NOMINATIONS OPEN FOR 1978 OFFICERS

Please submit names of people you would like to see as SCA leaders for 1978 to the Chairmen of the Nominations and Election Committee, Ed Kandler and Russ Kaldenberg.

Since ballots will go out with the February Newsletter, members are asked to send the name and address of nominees as soon as possible to one of the Chairmen. Permission of the nominees should be received first, and nominees must be SCA members at the time of the election.

Ed Kandler can be reached at this address: Ed Kandler SFREC-EL, U.S. Corps of Engineers, 211 Main Street, San Francisco, CA 94105. Russ' address is 831 Barstow Road, Barstow, CA 92311

SCA INTERNS CHOSEN

The SCA Executive Board has selected Clyde E. Kuhn as SCA Intern to work on developing a grant proposal for an SCA-related research design. The selection follows a search and screening program conducted for the Society by the California Environmental Intern Program of San Francisco, in which a number of applicants were considered. Kuhn will develop a proposal or proposals for submission to different foundations, to be ready by March 1, 1978, and involving an evaluation of problems within California archaeology and development of a structure within the Society to deal with these problems. He will work in consultation with Dave Fredrickson, as Northern California Vice-President, and will spend approximately two months in developing the grant proposal. (See minutes of October 22 Executive Board meeting for further details).

MEMBERSHIP LIST FOR 1977

Please check the Membership List 1977 to see if your name and address are listed correctly. The list is complete through December 1, 1977.

A membership renewal form and envelope will go out to all members with the February issue of the Newsletter, so that it can be returned with the ballot for election of 1978 officers. If you wish to pay early, you may send your money to CSU, Fullerton—but it will be easier to deal with ballots and renewals in February.

CALL FOR PAPERS FOR 1978 SCA MEETINGS

The Annual Meeting of the Society of California Archaeology will be held on March 16, 17 and 18, 1978, at Yosemite National Park. Meetings will be at Curry Village in the Park.

Proposed symposia and individual paper proposals should be submitted by January 31, 1978, to Program Chairman David Fredrickson (Department of Anthropology, Sonoma State University, Rohnert Park, CA 94928). Emphasis this year will be on Regional Research, so papers on this subject will be especially welcome. An abstract of approximately 100 words should be included on the form enclosed with this Newsletter.

LOCAL ARRANGEMENTS INFORMATION FOR ANNUAL MEETINGS

Persons wishing to make reservations at Yosemite for the period of the Annual Meetings may make them for either the Curry Village location (where the meetings will be held but food is not available) or at Yosemite Lodge (where food service is available but meetings will not be held). Costs for hotel rooms at the Lodge are $29.68 per person per day or $24.36 per person (with an additional $3 or $4 for each additional person in a room). Charges for cabins with bath at Curry Village are $16.43 per person per night, or $9.54 per person without bath; these charges are good for up to 4 people, with each additional person charged an extra $1 or $4 per night. Meetings will be held March 16 (Thursday) through March 18 (Saturday), so those attending may want to arrive the preceding evening, March 15.

Reservations should be made by sending a reservation request (on a form supplied by the Park reservation office, if such a form is included with your copy of this Newsletter), with the first night's deposit, to the following address:

Barbara Garcia
Conference Reservation Dept.
Yosemite National Park, CA 95389
(Phone Area 209-373 4171).

Camping facilities are of course also available at Yosemite National Park, and should not be too difficult to obtain since the meetings will be before Easter vacations.

If travel assistance is needed between Fresno and Yosemite, you may contact Dudley Varner, Annual Meeting Chairman, Department of Anthropology, California State University, Fresno. 93710.

Pre-registration information will appear in the next Newsletter, and will be handled at CSU, Fresno.
COSO HOT SPRINGS NOMINATION IN PERIL

Nomination of Coso Hot Springs, in the China Lake Naval Weapons Center, to the National Register of Historic Places may not be accomplished because of opposition by the Navy, according to informed sources. Everyone who wishes to express interest in nomination of this important location should write to:

Dr. William Martagh, Keeper of the National Register
Office of Archeology and Historic Preservation
U.S. Department of the Interior
Washington, D.C. 20260

Carbon copies should also be sent to the California State Historic Preservation Office in Sacramento.

LOS ANGELES TIMES
4/19/77 Part 2, pages 1-2
10/15/77 Part 2, page 14

FORMS FOR SCA DIRECTORY OF CONSULTANTS

Included with this issue of the Newsletter are application forms for persons or organizations who wish to be included in the 1978 edition of the SCA Directory of Archeological Consultants, and a list of minimum criteria which must be met for inclusion. A processing fee of $5.00 should be sent along with the notarized application to James Rook, Chairman of the Directory Committee:

James T. Rock
Klamath National Forest
1215 South Main
Yreka, CA 96097

SYMPOSIUM ON THE CALIFORNIA ISLANDS

A "Multidisciplinary Symposium on the California Islands", to be held at the Santa Barbara Museum of Natural History on February 27 through March 1, 1978, will include invited and contributed papers on a variety of scientific topics relating to the islands off the California and Baja California coasts. A brochure describing the meetings states:

"The purposes of this gathering are to summarize and advance our knowledge of the California Islands. We are providing a forum for all those concerned with island processes in general, and with this unique fringing archipelago especially. Emphasis will be on the life and earth sciences, including the fields of evolutionary biology, ecology, biogeography, paleontology, geology, marine science, and anthropology."

Michael Glassow, UC Santa Barbara, has been invited to speak on "Recent Developments in Archeology" on Monday evening, Feb. 27, at 8:00 P.M. Contributed papers (15 minutes in length) will be offered on Feb. 27 and 28. (Deadline for abstracts was December 1, unfortunately too early for the current Newsletter to get the word out in time.) Registration fees of $5 for students, $10 for professionals should be sent along with one's name, institution, address, and phone number, to the conference convenor: Dr. Dennis M. Power, Director, Santa Barbara Museum of Natural History, 2559 Puesta del Sol Road, Santa Barbara, CA 93105. Preregistration is urged strongly.

Next News Deadline
Jan. 14

WORK AVAILABLE ON WASH SPRINGS DAM PROJECT

The U.S. Army Corps of Engineers, San Francisco District, will be contracting for historical, ethnographic, and archeological services in connection with the construction of Wasm Springs Dam-Lake Sonoma, Sonoma County, California. The project includes approximately 17,000 acres, with about 95 sites of known cultural significance. Briefly, the work will entail:

1 Historical research, including strong components of oral history and ethnohistory, to provide mitigation-level and interpretive program documentation and materials on the settlement of the project area by non-Indian peoples, as well as a chronicle of settler-Indian contacts. Special emphasis shall be on the background of sites which have been deemed eligible for inclusion in the National Register of Historic Places, which includes the Skaggs Springs area. Coordination with and participation by local historical societies and archival repositories will be emphasized.

2 Ethnographic research among Cloverdale Pomo and other Indians with ancestral relationships to the project area who were not contacted during initial surveys. Facilitation of the establishment of an ongoing working relationship between the Corps and Native Americans with affinities to the project area. Special attention will be paid to development of management programs for ethnobotanical resources of the project, and formulation of plans for Indian-related interpretive programs.

3 The initial phase of archeological work will include the formulation of a research design for both prehistoric and historic archeological site preservation and data recovery, and the accomplishment of such work within the zones what will be affected by construction through Fiscal Year 1979. Problems related to the inundation of archeological sites and data will be examined in depth, with petroglyph preservation and relocation being given special consideration. Planning for interpretive use of archeological sites and data will be initiated.

Further information may be obtained from Dr. Richard N. Lerner, Anthropologist, Environmental Branch (Phone 415 556-6665). Parties who may want to be considered for all or portions of this work should file Standard Form 224, "Architect-Engineer and Related Services Questionnaire," with the:

Secretary, Selection Board
U.S. Army Corps of Engineers
211 Main Street
San Francisco, CA 94105

Copies of the form may be obtained, at no cost, from the same address.

RICHARD N. LERNER 8/29/77
LUISENO AND CALTRANS AGREE ON 1-15 ARTIFACTS

"A disagreement between the Luiseño Indians and Caltrans over what to do with Indian artifacts discovered in the right-of-way of a proposed 2-mile section of Interstate 15 north of Escondido has been resolved, according to Adrian Gianturco, director of the transportation department. Leaders of the Luiseño tribe have agreed to leave the artifacts in place as long as they are not disturbed by freeway construction, Mr. Gianturco said. Ride on the project, budgeted at $10.2 million, will be opened in Los Angeles Dec. 15 and work is expected to begin 30 to 45 days later, a Caltrans spokesman said. The four-lane freeway route is in northern San Diego County."

LOS ANGELES TIMES 10/25/77

SAN DIEGO SITE DEVELOPMENT HEARING SET

"Plans to excavate two prehistoric Indian camps discovered in Southeast San Diego's Chollas Canyon were being made last night while a legal battle was looming over who has rights to archaeological digs destined for modern development.

"At immediate issue was the fate of the two rare archaeological discoveries, which scientists say were camps occupied by people of the so-called Le Jollan culture between 2,000 and 8,000 years ago.

"The two sites, apparently rich in stone tools, were discovered Nov. 15 near Federal Boulevard and 60th Street on private property about to be graded for housing construction.

"The possible further significance of the issue is that it affect city policy on whether to preserve archaeological materials in the path of future property developments.

"The legal conflict began nine days ago when Joyce Gage Reading, a student of anthropology and archaeology, found the two camps on projects under development hillside terrace a 100 feet from the bottom of dry creek bed (sic).

"At each site she found cutting, scraping and seed grinding tools of stone and the shells of pecans and chions, shellfish favored by early Indians in the area.

"Reading then learned that the Biddle-Carter Development Corp. was preparing to construct low-income housing in the area and had already been issued a grading permit.

"I found engineers setting stakes on my second visit to the site," she recalled. "They told me they were bringing in a Caterpillar tractor the next day and that major dirt removal operations were set to start the following Monday (Nov. 21)."

"On Nov. 16, Reading led six other archaeologists and anthropologists to the sites. They concurred that the camps belonged to the La Jollan culture.

"Remarkably little is known about the La Jollan Indians, partly because few of their camps have been found. Scientists know that they were primarily gatherers, rather than hunters, that they buried their dead in flexed position with cherished possessions, that they were by-rage-Indians (sic) of the San Diego culture and disappeared about 7,000 years ago as the Luiseño and Kumeyaay Indian cultures appeared in this area.

"Several of the scientists began making inquiries of the developer and at City Hall in an attempt to halt the planned grading.

"Reading said they were told by a supervisor in the environmental quality division of the city Planning Department, and subsequently by a deputy city attorney, 'that nothing could be done.'"

"At this point, Daniel D. Whitney, an attorney as well as a professor of anthropology at San Diego State University, became involved in the situation.

"In an eleventh-hour effort to halt the bulldozers, Whitney, county archaeologist Ron May and archaeologist Richard J. Kardan Jr., met Sunday night with Superior Court Judge Earl D. Gilliam at his home.

"Gilliam issued a temporary restraining order delaying the grading work and the next morning the group headed by Kardan filed suit to extend the order, subsequently granted by Judge Alfred Lord.

"Named as defendants in the action are the City of San Diego, planning director James Goff, environmental quality director James Gleason and the development firm, which has offices in Kearney Mesa.

"At some point in the proceedings, Reading said, it was learned that the federal Department of Housing and Urban Development had agreed to guarantee loans for the completed housing units. Reading said HUD authorities in Denver were contacted and that the agency later informed the developer it would withdraw from the loan agreement unless the two sites were investigated to the satisfaction of the scientists.

"Yesterday, Whitney said he and the attorney for the developers, Robert Caplan, agreed to an arrangement in which the company will permit the scientists to investigate the two sites until a court hearing date on Dec. 5 in return for allowing the firm to proceed with grading of some 30 acres of land around the site.

Still Under Study: Deputy City Attorneys Alan Sumption and John Niess said they were still studying the case.

"A development firm official referred questions to Caplan, who could not be reached for comment.

"(Instrumental in the efforts noted above were Brian Mooney, who initiated the telephone network which soon linked California Indian Legal Services with Kardan and began to get things moving; Lester Marston of C.I.L.S.; and Professor/Attorney Dan Whitney of S.D.S.U. Attorneys Marston and Whitney have donated many hours of legal assistance and field labor as well)."

News story by CLIFF SMITH, The San Diego Union, 11/24/77, page B-1 and B-5
MENDOCINO MUST FOLLOW ENVIRONMENTAL GUIDELINES

"Mendocino County must tighten its procedure for environmental impact reports (EIR) as a result of last week's Superior Court decision on the Wuanita Meadows subdivision.

"Judge Arthur R. Broadus ruled that supervisors failed to follow guidelines of the California Environmental Quality Act (CEQA) in approving the 14-lot rural subdivision in Rocktree Valley east of Willits.

"The Mendocino County Superior Court judge will issue a writ of mandate overturning the supervisors' June 28 decision.

"Neighbors in the Rocktree Valley-Heard area filed the lawsuit, arguing that supervisors failed to consider environmental impacts of the project.

"Attorneys for the county said the board reviewed the EIR during its June 13 meeting. But the county did not include an archaeological survey of the site.

"Deputy district attorney Rick Henderson, representing the board of supervisors, argued that opponents failed to challenge the report within 10 days after it was adopted.

"The judge ruled supervisors should not have okayed a report with an 'admitted defect,' however.

"Broadus ruled that supervisors delegated authority to the planning commission to review the report.

"He cited CEQA guidelines which identify supervisors as the 'lead agency' in EIR deliberations. 'The EIR cannot serve its informational function unless it is reviewed and considered by the government body which takes action having an effect upon the environment,' Broadus said.

"He ruled in favor of the neighbors...They earlier protested the subdivision, warning about poor roads in the area. Neighbors said the project would spoil the valley's rural character by doubling the number of parcels there....

"Henderson told the board of supervisors this week they will have to certify all EIRs as legally sufficient, a task which was formerly left to the planning commission.

"The deputy district attorney said he is not clear about Judge Broadus' interpretation of the CEQA guidelines. 'The key is what is meant by "reviewing and considering",' he said. Henderson said he will confer with the judge about EIR procedures...."

THE PRESS DEMOCRAT 9/28/77

SYMPOSIUM PAPERS SOUGHT FOR 1978 AAA MEETINGS

Nancy Walter and Paul Chace are organizing a symposium on Archaeology in the Private Sector for the American Anthropological Association meetings in Los Angeles in November 1978. If you are interested in presenting a paper on this topic, please respond to either Nancy (17048 Sunburst, Northridge, CA 91325) or Paul (1823 Benson Drive, Escondido, CA 92027), so that abstracts can be submitted in time for the deadline.
Ron Ray's article in the July 1977 issue of the Newsletter, listing examples of cooperation between American Indians and archaeologists in the San Diego area, is on a subject of great interest to me. Why do we see instances of both cooperation and conflict between Indians and archaeologists? We should be interested in trying to answer this question, because we are, after all, anthropologists, and because gaining understanding can't help but be a positive step towards future cooperation between these two groups whose interests aren't always the same.

I have begun investigating this topic and hope to culminate it in the form of an M.A. thesis. Being a member of SCA, as well as its Business Office manager, I am well aware that the Newsletter reaches a majority of archaeologists and archaeology-interested people in the state, and is therefore an invaluable vehicle for seeking the kind of information I am after. If any of you can provide me with the details of any cases of either cooperation or conflict between archaeologists (yourself perhaps) and American Indian groups concerning a site, artifacts, burials, etc., I would very much appreciate hearing from you. Please include the date, geographical location as well as the Indian tribe involved, if possible. I would also appreciate any suggestions anyone may have for me. Please write to Susan Wright, 2901 Wallace Avenue, Fullerton, CA 92631. Thank you.

Susan Wright 11/77

HISTORICAL ARCHAEOLOGY READER NOW AVAILABLE

SCA Member Robert L. Schuyler, of the City College, City University of New York, has edited a new source book on historic archaeology, which is now available at a reduced price to state archaeological society members. Entitled Historical Archaeology: A Guide to Substantive and Theoretical Contributions, it contains 75 articles from widely scattered sources. These are grouped in 5 parts: Emergence and Definition of a New Discipline; Subfields of Historical Archaeology; Substantive Contributions; Theoretical Positions; and Future Trends. Articles include some of the classic and some less well known studies, by such writers as J.C. Harrington, Arthur Woodward, John Cotter, Bernard Fontana, J.H. Roe, James Deetz, Stanley South, Lewis Binford, Mark Leone, I. W. Fike, Iain Walker, Clyde Diller, James Fitting, Oleg Grabar, K.J. Barton, B.B. Harden, Marley Brown, and Robert Schuyler.

Orders for copies of the source book should be sent to Baywood Publishing Co., Inc. 120 Marine St., Farmingdale, New York 11735, and to receive the discount should be accompanied by payment of $11.95. The books will be shipped by March 1st, 1978. Regular price is $15.00 per copy.

ANTIQUITIES LAW RULED ILLEGAL


"Misdemeanor charges against a man who allegedly excavated pottery pieces from a 900-year-old Zuni ruin were dismissed Monday by a part-time federal magistrate in Albuquerque, who held the law protecting such ruins unconstitutional. U.S. Magistrate Peter Gallagher, while filling in for U.S. Magistrate Robert McCoy, made the decision after a day of testimony in which two archaeological experts testified that the pottery sherds removed dated back to 100 A.D.

"Before Gallagher dismissed the charges, prosecutor Robert Collins warned that to strike down the law as unconstitutional 'would expose all national forests and national parks and their ruins and monuments to wanton and irreversible destruction at the hands of souvenir and commercial pottery hunters.'"

"Being tried was Scott Merritt Camazine, 25, a third-year Harvard medical student who works at the Zuni public hospital. The charge was a misdemeanor offense under the U.S. Antiquities Act, which prohibits excavating, injuring or destroying any historic or prehistoric ruin or monument or any 'object of antiquity' on government lands. Gallagher dismissed the charge after Camazine's defense attorney, Jay Hertz of Albuquerque, challenged the Antiquities Act as vague, saying reasonable persons might not be able to ascertain what a prehistoric ruin or object of antiquity is.

"Collins said he cannot appeal Gallagher's dismissal because evidence against Camazine had already been introduced, bringing the case under the double jeopardy rule. He said, however, that the U.S. Attorney's office will continue to prosecute antiquities violations with vigor, wherever they occur, despite Gallagher's ruling."

"Zuni rangers testified that they caught Camazine at the site, and one of two children with Camazine testified that the man had taken pottery pieces from the hole that had been dug. A hoe and two trowels were introduced as the tools used by Camazine. The two archeological experts, Bruce Anderson and T.J. Ferguson of Zuni Archaeological Consultants, testified that the site was highly unusual in that it was laid out by early Indians in an 'X' pattern, as opposed to the traditional 'L' or 'U' patterns. They also said the hole appeared to have been dug directly over an ancient ceremonial room, or kiva.

"In June 1976, three commercial pottery hunters cited by forest rangers for excavating an unmarked ruin near Mogollon in the Gila National Forest were convicted under the Antiquities Act and sentenced by U.S. Magistrate John Darden to social service work for a period of time. Darden had denied a similar defense plea of unconstitutionality and vagueness. However, in a similar case in Arizona that resulted in conviction was appealed to the Ninth Circuit Court of Appeals, and the court ruled that the Antiquities Act is unconstitutional. That ruling does not apply in New Mexico, which is in the Tenth Circuit."

Denise Tessier
Albuquerque Journal, 8/16/77
Victoria Roberts, Resource Coordinator on the staff of the Native American Heritage Commission, spoke at the Oct. 22 Data-Sharing Meetings at Sonoma State College about the work of the commission and the role of archaeologists with respect to the commission. The commission, she said, is involved in cultural resource preservation when another state agency is involved, or when state or federal money is involved. The commission has so far received more than 200 requests for assistance, from tribes, agencies, etc. EIRs and EISs which Ms. Roberts has reviewed have been, (with few exceptions) "totally inadequate," she stated. The major shortcomings involve failure to contact the local Indian community, failure to make a thorough literature search and check with the State Historic Preservation Office to see if a site is on the National Register, and failure to discuss mitigation procedures (including comments from the local Native American community so that the commission will know what they want done with the site). On the latter point, she noted that because there are local differences in opinion and preferences, there cannot be any overall policy from the commission on what is to be done with sites.

The Commission has decided to put off survey and inventorying all socially and religiously important sites in the state until next year, because of the difficulties involved in identifying sites, which may lead to pot-hunting and desecration. It is concerned about the ever-increasing violation of burial sites; archaeologists must contact local Native American people as soon as they suspect that a burial is present, and respect the wishes of these people about scientific study or immediate reburial. Artifacts should also be reinterred if the local Native Americans wish it. Archaeologists have to explain to local people what they want to do, so that there will be understanding on both sides.

The Commission is making ready a Directory including names and addresses of Indian people in California, which archaeologists should send for. A statewide list of organizations, listed by counties, should be ready by January. In March a Cultural Handbook should be available, including a sample EIR, procedures to be followed on different levels of property ownership (private, city, county, state, or federal property) and cultural resource management guidelines.

Ms. Roberts requested help from SCA in monitoring archaeologists who claim to be cultural resource managers, and suggested that a list of archaeologists who are competent and can report back to Native American people would be useful. She also suggested that a committee of Native Americans, archaeologists, SHPO and (?) offices should be established to review EIRs and monitor what is going on in the field.

The Commission would be interested in receiving information which SCA members may have on CRM classes, collections of relevant laws, and samples of good EIRs. To send these, or to request publications of the Native American Heritage Commission, notification of time and place of their monthly meetings, or to be put on their mailing list, write to her at the following address, or to Stephen M. Rice, Executive Secretary:

Native American Heritage Commission
1400 Tenth Street, Room 200
Sacramento, CA 95814

The telephone number is 914-320-7751

NEW NATIONAL REGISTER REPORT

"The Department of Parks and Recreation has launched a comprehensive effort to identify buildings, sites and districts of significance to California's Asian, Black, Chicano and Native American populations. Once identified, such properties become eligible for the National Register of Historic Places, and may qualify for tax breaks under the Tax Reform Act of 1976 and California's Proposition 7. Those who can help identify specific sites should contact Ms. Bear, 129 Plaza Street, Los Angeles, 90012, (213) 620-3542; or Hoy Adler, P.O. Box 266, Palo Alto, 94302, (415) 322-6979 or 526-7061."
Requests for copies of the above-mentioned reports or information relating to inundation impacts should be sent to National Reservoir
Inundation Study, Southwest Cultural Resources Center, P.O. Box 728, Santa Fe, New Mexico 87501

TOMI CARELL
11/77

ON C14 DATES AND CULTURAL RESOURCE MANAGEMENT

Roberta Greenwood's recent call for the publication of C14 dates in the SCA Newsletter (October 1977) is excellent, since it would
allow archaeologists throughout the state to better appreciate the testing and mitigation efforts which are being carried out in a
variety of locations. The publication of C14 dates would also reaffirm our basic research commitment, and it emphasizes the need for
well-controlled absolute dating in the making of significance statements. Most government agencies require absolute dating as a regular
part of testing programs, and many private developers can easily be convinced of their usefulness if presented with well-reasoned arguments.
Even a limited testing program utilizing one to two test pits at a site with a budget of $1000 should involve C14 or
obviuos hydration dating, since they increase our ability to make accurate statements about the importance and condition of the site.
They can also result in important theoretical and chronological advances. The following C14 dates were taken from six sites which were
tested and one site which was salvaged in Santa Clara County during the past year.

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JOE WINTER
11/16/77

NOTE FROM THE EDITOR CONCERNING C14 LISTINGS:

Please send in a short account of the context and importance of the dated materials when you send in radiocarbon date listings, so that readers can
have a better idea of their meaning and significance.

MARCIA WIRE
A PROGRESS REPORT ON CALIFORNIA PARKS & PRESERVES

In late September, the Nature Conservancy announced its intention to purchase 99% of Santa Cruz Island, located off the coast of Santa Barbara and well known for its exceptional archaeological values. The Nature Conservancy is a 501c3 environmental group specializing in the acquisition of natural areas through private donations. Conservancy representatives indicated that they had obtained an option to purchase after negotiations with the present owner. The Conservancy and the present owner will jointly manage the island, with complete title reverting to the Conservancy within 30 years. Federal purchase of the island has also been proposed in a bill by Rep. Anthony Bellenson (D-Cal) which would expand Channel Islands National Monument and link it to a Santa Monica Mountains National Seashore. The Conservancy agreement makes no provision for eventual annexation into the National Park system (Los Angeles Times, 9/30/77).

Meanwhile, the Santa Monica Mountains, after 20 years of promotion by conservationists and several government agencies, have become one of the hottest Federal park prospects in the country. Passage of Bellenson's proposal for a national park and seashore is predicted in some form by the end of this year, and may probably be eliminated. In fact, several government agencies, which could reach an agreement on the island, have been removed, and that element of Bellenson's bill is also incorporated Malibu Creek, Topanga and Point Mugu state parks. With the combined federal acquisitions and state parks, the total mainland acreage could reach 70,000 acres.

California Republican Congressman Goldwater and Lagoairmarino have introduced their own proposal for a National Santa Monica Urban Park which would require matching funding by state and local governments. The urban park would not be managed by the National Park Service but by a local park commission. With the Nature Conservancy's action to acquire and preserve Santa Cruz Island, some of the urgency for Federal protection of the Channel Islands has been removed, and that element of Bellenson's bill which proposes an expansion of Federal ownership in the Channel Islands will probably be eliminated. In fact, Congressman Phillip Burton (D-Cal) has indicated that "the islands will have to be handled on a separate basis. The San Monic national park proposal faces a possible obstacle from the state of California, however. While supporting the park concept, Resources secretary Roy Johnston has indicated that the state is consistent that compensation for state park lands included in the National Park must be made, either in cash or in the form of a land trade. Johnston insists that such compensation would result in additional parklands for southern Californians through further state acquisitions (Los Angeles Times, 10/6/77).

With respect to the state park system, Russell Cahill testified October 31st before an Assembly parks committee which wanted to know what is being held up a long list of park projects, some authorized as long ago as the 1960's. In fact, the legislative analyst's office said the department has a backlog of about 90 projects worth $194 million. The 1977-78 program involves an additional $107 million. Cahill told the committee that the bureaucratic maze is so complex that the state has trouble buying land for parks—even with legislative approval and the money. He was particularly critical of being required to get the approval of the State Public Works Board and said the parks department, and not the state Department of General Services, should buy park land (Los Angeles Times, 11/2/77).

In July a bill expanding Redwood National Park by 48,000 acres and giving the Secretary of Interior jurisdiction over logging outside the park was successfully steered out of the House Interior Subcommittee on national parks. By October, however, the House bill had been stalled by labor lobbyists who had gone directly to the Speaker of the House and asked that the bill be kept from reaching the floor for a vote. Meanwhile, Senator Cranston (D-Cal) proposed to push the Carter administration's Redwood Park bill he sponsored in the Senate (Los Angeles Times, 1/2/77, 10/6/77).

In October, "a program to review nearly 68 million acres of national forest land for possible inclusion in the government's national wilderness system was announced in Albuquerque by Rupert Culter, assistant agricultur secrettary... Culter said previous "piecemeal" policies of designating wilderness areas—which are kept free of activities such as lumbering—have not been satisfactory. Culter promised that the public will be made "a full partner" in each step of the new selection process and recommendations on which areas should be proposed for wilderness status and those which no longer should be considered will be made public by December, 1978." (Los Angeles Times, 10/6/77).

1978 FIELDWORK OPPORTUNITIES BULLETIN


For further information contact:

ELIZABETH A. WHITTEMORE 11/77
General Secretary, AIA

TECHNIQUES OF ARCHAEOLOGICAL EXCAVATION BOOK

A new book by Philip Barker, University of Birmingham, England, Techniques of Archaeological Excavation (280 pp., 80 photos, $15.00 + 10% postage and handling charges) is available from Universe Books, 381 Park Avenue South, New York, N.Y. 10016 at a discount over its listed price of $18.50.

The book gives a history of excavation methods from Pitt Rivers to the present, describes the stages and processes involved in excavation, including discussion of "horizontal" as well as "vertical" excavation methods, contrasts and similarities between "rescue and research excavations" and discusses site safety. The second section of the book "considers the meaning of excavated evidence and its synthesis into a history, however partial, of the site and the role of experimental archaeology."
1977 LEGISLATIVE REPORT FOR THE ARCHAEOLOGICAL COMMUNITY

By DEAN GAISER & CLYDE KUHN

The first part of the 1977-78 session of the California Legislature recessed at midnight on September 15th after approving, rejecting and indefinitely delaying action on a number of environmental quality, heritage preservation and archaeological bills.

Assembly Bills

AB 5 was sponsored by John Knox (D-11th District) on December 6 to prohibit any state agency from permitting archaeological excavation of a Native American burial ground abandoned for less than two hundred years until the Legislature has acted upon a report of the Native American Heritage Commission containing the findings of the Commission on Native American sacred places on public lands, unless the burial site will be disturbed by an authorized public works or public utility project and the governing council of the Native Americans concerned gives its permission. After passage in the Assembly on Dec. 7, the bill was referred to the Senate Governmental Organization Committee where, after amendment, it failed in second hearing.

AB 817 was introduced by Barry Keene (D-2nd Dist.) and cosponsored by Senator Bahr, on March 8 to delete the phrase "in a burial park" in the definition of a grave; to make it a misdemeanor to dig, take, or carry away from any parcel of public or private land, known or reasonably should be known to be a Native American Indian burial site any earth, soil or stone without the license of the owner or legal occupant; prohibit such action in connection with artifacts and human bone; and to increase the amount of fine to $5,000. After passage in the Assembly on June 25, the bill was re-referred to Senate Committee on Judiciary after amendment and third hearing on August 25th.

AB 962, introduced by Vic Pazio (D-4th District) on March 16, would appropriate funds for deposit in a Park, Open Space and Historical Lans and Facilities Loan Account for emergency loans to cities, counties, special districts, and recreation and park districts from the Department of Parks and Recreation for the acquisition of park, open space, and historical lands and facilities. After consideration and amendment by the Committee on Water, Parks and Wildlife, the bill was re-referred to Ways and Means Committee where it remained in suspense at the time of recess.

AB 1546, introduced by Victor Calvo (D-21st District), would specify that nothing in the California Public Records Act shall require the disclosure of records disclosing locations of significant archaeological sites, as defined by regulations adopted by the State Historic Preservation Officer, except with respect to "bon. fide" persons, groups, or institutions as determined by that office. After first reading on May 12, the bill was referred to the Judiciary Committee.

AB 1777, introduced on May 25 by Assemblymen Maddy, Hartz, Kaploff and Suit with Senators Rains and Shull as coauthors, was for an appropriation for the state park system, including the acquisition of Alhambra Roundhouse constructed by local Southern Miwok and Chukchansi Yokuts (Madera County), a ceremonial site known as the Bear Dance Property significant to the Maidu people (Lassen County), and land adjacent to El Presidio de Santa Barbara State Historic Park, was passed and sent to the Senate on June 22, where it failed in Finance Committee (although with the possibility of reconsideration granted).

The Assembly also considered a number of bills relating to environmental quality. Some of those bills are noted below.

AB 458 was introduced by Richard Robinson (D-72nd District) on February 14 to prohibit a public agency to make the finding that changes in alternate means necessary for carrying out a project for which an EIR has been prepared are within the responsibility and jurisdiction of another agency, if that agency determines that another public agency could more appropriately exercise jurisdiction. The bill would also require, instead of the finding that specific economic, social or other considerations make unfeasible the mitigation measures or project alternatives identified in the EIR, a finding that such considerations make the mitigation measures or project alternatives which achieve substantially the same objectives of the project, identified in the EIR, not feasible. The bill additionally proposes to revise legislative findings and declaration as to when projects should be approved as proposed and as to the purpose of EIRs and to extend the provisions of existing law pertaining to the functioning of a "responsible" agency as opposed to functions as a "lead" agency. This bill was in Resources, Land Use and Energy Committee at the time the Legislature recessed.

Speaker Leo McCarthy (D-16th District) carried Governor Brown's "one person, one vote" proposal AB 884 to a 70-0 vote approval in the last minute flurry of action prior to recess. AB 884 significantly revises existing law governing CEQA review and authorization by public agencies of development projects. The bill, among other things, specifically defines "development project" requires any public agency that is the lead agency for a development project to approve or deny such projects within one year from the date on which an application requesting approval has been received; establishes specified time limits for approval or disapproval of development projects by any public agency which is a responsible agency, as defined by CEQA; specifies that failure to act within the required time limits shall be deemed approval of the development project; requires each state agency by July 1, 1979, to compile lists which shall specify in detail the information which will be required from any applicant for a development project; requires the Office of Planning and Research to the maximum extent feasible, to consolidate hearings where a project requires approval by more than one agency; requires, in the case of projects involving the issuance of a lease, permit, license, certificate, or other...
entitlement for use, that such determination be made within 45 days from the date which an application for a project has been received and accepted as complete by the lead agency; incorporates some of the provisions of AB 492; requires that the time limits for negative declarations will not exceed 105 days; declares that an EIR shall be conclusively presumed to meet the requirements of CEQA, unless a subsequent or supplemental report is required pursuant to CEQA, if no legal action or proceeding is commenced within the prescribed 30-day statute of limitations for such actions; and incorporates most of the provisions of SB 210 and SB 677.

AB 1262, introduced by William Dammeyer (R-69th District) on March 31 would prohibit any person from bringing action alleging that an EIR does not comply with CEQA unless the appellant had examined the report prior to certification of its completeness and had specifically alleged incompleteness in a specific manner, or unless the action against the EIR is based on information which was not known, or could have been known, at the time the report was certified as complete. This bill was in committee at recess.

AB 1412, sponsored and introduced by Simon Arnett (R-20th District) on April 6 incorporates elements of AB 492, would require a responsible state agency, as defined by CEQA, to report to or comment on a draft EIR within 60 days or it would be deemed to approve the EIR, would create in the Resources Agency the Environmental Quality Review Board; would prohibit any state agency from carrying out or approving any project for which an EIR had been prepared if the EIR is challenged in a legal action or proceeding, unless the Board has certified that the report meets the requirements of the act; and would prohibit any person from bringing legal action or proceeding under CEQA unless all available administrative remedies had been exhausted. Both first and second committee hearings on this bill were cancelled at the request of the author.

Senate Bills

SB 66, drafted by Senator Peter Bair (R-2nd Dist.) to make a grammatical correction in a new law prohibiting disturbance or alteration of evidence of archaeological prior occupation of any cave was introduced on January 4, passed the Senate on March 21 and was approved by the Governor on April 6. The law amends Section 625 of the Penal Code.

SB 501, introduced by John Nejedly (R-7th District) for the appropriation of funds for the planning, acquisition, and development of recreational trails in specified corridors of certain counties pursuant to the California Recreational Trails Act on March 9, first passed the Senate on June 22 and was sent to the Governor on September 9 after concurrence with Assembly amendments.

The Legislature failed, however, to pass five Senate bills relating to environmental quality.

SB 210, authored by Senator Nejedly, would expand the kinds of specific regulatory programs of state agencies, boards and commissions which are exempt from the EIR requirements under Section 21080.5 of the Public Resources Code, broadened the exceptions to such requirements, and amended the 1/170 limiting effective date of the exemption provisions. After introduction on Jan. 31, the bill failed passage in committee on April 12, although reconsideration was granted, the first hearing was cancelled at the request of the author.

SB 351, authored by John Holmdahl (R-9th District) and David Roberti (R-33rd District) and co-authored by Assemblymen Chacon, Hayden, Keyser and Robinson would (a) amend CEQA to permit a public agency to make a finding that specific economic, social or other benefits outweigh any significant effect on the environment engendered by a project, outweigh the feasible alternatives or mitigation measures, or that specific economic, social or other considerations make project alternative or mitigation measures identified in the EIR not feasible; (b) declare legislative policy on the consideration to be given to the social and economic benefits of the projects and consequences of the alternatives and mitigation measures; (c) authorize charging supplementary reports required for hearings on the project; (d) require a public agency to include in its record of its proceedings a statement of the factors considered including economic and social consequences when it approves or disapproves a project for which an EIR has been prepared; (e) direct a court, in any action or proceeding under CEQA, to consider only those economic and social factors identified by the public agency in approving and disapproving the proposed project, as well as the environmental effects. This bill was introduced on February 22, passed the Senate on June 22 and was still under consideration in the Assembly at the time of recess.

SB 657 was introduced on March 22 under the sponsorship of 16 Senators with one Assembly cosponsor to amend CEQA through expanding the exemption of specified regulatory programs of state agencies, boards and commissions from EIR requirements, in expanding the exceptions to such requirements and in appealing the 1/170 limiting effective date of the exemption provision (very similar to SB 210). The bill passed the Senate on June 9th, but failed passage in the Assembly committee in August.

SB 1222, authored by Alan Sierra (R-2nd District) would have extended existing provisions to authorise a city attorney, district attorney or county counsel to bring an action for equitable relief from damage or threatened damage to the environment or natural resources located wholly or partly within the city, county, or city and county. This bill was introduced on May 12 and failed passage in committee on August 2nd.

A Final Summary of Selected Legislation Relating to the Environment, Natural Resources and Wildlife Enacted During 1976 is available from the State Senate Committee on Natural Resources and Wildlife, Room 2203, State Capitol, Sacramento 95814.
DISTRICT 06 BIBLIOGRAPHY AVAILABLE

Dudley Varner reports that District 06 now has available a bibliography on HIs completed, as of September 1, 1977.

CORRECTION ON CLEARINGHOUSE SPLIT

The editor erred in stating in the October 1977 Newsletter (page 11) that Charles Dills will be Clearinghouse Coordinator of the new SCA District 15 in San Luis Obispo County. Dills is the State Regional Officer rather than coordinator.

Robert Hoover will be Clearinghouse Coordinator for District 15. He has been serving with Michael Glassow to coordinate the combined San Luis Obispo-Santa Barbara County district. Glassow continues as Coordinator for the Santa Barbara clearinghouse.

SCA EXECUTIVE BOARD MEETING MINUTES

October 21, 1977, Berkeley

Present: Joe Winter, Paul Chace, Dave Fredrickson, Nancy Walter, Clyde Kuhn, John Parker, Bob Jackson, Jay Plaherty, Linda King, Chester King, Steve Stoddard, Roger Werner, G. Fenenga.

1. Nominations/Elections Committee: Russ Kaldenberg from Southern California and Ed Candler from Northern California are forming and working on the Nominations/Elections Committee for 1978-1979 for SCA officers.

2. Environmental Affairs Committee: Joe Winter has received a letter of resignation from Paul Sampson as committee chairman. Those who are interested should contact the board as soon as possible about this chairmanship.

Joe Winter has sent a letter of concern to the EPA (with copies to SOPA and SAA) asking for peer review by an established archaeological/anthropological organization. The Executive Board had felt that SCA needed to respond to the apparent lack of implementation of proper federal guidelines on the North Shore Wastewater project in San Francisco. Joe sent a similar letter to express SCA concern regarding the Casa Diablo project in Mono County.

Paul Chace reported on I-15. The project has now been approved with a slight redesign which means no sites will be damaged although some will be covered by fill.

Clyde Kuhn reported on Casa Hot Springs, within the China Lake Naval Weapons Center. The process of placing the Hot Springs on the National Register proceeded smoothly until it was ready to leave the state level. The nomination is in Washington, but meeting great pressure from the Navy to kill the nomination. Clyde Kuhn reported on Boggy Mountain in Lake County on which the new Native American Heritage Commission is taking action. Clyde also reported on the status of the Geothermal Plant in Imperial County. It appears that there was no inventory of all cultural resources as per 36CFR800 requirements. Clyde requested that SCA start to develop a policy to deal with all geothermal activities.

Nancy Walter reported on the status of the Ro nineo Village site that Northridge Archaeological Research Center had been working on with regard to compliance. The City of Los Angeles and the developer are now in the process of putting the site up for bid. There are also similar requests of NARC as well as the local Indian community as a clarification of the extent of cultural resources is determined.

Mendocino County needs to tighten its EIR procedure in order to follow CEQA guidelines. In a recent case, the Board of Supervisors rubber-stamped an EIR which did not include an archaeological survey of the site (See news story).

3. Publications Committee: Joe Winter reported that Gary Brenchard is working on a series of Cultural Resource Papers as well as a Theoretical series. Paul Chace is deferring his report for publication until a later time.

4. Directory: There was lengthy discussion concerning the role of SOPA and a directory of archaeological consultants. Some members of the Executive Board and others who were present felt that SCA should phase out directory publication as SOPA begins to expand and refine theirs. Others felt that SCA has an obligation to continue publishing a listing of archaeologists available for consulting. While this matter remains to be continued at some length, plans are under way for what may be the last SCA Directory. A mailing is being planned as well as notices in the Newsletter asking for all who want to be in this next edition to mail in the necessary material along with an $5.00 fee to cover costs. The contents will be narrower and more refined as levels of competence spelled out. The new application forms are in print and will be sent to all members of the current Directory and all SCA members.

During the discussion it was pointed out that no matter where we are trained, there are limits to our ability to identify a site. An example was given of a site containing burials which two very competent California archaeologists (at various times in the past) had said was not a site, yet it later was shown to be an extensive site. Discussion then centered on the process of education which archaeologists receive. What can we who are educators do? The educational role of all anthropologists/archaeologists is crucial.

5. Other Committees: Mary Brown sent a report on the Legal Affairs Committee via Paul Chace. She has been copying all available material that pertains to various legislation, ordinances, regulations, etc. There is hope that a budget allotment of some kind can be worked out to cover the cost of file folders, postage, xerox, etc. Users of the
service would pay a use fee to cover the xerox and mailing costs. It will serve as a reference service only to SCA members to aid them in discussion with attorneys or developers.

Paul Chace reported on various ideas he is putting together for a formal report concerning the past, present, and future of Clearinghouses. This material will appear in the Newsletter soon.

Clyde Kuhn reported on the activities of the Planning Research and Development Committee. There will be changes in the National Register of which we will have to become aware—these will be on a local level and will include the concept of neighborhoods. The new changes will also try to incorporate a better definition of prehistory.

It was pointed out that there was a request from Bill Seidel that SCA have a liaison with the SHPO. (M/S/P at Oct. 22 Exec. Board meeting that the President of SCA be the liaison with the SHPO). Discussion also pointed out a need for someone to digest the EIR process for review and the need for a watchdog group to find out where the law is being unduly compromised.

HEM BUSINESS:

Roger Werner and John Parker spoke concerning working conditions and financial agreements for one of the contractors doing archaeological consulting. The issue was discussed and the facts will be investigated. It was decided that SCA is not in a position to condemn but rather can only recommend to an organization such as SAA that complaints have been brought before the board which merit investigation.

Respectfully submitted,
Nancy Peterson Walter

SCA EXECUTIVE BOARD MEETING MINUTES
October 22, 1977, CSC Sonoma

Present: Joe Winter, Paul Chace, Rob Edwards, Nancy Walter, Dave Fredrickson, and Marcia Wire.

M/S/P That Clyde Kuhn be accepted as the SCA intern. Guidelines discussed were these:
1. A contract with specifications.
2. A finished, typed publication proposal, in SAA format.
3. One or preferably a series of proposals for different foundations.
4. The Principal Investigator is to be selected by the Executive Board and may not be the intern.
5. We are buying a product.
7. Preliminary draft to board for comment—date to be decided upon.
8. Dave Fredrickson will be available for consultation, and will grant office use on CSC Sonoma campus.
9. The intern is to deal with: (1) Evaluation of California archaeology and the state of problems within it; and (2) Development of a structure within the SCA to deal with the mechanisms involved.

Respectfully submitted,
Nancy Peterson Walter

INDIANS PROTEST DESCRIBATION OF ROCK ART SITES

"How would you like someone to go into your church and start hacking up the altar?" Blanche Shippentower asked the government ranger.

"That's how we Indians feel about people coming in and desecrating or removing ancient Indian rock carvings.

"For us, the petroglyphs (art work on rock) are sacred. They have a deep religious significance. They're similar to pages out of the Christian Bible.

"Mrs. Shippentower, a 62-year old Paiute Indian, was expressing the deep concern of the Paiutes of Bishop over vandalism of the prehistoric art in the area.

"This mountain town 270 miles north of Los Angeles in the shadow of the High Sierras has a population of 3,600, one-fourth of whom are Paiute Indians.

"For the last 15 years, the local Chamber of Commerce has published and distributed a brochure entitled the 'Petroglyph Loop Trip' giving directions to four Indian rock art sites containing thousands of petroglyphs.

"The cover photo shows a boy and girl sitting on a huge rock inscribed with scores of the prehistoric carvings. A note inside the pamphlet suggests:

"'Children can have fun scrambling over the jumbled rocks as they discover other pictures.'

"A few months ago, the spiritual leader of the Hopi Nation and the chief of the Seneca Nation in New York addressed local Indians at a meeting.

"Common Indian problems were discussed and the concern about protecting petroglyphs came up.


"'It was an eye-opener,' Collins said. 'The Indians talked about their deep feelings for the rock carvings, how they look upon the prehistoric art of their ancestors as sacred works.'

"The Chamber of Commerce brochure and roadside signs pointing directions to the petroglyph sites were mentioned.

"The Indians said their religious sites were being commercialized. They said they would just as soon not have non-Indians visiting the petroglyphs.'

"After the meeting, a group of local Indians demanded the Chamber of Commerce stop circulating the brochure and demanded that directional signs to the petroglyphs be removed.

"'It isn't a simple or easy matter to resolve, Mrs. Shippentower admitted. 'The goal of the Indians is really the same as that of the BLM—the ultimate protection of the petroglyphs.'

"'The problem is that even without the brochure or directional signs, people still find their way to the rock carvings,' BLM ranger Conrad explained.
"A county road passes a few feet from the sites. It is impossible to hide the prehistoric art work."

"Thousands of the mysterious carvings cover rock outcroppings and bluffs.

"The rocks are inscribed with circles, dots, sun discs, spirals, wavy lines, triangles, zigzags, bird, animal and human tracings, sheep, deer, snakes, human figures and many-legged insect designs. When the symbols were carved remains a mystery.

"Many believe the petroglyphs marked ancient hunting trails, that the carvings were part of a ritual to insure the success of the hunt.

"Some Indians believe the carvings were made by Water Baby, a supernatural being, or by coyotes and other animals 'when they were men.'

"Mrs. Shippentower told of the anguish of her people on hearing stories about how some have chipped away the ancient carvings and carted them off to mount them in their homes.

"The petroglyphs are no longer on Indian-owned land. They are on government land administered by the BLM. Two of the sites were recently enclosed by 5-foot-high wire fences.

"Mrs. Shippentower is chairwoman of Ta Humna Anagoona—the Paiute Burial Protection Society.

The Society for California Archaeology, Inc., is a non-profit scientific and educational organization dedicated to promoting the interests of California archaeology. All statements in the Newsletter, published five or six times a year, do not necessarily reflect the opinion of the SCA unless said statements are signed by the Society's President and Executive Committee. All other statements are the opinions of the Editorial Staff or of the person(s) and/or organisations whose name appears below each statement.

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"We formed the organization to protect our ancestral burial grounds, to protect the petroglyphs," she explained.

"She told how many Indian graves in the area have been desecrated in recent years.

"People think Indians are different than they are. They think we have no feelings. Someone dug up the remains of my great-grandfather who died in 1930 and my uncle who died in 1936, dug them up out of the family plot in an Indian cemetery..."

"The Indians and BLM officials are trying to work out a program to better protect the petroglyphs. A new brochure is being prepared with great emphasis placed on the religious importance of the prehistoric art to present-day Indians.

"It is to be published and distributed only after receiving the approval of Paiute leaders.

"Indians have suggested that the Paiutes patrol the prehistoric art sites, that the Paiutes be all allowed to run guided tours to the petroglyphs and that non-Indians be permitted into the area only when accompanied by Indians.

"It is too early to tell what the final outcome will be."
AN ARCHAEOLOGICAL ODYSSEY IV:
WHITHER THE ANTIQUITIES ACT?

Enforcement Problems

Much attention has been directed in some circles toward "improving" the American Antiquities Act of 1906 (P.L. 59-209) in light of a court case in which the act was overturned in appeal as "fatally vague." Other incidents have been cited as emphasizing the "present dangerous legal situation" with respect to enforcing the act (see in particular pp. 15-17 of the Airlie House Report issued this year by the SAA). Mostly administrative cures have been suggested by Federal legal authorities in the form of remedial language rulemaking which would "define crucial terms in the Antiquities Act." How drastically Federal authorities propose to "improve" the Antiquities Act is best demonstrated, however, by a new interpretation of the intent of the act.

Interpretive Changes

The April 1977 issue of the National Park Service's Office of Archeology and Historic Preservation newsletter 11522 features an article by Charles McKinney of the Interagency Archeological Services. In this article McKinney suggests that the permitting authority of the Antiquities Act was intended by Congress to apply only to archaeological resources or to paleontological specimens located within a cultural context. This interpretation would invalidate current administrative practice which require paleontological field investigations to be subjected to Federal permit authorization and, more significantly, would remove protection of vertebrate paleontological fossils specimens located on Federally administered lands from the provisions of the act.

According to McKinney, policy changes are in progress on the Federal level focusing upon the control of vertebrate paleontological field investigations occurring under the authority of various Federal land management agencies. The legal basis of any new regulation would be separate from the Antiquities Act, and the Bureau of Land Management (BLM) is envisioned as the lead agency responsible for developing a comprehensive collecting permit program for paleontological resources with the assistance of the paleontological community.

In spite of the intensity with which Federal authorities have argued that the Antiquities Act is unenforceable and in spite of how convincingly they narrow the act's applicability to only cultural remains and paleontological remains in a cultural context, the recent case of the "Old Woman" meteorite has seriously eroded the credibility of their reasoning and once again demonstrates Federal inconsistency in the application and enforcement of cultural resource statutes and regulations.

Politics & Archaeology

BY CLYDE KUHN

A Meteorite as "Antiquity"

In 1976 prospectors discovered a three foot by four foot iron meteorite weighing 6,070 pounds in the Old Woman Mountains southeast of Cadiz, California. The meteorite is the second largest ever found in the United States. The prospectors filed a claim for the land on which the meteorite had landed and notified the Smithsonian Institution of the find. By June 16th of this year, the Smithsonian's curator of meteorites was on hand as a Marine helicopter lifted the meteor out of the mountains for temporary display at the Smithsonian Institution prior to transportation to the Smithsonian where it was to be "sliced up and studied," Federal authorities justified the expropriation, interestingly enough, on the basis of the Antiquities Act, "passed to prevent plunder of relics from government land" (apparently not all Federal offices read the NFS 11522 newsletter). Meanwhile, the prospectors filed for a restraining order with U.S. District Court to bar removal of the meteorite from southern California until they had been compensated. By June 29th, however, the court declined to grant the restraining order, upholding the government's assertion of entitlement to the meteor "as an American antiquity."

The meteorite, however, remained on display rather than being immediately transported to the Smithsonian, eventually ending up at the Los Angeles County Museum of Natural History by the end of July. By that time, State Attorney General Evelle Younger filed suit in Superior Court invoking a state statute on unique natural resources in an attempt to keep the meteorite in California rather than have it shipped to the Smithsonian. Although the Superior Court refused to grant a restraining order barring removal because of uncertainty over legal jurisdiction, a U.S. District judge did issue a temporary restraining order on July 21st, acting on a request filed by San Bernardino County. By September 7, California's Senator Cranston announced that Interior Secretary Andrus had decided to grant custody of the meteorite to California, while the Federal government retained title. At the same time the Los Angeles County Museum of Natural History and the San Bernardino County Museum were competing for custody. By mid-October, however, the "Old Woman" meteorite was languishing in Federal hands at the BLM's Barstow Way Station, while the miners who had made the original discovery teasingly announced the existence of a larger, 3-ton meteorite named "Squaw Tom," "originally discovered in 1927 and only recently analyzed for authenticity." The prospectors said they were keeping the exact location of the meteorite secret because of the ownership controversy generated over the "Old Woman" meteor (above information obtained from the Modesto Bee, 6/17, 6/18/77; the San Francisco Sunday Examiner and Chronicle, 6/19/77; Los Angeles Times, 6/30, 7/1, 7/22, 9/8 and 10/17/77; and a BLM Riverside District Office news release, n.d.).
Implications

Does this slightly amusing and unquestionably curious tale have a moral?

There is, first of all, no little irony in the fact that the Smithsonian and BLM justified seizing the meteorite under the Antiquities Act in order to prevent it from being sold for jewelry by the prospectors, only so that it could be sliced up and studied for science. While the Antiquities Act clearly expresses a Federal intent to preserve American antiquities and to permit scientific study provided such study leads to an increase in knowledge and "permanent preservation," it does not express a blanket authority to possess or condemn such antiquities in the interest of science, which was clearly the case in the "Old Woman" situation. It hardly seems consistent with the act, moreover, to conduct the recovery of "very important scientific material" in order to preserve it from unauthorized removal when in fact this material was still located on Federally administered land and when the purpose of recovery was solely scientific study and not permanent preservation. Clearly, one of the problems with the Antiquities Act would seem to be abuse on the part of Federal authorities in its application.

One may also wonder if the Federal authorities bothered to demonstrate NEPA compliance prior to the removal of the meteorite from southern California and establishing Federal ownership under the authority of the Antiquities Act before a Federal court in spite of the doubtful applicability of the act in this case. In short, ample legal support is forthcoming for the act when sufficient political pressure is applied at the appropriate level of the Federal establishment. Difficulties encountered in getting the act enforced under normal situations can too often be attributed to the unwillingness, inability or timoroussness of local Federal authorities to carry through on legitimate complaints made against artifact collectors or other curio seekers who have been systematically plundering cultural resources on public land over the seventy-year life history of the act.

In fact, Federal authorities often justify not taking action on such complaints with politically motivated rationalizations, the best known of which must undoubtedly be those which suggest that a stronger case is needed, or that the judge may be an artifact collector and therefore unsympathetic to enforcement and so "why risk compromising the act with an unfavorable decision?" The fact, moreover, that taking action would upset the normal routine of the bureaucracy, a prospect repulsive to administrators, is an additional non-political deterrent to enforcement.

Because Federal land management agencies have been so timid in enforcing the act and inept in prosecuting violations, the real effectiveness of the law has never been demonstrated. This is undoubtedly one of the unvoiced principal reasons why questions as to its protective scope and intent are now being raised. In fact, one of the objectionable features of an unfavorable decision is one of the explicit reasons given for not appealing the most serious adverse interpretations of the act to the Supreme Court, instead of advocating more vigorous application of the act in order to clarify its authority, a commitment has been made to maintain the current indeterminacy. Somehow it doesn't seem logical to preserve the integrity of a law through failing to enforce it!

The "Old Woman" incident also demonstrates that the Antiquities Act can be used to justify the preservation of more than cultural material-paleontological specimens located in a cultural context, if it is convenient for the Federal authorities to make such an interpretation. Federal arguments about the Antiquities Act as applying only to "archeological resources and paleontological specimens in a cultural context," as expressed in McKinney's article, are pretty well demolished by the actions of the BLM and the Smithsonian with respect to the meteorite, which by no stretch of the imagination can be classified as cultural in origin or a human antiquity. Clearly, another of the problems with the Antiquities Act is the inconsistency of Federal authorities in its application!

The latest Federal interpretation of the act, as expressed in McKinney's article, can also be criticized as too narrow. There are, in fact, innumerable non-cultural features and objects, including vertebrate, invertebrate, paleontological remains, stratigraphic records, landform remnants, geomorphologic and existing biogeographic features which may not be in direct cultural association, but which are nevertheless essential to understanding past human activity and are consequently important elements of the cultural past. While not denying the need for new Federal legislation directed specifically toward preserving vertebrate, invertebrate and botanical paleontological remains as well as other natural features of human interest, such as meteorites, for their own sake, as objects of scientific relevance to human antiquity many such features would seem to be already protected under the encompassing language of the Antiquities Act.

It would appear, therefore, that impending changes in the application and enforcement of the Antiquities Act by Federal authorities are likely, but may not altogether be the most appropriate resolution of Antiquities Act ambiguities. In fact, changing Federal posture toward the Antiquities Act may be interpreted as a convenient political excuse for not enforcing a strict law in a meaningful manner and as an attempt to rationalize the inequity and favor of 70 years of non-enforcement just as much as it can be interpreted as a response to inherent flaws in the language of the act.

CLYDE KUHN 11/14/77

(Upon Part II of the Geothermal Interim Report, and an article on the new Federal Heritage Administration)
ORANGE COUNTY HISTORIC ARCHAEOLOGICAL PLANNER

"Robert Selway III will start to work on December 5th as Cultural and Scientific Resource Manager for Orange County. This position was created as a result of the joint proposal by PCAS (Pacific Coast Archaeological Society) and the Natural History Foundation of Orange County for an archaeologist to review EIRs and to watch over sites endangered by construction. After the position was approved by the County Supervisors, a task force was appointed to evaluate the cultural resources of the county and make appropriate recommendations to ensure their protection. Dr. Keith Dixon and Roger Desaules served as an archaeological advisors on this task force, and Dr. John Cooper served as paleontological advisor. Members of the County Staff and individuals from the building industry were also represented on the task force. The task force generated a lengthy document which included a proposed policy for handling these resources. The County Supervisors accepted the document for filing and established the policy. Our recommendation was to unfreeze the position of Planner III, which will now be occupied by Mr. Selway."

"Mr. Selway received his Master of Arts degree in History/Archaeology from the University of California at Riverside and has worked at the State Office of Historic Preservation in Sacramento."

"As a further result of the above-mentioned policy, the County has established an official list of certified archaeologists, who may work as "Principal Investigators" in the preparation of archaeological elements of EIRs for the County. At present, the list includes N. Cottrell, Dr. D. Van Horne, B. Whitney, C. Brover, Dr. G. Rice, Dr. B. Stickel, (Dr.) R. Greenwood, G. Cameron, J. Trudlow, P. Grace, R. Carrico, and Dr. P. Essel. (Since this article was written, R. Desaules has been added to the list by the Planning Commission.) A similar list of paleontologists has been approved.

"The original PCAS/NHF proposal also recommended the hiring of a Museum Curator in the Natural History fields, with particular concern for the archaeology and paleontology of the County. The Supervisors approved this recommendation, but froze the position until the task force on Cultural and Scientific Resources had completed their study and a policy had been approved. Subsequent developments of various causes have further delayed the filling of this position."

"A Museum Symposium was held last May under the sponsorship of the Orange County Historical Commission, the Natural History Foundation of Orange County, Archaeological Research, Inc., and the Museum of North Orange County. An 11-man task force was chosen by the 23 groups in attendance which, if approved by the County Supervisors, will address the needs for the establishment of a Museum of Natural History for the County. Meanwhile, a 5,000 square foot warehouse has been allocated as a repository for fossils and artifacts from within the County. PCAS has been delegated the responsibility, by the Natural History Foundation, to appoint a qualified volunteer to serve as interim curator for the archaeological collections stored at the warehouse. It appears that the position of Museum Curator originally approved by the County may be broadened in scope."

LAURA JEE MITCHELL, in Smoke Signals, Pacific Coast Archaeological Society newsletter, 12/77, page 3

NEW REGIONAL AND ASSOCIATE NEWSLETTER EDITORS

"We would like to welcome several new members to the SCA Newsletter staff:

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If SCA members or others have materials to submit which can be incorporated in the regional or topical columns of these new editors, please mail them directly to them at the addresses above. If on the other hand, you have articles, clippings, or other information which is lengthy, or is perhaps an individual contribution which you would like to have appear as such, you may mail it directly to the Newsletter editor, Marcia Wire, Department of Anthropology, San Jose State Univ., San Jose 95192.

NEW PUBLICATION

"Ghost Towns and Mining Camps: Selected Papers" is a new book from the Preservation Press of the National Trust for Historic Preservation. The book focuses on methods of preserving and interpreting ghost towns through planning, legal tools such as historic district ordinances, and proper conservation techniques. Among the towns discussed is Bodie, which flourished in 1850. Copies of this publication can be ordered at $4.00 from the Preservation Bookshop, National Trust, 740-748 Jackson Place, N.W., Washington, D.C. 20006."

PHILANTHROPE GIVES UP ON Peking Man

"Banker Christopher Janus said [on October 27th] he is withdrawing his $150,000 reward for information leading to the missing Peking Man fossils after his four-year search produced marriage offers, death threats and chicken bones—but few leads. Janus said the hunt cost him more than $200,000 and took him on search missions through four continents. The fossils, thought to be at least 500,000 years old and considered priceless by anthropologists, disappeared after US Marines took them into custody near Peking at the start of World War II. Besides information offered in response to his reward offer, Janus received four marriage proposals, several job offers, three death threats, numerous requests for loans and an invitation to appear in a deodorant commercial."

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