

31

**From:** Roger Kelly (rogekelly@gmail.com)

**To:** SHRC\_ARC@YAHOO.COM

**Date:** Tuesday, August 26, 2008 10:19:17 AM

**Subject:** Response to Archaeological Resources Committee, CA State Historic Resources Commission

Hello:

I am pleased to offer some comments as requested by the Archaeological Resources Committte of the SHRC. As noted, these comments were improved by feedback from several individuals with experiences in CA maritime archaeological activities but the text is my own.

If I may be of further assistance, please do not hesitate to contact me about the thoughts expressed in these comments.

Sincerely,

Roger Kelly

RPA #15590

Foothill College Anthropology Adjunct

Response to Archaeological Resources Committee, CA State  
Historic Resources Commission re Policy Area Positions

From: Roger E. Kelly, Ph.D., RPA #15590  
Senior Archaeologist, US National Park Service (ret.)

8/26/08

Thank you for initiating revisions to the Statewide Historic Preservation Plan regarding stewardship of all archaeological resources within our State. While I do not have the 1995-1997 task force sub-committee's Report of Findings to review, please consider the following comments as constructive suggestions, particularly addressing the third section of each position paper. I shared these comments with a few colleagues who have also conducted research and management of California's maritime cultural resources.

Let us remember that the pursuit of archaeological knowledge does not 'end at the water's edge', whether here or globally. Maritime historic and submerged archaeological resources of California are recognized as follows:

- \*US Supreme Court decision (BROTHER JONATHAN case)
- \*National Register of Historic Places nominated properties and a pending National Historic Landmark designation at Drakes Bay, Marin County.
- \*Underwater State Parks for responsible diving recreation, thanks to John Foster, senior State Parks CR manager.
- \*Numerous studies for shipwreck remains within inland waters of San Francisco Bay and Sacramento, and at Channel Islands and Drakes Bay.
- \*Pioneering studies of inundated historic resources within fresh water reservoirs and rivers, some within our State.
- \*Regulatory compliance projects revealing submerged historic resources in San Francisco Bay and elsewhere.
- \*Public exhibits at several California maritime museums and historic ships illustrating the historical dependence on ocean travel to California from the 16<sup>th</sup> to 20<sup>th</sup> centuries and revival of Native Californian watercraft.

This quick overview statement should justify the inclusion of maritime cultural resources into each of the five policy areas. Here are my 'bullet' comments for consideration.

Conservation: Submerged lands and offshore waters of California are managed by State and Federal agencies, in often overlapping jurisdictions. Inventories of known or suspected maritime heritage resources exist at the State Lands Commission offices for permit application review. In 2002, an interagency workshop was graciously hosted by the Santa Barbara Maritime Museum to develop and implement an electronic database of ship losses with California's coastal zone. I do not know if this database continues in use but SHRC should inquire as to its status. A follow-up workshop attended by representatives of program and resource-managing agencies would 'bridge the gap' regarding an inventory of submerged coastal and fresh water heritage resources per each jurisdiction. Even though there are a few National Register properties listed, it is doubtful if OHP Information Centers include offshore or on-shore site documentation necessary for project planning. An excellent example of an inventory is "Monterey Bay NMS Submerged Cultural Resources Study", 2001 by Sheli Smith and Jack Hunter.

A

Curation: Artifacts from submerged locations require specialized curatorial treatments, conservation, and storage. During an annual SCA meeting in March 2003, some of us organized 3 sessions concerning submerged historic or prehistoric site documentation, remote sensing, artifact treatments, and site management. It is likely that most California professional curators or archaeologists do not have the specialized training to handle adequately items from a water environment. Thus, during NPS maritime projects when I was involved, a "no collection" policy was used. To "bridge the gap", I would like to see mention of two important aspects: 1) recognition that items from aqueous environments require treatment from specialists and 2) presence of hazardous chemicals as preservatives or stabilizers require industrial health/safety guidelines, similar to some NAGPRA or State Repatriation situations.

B

Protection: There have been successful maritime looting prosecutions in this state, using State and Federal regulations and laws. While CEQA and NEPA processes do not identify specific heritage resource types such as 'maritime' or 'terrestrial' resources, the 1987 federal Abandoned Shipwreck Act transfers title of abandoned vessels from federal jurisdiction to State stewardship, unless already under US ownership. Any off-shore or on-shore proposed project would come under Coastal Commission, State Lands Commission, general CEQA and NEPA compliance, depending on the status of stewardship of submerged or tidal lands. Of course, we are blessed with

C

several National Marine Sanctuaries, Protected Areas, federal and state submerged parklands and other coastal public lands, all of which have resource protection authorities, if used properly.

Standards and Guidelines: Professor Praetzellis' cogent comments are well taken. "S&Gs" similar to the Secretary of Interior's Standards/Guidelines would be very helpful to California's CRM industry. While any land-managing or program agency has legal authority for a CRM permit system for approved contract work, private landowners (including large corporations) are not likely to establish such a system but would have civil contract law authorities to insist on RPA-like credentials.

} P

Finally, I note that the many avocational archaeological organizations in our State have made long-standing significant contributions to public understanding and appreciation of archaeological resources in general. SCA has recognized this large segment of skilled and effective people whose role needs to be continued and strengthened through inclusion.

These comments benefited from consultation with Edward von der Porten, Jack Hunter, and Robert Allen; I shared the draft with Pamela Riggs (State Lands Commission), John Foster (State Parks), and Jim Allan (Wm. Self Assoc.)

Until recently, I have been involved in these issues over three decades but remain interested in helping to improve State policy and professional operational standards. If I can be of further assistance, please use the email address below. Thanks for your good work on these matters.

(signed)

Roger Kelly  
San Francisco  
<rogekelly@gmail.com>

8-15-08

Dear Sir:

(32)

I would like to request  
an archaeological workshop  
for Plumas, Co. Our Maidu  
Tribe wants to set a meeting  
with you folks, if there is  
still time. Please let me know  
if this is possible, and what  
we must do.

Thank you. Sincerely,

Beverly Egle  
PH. (530) 597-2070



## CALIFORNIA INDIAN COMMENTS ON "DRAFT WHITE PAPERS"

Commenter's Name: Beverly Ogle Date: 8-2-08

Mailing Address: 29855 Plum Creek Rd Paynes Creek, CA 96075

Tribal Affiliation: Mountain Maidu Email: \_\_\_\_\_

COMMENTS ON:  Standards & Guidelines  Curation  Conservation  Protection  Interpretation

**CURRENT SITUATION:** Private Property owners think they own our Native American ARCHAEOLOGICAL MATERIAL (ARTIFACTS) the Artifacts are the heritage of our INDIAN People. ARCHAEOLOGIST think they are the EXPERTS on our NATIVE AMERICAN ARCHAEOLOGY AND INDIAN Culture. When the ARCHAEOLOGIST ARE doing A Dig - they take every tiny chip from obsidian, basalt, or other material connected with items our ANCESTORS touched & used. To our MAIDU people EVERY Dig is PAINFUL. When the ARCHAEOLOGIST does AN EXCAVATION ( continued) they Dig MANY Holes AT A Site - This is total destruction of our Ancestral History.

### IDEAL SITUATION:

If the ARCHAEOLOGIST wants to Do A Study, limit the Articles taken AND let there be Guidelines for ARCHAEOLOGIST to follow. Like no more than ONE Hole A Site, A few chips from Ancient Material to Do A Study is permissible, But LEAVE ACTUAL tools, Arrowheads, Cooking Stones, Churn Sticks, grinding Material, Bowls & Pots, where they are found & Bones

We need A stronger Law to protect Native Sites from ARCHAEOLOGIST as well as the public relic Hunter. ARCHAEOLOGIST Dose our Ancestral Sites the most Destruction, since they feel they have the right because of their title. This Needs to Change. There should be Native American ARCHAEOLOGIST only to Do Studies on our ARCHAEOLOGY, with certain Guidelines honored ( continued) By EACH tribe of the Area, proposed for A Dig.

### HOW TO BRIDGE THE GAP (Most Important!):

We Need More INDIAN Involvement with ARCHAEOLOGY. EACH tribe Needs AN ARCHAEOLOGIST of their own, that ALSO is knowledgeable of that Tribes History, before AN ARCHAEOLOGICAL EXCAVATION is Performed, Have AN open meeting with Reps & Elders of the tribe, AND discuss feelings & plans before AN ARCHAEOLOGICAL Dig, is performed.

Let there be A LAW, that All Material taken from ANY ARCHAEOLOGICAL Dig, HAVE to be returned to the Site where the Material was taken from, & Not Left on some university Shelf or DRAWER, or given to A tribe, just Because they ARE federally Recognized by the government, But Do NOT HAVE A link Relationship with the Artifacts Excavated.

We Need desperately to gather input from different Tribes of Northern Calif - then MAKE PLANS for change. We have A great Need for A Rep to help with ARCHAEOLOGICAL problems

( continued)

Continuation Page for COMMENTER'S NAME: Beverly Cole DATE: 8-2-08

COMMENTS ON:  Standards & Guidelines  Curation  Conservation  Protection  Interpretation

CURRENT SITUATION  IDEAL SITUATION  HOW TO BRIDGE THE GAP

Archaeologist Needs to be more involved with the larger Indian community, other than just those Indians with an official title, the Elders of a tribe should be contacted previous to any archaeological excavation.

All material taken from any site should be witnessed by the tribe, of the site's tribe, before removal of any material, so as we can make sure these items are returned, this has always been the concerns of our Native American.

The Digs must END soon, leave our Bones & Tools to rest!  
Please!

The Digs are a violation of our sacred sites, whether it be a Burial site or a Village site.

After an archaeological study, the items should not be given to any repository, for any scientific research, this is such a disrespectful event against our wishes.

Hand in at Workshop, or Mail by October 31, 2008 to:

SHRC Archaeological Resources Committee, P.O. Box 942896, Sacramento, CA 94296-0001

SHRC ARCHAEOLOGICAL RESOURCES COMMITTEE WHITE PAPER COMMENTS

Paper title: Conservation

Name and Affiliation: Glenn Russell, Chief, Regulatory Planning, DPLU, County of San Diego, 5201 Ruffin Rd., Suite B, San Diego CA 92131

Date: 3/24/07

Contact Information: glenn.russell@sdcounty.ca.gov, 858 644 2981

Comment (please be as specific as possible): There is a state program in California that would provide tax benefits for placing land into conservation, but the program, while it technically exists, is either unfunded or has been put on "hold" for some reason. Efforts should be made to fund this program and make sure that it applies to cultural sites in addition to habitat.

Mail to: SHRC Archaeological Resources Committee, POB 942896, Sacramento, CA 94296-0001; or

Email to: shrcarchaeologicalresourcescommittee@parks.ca.gov

39

SHRC ARCHAEOLOGICAL RESOURCES COMMITTEE WHITE PAPER COMMENTS

Paper title:

Curation

Name and Affiliation:

Nyia Herrmann City of San Diego

Date:

3/24/07

Contact Information:

1222 1st Avenue, MS 501  
San Diego CA 92101

Comment (please be as specific as possible):

General plans with Cultural Resources Elements, should have specific language and/or planning tools for ~~ensuring~~ ensuring curation at project completion. In order to ensure curation, CEQA should be amended to require this as mitigation.

Regardless of what CEQA says, local agencies can still require curation as a condition of project approval in support of ~~policy~~ policies included in the Cultural Resources Element of General Plans.

Mail to: SHRC Archaeological Resources Committee, POB 942896, Sacramento, CA 94296-0001; or

Email to: shrcarchaeologicalresourcescommittee@parks.ca.gov

SHRC ARCHAEOLOGICAL RESOURCES COMMITTEE WHITE PAPER COMMENTS

Paper title:

Conservation

35

Name and Affiliation:

Myia Herrmann City of San Diego  
mherrmann@sandiego.gov

Date:

3/24/07

Contact Information:

1222 1st Ave MS 801  
San Diego CA 92101

Comment (please be as specific as possible):

I agree that conservation is important and archaeological sites need to be included in the evaluation when restoration of habitat is required mitigation. For Private Residential Projects; what about when data recovery is complete, yet portions of a site still exist within the property, but there is no long-term protection plan? ~~How~~ what incentive is there for a single family residential owner to place a conservation easement over the remaining portion of a site in an urban setting? Easement work great on large parcels of land (private) or on public land, but local gov't's need a similar process for archaeological site protection in urban settings

Mail to: SHRC Archaeological Resources Committee, POB 942896, Sacramento, CA 94296-0001; or

Email to: shrcarchaeologicalresourcescommittee@parks.ca.gov

SHRC ARCHAEOLOGICAL RESOURCES COMMITTEE WHITE PAPER COMMENTS

Paper title:

Archaeological Resources Protection

(36)

Name and Affiliation:

Myra Herrmann City of San Diego  
mherrmann@sandiego.gov

Date:

3/24/07

Contact Information:

1222 1st Avenue, MS 501  
San Diego, CA 92101

Comment (please be as specific as possible):

CEQA §15263 amended to require more strict protection of archaeological sites in the form of conservation easements (i.e. no impact at all; sites must be avoided). The only other way to ensure protection outside CEQA is adoption of local govt ordinances/regulations. The City's Regulation addresses encroachment into important Archaeological Sites, but it doesn't give us the ability to require avoidance. We need teeth @ the State level so that the ~~options~~ mitigation options are more in-line with ethical responsibilities to protect sites. Data Recovery as mitigation (allowed by CEQA) destroys sites. I'd like to be able to preserve sites, ~~get~~ property owner incentives (i.e. Mill's Act).

- Require Lead Agencies to have qualified archaeologists on staff to implement CEQA + local ordinances

Mail to: SHRC Archaeological Resources Committee, POB 942896, Sacramento, CA 94296-0001; or

Email to: shrcarchaeologicalresourcescommittee@parks.ca.gov

SHRC ARCHAEOLOGICAL RESOURCES COMMITTEE WHITE PAPER COMMENTS

Paper title:

Interpretation

37

Name and Affiliation:

Myra Herrmann, City of San Diego

Date:

3/24/07

Contact Information:

1222 1st Ave. MS501  
San Diego CA 92101

Comment (please be as specific as possible):

Public outreach ~~should~~ in the form of interpretation should be included as a component of project mitigation ~~not~~ repairing data recovery entirely, but maybe protecting the site and then doing on-site program of interpretation. The City did this at Petco Park - new home of the San Diego Padres. We have a great exhibit that was paid for by the Padres and will be rotated every 5 years to convey the history of East Village where the Ballpark is located.

The public needs to know what was found and what it means, especially when public \$ was spent in the process.

Mail to: SHRC Archaeological Resources Committee, POB 942896, Sacramento, CA 94296-0001; or

Email to: shrcarchaeologicalresourcescommittee@parks.ca.gov

## SHRC ARCHAEOLOGICAL RESOURCES COMMITTEE WHITE PAPER COMMENTS

Paper title:

Archaeological Standards and Guidelines

(38)

Name and Affiliation:

Myra Herrmann, City of San Diego

Date:

3/24/07

Contact Information:

1222 19<sup>th</sup> Avenue, MS501  
San Diego, CA 92101  
mherrmann@sandiego.gov

Comment (please be as specific as possible):

If standards for professional qualifications are adopted by the state, and licenses/permits are required, I w/b concerned about a lead Agency's ability to then meet that requirement, I would stand to lose my job since I don't have a Masters Degree unless some tiered form of professional qualifications are ~~created~~ created, which would allow me to continue providing Archaeological services to other City departments. I do like the idea of having the quals as long as the lead Agency has the ability to enforce or penalize the individual or firm ~~that does~~ when they do not comply.

Mail to: SHRC Archaeological Resources Committee, POB 942896, Sacramento, CA 94296-0001; or

Email to: shrcarchaeologicalresourcescommittee@parks.ca.gov

## SHRC ARCHAEOLOGICAL RESOURCES COMMITTEE WHITE PAPER COMMENTS

Paper title:

Curation Crisis

39

Name and Affiliation:

Wendy Teeter, UCLA Fowler Museum

Date:

3/24/07

Contact Information:

wteeter@arts.ucla.edu  
310-825-1864

Comment (please be as specific as possible):

1. Need to enforce budget allocation for curation
2. Create more NA tribal partnerships to assist in creation of curatorial facilities and assist in curation policies.
3. We look to our older archaeologists to explain oral history and to turn in the collections and documentation they created.
4. Provide grants to curate orphaned collections
5. Create synonymy for sites curated at multiple repositories and finding aids available on the web for access to information
6. Education & long term impact of collection creation

Mail to: SHRC Archaeological Resources Committee, POB 942896, Sacramento, CA 94296-0001; or

Email to: shrcarchaeologicalresourcescommittee@parks.ca.gov



SHRC ARCHAEOLOGICAL RESOURCES COMMITTEE WHITE PAPER COMMENTS

Paper title:

Protection

40

Name and Affiliation:

Glenn S. Russell  
Chief, Regulatory Planning, DPLU  
County of San Diego  
5201 Ruffin Rd, Suite B, San Diego CA 92131

Date:

3/24/07

Contact Information:

glenn.russell@sdcounty.ca.gov  
858 694 2981

Comment (please be as specific as possible):

Please see ~~the~~<sup>my</sup> comment and  
attached CEQA Guidelines For Cultural  
Resources For the County of San Diego  
that I submitted for the  
Standards White Paper

Mail to: SHRC Archaeological Resources Committee, POB 942896, Sacramento, CA 94296-0001; or

Email to: shrcarchaeologicalresourcescommittee@parks.ca.gov