

STANDARDS AND GUIDELINES

Current Situation

The practice of cultural resources management CRM archaeology in California has evolved into a semi-regulated industry with two parallel tracks: an often-deficient system practiced under CEQA versus studies that are held to federal standards and reviewed by the SHPO. CEQA-mandated archaeology is practiced within a highly competitive business environment, has few widely accepted and enforced standards, has no professional qualifications criteria, and is subject to little oversight by qualified agency professionals. Furthermore, the project-by-project structure of CRM archaeology had frequently undermined the field's traditional scholarly bases—comparison, regional research, and synthesis—and has retarded the public benefits of archaeology by not requiring dissemination of research results. Deficiencies include:

- *Under-qualified practitioners.* In the absence of State professional qualifications, under-qualified and unqualified individuals practice CRM archaeology.
- *Unethical business practices.* The use of low-bid contracts in an environment of uneven professional standards fosters unscrupulous business practices including “low-ball bidding” and “sweetheart deals.”
- *Inadequate documentation.* CEQA-mandated projects are undertaken with deficient Native American consultation, pre-field work plans and research designs, field survey coverage, resource recording, and curation.
- *Inadequate consultation.* Native American tribes and other descendant groups are frequently not consulted during archaeological inventory, evaluation, and treatment.
- *Unnecessarily partite and protracted studies.* Multiple phasing of archaeological inventory, evaluation, and treatment in excess of what is necessary to achieve legal compliance has been used to misrepresent the cost and timing of CRM archaeology.
- *Inconsistent evaluation and treatment.* The lack of consistently applied standards has led to dissimilar treatment of similar resources.
- *Under-realized public benefit.* Publication and public outreach are seen as costly optional extras by many consulting archaeologists and their clients. Consequently, the enormous potential public benefit of CRM research is yet to be realized.

Ideal Situation

Archaeological research mandated by CEQA as a part of project review will achieve its potential when it is: practiced by individuals who have the appropriate academic training, experience, and regulatory knowledge to manage the state's resources; overseen by qualified public officials; carried out using consistent approaches; and results in demonstrable public benefit. To achieve this ideal situation, CEQA-mandated archaeology should:

- Be consistent in professional archaeological practice, including fieldwork, research, reporting, and curation.
- Be governed by an enforceable system of oversight, review, and sanction.

- Involve comparison, regional research, and dissemination of results.
- Ensure the appropriate involvement of descendent groups and other stakeholders.
- Enhance public appreciation for and stewardship over California's archaeology.

How to Bridge the Gap

Some deficiencies in CEQA-mandated archaeology may be resolved by the development of uniform standards and guidelines (S&Gs) for practice in a cooperative process involving OHP, tribes, consulting archaeologists, professional societies, business interests, and other stakeholders. A second approach is to modify existing statutes and/or create new ones. Establishing and applying S&Gs that clarify the CEQA compliance process for archaeology will benefit project applicants, the archaeological profession, lead agency reviewers, the interested public, affected communities, and California's archaeological heritage.

- *Develop Professional Qualifications Standards for work conducted under the Public Resources Code (CEQA).* Minimum education, training, and experience levels for various tasks and sub-disciplines should be specified based on the Secretary of the Interior's Qualifications Standards. Continuing professional education should be encouraged through classes sponsored by SCA, ROPA, ACRA, and other organizations.
- *Develop Standards and Guidelines for Practice.* California S&Gs should be developed to provide uniform and explicit expectations for archaeological studies. S&Gs should be modeled on "Archaeology and Historic Preservation: The Secretary of the Interior's Standards and Guidelines" and must be periodically revised. S&Gs must emphasize consistent and enforceable standards while not constraining unconventional approaches that are the sources of innovation in archaeology.
- *Develop Permit and/or Licensing System.* Requiring a permit or license to conduct CEQA-mandated archaeological investigations would tend to force out poor and unethical practitioners. A revocable permit or license would be issued only to individuals who meet the Qualifications Standards and whose work is of an appropriate quality.
- *Pursue Legislative Remedies.* The California Public Resources Code and CEQA Guidelines should be amended to require that investigations be conducted in accordance with the S&Gs. For example, a California Historic Preservation Act could be created on the lines of the National Historic Preservation Act to coordinate existing statutes and to establish a comprehensive cultural resources management regulatory system, as mentioned in a previous State Historic Preservation Plan.