

ARCHAEOLOGICAL RESOURCES CONSERVATION WHITE PAPER

**Final Draft presented to the State Historical Resources Commission
By the Archaeological Resources Committee
2010**

Current Situation

The cultural resources of California are being lost or damaged at an alarming rate and there is no strategy for the conservation of cultural resources. A statewide effort is needed to recognize this problem and take steps to remedy the situation. A report published by the Society for California Archaeology in 1973 stated that an estimated 1400 archaeological sites were being lost to development within California every year. The report also estimated that 50% of all sites in California had already been destroyed. If we project up to 2005, at least 44,800 more archaeological sites have been lost since then.

Population data indicate many additional Californians will soon be occupying and recreating within our rapidly disappearing open spaces, where many archaeological sites exist. The open space in California -- in particular, public lands dedicated to recreation and public use-- will face ever-increasing pressures to provide greater access and greater flexibility in allowable uses. There are two main issues connected with cultural resources conservation:

- Population growth and the demand for use of open space. There is an increasing pressure for converting land to development and recreational use.
- The general lack of recognition of the importance of conserving cultural resources on a landscape scale. This results in incremental loss of cultural and traditional areas.

Ideal Situation

Archaeological sites are often interconnected locations used systematically by people and include living areas and processing locations. They may also be tied to places that, although not archaeological sites, are part of the overall “cultural landscape,” such as resource gathering areas and sacred or religious places. There are many examples of these areas being preserved, but few that have been recognized as districts or cultural landscapes. Instead, individual archaeological sites and features have been recorded, with no understanding of the connectivity between the sites and features, nor recognition of the relationship of the sites to the environment. Without the concept of the overall cultural landscape, individual sites and features may appear to lack importance, and are incrementally destroyed by development or inappropriate public uses.

The ideal situation would:

- Conserve open space specifically for archaeological districts and the overall cultural landscapes of which they are a part; and
- Consider appropriateness of uses for this land and control those uses.

How to Bridge the Gap

Conservation of cultural resources can be accomplished through changes in planning, implementation of collaborative efforts, improved education, and a change in the perspective of professional archaeologists from a focus on individual sites to archaeological districts and cultural landscapes. The following actions are recommended:

- Acquire land to conserve cultural resources and restrict the use of the land to protect these resources. Make sure there is adequate funding in bond acts and other budgets to conserve cultural sites in place and to prepare management plans for long term conservation.
- Expand the ability of the State Parks system to create Cultural Preserves to conserve archaeological districts and cultural landscapes.
- Support the concept of cultural landscapes for conservation. Land managers and archaeologists need to adjust their context for identification and interpretation of cultural resources to a larger, landscape scale to see the relationships among site types, features and the environment.
- Support the use of language in land conveyance documents to assure preservation. Restrict damaging public activities as land is acquired.
- Seek collaborative relationships with various conservation organizations, conservancies, and land trusts operating in California. Look beyond the usual archaeological societies for networking.
- Ensure that archaeological sites, traditional cultural properties, and other cultural properties are given priority in land management decisions. State and cultural resources professionals must get involved in local and statewide planning matters.
- Consult with California Indians and other stakeholders in local land use. Then, consider and follow through with commitments based on their recommendations.
- Support and assist the many public agencies with little to no funds to inventory their lands. Assist in the survey of public lands affected by wildfires, flooding, ongoing natural erosion, and impacts brought on by active recreational public uses.
- Discourage excavation of preserved, non-threatened cultural resources. The mission statements of both the Society for American Archaeology and the Society for California Archaeology place site conservation and stewardship of cultural resources as a critical goal for all members.
- Encourage the establishment of conservation programs in colleges and universities. Colleges and universities need programs that instill a *conservation ethos*.
- Use district evaluations instead of looking at individual sites in isolation. Cultural resource managers too often look at small pieces of the cultural landscape and evaluate them individually.
- Eliminate Categorical Exemptions from CEQA that result in site destruction. CEQA exempts habitat restoration projects from environmental review, resulting in the destruction of sites even on conserved lands.

DRAFT

ARCHAEOLOGICAL CURATION WHITE PAPER

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Current Situation

Over the years, millions of artifacts have been recovered from archaeological sites on public and private lands across California. These sites contain important information about how Native Americans lived in prehistory and how Indians and more recent immigrants lived in the historic period, revealing the cultural diversity, adaptations to changing environments and other circumstances that underscore our identity as Americans. Most of these artifacts were discovered during the course of development, when excavations were conducted to evaluate site significance and/or mitigate negative effects on archaeological resources in response to requirements of the California Environmental Quality Act (CEQA) of 1970 and the National Historic Preservation Act (NHPA) of 1964.

However, very little thought was given to what should be done with this vast array of cultural material after it was excavated.

The result has been boxes and bags of artifacts dispersed among various private cultural resources management firms, educational institutions, developers and public agencies throughout the State. Lack of centralized or networked collection information thwarts accountability, public access and monitoring of this invaluable archaeological record. While the number of “orphan” collections is unknown, it is estimated that in San Diego County alone, ninety percent of archaeologists who conducted excavations from 1975 to the present have artifacts in their possession. The question must be asked, is mitigation accomplished by merely excavating artifacts and issuing a report? Does the public receive the benefit mandated by CEQA to “preserve for future generations . . . examples of the major periods of California history?”

The time has come to make conscious decisions about what to do with these artifacts.

One answer is curation. Curation (the care, management and use) of excavated artifacts returns them to the status of cultural resources and makes them available for continued scientific research, public education and cultural applications. California’s prehistoric archaeological sites reveal important information about common human heritage and the hunter-gatherer adaptations that were enjoyed by people world-wide for over two million years. This evidence establishes the importance of California Indian history in the context of world history. In addition, artifacts from historic period sites expand our knowledge of how people lived when written records did not tell the whole story.

Curation is mandated by the code of ethics for professional archaeologists and required by many lead agencies. However, spotty enforcement, lack of dedicated funding and willingness to

establish curation repositories have limited the ability to care for excavated artifacts across much of the State.

It must be noted that not enough attention has been paid to what Native Americans think about the disposition of excavated artifacts. California Indians have long challenged archaeological curation as being at odds with their core cultural beliefs and values, arguing that it is their fundamental human right to make decisions about the disposition of culturally related archaeological collections considered their cultural patrimony. Many think it is their responsibility as living cultural adherents to protect and care for archaeological materials tied to their ancestors and heritage in their own culturally responsible manner. While Native American artifacts comprise the majority of existing collections, there are also archaeological collections linked to other cultural and ethnic groups, and their wishes must be considered as well.

Ideal Situation

1. Archaeological collections would be treated as cultural and heritage resources. Active meaningful consultation, collaboration and partnerships with culturally affiliated groups to reconcile the disparate views between traditional and scientific belief systems are ongoing. The disposition of collections would be based on cultural, educational and scientific perspectives, and whether specific items and objects are subject to repatriation or other laws.
2. All archaeological test excavation and data recovery projects would be planned under the framework of pre-excavation research designs that take into account knowledge of existing collections, defined historic contexts and important research questions, consultations with and confidentiality concerns of culturally affiliated peoples, artifact collection plans, legal requirements, funding considerations and an acceptable disposition plan for the artifacts and documentation after excavation.
3. Curation, if appropriate, would be consistently applied and adequately funded for long-term management. Such curation involves the following criteria, at a minimum:
 - A. Collections are maintained in a culturally sensitive manner with respect to the wishes and traditions of the culturally affiliated peoples;
 - B. Collections are evaluated for items eligible for repatriation in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA) and California NAGPRA, and identified items are noticed and repatriated according to protocol;
 - C. Collections are managed by professionally trained personnel in an appropriate environment in accordance with professional museum and archival standards;
 - D. Associated archaeological records (e.g., catalogs, excavation fieldnotes, photographs, technical reports, oral history notes, etc.) are complete, indexed and housed with the collections; and
 - E. Collections are housed in a facility that contains adequate space to make them accessible and used for continued scientific research, cultural applications and educational programs available to the general public with respect to the sensitivities of culturally affiliated peoples.

4. Information about existing archaeological site collections from California would be readily accessible for purposes of:
 - A. Informing and consulting with culturally affiliated peoples under current repatriation laws, establishing culturally sensitive curation protocols that protect confidentiality concerns;
 - B. Identifying and explicating on-going and future historical, educational and scientific research needs; and
 - C. Assessing their present status (including “orphaned collections”) and planning for future curation needs across the State.

The ideal situation involves making smarter decisions about what is collected from archaeological sites and ensuring significant collections are preserved for long-term applications in suitable facilities. Documentation and preservation is fundamental to archaeology, as excavation ultimately destroys each unique site context.

How to Bridge the Gap

1. Document the Extent of Uncurated Archaeological Collections in California. The number of uncurated archaeological collections (and associated records) recovered during documented excavations in California since the 1970s needs to be quantified. This includes collections held by archaeological consultants, local jurisdictions, museums and universities, where curation is inadequate for their continued care, treatment and management. Criteria for consideration need to include: the completeness and condition of the associated contextual archaeological record; the condition and intactness of the collection; potential for further excavation in the area; geographical and temporal representation; potential for continued scientific research, public education, interpretation and cultural uses; and whether collections contain items or objects that may be subject to repatriation under NAGPRA.
2. Conduct Statewide Survey and Evaluation of Available Curation Facilities. Determine how many curatorial repositories currently meet recognized criteria in the State of California’s *Guidelines for the Curation of Archaeological Collections, 1993*, or *Curation of Federally-Owned and Administered Archaeological Collections (36 CFR Part 79)*.
3. Devise a Plan to Fund Curation for Existing Collections. Estimate costs and devise options to bring uncurated collections meeting the criteria established after quantification of existing collections and associated documents into true curation.
4. Establish a Statewide Collections Inventory Database. Use the existing California Historical Resources Information System (CHRIS), or another approach, to share collections information statewide.
5. Mandate and Enforce Curation Plans. Mandate and enforce curation plans, including funding for curation, for every future site testing and data recovery project in California

conducted in compliance with State or Federal laws, or for academic or other research. Such plans need to be developed as part of pre-excavation research designs to meet existing legal requirements (e.g., repatriation and burial protection), and made in consultation with culturally affiliated groups and other stakeholders, including legally prescribed lead agencies and property owners or land managing public agencies.

6. Consult and Promote Partnerships with Culturally Affiliated Groups. Consult and promote partnerships with culturally affiliated groups as to the care, interpretation and disposition of culturally sensitive artifacts, items and objects now held in curatorial facilities and prior to devising research designs for future archaeological test and data recovery excavations.
7. Educate the Stakeholders and the Public. Educate archaeologists, property developers and responsible local agency officials regarding their ethical and legal responsibilities to determine the disposition of artifacts once excavation has taken place and how to enforce the required mitigation requirements.

Conclusion

Care for excavated artifacts is basically a matter of respect—respect for the cultures represented in the collections, respect for our history and to fulfill the laws set forth to preserve our cultural legacy for present and future generations.



ARCHAEOLOGICAL INTERPRETATION WHITE PAPER

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Current Situation

The California Office of Historic Preservation (OHP) is tasked with “promoting a historic preservation ethic through preservation, education, and public awareness, and, most significantly, by demonstrating leadership and stewardship for historic preservation in California” (OHP 2004). Currently, there is a general lack of institutional awareness of other outreach programs statewide. The OHP website does not provide a single link to any educational, research-oriented, interpretive or outreach website. The central cause of this dearth of outreach and educational programs is lack of funds. OHP has had to put most of its efforts to meeting its regulatory mandates while allocating minimal resources to public outreach and interpretation. The current situation might best be summarized by stating that there is none—no outreach, no education.

Ideal Situation

Through the Statewide Historic Preservation Plan (SHPP), OHP should make high-quality, accessible information available to the general public and academic researchers, demand competent, high quality archaeological work, and provide clear guidance and support to cultural resources management (CRM) and non-CRM professionals alike.

How to Bridge the Gap

Two basic solution categories are proposed and considered individually below.

1. OHP should build a robust online library:
 - A. Expand the OHP homepage to be an online library of research, educational, and technical information;
 - B. Ensure that components of the library available for public access do not contain sensitive site location information;
 - C. Make this information available in different languages;
 - D. Contact federal, state, and local agencies, tribal communities, museums, universities, non-profit and CRM organizations to identify high-quality research designs, outreach and education programs, interpretive material, regional and thematic overviews, and teaching plans, and provide links and contact information for them;
 - E. Prepare technical and thematic bulletins for California based on the National Register bulletins; and
 - F. Develop and provide links to existing teaching packets based on important themes in state history geared to different age groups.

2. OHP needs more money for training and continuing education of its staff, as well as interaction with and education of the larger community:
 - A. Fully fund the California Historical Resources Information System Centers. They provide local agency support, guidance to the public, and critical archives for research. OHP is starving out an interpretive program that works and undermines its own mandate by making them beg their host institutions for space, staffing and funding;
 - B. Contact California-based private and public universities and colleges and professional and avocational societies, and identify those with history and archaeology interpretive programs, what can be done to support them, and in cases where none exist, what can be done to start them;
 - C. Consult directly with the tribal community to take into account tribal perspectives regarding their cultural heritage and continuing practices that include cultural resources;
 - D. Study K-12 educational programs to see where archaeological courses are being offered and how to reach underserved sectors of the population;
 - E. Reach out to land trust and environmental protection organizations that are actively seeking public interpretation for resources on non-profit and public lands;
 - F. Create and publish a map of the state depicting the extent of active outreach programs to see which communities are underserved;
 - G. Consult with professional educational organizations to inquire how OHP can assist them in teaching our state's history in the classrooms;
 - H. Help more local governments achieve certified local government status, address cultural resources in General Plan updates, and adopt comprehensive Cultural Resources Ordinances or Codes to establish and clarify professional standards, guidelines, and processes for CEQA compliance;
 - I. Conduct more classes targeting local agencies and designed to support them in their responsibilities under CEQA and other CRM "best practices" laws. Provide technical assistance to meet those responsibilities; by establishing professional standards and guidelines for preparation of legally defensible cultural resources studies and related CEQA documents; and
 - J. Develop more active internship programs that can help OHP staff pursue a broader outreach agenda. Tribal interns can bring a tribal perspective to the OHP and help tribes understand OHP's functions.

Conclusion

Much of what is proposed is happening now in our state, with or without OHP participation. OHP needs to become more aware of existing efforts and share this awareness with the people of California, by providing links to working programs, by financially supporting its information centers, and by providing clear guidance and support to both the CRM community and the larger population interested in our state's cultural heritage.

ARCHAEOLOGICAL RESOURCES PROTECTION WHITE PAPER

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Current Situation

The California Statewide Historic Preservation Plan states that protection is a fundamental objective of archaeological resource preservation efforts in California. The reality of the regulatory process is that relatively few archaeological sites are protected. When discovered, most sites have already suffered impacts.

Many sites have been damaged from vandalism, pothunting, natural forces (erosion, etc.) and neglect. Still others, however, are destroyed through data recovery, poorly developed research designs, unqualified or unscrupulous archaeologists, or an absence of agency review and oversight.

- Archaeological resources receive a variable degree of protection.
- There is no clear consensus among local governments, public agencies, Native American groups, the general public, and archaeological professional about what constitutes a reasonable effort to protect archaeological resources.
- Discussing protection of sites is difficult because there is no data regarding how many of the known recorded sites still exist.
- Significant archaeological resources are being severely damaged.
- For non-federal projects, it often is left to a single archaeological professional to make recommendations to the lead agency.
- Archaeologists often make decisions regarding site significance based on incomplete information resulting in site destruction.

Ideal Situation

If the goal is to achieve a higher rate of actual site protection at all levels of government within California, this will require several things to happen, including increased Native American consultation and participation in the CEQA process, and the creation of a system of permits and training, checks and balances, with some State-level oversight and accountability requirements among other measures.

1. Cultural resource management plans in every local jurisdiction ensure increased site protection through programs and partnerships, and tailored funding mechanisms.
2. The standard of archaeological work incorporates more emphasis on creative site protection rather than destruction through mitigation.
3. Public education is integral to site protection.

How to Bridge the Gap

Bridging the gap will take the willingness of many entities to earnestly work toward changing the way we perceive and accomplish site protection, how we prioritize the value of site protection, how we mandate protection, and how we enforce protection compliance. There will have to be positive benefits established such as incentives, awards and recognition that are meaningful for property owners, developers, local governments, public agencies (utility companies, redevelopment agencies, etc), archaeologists, OHP, and other entities. There will also have to be new mandates to ensure proper planning activities for site protection, as well as funding mechanisms to support oversight and assistance programs, mitigation banking programs, and other needed strategies.

1. Lobby local governments to create archaeology staff position (and fill them) or contract with qualified professional archaeologist to review reports, develop policies and ordinances, and oversee local cultural resources.
2. Encourage local governments to create meaningful economic incentives for site protection, such as preservation tax credits and/or tax or development credits for protection/conservation conveyance purposes.
3. Help local agencies consider programs that emphasize protection of cultural resources.
4. Local governments need to be encouraged by their citizenry and those concerned to include a cultural resource element in their General Plan. Current state law does not require such elements, but rather considers them optional.
5. Work more closely with universities to provide better training for future cultural resources professionals.
6. Encourage efforts to ensure that existing regulations and statutes are enforced through training for local level code and law enforcement personnel.
7. Educate local governments and public agencies regarding recently enacted “Senate Bill 18” (Traditional Tribal Places) to create opportunities to better involve the Native American communities in determining site protection planning efforts through mandated consultation training and implementation.
8. Provide training on cultural resources statutes and responsibilities as well as a primer on CEQA compliance, to local government and public agency planners, administrators and decision makers.
9. Establish an award for site protection successes at the local level to encourage increased protection.
10. Establish a mitigation fee at local levels to fund cultural resource management planning, similar to a “General Plan Impact Fee” that serves to generate funds for a city or county to pay for the preparation and updating of their general plan.
11. Support amendments to CEQA for provisions that mandate site protection.
12. Encourage the increased participation of the descendant communities in all aspects of site protection as full partners, if not leaders, in the preservation of their cultural resources.

ARCHAEOLOGICAL STANDARDS AND GUIDELINES WHITE PAPER

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Current Situation

The practice of CRM archaeology in California has evolved into a semi-regulated industry with two parallel tracks: an often-deficient system practiced under CEQA and studies that are held to federal standards. 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 has undermined the field's traditional scholarly bases—comparison, regional research, and synthesis. 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

CEQA-mandated archaeology 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:

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

3. Involve comparison, regional research and dissemination of results;
4. Ensure the appropriate involvement of descendent groups and other stakeholders; and
5. 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 for practice (S&Gs) 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.

1. 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. Continuing professional education should be encouraged through classes sponsored by OHP, SCA, ROPA, ACRA and other organizations.
2. Develop Standards and Guidelines for Practice. 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.
3. 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.
4. 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. A California Historic Preservation Act should 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.