

SHRC ARCHAEOLOGICAL RESOURCES COMMITTEE WHITE PAPER COMMENTS

41

Paper title:

Archaeological Standards and Guidelines

Name and Affiliation:

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Department of Planning and Land Use
County of San Diego, 5201 Ruffin Rd
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Date:

3/24/07

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Comment (please be as specific as possible):

I am submitting a copy of CEQA standards and guidelines for cultural resources recently adopted by the County of San Diego. I hope that they may serve as a model for other entities. They are not perfect, but certainly serve as a good start. Please note that the attached document addresses:

- standards
- guidelines
- creation
- consultation
- report format, etc

These guidelines, as well as for other resource areas in CEQA, may be accessed at:

<http://www.sdcounty.gov/dplu/Resource/3~procguid/3~procguid.html#atch>

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

Email to: shrcarchaeologicalresourcescommittee@parks.ca.gov

NOT ATTACHED TO THESE COMMENTS - TOP PAGE

SHRC ARCHAEOLOGICAL RESOURCES COMMITTEE WHITE PAPER COMMENTS

Paper title: ~~Archaeological ~~resources~~ ~~conservation~~~~
Resource Conservation

Name and Affiliation: Meta Fuerstenberg, ORN Grad student @
Sonoma State U

Date: 3-24-07

Contact Information:
Fuersten@SONOMA.edu

Comment (please be as specific as possible): I believe that a positive perspective is important to think about so we can use the truths we already have to ~~learn~~ lead to new ideas about conservation of resources: Archaeological and Ecological. Cultural + Ecological resources are not mutually exclusive and are in fact inextricably linked. The ~~prohibitive~~ folks of this land we call California had the ecological landscape engrained in their cultural ideology. Their culture was the land they lived in, and so if ~~you~~ one's aim is to conserve (NOT restore) an ecological area, ~~whether~~ whether they aim to or not they ~~are conserving~~ ~~the~~ are also conserving any archaeological evidence of people → ~~and~~ with which an archaeologist can glean ideas about how they utilized the Ecology. So in some cases they are the same, and if you can kill two birds with one stone (and you can in this case) you should. (Not literally because birds are good creatures).

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

Email to: shrcarchaeologicalresourcescommittee@parks.ca.gov



Commission in sections 2050.4 and 2050.5 of the California Public Resources Code; is to increase public awareness of archaeology and to improve the quality of professional archaeological practice in California. Commissioners Trish Fernandez and Donn Grenda are the members of the Committee and Ms. Fernandez is the Committee Chair.

The Purpose of White Papers

The purpose of the white papers is twofold:

1. To foster a higher and more consistent degree of professionalism in the investigation and treatment of these resources; and
2. To establish an administrative basis for changes that will directly benefit the public such as:
 - a. Accommodating physical access to the state's archaeological resources to enrich the public experience of them, and
 - b. Providing access, in the form of popular interpretative media, to information resulting from publicly funded investigations.

The Committee envisions the white papers as dynamic documents. These papers will become part of the long-term administrative record of the public's efforts to affect change in the State's policies on the aspects of preservation archaeology discussed in the papers. The papers will also serve as an evolving guide to more effectively marshal these efforts through the long bureaucratic labyrinth that ultimately leads to policy change.

Over the last three to four decades, the public has sought to affect change in some of the policy areas that are topics of the draft white papers. These efforts have met with varying degrees of success, and, when such efforts have fallen short, they have often left no enduring public record to inform and guide the public or the legislative or executive branches of state government on subsequent attempts to affect change in these policy areas. The present white papers are meant to be the beginning of such a record.

Origin of Paper Topics

The Committee chose the goals and objectives of the most recent iteration of the California Statewide Historic Preservation Plan (State Plan) as a starting point to begin to affect changes in a number of policy areas related to preservation archaeology. The State Plan covers the period from 2006–2010 and includes a strategy to promote preservation archaeology in California. The goals and objectives of this strategy are largely drawn from the 1995 *Preservation Task Force Sub-committee on Archaeology Report of Findings*.

Process of Developing White Paper Drafts

The Committee is building upon previous decades' work to meet the goals of the most recent Plan. That

Plan defines five areas in which professional archaeological practices may improve: Curation, Conservation, Interpretation, Preservation, and Standards & Guidelines. Individuals from around the state have come together to capture what the archaeological community feels is the current versus the ideal situation for each of these areas, and how we might be able to bridge the gap. After the authors (listed after each paper topic) volunteered, they reviewed past decades' work and solicited comments from their peers. As a result, the individuals listed in the adjoining sidebar have participated in the drafting of these white papers.

At the upcoming SCA Annual Meeting, the Committee will hold an open forum for discussion of and input regarding these papers. Once SCA membership input is integrated, the next draft will be sent to the California SHPO and to the OHP Counsel for review, then to the SHRC for formal adoption. Upon the adoption of these White Papers by the SHRC, the Committee will move forward with prioritizing the recommendations that are put forth in the papers and develop very specific actions plans for each priority.

The Archaeological Resources Committee Requests SCA Membership Review and Comment on White Paper Drafts

The Committee requests that the members of the SCA read and consider the summary of the draft white papers below, and provide comment on them by:

1. Attending the Symposium: *Affecting Change in California Archaeology: SHRC Archaeology Committee Position*

White Paper Peer Reviewers

Frank Bayham, SCA President
 Shelly Davis-King, SCA Past-President
 Lynne Christenson, San Diego County
 Julia Costello, Foothill Resources, Ltd.
 Milford Wayne Donaldson, SHPO and SHRC Executive Secretary
 Janet Eidsness, SCA Native American Programs Committee
 Richard Fitzgerald, California State Parks
 Greg Greenway, USFS
 Susan Hector, ASM Affiliates, Inc.
 William Hildebrandt, Far Western Anthropological Resources Group, Inc.
 Laura Kirn, National Park Service
 Carmen Lucas
 Mary Manier, PAR Environmental and Past SHRC
 Dana McGowan, Jones & Stokes, Inc.
 Anmarie Medin, Caltrans
 Stephen Mikesell, Deputy SHPO
 Leslie Mouriquand, Riverside County
 Michael Newland, Anthropological Studies Center
 Adrian Praetzelis, Sonoma State University
 Michael Sampson, California State Parks
 Cindy Stankowski, San Diego Archaeological Center
 Susan Stratton, OHP Project Review Unit Supervisor
 Ann Van Leer
 Mel Vernon
 Ken Wilson, BLM

Comments resulting from Symposium: Affecting Change in California Archaeology: SHRC Archaeology Committee Position Papers (Symposium 19 of the Society for California Archaeology's 2007 Annual Meeting, March 24, San Jose)

Symposium Chairs: Trish Fernandez, Donn Grenda
Facilitator: Anmarie Medin

Original notes were taken on poster-size paper and transcribed herein by Trish Fernandez on September 1, 2007

Conservation of Cultural Resources in California (presented by Susan M. Hector)

1. Conservation group must have common goal for cultural outreach to Sierra Club, et al.
2. Land owner must know where sites are to be stewards
3. Funding? Taxes? For buying space/sites
4. Teach conservation/stabilization in universities; field schools in threatened areas
5. Be creative in solutions
6. Mills Act Revision for archaeological sites (non-structure)
7. Statutory Exemption Categorical Exemption problems: overlooking archaeological sites for other resources
8. Lawsuits!
9. Work at General Plan/Legislation
10. Protect open space we have now (e.g., parks)

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Curation Crisis in California (presented by Cindy Stankowski)

1. Enforce curation budgets
2. need tribal curation facilities
3. Turn in old collections with oral history of archaeologists
4. Centralize collections or cross-reference where collections are housed
5. repatriate everything vs. curation
6. Cull collections; have a strategy
7. tribal partnership
8. tax deductions for mitigation
9. stays in state

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Protection of Cultural Resources in California (presented by Lynne Newell Christenson and Leslie J. Mouriquand)

[the word "CEQA" is written next to the heading "Protection" on the first sheet of comments]

1. Native Americans are not just the public (see No. 12)
2. Train planners better

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3. ordinance to implement the General Plan
4. Address cumulative impacts better
5. ordinances to address archaeological sites
6. Scrutinize ministerial actions (e.g., grading/building permits)
7. Work on city attorneys, public officials to be cognizant of archaeology.
8. Remember indirect impacts; conservation ≠ mitigation (see No. 11)
9. No bad recommendations!
10. Remember mitigation monitoring lasts after project is built and lead agency is still on hook.
11. Avoid and protect
12. CEQA consultation with descendant community Native Americans go beyond SB18.

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Public Outreach and Interpretation for the State of California (presented by Michael Newland)

1. More \$ for OHP
2. K-12 (education in general) curriculum training
3. Link OHP with state parks web sites
4. Partner with tribes
5. public benefit, get info out! Web!
6. Mandate public interpretation as part of mitigation
7. \$ allocation to [implement] Public Resources Code

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Standards for the Practice of Archaeology in California (presented by Adrian Praetzellis)

1. Laws are missing tribal interaction
2. Tribal recommendations are not respected
3. Need top-down and bottom-up approach
4. Lead agency reviewers' qualifications? What happens to those that don't meet qualifications? (Similar to No. 9 and 12)
5. Repercussions for bad practice
6. Oversight from SHPO or state-level review (Similar to No. 15 [or 16?])
7. Need to educate public about how CEQA works; local activism needs encouragement
8. Job specialty tests for consultants (Similar to No. 16)
9. Business concerns for non-advanced degrees; a PhD doesn't ensure good work.
10. Need OHP to be responsible agency not just commenting agency for CEQA
11. Need system for implementation
12. Licensing must be restrictive to be effective; can't license everyone; Caltrans-like levels of licenses, B.A. = ; M.A. = ; PhD =
13. Peer Review: archaeologists have issues with this for some reason
14. Ethics for archaeologists and tribes: Don't do what you aren't qualified to do
15. Ensure Certified Local Governments have archaeologists on board
16. Archaeologists should be planners
17. Cultural awareness training like Riverside

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CONSERVATION

- ① Conservation group MUST HAVE COMMON goal for CULTURAL OUTREACH TO sierra club et al.
- ② LAND OWNER MUST KNOW where sites ARE to be stewards
- ③ funding? TAXES? ^{for} buying SPACE/sites
- ④ teach conservation/stabilization in universities
fieldschools in threatened AREAS
- ⑤ Be CREATIVE in solutions
- ⑥ mills Act Revision for Arch sites
(NON-structure)

7) ~~STATUTORY EXEMPTION~~

CAT. EX. problems

or overlooking arch sites for other Resources

8) LAWSUITS!

9) WORK AT General Plan / Legislation

10) protect open space we have now (e.g., parks)

CURATION

- ① enforce curation budgets
- ② need Tribal curation facilities
- ③ Turn in old collections with ORAL HISTORY of Archaeologists
- ④ centralize collections or cross-reference where collections are housed
- ⑤ Repatriate everything vs. curation
- ⑥ cull collections have a strategy
- ⑦ TRIBAL Partnership
- ⑧ TAX deductions for mitigation
- ⑨ stays in state

Interpretation

- ① more \$ for OHP
- ② K-12 (ed. in general)
Curriculum training
- ~~③ Link OHP → STATE PARKS web sites~~
- ④ Partner with TRIBES
- ⑤ Public Benefit
get info out! web!
- ⑥ MANDATE Public interpretation
AS PART of mitigation
- ⑦ \$ Allocation to PRC.

Protection (CEQA)

- ① NATIVE AMERICANS ARE NOT JUST the Public ⑫
- ② TRAIN PLANNERS better
- ③ ORDINANCE TO implement the general Plan
- ④ address cumulative impacts better
- ⑤ ORDINANCES TO address Arch. sites
- ⑥ SCRUTINIZE Ministerial ACTIONS (eg., Grading/building Permits)

Protection
CEQA

- ⑦ work on ^{→ City Attorneys} public officials to be cognizant of Arch.
- ⑧ Remember indirect impacts
Conservation \neq mitigation ⑪
- ⑨ NO BAD recommendations!
- ⑩ Remember mitigation monitoring
LASTS after project is built and
Lead agency is still on hook
- ⑪ Avoid and protect
- ⑫ CEQA CONSULTATION WITH ^{→ Dec. Comm.} N. AMERICANS
go beyond SB18

STANDARDS

- LAWS ARE MISSING
- ① TRIBAL Interaction
 - ② TRIBAL recom NOT Respected
 - ③ ^{Need} TOP-Down AND bottom-Up Approach
 - ④ Lead Agency REVIEWERS QUALS. ?
Those that Don't meet QUALS ?
WHAT happens TO ^{SIMILAR TO} ⑨ ⑫
 - ⑤ Repureussions for BAD practice

⑥ oversight from SHPO or
STATE Level Review similar
to
⑬

⑦ need to educate Public
About how CEQA works
Local Activism needs encouragement

⑧ Job specialty tests for
Consultants similar to ⑬

⑨ BUSINESS concerns for non
ADVANCED degrees. A Ph.D. doesn't
ensure good WORK.

⑩ need OHP to be responsible
Agency NOT just commenting
Agency for CEQA

STD

11 need system for implementation

12 Licensing must be Restrictive to be effective
CAN'T License everyone

CALTRAN
LIKE
Levels
of License.
↑ BA. =
MA. =
Ph.D. =

13 Peer Review

Archs have issues with this for some reason

14 Ethics TRIBES

FOR Archæo and
don't do what you aren't qualified to do

15

ENSURE CLG's HAVE Archs on board

57P
①6 Architects should be Planners

①7 CULTURAL AWARENESS TRAINING
Like Riverside

CALIFORNIA INDIAN COMMENTS ON "DRAFT WHITE PAPERS"

Recorded 9/3/08 at Yellow Creek Campground, on computer by Cassandra Hensher

Attendees: Beverly Ogle (Maidu), Melany Johnson (Susanville Indian Rancheria, THPO/NAGPRA Coordinator)

Abbreviations: CS: Current Situation. IS: Ideal Situation. HBG: How to Bridge the Gap.

GENERAL COMMENTS:

We want tribal consultation. The significance of a site cannot be determined whether one site is more important than another. To the tribe all sites are significant. Some sites have been sacrificed to save another and that is not right.

There has been inadequate consultation with tribes in archaeology and on the White Papers. The introduction says "the public" has wanted change, but there is no mention of the tribes. Tribes have a special status as sovereign nations and are not considered the general public. It is important that the tribes know and understand the Standards and guidelines and approve them or not.

ARCHAEOLOGICAL STANDARDS AND GUIDELINES

CS: Regarding, under-qualified practitioners, tribal people are highly qualified and should be brought into the process.

Archies need to take NA sensitivity training.

HBG: Collaborate with tribes in trying to accomplish the goals outlined.

ARCHAEOLOGICAL CONSERVATION

CS: Regarding open space and public uses--the tribe doesn't necessarily agree that more areas should be open for public use. There are areas that should be reserved for sacred and traditional use and are considered TCPs.

IS: We totally agree that few sites are recognized as districts and cult. Landscapes; we have always had this belief that everything is related and are not separate sites.

HBG: tribes want to be included in the concept on bullet 3, but they agree that the concept is good.

HBG: they also agree with the 11th bulleet about discouraging excavation of preserved, non-threatened sites.

HBG: indian elders are respected for their authority and credibility.

Indians need to participate in arch. surveys.

Agencies need to be made accountable for CRM on the lands they manage for all of us.

ARCHAEOLOGICAL PROTECTION

CS: We agree with most of the points, except that there is not enough consultation with tribes.

HBG: most important for native americans and archies to work together on protecting sites.

HBG: tribes need to be involved when ever they are doing any trainings on cult resource statutes or CEQA compliance.

ARCHAEOLOGICAL INTERPRETATION

CS: Tribes do not want information accessible to the public, because this leaves it open for destruction, looting, and disrespect.

IS: First bullet: what does "high-quality" mean? You must be very careful about giving out this information.

HBG: collaborate with tribes.

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HBG: All six bullets need to involve tribes. We are the ones who have knowledge, tho may not be fully trained archaeologists, we have spiritual and traditional knowledge and can contribute with informatino that archies often miss.

ARCHAEOLOGICAL CURATION

CS: We want the items eithe returned to the affected tribes, and then the tribes can decide whether they need to be reburied, or retained in their own cultural centers and museums.

IS: docuemnting the artifacts, getting locations, and leaving where they are at--instead of curation.

IS: No curation; There is limited space, so items that are newly discovered should be reburied and left where found; items in curation should be returned to tribes.

Mitigation measures: to protect them in situ, or close by; if you take everything, there is nothing left to link us to the land--it's like we were never here, it's a cultural genocide.

We disagree with the statement that all future collections should be curated.

HBG: bring artifacts/collections back to the tribes. Curation should not be the one and only option.

F

Comments

Archaeological Standards and Guidelines

What we encounter frequently is "Who should be doing archaeology?"--there does need to be some type of licensing, a way to file complaints. There is also a problem with the way archaeologists are trained and educated, especially regarding standards and guidelines. Another topic not addressed in the papers is the exhaustion of being repeatedly asked to comment on topics like this. Also, we never hear from people (archaeologists) unless they want something from us. Most tribes are pleased with the data sets, but there are concerns about the analysis. Tribes haven't been involved up to this point; consultation is often at the last minute. Often archaeology and anthropology are seen as one. Many issues have to do with past practices and unscrupulous people. The tribes also need to get more involved and voice their values. And what about intellectual property issues? When information is shared, then people just go to the files instead of back to the people. A critical issue to address is what type of relationship do we have? Tribes want a long term working relationship; it is a big NA consultation and involvement? Indian people are the most knowledgeable. For Indians, we can't just bury our heads; the federal govt has spent centuries trying to do away with us so that we can't participate. We must participate and we must have documentation. I love my ancestors, I love to walk with them, and I will do my best to honor them. Regarding the RPA, my experience in San Diego County with an RPA archaeologist was not very good, with artifacts being flagged out in the open had an experience monitoring work on an archaeological site where human remains were found. A student involved with the excavation had a myspace page and he took pictures of the artifacts and put it on his public web page. At his school, they don't teach ethics or proper procedures. I was told by a professor that there was nothing they could do about it. She was told that she could be sued if she tried to have it removed. Now the location of the site is public knowledge. The schools need to improve their education of archaeologists, have much more and better involvement with Indians, and should not allow this type of behavior. There should be some control over people like that and of archaeologists. The "ists" (anthropologists, archaeologists, etc.) should not be coming into communities and taking instead of giving back to the community. They need to work with the whole an archaeologist does studies for a general plan, then that study is used as the only study and no further work is done, leading to inadequate results.

The criteria of significance did not have Indian input when they were created. This needs to be added. Training should be available for tribes reviewing documents.

The CHRIS system charges money to tribes, and this can be a burden on tribes. It should be free.

The criteria of significance is a problem--needs to have native point of view.

Regarding reporting, developers can change companies/archaeologists if they don't like what the archaeologists are writing in terms of significance of a site. The developer shops around to get the results they want. In the case of RPA, you can file a grievance, but so what?
which is helpful.

How can archaeological companies better talk to each other? Each company only looks at a small area, and does not consider other studies done. More collaboration is needed. Archaeologists need to bring their studies together to have a more complete and thorough background for an area.

A

Who do I talk to about deplorable work? The County and the State can't/don't help. We need better care of collections. Regarding filing grievances, there are so many battles we are fighting, it can be hard to keep up. And battling large land owners is so hard and intimidating. Accountability to landowners, accountability to counties.

nations--a concept which many do not understand fully. It's very important that state, county, etc. go to the tribes. Tribal leaders value cultural resources, but they have many issues to deal with. A tribe may or may not have other staff to address cultural resources.

is important to the tribe. The cultural landscape includes so many things, even small items not considered important to archaeologists.

respected.

The SHRC does not have a Native American representative sitting on it.

When you send letters or make a phone call, if you don't get a response, don't assume that the tribe doesn't care. Consultation is much more than minimal contact and effort.

When an agency starts planning a project, they need to be more aware of the process so that they allow enough time and resources for good Indian involvement.

state. The state needs to have more control. Some CHRIS's are making decisions for and against monitoring, without consultation with Indians.

Consultation: should be with more than just tribal council or those on the NAHC list.

Most universities do not educate their archaeologists in CRM, but most end up doing CRM. They need more and better education in CRM and with living Indians.

Monitors should be certified, too. Some tribes certify their own monitors.

A

CONSERVATION

We had a project in the Mammoth Lakes area that involved removing part of a mountain. I was contacted by an archaeologist who identified many important artifacts coming out. I was horrified by the many thousands of artifacts. The site is on private land, so the artifacts may not go back to the tribe. It broke my heart because I've spent about a year seeing the destruction; I was told the archaeologist is aware of the work, so he must have the ability to stop the work. When I visited the site, I wasn't told the truth about the artifacts. The archaeologist made disrespectful comments about the artifacts and said the associated people no longer exist. The mountain is gone, and cannot be replaced. I know there were graves there because a police officer went there with a cadaver dog. It is

A part of the site was conserved, but it was only a portion. The village was broken up. Then the historic house on top of the site was where the focus was, as if it were more valuable.

When we are told traditional information, and told by our elders not to tell anyone else, what are we supposed to do when archaeologists come and ask us to identify our sites?

Agencies such as Caltrans go to the news and talk about sites and projects without consulting the tribe and asking permission to speak about the site.

to the children? It's so emotional when we go out to the sites, and that's what you're hearing over and over today.

Question about preservation and cultural landscapes: how do you get there when archaeologists currently identify sites on a small scale with their boundaries?

how to preserve each type. If they are going to properly manage sites, they need to know what all the types of sites are, and how many of each type there are. Only then will you know what sites are rare, significant, etc.

B

Regarding significance, what if a site is one of the last of its type, but it doesn't meet the criteria of significance? How can it be preserved?

PROTECTION

One of the difficulties for tribe to comment on the papers is because the topics are so interrelated. Part of the problem is the process, and getting it to work all the way through...starting with acknowledgement of a cultural landscape, then going to significance, etc. Under CEQA you are supposed to look at cumulative impacts; nearby known sites should be considered in a study. Tribes need to be brought in early, and credence should be given to what they say. Then they give their input and it's completely disregarded. Tribes should be involved in every step of the way, such as developing the APE boundary. Caltrans is one of the worst offenders, not involving Indians in such important steps. We'd like to see very specific guidelines on how the process is implemented and confusing and burdensome. Use of methods such as forensic dogs is important and should be part of the requirements.

staff positions (and fill them) or contract with qualified professional archaeologist to review reports, develop policies, and oversee local cultural resources.

- Encourage local governments to create meaningful economic incentives for site protection, such as preservation tax credits and/or tax or development credits for conveyance purposes.

When tribes are consulted, the archaeological firm does the consultation and decides what goes in the report; part of the process could be for the tribe(s) to submit comments on the report directly to the Info Centers, then their comments go in directly and are not filtered.

What role does the OHP and the ARC have in the intervention and protection of a site already identified, yet is not being protected and is in danger? [verbal response provided by Donn Grenda] hard time getting assistance from federal agencies and others. How do we bring the public in to appreciate sites, but without destruction. There seems to be so much red tape. We cannot get anyone to assist with providing fencing materials. How can we connect with people who have the same goal?

INTERPRETATION

location. That place is still an important place to Indian people, even if the site is impacted or destroyed.

You need to make sure you have proper consultation because any interpretation has to be culturally sensitive, done in conjunction with the tribe(s).

The education codes and curriculum for CA schools should be updated with a more accurate history. The greatest need is at the young age, which will then last their lives.

You can't repeat enough the importance of confidentiality.

State Parks like to do interpretations that turn into tourist attractions, including of sacred areas. The stories as told by Native people should be respected and valued.

still written from the archaeologist's point of view. This view is completely foreign to native people.

The current procedures of consultation and involvement are often so patronizing. Use of terms such as "cultural scientists" for elders gives more value to the Indian traditions. The field does not seem to recognize the connection the Indian people have to their culture and their sites. The current language of the field does not allow for parity of Indians with archaeologists.

The native voice should be equal. The native view of the world, what the sites mean to people, how they relate to the land, should hold equal or higher value.

Native people are asked to comment only on the archaeology, but they have strong concerns about all the rest too.
interests?

Archaeologists forget that they are part of anthropology; they need a more wholistic view of their work in order to better incorporate the native view.

D

CURATION

about which facility will be used, as well as the treatment during curation (display, etc.). I think reburial is a form of curation; how many pieces of groundstone are needed? What does come out of the ground should go back to the tribe.

than write a new one.

San Diego does have a curation requirement, which was hard to get. I believe in curation, though there is something to be said for "how many ground stones do we need?"

Local agencies have a lot of power; they can put in requirements for things like curation.

Not mentioned in the Curation Paper: archives, non-archaeological sources of information, very important sources. Analysis also not mentioned.

Reporting: all project information should go back to all parties involved in the project.

The "qualified repository" requirement leaves out a number of tribes.

E

NATIVE AMERICAN PARTICIPANTS AT "WHITE PAPERS" WORKSHOP
 UCR Palm Desert, California Indian Conference, October 4, 2008

PLEASE PRINT CLEARLY SO WE CAN SEND YOU COPIES OF THE NOTES

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NATIVE AMERICAN PARTICIPANTS AT "WHITE PAPERS" WORKSHOP
 UCR Palm Desert, California Indian Conference, October 4, 2008

PLEASE PRINT CLEARLY SO WE CAN SEND YOU COPIES OF THE NOTES

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NATIVE AMERICAN PARTICIPANTS AT "WHITE PAPERS" WORKSHOP
 UCR Palm Desert, California Indian Conference, October 4, 2008

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SCA NATIVE AMERICAN PROGRAMS COMMITTEE WORKSHOP

**A Dialog: Considering California Indian Values and Concerns in
CRM Policies and Practices**

Held at Annual SCA Meetings, San Jose, CA

March 23-24, 2008

**Comments relevant to "Archaeological White Papers" compiled by Janet Eidsness
October 31, 2008**

**From workshop notes made by Janet Eidsness & Myra Herrmann
(total 8 hours of event audio video recordings are available)**

**SESSION 1: CRM STANDARDS AND PROCESSES: INTEGRATING CALIFORNIA INDIAN
VALUES AND CONCERNS IN DECISION-MAKING**

**Talking Point 1: Curriculum for CRM Practitioners in California: What Training & Experience Makes a
Good Archaeologist?** Discussants: Trish Fernandez (State Historic Resources Commissioner, Archaeology),
Mandy Marine (W. Mono/Maidu/Ohlone)

Key Questions for Talking Point 1:

1. What Native American consultation and records search training & experience is required of archaeologists working in California CRM today?
2. What makes a 'good CRM/archaeologist' from a California Indian point-of-view?
3. What training & experience should CRM/archaeologists have when working with Tribes and Native American cultural sites in California?

Comments by Mandy Marine

#1 (Standards & Guidelines) Training: Archaeologists need to become more familiar with and sensitive to the ethnobotanical settings of archaeological sites – today's plants may reflect past conditions and site uses, and be important to on-going traditional resources, e.g., for basketweaving. A-1

#2 (Standards & Guidelines) Training: Tribal politics involve councils and leaders, and sometimes there are appointed Culture Committees. It is important for archaeologists to learn about how a Tribal government is structured for purposes of consultation. Elders, traditional leaders, and historians are likely among the Tribal membership, and some may be in leadership positions, while many may not be. Each community has different tribal politics and structures for addressing consultation and culture resources. A-2

#3 (Standards & Guidelines) Training: Archaeology can be too narrowly focused. It is important for archaeologists to know about the more recent history of Indian communities and tribes. Some archaeologists appear to have the attitude they are doing Indians "a service" by recording things for "the benefit of Indians." Such persons often don't understand Native perspectives about their own history and cultural heritage. Archaeologists need to take into account current tribal issues that are also connected to recent and modern history. A-3

Comments by Cassandra Hensher

COMMENTS ON "WHITE PAPERS" FROM 2007 SCA NAPC WORKSHOP:

#4 (Standards & Guidelines) Training: Many archaeologists working in CRM do not learn about the laws regulating the work of archaeology. Too many archaeologists don't know about living Indian communities. Archaeology impacts Indian peoples today. A-4

Comments by Mandy Marine

#5 (Standards & Guidelines) Training: In her college training, Mandy was disappointed that it wasn't more anthropologically based. She wanted more information on local and public history, Native American peoples, more hands-on CRM experience, e.g., writing consultation letters to tribal councils. What she got was a lot of lab experience, artifact analysis, etc. The program did not include enough real applications or links to archaeology as practiced under CRM, or how to get a job and do the work of a CRM archaeologist in California. A-5

#6 (Standards & Guidelines) Training: She sees Indian groups are getting more active in developing criteria for coursework at California universities. What is being developed are more opportunities for interactions and internships by students working in tribal settings. This can include invitations for students to attend tribal council meetings and meet staff. CRM archaeologists need to have "thick skin," sometimes when working with Tribes. Mandy observed that it is really good to see CRM programs coming out of Tribes now. Culture departments established by tribal governments can provide important points for contact and training. A-6

Comments by Cassandra Hensher

#7 (Standards & Guidelines) Training: She observes that graduating archaeology students get the attitude that they are the "experts" – and while they may become expert in artifact analysis and the "stuff" of archaeology, they are not expert in knowing the Indian people! Students learn and believe they are the "stewards of Indian prehistory," believing they have the authority and expertise to decide if and why a site is significant based on its archaeological data potentials. This attitude may make Indian people become angry and hurt. Some archaeologists respond to this anger by putting up walls and choosing not to work with Indians, while others hang in there and continue to communicate and have dialog with Indians. A-7

Comments by Mandy Marine

#8 (Standards & Guidelines): Too often, archaeologists assume that archaeological knowledge is disconnected from or no longer known by contemporary Indians. But some Indian persons still use cooking rocks, know how to select the right kind, how to heat them, etc., and some still collect or gather, prepare and use culturally important foods, medicines, and other natural resources in a traditional manner. A-8

#9 (Standards & Guidelines): When it comes to developing mitigation measures for impacts to traditional cultural places and/or resources, it is important to be creative. A-9

#10 (Standards & Guidelines): Most importantly, she advises archaeologists and Native Americans to just be honest in order to build trust. She urges them to be forthcoming when discussing anticipated project impacts on cultural places early in the consultation process. Both sides need to be up front. A-10

Comments by Yolanda Chavez

#11 (Standards & Guidelines): She stressed that archaeologists need to learn about Indian culture and world view. All too often, archaeologists consider "science" with its theories and methods the "true way." It is equally important to acknowledge that Indian peoples have valid world views that may be at odds with "science" and archaeological "data." Theoretical perspectives can be insulting to Indians, when such impose European worldviews involving scientific methods to interpret "Indians in the past." She urges all to celebrate different cultural world views, and be respectful. A-11

COMMENTS ON "WHITE PAPERS" FROM 2007 SCA NAPC WORKSHOP:

Comments by Robin Turner (owns CRM firm)

#12 (Standards & Guidelines): Her CRM firm employs local California Indians that know local history and culture and communities. She encourages Native Americans to work with local CRM firms and to participate in developing important research questions. She believes Native Americans should be involved in all archaeological field projects. A-12

Comments by Alan Levanthal.

#13 (Standards & Guidelines): Alan works as the Tribal Archaeologist for the Muwekma Tribe's CRM firm. He asked, "What are tangible benefits of archaeological/anthropological work to local tribes?" Too often there are myths that California Indians are extinct (e.g., Kroeber). He observes a gulf between contemporary Indian perspectives on reality and California archaeology, noting that the gap is narrowing but more work is needed to narrow the gap. He noted that not long ago, a state agency did not want the ethnography authored by the Muwekma Tribe published in its report. A-13

Talking Point 2: Consulting With California Indians. Discussants: Rosemary Cambra (Muwekma Ohlone Tribe of the San Francisco Bay Area Chairperson), Mary Galliano – Council Member, Muwekma Tribe, Alan Levanthal – Tribal Historian, Muwekma Tribe, Norma Sanchez – Tribal Administrator, Muwekma Tribe

Key Questions for Talking Point 2:

1. What is Native American consultation, and why and who should 'consult'?
2. What is the 'meaning' of consultation and how does it work?
3. What are some good examples of Native American consultation protocols?

Comments by Rosemary Cambra—Chair of Muwekma Tribe

#14 (Standards & Guidelines): As young person, she witnessed the love and respect her parents showed when visiting the graves of their ancestors. These things stayed with her. She observed her mother in a dispute over a property sale; her mother's position was to not take a position that would disrespect her relations. A14

Rosemary recounted a seminal event in her ancestral area when the Holiday Inn was built in San Jose. She observed what she classified as "cultural warfare" that pitted archaeologists, against Indians, against law enforcement, against the developers.

She spoke about what caused her to hit an archaeologist with the shovel, an action that she regrets and paid for with jail time and penalties. She said that the archaeologist stood over burial he was digging, with arms folded, and he said to her mother while pushing her aside, "I'm protecting these burials from YOU people." Her inappropriate response transpired because she felt that both her mother and her deceased ancestor had been disrespected, robbed of their culture and religion by having an outsider disrespectfully dig up the grave.

When asked how she explains her own personal experience, she reflected that it is "urban-Indian-archaeological apartheid."

#15 (Standards & Guidelines): Rosemary feels strongly that Public Law 280 should be abolished in California. She doesn't believe in or trust "concurrent jurisdiction." PL 280 declares the state has jurisdiction over Native Americans – but unrecognized tribes don't have standing.

#16 (Standards & Guidelines): She believes that state agencies, and Indian tribes should be transparent; tribes with their genealogical records and agencies with their mandated policies. Cultural resources practitioners need to go into Indian communities to conduct interviews. She doesn't want the process to have a double standard.

COMMENTS ON "WHITE PAPERS" FROM 2007 SCA NAPC WORKSHOP:

Comments by Alan Levanthal

#17 (Standards & Guidelines): He noted an all too common, awful question, "What Indian do you use?" Alan asserted that nobody should "use" an Indian for their own ease or benefit when conducting Native American "consultations."

#18 (Standards & Guidelines): Alan commented on the confusion perpetrated by Native American Contact Lists by County that are provided by the Native American Heritage Commission (NAHC). He observed that often these lists include tribal chairpersons as well as individuals. Alan raised concern that some agencies have misconstrued the intent of representation among those named as contacts by the NAHC; e.g., while a chairperson represents the tribal group, individuals usually represent only him/herself. Some local agencies may only consult with the individual, and not the chairperson, which can be inappropriate. He noted that in CRM, various parties can misuse the NAHC contact lists. He observed that some may consult with Native Americans in accordance with a "good old boy network," rather than consult with those who are legitimate.

#19 (Standards & Guidelines): He asserted that while the Muwekma had been previously and unambiguously federal recognized in 1986, he noted that most archaeologists and agencies are typically unaware of current legal decisions and the recent history of tribes.

#20 (Standards & Guidelines): He asked the question, "How do we empower Tribes?" His answer, and that of the Muwekma, is to approach cultural resources as a tribal CRM business entity. Tribes may be best qualified as they are the experts on themselves, their own traditions, history and culture.

Comments by Rosemary Camry

#21 (Standards & Guidelines): She observed, the "State has licensed archaeologists to be graverobbers."

Comments by Alan Levanthal:

#22 (Standards & Guidelines): He believes that "meaningful tribal consultation" is still in its infancy and is still being figured out by tribes, agencies and CRM practitioners. Alan noted that often, tribes get requests from CRM firms to "just get the information...". He believes that it needs to be reciprocal. If information exchange is only unilateral, the process is imbued with colonialism. All too often he observes that the firms or agencies will respond to the effect, "OK, now we've consulted, and now we'll do what we want."

#23 (Standards & Guidelines): Alan mandates that archaeological reports should be meaningful to tribes. He asked, "Do they reflect tribal reality?" He urges that tribes need opportunities to review and comment on draft reports before being finalized. Of particular concern are the report sections narrating the recent and contemporary histories of Indian communities. In addition, Alan asserted that CRM report authors need to acknowledge tribal consultants as co-authors of reports.

Comment from Katherine Saubel (Cahuilla, NAHC Commissioner)

#24 (Interpretation): She still hears, even from teachers, "There are no Indians in California!"

Comments by Cassandra Hensher:

#25 (Interpretation/Curation): As Indian people, we are staring our own extinction in the face. If we loose our culture and others write our history, where are we, lost?

Comments by Gregg Castro

#26 (Standards & Guidelines/Curation): Gregg holds emotional connections to all his relations, even when burials are 1000s of years old and unnamed. They are family, same as mother. Indians don't have same sense of 'time', its timeless (vs. archaeological perspectives of time).

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16

A11

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A19

A-20 4

COMMENTS ON "WHITE PAPERS" FROM 2007 SCA NAPC WORKSHOP:

Comments by Cassandra Hensher

#27 (Standards & Guidelines/Curation): She observed that non-Indians have different viewpoints regarding respect for the dead; personally, they may not care if their remains are dug up in the future. For Indians, respecting the dead is among the highest measure of respect.

A-21

Comments by Frank Ross

#28 (Standards & Guidelines): A member of Graton Rancheria (Coast Miwok), he remarked that it's a painful experience for him when Indians are 'invited' to visit a site, and they know there are ancestors buried there. Federally recognized tribes need to acknowledge the unrecognized tribes; he suggested perhaps they should take over the acknowledgement process.

A-22

Comments by Mandy Marine

#29 (Standards & Guidelines) She remarked that her family and tribe have been proactive by notifying local federal and state agencies about them, providing a map of their area of concern, asking ask to see management plans for vegetation control, etc., so can provide recommendations for CRM. She argued it is important for tribes to 'stay on top' of what is going on in their area. She is firm that consultation should begin early in planning, and not be just a last ditch effort; agencies and tribes need to make the time to meet and consult.

A-23

Comments by Cassandra Hensher

#30 (Standards & Guidelines, Training): She observed that when talking about consultation issues, one ends up back at the history of California Indians regarding federal recognition, whether tribes have standing, whether laws 'recognize' a people as the legitimate people, which we are!

A-24

Comments by Rosemary Cambra

#31 (Standards & Guidelines): She noted that we are all products of our past. She urges people to be honest, which gives birth to respect. Don't have an agenda that's bad spirited or disrespectful. She wants kids to go to school. She feels the legacy of ancestors is providing the foundation of truth.

A-25

Talking Point 3: CEQA and Native American Cultural Sites. Discussants: Janet Eidsness (Heritage Resources Consultant), Michelle Messinger (California Office of Historic Preservation [OHP]), Dwight Dutschke (Ione Band; California OHP)

Key Questions for Talking Point 3:

1. How are Native American cultural sites currently addressed by CEQA?
2. What are the roles of the Native American Heritage Commission and Office of Historic Preservation in CEQA review for Native American cultural resources?
3. How can we improve the CEQA Standards & Guidelines for consideration of Native American cultural resource values?

Comments by Dwight Dutschke (Ione Band Miwok, OHP)

#32 (Standards & Guidelines): He remarked the only way to effect changes to CEQA is through litigation and proposed changes to the Statutes. CEQA is a means of taking substantive information and putting it on the table.

A-26

Comments by Janet Eidsness (Consultant)

#33 (Standards & Guidelines) She remarked that the California Register of Historical Resources criteria include provisions for listing or eligibility determinations of Traditional Cultural Properties (TCPs), and

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COMMENTS ON "WHITE PAPERS" FROM 2007 SCA NAPC WORKSHOP:

challenges CRM consultants by asking, "How will you know if there is or is not a TCP in your project area unless you consult with the tribes?" In her consulting work, she employs the NAHC contacts list as a starting point in the contact process to determine if there are Native American cultural sites that could be affected. TCPs are rooted in time and are important for on-going tribal identity, as emphasized in National Register Bulletin 38. She urges archaeological consultant to request Sacred Lands File searches through the NAHC, and to ask for help from OHP if there are issues associated with how the Lead Agency addressed Native American and/or historical resource issues in their CEQA document. Whether or not they penned the section, the archaeological consultant should always review the related CEQA document for adequacy and legal defensibility relative to the Native American resource issues. Of particular concern is that tribal confidentiality issues are respected and not disclosed to the general public in CEQA reports. Janet urges CRM practitioners working CEQA projects to employ "Best Practices" drawn from the NHPA Section 106 process.

Comments by Glenn Russell (County of San Diego)

#34 (Standards & Guidelines): He pointed to the definition of a historical resource. He suggested adoption of local guidelines, noting that it can be challenging to make decisions regarding definitions and where to draw the line. He suggests the County of San Diego's model for addressing historical resources under CEQA as a useful model – information posted at website:

<http://www.sdcounty.ca.gov/dplu/Resources/3~proguid/3~proguid.html#arch>

Talking Point 4: Working With California THPOs. Discussants: Thomas Gates (Yurok Tribe THPO), Reno Franklin (Kashia Pomo Band of the Stewarts Point Rancheria THPO), Suntayea Steinruck (Smith River Rancheria (Tolowa) THPO), Helene Rouvier (Wiyot Tribe THPO)

Key Questions for Talking Point 4:

1. What is a THPO, and what authority does it give a Tribe?
2. What do THPOs really do?
3. What concerns do THPOs represent?
4. What are some suggestions for working in California CRM with a THPO?

Comments by Suntayea Steinruck (Smith River Rancheria THPO)

#35 (Standards & Guidelines/Conservation/Protection): She argued that tribes need to be consulted because Indian people care about the places, homeland, food, resources, etc. As THPO, she has been working with Del Norte County on a Management Plan for Pt. Saint George on County park lands, where there is lots of exposed midden and artifacts are often pot-hunted. There, she learned that it can be dangerous to approach people who are actively collecting Indian artifacts. She believes it is important for THPOs to educate local law enforcement and the public to respect Indian places. She also urges THPOs to work with tribal members to monitor site conditions, especially in places where there is high public visitation and a history of artifact collecting. She believes it is important to educate Indian youth about CRM, laws, traditions, and the importance of respecting culture. She also works with other THPOs, other tribes, and CRM professionals to get more teeth in the laws.

Comments by Helene Rouvier (Wiyot Tribe THPO)

#36 (Conservation/Protection): She noted the important roles of THPOs: 1) educating the public, local agencies, fact that CR preservation is not so important in US nationwide (maybe Canada better at protection), how CR important to all people. THPO gives Tribe more 'clout' with local governments, etc. Importance of regular, consistent responses to requests for comments. 2) Make voices heard so culture and environment is protected, that people with traditional cultures can continue their practices in their places.

Comments by Reno Franklin

COMMENTS ON "WHITE PAPERS" FROM 2007 SCA NAPC WORKSHOP:

#37 (Conservation/Standards & Guidelines): He remarked that having a THPO is an important display and act of Tribal sovereignty. His reservation has oldest roundhouse known. He argued the importance that each tribe develop its OWN program, which takes a little time to figure out, but can be done by listening to elders and conferring with other THPOs. A-31

#38 (Standards & Guidelines): He said that Timber Harvest Plan (THP) review is important to his tribe. He is learning how to push for and enter into consultation EARLY in the environmental review process. He has compiled a map of how their reservation looked in early 19th century. A-32

#39 (Conservation/Interpretation): The tribe's language program has been important to help identify Kashia Pomo cultural places, with elders and youth both learning to speak the language and visiting the sites. His program has identified and protected gathering places, e.g., for tan oak, berries. He is now also working with private land owners to protect and allow access for gathering. A-33

Comments by Helene Rouvier

#40 (Curation): She stated that the Wiyot Tribe has just established a Tribal Culture Center with museum and archival storage. They want to establish their own tribally owned and operated CRM consulting firm. A34

Comments by Suntavea Steinruck

#41 (Standards & Guidelines): She remarked that 'cultural sensitivity' is the most important aspect of consultation. She has been asked to give 'cultural sensitivity' training. She argues it is important for CRM people to listen. A35

Comments by Bill Helmer (Big Pine Paiute THPO)

#42 (Standards & Guidelines): He observed that under NHPA law establishing THPOs, especially important is the charge to "advise and assist as appropriate to Federal agencies." This authority gives tribes the ability to consult and protect ancestral territories, which are typically larger than the boundaries of an Indian Reservation. A36

Comments by Reno Franklin

#43 (Protection): He offered an recent example of good CRM from Kendall Jackson Vineyards on the Mendocino County coast – there, the developers agreed to preserve cultural sites by leaving as 'islands' in the vineyards. This strategy contrasts with another winery developer that bulldozed sites including a roundhouse. New developments in the Kashia Pomo area often involve 'timberland conversion' and CDF review. Vineyard development involves disturbance to 6-ft-depth. A37

SESSION 2: CALIFORNIA INDIAN VIEWS ON RESPECTING THEIR ANCESTORS AND TRADITIONS

Talking Point 5: Coroners and Determining Race. Discussants: Alison Galloway (Forensic Anthropologist, UC-Santa Cruz)

Key Questions for Talking Point 5:

1. What is the role of the Coroner under California Native American burial protection laws?
2. What training/experience is required of County Coroners with respect to identifying Native American remains? Do they seek advice where needed for determining Native American remains?
3. How can physical anthropologists tell if the remains are Native American or Chinese?

Comments by Anthony Madrigal (NAHC staff attorney):

COMMENTS ON "WHITE PAPERS" FROM 2007 SCA NAPC WORKSHOP:

#44 (Conservation): He explained that he is of Cahuilla descent from southern California, and feels that protection of cultural resources is central to Indian identity. He observes that more tribes are reaching out to work with archaeologists. Many Indian people are taught to never disturb burials in any way, because it is disrespectful. He observed that the development rate in California is impacting sites and burials. A38

#45 (Conservation/Standards & Guidelines): Anthony explained that current California state law sets process for handling discovery of Native American burials and the role of the Coroner, who has two days to investigate discovery and if determined or likely to be Native Americans, the Coroner must contact the NAHC. He observed that usually, if a burial is found during an archaeological investigation, the Coroner will consult with the lead archaeologist on site. Sometimes Coroners will consult with forensic anthropologists. In Riverside County where he has more experience with this law, tribal people have good relationships with the Coroner, and have informed him/her about their sensitivities. Some Coroners are not sensitive to Indian people, and some tribes have no relationship with their County Coroner. NAHC staff have met with Coroners at their usual statewide meeting, and they need to do it again soon. A39

#46 (Conservation/Standards & Guidelines): AB 2641 Revisions (2006) added provision for the MLD (Most Likely Descendant) to consult with Landowner beyond point of initial discovery, which is critical where multiple burials are encountered over the life of a project. The NAHC has the directive to serve as a Mediator between the MLD and Landowner if requested. A40

Comments by Allison Galloway

#47 (Standards & Guidelines) Regarding California Sheriff-Coroners, Allison noted that County's often fill this position by rotating assignments of local officers. Typically, such personnel have limited training in forensics or physical anthropology. A41

#48 (Standards & Guidelines): The Medical Examiner system is separate from the Sheriff's office. Its staff is unlikely to have archaeological or physical anthropology training.

#49 (Standards & Guidelines): Allison described what generally occurs in a Coroner investigation. First, he/she determines if the remains include 'bone', and if yes, whether or not it's human bone. If the Coroner is unsure, they may photograph the bone with a scale, and then relay the photo to a forensic anthropologist for species identification. Of course, the context of the finds vary --it may be in situ or an intact burial; or pieces of bone picked up with little or no info about context of find. Sometimes, there is no information at all from the Coroner about where the bones were found (e.g., pothunted collections passed through families, or just dumped).

Forensic anthropologists can be most successful in solving riddles when they get to investigate the scene of a discovery. Often, they can make the determination that remains are Native American in place. In some cases, a small amount of excavation may be employed to expose the remains and make a positive determination that the remains are Native American.

As a forensics anthropologist, she must base findings on the skeletal exam; not just the context of the find.

Her goal to have remains repatriated as quickly as possible.

#50 (Standards & Guidelines/Curation): Allison discussed some of her areas of concern. She observed that California Indian remains are poorly represented in the published comparative data. California Indian populations have many traits in common with the European population. Anthropologists need to examine

COMMENTS ON "WHITE PAPERS" FROM 2007 SCA NAPC WORKSHOP:

A-41

existing collections to increase knowledge of Native Americans traits and head off miss-identifications. Many Indian burial crania have been collected as 'hobby' specimens.

Comments by Val Lopez (Amah Mutsun Tribal Chair):

#51 (Standards & Guidelines/Conservation): Val recounted a recent story from San Juan Bautista, where the City encountered bone when digging up a waterline. The Coroner consulted a retired local high school history teacher, who examined the remains and made a determination was not Native American, but Chinese. The NAHC called the local Coroner, but could do nothing, since the Coroner has responsibility for making the ancestral determination. Val noted that if a local tribal member didn't live in San Juan Bautista, the tribe would not have heard about it. This event moved to Val to confer with Allison regarding forensic anthropology 'tips' and with experts in DNA testing, which the tribe does not support for its members.

A
42

Comments by Frank Ross (Graton Rancheria member)

#52 (Standards & Guidelines/Conservation): He recounted an experience where a skull was found by a visitor, and the coroner came in to investigate the site. The coroner used a hammer to break up the bones, then handed them to the tribal representative for repatriation. The rest of this burial is presumably still in place in the public park.

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#53 (Standards & Guidelines): Frank has observed that many archaeologists do not have forensics skills or physical anthropology skills when doing excavations. He remarked that Indians generally do not want archaeologists to take remains back to a lab or remove from a site for purposes of determining whether they are human or not.

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44

Comments by John Valenzuela:

#54 (Conservation): John exclaimed that when Native American remains were found in their area, it was very emotional for him. For his tribe, the elders inspected the discoveries and guided the tribal leadership about what to do. Remains were taken out of ground and studied by Phil Walker, a physical anthropologist. Meantime, the San Fernando Tribe worked with the developer to convince him to redesign his project to avoid disturbing any further burials. I am unhappy that the remains were removed and studied.

A-45

Talking Point 6: Tribal Perspectives on DNA Testing. Discussants: John Johnson (Santa Barbara Museum of Natural History), Ed Ketchum (Amah Mutsun Tribal Band Councilman), John Valenzuela & Donna Yokum (San Fernando Band of Mission Indians Tribal Chair & Vice-Chair), Rosemary Cambra (Muwekma Ohlone Tribe of the San Francisco Bay Area Chairperson)

Key Questions for Talking Point 6:

1. What can we archaeologists and Native Americans learn from DNA testing and what is involved in the testing procedures?
2. What are some different views among California Indian Tribes today with respect to DNA testing of ancestral remains?

Comments by Ed Ketchum

#55 (Standards & Guidelines/Curation): He argued that DNA testing is a small part of the issue. The bigger issue is treatment and disposition of human remains -- all must be treated with dignity and respect. He made a comparison to Kennewick Man, arguing that remains should be under control of Native people. He argues that human remains are NOT resources. They should be returned to their people and not stored in boxes or in museum displays. He adamantly supports people indigenous to the area determining how best to treat the remains and whether certain testing can be conducted.

A-46

COMMENTS ON "WHITE PAPERS" FROM 2007 SCA NAPC WORKSHOP:

Comments by Donna Yocum:

#56 (Standards & Guidelines/Curation): Donna was the subject of MtDNA testing for a case study, and found it was a very difficult decision with many emotions. She noted there is a fine line with desecration in such a personal decision, along with many other issues surrounding such a decision to allow taking DNA samples. The San Bernardino Band is not federally recognized, but has had good rapport with the federally recognized tribes and archaeological teams working on the discovery. The Positive DBA result was an overwhelming step forward in proving cultural heritage. Not everyone agrees with decisions to allow for DNA testing, and she respects that. She urges that all tribes need better communication with developers and contractors...need results; appreciates help. She believes the voice of Native Americans will override almost everyone. A-47

Comments by John Valenzuela

#57 (Standards & Guidelines/Conservation): John asserted that he fought tooth and nail to keep the contractor out of the discovery area where ancestral remains were found. He held meetings to convey the message that the area was sensitive. The Palmdale Planning Department was very helpful with getting the development plans changed. No permits will be issued until environmental documents are completed. He remarked that it takes communication between the archaeological consultant and the affiliated Native Americans. He urged people to listen and take his advice...you MUST attend the preconstruction meetings. Working with the archaeological consulting firm Discovery Works has not resulted in impacts. Sites have been preserved. Everyone has been sensitive. He urges tribes to get in there and ask questions. A-48

Comments by Rosemary Cambra (Muwekma Ohlone Chairperson)

#58 (Standards & Guidelines): She remarked that she's had a long history with both positive and negative experiences. For her, it's been a spiritual awakening. Every mitigation project is unique, characteristics are different, but compliment each other and give to me that cultural respect...spiritual awakening. She's taught children and grandchildren to experience this. She observed that it's hard for students, archaeologists to be spiritual guides... students should ask "are we morally compatible?" Can I lovingly, gently do..., "can I transition with scientific technology, are we going to use DNA to divide our communities?" A-49

#59 (Standards & Guidelines): Rosemary asserted that the burden is quite heavy for the leadership in all tribes. She urged Native peoples to educate themselves about archaeology. She had watched her mother and experienced her fears about the ancestors being dug-up. She observed her mother's holiness, her body language. She said she was honored by the presence of legal counsel from the NAHC, asking that he take the words that you hear and educate the commissioners...ask them to have a roundtable discussion with tribal people about these particular issues. Rosemary stated she hopes for better solutions to come out of this conference.

Talking Point 7: Native American Views on Death and Treatment of Ancestral Remains. Discussants: Gabriel Gorbet and Melany Johnson (Maidu), Valentin Lopez (Amah Mutsun Tribal Band Chair), Rosemary Cambra (Muwekma Ohlone Tribe of the San Francisco Bay Area Chairperson)

Key Questions for Talking Point 7:

1. From their particular cultural and historical background, how do California Indians generally view death and the treatment of ancestral remains?
2. What are some different points of view about studying human remains among California Indian tribes? What lessons can be learned by archaeologists?
3. How can California archaeologists become more sensitive and respectful when examining Native American remains and graves? What should they be aware of and know?

Cassandra: How do the Indian people really feel about their ancestral remains?

COMMENTS ON "WHITE PAPERS" FROM 2007 SCA NAPC WORKSHOP:

Comments by Valentin Lopez:

#60 (Curation): He opened by stating this is a very important issue. He remarked that how we handle remains is the single most important thing we do as a tribe. He described a case example from Hollister, where bone was discovered in a hay field and dispersed over a large area. He and the tribal representatives didn't want to walk over hallowed, sacred ground. ASO

He stated that it has been common for the Amah Mutsun to get calls from Coroners about the discovery of skulls or partial remains. Also, they've received calls from universities, where remains have been locked-up for years in their collections. He feels that the spirit of every one of his ancestors is still alive. He observed: "When we bury them, they take possessions, etc. When unearthed, that spirit is disrupted. When we rebury them, our goal is to make sure that spirit finds peace." He remarked that the remains need to be given proper respect so that when reburied they can pass back to the other side. That prayer means listening; who is talking to us? He believes that his ancestors are out there, giving them advice.

#61 (Curation): Val strongly feels that no one should touch remains with your hands; gloves should be worn. He doesn't feel that anyone is worthy of touching those remains. ASI

#62 (Conservation): He observed that the media can be a problem when remains are discovered. Police in a discovery area may use cell phones when notifying the Coroner of remains, to avoid media exposure. ASZ

Comments by Gabriel Gorbet:

#63 (Curation/Conservation): Gabe observed that each tribe has its own particular cultural views about death and ancestral remains. Some commonalities include: transcendence of human soul upon death (although view on place where soul goes may differ); remains associated with human soul are connected, thus there is a great respect for the remains.

He asserted that studying remains for human curiosity and for science is an anathema. He's found that it is difficult to listen to such talks, and asked, "How much real science was learned by studying Kennewick man," noting studies have shed light on how he was interred, that he had an arrow in his thigh, and how remains decomposed. Gabe inferred these were limited contributions; the Kennewick man study "didn't get the cure for cancer, or affect world peace." He posed a question to archaeologists regarding ethnics, "What are the values of the questions you are striving to answer through scientific study?" AS

#64 (Standards & Guidelines): Gabe asserted that it is important for archaeologists to know Indians are still here, and not just in the past. He expects they will listen with respect, and both will exchange knowledge. He challenges archaeologists to be aware of the unique nature of Indian experience in California, with its history of Indian mistreatment by invading Europeans. He observed, "The art of screwing the Indians was set" by the earliest historic times. Gabe challenged archaeologists to consider the different cultural perceptions, for example, about private property, who owns the land. Indians were not equipped to deal with this invasion. During the Gold Rush, its geographic setting focused on places where water was found, and coincidentally, where Indians lived there. The California government established laws and offered bounties for killing Indians, penal laws. Many Indians 'hid' as Portuguese, etc., denying their "Indian-ness," for safety reasons. California Indians were at odds with each other, in part, because of government policies and the history of treatment by Americans. AS

Gabe believes this historic context also contributes to the anger and outrage felt by Indians regarding the disrespectful treatment of their dead.

COMMENTS ON "WHITE PAPERS" FROM 2007 SCA NAPC WORKSHOP:

#65 (Standards & Guidelines): He suggested that archaeologists may consider tribes as databases that you can ask questions of. But, tribes need time to consider their answers. They need time to built trust. From his own Indian experience, the answers come when sitting on the porch with his relations, there's no rush in speaking, but important lessons are shared.

ASS

Comments by Melany Johnson

#66 (Curation): She began by stating that she wants to communicate her views without intent for disrespect. At Susanville Indian Rancheria, she is responsible for the NAGPRA program. NAGPRA is human rights law. She observes that Indian people continue to struggle with agencies for repatriation. That true consultation often is not happening; that it does not just involve sending a letter. Not until 1978 were California Indians allowed to practice their Native religion. Every burial artifact has powerful connection to the person they were associated with. Burial offerings were not always placed with the remains; for example, offerings may have been put in a basket set under a tree.

She asserted that non-Indians cannot see the intangible connections between places and the sacred, as Indians do. Sacred places are known to Indians through traditions, and these places have strong connections to the spiritual world. She is glad that Indian youth being educated about sacred places, earth, air.

A
SL

#67 (Curation): Melanie observed that UC-Berkeley/Phoebe Hearst Museum has many Native American remains and grave objects classified as "culturally unidentified," but were derived from the area of the Maidu, Paiute and Washo. She objects strongly to this classification, and calls for such remains need to be repatriated.

Comments by Rosemary Cambra

#68 (Standards & Guidelines). She began by thinking about what spirituality means to her. She feels that we have been blessed by lives of the people of the past, observed that people are but a reflection of our ancestors... for her, this is all she needs to know, to grow with. She has come to terms with her own cultural history, not judging those in history, or those who made poor decisions in the past. She can live with this, accept and not judge it. She's focused on whether she agrees with terms of people today. She needs to have trusting relationships or she won't work with people.

A
57

#69 (Standards & Guidelines): Regarding the treatment of the dead today, she asserted that Indians need to make their statements, and agencies and archaeologists need to accept their position. She feels the pain will never go away.

ASO

#70 (Interpretation): Rosemary brought up the issue of global warming. She feels that Al Gore needs to talk to the Natives to get more facts about global warming. She observed that Natives are sensitive to special energies.

AS9

#71 (Standards & Guidelines/Conservation): She asserted that the Muwekma Tribe will always recommend preservation over development. She called for the need for more planning up front to avoid exhuming cemeteries etc. found during development.

A-60

#72 (Standards & Guidelines): She believes we need to continue talking with each other.

Comments by Cassandra Hensher

#73 (Curation): Cassandra began by questioning the interpretation that artifacts and remains are 'property'; i.e., private property rights. She opined, "What happens to remains affects living communities, what happens is a human rights issue." She questioned the costs, to Indian people, what benefits and to whom?

A-61

Comments by Gregg Castro

COMMENTS ON "WHITE PAPERS" FROM 2007 SCA NAPC WORKSHOP:

#74 (Standards & Guidelines): He pointed out the need for parity (equality) between Indians and non-Indians. Their respective values need to be respected. He feels that too often Indians are treated condescendingly, sort of "given the nod and patted on the back like a child" for their beliefs. A-62

His Salinan ancestors did not have to deal with what is happening today with burial disturbance and exhumation, they didn't need to consult with elders, they just didn't have the issue. Today, the Salinan try to consider burial treatments before it happens, rather than have to make decisions during crises. He expressed his appreciation for the tough job Indian leaders have in making decisions about treatment of remains on the spot.

Comments by Rosemary Cambra: Myra Herrmann (City of San Diego Archaeologist) asked Rosemary's comment that lead agencies should have the responsibility for deciding mitigation for disturbing human remains. A-63

#75 (Standards & Guidelines): Rosemary responded to Myra by saying that she wants to see how lead agencies would handle it. She feels that agencies and archaeologists only consult with Indians, but already have their minds made up.

Comments by Cassandra Hensher

#76 (Curation/Conservation): She emphasized the point, "Do not expect Indians to EVER say its OK to disturb ancestral remains." She believes that they would not be able to live with it, to be able to meet their ancestor on the other side. A-64

Comments by Frank Ross

#77 (Curation/Conservation) He observed that archaeologists are not likely to ever have the emotional attachment that Indian people have for Native American remains. He put out the call for Indian people statewide to unite, believing it is the only means for Indians to succeed in this world. A-65

Comments by Suntaya Steinruck

#78 (Standards & Guidelines): She commented that coming this together of Indians and non-Indians is very important to the healing of Indian people. She extended her appreciation to all the archaeologists that came to this workshop. It makes her feel validated. This contrasts to her grandmother's experience, as she wasn't able to talk about it, hiding it and the pain. A-66

Talking Point 8: Addressing Both Archaeological and Traditional Cultural Site Values in CRM.

Discussants: Dwight Dutschke (Ione Band of Miwok; California OHP), Helene Rouvier (Wiyot Tribe THPO)

Key Questions for Talking Point 8:

1. We know that archaeological site values can be mitigated if the sites cannot be preserved in the face of development. What if the same site also has Native American cultural values; how can these significant values be mitigated if they cannot be preserved?
2. What are some CRM examples, good and bad?
3. How can CRM/archaeologists do a better job addressing and reconciling significant impacts to Native American cultural site values?

Comments by Dwight Dutschke

#79 (Standards & Guidelines): He observed that it was about 25 years ago on an OHP project when he realized that "other" values may override the need to protect the archaeological information values. The project involved connecting water to a house for elderly Indian person. "It was never intended by my ancestors for me to have bad water..." was the elder's comment. A-67

COMMENTS ON "WHITE PAPERS" FROM 2007 SCA NAPC WORKSHOP:

He shared another example from Maidu country. A septic tank had caved in and needed replacing, but it was on an archaeological site. The question was raised, spend more money that they have doing archaeological data recovery, versus giving the elder, who'd lived there his entire life on ancestral lands, the opportunity to stay in a healthy setting. Dwight argued that it is important for there to be a continuum of occupation at a place by Native people.

#80 (Standards & Guidelines): About Helene's account of the Tuluwat Restoration Project on Indian Island, Dwight stated that what impressed him was the Wiyot Tribe had purchased the property, had cleaned up the place, which had been subject to decades of looting, and they want to reestablish cultural ties to this place. He felt that it was ironic that Section 106 was imposed on a Tribe intent on doing the right thing, cleaning up the site, etc. He felt it is especially important that tribal members will participate in data recovery. But he observed that the principal significance of Tuluwat is related to living Wiyot people and their ties to this place (as a TCP). He found it ironic that the City of Eureka donated land to the Tribe, and then imposed restrictions on clean-up and use that are at odds with their right for Tribal sovereignty.

Dwight argued that when both archaeological and TCP values apply to a place, regulators and planners need to consider options at to what is more important.

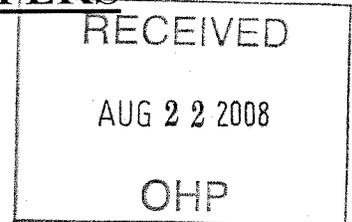
WORKSHOP ANNOUNCEMENT

SEEKING COMMENTS FROM NATIVE AMERICANS ON IMPROVING THE PRACTICE OF ARCHAEOLOGY IN CALIFORNIA

47

AS ADDRESSED IN THE "DRAFT WHITE PAPERS"

Archaeological *Standards and Guidelines*
Archaeological *Preservation*
Archaeological *Interpretation*
Archaeological *Conservation*
Archaeological *Curation*



Draft White Papers Currently Posted on the Internet at

http://ohp.parks.ca.gov/?page_id=24556

<http://nahc.ca.gov>

<http://ohp.parks.ca.gov>

All welcome to attend Northern California Workshop on

WEDNESDAY, JULY 30, 2008

10:00 a.m. – 3:00 p.m.

(Lunch provided for all guests)

Where

REDDING RANCHERIA

2000 Redding Rancheria Road, Community Center
Redding, California

RSVP and Redding Workshop Contact Information:

Janet Eidsness, SCA Native American Programs Committee, (530) 629-3153, jpeidsness@yahoo.com

Cassandra Hensher, SCA Native American Programs Committee, (916) 813-8468, hensher@mail.com

Anthony Madrigal, Native American Heritage Commission, (916) 653-4082, am_nahc@pacbell.net

James Hayward, Redding Rancheria, (530) 242-4543 or cell (530) 410-2875, jamesh@redding-rancheria.com

Workshop Sponsors and Facilitators: Redding Rancheria, Native American Heritage Commission, Society for California Archaeology's Native American Programs Committee, Archaeological Resources Committee of the State Historical Resources Commission

ALL COMMENTS DUE BY OCTOBER 31, 2008.

AFTER OCT. 31, 2008, ALL COMMENTS WILL BE COMPILED, REVIEWED AND RESPONDED TO BY THE STATE HISTORIC RESOURCES COMMISSION'S ARCHAEOLOGICAL RESOURCES COMMITTEE, FOR PURPOSES OF RECOMMENDING DEVELOPMENT AND POSSIBLE ADOPTION OF STANDARDS AND GUIDELINES, POLICIES AND PROCEDURES RELATED TO THE PRACTICE OF CALIFORNIA ARCHAEOLOGY UNDER CEQA AND SECTION 106, Etc.

AGENDA

ARCHAEOLOGICAL WHITE PAPERS WORKSHOP REDDING RANCHERIA, JULY 30, 2008

9:30 a.m. Doors Open, Refreshments

10:00 a.m. Redding Rancheria Welcome and Opening Prayer (Jim Hayward)

10:15 a.m. History and Purpose of White Papers (Trish Fernandez)

10:30 a.m. Workshop Structure and Goals: Obtain Record of Indian Comments (Janet Eidsness, Cassandra Hensher, Anthony Madrigal)

11:00 a.m. ARCHAEOLOGICAL STANDARDS & GUIDELINES

11:45-12:30 Lunch

12:30 ARCHAEOLOGICAL CURATION

1:15 p.m. ARCHAEOLOGICAL CONSERVATION

2:00-2:15 Break

2:15 p.m. ARCHAEOLOGICAL PROTECTION

3:00 p.m. ARCHAEOLOGICAL INTERPRETATION

3:45 p.m. Closing Comments

4:00 p.m. End

Sheet 1

Archeological Training July 30, 2008 @ Redding Rancheria

mail

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accl. form

Name	Address	Tribe
1	John Hayward Sr.	St. River Wintu Y.A.W.A.
2	Thomas Ryan 5 Tyne Way, Oroville	Barry Creek Rancheria
3	Reina Rogers Box 3562 Quincy 95971	Tohono O'odham (NRC)
4	Yolanda Chavez (AEC) 1801 7th St. SAC. CA 95811-916-447-3479	
5	Nando Delgado 20831 Browns Rd, Grass Valley, CA	VAIC
6	Allen Adams 9450 Canyon Lake Lane Folsom (M. Wok)	
7	Julie Cassidy Mt Shasta RD 204 W. Alma Mt Shasta CA 96067	
8	Hana Johnson 2729 Prospect Park Dr, Rancho Cordova CA (PMC)	
9	Beverly Ogle 29855 Klum Creek Rd, Haywards Creek Ca. 96075	
10	Rose Burns P.O. Box 483 Hayfork, Ca.	Wintu, Maidu, Muck
11	Nancy Martin 21003 Early Creek Ln Redding 96003	Wor. Rel. Maidu Wintu
12	Robert "Bob" Burns P.O. Box 583 Hayfork Ca 96041	Wor. Rel. - Muck 628-5930
13	Dana Ammon Magdalena PO Box 373 Selbyer 95563	Tsunungwe
14	Elizabeth McCloud 20016 Senior Ct Burney CA	96013
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Sheet 2

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Pitt River
Winto
Tanza
Berry Creek Rancheria

Archeological Training July 30, 2008 @ Redding Rancheria

Name	Address	Tribe
1	Juan A ywend 512 - ^{OR E-MAIL PREFERRED} jayend@redding-rancheria.com	
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14	many hills	
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17	Rodney Samlora " " " "	
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19	Neck Angeloff 27 Bear River Dr Colata, CA 95551	Bear River Band
20	Radley Davis - Pitt River Nation	
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NATIVE AMERICAN PARTICIPANTS AT "WHITE PAPERS" WORKSHOP

Redding Rancheria, July 30, 2008

(Transcribed from Sign In Sheets by Janet Eidsness with help from Cassandra Hensher)

Notes: * Non- Native American Observer at Workshop. #s 1-14 transcribed from "Sheet 1". "Sheet 2" list # indicated in parentheses, to provide total number and not include duplicates. NSI = not signed in, but present at workshop.

Name	Affiliation	Address	Email	Phone
1. (& 1) James Hayward, Sr.	Redding Rancheria Pitt River, Wintu, Yana	2000 Redding Rancheria Road, Redding, CA 96001	jamesh@redding-rancheria.com	(530) 242-2523 wk (530) 410-2875 cell
2. Thomas Dugan?	Berry Creek Rancheria	Tyme Way Oroville		
3. Reina Rogers	Tohono O'odham (NIRCS)	P.O. Box 3562 Quincy, CA 95971		
4. Yolanda Chavez	AES – consultant to United Auburn Indian Community	1801 7 th Street Sacramento, CA 95811		(916) 447-3479
5. Sande Delgado	United Auburn Indian Community	20831 Brenda Rd. Grass Valley, CA		
6. Allen Adams	Miwok United Auburn Indian Community	9450 Canyon Lake Lane Folsom		
7. *Julie Cassidy	USFS-Shasta Trinity NF Mt Shasta District	204 W. Alma Mt. Shasta, CA 96067		
8. Nana? Johnson	PMC?	2729 Prospect Park Dr. Rancho Cordova, CA		
9. (& 10) Beverly Ogle	Maidu	29855 Plum Creek Road Paynes Creek, CA 96075		(530) 597-2070
10. Rose Burns	Nor Rel Muk Wintu	P.O. Box 485 Hayfork, CA 96041		(530) 628-5930
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Name	Affiliation	Address	Email	Phone
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31 (20) Radley Davis	Pitt River			
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33. (NSI) Junie Mattice	Tolowa Nation	P.O. Box 2332 Chico, CA 95926	Jeffersonstate@yahoo.com	
34. (NSI) Susie Wilkes	Wintu, Pitt River, Modoc, etc.	220 West 1 st Ave, #A Chico, CA 95926		
35. (NSI) Herb Quinn	Pitt River	P.O. Box 513 McArthur, CA 96056	Hensher@mail.com	
36. (NSI) Cassandra Hensher	Karuk		tfernandez@jsanet.com	
*37. (NSI) Trish Fernandez (and sister)	SHRC Commissioner			
38. (NSI) Laura Miranda	Pechanga Attorney Native American Heritage Commissioner			
39. (NSI) Anthony Madrigal	Attorney for NAHC	Sacramento	Am_nahc@pacbell.net	

**NATIVE AMERICAN COMMENTS ON “DRAFT WHITE PAPERS”
JULY 30, 2008 WORKSHOP AT REDDING RANCHERIA**

Notes by Janet P. Eidsness, Facilitator and SHRC ARC Member

(Note: these comments were written down by Eidsness on flip-charts in full view of the participants and with respect to each topic and category (current situation, ideal situation, etc.). Concurrently, Hensher typed notes on a computer with the text projected on a screen for all to see and verify. Essentially, these two sets represent the same comments as heard by the two facilitators. Redding Rancheria’s Jim Hayward, Sr. made an audio recording of this event.)

GENERAL COMMENTS:

1. Not enough time and labor allocated for California Indians to respond to request for comments on the Draft White Papers.

OTHER TOPICS OF INTEREST THAT WERE RAISED, BUT PLACED IN “PARKING LOT” FOR FURTHER CONSIDERATION AS TIME ALLOWS:

1. Statewide representation for all California Indians on the Native American Heritage Commission (NAHC).
2. California Indians participated in a 7-year study authorized by Congress; why hasn’t this information been applied or considered by current effort.
3. Concern for the affects of current fires on cemeteries.
4. Native American monitor qualifications, responsibilities and authorities.
5. Question about how NAHC Commissioners communicate outside Public Meetings, e.g., regarding MLDs, SLF?
6. Leave artifacts on sites. (addressed under Curation, below).

ARCHAEOLOGICAL STANDARDS AND GUIDELINES

Current Situation:

1. Inadequate consultation with Tribes to-date with present process of archaeology as practiced under CEQA.
- 2.

Ideal Situation:

1. CRM professionals should be knowledgeable and local.
2. Native Americans need to be included at beginning of CEQA review process.

How to Bridge the Gap:

1. All State agencies and Local Governments should follow “Best Practices” as set forth in NHPA Section 106.
2. Adequate record searches need to be conducted to determine likelihood of Native American archaeological sites.

A

3. Early consultation with local and knowledgeable Indians, at the beginning of the CEQA process, should be required.
4. Native Americans need support to continue site stewardship and monitor sites during project implementation.
5. Native American Monitors must be knowledgeable to observe archaeological fieldwork in sensitive areas.
6. Adequate pre-project review is needed when determining whether or not an archaeological study is needed.
7. Archaeological standards and guidelines should be "honorable."
8. Reporting standards need to be established. CHRIS Information Centers need to enforce requirement that users (e.g. archaeologists) file reports there.
9. It is important to recognize "descendant groups," and not just Tribes, federally-recognized or not.
10. Confidentiality is important.
11. Native Americans need to have the opportunity to work with archaeologists to develop research designs and appropriate field methods to identify Native American cultural sites.
12. Archaeologists need to take Native American sensitivity training in open classroom settings.
13. Need to define who is an "expert" by broadening to recognize Native American elders and other knowledgeable Native Americans.

A

ARCHAEOLOGICAL CONSERVATION

Current Situation:

1. Under CEQA, Categorical Exemptions (Cat-X) often include projects or activities that DO impact Native American cultural sites. Examples include: (a) land use conversions; (b) agricultural uses lack cultural resources review, and sites are damaged or destroyed by vineyard developments; (c) future conversion of agricultural use lands for housing developments – need to look at past agricultural practices to determine their impacts on cultural places; impacts to archaeological sites from landscape rock contractors that quarry rock for sale and damage or destroy archaeological sites (e.g., Tehama County).
2. Too many artifacts are collected and studied, and not left in place.

Ideal Situation:

1. California Indians are respected for their authority and credibility when it comes to Native American cultural places.
2. Indian elders are honored for their traditional knowledge, etc.

How to Bridge the Gap:

1. Need to establish a new law that eliminates the exemption from cultural resources review of proposed agricultural land/land-use conversions.
2. Need to scrutinize present Cat-X process, including 30-day public comment period, to allow to assessment of impacts to significant cultural places.
3. Cultural resources review is needed before permits are issued for collection/quarrying of rock by landscape rock contractors.

B

4. Agencies need to be made accountable for cultural resources management on their lands and to establish the record of Native American consultation.
5. Need Indian people to work for decision-making bodies that decide site significance and how sites are managed and conserved.
6. Indians need to be regular participants on archaeological surveys.
7. Indian people need to be working in all positions and with decision authorities for those agencies with CRM responsibilities.
8. Native American access agreements must be clearly included in relevant conservation plans.
9. Need to establish priorities for conservation of the most important Native American place/site values.
10. Need to coordinate with descendant communities in establishing conservation easements to conserve the important Native American values (not just archaeological values).
11. Need better public education regarding California Indian history and on-going relationships/values of cultural resources that are tied to traditions. (e.g., cultural landscapes, sacred sites, etc.)
12. Indians and archaeologists must cooperate to prioritize places to be placed under permanent conservation easements.
13. Need to encourage tax incentives/cost or credits for CEQA projects that avoid impacts (versus mitigation/excavation) per the preferred alternative cited in CEQA Guidelines.
14. Need to prioritize regional surveys of cultural places.

ARCHAEOLOGICAL PROTECTION

Current Situation:

1. Native American remains brought to Coroner are eventually turned over to Tribe or MLD without any clear information about where they came from, what burial items were associated, etc. It is difficult for the Tribe or MLD to know the "best way" to treat the remains, e.g., rebury at discovery site.
2. Some agencies, e.g., California Dept. of Fish and Game, have been changing placenames (rivers, creeks, mountains, etc.), which loses significance and meaning of the land form from an age-old Native American perspective.

Ideal Situation:

1. Environmentally Sensitive Areas (ESAs) are established for animals (or protected plants), why not for Native American heritage?

How to Bridge the Gap:

1. Establish and advertise a 1-800-# to report vandalism with enforcement using "banked money" collected from prosecutions.
2. Promote and offer "site stewardship training" to monitor site conditions in a safe manner.
3. Establish a new law that private property owners do not have the right to own Native American artifacts and sites (e.g., non-NAGPRA items).
4. Need to "key in" and educate all levels of law enforcement about penalties for vandalism.

5. Oppose tone of statement under draft "How to Bridge the Gap" (first paragraph), and suggest delete phrase "have to" – question why reward people for being respectful of Native American heritage?
6. Must establish a careful process to notify property buyer about presence of archaeological sites. Ideally, archaeological site "conservation easements" should be in place and recorded for each property.
7. Under current State laws protecting Native American burials, need Coroners to disclose information about circumstances of discoveries and their determinations that remains are Native American. Reports need to be filed, for example, Primary Records need to be filed at Information Centers.
8. Native Americans should seek partners in preservation to inventory all Native American cultural places in the State.
9. Need to broaden consideration of Native American cultural places beyond archaeological sites, e.g., plants, rivers, landscapes, Traditional Cultural Properties (TCPs).
10. Need to take into account historical factors that prevented California Indians from continued access to TCPs and loss of cultural knowledge about such places.
11. State laws regarding vandalism need to be strengthened on par with the Federal laws (e.g., ARPA – felony offense). Federal prosecution penalties and records are stronger.

ARCHAEOLOGICAL INTERPRETATION

Current Situation:

1. Archaeological research designs involve theories about how Indians "thought" in the past, and are not interested in Indians' views today.

Ideal Situation:

(None)

How to Bridge the Gap:

1. No confidential site locations should be disclosed.
2. Consult with Native Americans to avoid disclosing sensitive cultural information.
3. Involve Native Americans in developing interpretive programs.
4. The California OHP should provide "connection" for Tribes to address the K-12 school curriculum.

ARCHAEOLOGICAL CURATION

Current Situation:

1. Indians do not support curation. They want items to go back to the places and sites where found.
2. The "curation crisis" only impacts archaeologists – Native Americans do not support building more curation facilities.

Ideal Situation:

1. There are NO curated collections of Indian artifacts; all items are returned.

How to Bridge the Gap:

1. Give back or “repatriate” existing collections to Native American Tribes and let them decide if curated short-term, reburied, etc. Artifacts, etc. should be adequately documented before reburial.
2. The issue of contaminated objects in existing collections needs to be addressed. Museums that contaminated the objects should take responsibility.
3. Curation facilities must consult with Native Americans regarding appropriate handling and storage practices of existing collections.
4. Archaeological reports must identify the final disposition of collections (accession number, repository name and location).
5. Native American Monitors must keep records of what items are taken from a site.
6. Each Tribe has the right to decide the final disposition of culturally associated collections.

CALIFORNIA INDIAN COMMENTS ON "DRAFT WHITE PAPERS"

Recorded 7/30/08 at Redding Rancheria, on computer by Cassandra Hensher

(Note: these notes were taken during oral discussions & comments from California Indians at workshop, and were projected on the screen for all to see and verify. "How" they relate to the Draft White Papers (CS, IS, HBG) was added later by Eidsness to facilitate responses from ARC of SHRC. These notes compliment those written by Eidsness during workshop on flip-charts, at which time they were posted under the applicable header (CS, IS, HBG). Essentially, these two sets of notes represent the same comments heard and documented by the two facilitators in full public view.

GENERAL COMMENTS:

1. Can comment period for Indians be extended past Oct 31, 2008?
2. Indians should have been brought into this process earlier, from the beginning, not now, after the papers have already been written.
3. Indians should be a part of the decision-making process, should be on the SHRC and the ARC.
4. There has been inadequate consultation on this process up to this point. We have been brought in during the comment period.

Abbreviations: CS: Current Situation. IS: Ideal Situation. HBG: How to Bridge the Gap.

ARCHAEOLOGICAL STANDARDS AND GUIDELINES

IS 1. All state agencies need to follow the guidelines and laws, including federal laws when they apply.

HBG 1. An archaeologist doing CEQA work should look to past records and research, need more detailed, thorough background searches.

CS 1. Some Indians/MLDs selected to work on archaeological sites don't know enough, or allow for destruction of sites.

IS 1: A competent archaeologist would consult with the MLD and local tribe--there would be mutual sharing in confidentiality.

IS 2: Oversight by local Indian people doesn't end when planning is done. Agencies have the money and the tribes don't. Monitors should be present at all sensitive areas. Reports should be provided to tribe.

IS 3: Knowledgeable local Indians need to be involved early.

IS 4: Stewardship should be a partnership with Indians, not just for archaeologists.

IS 5: Develop an HONORABLE professional standard of qualifications.

IS 6: S&Gs should require archaeologists to understand that a negative records search does not mean there's nothing there; they need to be familiar with and conduct close consultation with local tribes to really understand the long cultural history.

IS 7: Plans should be more thorough and detailed, including requirements for tribal involvement at every step. For example, CEQA does not mandate tribal consultation, does not define who is qualified when work needs to be stopped and a cultural site needs assessment. Often times, archaeologists who are used are not familiar or knowledgeable enough about the local history. Archaeologists need to go beyond their usual testing methods.

CS 2: Culturally sensitive areas: much archaeology is focused on historic archaeology, especially in areas with a large non-Indian community. Indians often get outnumbered by non-Indians doing archaeology and find themselves "defending" the local archaeology alone; there should be more Indians doing the work because they are knowledgeable about that area and that culture.

IS 8: Indian monitoring should be a part of the law and it should be included in budgets.

IS 9: There should be a list of qualified archaeologists that agencies have to use, so that agencies cannot just go find an archaeologist who tells them what they want to hear. For example, a contracting archaeologist did a job and the tribe liked it, but the state agency didn't agree with it and chose a different archaeologist.

IS 10: Archaeologists should be free and allowed to do what they know is right, and not overridden by those who employ them, those who tell them what they can and cannot do.

CS 3: Projects are planned and done without Indians being invited to the planning process and without Indian approval.

IS 11: Archaeological records should be more accurate, more complete, and needs better record-keeping so that information that has been recorded is not lost.

CS 4: Unrecognized tribes are not listened to and it's unfair. Even if they know the history of the area, their recommendations are not considered.

IS 12: Accountability to each other is essential. Archaeologists as scientists have a say at the state level while tribes have to find someone to represent them. Archaeologists cannot represent tribal concerns regarding spirituality and culture. Accountability in reporting and providing information to tribes is essential. What is the recourse if there is no accountability?

HBG 1: Let the local tribes be the archaeologists, not just the monitors.

CS 5: Some agencies use archaeological records from past decades (for example, 1980s)--they should be using updated and recent records and record searches.

CS 6: Sometimes just a pedestrian survey is used as the only form of research; it should be more thorough than that.

IS 13: Indians should be involved in the development of research plans about how much work to do and what work is appropriate.

HBG 2: Maybe the Swamplands act should be reenacted b/c it pertains to allowing the oldest residents of an area to make determinations about the history of the area.

ARCHAEOLOGICAL CONSERVATION

CS 1: Categorical Exemptions (Cat-X) under CEQA: example--modern techniques on vineyards go very deep and have much more impact on sites than past methods that were more at the surface (agricultural exemption); agricultural development opens the way for other development; this should be addressed in the law so that it is enforced.

HBG 1: Scrutinize Cat Ex process to eliminate chance of impacting sites.

CS 2: Example: problem with people who gather rocks for landscaping, etc--apparently a permit is not required but they can have huge impacts on sites.

HBG 2: Rock quarrying for commercial purposes should be subject to cultural resources review and permitting.

CS 3: The system and bureaucracy allows agencies to not be as accountable as they should be--and then Indian input is brushed aside as time limits run out.

CS 4: Archaeologists and agencies know what the problems are--so why don't they fix it?

CS 5: Historic archaeology is often seen as more important than pre-contact/Indian. If a site has both historic and prehistoric artifacts, does that affect its eligibility for the National Register? No, but even being eligible for the Register does not ensure protection or preservation.

IS 1: Indians should not just be temporary workers--they should be in the decision-making positions. Often Indians are in the position of defending their culture against people who say it isn't. Example: Indians should be USFS District Archaeologists, etc.

CS 6: Archaeologists are deemed the experts on archaeology and Indian culture, but in fact they are too out of touch with Indians and don't get enough knowledge of Indians in their education. Archaeologists' involvement with Indians leans too far toward only those Indians with official titles--there isn't enough involvement with the larger Indian community.

CS 7: Indians are the experts on Indians; they should not be told by non-Indians what their culture is or isn't.

IS 2: Elders should be honored--even if they don't have a title behind their name.

HBG 3: The definitions of who is an expert should be broadened to include a broader range of Indians, such as elders.

CS 8: Indian knowledge does not come from the education system--it comes from learning from our elders and each other. What's proposed is not the Indian way, but it is a way for us to move forward to a better future.

HBG 4: The goals identified are good and important--it's time to implement it.

CS 9: Often times when sites and places are conserved, Indians are not allowed to access and use them. Access for Indians to visit and use sites is crucial.

HBG 4: A priority should be given to the most sensitive places (for example, power places).

IS 2: Archaeological easements should include Indians to participate in the decisions on what happens.

IS 3: The whole state needs to be educated on California Indians; this will better help protect cultural places.

IS 4: The education of people on California history should be comprehensive and include a complete Indian history.

IS 5: Conservation easements should not place archaeological value over Indian values.

CS 10: Who is responsible to make sure Indians are allowed to access properties where they have an interest?

HBG 5: There should be a partnership between SCA and Indians to identify the most important places so that they can be protected forever, no excavation, etc. This protection could also offer a tax break.

HBG 6: Local governments should give tax incentives to developers who choose to avoid sites instead of excavate/destroy them.

HBG 7: SB 18 makes it possible for Tribes to hold conservation easements, but it hasn't really gotten started. An effort should be made to get these started.

IS 6: Easements need to be strong enough that they cannot be broken at some point in the future.

ARCHAEOLOGICAL PROTECTION

HBG 1: Set up 1-800 number and reward money to turn in people who are looting or destroying archaeological sites. People may be afraid or don't know what to do when they see someone damaging a site. It should be publicized so everyone knows.

HBG 2: People are out selling real and fake artifacts; there should be regulation and fines on this.

HBG 3: Indian artifacts should not be the property of the private land-owner; the law should be changed.

IS 1: Indian artifacts are the heritage of Indians and belong to them, not others.

HBG 4: Educate law enforcement about penalties for site vandalism--educate at all levels.

Example: a sheriff's office had human remains in their possession that they'd had since 1995. All law enforcement needs to be educated and informed on what to do.

IS 2: Why would there have to be "incentives, awards and recognition... for property owners, developers, etc..."? Haven't Indian people given enough? In the meantime, Indians suffer penalties and fines for practicing our ways.

HBG 5: When property is sold or transferred, there should be consideration for cultural sites. A law should be enacted to protect sites as land changes ownership.

IS 3: A grand effort should be made to identify as many sites as possible so that they can be protected.

CS 1: Agencies have been changing the names of places and losing the information that came from indigenous people and their long history there, and losing the significance and meaning of the name.

HBG 6: "All things necessary to maintain a traditional living community--plants, animals, creeks, bear wallows, midden sites, lithic scatter, burial sites." Expand the laws to consider all these things, not just archaeology.

IS 4: What is left should be preserved, both for those who still practice traditional ways as well as those who are relearning their traditional ways.

IS 5: Why is the endangered species act so broad and powerful, yet laws protecting Indian sites and traditions are comparatively weak? There should be stronger laws for protecting Indians as endangered also.

IS 6: Federal criminal laws should apply since more people are afraid of being prosecuted under those laws. Also, how many federal agents are worrying or working on protecting sites? There should be more.

ARCHAEOLOGICAL INTERPRETATION

IS 1: Draft White Papers are lacking the word "connection"; there's no connection between the studies, research, etc. and the Indian community. A connection should be provided to bring Indians into schools, review curriculum, etc.

IS 2: Credibility is an issue; who tells the story? Indians should be the ones to tell their story, they should be more than "contributors" or "donators." The story told should be up to the local Indians and should be of some benefit to them.

IS 3: Part of a research design is asking questions that could be answered by the archaeology. More Indians should be involved in writing and reviewing research designs and theories.

Archaeologists should explain their research designs, goals and questions to Indians.

IS 4: Indians should come to the table to work together to decide what we want our own future to be, instead of having our future decided by others.

CS 1: Contact was so recent, and the changes in those short years have been so dramatic--but we're not that far removed from the way our ancestors lived.

HBG 1: All reports and papers should be shared with the Indians, as promised.

CS 2: The boarding schools had a huge impact on the Indian community and was a huge disruption in the social system and knowledge that should have been passed down.

ARCHAEOLOGICAL CURATION

IS 1: All of the problems identified in the papers are regarding things that Indians don't even want. Better preservation and protection of sites would eliminate the need for (as much) curation and reduce some of those "problems."

IS 2: Everything should go back to where it came from--should not be curated.

HBG 1: Tribes should be able to have collections from their area, and most collections don't need special temperatures, etc (such as lithic collections).

CS 1: Example: bridge project on north coast, all artifacts excavated were reburied in the same location.

HBG 2: Artifacts do not need to be curated. They can be photographed, but then should all go back in the ground. We don't need houses and houses of stuff--it should all be buried.

CS 1: Why do they say they need the artifacts of unrecognized people anyways?

IS 3: Indian people need their remains at home where they belong, in the ground.

IS 4: Contaminated curated objects should be the responsibility of the agency/institution to rebury, including funding; the burden should not be on the Indian people.

CS 5: Some tribes have the ability to reburial repatriated remains/items that have been contaminated.

IS 5: The whole curation section should be thrown out. There's no reason to curate any of these things.

IS 6: Until curation can be ended, we should have laws and guidance on having items in curation being properly and respectfully handled according to local Indian tradition.

HBG 3: Curation should be ended, but until that policy can be implemented we should have a policy that if no activity on a collection has occurred in the last 20-30 years (for example), it should be returned. The time limit has passed for many collections, so this would apply to all collections and would not start at the time of implementation.

IS 5: There should be Indian consultation on everything that happens to Indian items in curation.

IS 6: STOP CURATION!!!!!!

HBG 4: More tribes should go to SCA conferences and make this type of presentation to say how Indians feel about curation.

HBG 5: IF NO ACTIVITY HAS OCCURRED WITH A COLLECTION, IT SHOULD BE RETURNED TO THE TRIBE.

IS 7: Indians should have access to all documentation, photos, etc regarding curated artifacts, especially contaminated ones. Also, Indians should have access to do their own documentation and research, including photos.

HBG 6: Example: the location of all excavated artifacts should be put into reports and known to Indians.

IS 8: Each tribe should have the right to do what they think is right for themselves.

CALIFORNIA INDIAN COMMENTS ON "DRAFT WHITE PAPERS"

Commenter's Name: HERB GUINN Date: 7-30-08

Mailing Address: P.O. BOX 513 MCARTHUR, CA 96056

Tribal Affiliation: PIT RIVER Email: _____

COMMENTS ON: Standards & Guidelines Curation Conservation Protection Interpretation

CURRENT SITUATION: BIG LAKE OWNED BY PGE IS MY
CULTURAL/ TRADITIONAL CULTURAL PLACE I DO NOT HAVE
ACCESS AS MY ANCESTORS DID 10,000 YRS AGO.

continued

IDEAL SITUATION: ACCESS TO LAKE TO PRACTICE MY TRADITIONAL
CULTURE

continued

HOW TO BRIDGE THE GAP (Most Important!): (THE SQUANDY WHEEL GETS
THE OIL) THE WHITE MAN'S LAWS DO NOT TAKE THE RED MAN
INTO CONSIDERATION THE WHITE MAN MAKES THE LAWS - HE
DON'T LISTEN TO THE INDIAN BOTTOM LINE!

continued

Continuation Page for COMMENTER'S NAME:

DATE:

COMMENTS ON: Standards & Guidelines Curation Conservation Protection Interpretation

CURRENT SITUATION IDEAL SITUATION HOW TO BRIDGE THE GAP

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

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

Redding Rancheria Workshop, July 30, 2008

10/31/08

Madeline

CALIFORNIA INDIAN COMMENTS ON "DRAFT WHITE PAPERS"

Commenter's Name: Junie Mattice Date: 7/30/08

Mailing Address: P.O. Box 2332 Chico, CA. 95926

Tribal Affiliation: Tolowa Nation Email: jeffersonstate@yahoo.com

COMMENTS ON: Standards & Guidelines Curation Conservation Protection Interpretation

CURRENT SITUATION: No Human Rights for Non-Federally Recognized Indians to protect sacred sites, village, cemeteries & massacre graves.

continued

IDEAL SITUATION: Human Rights for our people

MAKE ALL AGENCIES, PRIVATE BUS, AG. BUSINESS, STATE FED. AGENCIES ADHERE TO HONORABLE LAW & RESPECT FOR 18 PEOPLES.

continued

HOW TO BRIDGE THE GAP (Most Important!): LET US BE IN ON THE PROCESS OF "INDIAN" ISSUES, FROM THE GET-GO.

RECOGNIZE THAT WE BELIEVE THAT WE HAVE ALWAYS BEEN HERE AND A MAJOR PUBLIC APOLOGY FOR "ALL" THAT HAVE BEEN TAKEN AND STILL BEING BETRAYED.

GETTING "RICH" AT INDIAN EXPENSES BUT NOT HAVING RIGHTS, GIVEN TO INDIANS WHITEMAN'S WHIM LAWS PREVAIL THEY DO NOT HONOR ELDERS!!

PRESERVE "ALL" SITES, LEAVE THIS TO INDIAN NATIONS, KEEP WHITES OUT. "THEY" IGNORE WHAT WE TELL THEM. continued

OVER

COMMENTS ON: Standards & Guidelines Curation Conservation Protection Interpretation

CURRENT SITUATION IDEAL SITUATION HOW TO BRIDGE THE GAP

Positive benefits, incentives, awards & recognition "meaningful" for property owners, developers, local gov, public agencies, archaeologists, DHP, & other entities. PAYING THEM AGAIN FOR THEIR SELFISH BEHAVIOR?

PROTECT SACRED SITES, ANCIENT VILLAGE SITES & CEMETERIES, prehistoric & historic. Massacre graves & protect. Developers also need to know prehistory.

All things necessary & important to Indian community, mtns, rivers, streams, caves, prayer sites, etc.

We Indians need to interpret ourselves — not "people" educated & then telling us Indians about ourselves!

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

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



"... & then Grandma said ..."

GRANT WORLD proceeds on the backs of Indians

* "Just a few more grants & then I can retire!"
from U. U. U. University, Ding-Bling, U. S. A.
Counting Indian heads to continue grants. Becoming "authorities"
on Indians then get "new" grants to teach Indians "How
TO BE INDIANS" & dumb enough Indians who "sign up"
to accept "FREE" beads, food, hats, sweatshirts, bags,
ad nauseum... but no job or retirement for Indians.

Juanie Mathie
7/21/88

S. Wilkes

CALIFORNIA INDIAN COMMENTS ON "DRAFT WHITE PAPERS"

Commenter's Name: S. Wilkes Date: 7/30/08

Mailing Address: 220 W. 1st Av. #A Chico, CA

Tribal Affiliation: Wintu, Pitt River, Madoc, Klamath, ^{Pante Shonkin} ~~Bend~~ _{Sinks} Email:

COMMENTS ON: Standards & Guidelines Curation Conservation Protection Interpretation

CURRENT SITUATION: I have not been to a meeting like this... for many years. To me - its the same old story. Information given.

(continued)

IDEAL SITUATION:

CA, Federal and representatives from all California Indian Tribes. Especially the ones who make shield these guided lines.

(continued)

HOW TO BRIDGE THE GAP (Most Important!):

The most important way is to give life a Drama (Play) for all including Indian and non-Indian. So they can understand exactly where we as Indians stand.

I mentioned to Renee Wood, I have had people say to me - I didn't know there Indians here. (In Chico)

Important - Indian children should not be exposed to bad medicine

(continued)

Continuation Page for COMMENTER'S NAME:

DATE:

COMMENTS ON: Standards & Guidelines Curation Conservation Protection Interpretation

CURRENT SITUATION IDEAL SITUATION HOW TO BRIDGE THE GAP

I feel this work day was offensive to Indian people. We were treated like ~~stupid~~ dumb Indians. I have a B.A. degree ⁱⁿ does Julie ^{Moore}. This is not to say, I felt slighted by the facilitator. But, your information ~~at~~ was stated roughly. Every point was offensive to me. Why was there not any Native American on your Board of ~~Directors~~ Directors?? I don't see how we people can come together. ~~D~~

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