taking of vested property interests. Nor shall this order be construed to impair enforceable rights to use of Federal lands that have been granted to third parties through final agency action. For purposes of this order, "agency action" has the same meaning as in the Administrative Procedures Act (5 U.S.C.551[13]).

Section 4. This order is intended only to improve the internal management of the executive branch and is not intended to, nor does it, create any right, benefit, or trust responsibility, substantive or procedural, enforceable at law or equity by any party against the United States, its agencies officers, or any person.



WILLIAM J. CLINTON

THE WHITE HOUSE, May 24, 1996.