

**National Historic Preservation Act: Section 106
Success Story
Tongass National Forest**

Project Name: On Your Knees Cave and the Shuká Kaa Honor Ceremony (1992-2008)

Site Name: On Your Knees Cave (AHRS #: PET-00408)

Project Description: Over the course of more than 16 years this project took many forms and yielded challenges and successes in a variety of areas. A karst vulnerability survey and assessment during timber sale planning in 1992 and 1993 led to identification of a modest solution cave, which upon closer inspection was found to contain significant paleontological resources. Permitted paleontological research in the cave a few years later (1994-1996) led to discovery of human remains and cultural artifacts in July 1996. Those discoveries led immediately to consultation under the terms of the



Native American Graves Protection and Repatriation Act (1990 – NAGPRA) and the development of a long term relationship among the Island Tribes, the Tongass National Forest, and researchers.

Continuing dialogue and cooperation during field investigations and analysis resulted in remarkable

insights into some of the earliest human activities on the Northwest Coast. Following studies of the 10,300 year-old human

remains and receipt of request for transfer of custody under NAGPRA (2006) the remains were returned to the claimant tribes in 2007. In

September 2008 the remains were reburied in the Tlingit homeland and the Tribes, supported by Alaska

Native, federal, and academic partners celebrated the person, termed Shuká Kaa by a council of elders, and the

enhanced relationships that had resulted from the long years of working together. The event was attended by dignitaries from all levels of tribal, federal, state, and local governments and honored the partnerships and the knowledge gained from the ancient ancestor.



Casts of the human skeletal remains from On Your Knees Cave (1996-2004) Denver Museum of Science and Nature



10,000 year-old microblades from On Your Knees Cave

Location (City, State): near Port Protection, Alaska. On the Torne Bay Ranger District of the Tongass National Forest.

Date of Case: 1992 - 2008

How the case was resolved (Memorandum of Agreement, ACHP comment, etc.): Section 106 process was initially resolved via a Decision Notice for the Labouchere Bay EIS following NHPA Section 106 consultation with the Alaska SHPO circa 1994. The harvest and road plan was modified to avoid impacts

to historic properties. A 2004 MOA between the Alaska SHPO and the Tongass National Forest guided subsequent consultation in regards to On Your Knees Cave. Consultation between the claimant tribes and the Tongass National Forest and the eventual transfer of custody of the human remains took place within the context of NAGPRA.

Has it received any preservation awards or designations? The project received recognition both regionally and nationally as an example of partnership and tribal relations efforts.

Why do you think the case was successful? At the point of discovery of human remains on July 4, 1996 we were fortunate that the paleontologists understood the terms of NAGPRA and immediately ceased their excavation and reported the discovery to the Forest Service. Similarly, notification of the tribes and consultation about next steps began the same day. Collaborative minded individuals were in place at the tribal offices, with the Forest Service, and among the researchers and facilitated the discussion. Researchers were proactive in offering creative ways to integrate Alaska Native people and thoughts into the research implementation. Over the course of the subsequent archaeological and paleontological fieldwork open lines of communication were maintained with the Forest Service archaeologist serving as liaison between the researchers and the tribal councils. It was this openness of communication that guided the tone of the relationships. The ultimate outcome, transfer of custody and reburial of the human remains, though not ideal to some interested parties, was the culmination of the relationships and honored commitments made 12 years earlier.

Historic Preservation:

In the end a great deal of archaeological research and data recovery was conducted at On Your Knees Cave. But, in many ways the cultural site might have gone undetected. First, although significant karst resources (caves and solution features) were known to exist in the Lab Bay EIS Planning Area and a karst survey was conducted, this little cave (later named On Your Knees Cave) was initially thought to be rather minor and hardly worthy of mention. It is to the credit of the karst inventory team (Allred and Fritsky), who applied their experience and intuition, that the paleontological potential of the cave was recognized and eventually resulted in the area being removed from consideration for logging. Two years later it was the caving community who called On Your Knees Cave to the attention of paleontologist Tim Heaton. But, still no cultural remains had been noted. It was during Heaton's third visit to the site that artifacts and then human remains came to light. It was only deep within the cave, beyond the photic zone, in an area archaeologists would be very unlikely to test, that cultural materials were discovered beneath the remains of ancient animals. Artifacts recovered years later on the terrace outside the cave were deeply buried and would have been beyond the range of standard archaeological probing. A great deal has been learned from five seasons of archaeological work at On Your Knees Cave. But, the site might have gone unrecognized but for the assessment skills of the cavers attached to the timber planning effort and the awareness of the paleontological research team.

Archaeopolitics and NAGPRA:

The cultural discoveries at On Your Knees Cave in Alaska came to light in July 1996. The human remains were found by Heaton on July 4. Ten days later near Kennewick, Washington another ancient human skeleton was discovered; this in a shallow side channel of the Columbia River by two young men on their way to a hydroplane race. The two projects went down very different tracks. In the Kennewick case initial efforts by the Corps of Engineers to turn the skeleton over to the local tribal governments were

derailed by a consortium of scientists who filed for an injunction on the decision to transfer custody to the tribes. Over the course of the following decade and a series of court decisions the tribes' claim was denied on the basis that the remains could not be proven to be Native American in the context of NAGPRA even though they were over 8,000 years old. Research and analysis took a back seat to legal battles. At On Your Knees Cave good working relationships were forged between scientists, federal agencies, and tribes. Further excavation and analysis went forward and information was shared freely among partners. In his book "Skull Wars: Kennewick Man and the Battle for Native American Identity" David Hurst Thomas, Curator of Archaeology at the American Museum of Natural History, refers to the On Your Knees Cave Project as a model for 21st century archaeology.

Legislative Changes:

The request from the tribes for transfer of custody of the human remains from On Your Knees Cave was initially based on the concept of a cultural affiliation of the Tlingit people with the individual from the cave. However, there were no culturally diagnostic artifacts discovered with the human remains or elsewhere in the cave. The remains were determined to be culturally unidentifiable. However, the remains had been determined through MtDNA to be Native American and they had been discovered within the traditional territories of the Tlingit People as determined by the US Court of Claims. The remains were eligible for transfer to the tribes. This interpretation and application of the NAGPRA process is consistent with the later policy clarification.

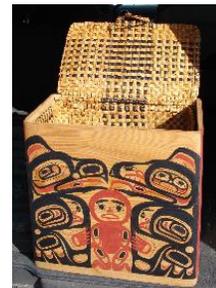
Public Involvement and Support:

Throughout the project researchers (archaeological and paleontological) and Forest Service managers not only maintained open communication with tribal councils and leaders but also made presentations in the communities of Prince of



Shuká Kaa's Headstone (courtesy Sealaska Corporation)

Wales Island. As the partners prepared to celebrate their relationships and the knowledge gained through the study of the ancient ancestor, support in the form of donations of food and time came from all sectors of the Island community and beyond. The Shuká Kaa Honor Ceremony in late September 2008 was a moving tribute to the long-term successes of the project and the benefits of sharing the excitement of the study of the past.



Shuká Kaa's Burial Box (Box design: Jonathan Rowan Jr.; cedar liner by Debbie Head)

Beyond Archaeology:

The On Your Knees Project (1992-2008) coincided with the growth of the Forest Service Tribal Government Relations Program in Southeast Alaska and nationally. It has been said that the relationships developed around the issues on this project lead to an atmosphere of improved trust and familiarity that affected the relationships between the Tongass National Forest and Tribes on a variety of other issues. Certainly the fabric of the Tribal/Forest Service relationships in 2010 were much improved over those that existed in 1990. Working together openly on a project of mutual interest and benefits builds foundations for discussions of diverse issues.



Klawock Cooperative Association

Craig Community Association

University of Colorado Boulder

University of South Dakota Vermillion

Shuká Kaa

"Man Before Us"



Partnership in Knowledge
Linking the Past and the Future
Through Mutual Respect
September 2008

Sealaska Heritage Institute

ON YOUR KNEES CAVE
1996-2008

Tongass National Forest

Shuká Kaa
We Have Lived in Southeast Alaska
Since Time Immemorial.
Shuká Kaa is Testimony to our
Ancient Occupancy on this land
Born Circa: 10,300 years ago
Died Circa: 10,280 years ago
September 25, 2008



Award Poster presented to partners at the Shuká Kaa Honor Ceremony, 2008