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SUCCESS STORY

Land Use Management Planning Protects Historic De'ek Wadapush (Cave Rock)

Lake Tahoe, Nevada



“Cave Rock means many things to many people. The process of reaching a decision for Cave Rock was one that required the utmost attention and consideration. Some have characterized this issue as a Native American religion versus climber conflict, yet this is simply not the case. Rather, the decision is actually based on resource values verses user impacts... The significant historic, cultural and scientific values present at Cave Rock are deserving of maximum protection.”

—MARIBETH GUSTAFSON
Forest Supervisor
Cave Rock decision announcement,
July 10, 2003

THE STORY

To the Washoe Tribe of Nevada and California (Tribe), Lake Tahoe is the center of the Washoe world, geographically and spiritually. Since the beginning, De'ek Wadapush “rock standing grey,” a prominent physical feature on the eastern shore of Lake Tahoe, has been a sacred place of extreme spiritual power to be respected and avoided by all but certain traditional Washoe doctors or traditional practitioners. Cave Rock, as it is commonly known, is also the most important historic property in existence to the Washoe people. In 1996, the Forest Service Lake Tahoe Basin Management Unit (FS) determined Cave Rock eligible for inclusion in the National Register of Historic Places (NRHP) as a Traditional Cultural Property (TCP) because of its associations with Washoe traditions regarding the creation of a landscape central to Washoe heritage, belief, and cultural identity as well as its continued role in providing spiritual power to traditional Washoe practitioners. Cave Rock, in addition to being a TCP, is also eligible as a historic transportation district and archaeological site.

THE PROJECT

In 1993, the Tribe officially alerted land management and regulatory agencies of the sacredness and significance of Cave Rock and its environs when it learned the Nevada Division of State Parks had submitted a permit application to the Tahoe Regional Planning Agency (TRPA) to improve and extend the boat ramp at Cave Rock Lake Tahoe State Park. The Tribe also shared its concerns regarding threats to Cave Rock's traditional religious and cultural significance by rock climbing and that the Tribe considered such activity to be desecration of and damage to a most sacred site. During the FS's development of the Forest Plan, Cave Rock was mistakenly identified as private land therefore not assigned a management prescription. A title search revealed that Cave Rock is in fact located on FS land. When the FS understood it had management responsibilities, it initiated an amendment to its management plan, which was also a requirement of the TRPA's 1993 permit to allow improvements to the state park boat launch. The purpose of the amendment was to protect the Cave Rock heritage resource and regulate uses to preserve the historic and cultural characteristics that made the property eligible for listing in the NRHP.

Photos: Above, a view from Logan Shoals Vista Point; Right, looking north from Cave Rock State Park; a view from the shoreline

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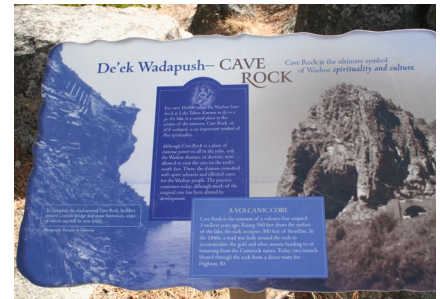


Photos: views of Cave Rock; Logan Shoals Vista Point sign about Cave Rock historic site

THE 106 PROCESS

The FS was the federal agency responsible for conducting the Section 106 process under the National Historic Preservation Act. Section 106 requires that federal agencies identify historic properties and assess the effects of the projects they carry out, fund, or permit on those properties. Federal agencies also are required to consult with parties that have an interest in the fate of the property when adverse effects are likely to ensue.

In 1997, the FS ordered a halt to rock climbing due to religious and cultural significance to the Tribe. However, due to difficulty in obtaining consulting party agreement on the overall Management Direction for Cave Rock, the FS invited the Advisory Council on Historic Preservation (ACHP) to consult. The ACHP entered consultation in 1999 and met with the FS, a Department of Justice (DOJ) mediator, and other consulting parties. The ACHP believed DOJ could assist the parties in resolving the conflict between sport climbing and the traditional cultural values ascribed by the Tribe. When consultation failed to result in anything approximating agreement on a Management Direction, the ACHP wrote to the Forest Supervisor in July 2000 recommending phasing out sport climbing over a six-year period and prohibiting sport climbing at Cave Rock at the end of six years. Although the consulting parties had opposing views on the management and use of Cave Rock, the ACHP encouraged the FS to select a Management Direction that offered the greatest possible protection to historic values associated with Cave Rock. In 2003, the Forest Supervisor announced a Management Direction that provided for maximum protection of Cave Rock's historic resources. The Access Fund, representing the rock climbing community, disagreed and filed suit in District Court alleging the decision was unconstitutional for promoting religion and that the decision was arbitrary and capricious. The court found in favor of the FS and upheld the Management Plan for Cave Rock.



Consulting Parties:

- U.S. Forest Service Lake Tahoe Basin Management Unit
- ACHP
- Nevada State Historic Preservation Officer
- Washoe Tribe of Nevada and California
- Members of state and local government agencies (TRPA)
- Access Fund
- Numerous individuals and interested stakeholders, including many individual local residents, members of the tribe, and rock climber community

THE SUCCESS

The Section 106 consultation meetings provided all the parties with a greater understanding of the complexity and diversity of interests at Cave Rock. In the end, the FS chose a Management Direction with input from and listening to all of the consulting parties committed to the historic resource. The amended Forest Plan ended incompatible uses, like rock climbing, while maintaining compatible public access and use, such as hiking and picnicking. As a final recognition of the importance of Cave Rock, the FS listed De'ek Wadapush in the NRHP in January 2017.

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For more about Section 106 and the ACHP go to www.achp.gov



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