EMERGENT TRENDS OF SAN DIEGO CULTURAL RESOURCE MANAGEMENT: ALTERNATIVE CONCEPTIONS OF PAST, PRESENT, AND PLACE

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ABSTRACT OF THE THESIS

Emergent Trends of San Diego Cultural Resource Management: 
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The emergence of Cultural Resource Management (CRM) as a practice in the United States, California, and the San Diego region followed a series of increasingly more intensive historical episodes of publically, and later privately, sponsored development activities. CRM was promoted by a growing body of legislation associated with the management of government permitted impacts upon areas of cultural value. In the 1960s and 1970s a surge of such laws and guidelines instituted a need for private archaeological consultants in order to match the growing pace of development. During this period the term “cultural resource” became widely applied and understood as a discrete, object-centric, data oriented, spatially-bound abstraction to be defined by archaeologists though legal guidelines and paradigmatic convention. In short, this period embedded an understanding in CRM and the law that “cultural resources” were synonymous with “archaeological sites.” Over time, paradigmatic shifts in academia and the passage of additional legislation that better represented the concerns expressed by Native American tribal interests and local communities promoted alternative, intangible understandings of “cultural resources.” This has facilitated a broader, and more visible, amount of discussion as to what heritage means to these different communities. At times these understandings of “cultural resource” have been disjunctive with the more commonly applied data-centric perspectives that are embedded within the dominant legislation and the practices of CRM. This study draws upon information gathered through in-depth interviews, participant observation and background research for discussing some of these issues as they relate to the practice of CRM. The chapters within this thesis are intended to provide some additional insight into the conceptions surrounding cultural resources in local CRM, and to promote new discussions regarding the variety of ways heritage may be understood.
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Lastly, I would like to provide my deepest thanks to all of the interviewees who help to infuse this project with life. Though you must remain nameless, per the conditions of the IRB, each of you generously shared your time, experiences and personal understandings.
CHAPTER 1

INTRODUCTION

This thesis began with the formation of a single question, “what is a cultural resource?” Through my undergraduate work at Sonoma State University, I came to understand that a cultural resource was something that was handled by archeologists in response to development and in conjunction with the law. Growing up within a family who’s business was the construction of homes along California’s Sonoma coast, I knew that these archaeologists were expensive and yet required as part of the permitting process. However, it was not until working with the collections of archaeological material housed at San Diego State University (SDSU) that I gained any understanding of prevalence of this type of work throughout California. At SDSU Collections Management I was able to see, and dig through, shelves of cardboard boxes filled with the artifacts that had accumulated over the nearly five decades of professional archaeological work associated with this institution. I came to understand “cultural resources” as tangible things that were intimately related with defined practices and ways of organizing data.

Shortly after, I began work at the South Coastal Information Center (SCIC), then one of 12 California institutions tasked with the storage and processing of records that were created primarily through the activities of professional archeological projects. Here, I mapped survey and site boundaries on topographical maps, and added Trinomial and Primary Number allocations to an ever-growing body of Department of Parks and Recreation Site Record forms. By regularly interacting with this digital database of more than 20,000 such records I came to perceive certain trends in their styles of recordation over time. I realized that not only did each of these records represent the time-specific methods of archaeologists, they illustrated emergent standardized understandings and practices associated with the perceptions of cultural resources over time. Coming from an undergraduate background in cultural and linguistic anthropology, I was compelled to gain some insight into how such codifications of heritage might have become so enmeshed within the process of Cultural Resource Management (CRM) in the San Diego region.
Within a year of working at the SCIC, I was recommended by a friend, and fellow MA student, for a job as a GIS specialist at a local CRM firm. While my responsibilities later expanded to include all manner of archaeological work, this initial job was to conduct a predictive analysis of archaeological sites associated with the Riverside County portion of the Ancient Lake Cahuilla. Working with one other individual, I was tasked with reading through nearly two thousand Archaeological Site Record forms, then transferring that data to the digital geographical landscape that was provided through ESRI ArcGIS software. This required that I create a database for coding the understandings of hundreds of past archaeologists. One-by-one these records were added, and as time progressed two interesting trends were brought to my attention: first, there was a large amount of variability in the recording strategies associated with these forms. This was a consequence of different individual understandings of how archaeological data should be interpreted, and the changing styles of classification that were built into the records themselves. Second, I was able to re-create the construction of the archaeological record for this region. There has never been any other such project conducted for this area, so there was no existing guide for how to interpret such understandings. As I added an ever-growing number of sites to this digital areal landscape, I was able to see the interrelationships of cultural resource distributions, the past practices of cultural resource management practitioners, and the different trends in development across multiple managerial jurisdictions. In short, I came to realize that “cultural resources” are defined through the practices of CRM, which, in turn, are driven by the demands of development, and determined by the application of legislation.

CRM, also referred to as ‘professional archaeology’, ‘contract archaeology’ or ‘private-sector archaeology’, may be best described as a process of balancing values through archaeological practices. CRM companies are contracted through government mandated permit requirements, which are imposed on clients, in order to mitigate and assess the impacts that a proposed project may have upon cultural resources at a given location. Guided by federal, state, and local regulations, CRM practitioners must address the interests of the client, meet the standards imposed by a lead government agency, incorporate Native American and local community interests, and still make profit in their efforts to manage the impacts to sites of cultural heritage (Zimmerman et al. 2003:87). CRM is not a simple matter of preservation, it is “management” of impacts to cultural resources, and it is a business. As a
result of this capitalistic process, the pressures to maximize profit may result in varied
degrees of preservation, depending on specific contract conditions and the choices of the
archaeologists and agencies in charge. As one might assume, this is a highly complicated and
sometimes convoluted process.

This study discusses the embedded understandings that inform CRM practitioner
interpretations of cultural resources. A general history of United States and San Diego CRM
is used as a foundation for illustrating current trends. A number of semi-structured, intensive,
and in-depth interviews provide first hand accounts of this local history. This has allowed for
insights into how practices in CRM have been shaped by, and in turn, have helped define
broader understandings regarding heritage. I employ cultural anthropological and
postprocessual methods and analyses as a general framework for this study (Johnson
2004:104); however, I implement many theoretical approaches for unpacking different
conventions in interpretation. In line with these two related paradigms, issues of ideological,
social, and material context are of central concern. Postprocessual archaeology seeks to
emphasize the important relationship between artifacts and ideologies. Contemporary cultural
anthropological theory takes an applied and reflexive approach to understanding the
relationships between ideas, practices, and codifications of the world.

The basic premise of my thesis is this: Archaeology is the study of human activities at
specific spatial locations, at specifically defined past points in time. I argue that such
commonly accepted locational and temporal assumptions may be interpreted alternatively by
different people. The strategies for interpreting space, time, form and culture are based in
conventions of thought that have been embedded in popularly accepted practices and
standardized methods of recordation. Thus, my intent is to deconstruct some of the widely
accepted understandings that are associated with CRM. Rather than applying a “strong”
reductive analysis that might be used for extracting a number of independent constitutive
elements, throughout this study I implement a “soft” style of deconstruction for highlighting
some of the historically derived cultural constructs that support the most prevalent
conceptions of “cultural resources” in contemporary local CRM. In this way, I accept
Jacques Derrida’s critique that the institutions of Western thought may incorporate “the
enterprise of returning ‘strategically’, ‘ideally’, to an origin or to a priority thought to be
simple, intact, normal, pure, standard, self-identical, in order then to think in terms of
derivation, complication, deterioration, accident” (1977:93). On the other hand, I assume that it is possible to gain some insight into the alternative understandings regarding heritage by considering how paradigmatic, community, academic, professional, and individual viewpoints may vary or relate to such perpetuated standards of thought and practice. The approach to this project is predicated on a few principal assumptions: first, I assume that every society, and school of thought, is composed of multiple interrelated histories, and that each history may significantly contribute to world, community and individual conceptions in the present. Second, I view “fact” and “idea” as sometimes independent but always interrelated. Third, I assume a “cultural resource” can be equally interpreted through practice, science, experience, or policy. For this study on San Diego CRM, I attempt to analyze each of these modes of interpretation, both separately and together, in order to provide an understanding of the broader context.

TERMINOLOGY

There are a handful of terms that should be considered prior to proceeding. I use these throughout this study for their utility and the fact they are widely understood. However, each of these terms comes with its own ideological baggage and history of use.

I use ‘historical’ to represent an aggregate of past events as it pertains to this subject of study. This is distinctly different than ‘historic’, which pertains to events of special and notable significance. While I acknowledge the fact that within the field of Historic Preservation there is some shifting between these two semantic interpretations, I view history to begin with the moment that succeeds any action or event, be it 45 years or .45 seconds.

The term ‘cultural resource’ is discussed throughout this study. Its meaning has been debated ever since Southwest archaeologists coined it in the early 1970s (Fowler 1982:1). Thomas King has observed that cultural resources “should be understood as those aspects of the environment—both physical and intangible, both natural and built that can have value of some kind to a group of people” (2008a:3). I have contended throughout this study that while this may be the ideal understanding, it is applied in CRM as largely synonymous with “archaeological site”. I use both of these terms interchangeably, however, its meaning may shift between these two understandings based on the context of what is being discussed. In general, ‘archaeological site’ is assumed to mean a discrete, object-centric, data-based,
spatially-bound abstraction that is generally defined by archaeologists though legal
guidelines and paradigmatic convention. However one chooses to define ‘cultural resource’,
its significance rests in the fact that it represents an intersection of major political, social,
academic, economic, historical and cultural understandings.

The label ‘CRM practitioner’ refers generally to a person who practices CRM for a
living. For this study, it may be assumed that my usage pertains to historical and prehistoric
archaeological specialists. However, this title has been commonly applied to professionals
working with many domains of culture; from music and folklore, to heritage preservation
policy, architecture, museology, and more.

I apply the term ‘development’ rather loosely in this study. For the practice of CRM,
it can be understood as equivalent to government permitted activities that require
archaeological or historical practitioners to record, evaluate, and manage cultural resources.
In addition, ‘development’ carries certain ideologies of progress and the associated impactive
costs upon the environment and culture. This term is multidimensional, and may be
interpreted in many ways. There is a tendency amongst environmental specialists, including
CRM practitioners, to apply this in a way that reflects a division of interests, a kind of
separation between “us” and “them”. I have done my best to avoid essentializing any group.
However, where I have resorted to applying this overly simplistic usage, one may assume
that it is reflective of common perceptions within the CRM industry.

The name ‘Kumeyaay’ is the most broadly accepted term for referring to the tribal
group associated with the southern portion of the San Diego region and northern Baja
California, Mexico. As a word, it was derived from the traditional Yuman language group,
and while it was used to replace the Colonial Spanish’s, “Diegueno”, it is not accepted by all
tribal representatives (Golla 2007:79). ‘Kumeyaay’ means “people of the cliffs” or “people
from the west”, and more accurately pertains to the Native inhabitants that were traditionally
associated with the La Jolla area in San Diego County (NAM-1, interview by author, May
16, 2010).

**Methodology**

This study implements a variety of approaches drawn from cultural anthropology.
Seventeen semi-structured, in-depth interviews were conducted with CRM practitioners,
Kumeyaay Native American monitors, and academic archaeologists. Additionally, a variety of perspectives were gained through dozens of casual conversation while taking part in numerous CRM activities over a two-year period from July 2009 to August 2011. Background research was conducted through widely available academic publications, specialized CRM journal articles, technical Environmental Impact Reports, and Department of Parks and Recreation site records housed at the South Coastal information Center. This information has been contextualized through my first-hand experiences working as a CRM practitioner throughout the southern California region.

**THEORETICAL STRUCTURE**

The general framework for this study has been derived from postmodern and postprocessualist understandings. This has been done as an attempt to contextualize a broader range of interpretations associated with the practices of CRM. However, through the process of deconstructing these numerous understandings, other theoretical approaches have been implemented as tools for their meta-interpretive value. Specifically stated, I have emphasized the relationships of different theoretical approaches as they have pertained to the embedded understandings within the practices of CRM, and archaeology in general.

**LEGISLATIVE HISTORY OF HISTORICAL PRESERVATION**

There is no single Cultural Resource Law. Over the past century a complex legislative body, and a burgeoning CRM field, has come to define the practice of managing the impacts to archaeological sites, historic places, and Native American graves and cultural items. Generally, the type of legislation that applies to a particular project is determined by the land on which it is situated, the type of activity, and the funding that it receives. The history of this legislation has shaped, created, and largely determined the practice of CRM as it exists today. For this reason, the summary of laws, policies, executive orders, acts, and directives that comprises this chapter provides a story of the emergence of archaeological and historical preservation in the United States, California, and San Diego County.
THE EMERGENCE OF CULTURAL RESOURCE MANAGEMENT

The San Diego region has made numerous significant contributions to the history of professional archaeology. While, I have done my best to focus on Southern California, many of the local trends have been a direct result of national legislation and events. This chapter outlines the general emergence of the American school of Archaeology, the impact of Malcolm Rogers, the history of salvage archaeology, the influence of the University of California Archaeological Survey, the relationship of Paul Ezell and SDSU to local archaeological practice, and the emergent trends of San Diego CRM prior to 1990.

THE EMERGENCE OF NATIVE AMERICAN MONITORING

The emergence of Native American involvement in the process of CRM has largely corresponded with the passing of various pertinent pieces of legislation. Additionally, broader social trends such as the American Indian Movement (AIM) helped to promote Native American interests. This chapter focuses on the general trends that were involved in promoting Native American involvement in the process of historic preservation. I present a general history of the contact period in the San Diego region, the relationship of Native Americans to the emergence of archaeological practice, discuss the AIM, and provide insights from early CRM projects.

THE ARCHAEOLOGICAL SITE RECORD FORM

Within the “gray literature” of San Diego is a well-defined history of archaeological practice. The reports and archaeological site records housed at the SCIC provide an enormous collection of under examined archaeological insights that extend decades into the past. I have conducted a general comparative analysis of the most commonly used site record forms for the San Diego region. These have primarily been taken from the collection of over 20,000 site records managed at SCIC. In addressing this task, four forms (or form series) have been examined based on their respective relationships to the history of CRM in the State of California. These consist of the University of California Archaeological Site Survey Record form in 1948, a transitional DPR 422 form series in 1976, a post-1982 DPR 422 form series, and the most current, a DPR 523 form series (revised in 1995) used today. Each revision of these standardized site record forms provides a slightly different period-specific
window into how archaeological data has been commonly described. This examination closes with a discussion of the relationships between standardization in recordation and the perceptions of CRM practitioners regarding cultural resources.

**SPACE AND CULTURAL RESOURCE MANAGEMENT**

This chapter addresses the concept of the “archaeological site” from multiple perspectives. I restrict the discussion of archaeological space to this, as I have interpreted it to be the foundational spatial component of CRM throughout this study. I explore the emergence of common definitions, the history of land survey in the United States, the impacts of development on the archaeological record, the nature of topographical space, and the concept of Traditional Cultural Properties as intangible heritage.

**TIME AND ARCHAEOLOGY**

There are many ways of measuring time. Each of these methods has its strengths, limitations, and embedded analytical assumptions. This general study of the emergent trends in CRM is not intended to be a textbook on all archaeological methods. As such, I have structured this discussion in a way that discusses some of broader conceptions of time in general, and a few of the foundational methods of interpreting the relationships between temporality and past human activities. This chapter on archaeological time presents some initial theoretical considerations, evolution’s influence on conceptions of time, time-depth through the diversification of language, the practices of culture historians, the transitional perspectives of Albert Spaulding, some critiques of normative theory, and the issue of palimpsests.

**DEFINING ‘CULTURAL RESOURCE’**

This term emerged nearly forty years ago, and has since successfully persisted and been promoted through a multitude of technical reports and legislative guidelines (Fowler 1982:1). Through this chapter I attempt to lend some clarity to the question of why something that is so ubiquitous is still so vague? CRM practitioners apply their understandings through conventions of practice. Because of this, cultural resources have come to be most commonly understood through classifications of location, value, data, legal requirements, and impacts. This chapter deconstructs the concept of a “cultural resource”,
rather than the practices that define it as a term. Throughout this chapter I discuss the idea of a “cultural resource” by drawing upon linguistic concepts, historical trends, legislative guidelines, and the understandings provided through in-depth interviews.

**Contemporary Practices in CRM**

Contemporary practices in San Diego CRM are a product of archaeological conventions, the pressures of development, and the guidelines of legislation. In this chapter I discuss some concerns regarding CRM that were common following the 1970s, the phased approach to practice, two case studies from San Diego projects, the surge of renewable energy, and the distribution of the archaeological sites by land jurisdictions.

**Native American Monitoring and Contemporary CRM**

The contemporary perspectives regarding both CRM and cultural resources are highly varied amongst Kumeyaay Native American monitors. In this chapter I present the common perspectives that have been provided through four in-depth interviews and dozens of casual conversations with individuals working throughout the San Diego region. This chapter discusses some alternative understandings of CRM, non-archaeological cultural resources, the legislation of sacred sites, and issues of sovereignty and heritage.

**The Commodification of Culture**

The field of CRM is a competitive, for-profit, business that specializes in the management of cultural resources by professional archaeologists. These professionals operate within the dictates of legislation based on the demands of development. In some ways, the commoditization of culture is inherent to the process. However, this commonsense observation does not get at the root of the issue. Through this chapter I discuss two aspects of CRM: the broader structural influences that legitimize the commoditization of cultural resources, and the practices and events that have perpetuated this trend. I first present a general overview of the process, discussing what I have witnessed most commonly in the southern San Diego region. Second, and for the remaining portion of this chapter, I unpack the theoretical foundations for the commoditization of cultural resources though ideas of
economics, Marxism, post-processualism, postmodernism, structuralism, political economy, and practice theory.

CONCLUSIONS AND FUTURE IMPLICATIONS

This study has presented multiple opportunities for future research. In general, I have used this project as way of helping to define the foundations of this subject. The benefit of including the conceptions of developers and policy makers surrounding cultural resources is explored as a future research application. Based on the understandings that have emerged through this project, this chapter closes by considering some practical applications for improving practice and policy in CRM.
CHAPTER 2

METHODOLOGY

This study consists of a general deconstruction of the common conceptions of “cultural resource” as applied in CRM. Specifically, I focus on the historically embedded practices and processes associated with professional archaeology that have supported and perpetuated certain understandings of heritage. The methods of this project are drawn from cultural anthropology. I have incorporated 17 semi-structured interviews, dozens of casual conversations, experiences gained through participant observation, and extensive background research through academic, technical, and specialized publications. Some limited statistical and geo-statistical analyses have been conducted through semantic comparisons of archaeological site record forms and GIS investigations of archaeological site and public land distributions in San Diego County.

As previously stated, I have conducted 17 open-ended, semi-structured interviews. Of these 17 interviewees; 10 were CRM practitioners, four were Native American monitors, and the remaining three were academics (Appendix A). For many of these individuals the boundaries between these labels are not distinct. Some of the Native American monitors were also archaeologists, and many of the CRM practitioners have been staff at various academic institutions. In any case, the intent behind gathering this selection of interviewees was aimed at providing a collection of the most varied range of perspectives possible. Background reading, experiences and casual conversations that took place during CRM project activities supplemented this respondent information.

Interviewees were recruited by word of mouth and through introductions. These individuals were selected based on their well-established relationships with San Diego archaeological practice and my ability to get interviews with them. The CRM practitioner respondents all had an intimate knowledge of their field, as generally gathered through an extended period within this occupation. Native American monitors were selected by their reputations, prominence within their field, and availability. The selected academics helped to provide overarching perspectives, specialized knowledge, and generally, understandings of
the data of CRM and Archaeology that varied from those of the other interviewees. Prior to conducting this study, I had a lengthy list of potential interviewees. Unfortunately, time and other practical limitations restricted my ability to interview all of these people. In no way should this failure be interpreted as intentional avoidance or neglect. In order to avoid any risks associated with the disclosure of information, all interviewees have been kept anonymous. The IRB approved consent form is included within Appendix B.

A common postmodern critique observes that a researcher who asks overly leading questions is merely expressing their own biases through the responses of an interviewee. This consideration has forced me to acknowledge many of my own pre-conceptions in an attempt to provide this information in an honest and transparent way. Charles Briggs has observed that a researcher should be conscious of the “interpretive frames…created by participants in the interview” (1986:12). Such contexts are not just defined by action, but by other associated forces, such as culture. To impose communicative norms and expectations on the informants and observed events amounts to what Briggs terms “communicative hegemony” (121). This study has striven to understand the various ways in which people have come to interpret cultural resources. Throughout this project I have consciously attempted to forgo my understandings of archaeological data, and instead have tried to listen to my informants closely and be open to their respective understandings.

The process of conducting an interview is often quite messy. Interviews ranged from 1 hour to 3.5 hours, each characterized by ebbs and flows of pertinent information. One must actively listen to a respondent, take notes, and constantly anticipate ways to introduce prompts that may guide the interviewee towards the intended themes of inquiry. One simple aid for this process was to thoroughly memorize all interview questions. In general, my interview strategy was to introduce themes through the use of questions concerning common archaeological practices and elements. This allowed for later analysis of shared themes, and provided for a point of reference through which variations in interviewee responses were weighed. By asking questions about commonly used elements of archaeological data miscommunications were less likely to occur. Interviewee responses reflected their own perceptions regarding the meaning, value and consequences of applying archaeological concepts in practice. In this way, this study has been both a discussion on the variable nature of objective data and a critique of common scientific methods.
The interview process began with broad questions, and then narrowed the focus to specific points of interest that emerged naturally. This allowed respondents to focus on the themes that they were most inclined to discuss. My list of interview questions was designed to have a certain amount of redundancy. This allowed for a greater range of flexibility for addressing important points during the interview process (see Appendix C). On the other hand, at times this flexibility did not provide enough structure. When an interview shifted too far off subject, I relied on a series of definitional questions as a tool for re-focusing the discussion. Questions such as, “how do you define cultural resource?” performed this task nicely. Such questions had two additional functions: the first was to indicate my intention through this broader study. While this may have had some influence on the quality of responses provided, it also allowed the process to be more honest and transparent. Second, these definitions allowed for comparisons between interviews, which later helped to structure the format of chapters such as Space and Archaeology and Definitions of ‘Cultural Resource’.

This study is not intended to fully discuss the topic of Native American monitoring in the San Diego region. I do not feel entitled, nor qualified, to address this topic in detail. Through my experiences in conducting this study, and in working in CRM, I have come to the understanding that an in-depth project on Native American monitoring should be conducted by an approved tribal representative. For me to conduct such a study could too easily be construed as an attempt to steal intellectual and cultural property that is not my own. Consequently, Native American monitor interviewees have provided alternative understandings regarding cultural resources. These responses have been compared to those of CRM practitioners. In this way, the contributions of Native American monitors have provided informed and varied understandings of the practice of CRM and the nature of cultural resources. It must be noted, that I have not interviewed Native American monitors from all tribal groups associated with the San Diego region. Unfortunately, due to time and practical constraints I have only conducted formal interviews with Kumeyaay tribal representatives.

The history component of this study has been significantly enriched though the direct experiences of many of the professional archaeologists that helped to form the field of CRM in the San Diego region. By asking questions about the history of CRM, I have been able to
cross-reference well published events with retrospective interpretations presented through first-hand accounts. This has been something like putting together a mosaic of past understandings. In general, the process has required extensive background research. However, even though my knowledge of this subject grew increasing more intricate over nearly two years of research and writing, it is likely that I may have neglected to understand the significance of some interview responses.
CHAPTER 3

THEORETICAL STRUCTURE

This study is largely composed of a few principle components: these include history, emergent practices, and conventions of thought associated with the interpretation of cultural heritage. The legislative and archaeological histories of CRM are used as a general framework for contextualizing the changes in professional archaeology over time. The chapters pertaining to these subjects are intended to be used as a way of grounding, or cross-referencing, emergent trends in commonly applied values and practices through actual events. The discussion of the history of the archaeological site record is applied as an indication of a process of standardization in thought and practice within the field of CRM. The chapters associated with spatial and temporal data detail the emergent trends within the foundations of archaeological interpretation that have served to inform the current understandings regarding cultural resources. Emergent trends in Native American monitoring have been used as a way for providing some insight into how alternative ways of interpreting cultural resources came to be broadly recognized. Succeeding these emergent trends, this study brings in contemporary considerations associated with CRM. This component consists of three primary discussions: the first, considers how much the field has changed since professional archaeology came to be commonly associated with permitted project activities in California. This is complimented by examples drawn from my personal experiences and a geo-statistical reconstruction of archaeological practice using ESRI ArcGIS software. Second, I provide some alternative understandings of cultural resources and contemporary CRM through the insights provided by contemporary Kumeyaay Native American monitors. Lastly, I discuss the broader sociocultural implications of managing cultural heritage through a competitive business model by deconstructing the general context that promotes the idea of culture as commodity.

The framework for this study is postmodern and post-processual. This is not an unintentional application of paradigmatic convention. Instead, I have applied such culturally driven modes of interpretation for their emphases on the deconstruction of embedded bias.
Let me expand upon this for one moment: throughout this study I have interpreted the field of CRM as a culture in itself. For this reason, I have described the archaeological methods that have been applied by such practitioners as ‘understandings’, ‘interpretations’, ‘perspectives’, and ‘values’. In this sense, the practices of these professional archaeologists are grounded in ideas that have been derived through shared inter-related histories. These conventions in interpretation, specifically those directed at understandings of heritage, are perpetuated by conventions in practice and legitimized through legislative dictates. Such laws are, in themselves, examples of inter-related, historically founded, ideological constructs. Legislative ideologies just happen to be formally approved by the various levels of established government. In any case, the point that I am trying to emphasize is that the current process through which cultural resources are recorded, analyzed, evaluated and managed has been constructed by real people and through actual events. Like all people, they have had specific values, interpretations, and understandings.

The works of researchers such as Geertz (1973), Wolf (1998), Spivak (1999), Bhabha (1994), Gupta and Ferguson (2006), Appadurai (2006) and others, represent a compromise between theoretical application and the critical analysis of human cultural values and their associated activities. Yet, this relationship between ideology and activity may be as difficult to define as bridging the gap between the prehistoric past and the historical moment of analysis (Johnson 2004:14). For ancient people the production of tools and other material goods occurred within a context composed of both cultural and environmental pressures. Once material objects become enmeshed with the activities of humans they become cultural material. While some wider continuities of interpretation regarding such objects may provide shared and specific meanings for people, bridging past and present, they also continue to represent new meanings to different people throughout time. As Mathew Johnson has observed, “the meanings we produce are always in the political present, and always have political resonance. Interpreting the past is always a political act” (2004:107). It is the role of the anthropologist to pay close attention to the multiple roles and meanings that actions, ideas, and objects may have. For a field such as archaeology, where data is often representative of the cultural values and actual histories of multiple groups of living people, this inherent process of classification exposes very real disjunctions in interpretation.
The nature of this study is theoretical. Archaeologists are in the business of interpreting past cultural activities through the application of various theoretical conventions. For this reason, the subsequent chapters within this study provide in-depth discussions of multiple types of theory as they have emerged in relation to the practice of CRM. For now I will simply provide a quick summary of the different types theory that are mentioned in this study.

Much of Archaeology, in general, has a steadfast determination to think of cultural data as largely empirical. In 1950s and 1960s Albert Spaulding popularized the use of space, time, and form as analytical dimensions in interpreting archaeological material (Spaulding 1960). Contemporaneously, and slightly preceding this period, theorists such as Brew (1971) and Ford (1954) raised objectives to the growing application of typology as a tool for characterizing culture in archaeology. Through the stringent application of statistical analyses, Spaulding believed that nearly all aspects of an archaeological site could be recorded. In contrast, Brew and Ford contended that this style of analysis could not characterize the broader realities associated with the cultural material, and instead, imposed classificatory constraints by lumping results into rigidly defined and predetermined categories (Wylie 2002:45). In many ways, such debates fueled the emergence of the New Archaeology that occurred across the United States through the 1970s. These understandings, of which Spaulding’s approach was merely a particularly visible example, effectively imbued notions of cultural heritage with data-centric perspectives. Such understandings have been widely adopted into the practices of CRM practitioners and the broader structure of legislation.

The spatial characteristics of cultural resources represent distributions of heritage, political boundaries, the demands of development, and the practices of CRM. As defined within the law and applied by CRM practitioners, such resources tend to be discrete, tangible, object-centric, and bounded using arbitrarily defined relationships and conventions in practice. This fits a need to have self-contained data elements that may be treated and evaluated accordingly in response to the demands of project activities. It is a central and highly useful convention for CRM. However, cultural resources are more than amorphous shapes on a map. They are boundaries of activity that are generally interpreted as having some sort of relationship to the surrounding environment. Such understandings, developed by
Julian Steward (1957, 1961) in the 1950s, gained popularity among cultural ecologists through the 1960s and 1970s (Bennett 1969; Rappaport 1968). One aspect of cultural ecology of pertinence involves methods of mapping environmental resources in relative proximity to recorded cultural sites. This strategy, known as *site catchment analysis*, assumes that “people will exploit the landscape ‘rationally’, and that they will utilize resources in such a way as to maximize returns” (Johnson 2004:144). From this perspective, risk minimization through food storage, kinships, and trade networks are used in conjunction with knowledge of the surrounding environment and relationships between resource availability and seasonality (145). In addition, conventions in the process of mapping sites are subject to the rules and limitations of the mapping medium itself. Specifically, sites are mapped on USGS topographical maps. Such maps were originally a product of the land surveyors who were tasked to with the responsibility to classify and determine the exploitive value of natural resources across the United States. Such considerations are well explored in the chapter on Space and Archaeology.

Events occur and things change based on our understandings of how we sense time as relating to them. As Massey has observed, “time cannot somehow, unaided, bootstrap itself into existence” (Massey 1999:274). In addition, real understandings of space, at least as associated with movement and human experience, cannot be divorced from their inherent relationships with time. Such considerations are addressed in this study as a way of contrasting with progressive, gradual, unilinear, and teleological notions of time that have been adopted from ideas in classic evolutionary theory. Over time, archaeological theories on cultural change have taken on more recent concepts of evolution, especially from genetics. As this pertains to language, Victor Golla has contended that one can interpret the amount of variability within specific language groups as being associated with the relative “time depth” of the speaking populations (2007:80). This type of cladistic branching has allowed for researchers to describe changes in past activities within separate cultural areas.

In addressing the issue of the commoditization of cultural resources through the practices of CRM I have used a collection of prominent theoretical approaches. These have included classic economics (Simmel 1978), Marxism (Marx 1971), post-processualism (King 2006; Shanks and Tilley 1992), postmodernism (Appadurai 2010; Bhabha 1994; Gupta and Ferguson 2006; Kopytoff 2010), political economy (Roseberry 1991), and practice theory
Cultural resources are managed within a sociocultural context where the use of lands with archaeological sites is conditioned on government-supported legislation. In this sense, cultural resources are partially treated as state sponsored definitions of heritage that exhibit the traits considered valuable to public interests. As Shanks and Tilley have observed, “it is a practice in which a series of individuals assert a hegemonic claim to the past and organize the temporal passage of its cultural capital from its historical context to the present spectacular preservation, display, study and interpretation” (1992:24). This type of defined organization is well suited to discussions through political economy and structuralism. CRM practitioners are paid to determine the value of cultural resources, based on their data potential and significance, relative to the demands that are posed by the needs of development. The practices of professional archaeologists have been developed through specific disciplinary conventions. In addition, such practices have been shaped through the responsibilities of CRM practitioners to meet the needs of developmental interests. In this way, “central to the management of the past is the assessment of individual items in the resource base and this is seen as a problem of significance…in effect this is a pricing of a past turned into a commodity” (24). I apply this type of post-processual critique to the actual events associated with CRM throughout this study. In an attempt to ground this discussion in the actions of actual individuals and events, I consider the notion of intent through the approaches of practice theory and post-colonialism (Bhabha 1994; Ortner 2006:136).

There are limited numbers of clearly stratified archaeological sites to be found in Southern California. The San Diego area is plagued by a variety of negative impacts upon the depositional character of its sites. Perhaps the most notable of these affects has been the rapid increase in the level of modern development that began in the early 1970’s. While this trend spurred the increase of CRM activities in San Diego, preferential building locations often fell, and continue to fall, directly upon the sites where ancient people once chose to live as well. For built historical elements, development is a constant process of erasing the past while constructing the future. A second confound, and even more regionally ubiquitous impact upon the quality of local archaeological data, is the extreme mixing of the soil caused by bioturbation (Byrd and Raab 2007:222). Archaeologists such as Timothy Gross (1992) have contended that the subsurface component of many sites is a product of bioturbation, rather than reflective of natural stratigraphic deposition over time. Stratigraphic integrity is
what generally allows for accurate descriptions of artifact provenience. It is often through such spatially defined positionality that one is able to interpret relative chronology and context within a given site. In the absence of clear stratification, San Diego archaeologists must depend on the use of typologies, alternative dating technologies, knowledge of materials and their sources, and broadly defined cultural traditions. Interestingly, it seems that this added uncertainty regarding context also might have allowed for an increased level of local flexibility in the interpretation of archaeological data. This may have provided for alternative, and intangible, understandings of cultural heritage to be given a greater level of attention.

Archaeological data and interpretation are grounded through the spatial relationships of artifacts and/or cultural features. Archaeological sites are understood though the presence and types of artifacts. In the field of CRM, cultural resources are often given boundaries through the relationships of an arbitrary number of artifacts or features within a pre-defined spatial buffer. The chronological information associated with an archaeological site is defined by the location of cultural objects and typological classifications. Artifacts carry meaning, and thus may be observed as similar to a sign, or symbol in semiotics. In semiotic interpretation, meaning does not simply pertain to the definition of an object; rather, it must be shared among the group to be commonly understood. The communication of all ideas, including those involving artifacts, takes place through individual, community and societal experiences and interactions. In turn, these experiences create, modify, misinterpret, reinterpret, and perpetuate an object’s compositional meanings. Homi Bhabha (1994), as well as classic linguistic theorists such as Charles Peirce (Wolf 1998:7), have observed that signs form compositional structures within a larger abstracted system of meaning, or symbol, where meaning may not be directly interpreted. Further, Peirce argued that many signs, together, form symbols, and are imbued with meaning only through a diachronic process involving multiple reinterpretations called “interpretants” (Crystal 2003). In this sense, the artifact can be seen as something that may be open to multiple interpretations. Communities if individuals who work with such artifacts, most pertinently professional archaeological practitioners and Native American monitors, have defined and redefined the meanings of cultural objects and their histories through shared activities, histories, and interactions. Whether an artifact is best compared to a sign, where meaning and form are obviously
related, or a symbol, where meaning has become completely abstracted, is uncertain. Yet, it can be observed with confidence that an artifact consists of more than a single description of function and material. The artifact, is ideational and material, empirical and qualitative, resource and cultural.
CHAPTER 4

LEGISLATIVE HISTORY

The relationship between legislation and the practice of CRM is historically and causally entwined. Legislation often dictates the priorities, based on the exigencies of the time of legislation, thus determining the scope of concerns and the nature of what is to be managed. The ‘management’ in ‘CRM’ is not necessarily reflective of a straightforward effort to *preserve* archaeological and historical resources. It represents a broad range of potential roles that might be taken on by any environmental/cultural consultant. In general, CRM practitioners provide the data, insight, and specialized expertise for negotiating between the parties advocating for development on one side, and those in charge of preservation on the other. Impacts to cultural resources are planned for and around the locations where cultural/archaeological consultants develop and facilitate legally mandated mitigation plans. The scale of focus may range from broad, regional management strategies to a single site. The most common responsibilities of these consultants involve conducting area-specific inventories of cultural resources, monitoring impacts posed by various activities, and weighing the relative significance/importance of physical expressions of heritage. All of these activities are supported by a common, highly convoluted, legislative structure that informs decisions and determines the proper range of activities for preservation. These numerous governmental mandates and policies require businesses, private parties, and governmental agencies to get professional consultation when permitted activities may impact cultural resources.

There is no single Cultural Resource Law. Over the past century a complex legislative body, and a burgeoning CRM field, have come to define the practice of managing archaeological sites, historic places, and Native American graves and cultural items. Generally, the type of legislation that applies to a particular project is determined by the land on which it is situated, the type of activity, and the funding that it receives. The history of this legislation has shaped, created, and largely, determined the practice of CRM as it exists today. For this reason, the summary of laws, policies, executive orders, acts, and directives
that comprises this chapter provides a story of the emergence of archaeological and historical preservation at the national, state, and local levels. A distribution of the public lands in San Diego County is provided in Figure 1 and Table 1.

![Publicly managed lands in San Diego County](image)

**Figure 1. Publicly managed lands in San Diego County.**

The map presented in Figure 1 illustrates the large amount of public land in San Diego County. This distribution of government jurisdictions is prominently exhibited in the eastern portion of the county. The most expansive areas are managed by California State Parks, the United States Forestry Service (USFS), Bureau of Land Management (BLM) and
Table 1. Distribution of Public Lands in County of San Diego

<table>
<thead>
<tr>
<th>Land in Acres</th>
<th>Percent of County</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Total San Diego County Acreage</strong></td>
<td><strong>2,727,000</strong></td>
</tr>
<tr>
<td>Non-Public Lands</td>
<td>1,072,850</td>
</tr>
<tr>
<td>Public Land</td>
<td>1,654,150</td>
</tr>
<tr>
<td><strong>Public Agency</strong></td>
<td></td>
</tr>
<tr>
<td>State Parks</td>
<td>568,450</td>
</tr>
<tr>
<td>U.S. Forest Service</td>
<td>289,050</td>
</tr>
<tr>
<td>Bureau of Land Management</td>
<td>184,350</td>
</tr>
<tr>
<td>Military Reservations</td>
<td>165,800</td>
</tr>
<tr>
<td>Indian Reservations</td>
<td>129,000</td>
</tr>
<tr>
<td>City</td>
<td>99,900</td>
</tr>
<tr>
<td>Water Districts</td>
<td>58,600</td>
</tr>
<tr>
<td>County</td>
<td>34,850</td>
</tr>
<tr>
<td>State</td>
<td>33,050</td>
</tr>
<tr>
<td>California Department of Fish and Game</td>
<td>25,150</td>
</tr>
<tr>
<td>State (Caltrans)</td>
<td>20,100</td>
</tr>
<tr>
<td>School Districts</td>
<td>12,550</td>
</tr>
<tr>
<td>U.S. Fish &amp; Wildlife Service</td>
<td>11,100</td>
</tr>
<tr>
<td>State of California Land Commission</td>
<td>10,450</td>
</tr>
<tr>
<td>Other Special Districts</td>
<td>5,200</td>
</tr>
<tr>
<td>Port of San Diego</td>
<td>4,300</td>
</tr>
<tr>
<td>Other Federal</td>
<td>1,900</td>
</tr>
<tr>
<td>Sanitation Districts</td>
<td>125</td>
</tr>
<tr>
<td>Fire Districts</td>
<td>75</td>
</tr>
</tbody>
</table>

Note: Public Land Information generated through ESRI ArcGIS and San Diego Association of Governments (SANDAG) data. County Boundary data derived from County Auditor/Controller’s Property Tax Services (PTS), provided by SanGIS.

the military (see Table 1 for distribution). The remaining 39 percent, comprising non-public lands, is primarily located in the western and southern portions of San Diego.

As illustrated by Table 1, nearly two-thirds of the County of San Diego is managed by a public agency. Projects on both public and private lands are subject to legally mandated
environmental assessments; however, government agencies are responsible for constant preservation of all aspects of their lands, while, private landowners have no such responsibility. As a note, the U.S. 2010 Census records the area within the County of San Diego as 4,199.89 square miles of land (equivalent to 2,687,929.6 acres). I have opted to use the digital information from the PTS, which includes public lands associated with San Diego Bay and Mission Bay, because it more accurately corresponds with the SANDAG data.

**FEDERAL LEGISLATION AND PRACTICE**

Generally, there are five primary parties involved in a CRM project that falls under federal laws: the first is comprised of the client, who often has archaeologists on staff that assist in facilitating the project; second, is the lead agency staff, who are in charge of making sure that all project activities are conducted in compliance with the legislative agreements; third, the contracted private consultants, who are responsible for putting forward a “reasonable and good faith effort” (U.S. Department of the Interior 1966:Section 106 of NHPA) in identifying and managing cultural resources on behalf of the agencies; fourth, the contractor(s), who, as representatives of the client, are responsible to conduct all work in compliance with the agreements made with the agencies; and lastly, the State Historic Preservation Officer (SHPO) and Advisory Council on Historic Preservation (ACHP), who review the proposed management strategies for compliance within the pertinent preservation laws. The lead agency, and other involved parties, will usually have specific requests and conditions, based on their interpretation of the pertinent laws, prior to granting a project the Notice to Proceed (NTP). For this reason, the preservation requirements may be largely dependent on the identity of that lead agency. While this is largely due to the simple fact that different agencies are responsible for managing different things, project requirements are also shaped by the variable personal interests of staff at agencies such as the BLM, USFS, CA Fish & Game, and others. Most often, at the state and federal levels, if a project is on public land it will be managed by the governmental agency responsible for that land. This may vary under certain conditions, such as when a project is most closely related to the specialized focus of an agency. An example of this might be when a transmission line project runs across BLM, USFS, and NPS lands, but is overseen by the California Public Utilities Commission (CPUC). These conventions are embedded within the federal laws that guide the processes
for managing impacts to cultural sites, most commonly the National Environmental Quality Act (NEPA) and the National Historic Preservation Act (NHPA).

Of the 60.7 percent of San Diego that is publically owned, 28.7 percent is managed by more than six federal agencies (see Table 1 and Table 2 in Section State Legislation and Practice). This comprises nearly one-third of the county, or approximately 781,250 acres (as calculated from SANDAG data using ArcGIS). The list of federal laws that follows provides a history of archaeological and historical preservation on these lands.

**Antiquities Act, 1906**

The Antiquities Act was passed in response to a growing trend in unauthorized excavations/lootings of archaeological sites on U.S. government managed lands (Sebastian 2004:4). The most notable of these was the removal of items from Mesa Verde, in the Southwest. Less than a half-dozen paragraphs in length, the Antiquities Act lacked the language to distinguish between past Native American objects and those that had been created yesterday. Consequently, a series of legal cases were required before establishing a legal definition for “antiquity” (Bruning 2010:213). The Antiquities Act of 1906 originally called for a $500 dollar fine and up to 90 days in jail for unpermitted removal of cultural material. It promoted preservation of archaeological resources in three ways: It instituted a permitting system for the excavation on federal lands, it provided the President with the power to designate certain areas as national monuments, and granted the Departments of War, Agriculture, and Interior the authority to manage preservation at such areas (Fowler 1982:5).

**Historic Sites Act, 1935**

Enactment of the Historic Sites Act made it federal policy to record and preserve sites deemed to be of significant cultural heritage (Sebastian 2004:5). The Act followed President Roosevelt’s implementation of the New Deal. Specifically, the Secretary of the Interior was granted authority, through the National Parks Service, to “preserve (and/or acquire) for public use historic sites, buildings, and objects of national significance for the inspiration and benefit of the people of the United States” (U.S. Department of the Interior 1935: Sections 461-467). It promoted cooperative work with outside institutions and developed
educational programs regarding historical properties (Fowler 1982:6). It set a precedent for the federal listing of “significant” cultural sites. The Historic Sites Act set the foundation of what is now the NHPA.

**Federal Aid Highway, and Highway Revenue Acts, 1956**

Section 120 of the Federal Aid Highway Act of 1956 was passed by U.S. Congress to authorize funding for archaeological salvage, to the extent approved by the highway department of that state (Wendorf 1962:62). The act allowed for the Department of Transportation to use its funds for the preservation or salvage of archaeological resources. Under the guidelines of this legislation, Caltrans was one of the first in the nation to develop a salvage program (Hata 1992:78).

**Reservoir Salvage Act, 1960**

The Reservoir Salvage Act of 1960 was built upon the foundation of the Historic Sites Act. In 1949, the Hoover Commission called for the Department of Interior to take responsibility in preserving natural and archaeological resources that were to be impacted by the water resources. The following year, President Truman signed the National Science Foundation (NSF) into existence (Sebastian 2004:5). During this post-WWII public works movement attention began to be directed at the potentially negative implications to the nation’s natural and cultural resources. Fredrick Johnson of the Peabody Foundation witnessed these impacts first-hand when conducting an assessment of the WPA works for the Society of American Archaeology. Alarmed by the amount of destruction, he helped create the Committee for the Recovery of Archaeological Remains (CRAR; Wendorf 2002:321). Under the authorization of the Historic Sites Act, and following the guidance of Frederick Johnson, the River Basin Surveys came to be conducted between the years 1946 and 1969 (Rabbitt 1989). Among the large scale archaeological surveys conducted during this period, a number took place along the West Coast. These projects set a precedent for contemporary agency responsibilities regarding preservation. Those involved included the Smithsonian Institute, the Bureau of Reclamation, the National Parks Service (NPS), and multiple universities (Aldenderfer 1997).
The National Historic Preservation Act, 1966

The regulations within the NHPA are designed as a framework for problem solving. It mandates a process for assessing the potential impacts upon preservation and a process of conflict resolution through consultation (U.S. Department of the Interior 1966:36 C.F.R. 800). NEPA and NHPA comprise the legislative structure that most commonly determines the practices regarding archaeological and cultural resource preservation that exist today at the federal, state, and local levels. NHPA largely initiated the trend of a burgeoning conservation ethic and the passage of environmental/cultural legislation that lasted from 1966 to the 1970s.

The National Register of Historic Places allows for properties of National, State, or local cultural or historical significance to be nominated as locations for increased preservation. The National Historic Preservation Act (NHPA) provides a State Historic Preservation Officer (SHPO) for each State who organizes preservation and conservation activities. Each of the 59 SHPOs receives annual National Parks Service (NPS) grants to carry out projects. Federal funds must be matched by non-Federal funds or compensated through services. The NPS may audit the SHPOs in order to make sure that the their methods reflect NHPA guidelines and that funds are being allocated properly (King 2008a:40). Revisions to the NHPA legislation in 1992 allowed for the formation of Tribal Historic Preservation Offices (THPOs). Section 101 of the NHPA utilizes Certified Local Governments (CLG), calling for local governing bodies to organize their own preservation programs (King 2008a:39). This aspect has resulted in a shifting understanding of significance within cultural preservation practices, from a national to a local scale (see section on the Emergence of CRM). NHPA allows for funding from the Federal Government to states in support of the identification, survey, and preservation of cultural resources. Additionally, under Section 110, federal agencies are required to hire directors of their preservation programs and conduct inventories of land for archaeological and historical sites of National Register eligibility (King 2008a:36). Under the Code of Federal Regulations, Title 36, Part 60.4 the criteria for inclusion in the National Register includes a minimum of 50 years in age. As part of the early drafts of NHPA, an Advisory Counsel on Historic Preservation was created to act as an advisory committee for the Federal Government. NHPA
allows for increased power to the U.S. Department of the Interior for issuing regulations regarding standards and guidelines for the preservation of sites of significance.

Section 106 is the primary NHPA regulation applied in managing cultural resources. It mandates consultation regarding the potential adverse effects of proposed projects or activities. The Section 106 process generally involves assessing the information needed for a project and its area; identifying and evaluating the cultural resources that are impacted by a project; determining the potential effects of a project on cultural resources; reviewing the summary of those determined effects; consulting with the pertinent/impacted parties in resolving the presented adverse effects upon those cultural resources; and lastly, the production of a formal Memorandum of Agreement (MOA), or Council Comment (U.S. Department of the Interior 1966:16 U.S.C. 470(f)).

The Department of Transportation Act, of 1966

The DOT Act, or Public Law 89-670, was enacted in 1966 to manage the effects of federally funded, or otherwise assisted, transportation projects. Department of Transportation responsibilities include oversight of activities conducted by the Federal Highway Administration (FHWA), the Federal Aviation Administration (FAA), the Coast Guard, the Urban Mass Transportation Administration (FTA) and the Federal Railroad Administration (FRA). Lynne Sebastian observes that Section 4(f) of this Act is “by far the highest standard of protection in federal historic preservation law” (2004:6). Section 4(f) requires that all DOT projects plan for the most “feasible and prudent” alternative if the “use” of a historical resource is impacted, even indirectly (King 2008a:241). This process involves determining NRHP eligibility. All eligibility criteria under NHPA requires mitigation planning and/or avoidance, unless a resource does not need to be preserved in place and only has value as data (242). In California, the passage of the Act increased funding and preservation activities through interactions between the California Division of Beaches and Parks (DBP), later the Department of Parks and Recreation, and the California Department of Transportation (Caltrans).
National Environmental Policy Act (NEPA), 1969

NEPA was actually signed into existence in January of 1970. It may apply on federal land, whenever there is any potential for federal regulation or permitting, and/or when federal funding is part, or related to, the process. Over time, NHPA seems to have come to be the more popular option for managing archaeological and historic properties. However, NEPA is still widely applied, with most agencies having specialized staff dedicated to its implementation (King 2008a:376). What is interesting about the NEPA, especially in terms of federal legislation, is that it defines the proper preservation strategies for human activities, beliefs and history in terms of the broader natural environment:

It is the continuing responsibility of the Federal Government to use all practical means, consistent with other essential considerations of national policy, to improve and coordinate Federal plans, functions, programs, and resources to the end that the Nation may . . .(4) preserve important historic, cultural, and natural aspects of our national heritage, and maintain, wherever possible, an environment which supports diversity and variety of individual choice. [U.S. Department of the Interior 1970:Section 101 (b) of NEPA]

Section 102 of NEPA, enacted January 1, 1970, requires all federal agencies to apply systematic approaches to assessing and mitigating impacts upon the environment. This process revolves around the preparation of an Environmental Impact Statement (EIS). The foundation for all CRM under NEPA is the requirement that the “responsible official” include an EIS section on impacts to archaeological and historical resources “in every recommendation or report on proposals for legislation and other major Federal actions significantly affecting the quality of the human environment” (U.S. Department of the Interior 1970:Section 102(2)(C) of NEPA). Under NEPA and California Environmental Quality Act (CEQA), cultural resources are seen within an environmental and social context. Major Federal Actions Significantly Affecting the Human Environment (MFASQHE) are assessed. An Environmental Impact Statement is filed based upon this assessment by the Counsel on Environmental Quality (CEQ). The Counsel on Environmental Quality then determines which effects fall under Category Exclusion (CATEX) within the NEPA guidelines, and which effects may present significant impacts. An Environmental Assessment (EA) is subsequently made, if deemed to be a MFASQHE, then an Environmental Impact Statement (EIS) is prepared. The EIS is given to local and federal agencies, Native American Tribes, and the public, based on the scale of potential impact. In correspondence with Section
102, the EIS should include: (i) the impacts of the proposed construction activity; (ii) a description of the unavoidable adverse effects; (iii) alternative actions; (iv) short-term uses and long-term enhancement and productivity; and (v) potential “irreversible and irretrievable commitments of resources” (U.S. Department of the Interior 1970:Section 102(2)(C) of NEPA).

Executive Order 11593, 1971

President Nixon issued Executive Order 11593 in 1971. It called for all federal agencies to conduct a complete archaeological survey of their lands in order to determine which sites were eligible for inclusion in the National Register by July of 1973 (U.S. Federal Government 1971:Executive Order No. 11593, 3 C.F.R. 154). E.O. 11593 has provided significant work for CRM practitioners in San Diego County due to the abundance of federally managed park lands and military bases, the majority of which still have yet to meet President Nixon’s projected goals. Originally this order was intended to protect cultural and other resources that had not yet been added to the National Register. However, following latter amendments to the NHPA that protected “eligible” sites as well, E.O. 11593 was rendered redundant.

The Archeological Data Preservation Act (ADPA; or the Moss-Bennett Act), 1974

The Archeological Data Preservation act (ADPA), also known as the Archeological and Historic preservation Act, came from a significant amendment to the Reservoir Salvage Act. It expanded considerations for archaeological salvage beyond reservoirs, power generation and flood control to other federally associated projects. Under ADPA a wider variety of “significant scientific, prehistorical, historical, or archeological data” were protected under federal law (16 U.S.C. 469 A2(a) as cited by King 2008a:275). The ADPA allowed for one percent of the total project cost to be requested for salvage of scientific data from the National Parks Service. This Act has largely been gone unused in recent years; instead the NHPA has been the preferred federal legislative body of choice. However, ADPA is sometimes utilized to gain funding for salvage on federal projects.
Federal Land Policy and Management Act (FLPMA), 1976

The FLPMA was passed as an institutional body of guidelines, specifically for the BLM, to promote the preservation of the environmental, scenic, and archaeological resources on BLM land. As shown in Table 1, the BLM manages approximately 184,350 acres in San Diego, accounting for 6.8 percent of the total land in the county. Currently there are 1,255 archaeological sites recorded on USFS lands, representing 5.3 percent of the total number of sites in the county (see Table 8 in Chapter 11, Section Contemporary Practices in CRM). In keeping with this law, between the years 1973 and 1978, the BLM increased from four staff archaeologists to one hundred and three (Hata 1992:215). The rough equivalent of the NFMA for the National Forest Service, it provides this agency with general directions on how to properly manage cultural resources (King 2008a:382).

National Forests Management Act (NFMA), 1976

The NFMA was passed as an institutional body of guidelines, specifically for the National Forest Service, to promote the preservation of environmental and archaeological resources. The USFS is the second-largest land holder in the county, managing approximately 289,000 acres of San Diego, or 10.6 percent of the total land. Currently there are 1,233 archaeological sites recorded on USFS lands, representing 5.2 percent of the total number of sites in the county (see Table 8 in Chapter 11, Section Contemporary Practices in CRM). The rough equivalent of the FLPMA for the BLM, it provides this agency with general directions as to how properly manage cultural resources (King 2008a:232).

American Indian Religious Freedom Act (AIRFA), 1978

AIRFA was created following a period of large-scale public protests, and overt contestations of inequitable rights, by groups such as the American Indian Movement (AIM). It provided federal rights for Native Americans to conduct activities associated with traditional cultural beliefs. Aimed at allowing Native Americans access to sites, substances, and objects of cultural and religious importance, it helped to define important places and landscapes as significant, even when there was no associated archaeological material (Stapp and Burney 2002:53). Native American reservations represent the fifth-largest landholders in
San Diego. Native American tribes manage approximately 129,000 acres of land, or 4.7 percent of the county (see Table 1). There are 1,200 archaeological sites recorded on Tribal lands in San Diego, representing 5 percent of the total number of sites in the county (see Table 8 in Chapter 11, Section Contemporary Practices in CRM). Following amendments in 1994, coded in 1996 as 42 U.S.C. Sections 1-3, federal agencies were required to consider beliefs surrounding Native American cultural and religious areas when managing land under their control.

**Archeological Resources Protection Act (ARPA), 1979**

ARPA helped to standardize the federal permitting processes and facilitated greater communication between governmental authorities, professional archaeologists and private consulting parties (Sebastian 2004:5). A part of this permitting process involved a description of the archaeological methods and research designs, a component aimed at ensuring sufficient archaeological competency. Additionally, the penalties for the unauthorized removal of cultural items were significantly increased. The Antiquities Act of 1906 originally called for a $500 dollar fine and up to 90 days in jail. In 1979, ARPA raised the penalty for looting objects older than 100 years to $20,000 dollars for a first-time felony infraction. For a repeat infringement the fine was raised to $100,000 and up to five years in prison (McManamon 2000). Damage to archaeological resources costing more than $500 was also subject to the same penalty. The Antiquities Act of 1906 did not have the language to distinguish between past Native American objects and those that had been created yesterday (Bruning 2010:213). ARPA was a response to this lack of distinction. In 1974, the case of United States vs. Diaz resulted in the overturning of a conviction of Ben Diaz for removing Native American sacred objects from a cave. Previously prosecuted under the American Antiquities Act, he was later found not guilty due to the fact that the objects were found to be modern (213). ARPA defined an archeological artifact as being older than 100 years and exhibiting a significant relationship between culture and the environment. If an object less than 100 years in age was encountered, and considered to demonstrate a significant relationship between culture and environment, then it was considered historic and to be dealt with under the National Historic Preservation Act (NHPA). Strangely, arrowheads, coins and
bottles found on the surface were not considered eligible for protection under this law, while all other types of artifacts were.

**Native American Graves Protection and Repatriation Act (NAGPRA), 1990**

Native American Graves Repatriation Act (NAGPRA) caused significant changes in the treatment of Native American human remains, associated and unassociated funerary objects, sacred objects, and objects of cultural patrimony. Coded as 25 U.S.C. 3001, the act provided a process of repatriation for items held by institutions, or that have been otherwise encountered on federal or tribal lands. Items are repatriated based on determination of closest “cultural affiliation” (as defined by the U.S. Department of the Interior 1990:Section 7(a)(4) of NAGPRA). NAGPRA called for consultation with Native American tribes under Sections 3002(c), 3002(d), 3003, 3004, and 3005. Lastly, it authorized provisions for federal grants supporting activities of repatriation, and outlined penalties for non-compliance and illegal trafficking of funerary or sacred items (White House-Indian Affairs Executive Working Group [WH-IAEWG] 2009). Such civil penalties were to be assessed by the Secretary of the Interior, and generally corresponded with those defined in the Archaeological Resource Protection Act of 1979.

**Executive Order 13007, Indian Sacred Sites, 1996**

E.O. 13007 was issued by President Clinton as a list of five requirements for federal agencies. Additionally, it defined the terms “sacred site” and “Indian tribe” (see section Native American Monitoring and Contemporary CRM for implications of this E.O.). It provided for access (as previously outlined by AIRFA), proper management, adequate information privacy, and the instituted procedures for inter-government communication regarding sacred sites (King 2008a:258).

**Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, 2000**

The Order reinforced the concept of Tribal Government as a self-governing and sovereign entity. Among other issues, it called for increased consideration of Native
American interests and consultation prior to making legislative decisions that would affect tribal interests or communities.

**Executive Order 13287, Preserve America, 2003**

E.O. 13287 required that federal agencies assess their level of compliance with the National Historic Preservation Act, specifically Sections 110 and 111. Periodic reports regarding these matters are provided to the ACHP (1993) and the National Parks Service. It required that agencies seek partnerships with state, tribal, and local governments and take actions to promote economic development and heritage-based tourism (King 2008a:378).

**MILITARY LEGISLATION**

In addition to the legislation that applies to all agencies, the military is subject to specific policies and guidelines that are defined internally, often differing by location. As calculated using ArcGIS, it has been determined that military land comprises over 162,800 acres of land in San Diego, constituting approximately 6.1 percent of the total area in the County (see Table 1). In terms of land holdings, the military is the fourth largest, just below State Parks, NPS, and the BLM. A GIS analysis of the SCIC records illustrates that there are 1,447 recorded archaeological sites on military land, representing 6.1 percent of the total number of sites in the county.

**Department of Defense Directive 4710.01: Archaeological and Historic Resources Management, 1984**

DOD 4710.01 defined responsibilities, policy, and protocol for the management of cultural resources on military managed land. Among other guidelines, it specified that they create a resource preservation program with the pertinent personnel, conduct activities in compliance with the NHPA, establish avenues of communication with the SHPO, and inventory properties under their control.

**Department of Defense American Indian and Alaska Native Policy, 1998**

The DOD policy was part of a series of bodies of directives following NAGPRA that required increased consultation with Native American tribes. Communication with the
appropriate tribal group was required prior to impacting areas of Native American significance on land managed by the DOD (WH-IAEWG 2009).

In addition to legislative policies, the Department of Defense and Navy have produced multiple instruction and procedure manuals. Those that apply to the San Diego region include the Department of Defense Instruction 4715.3: Environmental Conservation Program, 1996; Department of Defense Instruction 4710.02: Department of Defense Interactions with Federally Recognized Tribes, 2006; Secretary of the Navy Instruction (SECNAVINST) 4000.35; Naval Operations Instruction (OPNAVINST) 5090.1C CH 27; Secretary of the Navy Instruction (SECNAVINST) 5090.8A; Secretary of the Navy Manual 5210.1; SECNAV Instruction 11010.14 and 11010.14A, Department of the Navy Policy for Consultation with Federally Recognized Indian Tribes; OPNAV Instruction 5090.1B, change 3, Department of the Navy Environmental and Natural Resources Program Manual; OPNAV Instruction 11010, Indian Sacred Sites on Navy Lands; OPNAV Instruction 11170.2, Navy Responsibilities Regarding Undocumented Human Burials or Cemeteries; Environmental Compliance and Protection Manual, Chapter 8 MCO P5090.2A; and Manual for the Marine Corps Historical Program MCO P5750.1G (WH-IAEWG 2009).

**STATE LEGISLATION AND PRACTICE**

California has some of most stringent environmental and historical preservation laws in the United States. This is a result of the presence of a strong community of influential professional archaeologists and the general legal integration of a growing conservation ethic that took form in the 1960s and 1970s. The primary body of this legislation in the state is the CEQA, enacted within a year of NEPA. With the amendments following the Friends of Mammoth decision, the Environmental Impact Report industry was born, and the burden of cost was shifted from government to developer. The State level agencies manage 24.1 percent of San Diego, or 657,250 acres of land (as calculated using ESRI ArcGIS using SANDAG data). Figure 2 and Table 2 provide a summary of the distribution of lands in San Diego.

The State of California manages nearly one-quarter of the land in San Diego. As exhibited in Figure 2, the majority of state land is distributed in the eastern portion of the county. These areas represent more than the simple distribution of public lands; this
Figure 2. Summarized distribution of public lands by level of government.

The figure depicts the history and future of archaeological practice in the region. While in the past contract archaeology lacked the legislative guidelines described in this section, in recent years the practice of CRM came to be largely determined by these laws and how they vary from one jurisdictional boundary to another. Table 2, presents a summary of public land distribution in San Diego.
Table 2. Summarized Public Land Distribution of San Diego

<table>
<thead>
<tr>
<th>Level of Government</th>
<th>Land in Acres</th>
<th>Percent of County</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total San Diego County Acreage</td>
<td>2,727,000</td>
<td>100%</td>
</tr>
<tr>
<td>Non-Public Lands</td>
<td>1,072,850</td>
<td>39.3%</td>
</tr>
<tr>
<td>Public Land</td>
<td>1,654,150</td>
<td>60.7%</td>
</tr>
<tr>
<td>Federal</td>
<td>781,250</td>
<td>28.7%</td>
</tr>
<tr>
<td>State of California</td>
<td>657,250</td>
<td>24.1%</td>
</tr>
<tr>
<td>City</td>
<td>104,250</td>
<td>3.8%</td>
</tr>
<tr>
<td>Water Districts</td>
<td>58,600</td>
<td>2.1%</td>
</tr>
<tr>
<td>County of San Diego</td>
<td>45,650</td>
<td>1.7%</td>
</tr>
<tr>
<td>Other Special Districts</td>
<td>5,200</td>
<td>0.2%</td>
</tr>
</tbody>
</table>

Note: Public Land Information generated through ESRI ArcGIS and San Diego Association of Governments (SANDAG) data.

State Penal Code, 1939

Under the 1939 Penal Code law the State of California determined it was prosecutable as a misdemeanor to disturb or destroy significant historical or archaeological resources on either public or private land (Hata 1992:77). The penalty consisted of up to six months confinement in County jail and a fine not to exceed 500 dollars (Heizer 1959:104). This law appears to have been largely ignored.

State Public Resources Code Amendment, 1965

The State Archaeological, Historical, and Paleontological Task Force assisted in adding misdemeanor level legal prosecution to the State Public Resources Code for disturbances to archaeological sites on public land (Hata 1992:77). As part of this law, the state began receiving public works construction plans. In turn, these areas were surveyed by archaeologists. This code was added two years after the state legislature requested that all public agencies and private contractors report new “discoveries of Indian culture” in the state to the Division of Beaches and Parks (as cited by Hata 1992:77). The Public Resources Code, while suggesting archaeological mitigation, also stipulated that archaeological activities could not impede public works projects on public land.
California Environmental Quality Act (CEQA), 1970

As seen in Table 2, the State of California, primarily the State Parks Service, manages approximately 632,100 acres of land, or 23.2 percent of the county. Currently there are 5,265 archaeological sites recorded on State lands, representing 22.1 percent of the total number of sites in the county (see Table 8 in Chapter 11, Section Contemporary Practices in CRM). Robert Heizer observed in the early 1950s, that California, unlike other states such as Oregon, lacked a law directly aimed at restricting the activity of pot hunting (Heizer 1959:104). California now has some of the most stringent cultural resource regulations in the nation. CEQA has been considered to be so effective that it has been used as a model for other states, and even other nations, such as Australia (Hanna 1982:150).

The CEQA was enacted in 1970, eight months after NEPA. The central management provision of CEQA is the Environmental Impact Report. This detailed impact assessment is defined in Section 21100 of the California Public Resources Code, and is based on Section 102 (42 U.S.C. Section 4332(2)(C)) of NEPA. The phrasing of the CEQA section is nearly the same as its federal predecessor, however, with two major exceptions of pertinence: the first, is that Section 12200 (line C) of CEQA requires the EIR to include explicitly stated mitigation strategies to minimize impact, and the second, it pertains to permitted private activity. An overview of the mitigation process will be discussed subsequently. Taking a permitted project approach, meaning it applies to all projects permitted at state or local levels, has had reverberating effects for heritage and environmental management in California. As the University of Pennsylvania Law Review observes, a previous failure to define the term project “raised the specter of near-total paralysis of the state’s present and future regulatory activities, as agencies and municipalities wondered how to obtain the staff, money, (and) expertise” (1973:1405, emphasis added). Further detail on this subject will be provided in the following section on the Friends of Mammoth decision.

As previously noted, CEQA was modeled on NEPA; however, there are some central differences. MOA is equivalent to a Memorandum of Understanding (MOU) at the state level. CEQA produces an Environmental Impact Report (EIR) just as NEPA produces an EIS. Like NEPA, CEQA requires consultants to analyze the potential negative impacts upon the environment; however, CEQA further requires a explicitly stated plan as to how these impacts will be mitigated for. Unlike NEPA, under CEQA, a project cannot proceed until all
of the involved parties have weighed in on an acceptable mitigation plan. Like the NEPA
Environmental Assessment (EA), a CEQA Impact Assessment must be conducted for
determining appropriate mitigation. This process is based on a study of the Area of Potential
Effect (APE).

The 2010 CEQA Statute and Guidelines specifies that information provided by a
consultant should include a literature and records search for a designated radius around the
project area (usually one mile), inclusion of the site records for the resources in this area
within an EIR, and available data gathered through pedestrian survey of the APE that is no
more than five years old (California Environmental Quality Act [CEQA] 2010). Certain
projects qualify as exceptions to the process of detailed environmental assessment. A
pertinent example includes the class 3 exemptions, where California Public Resources Code
Section 21083 (CEQA 2010:Section 15303) allows for the building of single-family homes
without an EIR. This may apply in areas except were a project presents impacts to a resource
of “hazardous or critical concern where designated, precisely mapped, and officially adopted
pursuant to law by federal, state, or local agencies” (CEQA 2010:206). Because CEQA must
consider mitigation, a key component is based in assessing the relative importance and
distribution of archaeological resources (CEQA 2010:Appendix K: 1982; Section 15064.5).
This is a difficult task and has been at the root of many disputes. Until 1998, to qualify as
Important, a site had to be over 100 years old, a bias likely inherited from the understandings
regarding prehistory that were imbedded in the Archaeological Resources Protection Act.
The Office of Historic Preservation (OHP) has since adopted a 45 year age requirement for
classification as a historical site, reflecting NHPA National Register criteria, with an added
buffer period for filing (OHP 1995:2). Considerations of site integrity are often integral in
determining the data potential for a given cultural resource. These two characteristics of age
and integrity, taken together, are central to weighing the relative importance of a site and,
subsequently, the severity of a project’s potential impacts.
CEQA Amendments: *Friends of Mammoth v. Board of Supervisors of Mono County and International Recreation, LTD, September 21, 1972*

If the series of preceding federal laws defined the general framework of compliance archaeology, the Friends of Mammoth decision is what allowed it to emerge in California as a thriving and competitive industry populated with archaeologists. Archaeological scholar and respected CRM specialist Adrian Praetzellis contends, perhaps more accurately, that it was not until 1977, with the favorable ruling of *Society for California Archaeology v. Butte County*, that archaeology came to be officially covered under CEQA (Praetzellis 2004:11). However, the most common understanding from my interviews supports the observation that, “the Friends of Mammoth decision was pivotal in California, it caused the proliferation of laws to, basically, the whole industry” (Arch-5, interview by author, February 18, 2010).

This court case was based on the appeal of a use permit that had been approved by the Mono County Planning Commission on May 6, 1971 for constructing six buildings (each with six to eight stories), a restaurant, parking areas, and various recreational facilities (Supreme Court of California 1972:Sac. No. 7924). The plaintiffs consisted of a group comprised of hundreds of residents and property owners from Mammoth Lakes, California. The contentious legal question, which resulted in a ruling in favor of the Friends of Mammoth, was whether or not Sections 21000, 21100, 21151, and others of the California Public Resources Code applied to private activities, permitted through public agencies. As stated in the Section 21100 of the California Public Resources Code, “All state agencies, boards, and commissions shall include in any report on any project they propose to carry out which could have a significant effect on the environment of the state, a detailed statement by the responsible state official” (CEQA 2010:Chapter 3, emphasis added). This excerpt represents the heart of many aspects of EIR preparation, which is, generally defined, the principle goal of CEQA compliance archaeology. Prior to this decision, it was already understood that activities impacting those resources managed by government agencies were to be considered and addressed. “Significant effects” were being mitigated for based on the “relative importance” of archaeological resources, as specified within Appendix K. However, at the root of the controversy was whether the term “project”, stated within Section 21100 and elsewhere, was intended to pertain to private activities. Due to the absence of a singular
definition for this term in CEQA, the final decision was largely based on the interpreted meaning of “regulate”, which was used to gain insight into the intent of the Legislature (Supreme Court of California 1972: Sac. No. 7924). A perfect example was provided in Section 21000, which specified that “It is the intent of the Legislature that all agencies of the state government which regulate activities of private individuals, corporations, and public agencies which are found to affect the quality of the environment, shall regulate such activities so that the major consideration is given to preventing environmental damage (of the California Public Resources Code 1970, emphasis added). There is approximately 1,071,000 acres of land in San Diego that is not managed directly by a public agency, representing 39.3 percent of the county (see Table 1 and Table 2). Based on records at the SCIC, there are approximately 9,084 sites located on private lands within the county. This suggests that the Friends of Mammoth decision directly pertains to at least 38.1 percent of the archaeological sites in San Diego (see Table 8 in Chapter 11, Section Contemporary Practices in CRM).

Multiple modifications to CEQA resulted from the Friends of Mammoth decision. Many of these have helped to create a more stringent regulatory process; however, others have provided special exemptions to the environmental review requirements. These amendments to CEQA, and the general message of NEPA, required that government agencies expand their archaeological departments to meet demands for compliance. However, even with new resource management specialists on staff, it was impossible to complete even a small portion of the fieldwork and impact assessments required. While, this demand helped to populate the practice of compliance archaeology with a growing number of private consultants, the EIR business was largely defined through one of the subsequent amendments that followed the Friends of Mammoth decision. AB 889 of 1972, later added to the Public Resources Code as Section 21160 of CEQA, required information to be submitted to the lead agency prior to making a decision regarding the effects on the environment presented by a given project (CEQA 2010:73). This amendment effectively shifted the burden of cost for environmental impact assessment to the client, while allowing the agency to maintain strict restrictions. Private, competitive, archaeological firms were created at an unprecedented rate, and, nearly overnight, the industry of CRM emerged full force.
Executive Order B-64-80, 1980

Executive Order B-64-80, Issued by California State Governor Edmund G. Brown, Jr. in 1980. The order was much like E.O. 11593, where it called for all state agencies to find and record all significant cultural resources on state lands that are over the age of 50 years (King 1980:361). Significance, under this order, would have constituted any cultural resource that would be listed as eligible for the National Register of Historic Places. Although such resources were to have been recorded by July of 1983, this goal still has yet to be met.

California Senate Bill 18, 2004

SB 18 was specifically intended to address the way local governments interacted with local Native American Communities regarding Traditional Tribal Cultural Places (TTCPs). It requires that projects being proposed within, or near, a TTCP involve local Native American tribes in the planning process. Within 30 days of submitting plans to the lead agency, the project representative must initiate written contact with the Native American Heritage Commission (NAHC). Following this contact, tribes have 90 days to respond as to whether they would like to be involved in the planning process with the local government in managing the potential impacts on the TTCPs. If the involved tribes come to an agreement with the interested project proponents regarding the mitigation strategies then they are included within the Environmental Impact Report. SB 18 requires that proof be provided that a TTCP is associated with Native American, ceremonies, beliefs, or is otherwise significant. Additionally, it requires consultation with the NAHC when local governments are making changes to City or County general plans that might have impacts upon TTCP.

LOCAL LEGISLATION AND PRACTICE

The County of San Diego fully incorporates state legislation in its own local guidelines but supplements it to reflect local issues. For activities where the county is the primary permitting authority, the most commonly implemented legislation for managing cultural resources include CEQA, The Resources Protection Act (RPO), and the San Diego General Plan (San Diego County Board of Supervisors 2007:7). Federal, State, and local Registers of Historic Places/Resources may be contributed to at the county level when
archaeological sites are considered to be eligible for listing. In general, the County of San Diego strongly supports preservation.

**San Diego County General Plan, Conservation Element (Part X), 1975**

Part X of the General Plan provided a list of findings pertaining to the impact of cultural sites within the county. This was followed by five policies for addressing these impacts. Some of the proposed actions included more oversight in managing impacts posed by removal of material from cemeteries, off-road recreational vehicles, the clearing of vegetation for agriculture, and development. It proposed the creation of a centralized repository of data pertaining to cultural sites, education programs in preservation for the public, the use of open space easements, acquisition of areas of cultural significance, and integration of federal, state, and local environmental and archaeological legislation (San Diego County 2002: X-93).

**San Diego County Resource Protection Ordinance (RPO), 1989**

The RPO is structured in a way that reflects CEQA. It serves as a guide and list of definitions and restrictions that pertain to activities that are subject to permitting by the County of San Diego. Section 86.604(g) restricts “development, trenching, grading, clearing and grubbing, or any other activity or use damaging to significant prehistoric or historic site lands” (County of San Diego 2008, emphasis added). RPO significance is defined in roughly the same way as CEQA: any cultural site that is eligible for a National, State, or local Register; is unique; or qualifies as a burial or sacred tribal area under Public Law 95-341, the American Indian Religious Freedom Act or Public Resources Code Section 5097.9 (County of San Diego 2008:RPO Section 86.602(o)). In general, if a site is RPO significant it will be preserved. However, when a resource is not determined to be of sufficient integrity, is classified as an Isolate (two artifacts or less), or otherwise found to be not significant, then the status of its preservation may be uncertain.
Mills Act of San Diego County, 2002

The Mills Act provided property tax breaks for owners of historic properties that are eligible for listing in local, State, or National Registers. Under Ordinances 9425 and 9628, the owners were provided with an incentive to maintain the property in accordance with the guidelines of the Secretary of the Interior in order to receive this benefit (San Diego County Board of Supervisors 2007:6). While this is generally an incentive, once a building is deemed “historic” it is often difficult for property owners to make substantial renovations. At the time of this writing there is a fair amount of debate regarding this law. In this period characterized by a general national economic “slump”, many in the government see the Mills Act as providing too much of a tax break to generally wealthy home owners.

San Diego County Local Register of Historical Resources, 2002

San Diego’s local Register was passed by the Board of Supervisors though Land Ordinance 9493. It provided guidelines for the determinations of eligibility, and consequently, preservation, of cultural and historical resources. Any location, site, object, or district that has been previously determined as eligible to be listed in the State and National Registers is automatically part of San Diego’s (San Diego County Board of Supervisors 2007:6). It allowed sites, ceremonial areas, and landscapes, even when unmarked by physical remains, to be considered eligible. Locational integrity was considered a possible deciding factor in determining eligibility.

SUMMARY

Numerous governmental mandates and policies require businesses, private parties, and governmental agencies to get professional consultation when permitted activities may impact cultural resources. The history of professional archaeology has been directly related to the emergence of environmental/cultural management law. Legislation largely dictates the priorities, the general scope of concerns, and the proper range of activities for preservation/management taken on by CRM practitioners. This chapter has summarized the most prominent federal, state, and local legislation, providing a context for the practice of CRM as it has emerged over time. This discussion of legislation should be seen as a history in and of itself, rather than a simple list of laws, acts, and ordinances. The process of
implementing these laws through archaeological practice, under the demands of project activities, budgets, and deadlines, is the essence of what defines CRM in San Diego.
CHAPTER 5
THE EMERGENCE OF CULTURAL RESOURCE MANAGEMENT

The San Diego region has made numerous significant contributions to the history of professional archaeology. While, I have done my best to focus on southern California, many of the local trends have been a direct result of national legislation and events. This chapter outlines the general emergence of the American school of Archaeology, the impact of Malcolm Rogers, the history of salvage archaeology, the influence of the UC Archaeological Survey, the relationship of Paul Ezell and SDSU to local archaeological practice, and the emergent trends of San Diego CRM.

IN THE BEGINNING: THE EMERGENCE OF NEW WORLD ARCHAEOLOGY

The emergence of North American Archaeology has been characterized by a long series of transitional events. It began with the activities of a small collection of privileged individuals that sought to uncover “discoveries”, buried beneath the primordial soils of our Nation. The practice has since come to be dominated by the contemporary activities of CRM practitioners, contracted with the task of documenting and managing cultural resources under the pressures of this Nation’s demands of modernity. Within his “Notes on Virginia”, written in 1784, Thomas Jefferson called for ethnographic and linguistic research into the Native Americans who populated the United States, initiating the first government mandated research into the origin of the Ancient Mounds (Wilcox and Fowler 2002:127). Fifteen years later, the American Philosophical Society (APS), of which Jefferson was a member, furthered these aims. The APS initiated an organized effort for gathering historical, archaeological, linguistic, and ethnographic data pertaining to the “ancient Fortifications, Tumuli, and other Indian works of art; ascertaining the materials composing them, their contents and (their) purpose” (APS 1799 as cited by Wilcox and Fowler 2002:127, emphasis added). The first organization that focused primarily on archaeological investigation in the
United States was the American Antiquarian Society, founded in 1812 (Stapp and Burney 2002:18). The group aided in the pursuits of the APA, and counted in its membership, among many notable others, more than a dozen past Presidents of the United States (18). The years 1840-1914 represented a paradigm in archaeological excavation that was dominated by classifications of materials and monumental structures (Wilcox and Fowler 2002:140). While such research goals were common, practicing archaeologists had yet to share standardized methodologies. The burgeoning field of Archaeology was supported by the emergence of formalized programs, such as those at the Smithsonian Institute in 1846 and Harvard University in 1866 (Stapp and Burney 2002:19). During this period there was a great deal of controversy regarding the role of Native Americans within the prehistory of the United States. Following continued investigations into the mounds by Celeb Atwater, prior to 1820, a congressional mandate called for the Smithsonian Institute to conduct excavations to determine the origins of the Ancient Mounds of Mississippi (Wilcox and Fowler 2002:128). Work conducted in the 1830s and 1840s resulted in a publication by E. G. Squire and E. H. Davis entitled *Ancient Monuments of the Mississippi Valley* in 1848 (Neumann and Sanford 2001:5). Significantly for the history of CRM in the United States, such projects marked the beginning of governmental legislative involvement in archaeological practice. John W. Powell was both the founding Director of the BAE, and the Director of the USGS between 1881-1894 (Thrower 2008:158). Hundreds of publications relating to Anthropology were founded in this relationship. Following a mandate by Congress in 1881, Powell assigned Cyrus Thomas to the task of finally resolving the question of the identity of the mound builders (Wilcox and Fowler 2002:150). Four years later, these efforts resulted in a publication definitively proving that the Ancient Mounds were created by the same Native American inhabitants of the United States that were encountered during European colonization of that region. Franz Boas, “father” of American Archaeology and advocate of the four-field approach to Anthropology, was appointed to Columbia University in 1896 (Neumann and Sanford 2001:25). This academic, and his numerous influential students, infused Archaeology in the United States with many of the core values that are now simply accepted as “common sense”. In contrast to Lewis H. Morgan and John W. Powell, who were proponents of uni-linear, neo-Enlightenment, concepts of cultural change, Boas supported an
epigenetic, counter-Enlightenment, perspective that was grounded in historical context 
(Wilcox and Fowler 2002:152).

The period between 1914-1940 saw stratigraphic excavation and description become a nearly standard component of archaeological methods (Stapp and Burney 2002:21). In 1914 Clark Wissler suggested to A. E. Douglass that his research into dendrochronology might be applied in practice for dating the wood constituents of ruins in Chaco Canyon and elsewhere (Wilcox and Fowler 2002:181). While these often large-scale projects were modeled on those conducted in the Old World, broad chronologies became the primary goal of Archaeology. Most notably, the Pecos Classification in 1927, the McKern System in 1939, and the Heizer-Fenega (and Lillard) Central California Classification in 1939 had far reaching impacts on southern California and North American Archaeology in general (Swartz 1996:4). Alfred L. Kroeber adopted such cultural classifications as a model for his analyses of Peruvian prehistory (8). Separate cultural groups were distinguished through the distribution of like (non-functional) artifacts, under the assumption that artifacts were expressions of past cultural conventions and beliefs. Cultures were seen as relatively static, and groups were delineated based on differences, rather than similarities (Johnson 2004:17). Albert Spaulding observed that practices in the 1930s were centered on “the explanation of sound frameworks of time- and space-controlled culture types, and it was necessary to provide the frameworks before they could be explained. This priority was a matter of theoretical conviction and also of exemplary activity” (Spaulding 1985:301). The role of living Native Americans in archaeology was limited during this period, though as Stapp and Burney observed, “local tribal members would provide the labor force required to move the large volumes of dirt” (2002:22). In the twenty years leading to the surge of “New Archaeology” that took shape in approximately 1960, historical classification shifted to include more “scientific” procedures (22). The driving force behind this shift was the introduction of new scientific technologies, such as Willard Libby’s carbon-14 dating (Fenenga 1949), and an increased focus on context and the function of artifacts (Johnson 2004:35). Archaeological analysis was centered on settlement patterns and relationships between culture and environmental practices. A revitalization of evolutionary concepts, particularly multi-linear genetic variation, was brought on by discoveries such as the double helix structure of DNA in 1953. Cultural ecology became a formalized structure of analysis
in the 1950s (Johnson 2004:144). Proponents such as Julian Steward and Robert Heizer (see section on The History of the Site Record Form) helped to embed the understanding that societies will adapt based on the costs and benefits of resource exploitation within their surrounding material and physical environments (Hestor 1996:157). Even though these theories did not become formally defined until the early 1970s, the roots of such theories were largely established within the preceding two decades.

While radiocarbon dating provided a revolutionary tool for understanding specific time relationships, it was not until the late 1950s and 1960s that “scientific” methods became broadly embraced by archaeologists of the “New Archaeology”. Albert Spaulding observed that such methods “assumed that human behavior to some considerable degree was and is predictable and that we should scrutinize our present data and collect new data with a view to discovering generalizations that would lead to an expanding body of explanatory theory” (1985:306). New Archaeology contended for the universality of human responses to the environment (Spaulding 1985:267). Thomas Kuhn provided concepts of shifting “paradigms” (1962), which drove archaeologists to emphasize academic differences from their predecessors. There was a greater attention to sampling techniques, hypothesis testing, and biases. Lewis Binford was, perhaps, the most visible representative of New Archaeology. He was a proponent of hypothesis testing and ethno- and experimental archaeology, making analogies between present and past populations (Johnson 2004:49). While there have been numerous off-shoots of New Archaeology, this school came to be commonly called processualism, for its emphasis on cultural evolution and attention to the interactions and pressures that promoted certain behaviors (Johnson 2004:25). Adaptation to the environment became an area of central focus for New Archaeologists. Systems thinking was promoted by archaeologists such as David Clark, notably spreading into the population of archaeologists beginning in the 1970s. Past activities were interpreted in terms of their adaptive and functional roles within a larger social and environmental network (Johnson 2004:76). Arguments of changes in social complexity through environmental stresses have generally been associated with this type of adaptive systems thinking.

While there are many other theoretical developments that might be noted in this summary of North American Archaeology, the previous discussion provides a general context for the emergence of professional archaeology that took place through 1989. CRM
applies archaeological methods in the process of documenting cultural resources. The vast majority of CRM practitioners are trained in archaeology. For this reason, the methods of academic archaeology are generally the same as contract archaeology, with some notable exceptions. The distinction between these two areas of practice are primarily associated with the dictates of preservation legislation, the pressures of developmental interests, and the demands of economic competition. Such considerations will be expanded upon later in this chapter.

MALCOLM JENNINGS ROGERS (1890-1960)

Malcolm J. Rogers was the first archaeologist to work extensively in the San Diego area. His most significant period of work was between 1919, when he arrived in Escondido to grow citrus as a trained mining geologist, and 1945, when he bitterly departed from his position as Museum Director at the Museum of San Diego (Hanna 1982:172). During this period he conducted many highly influential excavations. One notable example was the Harris site, SDI-149, which was discovered by Rogers 1919-1920, and first recorded in 1929 (Gross 2006:121). Excavation was first conducted with Julian Hayden during the summer of 1938 (Ezell and Broyles 1988:416). From 1959-1960, then again in 1964 and 1965, Claude Warren, D. L. True and A. E. Eudey excavated the site. Both True and Warren had been students of Clem Meighan at UCLA (David Whitely, personal communication, June 28, 2011). In the spring of 1964 a SDSU field school (then referred to as San Diego State College) was conducted by Paul Ezell and Field Director James R. Moriarty (Gross 2006:123). Paul Ezell returned with Richard Carrico in 1977. Based on DPR forms at the SCIC, in 1991, excavation was again conducted by Richard Carrico, Theodore Cooley, Joyce Clevenger, and P. Mitchell. Records indicate that the most recent work was done at this site in July, 2010 by N. Blother, J. Berryman, S. Rosenberg, and S. Clowery. While a number of other studies have been conducted on this site, the majority of these have been associated with the analyses of the collections of cultural material extracted through these excavations.

The implications of the Harris site excavations, initialized by Malcolm Rogers, were far-reaching for the archaeological record of San Diego. During the early 1900s few archaeologists were willing to accept dates older than 4,000 years before present for the populating of the San Diego region (Stankowski 2004:3). SDI-149 became the Type Site for
the San Dieguito Complex, later providing calibrated radiocarbon dates of over 9,000 years in age (2). Formally recorded as the C. W. Harris site, it was added to the National Register of Historic Places in 1994 as an Archaeological District (National Register of Historic Places [NRHP] Online n.d.). The Harris site is significant to local archaeology due to its undisturbed quality, provided by the relatively frequent deposition of sediments from the swelling of the associated river and run-off of the surrounding landscape; the presence of San Dieguito, La Jolla, and Late Prehistoric archaeological components; and the history of the archaeologists who have conducted work there (Gross 2006:123). This site provided a body of data that largely re-defined the archaeological record of the San Diego region in a way that few others have (see Table 3).

Table 3. San Diego Cultural Periods Derived from the Research of Malcolm Rogers

<table>
<thead>
<tr>
<th>Geologic Time</th>
<th>Years Before Present</th>
<th>Cultural Period</th>
<th>Assemblage (Typical Artifacts)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Late Holocene</td>
<td>1,000</td>
<td>Late Prehistoric</td>
<td>Small triangular arrow points, fishhooks, pottery, baskets, rock art, grinding stones, bedrock mortars, extensive trade, shell and stone beads, large villages</td>
</tr>
<tr>
<td></td>
<td>2,000</td>
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</tr>
<tr>
<td></td>
<td>3,000</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Middle Holocene</td>
<td>4,000</td>
<td>La Jolla</td>
<td>Large quartzite scrapers, “donut” stones, large leaf- shaped points, grinding stones, shell middens, coastal sites, hearths</td>
</tr>
<tr>
<td></td>
<td>5,000</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>6,000</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Early Holocene</td>
<td>7,000</td>
<td>San Dieguito</td>
<td>Large felsite leaf-shaped points, finely worked domed scrapers, few milling stones, crescentics</td>
</tr>
<tr>
<td></td>
<td>8,000</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>9,000</td>
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</tr>
<tr>
<td></td>
<td>10,000</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>


It should be noted, that there are differing opinions among archaeologists regarding San Diego’s archaeological record. The La Jolla complex (Rogers 1945:171) has been interpreted as a result of people coming in from the east (Warren et al. 1961), and alternatively, as a product of an in situ cultural change from the San Dieguito culture (Kaldenberg 1976; Moriarty 1966). The neatly defined temporal periods outlined in
Table 3 have been regularly contested. Archaeologists such as Timothy Gross (1992) have contended that the subsurface component of many sites is a product of bioturbation, rather than reflective of natural stratigraphic deposition over time. The San Dieguito (Rogers 1945:171) and other cultural periods have come to be challenged by the growing body of information for San Diego. Archaeologists have encountered artifact types in association that cannot be explained through the model defined by Rogers (Robbins-Wade 2009:9). These finds, in conjunction with the prevalence of bioturbation, have caused many to question whether they, in fact, represent different cultural periods at all.

Rogers was influenced by the Classificatory-Descriptive techniques of European archaeologists through his early readings (Hanna 1982:70). By 1914, and throughout most of his career, his general archaeological perspective was Historical-Classificatory, applying arguments of cultural diffusion and chronological periods (Hanna 1982:71). He used methods of seriation, typological patterns, and stratification in forming overarching areal syntheses of regional and inter-regional relationships extending from the west coast throughout the Southwest. He preferred to organize his typologies in terms of complexes, industries, and phases (378). Malcolm Rogers was often considered eccentric amongst most academic archaeologists of his period for focusing on the desert regions and areas with non-monumental characteristics. However, Paul Ezell has contended that Rogers laid groundwork in southern California that inspired others, such as Julian Hayden, to recognize the significance of this type of archaeological work (Ezell and Broyles 1988:430). Paul Ezell had multiple opportunities to directly interact with, and learn from, Malcolm Rogers. On one occasion in the mid-1950s Ezell spent hours with Rogers in the basement of the San Diego Museum of Man, listening as he explained his understandings of the artifacts curated there (Ezell and Broyles 1988:416). In 1988, Paul Ezell described this experience, observing, “then is when I got the massive infusion of information about primitive lithic technology in the San Dieguito, the La Jolla and the Amargosan cultures” (416).

It should be observed that Malcolm Rogers did not begin his work in the region without any existing precedent. There were others associated with Anthropology who aided in forming early conceptions of San Diego’s past. Notably, Edgar L. Hewett acted as Dean of American Archaeology at the San Diego Normal School (now San Diego State University) and Director of Exhibits for the Panama-California Exposition in 1915 (Normal News 1915a,
Hewett was also the chief consultant under congressman John F. Lacey for the Antiquities Act of 1906 (Eischen 2005:4). Hewett was a distinctly different type of archaeologist than those associated with the northeastern institutions, specifically Franz Boas. As Thomas has noted, “Hewett can be distinguished from the other archaeologists in his devotion to applied experience over formal educational training” (Thomas 1999:45). Because of this, he was often at odds with academic archaeologists of the time, both sides expressing their fair share of judgments and criticisms regarding the other. John Peabody Harrington worked throughout the southern California region and the United States. He acted as a Professor in Linguistics and Anthropology at the Normal School in 1915 (Normal News 1915b). Hewett and Harrington worked together for many years in differing capacities. Harrington had also been criticized by Boas and Kroeber for his lack of academic methodology in conducting research. Hewett commented on this situation in a letter to Alice C. Fletcher; observing that, “he did not understand Boas’ insistence on formal training… (and viewed) Harrington as a brilliant linguist who could resolve linguistic problems on his own” (Thomas 1999:50, emphasis added). These contentions between advocates of Boasian anthropology and Hewett’s fieldwork-centered, policy-based conservation ethic helped to define a division that still endures between present day academic archaeology and CRM. A final early local archaeologist of mention is Howard O. Welty. Working within the Department of Education at the San Diego Normal School, Welty labored under the guidance of A. L. Kroeber between 1912 and 1928 to document the archaeological sites along San Diego Bay (Letter to A. L. Kroeber, April 10, 1913, on file at SCIC).

While many other individuals might be noted as part of a discussion on the early archaeological and ethnographic work conducted in San Diego, this study is aimed at a deconstruction of more recent trends surrounding the perceptions and practice in CRM. As such, the final thought should re-emphasize that many people have contributed the conventions in thought that permeate local cultural and historical management efforts. However, through his relationships with Paul Ezell, Julian Hayden, Claude Warren, and others in the academic community, Malcolm Rogers largely defined the broader foundation for interpreting the San Diego region’s prehistory.
Fred Wendorf’s career has closely followed the historical trends of professional archaeology since before the 1950s. He has been involved in many of the key events that helped to define the transition from archaeological salvage to CRM. His 1962 work, *A Guide for Salvage Archaeology*, has provided an honest, first-hand account of salvage archaeology in the United States. In the interest of creating a general context for this period of work, throughout the following section I draw heavily on the experiences and perceptions provided in this book and Wendorf’s later publications.

Wendorf contended that the first “purposeful” archaeological salvage project was associated with increasing the height of the Aswan Dam, in Egypt (Wendorf 1962:12). In 1907 the dam was scheduled to be increased by seven meters, extending the lake to the south of the ancient village of Derr, 250 Km up river. This salvage of a multitude of sites of antiquity was conducted by Harvard University, under the direction of G. A. Reisner (Wendorf 1962:12). Within the United States, one of the first notable salvage projects was conducted in Boston in 1913. During construction of the subway, excavations were carried out on a prehistoric fish weir found on Boylston Street (Wendorf 1962:12). The first major salvage projects were conducted as a result of the Works Progress Administration (WPA) projects, the largest being the Tennessee Valley Authority (TVA) activities that began after 1933 (Aiken 2007:276). In 1935 the Historic Sites Act was passed, calling for the National Parks Service to lead in the efforts to salvage archaeological and historical data prior to its destructions through the WPA activities. The NPS organized a massive amount of salvage work conducted through the Smithsonian and other institutions (Rosenberg 1981:763). These projects provided a context that allowed for the earliest intensive, large-scale interactions between governmental agencies and archaeological salvage in the United States. As part of President Franklin Roosevelt’s New Deal, the TVA activities were largely designed to promote major hydroelectricity projects and the rehabilitation of public lands. Fred Wendorf observed in 1962 that under the direction of William S. Webb of the Department of Anthropology at the University of Kentucky, the level of archaeological salvage associated with dam building activities in the Tennessee River drainage was second only to that of the later River Basin Surveys (14).
The TVA salvage activities were unusual for this time period. Wendorf contended in his autobiography that, “in the 1930s and ‘40s (and before), there had been no real interest among professional archaeologists or the public in preserving the archaeological data construction and other economic development projects were destroying” (2008:57). In 1945 the Inter-Agency Archaeological Program was formed for the River Basins Projects. A major driving force behind this program was the Committee for the Recovery of Archaeological Remains (CRAR), 1945-1976 (Wendorf 2002:320). This independent group was sponsored by the Council of Learned Societies, the Society for American Archaeology (SAA), and the American Anthropological Association (AAA). While CRAR member sometimes visited excavations, their primary role was to generate funding through congress, promote legislation, disseminate information regarding archaeology to the public, gather institutional resources, and help maintain a high level of scientific practice (Wendorf 2002:320). Following World War II, the U.S. Army Corps of Engineers (USACE) and the Bureau of Reclamation (BuRec) were tasked with completing hundreds of major public works projects throughout the United States. The level of work was most notable in the Missouri Basin, where one hundred and eight dams were authorized for construction, including the three hundred and eight mile long Lake Oahe in North and South Dakota (Wendorf 1962:14). The National Parks Service, as the representative agency for the Department of Interior, was in charge of budgeting funds and planning. Local and state museums and universities, and most notably the Smithsonian Institute, were the archaeological contractors (14). These institutions provided facilities and equipment, negotiating with the NPS for funding on a project-by-project basis (Wendorf 2002:319). Fred Wendorf, having experienced these events first-hand, described the activities of salvage during this period:

> Occasionally the re-routing of a road or an alternate site for a dam will save a threatened monument without harm to a modern project… For the most part, however, the salvage consists of study and excavation, after which the construction can proceed. [1962:12]

This description seems to be an uncharacteristically optimistic interpretation of the process of archaeological salvage. While cultural material was often collected prior to their destruction through such development, this work was conducted rapidly and selectively, and was generally not permitted to impede construction activates (Wendorf 1962:53). In
California, following the passage of the Reservoir Salvage Act, Paul J. F. Schumacher alone managed the NPS contract salvage program in California, as well as a good portion of the western United States (Moratto 1992:41). It should be observed that, “by 1961 there were 54 educational institutions with cooperative projects, 14 in the Missouri Basin, and 40 with cooperative projects in the rest of the country” (Wendorf 2002:325). To handle just the western portions of such projects would have been an overwhelming task for a single NPS employee. Fred Wendorf (highway salvage liaison for the CRAR since 1957) observed that between the years 1946 and 1957 survey of three hundred and ten reservoirs, in forty two states, had yielded over 9,000 newly recorded historical and archaeological sites (1962:17). More than four million cultural and paleontological items were recorded, with excavations carried out at 61 reservoirs in 31 states (17).

The first salvage archaeology project that was not associated with dams or reservoirs was the El Paso Natural Gas Company pipeline that ran from New Mexico to southern California (Wendorf 1962:48). Jesse L. Nusbaum, the first archaeologist hired by the NPS and Senior Archaeologist for the U.S. Department of the Interior, began archaeological salvage of the 60 foot wide pipeline right-of-way shortly after the project began in 1947 (Wendorf 2008:59). Nusbaum had arranged to receive funding from the El Paso Gas Company with the help of the Navajo Tribal Council, who demanded salvage work as a condition of the use of their land (59). Fred Wendorf was hired in 1950 as Field Supervisor. Shortly after, four additional crew archaeologists were hired, including Francis Cassidy, Bill Bullard, Wesley Bliss, and Paul Ezell (Wendorf 2008:60). Paul Ezell, discussed in depth later within this chapter, was a graduate student at the University of Arizona at the time (Heatherington 2009:15). The project was being handled by two crews of contractors, each accompanied by two archaeologists (Wendorf 2008:61). Where there were no obvious sites, Ezell and the others would walk ahead, often surveying between twenty and thirty miles per day (61). In the Fall of 1950 Time and Life magazines each published stories on the archaeology being conducted on this project, with a favorable response from the public (61). This resulted in more positive interactions with the construction crews, and inspired nation-wide discussions of the practice of salvage archaeology. Two contract models were employed in fulfilling legal mandates through the Antiquities Act and Historic Sites Act. Wendorf explained that initially the El Paso Gas Company hired all of the archaeologists as
crew (Wendorf 1962:52). The NPS archaeologists were in charge of supervising these hired archaeologists. This system was changed rather quickly. It seems evident that working at the pace of the construction crew, in direct association with the project, may have impeded productivity. Undoubtedly, this would have increased the number of incidents where archaeologists were forced to make critical, on the spot, decisions. This strategy gave way to a contract model that was more characteristic of today’s CRM practices. El Paso Gas Company began to deal directly with the NPS. The NPS was guaranteed payment for conducting surveys ahead of the construction along the planed area of impact (Wendorf 1962:52). Jesse Nusbaum then contracted archaeologists, such as Wendorf, Ezell and the others, to conduct the archeological work. When required, the more costly process of excavation would be conducted if the company chose to directly impact an archaeological or historical resource. It was specified within the contract that archaeologists were to do their best not to impede the progress of construction (53).

It was often stipulated in the contract that if archaeological work got in the way of construction the bulldozer drivers had right of passage (Wendorf 1962:5). Wendorf described the general situation during this period as:

The archaeological teams follow as closely behind the surveyors and as far ahead of the right-of-way clearing machinery as possible. Even under ideal conditions the timing will still be close, and there may not be more than three of four weeks between survey and dozer clearing the right-of-way. [1962:54]

As today, the speed of archaeological work was often directly determined by the type and density of archaeological components in an area. Complex or large sites required more time or more money to speed up the work. A budget was determined by two primary factors: the archaeological composition of the area and “the maximum number of unskilled men which (could) be effectively supervised” (Wendorf 1962:56, emphasis added). Even with these additional workers, it was often difficult to inspect all of the trenched area prior to it being filled by the construction crew (Wendorf 2008:61).

Salvage archaeology was most often conducted in association with public works projects or housing developments. However, no systematic salvage programs had been organized around such development, and it was “largely a matter of chance when any archaeology (was) done” (Wendorf 1962:76, emphasis added). At the same time, the practice of salvage archaeology was receiving strong criticism by academics. One common critique
argued that it employed a “shotgun technique” for gathering data, which created multiple unrelated fragments of information (72). While led by experienced archaeologists such as Ezell, Warren, or Wendorf, these jobs often involved hiring inexperienced crew to conduct the work (Wendorf 1962:56). Other criticisms were tied to methodology. Wendorf provided one telling remark in observing that, “the salvage archaeologist finds that the tractor, bulldozer, and power shovel, when properly used, are valuable additions to his tool kit” (1962:78). While this statement would only be supported by a small minority of California archaeologists today, it emphasizes the strong distinction between methods applied in salvage work and those used by strict academics.

In 1956 the passage of the Federal Aid Highways Act led to interactions between the California Division of Beaches and Parks (later the Department of Parks and Recreation) and the California Department of Transportation (Caltrans; Hata 1992:78). Nadine Ishitani Hata has contended that on March 6, 1957 arrangements were made where the Caltrans would fund the Division of Beaches and Parks (DBP) to conduct archaeological surveys of proposed impacted areas (78). Reflecting the federal structure that became well established during the River Basin Surveys, cost estimates for excavation were provided to Caltrans, who would then pay universities and museums that had been granted contracts through the Department of Beaches and Parks. Initially the funding provided from Caltrans was limited to the work that was conducted within the right-of-way (78). This was often incredibly frustrating for archaeologists who would collect large amounts of data and artifacts, then have no funds for analysis or report writing. This restriction continued for more than a decade. One interviewee observed that California Assemblyman John T. Knox, Chief Author of CEQA, once responded to his request for additional analysis by saying, “you can run Carbon-14 analysis if you bring the Carbon-14 lab down into the right-of-way, otherwise, it will not be funded” (Arch-12, interview by author, May 14, 2010). John Knox also authored AB 889, which effectively privatized the EIR industry by shifting the responsibility of paying for an environmental impact assessment from the government to the client (CEQA 2010:73). Additionally, he introduced multiple exceptions into the CEQA process following the Friends of Mammoth decision in 1972. Annual funding for salvage projects conducted in California increased from an average $9,500, between 1957-1963, to over $100,000 in 1966 (Hata 1992:78). In 1975 there was a lawsuit that challenged the practice of restricting funding only
Salvage archaeology is at the root of many practices in today’s compliance/private-sector archaeology. Never is this more evident as when an unanticipated, previously unrecorded archaeological site is encountered during the construction phase of a project. This issue will be more thoroughly discussed in Chapter 11, Contemporary Practices in CRM. However, I briefly summarize the similarities here in order to maintain the point I am making on the similarities and differences between salvage work and CRM. The current process of CRM in the San Diego region revolves around pre-construction planning that stipulates the avoidance or archaeological collection of potentially impacted cultural resources. Most often, an unanticipated find through construction activities will precipitate testing of significance and collection of that site. While the process of recording has become more thorough, the time for completion more extended, and oversight by a lead agency legally mandated; the practice of collecting sites just prior to their eminent destruction is, by its very nature, salvage. Fred Wendorf’s descriptions of archaeological practice prior 1966 speak to the difference between CRM and salvage, but they reveal the similarities as well.

THE CALIFORNIA ARCHAEOLOGICAL SURVEY AND THE PROCESS OF CRM

The California Archaeological Survey, headed by Robert F. Heizer (1915-1979), has significantly contributed to how modern CRM would later be conducted, legislation would be phrased, and data would be stored. This excerpt from the first report of the California Archaeological Survey in 1948 exemplified many of the ideas that are still embedded within the general process of historical preservation:

The chief aim of the California Archaeological Survey is to study and make known to the general and scientific public the prehistory of the State of California. Research is envisaged as the Survey’s chief activity, with the State as its field of operation. No area or areas are to be selected for intensive investigation and no region of the State is to be ignored....The survey also comprises an emergency task force which can be dispatched to oversee the removal of an accidentally discovered site and salvage significant material. [Heizer 1948:3-4]
Robert Heizer’s goal was to form a centralized state agency for managing archaeological work and the resulting data. Today, the State Historic Preservation Office (SHPO) acts as a general oversight committee whose job is to make sure that “no region of the State is to be ignored” (Heizer 1948:3). The principle tool for this oversight is the California Historical Resources Information System (CHRIS), managed by the OHP. Heizer’s aim for avoiding areas of selective study has since been contradicted by preferred areas of development, and subsequent archaeological investigation, which have resulted in more work in some regions than others. While the process of CRM in California has become more formalized since 1948, contracted archaeologists still may have to conduct “salvage” activities during the construction phase of a project, when unanticipated sites cannot be avoided (for an example read Case Study Two in the following chapters). Robert Heizer was one of the early proponents for the use of Carbon-14 analysis and was highly involved in advocating the use of cultural ecology as an interpretive model for archaeological interpretation (Hestor 1996:157). The Archaeological Survey did more than inform the process of contemporary preservation, it promoted formal methods for determining relative values of different types and distributions of cultural material. The original aims of the Survey were centered on documenting specific aspects of California’s prehistory (see chapter on the History of the Archaeological Site Record for greater detail). The University of California Archaeological Site Survey Record form, the foundational template for our current DPR Site Record forms, speaks to this bias; the space allocated for the descriptions of ‘Artifacts’ comes just after ‘Cultivation’, ‘House Pits’, ‘Other Features’, and ‘Burials, (Heizer 1948:8). These later categories were associated with classic notions of the relationship between sedentism, agriculture, and cultural complexity. The Archaeological Survey helped to create an organizational structure that could easily be incorporated within the surge of historical preservation legislation that would come later. Within the above excerpt Heizer used the term “significant” (Heizer 1948:4), This is still the primary legislative fulcrum point on which destruction versus preservation is most commonly weighed. Robert Heizer’s work with the Archaeological Survey did more then provide a historical model of past preservation efforts, it constructed a significant portion of the foundation on which contemporary California CRM has been built.
HUD AND THE SHIFTING OF RESPONSIBILITY FOR ARCHAEOLOGICAL PRESERVATION

One of the primary impacts to archaeological sites in the San Diego region over the past 60 years has been the development of new housing communities. The department of Housing and Urban Development (HUD) and other federal agencies are descended from a need for the allocation of federal loans for building during the Great Depression (King 1981:99). Notably, a large body of federal urban renewal laws were enacted between 1949-1973 that focused on providing federal funding, in the form of subsidies and loans, for the construction of utilities, open space, and general planning at local, city, and state levels (100). This period marked a shift, from the strict government oversight of such projects and their planning, to locally managed urban community development. Generally stated, federal funding was provided prior to construction and then again during the planning stages. These dispersals were made under the assumption that local governments would make the best possible decisions in managing the destructive impacts to their local cultural sites and the natural environment (King 1981:100). With this shift in power toward local planning, archaeological consultants had to be contracted to determine the impacts to existing cultural resources. Because funding was being provided through HUD, much of this work was done under federal law, specifically the National Historic Preservation Act. Under NHPA 36 C.F.R. 60.4 proposed impacted sites were, and continue to be, evaluated under the criteria for significance and eligibility to the National Register of Historic Places. This caused a shift in the understandings of which cultural resources should be considered significant at a national level. King observed that “we experience our heritage most, and most of us experience our heritage, at the local level…. “Purely locally significant properties” are really more important than great national landmarks, because they touch us, literally, where we live” (1981:100).

The importance of these events for adding to an understanding of the history of CRM lies in the differing scales, and interests, involved in the determination of cultural significance. It is natural for communities to define areas of cultural significance in relation to their surrounding social and political environments, however it is something quite new when distinct community values are raised to the level of national significance. This shift, in conjunction with the passing of new legislation, effectively aided in diversifying the legal
concepts of cultural value. In terms of archaeology and culture, it may have allowed for hunter-gatherer societies to be considered within local context, rather than their use as iconic and primordial foundations of the American nation-state. While conceptual understandings of culture began to change, the shift from federal to local determination of significance resulted in massive cultural and environmental impacts. City planners and officials were directly faced with the choice to promote development, beatify, and build infrastructure, or to destroy existing cultural resources (King 1981:100). For areas throughout San Diego, which was further driven by military and other interests, development was often the far more attractive option.

PAUL H. EZELL AND ARCHAEOLOGY AT SAN DIEGO STATE

Paul H. Ezell came to San Diego State College in 1956, following completion of his doctorate at the University of Arizona (Gross and Christenson 1992:207). On arrival, he counted among his friends a number of influential regional archaeologists, including Malcolm Rogers, Julian Hayden, and later, his student James Moriarty. As with these other researchers, Ezell and Broyles valued the study of hunter-gather cultures over that of “high-civilization” archaeology:

The kind of things such as little rock circles and flakes of stone which turn on Julian and me are just simply incomprehensible (to others). And, as one unfortunate (academic archaeologist) phrased it, he “went down to Mexico to do some real archaeology in Mayan ruins; that is ‘real’ archaeology”…. It takes someone like Julian or Mac Rogers to take a piece of stone and show you how and why it is what it is. [1988:436, emphasis added]

In addition to promoting the significance of hunter-gather ways of life, Paul Ezell emphasized the importance of detailed recordation. He brought a style of record keeping from the University of Arizona that emphasized curational organization and the preservation of locational associations (Gross and Christenson 1992:207). Archaeological records were often shared with UCLA, which continued as a data repository after UCB disestablished their Archaeological Survey in 1961 (Fredrickson 2004:32). It was not until 1973 that San Diego State became one of fifteen clearinghouses for storing and managing regional archaeological data (Hata 1992:80). While some of these collections of artifacts and records have since become disorganized through various relocations and other incidents at SDSU, at the time,
this represented a high standard of practice. The standardized DPR forms, which were largely based on those developed by Heizer in the late 1940s and widely distributed through the activities of Archaeological Survey at UCLA and UC Berkeley through the 1960s, later replaced this type of recording (Hata 1992:80). Ezell was experienced in cultural anthropology, applying his anthropological training by actively supporting the Gila River Pima in regaining a portion of their traditional land (Dobyns and Richards 2009:48). In terms of archaeology, he arrived in San Diego with practical experience in recovering archaeological data that was to be destroyed by development, a trait of increasing importance in the San Diego region. Ezell had participated in some of the first major salvage archaeology programs in the United States. In 1941, at twenty-four years of age, he acted as a Field Supervisor for the Hillsboro WPA Archaeological Project, in North Carolina (Heatherington 2009:15). In 1950, while working as a U.S. NPS archaeologist, he conducted survey and other work for the El Paso Natural Gas Company pipeline (15). Again, six years later, following work on the Southern Pacific Gas line, he excavated and surveyed for this same project (15). Fred Wendorf contends that the El Paso Natural Gas Company pipeline was the first major salvage project in the United States that was not associated with dam or reservoir construction and, in many ways, helped to define the practical procedures applied by CRM today (1962:48). Ezell’s first major San Diego region project was the Harris Site, in 1964 (Heatherington 2009:15). The Harris site is significant to local archaeology due to its undisturbed quality; the presence of San Dieguito, La Jolla, and Late Prehistoric archaeological components; and the impacts made upon the discipline by the archaeologists who have conducted work there (Gross 2006:123). Between the years 1966-1976, Ezell directed the excavation of the Royal Presidio, San Diego (Heatherington 2009:16). During this period, 1970-1974, he also organized the excavation of the Bancroft Ranch House. While these projects were primarily academic in nature, Gross and Christenson (1992) have contended that “the crew list for these projects reads like a who’s who of the agency cultural resource personnel and the management of firms conducting cultural resource studies in the San Diego area today” (209). In this way, the field schools directed by Paul Ezell were not simply unique experiences for a series of peripherally interested students, they were training programs for those individuals that would be the central authors of change in the heritage movement of the San Diego region.
As discussed in other sections, the nature of professional archaeology changed following an intense surge of environmental and historic preservation legislation, largely beginning with the NHPA in 1966. With the enactment of the CEQA in 1970, Ezell began to direct projects in compliance archaeology through San Diego State. In 1971, as part of the CEQA dictates for addressing impending impacts to be caused by the construction of Interstate-8, he was granted a contract with Caltrans for archaeological data recovery at Buckman Springs and Cottonwood Creek (Murunaka 2009:102). The following year, the passing of the Friends of Mammoth Decision marked what Thomas King has observed to be the birth of the Environmental Impact industry in California (King 2006:2). As one local archaeologist with first-hand experience has stated, “it basically decided that anything that the government decides on is discretionary. This meant, anything that they can say no to on a project needed to have a full array of environmental consequences considered. So, the Friends of Mammoth decision was pivotal in California, it caused the proliferation of laws to basically the whole industry” (Arch-5, interview by author, February 18, 2010). In response to these events, Ezell formed the Public Archaeology Program, where qualified students were given the opportunity to contract archaeological work through the San Diego State University Foundation (Kaldenberg 2009:6). He demanded of his students as high of a standard of work as he maintained himself. Criticisms of CRM during this period often circulated around the limited recording, a trait that can be seen first-hand through the archaeological site record forms from this time. However, in his own words, Ezell felt detailed recordation was even more important to the practice of contract archaeology than in academic pursuits. In an interview prior to his death in 1988, Ezell and Broyles described interactions with Julian Hayden regarding a report he had just completed for work done on Camp Pendleton Marine Corps Base:

Because it is a contract job, there has to be as detailed and meticulous a reporting of each individual site as I can make it. This means there’s a helluva lot of drudgery there: table after table of artifact attributes. I sent that to Julian and he sent it back eventually with the comment that he’d extracted what little he found useful and thank God he didn’t have to do that kind of work. [1988:435]

His students were taught not just the theory and methods of archaeological practice but also the processes for bidding on contracts and conducting work within the constraints of limited budgets (Gross and Christenson 1992:209). These experiences have been
foundational elements for the numerous professional archaeologists and agency representatives that have studied and worked with Paul Ezell. Following retirement from SDSU, he worked as a Senior Archaeologist for a private firm, conducting a cultural resources inventory of Camp Pendleton, 1973-1980, and working for WESTEC Services, from 1977-1988 (Heatherington 2009:16).

Russ Kaldenberg provides a list of the first generation of Paul Ezell students at San Diego State in his edited volume, *Something Resembling an Anthropologist: Papers in memory of Paul Ezell*. The complete list will be included as a testament to the impact that this archaeologist has had on the profession of CRM in the San Diego region:

Among his first generation of students who followed his career path are...Michael Baksh (PhD, Tierra Environmental, Principal), Mike and Ann Polk (MA, owners of Sagebrush Archaeology), Mike Waters (PhD, Professor, Texas A and M), Tim Gross (PhD, Affinis Archaeology, Owner), Charles Bull (MA, RECON, President), John Cook (ASM affiliates, President), Dana Isham (MA, Chair of a not-for-profit organization), William Seidel (State of California Archaeologist, retired), Tim Kearns (Western Cultural Management, Private Consultant), Wendy Waldron (MA, State of California Archaeologist), Patrick Welch (Bureau of Reclamation), Chris Hardaker (MA, Friends of Calico, Private Consultant), SueAnn Cupples Monteloeone (MA, Nevada State Museum), Brian F. Mooney (Private Consultant, retired), Peter Ainsworth (PhD student, BLM), Noel Broadbent (PhD, Smithsonian Institute), Richard L. Carrico (MA, Private Consultant), Judy Berryman (PhD, e2m Private Consultant), Stan Berryman (PhD student, USMC), Karl Gurcke (MA, NPS), Rose Tyson (MA, San Diego Museum of Man), Roy Pettus (MA, Marine Archaeology), Rebecca McCorkle Apple (MA, EDAW (AECOM) Private Consultant), David Hanna (MA, Stantec Private Consultant), Ken Hedges (MA, San Diego Museum of Man), Ron May (MA, Private Consultant), Therese Adams Muranaka (MA, State of California Archaeologist), Harvey Shields (MA, NPS), Manfred Knapp (MA, California State Parks Archaeologist, retired), Gary Fink (ArcadisUS Private Consultant), William Eckhardt (Jones and Stokes (ASM affiliates) Private Consultant), Chris White (MA, California Department of Transportation Archaeologist), and Jay von Werlhof (MA, Imperial Valley College Archaeologist, retired). [2009:8, emphasis added]

While this is a rather extended excerpt to pull from a publication, it illustrates the extent of the impact that Paul Ezell has made on the practice of archaeology in general, and specifically, the San Diego historic preservation movement. Though not all first generation, I would add James Moriarty (PhD, USD Archaeologist), Russell Kaldenberg (MA, ASM affiliates Private Consultant), and Andy Pigniolo (Laguna Mountain Environmental, Owner),
all of who were students of Ezell. Many areas have been glossed over in this section. Ezell’s involvement in the Society for California Archaeology and the forming the San Diego Archaeology Center have been completely overlooked. However, what should be made evident from this section are some key points: Paul Ezell emphasized professional archaeology, he valued local hunter-gatherer cultures, was friends with some very influential archaeologists in the region, and has had far-reaching impacts on the practice of CRM through his numerous students.

From Salvage to CRM: The Broader San Diego Region (1930-1989)

In general, since the 1960s the practices of San Diego CRM have followed many of the broader trends that have affected the nation. The region began its rapid urbanization relatively early. As new archaeological and environmental preservation legislation emerged, the demand for professional archaeologist by developers also grew. Due to a rapid succession of numerous laws and policies from the mid-1960s through 1970s, public agencies were incapable of meeting such demands. Contract archaeology and the industry of private archaeological consulting were born. This initial period was marked by limited central organization, almost no oversight, and widely varied standards of archaeological methods and practices. At SDSU, the archaeology conducted under Paul Ezell was distinctly more structured. Over time, the students of Ezell came to populate many of the region’s most prominent positions in CRM and related fields. Through the 1980s the practices of professional archaeologist became more organized and structured to meet the policies and procedures outlined in the existing legislation. CRM became more consolidated within a fewer number of firms, as well as, national and multi-national companies. Beginning in 1978, with the American Indian Religious Freedom Act (AIRFA), there was a shift towards greater Native American inclusion in considerations of heritage. With the passing of the NAGPRA and the publication of National Parks Service Bulletin 38, in 1990, concepts regarding the cultural elements of archaeological data came to be formally diversified and legally defined. These final events marked the most recent transition of CRM, modifying the general structure of practice and policy to create what we have today. Because these final trends are more associated with the contemporary period within CRM, discussions of these events are
provided in detail throughout other chapters in this study. The following sections focus on the period of general transition from salvage to CRM, prior to 1990.

**AN OVERVIEW OF LEGISLATION AND PRACTICE (1930-1989)**

Salvage archaeology became more common in the 1930’s with the New Deal programs, the most notable of these being the Works Progress Administration (Neumann and Sanford 2001:5). This period brought a massive body of federally sponsored problem-oriented projects. The Missouri Basin River Survey was modeled on these projects. Salvage archaeology, associated with the survey of river basins across the United States from 1945 to 1969, became more formalized as a practice. These events provided the foundations for contemporary CRM (see the summary of salvage archaeology within this chapter for more details). Michael Moratto, reflecting on this period in California, observed “under NPS aegis, archaeological surveys were launched from Mt. McKinley to Baja California” (1992:41). The University of California Archaeological Survey (1948-1960), led by Robert Heizer (Hestor 1996:157), instituted a guiding precedent for the methods used in storing and recording archaeological data (see chapter on The History of the Site Record Form). Through the efforts of a handful of Heizer’s former students, and many notable others, the SCA drew upon this previous model in helping institute the CHRIS system (Hata 1992:217). The archaeology of California was of little concern to federal preservation legislators up until the 1960s. In 1960 Clement W. Meighan, of UCLA, submitted a report to the Division of Beaches and Parks characterizing the quality of prehistoric Native American sites in the State:

California Indians did not construct stone buildings, large mounds, and similar remains found in other regions. It is relatively rare for California sites to have visible surface remains likely to be of interest to casual visitors…. Often they occupy only a small fraction of an area; except for some of the locations in the desert, the largest archaeological site is not much more than eight or ten acres in extent. [1960:1-2]

This excerpt sets a tone for the status of Southern California archaeology during the early 1960s. The Antiquities Act of 1906, State Penal Code of 1939, Historic Sites Act of 1945, and Federal-Aid Highway and Highway Revenue Acts of 1956 had been passed into law prior to Meighan’s comments. However, it is evident that the dominant understandings
of what presented a “significant” cultural resource would not have included most of those in San Diego. This situation would have somewhat improved once the Reservoir Salvage Act was passed in the same year. The majority of prehistoric sites within San Diego consist of relatively small scatters of artifacts, with limited-to-no subsurface component. This is of course a generalization, and while these may be the most numerous type of site, the archaeological record of the region reflects a broad variety of past activities. While archaeologists such as Malcolm Rogers, D.L True, James Moriarty, Adan Treganza and others had promoted the importance of these types of sites, Archaeology in general was still focused on monumental discoveries. As noted within the above section on salvage archaeology, under the Federal-Aid Highways Act of 1956, the limited funding that was allowed for archaeological work was restricted to activities that took place within the right-of-way (Hata 1992:78). This constrained archeologists’ ability to conduct thorough research, and provided no funding for writing reports.

The passing of the National Historic Properties Act (NHPA) in 1966 marked the clear beginning of a turbulent transition from salvage and rescue archaeology to a more legally-defined practice of CRM (Carrico 1983:15; Kaldenberg 1980:24). This shift has created a system of preservation that is populated by a multitude of cultural, historic, and environmental compliance specialists. This fact does not suggest that all of the elements of salvage have been removed from the process. It is just that, over time, archaeologists have moved from scrambling around in front of bulldozers, to helping to systematically manage the impacts prior to, and during, government permitted projects of a destructive nature. It should be noted that the Reservoir Salvage Act of 1960 promoted a system of inter-agency notification and funding for the salvage of “significant” archaeological and historical data that were to be destroyed (Rosenberg 1981:795). However, while this established some general precedence, it was focused solely on the construction of dams and reservoirs and provided for the salvage of data rather than negotiation of the actual impacts. NHPA required that all activities receiving federal funds, or on federal lands, be subject to a review of their potential impacts to archaeological and historical resources.

As Figure 3 illustrates, the new legislation brought archaeologists into the planning process. The Reservoir Salvage Act divided agency planning and project actives, on one side, and archaeological salvage, on the other (King and Lyneis 1978:877). From the NHPA, the
National Register of Historic Places (NRHP), the ACHP (1993), State Historic Preservation Officers, and legislative components such as Section 106 created an entire system through which this review was to take place (King 2008a:36; Moratto 1992:42). The Department of Transportation Act was also passed in 1966, requiring all agencies under the DOT to comply with NHPA standards. Three years later, in 1969, the NEPA was passed. This Act was directed at assessing the impacts of federally-related projects, then presenting potential mitigation strategies for minimizing, or avoiding, impacts.

In California, an amendment to the State Public Resources Code was passed in 1965. This instituted a misdemeanor level penalty for disturbances to archaeological sites on public land and called for the sharing of project information with local agencies (Hata 1992:77). The result of the amendment was a limited amount of archaeological survey conducted on public lands. The CEQA was passed in 1970, using the model of NEPA. In 1972 the Friends of Mammoth decision determined that private development, permitted through public agencies, required an Environmental Impact Report (Supreme Court of California 1972:Sac. No. 7924). The subsequent amendments to CEQA, and the general message of
NEPA, required that government agencies expand their archaeological departments to meet demands for compliance. Shortly following this court case, AB 889 (later added to the Public Resources Code as Section 21160 of CEQA) required information to be submitted to the lead agency prior to making a decision regarding the effects on the environment presented by a given project (CEQA 2010:73). This amendment effectively shifted the burden of cost for environmental impact assessment to the client, while allowing the agency to maintain strict restrictions. For more details on these events see the chapter Legislation and CRM.

While these laws represented the initial driving force behind the privatization of archaeological practice, other legislation was passed that further established the broader system. President Nixon issued Executive Order 11593 in 1971. It called for all federal agencies to conduct a complete archaeological survey of all of their lands in determining which sites were eligible to the National register by July of 1973 (U.S. Federal Government 1971:Executive Order No. 11593, 3 C.F.R. 154). The Archeological Data Preservation act (ADPA), also known as the Archeological and Historic preservation Act, was passed in 1974. C. R. McGimsey III (author of Public Archaeology), Hester Davis, and Carl Chapman were the driving force behind this Act (King and Lyneis 1978:886). It expanded considerations for archaeological salvage to beyond reservoirs, power generation and flood control to other federally associated projects. The Federal Land Policy and Management Act (FLPMA) was passed in 1976 as an institutional body of guidelines, specifically for the BLM, to promote the preservation of the environmental, scenic, and archaeological resources on BLM land. That same year, the National Forests Management Act (NFMA) was passed as an institutional body of guidelines, specifically for the National Forest Service to promote the preservation of environmental and archaeological resources. The Archeological Resources Protection Act (ARPA) was passed in 1979. ARPA helped to standardize the federal permitting processes and facilitated greater communication between governmental authorities, professional archaeologists and private consulting parties. Most notably, it instituted substantial federal penalties for damage to archaeological resources of more than 100 years in age (Sebastian 2004:5). The following year, State Executive Order B-64-80 called for all state agencies to find and record all significant cultural resources on state lands that were over the age of 50 years (King 1980:361). In 1984, the Department of Defense instituted Directive 4710.01, calling for increased communication with the SHPO
and to conduct archaeological assessments as directed by the NHPA. The final piece of legislation in the 1980s arrived through the San Diego County Resource Protection Ordinance (RPO), in 1989. The RPO was structured on CEQA, bringing strict guidelines for cultural preservation to all County lands.


As previously noted, government organizations were unable to handle the large number of projects within the standards demanded by the newly enacted legislation regarding archeological and historical preservation. As a result, they began to contract numerous outside individuals and firms (Stapp and Burney 2002:40). These contracted archaeologists were required to employ the same protocols applied in government-conducted work. There was an explosion of compliance activity in San Diego. As Michael Moratto has noted, “the count of CRM outfits in California apparently peaked at 150-200 during the late 1970s, plummeted during the decade of Reaganomical dementia, and now is fairly stable at about 40-50” (1992:44). The amount of CRM being conducted at any given time has generally depended on the amount of development taking place. Such activity has followed many of the broader economic trends of the state and nation. The year 1973 was marked by the “oil crisis”, caused through an embargo of the United States by the Organization of Arab Petroleum Exporting Countries (OAPEC; Rabbitt 1989). This event was followed by fluctuations in the stock market, increased inflation, and a general recession that lasted into 1975. While public agencies were slowly hiring archaeologists to head preservation programs in the early 1970s, this process was restricted by the slow nature of policy implementation and the broader economic trends. As one interviewee has noted, “the agencies began hiring people in around 1972, but they would hire like 1 person for the entire state. The program was developed in all agencies between 1972 and 1976. I can remember when I was hired in 1975 for the BLM there was a hiring freeze” (Arch-5, interview by author, February 18, 2010). Because the demand for archaeology was based in the broader market, which even at a recessional level significantly outpaced the rate of policy implementation, private-sector consultants came to fill a need that public agencies could not. Because each economic downturn had generally resulted in government cuts, private archaeological firms have been
much more available for meeting the demands of development. Following this initial freeze there was a period of substantial hiring by agencies; between the years 1973 and 1978 the BLM increased from four staff archaeologists to one hundred and three (Hata 1992:215). The following recession, from approximately 1980-1983, was a period of severe unemployment in the region (Noah 1983:11). Anna Noah, of the County of San Diego observed, “it has been said that our environment, which includes our cultural heritage, is a luxury and, hence, only of concern during periods of prosperity” (Noah 1983:11). During times of economic strain the added costs of archaeological work has often seemed especially extraneous and burdensome to both public agencies and private clients. Still today, this pressure to reduce cost often inspires resentments when cultural material is encountered within proposed project areas. It should be noted, however, that many of the major periods of public works began during, and continued through, multiple recessions. Previously discussed examples include the WPA activities prior to World War II, and the reservoirs, highways, pipelines and other projects built from 1949 through the 1960s (Hata 1992; Wendorf 1962, 2002). It was through such public works programs that cultural and environmental preservation programs were created within public agencies. While such projects, and others, often cause irreparable harm to cultural resources, they continue to support the system of their governmental oversight by creating a demand.

During the early 1970s there was little oversight, and apart from the Society for California Archaeology, no organizational structure. While CEQA and County requirements provided general guidelines for archaeological practice, the interpretations of what constituted sound practices of archaeological preservation varied between each individual. One interviewee presented some pertinent insight regarding the status of archaeology at this time:

We started out in CRM as not much more then glorified field schools. Everybody would go out and picnic and dig for a day. It wasn’t to long after, that it became evident that people were reliant on our information, and that there had to be more to it. [Arch-3, interview by author, December 23, 2009]

While this statement is representative of contract archaeology in the early 1970s, it should also be noted that much of the work was still being conducted through field schools. The approximate 1,750 archaeological sites that had been recorded within the County of San Diego, prior to 1972, were largely the result of efforts put forward by museums and local
educational institutions (Noah 1983:7). Still, as archaeology became increasingly privatized it seems evident that the standards of archaeological practice and recordation varied widely. Thomas King provided a relevant description in 1973. He observed that, “California’s means of coping with archaeology in the 1970s can most hopefully be described as creative anarchy” (King 1973:33). King, involved in the formation of the Society for California Archaeology, co-architect of the Information Center system, and author of a growing body of historic preservation legislation was obviously not amused by the state of things in California.

From the beginning of this initial boom in archaeology there were many efforts to try to organize standards in practice and methods. However, the inertia of this period, the complexity of the legislation, and the general multitude of archaeologists restricted these efforts to organize. Within this broader context, Paul Ezell and the Anthropology program at San Diego State College provided a model of relatively structured application:

Ezell brought in Anthropology, he questioned, “why did people do things?”. Paul arrived in the mid-1950s, and was a mover and a shaker in San Diego from the start. He reached out to the community and gathered volunteers for archaeological projects. The first text that Ezell required his classes to buy was *Public Archaeology* by C.R. McGimsey. December 1972, that was the textbook. [Arch-5, interview by author, February 18, 2010]

The students who took classes with Ezell were often given hands-on experience through projects contracted with local agencies. He promoted public interest through both a charismatic personality, and by recruiting volunteers from the community to work on projects. The use of Charles R. McGimsey’s (1972) *Public Archaeology*, the same year it was published, speaks to the type of practice that he was advocating. This text promoted the idea that archaeology belonged to the broader public, calling for increased public education and involvement. McGimsey contended that the public’s interest in the archaeological record might be shifted towards preservation efforts, and dissuaded from acts of vandalism or destruction through defined legal penalties (King and Lyneis 1978:887). The text provided a detailed summary of existing legislation and described the role of the public archaeologist within it. Paul Ezell, along with his class reading materials and fieldwork, promoted the understanding that the broader problems plaguing California archaeology could be addressed.
Some of his students made efforts towards changing archaeology while still at SDSU. One interviewee noted:

Some of us at San Diego State formed a group called the Archaeological Fellowship. We tried as students to organize the profession, because we were the profession. We had presentations, speeches, and seminars. It was a mechanism for us to get together and ask, “how do we deal with this issue?” [Arch-10, interview by author, April 15, 2010]

While the Archaeological Fellowship only lasted a couple of years, its existence illustrates the proactive nature of the program at SDSU during this period. It should be noted, of the original members of the Fellowship, one came to be a head federal agency archaeologist, and at least five others formed successful CRM firms. As new students moved through the SDSU program, many had positive experiences with Paul Ezell, others were indifferent, and a minority clashed violently. While I can’t speak to each of these experiences individually, the list of his students that have continued on to professions relating to archeological and historic preservation (Kaldenberg 2009:8) is a testament to Paul Ezell’s significant impact on CRM (see section on Paul Ezell within this chapter for details).

A major organizing force for the San Diego region was the establishment of the Information Centers systems in 1976 (OHP 2008:32). While in 1967, following the writing of the SCA bylaws and constitution, Fritz Riddell and Thomas King outlined a plan where a number of regional institutions, or clearinghouses, would manage archaeological material and records (Fredrickson 2004:34). Three years later, in 1970, the SCA arranged that District Liaison Archaeologists would coordinate archaeological work between academic institutions and Caltrans for each of the eleven highway districts (Hata 1992:218). Shortly thereafter, the Department of Parks and Recreation, under the guidance of Riddell, gathered together all of the existing archaeological records and maps that had been created through the efforts of Robert Heizer and others (Fredrickson 2004:34). The Friends of Mammoth decision created an unprecedented surge in demand for archaeological data. In response to this increased activity, led by Thomas King, the district archaeologists were replaced by a system of eleven regional institutional clearinghouses (Fredrickson 2004:34). In this way, by 1973, the general structure of the Information Center system was in place. Prior to 1976, when the OHP took over oversight of ICs, archaeological records had been scattered throughout multiple local educational institutions and museums. These included records housed at the San Diego
Museum of Man, SDSU, USD, UCSD, and Mesa, Southwestern, Palomar, and Grossmont junior colleges (San Diego County 2002:X-91). Following the formation of the Information Centers, all of the records for the County were organized at a single location. Additionally, the DPR created a standardized form for the recordation of sites (see details in Chapter 7, History of the Site Record Form). While, all CRM practitioners did not use the ICs during this initial period, over time these centers came to be a standard part of nearly every CRM project in San Diego.

Following the formation of the Information Center system there remained no general form of oversight aimed at maintaining a standard level of work-quality amongst professional archaeologists. Agencies, who were required to follow proper procedures, were still slowly developing their programs and new private archaeology firms were forming everyday. Individuals with limited, to no, experience or formal training in archaeology were being awarded contracts to meet compliance needs. As one interviewee noted, “civil engineers and geologists were claiming that they were archaeologists” in order to work on projects (Arch-13, interview by author, May 15, 2010). In 1974 the Society for California Archaeology created a Directory of Qualified Archaeologists (King and Lyneis 1978:833). This set minimum standards of education and experience for being listed within this directory. Through this model the SCA sought to promote a certification process for professional archaeologists. When this issue was presented at the 1974 CRM Conference in Denver it was met by overwhelming opposition (833). The reasons for this were based in the fear that such a certification process would be exclusionary to individuals who did not have the proper background or formal training but were otherwise capable. Incidentally, this same conference in Denver is commonly understood to have been when the term “cultural resource management” first came into use (Fowler 1982:1). Two years later, via the a Interim Committee on Professional Standards that was formed through the Society for American Archaeology (SAA), the Society of Professional Archaeologists (SOPA) was created (King and Lyneis 1978:833). SOPA allowed for a variety of experiences and training to meet the minimum needs for membership. CEQA accepted this certification to meet the qualifications required by a Lead Agency to conduct work. The primary deterrent against unprofessional or unethical archaeological practice under SOPA was a grievance process that threatened removal of certification. In San Diego, the County adopted these standards after
1976 (Arch-13, interview by author, May 15, 2010). SOPA was never widely adopted by the professional archaeological community and 22 years after being established the organization only had 750 members (Lipe and Steponaitis n.d.). Due to this limited membership, and a lack of enforcement of grievances, SOPA was replaced. In 1998 the Register of Professional Archaeologists (ROPA) was formed under joint sponsorship by the SAA and Society for Historical Archaeology (SHA; Lipe and Steponaitis n.d.). ROPA adopted the general structure and procedures created by SOPA. The ROPA application generally required a graduate level education, a year of full-time professional experience, and four months of field experience in North America. The primary distinctions between the two certifying organizations were the strict academic requirements and the new policy of public accountability. If a grievance is filed against a Registered Professional Archaeologist (RPA), and found to be credible by a panel of professional archaeologists, then they will be subject to sanction “including public revocation of their registration” (Lipe and Steponaitis n.d.). Many of the concerns regarding certification that restricted the adoption of SOPA in the past are still affecting ROPA. The significance of the Society of Professional Archaeologists for a history of CRM in the 1970s and 1980s is that it represented a clear attempt to improve archaeological practice.

**CONSERVATION ELEMENT, PART X: A COUNTY PERSPECTIVE IN 1975**

In 1975 *Conservation Element Part X* of the San Diego County General Plan was published. In 2002 this document was re-adopted into the General Plan through GPA 01-01. This document provides a pre-1975, period-specific, inventory of the general impacts within the San Diego region. Under the section on Cultural Sites, a list of eighteen findings regarding impacts was followed by a number of policies for addressing these issues (San Diego County 2002). In order to better represent the context during this period, prior to 1975, I will outline some of these findings.

Findings 1-3 and 15, illustrated that there was a growing body of legislation that was available for the preservation of cultural resources in San Diego. Strangely, Finding 15 observed that, “these laws apply to public land only; no provision, other than Title 14 of the California Penal Code, is made to protect cultural resources on private lands” (San Diego
County 2002:X-91). This does not correspond with the majority of views expressed through my interviews or within the available published sources. It has been widely observed that the Friends of Mammoth amendments to CEQA provided protection to cultural resources on private lands (Gross 2006:209; Supreme Court of California 1972: Sac. No. 7924; University of Pennsylvania 1973:1404-1419). It should be noted, in support of the statements within Finding 15, Adrian Praetzellis has contended that it was not until 1977, with the favorable ruling of Society for California Archaeology v. Butte County, that archaeology came to be officially covered under CEQA (Praetzellis 2004:11). Whatever the case, prior to 1975 the County of San Diego viewed there to be a lack of protection under the existing law.

A substantial portion of Conservation Element Part X described the common impacts to cultural resources and the treatment of archaeological data and records. Findings 4, 12, and 17 observed the unrestricted impacts of off-road vehicle activity and the removal of vegetation for non-agricultural purposes. This was noted to have been especially common along the coastal plain and foothills of San Diego. Finding 14 observed that an additional destructive force to archaeological sites during this period was un-checked, and intentional, vandalism (San Diego County 2002:X-90). A final type of impact was discussed in Finding 18, which observed that human graves, not exclusive of Native Americans, had been intentionally disturbed and damaged with regularity. This finding suggested that such activities should be subject to prosecution under existing state and federal law. Findings 8-10 outlined the importance of specific types of cultural resources and their general distribution upon the landscape. Findings 11 and 16 observed that there was no central institution for housing or managing archaeological finds and data. Previously excavated cultural resources, and their associated records, were housed at the San Diego Museum of Man, SDSU, USD, UCSD, and Mesa, Southwestern, Palomar, and Grossmont junior colleges (San Diego County 2002:X-91). This issue was largely resolved, when the OHP instituted the CHRIS system of Information Centers throughout California (see Chapter 7, History of the Site Record Form). Artifacts are still housed at these numerous institutions; however, the San Diego Archaeological Center (founded in 1993) has provided a centralized institution for curating cultural material.

The remaining portion of this document provided statistics pertaining to the state of the archaeological record in the period shortly before 1973. Finding 5 suggested that only
approximately 5 percent of the archaeological sites in the County of San Diego had been identified (San Diego County 2002:X-89, citing Moratto 1973:65). This provides some general insight into the multitude of cultural sites in the region and the relatively limited amount of archaeology that had been previously conducted. Lastly, Finding 7 contended that, due to urban development and vandalism over the past 100 years (prior to 1973), it was projected that San Diego had lost 36 percent of its total number of archaeological sites (San Diego County 2002: X-89, citing Moratto 1973:65). It is unclear if these statistics can be entirely verified. Nearly 24,000 recorded sites are on file at the SCIC (excluding approximately 3,000 historic addresses). This would suggest that, based on present numbers alone, more than 9,300 sites had been destroyed prior to 1973.

**PROCESSUALISM, PRACTICES, AND ORGANIZATION (1980-1989)**

In the beginning of the 1980s issues of proper procedure, quality of practice, and the broader goals of CRM still had yet to be resolved. The number of archaeological sites in the County of San Diego had risen to approximately 11,000, principally within, or near, the metropolitan areas (Noah 1983:7). The Archaeological Resources Protection Act of 1979 had created a permitting process that involved a description of the archaeological methods and research designs, with a component aimed at ensuring sufficient archaeological competency. Following the period of initial chaos that characterized the 1970s, a more reflexive trend began to permeate the broader practice of CRM. Variations in the field had assumed many different names. These included rescue archaeology, salvage archaeology, conservation archaeology, public archaeology, advocational archaeology, contract archaeology, and heritage management, among others (Fowler 1982:4; Heizer 1974). In 1980 Russel Kaldenberg observed that, “almost a decade after the introduction of anthropologists and archaeologists into the field of CRM…we as a group of professionals still do not fully understand what mitigation is” (Kaldenberg 1980:24, emphasis added). This statement speaks to the broad variety of strategies that were being applied in implementing the complex body of new legislation. Some of this discussion was grounded in the fact that processualist archaeologists were beginning to assume management positions in greater numbers. In 1982 David Hanna contended that there was “tendency for members of the ‘old archaeology’
to be disproportionately represented in CRM-related work, either through direct participation or through relation to and use of their ideas” (1982:143). He further noted that the “New Archaeologists” had primarily proceeded to occupy academic positions. In part, these statements were simply the rhetoric of paradigmatic shifts that characterized this new group (Kuhn 1962). However, Hanna was also contending that the practices of previous generations of archaeologists were more geared toward salvage, while his generation was more focused on proper methods and gathering sound data. It should be noted that individuals such as Moriarty, Ezell, and Warren were all heavily associated with both CRM and were professors at the University level. These professors in Archaeology incorporated much of Rogers’ “old archaeologist” terminology, research, and perspectives, then infused them into CRM and their many students (Hanna 1982:338). In any case, Hanna was both speaking to the prevalence of a salvage mentality among professional archaeologists, and observing that the new students entering the field of CRM were bringing a more scientific emphasis.

As one interviewee observed, at the root of these differences is a distinction between “archaeology as a relic” and “archaeology as a science” (Arch-10, interview by author, April 15, 2010). This person was drawing attention to the fact that there are many understandings of what constitutes the archaeological record. As with Hanna, this dichotomy is grounded in Kuhnian logic and processualism (Kuhn 1962). A relic perspective would be more focused on remarkable artifacts and sites that create a point-specific understanding of the past. While “scientific archaeology”, in this case, is reflective of a data-centered approach, aimed at interpreting cultural change though analysis of all types of artifacts and features as they pertain to the broader environmental system (Johnson 2004:144). The relic perspective has a tendency to think of archaeology in terms of things, while the scientific perspective interprets everything in terms of data potential. In CRM, the division between these views has been expressed in different ways over time. Hanna was contending that the practice of focusing on things of unusual quality was a characteristic of the salvage approach (Hanna 1982:143).

Based on the very nature of this process, this would have been true. Prior to legislation such as NHPA, a process of triage that was conducted while under the threat of eminent destruction generally characterized professional archaeological practice. Archaeologists were required to weigh the relative significance of cultural material based on their own understandings while in the field (Wendorf 1962:12). The practice of targeting the “best”
archaeological material for salvage was inherent to the process and subject to the biases of
the archaeologist. A common perception regarding this type of practice has been exemplified
through the words of one interviewee:

In the 1950s they often threw out all of the artifacts that weren’t definable as
points or tools. The past generation of archaeologists threw away all of the flakes,
but our generation started to look at all of these things as standard practice.
[Arch-1, interview by author, December 10, 2009]

As this interviewee has noted, the new wave of processualist archaeologists that were
entering the field had been trained to consider the data value of all aspects of this
archaeological material. Such understandings correspond with Lewis Binford’s arguments
that all of the artifacts and features at a site, together, provided a deeper understanding of the
process of cultural change (Johnson 2004:49). From this perspective, the archaeological
record was seen as a broad collection of potential data, where each resource type had a
different capacity for answering specific research questions. When this body of available
archaeological data was still relatively small, all sites and artifacts were considered to be
worthy of protection. During this period of CRM in San Diego, every site and artifact
represented a significant portion of the archaeological record. This mentality was adopted
into the legislation that was written from the mid-1960s through the 1970s, where most every
archaeological resource was considered to be potentially eligible for listing in the National
Register of Historic Places (U.S. Department of the Interior 1966:36 C.F.R.
Part 63 Section 60.6; NRHP Online n.d.). Some archaeologists were opposed to the pressures
to interpret archaeological data in more structured manner. In 1983 D. L. True contended
that, “the nature of archaeology as a discipline is such that it does not lend itself to
mechanical treatment” (1983:85). True, who defined the Cuyamaca complex, was an
archaeologist with an extensive history of excavation and survey within the San Diego region
(Robbins-Wade 2009:11). He was also a member of the previous generations of
archaeologists; with work going back as early as the 1950s. The data-centered interpretation
of heritage was not relegated to archaeologists. It was, and is, a common view held by a good
portion of the public. In 1982 this view was introduced into the CEQA legislation, as AB
952, through the efforts of a disgruntled private developer working in San Diego (CEQA
2010, Section 21083.2(g)). This amendment allowed for preservation of only “unique”
cultural resources. An interviewee presented a first-hand account of how these events were initiated:

The unique understanding of CEQA came from work we did for a private developer. The developer took the report to the head of the Museum of Man. The head of the Museum of Man said, “what the hell did you have to do this for?” This pissed-off the private developer to no end. So he got his lobbyists together and went to Sacramento. And they wrote into the law the whole section about having to mitigate half of the site, and the unique criteria. Arch-10, interview by author, April 15, 2010]

Another interview provided some additional insights into these events. This individual observed that the developer was lobbying to get “archaeology” removed from CEQA completely. This inspired the archaeological community to address the issue directly:

The developer complained to the Building Industry Association, they hired the Lobbyist Bob Small to try to get archaeology taken out of CEQA. We contacted our own lobbyists, and had a meeting with the SCAs. We were sent back to our areas as archaeologists to generate stories about archaeology and generally promote it to the public. I generated lots of attention through the excavation at the Spanish Fort. All of these publications and newspaper articles were sent to the lobbyists. The result of all of these events was AB 952. (Arch-13, interview by author, May 15, 2010)

These events were reflective of many of the major issues surrounding archaeological practice from the late-1970s through the 1980s. The legitimacy of archaeology within the environmental review process was being established. Some pertinent cases of the period included: People v. County of Kern (1974); Burger v. County of Mendocino (1975); San Francisco Ecology Center v. City and County of San Francisco (1975); Society for California Archaeology v. Butte County (1977); and The San Diego Archaeological Society v. Compadres et al. (1978) (California Environmental Resources System n.d.). These cases helped to define the role of archaeology in relation to development and the proper procedures for permitting by agencies. Environmental Impact Reports and site records were established as legal documents that could be used in court as proof of unprofessional and low-quality work. Generally stated, they reaffirmed that developers had to hire archaeologists for permitted projects, and that archaeologists were required to do their jobs properly.

These accounts of the formation of AB 952 illustrate the increasing sense of organization that was coming to be established within the community of California CRM practitioners. As the second interviewee described, individuals of the broader community of
archaeologists were able to combine their efforts in promoting public attention. Common definitions and understandings of proper practice were being written through the legislation and transmitted via organizations such as the Society for California Archaeology. AB 952 was adopted into the Public Resources Code 21083.2 in 1982. This required archaeologists to exhibit the value of archaeological resources to the archaeological record and for the general public interest. The complaints of the contractor who was driving these changes in CEQA were understandable. Even after construction planning had been completed, it was common for archaeologists to conduct work without any restrictions on the amount of excavation relative to the type or abundance of material associated with a cultural site (Governor’s Office of Planning and Research 1994:4). Sections 21083.2 and 21084.1 of CEQA were intended to create practical guidelines for balancing mitigation activities with determinations of site value. The implications of this ruling were important for CRM; it effectively required that archaeologists prove the value of cultural resources. Additionally, it promoted the phased-approach of practice, shifting the records search and inventory of archaeological sites to the pre-construction project planning stages prior to issuing a permit (5). When Phase I intensive pedestrian survey did not result in recording any “unique” archaeological resources within the project Area of Potential Effect a Mitigated Negative Declaration could be issued (4). When this was the case, no additional work was required by archaeologists for the EIR. The phased-approach, detailed within Chapter 11 on Contemporary Practices in CRM, provided a cost-effective strategy for working in conjunction with the activities of a project by separating archaeological survey, testing of eligibility for inclusion within the various Registers, and data recovery. While, this “mechanical treatment” of archaeological investigation has been widely criticized (True 1983:85), it has also been adopted as a standard practice of CRM throughout the nation (Neumann and Sanford 2001:53).

The “unique” understanding was an example of interpreting heritage and the archaeological record as a body of data. Over time, the common interpretation of this criterion has come to be more like the NRHP guidelines for determining eligibility, marking a shift from “unique” to “important” (C.F.R. Part 63 Section 60.6; CEQA 2010, Appendix K). Ostensibly, this distinction between these two understandings may seem irrelevant. However, the movement towards “important” has marked a type of semantic
generalization that is characteristic of CRM following the 1980s, where a “cultural resource” may be represented by a broader range of definitions (for more detail, see chapter Defining ‘Cultural Resource’ within this thesis). The “unique” definition, was successfully added into CEQA in 1982. The events surrounding this reflected both the broader processualist training of archaeologists, who’s roles within the field became established during the 1980s, and the adoption of more standardized practical methods for conducting environmental assessments within CRM.

**SUMMARY**

The San Diego region has made numerous significant contributions to the history of professional archaeology. While I have done my best to focus on southern California, many of the local trends have been a direct result of national legislation and events. This chapter outlines the general emergence of the American school of Archaeology, the impact of Malcolm Rogers, the history of salvage archaeology, the influence of the UC Archaeological Survey, the relationship of Paul Ezell and SDSU to local archaeological practice, and the emergent trends of San Diego CRM. I have concluded this chapter with the period leading up to the passage of NAGPRA in 1990. In reality there is no moment when CRM ceased to emerge as a coherent and standardized practice, and no time when it suddenly manifested itself as it appears today. I have represented these trends in a way that allows events to fit together in a coherent way. Unfortunately, the cost of this has been that I have been unable to include many issues, events, and ideas that are undeniably of importance. This chapter should be interpreted as a type of slice through the history of local CRM. Where many alternative styles, dimensions, or techniques might have been applied in making this cut, this is the one that has emerged through background research, experiences, and the interviews that I have conducted.
CHAPTER 6

THE EMERGENCE OF NATIVE AMERICAN MONITORING

San Diego has more federally recognized tribes than any other county in the United States. This fact is rooted in a complicated past that extends far beyond the historical record, of which this chapter is only able to present a small part. Inclusion of non-archaeologists in the CRM process was largely neglected during the first surge of environmental and cultural legislation that occurred between 1966 and the 1980s. It was not until the enactment of NAGPRA in 1990, and amendments to NHPA in 1980 and 1992, that Native American monitoring and consultation became increasingly more common. This chapter presents a general history of Spanish missionization and the reservation system in San Diego, discusses the legislation that promoted the inclusion of tribal monitoring and consultation in the process of local historic and environmental preservation, and provides some insight into Native American-professional archaeologist interactions in the early 1970s.

California has 109 federally recognized tribes and 74 non-federally recognized tribes (California State Parks 2009:1). There are “564 tribal entities recognized and eligible for funding and services from the Bureau of Indian Affairs (BIA) by virtue of their status as Indian tribes” (2009:2). San Diego is home to 18 federally recognized tribes on 18 reservations that cover more than 116,000 acres (California State Parks 2009). It is believed that at least 88 different languages were spoken from Baja California Sur to the southern Oregon State border at the time of Spanish contact (Johnson and Lorenz 2006:34). The distribution of recorded Native American languages is dispersed as a geographic mosaic across California through six primary language families (Golla 2007:71). There are four federally recognized tribal groups in San Diego County: the Luiseño, consisting of five north county bands, including Pechanga just north of the county border; the Cahuilla, in northeastern San Diego County and extending eastward into the adjacent region; the Cupeño, partially relocated in 1903 from village of Kupa at Warner’s Hot Springs on the headwaters
of the San Luis Rey River to the La Palma Reservation, and generally located in the northern portion of San Diego County; and the Kumeyaay, comprised of 12 bands covering the area throughout the southern two-thirds of San Diego County, with related groups extending into Baja California Norte to Ensenada (BIA 2009; Carrico 2008; Eargle 2000). San Diego archaeological dates of 9,600 years Before Present have been recorded (Byrd and Raab 2007:219). Native American groups observe that they have been in the San Diego area for over 10,000 years (Kumeyaay Information Village n.d.; Pechanga Band of Luiseño Indians n.d.). Due to this large tribal presence, and extended period of time, the cultural record of this region is relatively complex.

The foundations of Native American consultation and monitoring are built on federal, state, and local legislation pertaining to political autonomy and tribal traditional cultural boundaries. While many of these territories overlap, they are generally delineated using physical features and contemporary jurisdictional borders. San Diego County applies the boundaries that were defined by anthropologist Florence C. Shipek:

In 1769, the Kumeyaay national territory started at the coast about 100 miles south of the Mexican border (below Santo Tomas), thence north to the coast at the drainage divide south of the San Luis Rey River including its tributaries. Using the U.S. Geological Survey topographic maps, the boundary with the Luiseño then follows that divide inland. The boundary continues on the divide separating Valley Center from Escondido and then up along Bear Ridge to the 2240 contour line and then north across the divide between Valley Center and Woods Valley up to the 1880-foot peak, then curving around east along the divide above Woods Valley. [1993 summarized by the San Diego County Board of Supervisors 2007:6]

The version of San Diego County’s traditional tribal boundaries that is most commonly applied by contemporary environmental and cultural resource practitioners, legislators, government agencies, and many Native American groups have been drawn from the records created by the Spanish during the initial intensive surge of European activity in Alta California. In this way, the history of contact, missionization, and colonialism has real implications for this discussion on the emergence of Native American monitoring.
Missions, Reservations and Early Archaeology in San Diego County

As Kent Lightfoot has observed, “We tend to forget that this state was forged at the cross-roads of the world.… the roots of modern ethnic diversity can be traced back to this colonial encounter among Indians, Spaniards, Mexicans, Russians, Native Alaskans, and many other peoples” (2005:1). The missionization of the San Diego region heralded major changes in the lives of local Native American communities. Lands began to be parceled, European diseases were spread, systems of food production were disrupted, and foreign social and religious ideologies were introduced (Carrico 2008:19-49). Richard Carrico has observed, “with the arrival of the Spanish soldiers and Franciscan missionaries in San Diego in 1769, destructive forces, both intentional and unintentional, were unleashed upon the native people of the region” (22). Throughout this time span the Spanish established multiple missions and allowed only baptized Native Americans to legally own property (County of San Diego 2003:5). These disturbances to Native American communities only increased through Mexican Independence in 1821 and the succeeding secularization of the missions. Following the establishment of the Mexican republic, the government seized many of the lands belonging to Native Americans, providing them as parts of larger Land Grants to affluent Mexican citizens and rancheros (5). In 1835 the missions took on the role of parish churches (Carrico 2008:41). While some rancherias and pueblos such as Las Flores (Uchme), San Pasqual, and San Dieguito remained under the control of their native inhabitants following secularization, over the succeeding four and a half decades these were eventually lost to Mexican and Anglo-American owners as well (41). California was officially ceded to the United States in 1848, which led to the continued appropriation of Native American Lands by ranchers, prospectors, and an increasing number of settlers (County of San Diego 2003:5). The United States Government did little to dissuade these trespasses. For the Kumeyaay, this trend was notably evidenced in 1869 when land was appropriated by the U.S. Government in response to the discovery of gold in the Julian area (5). From 1850, with the passage of California’s Indian Act, until legislative reforms in the late 1880s, state laws promoted conditions that amounted to indentured servitude for much of the Native American population in San Diego (Carrico 2008:56). These laws supported overt racism and inequitable treatment. In December of 1875 President Grant issued an executive order for
52,400 acres to be set-aside as reservations for San Diego Native Americans (143). These included Mesa Grande, Santa Ysabel, Sycuan, Capitan Grande, Pala, Agua Caliente, Inaja, Cosmit, and Potrero (Carrico 2008:143; Eargle 2000). In 1889 Los Coyotes became the tenth San Diego reservation, and with 26,000 acres it was the largest yet (Carrico 2008:150). From 1891-1893, in response to the *Act for the Relief of the Mission Indians in the State of California* of 1891, six additional reservations were created (152). These included Campo, Laguna, La Posta, Manzanita, Ewiiaapaayp (Cuyapaipe), and Pauma-Yuima (Carrico 2008:153). This was followed twenty years later by the creation of the San Pasqual reservation in 1911. Inhabitants of the Capitan Grande reservation, comprised of the El Capitan and Los Conejos villages were later forced to sell their lands so their valley could be used for the location of the El Capitan Reservoir (north of present day Alpine). In 1932 residents of El Capitan village purchased a ranch in Lakeside, forming the Barona Reservation (Carrico 2008:169). Los Conejos eventually moved to the present day location of the Viejas Reservation in 1939 (Eargle 2000). The final Kumeyaay band to gain federal recognition was Jamul. In 1912 Jamul had been given 6.5 acres that were held in trust by the Catholic Church. This group became federally recognized in 1981 (Eargle 2000). The acquisition of reservation lands legitimized the claims of Native Americans regarding the ownership of their traditional territory. Unfortunately, due to many generations of squatters and settlers, the majority of San Diego reservations were placed in locations based on the availability of land, rather than for the abundance of environmental resources or cultural significance alone. Today, these reservations support rights associated with federal recognition and are seen as focal points for consultation when project activities may have impacts to areas within or surrounding tribal lands.

Franz Boas, father of American Archaeology and advocate of the four-field approach to Anthropology, was appointed to Columbia University in 1896 (Lightfoot 2005:25). This ushered in a new wave of more ethnographically conscious archaeologists. His student Alfred Kroeber, made a long career of research associated with studying the cultures of native populations, especially those of California (29). He was intent on salvaging the traditional practices and beliefs of Native American groups though his methods of “memory culture” (32). Kroeber applied this approach to studies within the San Diego region, though he worked more extensively within the northern portion of the State of California. His
determinations of cultural “authenticity” during the early 1900s supported the federal recognition that had been previously provided to San Diego tribal groups. As Kent Lightfoot has observed, “although Kroeber and his colleagues recognized that significant cultural change had taken place among the Luiseño, the Diegueño, and the Kashaya Pomo, they observed enough community cohesion and “traditional” cultural practices to classify these as bona fide Indian groups” (238). This legitimization could be highly beneficial for local tribes; as history had shown, the government had a record of withdrawing the rights and sovereignty provided to Native American groups with the changing social and political environments. Kroeber’s 1925 assessment of the impacts of Spanish missionization on local Native American populations supported Kumeyaay traditional cultural continuity:

San Diego was the first mission founded in upper California; but the geographical limits of its influence were the narrowest of any, and its effects on the natives comparatively light. There seem to be two reasons for this: first, the stubbornly resisting temper of the natives; and second, a failure of the rigorous concentration policy enforced elsewhere. [Kroeber 1925:711]

In some ways this interpretation led to the belief that many California Native American groups simply escaped the harmful effects of contact and colonization all together. This, of course, is untrue. However, federal approval is required in order for property to be classified as Native American Reservation land. Once designated as such, the land can be held in trust by the government and given over to tribal sovereignty with specific tax exemptions (County of San Diego 2003:6). While Kroeber’s time spent studying the cultures of San Diego’s native communities postdates the creation of most of the region’s reservations, his work served to provide academic support for their existence.

Legislation affecting the ability of archaeologists to excavate sites of Native American significance became federally regulated in the year 1906. At this time President Theodore Roosevelt passed the American Antiquities Act, which required that all excavations conducted on Federal land had to obtain permits. This legislation further allowed for the power to create National Monuments in areas of “Archaeological, historical, and natural” significance (Stapp and Burney 2002:23). The period between 1914-1940 saw stratigraphic excavation and description become a nearly standard archaeological practice (21). These often large-scale projects were modeled on the broad chronologies developed in the Old World. Unfortunately, the role of living Native Americans during this period was
often limited to a labor source; Stapp and Burney have observed, “local tribal members would provide the labor force required to move the large volumes of dirt” (22). John Collier drove the creation of the American Indian Defense Association in 1933, and 10 years later was appointed by Franklin Roosevelt as head of the new BIA. A year later, in 1934, the Indian Reorganization Act was put into effect. This act allowed Native American tribes to become sovereign self-governing federally recognized entities (27). This Act was aimed at ceasing the appropriation of Native American lands and provided for the right to acquire additional tribal lands. The Indian Reorganization Act has had many political and social repercussions for California Native American tribes (Vane 1992:337), unfortunately, the details are somewhat outside of the scope of this study. In 1935 the Historical Sites Act was passed, authorizing the Federal Government to purchase, record, document, and analyze sites of historical and prehistoric significance. In 1946 the establishment of the Indian Claims Commission allowed for Native groups to be monetarily compensated for lands that had been unrightfully taken. The Government contracted anthropologists to determine if a tribe was valid in making claims regarding specific lands (Stapp and Burney 2002:28). In some ways, this marked the initial role of the “anthropological consultant.” Additionally, these events made the studies conducted by Kroeber and others regarding San Diego Native American communities of even greater significance.

THE AMERICAN INDIAN MOVEMENT, LEGISLATION, AND SELF-GOVERNANCE

For Native Americans in the 1960s, three decades of providing reservoirs, roads, and other infrastructural foundations for the booming U.S. population also marked the intensified destruction of sites of cultural significance. In 1961 the American Indian Chicago Conference, or American Indian Charter Convention, brought together 500 Native Americans from 90 different tribes (Stapp and Burney 2002:61). This was the largest gathering of Native Americans up to that date. This event allowed for a sharing of common understandings and concerns from across the United States. Beginning in the late 1960s, and continuing through the 1970s, the American Indian Movement (AIM) began to bring the voices of Native Americans to the national attention. In 1969 Native Americans took over Alcatraz; in 1972 the AIM seized the BIA; in 1973 they organized a occupation of the town of Wounded
Knee that lasted 71 days; they stormed the Mayflower on its 350th reunion; and in 1978 they organized a 3,600 mile walk across the U.S. to protest bills in congress that were proposing the abolishment of Native American treaties (American Indian Movement n.d.). By the late 1970s the legislation was beginning to integrate some of these concerns. In 1978 the American Indian Religious Freedom Act (AIRFA) was passed. It was aimed at granting Native Americans access to sites of cultural and religious significance and helped to define important places and landscapes as significant, even when there was no associated archaeological material (Stapp and Burney 2002:53). While this intangible interpretation of cultural data was not expanded upon until 1990’s *National Register Bulletin 38*, AIRFA represented the beginning for a greater inclusion of Native American interests in the process of historic preservation. In the 1980s organizations such as the National Congress of American Indians, the Native American Rights Fund, and the American Indians Against Desecration worked with the ACHP (1993) to bring about changes in the legislation (King 2008a:27). These interactions provided a foundation for the amendments, acts and ordinances that would emerge in the early 1990s.

The NAGPRA, passed in 1990, brought momentous public and legal attention to the interests of tribal groups regarding their heritage and the treatment of their ancestors (Stapp and Burney 2002:68). Within a context characterized by heated debate between archaeologists, Native Americans, institutions, legislators and other interested parties, the act caused significant changes in the treatment of Native American human remains, associated and unassociated funerary objects, sacred objects, and objects of cultural patrimony (U.S. Department of the Interior 1990:25 U.S.C. 3001). NAGPRA provided a process of repatriation for items held by institutions, or that had been otherwise encountered on federal or tribal lands. Repatriation was based on the determination of closest “cultural affiliation” (U.S. Department of the Interior 1990:Section 7(a)(4) of NAGPRA). NAGPRA called for consultation with Native American tribes under sections 3002(c), 3002(d), 3003, 3004, and 3005. Lastly, it authorized provisions for federal grants supporting activities of repatriation, and outlined penalties for non-compliance and illegal trafficking of funerary or sacred items (WH-IAEWG). In general, NAGPRA acted as a catalyst for additional considerations within the legislation and the process of CRM regarding Native American interests.
The National Historic Preservation Act has been amended on more than one occasion. In 1980 Section 110(a)(2)(E) re-stated that agencies were required to include Native Americans in the consultation process specified under Section 106. While the intent behind this amendment was clear, some of the language has since allowed for variability in its interpretation, and consequently, implementation of this consultation requirement has not always been applied in the same way. In 1992, following the enactment of NAGPRA, amendments to Section 101(d)(2) of the NHPA allowed for tribes to employ their own Tribal Historic Preservation Officers (THPOs) and provided defined consultation requirements associated with the implementation of the Section 106 process (Stapp and Burney 2002:53). These changes allowed for federally recognized tribes to take over the SHPO’s record and management activities on tribal lands (King 2008a:41). With the approval of the NPS, THPOs were provided the power to replace the Section 106 regulations with a process of their choosing. The right to assume the role as a THPO, effectively controlling the information and management associated with their heritage, was a matter of tribal sovereignty. In general, these changes were a part of a broader shift in U.S. policy aimed at treating federally recognized tribes as self-governing entities. This trend has since been reemphasized through Executive Orders 13175, issued in 2000, and 13336, issued in 2004 (43). As of Summer 2009, there are 82 THPOs nationwide, 18 of which are in California (California State Parks 2009:1).

The 1992 amendments re-specified that Native Americans needed to be included in the consultation process:

In carrying out its responsibilities under Section 106, a Federal agency shall consult with any Indian tribe or Native Hawaiian organization that attaches religious and cultural significance to properties. [U.S. Department of the Interior 1966:Section 101(d)(6)(B)]

These changes to NHPA helped to directly outline the role of Native Americans in the process of historic preservation. Additionally, they integrated the considerations regarding Traditional Cultural Properties and religious places that were outlined in 1990 within National Register Bulletin 38. At the time of these amendments the environmental justice movement promoted the involvement of minority groups in the creation and implementation of environmental laws (King 2008a:29). This further provided for the inclusion of Native American tribal groups and local community perspectives within the consultation process.
All of these legislative additions and events helped to support the status of Native American monitoring as it exists today. NAGPRA provided strict protocols for the treatment of human remains. These instituted a precedent for Native American inclusion in the process of historic preservation. The 1992 amendments promoted issues of tribal sovereignty, self-management of Native American cultural resources, and consultation with a “any tribe…that attaches religious or cultural significance” to properties that may be impacted through proposed project activities. Additionally, they set a precedent for agencies in dealing with other legislative requirements, such as those presented by NEPA and CEQA. As a result, tribal monitoring has become increasingly adopted as part of agreed mitigation strategies (see chapter on Native American Monitoring and CRM). The legislation of the early 1990s illustrated a partial shift away from the well-established data-centric conceptions that supported the role of CRM practitioners as stewards of cultural resources, toward a process that included the values of living communities.

**EARLY CRM IN SAN DIEGO AND NATIVE AMERICAN MONITORING**

Native American involvement was often limited in the early 1970s. It was understood that tribal representatives should be present, however, this involvement was generally limited to situations where burials were expected to be encountered (Arch-5, interview by author, February 18, 2010). It seems that in many cases archaeologists were simply unaware that Native Americans would have like to have been involved. For other early CRM practitioners the choice to exclude local tribes was more intentional:

> There was a time when us archaeologists pretended that there were not any Native Americans around, like they were a historical phenomenon. That has clearly changed over the years. This has been a wrenching experience for some archaeologists who have had to interact with living people who are pretty pissed-off with how we have treated their ancestors. [Arch-1, interview by author, December 10, 2009]

This observation does not characterize the views of all CRM practitioners who worked in San Diego prior to the 1980s; however, it well reflects the responses of a large portion of the archaeologist interviewees who worked in Southern California during this period. Such sentiments held by CRM practitioners were often grounded in the assumption that it was the job of an archaeologist to gather data, rather than worry about the current
cultural implications the data may have. The “wrenching experience(s)” that followed in the wake of NAGPRA, and other legislative mandates, were caused by the forced inclusion of alternative cultural considerations within a system developed by archaeologists for handling “scientific” data (King 2006). Over time, CRM practitioners were required by law to interact with the people whose ancestors created these cultural sites.

Discussions of Native American involvement in the archaeological process became increasingly more common in the early 1970s. In 1973 Elden Johnson discussed the professional responsibilities of American archaeologists toward Native Americans within American Antiquity. He posed the question, “do we as archaeologists need to consult with American Indians who are the cultural and biological descendants, particular or general, of the past residents of the sites we excavate” (Johnson 1973:129)? Protests by Native American groups were commonly centered on the treatment and excavations of burials, the lack of consultation with local tribal groups, their treatment as “scientific” subjects for research, and the many similarities between archaeology and looting (Johnson 1973:129). While the requirement for consultation was well defined within NHPA, this legislation did not clearly specify that Native Americans should be included in these discussions. In 1974 Robert Heizer observed, “California Indians today are asking that skeletal remains encountered during roadbuilding or other large-scale excavation, or in salvage archaeology, be reburied in Indian cemeteries” (Heizer 1974:147). As exhibited by this quote, issues of repatriation and the treatment of human remains were being discussed between archaeologists and Native Americans during this period. Inevitably, these considerations led to debates regarding the relationships between present day communities and the burials encountered by archaeologists. Drawing on Kroeber (1923) and Kilmek (1935), Heizer (1974) suggested that cultural and physical lineage could possibly be extended back 2,000 years, but little more (148). Had he been alive to see the current linguistic and genetic evidence, it is likely that Heizer would have been willing to extend this lineal ancestry farther back in time (Johnson and Lorenz 2006).

SDSU has a long history with local Native American tribes. While, some of these interactions were likely positive, many have involved conflicting perspectives. One such example has been provided by Paul Ezell through an account published within a technical report from the early 1970s. Work was conducted by Paul Ezell at the Las Flores Camp
The Pendleton site from June 7, 1973 to May 30, 1974 (Barryman 2009:92). While no visible surface artifacts were encountered in the initial survey, 14 human burials, dating 1760-1870 years Before Present, were encountered during excavations conducted by heavy equipment (96). Paul Ezell’s description within his 1975 technical report for these excavations illustrates the limited communication and differing perspectives between local Native Americans tribal groups and early contract archaeologists:

> Following the initial discovery in 1972, I unwittingly offended some Indian people in that I did not foresee the possibility that a news article with a photograph of the burial might be published and they would resent it. Strong representations were made to the Chairman of the Department of Anthropology and to me, protesting the publication of photographs of remains of their (perhaps presumptive-Heizer 1974:148) ancestors…. The archaeologists, after all, are interested in information on the burial pattern and, as a by-product of their profession, become freed from that morbid fascination with human physical remains (if they ever felt it) which turns an accident victim into a spectacle to be viewed. [Ezell 1975, reprinted in Barryman 2009:91-92]

In the period that preceded NAGPRA there was little involvement by Native Americans in the San Diego region. In considering this excerpt, it should be noted that interactions between local tribal members and archaeologists were taking place. These protests were brought directly to the Anthropology Department at SDSU. It is evident that Paul Ezell seemed to have neglected any consideration of potential Native American resentment. While Ezell could not restrain himself from presenting a small jab regarding the uncertain affiliation of these burials, his justification for this misunderstanding is apologetic in tone. This is not entirely surprising, as Ezell’s doctoral work was directed at an observation of environmental impacts and Native American cultural dynamics. Based on this expertise, he was a witness on more than one occasion for Indian Claims Commission Docket 228. Beginning in 1962 he presented evidence concerning the lack of protection by the Federal Government of traditional Pima and Maricopa land and water rights (Dobyns and Richards 2009:45). Though this is inferential, it is expected that he would have been sympathetic to Native American perspectives regarding their heritage. In any case, such interactions are what brought these issues to the attention of legislators and the public. Hata has observed that, “the creation of the Native American Heritage Commission in 1976 was the direct result of California Indians’ involvement in resource protection” (Hata 1992:224). Beginning in the 1960s, a turbulent history of protests, activism, and direct confrontation
with policy makers and archaeologists began to yield results for Native American inclusion in the process of historic preservation.

**SUMMARY**

The inclusion of Native American monitors has come to be increasingly common over the past 20 years. This trend has granted powers to Native Americans over their cultural heritage through legislative, financial, and social channels. While tribal groups have lived within the San Diego region for millennia, the federal recognition and commonly accepted traditional boundaries that serve to support contemporary tribal monitoring were created through historical circumstances. Inclusion of non-archaeologists in the CRM process was largely neglected during the first surge of environmental and cultural legislation that occurred between 1966 and the 1980s. It was not until the enactment of NAGPRA in 1990 and amendments to NHPA, in 1980 and 1992, that Native American monitoring and consultation became increasingly more common. This chapter has provided some background for the current trends in Native American monitoring in the San Diego region through a history of missionization, the reservation system, cultural resource legislation, and CRM of the early 1970s.
CHAPTER 7

THE ARCHAEOLOGICAL SITE RECORD

Within the “gray literature” of San Diego is a well-defined history of archaeological practice. The reports and archaeological site records housed at the SCIC provide an enormous collection of under-examined archaeological insights that extend decades into the past. I have conducted a general comparative analysis of the most commonly used site record forms for the San Diego region. These have primarily been taken from the collection of over 25,000 site records managed at the SCIC. In addressing this task, four forms (or form series) have been examined, based on their respective relationships to the history of CRM in the State of California. These consist of the University of California Archaeological Site Survey Record form 1948, a transitional DPR 422 form series in 1976, a post-1982 DPR 422 form series, and the most current, a DPR 523 form series (revised in 1995) used today. Each revision of these standardized site record forms provides a slightly different period-specific window into how archaeological data has been commonly described.

A HISTORY OF THE SITE RECORD FORM: FROM HEIZER TO THE IC SYSTEM

In 1948, the University of California Archaeological Survey (UCAS), formed by Robert F. Heizer of U.C. Berkeley, became the first statewide archaeological organization and records repository (Hata 1992:82). From its inception, the primary structure of the Archaeological Survey was comprised of staff at the University of California campuses at Berkeley, Los Angeles, and Santa Barbara (Heizer 1948:1). However, the broader aims of this group brought together an Advisory Committee from institutions across California with parallel interests. In 1948, these members included Allen L. Chickering (California Historical Society), Malcolm Farmer (San Diego Museum of Man), Mark R. Harrington (Southwest Museum), J.R. Knowland (State Division of Beaches an Parks and the California Centennials Commission), A.L. Kroeber (University of California), Theodore D. McCown (University of California), Phil C. Orr (Santa Barbara Museum of Natural History), and Arthur Woodword
Non-member involvement included Jeremiah Lillard, of the Sacramento Junior (now City) College, who was also actively involved in coordinating efforts with the Survey from the beginning. During this period, each of these institutions was independently active in conducting archaeological work within their respective regions. Heizer sought to promote cooperation, and the sharing of information, between all of the parties involved.

A closer consideration of these institutional representatives helps to illuminate a few of the inter-relationships that have contributed in shaping the practice of California CRM as it exists today. Notable in this discussion are two key points of interest: the first, is that Sacramento City (Junior) College (SCC) was also the location of California State College Sacramento between 1947-1953, corresponding with the founding of the Archaeological Survey by Heizer (Whitlatch 2004:1). Robert Heizer, Paul Ezell, Francis Riddell, and Frank Fenenga (the later two at the same time) had all attended SCC following high school (Dillon 2002; Hestor 1996:159). CSU Sacramento is now the host institution for the North Central Information Center (NCIC), which in 1982 was instrumental in developing the first series of widely disseminated Department of Parks and Recreation forms (OHP 1986:1). While previous forms had been produced, this DPR 422 form series was adopted for use by most California archaeologists, and are generally representative of today’s standardized archaeological records. Second, and more relevant to San Diego, the California Archaeological Survey was working in cooperation with Malcolm Farmer, the director of the San Diego Museum of Man (SDMM). This relationship promoted the standardization of archaeological site recordation in San Diego, which is why many of the records still housed at the SDMM consist of the Archaeological Site Survey forms created by Heizer. Additionally, the institution has a large number of records of this style for sites that were recorded prior to 1948. In an attempt to organize the information that they were managing, much of the field note data from early San Diego researchers, such as Malcolm Rogers, D. L. True, Adan Treganza, and others, was later transferred to U.C. Archaeological Survey forms by museum staff.

From 1948 to 1950, Franklin Fenenga directed fieldwork conducted by the Archaeological Survey with the assistance of Francis Riddell (Heizer 1948:2). Prior to this period, Fenenga had conducted salvage work for the River Basin Survey, managed by the
Smithsonian Institute. Additionally, he had worked with Robert Heizer and Jeremiah B. Lillard to form an archaeological program at Sacramento Junior College (Wallace 1999:1). From 1946-1947, Fenenga conducted survey and salvage at four proposed major California reservoir locations. These included Pine Flat, Isabella, and Success, located in the San Joaquin Valley, and Coyote, in Mendocino County (Aldenderfer 1997). During this period, he created the site trinomial system (State-County-Site #) that, adopted by the Smithsonian Institute for the River Basin Surveys, has since become the most commonly used style applied across the United States (Fenenga 1949; Heizer 1948:7; Wallace 1999:2). While, Fenenga had created valuable organizational strategies, it was not until joining the Archaeological Survey that a system of data management emerged in a way that reflects today’s practices:

Among the Survey’s primary objectives is the organization of a master file of data. Information on the nature and contents of the archaeological sites will be recorded on printed data forms and the sites will be located on maps to form the central data file…. A form of recording site survey data has been developed which seems adequate for most types of sites within the State…. A system of site numbering by counties will be employed. All sites within a single county will be numbered consecutively, these site numbers will be prefixed by a three-letter symbol indicating the county…. (P)ermanent site numbers should be assigned only after the survey sheet has been cleared through one of the several master site survey files in the State in order to prevent duplication of site numbers. [Heizer 1948:6-7]

This excerpt from Heizer’s 1948 publication, detailing the aims and methods of the California Archaeological Survey, could easily be a recent protocol document for the California Historical Resources Information System (CHRIS). The same process of site allocation and data organization would be used as a model nearly thirty years later in establishing the information centers, now managed by the OHP. These similarities are the resulting product of both continuity of practice and personnel.

Heizer employed students to assist in the field and write reports. From 1947 to 1956 two highly involved students, Clement Meighan and Francis Riddell, joined Frank Fenenga. Following graduation, Riddell moved on to head the archeological program for the Division of Beaches and Parks. Meighan was hired as an instructor at UCLA in 1952 (Hata 1992:83). That same year Meighan founded the California Archaeological Survey office at the University of California, Los Angeles. Together, the two universities conducted and
contracted for archaeological work, housed records, and produced reports. Heizer managed
the principle repository for the Archaeological Site Survey Records at UC Berkeley.
Meighan’s office, however, also handled records, and in 1954 he began processing record
updates for those sites located south of the Tehachapi Mountains (Hata 1992:83). For nearly
ten years, these two institutions managed the vast majority of California’s archaeological
records. Clem Meighan furthered the initial aims of the Archaeological Survey through the
work of his many students. Notably, two such California archaeologists included Del True
and Claude Warren (David Whitley, personal communication, June 28, 2011). In 1957,
Caltrans started the highway construction archaeological salvage program. This resulted in
the dissemination of these site records to eight other universities. Meighan noted in 1960 that
the office at UCLA held information on more than 10,000 archaeological sites (Hata

In 1960, Francis Riddell was named the first State Archeologist for the Division of
Beaches and Parks, later referred to as the Department of Parks and Recreation. He held this
title until retiring in 1983 (Dillon 2002). Riddell had been a graduate student under Robert
Heizer at the University of California, Berkeley, and Assistant Archaeologist for the
California Archaeological Survey. Many of the understandings and practices that he learned
during this period were carried into the policy that he implemented at the Department of
Parks and Recreation. For example, the foundational template and numbering system for the
DPR 422 series Site Record forms came from Robert Heizer’s University of California
Archaeological Survey form and Frank Fenenga’s trinomial system. As will be discussed
subsequently, the UC Berkeley division of the University of California Archaeological
Survey was disestablished in 1961 (Fredrickson 2004:32). Riddell had to assume this now
vacant organizational role for the State. His responsibilities between 1961 and 1969 included
contracting out archaeological work for Caltrans and the Department of Water Resources
(Hata 1992:80). During this period, funding for report writing was not legally mandated. In
contrast to Department of Water Resources projects, which funded fieldwork, analysis, and
the report writing, Riddell was often required to negotiate with Caltrans for report funding on
a project-by-project basis, even in the early 1960s (Arch-13, interview by author, May 15,
2010). While the archaeological reports and site records from this period were often very
limited in detail, the archeologists who wrote them often did so in their free time, without receiving payment.

The Information Center system, as can be observed today, was created through the efforts of the Society of California Archaeology (SCA). In 1961, the University of California Archaeological Survey was formally disestablished at UC Berkley (Fredrickson 2004:32). This resulted from a period of internal disputes over proper organizational management, and the shifting interests of the founding member, Robert Heizer (Hestor 1996:162). Additionally, a growing number of requests for information by “non-academic” archaeologists, and a reluctance of university staff to provide it, deepened already well-established divisions within the larger California archaeological community. Fredrickson observes that “during the 1960’s, after the UCAS was disestablished and dropped out of active site record management, California’s site record system fell into what might kindly be called chaos” (2004:32). Based on personal communication with David Whitley, the disestablishment of the UCAS was relegated to the activities at UC Berkeley (personal communication, June 28, 2011). Clem Meighan, and the Archaeological Survey at UCLA, remained fully operational from the mid-1950s into the 1970s. In 1966, a group of eleven individuals at the Southwestern Anthropological Association meeting developed the concept of the Society for California Archaeology (SCA). The formation of SCA came from a need to create a centralized organization for handling the growing collection of archaeological data and to promote ethical standards for archaeological practice in the state (Hata 1992:217).

In 1967, following the writing of the SCA bylaws and constitution, Fritz Riddell and Thomas F. King outlined a plan where number of regional institutions, or clearinghouses, would manage archaeological material and records (Fredrickson 2004:34). In 1970, following a series of reviews by the SCA, a ruling by the State Attorney General resulted in shifting the role of archaeological work, reporting, and curation of artifacts to local institutions (Hata 1992:218). Archaeologists from universities, museums, and colleges took on the responsibility for housing the archaeological material and fulfilling contracts for their assigned Caltrans Districts. These District Liaison Archaeologists would coordinate archaeological work between academic institutions and Caltrans for each of the eleven highway districts. In 1972, the Friends of Mammoth Decision created an unprecedented
surge in demand for archaeological data. In response to this increased activity, led by Thomas King, the district archaeologists were replaced by a system of eleven regional institutional clearinghouses (Fredrickson 2004:34). By 1973, the general structure of the Information Center system was in place, where eleven clearinghouses were established in the place of the archaeologists. However, since Berkley’s involvement with the UCAS, archaeological records had become severely disorganized. The Department of Parks and Recreation, as directed by Fritz Riddell, arranged to get copies of all of the records and maps that had been accumulated under Robert Heizer. The state planned to manage the records, and numbers would be allocated by the Northwestern Information Center at Sonoma State University (Fredrickson 2004:34). This system quickly became too much for the state to handle. Two years later, fifteen Information Centers were established, comprised of the existing eleven clearinghouses, plus an additional four (Hata 1992:219). The responsibility for conducting record searches, storing archaeological record data, and allocating site numbers came to be the responsibility of these regional data repositories. The Information Centers were overseen by the DPR, until 1977, when the OHP took over this responsibility (219). During an interview in 2010, one archaeologist expressed concern that this organizational strategy may have proven too successful:

As part of an effort to organize the state’s archaeologists politically, we created the Information Centers. Those Information Centers have since, sort of, taken on a life of their own, and taken on a level of importance that worries me. It seems like people are very focused in California on the Information Centers, and how the forms are filled out at the Information Centers, and what it costs to get data from the Information Centers. The Information Centers are just a tool that are used in terms of reaching management objectives. [Arch-7, interview by author, March 2, 2010]

The San Diego data repository, now known as the SCIC, has been associated with SDSU since establishing these clearinghouses (an example of an early records search is provided in Appendix D). The Information Center system, currently consisting of eleven regional offices, was officially formed in 1976 when the OHP assumed overall management of the regional offices and records (Seidel 1980:42). With the establishment of the OHP, the existing body of archaeological reports and site data, still primarily housed at the locations specified by the SCA, came to be the California Historical Resources Information System (CHRIS; OHP 2008:32).
As noted by the previous interviewee, the ICs were originally intended to be a tool for “reaching management objectives.” The SCIC, managing data from both San Diego and Imperial Counties, is an example of efficiency and organization partly because funds from continued development allows it to employ a number of specialized personnel and to dedicate time to making it this way. Perhaps because of this relationship to CRM, these ICs have come to be more structured for assisting in the efforts of professional archaeologists, rather than strict academic research. However, because the SCIC and other such institutions do consist of large archives of information, they provide a huge amount of information potential. Future researchers must first consider how the practices of CRM have contributed to this huge assemblage of data, and then proceed by shaping their research questions accordingly.

**A COMPARISON OF SITE RECORD FORMS OVER TIME**

While it is out of character with the scope of this project to apply a uni-linear style of analysis, unfortunately, the history of the development of the DPR 523 form series makes this the most feasible method. These current forms are based on revisions of the DPR 422 series and were originally modeled on a style of archaeological record created by Robert Heizer in the 1940s. The similarities are made most apparent when observing that not only are the majority of descriptive sections still present in the most recent forms, many remain in the same order (see Appendix D for examples). The California DPR Site Record forms that are in use today, specifically the DPR 422 and 523 series, were designed as the “minimum level of recording” to aid in predictive archaeological practices, and to facilitate Information Center review and processing (OHP 1986:1; OHP 1995:5). Following archaeological work in an area, this minimum level of documentation is commonly the only existing record of newly recorded cultural resources. During pedestrian surveys in the field, the site recording process is often directly related to gathering the necessary information for completing a DPR Site Record form back in the office. In this way, over time, these records have emerged as more than just a description of cultural resources; they have come to be a standard that dictates what, and how, data should be recorded.

As has been previously established, the DPR archaeological site form series used today are based on those created by Robert Heizer for the University of California
Archaeological Survey (UCAS) in 1948. Frank Fenenga, who helped establish the Trinomial site numbering system while working on the River Basin Surveys between 1946-1947, had known Heizer since attending Sacramento Junior College, prior to 1939 (Wallace 1999:2). Both the UCAS form and the Fenenga’s style of site allocation (now often thought of as the “Smithsonian system”), were widely disseminated through the California portion of the River Basin Surveys and the activities of California Archaeological Survey (1948-1961). Fenenga further promoted this site recording medium after moving to Nebraska in 1950 when he accepted a position as an archaeologist for the Missouri River Basin Surveys (Aldenderfer 1997). In California, the UCAS forms continued to be spread by Clement Meighan and Francis Riddell though their associations with UCLA, the Society of California Archaeology, the Department of Parks and Beaches, Caltrans, the Department of Water Resources, and other institutions (Dillon 1997:1; Dillon 2002:1). The UCAS forms were developed into the first DPR 422 Site Record form series in 1976, when the OHP assumed management of the Information Centers. While different agencies such as CDF, BLM, Caltrans, Museum of Man, and others have created their own forms in the past, over time these have proven to be peripheral variations and have generally been replaced in favor of the DPR series.

I have conducted a general comparative analysis of four series of archaeological record forms. These consist of the original UC California Archaeological Survey (UCAS) form 1948, a transitional DPR 422 form series in 1976, a post-1982 DPR 422 form series in 1986, and the most current DPR 523 form series revised 1995; see Appendix D). Each of these form series speak to the practices as well as the historical, cultural, and legislative contexts that were in place during the period when they were developed. This comparison consists of a relatively simple observation of the presence-absence of lexemes and themes of meaning, a process often used in linguistic analyses of semantic change. I make the distinction between lexeme, pertaining to a unit of meaning, rather than word, which may have many forms that generally represent the same thing (Hughes 1988:3). The primary comparisons are made between the UC Archaeological Survey form developed prior to 1948 and the most recent DPR 523 form series. Any notable additions or losses in the intervening forms are observed at the end of this analysis.

The UC Archaeological Site Survey Record consists of 36 sections for recording site information. In general, these descriptions pertain to location, ownership, site components,
site condition, interpretation, background, and additional information (accession number, date, recorded by, and photos). The equivalent DPR 523 form series consists of 50 sections, and being available digitally, also includes embedded directions for use. The most notable difference between the 1948 form and the DPR 523 forms is that they have expanded from a single Archaeological Site Survey Record, to a Primary Record form (with most of the general information) and an Archaeological Site Record form (detailing the pertinent archaeological information). As part of the original California Archaeological Survey organizational strategy, the only additional requirement was a sketch map on a USGS map (Heizer 1959:7). The current filing system at the Information Centers has come to require greater site recording detail: Isolated finds (less than three artifacts), historical addresses, and most isolated historical features only receive a Primary Number site allocation and require a Primary Record form and a Location Map. In contrast to this, a site (more than three artifacts) or a prehistoric feature, receive both a Trinomial allocation and Primary Number allocation, and must include a Primary Record form, Archaeological Site Record form, Location Map, and a Sketch Map (OHP 1995).

Having noted these general differences in the system of site recording, I now will move on to a discussion of how the descriptive sections have been changed through the successive revisions of the four forms spanning 1948 to 1995. Of the 36 descriptive sections on the UC Archaeological Survey (UCAS) form, 27 are still found on the DPR 523 form series. This accounts for a 75% similarity between the two. The first nine sections on the UCAS form pertain to mapped location, elevation, and ownership. All of these, with the exception of elevation, are present in roughly the same order throughout all the different form series. ‘Contour elevation’ in Heizer’s form, has been succeeded by a more generalized ‘elevation’, reflecting the use of new technologies other than the standard topographical maps. Additional ownership information, numbers 10 through 12, has been lost in revisions following the UCAS form. These included ‘previous owners’, ‘dates’, ‘present tenant’, and ‘attitude toward excavation’. Concerns with ownership were a more pressing matter prior to the Friends of Mammoth Decision (1972), when all projects involving government approval on public or private land came to require environmental review under CEQA. Consequently, beginning in the 1976 DPR 422 form series, these sections ceased to be included.
The primary body of archaeological description was presented in sections 13 through 29 in the 1948 form. Section 13 in the UCAS form, ‘description of site’, was generalized to ‘description’ in the newest forms. This, in part, represents an intent to encompass an expanded understanding of cultural/historical data, which includes historical structures, districts and intangible resources. Sections 14, ‘area’, and 15, ‘depth’, are still represented in the most recent forms. These, however, have each been given an additional sub-section describing the ‘method of determination’. This descriptive specialization is a way of checking the level of accuracy in determining the spatial distribution of the cultural data. The difference in accuracy between a location derived from a USGS map, and that taken through a GPS reading, can be substantial. One interviewee observed that a single dot, drawn by pencil on a 1:24,000 scale USGS map, is roughly equivalent to 15 meters (Arch-3, interview by author, December 23, 2009). A location taken though a GPS unit is commonly accurate to less than a meter. Section 16, ‘height’, was discontinued after the 1948 form. This likely reflects a lack of use, and a shift towards new, specialized forms specifically used for features such as bedrock milling, rock art, rock alignments and others. Sections 17, ‘vegetation’, and 19, ‘soil of site’, have been subsumed within a broader category of ‘environmental setting’ in the DPR 523 form. Interestingly, in the 1976 and post-1982 forms a distinction is made between ‘vegetation on site’ and ‘surrounding vegetation’, which would have provided information regarding modifications to the natural environment. It is likely that this represents a general shift towards using these forms for data gathered in broader, regional investigations through pedestrian survey, rather than location-specific excavations. Section 18, ‘nearest water’, is directly represented on all of the succeeding form series. Section 20, ‘surrounding soil type’, was discontinued after the 1948 form. This lack is likely due to a general semantic generalization, where ‘soil’ has also been considered part of the broader environmental surroundings. Section 21, ‘previous excavation’, was discontinued after the 1976 form. This speaks to the adoption of the standard, phased, approach in CRM. Following wide-spread application of preservation legislation, notably CEQA and agency-specific guidelines, the archaeological site form came to be largely associated with pedestrian survey, and the EIR, the preferred record of excavation.

Section 22, ‘cultivation’, was discontinued following the 1948 form. This illustrates a shift in the general understanding of California archaeology. Agricultural-style cultivation of
plants is unusual in hunter-gather societies. Additionally, by discontinuing this section, the forms allow for description of sites, without any undertones of relative cultural complexity and surplus. Sections 23, ‘erosion’, and 24, ‘buildings, roads, etc.’ have been generalized, and are included under the description of ‘site disturbances’ within the DPR 523 forms. Section 25, ‘possibility of destruction’, has been discontinued. While it might be argued that this also represents a generalization of ‘site condition’ in the DPR 523 form, I would contend that these are two distinctly different understandings of site impact. The UCAS form’s sense of relative threat is representative of salvage archaeology. During this period funding was often provided just prior to construction and the level of potential destruction was seen in terms of urgency, as well as projected disturbance (Wendorf 1962:54). ‘Site condition’, in the DPR 523 form series, represents the present level of impact, which is characteristic of multi-phased compliance archaeology, where site destruction is either avoided or planned for, but rarely a surprise. Section 26, ‘house pits’, was discontinued after Heizer’s form. House pits are relatively rare in California and not descriptive of all types of habitation illustrated in the archaeological record. This section also speaks to the classic understandings of the levels of civilization articulated by Lewis H. Morgan, where sedentism is understood as a necessary component in the path to cultural complexity (Wilcox and Fowler 2002:145). Section 27, ‘other features’, continues to be used, however, it has been generalized since the 1976 forms as simply ‘features’. Section 28, ‘burials’, continues to be used. Since 1976, the section has been generalized as ‘human remains’. This represents a more accurate encapsulation of the possible remains that one might encounter; inhumation, cremation, etc. However, this semantic change illustrated a shift away from excavation that specifically targeted burial sites and moved toward the practice of pedestrian survey. The act of survey is focused on the ground surface, and consequently, involves an increased likely-hood of encountering cremations due to their high potential for diffusion. Section 29, ‘artifacts’, continued to be used until the 1995 revision of the DPR 523 form series, when it was changed to ‘cultural constituents’. This represents a similar shift as that from ‘site’ to ‘cultural resource’ within the larger industry of archaeological, cultural, and historical preservation management. The term ‘artifact’ is somewhat narrow, and has been broadened to include ‘ecofact’, ‘cultural residues’, and potentially, ‘intangible’ cultural elements. This may also exhibit a shift away from the scientific terminology of archaeology, towards a more
humanistic interpretation. Sections 30 though 36 are represented in all of the site record series, from 1948 to present. These include ‘remarks’, ‘published references’, ‘accession number’, ‘sketch map’, ‘date’, ‘recorded by’, and ‘photos’. While these seem to be commonsense categories that have been re-adopted for keeping track of information in each revision of the forms, it should not be overlooked that they represent organizational and recording strategies that normalize the sense of what is important to the practice of archaeology.

Some descriptive sections that emerged through revisions after the UCAS forms speak to CRM practice during the periods when they were developed. UTMs first began to be included in the 1976 DPR 422 form series. This spatial information is central to the accuracy that is now characteristic of contemporary archaeology. It has also modified the way archaeological work is conducted. One interviewee observed that he has had to teach his fellow archaeologists how to read a topographical map on more than one occasion (Arch-1, interview by author, December 10, 2009, paraphrased). A different interviewee remarked that “often people have trusted the UTMs so much, that when they encountered a site, (located) 100 meters from an existing site with the same description, they have given it a new site number, instead of realizing that their location was wrong” (Arch-11, interview by author, May 13, 2010, emphasis added). Still another individual has observed that, in her experience, sketch maps have become increasingly less detailed as people have come to be increasingly more dependent on UTMs (Arch-4, interview by author, February 3, 2010, paraphrased). These observations, together, illustrate the increasing importance of location-specific information. Beginning in the period just before the 1976 DPR 422 form series, the Friends of Mammoth decision caused contract archaeology to exponentially expand as a practice. Increased accuracy and standardized UTM data for site locations has substantially increased productivity in construction planning and archaeological preservation. The present dependency on GPS devices is just this trend continued. Increased accuracy has become central to understanding what type of compliance is required, based on the property owner or managing agency. Additionally, UTMs and GPS devices have become essential in maintaining the level of competitive productivity that has become required in the industry of contract archaeology.
Site records have not just recorded the relative values in the data and practice of California archaeology; at times, they have had the potential to create sweeping changes in the CRM industry. One descriptive element that is unique to this 1976 DPR form series is the section, ‘National Register Status’. This allowed the recorder to check ‘listed’, ‘potential’, ‘no determination’, ‘nominated’, ‘ineligible’, ‘State Historical Landmark (No.)’, or ‘point of historical interest’ (see Appendix D). Since 1982 it has been standard practice to include determinations of eligibility on historical address forms yet it is almost unheard of to do this for prehistoric sites. One interviewee observed that, in all likelihood, very few prehistoric sites would be determined eligible if the option were provided:

The only one of the DPR forms that requires that you give an opinion on significance is the Building. Archaeological, Trail, Rock Art, none of those require that you include whether or not you consider it to be eligible for the Register. Only the Building forms. I think it has protected prehistoric sites. I think it has been a fluke on their part. It’s been lucky. [Arch-4, interview by author, February 3, 2010]

It is quite fortunate for preservation, and CRM in general, that significance has not been included by SHPO and the OHP on the site record forms after 1982. Under federal and state standards, most of the sites that CRM practitioners encounter would not be considered “significant.” Consequently, they would be more likely to be destroyed than avoided (Appendix D includes a summative example of this process). This absence supports the very existence of CRM and is largely the reason it exists as such a prominent practice in San Diego. If investigations of significance were not required, there would be no need for the specialized knowledge or practices provided by archaeologists.

The DPR 422 form series, post-1982, and the DPR 523 forms, post-1995, are generally the same. In the later form, a greater emphasis on methodology and accuracy of recordation emerged. Sections such as ‘limitations’, ‘method of determination’, and ‘reliability of determination’ became standard. These are all associated with the requirements for remaining in compliance with the pertinent legislation, requiring a “reasonable and good faith effort” as defined in the NHPA (U.S. Department of the Interior 1966). The DPR 523 Archaeological Site Record form newly incorporates specific date ranges for historical eras. It allows for a greater level of ‘interpretation’, and helps to track artifact collection by an added a section asking, ‘were specimens collected?’ Lastly, the DPR 523 uses both
Trinomial and Primary site allocations, the later of which was listed as ‘other designation’ in the post-1982 DPR 422 forms. Trinomials, which are given to sites and prehistoric features, were originally intended to designate which sites were considered eligible for the National Register (Arch-4, interview by author, February 3, 2010). Likely because of the emergence of a standard phased-approach to California CRM, and the complex nature of determining significance, this practice never came into common use. The Primary Numbers are given to all resources (isolates, historic features, etc.). In the past, historical and isolated finds were given –H and -I allocations; in more recent years, with the increased interest in historical archaeology and a general trend toward standardization of Impact Assessment in CRM, these were given Primary Numbers. Sites with Trinomials are often larger and more “significant” (as defined in the National register of historic places) than sites with just Primary Numbers. For this reason, in my experience, it is much more common for the later to be impacted through construction.

**Record Standardization and Determinism in Practice**

The descriptive elements of the forms do more than record data; they act as a template for what should be included. As the “minimum level of recording” (OHP 1995), they may only require that the practitioner have the minimum amount of knowledge to fill it out. As one professional archaeologist observed, “some people come to the point where the integrity of the site record, as they understand it, starts to drive the whole process. They are more concerned with making sure that the forms are filled out properly than actually preserving anything or accomplishing anything” (Arch-1, interview by author, December 10, 2009). The standardization of descriptive elements encourages the perpetuation of some archaeological values over others. However, based on the revised changes throughout the different form series, it is evident that as practices have changed in the discipline, site records have been modified in response. In this way, an understanding of how DPR forms are associated with archaeology may be strengthened by drawing parallels to how the Sapir-Whorf Hypothesis describes the relationship of language to culture. Benjamin Lee Whorf observed that:

> We cut nature up, organize it into concepts, and ascribe significances as we do, largely because we are parties to an agreement to organize it in this way…. The
agreement is, of course, an implicit and understated one, but its terms are absolutely obligatory; we cannot talk at all except by subscribing to the organization and classification of data which the agreement decrees. [Whorf 1956:212-214]

The DPR site record form series provide an encapsulation of archaeological practice. The descriptive categories upon them allow for the communication of pre-determined ranges of meaning. Certain conventions in recording are gained through experience and practice. I would contend that rather than being deterministic in the aforementioned linguistic sense (Whorf 1956), the DPR forms provide more of a guided-relativistic template for description. Contract archaeology is not completely self-contained. Rather, it is a community with over-arching legislative restrictions and general practices that are common throughout.

Whorf argues that there is a linguistically defined tendency for speakers of European languages, including English, to classify the surrounding world in terms of objects (Johnstone 2002:33). The practices of contract archaeology support this tendency as an overtly conscious choice. San Diego CRM is comprised of a community of individuals that share a general focus on “things.” Through this emphasis on cultural objects, understandings of culture lend themselves to both creative re-interpretations and acceptance of pre-determined ideas. The practices and conceptions of this community are influenced by history, changes in legislation, non-archaeological interests, general social trends, and individual impacts. As evidence of these influences, the forms have been revised on multiple occasions since Heizer’s UCAS site record. Standardized and widely available forms have come to provide a shared medium for recording site information in the field. The very existence of such records illustrates the emergence of shared legislative, economic and broader social structures that serve to organize and define the discipline of CRM.

**SUMMARY**

This chapter has conducted a general semantic lexical analysis of four site record series. It has been illustrated that the Site Survey Record, created by Robert Heizer prior to 1948, has provided the model for today’s standardized site record forms used by California archaeologists. Of the 36 descriptive sections on the University of California Archaeological Survey (UCAS) form, 27 are still found on the DPR 523 form series. This 75 percent similarity suggests that less has changed over six decades of site recordation in professional
archaeology than would initially be expected. While it is uncertain to what degree such
standardized forms have come to dictate the ways that archaeologists interpret the past, it is
undeniable that they are influencing how the record of this past is being constructed. Future
contributions will provide a record of the present values surrounding culture and heritage. It
is quite likely that these understandings will seem outdated, but hopefully they will still
afford some measure of protection and preservation.
CHAPTER 8

SPACE AND CRM

The “archaeological site” is a foundational component of CRM in San Diego. It may seem that this is an overly simplistic claim, however, it is nonetheless representative of some of the most widespread assumptions within the industry. Archaeological sites are defined in space, in relation to tangible “things”, upon physical landscapes, and through legally defined practices (Henare et al. 2007:9). This is not to say that professional archaeologists and other heritage management specialists do not understand that their job also requires a broader interpretation of culture. However, in practice, cultural resources are most commonly treated as archaeological and historical rather than as intangible. This is largely a result of convention, where “things” are tangible and ideas are intangible. In scientific practice the ideal significant dataset is generally understood to be comprised of multiple inter-related, individually distinctive elements. Culture is seen as intangible, dynamic, and highly variable. This dichotomy has been applied to many interpretations of the physical world and social environment, perhaps most notably in discussions surrounding the essential characteristics of the human mind vs. human body.

Written discussions regarding these divisions date to before the Ancient Greeks, becoming a formal topic of debate within the Western sciences during the period of the European Enlightenment (Chomsky 2002:49). The distinction between ideology and biology was adopted within American Anthropology following the emergence of the Boasian School of thought in the late nineteenth and early twentieth centuries (Wilcox and Fowler 2002:152). For additional information on American Anthropology, see the chapter on Emergent Trends in CRM within this study. The period leading up to the processualists in the 1960s and 1970s largely re-defined Archaeology as a data-centric “scientific” practice (Spaulding 1985:301; Johnson 2004:35). The first group of New Archaeology students corresponded with the rapid emergence of California CRM in the late 1960s and early 1970s. During this initial period, professional archaeologists became the principle consultants for defining how “cultural resources” should be included within the legislation, and consequently, which archaeological...
sites should be considered significant enough to warrant preservation. Thomas King has used the term “archaeobias” to describe this infusion of archaeological interpretation into the cultural resource legislation (King 2006:1). Through this process, various associations of artifacts and features were assigned relative value based on their ability to provide answers to pre-determined research questions. Conventional archaeological practices supported a focus on discrete and tangible data. In San Diego, concentrations of cultural material were evaluated based on their relative sizes, densities, and variety of data. Isolates, generally defined as two artifacts (45 years old or more) or less within a thirty-meter area, were then considered of limited significance (OHP 1995:4).

The pedestrian survey has always been a central practice for finding and recording archaeological material as it is distributed on the ground surface. In 1978 Thomas King defined “archaeological site” as “any location—on the ground or in the ground and with or without buildings, structures, or other protuberances, that may contain information important to history or prehistory—i.e., that meets National Register Criterion 4 (36 C.F.R. 60.6)” (1978:2). The practice of pedestrian survey was developed and refined in the United States through an extended history of government sponsored land survey conducted by General Land Office, United States Geological Survey, and the Army Corps of Engineers (Rabbitt 1989). Since the Land Ordinance of 1785 this practice has been characterized by the mapping and classification of discrete concentrations of resources that were distributed across the physical landscape (U.S. Federal Government 1785). It should be noted; in recent years the efforts of the USGS have been more focused on promoting conservation, rather than exploitation of resources. These understandings of the environment, as tangible and discrete, were normalized through this history of land survey, providing a model that would be widely adopted throughout the sciences. For archaeologists, land survey has always been a core practice. As a greater amount of legislation and more stringent permitting processes have emerged over the past 40 years, survey has been encouraged over excavation as a non-destructive and more cost-effective strategy for making preliminary assessments of a project’s impacts upon cultural resources (King 1978:39; Governor’s Office of Planning and Research 1994). The conventions of land survey and the pressure to maintain Archaeology’s status as a “scientific” activity have promoted the understanding that archaeological sites are intrinsically related to the natural environment.
USGS topographical maps have come to be the most common way of recording the spatial characteristics of archaeological sites. Such maps were originally designed as a tool used by government agencies for representing the distribution, and managing the exploitation, of physical resources across the United States (Rabbitt 1989). This relationship between archaeological data and land survey has potential implications for the ways that culture is understood. Specifically, the use of USGS maps may support the understanding that cultural resources are discrete, bounded, and inherently associated with the natural and physical environment. Additionally, this medium has embedded conventions that require specific and pre-defined practices for the recodervation of sites.

Beginning in the early 1990s, historical and archaeological preservation followed postmodern trends across the sciences, formally introducing intangible and landscape concepts into the practice of CRM (Parker and King 1990). Important legislation and publications such as NAGPRA and National Register Bulletin 38 arrived in 1990. Such legally defined concepts supported a broader range of understandings regarding the nature of heritage. This marked the most recent prominent shift in the industry; however, the disjunction between intangible and tangible interpretations of culture is still quite distinct.

This chapter discusses the concept of the “archaeological site” from multiple perspectives. I explore the emergence of common definitions, the history of land survey in the United States, the impacts of development on the archaeological record, the nature of topographical space, and the concept of Traditional Cultural Properties as intangible heritage.

**DEFINITIONS OF THE ARCHAEOLOGICAL SITE**

There are a variety of conventions and practices that encourage object-centric understandings of archaeological space. In contemporary CRM it is just “commonsense” to define site boundaries around concentrations of cultural artifacts and features. Yet, embedded within this assumption are a multitude of ideas pertaining to the formal, spatial, and temporal characteristics of the objects within this bounded space. Archaeologist and anthropological theorist Albert Spaulding personified the data-centric values that were sweeping the general practice of American Archaeology beginning in the 1950s. His work in the early 1960s promoted the understanding that both physical attributes and qualitative characteristics could be classified and divided into discrete steps for analysis (Spaulding 1960:441). Spaulding
famously defined the dimensionality of artifacts in terms of *form*, “physico-chemical properties”; *temporal locus*, “time of manufacture, period of use, and time of deposition… or class of artifacts”; and *spatial locus*, “the position of an artifact in a three dimensional world” (438-439). These three dimensions of artifacts represent the foundational tripartite of recording archaeological sites as bounded space. As distance increases, so do formal artifact similarities and the period of human activity that created them. Albert Spaulding synthesized this idea in the following statement:

> In a very broad sense, space and time are both expressible in terms of formal distance…If we assume that the rate of formal change has been constant in both dimensions, the interrelationship would be another example of the Pythagorean theorem…. From a dimensional point of view, such an operation implies that we have reduced time and space to the same dimension measured by a common scale calibrated in units of formal distance. [1960:455]

From this perspective, the temporality, spatial distribution, and formal characteristics of an archaeological site and broader culture all become directly relational statistical variables. Space and time become dependent on analysis of form, where irregular or uncorrelated results become “random variation” and correlated findings are added to a standardized attribute list for analysis (441).

These conventions of thought are embedded within the ways that archaeological sites are understood. Spaulding’s dimensions of space, time, and form do not dictate the ways sites are understood, however, they do nonetheless inform contemporary understandings and practices. In 1979 Joseph Tainter conducted an opinions survey regarding the definition of the “archaeological Site.” He distributed a list of questions among archaeological contracting institutions from Arizona, New Mexico, and the Texas-Oklahoma Panhandle region (Tainter 1983:130-133). His results yielded 7 primary definitions. Listed in decreasing popularity these included: (1) *Behavioral*, a place that has been intentionally used or occupied by humans; (2) *Arbitrary*, an arbitrary number of artifacts or features within a pre-defined spatial buffer; (3) *Inclusive*, a place that contains any type of archaeological item or component; (4) *Research Potential*, a site is something that has significant archaeological data; (5) *Research Objectives*, an area that meets the criteria defined through pre-defined research design or objectives; (6) *Content*, a site contains items from a pre-defined list of possibilities; and lastly, (7) *Density*, a site definition is dependent on the surrounding density
of a region’s archaeological record, e.g., where there are lots of high-density sites, less-dense concentrations are not considered sites, and vice-versa (Tainter 1983:131).

The strategies for recording archaeological sites in San Diego are well characterized by some of Tainter’s definitions. The California DPR Site Record forms that are in use today, specifically the DPR 422 and 523 series, are designed to be the minimal level of recording, to aid in predictive archaeological practices, and to facilitate Information Center review and processing (OHP 1986:1). These forms most closely incorporate Tainter’s arbitrary, inclusive, and content definitions in defining an archaeological site (Tainter 1983:131).

Tainter contended that a site would best be defined as the “deposition of at least two different artifacts in close proximity, or other evidence of purposeful behavior” (Tainter 1983:132). The OHP first defined a “site” as an area containing at least three associated artifacts produced through human activity, or one feature, at least 45 years in age in 1982 (OHP 1986:2). Following the official adoption of intangible cultural resources such as TCPs into federal law in the early 1990s and increased application of NHPA, the definition of “site” in California came to be interpreted through the more general NRHP guidelines. However, archaeological practice still continues to record sites through the previously described physical criteria from 1982.

It has been contended by Robert Dunnell that “site” began to be applied in archaeology as a way of encompassing a growing variety of archaeological terms e.g., village, camp, monument, artifact, feature, etc. (1992:22). Since the mid-twentieth century it has been common practice to define a site in terms of the association of cultural objects within a bounded space (Wilcox and Fowler 2002:128). However, Dunnell argued that it was Binford, and the associated thrust of New Archaeology, that shifted archaeological understanding from a site comprised of homogeneously interpreted cultural artifacts, to a heterogeneous concentration of interrelated functional material elements (1992:22). Dunnell observed that, “on the one hand, sites are real things (and this is not regarded as problematic), but on the other hand, sites are difficult to ‘define’ because they are not really things of qualities but rather concentrations or quantities” (Dunnell 1992:29). This relates to Tainter’s seven site definitions (1983:131). Anthropologists, in general, seek Inclusive, contextualized understandings of human activity. However, in defining site boundaries in terms of arbitrary concentration densities or components, they become understood as
interpretable entities in themselves, thereby restricting the potential for an inclusive understanding (Tainter 1983:131). The first generation of New Archaeology students began to adopt these understandings as early as the 1960s. Many consider the first American Archaeology textbook to be Frank Hole and Robert Heizer’s *An Introduction to Prehistoric Archaeology*, published in 1965 (Lyman 2010:7). Dunnell has contended that the most commonly applied definition of an “archaeological site” comes from this text, where it was defined as “any place, large or small, where there are to be found traces of ancient occupation or activity. The usual clue is the presence of artifacts” (Hole and Heizer 1973:86-87; as cited by Dunnell 1992:29). In this way, the “archaeological site” was defined by its relation to cultural material, but was acknowledged to be representative of a broader range of activities that may or may not have left a physical record through artifacts.

The passage of the National Historic Preservation Act (NHPA) in 1966 caused the proliferation of legislative, value-based definitions of “archaeological site”. Under the National Register of Historic Places (NRHP), developed as part of the NHPA, an archaeological site came to be defined in terms of significance and eligibility. Table 4 provides the National Register criteria that are listed within 36 C.F.R. Section 60.4. While local and state Registers have adopted these criteria nearly word-for-word, there have also been variations that have had major implications for regional practices in CRM. Notably, in the early 1980s a “unique” criterion of archaeological resources was adopted into the State Register through Section 21083.2 (AB 952) of CEQA. This precipitated multiple new mitigation procedures and evaluative practices, and effectively promoted a phased-approach in California CRM (Governor’s Office of Planning and Research 1994:4). In contemporary CRM, government permitted project activities that are conducted at the local, state, and federal levels are most commonly evaluated in a way that reflects the NRHP standard guidelines. Criteria (d), a resource’s ability to provide important information regarding history or prehistory of a region is frequently applied in managing archaeological sites (U.S. Department of the Interior 1966:36 C.F.R. 60.4(d)); Arch-3, interview by author, December 23, 2009). The value of an archaeological site, in terms of the National and Local Registers, is largely associated with its potential to provide important information (San Diego County Board of Supervisors 2007:9). The eligibility of a cultural resource may be tested through excavation, among other methods. Site integrity, the
<table>
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<th>Criteria considerations. Properties will qualify if they are integral parts of districts that meet the criteria of if they fall within the following categories:</th>
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<td>(a) A religious property deriving primary significance from architectural or artistic distinction or historical importance; or</td>
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<td>(b) A building or structure removed from its original location but which is significant primarily for architectural value, or which is the surviving structure most importantly associated with a historic person or event; or</td>
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<tr>
<td>(c) A birthplace or grave of a historical figure of outstanding importance if there is no appropriate site or building directly associated with his productive life.</td>
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<td>(d) A cemetery which derives its primary significance from graves of persons of transcendent importance, from age, from distinctive design features, or from association with historic events; or</td>
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<tr>
<td>(e) A reconstructed building when accurately executed in a suitable environment and presented in a dignified manner as part of a restoration master plan, and when no other building or structure with the same association has survived; or</td>
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<td>(f) A property primarily commemorative in intent if design, age, tradition, or symbolic value has invested it with its own exceptional significance; or</td>
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<tr>
<td>(g) A property achieving significance within the past 50 years if it is of exceptional importance.</td>
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lack of significant disturbances to a site’s depositional character, is considered one important factor in determining significance (San Diego County Board of Supervisors 2007:19). It is understood that mixing of soil strata through various processes, such as bioturbation and vandalism, restricts the ability of an archaeologist to interpret a site’s cultural constituents. The presence of subsurface site components is seen as an indication of more intensive, long-term use of a specific location. In terms of the practice of archaeology, this is generally more “valuable” for answering pre-determined research questions. For a full list of the NRHP criteria, see Table 4.

The National Register criteria have become a checklist for the evaluation of archaeological sites. The practices of CRM practitioners are often directly associated with assessing a resource’s eligibility for inclusion. Locally, the San Diego County Register has been modeled on CEQA, but significance is evaluated at the local level. County guidelines specify that, “any site that yields information or has potential to yield information is considered a significant site” (San Diego County Board of Supervisors 2007:16). The County further observes that, “if it is agreed to forego significance testing on cultural sites, the sites will be treated as significant resources and must be preserved through project design” (19). In this way, the process of evaluation is often associated with project demands for use of land where cultural resources are present. The value of a site first requires an assessment of its associated physical cultural material by CRM practitioners. The cost of its impact through project activities is based on the site’s relative ability to contribute to the archaeological, historical, and cultural record. In San Diego, the significance of a site must be disproved and mitigated for prior to being impacted. In many cases the State Historic Preservation Officer and/or the lead agency will require changes to the project design if sites will be impacted, sometimes regardless of eligibility.

Prior to evaluations of significance a site must first be spatially defined. The NPS lists specific guidelines for defining the boundaries of an archaeological site that is being applied for inclusion into the National Register of Historic Places. It stipulates that boundaries should be defined that fully encompass the eligible resource, without spatial buffer or internal areas of exclusion, using existing legal, natural or manmade features (U.S. Department of the Interior 1997:56). Peripheral areas that have been previously impacted are considered to be non-eligible for inclusion within this boundary. As of 2004 the BLM has specified that sites
should be recorded in UTM Projection NAD 1983, have a datum defined at its center, and represent a locational accuracy of 12.5 meters or less (BLM 2004:Appendix ii, 2). Incidentally, the mark of a pencil on a 1:24,000 scale USGS topographic quadrangle is approximately the same size (Arch-4, interview by author, February 3, 2010).

With this said, the process of site delineation is often as much a product of individual preference as it is based on jurisdictional guidelines. Sites are defined “on the ground”, through recordation of elements that archaeologists determine to be of importance. In many cases, all things that exhibit the effects of past cultural activities are given attention. When such cultural indications are not readily evident this requires additional interpretation by the archaeologist. Specifically stated, sometimes it is difficult to discern what is cultural and what is not. Examples of such situations in the San Diego area might include fragments of low quality materials such as quartz, things that have been subjected to various types of irregular weathering, and unusual cultural elements that are out of place with the local archaeological record. In these situations, among many others, the boundaries of an archaeological site may vary based on the knowledge, interpretation, and intent of the respective archaeologist in charge of making the final decision regarding what to record and what to exclude. Table 5 presents some of the variable definitions of “site” that have been provided by interviewees. As with the rest of this study, responses come from CRM practitioners, Native American monitors, and academic archaeologists that have worked within the San Diego area. At times “archaeological site” and “cultural resource” have been considered to be synonymous. Other individuals choose to interpret culture as something that encompasses a broader range of meanings, extending beyond the realm of archaeology.

It may be noted from the variety of responses that there are many different understandings of how to delineate an archeological site. Some of the ideas exhibited through responses will be addressed in other chapters within this study. Yet, what is common to all of these understandings is the notion of space. Sites are locations that have been, and perhaps continue to be, imbued with meaning through the activities and beliefs of people. Native American respondents have tended to define “site” in terms of their traditional cultural territory. Professional archaeologists have generally followed defined guidelines of legislation and convention to delineate these areas in a somewhat standard way. From this
Table 5. Interview Definitions of a “Site”

“A 300m break in soil phosphates, archaeological remains, and structural remains. The presence of agriculture is indicated by the soil phosphates” (Arch-12, interview by author, May 14, 2010).

“All of San Diego County is a site. This view has changed over my time working as a monitor in the area. There is no boundary. There is so much data, and the more we find the closer and closer it becomes. They are all related” (NAM-3, interview by author, November 28, 2010).

“I can appreciate the importance of the archaeological record. CRM is not doing archaeology. The categories are so limited. For example, if there is bedrock milling, often everything else gets grouped into it” (NAM-2, interview by author, August 29, 2010).

“All of the area that was Kumeyaay territory when the Spanish missions arrived” (NAM-1, interview by author, May 16, 2010).

“On the ground you can use natural boundaries such as drainages or landforms or you can use artificial boundaries like fences or roads. I personally like to establish the artifact/feature spread then give everything an objective buffer” (Arch-2, interview by author, December, 19, 2009).

“According to most protocol it’s a 20-meter area containing three or more artifacts or a feature” (Arch-4, interview by author, February 3, 2010).

“Three artifacts within 30-meters. Over 10-14 thousand years you have people working here or there. You can look at it as connected or isolated events. In my opinion this is based on the type of resources that people have access to. So this is resource based” (Arch-1, interview by author, December 10, 2009).

“Three artifacts or more, of at least two different types, within a 30-meter area. Though this varies between agencies” (Arch-5, interview by author, February 18, 2010).

Note: Interview data was gathered between July 2009 and June 2011.

perspective, archaeological sites are more than concentrations of cultural materials; they are political and legislative boundaries that require specific protocols and evaluative processes.

**RE-CONSTRUCTION OF THE ARCHAEOLOGICAL RECORD**

Archaeological sites are generally defined by professional archaeologists in relation to the areas of a proposed project’s activities. Since the early period of intensive salvage work, beginning in the 1930s and continuing into the 1970s, sites have been recorded within Areas of Potential Effect (APE). While the River Basin Surveys increased attention to the impacts presented by large public works projects within California, it was not until the period following amendments to the Federal Aid Highways Act of 1956 that archaeological practice
began to resemble the structure of CRM today (Hata 1992:78). In San Diego, significant work went into building the Interstates from the late 1950s through the 1970s. Examples of sites that were recorded through these activates include those along the lagoons adjacent to I-5 and the sites near Buckman Springs, along I-8, among many others (Murunaka 2009:102). The history of work at these sites reflected the transition from salvage archaeology to CRM in San Diego.

As detailed elsewhere in this study, the first phase of a CRM project generally involves a records search of previously recorded sites at an Information Center. Sites are recorded on USGS 1:24,000 scale topographical quadrangles along with boundaries of surveys that have been conducted for previous projects. It may be assumed that a large percentage of these boundaries encompass areas that have since been built upon. In order to test the relationship between project activities and site recordation I worked with SCIC employees to conduct a limited, exploratory analysis using ArcGIS. On September 30, 2010 the SCIC had a total of 20,018 archaeological sites with Trinomial allocations in their GIS database. A proximity investigation was run between major roads, highways, and freeways locations, as provided by the San Diego Association of Governments (SANDAG), in relation to previously recorded archaeological sites. The less than impressive result from this test was that 785 sites have been recorded within a 10-meter buffer of major transportation thoroughfares in San Diego. This number reflected 3.92 percent of all of the Trinomials recorded in the county at this time. A later analysis of the distribution of all sites in San Diego (excluding more than 3,000 historic addresses), suggested that State Caltrans only had 423 sites within their jurisdiction (see Table 7 in Chapter 11, Section CRM, Legislation, and Site Distribution in San Diego County). As of January 1, 2011, this represented approximately 1.8 percent of all sites within the GIS database for the County, or one site per 48 acres of Caltrans jurisdictional land. Based on the gray literature reports, interview data, and other assorted references, transportation corridor surveys should have encountered many more archaeological sites than this. It may be that site locations have been recorded inaccurately, and consequently, do not intersect with these transportation shapefiles in GIS. A second possibility, and perhaps more likely, may be that many of these roads were in place prior to the period when sites were being actively recorded. This would have had the
effect of instituting divisions that corresponded with the built environment, rather than representing the character of the original deposition of material associated with these sites.

In any case, CRM practitioners are contracted to record and manage archaeological sites that are to be impacted by government permitted project activities. For this reason, the spatial record of archaeological sites has become as much a reflection of development as a distribution of past human activity. While this is taking a highly CRM-centric perspective, since 1972 more than 22,000 sites have been added to the digital database of sites at SCIC (Noah 1983:7). CRM practitioners have recorded the vast majority of these.

CRM, UNITED STATES GEOLOGICAL SURVEY, AND THE TANGIBLE LANDSCAPE

While it might seem unusual to include a summary of the USGS in a section focused on spatial data in CRM, it is by no means unintentional. I contend that land survey in the United States has normalized the historically embedded perceptions that archaeological sites should be seen as tangible, discrete, and functional, rather than intangible and ideological. Additionally, it has promoted the idea that different types and distributions of cultural resources can be attributed different values. Land survey in the United States is founded in the practice of finding locations of value, assessing their worth, and controlling their exploitation. This well describes the role of the CRM practitioner when conducting work in relation to a proposed project. The following history of the USGS helps to provide a broader understanding of the assessment of land and value within the United States. From this, there emerge understandings of how “cultural resource” is defined in practice, rather than ideologically. This section attempts to ground contemporary understandings of cultural resources within historical conventions of defining space and its associated value. While there are many ways of approaching such an undertaking, I have opted to provide an allegorical deconstruction of the history of land survey, focusing on the United States Geological Survey (USGS). The reasons for this are not arbitrary. The maps that this bureau creates, most notably 1:24,000, 7.5 minute quadrangles are generally considered to be the mapping standard against which others are compared. The principal responsibilities of the USGS have always been to record and report upon natural resources (Rabbitt 1989). Over time, this information has been applied both toward exploitation and conservation. However,
the USGS has never strayed far from its initial responsibility of “classifying” natural resources in terms of type, characteristics, location, and utility (U.S. Federal Government 1785; U.S. Federal Government 1897).

A HISTORY OF THE USGS: CLASSIFICATIONS OF NATURE AND CULTURE

The Land Ordinance of 1785 was the first piece of legislation that defined procedures for the parceling of land and the recording of natural resources in the United States (Rabbitt 1989). In this document, the Geographer of the United States, later the Commissioner of the General Land Office (GLO), was given the responsibility of overseeing the mapping of lands west of the Ohio River (U.S. Federal Government 1785). Land was “classified” for the U.S. Federal Government through survey of precious metals such as gold, silver, lead, and copper, as well as, major geographic elements on the landscape. The distribution, quality, and potential value of these resources were to be mapped and recorded in accordance with this Land Ordinance (Rabbitt 1989). Chief signatory of this document, Richard H. Lee, specified that a surveyor should also record “all mines, salt springs, salt licks and mill seats, that shall come to his knowledge, and all water courses, mountains and other remarkable and permanent things, over and near which such lines shall pass, and also the quality of the lands” (U.S. Federal Government 1785). A grid system was established, consisting of townships with six-mile sides. Each township was subdivided into thirty-six sections, each one-mile square. The U.S. Congress was charged with the distribution, or holding, of these lands for capital (U.S. Federal Government 1785).

Between 1785 and 1879 land surveys were most commonly conducted by the Topographical Bureau of the United States Army, through federally funded projects organized by the U.S. Department of the Interior, and by individuals contracted by state governments (Rabbitt 1989). Following the Louisiana Purchase of 1803 nearly 830,000 square miles west of the Mississippi River were in need of survey and mapping (Thrower 2008:130). Roads, canals, harbors, and railroads were increasingly surveyed beginning in the 1830s. In the 1840s industrial resources such as coal and iron were becoming noticeably depleted, this lead to considerations of conservation and cries for increased government oversight. By 1850, all of the land that now comprises the lower
48 contiguous states was part of the United States. The General Land Office was absorbed by the Department of Interior in 1849, and later became the BLM in 1946 (Rabbitt 1989). Precious metals came to be of increasing importance. Most notably, the Gold Rush of 1849 forced the Federal Government to fund survey so that it could monitor new claims in the West (Walker 2001:189). The Corps of Topographical Engineers were responsible for conducting survey of a number of alternative routes for the Transcontinental Railway throughout the 1950s, until they eventually merged with the Army Corps of Engineers in 1863 (Rabbitt 1989). In 1862 the Homestead Act was passed, causing waves of land speculators and immigrants to travel west. Four large-scale surveys were begun between the years 1867 and 1869. The Hayden, King, Powell and Wheeler surveys were aimed at gathering a broad spectrum of information about the American West, ranging from the best locations for military outposts and travel routes, to mapping new resources, geographic areas, and Native American communities (Wilcox and Fowler 2002:145).

In March of 1879 the United States Geological Survey (USGS) was signed into existence as part of the U.S. Department of the Interior (Wilcox and Fowler 2002:149). The department already included the GLO, Pension Office, Office of Indian Affairs, and the Census. Its purpose was the “classification of the public lands, and examination of the geological structure, mineral resources, and products of the national domain” (U.S. Federal Government 1897). In 1879 Congress also created the Bureau of American Ethnology (BAE) as a way of handling the amassing data relating to Native Americans that had resulted from the many federally sponsored surveys of the United States. Information was to be transferred from the U.S. Department of the Interior to the Smithsonian Institute. John W. Powell was both the founding Director of the BAE, and the Director of the USGS between 1881-1894 (Thrower 2008:158). Hundreds of publications were founded in this relationship. The many detailed cultural maps, such as those created by the Division of Mound Exploration in 1894, can be seen as testaments to these exchanges (Rabbitt 1989). Powell was highly influenced by Lewis Henry Morgan’s theories of sociocultural evolution, and the two corresponded on multiple occasions regarding the nature of Anthropology (Wilcox and Fowler 2002:150). Following his assignment as Director of the BAE, Powell assigned four individuals to lead archaeological and ethnographic projects in the Southwest. These included Jack Hillers, James and Matilda Coxe Stevenson, and Frank Hamilton Cushin
(Wilcox and Fowler 2002:148). Between 1879 and 1902 there was at least one, and usually more, ethnographic projects being conducted in the Southwest under the direction of Powel (149). The Organic Act helped to define the roles of the GLO vs. the USGS on public lands. While the role of the General Land Office was to manage the newly created National Forests, the U.S. Geological Survey was to take on the role of mapping, classifying, and defining these public lands. The GLO became the Bureau of Land management in 1949, making the USGS the principal United States mapping agency (Rabbitt 1989).

Even in current times the mining of many precious minerals and metals may generate little revenue for the Federal Government. The reasons for this largely rest in the General Mining Laws of 1872, which provided for the staking of claims to mineral rights on approved public lands as a largely tax and payment free process (Walker 2001:188). In 1920 the Mineral Leasing Act was passed, which called for a one-eighth to one-quarter percentage of the profits made through the extraction of specific resources on public lands (Rabbitt 1989). This act applied to oil and other fossil fuels, as well as natural gas, sodium, phosphate, and fertilizers. However, most precious minerals and metals remained untaxed under the General Mining Laws.

WWI presented significant drains on war minerals. The USGS was tasked with resolving transportation issues and finding additional resources domestically and abroad (Rabbitt 1989). In 1920 the Federal Government began issuing permits for hydroelectric power projects that were being conducted on public lands. Because nearly 60 percent of all public lands still had yet to be mapped, this presented a significant amount of work for the USGS (Rabbitt 1989). California led the world in hydroelectric power production until the 1940s (Walker 2001:193). Between the years 1905 and 1940 approximately $600 million dollars in profit was generated in the state through this type of energy (173). Hydroelectric power continued to be an important component of the New Deal. Consequently, the mapping of water bodies and flows came to be of increasing importance for the surveyors through the 1950s. World War II caused major stresses on wartime resources, leading United States surveyors abroad to record sources internationally (Rabbitt 1989). WWII inspired greater considerations of national security, increased aerial mapping, and survey for transportation routes. Urban geology was increased in the name of civil defense, and sources of radioactive raw materials came to be highly significant. By 1964 all but 15 percent of the United States
had been mapped, and the Federal Government was receiving nearly .5 billion dollars a year in revenues from the extraction of resources on public lands (Rabbitt 1989). In 1972 the Earth Resources Technology Satellite (ERTS) was launched, effectively changing the way that all broad area surveys are conducted (Thrower 2008:186). In 1973 the oil crisis developed and prompted Congress to fund the USGS to find and record a number of alternative energy sources, most notably geothermal resources.

While this is in no way a complete history of land survey in the United States, I have tried to list most of the influential trends that have helped shape understandings of the surrounding landscape. Land survey has always been an instrumental part of resource mapping and project planning. The invention of satellite technologies for survey ushered in a wave of digital technologies and aerial imagery. Their dissemination and utilization have only intensified in time through interactive data networks, most notably the Internet. The media and interfaces used to interact with survey data have largely changed, and will continue to do so. However, the type of work that has been conducted since the Land Ordinance of 1785 is still embedded within practical framework for interpreting and classifying the cartographic landscape of the U.S.

**LAND SURVEY, ARCHAEOLOGY, AND DEFINING CULTURE AS A RESOURCE**

I have presented the previous section as a relatively direct history of land survey in order to allow the reader to gain a relative understanding of its development. The following section attempts to contextualize the broader social values associated with natural resources.

The USGS topographical map is, literally, a representation of the Nation’s resources. It reflects both the general history of survey in the United States and the processes behind the building of a nation-state. The classification of public resources has always been directly associated with assessing the distribution, value, and best utilization of land and natural resources (Rabbitt 1989). Nearly all of the major government sponsored surveys in the United States have been related to episodes of over exploitation of natural resources that were associated with intense consumption, increased development, or war. The demand for natural resources has continued to rise as population has increased, shifting survey interests to meet current needs, most notably towards oil and other resources considered valuable to
domestic consumption (BLM 2010). Attempts to develop alternative energy have been one manifestation of this process of consumption (see section on the Commoditization of Culture). The first major surveys directed at alternative energy were those for hydroelectric projects during the New Deal that followed WWII and a period of severe oil shortages (Aiken 2007:276). As national demand continued to rise, surveys directed at reducing the dependency on foreign fossil fuels came to be of increasing importance. Geothermal assessments were conducted following the oil crisis of 1973 (Rabbitt 1989). More recently, surveys for wind and solar projects have come to be the most popular projects on public lands in the western United States (BLM 2010). The subject of alternative energy is discussed in greater depth in other chapters of this study.

The period between 1872, when nearly free mining claims were issued, and 1920, when mineral extraction began to be leased, reflected a changing national conception of national resources (Rabbitt 1989). This trend was likely rooted in the nation’s history of manifest destiny. When the Gold Rush began in California the priority of the United States Government was state building. The lure of riches and the issuing of relatively inexpensive mining claims aided in rapidly populating the inhospitable western regions while, at the same time, establishing political authority and consolidating power. As gold became increasingly more expensive to extract, the government passed the Homestead Act, further populating the West (Walker 2001:178). In 1920 the laws surrounding the leasing of oil and other resources arrived well after the development of the United States as an autonomous nation.

Industrialism was woven into the fabric of the culture and economy, and consequently, taxing such high-utility resources was almost a question of assigning proper value to national patrimony. During the Gold Rush, images of natural resources being extracted from the earth by individuals through luck and hard work were not just widely disseminated; they were promoted (Walker 2001:181). This mass surge of hope and expectation surrounding wealth, as bolstered through the Homestead Act, effectively provided a legitimizing force for the ideas behind U.S. capitalism. As Walker observes, “capitalism is a social order of private property, unequal classes, extraction of surplus value, investment for monetary profit, and competition….This makes capitalist economies highly dynamic, the driving force behind industrialization” (2001:169). Ideologies surrounding the natural world were embedded in national concepts of individuality, self-determination, and industrialization. An extended
history of progress has been supported by nature, as it provided needed resources for new and changing social demands. In this way, the classification of natural resources, the subdivision of land through survey, and national ideologies of wealth and development were all interwoven.

The relationship between contemporary CRM and the USGS topographical quadrangle was perhaps first exhibited through the activities of the Tennessee Valley Authority (TVA) after 1933 (Aiken 2007:276). These projects provided a context that allowed for the earliest intensive, large-scale interactions between governmental agencies, archaeological salvage, and topographic mapping in the United States. As part of President Franklin Roosevelt’s New Deal, the TVA Act was enacted largely in order to promote major hydroelectricity projects and the rehabilitation of public lands (276). In 1962 Fred Wendorf observed that under the direction of William S. Webb of the Department of Anthropology at the University of Kentucky the level of archaeological salvage associated with dam building activities in the Tennessee River drainage was second only to that of the River Basin Surveys (1962:14). The TVA projects required extensive mapping of the flow of water and the topography of the region. In many ways this project was a model of what would come to characterize contemporary practices in CRM. The mapping of resource features by geological surveyors provided locational overviews of the impact. Areas of high potential for hydroelectric projects marked Areas of Potential Effects (APEs) to direct salvage activities. While the practice of preservation differed from today, salvage archaeologists were able to use the topographical map as a shared medium for recording and conveying information regarding specific areas with the different parties associated with the projects (Wendorf 1962:14).

**SPACE, CULTURE AND THE TOPOGRAPHICAL LANDSCAPE**

The United States Geological Survey is now the Nation’s primary mapping organization. The maps that it has created, most notably the 1:24,000 7.5 minute quadrangle, are generally considered the mapping standard against which others are compared. Norman Thrower observes that the early USGS maps were among the most accurate representations of the physical environment in the world, however they held very little cultural detail
Today their maps are far richer in cultural detail, perhaps reflecting a shift toward more public and diverse applications. The USGS maps continue to show topographical features and relative positions resources. Mines, water bodies, and other resources and features are represented as discrete point-specific, linear, or polygonal symbols. Cultural resources are also given discrete boundaries based on their component features and artifacts. These boundaries are defined in relation to the physical environment, often through natural features such as drainages or changes in slope. When an archaeological site is depicted upon these topographical maps it is seen as relating to the surrounding geographical landscape, as presented by the cartographer. In general, this relationship has been very beneficial to the practice of archaeology, and has presented a cross-disciplinary method for representing data spatially. However one must question whether the USGS map was originally designed as a way of representing the “classified” resources to be utilized or distributed by the Government; this then begs the question, what kind of understandings does this promote regarding the cultural resources that are exhibited as sharing this cartographic space? Akhil Gupta and James Ferguson contend that, “the presumption that spaces are autonomous has enabled the power of topography successfully to conceal the topography of power” (2006:67). Archaeological sites become “other remarkable and permanent things”, meeting the criteria of the first guiding principals for land survey in the U.S. (U.S. Federal Government 1785). Further, the idea that they can be assigned defined boundaries is promoted, perpetuated, and normalized. Cultural resources are depicted in relation to natural resources, leading to self-evident and commonsense cost-benefit interpretations of routes of access, ease of exploitation, and relative proximity. While I do not contest the usefulness of these types of analyses, I simply want to illustrate the ways pre-conceptions may be embedded in the medium of the mapping itself thereby demonstrating the relative and subject biases inherent in what many perceive to be objective data.

As previously noted, CRM practitioners most commonly employ the use of USGS 1:24,000 scale maps to record locational characteristics of archaeological sites. Sites are recorded as amorphous areas and points, situated relative to geographical and natural features on these maps. By recording archaeological elements on a map in this way, CRM practitioners are doing more than simply portraying a location; they are defining areas of cultural activities on a mapped landscape with its own rules of representation. One such rule
might include the visual projection of the USGS map, generally Universal Transversal Mercator, which represents a distortion of space itself in order to put a curved surface, the Earth, on a flat plane (Thrower 2008:223). Other aspects that might not be considered when first viewing a map include the amount of geographical generalization, the symbolic representation, the cartographic aesthetics, and the weighting of certain elements over others (249). The conventions of archaeological mapping are largely borrowed from the examples provided by agencies such as the USGS. An example of this is the archaeological sketch map, a requisite component of all DPR Site Record forms when submitted to the Information Centers for a Trinomial. While these are now usually generated in GIS and overlaid upon an aerial image, the symbolization of site elements are almost always applied in way to avoid conflicting with the conventions of the USGS or other maps. For example, prehistoric site boundaries should never be drawn with a line crossed by a series of perpendicular, equally spaced lines; this would depict a train tract running around the extent of the cultural area. These aspects of a map are often embedded, coded and invisible to all but the ready eye. One must remember, maps are created by people and are founded in interpreted ideological conventions; they are not transpositions of reality.

Topographical maps are relational; specifically stated, they are comprised of elements with distinct X, Y, and Z values. One of the principal assumptions of classic cartography and spatial analysis is distilled in Tobler’s First Law of Geography. He observes that, “everything is related to everything else, but near things are more related than distant things” (Tobler 1970:236). While superficially this idea seems to be common sense, this statement inspires a discussion of the definitions of “near” and “related”. For physical geography, nearness is often a very good indication of similarity e.g., elevation, vegetation, temperature, geology, and etcetera. This is true as well for relational elements; two things at a given place are often contextually related. In terms of archaeology, Tobler’s First Law might as well describe the process of defining a site boundary in contemporary CRM. Albert Spaulding, a highly influential archeological theorist, observed in 1960:

Artifact form does in fact vary systematically in space. The relationship is a direct one: artifacts or assemblages which are formally close tend strongly toward spatial closeness…The converse of the relationship, that artifacts of assemblages which are formally distant tend strongly to be spatially distant, is no more than half true…The real world not only presents special impediments to
Spaulding promoted the idea that societies were subject to universal and unilinear pressures to progress culturally. The relative nearness or separation in the spatial distribution of like assemblages was considered to be an indication of cultural relatedness or difference. Yet, as Harvey Miller has observed, such assumptions begin to require substantial interpretation when one considers the aspect of relation outside of a simply physical context, such as in terms of cause and effect, and nearness outside of proximity, and rather, in terms of temporality (Miller 2004:285). One example of this may be drawn from a solar alignment site that I had the opportunity to help document. In Spring 2011 I helped to photograph the rising of the sun in relation to two rock cairns. The cairns were situated east-west, roughly 15 meters apart, and were surrounded by a scatter of volcanic lithic flakes. When observed within the context of the local setting the site was no more unusual than many others in the surrounding area. However, this rock alignment was situated upon a mesa that overlooked a large valley to the east. Located on the eastern extent of this valley was a large mountain, running north-south, with a distinct u-shaped saddle along its ridge. As I snapped photos, at 6:53 am, on March 20th, I witnessed the sun rise within this saddle, and as it did, the shadow of the eastern cairn exactly aligned with the western-most cairn. Aside from being really neat, this experience provides an example of a site where all of the related elements can only begin to be observed at a precise time each year. In this situation, tangible site components included the two cairns, characterized by location, material, and dimensions. However, an intangible quality, the light of the sunrise, was what determined their positional nature, defined their meaning, and hinted at their significance and use.

Archaeological and geographical space, specifically that represented by the USGS, are often beneficially portrayed in association, however, these two need not be interpreted as directly related. Tobler’s First Law does not always provided for adequate understandings of cultural data. There are embedded rules of representation within maps. These have been created with the purpose of representing discrete and tangible elements associated with the physical landscape. Archaeological sites are most commonly understood as comprised of
physical objects that relate to past human activities, however, the cultural ideologies that may be associated with such resources can not be assumed to be so simply bounded.

**Tangibility, Functionality, and Mind-Body Dualism**

The understanding that nature is composed of physical elements that may be interpreted inherently and objectively is largely a product of the mechanistic view of the universe popularized by Isaac Newton in the eighteenth century (Henare et al. 2007:9). Many of Newton’s theories were widely interpreted as a direct rebuttal of Descartes’ philosophies pertaining to the separation of the non-physical mind and the physical body (Escobar 2001:143). Through successive developments in science, notably Darwinian evolutionary theory, interpretations of human cognition shifted away from concepts of Cartesian Dualism and began to be seen as a product of pressures associated with the physical environment (Chomsky 2002:50). While such understandings came to be widely adopted through the Enlightenment, acceptance of the mind-body division was never complete (49). In the beginning of the twentieth century the social and humanistic sciences came to focus on individual societies and groups as a subject of study (Wilcox and Fowler 2002:152). This focus on culture as ideology rather than biology encouraged the distinction between the natural world and social constructs. While the scientific approaches were new, concepts of the mind-body divide were already embedded within Western thought through concepts of Cartesian Dualism and other philosophies. In line with this perspective, culture came to be widely accepted as comprised of the ideological constructs that are intimately associated with the activities of a respective community of group. Subsequently, culture now provides for multiple interpretations, while nature is understood as tangible and directly observable. As Henare et al. have observed:

Matter is deemed “indifferent” (our term) in the most literal sense: it qualifies as matter just to the extent that it instantiates universal laws. Things of the world may appear different, but the point is that they are different in similar--Universal--ways; nature in this sense is ‘one’. Culture, on the other hand, is ‘many’. After all, while matter (nature) just is what it is indifferently, mind (culture) can represent it in different ways. [2007:9]

While this divide between nature and culture may be embedded within the fabric of Western thought itself and science in general, the history of the USGS and the maps it has
created have effectively legitimized the understanding that archaeological sites should be understood as relating to the surrounding environment. Such conventions in thought promote the idea that cultural resources are directly related to the natural world.

Robert Heizer was a proponent of applying theories of cultural ecology to the practice of archaeology (Hestor 1996:157). This mode of thought works within the assumption that societies will adapt their behaviors to the availability of useful resources within their surrounding environment. While cultural ecology would not be broadly defined until 25 years later, Heizer was advocating for the relationship between the environment and human activities as early as the first report by the University of California Archaeological Survey (Heizer 1948:6-7). The Archaeological Survey required that all sites be mapped on USGS quadrangles, which were developed as a tool for representing the distribution of natural resources. One aspect of cultural ecology of pertinence involves methods of mapping environmental resources in relative proximity to recorded cultural sites. This strategy, known as site catchment analysis, assumes that “people will exploit the landscape ‘rationally’, and that they will utilize resources in such a way as to maximize returns” (Johnson 2004:144).

From this perspective, risk minimization through food storage, kinships, and trade networks are used in conjunction with knowledge of the surrounding environment and relationships between resource availability and seasonality (145). The potential danger of this mode of thought is its dependency on rationality. By assuming that individuals are inherently rational, it restricts the interpretation of their choices to the realm of adaptation, rather than allowing for creativity. Darwinistic undertones of this mode of interpretation are common to many types of resource-centric types of theory. Through such perspectives, cultural change, as reflected by the cultural material, must be viewed at the level of community, where the group is expected to shift towards or away from some type of equilibrium or homeostasis (Johnson 2004:69).

The understanding that archaeological sites are part of an enclosed system of activity creates a divide between present communities and their ancestors. While such analyses would be possible for current societies, they would also be confounded by the many differing practices and beliefs held by individuals in the present. Because of this, these approaches are principally beneficial in observing the trends retrospectively, when groups have demonstrated the most prevalent trends over time. Furthermore, present communities, who
have often substantially changed their practices and relationships to their surroundings, are seen as lacking continuity with their ancestors. While, this may certainly be true in terms of some traditional practices, there is little basis for such arguments with regard to cultural ideologies. Here the issue of the mind-body divide is again relevant. A strict cultural ecologist would contend that activity is directly relational to the environment and, consequently, a functional representation of culture (Johnson 2004:144). In contrast, a proponent of post-processualism would argue that cultural ideology may correspond with functional activities, but also operates independently. Because of this, the potential for creative agentive action, a spark behind changes in community practices, speaks to the transformative nature of culture in general. In fact, it might be observed that the nature of change is that it is measured by contrast, rather than similarity. It may be that continuity, from this perspective, is only marked as evident once pressures have arisen that move to shift things from the norm.

**Considerations of Tangibility and Intangibility**

In 1990 the NPS and Advisory Council for Historic Preservation introduced the term “Traditional Cultural Property” (TCP) through National Register Bulletin 38 (Parker and King 1990). Authors Patricia Parker and Thomas King coined the term as a way of referring to a type of landscape-based, intangible, culturally defined resource that was being listed in the National Register of Historic Places. A TCP may be considered eligible, as defined by 36 C.F.R. 60.4 criteria, based on “its association with cultural practices or beliefs of a living community that (a) are rooted in that community’s history, and (b) are important in maintaining the continuing cultural identity of the community” (Parker and King 1990:1). King contends that idea of a Traditional Cultural Property was not new when this was published; rather, it had simply been considered common sense up until this date (King 2009). Through the 1980s, a surge of interest in place and identity promoted attention to culturally-derived conceptions of space. Keith Basso (1996) wrote about Apache place names, Mary Hufford (1986) gathered folkloric accounts of the pinelands along New Jersey coast, landscape architect Randolph Hester (1997) focused on the built environment, and Steven Gregory (1998) followed the example of Ulf Hannerz in studying urban communities (King 2003:69-77). Tahquitz Canyon, listed in the National Register in 1972, and Dry
Creek/Warm Springs Dam, listed in 1977, were both Section 106 cases that involved landscape conceptions of cultural resources (King 2003:25). In Palm Springs, people of the Agua Caliente Band of Cahuilla Indians, as aided by Robert Garvey and Thomas King, were able to stop the Army Corps of Engineers from constructing a dam at the location of their tribal origin. The Dry Creek/Warm Spring Dam project in Healdsburg, Sonoma County, was built in the face of heavy opposition from local Pomo Native American tribe members. However, stringent mitigation procedures, including preservation in place, set standards for applying Section 106 to tangible and intangible resources (King 2003:25).

Strictly speaking, Traditional Cultural Properties are not completely intangible; they are anchored in space by physically defined “property referents” (King 2003:265; Parker and King 1990:3). On the other hand, TCPs are largely ideological, a characteristic that presents substantial problems for the process of defining legal boundaries. Such a property’s extent is based on community conceptions of how the surrounding physical landscape interacts with existing cultural values. By its nature, a TCP need only be important to community members, and not the general outside population as a whole (4). In this way, a TCP boundary, as described by Bulletin 38, may be defined based on viewscape, encompassing topographic features, or the geographic distribution of people that hold these values. A TCP and its relationship to cultural ideology is complex. To be classified as such, a property requires some type of ownership exchange, or relational point of reference. Bulletin 38 presents a Traditional Cultural Property as a physical place from which ideas and cultural values are derived. For this reason TCPs are based in contemporary ideologies, though these may be representative of past values. Many of the ideas that began to promote the concept of Traditional Cultural Properties arrived through the sacred site legislation that was passed between the late 1970s and mid-1990s (King 2003:67). Notably, the American Indian Religious Freedom Act (AIRFA) was passed in 1978. It granted Native Americans access to sites of cultural and religious importance, and helped to define important places and landscapes as significant even when there was no associated archaeological material (Stapp and Burney 2002:63). The American Indian Religious Freedom Act (AIRFA) was amended through Executive Order 13007 in 1996. E.O. 13007 defined a sacred site as “any specific, discrete, narrowly delineated location on Federal land that is identified by an Indian tribe or Indian individual determined to be an appropriately authoritative representative of an Indian
religion” (U.S. Federal Government 1996:E.O. 13007, Section 1(b)(iii)). Based on this legislation, sacred sites came to be interpreted in a way that corresponded more with the concept of an archaeological site than an intangible cultural landscape. In some ways, Albert Spaulding’s conception of “the container” raises some pertinent insights:

There are, however, certain circumstances under which spatial units are given special meaning. These are cases where artifacts occur in some sort of container, and there is consequently a relationship between them which goes beyond mere propinquity. The container may be culturally produced... Here the entire collection of associated artifacts becomes a descriptive and comparative unit, and the spatial interrelationships of the component artifacts are presented in a formal description of the unit as a sort of super artifact. [1960:446]

The spatial dimension exists as a nexus of the quantitative and the qualitative. Spatial units are inherently continuous, and thus within Spaulding’s understandings, quantitative. However, because the artifacts gain their meaning in relationship to each other and the surrounding context, these points in space are imbued with a relational quality, just by being there. The container is similar to a Traditional Cultural Property in that they both represent places where value is defined as relational. Of course, from Spaulding’s perspective the culturally relativistic TCP would be devoid of significant data. The container perspective raises some interesting ideas by making comparisons between archaeological sites and TCPs. When a TCP is considered as a container, then the landscape within it becomes a collection of “super artifact(s)” (Spaulding 1960:446). The significance of this lies in the relationship between the community and this landscape; by shifting to this expanded scale, the cultural data is directly interpretable. The reason for this is simple; a TCP is defined by living people and to learn about it, all you have to do is ask them. Tim Ingold has observed that Western understandings depend on reductionism to form hierarchical categorizations of environments from large groups into smaller and smaller sub-groups and relationships (2003:305). He contends that when an entity is defined in terms of its component pieces, which in turn, is used as a component in another entity at a more expanded scale of analysis, this suggests a misleading sense of completeness, thereby obscuring potential gaps in the data (305). The boundaries of archaeological sites are generally determined by the absence of cultural markers (artifacts). I would argue that the “empty” space between sites, which is characterized by this absence of archaeological material, becomes imbued with a sense of
meaning when the regional archaeological record is interpreted as being situated within a broader cultural landscape.

It seems commonsense that a TCP must have some aspect of physicality in order to manage potential impacts through the existing legislation. However, this conception of bounded culture raises additional practical considerations. If TCPs are culturally defined by living populations, then does this require that community members must have preexisting knowledge of a specific place? And further, if all archaeological sites are cultural, why can’t they all be classified as TCPs? Thomas King has responded to these questions in turn as, “no” and “they can” (2003:256-258). Just as archaeologists have a tendency to classify and record unanticipated archaeological elements based on broader pre-defined understandings, living communities may also do this with regard to places. This is not a matter of simply “sensing” the importance of a new place, though this might arguably be acceptable. Communities may have embedded cultural understands regarding the potential significance of a certain type of place, prior to learning about a specific location (256). From this perspective, such a place is inherently important, yet it is situated within a space that shifts between intangible concepts comprised of cultural ideologies and physical representations associated with community identity. Archaeological sites, on the other hand, are conventionally recorded as bounded physical places. Based on the guidelines within Bulletin 38, a TCP need only have a “property referent” to ground community conceptions of value (Parker and King 1990:3). Regardless of why all, or individual, historical or prehistoric sites within a region are of importance to a group of people, outsider acceptance or rejection of this understanding inherently conflicts with the relativistic nature of a TCP (4). Generally stated, archaeological sites are important to communities because they say so, regardless of anyone else’s perspective. This is not to say that when a TCP is determined to be eligible for inclusion within the National Register of Historic Places it cannot be impacted by project activities. Instead, just as with other eligible properties, under NHPA guidelines this TCP must be considered in the planning process of a project, and proper procedures of consultation must be followed (4).
SUMMARY

Through this chapter I have sought to create a broader context for common understandings surrounding the “archaeological site”. I have intentionally avoided taking a data-centric perspective. Instead, I have attempted to ground this discussion in aspects of archaeological practice and the policy of historic preservation. As in all chapters within this study, I have drawn my understandings from my own experiences working in CRM, background research, the “grey literature” and interviews conducted with CRM practitioners, Native American monitors, and academic archaeologists. This chapter has explored the emergence of common definitions of “site”, the history of land survey in the United States, the impacts of development on the archaeological record, the nature of topographical space, and the concept of Traditional Cultural Properties as intangible heritage. In general, I have intended to exhibit the multi-faceted relationship between the cultural values held by past and present people, material objects, and the locations that are most standardly referred to as “archaeological sites”.

CHAPTER 9

ARCHAEOLOGICAL TIME

There are many ways of measuring time. Each of these methods has its strength, limitations, and embedded analytical assumptions. This general study of the emergent trends in CRM is not intended to be a textbook on all archaeological methods. As such, I have structured this chapter in a way that discusses some of the broader conceptions of time in general, and a few of the foundational methods of interpreting the relationships between temporality and past human activities. This chapter presents some initial theoretical considerations, evolutionary thought’s influence on conceptions of time, the diversification of language, culture history, the transitional perspectives of Albert Spaulding, Binford’s critique of normative theory, and the issue of palimpsests.

SOME CONSIDERATIONS ON TIME

Richard Morris, a theoretical physicist, has presented some pertinent observations on the relativistic quality of time. He has suggested that, “as the special theory of relativity shows, time measurements depend upon the state of motion of the observer” (1984:209). This theorist further contends that linear time was successfully introduced through Judaism; abstracted through the invention of the clock and Galileo’s conception of the universe; mechanized by Descartes and Newton; lengthened through the geological time of Hutton and Lyell; and infused with the notion of progress through Darwin, Spencer, unilinear evolution, and industrialization (Morris 1984:65-85). It is widely suggested that prior to the end of the medieval era the most commonly held conceptions of time and history were cyclical in character (10). Worldviews of cyclical time have generally been grounded in relation to nature’s rhythms. Numerous celestial, environmental, biological, and other natural phenomena speak to this quality. Amongst others, Hopi, Hindu, and Maya beliefs are well recognized as having sophisticated temporal-ideological cultural associations. At times these ideas have been subject to extreme romanticization. For example, Gregg Braden observes that the Mayan calendar marks the end of both a 5,125 year cycle, and 26,000 year cycle, on
December 21, 2011 (2009:71). There are multiple social movements that anticipate these events with interpretations of the “changing of an age in humanity” (Braden 2009), or even, with the end of the world as we know it. In any case, the concept of time holds significance for people across many cultures.

Whether time is interpreted as cyclical or linear, cognitive or absolute, it is nearly always relational. Massey has suggested that, “the fact that time may be the medium within which change occurs (or, more radically, that change-through-inter-relationality is one of the mechanisms in the creation of temporality) does not mean that it is its cause. Time cannot somehow, unaided, bootstrap itself into existence” (Massey 1999:274). Events occur and things change based on our understandings of how we sense time as relating to them. This is nothing new, as concepts of history have been described as present since before written records. This being said, the characteristics of these understandings have been highly varied throughout the past. It is difficult to think of the dimension of space as removed from concepts of time. As Massey contends, “the closed-system/slice-through-time imagination of space denies the possibility of a real temporality--for there is no mechanism for moving from one slice to the next” (Massey 1999:264). From this perspective, understandings of space, at least as associated with movement and human experience, cannot be divorced from their inherent relationships with time. The thrust of postmodernism across the sciences raised calls for more reflexive understandings of time and change (McGlade 1999:141). In response to this, considerations of how time relates to scientific interpretations have been more common, especially within archaeological studies. However, in no way has this understanding been adopted as a requisite component of all analysis.

Time can be observed from multiple perspectives. Tim Murray has described McCollough’s four “notions” of time as they occur within Western understandings (Murray 1999:2). He has observed these to include:

Foundational conceptions of time are conceptual and these involve the philosophical and theoretical dimensions of time; functional notions reveal time in its physical, economic and moral dimension; social notions bring out the lived and operational elements of time-consciousness and community perceptions; and artistic notions flow from the imaginative world of human perceptions. [1999:2]

Murray’s theoretical, physical, experiential and imagined conceptions of time may be discussed separately, however, within the broader context of culture and ideology, they occur
all at once. This understanding that time may be simultaneously understood, with equal relevancy, though multiple modes of interpretation, suggests that scientific elements of temporal data are also subject to variable results when different approaches are applied. As Richard Morris observed, “when we speak of “times arrows,” we mean only that the world has a different appearance in one direction of time then it does in the other” (Morris 1984:210). Similarly, the approach that an individual takes is marked by a respective physical, theoretical, and paradigmatic position. I hope that the following sections will help to illustrate this understanding. Archaeology is focused on the observation of past cultures and human activities. The results that such scientists arrive upon through analyses are often dependent on defined understandings of how to interpret changes in practices over time. If change itself is directly associated with a series of events, then understanding the nature of our interpretations of time should be considered a matter of primary importance.

**EVOLUTION AND TIME IN ARCHAEOLOGY**

Evolutionary concepts have had major implications for the way that time is perceived in archaeology. Following a trip to Europe in 1871, where he held meetings with Charles Darwin and others, Lewis Henry Morgan adopted concepts of the gradual and progressive nature of cultural change (Wilcox and Fowler 2002:152). Archaeologists became preoccupied with finding correlations between archaeological data and the pre-defined stages of cultural development across all cultures. John Wesley Powel, head of the U.S. Geological Survey and Bureau of Ethnology in the late nineteenth century, promoted these ideas (152). While the approach was generally contested by the Boasian school of Historical Particularism, this gradualist and unilinear perspective was widely adopted by culture historians in the early twentieth century. The distinction between earlier approaches and this new style of interpretation was that while these archaeologists adopted concepts of the rate and quality of change, they modified their scale of analysis to focus on distinctive and historically associated cultures that exhibited heritable continuity through the distribution of artifact types (Johnson 2004:17). Culture historians focused on the progression of cultural norms through time, viewing considerations of intent and cause to be statistical confounds associated with the “vagaries” of inter- and intra-cultural transmission (Lyman and Harpole 2002:324). Instead, cultural ideas were seen as relatively static, and interpreted in terms of
rises and falls of type popularity across space and through time (323). In this way, the focus had shifted to different bounded culture areas, however, the common understandings of time as unilinear and teleological were still present. Early excavations of Central California prehistoric shell mounds were unable to differentiate cultural trends through types. In 1913 Dixon observed, “in the mounds themselves are found the remains of a culture which is on the whole uniform from the lower to upper strata” (as cited by Browman and Givins 1996:83). While admittedly this excavation was conducted prior to the wide-spread adoption of serial analysis, culture historians could describe artifacts with respect to time, but were limited to looking at how change occurred, rather than why it took place. Jaroslav Malina and Zdenek Vasicek have contended:

Evolutionism--bounded by its declared belief in unilinear evolution--is time-conscious, rather than space-conscious. Time is not comprehended chronologically, however; rather, it is perceived as a sequence of successive steps…. It was only with the periodisation which occurred as a consequence of evolutionary thinking, that data, old and new, could be categorized according to the organizing principle of evolution. [1990:43]

Absolute dating technologies, sophisticated statistical analyses, and more nuanced considerations of stratigraphy emerged through the 1950s. Major changes in the fields pertaining to evolutionary theory, such as the discovery of the double-helix in 1953, were to have impacts across the sciences. The mechanisms behind past human activities became a central focus of archaeology, and concepts of time shifted to include temporally-specific events. As New Archaeology became established, many approaches drew directly from evolutionary theory. Gould and Eldridge formally introduced the idea of Punctuated Equilibrium in 1972, shifting the understanding of evolution away from gradualism, toward rapid speciation events (1977:116). In general, punctuated equilibrium was just the manifestation of a debate that had been embedded within the sciences since Darwin. In comments to Darwin regarding The Origin of Species, T. H. Huxley observed, “you have loaded yourself with an unnecessary difficulty in adopting Natura non facit saltum (Nature does not make sudden leaps) so unreservedly” (1860, as quoted by Gould and Eldridge 1977:115). Concepts of allopatric and peripatric speciation had already been been popularized by Mayr in the early 1950s (Gould and Eldridge 1982:382). Punctuated equilibrium, speciation, and DNA brought attention to the mechanisms of change and,
correspondingly, such concepts as “mode” and “tempo” were met by considerations of function, adaptability, ecology, systems thinking, and other evolutionary inspirations in archaeology (Gould and Eldridge 1977:115). As absolute dates began to be used in conjunction with relative chronologies the resulting combination became somewhat reflective of the stasis and rapid change of punctuated equilibrium (115). In general, evolutionary theory helped to provide a structure and model for interpreting archaeology’s data as both synchronic and diachronic.

**Time Depth and Linguistics**

It is believed that at least 88 different languages were spoken from Baja California Sur to the southern Oregon State border at the time of Spanish contact (Johnson and Lorenz 2006:34). The distribution of recorded Native American languages has been dispersed as a geographic mosaic across California through six primary language families (Golla 2007:71). Victor Golla has contended that one can interpret the amount of variability within specific language groups as being associated with the relative “time depth” of the speaking populations (2007:80) A large amount of variation within the language of a group represents a greater time depth than a group’s language with less internal diversity. One method that he has employed is by drawing comparisons with historically documented changes in Germanic and Romantic language groups. Golla has observed that the “absolute chronology of the internal diversification within a language family” can be correlated with archaeological dates (2007:71). This type of interpretation is based on models of genetic drift and gene flows that are associated with migration and population isolation in the biological sciences. Johnson and Lorenz have applied this model of diversification over time to the study mitochondrial DNA distributions within Native American populations. They have observed that, “when insights derived from linguistic prehistory and archaeology are used in conjunction with genetic analysis, a new synthesis becomes possible regarding past processes that resulted in changes in population and ethnocultural history” (Johnson and Lorenz 2006:55).

Golla suggested that there are two language families associated with Native American groups who traditionally lived throughout the San Diego County region. Takic languages are part of the Uto-Aztecan family (Golla 2007:74). The Luiseno, Cupeño, and Cahuilla tribal groups all speak languages associated with this family. Golla has interpreted the amount of
internal diversity within these language speaking communities to reflect a time depth of approximately 2,000 years (75). The majority of Native American tribal groups in southern San Diego region have traditionally spoken Yuman languages, a sub-group of the Hokan Phylum (78). Golla has suggested that the time depth of Hokan is approximately 8,000 years. The Kumeyaay tribal communities share a common language group with the Cocopa, Quechan, Maricopa, Mojave and others to east, and Kiliwa to the south (79). The time depth for both the Ipai (north of the San Diego River, from Escondido to Lake Henshaw) and the Tipai (south of the San Diego River, the Laguna Mountains through Ensenada) is approximated to be 2,000 years at the most (79). It should be noted that archaeological data suggests slightly older dates for these communities. Related language groups to the south include the Waikuri and Cochimi, in Baja California Sur, Mexico.

**CULTURE HISTORY AND CRM**

The understandings that U.S. culture historians created a century ago have been deeply embedded into the understandings of the successive generations in archaeology. These scientists promoted and depended upon the perceived relationships between changes in artifacts and the progression of time. Generally stated, time became a vehicle for relative measurements of variation within and between groups. The academic conceptions of time, history, and the past that has been constructed differs in the United States compared to the rest of the world. Unlike in European countries, where the historical record extends back for millennia, the United States has a relatively short written account of history. This has traditionally required a great deal of inference on the part of many scientists in this country. The culturally-bound assumptions, socially constructed ideologies, and methodologically imposed biases that have been introduced into interpretations of the past are a natural result of all such inference. While this is an important general topic of discussion, the focus here is specifically associated with conceptions of time. Through this section I discuss the practices of culture historians as they have related to the roots of formalized empirical research in American archaeology.

A typology is one strategy for defining broad cultural patterns as they relate to the distributed activities of past peoples, both in time and on the landscape. A type is both a generalized classification of similar artifacts and a single representative, abstract, and ideal
“artifact which symbolizes the group” (Rouse 1939, as cited by Heizer 1959:94). Seriation is a process applied by archaeologists for ordering types of artifacts, assemblages, or cultures by likeness, then comparing the results across sites, regions, or vertical depositional stratigraphy (Lyman et al. 1998). In general, it is a way of mapping relative trends in time. This practice assumes that ideas surrounding non-functional, historically representative artifacts remain constant, while the popularity or forms of such artifacts are expected to change. The focus on such ideas, or cultural norms, has been the reason that this style of thought has been labeled normative theory. The most popular type of seriation that has been applied by American archaeologists is focused on artifact frequency. In 1916 Alfred Kroeber invented the method of frequency seriation for analysis of the distributions of pottery types across sites in the Southwest (Lyman and Harpole 2002:313). In 1919, and again in 1940, he conducted highly influential work by applying the serial analysis of types of objects as they change through time (313). Alfred Kidder, a student of Hewett’s, applied an established form of phyletic seriation in the Southwest during the same period. These projects, and others, introduced a 45-year period in archaeology that was largely dominated by culture historians.

Lyman and Harpole have describe three different requirements for conducting frequency seriation: (1) short periods of time, in order to avoid measuring the formation of assemblages; (2) an assemblage must be organized by observing a single lineage of cultural tradition; (3) assemblages must come from the same locality (Lyman and Harpole 2002:316). This process depends on the fact that seriated types must be adaptively or functionally neutral, as to avoid the complexities of cultural transmission (316).

In 1916, and before, Kroeber applied concepts of gradual and relative frequency changes over time to analysis of pottery types in the Southwest, notably Zuni Pueblo (Lyman and Harpole 2002:318-319). He constructed ideal analytical type categories based on stylistic changes, comparing relative frequencies across multiple sites. This information was assumed to exhibit heritable cultural change through time, which he anticipated would be confirmed through later excavation (321). Finally, Kroeber assumed that the changes in pottery types themselves were reflective of heritable cultural values and ideas (Lyman and Harpole 2002:322). Whether the intent is to explain human activity, or to describe the geographic distribution of cultural groups, concepts of cultural change are intrinsic to the foundations of most archaeological preoccupations with time. Julian Steward has observed that Alfred
Kroeber “was no more interested in the effect of culture upon the individual (the culture and personality approach) than the individual upon culture (the great man theory of history)” (Steward 1961:1050). Regardless of whether or not Steward was promoting ideas of cultural ecology, Kroeber’s influential work was largely occupied with describing the mechanism of cultural change itself. Leslie Spire’s 1916 excavations, and subsequent publications, confirmed many of Kroeber’s findings by using excavation to check these distributions of “unimodal” types (Lyman et al. 1998:243). From the perspective of frequency seriation, stratigraphic excavation was done with the intent of determining the “direction of time’s flow” (257). Lyman has suggested that, through such “percentage stratigraphy”, types are ordered vertically through strata, where the expected distribution should be reflective of a rising and falling popularity, or unimodal curves (Lyman et al. 1998:244).

Frequency seriation involves the ordering of artifact collections based on their relative frequencies. Kroeber used this analytical technique by looking at frequency distributions of multiple concurrent types. He assumed that cultural change would be reflected by a “popularity principle”, where the increasing and decreasing popularity of a type within an assemblage would be characterized by a unimodal distribution of frequency (Lyman and Harpole 2002:323). This model of distribution was characteristic of the process of ordering the type frequencies as relative to each other, rather than based on absolute dates. This allowed for a representation of the evolution of prehistoric artifact lineages and the “flight of time’s arrow”, but could not provide insight into the direction that arrow was flying (Lyman and Harpole 2002:334). Phyletic seriation, as developed Patrie and popularized in the Southwest by Kidder, focused on finding formal and stylistic similarities within a collection of artifacts, then ordering such types though analyses of degradation and development (Lyman et al. 1998:241). This perspective was based on the assumption that similarity decreases as the temporal distance increases. Occurrence seriation was developed in the 1960s to assess the presence(absence, rather than their relative frequencies, of types that are defined through their degree of morphological similarity (Lyman et al. 1998:244).

Following Kroeber’s work in frequency seriation he moved on to a study of women’s fashions, publishing results in 1919. While in the prior period he was analyzing patterns of frequency over time, in his later work he applied his attention to observing patterns of cultural change based on dress styles with well documented temporal data (Lyman and
Harpole 2002:324). This technique produced multimodal distributions, representing reoccurring or “cyclical” periods of change or events (325). This contrasted with the linear understanding of time that was applied through frequency seriation. Lyman and Harpole have contended that this time-series analysis was distinctly different from frequency seriation because Kroeber measured changes in the averages of dress attributes with known dates, rather than the relative increasing or decreasing number of historically distinctive types over time (2002:324). This transition between the use of relative time and known dates was characteristic of broader trends in archaeology that were shifting toward more refined studies of the already established broad cultural areas. Formal classifications of cultures were beginning to emerge, and more standardized approaches were becoming established. While many ideas regarding these cultural areas were applied as foundations for subsequent research, other interpretations were new.

With the general methods of culture historians observed, I briefly discuss some of the major classificatory models that emerged through time. There have been multiple culture classifications that have resulted through the work of these archaeologists. Notably, the Pecos Classification in 1927, the McKern system in 1932, the Heizer-Fenega Central California Classification in 1939 and 1947, and the Willey-Phillips Southeastern classification in 1953 had far reaching impacts on North American archaeology (Swartz 1996:4). Heizer, Fenega and Lillard instituted the horizon concept in describing temporally defined, cultural trends as they were distributed across the geographic landscape (Swartz 1996:3). Alfred Kroeber later adopted this idea in describing cultural horizons through Peruvian ceramic pottery. Swartz has observed that Willey and Phillips credited Kroeber for providing inspiration, but in fact, Kroeber had derived many of his ideas from Heizer, Fenega, and Lillard’s insights (5).

Locally, Malcolm Rogers was the most influential culture historian on San Diego prehistory. He described past cultures in terms of broad and extended cultural complexes (or horizons), divided by shorter phases of change, and marked by specific industries (or traditions) of activity or manufacturing (Hanna 1982:378). Rogers, Heizer, Kroeber, Harrington, Treganza, Warren, Meighan, True, and others are largely responsible for having drawn these cultural boundaries prior to the mid-1960s. The subsequent research that was conducted by the next wave of processualist archaeologists brought a more detailed and complete understanding of
the San Diego region. However, the broad cultural areas that were defined by culture historians are still commonly relied upon in contemporary archaeological research.

Many of the concepts that were developed by culture historians were integrated into archaeology as time progressed. These understandings were passed on through conventions in practice and publications. V. G. Childe defined an archaeological culture as “an assemblage of artifacts that recur repeatedly associated together in dwellings of the same kind and with burials of the same rite. The arbitrary peculiarities of the implements, weapons, ornaments, houses, burial rites and ritual objects are assumed to be the concrete expressions of common social traditions that bind people together” (Childe 1950, as cited by Heizer 1959:97). These understandings are relatively representative of today’s approaches in archaeology, particularly in CRM. This quote, borrowed from Heizer’s *Guide to Archaeological Field Methods*, has influenced thousands of archaeology students, whether they know it or not. Its first edition, in 1949, has generally been considered to be the “first true textbook on American archaeology” (Lyman 2010:7). From this original version, to the most recent, printed in 1997, the text grew from less than 100 pages to more than 400 pages in length (4). These early concepts of cultural classification are still discussed in this text, and others, and continue to be embedded within the practices of contemporary archaeology.

**ALBERT SPAULDING’S TIME**

Albert Spaulding’s influence on the field of American archaeology spanned the period between culture historians and the New Archaeology. Over time his understandings
were more nuanced and he became increasingly reflective of the limitations of many analytical methods, even some that he had previously supported. In 1985 he observed that, at the very least, archaeologists prior to the 1930s “had discovered the grand culture types and put them in their proper order from the dawn of culture to the dawn of civilization” (Spaulding 1985:325). He incorporated elements of both archaeological paradigms. He sought norms in archaeological data, but also applied rigorous analytical statistics to discern “artifact types represented by nonrandom attribute clusters” (Lyman and O’Brien 2004:374). Spaulding observed that artifacts were composed of both quantitative and qualitative attributes (1960:441). However, it is evident that he believed cultural practice, as it relates to artifacts, could be reduced to discrete points of variation. This variation would be measurable with the proper instruments and list of variables. To Spaulding, “behavioral inference” was a product of “weak-mindedness”, and proper statistical parameters could be set to eliminate such confounds (1960:437). Lewis Binford described this method of interacting with archaeological data, which applied an analytical context that was purely derived of statistical constructs, as “Spaulding’s tongue” (1972:6). It was a type of specialized language, through which he could present his research and that of other anthropologists such as Leslie White in a way that seemed to minimize inference and allow the data to speak for itself. Through this brief section I will draw on Spaulding’s writings in order to illustrate some of the embedded understandings of time in archaeology.

Spaulding observed that the changes in culture were unidirectional. Cultural progress was seen as represented by technological innovation that occurred in response to the pressures of the natural environment (Spaulding 1960:453). He understood such innovations, in turn, as reorganized the associated society. As time progressed innovation within this society would cause the formal characteristics of artifacts to change (454). As such, cultural development was understood in terms of stages. Specifically stated, “there are stair-steps in culture change, the steps lead constantly upword” (454). To Spaulding, “time” was “a continuum sensed as a succession of events” (447, emphasis added). By using the term “sensed” he was acknowledging the relative nature of time with respect to the physical or biological observer. This, in itself, represents a divergence from the culture history perspective, where time was previously considered as inseparable from the analytical unit, e.g., artifact, assemblage or culture.
Spaulding observed that relative time could be understood as the ranking of one event relative to another. In contrast to this, absolute time scaling was interpreted as assigning a temporal point within a sequence of regular intervals with an arbitrary starting point (1960: 447). In this later case he is referring to representations of time such as the Western calendar. This time scaling was conducted by making inferences of events, based on the formal and spatial characteristics of an artifact. The goal was, generally, to infer when an artifact, or cluster of artifacts, of a distinctive form had been deposited at a specific location. He observed that all such chronological inferences should be formed by “interpreting spatial and formal attributes in the light of physical, biological, and cultural principles” (Spaulding 1960:448). In this sense, understandings of time could only be constructed in relation to the proper analytical types.

Spaulding interpreted the process of seriation as similar to the methods introduced by Alfred Kroeber in 1916 (Lyman and Harpole 2002:313). The difference between the two was his avoidance of simple commonsense types, and his intense dependency on the statistical distribution. He applied rigorous statistical analyses of multiple attributes associated with form, then determined the inverse relatedness between such forms. As Spaulding has observed, “when a group of assemblages is arranged in order of formal likeness, the assemblages are also ranked in time” (1960:453). Simply put, as formal resemblance increased, temporal distance decreased.

Spaulding’s understanding of the relationship of space and time was based in the distribution of artifacts. This distribution was expected to increase in space as time proceeded (1960:453). From this perspective, the area of distribution and the number of artifacts were directly related. This is generally the same as contemporary conventions in archaeology regarding space-time relationships. Spaulding’s understandings of space and time generalizes the difficulties associated with dating many artifact types based on form alone, a task that may be problematic even with the most ideally created cultural objects.

**NEW ARCHAEOLOGY’S CRITIQUE OF TIME AND CULTURE HISTORY**

J. O. Brew (1971) and James Ford (1954) presented widely read arguments in opposition to the use of typology in archaeology. In general, these theorists contended that
the application of typological categories by Spaulding, and others, obscured the “real” meaning of archaeological material. Brew suggested that typological categories were dependent upon theoretical conventions and subjective assumptions that were intended to serve specific predetermined expectations held by the researcher (Wylie 2002:47). The debate regarding the application of typology came to a head in the form of a series of critiques by James Ford and rebuttals by Albert Spaulding within *American Antiquity* from 1953 to 1954. Here Ford observed, “I am somewhat more uncertain than Spaulding that nature has provided is with a world filled with packaged facts and truths that may be discovered and digested like Easter eggs hidden on a lawn” (1954:9). In general, Ford was contending that culture is intangible and complex, and when archaeologists seek to describe the understandings and activities of past people they must rely to some extent on abstraction and inference in order to reach their conclusions. As Wylie explains, Ford was observing “the variability evident in the archaeological record (to be) sufficiently complex and enigmatic that it cannot be assumed to determine unique taxonomic categories” (2002:46). While these philosophical exchanges did not result the formation of a unifying theory in archaeology, they did assist in stimulating the formation of a diversity of opinions and approaches that have persisted to present day.

In the early 1950s Heizer observed that there was an increasing trend amongst archaeologists to incorporate functional rather than purely typological approaches in their analyses. He contended that, “with the demand for statements of historical meaning of types in terms of behavioral patterns (Krieger 1944) rather than mere “typological catalogues”... in archaeological reports, ordered and accurate assessment of types has become an exacting undertaking (Heizer 1959:94). With the emergence of New Archaeology, the culture historians were often labeled as proponents of normative theory, where a specific set of cultural norms and values were assumed to be related to types of artifacts and assemblages. Binford described this mode of interpretation as the “aquatic view of culture” (1965:273). He observed that:

Culture is viewed as a vast flowing stream with minor variations in ideational norms concerning appropriate ways of making pots, getting married, treating one’s mother-in-law, building houses, temples (or not building them, as the case may be), and even dying. These ideational variations are periodically “crystallized” at different points in time and space, resulting in distinctive and
sometimes striking cultural climaxes which allow us to break up the continuum of culture into cultural phases. [Binford 1965:205]

Binford was critiquing the normative assumptions regarding the relationship of archaeological material to culture. In general, he was dismissing these interpretations of cultural change and the representation of a culture type as defined through internally cohesive values that could be characterized by their artifacts. The rate of cultural change was understood to be gradual by culture historians. Through seriation of relational changes in frequencies or forms, these archaeologists assumed that relative time could be observed. Binford contested the idea that the form of an artifact could only be of utility as a chronometer (Lyman and O’Brien 2004:386). Seriation depended on non-functional, historically distinctive types in order to compensate for the “vagaries of cultural transmission” (Lyman and Harpole 2002:324). For this reason, culture historians focused on decorative and functionally neutral characteristics of the archaeological record, e.g., Kroeber’s analysis of corrugated, Three-Color, and Black-on-Red types in his 1916 Southwest pottery seriation (Lyman and Harpole 2002:320). This understanding of form presented inherent conflicts with Binford and other New Archaeologists who, among other things, were interested in the functional relationships between artifacts and the environment (Johnson 2004:74).

The arguments presented by Binford were not exactly “new”, but they resonated audibly with the new cohorts of emerging archaeologists. He had taken classes as an undergraduate that promoted the Boasian school of American Archaeology. Though culture history was still the lingua franca, cultural differences between groups were generally explained as being a product of their respective histories. In graduate school at the University of Michigan he had classes with Leslie White, Albert Spaulding, and James Griffin. Spaulding taught courses that employed rigorous statistical classifications of archaeological material within a static cultural framework. Binford saw Spaulding’s statistical anthropology as something distinct from archaeology, comprised of a type of logic that supported a language all to itself (1972:6). Leslie White had been trained in the Boasian tradition, working and studying with Ruth Benedict, Alexander Goldenweiser, and Edward Sapir (McGee and Warms 2003:257). His perspectives diverged sharply from those supported in his education. Leslie White, “the (reputed) dragon slayer of Boasianism”, drew heavily on
the ideas of Marxism, evolutionary concepts of energy maximization, and the relationships between humans and environmental pressures in promoting a view of culture that relied on several universal laws (Binford 1972:6, emphasis added). Binford summarized these experiences with White, explaining that “culture was not some ethereal force, it was a material system of interrelated parts understandable as an organization that could be recovered from the past, given the language to be learned from Spaulding” (8). Archaeologists such as Julian Steward promoted concepts of cultural ecology that shared some of the same principles, however they opposed many of White’s pan-cultural applications of cultural adaptation (McGee and Warms 2003:257). Steward, and the many notable others within his camp, instead focused on how culture was determined by the exploitation of specific environments through technological innovations (243). Steward’s conception, also largely derived from readings of Marx and Engels, differed from many historical particularists in that it did not value unique characteristics of culture due to their lack of utility as comparative factors (249). In any case, the emergence of the “New Archaeology” was a product of multiple divergent interests that were bound by a common theme; the intent to define themselves as new and different.

**PALIMPSESTS AND SUPERPOSITION**

During a speech at Stanford University in 2009, Gavin Lucas discussed the archaeological implications of the concept of palimpsest as it relates to the archaeological record (Lucas 2009). Lucas observed that the “palimpsest” term emerged into the field through three publications in 1981, respectively by Lewis Binford, Robert Foley and Geoff Bailey. The word ‘palimpsest’ was originally derived from the Greek *palimpsestos*, meaning “scraped again” and *palin*, meaning “anew”, “back”, “once more”, or “furthermore” (Myetymology.com 2011). The *American Heritage Dictionary of the English Language* explains that this was originally a description of the act of re-using a piece of papyrus where the original writing was incompletely erased and still often visible beneath the more recent script (2006). In archaeology, a palimpsest refers to the idea that the activities of people, within the same space, over time, has the effect of erasing the details of previous events. The implication for this chapter is that artifacts may be reworked for different purposes, and that sites may be reused. As Lucas has observed, “the concepts of stratigraphy and palimpsests
are virtual points at either end of a continuum: on the one hand, total preservation of sequence, as every materialization in the past had been preserved, and on the other, total erasure of each materialization by a succeeding object-event” (2009). Through this process the value of extended typological sequences for determining relative dates is significantly reduced. Types are no longer historically distinctive, and consequently, of little utility for exhibiting the unimodal characteristics required for describing the changes in popularity within a bounded culture. As Charles Bull and Ivan Snow observed in 1980, “relative dates are reflected in the positional and assemblage characteristics of the record. Relative temporal variability, therefore, will be nested in the spatial and formal elements of analysis” (59). While the formal characteristics of this most recent palimpsest may be reflected through this understanding, previous formal attributes may have been erased.

The check against the temporal blindness that may be presented by the concept of the re-use of artifacts is based in the stratigraphic deposition of artifacts over time. Through successive depositional periods it may be assumed that some historically distinctive artifact types may be left intact within older cultural layers. As previously stated, Lucas observed that palimpsest and vertical stratigraphy are situated on opposite ends of the same continuum. Both stratigraphic excavation and considerations of palimpsests should be applied in conjunction. In an area such as the San Diego region, where sever impacts to the depositional integrity of cultural stratigraphy have been presented though vandalism, looting, and bioturbation the palimpsest concept is of notable significance. Such impacts necessitate an even greater degree of inference in determining the temporal characteristics of such archaeological data. While, this in no way discredits the importance of archaeology, we must ask ourselves, what is the best way for San Diego CRM to proceed with these understandings in mind?

**SUMMARY**

The concept of time is central to the practice of archaeology. CRM practitioners tend to apply time in the same way as academic archaeologists. The reason for this is likely based in the fact that temporality is largely theoretical, rather than practice based. Time is associated with an individual practitioner’s paradigmatic and cultural indoctrination. Because most professional archaeologists within the San Diego region were educated within the same
principles that are largely accepted in American Archaeology, their perceptions regarding time are more likely to correspond with the variety of perspectives that are available within the broader discipline and not individually. In any case, it is clear that both academics and San Diego CRM practitioners depend heavily on the foundational work conducted by culture historians such as Malcolm Rogers. This chapter on archaeological time has presented some initial theoretical considerations, evolution’s influence on conceptions of time, time-depth through the diversification of language, the practices of culture historians, the transitional perspectives of Albert Spaulding, Binford’s critique of normative theory, and the issue of palimpsests.
CHAPTER 10

DEFINITIONS OF ‘CULTURAL RESOURCE’

This chapter began as a single interview prompt; what is a cultural resource? The intention behind this question was to gather as many different perspectives as possible. As this project progressed, it became evident that there are nearly as many definitions for this term as there are people familiar with it. I have come to understand that “cultural resource” is significant precisely for this reason; it is both widely applied and variably understood. There is a popular tendency amongst critics of CRM to define “cultural resource” using single-dimensional categories, e.g., “cultural resource” means data/money to the Archaeologist, heritage to the Native American, obstacle/cost to the Developer, and vaguely written legislation to the Bureaucrat. The ambiguity, cloaked in what appears to be an accepted standard, allows these various parties to interpret a cultural resource in a manner that benefits their individual needs. Unfortunately, it is also what creates tensions when the needs of more than one party conflict.

This term emerged nearly forty years ago, and has since successfully persisted and been promoted through a multitude of technical reports and legislative guidelines (Fowler 1982:1). Through this chapter I attempt to lend some clarity to the question of why something that is so ubiquitous, is still so vague. CRM practitioners apply their understandings through conventions of practice. Because of this, cultural resources have come to be most commonly understood through classifications of location, value, data, legal requirements, and impacts. This chapter deconstructs the idea of a “cultural resource” by drawing upon linguistic concepts, historical trends, legislative guidelines, and the understandings provided through in-depth interviews.

A LINGUISTIC INTERPRETATION

One cost of spending a great deal of time within the offices of CRM firms or under the phosphorescent lights of academic institutions is that we tend to forget. There are many people on this planet, and all of them will not fit within such confines, nor would the
majority choose to study Anthropology if given the option. Throughout this study I have put a great deal of effort into deconstructing the idea of a “cultural resource”. And, while I would argue that most people have an understanding of what culture is, very few would guess that professional archaeologists are commonly granted a position as stewards of “cultural recourses”. It is unlikely that even a small percentage of the general population have even heard this term. In general, the lack of common recognition of this term may be attributed to its specialized nature and internal use. However, cultural resources are protected based on their value to the public and local communities. So I ask, if cultural resources are being managed in the name of the public, why does this term lack a level transparency that might allow it to be directly understood by everybody? For a business that accounts for roughly $500 million dollars a year nationally (King 2006:1), it is unfortunate that many have never heard of it.

Semantically, the term “cultural resource” is rather vague. In itself, it is a relatively commonsense description of anything that is characteristic of a broader culture. From this perspective it relates to art, nature, community, and anything else that holds importance for people. As it has been adopted into common usage within the fields associated with environmental impact assessment, this term has begun to encompass distinct ideological, physical, and practical elements. “Cultural resource”, as it is generally applied today, is the result of a complex history of semantic shifts. Since their inception in Latin, both of these respective words had been independently subjected to *amelioration*, adopting positive connotations (Hughes 1988:12; Myetymology.com 2011). It is unclear as to when the general population began to accept these changes. In any case, the term “cultural resource” was not widely applied in a way that reflects today’s usage until its adoption by public archaeologists in 1971 or 1972 (Fowler 1982:1). Since this period the term has been imbued with a semantic quality that encouraged a generalized interpretation and a lack of transparency. In this way, “cultural resource” was packaged within semantic *euphemism*, “being a linguistic indicator of a variety of taboos…revealing of certain cultural and psychological determinants…(and) contrived by vested interests for public conceptions” (Hughes 1988:15, emphasis added). During a period when archaeologists were frantically struggling to maintain pace with the increasing demands of development, this semantic quality proved useful for promoting value while avoiding the advertisement of what exactly was being impacted and how it hindered
construction activities. Perhaps more importantly, this surge of contracted archaeological work was promoted by a rising body of legislation, notably, California’s 1972 Friends of Mammoth decision (Supreme Court of California 1972: Sac. No. 7924). The adoption of more generalized, ameliorated, and euphemistic terminology was highly beneficial for use in legislation and reporting information to the public. In keeping with this, the term “cultural resource” was a suitable companion to the new laws. Because ownership is not inherent in its definition, liability is not either. In contemporary practice, when multi-million dollar projects pay hundreds of thousands of dollars (or more) for environmental impact assessments, being held liable for poor mitigation practices may cost all involved parties a lot of money. George Orwell argued against the use of jargon and the pollution of the English language through the application of indirect description in writing. In a list of suggested rules he contended that one should “never use a long word where a short one will do…never use the passive where the active will do…(and) never use a foreign phrase, a scientific word, or a jargon word if you can think of an everyday English equivalent” (Orwell 1984:366). I would agree with Orwell that the lack of transparency within jargon such as “cultural resource” can be frustrating and misleading. However, I would contend that this vagueness is characteristic of most law and, for better or worse, it is this provision for a broad range of interpretation that allows CRM the capacity for both increased preservation and self-interested bias.

In considering the syntactic elements of “cultural resource” a slightly more intricate understanding begins to emerge. Both words are composed of morphological units, or one or more basic units of meaning (Crystal 2003:90-91). The lexeme cultural is relatively simply constructed. The root cultur-, from the same derivation of the contraction cult, is combined with the derivational suffix –al, meaning ‘pertaining to or act of’ (Katomba 1993:50). Regarding resource, the derivational root re- refers to a succeeding occurrence, or ‘again’. Source refers to ‘come from’ or ‘rise from’. Additionally, while the inflection -s is not added to “resource” in this case, it is common for CRM to be understood as “cultural resource(s) management” in order to portray an understanding of the multi-definitional nature of this term. This same concept also applies to the intentional avoidance of the a capitalization of C- in “(c)ultural”, as to avoid pan-cultural, non-relativistic understandings.

The distinction between “cultural resource” and “cultural heritage” is one that warrants some discussion. There are nearly as many definitions for the term “culture” as
there are academics. In their famous publication, Kroeber and Kluckhohn arrived at more than 150 definitions (Borofsky et al. 2001:432). In the spirit of such narcissism I, for now, will treat it as, an essential element of human belief and activity. At the etymological root of the term “heritage” is the Latin *hereditare*, meaning ‘inherit.’ In contrast, the term “resource” comes from the Latin *resurgere*, meaning to ‘rise again’, ‘reappear’, or to ‘rise up again’ (www.myetymology.com 2011). While word meanings may shift, like all elements situated within the dynamic frameworks of culture, the historical roots of these terms help illustrate two distinctly different contemporary understandings. People may possess both “heritage” and “resources”, though I would argue that the later is more commonly understood as a “thing” (Appadurai 2010:13). And granted, it is possible for “resource” to adopt the meaning of “heritage” when it is passed from one generation to the next. However, “heritage” represents an inherent link between the past and the present that is owned, or personified, by the subject. “Resource” represents something of value that may be found and applied to some essential purpose, however the subject is provided no inherent ownership. This raises the question; if San Diego’s professional archaeologists are working to gather information about past human activities, often with Native American decedents present as monitors, why then do we commonly refer to this information as a “resource” rather than as “heritage”? 

Susan Bruning has observed that definitions of “cultural resource/heritage” vary more in U.S. legislation than in that of European countries. Invested in these definitions are a variety of interests that include “repatriation vs. preservation; confidentiality vs. publication; ownership vs. stewardship” (Bruning 2010:212). The concepts of repatriation and preservation are thoroughly addressed within other chapters of this study. Confidentiality vs. publication is an issue of heated debate within the practice of professional archaeology. While every CRM project requires the publication of a report within the “grey literature”, such documents can generally be accessed from the Information Centers only with the help of a qualified archaeologist or historian. This, again, illustrates the differences between “resource” and “heritage”. For many countries archaeological information is a matter of national patrimony. For example, the Constitution of Mexico claims “oil, gas, electricity, water and archaeological sites” as property of the state (Aranda 2010:227). Of more than 39,000 archaeological sites in Mexico, 173 are open to the public, and 6 are on federal land. While it may be that archaeological sites are also thought of as national patrimony in the
United states, access restrictions to such areas tend to be much more prohibitive then in other countries. Bruning contends that privacy regarding cultural information is crucial for maintaining cultural vitality. She observes that, “only through control of certain knowledge elements by particular individuals or groups does some traditional knowledge retain its vitality as an active asset of the community” (Bruning 2010:216). Bruning further suggests that, for this reason, NAGPRA presents an inherent conflict by requiring a “reasonable” (U.S. Department of the Interior 1990:Section 7 of NAGPRA) proof of cultural affiliation. From this perspective, to disclose guarded cultural knowledge is to present a violation of cultural security. This pertains to the Information Center system that is in place in California and to the communities who prefer to keep their cultural knowledge to themselves. However, I would contend that the opposite might also be argued for the disclosure of cultural information. The author seems to assume that cultural practice and knowledge should be guarded, so as not to be contaminated, weakened, or re-defined for different purposes. It seems just as likely that a certain amount of disclosure may ameliorate an understanding for the broader public, thus precipitating a drive towards preservation rather than creating a system of “insiders” and “outsiders”. Arun Agrawal has observed that the scientific tendency to archive and store indigenous information is an active form of oppression (1995:428). The author has contended that:

(1) they wish to isolate, document, and store knowledge that gains its vigor as a result of being integrally linked with the lives of indigenous peoples; (2) they wish to freeze in time and space a fundamentally dynamic entity--cultural knowledge; and (3) most damning, their archives and knowledge centers privilege the scientific investigator, the scientific community, science, and bureaucratic procedures. [Agrawal 1995:428]

While I would argue that when “they” created the Information Centers there was no intent to suppress indigenous populations, I would agree that the system that is in place has a tendency to privilege a select portion of the population. By locking away such information in an attempt to make it secure, this risks support of an interpretation that there are no internal cultural changes taking place to those traditional understandings, or worse, that traditional practice must remain static to be “authentic”. Responding to such issues, 1992 amendments to the NHPA provided for the right of Federally Recognized Native American tribal groups to manage the information pertaining to their heritage by instituting a system of Tribal
Historic Preservation Officers (THPOs; King 2009). As of Summer 2009, there were 82 THPOs nation-wide, 18 of these in California (California State Parks 2009:2(3) 1).

Within the United States these issues of heritage raise questions as to who’s culture is it? The term “cultural resource” allows for a diffuse, rather than a distinct, sense of ownership and responsibility, while retaining elements of spatial association. The term “culture” is ideological, and “resource”, its associated representation. Sapir defines culture as, “those general attitudes, views of life, and specific manifestations of civilization that give a particular people its distinctive place in the world” (Sapir 1924). Embedded in the term ‘culture’ are the meanings, a “place tilled” from Middle English, and “to inhabit, care for, and till” from Latin (Casey 1996:34). Directing this understanding toward CRM, all archaeological practice operates with the understanding that many past human activities can be represented through cultural objects and their associated contexts. The foundational units of this mode of thought are comprised of archaeological artifacts, features, and other such spatially fixed objects and things. Professional archaeological management practices are determined by existing legislation, which generally varies by property ownership. Consequently, cultural resources must also be spatially defined. More specifically stated, the responsibility for the management of a specified cultural resource is spatially determined by location and/or the presence of cultural objects; however, ownership of the ideas associated with such places and objects are open to interpretation. It seems likely that the term “cultural resource” has gained wide acceptance specifically because it has been able to be applied successfully in dealing with the complex legislation that has emerged since the 1960s. As with any resource protected by laws, “cultural resources” may change ownership based on who is in charge of a particular piece of property. In my experience conducting interviews, most notably with Native American monitors, I have felt how inappropriate terms such as “archaeological resource”, “artifact”, and “site” can be when discussing aspects of culture and heritage that fall outside of legislative boundaries. For many people, archaeology feels overly scientific and ineffective for characterizing their understandings of heritage. This promotes a sense of discontinuity between past people and their living descendants. However, because the terms “cultural resource” and “archaeological resource” have come to be thought of as generally the same, this disjunction is already deeply embedded within the legislation and practice of CRM itself.
EMERGENCE OF THE TERM AND LEGISLATIVE DEFINITIONS

Following the enactment of a rapid succession of laws directed at the preservation of the natural and historical environment in the 1960s and 1970s, it became clear that archaeologists had to carve out their specialized niche. The term “historic properties” had been gaining legislative attention for years; however, this was considered to be the domain of architectural historians (King 2008b). Natural resources were represented in the environmental laws, and were already well protected by the NPS and other agencies. “Cultural resource” emerged as both something new, and something in between these previously recognized categories (King 2008b). Because it was championed by archaeologists, many of whom were still well accustomed to conducting salvage work just ahead of the bulldozers and rising waters, the term was written into law as data-centric and very archaeological.

In 1982 Don D. Fowler observed that the term “cultural resource” was first used by National Parks Service staff in 1971 or 1972 (Fowler 1982:1). A. J. Lindsay and W. D. Lipe (1974) are most commonly recognized with the first publication containing the “CRM” in the Proceedings of the 1974 Cultural Resource Management Conference, Federal Center, Denver, Museum of Northern Arizona Technical Series No. 14 (Fowler 1982:1). James Judge and L. E. Aten notably used the term “cultural resource” at this same conference. Based on the recollections of Thomas King, he confirms that “CRM” first gained popularity amongst archaeologists in relation to the Cultural Resources Management Conference in Denver. However he contends, perhaps in jest, that this general consensus, and pivotal moment in CRM history, occurred after the conference in the Denver Airport bar, where many of the participants had congregated due to delayed flights (King 2002:13).

As previously noted, government agencies have followed the same general trends as the federal legislation. The guides that these agencies have created re-emphasize the changing relationships between definitions of “cultural resource” and archaeological practice over time. In 1978 a guide entitled The Archaeological Survey was prepared for the Office of Archaeology and Historic Preservation. Early drafts of this publication, written by Thomas King, were edited and commented on by Timothy Klinger, Hester Davis, Stephen Gluckman, Patricia Parker, C. R. McGimsey III, Fred Plog, and Margaret Weide (King 1978:2). King
observed within this paper that “it is important to remember that one need not be concerned with everything that happened in the study area, but only with those things that might be directly or indirectly reflected in or on the ground” (King 1978:45). This understanding regarding archaeological sites is still central to practices in CRM today. In general however, the author was promoting the concept of archaeological survey over excavation. King’s statements were characteristic of an archaeology-centered perception of “cultural resource” at the time. Years later, King presented a paper at a Society for California Archaeology conference, where he admitted his contribution to the sense of “archaeobias” during this early period of CRM (King 2006:1). In 1990 the NPS and Advisory Council for Historic Preservation introduced the term “Traditional Cultural Property” (TCP) through National Register Bulletin 38 (Parker and King 1990). Authors Patricia Parker and Thomas King coined the term as a way of referring to a type of landscape-based, intangible, culturally defined resource that was being listed in the National Register of Historic Places. This followed postmodern trends throughout the social sciences that promoted a broader sense of relativistic understandings regarding culture in general. This publication based its guidelines on the significance criteria listed in the National Register of Historic Places (U.S. Department of the Interior 1966:36 C.F.R. 60.4). Seven years later, within a 1997 National Register Bulletin, the National Parks Service defined “cultural resources” as a “building, site, structure, object, or district evaluated as having significance in prehistory or history” (U.S. Department of the Interior 1997:Appendix IV). Again, this was based in the National Register criteria. Applying a tangible, “scientific” interpretation, the BLM published guidelines for managing cultural resources seven years later. In 2004 the BLM observed that “cultural resources are concrete, material places and things that are located, classified, ranked, and managed through the system of identifying, protecting, and utilizing for public benefit” (BLM 2004:Glossary, 2). This understanding is representative of the commonly applied distinction between a “cultural resource” in practice and a “cultural resource” in theory. There is no widely available guide for managing intangible cultural heritage. However, for 55 years it has been common practice to manage impacts and record historical and prehistoric archaeological sites as if they were the only “cultural resources”. To illustrate some of the changing trends in the ways that culture is perceived, I return to where this section began. In 2008 Thomas King, who wrote the data-centric OHP guide in 1978,
observed that cultural resources “should be understood as those aspects of the environment—both physical and intangible, both natural and built that can have value of some kind to a group of people” (King 2008a:3). In many ways, this quote is representative of the current shift to include intangible considerations within the process of managing of cultural resources.

**RESPONDENT DEFINITIONS**

Through this study of emergent trends in San Diego CRM I have sought to deconstruct the embedded biases regarding concepts of culture. This process has forced me to acknowledge many of my own pre-conceptions in an attempt to provide this information in an honest and transparent way. Charles Briggs has observed that a researcher should be conscious of the “interpretive frames…created by participants in the interview” (1986:12). Such contexts are not just defined by action, but by other associated forces, such as culture. To impose communicative norms and expectations on the informants and observed events amounts to what Briggs terms “communicative hegemony” (121). The following list of responses within Table 6 provides a representative sample of the range of definitions for the question, “what is a cultural resource?” (a complete list of interview questions is available in Appendix C). This question has been more informative than most of the others I asked respondents. I attempted to gain as broad of a range of perspectives regarding CRM as possible, and nearly every interviewee defined “cultural resource” differently. Responses cover the entire spectrum, from data-centric perspectives to culture-based and intangible interpretations. As previously noted, respondents have included CRM practitioners, policy makers, academic archaeologists, and Kumeyaay Native American monitors. See Table 6 for the myriad of responses that I received.

In practice “cultural resource” is most commonly understood as synonymous with “archaeological site”. This later terminology has already been discussed in depth within the chapter on Space and CRM. Instead, I attempt to move away from archaeological practice
Table 6. Definitions of Cultural Resource

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<th>Definition</th>
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<td>“As an archaeologist I work under the definitions that are essentially provided by the state in terms of the guidelines for filling out site forms. 3 artifacts within 30 meters is a site, anything less is an isolate” (Arch-11, interview by author, May 13, 2010).</td>
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<td>“Something made or utilized by people that is either 50 years old or that is significant to the population” (Arch-10, interview by author, April 15, 2010).</td>
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<td>“A thing that culture holds dear” (Arch-3, interview by author, December 23, 2009).</td>
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<td>“Any item, feature, or landscape created or interacted upon by humans” (Arch-6, interview by author, February 21, 2010).</td>
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<td>“Mesoamerican Archaeologists, specifically with regard to those that work in Mexico, call the record “patrimonial nacional”, National Patrimony. A project is approved if it can contribute to a sustainable economy, even at a micro-scale. If a project is in the interest of building tourism no one determines how long it should take” (Arch-12, interview by author, May 14, 2010).</td>
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<td>“A cultural resource is both tangible and intangible, its real stuff: something that’s left by people’s activities that you can see and touch and feel. It’s also something such as a feeling that people have for a place, or an activity such as oral tradition, or even, a mountain peak that may have no archaeology at all. A special place for someone that’s a Native American, or somebody that’s not a Native American, such as a place that your parents took you to when you were a child that’s a place where something significant happened and you remember it” (Arch-5, interview by author, February 18, 2010).</td>
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<td>“What everyday people think is important from their cultural values and systems. Anything in the environment that has some relevance to people’s identities and beliefs. And that can be places, things, intangible social institutions, beliefs, all kinds of things” (Arch-7, interview by author, March 2, 2010).</td>
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<td>“Anything created by human culture. It may be something that has not been modified but has value to people. There are naturally weathered rocks that have local significance that play into the local Native American history. You have to go the whole range from things made by people and things valued by people” (Arch-1, interview by author, December 10, 2009).</td>
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<td>“In the past there wasn’t a sense of ownership. We were just “the people”. There was no separation between us and anything else in the world. You only get ownership if you have separation….If there is stuff there, it means something happened. But stuff happens even when there isn’t anything there. A cultural resource is something that is important to people. For us, a cultural resource is not just something from the past, we are here, we’re still alive” (NAM-1, interview by author, May 16, 2010).</td>
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<td>“Cultural resources are defined by archaeologists. I hear new names every time I work out here. I just recently heard “retouched”. And you were talking about slicks earlier; I never used that until 10 years ago. I think the definition of cultural resource should be expanded to include rock art. Rock art may be related to a site but be far away” (NAM-3, interview by author, November 28, 2010).</td>
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<td>“It is a figment of the so-called archaeologist’s imagination” (NAM-2, interview by author, August 29, 2010).</td>
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Note: Interview data was gathered between July 2009 and June 2011.
and toward the broader context that surrounds CRM. Responses have varied from being entirely scientific, object-centric, and legally-defined, to encompassing the broader conceptions and values of living communities. As previously observed, the majority of CRM practitioner respondents have tended to define a “cultural resource” in terms of the practice of recording archaeological data. This is hardly surprising, as it is their daily responsibility to implement a pre-defined set of procedures surrounding archaeological sites. However, 92 percent of these interviewees also specified that, in theory, this term can also be defined in terms of a broader sense of values and heritage (see Table 6). One archaeologist stated this aspect very concisely as, “a thing that culture holds dear”. A “thing” is both physical and ideological. “Culture” is representative of people, ideas and practices. “Dear” represents more than a sense of importance; it describes a relationship of deep attachment. Thomas King has observed that an Environmental Impact Assessment “will be supervised by environmental scientists of some kind, perhaps biologists. It will include an element dealing with “cultural resources,” but no one will define this term” (King 2008b). In part, by neglecting to include a single definition for this term within the many technical reports, practitioners are acknowledging that a broader range of understandings may exist. In contrast to this, the legislation provides many definitions, but most are general and vague. These allow for a diffusive (meaning widely but thinly dispersed) interpretation of ownership and responsibility. However, due to this vague quality archaeologists are granted a broader range for interpretation and practice under the law. The definitions of a “cultural resource” generally vary between agencies, though they become more similar when working directly within the general legislation. Native American monitor responses have been highly variable. One view expresses the belief that “cultural resources” should represent their culture, but are applied in a way that is generally dealt with by archaeologists. Another common response is that cultural resources are the traditional values and practices that remain alive in their communities. Still another perspective is that “cultural resources” are archaeological sites, but these sites are distributed across all of their traditional cultural territory. This territory is cultural, regardless of whether or not it contains artifacts.

Thomas King has listed some potential cultural resources that tend to be neglected. These include, “indigenous languages; place names; stories and traditions; songs; rituals and religious practices; religious beliefs; subsistence practices; animals and plants; the landscape
in which the group lives, or that it uses; water sources; sources of other natural resources; and a group’s social organization and family structure” (King 2008b). Some of these non-archaeological cultural resources are discussed within the chapter on Native American Monitoring and Contemporary CRM. This list illustrates the bias within historic preservation practice and legislation. It would be very difficult for the majority of people to define the boundary of their most important cultural places. This difficulty should not be compared to the relative ease that archaeologists demonstrate in defining site boundaries. American Archaeology has been doing this since the time of Thomas Jefferson (Wilcox and Fowler 2002:125). What should be of concern is the difficulty that individuals have in getting such places preserved within the existing legislation. NHPA, NEPA, CEQA, NPS and other legislative bodies and agencies have created a structure that is difficult for non-specialists to navigate. King observes that, “on the whole, the historic preservation system has continued to evolve toward less and less connection with ordinary people and communities, and greater and greater fixation on technical issues with which only jargon-happy professionals are conversant” (2009). National Register Bulletin 38 was created as a way of allowing “ordinary people” to record such places of value as Traditional Cultural properties. I have yet to see a single TCP recorded within the County of San Diego since the 1990 publication of this bulletin.

**Summary**

This chapter deconstructs the concept of a “cultural resource”, rather than the practices that define it as a term. Throughout this chapter I discuss the idea of a “cultural resource” by drawing upon linguistic concepts, historical trends, legislative guidelines, and the information provided through in-depth interviews. CRM practitioners apply their understandings through conventions of practice. Because of this, cultural resources have come to be most commonly understood through classifications of location, value, data, legal requirements, and impacts. This term is most commonly defined at the intersection of the work conducted by CRM practitioners, development, and the legislation that largely defines their practices. It is generally treated as discrete, spatially bound, and object-centric, however, it is rarely directly defined in reports or other records. Having concluded this chapter, the question still remains; how does one define a “cultural resource”? 

CHAPTER 11

CONTEMPORARY PRACTICES IN CRM

Contemporary practices in the field of San Diego CRM are a product of archaeological conventions, the pressures of development, and the guidelines of legislation. In this chapter I discuss some concerns regarding CRM that were common following the 1970s, the phased approach to practice, two case studies from San Diego projects, the surge of renewable energy, and the distribution of the archaeological sites by land jurisdictions.

INTERNAL CONCERNS: A DISCUSSION OF CHANGES IN CRM, PRE-1982 TO PRESENT

The practices of professional archaeologists were highly varied during the “early years” of CRM. In 1982 Don Fowler observed that CRM in the 1970s was faced with a number of pressing internal concerns (Fowler 1982:4). Such concerns included approaches to conservation, the formation of useful research designs, the application of the “significance” concept, and the general standards of practice (19-20). Throughout this section I will draw upon the ideas within Fowler’s 1982 publication in order to illustrate the changes that have taken place in CRM since this period.

During the 1960s and 1970s the embedded understandings regarding the salvage, or rescue, of sites began to be replaced by a broader “conservation ethic” (Fowler 1982:4). Legislation such as NHPA, NEPA and CEQA provided general guiding principals but the methods for implementing these laws were highly varied. The avoidance and/or treatment of cultural resources came to be negotiated through investigations conducted by specialized contractors and consultation between the various interested parties. Inventories were made of the cultural resources that might be impacted through a planned project’s activities. Over time it became standard practice for specific management and treatment protocols to be drafted for both avoidance of cultural resources and significance assessments. It should be noted that this sense of “conservation ethic” was, and is, a cultural construct. While this mode of perception was embedded within the legislation during this initial period, it has not
remained static, nor was it ever unanimously interpreted in the same way. As Don Fowler observed, “the “conservation ethic” holds that cultural resources are nonrenewable and, hence, a portion of the extant resources should be conserved for future research rather than being “used” now” (Fowler 1982:19). Archaeological sites were seen in terms of data potential, and consequently, were preserved as a means of postponing the “extraction” of data until new scientific technologies and methods emerged (19). From this perspective, cultural resources were not preserved based on their value as heritage, but rather their scientific value. Over time, as the conservation ethic was embedded within the legislative framework, a variety of mitigation procedures were also adopted. It is somewhat ironic that just as the value of preserving cultural resources came to be formally recognized the legally defined methods for their destruction also became outlined. Fowler has characterized this relationship well, “the dilemma is, of course, that the conservation of resources is desirable, but “salvage” excavation (or some other agreed on “mitigation” procedure) satisfies legal requirements” (38). There are still elements of salvage in CRM, but the conservation ethic that was embedded within this legislation has helped to make it a cost-prohibitive and final option. This persisting disjunction between preservation and salvage is perpetuated by the integration of intangible qualities of cultural value, the broader scientific interpretations of archaeological data, and the practical implications of negotiating with project proponents.

The issue of research objectives in CRM has been a topic of continued debate since professional archaeology first began to emerge in the United States. One of the primary considerations is how the information, generated through thousands of distinctly different projects, can be added to the growing body of collective archaeological data in a productive way. CRM activities are generally constrained to the study of the primary impact areas that are associated with the activities of each respective project. Archaeological practitioners are only allowed to conduct work within the boundaries of such project “postage stamps”. This is both a product of budgetary constraints and legally defined mandates. While such limitations on research vary based on the size and regionality of a project area, this restrictive quality raises the question, are cultural resources to be regarded as “containers of information or potential information about past human activities?” (Fowler 1982:21). In some ways, the sheer number of sites and projects in the San Diego County region has come to fill in the gaps between project areas. Because nearly all permitted projects require some degree of
cultural evaluation, unsurveyed area is decreasing over time. All of this information has
come to be stored at regional Information Centers. As a result, the general knowledge
associated with the distribution of archaeological sites has become increasingly more
detailed. This accumulation of knowledge has been confounded by at least two major issues:
the variability of CRM research designs and practices, and the fact that the same project
activities that require an archaeologist often result in the destruction of the cultural resources
they manage.

In CRM, forming a research design is more complicated than just asking the right
questions based on a specific data set. There are also practical considerations associated with
meeting research goals within the defined budgetary, temporal, legislative, and spatial
constraints. This does not mean that information will not be generated with each CRM
project, as an EIR or other environmental assessment is generally a legally defined requisite.
Instead, I am referring to the type of potential research questions. As Fowler observed, a
valid research design must represent continuity and be cumulative (1982:24). This is not just
a condition of “good archaeology”, it is a result of the collective nature of the archaeological
record as it pertains to CRM. If all research designs were completely different, then the
information generated would be disjunctive. For this reason, at least in part, research designs
are often based on already established findings or inferences, and limited in their ability to
stray from the norm. To add seamlessly to the existing archaeological record requires
considerations of precedent and the perpetuation of convention. In this way, time, budget,
and the broader archaeological record itself all pressure CRM practitioners to use “cut and
paste” Cultural Histories and research questions (Arch-3, interview by author, December 23,
2009). While such an approach may be significant and cumulative, it is not conducive to
change, outside of illustrating variation from an established norm. I should specify that while
this pressure exists, many CRM practitioners regularly conduct new and creative research.

The research design for a CRM project is often directly associated with legal
requirements for managing “significant” resources. Management and treatment protocols are
formed to keep project activities in compliance under the existing legislative guidelines. Both
of these aims are usually resolved by framing questions around the National Register
eligibility criteria. The most conducive of these criteria for archaeological practice is (d), a
resource’s ability to provide important information regarding history or prehistory of a region
(U.S. Department of the Interior 1966:36 C.F.R. 60.4(d)). Fowler observed that a guide for
directing regional research significance through “Archaeology-Prehistoric” and
“Archaeology-Historic” resources was not created until the publication of *Determinations of Eligibility for Inclusion in the National Register of Historic Places, Title 36, C.F.R. Part 1204* in 1980 (Fowler 1982:25). He suggested that through these addendums to the NHPA
“significance then becomes not an absolute concept, but a mechanism for structuring inquiry
about cultural resources” (26). This type of data-centered perspective is conducive to
management practices because it is based in archaeological convention and it focuses on
discrete, spatially defined areas of variable significance. Construction contractors can be
given clear guidelines for how to proceed, agencies are provided points of reference for
monitoring impact and compliance, and CRM practitioners know where to focus their efforts.

Don Fowler’s previous concerns regarding the state of CRM two decades ago were
based in commonly held perceptions that cultural resources should be seen in terms of data
potential. As detailed in the chapter on Defining ‘Cultural Resource’, contemporary CRM
must now consider cultural aspects that extend beyond Archaeology. Fowler observed,
“information derived from the study of cultural resources is not self-evident; its meanings are
derived from the intellectual frame of reference within which the information is collected”
(1982:22). Following this same reasoning, as theoretical perspectives and legislative
guidelines have come to require a broader range of cultural perspectives, the “significance”
of such information has come mean many different things. Specifically stated, with the
passage of guidelines and legislation such as the Native American Religious Freedom Act,
Bulletin 38 and NAGPRA, and the general shift in the humanities towards postprocessualist
and postmodernist understandings, CRM has been forced to ask new kinds of questions. This
has inspired considerations of how to apply different kinds of knowledge and alternative
views regarding heritage. In some ways, these ideas have led to questions regarding the role
of archeologists as stewards of cultural resources. For CRM archaeologists who came to the
practice in the early 1970s, thinking of heritage in terms of data was a matter of public
service. As Charles McGimsey III stated, “knowledge of this past, just as knowledge about
our environment, is essential to our survival, and the right to that knowledge is and must be
considered a human birth-right” (1972:5). Archaeological knowledge was promoted as part
of everyone’s national heritage. The relativistic trends in the “soft” sciences, and the
vocalization of Native American values, have since served to partially unravel the cohesive legitimacy of such claims. In this sense, excavation and the conventions of treating cultural resources purely as archaeological data have been contested.

**THE STANDARD PHASED APPROACH**

NEPA was implemented as a way to introduce systematic project planning and mitigation into the practices of environmental assessment. The CEQA was directly modeled upon this body of legislation (for additional details, see chapter on Legislative History). A court ruling associated with California Assembly Bill 952 was adopted into the Public Resources Code 21083.2 in 1982. This required archaeologists to exhibit the value of archaeological resources for the archaeological record and the general public interest. Sections 21083.2 and 21084.1 of CEQA were intended to create practical guidelines for balancing mitigation activities with determinations of site value. The implications of this ruling were important for CRM; it effectively required that archaeologists prove the value of cultural resources. Additionally, it promoted the phased-approach of practice, shifting the records search and inventory of archaeological sites to the pre-construction project planning stages prior to issuing a permit (Governor’s Office of Planning and Research 1994:5). When Phase I, the intensive pedestrian survey, did not result in recording any “unique” archaeological resources within the project Area of Potential Effect, a Mitigated Negative Declaration could be issued (4). If this was the case, no additional work was required by archaeologists for the EIR. The phased-approach provided a cost-effective strategy for working in conjunction with the activities of a project by separating archaeological survey, testing of eligibility for inclusion within the various Registers, and data recovery.

Since AB 952 the conventional approach to conducting CRM archaeological work in California has been comprised of three standard phases, or classes. Thomas Neumann and Robert Sanford have observed that thirty-five of the fifty states have a phased process embedded within their environmental legislation (Neumann and Sanford 2001:53). Phase I (identification) consists of background research, including a records search conducted at the pertinent Information Centers. Phase I activities may also include pedestrian survey of a proposed project area in order to identify the presence of cultural resources that may be impacted. Phase II (evaluation) involves the testing of a site’s eligibility to be listed in the
National Register of Historic Places, California Register of Historical Resources, or a Local Register. This generally involves archaeological collection of surface artifacts, shovel test-pits, and/or excavation of a representative sample area within the sites (CEQA 2010:Section 15064.5). A determination is made by the lead agency, but may be contested by the SHPO. In cases where no consensus is reached, the Advisory Counsel for Historic Preservation will make the final decision (Neumann and Sanford 2001:53). If it occurs that a project will still impact a site that has been previously determined to be eligible, then Phase III (data recovery and mitigation) must be conducted. This process often involves recovering data through artifact collection, recordation, and complete excavation of the areas of the site that will be impacted through project activities. Other options for mitigation, as detailed within CEQA Section 15126.4, include site capping with sterile soil and preservation in place. A possible fourth phase is characterized by the monitoring of construction activities to make sure they are in compliance with agreed mitigation measures. All of these phases are applied as part of the process for assessing the impact to cultural resources and meeting the Section 106 requirements, or related derivation, for making a “reasonable and good faith effort” in assessing their eligibility for inclusion in a National, State, or Local Register (U.S. Department of the Interior 1966:36 C.F.R. 800).

As previously noted, the CEQA is the primary legislative body that generally outlines the phased approach to CRM in California. At times, especially on federal lands, the respective managing agency may have a slightly different protocol for archaeological practice. Perhaps the most notable of these for San Diego County are the U.S. Forest Service and the BLM. The BLM defines a three Class standard that in practice often has more variation in archaeological approach. This Class I (Inventory) is the same as defined by the standard phased approach described above. Class II and Class III are less intrusive then specified in CEQA. Class II (Probabilistic survey) consists of a directed pedestrian survey, within the area of proposed impact, of the areas of highest potential for encountering archaeological sites. Class III (Intensive survey/Testing) consists of continuous recordation of all cultural resources within a proposed area of impact. Limited testing may occur at this stage as prior to any ground disturbance, an Archaeological Resource Protection Act (ARPA) Permit must first be received from the regional BLM office (BLM 2004:Section 8110.21).
Some experts in historic preservation consider the standard phased convention that is commonly applied in conducting work in CRM as a negative trend. Thomas King contends that “there is no, repeat NO, repeat NO requirement anywhere in law or regulation for a Phase 1, 2, 3...The regulatory requirement is that a “reasonable and good faith effort” be made to identify historic properties subject to effect, whether direct, indirect, or cumulative” (Federal Highway Administration [FHA] 2008). Much of the basis for this argument lies in the concern that current management practices, as outlined under the existing environmental laws, have become too rigidly defined. By applying a phased template, or check-list approach, to preservation, it is possible that some impacts may not be considered. It is contended that phased work may shift management focus toward discrete locations, located solely within the Area of Potential Effect (APE). This reduces the consideration of indirect impacts to resources that may be located outside of the APE, or that are intangible in nature. While I agree with such understandings, I would argue that these trends are nothing new. The interpretation of “cultural resources” as discrete and data-centric is as much due to the prominent role of archaeologists within the process as it is associated with the phased-approach. AB 952 was promoted by unhappy developers for a reason; they were having to pay for unnecessary archaeological investigation. The ruling fit with the process for determinations of significance under NHPA, and allowed for the practice of CRM to be tailored to the different stages of a project. On the other hand, it promoted the idea that cultural resources should be evaluated in terms of relative importance, allowing for some sites to be interpreted as more important then others.

**CASE STUDY ONE: THE QUICKEST WAY TO GET FIRED AND RE-HIRED**

Over the course of various projects I have witnessed a large number of hirings and firings. While such things are common, the quickest I have seen both successively occur for a single individual is one week. The circumstances surrounding these events are slightly outside of the scope of this thesis. It will suffice here to observe that this person voiced their concerns regarding an issue of compliance in support of a tribal representative. This came across as confrontational to a representative of the client, who complained to their company’s CRM specialist. Within a day, this archaeologist was fired for “being on the wrong team”.
Over the course of the succeeding six days this person researched Section 106 and the various other pieces of CRM legislation in order to understand what s/he had done wrong. The practitioner came to realize that s/he had been correct, and had been fired for doing their job correctly. Local Native American tribal members protested on this practitioner’s behalf, and lawsuits were threatened. On day seven, this person received a text message that read, “you’re back on the project, if you want to be”.

**ISSUES FOR CONSIDERATION**

This series of circumstances brings up some important issues regarding the practice of CRM: (1) The client often has too strong of a sway on the activities of the archaeological consultant; (2) practitioners should be aware of their proper role and the procedures for every project; (3) the professional reputation of a CRM practitioner is their most important credential, so fighting to maintain it is always important; and (4) increased cost, a threat of lawsuit, and angry Native Americans will usually get a client’s attention. These considerations are expanded upon in Case Study Two.

**CASE STUDY TWO: INADVERTENT DISCOVERIES AND POOR PRE-CONSTRUCTION INVESTIGATION**

In early 2011 I took part in the destruction of a cultural resource. It was unplanned, and unexpected. Before recounting the incident, I would like to note that I had seen archaeological sites destroyed before and in one case, I had witnessed a site with a moderate amount of bedrock milling completely leveled. This had been planned and was previously “mitigated” as part of the construction of a 40-acre substation. Included in the planning measures as the placement of a single boulder with four milling slicks that were carefully removed and placed at the entrance of the future substation, a gesture that is perhaps best encapsulated by one Native American representative who called it “a memorial”. The rest of the site was collected, catalogued, and curated.

The pertinent experience in 2011 with the unanticipated destruction of a site took place while I was working as a “cultural” representative, tasked with monitoring construction activities on a major project. The planned impact areas had been surveyed by a number of successive companies prior to my employer getting the contract. This precipitated a large amount of variation in the quality of the archaeological record for the areas associated with
the project. Because each site boundary was considered in the planning process, poor quality work during the pre-construction phase had the potential to negatively affect the progress of construction, not to mention, harm cultural resources.

A Native American representative and myself were assigned to monitor the widening of access road entrances in an area with no previously recorded archaeological sites. The access roads had already been graded, and we were tasked with watching the removal of the adjacent “fans” of undisturbed area that would allow large trucks to enter. We were present because there was a potential for encountering isolated cultural artifacts; however, all major sites should have been recorded during pre-construction survey of the area. One particular proposed entry was part of a recently graded road that ran between two large prehistoric sites, both comprised of heavy scatters of volcanic lithic artifacts and some light concentrations of ceramic vessel sherds. When I arrived on site I noted two lithic artifacts within an area proposed for disturbance, a flake and an assayed cobble. Additionally, just out of the area, under a bush, was a small stack of six flakes and two cores, all of the same material. The provenience of these artifacts was unknown, though they were undoubtedly placed there relatively recently. The previous CRM companies, who had been hired to conduct intensive archaeological survey of the area, had not recorded any of these artifacts. The collection of the isolated artifacts seemed to be a commonsense issue; the concern was in their relative proximity to the other pile of disassociated artifacts. A contractor had been waiting on site since sunrise with a full crew and they were ready to work. It had trickled down from the head archaeologist for the client that, as monitors, “we do not direct how the contractors do their work, we can only request things…but need to keep within a specific realm”. As I had no ability to halt work based on two artifacts, and the “mystery” pile had no depositional integrity, I could do nothing but allow work to continue.

For this project, the protocol for when a previously unrecorded archaeological site was encountered was that all work was to be suspended until eligibility was determined. This would involve doing a series of shovel test pits to determine the sub-surface character of the site, then recording and collecting all artifacts for cataloguing and curation at the lab. The area did not fall under this protocol in two ways; first, the artifact concentration did not constitute a “site”; and second, based on previous testing in the area, and the general landform, it was clear that the cultural items did not extend more than a few inches below the
surface. For this reason subsurface testing would only prove it as ineligible. I called the appropriate supervisory parties, and was told to allow construction to proceed. Just in case, I dug a test pit in the impacted area, to be certain that there were no sub-surface artifacts. Still I felt uneasy about the “mystery” pile, based on the present permits finding just one more artifact within 30 meters would have constituted grounds for stopping work activities.

I saw no additional artifacts in the undisturbed area. It was going to be disturbed, it was in the plans, and needed to be done to allow the heavy equipment to make the turn. All excess soil was to be removed and disposed of. The lead agency had approved the transportation of soil offsite the day previous, and this was the first moment that I had heard about it. This, I figured, could be problematic; in the face of certain destruction, it was possible that cultural components could be transported off site and thrown away. At this time, I made the choice to negotiate what I considered to be the best possible strategy available. I collected the two artifacts from the area to be disturbed. I then requested that the operator shave the first 8-10 inches of soil in layers from the surface, so that artifacts would be exposed in the process. Unfortunately for the process of construction, this required that the workers would have to remove much of the vegetation by hand. The removed potentially “cultural” soil was to remain on site and graded into the road. The deeper “culturally sterile” soil was removed. Over the course of grading a growing number of construction personnel, with increasingly more visible office attire, came to introduce themselves and to observe the activities. Shortly after the last of these people left my project manager arrived. I was asked, “are you the one that is causing all of the trouble, asking them to remove all of the soil in three inch layers? I heard from (the client’s head archaeologist) that the contractor is saying you are changing their grading plans, which may require a variance that could hold up work for weeks” (interaction paraphrased). I explained that this is not what I had negotiated with the operator, and that we had only put aside the first 8-10 inches of graded soil. The fact that my project manager had received this information from the client’s head archaeologist, who had heard from someone in the lead construction company, who had received complaints from the sub-contractor, whose operator I was working with on the entryway, explains this miscommunication.

After watching the removal of the upper soil layer and the re-grading of the existing road, I began to go though the piles of dirt that had been removed. I found two more volcanic
flakes. Because these artifacts had been removed from their original points of deposition, protocol dictated that I collect these as well. This raised the total count to two artifacts from newly disturbed area, two more with uncertain provenience, and the eight artifacts in the “mystery” pile under the bush. After getting some time away from construction monitoring I was able to look through a couple piles of dirt that had been left over from the grading of an adjacent road 25 years earlier. These piles were approximately 30 meters away. I found an additional volcanic flake and a checked cobble on top of one of these piles. I was not surprised that these had not been recorded, as I assumed there had been no archaeological monitor for this previous project. This aroused my suspicions of the quality of the previous “intensive” survey conducted in the area. After grading had been completed, I broke protocol by walking outside of the grading boundaries to look around. There I found a dense scatter of dozens of lithic flakes, cores and tools. The nearest artifacts within this unrecorded site were 15 meters away, making my “isolate” a “site”. By this time the work had been completed and we moved on to the next entryway.

I was later able to map the distribution of these artifacts in GIS, illustrating the extent of the undisturbed portion of the larger site and the distribution of artifacts in the disturbed portion. I drew a boundary around the “mystery” pile, which I now assume came from the initial grading of the access road that took place prior to the widening of the entryways. Undoubtedly this sketch map will appear relatively strange to future archaeologists. The removed artifacts were collected, cataloged, and now sit in a curational facility. I understand that this is a relatively insignificant amount of disturbance relative to the broader archaeological record; however, this case study is beneficial in the way that it illustrates a number of pertinent issues.

**ISSUES FOR CONSIDERATION**

First: Subsurface site constituents are associated with potential significance. While it is an over generalization, this assumption is built into the testing process. Phase II investigations generally require, at the very least, subsurface sampling through Shovel Test Pits (STPs). In part, subsurface investigations are a method for assessing the integrity of a site’s depositional character (San Diego County Board of Supervisors 2007:20). If it is determined that the data potential of a site has been confounded through bioturbation or other
impacts, it is much less likely to be determined as eligible for inclusion in local, state, or national Registers. The value of subsurface deposits is their ability to provide temporally relative information regarding past activities of people at a given location. As Tim Gross has observed, “this would facilitate the identification of time-sensitive artifacts or assemblages that could be used to help unravel the occupational histories of long-term occupation sites” (as cited by Robbins-Wade 2009:27). Two points are raised by Gross’s statement: first, in the San Diego County region, where bioturbation is highly prevalent, the preservation of subsurface site constituents is usually achieved through the rapid accumulation of sediments within floodplains. And second, while such geographic and environmental phenomena may preserve any type of site below the surface, it is assumed that such sites provide information on habitation and continuity of activities over time.

Second: Moving artifacts into a pre-existing site reduces the significance of both the removed artifacts and the site. Again, this second consideration is related to the issue of spatial integrity. The reason that I created a sketch map that illustrated the removed “mystery” pile of artifacts was to show the isolated nature of this disturbance. The area within the entryway was part of a larger unrecorded site. Because of disjunctive communication and poor quality of work by a previous CRM company, this portion of the site was destroyed without the treatment that it was entitled to under the law. Such occurrences are more common, and often more severe, then one might hope. One interview respondent has observed:

A lot of it is the laws that have to do with interacting with and defining cultural resources, and seeing that those laws as carried out. Down here, many of the (construction) companies never did CRM so don’t understand why they should start, don’t understand why they should pay to gravel a road or develop something, just an added cost. Unfortunately, I have come across some CRM companies that say what they think their client wants them to say. So they negate things that are already in place, I have heard different people say “don’t worry about small sites”, but small sites add up to something important. Even some of the ICs don’t like to record Isolates, but an Isolate means something happened there. [Arch-4, interview by author, February 3, 2010, emphasis added]

Isolated finds are treated as inherently less significant than sites. This understanding is embedded in legislation, archaeological practice, and the broader record. Under the OHP guidelines, Isolates receive a Primary allocation, while sites are given a Trinomial (OHP 1995:3). Through the segmentation of this landscape, where multiple successive projects and
stages of CRM investigation focused their attention on discrete areas, the distribution of site constituents with differential values also came to reflect these rifts. In general, had the original CRM companies done their job properly, this site would have been considered in the preliminary planning of this access road.

Third: On large and extended projects labels such as “cultural monitor” are very important. Construction mitigation of cultural sites nearly always involves destruction; either through excavation conducted by archaeologists, or monitored construction conducted by contractors. As king has observed, “‘monitoring’ means watching the bulldozing and recording or salvaging whatever may be found (graves, artifacts, etc.). Sometimes it’s done by tribal representatives, sometimes by archaeologists, sometimes by both” (King 2007:1). During Phase IV monitoring activities both archaeologists and Native American tribal representatives are referred to as the “culturals”. This reflects the strict differentiation of roles that are part of such projects. Monitors are expected to know what they are doing and how their decisions relate to the project as a whole. Generally stated, contractors look to you to have the answers and to understand how the cultural resources should be treated. This requires that monitors stay involved in the day-to-day planning of work. When “culturals” do not understand the nature of an impact that will be created through a specific construction activity, then they cannot make informed decisions as to how to best manage such impacts in the field. The strict differentiation of roles that may be associated with such large projects is also a representation of how responsibility is allocated. The role of monitors is to keep construction activities in compliance, blame falls on the CRM practitioner when they do not inform contractors of the nature of their impacts and work to negotiate the best possible management strategy. The difficulty of this is the proper balancing of roles. Cultural Monitors are not hired to be experts in the methods of construction, for this reason it is not their responsibility to dictate construction actives. Rather, monitors should be able to describe the parameters of the permitted impacts that have been outlined in the planning and treatment documents. When they are uncertain, the best option is to suggest that a contractor wait until the proper “higher-ups” have been contacted. This is a way of meeting the standards set by the lead agency, and a method for avoiding the brunt of a potential legal case. For good or bad, this “CYA” mentality is an inherent part of the process.
Fourth: Knowing your role as monitor means arriving with an understanding of what has been previously recorded. At times this can be much more difficult than it might initially seem. The records of CRM, as most records, rarely explicitly describe the problems that have been encountered during a project. To some degree this limitation is alleviated through experience. A practitioner often comes to anticipate many of the potential problems that may arrive in any given situation. Certain areas are more likely than others to have unanticipated finds, and some companies or individuals seem to “miss” more archaeological sites during survey than others. Knowing the history of archaeological work at a given location helps to inform the activities and decisions that one must make during monitoring. This holds true for past construction activities as well. It may be that a Historic Property Treatment Plan or other protocol document will specify that no new disturbances will be allowed at an existing archaeological site. However, when an existing access road has already been graded through a site twenty-five years ago, then re-grading of this existing road does not qualify as a “new disturbance”. Because, over time, the original cut that has been made for a road may have been obscured through erosion and the re-growth of vegetation, making a determination of the exact boundary of this previously disturbed area may be very difficult. In this situation, having access to the information that was on the grading plan for this access road would likely provide the answers that are needed. For example, if equipment with a 12-foot blade was used to make the original cut, then a monitor may assume that the previously disturbed area was at least this wide.

Fifth: New finds during construction activities are bad. They are expensive for construction and sites usually get destroyed. Contractors are there to make money; if they are paid based on time and materials, then they generally are happy to stop work. If the contractor has a set bid for the project, then anything that slows their progress, including an unexpected archaeological find, costs them money. While it might seem that such considerations are outside of the scope of archaeological monitoring, this is not always the case. The type of contract that a construction company has with the client informs their decisions in the field. At times a contractor may consider it in their best interest to plow through an archaeological site, as taking the fine for impacting a site may be less detrimental to their pocketbook than halting work. For a monitor, sometimes lying in front of the bulldozer may seem like the best option at the time, but more likely, all one can do is clearly
state the contract violations that are taking place. If this is not clear, then it might help to
specify the potential legal ramifications. For example, under the Archaeological Resources
Protection Act, such an intentional violation could mean a $20,000 dollar fine for a first-time
infraction, and up to $100,000 dollars and five years in prison for a second infraction
(McManamon 2000).

Sixth: The quality of previous archaeological work is not guaranteed. This has been
well outlined in the previous discussion. Even when one has a complete record of previously
recorded sites, it is a bad idea to place total trust. For this reason sites are often re-visited for
each project. Interestingly, it is not always unrecorded cultural resources that present
problems during construction. Sometimes there is a complete record of sites, it is just that
they were mapped in a in the wrong place. It is very unusual to remove a site boundary from
the archaeological records housed at the Information Centers. This is true even when a site
was mismapped in the original process of recordation. There are over 20,000 archaeological
sites recorded in San Diego. With this extensive distribution, there is a high likelihood that a
site may not be revisited for a long period of time. This means it is likely that no one is going
to check to see if a cultural resource was correctly mapped. Further, when someone does
revisit a specific location, the surrounding landscape and conditions may have changed to an
extent that no certain determination can be made as to whether or not a site was originally
there.

The reasons for such inaccuracies are largely associated with the availability of
precise technologies for recordation. Archaeologists who worked prior to the widespread
adoption of GPS technology into CRM had to record site locations through triangulation. In
areas that have no distinct geographical landmarks it was often difficult to draw the exact
location on a USGS topographical map. Some practitioners employed innovative uses of
balloons and other instruments in order to determine the line of site (Arch-10, interview by
author, April 15, 2010). In any case, these inaccuracies were transferred to the location maps
within archaeological site forms. Many of the Information Centers have since digitized these
boundaries so they might be used with GPS devices and GIS technologies. The only way to
confirm the accuracy of the original boundaries in these records is by revisiting a site in
person.
Seventh: The primary deterrents to doing poor quality recording are profit, reputation, and threat of litigation. It is unlikely that a CRM company will be re-hired by a client if their construction progress is slowed or halted due to poor recording. However, should a contracted CRM company be principally concerned with maximizing profit in the short term, then a “quick and dirty” approach may be appealing. A hypothetical application of this strategy would involve bidding low on a contract. Once work has been awarded, preliminary survey would be non-intensive (widely spaced transects, and skipping portions) and rapid. While this would maximize profit by reducing work relative to the budget, additional steps might be taken to gain further work. If the CRM consultant has a general understanding of the construction requirements of a given project then they might focus most of their attention on the areas of the greatest value to the client. In many ways this is commonsense; high-priority areas are often communicated explicitly between client and consultant. However, if a consultant were to make sure that any archaeological site within these areas were recorded as potentially significant, then they would be requiring that the client pursue the possibility of more expensive Phase II testing, and possibly, Phase III recovery. Additionally, this raises the issue of “lumping” versus “splitting” as it pertains to the process of recording the distribution of archaeological material. Site boundaries are treated as encapsulations of cultural significance within the law. Each site must be tested for significance prior to being impacted. If many sites are recorded (splitting) then these generally must be considered independently. If many nearby concentrations of cultural material are “lumped” together within a single boundary then only one site must be tested. To continue in this hypothetical example, one strategy for maximizing profit for a CRM company would be to split sites in a way that matched a client’s willingness to pay to have them tested. This might reduce the significance of the respective cultural resources within the area, while increasing the likelihood that the land could be used for project activities. On the other hand, it is likely that a client would only choose the sites to be tested that were required for that project activity, and choose to minimize cost by avoiding the others. In this way, “splitting” may sometimes actually result in a greater amount of preservation. It is possible that the lead agency, SHPO, or ACHP, might object to the proposed archaeological testing or data recovery, the potential profit for a CRM company may be worth the risk. The client may decide that the added cost of archaeological work is outweighed by the benefit to the
Because the consulting CRM company has conducted all of the previous work for the area, it is much more likely that they will receive the contract for conducting the more expensive and time-intensive determinations of significance. Through this hypothetical process, “quick and dirty” has progressed to “extended and intensive”. The excavation practices of this company may be of the highest quality. However, the process of archaeological excavation is inherently destructive. It is not unheard of that over time, and through successive projects, a site might effectively be deemed “ineligible” due to excessive disturbance caused by testing for “eligibility”. I should specify that I have no had no experience with this type of practice in CRM. I seek only to illustrate one way that the process of management may be manipulated to draw profit out of compliance.

**RENEWABLE ENERGY: THE NEWEST NEW DEAL?**

There has been a rise in the number of renewable energy projects in California over the last five years. The BLM has reported that between the fiscal years of 2007 and 2008 the number of applications for solar projects on their lands rose from 96 to 2011 (2010). Energy output is measured in megawatts (MW), with each MW able to provide enough power for approximately 350 homes for a year. Additionally, such projects generate revenue for the federal government. Title V of the Federal Land Policy and Management Act of 1976, and Section 28 of the Mineral Leasing Act of 1920 both require that fees be paid based on energy output and use of federal lands. There is much support for the idea of “green” and “renewable” energy sources in the media and elsewhere. It is often considered to be the answer to cutting world carbon emissions, alleviating the pains of the recent economic crisis, and reducing United States dependency on foreign fuels. However, there is very little discussion within the popular media regarding the environmental and cultural costs of these vast renewable energy projects.

Fred Wendorf observed in 1962, that between the years 1946 and 1957 archaeological surveys had been conducted at 310 reservoirs in 42 states (1962:16). The events of the River Basin Surveys are well documented as one of the United States’ most intensive periods of archaeological data gathering as well as its most severe period of cultural and environmental decimation. Currently, the BLM alone has 147 solar projects pending (BLM 2010:1). In
addition to solar, there are 29 wind projects and six geothermal projects pending approval. Further, there are currently 666 existing geothermal leases on 1,200,000 acres of BLM land.

Locally, located just southwest of the Salton Sea, the Imperial Valley Solar Project (Teresa Solar North America) will generate 709 MW of energy per year. 6,140 acres of this project falls on BLM land (BLM 2010b). The specs for this “Sun Catcher” meet the criteria specified in the BLM right-of-way rent schedule as a “concentrated Photovoltaic”, which is a cost of $6,570 per MW annually. The BLM Imperial County Base Rent Fee is $188.34 per acre, which suggests that the annual Base Rent Fee for this project is $1,156,407.60 dollars (BLM 2010b). The BLM fee based on megawatt capacity is $4,658,130 dollars annually. Combined, the total amount that must be paid by Teresa Solar North America to the Federal Government each year for the Imperial Valley Solar Project amounts to $5,814,537 dollars. This is a rather substantial incentive for the promotion of alternative energy.

There are 104 solar projects on BLM land that are considered “first-in-line” solar applications. In total, these projects are projected to cover over one million acres of land. Eight solar projects were approved in 2010; from these 3,572 MW will be generated annually (BLM 2010). To put this in perspective, if all if these projects were in Imperial County in 2011, the MW capacity fee would be a minimum of $18,774,432 dollars per year. The total Base Rent Fee for 1 million acres of land would be $188,340,000 paid annually to the Federal Government.

**CRM, LEGISLATION, AND SITE DISTRIBUTION IN SAN DIEGO COUNTY**

Consideration of land ownership is central to the practice of CRM. Legislation, and consequently, archaeological practice, varies based on where an archaeological site is located and who is determined to be the lead agency for a specific project. As a result of this relationship, the existing archaeological record, specifically the representation of cultural sites in topographic space, illustrates both the known distribution of past human activities, and the more recent work conducted by CRM practitioners.

Using ESRI ArcGIS software I have prepared a series of maps and tables that illustrate the general distribution of archaeological sites on San Diego public lands. In order to simplify these maps I have excluded the agency labels for these lands. The distribution of
this information is represented within the associated tables. It may be useful to cross-reference the information in this section with Figures 1 and 2, and Tables 1 and 2, which may be found in the chapter on the Legislative History of Historical Preservation. The site information was provided by staff at the SCIC on January 1, 2011. It should be noted that more than 3,000 historic sites have been excluded from this information. Additionally, school district data has been excluded, which may have slightly skewed the number of sites that have been calculated to be on non-public lands. In general however, these totals should be representative of the distribution of sites within the County of San Diego. Public Land Information was generated through ESRI ArcGIS and San Diego Association of Governments (SANDAG) data in March, 2011. The relative acreages of public lands have been calculated using these boundaries.

Of the approximate 2,727,000 acres of land that comprises the County of San Diego, nearly 61 percent (approximately 1,654,100 acres) is publically owned. Within this government land, 28.7 percent (approximately 781,250 acres) is managed by the Military, BLM, U.S. Forest Service, federally recognized Native American Tribes, U.S. Fish & Wildlife, or another federal agency. State agencies manage approximately 24.1 percent of this area, or approximately 657,250 acres (see Table 1, Legislative History of Historical Preservation). The remaining public land consists of 1.7 percent San Diego County land, 3.8 percent city land, 2.1 percent state and local water districts, and .2 percent other special districts. The following maps are intended to illustrate the distribution of jurisdictional boundaries as they relate to the number of sites that have been previously recorded. For this purpose, the specific locations of these nearly 24,000 previously recorded cultural resources are less important then than the general land management areas to which they are related. By observing that the land comprising San Diego County consists of a mosaic of distinct, and respectively cohesive, policy areas, it may be inferred that the past activities associated with the treatment and recordation of cultural resources have largely varied along these lines.

The map in Figure 4 illustrates the relative distribution of archaeological sites on publically owned lands within San Diego County. The 19 different agency fields have been generalized to eight ranges. These ranges have been organized to provide for the best fit of the data, while allowing for the information to be easily interpreted. The symbology,
increasing in site number from blue to red, has been classified by the natural breaks in the distribution of the data. The exact distributions of these data are provided in Table 7.

The site distributions outlined in Table 7 are arranged from the highest to least number of sites within the defined jurisdictional boundaries. Other data include the relative percentage of San Diego land that each agency manages; the percentage of total recorded sites by jurisdiction; the density of sites based on the area of each agency’s lands; and the
Table 7. Distribution of San Diego County Archaeological Sites

<table>
<thead>
<tr>
<th>Agency</th>
<th>Percent of San Diego Land</th>
<th>Sites in GIS</th>
<th>Percent Site Distribution</th>
<th>Site Density (Sites/Land) *100</th>
<th>Acres/1 Site</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total # Sites in GIS at South Coast IC</td>
<td>100%</td>
<td>23,844</td>
<td>100%</td>
<td>0.87</td>
<td>114</td>
</tr>
<tr>
<td>Non-Public Owned</td>
<td>39.3%</td>
<td>9,084</td>
<td>38.1%</td>
<td>0.85</td>
<td>118</td>
</tr>
<tr>
<td>State Parks</td>
<td>20.9%</td>
<td>4,896</td>
<td>20.5%</td>
<td>0.86</td>
<td>116</td>
</tr>
<tr>
<td>City</td>
<td>3.7%</td>
<td>1,731</td>
<td>7.3%</td>
<td>1.73</td>
<td>58</td>
</tr>
<tr>
<td>Military Reservations</td>
<td>6.1%</td>
<td>1,447</td>
<td>6.1%</td>
<td>0.87</td>
<td>114</td>
</tr>
<tr>
<td>BLM</td>
<td>6.8%</td>
<td>1,255</td>
<td>5.3%</td>
<td>0.68</td>
<td>147</td>
</tr>
<tr>
<td>USFS</td>
<td>10.6%</td>
<td>1,233</td>
<td>5.2%</td>
<td>0.43</td>
<td>234</td>
</tr>
<tr>
<td>Tribal Land</td>
<td>4.7%</td>
<td>1,200</td>
<td>5.0%</td>
<td>0.93</td>
<td>107</td>
</tr>
<tr>
<td>County</td>
<td>1.3%</td>
<td>883</td>
<td>3.7%</td>
<td>2.53</td>
<td>39</td>
</tr>
<tr>
<td>Water Districts</td>
<td>2.2%</td>
<td>496</td>
<td>2.1%</td>
<td>0.85</td>
<td>118</td>
</tr>
<tr>
<td>State Caltrans</td>
<td>0.74%</td>
<td>423</td>
<td>1.8%</td>
<td>2.10</td>
<td>48</td>
</tr>
<tr>
<td>CA Fish &amp; Game</td>
<td>0.92%</td>
<td>395</td>
<td>1.7%</td>
<td>1.57</td>
<td>64</td>
</tr>
<tr>
<td>State</td>
<td>1.2%</td>
<td>323</td>
<td>1.4%</td>
<td>0.98</td>
<td>102</td>
</tr>
<tr>
<td>U.S. Fish &amp; Wildlife</td>
<td>0.41%</td>
<td>155</td>
<td>0.7%</td>
<td>1.40</td>
<td>71</td>
</tr>
<tr>
<td>Other Special Districts</td>
<td>0.19%</td>
<td>134</td>
<td>0.6%</td>
<td>2.58</td>
<td>39</td>
</tr>
<tr>
<td>Other Federal</td>
<td>0.07%</td>
<td>95</td>
<td>0.4%</td>
<td>4.99</td>
<td>20</td>
</tr>
<tr>
<td>State Land Commission</td>
<td>0.38%</td>
<td>46</td>
<td>0.2%</td>
<td>0.44</td>
<td>227</td>
</tr>
<tr>
<td>Port of San Diego</td>
<td>0.16%</td>
<td>36</td>
<td>0.2%</td>
<td>0.83</td>
<td>120</td>
</tr>
<tr>
<td>Sanitation Districts</td>
<td>0.004%</td>
<td>9</td>
<td>0.04%</td>
<td>7.56</td>
<td>13</td>
</tr>
<tr>
<td>Fire Districts</td>
<td>0.003%</td>
<td>3</td>
<td>0.01%</td>
<td>4.17</td>
<td>24</td>
</tr>
</tbody>
</table>

Note: Archaeological Site Information generated by SCIC staff, January 1, 2011. Public Land Information generated through ESRI ArcGIS and San Diego Association of Governments (SANDAG) data. School district (roughly 12,550 acres) data not included, which may have introduced a small amount of error into the non-public lands category. The totals do not include more than 3,000 historic addresses.
number of acres/site within each agency. The mean density of archaeological sites in the County of San Diego is one site to every 114 acres of land. This represents a 0.87 calculated density, derived through dividing the number of sites on agency land by the acreage of its jurisdiction, then multiplying by 100. In general, it may be observed that the density of sites increase by agency as the amount of area that the agency manages decreases. The relative densities of sites on these lands, derived by dividing a respective agency’s acreage by its number of associated sites, are represented in Figure 5.

The simplest way to interpret this map, and the previous descriptive table, is by noting how much above or below each agency is from the mean of one site/114 acres (0.87). Of note, are the densities of sites on City (one site/58 acres), County (one site/39 acres), and Caltrans (one site/48 acres) lands. It is of little surprise that these densities are significantly higher than the average, as each has very stringent protocols for the treatment of cultural resources on their lands. The greatest numbers of sites in San Diego are located on non-public land (approximately 9,000) and State Parks (just under 4,900). The distribution of sites for both of these areas is approximately equal to the mean density of sites in the County. Again, these figures represent a significantly higher amount of recordation than within other jurisdictions. It should be noted that the density of sites generally increases as the land managed by a respective agency decreases. This potential confound might have been partially minimized by comparing these results to a normalized distribution of randomly generated points but was unnecessary based on the intent of this study. The sites recorded within these boundaries have not been created through probabilistic statistical analyses; they are the result of the actual practices conducted predominantly by CRM professionals over time. These findings are reflective of the amount of work that has been conducted by CRM practitioners on these lands, and to what degree this has contributed to the construction of the broader archaeological record.

Table 8 is intended to represent the general distribution of legislation as it has applied to the recordation of sites by district.

As illustrated by the previous figures and tables, I have attempted to use the distribution of archaeological sites within the County to illustrate the relative amount of CRM activity that has taken place within each agency’s jurisdictional boundaries. As I have contended throughout this study, the archaeological record that has been constructed through
Figure 5. Density of archaeological sites on agency lands.

CRM activities is as much a product of development as it is anything else. It would be incredibly interesting to view the spatial correlations between site concentrations and various trends in construction, e.g., housing developments, public works projects, etc. In Table 8, I have grouped the different agencies by their respective levels of government. This has been done under the assumption that the archaeological work that has been conducted on these lands has generally been subject to the corresponding legislation. Potential confounds in this
Table 8. Legislation and Distribution of Archaeological Sites

<table>
<thead>
<tr>
<th>Agency</th>
<th>Legislation</th>
<th># of Sites In GIS</th>
<th>% Legislation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total # Sites in GIS at South Coast IC</td>
<td></td>
<td>23844</td>
<td>100.0%</td>
</tr>
<tr>
<td>Non-Public owned</td>
<td>Private Land</td>
<td>9084</td>
<td>38.1%</td>
</tr>
<tr>
<td>Military Reservations; BLM; U.S. Forest Service; Tribal Land; U.S. Fish &amp; Wildlife; Other Federal</td>
<td>Federal</td>
<td>5,385</td>
<td>22.6%</td>
</tr>
<tr>
<td>State of California; State Parks; CA Fish &amp; Game; State Land Commission</td>
<td>State</td>
<td>5,660</td>
<td>23.7%</td>
</tr>
<tr>
<td>City</td>
<td>City</td>
<td>1731</td>
<td>7.3%</td>
</tr>
<tr>
<td>County of San Diego</td>
<td>County</td>
<td>883</td>
<td>3.7%</td>
</tr>
<tr>
<td>Water Districts</td>
<td>Water District</td>
<td>496</td>
<td>2.1%</td>
</tr>
<tr>
<td>State (Caltrans)</td>
<td>State (Caltrans)</td>
<td>423</td>
<td>1.8%</td>
</tr>
<tr>
<td>Other Special Districts</td>
<td>Special District</td>
<td>134</td>
<td>0.6%</td>
</tr>
<tr>
<td>Port of San Diego</td>
<td>Port of San Diego</td>
<td>36</td>
<td>0.2%</td>
</tr>
<tr>
<td>Sanitation Districts</td>
<td>Sanitation District</td>
<td>9</td>
<td>0.04%</td>
</tr>
</tbody>
</table>

Note: Archaeological Site Information generated by SCIC staff, January 1, 2011. Public Land Information generated through ESRI ArcGIS and San Diego Association of Governments (SANDAG) data. School district data not included, may have introduced a small amount of error into the non-public lands category. The totals do not include more than 3,000 historic addresses.

interpretation are in the differing treatment of sites by the lead agencies, the different types of legislation that may apply to respective types of projects, and the fact that permitted projects on private lands also fall under CEQA. It may be assumed that the majority of these sites were recorded, to varying degrees of compliance, with the legislation that has emerged since the mid-1960s as a guide for practice. This is supported by the fact that prior to 1972 only 1,750 sites had been recorded in San Diego (Noah 1983:7). From Table 8 it may be observed that at least two-thirds of the sites in San Diego have been subject to the CEQA legislation. This is including the more than 9,000 sites on private property that would not have been
recorded had the Friends of Mammoth decision gone a different direction. The majority of the remaining sites in the County have been recorded under the mandates of federal legislation.

There are a variety of statistical analyses that might have been applied to these data sets. I have attempted to keep this discussion within the parameters of the general topic of this study. Most notably, I have been interested in exhibiting some of the relationships between archaeological practice and the larger body of legislation that helps to define it. I hope that future studies may find some use for this information.

**SUMMARY**

During the 1960s and 1970s the embedded understandings regarding the salvage, or rescue, of sites began to be replaced by a broader “conservation ethic”. Common concerns came to include approaches to conservation, the formation of useful research designs, the application of the “significance” concept, and the general standards of practice. Conventions in practice became accepted as standards throughout San Diego CRM. An example arrived with the introduction of the phased-approach, which provided a cost-effective strategy for working in conjunction with the activities of a project by separating archaeological survey, testing of eligibility for inclusion within the various Registers, and data recovery. Many issues and standard practices are still present within contemporary CRM. Some of these are highly useful and beneficial; others are exclusionary and otherwise problematic. By presenting the case studies within this chapter I have tried to illustrate some of the lingering concerns that are associated with some of these practices, then provide some possible ways to resolve them. I used my own experiences to contextualize issues regarding archaeological conventions, the pressures of development, and the guidelines of legislation. I end this discussion with a section intended to visually illustrate the relationship between the legislative influences on the practices of CRM and the associated construction of the archaeological record. In this chapter I have discussed some concerns regarding CRM that were common following the 1970s, the phased approach to practice, two case studies from San Diego projects, the surge of renewable energy, and the distribution of the archaeological sites by land jurisdictions.
CHAPTER 12

NATIVE AMERICAN MONITORING AND CRM

When conducting archaeological survey, excavation, or construction monitoring it is common, and generally required, for a Native American representative to be present. In general, tribal monitors are tasked with making sure that the physical and ideological items that pertain to their heritage are treated in a way that corresponds with their cultural values, project agreements and legislative guidelines. In this way, they may monitor both the environmental practitioners and the impacts caused by various project activities. Thomas King is an outspoken critic of the common trend amongst environmental management professionals in developing mitigation strategies around the monitoring of direct impacts caused through construction activities. He has observed that, “‘monitoring’ means watching the bulldozing and recording or salvaging whatever may be found (graves, artifacts, etc.). Sometimes it’s done by tribal representatives, sometimes by archaeologists, sometimes by both” (King 2007:1). While treatment plans generally require the discontinuation of ground disturbance when any type of grave is encountered, the fact that monitoring often entails salvage is an apt description of the process. In this sense, monitoring comes after the agreements have been made through the consultation process. At this point, the project has been designed, data has been collected, evaluations have been made, and construction may proceed.

Each band of the Kumeyaay has their own strategies for organizing their tribal monitoring programs, and consequently they differ in their approaches. Generally, each reservation maintains a list of approved Native American representatives. Monitors are provided at the request of a consulting firm or agency by selecting from this list of names. However, because archaeological, biological, paleontological, and other environmental practitioners form working relationships with specific Native American monitors, some people work more often than others. Additionally, some individuals have more public and/or agency notoriety within San Diego, such Native representatives are more frequently requested as monitors based on their expertise and regional recognition.
This project is not aimed at presenting a holistic understanding of the Native American perspectives regarding CRM. Nor is it intended to describe the complexities of Native American monitoring, though this would be a highly significant pursuit. I feel that a project of this kind would be incredibly beneficial, but should be done by an individual who has been designated by members of this community. My first-hand understandings on this subject are drawn from information provided in four in-depth interviews with Native American monitors, as well as dozens of informal, consensual conversations that have occurred over the course of conducting CRM fieldwork. While it would be far better to have gathered a larger number of perspectives from an expanded area, due to time and practical constraints, I have only had the opportunity to conduct formal interviews with members of the Kumeyaay. Additionally, this chapter neglects to consider the growing number of Native American archaeologists. This topic provides unique opportunities for discussing the re-conceptualization of culture, data, and heritage within the practice of CRM. Unfortunately, it is out of the scope of this study.

The perspectives regarding both CRM and cultural resources are highly varied amongst Kumeyaay Native American monitors. I discuss some of the common perspectives regarding contemporary monitoring that have been provided through four in-depth interviews and dozens of casual conversations with individuals working throughout the San Diego region. This chapter discusses some alternative understandings of CRM, non-archaeological cultural resources, the legislation of sacred sites, and issues of Native American sovereignty and heritage.

**NATIVE AMERICAN MONITORING AND CRM: A VARIETY OF CONTEMPORARY PERSPECTIVES**

Over the course of doing CRM and conducting this study I spent a great deal time with many Native American tribal representatives. During one large project, I was teamed up daily with different Native American monitors. For over a year, we were tasked with making sure that the impacts of construction activities upon cultural resources remained in compliance with the various agreements and protocols. As part of such projects, a cultural consultant must form multiple working relationships with engineers, contractors, and various other construction personnel. Each of these people brings their own cultural understandings.
Due to nation-wide competitive bidding for jobs, the understandings regarding cultural resources held by many of these contractors are often drawn from formative experiences in other parts of the United States. For the previously mentioned project in particular, this required that each new monitoring task involved an introductory summary of the importance for the preservation of material culture. The Native American monitor and myself were commonly introduced together as “the cultural monitors”, or simply, “the Culturals”. While, inevitably, we would introduce our respective roles to each new crew, it was of little interest to them. The roles of Native American representatives and CRM practitioners can get heavily entangled during such lengthy projects. Native American Monitors often come to be confused by contractors as filling the role of a second archaeologist. In my experience, the amount of success a Native American has in differentiating themselves from the CRM practitioners during monitoring activities generally depends on their level of experience and how outspoken they are regarding their personal understandings of preservation and heritage. The ability to be remembered, and considered, while construction activities are taking place has real implications for the preservation of both previously recorded and unanticipated cultural material. In any case, Native Americans monitors and CRM practitioners have distinctive roles that may, at times, overlap. The entanglement of these relationships is promoted by the legislation, where CRM practitioners are “experts” in Native American heritage, and the process of monitoring, where construction is observed in terms of “cultural impacts”. This runs the risk of narrowing the powers of Native American representatives.

The following section describes some of the different perspectives surrounding contemporary Kumeyaay Native American monitoring that I have observed and have had described through interviews and conversations. Native American monitors, like CRM practitioners, are individuals with different approaches, backgrounds, and preferences. Expressed perspectives have ranged from advocating for complete avoidance, to “realist” understandings where impacts to cultural resources are assessed in terms of cost-benefit. Each of these strategies is associated with a number of philosophies regarding preservation and heritage.

I have observed that the most common strategy for monitoring conducted by Kumeyaay representatives is characterized by advocating for complete preservation in place. This has been described by more than one interviewee as the “Carmen Lucas school”
(NAM-2, interview by author, August 29, 2010). Carmen Lucas, a respected member of the Kumeyaay, is an outspoken advocate for local Native American heritage, and daughter of the well known Kwaaymii elder Tom Lucas (Carrico 1983). She is a proponent of all sites, of all sizes and types, as being significant and worthy of preservation in place. The benefit of this type of approach is that it promotes a strict conservation ethic that begins in the planning process and continues through construction monitoring. As King has observed, “the environmental and cultural resource laws are planning laws; they give tribes and others the opportunity to influence project planning. When you opt for monitoring, you give up your influence on planning” (2007:1). I would contend that the conservation ethic that supports cultural preservation within the planning process might also be extended into monitoring activities. To state this directly, if a tribal group advocates for complete avoidance from the beginning, then this will be remembered when construction is taking place. For example, it is often the case that contractors do not need the entire workspace that engineers and planners have provided. Some portion of a site may be avoided through last minute, on-sight discussions. In any case, by maintaining a strong conservation ethic from the beginning, such compromises are more likely to take place during construction. The planned impacts of some cultural resources through project activities are often unavoidable. However, these considerations must be brought to the associated Native American communities as part of the consultation process. By maintaining a strict conservation ethic in such interactions, and allowing for impact only in the face of overwhelming opposition, a greater amount of preservation is often the end result. This should not be confused with a lack of compromise or willingness to consider project needs, rather it is a position whereby each group’s positions should be distinctly defined. The strict preservation approach often involves directly conflicting perspectives, but it also represents a clear point to begin in forming agreements amongst the various interested parties.

Based on my experience, other Native American monitors take a “realist”, data-centric approach. They observe that the preservation of cultural resources is important yet accept the reality that development is going to impact them at times. Such individuals generally consider it the role of Native American monitors to preserve the most significant cultural material. It is commonly expressed that those artifacts or features that are removed from a site should be put on display for all to see (NAM-3, interview by author, November
28, 2010). Such cultural items would not include funerary or objects of a sacred nature. While I have encountered variations in this approach, one of the most common is based in a type of Native American neo-functionalism. The argument contends that past indigenous people often directed their day-to-day practices towards functional purposes. Certain locations were “significant” because they were useful. For this reason, some sites, as they are recorded today, are more worthy of preservation than others. This should not be confused with Section 106 criteria of significance. Instead, the party that is most appropriate for gauging the cultural utility of a place, a trait that extends beyond the OHP resource attributes (OHP 1995:Appendix 4), are living Native American decedents.

The distinctions between the strict preservationist and the “realist” have practical implications for CRM. Because the latter takes a more data-centric perspective, they tend to put a higher value on provenience. Strict preservationists are more likely to have a “site provenience” perspective. As one such interviewee observed, “it doesn’t really matter where something was originally at. It could have moved a foot, 10 feet, or 100 feet. It still means we were there” (NAM-1, interview by author, May 16, 2010). This perspective is focused on the cultural values that may be associated with a place and history of the people that were there, rather than archaeological methods. Choices must be made when artifacts are found in the path of certain impact. One discussion with a Native American monitor regarding the issue of collecting unanticipated cultural material is of notable pertinence. This conversation took place on the site of a major construction project, located on BLM public domain. This person had mentioned that it was bad practice to simply move artifacts out of the impact zone, observing that BLM guidelines specified that any artifact that was to be directly impacted should to be collected. Archaeologists tend to support such guidelines; when an artifact is moved, it is separated from its provenience, distorting the archaeological record. In my experience, this view is not shared by many other Native American monitors. It is commonly felt that when an artifact is collected, this item is inevitably destined to be stored in a box, presumably forever. Because of this, many Native American monitors observe that they would prefer to move artifacts out of construction zones, and into adjacent, non-impacted, areas. In contrast to this belief, this individual observed that, “yes, it may be collected now, then stored in a box for a while. But, sooner or later, we’ll get it back” (NAM-4, interview by author, April 10, 2011). Both of these viewpoints are based in the understanding that
archaeological artifacts and features are associated with heritage. Ostensibly, this statement may seem to represent a strict acceptance of spatial-data conventions promoted by archaeologists. However, in fact, this individual was also thinking in terms of moving cultural material out of harms way. They believed that the connections between traditional activities and these cultural items could not be simply described in terms of their spatial relationships. From this perspective, artifacts might be placed in boxes elsewhere, but that location from where they were taken could not be moved and the sense of heritage that defined these items as important would remain intact.

For the San Diego region, I have witnessed that the most successful Native American monitoring approaches, in terms of avoiding destruction, tend to advocate for the total preservation of cultural artifacts and features. While an approach to monitoring that is predicated on accepting the realities of development may provide for a greater cohesion and smoothness during project planning and construction activities, it also allows for an increased level of compromise. This often precipitates more disturbances to cultural resources. Additionally, I have witnessed that those individuals who take a strict preservationist stance often have a wider conception for the domain of Native American monitoring. The “realist” strategy runs a risk of allowing the role of the tribal representative to be conflated with the data-centric approach that is required of the archaeological monitor. This creates a dependency on the archaeologist to assign significance to cultural material based on their practical experience, education, and knowledge of the legislation. While it is true that both the archaeologist and the Native American monitor are cultural, the cultural domain of the latter expands across every part of the landscape that is associated with their tribe’s cultural understandings. Additionally, CRM practitioners are contracted to manage the impacts to cultural resources. For this reason, it is often inappropriate for them to protest the destruction of an archaeological site that has already gone through the planning process. On the other hand, Native American monitors have the ability to advocate for the preservation of cultural resources based on their heritage alone, which cannot be constrained in the same way by legislative guidelines. Archaeological practitioners are most generally responsible for physical artifacts, however Native American values represent the archaeological data, the biological environment, the geographical landscape, and every other part of the surrounding environment that is tied to the histories that inform their contemporary cultural values.
NON-ARCHAEOLOGICAL CULTURAL RESOURCES

Based on my experience in the field, some Native American monitors do not see themselves as only representing cultural resources. One interviewee expressed their concern with the fact that “they focus so much on protecting (archaeological) sites, and a lot of the time, so do we. But, in my tribe, we think of plants like elderberry as important too, but they mow them down because they are “shrubs”, not “trees” to them” (in conversation 2011, emphasis added). To contextualize this remark, as part of the biological mitigation protocol for a large project with which we were both associated, there was a substantial debate surrounding the issue of how to define a “tree” versus a “shrub”. It had been generally agreed upon that a plant with a base over 3 inches in diameter at chest level should be classified a “tree”. Additionally, it should have a single primary trunk. As defined by these criteria elderberry was usually considered to be a “shrub”. The roots of issue extended far beyond botanical nomenclature. As part of the environmental permitting process, the project had received a pre-nesting season Notice to Proceed (NTP) for removing all shrubs, but only select, previously defined trees. Plants such as Mexican Elderberry, sugar bush, and California juniper, all of which can be classified as either trees or shrubs depending on the environmental conditions, presented a substantial problem for construction. While the removal of all vegetation within the project area was not required, these plants provided a habitat for other animals that are protected within the legislation, and consequently, were a risk to progress. Specifically, most species of nesting birds would halt construction within a minimum distance of 100 to 500 feet. Golden and Bald Eagles, both federally protected under the Bald and Golden Eagle Protection Act of 1940, would stop all construction for 4,000 feet surrounding an active nest until all chicks have fledged. The intent for construction, pending agency approval, was to clear all of the project areas of any vegetation that would present a suitable nesting location for birds. Project proponents were in a desperate race against nature, fearing that as spring approached nesting birds would arrive in increasing numbers, as they eventually did. The effect of this intense focus on birds caused a shift in value from “plants” as plants, to “plants” as habitat and obstacles to construction. Nowhere in these considerations, and numerous heated debates between contractors and environmental managers, was there any discussion of the cultural value of this vegetation. Archaeological sites are widely acknowledged in the planning process as discrete
encapsulations of cultural heritage. However, the rest of the natural environment, to which these sites are often directly, or indirectly, associated, is generally seen as biological rather than anthropological.

While it is out of the scope of this study to extrapolate upon the value of these “shrubs”, I would like to illustrate a few of their traditional uses. Mexican Elderberry (*Sambucus mexicana*) is a commonly found tree/shrub throughout the San Diego area. This perennial plant forms small white flowers in the spring, followed by white or purple berries in the spring and summer months (Garcia and Adams 2005:188). While there are no definitive studies that illustrate a direct relationship between the presence of elderberry and areas of special cultural significance, in my experience I have found elderberry in association with numerous archeological sites. Cecilia Garcia et al. have observed that elderberry may have been commonly planted by some Southern California Native Americans to mark springs and underground water sources (2005:188). Uses of elderberry by local indigenous people have included the flowers as a shampoo and to treat colds and flues, premenstrual syndrome, and dysmenorrheal; the bark, roots, and leaves to induce vomiting; and the berries as a dye and food source that is rich in vitamin C and other active constituents (Garcia and Adams 2005:188). Sugar bush (*Rhus ovata*) is an evergreen plant that grows throughout the San Diego area, most notably within the chaparral community of plants. Traditional uses of this plant have included the leaves to treat colds, dysmenorrheal, lung infections and to facilitate childbirth; and the berries as a food source (Garcia and Adams 2005:170). Lastly, the California juniper (*Juniperus californica*) was also a plant of common use. The tree is generally found within the mountainous regions of eastern San Diego, notably the Jacumba and In-Koh-Pah areas. The berries and bark were chewed and used in teas to treat colds and fevers; the Kumeyaay, specifically, brewed juniper tea to stop hiccups; the twigs were chewed to reduce pain and induce sweating; and the hard wood and soft interior bark was used for a variety utilitarian purposes (Garcia and Adams 2005:120).

Plants cannot be simply labeled as biological. They have been, and continue to be, of cultural significance to people through their healing properties, nutritional value, map markers, and more. These values, by their very nature, are part of the cultural understandings of Native Americans and others. When such resources are impacted, without the consultation
of those that consider them important, it signals not just a lack of appreciation and respect for their cultural values but also undermines the intent of the existing legislative guidelines.

**Native American Monitors and the Legislation of Sacred Sites**

The American Indian Religious Freedom Act (AIRFA) of 1978 was amended through Executive Order 13007 in 1996. The Order, issued by President Clinton, specified that sacred sites were to be made accessible to Native American religious practitioners and managed in a way that avoided adverse effects by the respective federal agency. E.O. 13007 defines ‘sacred site’ to mean “any specific, discrete, narrowly delineated location on Federal land that is identified by an Indian tribe or Indian individual determined to be an appropriately authoritative representative of an Indian religion” (U.S. Federal Government 1996:E.O. 13007, Section 1(b)(iii)). While ostensibly this section promotes the preservation of sites of special cultural significance to Native Americans, it also institutes certain conditions as to how these sites are to be interpreted. The order requires some type of distinctive delineation to separate it from the surrounding space, and assumes a homogeneous understanding of “sacred” among tribal members (King 2008a:258). While it is not within the scope of this project to expand upon intra-tribal variation in religious perspectives, I would like to reiterate the point that, in my experience, Native American tribal groups are comprised of many individuals, often with very different views. Unless this “authoritative representative” is truly supported by the majority of a tribe, it would likely be inaccurate and unethical to give a single individual the power to delineate cultural/sacred space (a scenario that has been misunderstood and misused throughout history).

**Native American Sovereignty and Heritage**

While Native American heritage has been of particular interest as far back as the European colonial period, involvement of living Native American descendants in the process of historic preservation is a relatively new phenomenon. Alan Downer has observed that in the past the federal government attempted to “force Indians to relinquish their distinctive culture and assimilate into the dominant society. Now the policy prescribes self-determination for Native American people and their tribal groups” (Downer 2003:405). Over time, I have come to understand that this idea of Native American “self-determination”
is a relatively common perspective amongst those involved in historic preservation. I also have observed that the Native American monitors with whom I have had the opportunity to work do not always share the belief that they possess this power to make their interests heard. The most widely applied understandings of cultural resources in the legislation and practices of CRM seem to be data oriented, scientific, object-centric, and spatially defined. This bias has instituted inherent discontinuities with the perspectives held by many Native American monitors. The specialized terminology and practices of Archaeology seems to have come to be the standard means for interpreting and discussing Native American heritage. Following Downer’s reasoning, the community of CRM practitioners has taken on the role as the “dominant (member of cultural) society”, and Native American monitors are pressured to “assimilate” their modes of expression in order to gain a voice in the popular discourse. These conditions are reinforced through the language and procedures imposed by the broader body of state mandated legislation. While such guidelines provide for new freedoms, they also define how such freedoms may be achieved and discussed.

Proponents of a Paleo-American perspective are often oppositional to the repatriation of ancient human remains and associated cultural items. As Downer observed, “archaeologists, who in the nineteenth century were instrumental in demonstrating that the Mound builders were Native Americans, are now aggressively seeking to use the Paleo-American argument to expropriate the most ancient American Indian human remains from Native American heritage” (Downer 2003:409). These trends are obvious in San Diego, most notably in the case of the human remains that were encountered through work activities associated with the Chancellor’s house at UCSD (Federal Register 2010). It has been argued by many scientists that because these remains, and their associated funerary goods, are some of the oldest in the region, they present unique information that would be lost if repatriated. I would argue that Downer’s contention might also be interpreted in reverse. In my experience, archaeologists’ have a diverse number of perspectives with regard to the ideas of cultural continuity, especially as specified within NAGPRA. In general, it seems that there has been a broader post-processual paradigmatic shift in the field of CRM, where cultural relationships have come to substitute simple interpretations based on the sharing of DNA between past and present populations. Notably, one CRM practitioner observed, “it is pretty obvious that the Native Americans now have more affiliation with those ancient people then anyone else in
San Diego, especially archaeologists” (Arch-1, interview by author, December 10, 2009). In 2010, in opposition to the protests of many U.S. archaeologists, Section 10.11 was added as a revision to NAGPRA. This allowed for the “unidentified” UCSD human remains to be repatriated (Federal Register 2010). One Native American monitor respondent has confirmed that this is true, however the vast majority of these skeletal remains cannot be found (in conversation 2011). Consequently, it is uncertain when they will all be repatriated.

The implications of these varied perspectives regarding cultural continuity are often pivotal in deciding tribal involvement for projects within the San Diego region. NAGPRA requires a proven “relationship of shared group identity which can be reasonably traced historically or prehistorically between a present day Indian tribe or Native Hawaiian organization and an identifiable earlier group” (U.S. Department of the Interior 1990:Section 2 of NAGPRA). While such proof of affiliation might be established through oral history or other tribal cultural knowledge, this is commonly rejected by living Native American communities due mistrust surrounding the sharing of such information. As one Native American monitor has contended, “often CRM claims that Natives don’t know their history. That is just not true, we just don’t share” (NAM-2, interview by author, August 29, 2010). Outsiders, especially anthropologists, are seen as profiting unrightfully upon Native American cultural values and heritage. While this mistrust is common, it is not the only reason such information is withheld from the preservation process. Other interviewees have expressed their desire to share aspects of tribal knowledge but they feel that researchers and CRM practitioners are not willing to integrate alternative understandings. Instead they are seen as taking information, then manipulating it to fit their own ideas. Many of these Native American individuals have been raised within environments where traditional knowledge is not only still alive but also is commonly understood and shared. Notably, another monitor observed, “I know a lot of people that can track our history, and talk about what their family did. Everyone has many generations of history. These histories all have to do with the land that we are standing on right now. And if one person doesn’t know, they can ask someone else” (NAM-1, interview by author, May 16, 2010). These comments perfectly exemplify cultural continuity in the most formally defined sense.

The issue of sovereignty is central to the Native American associations with the process of CRM. The entire body of legislation that requires tribal involvement is based on
the understanding that state and federally recognized tribal groups should be treated as self-governing entities. The most pertinent of these laws include the National Historic Preservation Act, 1966; The Department of Transportation Act, 1966; the National Environmental Policy Act (NEPA), 1969; the CEQA, 1970; the American Indian Religious Freedom Act (AIRFA), 1978; the San Diego County Resource Protection Ordinance (RPO), 1989; the Native American Graves Protection and Repatriation Act (NAGPRA), 1990; Executive Order 13007, Indian Sacred Sites, 1996; Department of Defense American Indian and Alaska Native Policy, 1998; Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, 2000; and California Senate Bill 18, 2004 (for greater detail regarding these laws see the chapter on Legislation and CRM). This 45 year legislative history was partially characterized by the increasing ability for Native American communities to voice concerns regarding the treatment of their heritage. This period was paralleled by a shift within the social sciences, from strict “scientific” perspectives to postmodern critiques of the relativistic nature of cultural data. This shift still continues to affect legislation and conceptions in CRM. Since its enactment in 1990, the wording of NAGPRA has changed to allow for a more “anthropological”, and general, interpretation of cultural affiliation (Federal Register 2010). This was intended to be more supportive of Native American interests. Through such laws, tribal involvement has become a requisite component in the process of historic preservation. It is likely that in the future the role of Native Americans in this process will only increase.

Alan Downer observed that, “from 1850 to 1930 the federal government had a de facto policy of desecrating sacred sites. This was partly an effort to dominate and intimidate the tribes to make them more amenable to government control” (Downer 2003:411). While I cannot confirm that this was in fact the case in San Diego County, this is a widely held sentiment amongst many of the Native American monitors that I have spoken with. One interviewee concurs, stating, “in the past, archaeologists were desecrating burials, disturbing sites, and generally destroying things” (NAM-1, interview by author, May 16, 2010). Locally, the research of Malcolm Rogers has had an unparalleled impact upon the local archaeological record. However, as one person of Kumeyaay decent has observed, this is not uniformly thought of as a positive influence for the process of cultural preservation in San Diego:
(Archaeologists) are always like, “well Malcolm Rogers says”. But to an Indian, Malcolm Rogers is an enemy. I read some of his old notes where he was talking about finding graves. They were looking for burials, and he was happy when he found them. This is where these ideas come from. [NAM-2, interview by author, August 29, 2010, emphasis added]

Past archaeologists sought out burials because they provided answers to their research questions. This practice was a choice of relative data potential. While the excavation of burials by archaeologists has all but ceased on most lands, the issue of relative significance is built into the NHPA and other legislation. By convention, such determinations of eligibility generally hinge on data potential. This raises the question, how is “desecration” to be understood in contemporary CRM? As observed in the previous section, the broader body of legislation supports the preservation of Native American sacred sites. On the other hand, if CRM practitioners are not aware which sites are sacred, they cannot record them as such. Consequently, it is possible that sites of importance to Native Americans may not be understood as significant to archaeologists. The distinction between the type of destruction within the context of contemporary CRM and that described by Downer and this interview respondents is a matter of intent. Can this be “desecration” when it is done without knowledge of its cultural importance to living Native American communities? As Downer observed, such actions were done in the interest of establishing dominance (2003:411). I am uncertain how to address such considerations; it is likely that some manifestation of these earlier understandings are still embedded within the fabric of the U.S. Government and the legislation. John Marshal, following the 1831 U.S. Supreme Court’s ruling in favor of Indian sovereignty, observed, “a week State, in order to provide for its safety, may place itself under the protection of one more powerful (the U.S. Government), without stripping itself of the right of government, and ceasing to be a state” (as quoted by Downer 2003:410). In this way, the founding laws pertaining to Native American rights were grounded in the belief that tribes required outside guidance from a “more powerful” governing body. It may be that the legislation, which guides the practices of CRM, has continued this trend through the required involvement of trained cultural specialists. CRM practitioners are in the business of defining which cultural resources are important and how they should be treated in response to the demands of development. While the consultation process is intended to bring in a variety of perspectives regarding these decisions, archaeologists generally get the last word in terms of
determining cultural value. This is an example of a community of outsiders that have been granted the power to enforce their values upon another. Until all involved parties receive the same ability to have their perspectives represented within the preservation/management process, the result will be an inequitable distribution of power in determining cultural value.

**SUMMARY**

I have attempted to address a range of issues associated with the relationships between Kumeyaaay Native American monitors and the process of CRM. This chapter has discussed some alternative understandings of CRM, non-archaeological cultural resources, the legislation of sacred sites, and issues of Native American sovereignty and heritage. The contemporary perspectives regarding both CRM and cultural resources are highly varied amongst Kumeyaaay Native American monitors. Consequently, there is no single approach. While there are many ways to address this topic, I have tried to present this information in a style that reflects the understandings that have been provided through interviews, conversations and my own experiences. I apologize to anyone who may feel neglected and for the limitations of any insights that I have provided. This has been a consequence of time and practical constraints.
CHAPTER 13

THE COMMODITIZATION OF CULTURE

The field of CRM is a competitive, for-profit business that specializes in the management of cultural resources by professional archaeologists. These professionals operate within the dictates of legislation, based on the demands of development. In some ways, the commoditization of culture is inherent to the process. However, this commonsense observation does not get at the root of the issue. Through this chapter I discuss two aspects of CRM: the broader structural influences that legitimize the commoditization of cultural resources, and the practices and events that have perpetuated this trend. I first present a general overview of the process. While there might be many ways of interpreting this type of commoditization, I discuss what I have witnessed most commonly in the southern San Diego region. Second, and for the remaining portion of this chapter, I unpack the theoretical foundations for the commoditization of cultural resources though ideas of classic economics (Simmel 1978), Marxism (Marx 1971), post-processualism (King 2006), postmodernism (Appadurai 2010; Bhabha 1994; Gupta and Ferguson 2006; Kopytoff 2010), political economy (Roseberry 1991), and practice theory (Ortner 2006).

COMMODITIZATION OF CULTURE IN GENERAL

In CRM, boundaries are created in space, around objects of cultural value with different temporal attributes. Like the past land surveyors of the United States Geological Survey, cultural resources are classified in terms of type and composition. Through the mandates of legislation and the demands of development, these areas, or “archaeological sites”, are evaluated by archaeologists in terms of their eligibility for listing in Registers of local, state, and national significance. As in classic theories of economic exchange, relative cultural significance is usually directly related to the scarcity of other like-sites listed upon these registers. The greater the demand for use of a specific area for development, and the higher the value (in terms of significance) of the cultural resources upon this land, the more costly the price for CRM practitioners to fulfill the required process of recordation and
evaluation. As Georg Simmel has observed, “the difficulty of acquisition, the sacrifice offered in exchange, is the unique constitutive element of value, of which scarcity is only the external manifestation, its objectification in the form of quantity” (Simmel 1978:100). Such sites of cultural value are not always destroyed though the deep pockets of determined developers. A project can be moved or halted following determinations of “significant”. However, the inertia of progress is ceaseless, and in the end, commonly the dominant force. In this way, and from this perspective, the objects of cultural activity, and the space that surrounds them, are commoditized. This status as commodity is not simply a creation of the legislation, but defined through the practice of CRM itself and the culture that considers them to be valuable.

The location of cultural commoditization is actual, material and ideological. It is often, in a very practical sense, the physical place where something is. The boundaries that define the extent of an archaeological site, as recorded at the Information Centers and by CRM practitioners in the field, are generally what determine the cultural management strategy for each respective project. These sites are situated upon land that varies in relative value to project interests for development. In San Diego, the most used habitation sites are commonly at locations near fresh water, on low-grade slopes (often south-facing), with oaks, other utilizable plants or material, and that provides shelter from the weather (Tsunoda 2006). Such locations were important to prehistoric Native peoples, the Spanish, the Mexicans, and continue to be valued by the inhabitants of San Diego today. William H. Hannon, a well-known Southern California developer, often claimed that, “father Serra was the first developer of California. If you buy real estate, buy within a twenty-mile radius of a Mission. California’s twenty-one Missions are all near fertile soil and water” (Hannon Foundation 2011). Similarly, the missions were often established in locations that resulted in the displacement of large numbers of Native Americans.

**DECONSTRUCTING THE CONCEPT OF CULTURAL RESOURCE AS COMMODITY**

In theory, “a “cultural resource” is a physical or intangible, built or natural, aspect of the environment, that holds cultural significance for a group or an individual” (Arch-7, interview by author, March 2, 2010). In practice, it is defined through the interactions and
perceptions of CRM practitioners, Native American representatives, legislators, and developers. For this reason, coming to some understanding of how cultural resources are commoditized, if in fact they are, requires a deconstruction of the concept of exchange as it relates to these interacting perceptions. Following the end of McCarthyism in the United States the sciences began to draw more extensively from Marxist theory. Much of contemporary anthropology, particularly archaeology, has commonly applied these Marxist ideas to understandings of object production and the relationships of objects to developmental-historical sociopolitical constructs. In *Capital*, Marx contended that a commodity is created though the intentional production of an object with useful characteristics that have been predetermined to be of value (Marx 1971:67). Further, in viewing the first “primitive” product of this commodity, or *value-form*, in retrospect, it is possible to observe its historical associations (67). Following this mode of logic, a commodity is produced, with intent to be exchanged, which requires a shared understanding of value between manufacturer and consumer. However, in the case of the archaeological artifact, there is an obvious disjunction between the intent behind the creation of a cultural object and the value assigned to it by the present-day archaeologist, collector, member of the public, legislator, and perhaps even the Native American monitor. Marxism and theories of economic exchange can be of great use for providing broad understandings, yet these modes of thought run the risk of leading to teleological, dualistic, and directional understandings. Guided by an intent to promote the discursive, processual, and contextual, the remaining portion of this section attempts to analyze the concept of commoditization as it relates to perceptions of cultural resources, rather than the physical archaeological elements themselves.

While one might dedicate an extended period of time applying Marx’s *Capital* to Archaeology, I will primarily draw on two of his key points from the above discussion; *Intent* of new form production and commoditization of the *value-form*. Sherry Ortner’s observations of social change draw heavily on Marxist theory. She contends that “agency” may be described as an individual’s ability to create expressions of their intent through action, which in turn, signifies their relative power to execute change within the surrounding social context (Ortner 2006:136). Agency does not exist in itself, but instead is represented through the transformation of existing “larger social and cultural formations” (134). Ortner views agency
to be directly associated with intentionality; intention may be seen to exist on a continuum of relative action. The distinction between the Marxist understanding of labor-based production of the “primitive” value-form, and Ortner’s sense of social change through agentive action, is largely a difference of “top-down” versus “bottom-up”. Ortner believes that an individual, situated within a context of day-to-day interactions, is a conscious and empowered agent of change. In contrast to this, Marx would contend that the process of commodity production is an embedded part of the labor-based inequities within the structure of capitalistic society itself (Marx 1971:67).

The value of Ortner’s concept of agency is that it helps to situate the changing understandings of “cultural resource” in terms of actual people and practices. The history of the interactions between CRM, historical preservation legislation, and development exhibits numerous instances where individuals, small groups, and regions have created reverberating change. For examples of agentive action in California archaeology see the chapter on the Emergence of CRM within this study. A noteworthy example has been provided by Thomas F. King’s infusion of archaeological interpretation, or “archaeobias”, into the cultural resource preservation legislation during the 1960s and 1970s (King 2006:1). Generally summarized, archaeologists were the dominant representatives for cultural preservation when the field was being established, consequently, understandings of “cultural resources” as discrete and data-centric came to be commonly accepted. Just as contended by Ortner and Marx, the quality of the resulting change in the commonly held perceptions regarding cultural resources was understood by King, among others, when looking back at these events in retrospect (King 2006; Marx 1971:67; Ortner 2006:9). The general implication of this concept of retrospective perception has been well discussed by theorists such as Homi Bhabha (1994). Bhabha contends that, while the actions in the present may, or may not, be grounded in the conscious pursuit of social change, an individual or community that is acting outside of the realm defined by cultural norms can not directly perceive, nor conceive of, the far-reaching effects of those actions (266). More concisely stated, aversive social performance cannot be assigned a full range of meanings until after that discursive (unpredictable) period has ended. Subsequently, events and actions can only be assigned significance in retrospect, by reflecting on how they have contributed to the formation of the present state of things (267). Ortner’s understanding of agency somewhat unravels when
considered in relation to intent. To be an intentional agent of change, an individual must have a clear understanding of the powers that are oppositional to them, and anticipate the probable results of their actions. This is not realistic, as exhibited by King’s unanticipated realization that archaeologists may have been too successful in their promotion of archaeology. The shift in the understandings of cultural resources is better understood through Marx, where the production of the “primitive” commodity form may arrive through the process of labor itself, and need not be intentional. This is similar to Homi Bhabha’s (1994) understanding where the full meaning of a social context cannot be observed until after a period of change. This “retroactive agency” marks the creation of a new cultural element, practice, or understanding by bringing together the forms of representation and meanings that define them over time (Bhabha 1994:267). In this way, changes in the understandings of “cultural resource” and commodity production through the practices of CRM, may be understood in terms of both classic Marxism and contemporary cultural anthropological theory. The process of commoditizing cultural resources was not likely a matter of a singular intent. Instead it was a product of a competitive business that was populated by processualist archaeologists who were able to write their interests into law. The ideas of Thomas King and others provided the “primitive” cultural resource form. However, the process of CRM became legitimized within the legislation, and the one product they had available (cultural data) became commoditized through practicing archaeology within a field driven by competition.

This discussion of intent, as it relates to the production of new ideas and things, is important for understanding the location, physical and imagined, where changes in form (be it object, idea, or practice) are grounded. Similar to Marx’s commoditization of the value-form (1971:67), this context is what allows for the transition between product (something created through activity) and commodity (an intentional standardization to be sold). In this way, commoditization is a product of context. Gupta and Ferguson (2006) observe, by understanding that “notions of locality or community refer both to demarcated physical space and to clusters of interaction, we can see that the identity of a place emerges by the intersection of its specific involvement in a system of hierarchically organized spaces with its cultural construction of community or locality” (67) From this perspective, the act of defining space is always political. Correspondingly, one interviewee observed that, “cultural resources are almost always political, because you have to make a decision as to what is
important. The consultant makes a recommendation, and the agency chooses whether to accept that recommendation or to reject that recommendation” (Arch-5, interview by author, February 18, 2010). Boundaries are separations, based on conceptions of difference and discreteness, that are often abstract and ideological rather than physical.

Arjun Appadurai (2010) extends the concept of commoditization from a single event and location to a contextualized process that takes place over time. He describes this process as a “commodity situation”, where something is situated within a context “in which its exchangeability (past, present, future) for some other thing is its socially relevant feature” (13). Appadurai further stipulates that this situation may be broken down into three components: the commodity phase, where a thing may gain or lose its commodity status; commodity candidacy, the ideological framework that defines exchange; and commodity context, the existing social practices, through which things are commoditized (13). These components are more generally derived from the understanding that individuals and communities may influence their surrounding world through the ideas and meaning that are packaged within accepted social practices. From this perspective, the conventions in thought and action that characterize the practice of CRM are inseparable from their relationships with developmental, legislative, and other influences. In general, such relationships and values comprise a culture in itself. As Roseberry has contended, “culture is at once socially constituted (it is a product of present and past activity) and socially constitutive (it is part of the meaningful context in which activity takes place)” (1991:42). In the first decade of CRM, legislation such as NHPA, NEPA, and CEQA promoted the ideas that cultural resources should be seen as discrete, of differential value, and subject to different standards for mitigation. Thomas King, the SCA, SHPO, ACHP, NPS, OHP and others helped to write and legitimate such perceptions. The 1972 Friends of Mammoth decision rapidly perpetuated these ideas through an unchecked surge of archaeological practice. The “unique” criteria, and subsequent phased-approach that were introduced though 1982 addendums to CEQA helped to essentialize perceptions of cultural resources, and created a standardized process that could meet the needs of construction. Each of these occurrences were both “commodity situations” and part of an extended “commodity context” (Appadurai 2010:13). The legislative, institutional, and individual intents that were associated with these events were focused on the proper management and preservation of cultural resources. The effect, however, was that
a process of commoditization became embedded within the practices of CRM. Currently, each new contract represents a new context were cultural resources are assessed in terms of value and weighed against project interests. In this sense, the use of the land upon which cultural recourses are situated is predicated on payment for archaeological assessment. Cultural resources become both a currency and something to be exchanged based on the dictates of the law.

At any given moment a commodity may assume a different meaning or phase. The archaeological site, from this perspective, may be considered in terms of national or community ideologies, legislative definitions, archaeological approach, or cultural background. Igor Kopytoff (2010) has observed that, within each culture the respective system of exchange classifies things along a spectrum, from singular to homogeneous commodity. The phase of a cultural resource when commoditized may be subject to “singularization”, where its value is defined through its singular nature, or “homogenization”, where it is considered to have similar value as those in a more generalized category (Kopytoff 2010:77). He contends that public lands, monuments, parks, memorials, national landmarks, and ritual objects are part of the “symbolic inventory of society”, which is managed by “public institutions of singularization” (2010:73-81). The state, with the intent of consolidating power and legitimizing its position through examples of historical depth, benefits by illustrating the singular nature of these public areas and cultural resources. Drawing from Marx, Kopytoff contends that as societies become increasingly “complex” there is a natural tendency for a greater number of things to be subsumed within homogeneous classifications of value (2010:81). While discussions of cultural complexity are somewhat teleological for this discussion on the relative perceptions of cultural resources, the distinction between singularization through state hegemonic involvement and homogenization through capitalistic practices is highly pertinent.

Kopytoff’s type of homogeneous commoditization has been discussed on multiple occasions throughout this study (see chapters on History of the Site Record Form, Defining ‘Cultural Resource’ and Time and Archaeology). Briefly stated, such generalization may be observed in the process, practices and perceptions associated with evaluating relative site significance. Cultural resources are generalized based on their cultural features and constituents. Notably, the process of filling DPR Archaeological Site Record forms may
generalize the qualities of cultural resources to fit the descriptions on the forms themselves. The singularization of cultural resources is central to the process of historic preservation. The Local, State, and National Registers are all associated with institutions of the U.S. Government. The conditions for inclusion within each of these Registers are focused on a cultural resource’s “distinctive”, “significant” or “important” characteristics (U.S. Department of the Interior 1966:36 C.F.R. 60.4). Criteria (a) is perhaps the most reflective of Kaptoff’s understanding; where significant resources must be “associated with events that have made a significant contribution to the broad patterns of our history” (U.S. Department of the Interior 1966:36 C.F.R. 60.4 (a)). This raises a series of questions regarding what constitutes “our history”? This understanding of “history”, rather than “histories”, is based in the assumption that there is a broader sense of values regarding past events that everyone shares. Such an interpretation neglects the fact that there are different histories that may be held by a potion of the population, a community, or even a single individual. As Roseberry has observed, “real individuals and groups act in situations conditioned by their relationships with other individuals and groups, their jobs or their access to wealth and property, the power of the state, and their ideas--and the ideas of their fellows--about these relationships” (1991:54). The inclusion of a specific cultural resource within such institutional Registers is achieved through the relative ability of an individual or group to submit such nominations and the likelihood of them being accepted. A “significant contribution” to history is a matter of perspective, where “our history” varies based on who “we” are. Archaeologists, and other historic preservation specialists, have often nominated sites pertaining to other people’s histories. However, in general, the standards that determine the suitability for a nomination’s inclusion within a Register are defined through the values of dominant cultural ideologies. In this way, within the process of cultural resource “singularization” by the state, is the embedded cost of potentially excluding subaltern conceptions of heritage.

**SUMMARY**

To close this chapter on the commoditization of cultural resources, a final, common-sense, consideration should be made: CRM is a business. As one respondent archaeologist observed, “the history of CRM as part of a capitalistic society and capitalistic business has created a lot of divisions” (Arch-1, interview by author, December 10, 2009).
Professional archaeologists are paid to manage the impacts to cultural resources. CRM is a highly competitive industry. Because of this, it may be that the treatment of such cultural elements as commodities is an inherent part of the business. Generally stated, cultural resources are treated as commodities because there is a demand to treat them as such. As one archaeologist observed, “CRM is a business, if you don’t treat it as such you’ll die off” (Arch-9, interview by author, April 13, 2010). I have attempted to deconstruct this commoditization as it pertains to the general perceptions and practices that are associated with CRM. I have no grounds for either defending or objecting to the fact that this situation exists. Commoditization of culture through legislation, development, and the practices of CRM is self-evident. Throughout this chapter I have discussed two aspects of CRM: the broader structural influences that legitimize the commoditization of cultural resources, and the practices and events that have perpetuated this trend. I first presented a general overview of the process. Second, and for the remaining portion of this chapter, I discussed the theoretical foundations for the commoditization of cultural resources though the ideas of multiple theoretical approaches.
CHAPTER 14

CONCLUSIONS AND FUTURE IMPLICATIONS

The chapters throughout this study have sought to contextualize some of the varied conceptions surrounding archaeological data, cultural heritage, and the practices of CRM. I have grounded such commonly held understandings in their general histories, described them as they relate to the foundational aspects of archaeology, and discussed their relationships to contemporary professional practices. In general, this entire study has circulated around a single question, “what is a cultural resource?” This central consideration has led to an understanding that the value of such resources varies not according to a single market but rather fluctuates according to the parties that are recognized with the power to define them.

Over the past two years I have invested considerable effort toward answering this question. In general, this process has represented a bridging of the gap between what I have learned “in theory” and what exists “in actuality.” For this project, I first established a general framework using in-depth interviews and background research through academic, technical, and specialized publications. Over time, experiences gained through participatory observation in CRM related activities provided insight into how such ideas were applied in practice. Through the day-to-day activities associated such work my understandings came to be imbued with a variety of perspectives that were provided through dozens of casual conversation with other archaeological practitioners, Native American monitors, contractors, agency representatives, and others. I have done by best do provide a broad foundation, from which new practical considerations and discussions regarding the variable nature of heritage may emerge.

I have attempted to integrate concepts of ideology and practice. Cultural resources are not just intangible objects with a variable value, they are also real and tangible. The industry of CRM and the complex body of supporting legislation are dependent on this understanding. The conservation ethic that supports such management, while advocated by environmental specialists, agencies, and policy makers, also has the capacity to impose serious burdens on real people. For developers, the cost of managing cultural resources is often substantial. It is
not uncommon for the price of Environmental Assessment to restrict a project’s ability to proceed. In this sense, a situation is imposed where a developer may conduct their planned activities, but only if they have sufficient capital to pay for their impacts to cultural and environmental resources. Culture becomes a commodity, where CRM firms compete for the contracts to evaluate archaeological sites in terms of their relative cultural value. While such management is conducted in the name of the “public good” and conservation, it is sometimes unclear what is done for the public and what is simply the result of legislation and private interest.

Individual property owners are also affected by this conservation ethic. In California, cultural assessments are only required for activities that involve government approval. Private landowners can do just about anything to archaeological sites, as long as such activities do not require permits. Consequently, if an individual has potentially “significant” cultural resources upon their property, then there is little incentive for them to advertise this fact. In reality, this might be an issue of distinct anxiety for an owner, whose opportunities for use of their land are restricted by the presence of archaeology. This creates a division between the conservation ethic and private property rights. It is not uncommon for landowners to lose portions of their property to a public agency in the name of environmental or cultural preservation. This may occur through direct acquisition, both by willing sale and otherwise, or through the impositions of restricted use. Many methods have been attempted for promoting the preservation of archaeological sites among private landowners. These have included education, site stewardship programs, and threats of stricter penalties for intentional damage. Unfortunately, it is likely that nothing short of significant tax write offs might have any type of result. Even still, for many private landowners the fear of losing discretionary control over their land would likely be too great. In any case, all types of cultural resources are not valued by everyone.

The conservation ethic that is supported by the existing body of legislation is most generally data-centric. Simply stated, cultural resources are commonly evaluated in terms of their data potential. This creates an inherent separation between intangible and tangible conceptions of heritage. Additionally, it promotes the involvement of academically trained cultural resource professionals, and excludes individual without the appropriate credentials. For Native American groups, the exclusionary effects of this bias are lessened through the
required consultation process that is part of local, state and national legislation. The American Indian Religious Freedom Act (AIRFA), National Register Bulletin 38, NAGPRA, and sacred sites legislation have promoted different understandings of cultural heritage. In short however, the assumption that cultural resources should be understood as equivalent to archaeological sites is a commonly accepted byproduct of an embedded sense of “archaeobias” (King 2002:147). Based on this bias, non-archaeological aspects are rarely considered in the CRM process, analysis of impacts are generally relegated to considerations of ground disturbance, and depositional integrity is considered a requisite component of significance.

The conservation ethic, as applied though this data-centric perspective, is likely to be a topic of increasing importance in the coming years. This is not simply a matter of Native American or local community rights; it is significant for developers, public agencies, environmental specialists, and the general public. The ways that heritage are defined and treated through legislation and the practices of CRM have very real economic and cultural implications. I intend to continue in this area of research, notably expanding this study to include issues associated with development, industrialization, modernization, and private property rights.

Based on the understandings that have emerged through this study, CRM in Southern California is still in the midst of a steady counter-swing away from processual archaeology. I have little doubt that the future of CRM will include a broader range of cultural considerations. Because culture is the primary commodity that CRM is working with, and non-archaeological proponents are gaining increasing representation within the legislation, practitioners will need to consider less tangible understandings. Disciplines such as applied and cultural anthropology, cultural geography, and ethnography will be of increasing importance. I would contend that considerations of non-direct impacts, outside of visual and noise impacts, are unlikely become central issues in the near future. The practices of CRM are defined in terms of property ownership. This is a product of jurisdictionally dependent legislation. While, over time, there has been a general trend in California for local government to assume the language of federal laws, the implementation of a single unifying body of legislation is a long way off. Because of this, the activities of CRM practitioners will likely be focused on discrete units of physical space for the foreseeable future. As such,
assessments of direct impact will continue to be central to resource management considerations. This is not to say that non-archaeological considerations will fail to be acknowledged in the management of such discrete areas. Of note, I would suggest that there will be some merging of cultural and biological preservation efforts. For example, considerations of applied ethnobotany and the cultural significance of different plants and environmental communities will be of increasing significance. There is some precedent for these types of considerations within guidelines by agencies such as the NPS, but these have rarely been applied in the San Diego region (U.S. Department of the Interior 1997:Chapter 4, Natural Resource Management). Through the bridging of these two fields, both Native Americans and anthropologists have an opportunity to expand the definitions of “cultural resource” to a greater range of spatially bounded and tangible criteria, while continuing to operate within the existing legislation. This would require a greater amount of consultation between the biological and other environmental disciplines with local communities. A beneficial way of applying this would be through the established consultation process and actual anthropological style interviews and participant observation. The idea behind this would be to shift the role of local community members, including Native Americans, directly into the process of planning and impact evaluation.

An additional area of potential importance for CRM, is the creation of formal area-specific management plans. It would be advantageous to create a countywide management plan through predictive analysis. This would utilize a combination of GIS and existing archaeological records. Precedent for this includes archaeological districts, environmental conservation areas, respective management policies within specific jurisdictional districts, etc. This would require direct consultation with interested groups, including both Native Americans and other local communities. As noted within chapters of this study, archaeological site boundaries are partially determined by the type of resources that are present. For example, in regions where high quality lithic materials are common, there is a higher likelihood of expansive and dense archaeological sites comprised of “lithic workshops” and “procurement sites”. Such considerations would be balanced with ethnographic research, both past and present, for how to best treat these areas during project planning. In general, this is already built into the Section 106 process. However, in addition to considering the treatment of archaeological finds, the consultation process should include
a transparent discussion of the variable understandings of what the cultural resources within specific areas mean to the various involved parties. A point of discussion might be as simple as, “what does the collection of artifacts within this area mean to you?” This may seem similar to the existing process, yet its intent would be to shift the discussion from a data-centric standard to a mode of considering heritage in terms of variable cultural value. With a more open and less standardized consultation process, alternative options might be presented. An example could include partial on-site relocation of artifacts where, in the event of unavoidable impact, cultural items would be moved to an adjacent area, but recorded in a way that inventoried those cultural items and avoided damaging the integrity of other sites in the area. In this sense, it would be similar to the process of NAGPRA, but would avoid strict curation procedures and be applied to non-burial and non-ceremonial items. For many Native Americans, who may care less about provenience than archaeologists, this may be considered less offensive to their senses of heritage.

My approach to this study has been infused with the biases of my own education, experiences and personal preferences concerning the interpretation of culture. I have assumed that the locations where the interactions of different conceptions of heritage take place can be more-or-less directly observed. I’ve considered such nexuses to be historically informed, structurally defined, and represented through practice. I have treated understandings regarding heritage as trends in ideological and actual (meaning through the act of) representation (Bhabha 1994:164). Through this style of interpretation, legislation, archaeological practice, and the respective living groups and individuals were all treated as having equally relevant histories and understandings of “cultural resources”. However, it should be noted, that because of my position within this broader context, I have focused primarily on the practices of CRM. This approach has had strengths and weaknesses. In one sense, it has provided a clear and structured way of considering a handful of related elements that are associated with constructing understandings of culture as they relate to CRM. When all of these chapters are considered together, the reader may come to some understanding of CRM as a culture in itself. On the other hand, I have critiqued the various ways that concepts of culture have been defined and classified by organizing them into new categories that have resonance to me as a researcher. In this sense, I have used a strategy that might be described as a type of cultural/ideological core sampling. While I have attempted to provide a depth of
insight into how a handful of concepts of culture are constructed and perceived in CRM, I have also constricted the range of possible understandings. Culture is context, and context is derived of cultures, within cultures, within cultures that are respectively constructed in their own right. In this sense, each concept that I have addressed in this study is associated with a broader range of ideologies, people, and practices. Unfortunately, due to time and practical constraints, I have neglected to include and/or consider many important issues. For this limitation I apologize.

As Whorf has observed, “we cut nature up, organize it into concepts, and ascribe significances as we do, largely because we are parties to an agreement to organize it in this way” (Whorf 1956:212-214). This raises the questions, what have my interpretations excluded?, and how have my re-constructions of cultural value differed from the understandings that I have drawn upon? More concisely, by bounding CRM in this style, I have undoubtedly “cut up” its constitutive elements in ways that leave this study vulnerable to the same type of critique that I have applied throughout. Whether negative or positive, it is in my deepest wishes that this study provides for at least some additional discussions into the ways culture is treated in CRM. As we shape the understandings of the past through practice, such practices shape us as individuals, as communities, and as a culture, however that may be defined.
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APPENDIX A

CODED RESPONDENT INFORMATION
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<td>December 10, 2009</td>
<td>SDSU educated CRM practitioner with over thirty years of experience in Southern California.</td>
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<td>December 19, 2009</td>
<td>SDSU educated CRM practitioner with seven years of experience in Southern California.</td>
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<td>December 23, 2009</td>
<td>SDSU educated CRM practitioner with thirty-six years of experience in Southern California.</td>
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<td>February 3, 2010</td>
<td>SDSU educated CRM practitioner and Information Center Coordinator with over thirty years of experience in Southern California.</td>
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<td>February 18, 2010</td>
<td>SDSU educated CRM practitioner and Lead Agency Archaeologist with forty years of experience in Southern California.</td>
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<td>March 2, 2010</td>
<td>CRM practitioner and policy maker with over forty-five years of experience throughout the United States.</td>
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<td>Arch-8</td>
<td>March 2, 2010</td>
<td>National Forest Service Archaeologist and CRM practitioner with over forty years of experience in the eastern United States.</td>
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<td>April 13, 2010</td>
<td>CSU Northridge educated CRM practitioner with over forty years of experience.</td>
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<td>April 15, 2010</td>
<td>SDSU educated CRM practitioner with over thirty-five years of experience.</td>
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<td>May 13, 2010</td>
<td>SDSU educated CRM practitioner and academic archaeologist with over thirty-five years of experience.</td>
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<tr>
<td>Arch-12</td>
<td>May 14, 2010</td>
<td>Academic archaeologist with over fifty years of experience. Has worked in Southern California, now focuses on Meso-America.</td>
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<td>May 15, 2010</td>
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<td>NAM-1</td>
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<td>Kumeyaay Native American monitor and business owner with six years of experience in San Diego, Riverside, and Imperial Counties</td>
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<td>August 29, 2010</td>
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<td>November 28, 2010</td>
<td>Kumeyaay Native American monitor and Repatriation Coordinator with nineteen years of experience in San Diego, Riverside, and Imperial Counties</td>
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<td>April 10, 2011</td>
<td>Kumeyaay Native American monitor with nine years of experience in San Diego, Riverside, and Imperial Counties</td>
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APPENDIX B

CONSENT FORM
Consent to Act as a Research Subject

CRM and Native American Archaeological Perspectives: Alternative interpretations of Present, Past & Place

You are being asked to participate in a research study. Before you give your consent to volunteer, it is important that you read the following information and ask as many questions as necessary to be sure you understand what you will be asked to do.

Investigators: Adam Giachino M.A. student in anthropology, Principal Investigator. Dr. Ramona Perez, SDSU project supervisor.

Purpose of the Study: This study is intended to observe the different perspectives CRM archaeologists and Native American Monitors have regarding spatial and chronological archaeological data. 25 interview subjects are being recruited based on their knowledge and relationship to local archaeology.

Description of the Study: There are a variety of differing views regarding archaeology in Southern California. For those who work in association with this field these views may be intimately tied with practical field methods; the reporting of information, and interpretations of data. This study is focused on the common conceptions and practices surrounding spatial and chronological archaeological data. I examine the historical trends and legislation that have formed CRM and the in San Diego. My intent in this project is not to expose or expand upon an existing social rift; instead, I seek to find an area of common ground that may aid in future interactions between CRM archaeologists and people from the Native American community. As an interview subject your consent is entirely optional.

Risks or Discomforts: There are a variety of opinions regarding archaeological practices in the San Diego area. Many views associated with this subject are passionate and strongly rooted. While I intend primarily to ask questions regarding data, it is possible that you may feel uncomfortable about the topic of archaeology in general. If you feel uncomfortable during the interview process or about your contribution to this study in general, you are free to discontinue at any time. The primary risk associated with this study is the unauthorized disclosure of subject identify or gathered information. I will verbally ask your consent prior to taking written notes and audio recording. If the request to use either of these recording mediums is denied these will not be used. In order to avoid the inappropriate disclosure of information I will keep all notes, audio tapes, and research data in a locked safe at my residence and in a password protected computer. I will also code names, dates of interviews, and details of personal subject information in my field notes and final written analysis.

I request to record this interview on an audio recording device. In order to participate in this study you must consent. This audio data will only be used for the purposes of assisting the interviewer in remembering all that was discussed during the interview. By signing this consent form you are giving consent to the Principle Investigator to record this interview through written notes and an audio recording device. I will store all audio data in a locked box and a password protected personal computer at my residence. I will not share this audio or written data.

As an interview subject your consent is entirely optional. If at any time during the research process you decide not to take part in this study you will be removed from association with this project. All information, including written notes and audio data, you have already provided will be deleted and disregarded.
Benefits of the Study: This study is intended to allow for the equal sharing of perspectives on archaeology. I cannot guarantee, however, that you will receive any benefits from participating in this study. This research may benefit the communities of people that work and live in close relationship with cultural resources by providing perspectives from multiple, equally relevant, vantage points. There is a very small body of existing research that focuses on this subject in the southern California area; science, society, and the preservation of cultural resources will inevitably be improved through research advocating increased communication.

Confidentiality: Confidentiality will be maintained to the extent allowed by law. The primary risk associated with this study is the unauthorized disclosure of subject identity or gathered information. I will take multiple precautions to avoid this from occurring. I will keep all notes, audio tapes, and research data in a lock box at my residence until all analysis on this subject has been completed. All digital files on computer will be password protected. I will code names, dates of interviews, and details of personal subject information in my field notes and final written analysis. I will not share recorded audio or written information with others. You will have the right to request the revision or deletion of any comments anytime prior to publication.

Voluntary Nature of Participation: Participation in this study is voluntary. Your choice of whether or not to participate will not influence your future relations with San Diego State University. If you decide to participate, you are free to withdraw your consent and to stop your participation at any time without penalty or loss of benefits to which you are allowed.

Questions about the Study: If you have any questions about the research now, please ask. If you have questions later about the research, you may contact Adam Giacinto, by phone: __________

If you have any questions about your rights as a participant in this study, you may contact the Division of Research Administration San Diego State University (telephone: 619-594-6622; email: irb@mail.sdsu.edu).

Consent to Participate: The San Diego State University Institutional Review Board has approved this consent form, as signified by the Board’s stamp. The consent form must be reviewed annually and expires on the date indicated on the stamp.

Your signature below indicates that you have read the information in this document and have had a chance to ask any questions you have about the study. Your signature also indicates that you agree to be in the study and have been told that you can change your mind and withdraw your consent to participate at any time. You have been given a copy of this consent form.

Name of Participant (please print)

Signature of Participant Date

Signature of Investigator Date

SAN DIEGO STATE UNIVERSITY
INSTITUTIONAL REVIEW BOARD
Approved By: ____________
Expires: May 6, 2011
APPENDIX C

SEMI-STRUCTURED INTERVIEW QUESTIONS
Major Questions
The primary questions of this study are based in the differing perceptions of archaeological practice. Some central themes include: cultural resource management, cultural resources, archaeological practice, spatial data, chronological data, and data standardization.

Primary Considerations
- Has the history of CRM formed the standards now in place?
- How has site form standardization affected data perception and reporting?
- Are there differing perceptions between CRM practitioners and Native American monitors and curators regarding common spatial and chronological data elements, e.g., the location of artifacts in a site, site boundaries etc.?

Semi-Structured Interview Questions and Prompts

General Personal Information
1. How would you define your relationship to CRM?
2. What is your occupation?
3. How long have you been working with CRM?
4. Approximately how many CRM projects do you work on per year?
5. What is your most common type of client?

Cultural Resource Management
6. How would you define a cultural resource?
7. Is cultural resource a legal or cultural definition?
8. How would you define cultural resource management?
9. What do you think the public perception of CRM is?
10. Can you explain the growth of CRM in the San Diego region?
11. Has CRM changed in the time you have been working in this field? If so, In what ways?
12. What were some defining moments for CRM in San Diego?

Archaeological practice
13. Is there a difference between San Diego CRM and academic archaeology?
14. How do you define site integrity?
15. How does one determine site significance?
16. What is the most significant site that you have worked on or found?
17. What is an intangible cultural resource?
18. What is excavation?
19. Are there any benefits to recording a location as an archaeological site?
20. Who are project findings shared with?
21. What level of expertise or personal traits are required to be a successful CRM practitioner?
22. What kind of background research is required prior to conducting surveys or excavations?
23. Are the existing laws in place sufficient for protecting cultural resources?
24. Who do these laws favor?

Cultural Resources
25. What is an artifact?
26. How do you determine the relationship between artifacts?
27. How do artifacts individually relate to the site as a whole?
28. Do you describe artifacts in terms of process of production or function?
29. How do you extract meaning from artifacts?
30. Does everyone interpret the same artifacts in the same way?
31. Do academics and CRM practitioners view archaeological data in the same way?
32. Do Native American Monitors and curators and CRM practitioners view archaeological data in the same way?
33. What is the most significant artifact you have ever found?

Spatial Data
34. How do you define provenience?
35. Can artifacts be found en situ in San Diego?
36. What is an archaeological site?
37. How do you determine a site boundary?
38. What is the minimum distance between sites?
39. How would you describe archaeological space?
40. How do you record site location?
41. How well do USGS maps record the location of a site?
42. What can maps tell you about the relationships between sites?
43. Are topographic maps an accurate description of landscape?
44. Are there potential political, legal or ethical considerations to certain site locations?
Temporal Data

45. How do you determine the age of an archaeological site?
46. What types of dating technologies are most common in CRM?
47. How have the innovation of new technologies affected archaeological dates?
48. How accurate do you think the archaeological record is in San Diego?
49. How would you describe archaeological time?
50. How do you feel about the designation between object and artifact being 45 years?
51. Have you created any artifacts?
52. How accurate is it to date sites using artifact typologies?
53. How far can ethnographic data be extended back into prehistoric times to describe past activities?

Standardization

54. Is archeological data recorded in a standardized way?
55. What kind of data do you record on a site form?
56. Do site forms allow a CRM practitioner to adequately record Information?
57. Can all aspects of an archaeological site be recorded?
58. Have site forms changed over the years?
59. Do some people record sites more thoroughly than others?
60. What are the benefits of recording data in a standardized way?

Additional Considerations

61. Are there better ways to classify cultural resources than those currently used?
62. In general, how do you feel about the practice of CRM?

Questions Specifically for Native American Monitors

63. Through your experiences of monitoring how have your views corresponded with those of CRM practitioners?
64. Has monitoring affected your understanding of cultural heritage?
65. Has monitoring affected your understanding of CRM, or archaeology in general?
66. In general, how do you feel about the practice of CRM?
67. Have your experiences allowed you any opportunities that you might not have had otherwise?
APPENDIX D

SELECTED SITE RECORD FORMS
University of California
California Archaeological Survey

ARCHAEOLOGICAL SITE SURVEY RECORD

1. Site _______________  2. Map ___________________  3. County _______________

4. Twp. _______________ Range _______________ 1/4 of _______________ 1/4 of Sec. _____

5. Location _____________________________________________

6. On contour elevation _________________________________

7. Previous designations for site __________________________

8. Owner _______________________________________________

9. Address _____________________________________________

10. Previous owners, dates________________________________

11. Present tenant _________________________________________

12. Attitude toward excavation _____________________________

13. Description of site _____________________________________


17. Vegetation ___________________________________________

18. Nearest water __________________________________________

19. Soil of site ___________________________________________

20. Surrounding soil type _________________________________

21. Previous excavation _________________________________

22. Cultivation __________________________________________

23. Erosion ______________________________________________

24. Buildings, roads, etc. _________________________________

25. Possibility of destruction ______________________________

26. House pits ___________________________________________

27. Other features _________________________________________

28. Burials ______________________________________________

29. Artifacts _____________________________________________

30. Remarks ______________________________________________

31. Published references __________________________________

32. UGAMA Accession No. ___________ 33. Sketch map _______________________________

34. Date ___________________ 35. Recorded by _______________ 36. Photos ___________
ARCHAEOLOGICAL FEATURE RECORD

1. Feature No._________________________ 2. Site_________________________
3. Depth from surface_________________ 4. Depth from datum plane__________
5. Excavation unit_____________________
6. Horizontal location__________________
7. Definition________________________

8. Associated objects and features________________

9. Dimensions________________________

10. Stratigraphic notes___________________

11. Additional plates___________________

12. Exposed by________________________ 13. Reported by_____________________

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<td>2. Cross Reference Survey Record</td>
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<td>3. Face</td>
<td>4. Dimensions of Decorated Area</td>
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<td>5. Horizontal Location</td>
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<td>6. Kind of Rock</td>
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<td>8. Method of Decoration: pecked ( ); rubbed grooves ( ); painted ( )</td>
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<td>15. Additional Remarks</td>
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16. Published References

17. Sketch | 18. Scale of Sketch

19. Photo Nos.

20. Recorded by | 21. Date
State of California — The Resources Agency  
DEPARTMENT OF PARKS AND RECREATION  
ARCHEOLOGICAL SITE SURVEY RECORD  

SITE No. W-1  

1. Previous Site Designation  
2. Temporary Field No.  
3. USGS Quad  
   La Jolla  
   7½' x 15'  
   Year 1967  
4. UTM Coordinates  
5. Township  
   Range  
   % of  
   % of Sec.  
   unsectioned  
6. Location  
7. Contour  
   B. Owner & Address  
8. Prehistoric  
   Ethnographic  
   Historic  
9. Site Description  
   Refuse Heap  
   1,000 ft x 100 ft x 8 ft  
10. Area  
   x  
   square meters  
   Depth of Midden  
11. Site Vegetation  
   Surrounding Vegetation  
12. Location & Proximity of Water  
13. Site Soil  
   Surrounding Soil  
14. Previous Excavation  
15. Site Disturbance  
16. Destruction Possibility  
17. Features  
18. Burials  
19. Artifacts  
20. Faunal Remains  
21. Comments  
22. Accession No.  
23. Sketch Map  
   by  
   where  
24. Date Recorded  
25. Recorded By  
26. Photo Roll No.  
   Frame No.  
   Film Type(s)  
   Taken By  

DPR 422 (Rev. 9/76)
SITE STATUS:
% Destroyed _____ How _______ Test Excavated _______ %, if known,
National Register Status: Listed _____ Potential _____ No Determination _____ Nominated _____ Ineligible _____
State Historical Landmark (No.) _________ Point of Historical Interest __________

SPECIAL ATTRIBUTES (Place an X in only those spaces which pertain to the site)
Midden/Habitation Debris ______ Lithic and/or Ceramic Scatter ______
Bedrock Mortars/Milling Surfaces ______ Petroglyphs/Pictographs ______ Stone Features ______
Burials ______ Caches ______ Hearths/Roasting Pits ______ Housepits ______ Structure Remains ______
Underwater ______, Open Air ______ Rockshelter ______ Cave ______ Quarry ______, Trails ______

REMARKS
______________________________________________________

SKETCH LOCATION MAP (Include permanent reference markers, North Arrow, and Scale)

SKETCH SITE MAP (Same criteria as above)
ARCHEOLOGICAL SITE RECORD

Page 1 of 1

1. County: ____________________________

2. USGS Quad: ____________________________ (7.5') (15') __________ Photo Revised

3. UTM Coordinates: Zone ___________ Easting ___________ Northing ( )

4. Township ___________ Range ___________ % of ___________ % of ___________ % of ___________ Base Eflr. ( )

5. Map Coordinates: ___________ mmS ___________ mmE (from NW corner of map) ___________ Elevation ( )

6. Location: ____________________________

7. ___________ Prehistoric ___________ Historic ___________ Protohistoric ___________ Site Description

8. ___________ 10. Area ___________ 12. Features: ____________________________ milelength x milewidth ____________________________ m²

Method of Determination: ____________________________

9. Depth: ___________ cm Method of Determination: ____________________________

11. ____________________________ 13. Artifacts: ____________________________

14. Non-Artifactual Constituents and Faunal Remains: ____________________________

15. Date Recorded: ____________________________ 16. Recorded By: ____________________________

17. Affiliation and Address: ____________________________

See Continuation Sheet (if any)
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<td>Vegetation Community (site vicinity):</td>
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<td>Photos:</td>
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<td>ISOLATE RECORD</td>
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1. County:  

2. USGS Quad:   (7.5')  (15')  Photorevised:  

3. UTM Coordinates: Zone  
Easting  
Northing  

4. Township: Range:  
% of  
% of  
% of  
% of Section: Base Mer.:  

5. Map Coordinates: mmS  mmE (from NW corner of map)  

6. Elevation:  

7. Location:  

8. Artifact Description:  

9. Collected:  
Nearest Water:  
Hydro, distance and direction:  

10. Curated at:  

11. Vegetation Community:  

12. Landform:  

13. Geology:  

14. Exposure:  

15. Slope:  

16. Landowner(s) (and/or tenants) and Address:  

17. Remarks:  

18. References:  

19. Name of Project:  

20. Date Recorded:  

21. Recorded By:  

22. Affiliation and Address:  

DPR 422 H (Rev. 4/86)  See Continuation Sheet (X)
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<td>Human Remains: □ Present □ Absent □ Possible □ Unknown (Explain):</td>
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<td>Features: (Number, briefly describe, indicate size, list associated cultural constituents, and show location of each feature on sketch map.)</td>
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<td>Cultural Constituents: (Describe and quantify artifacts, ecofacts, cultural residues, etc., not associated with features.)</td>
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<td>Were Specimens Collected? □ No □ Yes (If yes, attach Artifact Record or catalog and identify where specimens are curated.)</td>
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<td>A7</td>
<td>Site Condition: □ Good □ Fair □ Poor (Describe disturbances.)</td>
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<td>Interpretation: (Discuss data potential, functions[es], ethnic affiliation, and other interpretations)</td>
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<td>A15</td>
<td>References: (Documents, informants, maps, and other references)</td>
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<td>A16</td>
<td>Photographs (List subjects, direction of view, and accession numbers or attach a Photograph Record.): Original Media/Negatives Kept at:</td>
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<tr>
<td>A17</td>
<td>Form Prepared by: Date: □ Affiliation and Address:</td>
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REPORT ON ARCHAEOLOGICAL SITE FILES SEARCH

From Request: Westec

Date of Request: Feb. 22, 1977

Date Request Received: Feb. 28, 1977

Name of Project: Harris Site

The San Diego State University files show no recorded site for the project area.

Site No. 501-133 Culture(s): Unknown
Description: Recorded by Tregonza, no data and no site information.

Site No. 501-147 Culture(s): Unknown
Description: Tregonza, no site info.

Site No. 501-143 Culture(s): Unknown
Description: Tregonza, no site info.

Site No. 501-149 Culture(s): "San Dieguito type site"
Description: Depth 12 feet plus, dug by Malcolm Rogers-Carnegie 1938
No artifact description, recorded by CNW, Dec. 23, 1938.

Site No. 501-310 Culture(s): Unknown (owned by CW Harris)
Description: Area 100 ft. diameter, one stone bowl and one scraper plus.
Test pit yielded very few artifacts, Dec. 1938, Claude Warren

Site No. 501-317 Culture(s): Unknown (owned by Harris)
Description: 60 foot diameter covered with broken rock and artifacts and dark soil, C. Warren, Dec. 1938.

Note: This report includes only that information available from the San Diego State University files and may not include data on files at other institutions. A lack of sites recorded in our files cannot be taken as assurance of the absence of archaeological materials. If it should occur that any cultural remains are encountered during the course of construction, a qualified archaeologist should be notified.

Record check by: Malisi

Date: Jan. 28, 1977

Signed: "Harry L. Head"
State of California — The Resources Agency
DEPARTMENT OF PARKS AND RECREATION
ARCHAEOLOGICAL SITE RECORD

Page 2 of 16

*Resource Name or #: LQV#1

**A1.** Dimensions: a. Length 540m (NW-SE) × b. Width 380m (SW-NE).
Method of Measurement: □ Measured □ Taped □ Visual estimate □ Other: GPS recording.
Method of Determination (Check any that apply): □ Artifacts □ Features □ Soil □ Vegetation □ Topography
□ Cut bank □ Animal burrow □ Excavation □ Property boundary □ Other (Explain):
Reliability of Determination: □ High □ Low Explain: test excavated in noted parcel number only.
Limitations (Check any that apply): □ Restricted access □ Paved/built over □ Site limits incompletely defined
□ Disturbances □ Vegetation □ Other (Explain):

**A2.** Depth: 0 to 40cm (artifact found in test pit): □ None □ Unknown Method of Determination: STP dug on-site and backhoe trenching.

**A3.** Human Remains: □ Present □ Absent □ Possible □ Unknown (Explain):

**A4.** Features: (Number, briefly describe, indicate size, list associated cultural constituents, and show location of each feature on sketch map.)
None observed.

**A5.** Cultural Constituents: (Describe and quantify artifacts, ecofacts, cultural residues, etc., not associated with features.)
Overall, the site exhibits a low intensity artifact scatter. A higher density cluster of artifacts was noted in the northwest quadrant of the site. This area was backhoe and STP tested. No features were observed as a result of the testing. The pottery found consists of Torn Brown, Lower Colorado Buff, and possible graywares. Flakes included chert, metavolcanic and possibly basalt. One granite mano and groundstone fragments were recovered, along with a "wonderstone" hand chopper. Most artifacts taken from 0-20cm horizon, which had been disturbed previously by orchard development. The site was (probably) originally entirely surficial. Artifacts in the southeast corner of the property were near active bee colonies and could not be approached.

**A6.** Were Specimens Collected? □ Yes □ No (If yes, attach Artifact Recording catalog & identify where artifacts are curated.) Attached.

**A7.** Site Condition: □ Good □ Poor (Describe disturbances): Testing showed that the upper 20cm was tilled/disturbed by previous development. Nearly all of the artifacts were located in the uppermost soil horizon. Clusters of artifacts were noted near a dirt groove road that parallels the existing tangerine orchard to the south. The location of these can be explained as a natural phenomena, where the artifacts in the disturbed soil horizon drop out of the tangerine groove via erosion, then collect in a hard along the groove road. Testing showed that almost no artifacts will be found in horizons located below the disturbed soil horizon.

**A8.** Nearest Water: (Type, distance, and direction.)
West of the project footprint.

**A9.** Elevation: 40-65 ft below sea level.

**A10.** Environmental Setting: (Describe culturally relevant variables such as vegetation, fauna, soils, geology, landforms, slope, aspect, exposure, etc.) No examples of the pre-contact native vegetative landscape can be found in this area because the flat of the Coachella Valley have been entirely modified for agriculture. The site is located in former orchard land. The citrus orchard was likely removed between 5-16 years ago. The slope is about 2-3 degree toward the northeast. The Taro Canyon dike now blocks all floodwaters from reaching the project area.

**A11.** Historical Information: None.

**A12.** Age: □ Prehistoric □ Protohistoric □ 1542-1769 □ 1769-1848 □ 1848-1880 □ 1880-1914 □ 1914-1945 □ Post 1945 □ Undetermined (Describe position in regional prehistoric chronology or factual historic dates if known): Probably developed after desiccation of Lake Cahuilla (post 1500, or possibly post 1700 [Laylander 1997]).

**A13.** Interpretations: (Discuss data potential, function[s], ethnic affiliation, and other interpretations)
Data suggests that site may represent an encampment or village that has been wiped out as a result of agricultural development. It may also represent a simple travel route between a possible protohistoric village.

It is possible that Lake Cahuilla was not dried up by the time the artifacts were deposited, and the travel routes followed a sandy beach or tidal flats near the drying lake. It is very unlikely that the artifacts represent a Lake Cahuilla-filled (AD 700-1500 or AD 1600-1700) deposit, possibly Patayan III.

**NEPA/CEQA Significance Statement:**

**Integrity Statement:**

In regard to the seven aspects of integrity (location, design, setting, materials, workmanship, use, and association), the prehistoric site has maintained its original location, its setting and association has been lost. The period of significance is likely associated with a pre-Spanish contact time period. Citrus agriculture appears to have destroyed the original land surface. Thus, the integrity level of the site is poor and the overall condition of the site is poor.

DPR 523L (1/93)

*Required information
NRHP Eligibility Statement

The site was assessed under National Register Criterion A for its potential significance as part of a historic trend that may have made a significant contribution to the broad patterns of our history. No significant historic trend contributing to the broad patterns of our history could be associated with the site during the period of significance (prehistoric). Therefore, the site does not appear to qualify for the National Register of Historic Places (NRHP) under Criterion A.

The site was considered under Criterion B for its association with the lives of persons significant in our past. Prehistoric sites cannot qualify using this criterion unless there are historic records for association. Therefore, the site does not appear to qualify for the National Register of Historic Places (NRHP) under Criterion B.

The site was evaluated for Criterion C for embodying the distinctive characteristics of a type, period, or method of construction, or representing the work of a master, or possessing high artistic values, or representing a significant and distinguishable entity whose components may lack individual distinction. The site does not exhibit any of these values. Therefore, the site does not appear to qualify for the National Register of Historic Places (NRHP) under Criterion C.

The site was considered for Criterion D for the potential to yield, or may be likely to yield, information important to prehistory or history. Testing showed that 98% of the artifacts came from a 0-20cm horizon, and that this horizon was disturbed. It is possible that features will be detected, but only if they are located 20cm below grade. Monitoring should take place during development. The Phase 2 testing study discussed by Dice and Keasing of MBA is likely to have yielded all possible historic data. Therefore, the site does not appear to qualify for the National Register of Historic Places (NRHP) under Criterion D.

In summary, the site does not appear to qualify for the NRHP under these criteria. Therefore, the site is not a historic resource for the purposes of the NHPA.

California Register Eligibility Evaluation

The site was also evaluated in accordance with Section 15064.5(a)(2)-(3) of the California Environmental Quality Act (CEQA) guidelines, using the following criteria outlined in Section 5024.1 of the California Public Resources Code:

1) It is associated with events that have made a significant contribution to the broad patterns of local or regional history, or the cultural heritage of California or the United States.
2) It is associated with the lives of persons important to local, California, or national history.
3) It embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of a master or possesses high artistic values.
4) It has yielded, or has the potential to yield, information important to the prehistory or history of the local area, California, or the nation.

The site does not meet Criterion A, B and C for California Register eligibility, for the reasons described above under the NRHP evaluation. The integrity level has already been determined under the NRHP evaluation statements above; this was found to be poor. Although the site has retained its original location, it no longer retains high or moderate levels of design, setting, materials, workmanship, feeling and association, associated with its period of significance. The site does not qualify for the California Register under similar criteria. Therefore, the site is not considered a historic resource for the purposes of CEQA.

A14. Remarks: Artifacts should be curated with the County or rescattered onto the site prior to grading. Monitoring may detect additional artifacts and these should be collected and included with any curated finds.

A15. References: (Documents, informants, maps, and other references).

A16. Photographs (List subjects, direction of view, and accession numbers or attach a Photograph Record): See Photograph Continuation Page. Original Media/Negatives Kept at: None: digital.


Affiliation and Address: ___________________________

DPR 523L (1/95) *Required information