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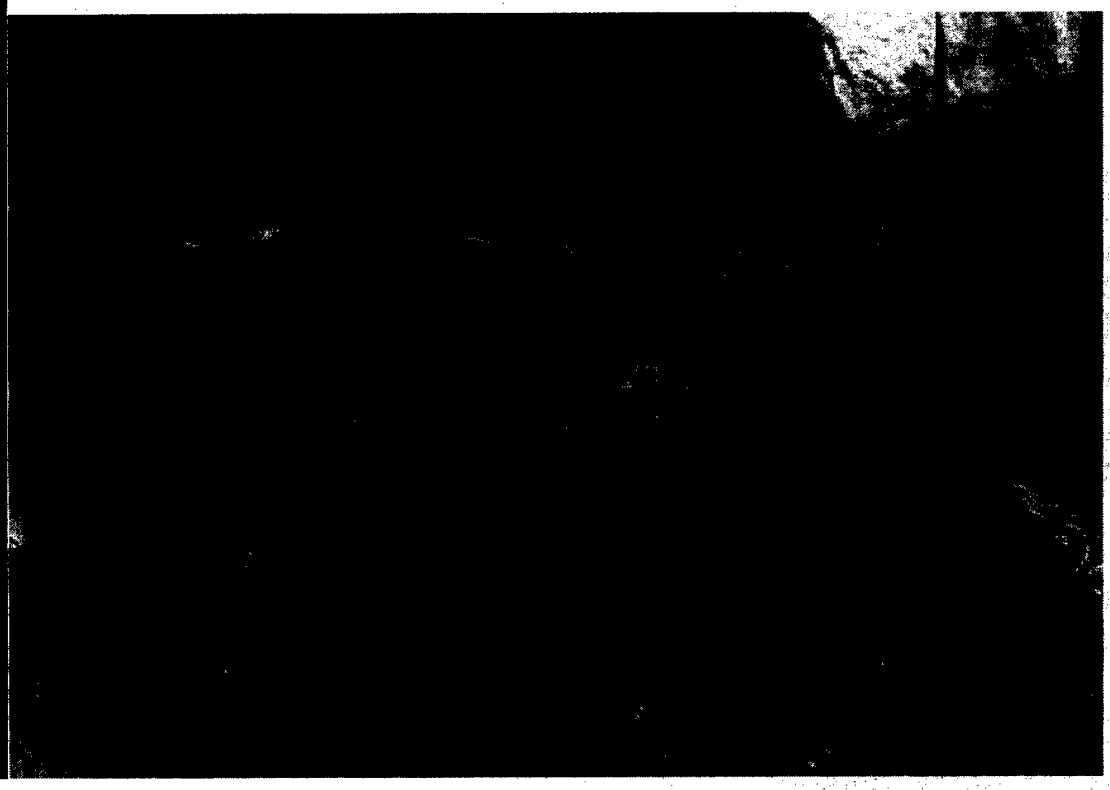
US Army Corps
of Engineers.
Engineer Research and
Development Center

National Training Center–Fort Irwin, California

Tribal Consultations Held on 3-5 September 2002

Tad Britt and Susan E. Perlman

April 2003



Construction Engineering
Research Laboratory

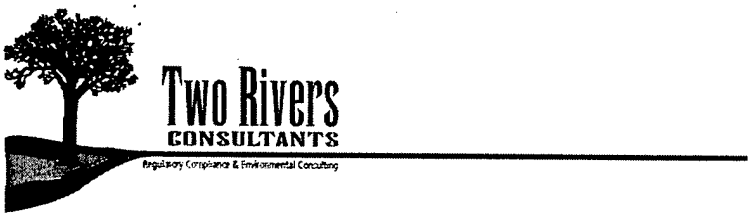
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Preface

This study was conducted for the U.S. Army National Training Center-Fort Irwin, California, under project 1R00935056, "To Organize, Facilitate, and Moderate a Meeting Between Fort Irwin and the Federally Recognized Native American Groups"; through Military Interdepartmental Purchase Request 2GCERL0019, 29 March 2002. The technical monitor was Mr. William (Mickey) Quillman, Natural and Cultural Resources Manager, NTC-Fort Irwin.

The work was performed by the Land and Heritage Conservation Branch CN-C of the Installations Division (CN), Construction Engineering Research Laboratory (CERL). The CERL Principal Investigator was Mr. J. Tad Britt. Part of this work was done by Ms. Susan E. Perlman, Two Rivers Consultants, Nashville, Tennessee. The technical editor was Gloria J. Wienke, Information Technology Laboratory. Dr. Lucy A. Whalley is Chief, CEERD-CN-C, and Dr. John T. Bandy is Chief, CEERD-CN. The associated Technical Director was Dr. William D. Severinghaus, CEERD-CV-T. The Director of CERL is Dr. Alan W. Moore.

CERL is an element of the U.S. Army Engineer Research and Development Center (ERDC), U.S. Army Corps of Engineers. The Commander and Executive Director of ERDC is COL John Morris III, EN and the Director of ERDC is Dr. James R. Houston.



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Contents

Preface 2

Contents 3

1 Introduction 5

Background 5

Meeting Site 5

Objective 6

Approach 6

Mode of Technology Transfer 8

2 Tribal Consultation Meeting Schedule 9

3 Meeting/Consultation Results 11

Key Points From the Fort Irwin Tribal Consultation Meeting 4 September 2002 11

Appendix A: Draft Native American Graves Protection and Repatriation Act, NTC-Fort Irwin Standard Operating Procedures 13

Appendix B: NTC Land Expansion Presentation 26

Appendix C: Cultural Affiliation Study Presentation 34

Appendix D: Archeological Predictive Model 50

Appendix E: Land Expansion Survey Test Presentation 67

Appendix F: NAGPRA SOPs 85

Appendix G: Summary of Tribal Consultation Efforts 96

Appendix H: Initial Invitation Letter 98

Appendix I: List of Meeting Attendees 105

Appendix J: Meeting Transcript 106

REPORT DOCUMENTATION PAGE .....

1 Introduction

Background

Many federal laws, regulations, and executive orders promulgated since 1990 specifically require consultation with Native American tribes when a federal agency makes decisions concerning historic properties and archeological sites. However, this legislation doesn't specifically define consultation, although the common meaning is to ask advice and share information to make an informed decision. Consultation does not imply mere notification of a pending action; nor is it a method to obtain consent or agreement.

Consultation is founded on the government-to-government relationship between the United States and federally recognized tribes. It provides an invaluable method of obtaining expert advice, ideas, and diverse opinions from Native American constituents regarding control and appropriate treatment of cultural resources.

To meet both the letter and the spirit of the law, the National Training Center-Fort Irwin, California, conducted a consultation meeting as part of the agency's continuing consultation with tribal governments.

Meeting Site

Fort Irwin (Figure 1) is located 37 miles northeast of Barstow, California, and is a U.S. Army installation. At the time of the consultation meeting, Fort Irwin was under the control of the U.S. Army Forces Command, headquartered at Fort McPherson, Georgia. The installation is now under the Southwest Region. The base is the home of the U.S. Army National Training Center (NTC) and also includes the National Aeronautics and Space Administration (NASA) Goldstone Deep Space Tracking Station. The installation covers 642,730 acres (260,113 hectares) in the north-central Mojave Desert encompassing over 1,000 square miles (2590 square kilometers).

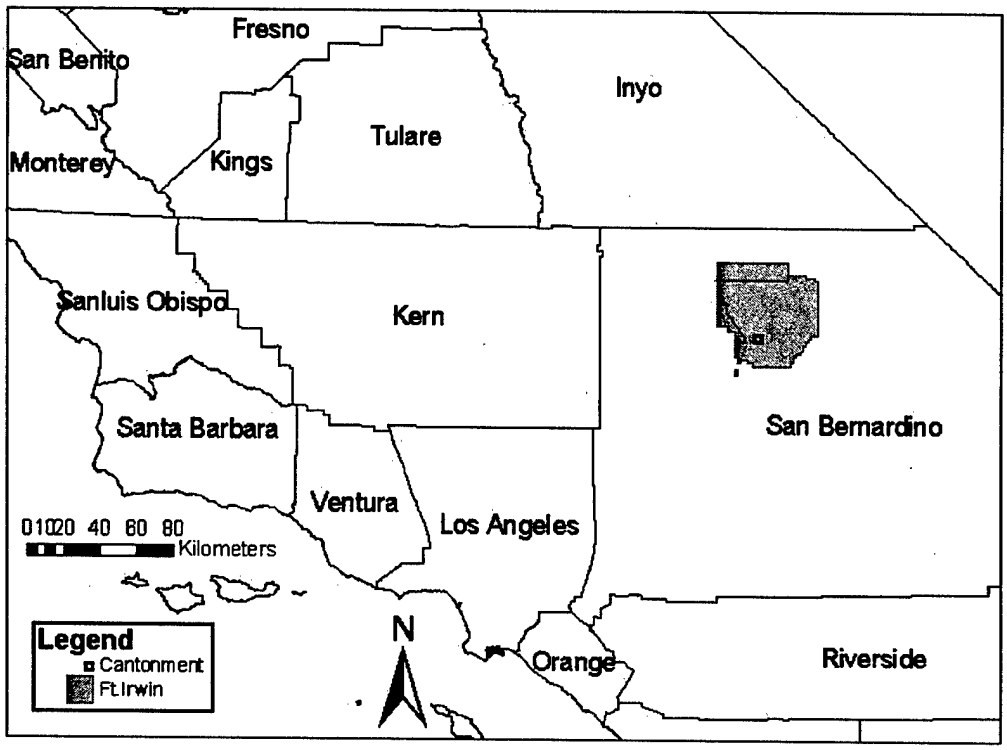


Figure 1. Location of NTC-Fort Irwin.

Objective

The objective of this consultation meeting was to establish an open and constructive dialogue between the U.S. Army and the Native American tribes who have cultural resource interests at NTC-Fort Irwin. This dialogue is conducted on a government-to-government level regarding the military mission of NTC and potential tribal issues with respect to the installation and its Area of Potential Effect (APE).

Approach

From July 2002 to October 2002, Two Rivers Consultants, Nashville, Tennessee, provided the U.S. Army Engineer Research and Development Center-Construction and Engineering Research Laboratory (ERDC-CERL) with logistical support for a Native American Consultation meeting that was to take place at NTC-Fort Irwin. This meeting occurred on 3-5 September 2002 and was hosted by the NTC-Fort Irwin Chief of Staff, Colonel Edward Flinn. The following topics were presented and discussed:

1. NTC-Fort Irwin Standard Operating Procedures (SOPs) for inadvertent discovery, notification of treatment; per the Native American Graves Protection and Repatriation Act (NAGPRA) of 1990.

2. Supplemental Environmental Impact Statement (forthcoming) with respect to the NTC-Fort Irwin proposed 110,000 acres expansion — specifically the cultural resources inventory, evaluation, and management practices.

3. NTC-Fort Irwin cultural resources tools — Archeological Predictive Model and Automated Tool for Monitoring Archeological Sites.

4. The ethnohistoric and ethnographic cultural affiliation study of the mid-Mojave region (i.e., those federally recognized tribes that claim aboriginal, ancestral, or ceded land ties to the geographical area that now constitutes NTC-Fort Irwin and its APE).

The NTC-Fort Irwin Cultural Resources Program (CRP), in conjunction with the NTC-Fort Irwin Department of Public Works (DPW) and ERDC-CERL archeologist, Mr. Tad Britt, developed a schedule and timeline for the meeting:

1. Mailing of Invitations: Deputy Commander and Chief of Staff Colonel Edward L. Flinn sent meeting invitations (Appendix H) to consulting tribes on 24 July 2002. These invitations were in the form of a letter to the tribal chairperson and/or tribal NAGPRA coordinator. A list of these contacts is also in Appendix H. The letter discussed the date and purpose of the meeting, explanation of payment for travel expenses, and travel logistics.

2. Telephone Follow-ups: 1 to 2 weeks after the invitations were sent, follow-up telephone calls were made to the consulting tribes by the contractor, Two Rivers Consultants. During these telephone calls, the contractor asked if a tribal representative would be attending the meeting, asked if there were any additional topics they would like included in the meeting agenda, and answered questions about expense reimbursement, travel logistics, and hotel reservations. The results of the telephone effort are included in Appendix G.

   Concurrent with the telephone calling effort, the staff at the NTC-Fort Irwin CRP/PWP and ERDC-CERL made arrangements for the meeting room, meeting equipment, catering, hotel reservations, and stenography.

3. Initiation of Invitational Travel Orders: ERDC-CERL initiated the process of issuing travel orders for up to three people from each tribe. During this phase, lodging, catering, and the field visit to cultural sites were coordinated and confirmed with the installation.

4. Confirmation of Travel Arrangements with Tribes: the contractor continued to contact the tribes and confirm their meeting attendance. The contractor also gathered information needed from tribal representatives to allow them to enter the installation. The tribal representatives were reminded to keep expense records in order to be reimbursed.

The meeting opened with a reception on the evening of 3 September 2002. The intertribal meeting took place on 4 September 2002. The following day, the tribal representatives and other invited guests were shown several Native American rock art sites on the NASA Goldstone Range, located within NTC-Fort Irwin.

Mode of Technology Transfer

This report will be sent to each tribe invited (listed in Appendix H).

This report will be made accessible through the World Wide Web (WWW) at URL:

http://www.cecer.army.mil

2 Tribal Consultation Meeting Schedule

3 September 2002

Guests arrived late afternoon and checked in Landmark Inn. A block of rooms had been reserved. Each Tribal representative was responsible for all his or her lodging, meals, and travel expenses. All reasonable travel-related expenses were to be fully reimbursed after the meeting. A welcome package was waiting at the Landmark Inn for each guest.

1800 to 2000 Welcome Session/Ice Breaker at Fort Irwin's Leaders Club

4 September 2002

0900 Began meeting at Leaders Club [see Appendix I for a list of attendees and Appendix J for a transcript of the consultation meeting]

- Welcome—Tad Britt, ERDC-CERL
- Pledge of Allegiance
- Native American Prayer
- Group Introductions

0915 Welcome To NTC-Fort Irwin—COL Edward L. Flinn

- Mission statement and video
- Topics of Discussion:
  1. National Training Center (NTC) Land Expansion
  2. Cultural Affiliation Study
  3. Archaeological Predictive Model (APM)
  4. Land Expansion/NRHP survey/testing, results
  5. NAGPRA Standard Operating procedures (SOPs)
  6. Listening Session

0945 Land Expansion Discussion—Mr. Tim Reischl [See Appendix B]

- NEPA—SEIS
  Land Expansion Presentation
  Questions and answer session

1030 BREAK

1045 Cultural Affiliation Study—Mr. David Earle [See Appendix C]

1115 Archeological Predictive Model (APM)—Mr. Tad Britt [See Appendix D]

1145-1300 LUNCH (catered by Reggie's and served in the meeting room)

1300 Resume Meeting—Mr. Tad Britt

1. Land Expansion/NRHP survey/testing, results
2. [Draft] NAGPRA SOPs [See Appendix A]
3. Listening Session

1315 Land Expansion NRHP survey/testing-Mr. Craig Smith [See Appendix E] Results and Discussion

1345 NAGPRA Standard Operating Procedures—Mr. Tad Britt [See Appendix F]

1420 Comments—COL Flinn

1430 BREAK

1445 Native American Listening Session: All Tribes are encouraged to discuss topics of concern

- Sacred Sites
- Traditional Cultural Properties
- NAGPRA SOPs, etc.,
- Consultation efforts
- Other Cultural Sites/Issues

1630 Concluded Meeting for Day

5 September 2002

Cultural Site Visits

0830 Met at Lobby of Landmark Inn. Transportation was provided for all to visit the NTC-Fort Irwin Archeological Curation facility for tour. Guests visited several types of Native American cultural sites. Drinks and snacks were provided.

1230 Arrived back at the Landmark Inn and concluded meeting. Instructions and assistance of completing Travel Vouchers was provided to ensure prompt reimbursement for any out-of-pocket expenses.

Submission of Draft Report and Documentation of Tribal Contact. Final copies of this report will be sent to all tribes invited and listed in Appendix G.

3 Meeting/Consultation Results

The Native American Consultation Meeting took place at NTC-Fort Irwin, California 3-5 September 2002. Representatives from four tribes attended the meeting. Representatives from NTC-Fort Irwin, ERDC-CERL, and various COE contractors also attended the meetings.

The following summarizes the key points made at the face-to-face meeting between tribal representatives and Fort Irwin representatives.

Key Points From the Fort Irwin Tribal Consultation Meeting 4 September 2002

1. **Army regulations concerning notification of tribes regarding testing of archeological sites:** the consulting tribes request the opportunity to review the methods, testing plan, and archeology report pertaining to any disturbances of archeological sites on base.

2. **Collection of artifacts:** tribal officials commented that artifacts should be left *in situ* instead of being collected and curated, i.e., during inventory.

3. **Native American liaison position:** several recommendations were made during the meeting for the establishment of a liaison position at NTC-Fort Irwin to deal with tribal matters. This would enable the consulting tribes one main contact at the installation and would thus result in less confusion regarding official contacts.

4. The title of the **NAGPRA SOP** should also include "The National Training Center."

5. **The Natural Resource/Cultural Resource** manager's position should be clarified in the NAGPRA SOP document.

6. **Compensation of tribal consultants:** Tribal consultants request compensation not only for their travel but also for their time and expertise. Meeting attendees stressed that the Army should make this a priority consideration. The Army attorney then noted that:

a. It is difficult for the Army to pay consultants to negotiate (for MOUs, etc.)
b. It does make sense for the Army to compensate consultants to consult on specific projects and/or for specific sites; this would be done through a contract between the Army and the tribe.
c. Mr. Bari will examine the precedents to this situation and said that the Army will follow these precedents.

7. **Tribal Response:** due to the volume of work within the tribes and the schedule of tribal council meetings, it is difficult for tribal officials to meet a 30-day deadline. One suggestion was for the tribal contacts to notify the Army that the tribe is working on a response but it will take over 30 days. Consultation Agreement between the tribes and the Army could be used to formalize SOPs on certain matters. The agreement between Death Valley National Monument and the Fort Mojave Tribe needs to be examined.

8. NTC-Fort Irwin will comply with **NAGPRA regulations**. Therefore, NTC-Fort Irwin will follow the 50-meter radius guideline for halting work around inadvertent discoveries.

9. **Section 106 consultations:** NTC-Fort Irwin is following the regulations for Section 106 and the Cultural Resources Department at the installation is sending out an informational letter on this situation. The tribal attendees requested that they be copied on all correspondence that the Army sends to the California SHPO.

10. The NTC-Fort Irwin Cultural Resources Program requests that the consulting tribes update them when the **tribal point of contact** changes.

11. Darrell Gundrum will send the consulting tribes the **updated ICRMP**.

12. The **next intertribal meeting** will be in January or February, possibly at the Fort Mojave casino near Laughlin, Nevada. This meeting will get more in depth on specific issues as opposed to a general informational meeting.

13. Send **thank you notes** to the tribal attendees.

14. Send the Colorado River Indians an **NTC-Fort Irwin CRM poster**.

15. Request a copy of the **Yuma Proving Ground MOU**.

Items 11, 13, 14, and 15 have been completed or are in the process of being completed. Item 12, the next intertribal meeting, is presently in the planning stages.

Appendix A: Draft Native American Graves Protection and Repatriation Act, NTC-Fort Irwin Standard Operating Procedures

Inadvertent Discovery of Native American Human Remains and Associated Funerary Objects, Sacred Objects, or Objects of Cultural Patrimony

[Reference: Native American Graves Protection and Repatriation Act 25 U.S.C. Sec. 3002-3013, 43 C.F.R. 10]

INTRODUCTION

Fort Irwin is engaged in a continuing archaeological survey and inventory of the cultural resources within its boundaries. Approximately twenty-eight (28) percent of the installation has been surveyed for prehistoric and historic Native American sites. Therefore, areas may remain on the installation where ground-disturbing activity has the potential for uncovering unreported archaeological deposits, which may contain burials. In accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), such human remains and cultural objects must be identified, if possible, as to lineal descendants or culturally affiliated contemporary tribes, treated in a manner deemed appropriate by the lineal descendants or culturally affiliated tribes, and repatriated to legitimate claimants.

This section outlines procedures to be followed in the event of an inadvertent discovery of Native American human remains, funerary objects, sacred objects, or objects of cultural patrimony and in dealing with the treatment and disposition of Native American human remains and cultural objects.

DEFINITIONS

1. Burial site means "any natural or prepared physical location, whether originally below, on, or above the surface of the earth, into which as a part of the death rite or ceremony of a culture, individual human remains are deposited, and includes rock cairns or pyres which do not fall within the ordinary definition of grave site" [43 C.F.R. 10.2(d)(2)].

2. Cultural affiliation means "that there is a relationship of shared group identity which can reasonably be traced historically or prehistorically between members of a present-day Indian tribe and an identifiable earlier group" [43 C.F.R. 10.2(e)].

3. Funerary objects means "items that, as a part of the death rite or ceremony of a culture, are reasonably believed to have been placed intentionally at the time of death or later with or near individual human remains. Funerary objects must be identified by a preponderance of evidence as having been removed from a specific burial site of an individual affiliated with a particular Indian tribe or as being related to specific individuals or families or to known human remains" [43 C.F.R. 10.2(d)(2)].

4. Sacred objects means "items that are specific ceremonial objects needed by traditional Native American religious leaders for the practice of traditional Native American religions by their present day adherents. While many items, from ancient pottery sherds to arrowheads, might be imbued with sacredness in the eyes of an individual, these regulations are specifically limited to objects that were devoted to a traditional Native American religious ceremony or ritual and which have religious significance or function in the continued observance or renewal of such ceremony" [43 C.F.R. 10.2(d)(3).

5. Objects of cultural patrimony mean "items having ongoing historical, traditional, or cultural importance central to the Indian tribe rather than property owned by an individual tribal or organization member. These objects are of such central importance that they may not be alienated, appropriated, or conveyed by any individual tribal or organization member. Such objects must have been considered inalienable by the culturally affiliated Indian tribe at the time the object was separated from the group" [43 C.F.R. 10.2(d)(4)].

6. Indian tribe means "any tribe, band, nation, or other organized group or community of Indians which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians" [43 C.F.R. 10.2(b)(2)].

7. Inadvertent discovery means "the unanticipated encounter or detection of human remains, funerary objects, sacred objects, or objects of cultural patrimony found under or on the surface of Federal or tribal lands pursuant to section 3(d)" of NAGPRA [43 C.F.R. 10.2(g)(4)]. According to this definition, if an object is recovered that is not recognized as defined under NAGPRA when found, but is subsequently identified during laboratory analysis, this qualifies as "detection" and therefore constitutes inadvertent discovery.

8. For the purposes of this section, the term "cultural objects" specifically refers to funerary objects, sacred objects, and objects of cultural patrimony.

POLICY

The intent of NAGPRA is to protect, identify proper ownership, and to ensure the rightful disposition of Native American human remains and cultural objects that are discovered on federal or tribal lands. NAGPRA requires that certain procedures be followed when there is inadvertent discovery of Native American human remains and cultural objects. In the event of a discovery of Native American human remains or cultural objects, the installation commander will ensure compliance with NAGPRA [25 U.S.C. 3001-3013, 43 C.F.R. 10] and any applicable statutory and regulatory requirements of the American Indian Religious Freedom Act [42 U.S.C. 1996-1996a], Archaeological Resources Protection Act [16 U.S.C. 470aa-470ll], National Environmental Policy Act [42 U.S.C. 4321-4370c], and National Historic Preservation Act [16 U.S.C. 470-470w] as well as White House Memorandum, 29 April 1994. Each statute mandates compliance with independent requirements. Compliance with one statutory requirement therefore may not satisfy other applicable requirements.

The installation Cultural Resources Manager will coordinate with the Staff Judge Advocate (SJA), Criminal Investigation Directorate (CID), Provost Marshal's Office (PMO), Operations and Training (G3), Range Control, Master Planning, and Department of Public Works (DPW) to ensure that the Natural and Cultural Resources Manager (1) is included in the planning of training and construction to assess the potential for the discovery of Native American burials and archaeological sites, and (2) is identified as the point-of-contact to be notified immediately if a Native American burial or archaeological site is inadvertently discovered on installation property.

In addition to ground disturbing activities such as training operations, construction, and archaeological excavations, erosion by wind or water may result in the discovery of human remains and cultural objects. If Native American remains

and cultural objects are discovered, any work within a 50-meter radius of the site shall be halted and the Natural and Cultural Resources Manager (380-3740) shall be notified immediately. The site will be protected and stabilized. Any removal of material is prohibited and constitutes a violation of NAGPRA and the Archeological Resources Protection Act (ARPA). The Natural and Cultural Resources Manager, in consultation with qualified professionals as necessary, will initially evaluate the site and report the finding to the installation commander and the potentially culturally affiliated Indian tribes, the State Historic Preservation Officer, and the County Sheriff when appropriate. Any subsequent treatment of the remains and objects or stabilization of the site will be carried out only after consultation with the potentially affiliated tribes.

PROCEDURE

[Reference: NAGPRA 25 U.S.C. 3002, 43 C.F.R. 10]

PRELIMINARY ASSESSMENT, PROTECTION, AND VERIFICATION

1. When notified of the possible inadvertent discovery of buried human remains or cultural objects, the Natural and Cultural Resources Manager or staff archaeologist will arrange to visit the site within twenty-four (24) hours of the discovery, to determine if the remains are (1) associated with a recent crime scene and (2) if not, whether the remains are of Native American descent.

2. If, upon examination, the remains are identified as non-human, the Cultural Resources Manager or staff archaeologist will determine if archaeological contexts are present that need to be evaluated pursuant to Section 106 [36 C.F.R. 800] of the National Historic Preservation Act [16 U.S.C. 470-470w].

3. If, upon examination, the remains appear to be human and associated with a crime scene of 75 years old or less, the Cultural Resources Manager will notify the Provost Marshal's Office (PMO) and the Criminal Investigation Division (CID) on post and the County Sheriff's Department. All activities will cease within the area of the inadvertent discovery. The site will be protected and declared off limits to everyone except authorized personnel. The area of protection should cover no less than a 50-meter radius around the site. The CID will assume custody of the remains and notify the proper authorities.

4. If, upon examination, the remains appear to be human, but are not associated with a crime scene, or if all law enforcement officials contacted have determined that the remains will not be involved in a legal investigation, contact the State

Historic Preservation Officer (SHPO). This procedure applies whether or not the remains are Native American.

5. If after consultation with the SHPO, the remains are determined to be Native American and not associated with a crime, the Natural and Cultural Resources Manager or the staff archaeologist must make a written field evaluation of the circumstances of the discovery, the condition and contents of the burial, including any artifacts, the primary context of the remains and any artifacts, and their antiquity and significance. The human remains and cultural objects will be evaluated *in situ*. Destructive analysis is prohibited. The Natural and Cultural Resources Manager or staff archaeologist may consult with the CID or a qualified physical or forensic anthropologist if necessary. The site will be protected according to standard installation practice for archaeological discoveries. Stabilization or covering may be employed if necessary. Removal of material shall not resume until compliance with these rules regarding resumption of activity is completed.

6. Note that a preliminary assessment of whether NAGPRA applies to a discovery of human remains may take considerable time and coordination with qualified professionals. Therefore, the Cultural Resources Manager should make arrangements with qualified professionals, such as physical or forensic anthropologists, who are willing to aid *in situ* identifications before an inadvertent discovery of human remains occurs.

NOTIFICATION OF THE RESPONSIBLE FEDERAL AGENCY OFFICIAL (INSTALLATION COMMANDER) [43 C.F.R. 10.4]

1. When the Natural and Cultural Resources Manager or staff archaeologist receives notification of an inadvertent discovery of Native American human remains and cultural objects, immediate telephone notification must be provided to the installation commander or his/her official designee. This telephone notification will be followed immediately by written notification that contains the results of the field evaluation and a plan of action to inform the commander of the intended consultation tasks and disposition of the discovered objects.

2. No later than 48 hours after receipt of written confirmation from the Natural and Cultural Resources Manager, the installation commander or his/her official designee will forward to the Natural and Cultural Resources Manager the certification that the Memorandum of Notification has been received.

3. All contracts that require any type of excavation on installation lands will include the requirement to notify the Natural and Cultural Resources Manager or staff archaeologist immediately upon discovery of human remains or cultural objects. Operations and Training (G3), and Range Control will be provided guidance to notify the Natural and Cultural Resources Manager or staff archaeologist immediately upon discovery of human remains or cultural objects.

NOTIFICATION OF NATIVE AMERICANS

1. No later than three (3) working days after receipt of written notification by the installation commander of the discovery of Native American human remains and /or cultural objects, the Natural and Cultural Resources Manager shall notify possible lineal descendants and Indian tribes who may potentially claim custody of remains and cultural objects. Notification shall occur (1) by telephone and (2) by written notification that includes the Memorandum of Notification of the Installation Commander signed by the installation commander and the field evaluation. Telephone notification, the date, time, and person contacted, will be recorded in a phone log and the conversation documented in a Memorandum for Record. Notices will be sent by certified mail to the lineal descendant or official NAGPRA contact person designated by the tribe. If the official NAGPRA contact person is the tribal chairperson, the letter will be sent to him/her via certified mail and a copy furnished to the NAGPRA coordinator. Follow-up phone calls will be made to the lineal descendants or NAGPRA coordinators of the Indian tribes contacted to determine if written notification of the discovery was received by the appropriate person and to ascertain how the tribe wishes to proceed in determining cultural affiliation, treatment, and disposition of the human remains or cultural objects.

2. Decisions on which tribes to notify will be based on priority of ownership described in 25 U.S.C. 3002 and 43 C.F.R. 10.6 and the List of Tribal Contacts.

3. Priority of ownership or control of Native American human remains and cultural objects is briefly: [For details, see 25 U.S.C. 3002(a), 43 C.F.R. 10.6]

1). Lineal descendants, as determined pursuant to 43 C.F.R. 10.14(b)

2). Indian tribe holding tribal lands as defined in 43 C.F.R. 10.2(f)(2)

3). Culturally affiliated Indian tribe as defined in 43 C.F.R. 10.14

4). Indian tribe recognized as the aboriginal owners of the land by a final judgment of the Indian Claims Commission or the United States Court of Claims

5). Indian tribe with the strongest demonstrated cultural relationship

6). Unclaimed

4. The List of Tribal Contacts will be kept by the Natural and Cultural Resources Manager and will be verified and/or updated annually in coordination with tribal election schedules.

IDENTIFICATION OF NATIVE AMERICAN HUMAN REMAINS

1. Identification of Native American human remains and cultural objects will be made *in situ* unless they have already eroded from their original location or have been removed from their original resting place by accident or as a result of looting. If an *in situ* identification of the remains cannot be made, the potential culturally affiliated tribes will be consulted pursuant to 43 C.F.R. 10.3(b) and further identification procedures will be discussed.

2. If necessary, the Fort Irwin Natural and Cultural Resources Manager will coordinate the identification of Native American human remains and cultural objects with qualified archaeologists, forensic or physical anthropologists, or cultural anthropologists who will record their recommendations and all data necessary to make the identification, including any additional information that can contribute to the determination of lineal descendants or cultural affiliation. The Fort Irwin Natural and Cultural Resources Manager or staff archaeologist may use recommendations of experts along with any additional comparative physical anthropological data and archaeological, ethnographic, and historical information to determine lineal descendants or Indian tribes that have the closest affiliation according to priority of ownership as defined in 25 U.S.C. 3002(a) and 43 C.F.R. 10.6.

3. Cultural affiliation is determined by a preponderance of evidence based on geographical, kinship, biological, archaeological, anthropological, linguistic, folkloric, oral tradition, historical, or other relevant information or expert opinion [25 U.S.C. 3005(a)(4), 43 C.F.R. 10.14(e) and (f)]. Criteria for determining cultural affiliation are listed in 43 C.F.R. 10.14(c). Regulations caution that a finding of cultural affiliation based on a preponderance of evidence should take into consideration "the totality of the circumstances and evidence pertaining to the

connection between the claimant and the material being claimed and should not be precluded solely because of some gaps in the record" [43 C.F.R. 10.14(d)]. Cultural affiliation does not have to be established by the claimants with scientific certainty [43 C.F.R. 10.14(f)].

4. Determine lineal descendants or affiliated Indian tribes in consultation with potential lineal descendants or affiliated Indian tribes. The tribes may have additional information to contribute to the identification of lineal descendants or cultural affiliation. Representatives of tribes may decide to visit the site to verify the identification. A list of all Indian tribes consulted regarding the particular human remains and cultural items will also be provided to each consulting tribe.

5. Consultation must result in a written plan of action in accordance with 43 C.F.R. 10.5(e)] or Comprehensive Agreement (CA) in accordance with 43 C.F.R. 10.5(f) between the appropriate tribes and the installation commander or his/her designee. Development, review, and signature of the CA follow Army protocol specified in AR 200-4. The Fort Irwin Natural and Cultural Resources Manager, acting on behalf of the installation commander, may prepare the written plan of action or CA. The installation commander approves and signs all NAGPRA documents. Copies of the written plan of action are provided to the consulting lineal descendants and Indian tribes. Parties covered in a CA must agree to be signatories.

6. Information to be gained during the consultation that should be included in the written plan of action or CA:

a. Kinds of material to be considered as cultural objects as defined in Standard Operating Procedure #1 and 43 C.F.R. 10.2(d);

b. Specific information used to determine custody pursuant to 43 C.F. R. 10.6;

c. Treatment, care, and handling of human remains and cultural objects;

d. Archaeological recording of the human remains and cultural objects;

e. Kinds of analysis for identification of human remains and cultural objects;

f. Steps to be followed to contact Indian Tribe officials at the time of an inadvertent discovery of human remains or cultural objects;

g. Kind of traditional treatment to be afforded the human remains or cultural objects;

h. Nature of the reports to be prepared; and

i. Disposition of human remains and cultural objects in accordance with 43 C.F.R. 10.6.

TREATMENT AND DISPOSITION

1. The treatment and disposition of any Native American human remains and cultural objects recovered inadvertently from Fort Irwin lands shall be determined in consultation with lineal descendants or Indian tribes that can demonstrate priority of ownership as outlined in NAGPRA.

2. A tribe that wishes to make a claim of ownership of human remains or cultural objects must be able to demonstrate an affiliation by a preponderance of evidence according to the criteria for the priority of custody specified in 25 U.S.C. 3002 and 43 C.F.R. 10.6. Guidelines for determining the preponderance of evidence are found in 43 C.F.R. 10.14.

3. If a single, legitimate claimant cannot be identified, continue consultation with the previously consulted tribes to consider possible alternatives for affiliation, treatment, and disposition. Notify Forces Command (FORSCOM) regarding the details of the case. Fort Irwin must retain the material in a safe and secure manner agreeable to the consulting parties as required by 43 C.F.R. 10.6(c) and 10.15 until a plan for the treatment and disposition of the Native American human remains and cultural objects pursuant to 43 C.F.R. 10 can be specified.

4. If no agreement can be reached, refer to dispute resolution below.

5. For inadvertent discoveries of Native American human remains and cultural objects, endeavor to specify treatment within thirty (30) days after the certification of notification has been issued.

6. If it is determined by the consulting parties that the *in situ* restoration of a burial site is not feasible, the contents of the burial shall, upon the identification of the lineal descendants or cultural affiliation, be repatriated to the lineal descendants or appropriate tribe/s, if a legitimate claim is made. Procedures for repatriation will be made in consultation with the appropriate descendants and/or tribe/s pursuant to 43 C.F.R. 10.6.

7. Each restoration and re-interment shall require that Fort Irwin provide an opportunity for appropriate tribal religious ceremony or ceremonies pursuant to the American Indian Religious Freedom Act (AIRFA) [42 U.S.C. 1996-1996a] and Executive Order 13007.

8. Following 43 C.F.R. 10.6(c), prior to the disposition of human remains and cultural objects, the installation commander or his/her official designee must publish notices of the proposed disposition in a newspaper of general circulation in the area in which the human remains and cultural objects were discovered and in which the lineal descendants or affiliated Indian tribe/s currently reside.

a. The notice must provide information as to the nature and affiliation of the human remains, funerary objects, sacred objects, or objects of cultural patrimony and solicit further claims to custody. The consulting tribes may review the content of the notice before its publication. Privileged information should not be included in the notice.

b. The notices must be published twice at least a week apart. A copy of the notice and information on when and in what newspaper/s the notice was published must be sent to the Departmental Consulting Archaeologist, Archaeological Assistance Division, and the National Park Service.

c. The return of human remains and cultural objects must not take place until at least thirty days after the publication of the second notice to allow time for any additional claimants to come forward. If additional claimants do come forward and the installation commander or his/her designee cannot clearly determine which claimant is entitled to custody, the federal agency must not transfer custody of the human remains and cultural objects until the proper recipient is determined pursuant to 43 C.F.R. 10.

9. If a claim is made for human remains and cultural objects, all of the tribes that were involved in the consultations regarding their disposition will be notified.

10. Unclaimed Native American human remains and cultural objects shall be returned in accordance with the regulations developed by the NAGPRA Review Committee.

TIME CONFLICTS

On those rare occasions when Fort Irwin or the tribe(s) is unable to meet its commitments pertaining to time schedules for any activity specified herein, the party that is unable to meet the schedule will notify the other party as soon as physically possible to reschedule the activities to the mutual satisfaction of both parties. Emergency actions will be coordinated by telephone or FAX.

DISPUTE RESOLUTION

1. All disputes regarding the cultural affiliation of discovered human remains and/or cultural objects shall be resolved in accordance with Sections 3 and 7(e) of NAGPRA and the implementing regulations 43 C.F.R. 10.

2. Fort Irwin shall follow the procedures set forth in this document regarding consultation with the interested tribes. Should any interested tribe make a conflicting claim of cultural affiliation or dispute the methods of treatment or disposition of human remains and/or cultural objects as delineated herein, the installation commander shall notify FORSCOM.

3. Fort Irwin will continue consultation with the disputing parties, suggest that the disputing parties seek resolution among themselves, and, if the disputing parties concur, go before the NAGPRA Review Committee which is given the authority under 25 U.S.C 3006(c)(4) and 43 C.F.R. 10.16 and 10.17 to make recommendations on the resolution of disputes.

4. If, upon receipt of the recommendations of the Review Committee, the most appropriate claimant still cannot be determined, Fort Irwin shall retain the disputed remains or cultural objects until the question of custody is resolved, as stated in 43 C.F.R. 10.15(a)(2).

ADDITIONAL PARTIES

1. Interested tribes claiming lineal descent or cultural affiliation may join these procedures at any time should they express a desire to do so.

2. However, in accordance with 43 C.F.R. 10.15 (a)(1), if an interested party fails to make a written claim prior to the time human remains and cultural objects are duly repatriated or disposed of to a claimant in accordance with 43 C.F.R. 10, the interested party is deemed to have irrevocably waived any right to claim such items pursuant to these regulations.

RESUMPTION OF ACTIVITY

1. 43 C.F.R. 10.4(d)(2) specifies:

   a. The activity that resulted in the inadvertent discovery of Native American human remains or cultural objects may resume thirty (30) days

after certification by the installation commander of the receipt of the notification sent by the Cultural Resources Manager, if otherwise lawful. Any impacts to the site must be evaluated pursuant to Section 106 [36 C.F.R. 800] of the National Historic Preservation Act [16 U.S.C. 470-470w]. Environment consideration under the National Environmental Policy Act (NEPA) may be required prior to continuing the activity. This may be a supplement to the NEPA analysis which was done prior to initiating the activity, and should consider the effect of the activity on the "find" in question, as well as the effect, if any, on any other "finds" in the vicinity. Removal or excavation of Native American human remains and cultural objects must also be carried out in accordance with 43 C.F.R. 10.3.

b. Or, activity may resume if the treatment is documented in a written binding agreement between the installation and the affiliated Indian tribes that follows 43 C.F.R. 10.3 and 43 C.F.R. 10.6.

c. In no event may activity resume until the SHPO or, if involved, local law enforcement officials approve.

REFERENCES

FEDERAL STATUTES

1. American Indian Religious Freedom Act of 1978, as amended, 42 U.S.C. 1996-1996a

2. Archaeological Resources Protection Act of 1979, 16 U.S.C. 470aa-470ll

3. Native American Graves Protection and Repatriation Act of 1990, 25 U.S.C. 3001-3013

4. National Environmental Policy Act of 1969, as amended, 42 U.S.C. 4321-4370c

5. National Historic Preservation Act of 1966, as amended, 16 U.S.C. 470-470w

FEDERAL REGULATIONS

1. 32 C.F.R. 229, Protection of Archaeological Resources

2. 36 C.F.R. 60, National Register of Historic Places

3. 36 C.F.R. 63, Determinations of Eligibility for Inclusion in the National Register of Historic Places

4. 36 C.F.R. 78, Waiver of Federal Agency Responsibility under Section 110 of the National Historic Preservation Act

5. 36 C.F.R. 800, Protection of Historic Properties

6. 40 C.F.R. 1500-1508, Regulations Implementing the National Environmental Policy Act

7. 43 C.F.R. 7, Protection of Archaeological Resources

8. 43 C.F.R. 10, Native American Graves Protection and Repatriation Act Regulations

EXECUTIVE ORDERS

1. E.O. 11593, Protection and Enhancement of the Cultural Environment

2. E.O. 13007, Indian Sacred Sites

3. E.O. 13084, Consultation and Coordination with Indian Tribal Governments

PRESIDENTIAL MEMORANDA

1. White House Memorandum, Government-to-Government Relations with Native American Tribal Governments, April 29, 1994

Appendix B: NTC Land Expansion Presentation

By Tim Reischl, Charis Corporation



Agenda

- Introduction and Briefing
  - Land Expansion Purpose and Need
  - Congressional Actions
  - Timelines
  - Ongoing Actions
- Questions and Discussion

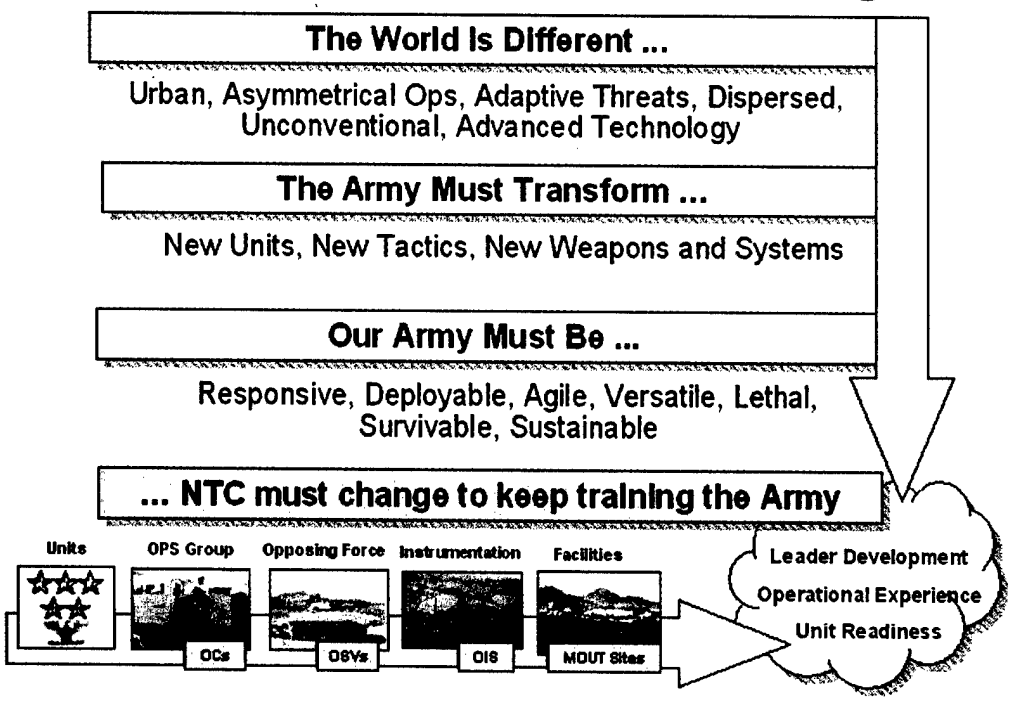
Fort Irwin Land Expansion

NTC Training

- Provide the toughest, most realistic combat training possible for Army brigades (5,000 soldiers) and battalions (5-800 soldiers).
  - Use actual distances for weapons and units.
  - Constant training 24/7, disregard weather and time.
  - Train using force-on-force and live fire training.
  - Train any type brigade (heavy, light, SBCT)
  - Incorporate [illegible] where applicable.
- Prepare [illegible] and give them realistic [illegible] experience.
- Ten training rotations per year. Each lasts 28-35 days.

Fort Irwin Land Expansion

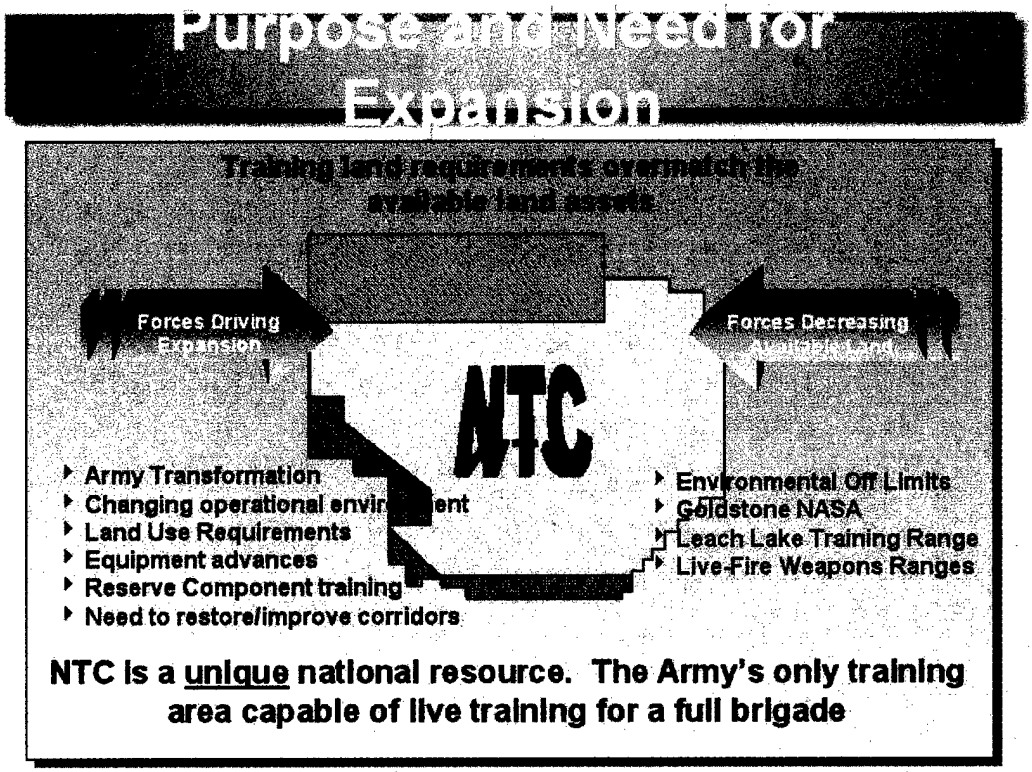
Modernizing NTC Training

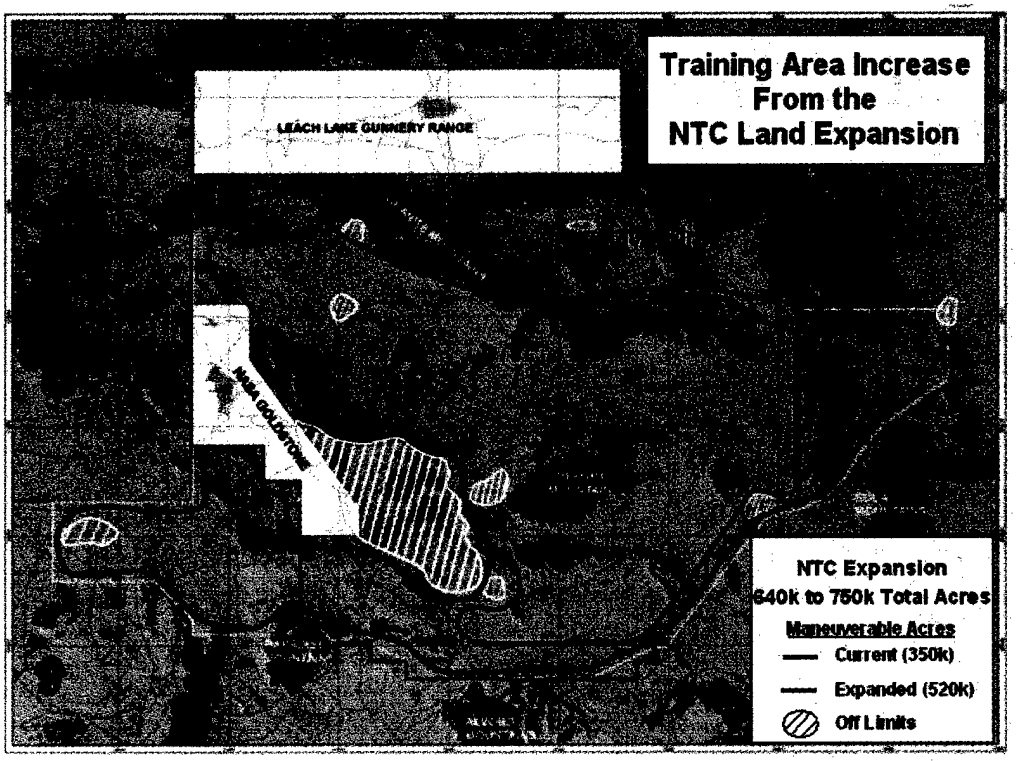


Transforming NTC

Seven NTC modernization programs are designed to support NTC training for Army Transformation.

- **Operations Group**
- **OPFOR**
- **Facilities and Support**
- **NTC Aviation**
- **Urban Operations**
- **Land Expansion**
- **Instrumentation**


Purpose and Need for Expansion
Training land requirements overmatch the available land assets
Forces Driving Expansion
Forces Decreasing Available Land
NTC
Army Transformation
Changing operational environment
Land Use Requirements
Equipment advances
Reserve Component training
Need to restore/improve corridors
Environmental Off Limits
Goldstone NASA
Leach Lake Training Range
Live-Fire Weapons Ranges
NTC is a unique national resource. The Army's only training area capable of live training for a full brigade


Training Area Increase From the NTC Land Expansion
LEACH LAKE GUNNERY RANGE
NTC Expansion
640k to 750k Total Acres
Maneuverable Acres
Current (350k)
Expanded (520k)
Off Limits

Congressional Action

- Since 1986, four unsuccessful plans to expand NTC
- DA and DOI develop expansion option in Oct 2000
  - Joint effort between the two agencies
- Legislation signed in Dec 01 requiring a proposed plan for meeting NTC land expansion requirements.
  - Must comply with all NEPA / ESA provisions
  - $75M authorized for mitigation and compensation
- The bill directed DA/DOI to formulate a plan to expand NTC with the following deadlines:
  - 120 days to formulate a plan -- completed
  - 30 Months to complete NEPA Actions (20 Jun 03)

Fort Irwin Land Expansion

Congressional Action (cont'd)

- Proposed Expansion Plan with draft legislation was completed on 5 July 2001.
- The legislation that actually withdraws the public land was signed by the President on 11 Jan 2002.
  - FY2002 Defense Appropriations Bill.
  - Withdrawal is a "placeholder" that reserves the land pending NEPA actions.
  - Fort Irwin now manages the withdrawn lands. No training activities are being conducted.
  - Private lands will be acquired after NEPA as available.

Fort Irwin Land Expansion

Ongoing Actions

- A Supplemental EIS is used to complete the work started in 1997 Draft EIS. Army is lead agency.
- Threatened/Endangered Species considered:
  - Desert Tortoise
  - Lane Mountain Milkvetch
  - Mohave Ground Squirrel
- Ongoing Studies/Consultations:
  - Air Quality/Conformity
  - Noise
  - Native American
  - Cultural Resources
  - Ground Water
  - Real Estate
  - Hazardous Materials
  - Airspace

Ongoing Actions

- Other Considerations:
  - Recreation / ORV
  - Mining
  - Power corridor
  - Private land
- Cooperating Agencies:
  - Bureau of Land Management
  - USAF
    - Nellis AFB and Edwards AFB
  - USN
    - China Lake Naval Air Weapons Center
  - NASA
    - Goldstone Deep Space Tracking Facility
  - Federal Aviation Administration

Timelines

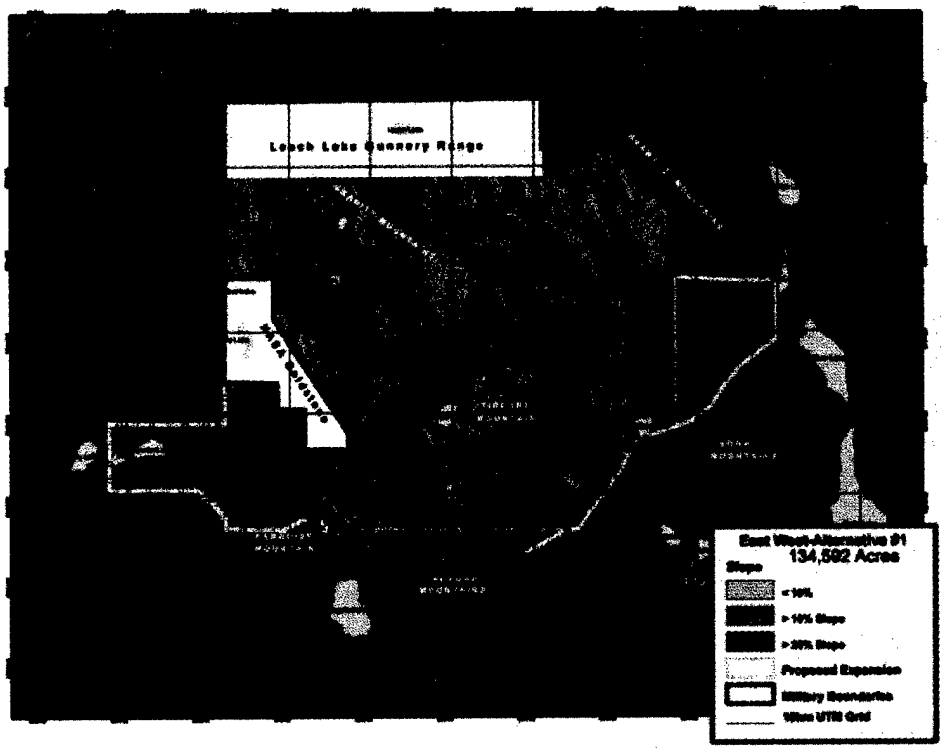
- **NOW** – Studies, research, BA development, etc
- **Nov 01- Jan 02** – Scoping meetings
- **Jan 02** – Legislation enacted
- **Nov 02** – Draft BA complete
- **Nov 02 - Apr 03** – Section 7 Consultation with FWS
- **Jan 03** – Supplemental Draft EIS
- [illegible] – Public hearings
- **Jun 03** – Final EIS complete
- Ju[illegible]

Working Issues

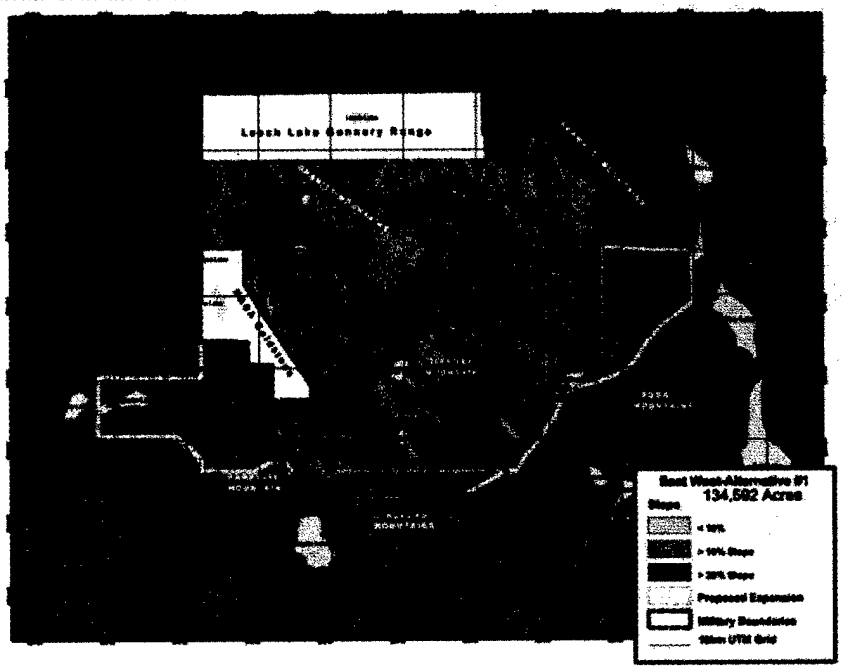




- Completing NEPA / ESA requirements.
- Mitigation plan accounting for:
  - Desert Tortoise—Threatened
  - Lane Mountain Milkvetch—Endangered
- Working with COE to acquire mitigation and private lands in expansion area.
  - Timeliness and direction of effort
- Concern from environmental groups.
- Funding: $141.5M required; $19M O/H, $14.5M programmed for FY05.
  - No other funds programmed.
- Integration with NTC modernization.



Question Period



Appendix C: Cultural Affiliation Study Presentation

By David Earle, Earle and Associates

DAVID EARLE PRESENTATION MADE AT FT. IRWIN, NTC—NATIVE AMERICAN TRIBES MEETING ON INSTALLATION EXPANSION CULTURAL RESOURCES

04 SEPTEMBER 2002

CULTURAL AFFILIATION RESEARCH PROJECT FOR FT. IRWIN AND SURROUNDING REGION

A. GOALS OF THE PROJECT:

(1) COLLECT AND ANALYZE ETHNOHISTORICAL AND ETHNOGRAPHIC INFORMATION IN ORDER TO DOCUMENT THE FOLLOWING:

(A) THE OCCUPATION, SETTLEMENT, OR USE OF THE FT. IRWIN REGION BY NATIVE GROUPS, PARTICULARLY AFTER 1750

(B) NATIVE ECONOMIC USE OF THE FORT IRWIN REGION, INCLUDING NATURAL RESOURCES BEING USED

(C) SOCIAL ORGANIZATION AND RELIGIOUS PRACTICES OF GROUPS USING THE INSTALLATION AREA

(2) IDENTIFY TRADITIONAL CULTURAL PROPERTIES AT FT. IRWIN:

DEFINITION: ARCHAEOLOGICAL SITES, PLACES, STRUCTURES, AREAS, SACRED SITES, ETC. THAT HAVE TRADITIONALLY BEEN RECOGNIZED BY AN EXISTING CULTURAL GROUP OR COMMUNITY AS BEING OF CULTURAL SIGNIFICANCE TO THEM, THUS BECOME ELIGIBLE FOR LISTING IN *THE NATIONAL REGISTER OF HISTORIC PLACES.* **[Editor's Note: Any property must also meet one of the four criteria of eligibility.]**

(3) IDENTIFY NATURAL RESOURCES OF TRADITIONAL IMPORTANCE TO NATIVE COMMUNITIES:

EXAMPLES:

(A) BASKETRY AND OTHER PLANT MATERIALS FOR CRAFTS

(B) EDIBLE WILD PLANT FOODS

(C) STONE SOURCES AND OTHER TRADITIONAL CRAFT MATERIALS

(4) IDENTIFY OTHER CULTURAL RESOURCES:

(A) CAMP OR VILLAGE SITES

(B) PLACES IDENTIFIED AS SACRED SITES IN ARCHIVAL DOCUMENTATION

B METHODS USED IN THE PROJECT—COLLECTION OF INFORMATION:

(1) HISTORICAL DOCUMENTATION FROM THE 18TH AND 19TH CENTURIES PROVIDING INFORMATION ON THE FORT IRWIN REGION

(A) SPANISH AND MEXICAN EXPLORATION

(B) TRAVELERS' ACCOUNTS—OLD SPANISH TRAIL AND MINING CAMPS

(C) MILITARY DOCUMENTS—AFTER 1850

(D) OTHER OFFICIAL REPORTS RELATING TO NATIVE GROUPS

(E) MINING RELATED DOCUMENTATION

(F) CENSUS REPORTS

(G) NEWSPAPERS

(2) PAST COMMENTARY BY NATIVE ELDERS ABOUT TRADITIONAL WAYS OF LIFE IN THE MOJAVE DESERT AND FT. IRWIN REGION

(A) JOHN WESLEY POWELL—SOUTHERN PAIUTE & CHEMEHUEVI

(B) KROEBER—MOJAVE

(C) HARRINGTON—MOJAVE, CHEMEHUEVI

(D) CAROBETH LAIRD—CHEMEHUEVI

(E) ISABEL KELLY—CHEMEHUEVI, SOUTHERN PAIUTE

(F) JULIAN STEWARD—SOUTHERN PAIUTE, PANAMINT SHOSHONI

(G) MAURICE ZIGMOND—KAWAIISU / NUWIWI

(H) STEPHEN CAPPANARI—KAWAIISU / NUWIWI, WESTERN SHOSHONI

(3) CONTEMPORARY NATIVE COMMENTARY ABOUT PLACES AND RESOURCES OF CULTURAL SIGNIFICANCE

(A) TRADITIONAL CULTURAL PROPERTIES

(B) OTHER CULTURAL RESOURCES

NATIVE ASSOCIATION WITH THE REGION AT THE TIME OF GARCES—1770S

-MOJAVES

-CHEMEHUEVIS/ SOUTHERN PAIUTE

-KAWAIISU

-SERRANO

-SHOSHONI

DEVELOPMENTS IN THE EARLY NINETEENTH CENTURY:

-COASTAL MISSIONIZATION AND DESERT GROUPS

-RESISTANCE TO SPANISH AND MEXICAN RULE

-THE OLD SPANISH TRAIL

-GROUP MIGRATIONS

THE ERA OF AMERICAN RULE:

-CONFLICT WITH THE AMERICANS IN THE MOJAVE DESERT

-MOVEMENT AND MIGRATIONS OF GROUPS

-MAINTAINING THE TRADITIONAL WAY OF LIFE IN THE LATE 19TH CENTURY

-FEDERAL RECOGNITION

AFTER 1900:

-ISSUES OF FEDERAL RECOGNITION AND SOVEREIGNTY

-THE INCREASED VALUING OF NATIVE HERITAGE

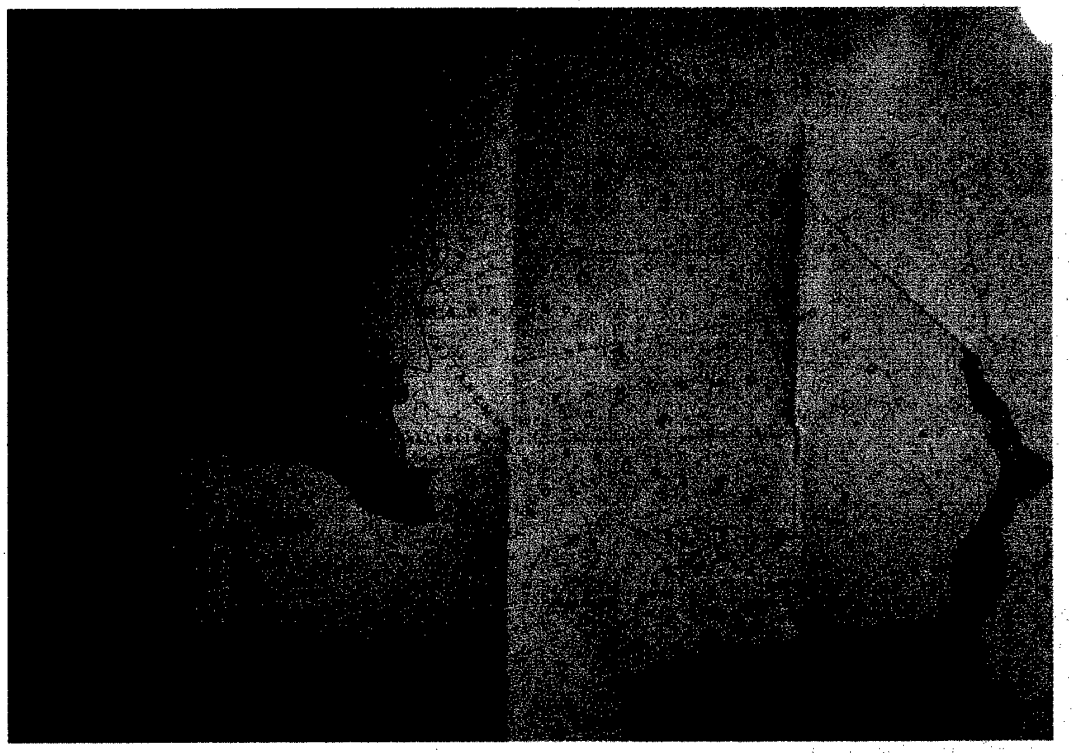
-DEVELOPING COMMUNITY HISTORIES BY WORKING WITH NATIVE ELDERS

-INFORMATION ABOUT WHO LIVED WHERE—"PLACE NAMES"

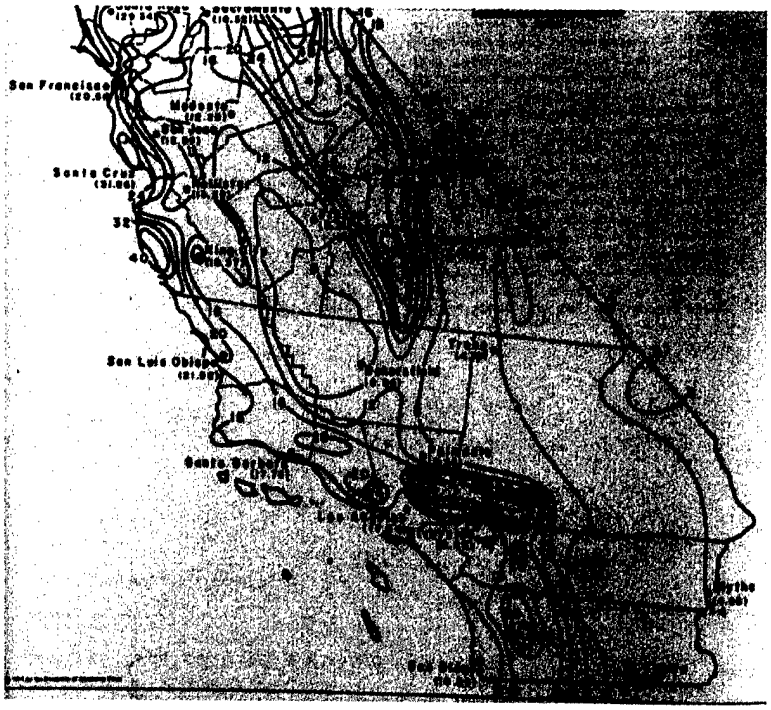
-THE IMPORTANCE OF SACRED PLACES—RECORDED IN SONGS AND STORIES

-THE IMPORTANCE OF SACRED PLACES—JOURNEYING AROUND THE DESERT

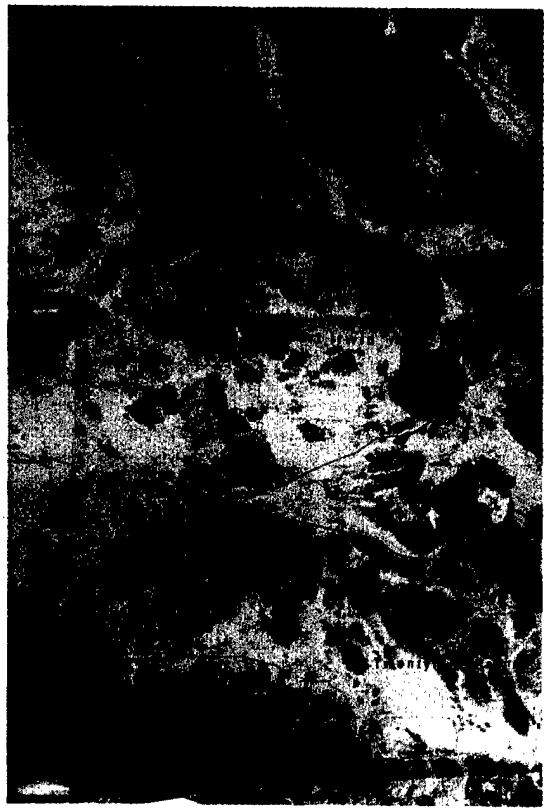
Transparencies:



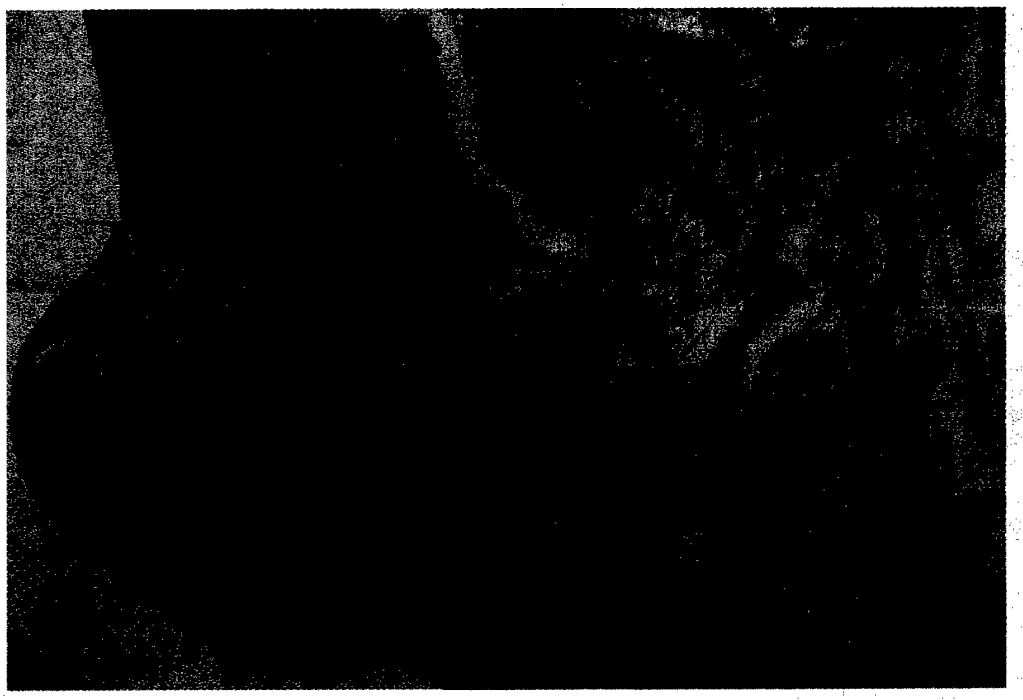
(1) Map of native language-cultural groups of southern California (Kroeber 1925).



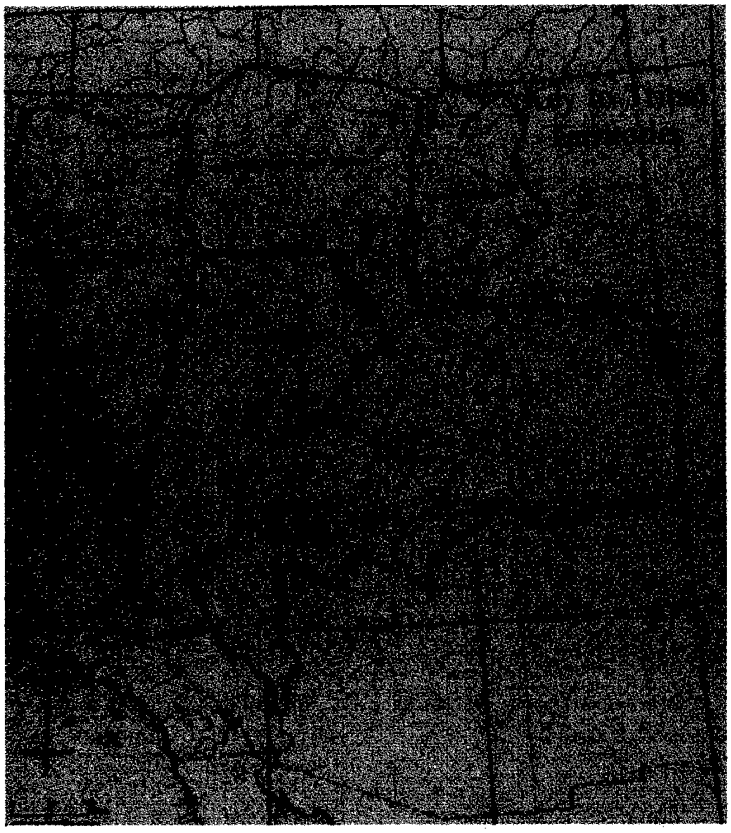
(2) Rainfall map of southern California, showing corridor (barrier) of extreme aridity extending southeast from Death Valley. This barrier was a frontier between the Chemehuevi and Mojaves to the east and the Serranos to the west in the 18th Century.



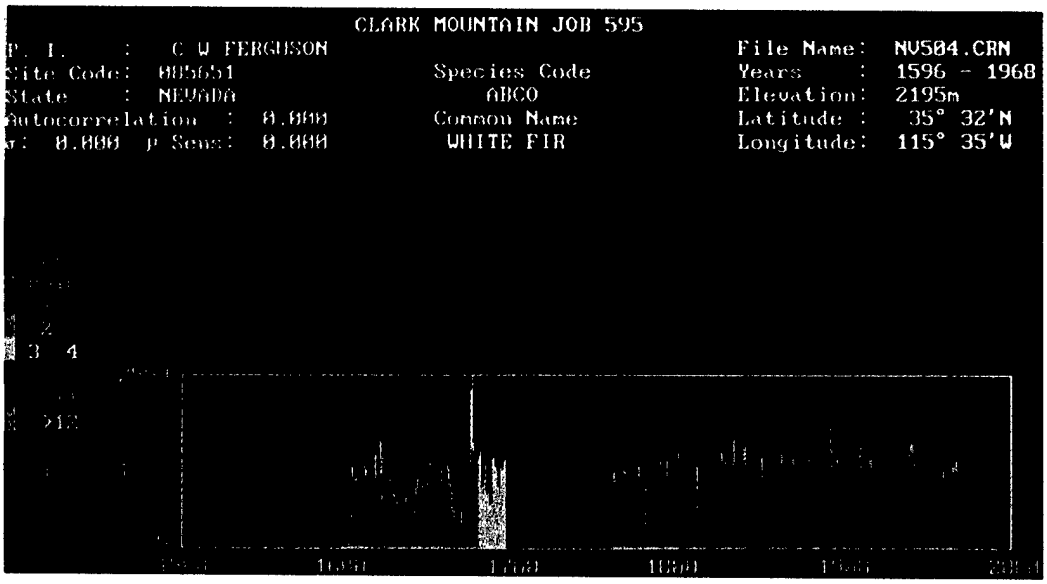
(3) Satellite view of Fort Irwin region and western Mojave Desert, to locate the installation in respect to the Mojave River, Death Valley, and other geographical features.



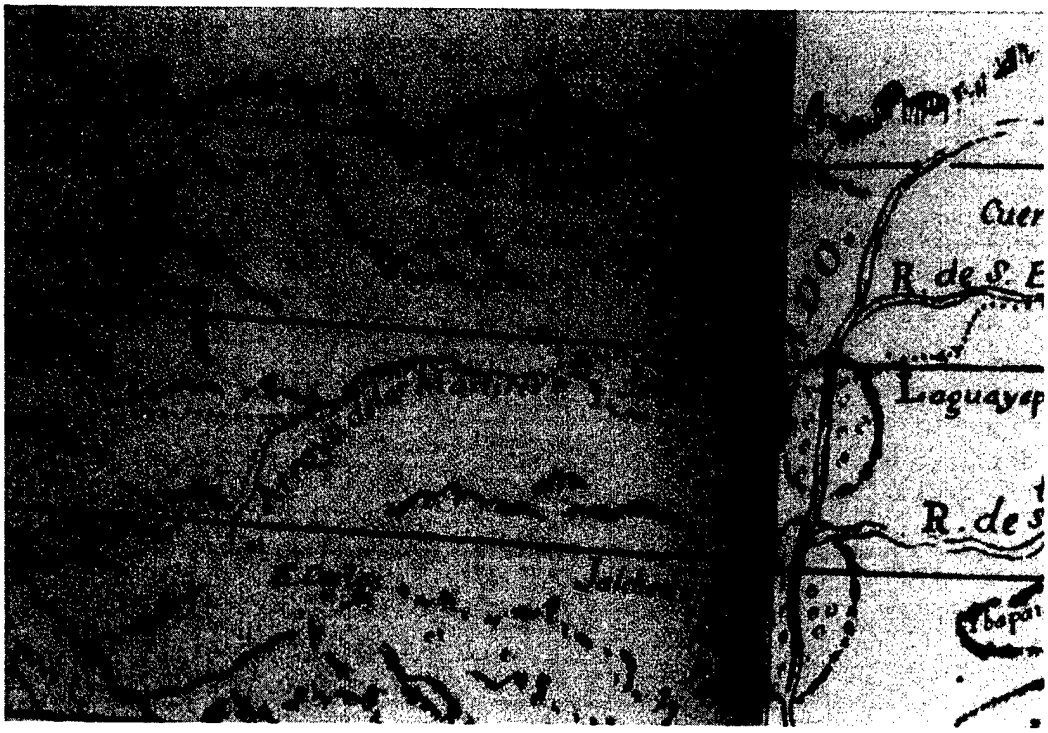
(4) Map view of Mojave Desert region, for discussion of desert topography and native use of the desert.



(5) Map of distribution of Numic-speakers in California and Nevada for discussion of Numic spread.



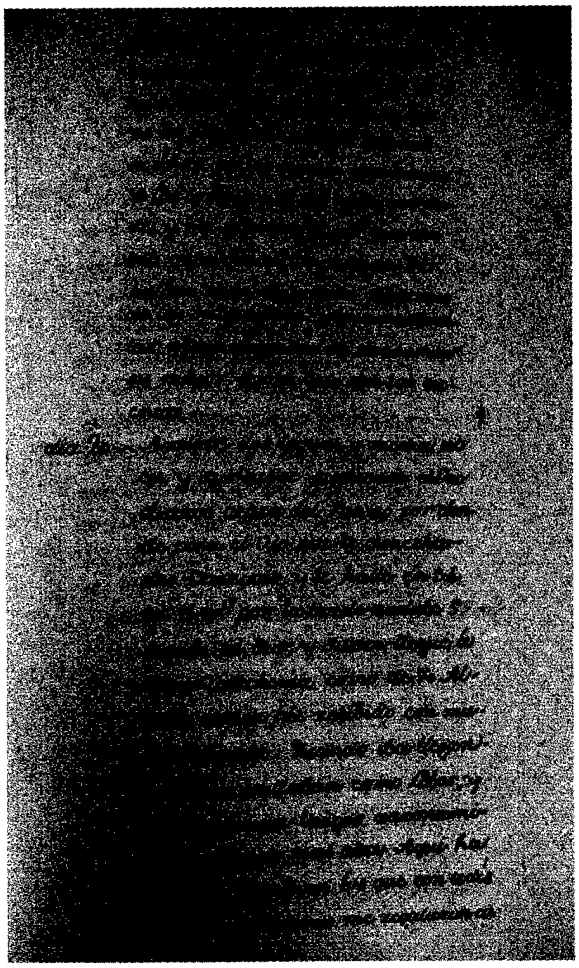
(6) Chart showing dendrochronological rainfall proxy data, for discussion of climate and drought reconstruction.



(7) Font map of southern California and Colorado River, ca. 1776, for discussion of Garces and other Spanish exploration of the Mojave Desert.



(8) Photograph of carving apparently left by Garces north of Edwards AFB, dated April 1776, for discussion of Garces' observations on native political geography of desert.



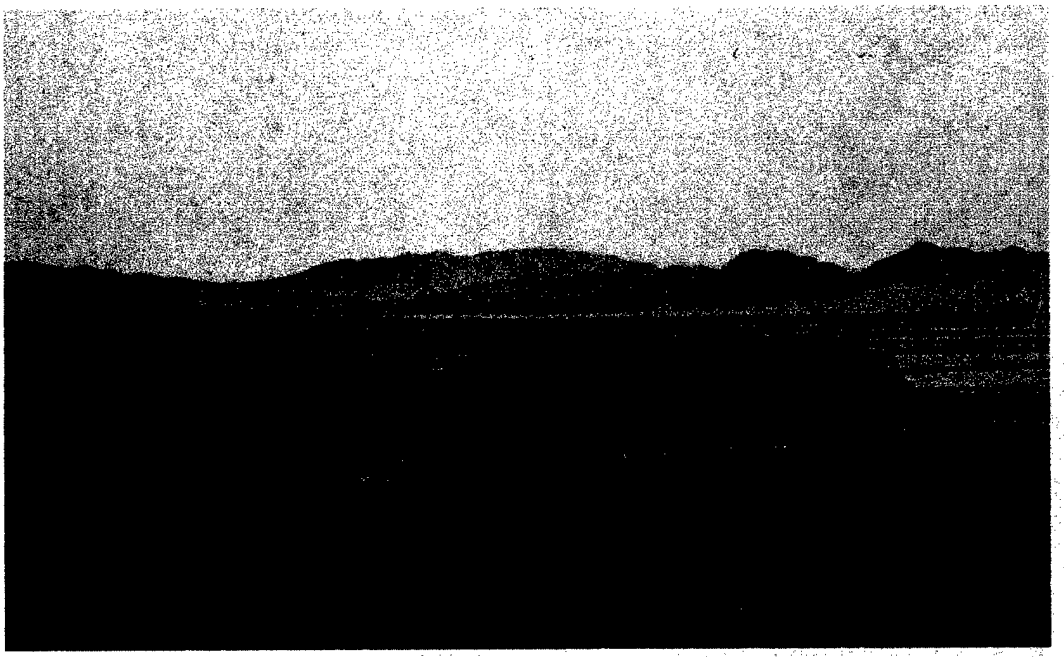
(9) Page from Garces' diary (see above).



(10) Line drawing illustrating native temporary camp, for discussion of study of native settlement systems.



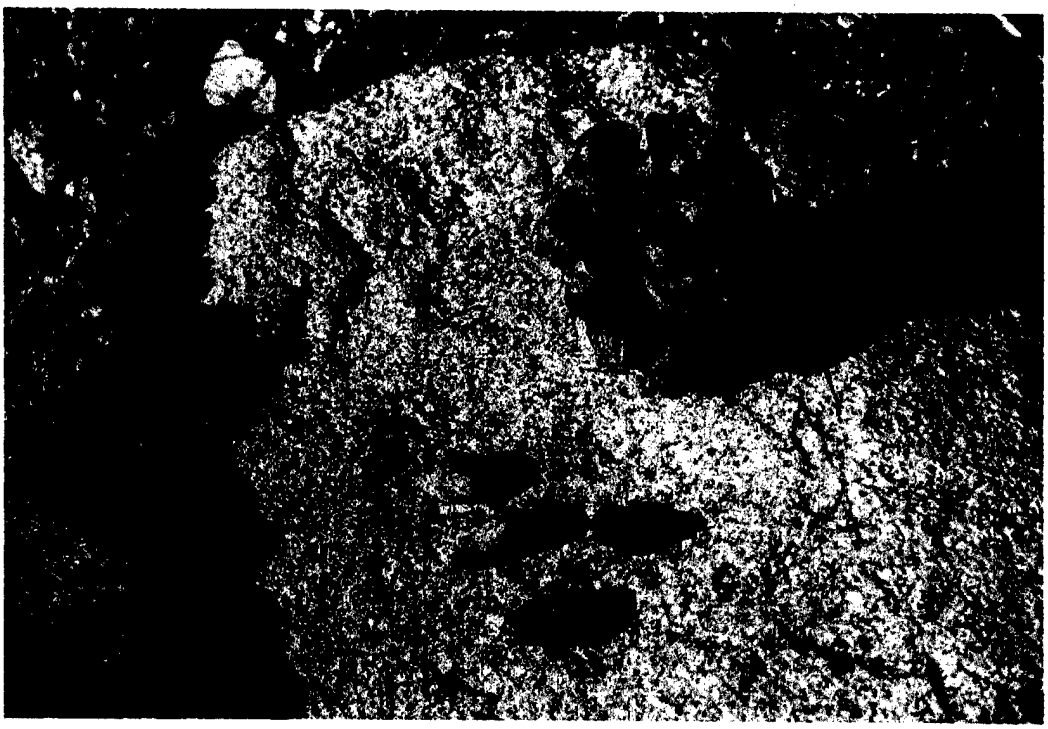
(11) Drawing of woman gathering wild seeds – for discussion of wild food foraging and collecting.



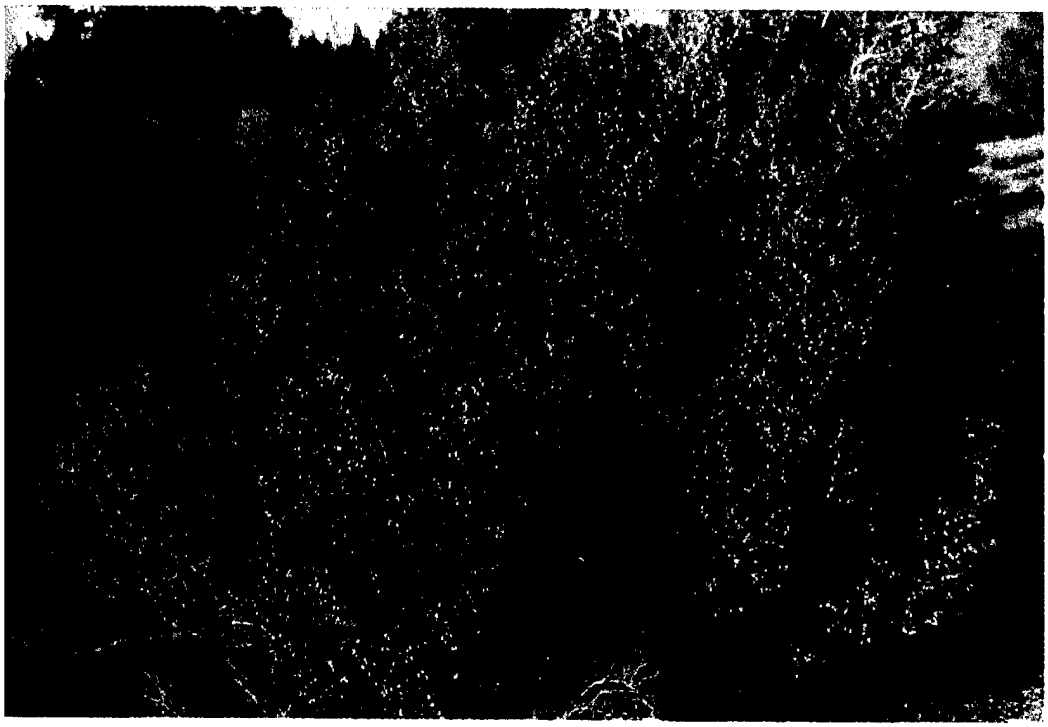
(12) View of Sinks of the Mojave, for discussion of playa environments used by natives of the Fort Irwin region.



(13) View of Providence Mountains, for discussion of higher altitude spring site zones in eastern California deserts, associated with pinyon gathering and hunting



(14) Pinyon pine nuts, a staple of desert Numic-speakers.



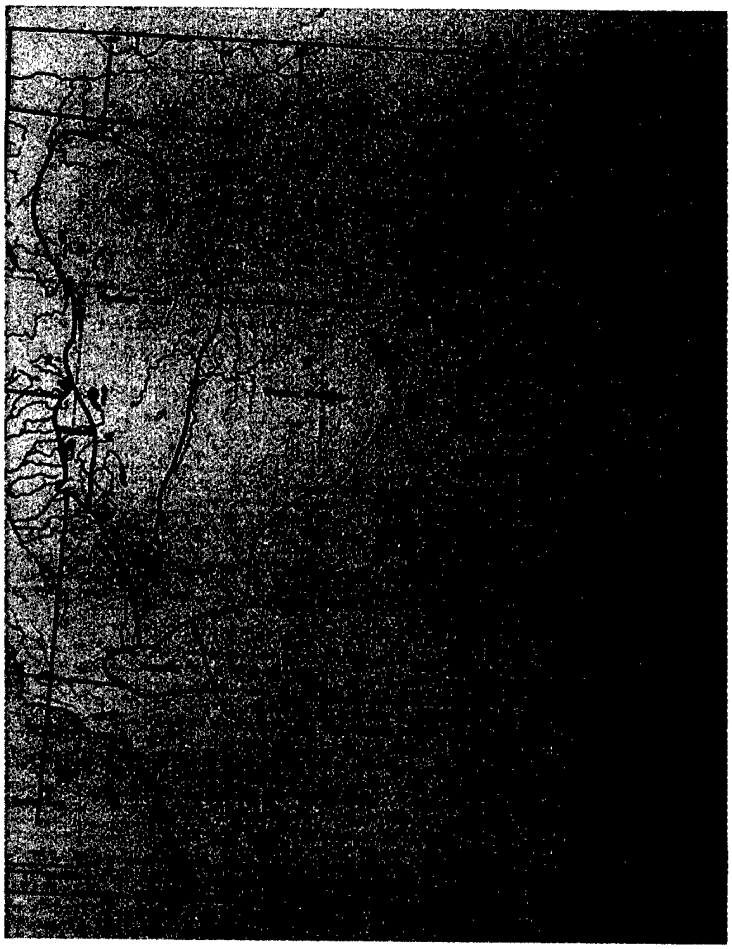
(15) View of pinyon pine grove.



(16) Desert tortoise; an important food item for Central Mojave Desert native groups.



(17) Chemehuevis as they appeared in ca. 1853, for discussion of Chemehuevi and related Kawaiisu presence in the Ft. Irwin area.



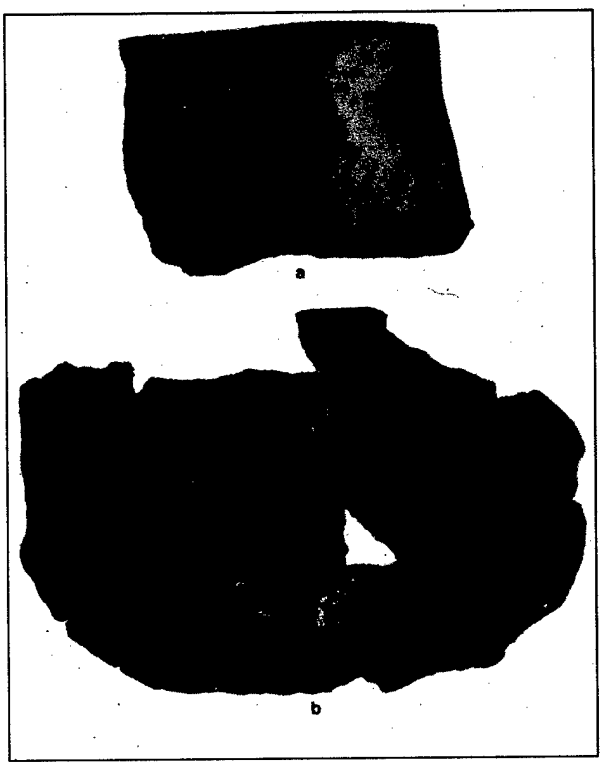
(18) Geographical distribution of Chemehuevi, Southern Paiute, and Kawaiisu in 18th Century, resident in the vicinity of Fort Irwin.



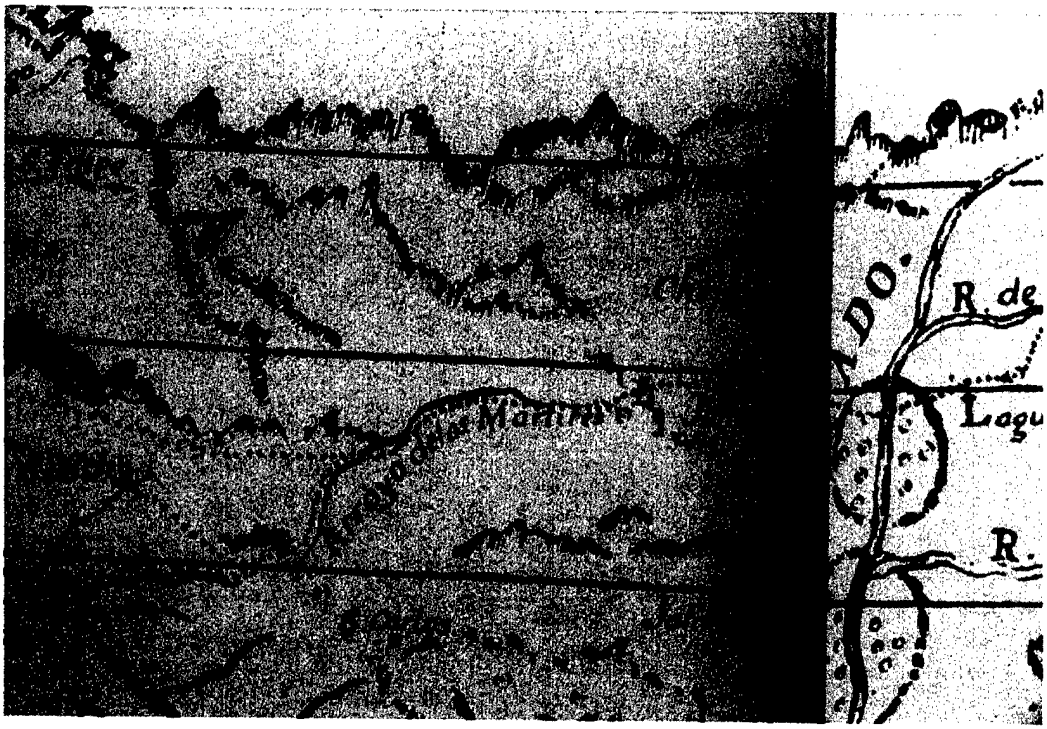
(19) Mojaves and Mojave dwelling; this group visited the Fort Irwin area frequently and also maintained exchange links with Pacific coast groups.



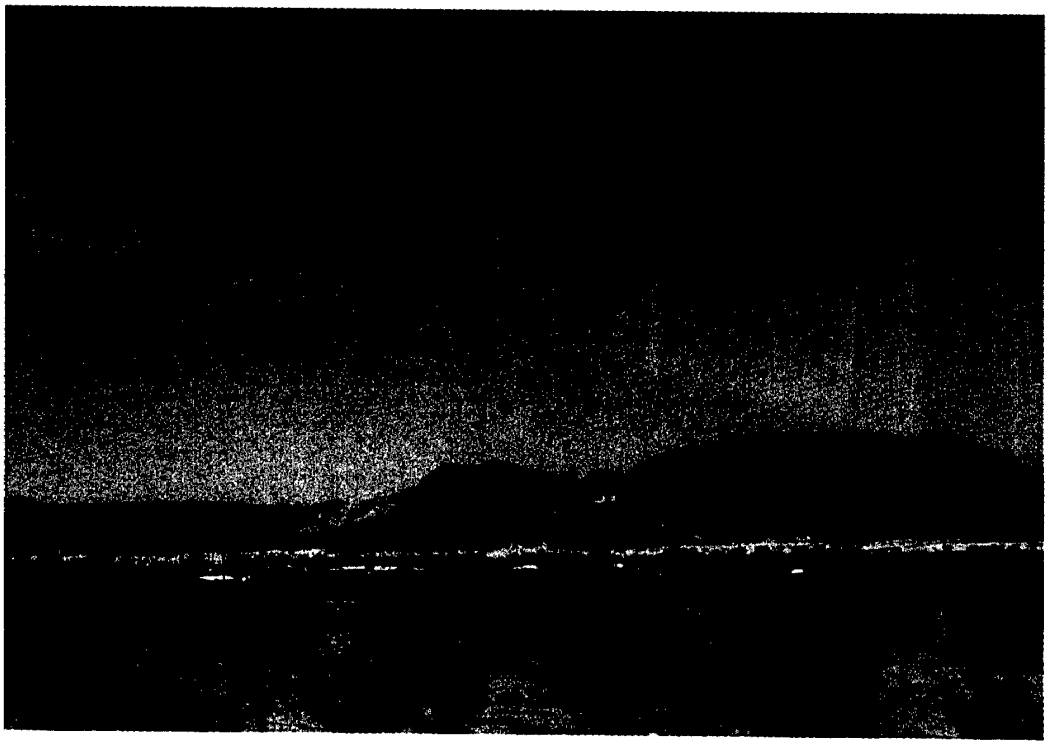
(20) Mojave group as it appeared in ca. 1853.



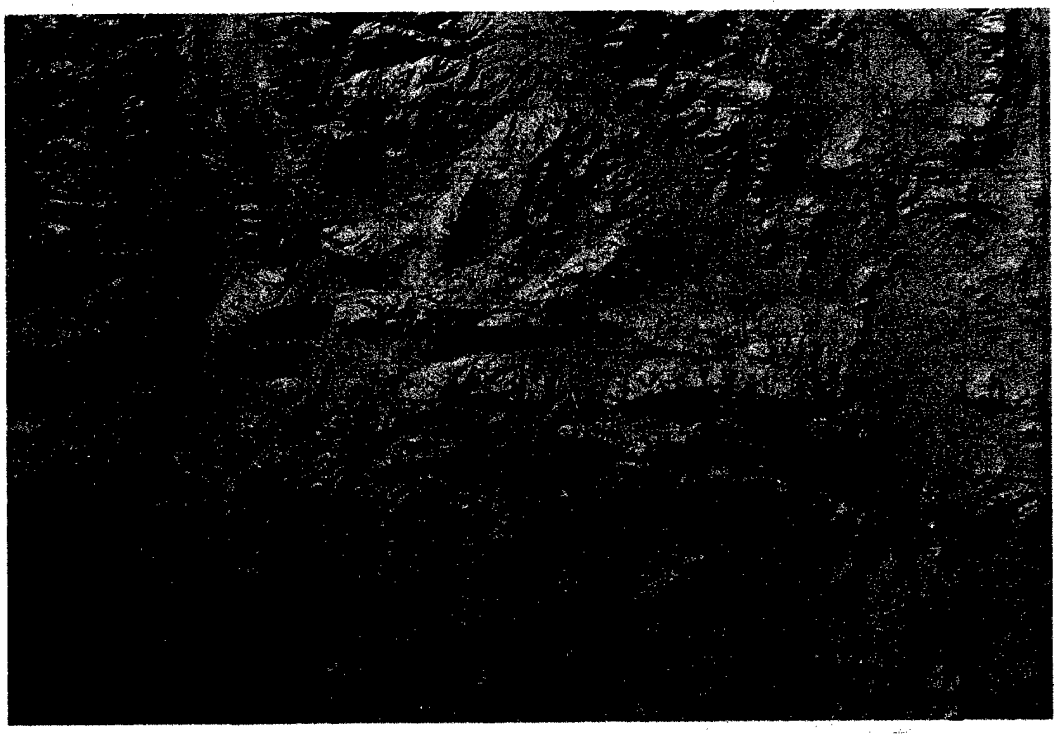
(21) Mojave pottery, exchanged to the western Mojave Desert, for discussion of Mojave travel and visits to sacred sites.



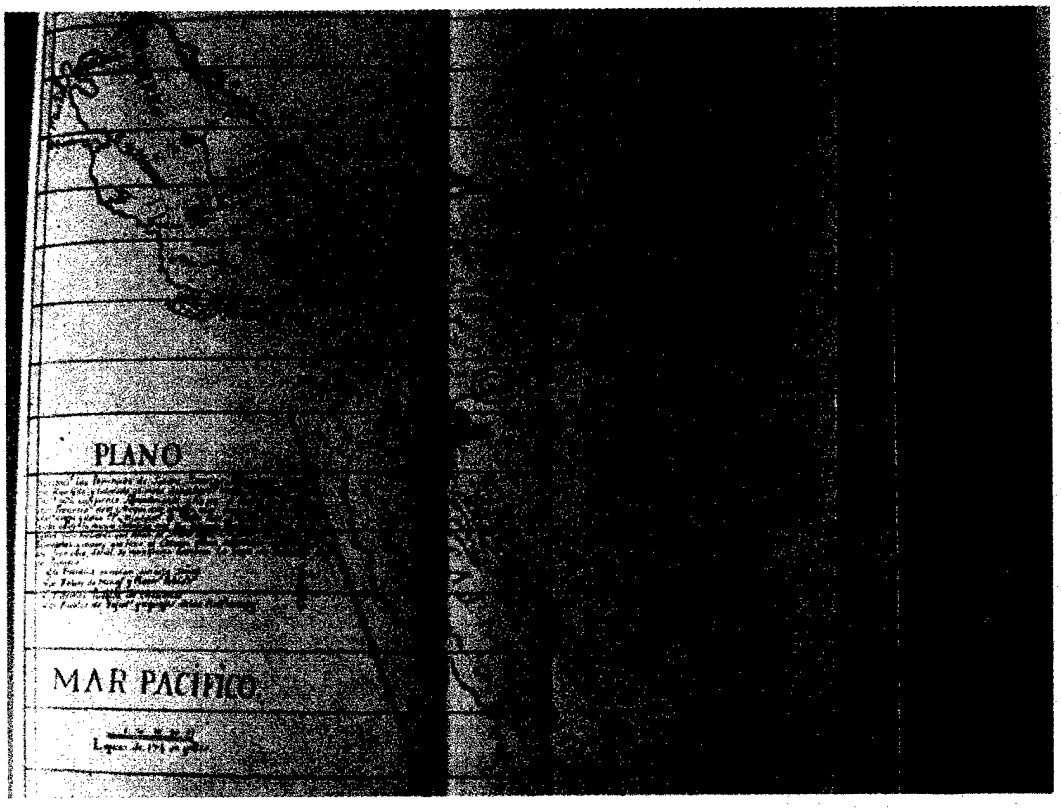
(22) Font map of 1776 showing Mojave River exchange and travel corridor, which was a major cultural geographic feature affecting use of the Fort Irwin region.



(23) Metate quarry near Barstow, to the south of Fort Irwin, for discussion of regional exchange resources.



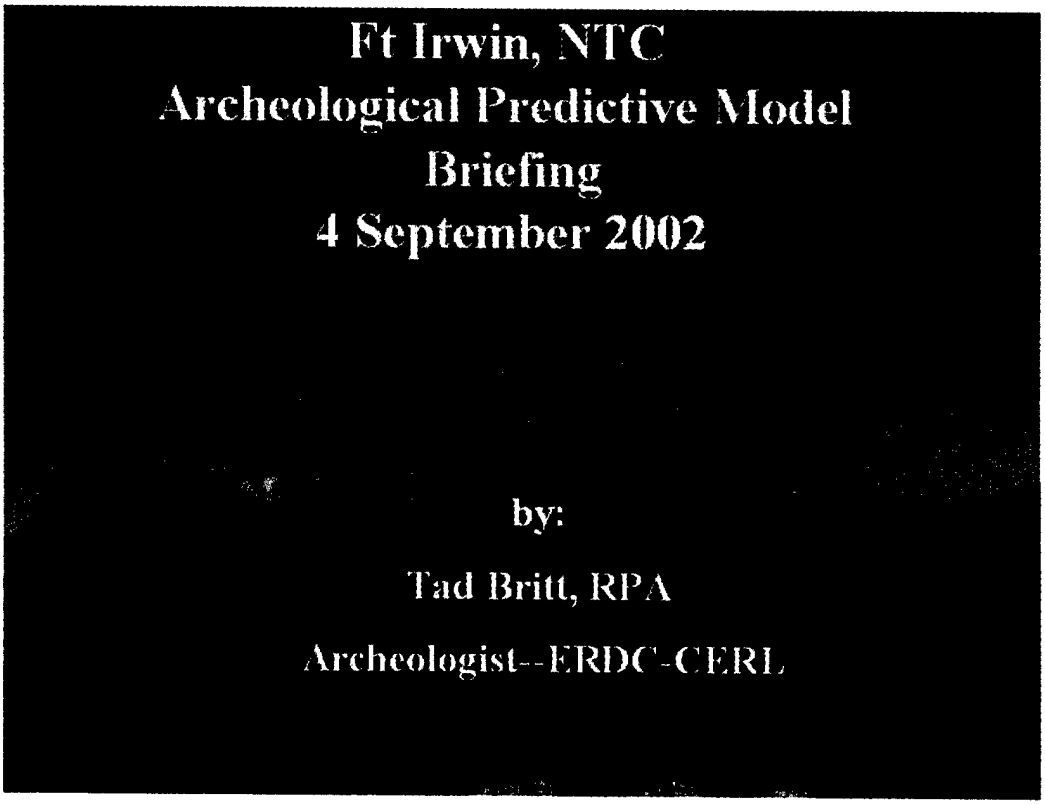
(24) Relief view of Fort Irwin area, showing landforms and fault lines.



(25) Enlarged view of Font map showing distribution of ethnic groups in late 18th Century California and Nevada, for discussion of regional political geography.

Appendix D: Archeological Predictive Model

By Tad Britt, ERDC-CERL



What: An Archeological Predictive Model for Ft Irwin, National Training Center and Proposed Expansion Areas.

- A dynamic GIS tool that models existing geomorphic, cultural and ecological knowledge in order to predict site behavior favorability locations through time, across the landscape, regionally.
  - Where sites are likely to be found.
  - Where sites are unlikely to be found.
  - What methods should be used to optimize data recovery efforts.

Archeological Predictive Model Approach:

The variable to be modeled will be the location of archeological sites from a regional perspective—beyond the "fence lines" of the installation. The model outcome will be a map that depicts the favorability of a location for a site to be present. The general procedure for the creation of such a model is to first study the terrain and other factors that are associated with existing known sites in the study area. By inferring that other sites of this same type would be more likely to occur in similar places, it is possible to target resource management activities.

Archeological Predictive Model Objectives:

Purpose of APM is to determine site favorability based on type, age, cultural affiliation, environment and setting of the resource on the landscape--a 3-D approach. Are sites predicted to be there, if so, where and what methods should be used to identify and evaluate their significance.

If not, can specific settings be categorically eliminated. Objective is to establish parameters and methodologies for each set of characteristics that do, or do not, occur. Provide a reliable range of scale (very favorable---very unfavorable) for site occurrence per landform type.

Why: Legal Drivers NHPA (Sections 106 & 110) and NEPA.

- STEWARDSHIP: A need for a daily and long-term decision-making tool for CRM for compliance and risk assessment issues.
- SUSTAINABILITY: Planning and prioritization capabilities with respect to ecosystem management that transcend "fence line" mentality.
- PROACTIVE: Cost effective and time efficient and expedites training readiness.
- INTEROPERABILITY: Enhances existing and developing GIS programs (e.g., ICRMP, INRMP, MDEP, FIORD, CHRIS, ITAM, Range Control, DPW, etc.).

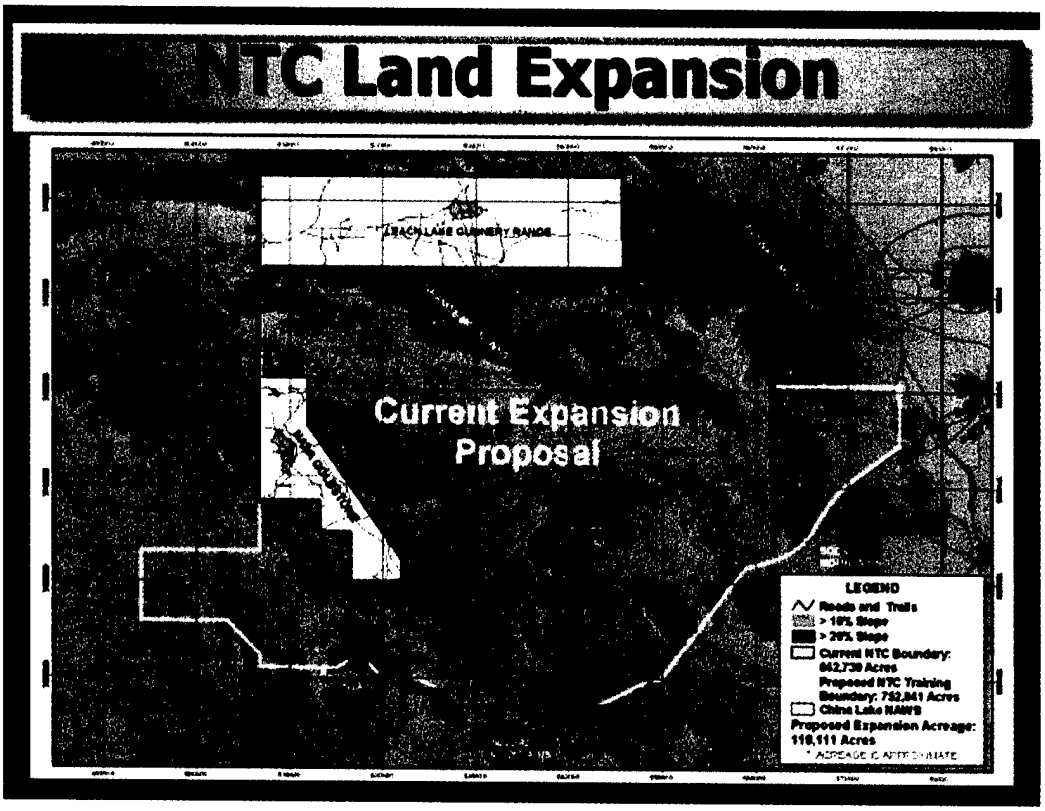
When: ERDC-CERL Contract Period 10 August 2001 to 1 May 2003.

Work is accelerated and will have working prototype for field-testing Spring 2002.

- All existing GIS data has been collected and integrated into a working model.
- Archeological site sample (GPS validation). Report due 30 April 2002.
- Geomorphic landform sampling (landform dating). Report due 30 April 2002.

Where: Total area to be included in APM = 774,980 acres.

- Ft Irwin, NTC - existing holdings - 642,730.
  - Tortoise Critical Habitat - 22,139 acres
- Bureau of Land Management--113, 000 acres.
- Total acquisition for training purposes--132,250 acres, located within and along the perimeter of Ft Irwin NTC (i.e., Superior, Power Line and Avawatz areas).
- Surrounding region - Area of Potential Effect (APE)



STATUS OF KNOWLEDGE:

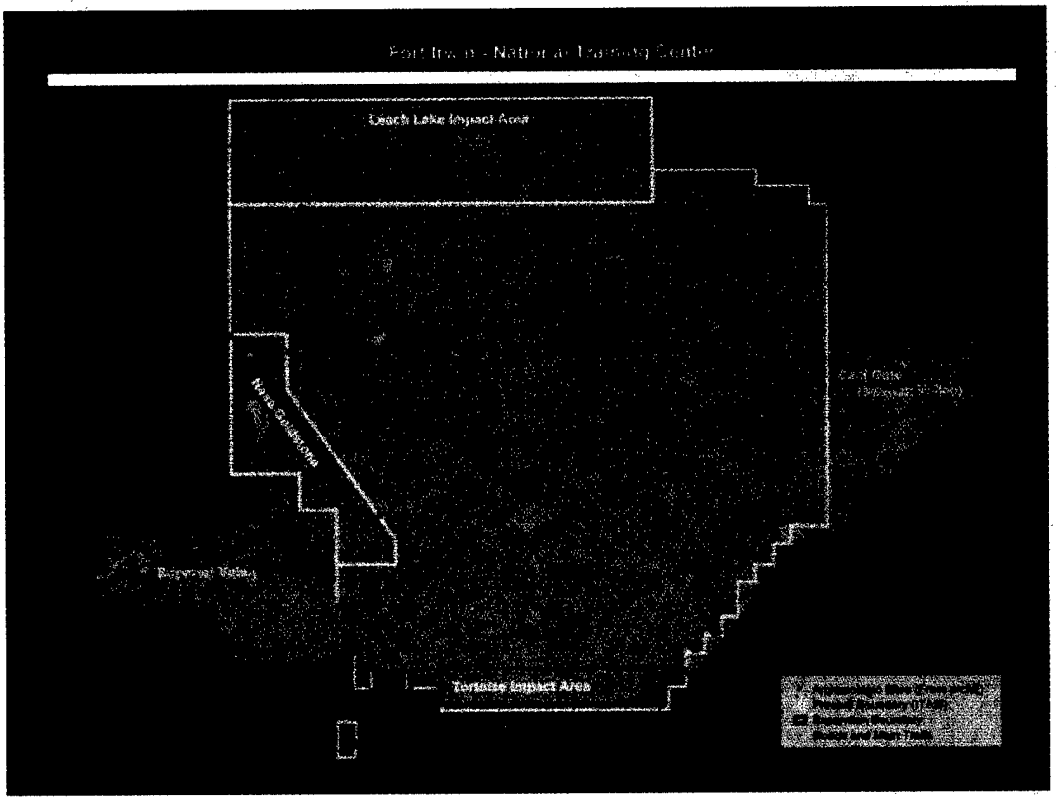
Ft Irwin:

- 27.2% of Ft Irwin surveyed to date (including: Goldstone, Leach Lake and Coyote Basin)
- 618 recorded archeological sites on Ft Irwin
- 25 determined NRHP eligible sites
- 198 protected sites (considered eligible to NRHP)
- 81 ineligible sites
- 11 sites with inconclusive data

Documented Cultural Resource Types - NTC and Expansion Areas

- Prehistoric
  - Rock Art and Rock Shelters (27 sites)
  - Lithic Reduction and Lithic Scatter (479* sites)
  - Habitation (131 sites)
- Historic (73 sites)

*Multi-component sites are included in all applicable groups



STATUS OF KNOWLEDGE:

(continued)

Expansion Areas:

Area	Total Acreage	% surveyed
o Superior Valley	63,350 acres	9%
o Power Line	5,683 acres	17.4%
o Avawatz	45,713 acres	21.1%

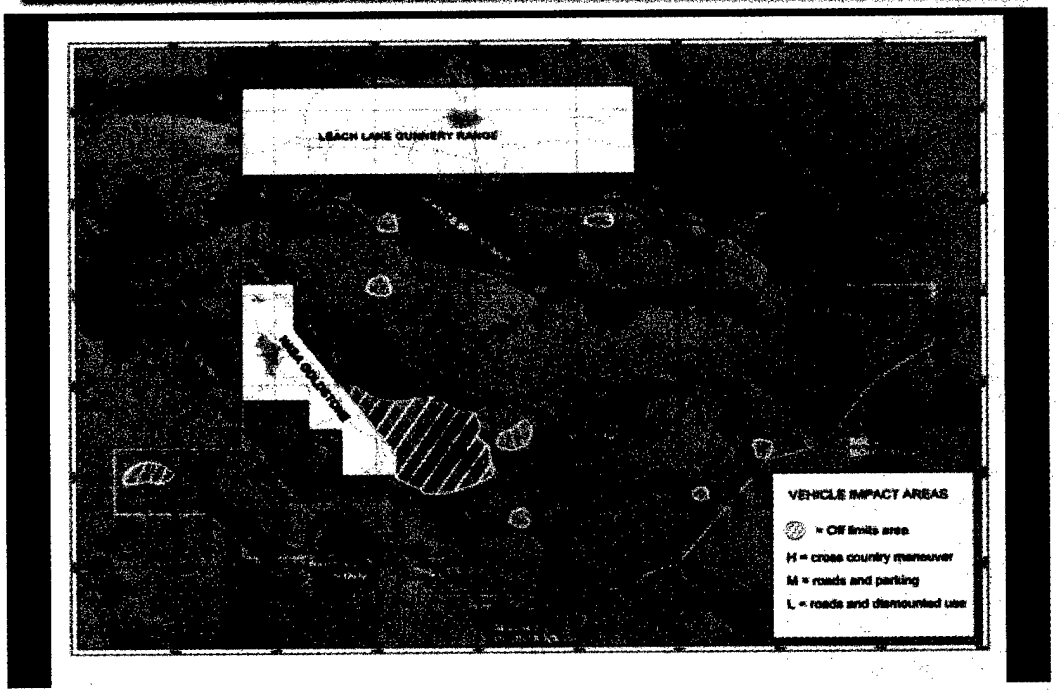
STATUS OF KNOWLEDGE:

(continued)

Total acreage requiring survey for compliance (minimum of 25% to 50% coverage):

Area	% required for compliance	Acreage
o Superior Valley	11 %	21,511 (50%)
o Power Line	7.6 %	432 (25%)
o Avawatz	10%	2,210 (25%)
		24,213 acres

Proposed Activities



APM Variables:

- Dependent variable
  - Recorded archeological sites
- Independent variables
  - Soil characteristics
    - Average soil water content
    - Depth to bedrock
    - Soil texture
  - Landform and Geology
    - Composition
    - Landform
  - Terrain
    - Slope
    - Aspect
    - Elevation
  - Surface and Ground Water Availability
    - Distance from lakes and springs

Archeological Predictive Model:

(continued)

Other data to be included considered:

- 1 meter Digital Orthophotos and High Resolution Digital Elevation Models
- Fort Irwin Cultural Resource Database (FICRD). 76 categories and subcategories that address significance, culture period, disturbance, risks, loss potential, protection, etc. But, not all categories populated.
- Training compartment areas and Fort Irwin boundaries.
- CHRIS data from surrounding region.
- Biases--Methodological and Environmental.

GEOMORPHOLOGY:

- Conducted a thorough literature and records search of late quaternary geomorphology pertaining to Ft Irwin and its Area of Potential Effect (APE).
- Conducted field reconnaissance of 85 archeological sites. Site selection was based on consensus between ERDC-CERL Team, Ft Irwin and BLM members.
- Devised a classification system that will facilitate geoarcheological categorization of site types, cultural periods, chronology and environment with respect to landform classes/features.

GEOMORPHOLOGY

(continued)

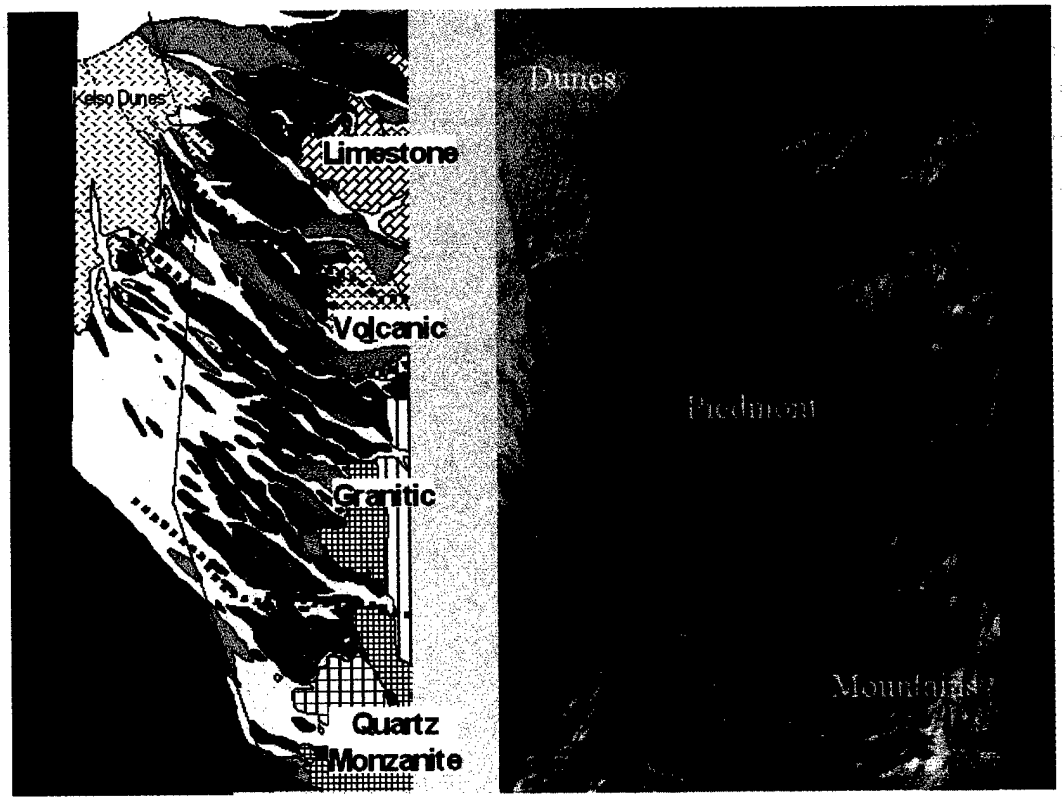
Landform Investigations

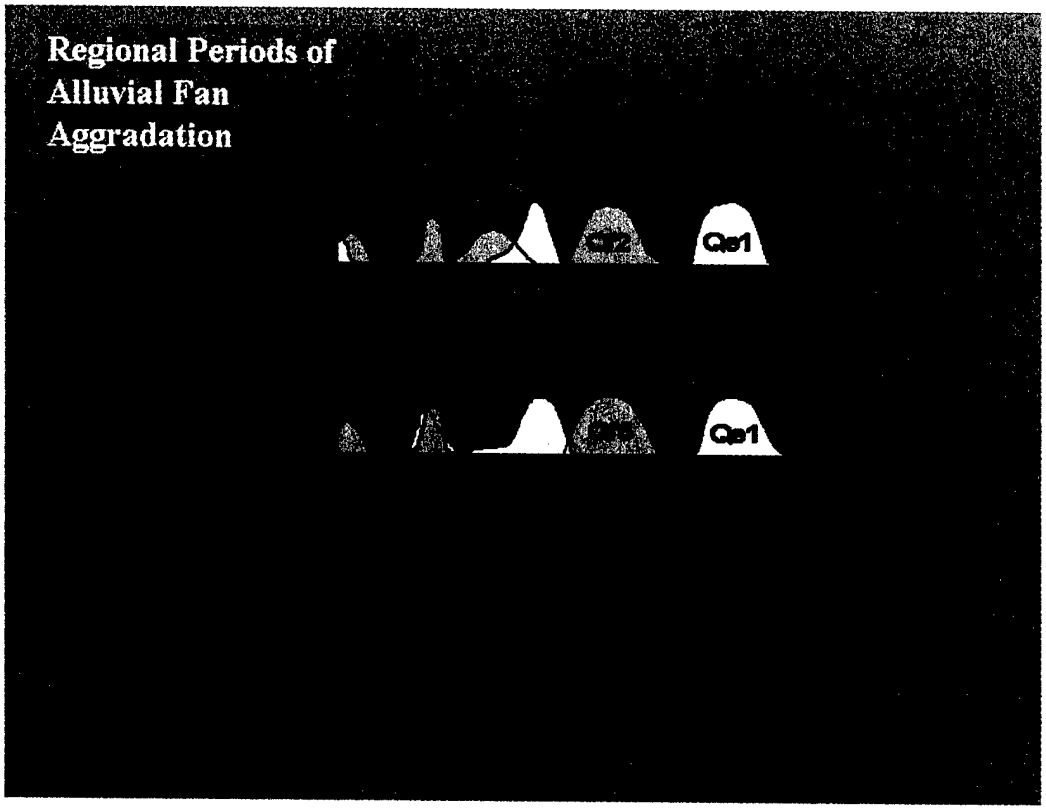
- Deposit Type

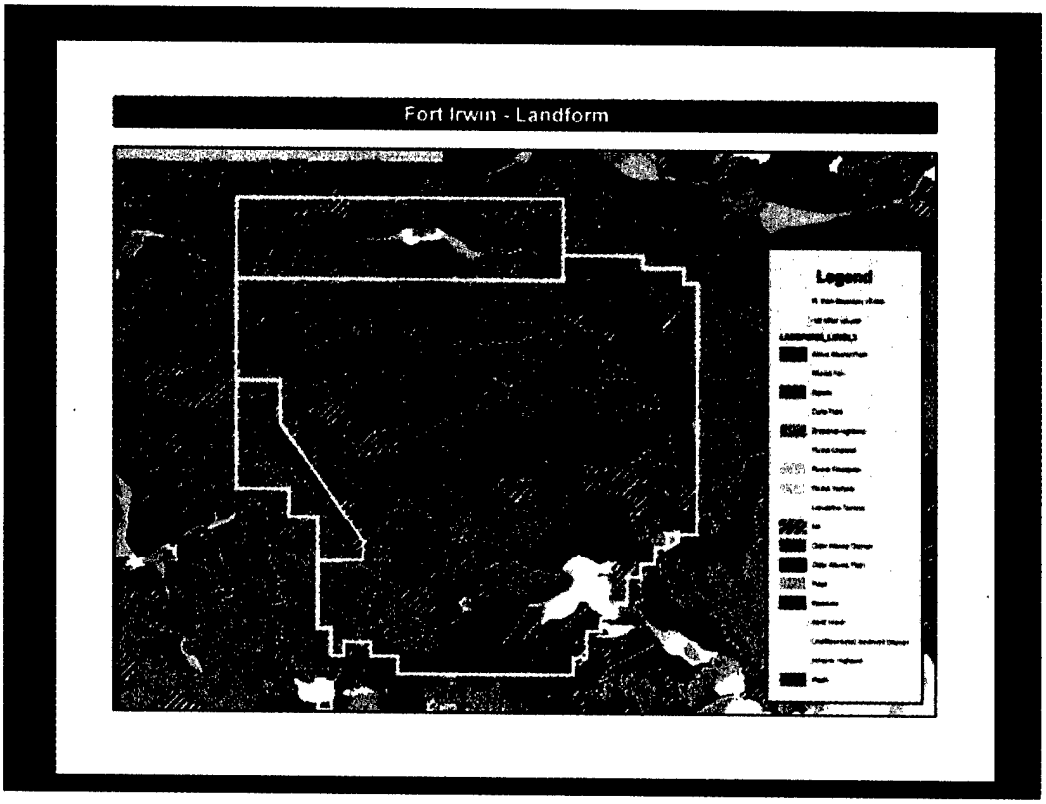
- Deposit Landform Age
- Soil Surface Horizon
- Soil Strongest Subsoil Horizon
- Surface Age

- Dominant Lithological Deposit

- Potential for Buried Cultural Deposits
- Geomorphic Stability
- Potential for Future Burial




Regional Periods of
Alluvial Fan
Aggradation
Qa1
Qa1


Fort Irwin - Landform
Legend

Archeological Predictive Model:

(continued)

Methods-- Two types of methods will be used for this APM:

1) Descriptive methods such as Chi Square analysis and map overlay provide a means to produce a favorability map.

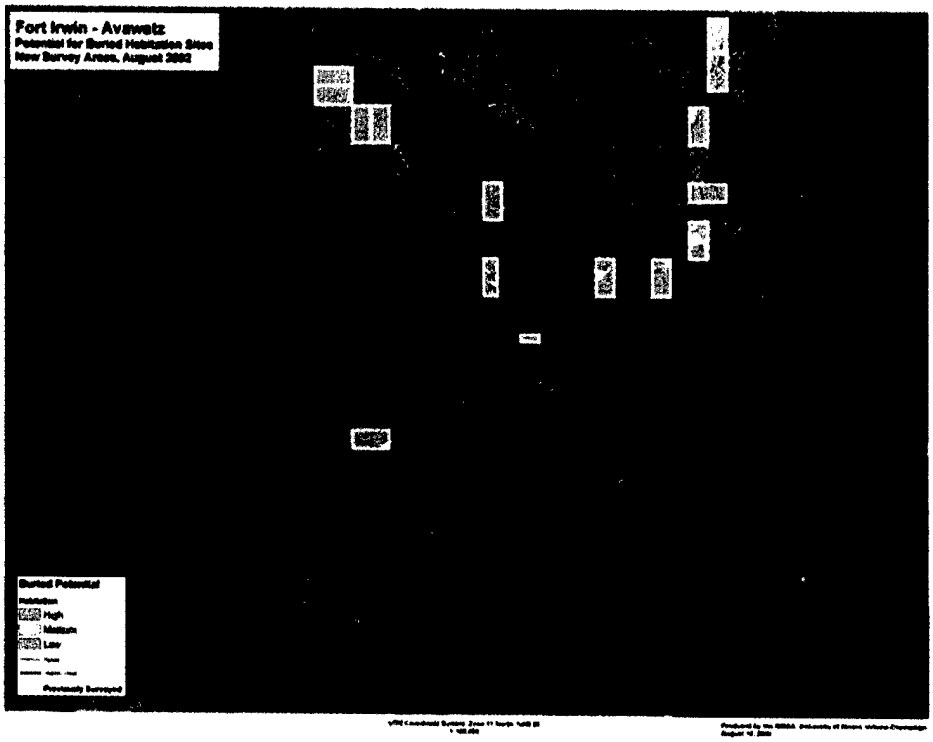
2) Parametric methods such as logistic regression, for example, will be used to create a probability map of site location based on a regression equation.

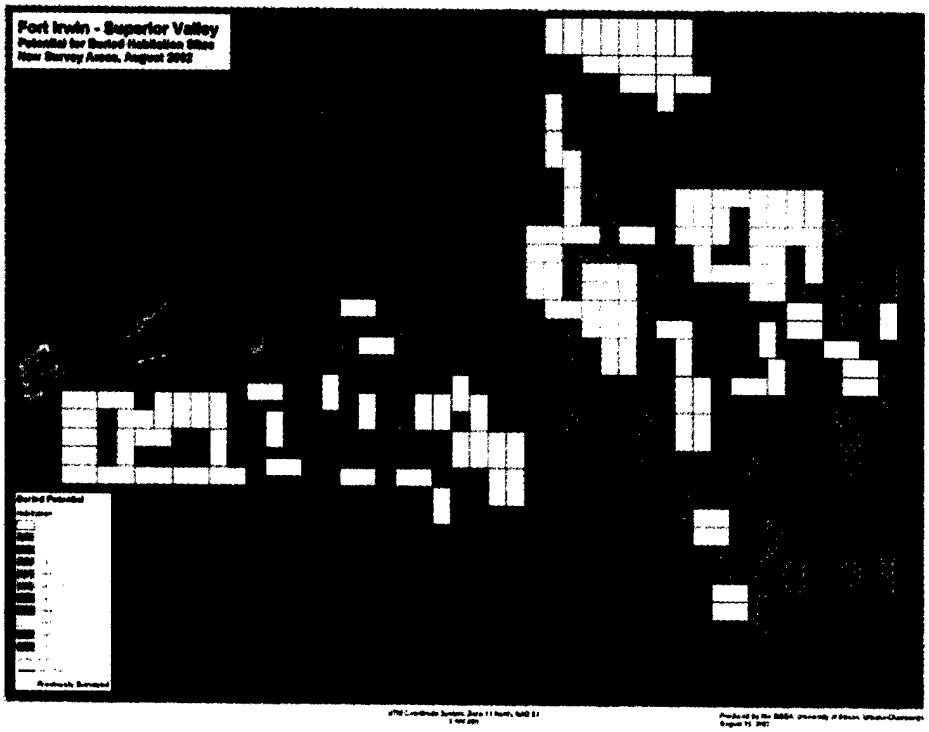
Archeological Predictive Model:

(continued)

- Construct the model—this will involve selecting ~100 random stratified sample survey and significant sites from Ft Irwin and the proposed expansion area to test APM.

- Validate and refine model via Split-Sample validation of ~100 sites that will be verified in the field. Refinement will be accomplished via CRM surveys and geomorphic field investigations to improve and ensure accuracy of the model.

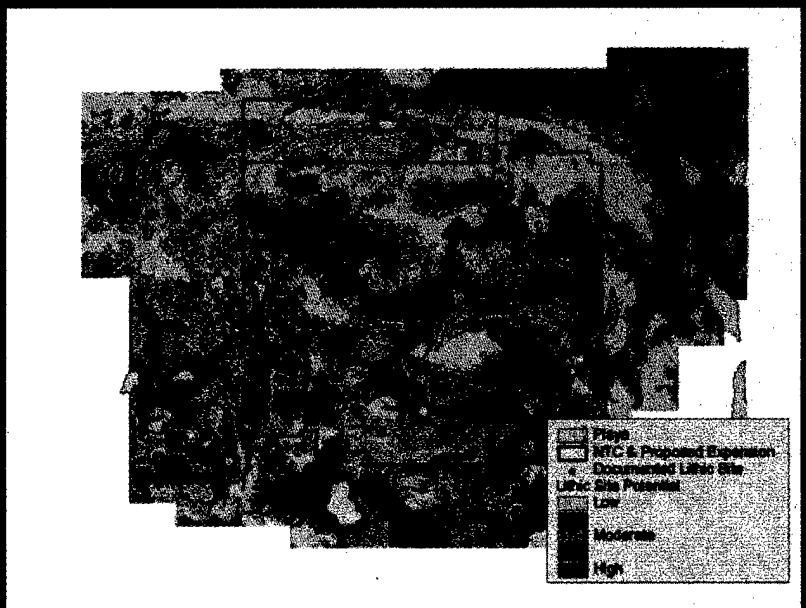

Fort Irwin - Avawatz
Potential for Buried Habitation Sites
New Survey Areas, August 2002
Buried Potential
High
Medium
Low


Fort Irwin - Superior Valley
Potential for Buried Habitation Sites
New Survey Areas, August 2002

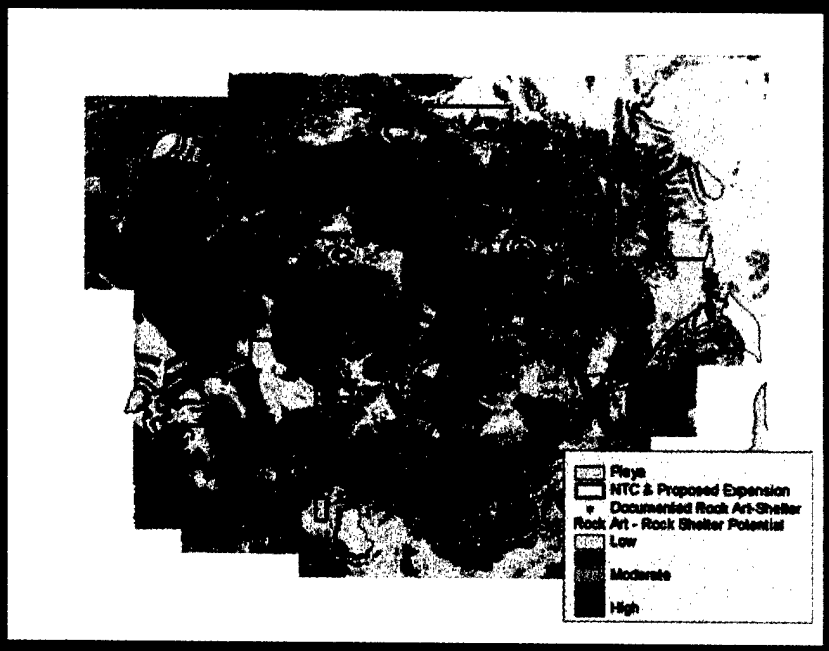
Prehistoric Habitation Site Favorability



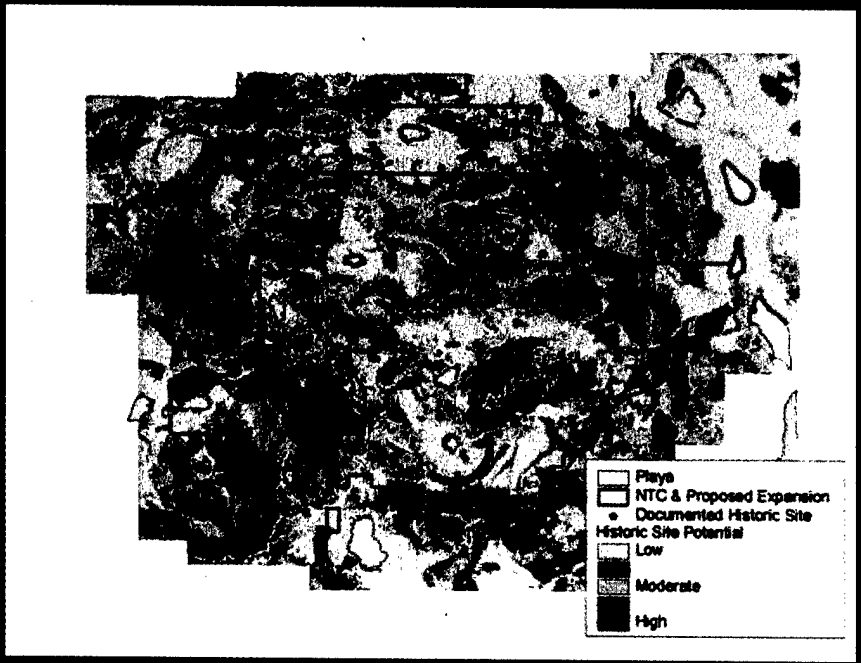
Lithic Reduction and Scatter Site Favorability



Rock Art & Rock Shelter Site Favorability



Historic Site Favorability



Habitation Site Favorability in Superior Lake Area
Note area with high potential for buried sites



Model Performance

Site Type	% of Sites	% of Area
Habitation	48%	7%
Rock Art	11%	7%
Lithic	32%	11%
Historic	51%	7%

- Goal is to reduce the amount of area to survey so that it includes only those areas where sites are most likely
- Areas already surveyed, expected military impact, and potential for buried sites are also considered

RECOMMENDATIONS:

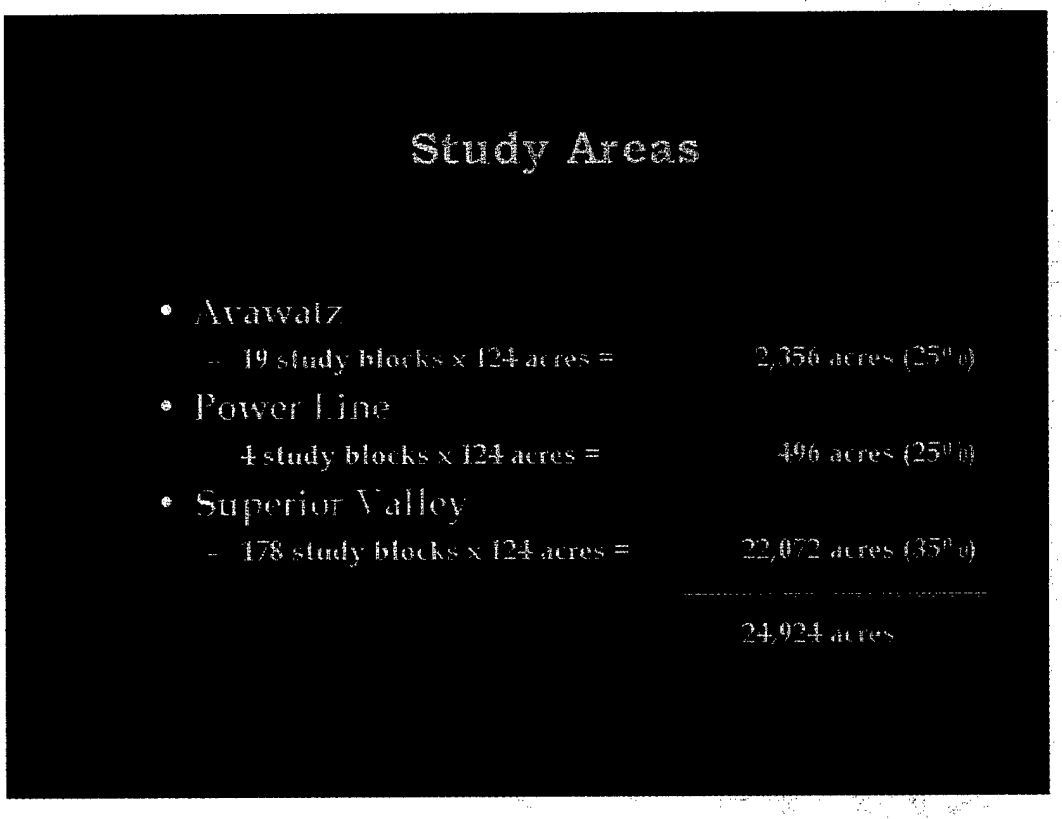
Proceed with surveys ASAP based on APM data. Field investigations should incorporate identification AND evaluation efforts to maximize and expedite compliance process.

- Follow guidelines and methodologies generated from APM.
- Follow guidance and research objectives of Ft Irwin ICRMP
- Address research questions in California State Historic Preservation Plan



Appendix E: Land Expansion Survey Test Presentation

By Craig Smith, Project Manager, TRC

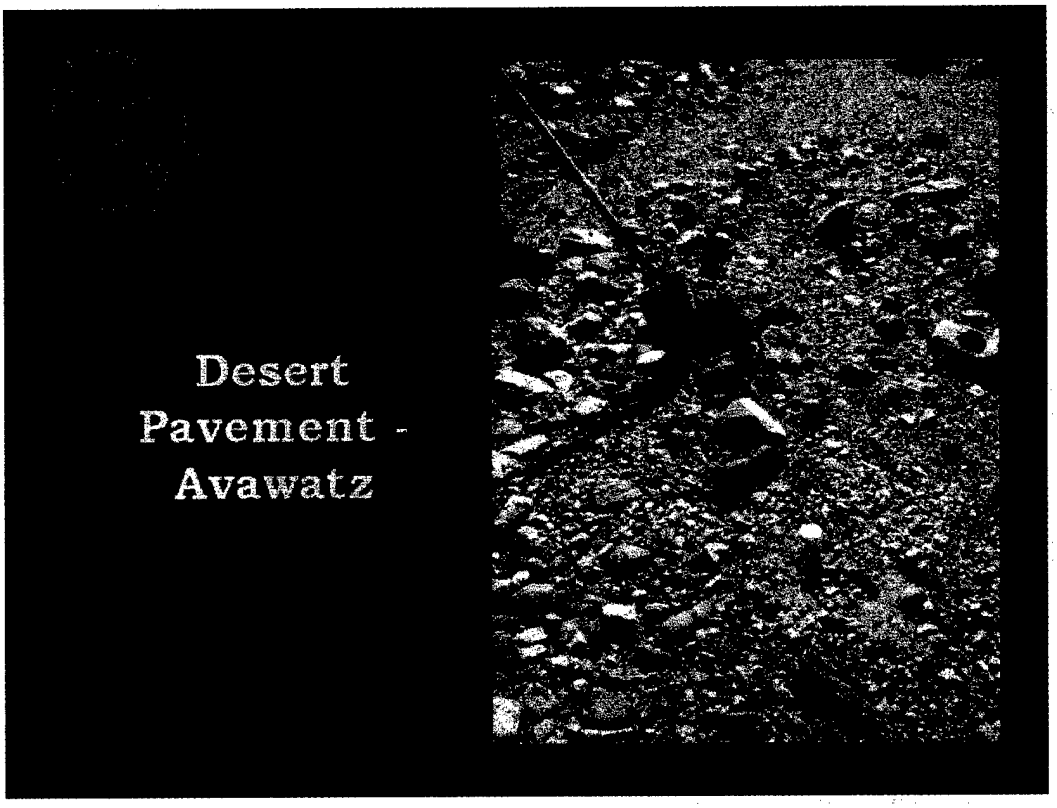


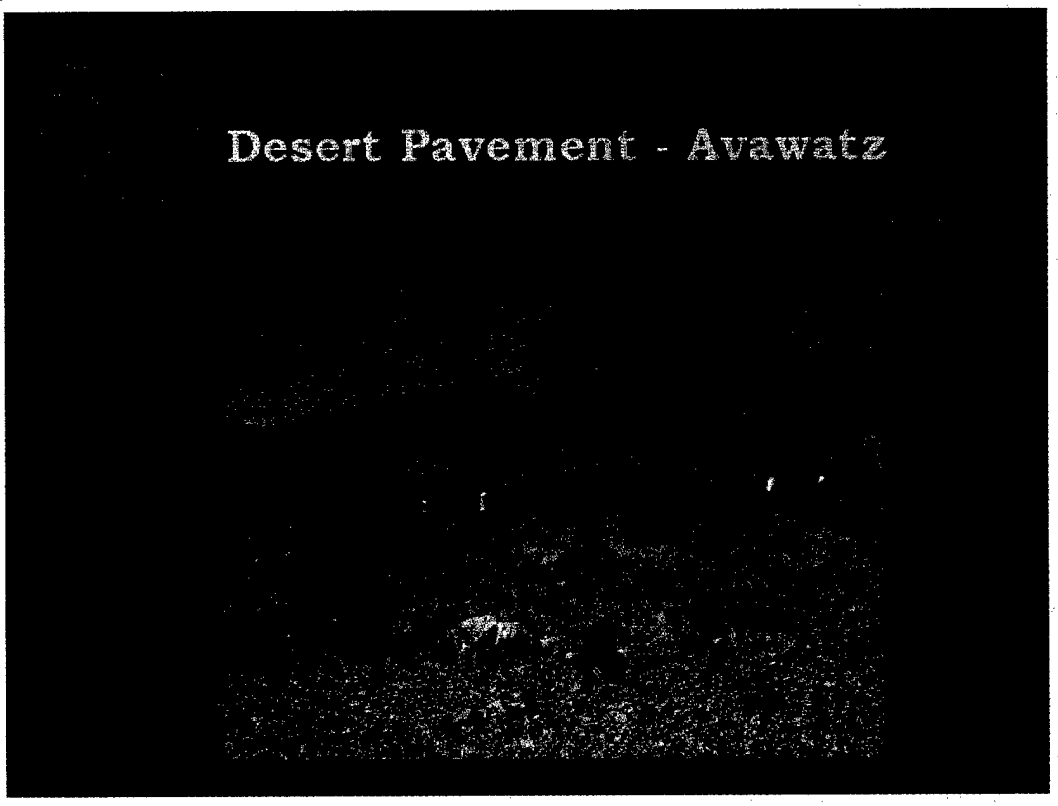
Methods

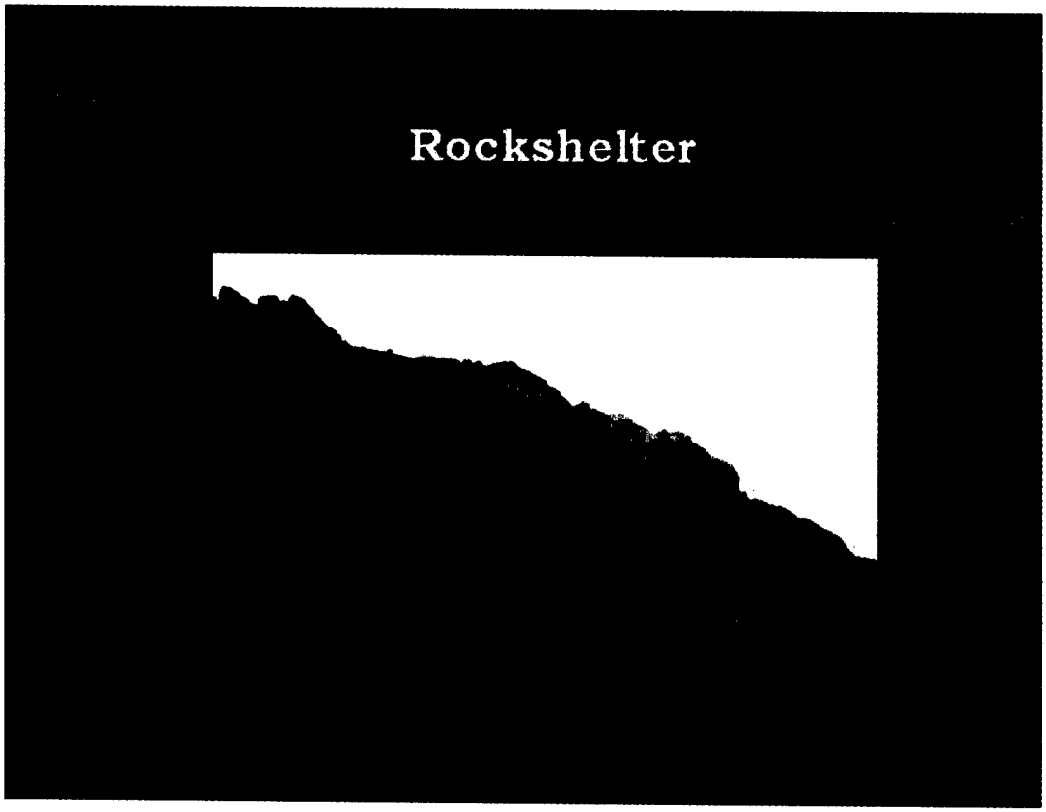
- Walk study blocks at 15-m (50-ft) transects
- Use Geo III Explorer GPS for all locational information
- Isolated artifacts extensively recorded
- Sites extensively recorded
- All sites tested
- Military remains also recorded

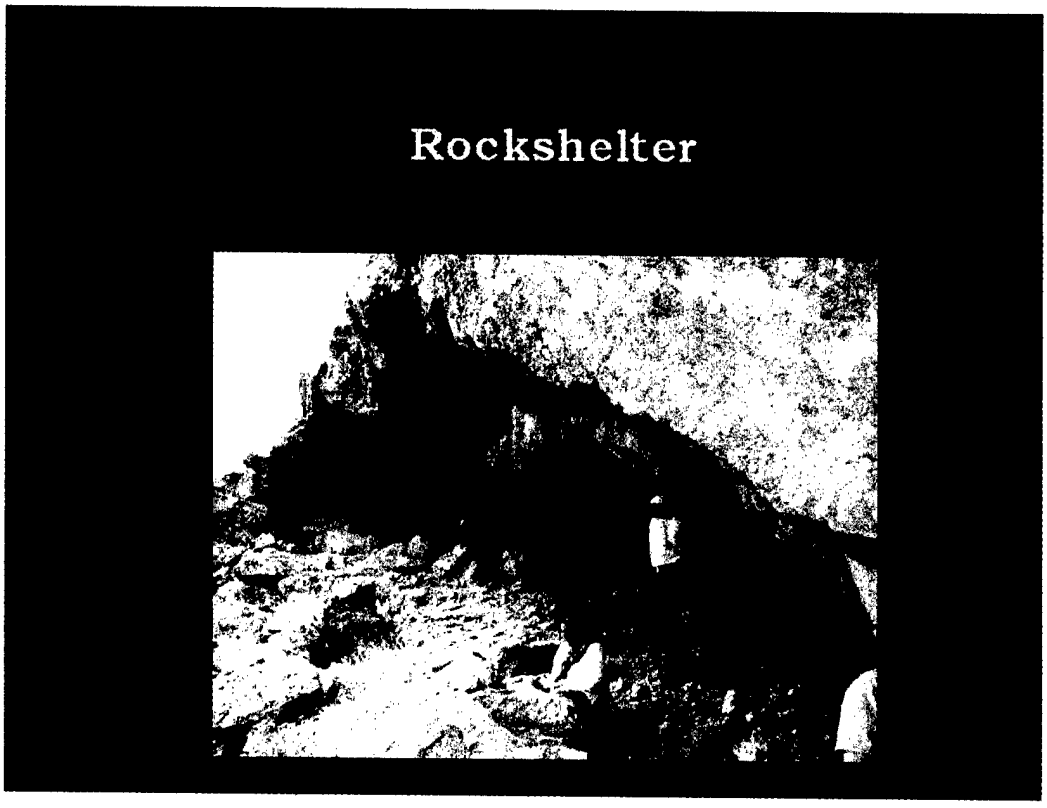
Avawatz Study Area
(2,356 acres)

- 68 total sites recorded
  - 2 rockshelter sites
  - 64 prehistoric lithic scatter
  - 2 historic mine sites
- 120 isolated artifacts


Desert
Pavement -
Avawatz


Desert Pavement - Avawatz


Rockshelter


Rockshelter

Rockshelter



Power Line Study Area
(496 acres)

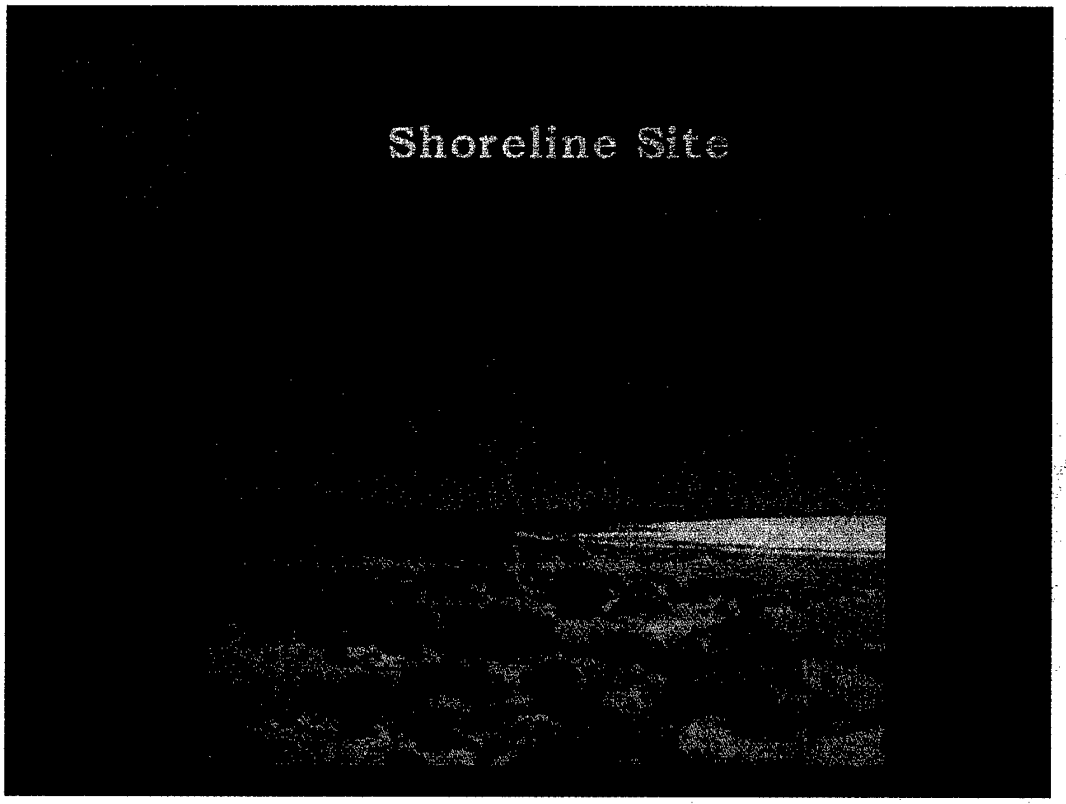
- No sites recorded

Superior Valley Study Area
(22,072 acres)

- 234 total sites recorded or found
  - 162 prehistoric sites
  - 72 historic sites
- 1,500 isolated artifacts

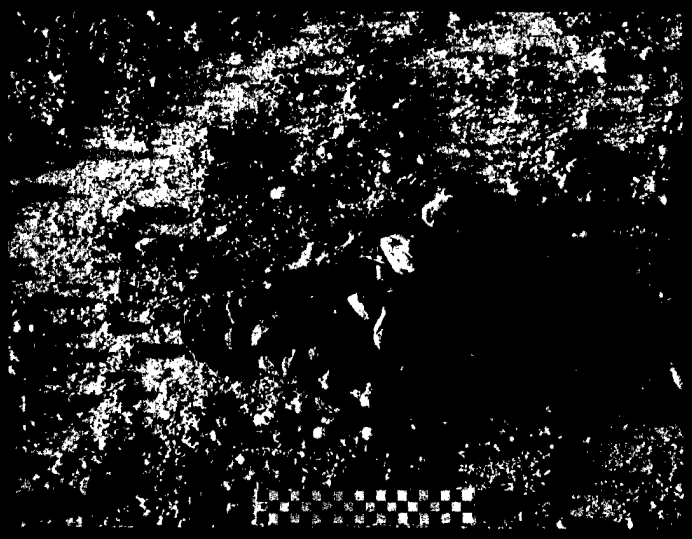
Shoreline Site with Beach Ridge



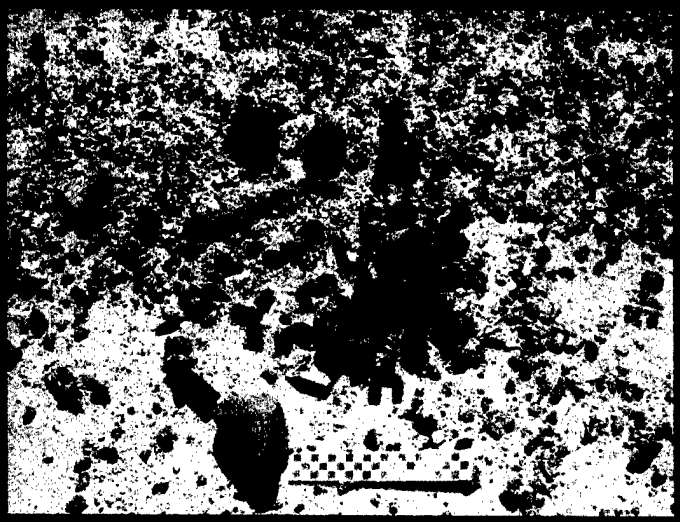

Shoreline Site

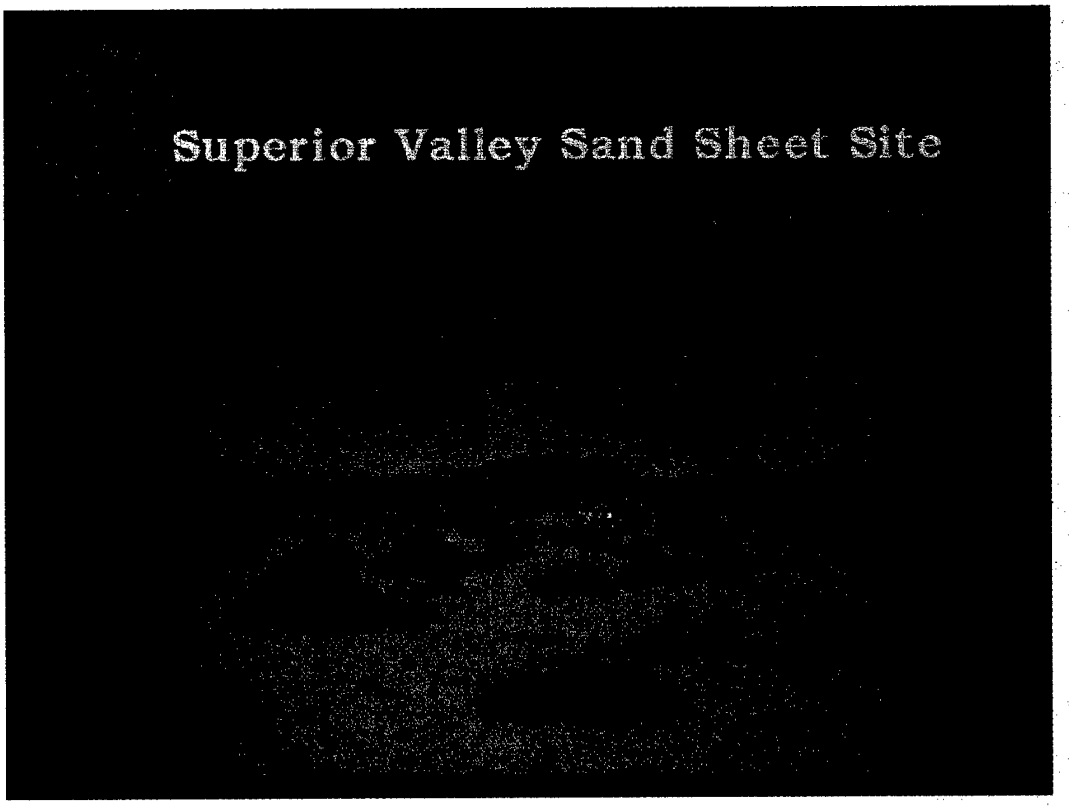

Fire-Cracked Rock Feature
Shoreline Site

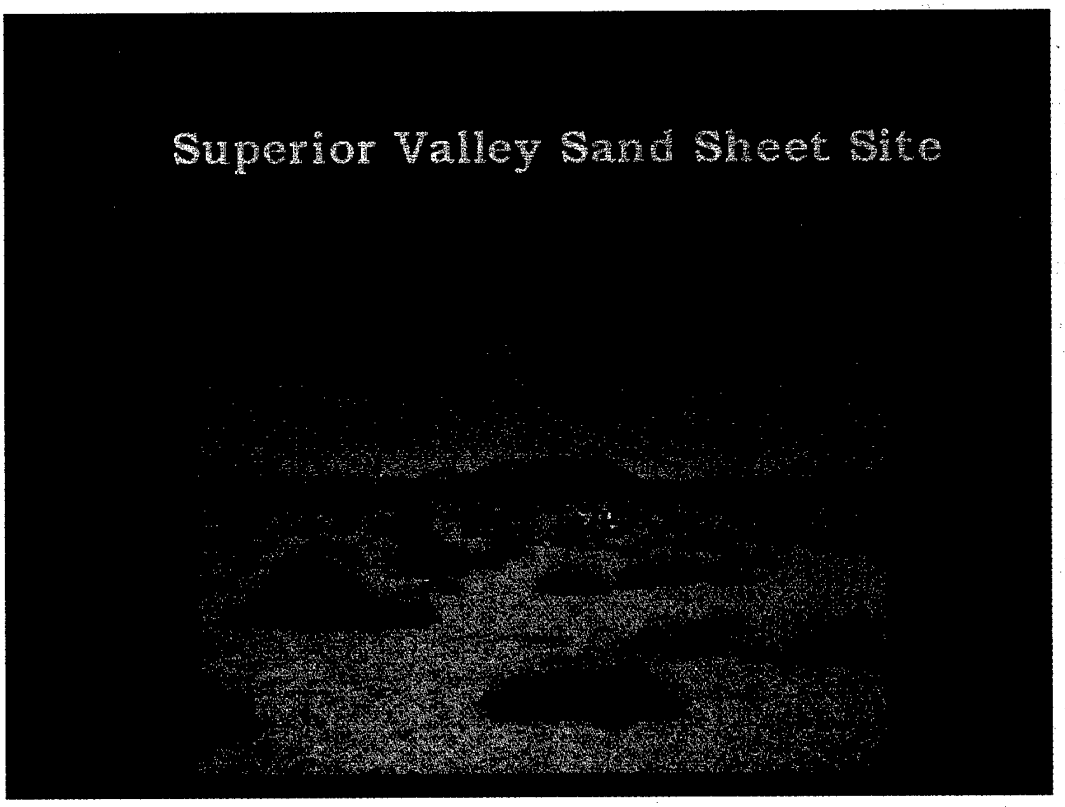
Fire-Cracked Rock Feature Shoreline Site

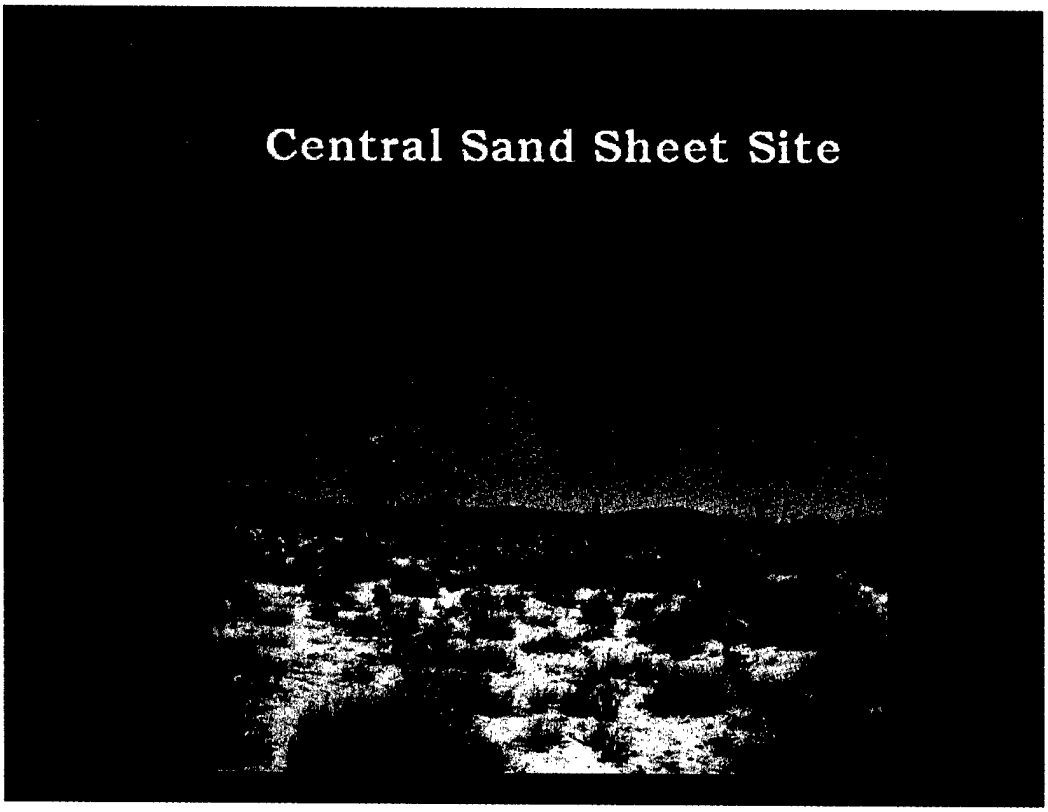


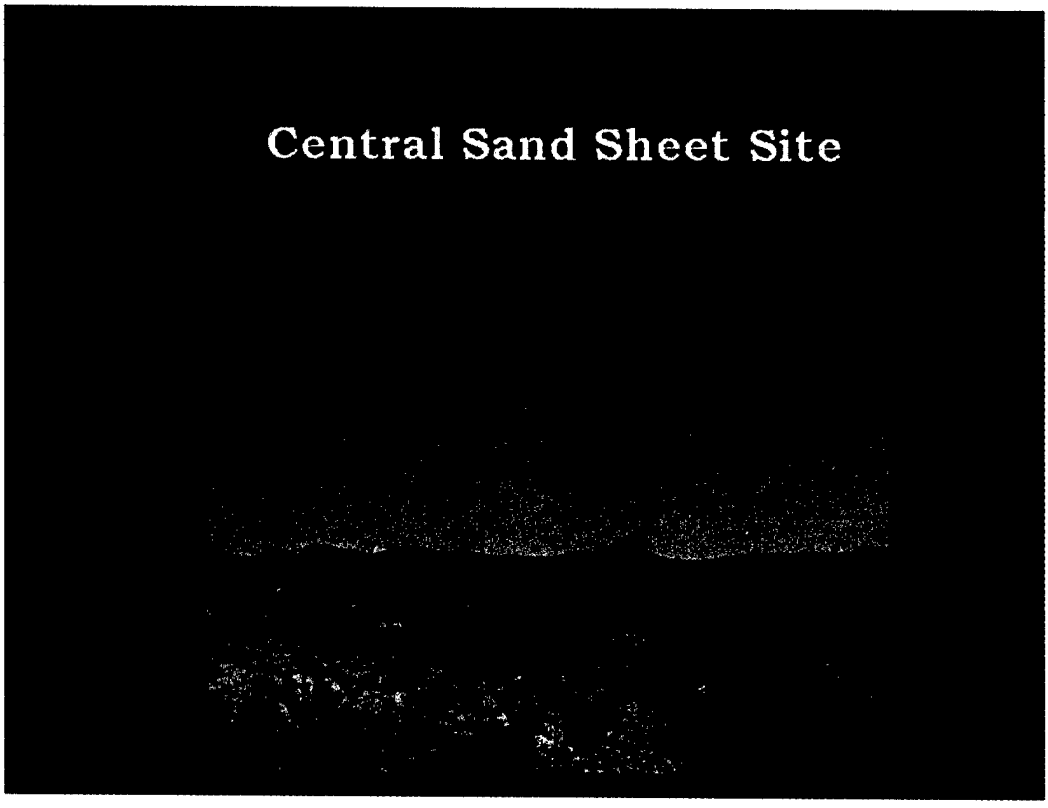
Collector's Pile Shoreline Site

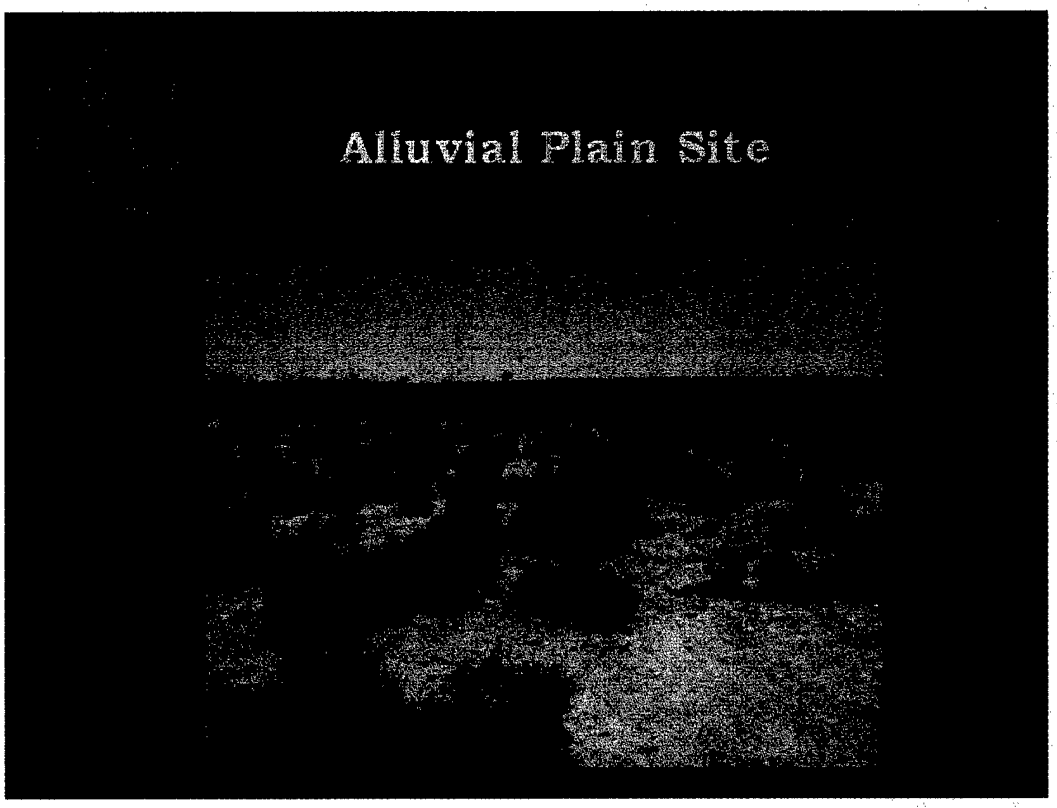


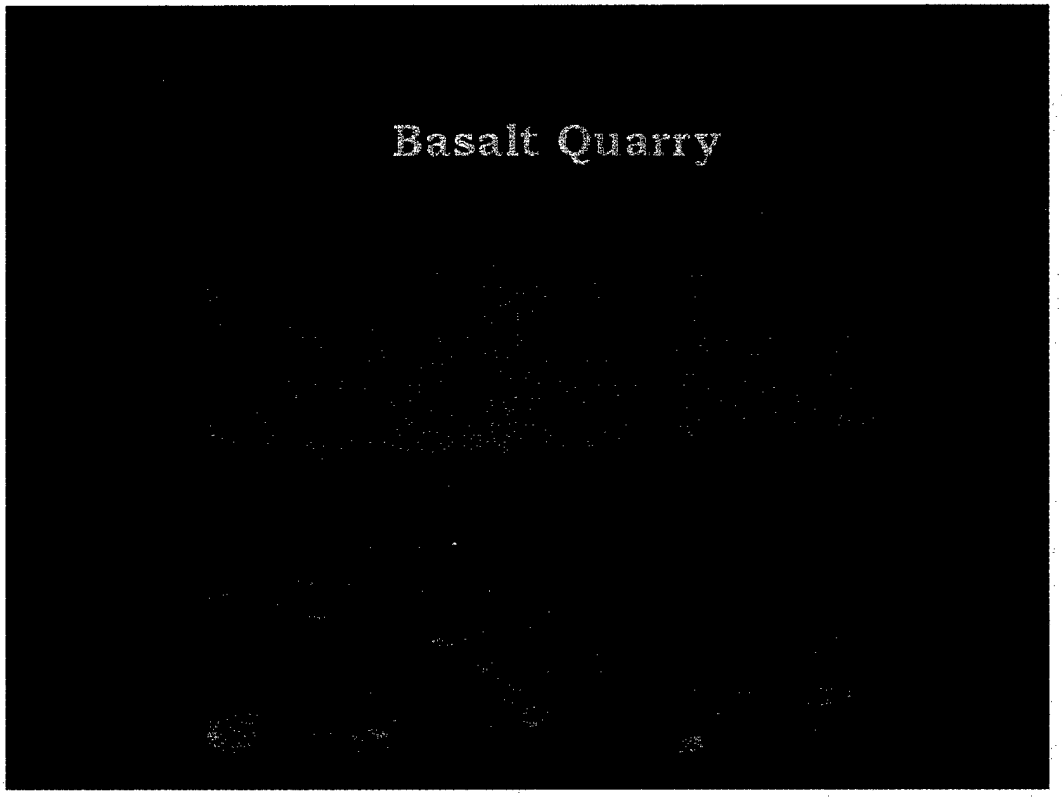

Superior Valley Sand Sheet Site

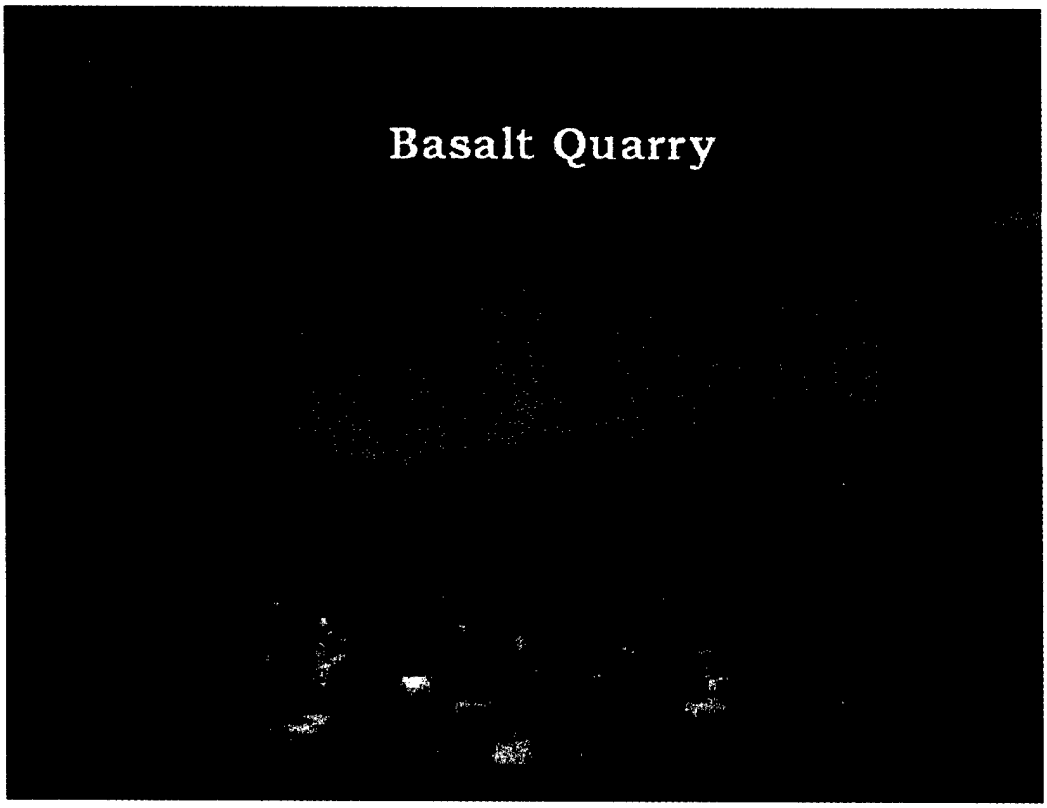

Superior Valley Sand Sheet Site

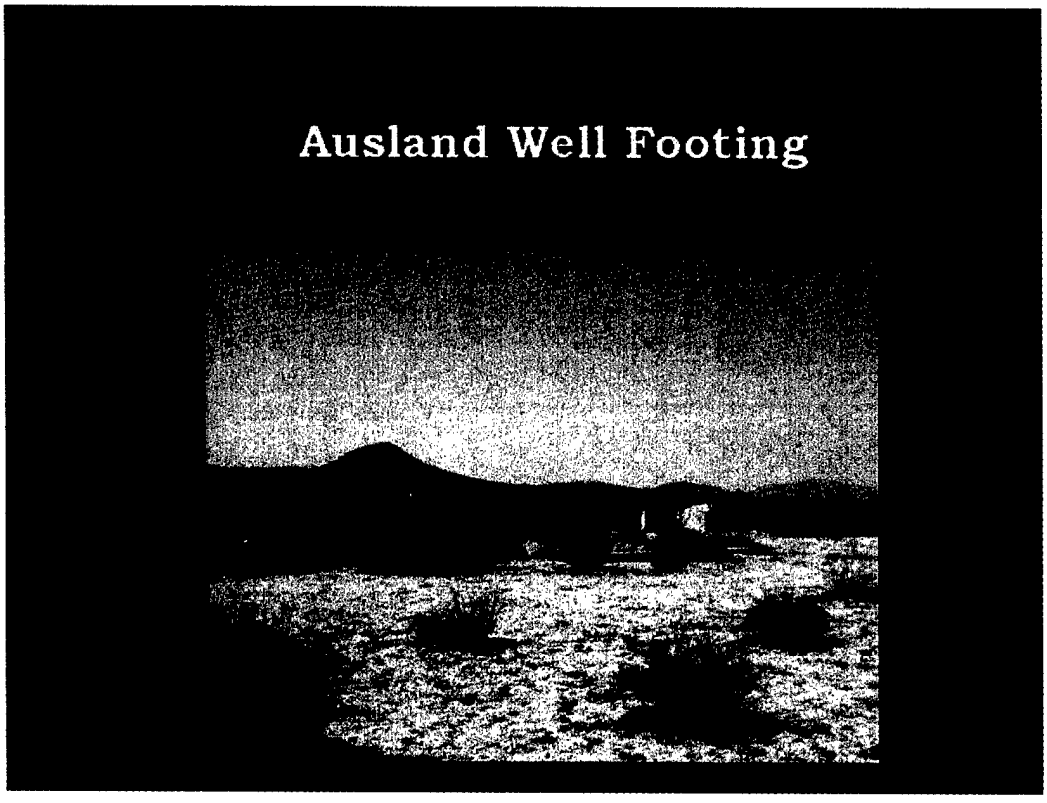

Central Sand Sheet Site

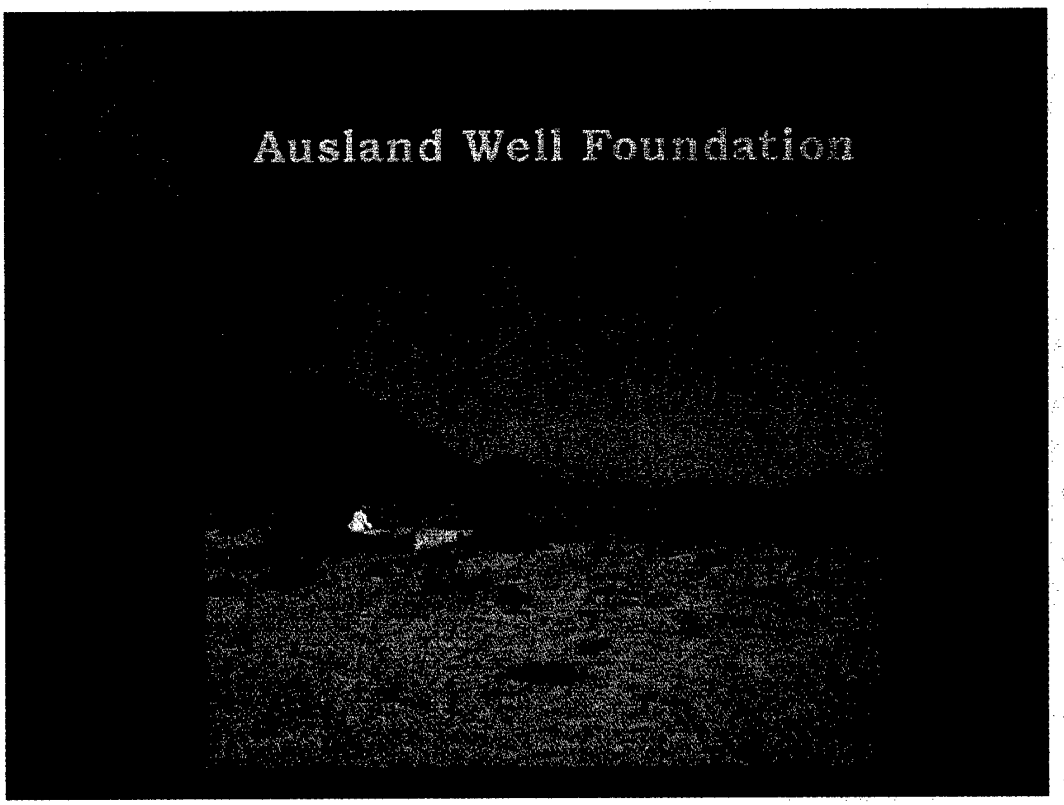

Central Sand Sheet Site

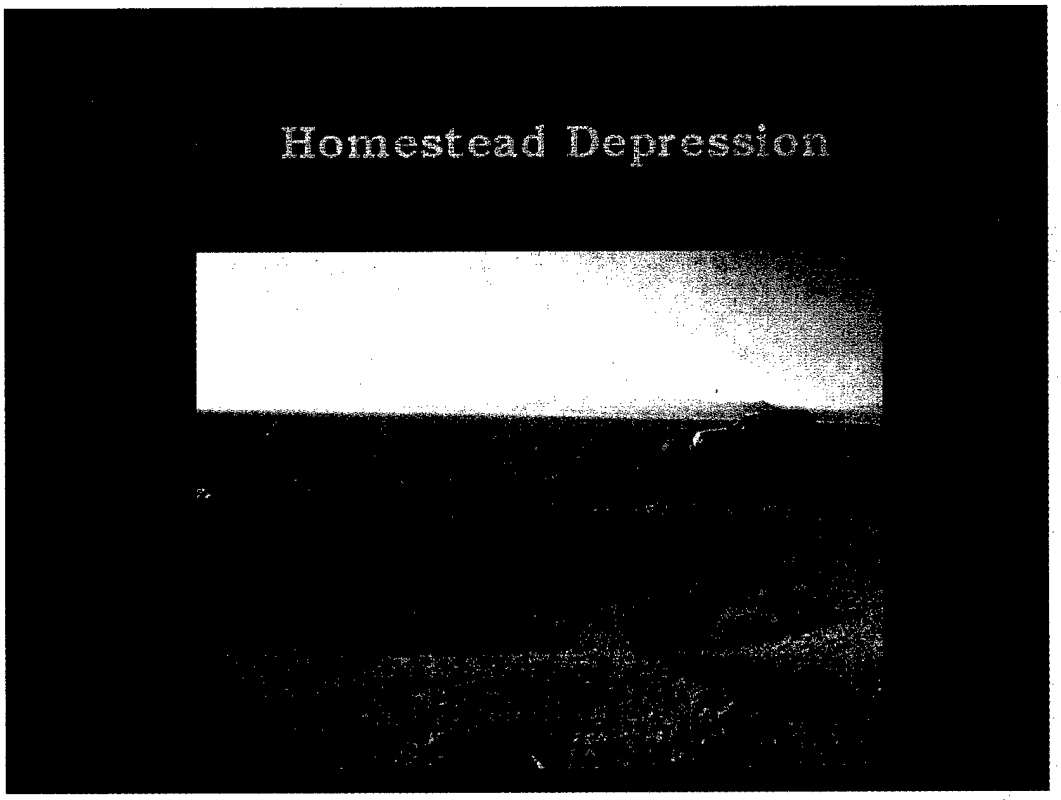

Alluvial Plain Site

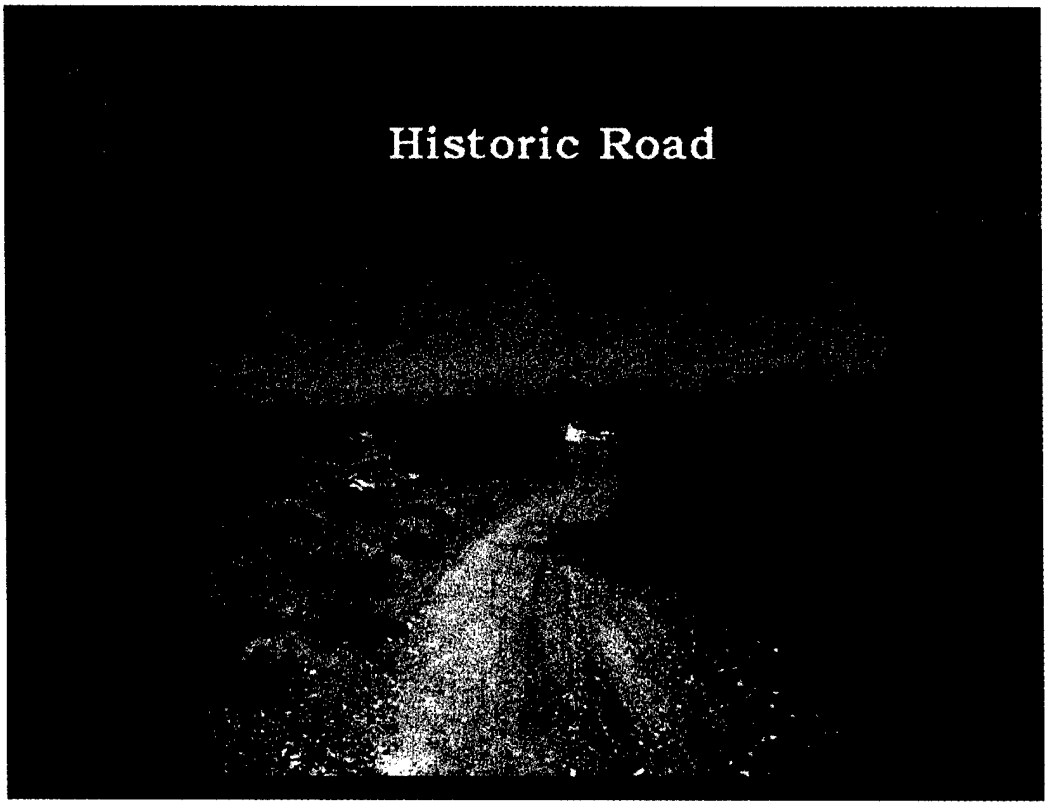

Basalt Quarry

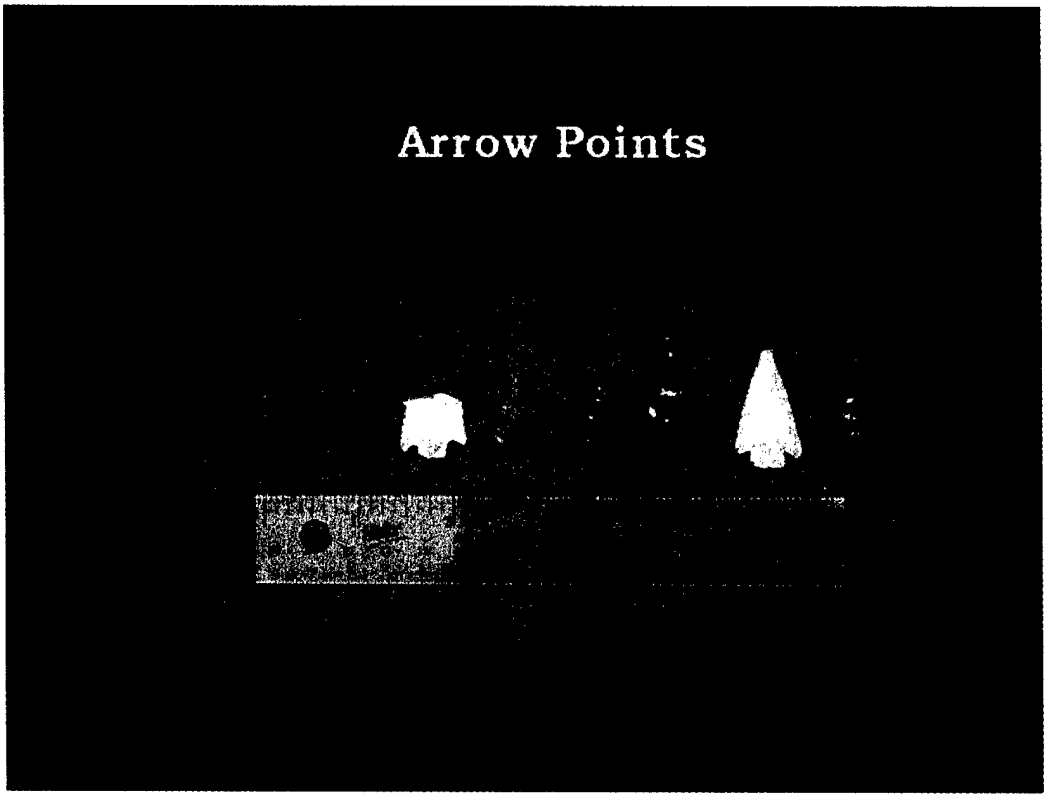

Basalt Quarry


Ausland Well Footing

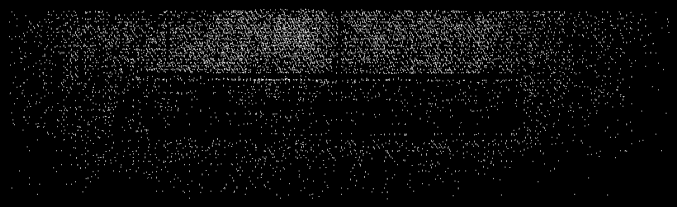

Ausland Well Foundation


Homestead Depression

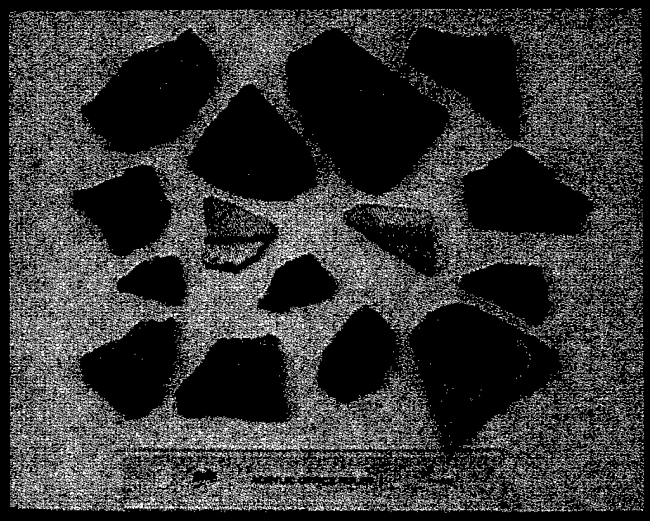

Historic Road

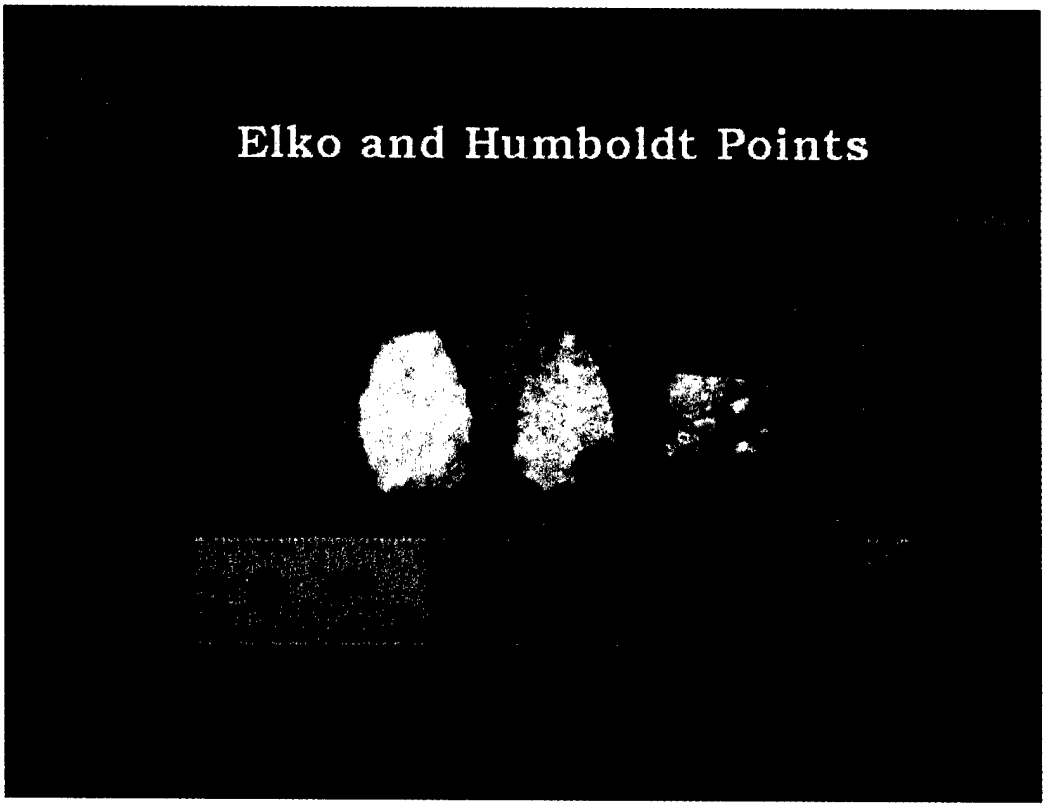

Arrow Points

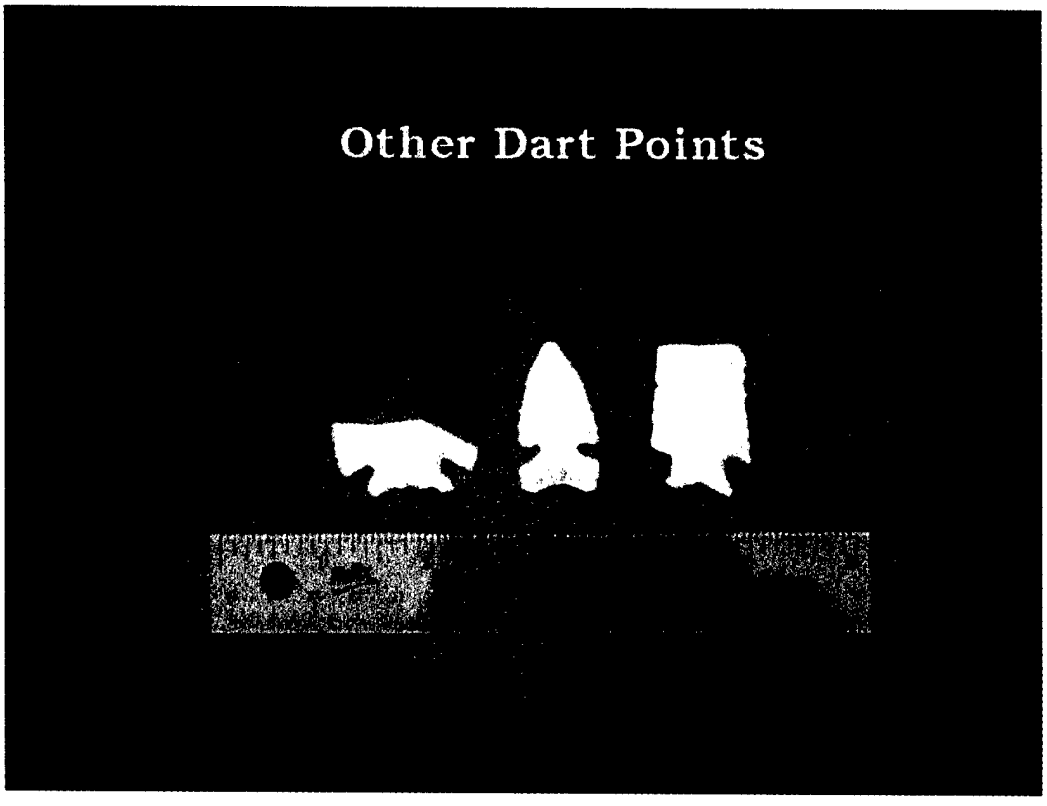
Black on White Ceramics

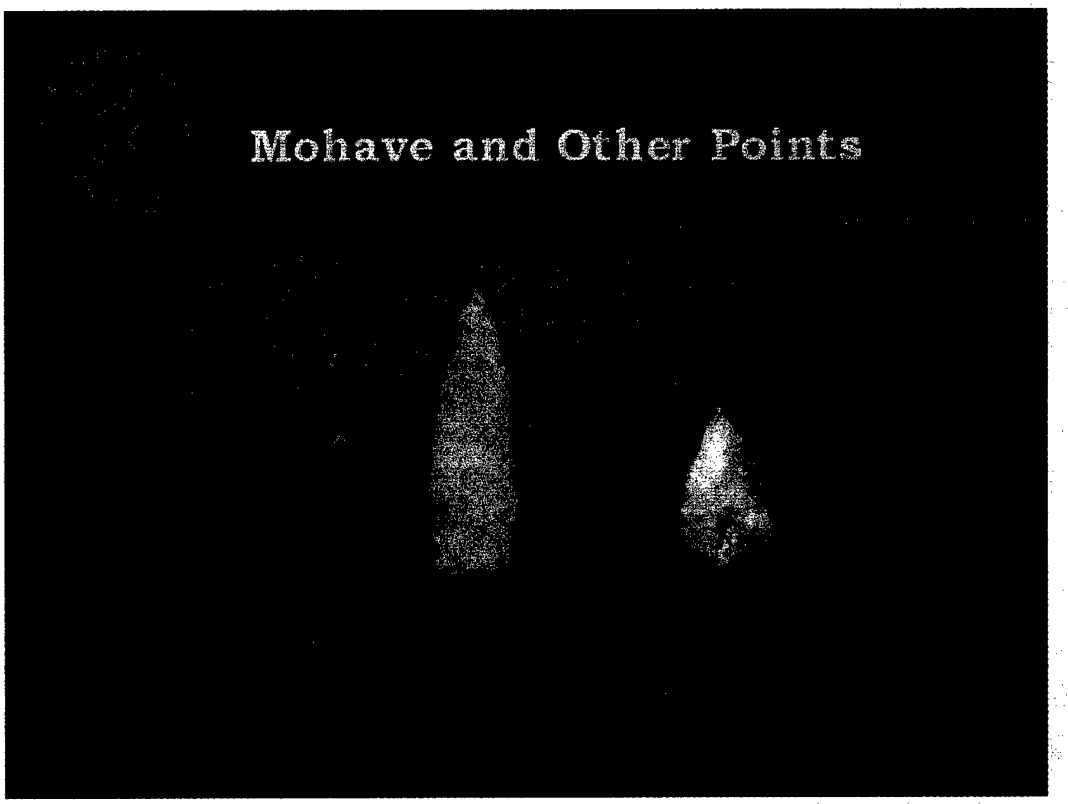


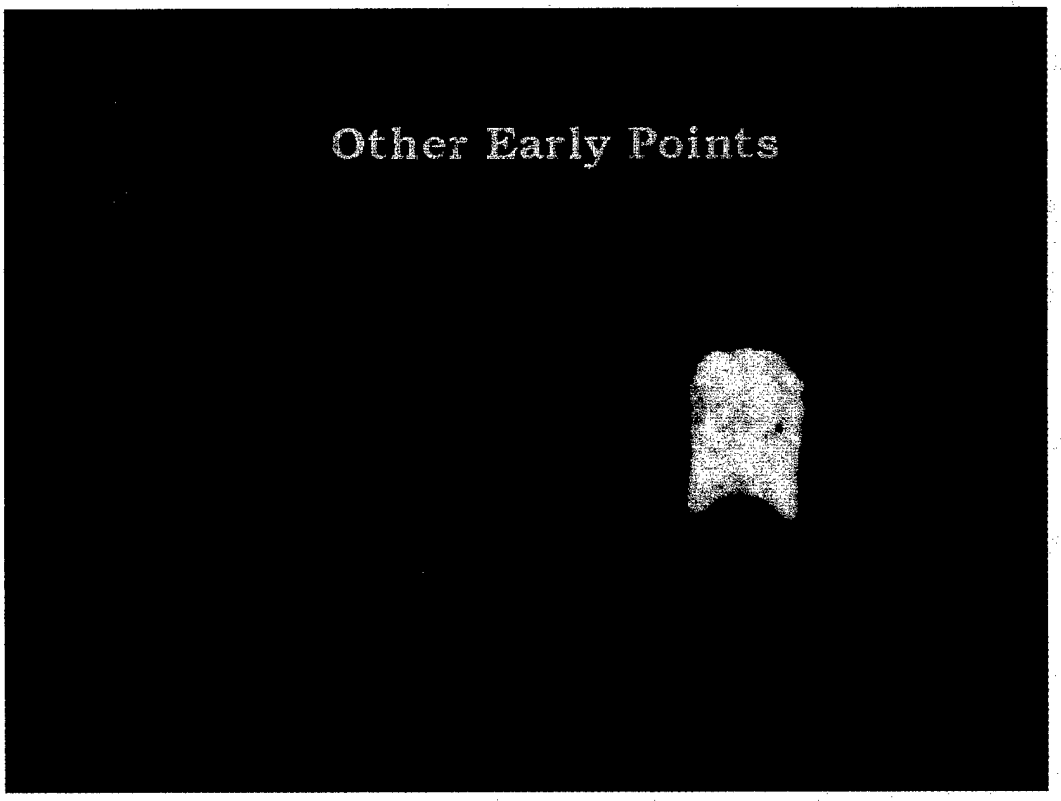
Other Ceramics




Elko and Humboldt Points


Other Dart Points


Mohave and Other Points


Other Early Points

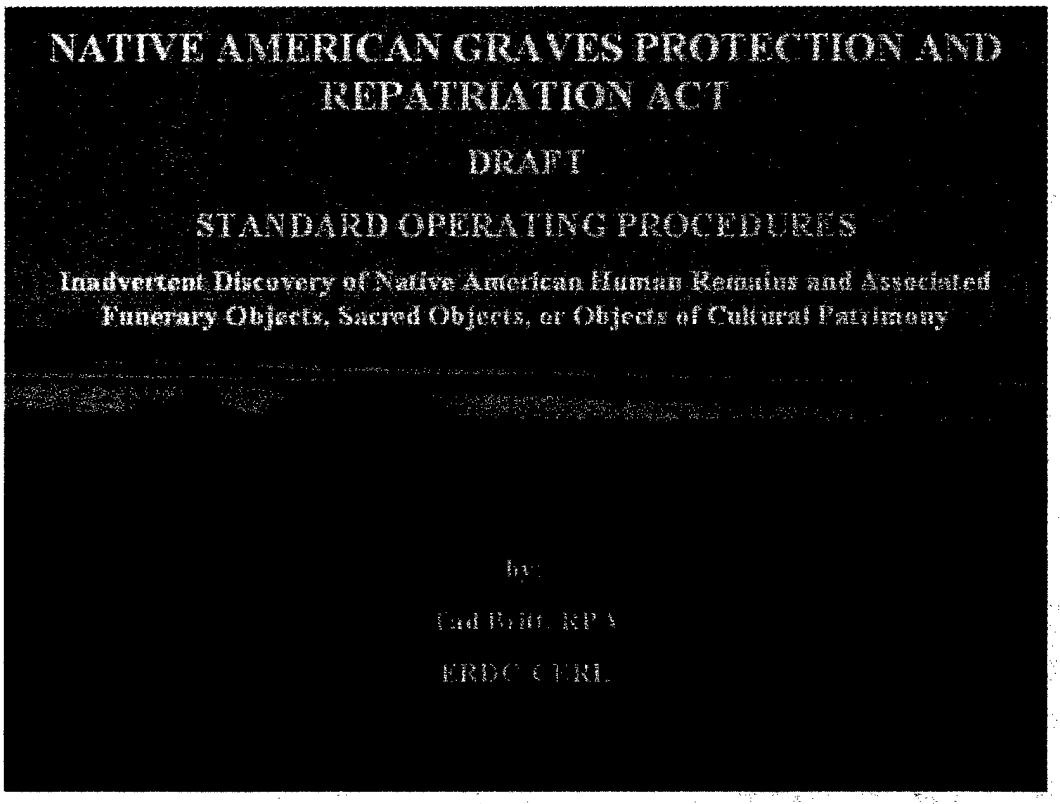
Off-Site Testing

- Backhoe trenching
- Shovel testing

Geomorphic Studies

Appendix F: NAGPRA SOPs

By Tadd Britt, ERDC-CERL



Legislative Drivers for Consultation

National Environmental Policy Act

Native American Graves Protection and Repatriation Act

National Historic Preservation Act

American Indian Religious Freedom Act

Archaeological Resources Protection Act

Presidential Memorandum, 1994, Government to Government Relations

EO 13007, Access to Sacred Sites

EO 13084, Consultation and Coordination with Indian Tribal Governments

EO 12898, Environmental Justice

DoD American Indian and Alaska Native Policy

AR 200-4

DA PAM 200-4

Federally Recognized Tribes Invited to Participate

- Colorado River Indians
- Fort Mohave Indian Tribe
- Chemehuevi Tribal Council
- San Manuel Band of Mission Indians
- Timbi-sha-Shoshone Tribe
- Moapa Band of Paiute Indians
- Twenty-Nine Palms Band of Mission Indians
- Morongo Band of Mission Indians
- Big Pine Paiute Tribe of Owens Valley
- Lone Pine Paiute Shoshone Tribe
- Fort Independence Community of Paiute
- Kaibab Band of Paiute Indians
- Las Vegas Tribe of Paiute Indians

NAGPRA SOP Outline:

Introduction

Definitions

Policy Procedures

Notifications

Identifications

Treatment and Disposition

Time Conflicts Dispute Resolution

Additional Parties

Resumption of Activity

DRAFT

NAGPRA-SOPs

Inadvertent Discovery of Native American Human Remains and Associated Funerary Objects, Sacred Objects, or Objects of Cultural Patrimony

- Ft Irwin is engaged in a continuing cultural resource inventory and evaluation of their holdings.
- The training mission of Ft Irwin has the potential to uncover previously unidentified archeological/cultural deposits and possibly Native American burials
- If human remains or funerary items are discovered, compliance with NAGPRA is required
  - Lineal descent
  - Cultural affiliation
  - Repatriation

Definitions:

- Burial Site
- Cultural Affiliation
- Funerary Object
- Sacred Object
- Object of Cultural Patrimony
- Indian Tribe
- Inadvertent Discovery
- Cultural Objects

Policy

- To Protect
- To Identify Proper Ownership
- To Ensure Rightful Treatment and Disposition

Procedures:

Preliminary Assessment. Protection and Verification

- CRM must make a site visit within 24 hours of discovery
  - If non-human, determine archeological association and whether or not Section 106 procedures apply
  - Determine if remains are associated with a recent crime scene
  - If so, contact Installation PMO, CID and County Sheriff; activity will cease w in 50 m radius and CID takes lead as investigating party
  - If not associated w/ crime scene w/ authorities concurring, notify CA SHPO

Procedures:

Preliminary Assessment. Protection and Verification

- Continued:
  - Are they Native American? If so, CRM will prepare a report of finding, noting all circumstances including content and context of the discovery, their antiquity and significance.
  - Evaluations will be conducted in situ.
  - Destructive analysis is prohibited.
  - CRM/CID will consult with forensic/physical anthropologists as appropriate.
  - Site will be protected, stabilized and monitored
  - No removal of items until compliance with these rules regarding resumption of activity is completed.
  - NAGPRA investigations take time and CRM/CID should have a Plan of Action including specialist identified and available to conduct field analysis.

Notification of Installation Commander

- Immediate telephone notification to Commander or designee.
- Immediately followed by written report which contains results of field evaluation and Plan of Action--consultation tasks and disposition of discovered objects
- Commander will notify CRM that the Memorandum of Notification has been received within 48 hours
- All contracts that involve any ground disturbance activities will be required to notify the CRM immediately should an inadvertent discovery be made
- G3 and Range Control shall have procedures in place to notify the CRM should an inadvertent discovery occur

Notification of Native Americans

- The Installation Commander has three (3) working days after written receipt of an inadvertent discovery of Native American remains or funerary items to notify all possible lineal descendants and other Indian tribes that may claim custody of the objects.
- Decisions on which tribes to notify will be based on priority of ownership described in 25 U.S.C. 3002 and 43 C.F.R. 10.6 and the List of Tribal Contacts.
  - Telephone calls shall be logged
  - Certified mail including written reports

Notification of Native Americans
Continued

- Priority of ownership or control of Native American human remains and cultural objects is briefly:
  - Lineal de-cendants, as determined pursuant to 43 C.F.R. 10.14(b)
  - Indian tribe holding tribal lands as defined in 43 C.F.R. 10.2(f)(2)
  - Culturally affiliated Indian tribe as defined in 43 C.F.R. 10.14
  - Indian tribe recognized as the aboriginal owners of the land by a final judgment of the Indian Claims Commission or the United States Court of Claims
  - Indian tribe with the strongest demonstrated cultural relationship
  - Unclaimed
- The List of Tribal Contacts will be kept by the Natural and Cultural Resources Manager and will be verified and/or updated annually in coordination with tribal election schedules.

Identification of Native American Human Remains

- *In situ* analysis is the preferred method. If not consultation shall occur and further identification methods discussed
- CRM will employ specialist as appropriate (e.g., forensic, physical anthropologists, ethnographers, tribal consultants)
- Cultural affiliation shall be determined by a preponderance of evidence (e.g., geography, kinship, biological, archeological, folklore, etc.)
- Lineal descent will be determined with potential lineal descendants

Identification of Native American Human Remains: continued

- Consultation must result in either a Plan of Action and or a Comprehensive Agreement. Parties covered in a CA must agree to be signatories.
- Information to be gained during the consultation that should be included in the written plan of action or CA:
  - Kinds of material to be considered as cultural objects
  - Specific information used to determine custody
  - Treatment, care, and handling of human remains and cultural objects;
  - Archaeological recording of the human remains and cultural objects;
  - Kinds of analysis for identification of human remains and cultural objects;
  - Steps to be followed to contact Indian Tribe officials at the time of an inadvertent discovery of human remains or cultural objects;
  - Kind of traditional treatment to be afforded the human remains or cultural objects;
  - Nature of the reports to be prepared; and
  - Disposition of human remains and cultural objects

Treatment and Disposition

- Treatment and disposition shall be determined in consultation with lineal descendants or Tribes that demonstrate priority of ownership, per NAGPRA
- Tribes must demonstrate affiliation by a preponderance of evidence
- If a single claimant can not be identified, continue consultation.
- If no agreement can be reached refer to dispute resolution procedures below.
- Make every attempt to specify treatment for inadvertent discoveries within thirty (30) days after certified notification has been sent.
- If [illegible] preservation is not possible, repatriation with tribes of lineal descent or cultural affiliation should be undertaken

Treatment and Disposition

Continued

- Each restoration or re-interment shall require Ft Irwin an opportunity for tribal religious participation, as per AIRFA
- Prior to the disposition of NAGPRA objects public notices shall be published of the proposed disposition in the area of lineal and culturally affiliated tribes

Treatment and Disposition

Continued

- If a claim is made for human remains and cultural objects, all of the tribes that were involved in the consultations regarding their disposition will be notified.
- Unclaimed Native American human remains and cultural objects shall be returned in accordance with the regulations developed by the NAGPRA Review Committee

Time Conflicts

- On those rare occasions when Fort Irwin or the tribe(s) is unable to meet its commitments pertaining to time schedules for any activity specified herein, the party that is unable to meet the schedule will notify the other party as soon as physically possible to reschedule the activities to the mutual satisfaction of both parties. Emergency actions will be coordinated by telephone or FAX.

Dispute Resolution

- All disputes regarding the cultural affiliation of discovered human remains and or cultural objects shall be resolved in accordance with Sections 5 and 7(e) of NAGPRA and the implementing regulations 43 C.F.R. 10.
- Fort Irwin shall follow the procedures set forth in this document regarding consultation with the interested tribes. Should any interested tribe make a conflicting claim of cultural affiliation or dispute the methods of treatment or disposition of human remains and or cultural objects as delineated herein, the installation commander shall notify FORSCOM.
- Fort Irwin will continue consultation with the disputing parties, suggest that the disputing parties seek resolution among themselves, and, if the disputing parties concur, go before the NAGPRA Review Committee which is given the authority under 25 U.S.C 3006(c)(4) and 43 C.F.R. 10.16 and 10.17 to make recommendations on the resolution of disputes.
- If, upon receipt of the recommendations of the Review Committee, the most appropriate claimant still cannot be determined, Fort Irwin shall retain the disputed remains or cultural objects until the question of custody is resolved, as stated in 43 C.F.R. 10.15(a)(2).

Additional Parties

- Interested tribes claiming lineal descent or cultural affiliation may join these procedures at any time should they express a desire to do so.
- If an interested party fails to make a written claim prior to the time human remains and cultural objects are duly repatriated or disposed of to a claimant, the interested party is deemed to have irrevocably waived any right to claim such items pursuant to these regulations.

Resumption of Activities

NAGPRA specifies:

- The activity that resulted in the inadvertent discovery of Native American human remains or cultural objects may resume thirty (30) days after certification by the installation commander of the receipt of the notification sent by the Cultural Resources Manager
- Or, activity may resume if the treatment is documented in a written binding agreement between the installation and the affiliated Indian tribes , as per NAGPRA
- In no event may activity resume until the SHPO or, if involved, local law enforcement officials approve.

Appendix G: Summary of Tribal Consultation Efforts

Tribe	Contact Persons	Result
Colorado River Tribes	Daniel Eddy, Chairman Betty Cornelius, NAGPRA Coordinator	Called Mr. Eddy 8/8; left message. Called Mr. Eddy 8/12; his secretary said that at this time, no one will be attending the meeting. Call to Ms. Cornelius 8/8; no answer, no voice mail. Ms. Cornelius did attend the Ft. Irwin meeting
Fort Mohave Indian Tribe	Louellen Barrackman, Vice-Chairman, Acting Chairman Chad Smith, Archaeologist Elda Butler, Director, AhaMaKav Cultural Society	Call from Ms. Butler 8/12; she and Chad Smith will be attending. Call from Mr. Smith, 8/13; Smith, Butler, and one other person will be attending; he will fax their names and Social Security Nos. Call to Mr. Smith 8/18; he and Butler are going. Due to circumstances, only Mr. Smith was able to attend the meeting.
Chemehuevi Tribe	Edward D. Smith, Chairperson David Halmo, NAGPRA coordinator. Bill Cox, tribal planner	Called Mr. Smith 8/8 and 8/12; left messages. Call to David Halmo, 8/14; he no longer works for tribe; spoke with tribal planner Bill Cox, who said he would ask if anyone was going to come and call back. Call to Mr. Cox 8/18; he will get the names to me today. Called Mr. Cox 8/21; no answer. Called Mr. Cox 8/26; no answer.
San Manuel Band of Mission Indians	Caroline Toban, Tribal office Eddie Phillips, Environmental Protection Coordinator	Called 8/8; Ms. Toban will try to have an answer by 8/14 on whether someone will be attending. Call to Ms. Toban on 8/14; left message; referred to Mr. Jerry Parisa and left message. Call to Mr. Parisa 8/18; unable to get through to his number. Mr. Phillips called 8/22; he will be attending the meeting. Mr. Phillips called Ft. Irwin 9/2; he will not be able to attend.

Tribe	Contact Persons	Result
Timbisha Shoshone Tribe	Bill Helmer Tribal HPO	Call to Mr. Helmer 8/8-three people will be attending (tentative); call to Mr. Helmer 8/14-left message; call from Bill Helmer 8/15-gave names of those attending: Helmer, Georgia Kennedy, and Barbara Durham
Morongo Band of Mission Indians	Mary Ann Andreas, Chairperson and NAGPRA coordinator	Calls to Ms. Andreas on 8/8, 8/9, 8/12, 8/14; no answer, no voice mail. Call on 8/22; no answer.
Big Pine Paiute Tribe of Owens Valley	Theresa Stone, Executive Secretary	Called on 8/8; Ms. Stone requested that invitation letter be faxed to her. Call on 8/12; spoke with Mr. Cal Stafford; no one from tribe will be attending
Lone Pine Paiute Shoshone Tribe	Rachel Joseph, Chairperson	Called Ms. Joseph on 8/8 and 8/9; received call from Mr. Wilfred Nabahe, who requested that invitation letter be faxed to him. Call to Mr. Nabahe on 8/12; no answer, no voice mail. Call to Mr. Nabahe on 8/14; left message. Call to Mr. Nabahe on 8/18; he still has not found out if someone will be attending; he will find out and call back today. Call to Mr. Nabahe,8/26; they will not be attending.
Fort Independence Community of Paiute	Richard Wilder, chairperson	Called 8/8 and 8/12; left message. Call to Mr. Wilder on 8/14; they will not be attending.
Kaibab Band of Paiute	Carmen Bradley, Chairperson	Called 8/8 and 8/12; left message. Called 8/14; left message. Called 8/18; left message.
Las Vegas Tribe of Paiute	Curtis Anderson, Chairperson Kenny Anderson	Called 8/8 and 8/12; left message. Call to Mr. Anderson on 8/14; left message. Call to Mr. Anderson on 8/18; Mr. Anderson will be attending. Mr. Anderson did not attend the meeting.
Moapa Band of Paiute	Philbert Swain, Chairperson	Called 8/8 and 8/9; left message and then spoke with Ms. Vicki Walter, who requested that invitation letter be faxed to her. Called Ms. Walter on 8/12; left message. Called Ms. Walter on 8/14; left message. Called Ms. Walter on 8/26; she will find out and call back. Mr. Swain did attend the meeting.
Twenty-Nine Palms Band of Mission Indians	Dean Mike, Chairperson	Called 8/8 and 8/12; left message. Called 8/14; left message. Called 8/18; left message. Call from Mr. Mike on 8/18; no one will be attending.

Appendix H: Initial Invitation Letter

Date

Chairperson

Federally Recognized Tribe (see list attached)

Dear Tribal Chairperson:

On behalf of the National Training Center (NTC), Fort Irwin, California, you are invited to attend a meeting at our installation September 3, 2002 to September 5, 2002. The purpose of the meeting is to establish an open and constructive dialog with your tribe on a Nation-to-Nation level regarding the military mission of the NTC and any potential tribal issues you would like to address with respect to our installation and it's Area of Potential Effect (APE)

Topics that we wish to discuss and consult on include: 1) NTC's Standard Operating Procedures for inadvertent discovery, notification and treatment; per the Native American Graves Protection and Repatriation Act (NAGPRA) of 1990, 2) the forthcoming Supplemental Environmental Impact Statement (SEIS) with respect to the NTC's proposed 110,000 acres expansion—specifically, the cultural resource inventory, evaluation and management practices; 3) NTC's cultural resource tools—Archeological Predictive Model and Automated Tool for Monitoring Archeological Sites; and 4) the ethnohistoric and ethnographic cultural affiliation study of the mid-Mojave region (i.e., those Federally recognized tribes that claim aboriginal, ancestral or ceded land ties to the geographical area that now constitutes the NTC and it's APE).

We wish to consider this meeting a listening session and we would like to hear from you regarding any Tribal issues or practices that concern you. Other Federally recognized Tribes have been invited to attend. In the spirit of our Nation-to-Nation relationship, individual meetings between the NTC and each Tribe will be mutually arranged in the future to discuss specific issues.

If you would like to attend, the NTC will pay for all reasonable travel expenses (e.g., mileage, lodging meals) for up to three Tribal representatives. Please con-

tact us if you wish to attend and we will send you a detailed agenda. Please include the names of those that will attend and their addresses so we may process invitational travel orders for them. .

In the spirit of our Nation-to-Nation relationship, we look forward to meeting with you. If the above dates are inconsistent with your schedule, please let me know alternate dates that you would be able to attend. You may write to me at the above address or contact Mr. William Quillman, Natural and Cultural Resource Manager, of my staff at (760) 380-3740.

CC: Tribal Cultural Resource Manager/

Sincerely,

NAGPRA Officer

Chief of Staff

Staff Summary Sheet

Nature of Action: **Letter to the 14 Federally recognized Native American Tribes inviting them to a Nation-to-Nation meeting at the NTC, 3-5 September 2002.**

Discussion: **The purpose of the meeting is to establish an open and constructive dialog regarding NTC's military mission with respect to tribal issues within the NTC and its immediate vicinity. Topics for discussion include: 1) Native American Graves Protection and Repatriation Act (NAGPRA) of 1990, Standard Operating Procedures for inadvertent discovery, notification and treatment; 2) the Supplemental Environmental Impact Statement (SEIS) with respect to the recent 110,000 acres expansion—specifically, the cultural resource inventory, evaluation and management practices; 3) NTC's cultural resource tools—Archeological Predictive Model and Automated Tool for Monitoring Archeological Sites; and 4) the ethnohistoric and ethnographic cultural affiliation study of the mid-Mojave region (i.e., those Federally recognized tribes that claim aboriginal, ancestral or ceded land ties to the geographical area that now constitutes the NTC and it's APE).**

Legal Requirements:

National Environmental Policy Act

NATIVE AMERICAN GRAVES PROTECTION AND REPATRIATION ACT

NATIONAL HISTORIC PRESERVATION ACT

American Indian Religious Freedom Act

Archaeological Resources Protection Act

Presidential Memorandum, 1994, Government to Government Relations

EO 13007, Access to Sacred Sites

EO 13084, Consultation and Coordination with Indian Tribal Governments

EO 12898, Environmental Justice

DoD American Indian and Alaska Native Policy

AR 200-4

DA PAM 200-4

Recommendation: **Sign Letter**

Action Officer: **Mickey Quillman (380-3740)**

Federally Recognized Native American List

27 June 2002

Colorado River Indians
Mr. Daniel Eddy
Chairperson
Route 1, Box 23-B
Parker, AZ 85344
Phone: 928-669-9211
Fax: 928-669-5675

Ms. Betty Cornelius
NAGPRA Coordinator
Route 1, Box 23-B
Parker, AZ 85344
Phone: 928-669-1339
Fax: 928-669-5675

Fort Mohave Indian Tribe
Ms. Nora Helton
Chairperson and NAGPRA Coordinator
500 Merriman Ave.
Needles, CA 92363
Phone: 760-629-4591
Fax: 760-629-5767

Fort Mohave Indian Tribe
Mr. Chad Smith, Tribal Archaeologist
500 Merriman Ave.
Needles, CA 92363
Phone: 928-768-4475
Fax: 928-768-7996

Fort Mojave Indian Tribe
Ms. Elda Butler, Director
AhaMaKav Cultural Society
500 Merriman Ave.
Needles, CA 92363
Phone: 928-768-4475
Fax: 928-768-7996

Chemehuevi Tribal Council
Mr. Edward D. Smith
Chairperson
P.O. Box 1976
Havasu Lake, CA 92363
Phone: 760-858-4301
Fax: 760-858-5400

San Manuel Band of Mission Indians
Mr. Deron Marquez
Chairperson
P.O. Box 266
Patton, CA 92369
Phone: 909-864-8933
Fax: 909-864-3370

Timbisha Shoshone Tribe
Ms. Georgia Kennedy
Acting Chairperson
P.O. Box 206
Death Valley, CA 92328-0206
Phone: 760-786-2374
Fax: 760-7862376

Timbisha Shoshone Tribe
Mr. Bill Helmer
Tribal Historic Preservation Officer
P.O. Box 206
Death Valley, CA 92328-0206
Phone: 760-786-2374
Fax: 760-7862376

Timbisha Shoshone Tribe
Barbara Durham, Tribal Administrator
P.O. Box 206
Death Valley, CA 92328-0206

Morongo Band of Mission Indians
Morongo Indian Reservation
Mary Ann Andreas
Chairperson and NAGPRA Coordinator
11581 Potrero Rd.
Banning, CA 92220
Phone: 909-849-7909
Fax: 909-849-4425

Big Pine Paiute Tribe of Owens Valley
Ms. Jessica Bacoch
Chairperson
P.O. Box 700
Big Pine, CA 93513
Phone: 760-938-2003
Fax: 760-938-2942

Lone Pine Paiute Shoshone Tribe
Rachel Joseph, Chairperson
1103 South Main St.
Lone Pine, CA 93545
Phone: 760-876-1034

Fort Independence Community of Paiute
Vernon Miller, Chairperson
P.O. Box 67
Independence, CA 93526
Phone: 760-878-2126
Fax: 760-878-2311

Kaibab Band of Paiute Indians
Kaibab Indian Reservation, Arizona
Ms. Carmen Bradley
Chairperson and NAGPRA Coordinator
Kaibab Paiute Tribal Council
Tribal Affairs Building
HC65, Box 2
Fredonia, AZ 86022
Phone: 928-643-7245
Fax: 928-643-7260

Las Vegas Tribe of Paiute Indians
Las Vegas Indian Colony, Nevada
Mr. Curtis Anderson
Chairperson and NAGPRA Coordinator
Las Vegas Colony
Tribal Council
One Paiute Drive
Las Vegas, NV 89106
Phone: 702-383-3926
Fax: 702-383-4019

Moapa Band of Paiute Indians
Moapa River Indian Reservation, Nevada
Mr. Philbert Swain
Chairperson and NAGPRA Coordinator
Moapa Business Council
P.O. Box 340
Moapa, NV 89025-0340
Phone: 702-865-2787
Fax: 702-865-2875

Twenty-Nine Palms Band of Mission Indians
Mr. Dean Mike
Chairperson and NAGPRA Coordinator
46-200 Harrison Place
Coachella, CA 92236
Phone: 760-775-5566
Fax: 760-775-4639

Appendix I: List of Meeting Attendees

Colorado River Indian Tribes:
Mrs. Betty Cornelius, NAGPRA Coordinator

Ft. Mojave Tribe:
Chad A. Smith, Tribal Archeologist/CR Manager

Moapa Band of Paiute Indians:
Phil Swain, Chairperson

Timbisha Shoshone:
Georgia Kennedy, Acting Chairperson
Bill Helmer, Tribal Historic Preservation Officer
Barbara Durham, Tribal Administrator

Fort Irwin:
Colonel Edward L. Flinn, Deputy Commander and Chief of Staff
Lieutenant Colonel Jeffery S. Ogden, Director of Public Works
Major Michael T. Lawhorn, Public Affairs Office
Captain Chris Belcher, Deputy Public Affairs Officer
Private First Class Sarah Wood, Public Affairs Office
Muhammad Bari, Environmental Division Chief – DPW
Tad Britt, Archeologist, ERDC-CERL
Darrell Gundrum, Archeologist
Robert Horalek, Environmental Attorney
William Quillman, Natural and Cultural Resources Manager
Timothy Reischl, Charis Director of Military Programs

Consultants/Contractors:
David Earle, Ethnohistorian, Earle & Associates
Kimberli Reagan Evans, Certified California Court Reporter
Susan Perlman, Two Rivers Consultants
Craig Smith, Project Manager, TRC

Other
Mr. Cornelius

Appendix J: Meeting Transcript

MANDER REPORTING

Certified Court & Deposition Reporters
14151 Tehachapi Road
Apple Valley, California 92307
(760) 946-3247

The Timbisha Shoshone prefer their name spelled without a hyphen. Regrettably that could not be fixed in this appendix. Their name is shown correctly in the rest of this document. We apoligize for the oversight.

FEBRUARY 5, 2003

RE: NATIVE AMERICAN CONSULTATION MEETING
SEPTEMBER 4, 2002
NATIONAL TRAINING CENTER
FORT IRWIN, CALIFORNIA

TO WHOM IT MAY CONCERN:

THE TRANSCRIPT IN THE ABOVE-ENTITLED MATTER HAS BEEN READ AND THE FOLLOWING CORRECTIONS HAVE BEEN MADE. PLEASE NOTE THEM FOR YOUR ORIGINAL AND CERTIFIED COPY:

PAGE/LINE	WAS	SHOULD BE
13/6	PROPERLY	PROBABLY
27/6	LEECH	LEACH
78/10, 22 & 24	CARE ADAPT	CARIDAP
80/14	CARE ADAPT	CARIDAP
166/23	PUC	POC

PLEASE INSERT THIS LETTER IN THE FRONT OF YOUR ORIGINAL TRANSCRIPT AND CERTIFIED COPY.

THANK YOU.

SINCERELY,

E. Jan Mander

ELINOR "JAN" MANDER
CERTIFIED SHORTHAND REPORTER

NATIONAL TRAINING CENTER

FORT IRWIN, CALIFORNIA

NATIVE AMERICAN CONSULTATION MEETING

WEDNESDAY, SEPTEMBER 4, 2002

9:07 A.M. - 3:57 P.M.

NATIVE AMERICAN TRIBES/MEMBERS ATTENDING

TIHSI-SHA SHOSHONE

WILLIAM J. HELMER
Tribal Historic Preservation Officer

GEORGIA KENNEDY
Acting Chairperson

BARBARA DURHAM
Tribal Administrator

FT. MOJAVE.

CHAD A. SMITH
Tribal Archaeologist/CR Manager

NCAPA BAND OF PAIUTE.

PHIL SMAIN
Chairperson and NAGPRA Coordinator

COLORADO RIVER INDIAN TRIBES:

BETTY CORNELIUS
NAGPRA Coordinator

CLYDE CORNELIUS

FORT IRWIN, NTC, PARTICIPANTS

COL. EDWARD L. FLINN
Deputy Commander and Chief of Staff

LTC JEFFERY S. OGDEN
Director of Public Works

CAPTAIN CHRIS BELTHEN
Deputy Public Affairs Officer

MAJ MICHAEL T. LANHORN
Public Affairs Office

PFC SARAH WOOD
Public Affairs Office

MUHAMMAD BARI
Environmental Division Chief -- DPW

WILLIAM (MICKEY) GUILLEMY
Natural & Cultural Resources Manager

ROBERT MORALES
Environmental Attorney

TIMOTHY REISCHL
Chief, Director of Military Programs

DARRELL GUNDRUM
Archaeologist

OTHER INVITED PARTICIPANTS/ATTENDEES

SUSAN E. PERLMAN
President, Two Rivers Consultants

TAD BRITT
Archaeologist, ERDC-CERL

DAVID D. EARLE
Earle & Associates

CRAIG S. SMITH
Program Manager, TRC

REAGAN EVANS
California Certified Shorthand Reporter
(Independent Contractor)

INDEX

OPENING REMARKS	
BY COL. EDWARD L. FLINN	5
PRESENTATION	
BY TIMOTHY REISCHL	15
BY TAD BRITT	51
BY DAVID D. EARLE	878
BY CRAIG SMITH	109
CLOSING REMARKS	
BY COL. EDWARD L. FLINN	137
COMMENTS	184

Page 5

NATIONAL TRAINING CENTER
FORT IRWIN, CALIFORNIA
NATIVE AMERICAN CONSULTATION MEETING

COL. FLINN: Well, good morning. My name is Col. Flinn. I'm the chief of staff, deputy commander of Fort Irwin and the National Training Center, and I would like to welcome everybody who traveled, welcome you to the National Training Center and for this meeting we're going to have today.

On behalf of Brigadier General Joseph F. Fil, Junior, he would like me to extend a warm welcome to everybody and express our appreciation for your commitment to this process. We are honored by your presence and look forward to establishing an open, honest dialogue that's constructive with each of you and your individual nations.

We respect the unique and sovereign nature of the tribes you represent. Although we may have different backgrounds, it is important that we acknowledge the things that our cultures have in common. This will serve as the foundation upon which we can build a strong and meaningful and lasting relationship.

Page 6

I'm going to tell you a little bit of the obvious, kind of as a warmup to what we're going to do today.

Throughout our history, Native Americans have made significant contributions to the military service. Your veterans have served with great honor and courage. Until recently, I don't think many Americans really appreciated the contribution that Native Americans have made to the freedoms that this country enjoys, but movies like the recently released "Code Talkers" illustrated how important Native Americans were to the United States military being able to accomplish its mission and really very important to the contributions they made as part of the greatest generation of that generation of Americans that fought in World War II.

For their service, 24 Native Americans have earned our country's highest award, the Congressional Medal of Honor. For their service in helping America remain free, we are grateful and proud of their contributions.

Today at the National Training Center we train warriors that come here for 14 days of intensive force-on-force and live-fire training as part of our responsibility to train the Army to be

Page 7

prepared to deploy, fight and win, support your nation's values. The men and women who train, work and live here, we believe, are the best in the world, and our mission is to make them even better.

We know we have a great responsibility to take care of the environment and are very concerned about creating here at Fort Irwin a quality environment that our soldiers, civilians and family members deserve.

One of our top priorities is protecting and managing our cultural and natural resources. Keeping that in mind, I would like to take a moment to show you a short introductory video that we show to all the incoming soldiers that come to Fort Irwin and National Training Center as part of their arriving here for their rotational training. This will hopefully show our commitment to maintain and sustain the environment.

Tad, show the video.

TAD BRITT: Thank you, sir.

(The video was shown.)

TAD BRITT: This is a video that we show all incoming troops coming here at Fort Irwin to train. It talks about the cultural and natural resources and what they mean. And we address items

Page 8

such as stewardship and sustainability.

COL. FLINN: The tape goes on and covers a couple other things, but what we wanted to show you was what we're doing with the environment, what we're doing with the cultural and natural resources.

I want to finish up with my concluding remarks here as we open up today's session, and then I would ask everybody to introduce yourselves.

We have an agenda for you on the table. As you can see, we'll discuss the proposed Land Expansion Study, the Native American Cultural Affiliation Study for Fort Irwin and vicinity, Fort Irwin's Archaeological Predictive Model, Fort Irwin's Native American Graves Protection and Repatriation Act standard operating procedure, and a listening session for your concerns or issues.

Subject matter experts will present each topic. There will be time for questions and comments at the end of each session.

Once again, thank you for your participation and welcome to the National Training Center. We look forward to working with you in the future.

And any of the resources that we have at our disposal that you might need assistance with,

Page 9

they are available to you today.
So with that, I would like to go around the table. Start with Tad here.
And introduce yourself, and tell us what agency you represent.
TAD BRITT: My name is Tad Britt. I'm a cultural resource manager. I work for the Department of the Army at a research lab in Champaign, Illinois. I have been working with Fort Irwin here for about two years on a variety of cultural resource projects.
My role in this meeting today is I'm a presenter, but I'm also here as a facilitator. And the biggest -- the biggest thing I want to convey today is that I'm here and Susan Perlman are here to help us all better understand Fort Irwin and the Native American concerns. So consider us as a resource. Thank you.
WILLIAM HELMER: My name is Bill Helmer. I'm the tribal historic preservation officer and NAGPRA coordinator for the Timbi-sha Shoshone Tribe.
BARBARA DURHAM: My name is Barbara Durham. I'm the tribal administrator for the Timbi-sha Shoshone Tribe.
GEORGIA KENNEDY: I'm Georgia Kennedy. I'm

Page 10

acting chairperson for the Timbi-sha Shoshone Tribe.
BETTY CORNELIUS: I'm Betty Cornelius, and I'm the representative -- the official representative for the Colorado River Indian Tribes.
CLYDE CORNELIUS: I'm Clyde Cornelius. And I have nothing to do with this project, but I'm the husband of Mrs. Cornelius.
PHIL SWAIN: My name is Phil Swain. I'm chairman of the Moapa Band of Paiutes. I'm here to listen.
CHAD SMITH: I'm Chad Smith, the Tribal archaeologist and cultural resource manager. Also a Tribal historic preservation officer of the Ft. Mojave Tribe.
And our director and my assistant are unable to attend because of cultural activity back there.
But my director is the delegated NAGPRA coordinator for the tribe, and she has delegated me to attend this meeting.
CAPTAIN BELCHER: I'm Captain Chris Belcher. I'm the deputy Public Affairs officer.
MAJ LAWHORN: I'm Maj. Mike Lawhorn. I'm the senior Public Affairs officer.
LTC OGDEN: LTC Jeff Ogden, Director of

Page 11

Public Works. And the Environmental Division comes under my auspices.
MUHAMMAD BARI: I'm Muhammad Bari. I'm chief of the Environmental Division. I work for Col. Ogden.
WILLIAM QUILLMAN: I'm Mickey Quillman, Natural & Cultural Resources Manager here at Fort Irwin and the Director of Public Works. I work for Muhammad.
ROBERT HORALEK: I'm Bob Horalek. I'm an attorney here, and my specialty right now is environmental law. And Dan and I work for the NTC.
TIMOTHY REISCHL: My name is Tim Reischl. I'm a contractor who currently program manages the land expansion.
DAVID EARLE: I'm David Earle. I am an anthropologist and a contractor who is undertaking the Cultural Affiliation Study that is going to be carried out in connection with our base expansion work.
DARRELL GUNDRUM: Hi. My name is Darrell Gundrum, and I'm the post archaeologist here at Fort Irwin.
SUSAN PERLMAN: My name is Susan Perlman. I'm an ethnohistorian. I have a company called Two

Page 12

Rivers Consultants, and I'm assisting Tad with the organization of the meeting.
Anything that y'all need, just let me know.
TAD BRITT: Sarah.
PFC WOOD: I'm PFC Wood, and I'm from the Public Affairs Office.
REAGAN EVANS: I'm Reagan Evans. I'm the court reporter for today.
COL. FLINN: Okay. With that, I will turn it over to Tad, and he will get the agenda off and running.
TAD BRITT: Thank you, Col. Flinn.
Before we get started, I would like us all to stand and recite the pledge of allegiance, and I will ask Mr. Smith to lead us in prayer.
(Pledge of allegiance.)
(Native American Prayer.)
TAD BRITT: Thank you, Mr. Smith.
Before we get into our presentations, I just want to discuss a few logistics.
Food and refreshments are at the back. Feel free to help yourself at any time.
Rest rooms are just outside the door to the right in the main foyer of Reggie's.
I have all of our invited guests' travel

Page 13

orders. I'll just hold on to those. And at the conclusion of our field trip tomorrow, Susan and I would like to sit down with y'all. We'll get those filled out, signed so that you don't have to go back and worry about it. We'll take care of them. Get your checks in the mail properly within a week.

I've arranged for a late checkout for tomorrow because our field trip will go on until about 12:00. So when we get back from the field trip, we'll meet back at the Landmark Hotel and sit down and do the travel vouchers there. Everybody can be on their way.

We've got a few representatives here from Fort Irwin from the Public Affairs Office. They would like your permission to maybe take some photographs and maybe ask some questions or some interviews. We respect your wishes. So they'll consult with you before they do such.

I've got a list because tomorrow where we're going is some property that's controlled by NASA. It's Goldstone. We're going to look at a couple of resource sites there.

If you're interested in going or plan on going, I need to get your name, position, mailing address, phone and e-mail so we can get this cleared

Page 14

through NASA security. This includes everybody at Fort Irwin as well.

So anybody and everybody that's going tomorrow, I'm going to pass this list around.

And, Susan, if you would, make sure it gets to Darrell. We need to get this filled out this morning.

DARRELL GUNDRUM: Tad, if I might say something.

The most important thing on that list would be the name. We need a head count and the names of people who are going to the facility.

TAD BRITT: Okay. And, again, I just want to reemphasize. If you've got any questions, feel free to come up to me. I'm here to help y'all.

So with that, I would like to begin our presentations.

Mr. Tim Reischl, he's going to talk about our land expansion. A couple other things I want to point out while he's setting up. These displays deal with the land expansion. These two posters here deal with cultural resources and natural resources. And, again, we have another one on here on natural resources -- cultural resources.

If you would take time during lunch or

Page 15

during our breaks -- we'll have a break in the morning and a break in the evening -- to look at these posters. They're very informative about the programs here.

Thank you.

TIMOTHY REISCHL: Ladies and gentlemen, good morning. My name is Tim Reischl. I am a contractor who works for the Army, and I currently manage the Land Expansion Program.

In a former life, I was in the Army, so I can hopefully make some connections between land expansion and training and answer any questions you might have.

Honestly, questions are best surfaced when you think of them as opposed to waiting towards the end.

It's a complicated subject that we have been working on for a long time. And if I lapse into too much Army speak, please let me know. I'm going to try and make sure that I don't use too many of these strange Army terms in what we do to try and explain what we do here.

This is what I would like to talk about for the next 20 or 30 minutes, why we are doing land expansion, what the Congress has done as far as the

Page 16

project goes, what the time lines are that we're looking at and hopefully answer any questions you might have about how we are going to proceed.

Just a little follow-on from that tape that you saw.

Fort Irwin is a very unique installation. It is not a place where a lot of soldiers live and go from that place to somewhere else. A place like Fort Hood that the Army has in Texas has soldiers stationed there had whose mission is to go overseas as the country requires to go fight.

Fort Irwin's mission is much different. Established about 1980, started training in 1982, its mission is only to train those soldiers who come from different parts of the country in how to fight.

Think of it as a rehearsal or a practice where we try to get soldiers the experience they need so that the first time that they have to go to combat is not something that they've ever seen before.

If you think back to episodes in history, before we went to the Normandy Invasion and D-Day, all of the soldiers that were there spent time in England practicing for what they were going to do.

Before the North Africa invasion, George

Page 17

Patton was out in Indio with all of his soldiers practicing out there.

What we do at Fort Irwin is exactly the same thing. We try and bring units who may have to go to war with leaders who may not be experienced, and we teach them how tough war is and how good they need to be if they are going to go and win if called upon.

We try and make this training as difficult as possible for the soldiers because war is difficult. It's confusing. It goes on 24 hours a day. We want them to know just exactly what that's like.

To do this, we do currently about ten, what we call a training rotation every year.

Each of those rotations is about four to five weeks long. We call it a rotation because a unit starts from wherever that unit is stationed.

In this case we have an armored cavalry regimen from Fort Carson, Colorado. It came from Colorado. Has been at Fort Irwin for almost three weeks, and it is out training right now. It will finish its training this week, take another week and then go back to Fort Carson.

So we call it a rotation because it

Page 18

replicates an overseas deployment of combat soldiers to a mission, the accomplishment of that mission and then the rotation back.

I think you've probably all heard and certainly we've all experienced the fact that the world is a changing place. Back -- we were originally started in 1982, and we were supposed to fight -- trained to fight Soviet soldiers on the plains of Europe. That changed in 1989 when the wall came down. It changed again during the Gulf War. And afterward it changed again last year.

So the Army has identified that because of this changing world, we have to change the way we train.

The worst thing we can do -- and you hear this sometimes -- is you can't train for the last war because the next war is going to be different.

So we have embarked on a program of which land expansion is a part to change the Army.

What we see is a world that's much different than what we trained in. There's a lot more urban, city-type operations, asymmetrical operations. That merely means an enemy who does something to you that you cannot do back.

I will give you an example. Chemical

Page 19

warfare. If we go overseas to fight, we can expect the enemy to use chemical warfare on us. The United States does not use, has renounced the use of chemical warfare. So that is an asymmetrical type of operation that we must learn how to fight.

Adaptive threats. That's an enemy that is always learning from us. They see what we do. There's the Internet. There's television. There's looking at us. And so we must be able to adapt to what that enemy is going to do.

Dispersed. When we trained against the Soviets, the tanks came in big waves, and that's how we fought them. They don't do that anymore. Everything is very dispersed.

Unconventional. We don't exactly know how the enemy's going to fight. We have to be able to think, to react to the changing kinds of warfare. So we've designed an Army that uses new units, new tactics, new weapons to fulfill its mission of doing exactly what the national command authority tells us to do.

So we have to be prepared to do a wide variety of things.

We need an Army that can do all of these things. It can move out quickly. It can get where

Page 20

it needs to go. It will probably be overseas. One that is lethal, able to take care of whatever threat it comes in contact with. And it can survive and sustain.

NTC'S mission in all of that is to develop the units for that Army, provide units and soldiers with an operational experience. Make them see how tough combat is so when they get there, the shock of combat will not be one they can't deal with. So that is what we try to do.

So in the modernization program that we are doing to keep the National Training Center able to train the Army to fight and win the Nation's wars, we are changing these number of things. It's virtually every part of the National Training Center is changing so that we can keep up with the needs that the Army has in combat.

I'm only going to talk about land expansion, and I'll go into that part of it right now.

This is a very key statement. Fort Irwin is the only place that the Army has in the whole world where it can train a whole brigade combat team. That's about 5,000 soldiers. And it is one of our building blocks for combat. It is the only

Page 21

place where we can do live training of a brigade.
That means those 5,000 soldiers actually sit down on the ground exactly in the distances and operate over the areas that they would actually do in combat.
There is not another place that the Army has where this training can be done. That is why the Army places so much stock in the training at Fort Irwin.
Now, the film said 640,000 acres. That's true. Of those current 640,000 acres, we can use about 350,000 of them for these reasons.
We have placed extensive parts of the installation off limits. Basically all of the cultural resources sites, natural resources sites, many places where there are endangered species have been put off limits, and no training is conducted there.
NASA Goldstone has about 33,000 acres, which is one of their three sites for controlling space missions. Their other two sites in Spain and in Australia give them the capability to conduct their space mission.
So that is a capability that we have to coexist with and ensure that they can do their

Page 22

mission.
This area up here in Leach Lake is a bombing range. Has been since World War II. We train with the Air Force. And that is an air area that we use to train with live ordnance.
Other live fire ranges have cut down the areas.
I talked about modernizing the Army. That has driven us to require more land to train units.
Back when I was a young man, an armored brigade would come out here and it would start over here at the eastern boundary of the reservation and it would fight against the opposing force. And about three days later it would show up over here.
With our new weapons, with our new units, with our new tactics, Third Army Cavalry regimen out in the maneuver area today has the capability to start over here and be on the western boundary about eight hours later. Very simply, our units and capabilities have gotten so much more complex that if we are going to train them to fight right, we need more land.
And so about 10 years -- 10 or 12 years ago we embarked on an expansion process to expand the National Training Center.

Page 23

The proposal that we are working on right now makes this expansion for the National Training Center. It adds a piece on the east of about 50,000 acres. It reopens a piece in the center and south of about 22,000 acres. This is not new ground. It is ground that we own right now.
On the western side of the reservation, it adds a piece of about 66,000 acres out in this direction.
Currently we train in an area that's bounded by this blue line and this red area in here. It's about 350,000 acres for our maneuver training.
When we -- when the expansion is complete, all the work is done on it, the expansion -- the expanded boundaries of the National Training Center will give us about 520,000 acres.
The areas in which we do not train now, with some exceptions, are largely left undisturbed.
The major area that we will train in, that we are asking to train in now, that we don't train in because of environmental reasons, is this area down here, which is Desert Tortoise Critical Habitat.
We have been trying to expand since 1986 for lots of reasons. I think primarily we didn't

Page 24

focus the requirement as well as we needed to. We have done a lot of iterations on what to do.
Back about 2000 we got some direction from Congress for us in the Department of the Interior to form a -- to formulate a plan to expand the National Training Center.
That requirement to formulate that plan was put into legislation that was signed by President Clinton in December of actually 2000, just before he left office.
And what it said was, develop a plan, but you must comply with all National Environmental Policy Act and Endangered Species Act provisions. And it also authorized $75 million to purchase compensation or offset lands to offset those that we are now going to train on.
We were required to formulate a plan, which we did. And we are required to complete all the NEPA actions in June of next year, and we are on track to do that.
The plan actually went to Congress the 5th of July of last year. It was set in -- the withdrawal area was sent into legislation, and it was signed by the president in January of this year as part of the defense appropriations bill.

Page 25

What this did was withdraw the public land in the area that you saw on the previous map. And you've got some handouts, I think, in front of you that show more of the land in that detail.

Does this mean we are training on the land?

No.

Because of the bill language, we cannot train on the land until all of the NEPA and Endangered Species Act provisions are agreed to and paid for.

So currently that land is in a -- essentially a caretaker status administered exactly the same as it was when it belonged to the Bureau of Land Management.

There are about 12,000 acres within that land, private land. Depending on the decision as to which land we will actually train on, the Army will then -- after permission is given, will buy that private land.

We will be using a supplemental Environmental Impact Statement. It is currently in preparation. We believe the draft will be released to the public in January of '03 to do the public comment period, public hearing period before a decision should be made in June of that year -- of

Page 26

next year.

There are three threatened or endangered species that we are dealing with currently. As you see up there, the Mojave ground squirrel is a state-listed species, not federally listed, but we are dealing with it.

The Lane Mountain milk vetch plant is federally endangered.

And the tortoise is listed as threatened.

Lots of studies have to go on as part of the NEPA process. All of these are either ongoing or completed. And they will be referenced in the Environmental Impact Statement that we will use as part of the NEPA process.

Lots of other considerations. Recreation, ORVs, the -- a primary power corridor into Los Angeles we have to deal with.

There are lots of old mining claims that have to be made safe. There is private land.

As far as we know right now, there is one active commercial mine on the east side, and there is one dwelling on the western side.

But part of the reason that we picked the land was to minimize the impact on neighbors and take land that was essentially contiguous to the

Page 27

National Training Center, but was -- I don't know -- beat up, I guess, is a pretty good way to describe it.

There are about 50 old mines in just the western sector of the expansion area just by itself. Lots of roads. And we've identified leech sites and things like that that we have to clean up, but we are hopeful that we can get all of that done.

Of course, we don't do this by ourselves. Cooperating agencies, Bureau of Land Management from the Department of the Interior, the Air Force from Nellis and Edwards are neighbors. The Navy from China Lake, NASA Goldstone, Federal Aviation Administration. Those are official partners.

Of course, we unofficially consult with at least 100 other agencies, as well as we have a private interested party list of about 800 people who get information, and we get feedback from them also.

So it's one of these things where we believe in opening disclosure. We don't have anything to hide. We know we have to do the process right. It's a very litigious world. And we need to do it right because it's the right thing to do.

BARBARA DURHAM: Is the Death Valley

Page 28

National Park a cooperating agency?

TIMOTHY REISCHL: No, they are not. They are an interested party, though, and we have talked to them.

Now, I will tell you, though -- and we can -- I'll show you the map in a little bit.

The relationship between our northern boundary and the southern boundary of Death Valley has not changed. It is exactly the same.

In fact, the area to the north we call the Bowling Alley. I'm sure you're familiar with it. It is in Senator Boxer's wilderness bill as an area to be designated as wilderness.

But we -- at this point it is not part of the expansion plan. And we have at this point in time no plans to extend training any farther north than it occurs right now.

These are the time lines we are working on. We concluded scoping meetings. We had three of them in the local areas. This was the legislation that I referenced before. It's already been signed.

BA is biological assessment. That is about in 80 percent draft stage. That basically addresses the biological impacts of the expansion on the area.

When that is complete in November, that

Page 29

will trigger a consultation with Fish & wildlife Service where we will look at mitigation and compensation packages to make sure that we can do the training that we want to train without doing any permanent damage to endangered species populations.

What we need to get from Fish & Wildlife Service is what's called a no jeopardy opinion, which means training at Fort Irwin under the expansion, taking into account the mitigation packages, will cause no jeopardy to the continued existence of the endangered species.

WILLIAM HELMER: Yeah. What if it's found that it can't be mitigated in terms of the endangered species, that the study shows that it just can't be mitigated? Then what?

TIMOTHY REISCHL: Then there are two options.

The first one is we don't train there in that area.

The second option, under the Endangered Species Act, there is a provision where we can file for what's called a national security exemption, which means the mission -- which means we would have to demonstrate that the mission of Fort Irwin is more important than damage that would be caused.

Page 30

And, therefore, we would be exempted from the Endangered Species Act.

I'll tell you honestly, the Department of Defense has never filed a national security exemption. And our goal is to have a complete enough mitigation package where it's not required.

Those are -- honestly, they are only two options under the law. And we have not been exempted from the law. So either we don't train there or we get a national security exemption to allow us to train there.

WILLIAM HELMER: And the area you're talking about is that southern area?

TIMOTHY REISCHL: Actually, it's the whole expansion area. And the next slide will -- when I throw this open for questions, I will put it up, and we can answer those questions.

But we anticipate the supplemental draft being released to the public January of '03.

Sixty days later we will start the public hearings. Currently we have 11 public hearings scheduled. They go as far north as Sacramento and San Francisco, as far south as San Diego, as far east as Las Vegas. But they are Ridgecrest, Barstow, Baker -- put in the Federal Register,

Page 31

advertised in the newspapers, and it's a time for the public to comment on our proposal.

After those public hearings are complete, we take into account all the feedback that we've gotten, finish the Environmental Impact Statement, and then make a decision and publish that decision.

WILLIAM HELMER: So is that a 90-day comment period?

TIMOTHY REISCHL: The comment period actually goes from January -- excuse me. It goes from January of '03, and we anticipate closing it out in about June. So about five months.

Now, when we put the EIS out, we have a Web page that will have it. We will put copies in all public libraries, public places, city halls for people to read.

We have -- we will have it on CD if people would like a CD. They just inform us, and we will send them.

We will also make complete copies available. Obviously we don't want to do a lot of those. They're about $100 a piece. But people just have to demonstrate that they need one, and we will send a paper copy of the entire EIS. And we anticipate it will be over 2,000 pages long.

Page 32

Now, after that record of decision, which tells us what we are allowed to do, then we are allowed to complete the mitigation, acquire the land. And what we are looking at timewise is probably not earlier than July of '06 or July of '07 that we are -- would be the earliest date that we would be allowed to train. And that's assuming success in all the things that I talked about.

There's lots of things that we're working on. Complete the requirements. That mitigation plan that takes into account the threatened and endangered species. We have to work with the Corps of Engineers to acquire the land.

Concern is probably a mild word for what the environmental groups think about this. We have had extensive numbers of comments about the plan.

Funding. It's about a $140 million project. And obviously, finally, must be integrated with other modernization plans that are going on.

In working through all of these issues, we spent a lot of time thinking about it.

I will just tell you that this is one of the alternatives. There are six. If you want to get further information, they're up here, and they are also in a handout, looking at -- we will pick

Page 33

one of these six alternatives. And Alternative No. 6 is called No Action, which means we don't do anything as far as the expansion goes. But it all depends on our ability to mitigate and compensate for what's going to happen when we expand.

This is really my last slide. So I would like to open this to questions that you might have on anything. I'm fairly conversant, and Mickey Quillman and Bob Horalek also know lots about this program.

Anything I can answer on any part of the project?

WILLIAM HELMER: I have one. Yes.

Since this is a supplemental EIS, could you explain more of what this supplemental EIS is referencing.

TIMOTHY REISCHL: Yes. In 1997, Fort Irwin had a previous expansion plan. That expansion plan envisioned a land expansion of about 330,000 acres, which was essentially this area right here.

CHAD SMITH: Is that the Silurian Valley?

TIMOTHY REISCHL: It was the Silurian Valley. It went up to the Bowling Alley, took the Avawatz area in here, and went -- actually, it went over Highway 127.

Page 34

We actually put out a draft EIS and had public hearings. As a result of the public hearings and public comments, honestly, we felt like it was not a feasible option. So we essentially shelved that option in 1997 and came up with this plan, which was -- instead of 330,000 acres, which is about 115,000 acres. It is closer to the installation. Serves the needs, and honestly, is not more land than we need, which was one of the things that we were accused of.

So this EIS, because we did not want to throw out everything that was done on the previous one, this one will be a supplement to that '97 EIS. But I would emphasize that none of the alternatives in the '97 EIS are currently under consideration. They are in what's called a no longer considered category.

This expansion out to the east, except for this piece right in here, is no longer being considered.

CHAD SMITH: You say that that DEIS was shelved. You did not go with the no build alternative under the NEPA process and why not?

TIMOTHY REISCHL: It was -- simply, it was not completed.

Page 35

CHAD SMITH: Well, I know we see so often in the NEPA process that the undertakings is a foregone conclusion and go out and do some studies that okay it. Like with the Hoover Dam bypass project or the bridge there, which will take out an important sacred site to tribes. And I think it's still hitting about one in 1,000 undertakings through the NEPA process that the no action alternative is chosen.

So in the process it seems to me that it would have been better had the process been followed to completion and formally stated through the NEPA process that we're going to go with the no action alternative on this expansion in the Silurian.

But also, was the corridor to Twentynine Palms one of the alternatives in that action?

TIMOTHY REISCHL: No. There is no -- at the present time there is no consideration of a corridor to Twentynine Palms.

CHAD SMITH: But it's only about 30 miles from the southeast corner of the facility?

TIMOTHY REISCHL: It crosses two Interstates, two mountain ranges, and there is approximately 5- to 7,000 people who live in between.

Page 36

So...

CHAD SMITH: But it was proposed in the past.

TIMOTHY REISCHL: It has been proposed, but it's -- you know, this is a $140 million project. That one would be --

CHAD SMITH: 500-?

TIMOTHY REISCHL: At least. Because you would just -- of all the people that you would displace and things like that.

At the present time there is no work being done on a corridor linking the two.

We do -- when we link with Twentynine Palms, we do it electronically or we fly there. We do not envision ground maneuver between the two.

CHAD SMITH: Or joint force maneuvers using both facilities?

TIMOTHY REISCHL: And, honestly, one reason we didn't -- we believe the need for land expansion has always existed. If we were to close the EIS out, what we would say is, the need for land expansion no longer exists, so there is no action.

So that's why the Environmental Impact Statement was not closed out, because the need never went away. We just have had to find or have to find

Page 37

the way to accomplish the requirement that the Army has, which is expanding maneuver training.

CHAD SMITH: But there were other factors uncovered through the studies in that DEIS that led to the decision not to expand because those other factors outweighed the value of expanding into that area? That it was in reality a no action alternative that was chosen?

TIMOTHY REISCHL: Well, no alternative was chosen. But what the Army essentially believed was its requirements were not -- its requirements, when balanced against the costs of doing that, were not well-served and for lots of obvious -- lots of reasons that now seem obvious.

The fact that all of this area has now been proposed for wilderness. The fact that Highway 127 would have had to have been cut at several places and underpasses made. And effects on Baker.

And from the Army's operational perspective, training out here is a long way from the training base. It becomes very expensive to train out there because you have to drive 50 miles just to get there.

The -- all of the alternatives that we are looking at now are a lot more modest in scope, and

Page 38

they work better with the cost of training, the fact that they are linked to current training areas, things like that. So we believe it's a much better alternative that not only suits the Army's needs, but is environmentally a lot more positive.

CHAD SMITH: I understand that air quality is apparent from satellite or particulates from broken ground that's already been impacted and ongoing activities. And that's one of the main points of attack that the environmentalist groups are going to use.

And the word is in the environmental community that they're lining up to file suit. Also native tortoises concerns. Many of the tribes have direct concern with the fact that you estimate that it would take up to 20,000-plus tortoises by the expansion.

And along the air quality, there will be mitigating activities in the --

TIMOTHY REISCHL: We already monitor air quality. We have eight stations now, planning on putting in two more.

MUHAMMAD BARI: Six now.

TIMOTHY REISCHL: Currently -- correct me if I am wrong, currently we are within the PM-10

Page 39

standards.

The other part of it is -- I would tell you is be careful of facts thrown around by people, facts that don't -- one of the reasons that we have not thrown around a lot of numbers is because we want the studies on the street to back up the numbers.

20,000 tortoises. Our indications are that there's not 5 percent of that many tortoises here. There are less than 5 percent.

CHAD SMITH: Well, that's an estimate of life of use over centuries or for 50 years plus, the potential.

TIMOTHY REISCHL: You know, again, be very careful of the rhetoric. And there's a lot of emotion that's flying around on this thing. And what we are trying to do is back up what we say with studies. We've spent a lot of money figuring out exactly what the displaced tortoise population would be.

And we believe that we can offset the damage to those number of tortoise by mitigation land which protects ten times that many tortoises.

There are mitigation efforts in place, for example, to assist with taking all the grazing

Page 40

cattle out of the desert.

There are -- there is offset Desert Tortoise Critical Habitat that would now be put into -- into a DWMA, Desert Wildlife Management Area, if you're familiar with that. We have lots of plans to do those kinds of things.

And that, coupled with our studies, have indicated that there aren't and never were as many tortoises in the area as many people have said.

We believe that we offset the damage that the training is going to do with lots of mitigation and compensation kinds of acts.

Honestly, a single rain probably takes more baby desert tortoise than a whole year of our maneuvering.

Mickey, do you want to comment?

WILLIAM QUILLMAN: The mitigation plans that we have put together, not only for the tortoise, but for the Lane Mountain milk vetch, are very, very comprehensive.

One of the people on the Desert Tortoise Recovery Committee, Dr. Dick Tracy out of Reno, actually said in a meeting one time that the best hope for the survival of the tortoise is the expansion of Fort Irwin because of the funds that

Page 41

we're going to provide and mitigation that we're going to use for this tortoise.

TIMOTHY REISCHL. And I will tell you that the Army has put more money into tortoise mitigation than anyone else in the desert over the last five years. Literally millions of dollars for studies and barriers and things like that. Because we know we have to train at Fort Irwin, but, therefore, we believe we should help other places. And we spend a lot of money.

And I will tell you, I've heard people -- if you read the Blue Ribbon Panel Report which was put out a couple of years ago, that piece of literature said that it would be $400 million to mitigate for the damage to the land expansion. That's one of those numbers that I caution you about watching people throw out.

Because the $75 million that we are proposing has an extraordinary effect on the tortoise. Less -- about $20 million of that money will put about 240,000 acres of Desert Tortoise Critical Habitat off the table for any development or any tortoise-disrupting activities. That's a lot of land. And that's not even all of the compensation.

Page 42

So we -- you know, we believe and are trying very hard to make sure we do the right thing. And we understand that maneuvers tear up the desert. But as I tried to tell you before, we don't have anywhere else to do it.

Do I have any other questions about anything?

WILLIAM HELMER: I have another one.

If -- what in the draft EIS that came out in '97 is still -- will be referenced as not obsolete?

And if there's sections in there that's not obsolete, I don't know, how do you tell the difference?

And, third, will that document be available since it -- this one is a supplement for people who need that as a reference?

TIMOTHY REISCHL: The draft EIS is currently available on the Web site. You just go up and download whatever part of it you want to read.

What we've done is taken the pieces of it that are still valid. And they will be incorporated by reference in the supplemental.

For example, the environmental baseline study which was done in '96, what we've done is gone

Page 43

back and got the firm that did the original, and we contracted with them to update the environmental baseline study.

So what they did was go back and check places that they had checked before, using that study, and have updated an environmental base plan.

Same thing with cultural resources. Air quality has been updated. Those kinds of things.

But the entire document will be available to the public. The primary one would be the supplemental. And it will have those pieces of the '96 draft that still are applicable.

CHAD SMITH: You're referring to a previous study, a NEPA document for cultural. But as to the current expansion proposal, those lands are going to have an archaeological survey, are they not?

TIMOTHY REISCHL: You're going to hear more about it. But we just spent about three-quarters of a million dollars doing a cultural resources survey on the expansion lands.

Specifically Tad's going -- Tad's focus will tell you exactly what they did.

But we are, in fact, waiting for their results. They're due to us in about mid-September for incorporation. But a new study was done.

Page 44

We didn't just use the old stuff. We took what was still applicable, made sure it was current, and then added lots of other things.

We've done a -- the largest study to date on the Lane Mountain milk vetch was done last year. We had 30 people in the desert for three months surveying about 400,000 acres of land for Lane Mountain milk vetch. The population went from 80 to 800, to about 15,000, based on what we found out there with those people walking around. We had documented locations and all of those kinds of things.

All of those things will be in the EIS.

BARBARA DURHAM: Was there any Native Americans involved in the cultural resource study?

TAD BRITT: No, ma'am, not yet. Some letters of notification, as well as seeking information, were sent out from the installation to each of your tribes.

Darrell can address the response. I don't know.

DARRELL GUNDRUM: There hasn't been any up until now.

TAD BRITT: But I can get into -- I will get into all of that this afternoon or later this

Page 45

morning.
CHAD SMITH: Are you integrating the National Environmental Policy Act with the California Environmental Quality Act that has a greater interaction with tribes? And were there no Native Americans involved going around with these cultural resource inventory archaeological surveys that have already taken place, and why not?
TIMOTHY REISCHL: That was two questions. CEQA -- we are using CEQA where CEQA is applicable. As you know, state lands -- these are federal lands. Some places CEQA is not applicable, but we are following the law where it is.
The second one, on involvement of Native Americans, I would have to defer. I think to the best of my knowledge, the answer is no.
TAD BRITT: Mr. Reischl is correct. It's not required on federal land. And it wasn't done on this project.
CHAD SMITH: But there is --
TAD BRITT: But the process is not over with, by any means.
CHAD SMITH: There is the one point after the graphic study that is underway that could involve some -- a lot of site visits to the areas

Page 46

that have been surveyed.
TAD BRITT: Yes, sir. Exactly. And I didn't mean to -- we would encourage Native American participation. This is a process. What we're trying to do now is we sent out letters asking for information, also letting you know that we would be sharing our information with y'all.
What we have done up to this point, we have inventoried and are in the process of evaluating 24,000 acres. We've identified over 200 sites. Obviously, certain types of sites, we, as archaeologists, no matter how much education we have, don't have the ability to evaluate TCPs and sacred sites. Those are the types of sites we're going to be consulting with y'all on.
We certainly want to encourage participation, and we will be sharing our information with you.
And, again, I'll get into a lot more detail on this, and our methodology and our reasoning for doing all this will hopefully make better sense to you later this morning.
TIMOTHY REISCHL: I apologize. I've run over.
TAD BRITT: No. You did good. We started

Page 47

early.
TIMOTHY REISCHL: Any other -- any questions? Any other findings?
CHAD SMITH: It may seem that some of my questions or comments are even adversarial towards expansion, but some of the issues that I raised in regard to some of the criticisms of the expansion are what I get through the grapevine, through contacts, people that we work with in the environmental field.
And particularly under the present circumstances, it may be indicated by the circumstances that we find ourselves in.
But also, the word no is not in the National Historic Preservation Act as to proposed undertakings. And to me, it's just barely in NEPA, as well, with the studies. That sometimes you have to say, well, there's a downside to this, or this is how we're going to address the downside to these.
What now the National Historic Preservation Act -- they don't use the word "mitigate" with the amended regulations. Efforts to reduce adverse effect to the cultural, of course, also overall to the environment.
So on our side of it is sometimes a painful

Page 48

process, to review the multitudes of paperwork and the reports and cite objections from a traditional cultural viewpoint. But in cases with Nellis and Goldwater Range and Via Verde we have often had to comment after our reviews that the studies don't adequately address our concerns.
TIMOTHY REISCHL: This is an open process.
CHAD SMITH: It's a process itself. Yeah.
TIMOTHY REISCHL: We are not interested in finding out objections when the lawsuit is filed. I mean we want to know now.
We -- and, honestly, you haven't told me anything that Daniel Panderson hasn't told me and Gary Wiener and all kinds of people. And --
CHAD SMITH: As to whether tribes would consider being co-litigants or friends of court in an environmental suit against an expansion or bite the bullet and stay out of it from Native American concerns is what has to be decided back home and our review process and running it by the elders, many of whom are veterans and know what --
TIMOTHY REISCHL: Right. We understand.
I will tell you, Fort Irwin has 422 -- 426 identified cultural sites that we have seen. We are trying to do the right thing. And we believe we can

Page 49

do that.
This is just -- this is more opportunity for us to continue with that work. But we have four full-time archaeologists on the post. We built a building to house artifacts that we have collected. We have over 700 boxes of artifacts that have been cataloged, and we can show you that. That's Darrell's life's work is all of that.
And I'll just tell you. We are trying to do the right thing. And we're -- and we think we can. We believe enough in the importance of the mission, but we are not mission-focused only. We are trying to take -- trying to take care of everything. That's been the way this place is run and will continue.
TAD BRITT: Thank you, Tim.
Just a couple of things. I know some of y'all are taking notes. We've got our stenographer taking verbatim everybody's questions and concerns.
At the end of this, in about two months, you will -- each of the tribes, not only those of you that are here today, but all the other tribes that we invited will all be getting a report, including all of the transcripts, all of the PowerPoint presentations, information on materials

Page 50

so that everybody has an opportunity and everybody is looking at the same materials. So just to let y'all know that that will be coming in a couple of months.
So thank you. At this time let's take a -- Susan.
SUSAN PERLMAN: Has everybody had a chance to sign the --
TAD BRITT: I haven't.
SUSAN PERLMAN: -- field trip sign-up sheet?
TAD BRITT: This is for the field trip tomorrow morning. We'll be going by the curation facility. We'll pick everybody up at the Landmark Inn, convoy over to the curations facility.
Darrell and his staff will give us a demonstration and tour of his facility.
Then we're going to go out into Goldstone, NASA property, and look at some pictograph sites and petroglyph sites and some other cultural sites.
We'll be back at the hotel by 12:00 and hopefully have you on your road home by no later than 2 o'clock. So we would love to have you. We'll have food and refreshments.
So if you do -- or if you change your mind,

Page 51

we've got a list. We'll get your names added.
I do need to add mine.
So with that, let's take a 15-minute break. We'll start back at 10:45, and we'll talk about the Cultural Affiliation Study then. Thank you.
(Recess taken from 10:30 a.m. to 10:56 a.m.)
TAD BRITT: Folks, I would like to get started again. I'm going to bump the agenda a little bit. David Earle was having trouble with the slide projector. This may be fortunate because I'm going to go right into an archaeological predictive model that we've developed to facilitate the land expansion.
What I would like to do is just walk you through this, tell you who, what, why, when and where.
This is a tool we've developed in concert with Darrell Gundrum and the Fort Irwin archaeological staff to predict -- to be able to better predict archaeological and cultural site favorability.
This is a dynamic GIS tool that models existing geomorphic and environmental data in order to predict sites as well as behavior patterns and

Page 52

their favorabilities across the landscape through time. And we're doing this from a regional perspective.
Basically we're looking for where sites are likely to be found, where sites are unlikely to be found. And then more importantly, what methods should be used to optimize site inventory, data recovery efforts.
The variable that will be modeled is the archaeological or cultural site. We'll be going -- we're looking at all of the cultural sites that have been identified on Fort Irwin, BLM and the surrounding regions.
We're going beyond the fence line, so to speak. We're going to take the regional approach because we know the Mojave Desert doesn't stop at the fence lines. Particularly, we know there's a lot of trading routes through here. If we look at a bigger picture, we'll get a lot better idea of some of the types of sites that are going on here at Fort Irwin.
Again, we're looking at different types of sites, different ages of sites, different cultural affiliations. We're looking at everything from Clovis, all the way up to recent World War II and

Page 53

Korea War. We're modeling all of these.

We're taking a three-dimensional approach. That is, we're looking at sites that are on the surface as well as below the surface and the geomorphic factors. That is, what is the landscape? How does the landscape affect the situation and use of certain locales?

Another important thing to do from a management perspective, are there some areas out here at Fort Irwin that we can categorically exclude based on the probability of very little site potential to be there?

Those would be places that have either been eroded or there's been some kind of catastrophic or major geomorphic event where sites have either been eroded or possibly deeply buried. These are areas that we know that it's not prudent to look in.

We range these sites from -- the probability of these sites from very favorable to very low probability for favorability.

Now, the legal drivers for this predictive model is the National Historic Preservation Act as well as the National Environmental Policy Act. Those are the laws.

The spirit of the law we'd like to take a

Page 54

little bit further when we talk about things such as stewardship. This is managing and devoting the proper treatment and respect of the resources for long-term management. Key to that is sustainability. That allows us to plan and prioritize our management strategies.

Again, we go beyond the fence line mentality on this. It's like, what's going on in the surrounding area? How do our sites tell us more about what's going on in the Mojave Desert?

We feel that this strategy, this predictive model is a proactive approach. It's going to be -- it's going to be more cost-effective as well as time efficient to develop these tools to manage these cultural resources.

And, finally, because it's GIS computer-based technology, it facilitates well and works well with existing computerized programs here at Fort Irwin, such as the Integrated Cultural Resource Management Plan, the Natural Resource Management Plan, the Mojave Desert Ecosystem Project, Fort Irwin's cultural resource database, ITAM, range control, DPW, et cetera, you know, as well as California historic resource inventory.

Work has begun. We started last August.

Page 55

We'll finish up with the final report in May of 2003. We've already developed the prototype. We've collected all the GIS data, multiple layers of data from Fort Irwin, as well as the Mojave Desert Ecosystem Project, ITAM, Charis, Crest data.

We've actually gone back in because a lot of the problems with the data that were collected 5 or 10 or 15 years ago, they didn't have GPSs. Their locational data was not that accurate. So we've gone back in and taken a sample of 100 sites, validated that. That is our control sample. And those are from sites that have previously been identified on Fort Irwin.

Then we've also gone out and looked at the same 100 sites and characterized them with geomorphic landform sampling.

And two other individuals that are working with us on this is Marilyn Ruiz. She's a Ph.D. GIS cartographer from the University of Illinois. As well as Dr. Eric McDonald. He is the desert -- Mojave Desert geomorphologist.

Dr. McDonald has been out here four or five times this summer, collecting data, as well as looking at sites once they have been identified.

Here at Fort Irwin the biggest missing

Page 56

component is the geomorphology. And not only does it have benefits for cultural resources, but natural resources, as well, because based on the landforms and types of soils available, we can better predict where endangered and threatened species may be likely to occur, as well as protect those areas.

As Mr. Reischl has already pointed out, the existing holdings are 642,000 acres. We've withdrawn 113,000 acres from BLM. Total acquisition is ultimately going to be about 775,000 acres.

This is the area that we're using for our predictive model, but we're also, again, going beyond the fence lines, looking at the area of potential effect, about a 10- to 15-kilometer radius outside of the project -- of the NTC.

This is a map you've seen already. You've got the Avawatz area here. You've got basically three areas of expansion. This is the Avawatz. This corridor here is the Power Line. The area over there is the Superior Valley.

Just kind of a status of knowledge, when we began this project at the beginning of the summer, 27 percent of the site had been surveyed. A total of 618 cultural sites have been identified on Fort Irwin. Of those, 25 have been determined as

Page 57

significant, that is, eligible for the National Register of Historic Places.

By far, the large majority, almost 500 are -- have not been formally evaluated. These are sites that we're going to be looking at in the next couple of years to determine their significance with respect to the National Historic Preservation Act.

And we've already got 81 sites that are clearly not eligible. No further management or treatment is afforded those sites. And then, again, we've got 14 sites with just minimal or inconclusive data.

Those and the 498 we're going to be looking at in the next couple of years to evaluate.

Kind of a breakdown of the prehistoric sites. We've got 27 rock art and rock-shelter sites. Lithic reduction and lithic scatter is by far the most numerous, 479 sites. And then we've got 131 habitation sites.

We've also got a fair number and a variety of historic sites. We've got everything from homesteads to mines, to historic trails and roads. We've got the Mormon Trail, the Old Spanish Trail here on the base. And a lot of these sites may have multiple components.

Page 58

These are the sites from NTC proper that have been recorded just to give you an idea of the distribution. 618 sites there. We don't have the data for the Superior, Avawatz and Power Line up yet. Surveys are almost complete. We've got a lot of information, but we just don't have it in PowerPoint.

Areas that have been surveyed in Superior. 9 percent of that area of the 600 -- almost 63,000 acres have been previously surveyed. 17 percent of the Power Line has been previously surveyed. And 21 percent of the Avawatz area has been previously surveyed.

For compliance perspectives for the supplemental EIS, we've agreed, based on the proposed impacts -- which I'll show you in a minute -- that are going to take place here at Fort Irwin, we've determined that just for this document we need to do 25 percent coverage in the Power Line and Avawatz area, which is -- that would bring us up to 25 percent. So we're looking at about 2,600 acres in those two areas. Those surveys have been completed.

And then the large majority, because the Superior is going to be subjected to more

Page 59

substantial impacts of the proposed maneuvers, we've agreed to recommend that we sample 50 percent of that area. I'll show you the maps and the areas that we're going to look at here in just a minute.

This is the proposed impact map. As you can see, there's moderate impacts here in the Avawatz, none in the Power Line, and then we've got some high end moderate over in the Superior. That's what we based our recommended coverages on.

Now, for the variables in the predictive model. The deep-ended variable is the cultural resource site, the archaeological site. Those are positioned on the landscape based on a variety of factors. And these are the factors, the way we've broken them down and we are analyzing them, are, for instance, soil characteristics.

What is the average water content of that soil? What is the capacity of that soil to collect and retain moisture? That's going to be a big determining factor for prehistoric sites.

Depth to bedrock as well as soil texture.

Then we look at the landform and geology. We look at the composition. What is it composed of? What are the predominant rocks, and what type of landform is it on? I'll show you some examples here

Page 60

in a minute.

Then we look at the terrain. We look at things such as the slope, aspect and elevation.

Another important thing as we look, is that we know 8,000 years ago there was -- this was a much more conducive environment. There was more water. The lakes held water longer parts of the year. So we look at distances between lakes and springs.

Other data that we're incorporating into our model are the 1-meter digital orthophotoquads as well as digital elevation models. We've got the Fort Irwin cultural resource database.

Darrell will show us -- give us a demonstration of that tomorrow. It's basically a spreadsheet, computerized spreadsheet, that has 79 different categories of classifications for categorizing cultural resource sites. Everything from slope, aspect -- everything we've talked about this morning. But there are 79 different categories, the way we can classify those sites, based on type, age, chronology, types of artifacts, elevation, you name it. It's that data that we use to put into the predictive model.

We're also taking into account the training compartments as well as Fort Irwin boundaries. What

Page 61

are they going to be doing at Fort Irwin? Again, we're taking in the California Historic Inventory database from the sites surrounding Fort Irwin.

Then, most importantly, we're taking into account the biases, both methodological and environmental.

As I mentioned, the environment has changed dramatically over the last 8,000 years. And, again, that affects the way humans have interacted with the resources here on the land. And it changes their subsistence patterns.

But more importantly is the methodological biases. This has probably been the biggest headache for us developing this model because the BLM owned the property, the Superior and Avawatz. When they had their archaeologists do surveys, they used a different set of standards for defining a site than what Fort Irwin did.

The biggest problem we have had is cleaning up -- looking at that data, cleaning it up, making our definition of a site match what their definition -- or making the two -- making their definitions fit Fort Irwin's definitions. That's been very trying, but it's -- it's necessary. You've got to clean up the data so that you can be

Page 62

looking at apples and apples instead of apples and oranges.

So that's very important that we look at those and, as well --

Yes, sir.

PHIL SWAIN: Can you stand over there so we can see.

TAD BRITT: Is this better?

PHIL SWAIN: For me. Now I can see.

TAD BRITT: Tell you what. Let me grab a chair, and I'll sit down.

How is this?

PHIL SWAIN: That's great.

TAD BRITT: The geomorphologist, Dr. McDonald, has been out here. He's done a thorough literature of records review as well as the surrounding regions. As I said, he is the desert geomorphologist expert.

He's conducted reconnaissance at our control sites. He's got a good baseline for reference for the types of deposition and geology that we may encounter out here.

And he's devised -- more importantly, he's devised a system for classifying what he sees in the field so it's a standardized system. He takes his

Page 63

forms when he goes to one site and uses the same set of forms for another type of site so at the end we can do an analysis and, again, we've got a cross-reference.

These are the types of things he's looking at. Those items highlighted in red are the observations that the archaeologists are recording in the field. Those are things such as artifact type, the aspect and slope on the landscape, surface type.

Out here we've got a lot of ancient surfaces that go back thousands -- tens of thousands of years that haven't changed typically or characterized by desert pavements. Desert pavements tend to develop a patina, real dark patina manganese.

And that tells us some idea -- even if you find a lithic scatter, in order to diagnose these artifacts, you can look at the color of those artifacts. If they have been affected by the heat, they tend to turn red. That gives us some indication on the age.

He also looks at all of these other variables when he's out in the field.

This is an example of the way that the

Page 64

geomorphologists would map the landscape. The image on the right looks -- the mountains look pretty much the same. But as you can tell, going from top to bottom, you're looking at limestone, volcanic rocks, granitic rocks, and then quartz rocks.

This is the detail that the geomorphologist brings to this project that the archaeologist is not trained to observe.

And, again, we've seen real close correlations to prehistoric habitation sites to this quartz monzonite. It's one of our preliminary conclusions that has not been observed out here yet.

CHAD SMITH: Are those dotted lines faults?

TAD BRITT: Are you talking about right here?

CHAD SMITH: Yeah.

TAD BRITT: It looks like a fault.

CHAD SMITH: East/west?

TAD BRITT: Oh. I don't know.

CHAD SMITH: Monzonite has an "o" instead of an "a."

TAD BRITT: Thank you. I'll correct Eric when I got back. Thank you.

This is, again, what Eric calls cartoon. This is -- basically this bottom image here are the

Page 65

fluvial Lake Mojave. These are the lakes that were formed by rains tens of thousands of years ago.

The last major peak was about 13,000 years ago. And then, of course, every couple of thousand years we get a large influx of rain, and the lakes are very deep.

But, of course, as you see, as we get more up to modern time, things are getting drier. These two images here show how landforms are formed and how they corresponded into lakes over time.

The water, the rainwater and the wind affect the way that the sands are being redeposited out here.

This is a preliminary classification of the types of landforms we've got at Fort Irwin, as well as the expansion areas. The two major landforms we have are -- this kind of brownish beige color is erosional highlands. And then the green is bajada as well as older alluvials across. Those are the more dominant geomorphic landforms out here.

The two types of methods that we're using are chi-square, kind of descriptive, doing some geostatistical as well as map overlays to produce the favorability maps. And then we're doing parametric methods, such as logistical regression.

Page 66

Again, this allows us to create a probability map of site locations based on these types of analyses.

Again, we've constructed the model. We've taken our 100 percent sample and we go out and we field-verify these 100. This will be our control group.

This is where the archaeologists are looking in the Avawatz area. These areas here that are crosshatched are previously surveyed areas. They were done kilometer by half a kilometer. Typically oriented north/south.

What we did is to get our 25 percent of this area, we analyzed this and determined that we needed 14 blocks. And we actually pieced a couple of these together to get our blocks.

Then the colors within those blocks reflect the geomorphologist's interpretations of potential for buried sites.

One important thing that I do want to mention, that as far as I know, that all surveys that have been conducted at Fort Irwin have all been pedestrian surveys.

When the archaeologists find a site on a pedestrian survey, they typically don't do any subsurface sampling to see if they're intact

Page 67

deposits. That's a different strategy we're trying here.

This inventory that we're doing is that we're looking for buried site potential, and we're looking in those areas regardless if we find artifacts or not.

Obviously if we do find an artifact, we put several tests or excavation units at all of those locations. And, yes, we are finding sites that are buried out here.

So, again, this is a new approach that has not been employed previously at Fort Irwin. And we are certainly encouraged by the results. And bringing on the geomorphologist has been a real boost to understanding the archaeology out here.

These are the sample survey blocks for the Superior. We're doing 178. Again, the crosshatched ones are the ones that have been previously surveyed by earlier inventories. These blocks, all of the different color blocks, are the ones that we are looking at during this current inventory.

The color ranges from low to medium, to high. We've actually got -- our highest probabilities are around the Superior Lake bed. And then we've also got a high probability over here.

Page 68

Last Friday one of the crew members recovered a Clovis point -- that's the earliest known projectile point in North America -- recovered it from this area.

The geomorphologists are going back out there to look at the sites once they have been identified. They open up excavation units. They look at -- they examine them together. Obviously we're looking at -- recording two different types of data. But they complement one another very well.

Got a lot of gold -- I'm sorry. Up in the Goldstone area, town of Goldstone, we've got a lot of mines up there, a lot of homesteads around the base of Superior. And there is military from either World War II or the Korea War all over this entire area. So we're getting a lot of varied archaeological sites and artifacts from this area.

These are some maps that we produced based on the preliminary data that we got; we cleaned up. The dark green is the highest. This is prehistoric site favorability. We had very little -- very low potential in the Avawatz. We found a rock -- we found two rock-shelters there that were cultural material.

We're going to be going back and evaluating

Page 69

those sites. The remainder were prehistoric lithic scatters on desert pavements that have been there for many thousands of years. No deposition to the artifacts.

So we've got two sites there we want to test. None in the Power Line. No newly identified sites there. And then we've got some sites -- obviously some sites that we're going to be testing in the Superior.

And Mr. Smith is coming in this afternoon, our contractor that is doing these surveys -- will tell you more about the results of this survey and evaluation.

Yes, sir.

CHAD SMITH: When you say test, you mean the shovel test, not the formal excavation unit?

TAD BRITT: No, sir. Let me clarify that.

What I've tasked our contractors to do is to inventory and evaluate all sites they encounter as one effort. Typically they come out, they inventory, they write a report, they come back, they evaluate.

We felt that it would be much more cost-effective and time-efficient to do that as one effort. And it's -- they're basically -- we're

Page 70

doing -- we're doing shovel tests. We're also doing one-by-one hand excavation units. We've got mechanical excavations if necessary.

We're collecting radiocarbon dates, as well as thermoluminescence dates.

We're doing this, and this will all be combined into one report, which will be appended to the DEIS as well as the SEIS. And we'll be sending you the preliminary information here in a couple of months.

CHAD SMITH: We're going to need notification in advance of ground-disturbing activities in the nature of testing as a corollary to ARPA. And the DOD doesn't have to issue ARPA permits, but under Army guidelines in the Army regulations is specifically stated tribes will be notified of issuance of permission to excavate.

TAD BRITT: Okay. Well, let's make -- can you make a note of that, and we'll come back and revisit that this afternoon.

CHAD SMITH: Because this has led to other things, more academic research-oriented excavation at Sally's Rockshelter by David Whitley that involved the taking and curation of these medicine stones, these ^ ^ white quartz hammerstones that

Page 71

didn't come from the immediate area.

And the Mojaves at least feel that under NAGPRA, those items should be returned to the site where they were removed from and that the tribes should have been notified that, hey, Whitley wants to go there and excavate the base of these petroglyph panels. And do you have any comments about us allowing him to do this?

But he taught -- well, he did have carte blanche from various installations and BLM to do such things. And we want the opportunity to comment before he gets to go do it because often it would be that he shouldn't be allowed to.

TAD BRITT: Okay. I understand your concerns.

Again, that was something that was done before a lot of us were here. I understand it is still a concern, and repatriation of those objects is something that we want to address. And we can address the specifics of notification and what constitutes notification this afternoon. Let's please bring that back up.

Yes, ma'am.

BARBARA DURHAM: Do I understand that you are doing radiocarbon testing?

Page 72

TAD BRITT: On charcoal, on -- yes, ma'am. On certain types of objects we are doing radiocarbon testing.

BARBARA DURHAM: What constitutes a site?

TAD BRITT: A site is 20 or more -- correct me if I am wrong here -- 20 or more culturally related artifacts within a 10-meter radius.

WILLIAM HELMER: What's the BLM -- you're saying there's a difference between --

TAD BRITT: California -- for those of you who have done CRM in California, there are no clear -- they have a definition for a site. And then they said, well, if it's this, this and this -- in other words, there is no clear definition.

So what Fort Irwin has done -- and this is the -- I guess what's best for the Army is they have defined their own definitions of what a site is, what a site isn't, what an isolated find is.

These have been put into the Integrated Cultural Resource Management Plan. And those are the definitions that we use at Fort Irwin.

Again, I was going back -- when I mentioned earlier the BLM had different definitions for sites, different surveys at different -- under different leadership at Fort Irwin also had different

Page 73

definitions for sites.
So one of our biggest challenges for this predictive model is to go back in and -- making a consistent definition of what a site is and what it isn't.
WILLIAM HELMER: What's the BLM definition of the site?
TAD BRITT: I don't know.
WILLIAM HELMER: In California, it didn't seem that unclear to me. I've done archaeology in California --
TAD BRITT: Okay.
WILLIAM HELMER: -- and they -- it was more -- I think the last time I'd looked, something like seven flakes or one tool and three flakes within a 30-meter radius, rather than this, would be --
TAD BRITT: Well, I didn't define the classifications. Those are just the classifications we have been given to go by --
WILLIAM HELMER: Uh-huh. To go by. Okay.
TAD BRITT: -- to use for Fort Irwin.
The federal agencies have some latitude on how they manage their cultural resources. It's a lot different than just a private -- you know, a

Page 74

state agency or something like that. And those are the parameters that we were given. Those are the ones that best fit Fort Irwin's needs. So...
WILLIAM HELMER: I was just wondering, since you're in the -- near the BLM areas, if you're -- Fort Irwin is doing that, say, in the Superior Valley, but BLM, are they still using the Imax form, or does anybody know?
The -- which is another --
TAD BRITT: We're not getting our data from BLM. We're getting our data from CREST system, the California -- from San Bernardino, the regional center. So we're, you know, trying to be consistent with as much of the data as we can. And so, therefore, we're going -- that's our clearinghouse for data that's outside of the Fort Irwin and expansion areas.
WILLIAM HELMER: Yeah. I could -- there might be some problems if there's a site -- if you get off the Fort Irwin survey and then you're on BLM land and then they have another site. And then if you have, you know, state land or somebody using the California state system, which might be slightly different from BLM
TAD BRITT: Yeah. Well, we look at those

Page 75

data to see, do they fit -- in essence, we reclassify them. We don't tell the State that. We take those data, and we use that data to fit our model. We don't necessarily reclassify -- if the State or the BLM calls it a site, that's fine. But for our purposes for analysis, we may rename it or reclassify it for the predictive model.
WILLIAM HELMER: Whether it's a site or not.
TAD BRITT: Right. Whether or not it fits a site under our definition just so we can do the analysis.
WILLIAM HELMER: Okay.
TAD BRITT: But that is a big problem. We acknowledge that.
But these are some maps. This is historic site favorability. You see a lot of sites up here in Goldstone. These are mines that -- again, dark green on all of these show the high probability.
And these are going to change a lot once we complete our survey. We're doing almost 25,000 acres of inventory and evaluation. We've probably identified over 300 new sites, probably 1,000 isolated finds.
Again, Mr. Smith will talk about that

Page 76

tonight.
This is just a blowup of the Superior Valley area. Again, you've got real high probability for the Superior Lake. And these, I believe, are little streams coming into the Superior.
And we've got -- like I said, we've got some good data from over in here, a lot of prehistoric sites. Getting ceramics. Some pretty exciting --
What's interesting to note, the Superior represents one extreme of the Mojave Desert that's a dynamic, changing, kind of evolving component of the Mojave Desert. And on the other extreme you have the Avawatz, totally different extreme. It's very stable. It's been there for thousands of years, and it's probably going to be there for thousands of years. The landform hasn't changed a whole lot.
So it gives us the whole range right here at Fort Irwin. Looking at these two areas, it gives us the whole range of what we might expect in the Mojave Desert.
Then, finally, this is the model's performance up to this point. We're finding that 48 percent of the habitation sites occur in 7 percent

Page 77

of the areas found within Fort Irwin. That is, that they're highly localized to certain geographical and geomorphic landforms.

And, again, these correspond -- rock art. Again, you're going to find certain types of stone, the salt. Again, 44 percent occur in a very small area here at Fort Irwin, the expansion.

Lithic sites. It's a little -- very low number. And they -- this is not a real good representation. They basically occur anywhere and everywhere.

And then historic sites, again, are very localized. Majority of them occur in a very small area here at Fort Irwin.

Again, these are our recommendations that we made at the beginning, was to proceed with this as quickly as possible. We want to inventory and evaluate as one effort. We feel that we could get better information quicker, and it's much more cost-effective to do it this way. You've got one report to review.

We're following the guidelines of the predictive model. We're following the research objectives on the Fort Irwin Integrated Cultural Resource Plan. We're also addressing research

Page 78

questions in the California Historic Preservation Plan.

And that is the end of my presentation. I'm certainly open to questions.

And Mr. Smith will -- we'll come back to these this afternoon if that's okay with you. I want to try to keep on our schedule.

CHAD SMITH: You're integrating the approach to the small, limited activity, low side of the lithic scatters through the care adapt approach under the California Historical Preservation Plan?

TAD BRITT: I'm not familiar with care adapt.

CHAD SMITH: That in general they are not national register eligible. They're limited activity, local stuff.

TAD BRITT: Yes, sir. I understand what you're saying.

And pretty much from what I -- that is our approach here.

Is that correct, Darrell?

We don't adhere to the care adapt approach because -- what I was saying is that Fort Irwin does not adhere to the care adapt approach for managing the small lithic scatters because Fort Irwin has its

Page 79

own management and treatment plan for these small lithic scatters.

And, yes, we're pretty much in agreement that the information that they contain is limited. And they're typically not significant or eligible for the national register.

What we are learning from this survey is that we are being better able to collect new information because of the geomorphologists. They're training the archaeologists to look at things such as the degree of desert pavement, the degree of patination. Are these artifacts -- when they pick them up, there's a rubification on the underside of these artifacts that tells you a lot about the age and how long those artifacts have been on that surface.

So, yes, we are getting -- actually, we're getting more information. But probably if there are no diagnostic tools or any kind of dateable material associated with those, the management's recommendation will probably be that they're insignificant.

CHAD SMITH: Similar approach.

DARRELL GUNDRUM: Very, very --

TAD BRITT: Although I'm not familiar with

Page 80

that approach, but from what you're telling me, I would agree.

DARRELL GUNDRUM: If I can add for a second.

Even the small lithic scatters under the care adapt program, if it's on desert pavement, are not required to subsurface test. Then the evaluation that's going on in the land expansion area, even with the small lithic scatters, if they are on desert pavement, we are still shovel-testing them just to make sure that the deposits are shallow.

So it is even a little more intensive of what we're doing versus the care adapt standards. But it's the similar -- similar idea.

Every site we find out there in the expansion area we're going to evaluate them to see if they're significant or not.

BARBARA DURHAM: Darrell, are these artifacts being collected or just being recorded?

TAD BRITT: They're being collected.

BARBARA DURHAM: I kind of find that disturbing, that this is taking place without consultation. I mean the Timbi-sha people probably passed through this area and traded with neighboring

Page 81

tribes, and I think it was probably a joint area that was used by the Native Americans. And I just find that disturbing, that they're being collected.

TAD BRITT: We appreciate your concerns. And that's certainly why we invited you here, is to hear those. That's something -- make a note of that. We want to talk about that this afternoon as well.

WILLIAM HELMER: Are they curated on site here --

TAD BRITT: They're curated here. You will see the curation facilities tomorrow.

I know the BLM doesn't collect artifacts. Fort Irwin's approach is different. That doesn't mean that we're locked into anything. We certainly would like to hear your side of the story and what your wishes and concerns are. And hopefully we can agree to proper treatment.

That's our objective here today, is to help us better -- my job is to help y'all understand their program, as well as to help them understand your concerns.

BETTY CORNELIUS: If they have been collecting, how many years has it been, you know, from the beginning to now? Has it been -- because I

Page 82

know --

TAD BRITT: Since the 1980s?

DARRELL GUNDRUM: We have archaeological collections primarily since we became the National Training Center in 1980, about 20 years.

The policy at Fort Irwin is to preserve sites and see to it as much as possible. What we collect on the base here is we're reporting sites if there's projectile points.

In order to record the sites, we document the locations of where those finds are, collect those things.

Our general policy is to leave sites in situ, in care of the installation. But we need to evaluate them for significance for the national register. If they are not eligible, then nothing further is required, treatment of those sites or protection. If they are eligible, then our general policy is not to excavate them, but leave them in.

BETTY CORNELIUS: And the archaeologist does all the documentation of these, whatever they are picking up?

DARRELL GUNDRUM: Of the sites?

BETTY CORNELIUS: Yeah.

DARRELL GUNDRUM: For stuff that we do

Page 83

in-house, yeah. We do surveys in-house, report archaeological sites, prepare archaeological site record forms, submit them to the State -- the archaeological record forms to the SHPO, to the information center here in San Bernardino County for trinomial assignment.

We have larger projects here at the installation which we contract out to private cultural resource management firms. If there are sites that we need to evaluate or have testing done at, we would likely contract that work out.

BARBARA DURHAM: Have you found grave sites?

DARRELL GUNDRUM: Not yet. There's one site -- actually, it was recorded during the late 1970s. And notification letters were sent out to several tribes. Actually, Chad, I believe, at Ft. Mojave received letters. Colorado River Indian Tribe received letters of a potential cremation burial here at Fort Irwin.

And this was found in the Drinkwater Basin right adjacent to the Drinkwater Lake. There was a little bit of human -- we don't know if it was human bone, but there was a little bit of bone found. At that time nobody knew if it was human or not.

Page 84

We notified the tribes, and the responses we had back were it could be potentially cremation burial. The installation agreed to treat it as such, and that's one area that we have fenced as off limits.

It was never conclusively shown to be human, but it was a possibility that it was. And that's one instance where, you know, we consulted early 1980s with some of the tribes in the region, and it was felt that it would be best just to fence off that area and protect it. And it's protected today.

BARBARA DURHAM: That's the only site?

DARRELL GUNDRUM: That's the only site we know of.

BARBARA DURHAM: The rest are just artifacts?

DARRELL GUNDRUM: Most of the sites we have at Fort Irwin are small lithic scatters that Chad alluded to. About 46 percent of our sites end up being small lithic scatters. We'll see those tomorrow on the field trip.

Some of these are nothing more than 2 or 3 flakes, 7 flakes, 20 artifacts maybe scattered over the size of this room. Other sites are several

Page 85

kilometers big. They're rather large. But generally the predominant sites we have here is lithic production stations or lithic scatters.

BETTY CORNELIUS: So there's no way that you guys or, you know, Fort Irwin personnel and the archaeology department, that they can declare an item a NAGPRA item, right? I mean who --

DARRELL GUNDRUM: It's not for us to declare if it's a NAGPRA item or not. That's one of the reasons we invited y'all here today, is we need to discuss what items you feel fall under the NAGPRA act.

We have a collection summary that was done in 1996, I believe. We have a copy of that report. We can certainly make that available to all of your tribes.

It's really -- that's something I think is pretty clear under NAGPRA. It's not for us to decide. It's for all of you to see what you feel about some of these items.

Generally, though, in the collections we have no human remains, no human bones. Most of what we have are flakes and debatage, just lithic reduction artifacts.

BETTY CORNELIUS: Well, I see traditional

Page 86

elders, you know, remove this stuff over at your curation facility. So there's probably a recommendation or possibility recommendation, though, that we have traditional committee for the NAGPRA.

So I don't know, you know, if there was any funding for a NAGPRA committee, you know, using traditional people, but that would probably be their next step, you know, is to get this viewed immediately because they have been stored for 20 years.

DARRELL GUNDRUM: Uh-huh.

What we have is you'll see -- well, you're coming tomorrow.

We can show you the artifact collection we do have at the curation facility.

We do have an inventory of all the sites for work that has been done in the last 20 years. Any contract work that was done here at the installation, contractors returned that material back to Fort Irwin, and we have it stored in a climate-controlled room. It's all been inventoried.

We had the collection summary work prepared a couple years ago. It would be a good idea, I guess, if we provide copies of that report to all of

Page 87

you to take back, and we could start that. And certainly you could review the collections that we have and decide if there are any items that fall under NAGPRA.

TAD BRITT: Could -- I don't mean to cut you off, but I want to get back on the agenda.

We're going to be talking about NAGPRA and our standard operating procedures in-depth this afternoon, and then we'll have an opportunity to discuss whatever we want for a couple of hours this afternoon as well.

So to keep us back on the agenda, I'm going to turn it over now to Mr. David Earle. He's an anthropologist, cultural anthropologist. He's done a lot of work in the Mojave Desert. He's been brought on board to help us with the Cultural Affiliation Study.

He's going to give you the preliminary results, his methodological approach and then be talking to y'all about maybe setting up some interview times later.

I apologize for the heat. We're going to be making every attempt possible to make this more comfortable this afternoon.

DAVID EARLE: Thanks, Tad.

Page 88

First of all, I would like to kind of emphasize that the portion of the project that I'm working on hopefully will involve all of you folks who have been kind enough to come on over here to Fort Irwin and get involved in this whole process.

The Cultural Affiliation Study has got several objectives. Our approach is fairly straightforward. The focus of the cultural affiliation portion of our effort here is focused primarily on the period of maybe the last 300 years or so of Native activity and occupation or use of the Fort Irwin area.

Now, it's very important to keep in mind that Fort Irwin, a little bit like Edwards Air Force Base, is something that we sometimes call the kind of hole in the ethnographic donut.

This means that there are areas where various Native groups were based that were sometimes found on the periphery of the military installation itself. And that often places like Edwards or Fort Irwin at certain periods of time in the past were used by a group or a number of groups perhaps on a somewhat seasonal or temporary basis.

We often will find core areas of Native settlement that are located a little ways away from

Page 89

the military installation itself.
One of the things that this means is that a project of this kind that is aimed at giving an adequate picture of how Native groups, families, communities or larger groups were using a particular area like Fort Irwin, this has to be a regional rather than installation focus sort of study because the groups we are interested in were occupying a much larger area than portions of the installation itself.
And a lot of the processes, like trade interaction between different groups, migration and historic events that have occurred in the last 300 years in this part of the desert, these are not all necessarily going on inside the base boundary. There are a lot of things that have gone on in this part of the desert.
For instance, the use of the Mojave River corridor, that had a real impact on activities right here on the base. But, of course, the lower and upper Mojave Rivers are not within the base boundaries.
But we have to have a kind of a wider focus in order to look at what's going on inside the boundaries of our installation here.

Page 90

Now, we're interested in occupation and settlement, any kind of indications of what groups or possibly family groups may have been using the base area, and any indications of population levels.
Obviously economic use of the region is something that's always of interest to archaeologists because they often can kind of get a handle on things like subsistence, ways that Native groups are making a living in a particular area.
But we're also interested in kinship arrangements, social organization and religious practices.
The issue of religious practices is particularly important, of course, because disposal of the dead, funerary rights, these kinds of cultural practices are core aspects of the way of life of these groups.
They're also important as Native communities and archaeologists and environmental managers work together to deal with issues such as repatriation of both human remains and of religiously significant objects through mechanisms such as NAGPRA.
So this issue of social and religious life is also a very important aspect of the study.

Page 91

And one of our issues of interest here --
TAD BRITT: Dave, excuse me. Could you tilt your screen down just a little bit.
DAVID EARLE: One of the principal purposes of the study is to identify what are called traditional cultural properties. And there is a definition that's used within federal cultural resource management that includes archaeological sites, sacred sites, places of cultural significance, recognized by an existing cultural group. And that is of significance to them.
There has been, as you all probably know, a debate in recent years over the issue of the discovery of archaeological sites, for instance, that a particular group may not have previously been aware of.
In the case of a specific site, let's say, maybe in the southwest a kiva that had existed in the past and for various reasons was -- the location of which was not known to a particular Native community. But, of course, the kiva as a representation or a representative element of the religious practice of a particular group would be important to them, whether or not they had previously been aware of the existence of a

Page 92

particular kiva in a particular location.
So the interpretation of traditional cultural properties does include locations. It might be something like a cave containing rock art that is newly discovered. That would be considered to be a place of cultural significance to a community, whether or not the community had previously been aware of the fact that that cave existed in a particular location and had rock art in it.
Now, in addition to traditional cultural properties, also there are natural resources that may be of interest to Native communities.
Here in California, in many areas of California, of course, basketry materials are important to Native communities. And locations on federal land, for instance, where particular types of basketry materials are available may be the object of both interest and discussion or consultation between managers of federal lands and Native communities.
So these natural resources are things that the affiliation study will want to document where these may occur on base, what are the types of natural resources that were traditionally important

Page 93

to Native communities, how these were used.

Now, in addition, the study will attempt to identify other types of cultural resources. These would include, for instance, camp or village sites' special use areas. Also, there may be -- and this, in fact, has occurred -- information contained in archival sources -- and I'll be getting to those in a minute -- that may identify sacred sites or places of religious significance for particular Native communities.

Now, our sources that are being used for the project include three principal types of -- or categories of information.

First of all, there is documentation. And what we mean by that, written records, particularly from the -- dating from the 18th and 19th centuries that deal with not only Fort Irwin itself, but the surrounding areas of the Mojave Desert.

And these -- this historic documentation begins in the mid 1770s. And because of particularly the importance of the Mojave River as a travel corridor, beginning very early on -- in fact, in the 1770s with the travels of Father Garces, the traffic of non-Native people through this region early in the nineteenth century begins to be

Page 94

significant. And there's a good deal of information that can be gleaned from travelers' accounts.

Later on mining. Occasional military expeditions during the era of Mexican rule. And by the 1830s, we have caravans that are traveling the Old Spanish Trail. All of these left a paper trail. And it's possible today to find some really quite surprisingly useful information about Native life in this area in the 19th century in many of these sources.

Newspapers, for instance, connected with mining operations here in the Mojave Desert is a source that has sometimes been neglected, just to cite an example.

Now, another important source and perhaps the core area of information of a historic kind that we're working with in this project is commentary provided by Native elders to anthropologists and other interested researchers, particularly beginning at the beginning of the 20th century.

We did have information collected by Powell in the 1870s, but later on, after about 1900, Kroeber, John Harrington and his wife, Carobeth Laird, who did -- collected very useful information on the Chemehuevi.

Page 95

And through the reminiscences of her husband, George Laird, Isabel Kelly has collected information -- there are field notes that she collected in the early '30s that are now at UC Berkley that have very interesting information directly relevant to the Fort Irwin area.

And the work of Julian Steward in -- among the Shoshone and Southern Paiute is relevant.

Maurice Zigmond worked with the Kawaiisu or Nuooah in the Tehachapis. And they ended up having quite a debate about the status of an area, including Fort Irwin, who was living here. Their field notes are very helpful in working on this problem of occupation of Fort Irwin during the last 200 years. Also Stephen Cappannari.

Now, in addition, a critical part of the project is the development of a program of collaboration with Native communities and Native people who may be able to provide commentary and information about places and resources of cultural significance.

Particularly important here would be providing information about both traditional cultural properties that may be of current interest to Native communities and also the identification of

Page 96

sacred sites.

One of the elements of all of this that's very important for the Fort Irwin area is the fact that we have got groups who may have been historically located quite a distance away from the Fort Irwin area, but who use this area or traveled through it.

One of the examples I always think of, given that I live in the Antelope Valley, we have an area in the west part of the valley, northwest part of the valley, near the road up to Tehachapi where there appears to have been a place mentioned in Mojave oral literature as a sacred place.

We're a long, long way away from the Colorado River, but, for example, both Chemehuevis and Mojaves had places that were sacred to them that they would have visited that were often located some distance away from the core areas that they had settled in the 18th and 19th century. And this certainly could turn out to be the case here at Fort Irwin as well.

I'm just going to quickly show you a few of the slides here and discuss a little bit this issue of how the area was being used.

And one of the things we keep in mind here,

Page 97

looking, for instance, at rainfall, we have a kind of an ethnic frontier just to the east of us that existed in the late 18th century. That we could --

DARRELL GUNDRUM: I'm sorry. David, is there a length on the cord? Is it possible for you to stand off to the side here, or we can change the slide for you?

DAVID EARLE: See how this does.

This area right here, just to the east of us, that was a kind of a frontier zone between area -- core areas of Chemehuevi occupation in this area and Serranos and other topic speakers down here.

What is important with this map is that you can see areas of higher altitude that had particularly important resources that Native groups in this part of the Mojave Desert could utilize. It was a great importance of being able to work upward and downward in an area, for instance, like in the Providence Mountains where there are springs at high altitude.

And different groups could use resources located either on desert floors or in mountain areas at different times of year.

The issue of rainfall over the short term

Page 98

in the last 300 years is really important. Our study of Native use of this region is focusing on some of the climate changes that have occurred during this period.

Short-term droughts. And we now have fairly reliable data for the last 3- or 400 years on the local occurrence of these kinds of events.

Also important in the history of the area is, as I've mentioned before, the Mojave River as a cultural and trade corridor. And this was one of the circumstances that helped shape the occupation and use of the Fort Irwin area, which lies to the north of this section of the Mojave River.

And we do have pretty reliable information beginning in the 1770s about where various groups were located in the Mojave Desert.

This is a carving left by Francisco Garces in 1776 in the Antelope Valley.

And I'm going to just quickly go through a few more of these, but I wanted just to discuss a little bit this issue of some of the longer term changes in population location that we find in the Mojave Desert from the 1770s until, let's say, about 1900.

These were affected by the process of

Page 99

missionization in Southern California and the fact that groups located in the deep desert and certainly Fort Irwin would fit that definition with their reliance on a range of different environments, from playas, to high mountain areas.

This is the Providence Mountains.

Their use of a range of different environmental zones.

Under these circumstances, this kind of intermediate area here, south of Death Valley, was one of different groups using the region. And in this particularly low and arid area here there was kind of a frontier between a number of different groups, crosscut by a trade corridor running down the Mojave River and over towards the Colorado.

After the 1820s, there were a series of events that happened in the Mojave Desert, particularly the abandonment of Serrano villages in this, the upper Mojave River, parts of the Antelope Valley, and gradually a migration of a number of other groups, particularly Chemehuevis and Southern Paiutes. Some Kawaiisu living in the Tehachapis also moving southward even into what is now Angeles National Forest.

But a number of areas that had not

Page 100

traditionally been occupied by groups and families living in the deep desert end up by the era of the Civil War or later, moving into new areas.

This phenomenon, I think, is one of the things that Julian Steward was looking at when he was doing his research in the 1930s, although he didn't necessarily understand the historical background of what was going on.

Some people have criticized his work on the basis that the kinds of economic activities that the people -- Native people he worked with were doing in the 1930s were probably not traditional and affected by working on local ranches or other non-Native economic enterprises.

I have been, to the contrary, very surprised to discover with work I've done recently, and also with this project, that right up through the end of the 19th century, in a number of locations in the Mojave Desert, we find communities.

And I could cite an example of a Chemehuevi community living in Palmdale or right outside Palmdale in 1890 who were following a very traditional way of life, using traditional food processing, hunting and plant-gathering. They were not simply attached to local ranches or mining

Page 101

operations, but were continuing a very traditional way of life.

One of the things that the study will help determine is to what extent was this sort of thing going on in the Fort Irwin area at quite a late date.

But I want, in wrapping up, to reiterate and emphasize that it is certainly our wish and intention that we be able to work with Native people and Native communities to gather information that will help contribute to this affiliation study.

Are there questions?

CHAD SMITH: A lot, but we will address those through the course of consultation just that much of the ethnography done is at variance with Mojave culture and history.

And we don't refer to them as trade routes, but transportation corridors because Vision Quest and military expeditions and other things took place.

DAVID EARLE: Oh, yeah. And that's an important point.

There is perhaps a tendency for -- if you're looking at sites dating from 6- -- 5- or 600 years ago on the Mojave River corridor for

Page 102

archaeologists to phrase things in that way.

The point you're making is really good. And one of the -- there certainly are a number of interesting issues involved here.

I'm currently doing a project on the Buena Vista Lake area, and there are very extensive contacts there even as late as the 1830s and '40s of yokuts villages with the Mojaves. And obviously this is not simply a trade issue. There are fiesta considerations that are going on here, a whole series of social interactions that are going on.

One of the things I also might want to mention, that reconstructing things like marriage patterns and the operation of fiesta systems is something that is really important to this kind of work.

And, generally speaking, we really need to have ethnohistorical work done in California that focuses a lot more on the fiesta systems as a core element in ways of life and not so much emphasis maybe on purely economic kinds of behaviors.

Hopefully archaeologists will be able to find a way of operationalizing that for dealing with prehistoric sites and so on.

Any other comments? Everyone looks like

Page 103

they're really primed for a little bit of lunch here.

WILLIAM HELMER: Is this going to be discussed in the afternoon as well? Or is this --

DAVID EARLE: There are issues, for instance, traditional cultural properties and that sort of thing.

WILLIAM HELMER: In terms of consultation and your effort that we could talk about more?

DAVID EARLE: Yeah.

TAD BRITT: Mr. Earle won't be here this afternoon, but we can --

WILLIAM HELMER: Oh, you're not going to be here this afternoon.

DAVID EARLE: But I will be -- what is going to happen, we're going to kind of get the ball rolling here with this. But as kind of a local desert dweller, I certainly will be available in person or otherwise to be getting in touch with everybody.

WILLIAM HELMER: You'll be contacting, doing formal letters to tribes about this project?

DAVID EARLE: Well, we will, but we'll also be doing it informal.

TAD BRITT: It will probably be coming from

Page 104

the installation. Mr. Earle is a contractor to the installation.

Any letters or any additional letters will be coming from the installation.

WILLIAM HELMER: How do you --

DAVID EARLE: But I will be --

TAD BRITT: He's working on behalf of the installation.

WILLIAM HELMER: Can we get your card or something?

DAVID EARLE: Yeah.

WILLIAM HELMER: Just real quick question. Does this go into the 20th century?

DAVID EARLE: It will be, yeah.

WILLIAM HELMER: Okay. Because I thought it said just to the 18th and 19th. But it's through the 20th century?

DAVID EARLE: Yeah. And particularly there are a whole series of issues having to do with interpretation of ethnographic data that people have provided in the 20th century.

WILLIAM HELMER: What's the main purpose of this study? Is it keyed to the land expansion? Or is that where the funding comes from? What's the purpose?

Page 105

DAVID EARLE: Well, it's keyed to the land expansion, but it's also keyed to longer term management issues, I think it would be fair to say.

TAD BRITT: Yeah. It's just we don't -- Fort Irwin, they don't know where to begin the consultation process other than the tribes that we've invited, the 14 tribes.

We just -- the picture is incomplete on the prehistory. And that's what we're trying to do, is to conduct the study so that we have a better understanding of who we need to consult with, as well as just a general understanding of what happened here. This will allow the cultural resource manager to have a more effective program in the future.

WILLIAM HELMER: It's keyed to NAGPRA issues as well?

TAD BRITT: It's keyed to NHPA. NEPA. NAGPRA. ARPA. Any kind of laws that pertain to the DOD and Native American, it's integral to all of those.

DAVID EARLE: And it also has the purpose of providing, you might say, some ethnographic insight that will be useful in allowing archaeologists to interpret what is going on here

Page 106

both in prohistoric times and earlier. There's some basic import.

TAD BRITT: It's going to benefit the government, benefit the Native Americans, benefit those people that have interest in the Mojave Desert. It's got multiple benefits, and it's going to be a collaborative process.

WILLIAM HELMER: And you mentioned something about interviews before?

TAD BRITT: Yes, sir. Mr. Earle will be contacting y'all, appropriate tribal elders, appropriate tribal representatives to discuss his findings, as well as to record oral histories if those -- you know, that you're willing to share.

Yes, ma'am.

BETTY CORNELIUS: Is that going to be called the ethnographic study?

TAD BRITT: We're not locked into any certain terms here, ma'am. We call it an oral tradition, ethnographic study. I don't really have a problem with what we call it. But that's -- in essence, that's what it will be.

With that, why don't we break for lunch. We can revisit any of these issues. I'll be happy to record any questions for Mr. Earle. If I can't

Page 107

answer them, I'll get him to get an answer and get back in touch with you.

Thank you.

(The proceedings were adjourned for noon recess at 12:14 p.m.)

Page 108

WEDNESDAY, SEPTEMBER 4, 2002

1:02 P.M.

TAD BRITT: Well, it seems to have cooled off a little bit more since this morning, and the fan is on now.

What we'd like to discuss this afternoon, as we're back on track -- we're going to have Mr. Craig Smith, project manager for the Archaeological Inventory and Evaluation Study that's ongoing, I was talking to you about a little bit this morning.

He's going to provide a little bit more detail and more results of what they have identified and evaluated to date, what they lack.

And we're also going -- after that we're going to have some concluding comments from Col. Flinn. He's got to leave. He's got another appointment this afternoon.

We'll take a short break, and then we will discuss -- I'll give a briefing on the NAGPRA standard operating procedures.

After that we will have -- we'll open up the floor for any questions, comments and concerns that our invited guests may have. We'll also revisit some of the issues that we made note of this

Page 109

morning.
I do have one request. Kimberli is having a hard time hearing everyone. She may either -- ask you to speak a little bit louder when you ask a question or respond. If not, we may ask you to come up to the microphone.
So with that, we'll turn it over to Mr. Smith and let him get started.
CRAIG SMITH: Well, as he said, my name is Craig Smith, and I work with TRC, which is the company that we have been contracted with CERL to complete the archaeological inventory and testing and geomorphic studies out there in the expansion areas.
As you probably have gone over already today, there's three parts of the area. There's three study areas: the Avawatz, the Power Line and Superior Valley.
The Avawatz, we did 19 study blocks, which were 124 acres apiece, totaling 2,356 acres, which is about 25 percent of the entire Avawatz area, study area.
And then in the Power Line area we did four blocks, which is also 25 percent.
And then Superior Valley, where we have

Page 110

been directing most of our efforts in the past month, is 178 study blocks, totaling 22,000 acres.
I just want to go over some of the methods that we have been using in our work out there.
Each of the study -- 124-acre study blocks is walked by archaeologists spaced 15 meters apart, 50 feet apart. And we use GPS units to find the first corner of the block.
Then we walk east/west or north/south across it, back and forth, using the GPS unit to know exactly where we are when we hit the edge of the block. We do that until we get to the last corner so we know exactly where we are on doing this inventory.
A few years ago before there was the GPS units, it would have been very difficult to do this inventory, especially in the more flat areas because you would never know exactly where you are.
But with this technology, we're able to know, you know, within a submeter where we are.
Out there we record the sites and isolate artifacts. Isolate artifacts are -- well, it's not a site. And a site as defined for the purpose of this study is more than 20 artifacts in a 10-meter radius area, significant features or three artifact

Page 111

types in the area.
If they don't meet that criteria, then we record them as isolated artifacts.
We record isolated artifacts by filling out a two-page California form and photographing them and taking a reading with the GPS unit with the UTMs for that exact spot.
So all the isolated artifacts will have locational information so later we can put it in the GIS system and have plots of where all the various different kinds of artifacts and other materials are found.
Sites are more extensively recorded. We record it on the California site form. And they're photographed. And we map them using the GPS unit, map the site boundaries and any significant features within it. And they're also -- we also photograph them.
And in addition to recording, we test all the sites to see if there's any subsurface remains present. Every site gets at least one shovel test. And if the shovel test encounters some archaeological material subsurface, then we space other shovel tests out from that until they are negative so we can get an idea of the boundary of

Page 112

the site subsurfacely.
In addition to Native American remains and Euro-American remains, we're also recording all the military remains out there. And in some areas we have been finding quite a bit of remains, like foxholes and shells and other miscellaneous -- sea rations and so forth out there.
And those, we're recording the UTM coordinates of it, so we'll have a plot of where the activities in the past have occurred out there, military.
The Avawatz study area, the first one we looked at in the first part of the summer consisted of, you know, 2,356 acres. And we found a total of 68 sites out in that area. Two of them are rock-shelters. 64 of them are prehistoric where just flaking debris are found, flakes and so forth, and two are historic mine sites. And also, in addition, we found 120 isolated artifacts.
Okay. Out there in Avawatz, most sites are -- except for the rock-shelter, sites were found mostly in the desert pavement area where you can see there, it's kind of a photograph of the desert pavement.
And on this desert pavement we found flakes

Page 113

and cores. And most of them are kind of a few scatter of flakes with individual napping (phon.) areas where someone sat down and flaked a stone tool, and these were recorded. But they're scattered across this desert pavement.

Here's another picture of the desert pavement and then recording a site out there on the desert pavement.

And then this is a picture of one of the rock-shelters that was found. It was found up in the northern area of the study area. It is in limestone, and it's about 25 meters across. And it faces to the south.

Here is a picture of the inside of it. We -- up to this point we've dug seven shovel tests in it and have found some charcoal and some flaking debris and some bone there.

And, also, in Shovel Test 2 we found the remains of a feature that consisted of -- kind of diffuse feature that consisted of charcoal.

And then here is another photograph of the rock-shelter.

And the Power Line study area here is a very small study area, only four study blocks. And we did not find any sites there.

Page 114

Superior Valley study area is where we have been focusing most of our attention, of course, because it's 22,000 acres of inventory, and we didn't get a chance to start this until the late part of July.

So in August we've had 40 archaeologists out there, broken up into 10 or 11 crews. And we had 10 -- you know, that mean GPS units out there and that many cameras and everything out there walking. And we're not quite finished with it yet. They're out there as we speak recording sites.

We've -- as of last week we've walked all the acres. And now we're going back and recording the last hundred or so sites that we still have left to record.

Right now we have eight to nine crews out there recording sites and another crew doing some more testing of some site in some areas off the sites to see what's below the surface.

We found approximately 234 sites. That number will change slightly after we finish recording all the sites. But it's around there.

And 162 of them are prehistoric and 72 are historic Euro-American sites.

And on top of all the sites, we have found

Page 115

1,500 isolated artifacts out there.

And I didn't put it on the slide, but we also found about 1,700 instances of military remains as well.

TAD BRITT: Those were in addition to the isolated --

CRAIG SMITH: Yeah. Uh-huh. You can just see the man with the paperwork. Each of these isolated artifacts require two sheets of paper. So right there that's 3,000 sheets of paper, photographs.

And what's going to be the most interesting part is the plot of them on all the GIS and the maps showing the distribution of different kinds of isolated artifacts. And also the military remains all have locational information, too, so those will all be plotted so we can see a distribution of previous use by the military.

Okay. Now I'm just going to go through a few of the different kinds of sites we have found out there and different locations of these sites.

I tried to put a map up of the study area to try to show you, but I might point up to this map over there.

This is a huge site complex that was found

Page 116

along the south and east shores of Superior Lake, all along here, it goes on for several miles along the -- just along the edge of the lake on the southeast side there.

As you can see here, there's an old beach ridge that was formed when there was water in the lake, and our geomorphologist says that there was water the last time really in this lake 8,000 years ago.

So this beach stand here was formed at least 8,000 years ago. And all the artifacts occur on the surface there. And according to the geomorphologist, they also occur below the surface, but they're in kind of a mixed context.

And, also, there's a scatter of artifacts on this side of the ridge and on the other side of the ridge.

Here's another picture of the same site. You can see the lake bed there. And here's the shoreline feature here where most of the artifacts are being found.

Among the stuff that was found on this site is remains of old cooking hearths where the stones had been heated and cracked and reddened, and we found many of these kind of concentrations of what

Page 117

we call fire-cracked rock.
Here's another small concentration of heated rock mixed in with a few military remains in there.
Most of the remains found on this site are basalt and rhyolite materials that -- and there's quarries of that in the study area.
And here people going out on the weekends, I guess, or something walk across the site and collect it and leave the materials in piles. You walk along this site. You find piles of this, you know, material, where people in the past have collected it and left them in piles.
And also you can see recent shotgun shells and some more military material in this.
Okay. In addition to the site that's along the beach stand there, there's a sand sheet that occurs around Superior Lake in the Superior Lake Valley and it continues to the east and it goes up to the central part of the Superior Valley study area.
And in this whole area is where we found the densest number of sites, is in the sand sheet. The sand sheet is about 40 to 60 centimeters deep. And most of it, according to the geomorphology, is

Page 118

in mixed context, even though we have found an intact feature in one of the sites.
The sites along by the lake -- here's the lake again -- along by the lake mostly have basalt flakes on them, which is in contrast to the central part of the study area. There you get mostly chert, which are crystalline types of flakes.
Here's another view of the sand sheet sites in the Superior Valley by the lake.
And then as you get into the central part of the study area, you get a little higher elevation. You start getting the Joshua trees and the cholla cactus. And these sites in the central part of the study area is where we found all the ceramics. Pottery sherds is from this area. And, like I say, one of the sites that we extensively tested, we actually found a buried feature, a hearth feature.
And here's another picture of us recording the sites.
When we find some flaking debris on the ground, we go around and flag them all with these pin flags so we can get an idea of the distribution of the remains while we record it.
So here you can see the crew flagging the

Page 119

flakes as they're found.
And then in addition to the sites found in the sand sheet area, on the alluvial fans and plain sites, you find more diffuse scatters of flaking debris. And they're not as dense in those areas.
And one very interesting site was a basalt quarry. And that occurs up in the northeastern part of the study area, up in this area up here.
In this picture here basalt outcrops all along the ridge here. And the basalt erodes out.
And the people in the past for thousands of years have come here to collect the basalt. And while they're there, of course, at the quarry, they would test the material. And so we're finding lots of cores and early reduction flakes from them testing the cobbles that have eroded out from the basalt ridge there.
Here is another picture of it. Here's the basalt ridge there where -- the source of the basalt. And it's eroding out here. And then there's materials scattered all across here for over, you know, thousands of years where people have flaked the material.
And a lot of material appears to the geomorphologist to be quite old. You know, some of

Page 120

it could date back to the very -- what archaeologists feel is the very earliest part of occupation in the area.
Okay. In addition to the prehistoric sites, we also have found Euro-American historic sites. And one of the kind of sites are homesteads. And these occur mostly around Superior Lake and that Superior Lake Valley. And they consist of a lot of concrete foundations of old wells where they had windmills and stuff.
And here's a picture of some of the concrete foundations that we have found out there. Here's a picture of a few more of the foundations of a well.
And, also, the homesteads had, you know, housing depressions that we found like this. And a lot of these housing depressions have really dense scatters of trash -- you know, tin cans and trash and so forth -- scatters adjacent to it. These homesteads date from the 19 teens to the 1920s when I guess that part of the valley was heavily occupied and used.
I don't have any slides of it, but also in addition to the homesteads, we found a lot of mining remains. And most of the mining remains occur up in

Page 121

the northeastern part of the study area. up here. One of the major ones is the old town of Goldstone. But there's several other mines up in that area that we've recorded.

The mines consist of maybe a single add-it or some raised buildings. And we also find a lot of mining claim cairns out there and a lot of prospects, as well, for the mining.

And then we also have recorded the historic roads out there. These roads, mostly the ones in the Superior Valley area, are roads that were developed to get access to the homesteading down by the lake and also to the mining areas up in the northeastern part.

But in the Avawatz area, we also have the historic Spanish Trail, Mormon Trail, California Trail going through the Red Pass there in that part of the study area.

WILLIAM HELMER: Did you find artifacts along those roads?

CRAIG SMITH: Not really, no.

The reason I consider them historic roads is we went and took -- looked at the government land office surveys that were done in the 1920s, and if the roads occurred on that map, if they were named

Page 122

roads, we were considering them historic roads. So...

WILLIAM HELMER: I was just talking about the Old Spanish Trail, Mormon Road through Red Pass area. You didn't see a --

CRAIG SMITH: Actually, that's one thing still on our list to do. We haven't quite got that all recorded yet. That's going to be done this week. But that's one of the outstanding things over there in the Avawatz that needs to be done.

But my feeling is probably people have visited that over the years, past hundred years, and probably collected most anything that's there.

BETTY CORNELIUS: Is there -- where the basalt is up in the mountains, is there any obsidian with the basalt up in that area?

CRAIG SMITH: We do find obsidian on some of the sites, but not up in that quarry area, no. And we don't know where the obsidian is coming from. And that would be an interesting study for the future is -- we've collected the obsidian, so if we have a chance to source it at some future time, that would be very interesting to see, what location the obsidian is coming from. And I would guess that's probably coming from several different locations and

Page 123

being brought into the study area.

BETTY CORNELIUS: Did you say the basalt, where you showed us that black ridge, is that on the foothills of Avawatz?

CRAIG SMITH: No. That's in the Superior Valley study area. That occurs -- I guess you can't really see this map from where you're sitting, but it occurs up here in these hills, up here, in the Superior Valley area.

BETTY CORNELIUS: Okay.

CRAIG SMITH: Okay. Now I'm going to show some of the artifacts that we've collected off some of the sites. And it's been a wide range of artifacts collected.

We found projectile points that archaeologists would classify that would cover the whole prehistory human use of the area. From -- these are the more recent arrow points.

And we have, you know, desert side notches that archaeologists call desert side notches and rose spring points.

And most of these, I think they're found both around Superior Valley and up in the central sand sheet areas.

TAD BRITT: What are those materials,

Page 124

Craig?

CRAIG SMITH: All kinds of sherds. I'm not sure. I haven't really seen all these -- actually seen them myself, so I'm not sure exactly what the materials -- the crew out there photographed these for me so I could show them. But it might even be obsidian.

TAD BRITT: I've seen some obsidian points. I can't recall if they were dark.

CRAIG SMITH: Yeah. I think there is some obsidian points. I know we've collected some obsidian bifaces and some obsidian flakes out there. So...

And we also found pottery out there, pottery sherds. We found some black on white pottery sherds pictured here. And all this is from the central part, central sand sheet area. That's where all the pottery has been found.

And here's another wider range of them. Here's some of the black on white again. We've got some redwares and brownwares here too.

And then going back to some of the dark points, what archaeologists call the Elko and Humboldt points there.

And then here's some other dart points that

Page 125

really don't fall into types completely.
And now we're getting back into some older points. These are Lake Mojave points here. And then some other Lake Mojave points.
And we also found one Clovis point up in the northeastern part of the study area. And archaeologists believe that's the earliest point type that was made in the area. And that was an exciting find, to find one of these Clovis points.
Okay. Just to conclude, in addition to testing sites that we actually find stuff on the surface, we also are testing other areas to see if there's buried materials.
And we've used backhoe trenching as one way of trenching and getting a good look of what's below the surface, and we've done a lot of that by Superior Lake. And what we're in the process of doing now is doing shovel-testing in select areas in the sand sheets and stuff to see exactly what might be buried below the surface.
WILLIAM HELMER: Have you found sites doing the backhoe trenching or shovel-testing?
CRAIG SMITH: We're right in the process of doing the shovel-testing right now, so I can't really say yet for that.

Page 126

For the backhoe trenching, not a lot of sites. The backhoe trenching was mostly to help the geomorphologist characterize more the deposits in the area and stuff like that.
WILLIAM HELMER: Okay. It's not -- because, of course, that could wreck a site if you're looking for it that way.
CRAIG SMITH: Excuse me?
WILLIAM HELMER: You could wreck a site, you know, if you tear through an area with a backhoe.
CRAIG SMITH: Yeah, that's true.
Yes.
CHAD SMITH: On the other hand, some of these sites that are shovel-tested and don't yield subsurface artifacts present, it's the needle in the haystack approach with these STUs. And there may not have been sufficient excavation in terms of backhoe trenches to identify subsurface presence of artifactual materials.
And then on the historic roads and wells, we feel that many of those roads were originally a one-track Mojave or other tribe trail. And the first time a wagon or, really, the prospector goes over it with the burro, but then the wagon, it

Page 127

becomes an historic road. And that some of these well sites were either a seep or possibly a prehistoric walk-in well.
CRAIG SMITH: Yeah. My guess is a lot of the roads we have out there now, the Euro-Americans that came into the area followed the existing trails that were there. I would guess that would be the best paths to follow. They probably didn't recreate the -- there was already trails, you know. They just followed what there was.
CHAD SMITH: And we've discussed on the shovel-testing, and now it appears there's been even more extensive ground disturbance testing, that it is required that tribes be notified in advance of issuance of a permit for excavation, even in these evaluations with shovel-test units.
So that's something we're going to be addressing, to need to be in on the -- and in particular some of the testing that has occurred as shown in that one rock-shelter was so extensive with carbon samples being retrieved, as well, there may have been objections by tribes to such activities or a need to be present when such work is done.
CRAIG SMITH: Uh-huh.
CHAD SMITH: And so it needs to be worked

Page 128

through.
CRAIG SMITH: Were the groups notified of that?
TAD BRITT: They were notified that the survey was being undertaken. Because we're doing this on Fort Irwin -- and, again, we can get into this on more detail. We're not required for an ARPA permit.
It's certainly not our understanding that we needed to have Native Americans present or consulted in the inventory and evaluation phase. That's not to say that that's not something Fort Irwin will not change. It's just that it was not Fort Irwin's impression that that was required.
CHAD SMITH: Well, it's in the Army regs, too, though, that equivalent procedures to ARPA permitting will be followed and that does include notification to the tribes.
TAD BRITT: I believe the tribes were notified. There were letters sent out to all 14 tribes.
CHAD SMITH: We'd want to see something about methodologies and research design and then, of course, the reports.
TAD BRITT: Sure. Sure. Those are

Page 129

certainly, you know, valid concerns, and that's something we'll talk about this afternoon.

They weren't -- I mean TRC followed the scope of work that I wrote. So I'll be accountable for that.

Okay. And just -- just one other thing I wanted to mention on this off-site testing. All of their investigations were predicated on the site -- the site favorability maps we generated from the predictive model.

So a lot of those sites had different areas delineated for high, low and medium burial potential. And a lot of those sites are the ones that we focused on, the medium to high potential sites.

Because, again, as I mentioned this morning, typically inventory that's been done out here is totally surface, totally pedestrian where you're literally only skimming the surface, and you're not getting enough information to make -- to even delineate the site, much less begin to make informed evaluations.

And we're trying to improve that methodology so that we can collect enough information so that when we do consult with the

Page 130

Native Americans, we have a good understanding of what we've got and the extent of what we've got.

So that's kind of the reasoning behind the research design.

CRAIG SMITH: And I just wanted to conclude the final slide about the geomorphic studies.

In addition to all the archaeological studies, we have a geomorphologist out there, trying to characterize the different landforms and trying to estimate the age of these landforms and also giving us information like, he was just saying, on areas that have the highest potential of buried remains, so we direct our testing in those areas.

But most of his thoughts are that most of the sand areas have been turned over and are mixed.

So with the archaeological and geomorphic information, that all will be combined to test the model that you've talked about earlier.

TAD BRITT: Uh-huh.

DARRELL GUNDRUM: If I could say something as well.

During the trenching that has occurred out there on the expansion area so far, archaeologists were present to make sure that no sites were being impacted as well as a wildlife biologist to make

Page 131

sure that no desert tortoise were affected. So there were people there, monitoring those trenches and making sure that things were --

CHAD SMITH: Well, on the geomorphological trenching, of course, that's separate from testing. Within a site, you would not even enter into equivalent of ARPA, permitting or anything, as well.

CRAIG SMITH: And the backhoe trenching was pretty much for the geomorphic studies.

CHAD SMITH: This sand sheet is not just Acolian deposition, but it was like a sheet wash, massive flooding event redistribution at the time of these inundations?

TAD BRITT: My understanding, it's Acolian. The beaches are a result of wave wash. And then you've got over time because the winds prevail, you gradually are transporting those particles further east, and you're creating the sand sheet.

CHAD SMITH: I don't see how the artifacts themselves would be inverse or jumbled stratographically.

CRAIG SMITH: Since the deposition of the sand, the geomorphologist thinks that the sand has been there for thousands of years, and through that time, processes have turned the sand over and stuff.

Page 132

CHAD SMITH: Or deflation.

CRAIG SMITH: Deflation and then deposition, just kind of mixed materials up.

But the artifacts would still have their relationship to each other.

TAD BRITT: I agree.

CRAIG SMITH: In a general way, yeah. There's some relationship.

CHAD SMITH: Because at Nellis, they tried to argue lack of integrity and context to these, according to China Lake, extremely important and valuable early man sites that are many of these late margin playa manifestations and the sand sheet manifestations.

And even if they are deflated, they're still in the same orientation proximate to each other. And in going with that logic like they wanted to use at Nellis, the old DeJuan sites in Africa would not be worthy of investigation because they're deflated and, of course, they're critical.

CRAIG SMITH: The horizontal information is still there, but any remains of different time periods being piled up is mixed. So you get materials from several different -- like this big site along the shore of Superior Lake. That was

probably visited by people over thousands of years, and materials are all kind of mixed together from, you know, many, many thousands of occupations.

CHAD SMITH: So in that case, if it's multicomponent, it wouldn't have the same horizontal relationships as one episode or one area would.

CRAIG SMITH: Yeah.

TAD BRITT: That's something that we look at, is the orientation of the artifacts. Are they pointed down or flat? We look at all of that.

And, of course, this type of setting, this highly dynamic setting requires us as archaeologists to conduct analysis to look at this from a new perspective by taking into account all archaeological sites, wherever they may be. They've all suffered some degree of disturbance, here maybe a greater degree.

But we have to develop an analysis method so we can better assess and evaluate the significance of those. So, yeah, that's something we've taken into consideration.

CRAIG SMITH: But about the sand sheets, you know, most of them are to the east of Superior Lake, you know, prevailing winds. And they're probably blowing off the lake, you know, 10,000

years ago or more and deposited out there.

Is there any other questions?

WILLIAM HELMER: How is your predictive model tested for its accuracy?

TAD BRITT: That's another question for me.

Well, we're hoping to achieve 80 percent accuracy. Until we get the data from TRC from these new areas, we're going to rerun the models.

Again, all of the sites now we have, you know, absolute GPS. We have much better information. We made sure when they went out and collected the data, we would be collecting not only the data that was required for compliance, but the data we needed for the predictive model.

So we have much more highly active data. We're going to take those data, combine it with our preexisting data, run the models again and see what the improvements are.

Ultimately, we're hoping to get better than 80 percent accuracy. I can't tell you right now, you know, how we validated it or how we've refined it until we do that.

CRAIG SMITH: And just roughly looking at some of the data, there is some interesting distributions at the various different kinds of

sites throughout at least the Superior Valley study area because you find different kinds of projectile points at different areas, indicating that through time there's different use of the different areas and so forth too.

TAD BRITT: And another thing that you pointed out earlier, talking about trails. We're also beginning to see some traffic patterns prehistorically, different types of sites, their positions on the landscape of how they went across the valleys. It's interesting.

WILLIAM HELMER: So you still have some analysis to do.

CRAIG SMITH: We haven't done any analysis yet. We're still in the collection stage.

WILLIAM HELMER: What about going in the areas to where you're not going now because, you know, that's not part of your model?

TAD BRITT: Those -- the areas that aren't being surveyed for the EIS, the supplemental EIS, all of those areas will eventually need to be surveyed. Or if we can justify because of the predictive model they don't need to be surveyed, they still fall under the requirements of Section 110. That is, basic inventory, knowing what

you've got so you can manage it, as well as 106 if they're going to be -- in the future if they change some training patterns and traffic patterns, we'll certainly go out and look at those areas prior to any disturbance.

ROBERT HORALEK: I think the question was, have you been in any of the areas your predictive models said would have nothing and surveyed them to see if, in fact, they had nothing.

TAD BRITT: Yes.

DARRELL GUNDRUM: One of the neat things about the model also is, as Tad mentioned previously, a lot of it has been pedestrian or surface survey out here.

And some of the work that TRC is doing now is going back into some of these sand sheet areas where nothing was detected on the surface and put shovel tests in to see if there actually were burying sites there, if there was a possibility of burying sites.

And this is going to work back into the model, and the model is going to continue to be refined for years to come. Every time we do a survey, if we get more information, get it back into the model, the model will be refined a little more.

Page 137

But we do have -- the way the strategy has been set up is the test areas for these different resources, also the test areas where none were expected or where they haven't been detected in the past because of pedestrian surveys.

TAD BRITT: We feel like that's a real strong bias and we're not getting the full picture of what's going on culturally out there prehistorically because of the way the methods have been done in the past.

Of course, once we find sites, refine the model, we'll be able to change our methodology to be better able to identify and evaluate sites as well.

CRAIG SMITH: Well, thank you.

TAD BRITT: Thank you, Craig.

Col. Flinn.

COL. FLINN: I'm sorry I can't stay with you for the duration of the day. I've got to go. I've got other business to do. But it's been educational for me.

I know I have to look up Aeolian. I don't know what that means, but I'm about to get educated. As a learning adult, as part of the adult learning model that we try to use here at the National Training Center in training units, I've taken three

Page 138

tasks back to myself to figure out what those words mean today. So I appreciate the kind words and the opportunity to get educated also.

Jeff, if you will hand me these.

One of the things that we do out here at the National Training Center is things called after acts reviews, designed to take a look at what happened and how can we improve as an organization in our ability to train and fight.

And one of the things that we're anxious to get from our experts here is some feedback on how well we're doing in our processes out here, taking care of the cultural and historical resources out here.

So in your session this afternoon, I would ask that you be free with your ideas so that we can do better out here. Because we are as interested in preserving the cultural artifacts and cultural history and the heritage that is resident at Fort Irwin as you are. And only through your insights do we get better at doing that.

So in anticipation that it's going to be a profitable afternoon, we give out to soldiers who do well on the battlefield little mementos of their superior performance.

Page 139

So what I would like to do is on behalf of the National Training Center, a small token of our appreciation for you taking time out to come out here and help us get that.

BETTY CORNELIUS: Am I supposed to salute?

COL. FLINN: No, you don't have to salute.

All right. Thank you very much. And hope your stay has been set up well for you.

And, again, thanks for coming out here and taking time out of your schedule to help us. Okay. All right. Good-day.

TAD BRITT: Thank you, Col. Flinn.

It will take me just a minute to set up my next slide. I'm going to give a presentation on the NAGPRA standard operating procedures. We'll have a moment for some questions. Then we'll take a break. And then we'll come back and discuss NAGPRA SOPs, whatever else y'all want to discuss for the remainder of the day.

For this session, if you'll get the draft NAGPRA standard operating procedures out. I really need to go over this line by line. We'll go through it in whatever detail we need to, but there are some terms in here that maybe we can skip over. If not, we can refer to them by page and paragraph, except

Page 140

we don't have page numbers.

CHAD SMITH: Maybe everybody could just go through and number them.

TAD BRITT: That's true. I'm following the format of this. So it should be -- I will start off with introduction.

These are the legal drivers behind NAGPRA. NAGPRA is Native Americans Graves Protection and Repatriation Act of 1990.

This is supporting legal drivers for consultation that NEPA, NAGPRA, NHPA, American Indian Religious Freedom Act, ARPA, various presidential memorandums all dated in the '90s dealing with government-to-government relationships, access to sacred sites, consultation requirements with federally recognized tribes, as well as the environmental justice, as well -- and the Department of Defense, American Indian Alaska Native Policy, and the Army's implementing regs, AR 200-4, and Army pamphlet 200-4.

These are the federally recognized tribes that we invited to participate in this meeting.

Those tribes that are highlighted in red are represented today except for the San Manuel. I believe they were from Las Vegas, were not able to

Page 141

come today. But there are 14 tribes. We will continue to consult with them until they indicate that they don't want to be consulted.

Again, as I mentioned this morning, the tribes that weren't here today will get copies of all of the presentations, the transcripts. So that it's unfortunate they couldn't be here, but at least they'll have an opportunity to comment on what was happening, what was said.

We've gone through the introduction. We'll start off with some definitions. We'll talk about policies and procedures, the notification process, identifications and the treatment and disposition of NAGPRA items.

And then kind of logistics, we'll talk about how we deal with time conflicts and dispute resolutions. Then we'll also, if there's additional parties that may come in at some time later during the consultation process, how we handle that.

And then, finally, the resumption of activity. All of this standard operating procedure is with respect to the inadvertent discovery of Native American human remains and associated funerary objects, sacred objects or objects of cultural patrimony. I will tell you exactly what

Page 142

inadvertent means here in a minute.

First off, Fort Irwin is engaged in a continuing cultural resource inventory and evaluation.

Because of the unique mission of the training requirements at Fort Irwin, as well as the geomorphic processes out here, there is the potential for previously unidentified human remains and NAGPRA objects to be identified, whether they be burials and cremation sites or sacred sites, that may have some NAGPRA significance, those sites may yet be identified. And if human remains or funerary items are discovered, compliance with NAGPRA is required.

Some of the definitions. These are taken directly from NAGPRA. We've got burial sites. That's basically any natural or prepared physical location, whether originally below, on or above the surface of the earth, into which as a part of the death rite or ceremony of a culture, individual human remains are deposited.

These may include rock cairns or pyres which do not ordinarily fall within the ordinary definition of a grave. This is verbatim from NAGPRA.

Page 143

Cultural affiliation means that there's a relationship of shared group identity which can reasonably be traced historically or prehistorically between members of a present-day Indian tribe and an identifiable earlier group.

Funerary objects mean items that, as a part of the death rite or ceremony of a culture, are reasonably believed to have been placed intentionally at the time of death or later with or near individual human remains.

Funerary objects must be identified by a preponderance of evidence as having been removed from a specific burial site of an individual affiliated with a particular Indian tribe or being related to specific individuals or families or to known human remains.

Sacred objects are those items that are specific ceremonial objects needed by traditional Native American religious leaders for the practice of traditional Native American religions by their present-day adherents.

While many items, from ancient pottery to arrowheads, might be imbued with sacredness in the eyes of the individual, these regulations are specifically limited to objects that were devoted to

Page 144

a traditional Native American religious ceremony or ritual and which have religious significance or function in the continued observance or renewal of such ceremony.

Objects of cultural patrimony is defined as those items having ongoing historical, traditional or cultural importance, central to the Indian tribe, rather than property owned by an individual tribal or organization member.

These objects are of such central importance that they may not be alienated, appropriated or conveyed by any individual, tribal or organization member. Such objects must have been considered inalienable by the culturally affiliated Indian tribe at the time that this object was separated from the group.

Indian tribe means any tribe, band, nation or other organized group or community of Indians which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

Inadvertent discovery is defined as the unanticipated encounter or detection of human remains, funerary objects, sacred objects or objects of cultural patrimony found under or on the surface

Page 145

of federal or tribal lands pursuant to NAGPRA.

According to this definition, if an object is recovered that is not recognized as defined under NAGPRA when found, but is subsequently identified during laboratory analysis, this qualifies as detection and, therefore, constitutes inadvertent discovery.

In other words, if they find something in the field, they get it back to the lab, they clean it up and begin the analysis and realize that either it's human bone or a funerary item that was previously not detected in the field. Once they make that determination, it becomes an inadvertent discovery.

Cultural objects specifically refer to funerary objects, sacred objects and objects of cultural patrimony.

Basically the NAGPRA SOP policy is to protect, to identify proper ownership, and to ensure rightful treatment and disposition of the human remains as well as funerary objects.

Now for the procedures.

This involves preliminary assessment, protection and verification. Cultural resource manager must make a site visit within 24 hours of an

Page 146

inadvertent discovery. Then he goes through a process. If they're nonhuman, he determines archaeological association and whether or not Section 106 procedures apply.

If he determines that the remains are associated with a recent crime scene, he then contacts the appropriate authorities on base, the provost marshal's office, criminal investigation division, as well as the county sheriff.

All activities cease within a 50-meter radius, and the investigation takes place.

If they're not associated with a crime scene, with authorities concurring, they notify the California SHPO. If they are or appear to be Native American, the cultural resource manager will prepare a written report of finding, noting all circumstances, including the content and context of the discovery, a general assumption of their age and their significance.

Evaluations will be conducted in situ. That means if they find what appears to be human remains or any kind of funerary objects in the field, they will observe -- they will expose just enough of those remains or artifacts to determine -- you know, to better evaluate them. They won't be

Page 147

necessarily removing them from the ground. The ideal situation is to leave them in place, protect and preserve.

Sites also will be stabilized, and they will be monitored so that if they are exposed, they will be monitored and protected until final treatment and disposition is determined.

There will be no removal of items until compliance with these rules and the resumption of activity is completed.

It's important to note that the NAGPRA investigations take time. The cultural resource manager, as well as the criminal investigative division here on the post, should have a plan of action, including specialists identified and available to conduct field analysis.

And those would likely be tribal elders. They would also likely be physical anthropologists or forensic anthropologists. They should have a plan of action ready to go should an inadvertent discovery take place.

The next major step is that the cultural resource manager notifies the commander. Immediately they need to make a telephone communication. It's either the commander or his

Page 148

official designee.

The cultural resource manager will follow up with a written report, with a plan of action, a list of those parties that need to be consulted, and preliminary recommendations on the treatment and disposition of the items.

The commander has a responsibility to notify the cultural resource manager that he has -- he or she has indeed received the report and is taking action. He is required to write back to the cultural resource manager.

The clock starts ticking, or it's already started ticking when he's notified, yes, he's been informed and we're on this and we are processing this NAGPRA inadvertent discovery.

At the same time, any types of ground-disturbing activities within a 50-meter radius must cease. And that involves all components, whether it be DPW, G3, which is operations and training or range control or ITAM. Everybody's put on notice. There's no activity in this area. The commander's ultimately responsible to ensure that there are no disturbances to this site.

The commander has three days to notify all

Page 149

possible lineal descendents and other lineal tribes that may claim custody of the objects.

The decisions on which tribes will be notified is predicated on NAGPRA and the list of tribal contacts. Initially, telephone calls may be made either from the commander or his designee. Those phone calls will be logged. A written record will be written: time, date, place, person, the extent of the conversation.

These will be immediately followed up by certified mail, including the written report, preliminary plan of action so that all the federal tribes know what's been found. You know, they basically have the same information that the commander has.

The next component of this is notifying the Native Americans. And there is a priority ranking of determining ownership or control of NAGPRA objects. And in ranking order they are lineal descendents, Indian tribes that may be holding tribal lands where the remains were found, culturally affiliated Indian tribes, Indian tribes recognized as the aboriginal owners of the land.

That could be a tribe that we know, based on the oral as well as archaeological records, they

Page 150

were in this geographical area a couple hundred years ago. They moved to another geographical area. We knew that they were there at the time. They may be the legal claimants.

Then the next in order are the Indian tribes with the strongest demonstrated cultural relationship to those objects.

And then, finally, we have an unclaimed category when there can be no -- none of the aboves can be satisfied, that there is an unclaimed category.

The list of the tribal contacts is kept by the natural and cultural resource manager, which is Mr. Quillman. And these will be verified and/or updated annually in coordination with tribal election schedules.

And we've already been informed that there's been a change since we sent our letters out in July that one of the people that we've corresponded with is no longer a tribal official.

We probably, before y'all leave, would like to get your tribe's election schedule so that we would know what time of year to update our list. That would be helpful.

Now, for the identification. As I

Page 151

mentioned earlier, in situ analysis. That is analysis in the field with the least amount of disturbance, least amount of exposure to the human remains and/or objects that are identified.

The cultural resource manager will employ special assistance appropriate. Again, physical anthropologists, tribal elders, forensic anthropologists, ethnographers. Cultural affiliation shall be determined by a preponderance of evidence.

That is, for instance, geographical affiliation, kinship, biological, archaeological, folklore, oral traditions.

Preponderance means that there's -- it doesn't -- it's not an absolute. It's kind of a sum of all of the variables combined, what is the preponderance?

Lineal descent will be determined with the potential lineal descendents. Again, in other words, if we think they're Paiute, we'll consult with the Paiute and find out which group is most closely affiliated.

Consultation must result in either a plan of action or a comprehensive agreement. All parties covered in the comprehensive agreement must agree to

Page 152

be signatories. Can't be part of a contract unless you sign it.

Information gained from the consultation that should be included in the written plan or comprehensive agreement are the kinds of material to be considered as cultural objects. Hopefully we'll get into some of these either later today or in our next meeting.

These are types of information that we need from your tribe so that we will know that should we find some objects out there, what types of materials y'all are most concerned with and how we need to consult with you on those.

Specific information used to determine custody is that is potentially information that the tribal elders may hold about significance of these objects.

We also need to consult regarding treatment, care and handling of the human remains and cultural objects, what types of analysis or identification of human remains and cultural objects may be appropriate.

Steps to be followed to contact Indian tribes at the time of the inadvertent discovery. The kind of traditional treatment to be afforded the

Page 153

human remains or cultural objects.
That is -- I just want to make a point here, is that anytime there are NAGPRA or funerary objects, the commander is -- the commander is required to allow Native American religious specialists to come on base to conduct ceremonies that may be deemed necessary.
And, again, we'll go over with you the nature and type of reports to be prepared.
And then finally, the disposition of human remains and cultural objects.
Regarding the treatment and disposition. It shall be -- that shall be determined in consultation with lineal decendents of the tribes, one of the tribes that demonstrate priority of ownership as per that list.
Tribes must demonstrate affiliation by preponderance of evidence. The single claimant cannot be identified. And continue consultation.
As per NAGPRA. if no agreement can be reached, refer to the dispute resolution process, which I'll discuss in a minute.
Then you want to make every attempt to specify treatment for inadvertent discoveries within 30 days after the certified notification has been

Page 154

sent.
If, for instance, in situ preservation, in-place preservation is not possible, repatriation with tribes of lineal descent or cultural affiliation should be undertaken.
To continue, each restoration or reinternment shall afford Fort Irwin an opportunity for tribal religious participation. This is what I was talking about earlier. The American -- the commander is required to allow traditional religious leaders on base to conduct ceremonies, as per American Indian Religious Freedom Act.
Prior to the disposition of NAGPRA objects, public notices shall be published of the proposed disposition in the area of the lineal and culturally affiliated tribes.
Typically, this is done -- this is per NAGPRA. You put in two notices with the inventories in the nearest available newspaper that would be in the -- wherever the tribe resides currently. Like if it happened at Fort Irwin, if it's the Timbi-sha Shoshone, it would be the Death Valley area and likewise.
You do that twice, two weeks apart. Of course you've already made phone calls and sent

Page 155

reports. So this is just a public responsibility in case there may be other interested parties out there that wish to make a claim.
Unclaimed Native American human remains and cultural objects shall be returned in accordance with the regulations developed by the NAGPRA review committee.
On the rare occasion that Fort Irwin and Native Americans that are being consulted have trouble or conflicting schedules, they'll notify each other as quickly as possible. Emergency actions will be conducted by telephone, e-mails and fax.
And, finally, for the dispute resolution -- again, this falls pretty much in NAGPRA -- they'll follow the NAGPRA procedures. Fort Irwin shall follow the procedures set forth in the standard operating procedures for consultation with all interested tribes.
Should any interested tribes make any conflicting claims of cultural affiliation or dispute the methods of treatment or disposition, the installation commander shall notify -- it used to be FORSCOM. Now, the Army has been -- what's the word I'm looking for -- reorganized -- southwest region.

Page 156

It's just something we need to update.
But basically it gets elevated from the installation level to the regional level of the Army.
In the meantime, Fort Irwin will continue consultation with the disputing parties, suggest that the disputing parties seek resolution among themselves. And if they can concur, hopefully they can concur or go before the NAGPRA review committee to make recommendations on the resolution of the disputes.
If upon the recommendations of the NAGPRA review committee the most appropriate claimant still cannot be determined, Fort Irwin shall retain the disputed remains or cultural objects until the question of custody is resolved.
And, again, as I mentioned earlier, additional parties. Basically any interested tribes claiming lineal descent or cultural affiliation may join the procedures at any time should they express a desire to do so.
However, if an interested party fails to make a written claim prior to the time human remains and cultural objects are duly repatriated or disposed of to a claimant, the interested party is

Page 157

deemed to have waived any right to claim such items as per NAGPRA.

In other words, speak up early or, you know, once the process -- basically, if the remains have been repatriated, it's too late to make a claim.

And then following for the resumption of activities. NAGPRA specifies that in case of an inadvertent discovery of human remains or cultural objects, work can resume within 30 days after certification of the installation commander. Or activity may resume if the treatment is documented in a written, binding agreement between the installation and the affiliated Indian tribes, as per NAGPRA.

However, no event or activity may resume until the SHPO or, if involved, local law enforcement officials approve.

Questions or discussions.

Yes, sir.

CHAD SMITH: I think the role of the SHPO is sort of tangled up in this. And after the discovery is found to be human, SHPO's involvement with NAGPRA ceases.

And cultural affiliation determination on

Page 158

preponderance of the evidence can be with only one line of evidence, that is, the oral tradition of the tribe. It doesn't take a saliva test of various archaeological theories and science doesn't trump traditional culture in this.

TAD BRITT: Exactly. Exactly.

CHAD SMITH: And I don't know about this one, but I proved it on U.S. Forest Service, that a discovery under 106 does not have to be a material finding of cultural resource by a backhoe blade, an inadvertent material discovery. It can be information that was not recorded or incorrectly recorded. That can be discovered, like, through --

TAD BRITT: Reanalysis or --

CHAD SMITH: -- like in court trial, the discovery process.

TAD BRITT: Sure.

CHAD SMITH: There could be information about location of burial or presence of burial or mortuary practices that could lead to findings of human remains.

But it seems to me that the Army here doesn't have some of the same concerns or background that -- some of the museums we have to deal with and universities and others and NAGPRA issues to where

Page 159

there may be a vested interest in human remains in the collection.

TAD BRITT: Of keeping them in the collection?

CHAD SMITH: Being determined to be indeterminate as to cultural affiliation or genetics.

And it doesn't seem to be as much an issue here.

And then, finally, elsewhere in California, some of the federally recognized tribes have been able to partner with a nonfederally recognized tribe, kind of like in the one example where a tribe once was in an area and then was not.

And the Luisenos have been able to partner with the San Luis Rey tribe, which is not federally recognized, and effect a repatriation even though a reburial on Luiseno lands of San Luis Rey remains. So there's ways to work through this.

TAD BRITT: We understand that that is certainly a way of repatriation.

CHAD SMITH: Yeah.

TAD BRITT: And it's an effective way, particularly for those unfederally recognized tribes.

Page 160

CHAD SMITH: And then especially in California, with the recent state reburial law, repatriation act, there are many tribes that are recognized by the State of California, but have not achieved federal recognition.

So...

TAD BRITT: And they may yet here in the near future.

CHAD SMITH: Yeah. It all could come together right here on Fort Irwin.

ROBERT HORALEK: To address that very briefly, I think you're exactly correct, and you're right. Our interest is perhaps not the same as perhaps some other types of agencies. Our interest is resolving the issue as expediently as we can to your satisfaction.

And so if you saw the priorities that we would give to who would have the right say, as long as that group that is affiliating with the highest one on that list and you all agree, folks, we're going to agree.

And we can draft that in any way you want.

TAD BRITT: Yeah, the nature --

Go ahead, ma'am.

BETTY CORNELIUS: On the Nellis Air Force

Page 161

Base we have three affiliated tribes that dealt with the NAGPRA and reburial. They were the Paiute, the Southern Paiute, the Western Shoshones and -- there's three of them anyway. Let's see, there's the Paiute, there's the Western Shoshones, and there's Southern Paiute.

Did I already say Southern Paiute?

The Paiute, the Western Shoshone, and the Southern Paiutes were all affiliated with that area on whatever was discovered on the test range anyway. And I think that's what he's kind of saying here, affiliating the 14 tribes, maybe extending it to them.

Is that what you're saying, Chad?

CHAD SMITH: Yeah. If there's some others that would have a concern on that --

BETTY CORNELIUS: And that worked for us up there. You know, we all were in consensus, so that would be what we would strive for here, is a consensus.

TAD BRITT: The Army has pretty much realized that they don't have the expertise to determine lineal descent. I mean basically the ball is in the Native American's court.

And usually it's been my experience that if

Page 162

there are conflicting claims, they're worked out among the Indians. And then one tribe steps forth and takes the remains, and they deal with it that way. It's a pretty efficient process.

CHAD SMITH: One other thing. In all, the Mojaves did participate on base with a recremation and reburial on base. And I know at Fort Polk, Louisiana, the tribes there were able to cross a threshold with Army in NAGPRA. that up until that time DOD haD not been able to set aside on a military establishment, something like a cemetery area, where there could be reinternments from remains found on post. And some that came from the post before it was military establishment and were in museums and that.

TAD BRITT: Uh-huh.

CHAD SMITH: And it worked quite successfully. And it's a protected area, ultimately protected because it's on the military establishment. And then it's fenced within the establishment itself.

TAD BRITT: Exactly.

CHAD SMITH: So reinternment within the post, I take it, would not be insurmountable?

TAD BRITT: No, it's not. The precedent

Page 163

has been set with --

ROBERT HORALEK: We have places right now where --

CHAD SMITH: And with many tribes it's a policy that the remains should go into the ground as close as to where they came out of the ground, but out of harm's way or future projects and that kind of thing.

TAD BRITT: I know Fort Benning has set aside a Native American cemetery.

When I worked for the Vicksburg Corps of Engineers, we created a Caddo cemetery on some corps property and a lock and dam.

The precedent is there.

CHAD SMITH: Huachuca.

TAD BRITT: Yeah. I don't think that would be -- but, again, you know, there have been no conclusive NAGPRA items found here that archaeologists know. I don't mean to say that there aren't any, but we don't have -- there's a potential for a cremation site.

Have beads been recovered here? Do you have beads in your collection?

CRAIG SMITH: I believe there are several.

TAD BRITT: Okay. Well, no, at West

Page 164

Cronese right off the installation in the '20s, Rogers took out numerous Mojave cremations with the little stone beads. That's something we're working through with Museum of Man right now where they are. And the Southwest Museum as well. And probably the same is true on post.

And ideally those are a meter or more beneath alluvium. Some of this recent deposition stuff as they found on this fiber optic line, it just comes right in over the top -- you've got a veneer of stuff from 500 years that's right over the top of 10,000-year-old stuff or a thousand-year-old. Yeah.

TAD BRITT: That was our main purpose, to initiate the subsurface sampling. Because we just really felt like the types of studies that had been done under here were inadequate for today's needs.

CHAD SMITH: Just scratched the surface?

TAD BRITT: Exactly.

WILLIAM HELMER: I had a question.

TAD BRITT: Yes, sir.

WILLIAM HELMER: Couple of questions.

Are all the artifacts found on base here at the museum here, or are they -- any curated at any other museum?

Page 165

DARRELL GUNDRUM: There are some material. Our collections are really just starting to come together here at the facility.

The base itself has been active during periods and inactive during other periods. There is some material my staff has been uncovering recently where we're finding that there are collections in some other museums around Southern California.

TAD BRITT: But y'all are working to get those back here?

DARRELL GUNDRUM: Right.

TAD BRITT: The objective is to get all the artifacts from Fort Irwin here at the curation facility. And it's a curation facility. It's not really a museum, it's a curation facility.

WILLIAM HELMER: It would be good to have a list of those museums.

DARRELL GUNDRUM: It's been a real process because we have been really going through all the reports that were generated over the years here at the installation. There were periods when this really wasn't an active installation, and there were amateur archaeological groups out here with the San Bernardino County Museum and whatnot.

We do have some collections even in

Page 166

Barstow, at the local museum in Barstow, that we're seeking to get back.

WILLIAM HELMER: Okay. Yeah. There's also -- you might need to check out people's garages.

ROBERT HORALEK: You're going to have a lot of that. Because particularly in the Superior Lake area, that area has been open to the desert rats for years. And we have no idea what's been hauled out, if you will.

And Bill Mann from Barstow has ran tours through that whole area annually for God knows how long. So, yeah, there's bound to be stuff we don't have.

BARBARA DURHAM: Is there a Native American liaison for this purpose?

TAD BRITT: For the NAGPRA consultation?

BARBARA DURHAM: Yes. Yes.

TAD BRITT: No, ma'am.

BARBARA DURHAM: Is there a thought to fill in a position like that?

MUHAMMAD BARI: At the moment we have a manager, Mr. Quillman. He is the PUC for all natural resources and cultural resources.

BARBARA DURHAM: Okay.

Page 167

TAD BRITT: Some installations actually -- or core districts actually have a Native American specialist. That's what they -- they deal with all types of -- whether they be environmental or cultural resources. They interact on a nation-to-nation basis.

I believe that's what she's referring to.

WILLIAM HELMER: Okay. And just the other question to that.

TAD BRITT: I don't think she says they have to be Native Americans. She's just saying, do you have a Native American liaison officer?

BARBARA DURHAM: Although one would be preferred.

WILLIAM HELMER: If I heard you right in terms of determining cultural affiliation, Fort Irwin is not like some museums or agencies that present the argument, anything older than 500 years is culturally unidentifiable.

Is that not your position?

WILLIAM QUILLMAN: That is definitely not our position.

I think Bob is speaking pretty clearly. They don't wish to have in possession any human remains or funerary items. And I believe that's --

Page 168

that's the consensus.

I mean this is -- the mission of Fort Irwin is training military readiness. It's not to amass archaeological collection. Their main objective is to preserve and protect and manage.

And certainly, you know, we're not into -- we don't have the kind of research objectives that, you know, pure science, so to speak, has. So that's not at all in Fort Irwin's interest.

BETTY CORNELIUS: I have another question. This, to me -- this document, it doesn't have a title. I mean --

TAD BRITT: I don't believe you have --

BETTY CORNELIUS: Is this the current? This is the one that you sent me. Is that the --

LTC OGDEN: It says draft?

TAD BRITT: You can have this one.

BETTY CORNELIUS: This is mine, the one that you sent me.

BARBARA DURHAM: It's the same thing.

TAD BRITT: Well, it's just a little different.

ROBERT HORALEK: I think what you're referring to is the draft that we want to eventually have you have a chance to go through, look at,

Page 169

modify, comment on and so forth.
We'll, in fact, say "The Names of the Tribes and Fort Irwin" as the title thereof.
Right now this is nothing but a very rough draft to start you in that process of helping us get a good agreement that we can all work with.
BETTY CORNELIUS: Right here where it says, "Fort Irwin," I think it should include the National Training Center, you know, behind that, because that's the only place that explains what this document is about.
The other thing, is that the national or the natural and cultural manager? Is that the same person? Because they have --
WILLIAM QUILLMAN: That is, in fact, me. Yes, ma'am.
BETTY CORNELIUS: Okay. In this document they either leave the natural out or they leave the -- or they stick Fort Irwin in front of you. I think you should be consistent in how you're describing your position.
And I also think that it should go in place -- you know, in front of your installation manager. Now, who is that? I mean is that Col. Flinn?

Page 170

ROBERT HORALEK: Actually, we're not --
BETTY CORNELIUS: The installation commander?
ROBERT HORALEK: This sounds like a dumb answer, but right now we are going through what he called TIMs, which is now called IMA. We even changed the acronym before we got it in place.
But how we're going to divide out the responsibilities between the NTC and the installation commander who is responsible for missions and the actual running of the physical property is still in the process of being determined.
And I wrote myself a note down, that when we are dealing with a NAGPRA type issue, it's very unclear to me whether that is, in fact, the installation commander or if that is the garrison commander.
The garrison commander, what I'm calling the IMA, in fact, commands these resources. But when you've got an issue out in the training area that can shut training down and must be addressed, that may, in fact, be an NTC installation commander issue.
And as we have not even got this thing set

Page 171

up yet, which will start October 1, we're going to have a number of little issues like that, and we're going to have to refine that as we go.
BETTY CORNELIUS: Okay. One other thing. In this section right here, where it says -- this section, okay. It says the procedures to be followed in an event of inadvertent discovery.
Now, it makes it sound like this document here is all about inadvertent discovery, and I know it's not.
ROBERT HORALEK: Actually, it is.
BETTY CORNELIUS: It is.
ROBERT HORALEK: And, in fact, my suggestion to you all is we're going to need to do a follow-up document very similar to this, but not necessarily the same, that will deal with the planned work that we do in archaeology so that we, again, have you involved from the day one and have your input on those types of activities.
Right now this is aimed at if I'm out there digging a foxhole with a backhoe for a training exercise and inadvertently come up with something I had no intentions of doing, this is the document that will deal with that.
But when I'm going out there to do regular

Page 172

archaeological work, we need another document very similar to this that will deal with that issue.
MUHAMMAD BARI: That document will be in the cultural resources management plan.
TAD BRITT: This is the comprehensive agreement or programmatic agreement that the installation will enter in with each of your individual tribes on how -- it could cover everything from NAGPRA, inadvertent discovery, to Section 106 undertakings, Section 110 compliance, NEPA compliance.
We need that between the installation and the Indian tribes so that we have one consolidated document that tells us how we operate with each tribe on every issue.
CHAD SMITH: That's what we're --
TAD BRITT: Eventually we're working toward that.
CHAD SMITH: We're negotiating the comprehensive agreement with human proving ground right now along these lines to address the various legislation, NAGPRA, ARPA, National Historic Preservation Act all in one document, which will be an MOU.
TAD BRITT: Uh-huh.

Page 173

CHAD SMITH: Yeah.
BARBARA DURHAM: Yeah. We're currently trying to negotiate one with China Lake, an agreement, an MOU for access, as well as repatriation.
I think this document, as well as the document for doing ARC surveys, you need to cover -- you need to have something in there for Native American involvement. A lot of our tribes, we do get funding, but not enough funding. We need funding for tribal consultants to come out, our tribal elders, our tribal historic preservation committees to come out and be a part of this.
TAD BRITT: I understand.
BETTY CORNELIUS: I don't know. Tad, maybe I'm picky. I don't know. But right here where it says that -- going back to his position again, the natural and cultural resource manager, now they gave him -- is that his phone number?
TAD BRITT: It is.
BETTY CORNELIUS: That's his phone number.
TAD BRITT: Except for the 760.
BETTY CORNELIUS: Should that be in the policy or something like that? Same as up here. The G3. Now, what is that?

Page 174

TAD BRITT: That's operations and training.
BETTY CORNELIUS: And that's their code number?
TAD BRITT: Why it's called G3, I don't know.
CHAD SMITH: You've got G2, which is spook stuff.
LTC OGDEN: G3 is operations. It's just the way. But we put positions rather than people because people change. So it's always that office is responsible.
TAD BRITT: Yeah. We agree. This is a draft. There's certainly -- it's written from an Army's perspective using Army acronyms. And --
LTC OGDEN: We could add in there definitions, you know, what acronyms, identify acronyms.
TAD BRITT: And Ms. Durham brought up a good point about compensation for tribal participation. That's something we'll need to discuss at Fort Irwin.
CHAD SMITH: We ran into this a long time ago with U.S. Forest Service and developers and others. And they would say, well, you know, we can't pay for information that your elders have.

Page 175

And we had the position that, well, it's not the information that you're compensating them for. It's their time and effort involved in participating in the process.
BARBARA DURHAM: And their expertise.
CHAD SMITH: Yeah.
TAD BRITT: Yeah. They're subject area experts.
CHAD SMITH: Same as a geomorphologist.
TAD BRITT: Exactly. I'm not disagreeing with you there, but that's not --
CHAD SMITH: And under the latest regulations for 106, it is stated that ethnographic studies are an allowable cost of the Section 106 process, which was a major breakthrough for tribes. Because we came up against that roadblock to involvement and participation.
And ten years ago we were being told, well, if you want your important sacred places protected, then it's up to you to man the -- or field the people at your expense to come off reservation, where we're doing this project that could impact things important to you.
We said, well, you know, we're not the ones building it, and it's off reservation. You should

Page 176

compensate us for the time and effort involved.
And we've achieved a lot of that over the years. So it's not so much an issue.
TAD BRITT: Folks -- yes, ma'am.
BETTY CORNELIUS: Under the archaeology sites, you know, you said that they were immediately declared having a 10-meter radius or something like that. And that the State of California issues their archaeologist sites a 30-meter radius.
Now, under the NAGPRA here, we have a 50-meter radius, and it says that all work is going to be halted and stopped. And it says the site will be protected and stabilized.
Now, my question is, isn't the ARPA supposed to be covering this and then the NAGPRA comes behind it in collecting, you know, what you guys have been collecting?
TAD BRITT: ARPA pertains to outside entities doing work on a federal installation. This work that Fort Irwin is doing, they're doing it for themselves. Therefore, they're exempt from ARPA. So, therefore, they don't have to comply with ARPA. They comply with NAGPRA.
The stipulations in NAGPRA, they're not -- the 50-meter radius has nothing to do with what a

Page 177

site definition is. It's just basically a buffer zone for participation.

BETTY CORNELIUS: What about AIRFA, doesn't it apply? AIRFA because --

TAD BRITT: AIRFA applies, yes, ma'am. That's basically allowing access for elders to come in to conduct religious ceremonies.

BETTY CORNELIUS: Maybe I'm dumb, I don't know. But what's a 50-meter radius? How big is that?

TAD BRITT: That's 150 feet.

WILLIAM QUILLMAN: That's just to protect that site so we can actually make a determination together as to the importance of that site. Then we can pare that down to a workable size. It's not going to say it's 50 meters off limit.

BETTY CORNELIUS: That's it's own right-of-way, you might say?

TAD BRITT: Yes, ma'am. And it's not written in stone that it won't be bigger than that.

The point of that statement is to ensure the site is going to be protected and preserved and monitored until the treatment and disposition has taken place. That's the intent of that buffer zone, is to -- if there was some construction or activity

Page 178

in that area and they had an inadvertent discovery, all construction ceases within a 50-meter radius of that -- or training or whatever.

BARBARA DURHAM: That's two times the size of this room.

BETTY CORNELIUS: Two times the size?

TAD BRITT: Yes, sir.

WILLIAM HELMER: The reason you're doing the -- drafting this is because under the NAGPRA regulations, if you don't have this, you defer to the regs and everything stops for, what, up to 30 days?

TAD BRITT: They can, yes.

WILLIAM HELMER: Yeah. So this kind of makes things more expedient

TAD BRITT: Yes, sir. It is. It's a plan of action. This is what we're going to do should we find something.

It also has the list of things, information that we need from the tribes should we find something. These are the types of things we're going to be concerned about.

And if we can get more of this worked out and formalized into a final standard operating procedure with each of the individual tribes, that's

Page 179

the ultimate goal of this. So that should the rare occasion that it does occur, we know exactly what needs to be done, who needs to be notified and so on.

And I would imagine the plans are going to be fairly consistent across the board with all of the tribes because we certainly don't want to give one tribe more or less any claim or, so to speak, you know, to the items, whatever they may be. We're going to try to make them as fair and objective. The process is people -- how we may contact people may be slightly different.

But the procedures are going to be very similar so that we don't show favoritism or discrimination.

MUHAMMAD BARI: This is a type of a draft document. And we will appreciate some more emphasis on this one so that we can finalize it --

TAD BRITT: Sure.

MUHAMMAD BARI: -- as soon as we can.

And in the meantime, I don't know if Bob can tell me on that. It's a draft. If something comes up, like, tomorrow or something --

TAD BRITT: We follow that.

MUHAMMAD BARI: -- we follow this one?

Page 180

TAD BRITT: Yeah. This has been approved. It's in place at other installations. It works. It may not be the best thing. It may not be the ideal thing for Fort Irwin, but it works. It's been demonstrated.

And until we get -- sounds like we need to get with you and get right on the legalese and collect some language.

ROBERT HORALEK: I'm rather interested in what you said a moment ago. You had a comprehensive agreement that you're almost ready to finalize with Yuma.

Does it come pretty close to what you're looking for?

CHAD SMITH: Yeah.

ROBERT HORALEK: That might be a real good starting point for this. Take that agreement, modify it for site specific Fort Irwin, and we might be able to get there a lot quicker.

CHAD SMITH: I'll get them to send the framework over to Darrell for sure. Yeah.

TAD BRITT: All right. That will help us out a lot.

ROBERT HORALEK: No reason to reinvent the wheel.

Page 181

TAD BRITT: Exactly. I agree wholeheartedly.

Why don't we take a 15-minute break. When we come back, the floor is y'all's, and we'll revisit some of these issues and go off in your directions.

Thank you.

(Recess taken from 2:39 p.m. to 2:59 p.m.)

TAD BRITT: Folks, if y'all are ready, we'll get started.

This time is for y'all. If you want to, we can start off by revisiting some of the issues we said we would this morning.

But before we do that, Darrell has got copies of --

Tell me exactly what you've got.

DARRELL GUNDRUM: The collection summary report for NAGPRA that was done a few years ago here at Fort Irwin.

TAD BRITT: So it's all of your collection. It's not just NAGPRA.

DARRELL GUNDRUM: Right -- well, no. It's for NAGPRA inventory.

TAD BRITT: Comprehensive collection.

Page 182

He's going to present those to the tribes, and we will send copies to those tribes that aren't here today.

DARRELL GUNDRUM: Also, copies of several rock art reports. Some of you have requested these previously, and we've sent them out to you in the mail. Just some of the rock artwork that has been done out here over the years.

I just want you to be able to take these back to your nations and tribal elders to show them what kind of motifs and rock art we have here at Fort Irwin because many of them might be concerned with these resources.

TAD BRITT: What I'll do is we made some notes this morning on some of the topics for discussion. And let me just run through the list. And then I'll turn the floor over to y'all. And if there's one you want to address, we'll go right into it.

But I don't want to -- I want to give y'all this time to talk about those issues and concerns that are -- that y'all may have.

One important concern was the Army regs concerning notifications. There was concern that the tribes were not being notified about the testing

Page 183

of archaeological sites and that they would like to see the methods testing plan, as well as the reports.

There's another on the collection of artifacts on the -- which artifacts should or should not be collected during inventory. There was the mention of a Native American liaison position here at Fort Irwin.

There were some concerns regarding the title of a SOP, as well as some clarifications regarding the natural and cultural resource manager's position, listing of all the tribes, as well as some legal refinements to the proper format of the document that we're going to address.

Another major concern was the request or -- request to discuss funding for tribal consultants, as well as for travel to do consultation. Basically it's compensation for tribal participation. And I guess that's about it.

At this time if you -- one of those you want to address right away or if there's something else you want to move on to, they are noted in the record. We can -- if we don't address them today, we can address them later. But at this time I'm going to turn it over to whoever and whatever y'all

Page 184

want to talk about.

CHAD SMITH: I just couldn't save up some of it for this point, so we've touched on a lot of the issues or concerns that the Mojave have.

TAD BRITT: Uh-huh.

CHAD SMITH: We did have a staff meeting and a discussion specifically about the installation and the ongoing activities and the consultations. I'll brief our board when I get back.

And our board is elders and other knowledgeable tribal members. And I think -- I think we'll do some good work with you guys, with the installation and for the culture as well. Both sides can benefit.

TAD BRITT: I believe it's the intent of the installation to have real meaningful consultations. And that would include bringing in tribal elders, subject matter experts to address some of these concerns that we may not be fully qualified to evaluate.

They understand the need as well as the compliance directives for consultation. We won't get it all addressed today, but certainly hopefully we've established a good and open dialogue to begin to address some of these questions and concerns.

Page 185

ROBERT HORALEK: If I may touch on one issue as a starting point only, because obviously I don't have any definitive answers right now.

The concept of being able to pay the tribes to assist in this process. There's kind of two parts to that. As far as negotiate an agreement between the U.S. Government and your nation, it's very difficult for me to pay you to come negotiate with me. That's just about as difficult under our physical law theory as I can think of.

On the other hand, when we are starting a cultural resource project and we're going to go out and do research and surveys and so forth, or we, in fact, come up with some definite sites and so forth, it makes a great deal of sense for me to at that point go out to the tribes and ask for people that have the expertise in this area to come in and consult with us. And obviously as consultants, we would contract with you to do that and be able to pay all your expenses.

So as you're kind of mulling through this, that would be one of the thoughts that I would put out to you on that issue.

TAD BRITT: I think you said that very clearly and concisely. I think that's --

Page 186

BARBARA DURHAM: I kind of see this as a steppingstone to what you want. Those people should be here with us -- our elders, our tribal consultants -- to lay down the framework now. And I see it as no separation there.

ROBERT HORALEK: Let me see if I can put it in slightly different terms.

At the moment what we're negotiating is an agreement between two nations. And that would be very similar if I were negotiating with the Soviet Union or China or anyone else.

Clearly, I don't pay their expenses to enter into those negotiations because that's to their benefit. And we're adversaries to a certain degree in the sense that, yes, we both want to come up with the right answer at the end of those negotiations that's good for both of us.

But if I pay you to negotiate with me, then have I already bought your answer with my pay?

That's one issue.

On the other hand, the issues of sitting down and working out a cultural resource program that meets the standards that we all believe it should meet, that's not a negotiation. That's where we're working together to establish an end product

Page 187

that makes sense, and we're using your expertise and paying for that expertise and so forth.

So what I'm saying is we kind of have to make that division between which activity are we involved in? One I can clearly have a justification for using your expertise and paying for it. The other one, I'm actually doing a negotiation with from a totally independent thing. It would be like me walking into the courtroom and paying the other guy's attorney.

BARBARA DURHAM: I understand what you're saying.

TAD BRITT: And let me -- we're not breaking new ground here. I mean we are for Fort Irwin, but there are precedents that have been set regarding the payment and proper compensation for these tribes. And we certainly need to look at those precedents and do what's best.

BARBARA DURHAM: Considering that your sister agencies, the department of -- the Air Force, Navy -- well, not Navy yet, but we're working on it -- they're already doing this with the tribes.

MUHAMMAD BARI: I am the program manager here on the environment side. I will look into the precedents from the DOD entity and also the federal

Page 188

laws. What allows us, we will do that.

BARBARA DURHAM: Okay.

BETTY CORNELIUS: We're not -- the base here has all these archaeology sites. And we're not here to stop your program or your projects. We're here as a voice of what our ancestors left here.

And so in a lot of ways, you need us because the people that we represent here today, you know, they are the ones with all the answers, and they are considered to be the experts.

So in other programs that we go to, they do receive an honorarium. So I think that --

ROBERT HORALEK: Ma'am, I agree with you a hundred percent.

What I'm trying to say is right now, just working out an agreement as to how we will proceed between ourselves is one aspect.

Once we start the program, we absolutely need your expertise to help us with that, and that we can pay for.

And you're absolutely correct. Once we start the program and are trying to work all of the cultural resource issues here, we can't live without your expertise. And that we have every reason to pay for.

Page 189

TAD BRITT: Yeah. We have to follow our laws, the federal laws. But, you know, we also realize -- I think we're all in agreement that we agree that you need to be compensated, but we also need to make sure that it's done legally and within the limits of what the government can provide.

I don't think in the long-term there's going to be any problem. I think that we'll look at existing precedence. I know there are ways to work through this. And I don't really see this as a hinderance, but it is a concern and I understand that. And that's -- you know, we want to address it, and we want to do -- or Fort Irwin wants to do the best thing they can that's legal.

And eventually I think that all parties will be happy.

And Fort Irwin, you know, as well as the Native Americans will ultimately be the beneficiaries of this relationship. We'll get a lot better information and exchange of information.

MUHAMMAD BARI: I want to bring up a point. To accomplish the mission over here, we are asking you to assist us and work with us to take care of the cultural resources over here. The first major step that we are going to do is the NAGPRA hearing

Page 190

we are doing here.

I need help on two sides, two things: one is on the NAGPRA issues. The other thing is on the integrity operations over here. We are in the process of finalizing that draft on the cultural resources management plan. And that will be a live document that will be sent to you for your comments and review.

In the meantime, what we have established, as Darrell can, I think, confirm that for me, we are writing you letters. We are writing you letters first informing you and asking you any information regarding a certain area about ancestral relationship and any information you have on us.

And at the same time we are telling you that we are going to perform this operation on this project in this area.

Then we do the surveys of that area. And if there are some sites, we note those sites for the evaluation and send you the plan of action, what we want to do on that.

If we are sending those letters to the tribes, we are expecting some speedy response, if you may. And is there any possibility, any way of us understanding, yeah, you have received the letter

Page 191

and you have received the report for the comments? And is there any duration we can expect, maybe within 30 days, regards some response and we can proceed on that?

BARBARA DURHAM: A lot of times tribal councils will hold monthly meetings. So sometimes there is a time crunch, you know, whether you're going to get a response back within that 30 days, you know, depending on when we get that letter.

So sometimes it could be over 30 days when you'll -- before you'll get a response back if we have to take it to our tribal councils.

MUHAMMAD BARI: Maybe if we can somehow get maybe a telephonic or some sort of response that, yes, we are working on this issue, we can wait for the response. If there is no response, we take it as an understanding as you agree with our request or with our information or with our report, and we proceed on that.

That's what I was asking.

BARBARA DURHAM: Uh-huh. Currently the Timbi-sha tribe has worked out a consultation agreement with the Death Valley National Park where information comes in, that they'll get a response.

Bill, maybe you want to explain that.

Page 192

WILLIAM HELMER: Yeah. We worked out -- and that might be -- we can give you these copies. They have been signed by the superintendent of Death Valley National Park and the Tribal Chair, working out exactly that issue of consultation and phone calls and trying to get this as soon as you can, but if -- but, you know, we had it a 40-day, at the extreme, 45 days, but with phone -- with trying to narrow that down and special circumstances and things like that.

So that could be a model here as well.

At the same time, we worked out an MOU with them, the Heritage Stated Transfer MOU, working out an agreement that gave the tribe access to confidential archaeological site records, which would then be -- so the tribe can use that in their database and also for working with the -- Death Valley in protecting those resources.

And there are procedures in there for keeping with limited access, lock case, you know, procedures for keeping those documents confidential.

So that could be another example we could give you.

MUHAMMAD BARI: Thanks.

TAD BRITT: I think we're probably all in

Page 193

agreement that there are some standard operating procedures that we could formalize in an MOU for things such as undertakings, the NAGPRA SOPs, EIS's, things like that, that we could formalize an agreement document that these are how we will correspond and, you know, reasonable expectation of response.

And certainly, you know, it's not -- it's -- I'm sure Darrell is not averse to picking up the phone and calling y'all, you know. So we have to work on it from both ways.

ROBERT HORALEK: That's two documents we've identified, the Yuma one and then the one we've just mentioned.

Does anybody else know of others that we might also roll in and turn this into one large document that could address a number of things?

WILLIAM HELMER: Or there could be elements, common elements between tribes, but probably each tribe has their own specific set of criteria.

ROBERT HORALEK: And that's fine. But if we just start with a document we could send out to all the tribes to look at and modify to their needs, we can all get there a lot quicker.

Page 194

LTC OGDEN: That's what Muhammad was talking about, integrating that resource. That's what we want to send out to y'all to review.

And maybe there could be annexes in the back for each nation to delineate their specific requirements.

I think one thing, also, Muhammad was asking is also when we do send out letters, that if we can at least get some feedback that, in fact, you received it. Because we're not sure in many cases whether you received it or not.

TAD BRITT: You can also send it certified mail.

LTC OGDEN: I think we may do that from now on.

But maybe there's some feedback mechanism that we got it, we're looking at it.

WILLIAM HELMER: That's a good point because there is certified mail, but then making sure that the proper people have seen that, you know, to get that feedback.

MUHAMMAD BARI: We send the information by certified mail. We do that. And we get the receipt back also.

But I think the personal contact or some

Page 195

sort of personal response back, yeah, we are working on this thing or, yes, we agree, telephonically.

WILLIAM HELMER: Yeah.

MUHAMMAD BARI: If we do that, I think we have achieved more. One is the communication channel open. The other is that what we are looking for is speedy response or a closure of that action.

TAD BRITT: What's important to understand for the Fort Irwin folks is that a lot of these tribes don't have the resources that the federal government has. They may only meet once a month. A lot of these people may have two or three different positions within the group.

I'm not -- I'm not trying to make any excuses. I'm just saying this may be how it is within these groups, and if we can better understand that, maybe we can help to figure out a better way to communicate. But -- or they may have outside jobs.

So there's -- you know, we've got to be a little understanding. But, yes, at the same time, I understand Fort Irwin needs to have an answer.

MUHAMMAD BARI: On the plan project, there is no problem. But our mission over here is to train the force.

Page 196

During the mission operation, our accomplishment of the mission, we have an issue where we need a rapid response. That's where we're talking about that. If we can have some open channel of communication or if we can achieve that, that's where the commander will have a good tool in his hand to accomplish the mission.

BARBARA DURHAM: I think we need to set a date for the next meeting.

MUHAMMAD BARI: Actually, that was the exact question. How soon we can expect some sort of response of something? We can set the next meeting, I guess.

TAD BRITT: Absolutely.

WILLIAM HELMER: And, also, when were you sending out the draft of the integrated management plan?

TAD BRITT: Yeah. Let me go back on this.

I'm going to get Reagan's transcripts in a couple of weeks. I'm going to supply -- Susan is going to be compiling the final report. She should have a draft report in about a month.

I'm going to look at it. I'm going to insert all of our presentations and the transcript so everybody has everything. And then I'll mail

Page 197

those out. I'll mail them out from my office.
Probably at the same time we'll be asking Darrell and his staff to draft a letter for Mickey's signature announcing a new meeting with some new -- with these topics that we'll talk about.
We've kind of given you the perspective of Fort Irwin, what the mission is, what the programs are.
I see us at this next meeting really getting into the issues. And I think the top one should be this -- standard operating procedures. Then maybe looking at some other types of agreements for more routine-type activities.
I don't want to set the tone for that now, but those are obviously some things that we are all in agreement on that need to be talked about.
I would say anywhere between three and six months would be a good time to have the next meeting if y'all are ready for that. Give ourselves plenty of leeway. We could have it off site.
You know. We'd like to -- we'd certainly like to get more tribal participation. It may be, you know, because of the remote location, just could have been a number of factors why they weren't able to come. But if we could have it in a more

Page 198

favorable location and really get into the matters at hand, that would probably be more productive.
SUSAN PERLMAN: How much lead time -- I'm sorry.
TAD BRITT: Go ahead.
TIMOTHY REISCHL: One question I would like to ask before we set a date is, do y'all see any more stoppers for the land expansion because of the time line -- because of what you heard today that I have to consider now that might drive requirements, more than just the setup of the nation-to-nation agreements, things like that?
Because I'm operating on a Congressional time line that basically says my document has to be out in January. And it has to be approved in June as per the law that was passed.
And what I'm looking for is do you see -- do you see big problems with what you have heard today and what is happening with the land expansion?
WILLIAM HELMER: Well, one question is, when would that -- the archaeological report be out? Because that would be kind of key to the cultural component of the EIS.
TAD BRITT: Sure. Let me explain.
TIMOTHY REISCHL: It will be in the draft

Page 199

EIS.
TAD BRITT: Correct.
WILLIAM HELMER: But will that -- will the whole thing -- I mean isn't there some confidential information in there that won't -- or will the whole thing be --
TAD BRITT: There won't be any locational information, no.
WILLIAM HELMER: Okay.
TAD BRITT: What we're doing is attempting to kill two birds with one stone by satisfying NEPA compliance and NRHPA by -- the revised regs now allow us to include that information in the NEPA document. That is our intent, to do that, so that we have one report. That way you only have to review one report.
CHAD SMITH: But as an appendix of the SEIS, the draft, there will be the complete archaeological survey report rather than just excerpts?
TAD BRITT: Correct. Right. The EIS will have the affected environmental -- you know, the little thousand pages condensed down to one paragraph type thing, but the full and complete report will be appended to that document. And

Page 200

obviously it won't be sent out to parties that don't have a demonstrated interest in knowing that information.
TIMOTHY REISCHL: Now, it's -- once it goes out, it's a matter of public record. And it -- now, there -- I will tell you, there -- we've recognized the need to not put out all of the specific information.
For example, in our milk vetch study, we have exact locations of every plant we found. But that's not going to go into this public report. Densities will go in there and things like that and by whatever is right.
But whatever goes in that EIS, in the draft, is a public document. And anybody can take it. Anybody can copy it. So --
TAD BRITT: We'll work this out.
But there are certain provisions for sensitive information that doesn't -- that is not in the public domain -- archaeological site locations, things like that. We can cross that bridge --
TIMOTHY REISCHL: And they won't be in there.
WILLIAM HELMER: But we would like to see those.

Page 201

TAD BRITT: Sure you would. And we can supply those to you.
CHAD SMITH: So it would be as a confidential appendix.
TAD BRITT: Yeah.
CHAD SMITH: And that the interested parties, Sierra Club or others, could get expurgated reports that wouldn't have site location information.
TIMOTHY REISCHL: Somebody with a need to know would have access to that information.
CHAD SMITH: Yeah. Yeah. Yeah.
TIMOTHY REISCHL: But there's a lot of things like that that we're dealing with. Everything from mine sites to everything else.
TAD BRITT: Uh-huh. Yeah. There are ways to deal with that.
WILLIAM HELMER: Is there a way to get ahold of that report before the EIS is out?
TAD BRITT: You'll look at the draft. It will be included in the draft EIS.
WILLIAM HELMER: Is there a way of getting it beforehand? Because that might be -- if we're just on the same time frame, if it's -- I don't know.

Page 202

TIMOTHY REISCHL: When are we going to get it?
TAD BRITT: We're getting field management summary the 15th of September.
CRAIG SMITH: The final report is March -- or our draft is in March.
TAD BRITT: The final report is March.
TIMOTHY REISCHL: I need it earlier than that.
WILLIAM HELMER: That's during the comment period. The comment period begins when? In January?
TIMOTHY REISCHL: In January.
WILLIAM HELMER: So how does that work?
TAD BRITT: We'll have to go back and look at the schedule because I know we had all of this worked out.
TIMOTHY REISCHL: I will tell you that we're sending pieces of it to cooperating agencies and all of that stuff.
And if I could get ahold of it, I see no reason why we couldn't send it to you for comment.
WILLIAM HELMER: Okay.
TIMOTHY REISCHL: Because obviously we'd like your input.

Page 203

TAD BRITT: Yeah. I don't see -- however y'all want to see it is fine with us.
TIMOTHY REISCHL: There's a question when it's going to be prepared.
BARBARA DURHAM: What about the tribes being considered cooperating agencies?
TAD BRITT: Question for him.
TIMOTHY REISCHL: I don't think you want to be because of the requirements of a cooperating -- being a cooperating agency puts on you.
But we can give you anything you want. I mean we don't -- we can almost consider you a resource, you know, to proof and things like that.
But cooperating agency requires -- has mand- -- according to NEPA, has requirements for you to do things that I don't think we want to put on you. Mandatory reviews and things like that.
But honestly, we want to solicit input from you. So we would just send you -- call me and we'll send you whatever you want. If we've got it, we'll send it to you. It's all public. The Army is paying for it all, which means we're all paying for it all.
WILLIAM HELMER: All right. That sounds good. Yeah.

Page 204

TIMOTHY REISCHL: But in terms of the cultural resources study itself, it's just a question of when we have something to send you.
TAD BRITT: We can send you some stuff by the end of September, preliminary information -- sites, types of sites, management-summary type information.
But, you know, it will probably be 90 percent accurate. There may be some final refinement of consolidating sites or low side into one side or, you know, getting results back from test analysis that won't be ready by the end of September.
We're doing thermoluminescences and radiocarbon. Those certainly won't be in there. They'll be in the draft, in the final. It shouldn't change that much.
But, again, it will just be in a management fashion. It won't be -- you're not going to get the cultural history and an in-depth methodology section, and, you know, you're not going to get the 106 type of stuff for this management summary. You'll get that later, the draft stage.
WILLIAM HELMER: Okay. And that was another question I had about this section.

Page 205

How exactly are you handling this Section 106 consultation?

TAD BRITT: For the land expansion?

WILLIAM HELMER: Yes.

TAD BRITT: We're following the regs. We're consulting with -- you should have received a letter with some maps, explaining the undertaking. Those are the maps you didn't get. You got the letter, but didn't get the maps.

DARRELL GUNDRUM: Just got the letter today. For some reason it didn't get through.

TAD BRITT: Did the rest of you groups get the letter in the mail?

CHAD SMITH: We got our letter, yeah.

TAD BRITT: Okay. Basically it explains the undertaking, and we're seeking information. We're sharing information. Gives you a time line. I can't remember the letter. Maybe if we can pull one out.

WILLIAM HELMER: And so you're consulting with SHPO at the same time?

TAD BRITT: Correct. We're consulting.

WILLIAM HELMER: That's one thing that we have had from bad past experiences is we'd like to have a cc of all correspondence with SHPO to the

Page 206

tribe so that we're on the same page and not --

TAD BRITT: That's -- the installation needs to decide that.

WILLIAM HELMER: Because it's public. It's not confidential information.

TAD BRITT: I have no problem with it, but that's the installation --

WILLIAM HELMER: The tribe has had problems in the past to where SHPO has signed off on -- without consulting with the tribe on what should be signed off.

TAD BRITT: And there is an inequity between the tribes that don't own federal land and the SHPO. I mean the way the regs were written is that you don't have to have concurrence with the tribes. That's the law.

WILLIAM HELMER: But at least to have that correspondence cc'd so then that gives the tribe the opportunity for them to talk to SHPO before anything's signed off.

TAD BRITT: I think that's a reasonable request.

WILLIAM QUILLMAN: I have no problem with doing that. There's nothing we're trying to hide. This is an open-door policy. We're trying to build

Page 207

this relationship so we can answer any of your questions.

Our bottom line is we want to do the right thing. We want to train the troops, but we don't want to destroy the heritage that was here.

CHAD SMITH: I think it's going to be necessary for tribes and some of the agencies to question California SHPO on its performance in its duties of administering Section 106 under the National Historic Preservation Act because recent budget cuts, even before the latest ones, led to --

And it was not California, SHPO, NOX (phon.) or Mr. Abeyta's fault. It was as much Gray Davis' fault as anyone's because he vetoed portions of the funding bill that would have funded reviewers at Sacramento for CEQA projects under the State Environmental Quality Act.

And those positions were not filled. And it led to on the Owens Dry Lake Dust Abatement Project, no one at Sacramento reviewing the so-called archaeological survey reports that were based on vehicular reconnaissance rather than pedestrian survey.

And I'm still looking to tear those archaeologists up in the professional meetings over

Page 208

using ATVs and calling it survey.

And I feel that lack of staff and lack of funding is now cutting into not just state projects having their proper review, advice and consent or concurrence by SHPO, but these federal projects.

And I think you'll start seeing no response within the 14 or the 30 days by SHPO and projects proceeding on. And it's not a good situation.

And it's not SHPO's fault.

TAD BRITT: Right.

CHAD SMITH: It's a funding problem.

TAD BRITT: Every indication I've had with Fort Irwin is they follow the California guidelines, but their standards are much higher than those, the reporting standard.

I mean I've worked with Darrell and I've worked with Mickey. They -- you know, they're way above the minimum compliance standards. They're about stewardship, doing the right thing, protecting and preserving and managing. And that's, you know, the way it should be. They have the resources. You know, the State doesn't always have the resources.

MUHAMMAD BARI: We have to accomplish the mission and we want to do the right thing, but we certainly don't want to fall into any political

Page 209

trap. If CEQA doesn't have the funding or the State isn't doing something, we don't want to fall into that.

As we have already discussed this, that anything related to the tribes, we can copy to you that we are sending -- which we are sending to the SHPO. But certainly we don't want to become a party, whether they are doing the right review or not.

TAD BRITT: Based on your experience, the SHPO has -- there have been no problems with the SHPO, right?

DARRELL GUNDRUM: No. They're underfunded, of course.

TAD BRITT: As I said, Fort Irwin has a lot better resources. I'm sympathetic because I have been in that situation where the SHPO literally rubber-stamped things, and that's not the right way to do -- carry out their responsibilities.

DARRELL GUNDRUM: Probably not only the SHPO office, but federal agencies everywhere or state agencies, there's manpower problems and funding problems, and that's just part of life. And I'm sure the people in those positions and jobs are trying to do the best job that they can. It's just

Page 210

resources.

TAD BRITT: Yeah.

By the way, when we did present the predictive model to the California SHPO, I would say they were impressed and were waiting for the outcome. There was some interest in basically using that model as a model for other -- Twentynine Palms, China Lake. That's -- the whole purpose of our regional approach, was that we could take and build something that could be used across the Mojave Desert. So...

Any more questions? Comments?

Do you want to go back and revisit some of these topics we covered this morning?

I do want to go back. Let's talk about setting a next meeting.

Is three to six months a reasonable amount of time? I know that's three months -- a window of three months, but we realize that these people have other jobs and y'all have other jobs.

WILLIAM QUILLMAN: Probably January or February would be a good time frame, after the first of the year.

TAD BRITT: Okay. Is that acceptable?

LTC OGDEN: And at a new location that's

Page 211

acceptable to all.

TAD BRITT: Sure. Yeah.

LTC OGDEN: Anybody got any ideas? What would be the most convenient place for the majority?

CHAD SMITH: Tribal casino.

SUSAN PERLMAN: What is a central location?

TAD BRITT: I actually wrote down in my agenda 120 days we need to schedule a next meeting, talk about the comprehensive agreement, brief you on the results of the predictive model, finalize the NAGPRA, kind of the things we have been talking about today.

But we can send out a letter with discussion topics. Hopefully we can get a lot of this done via correspondence before we meet. If we could get some written comments back on these standard operating procedures. I will certainly incorporate what we've recorded today.

But if we could get in a little bit better format and send it out again and get some comments, we may have that taken care of at our next meeting where we can --

LTC OGDEN: I think, too, if we can update maybe our points of contact because there have been some personnel changes. And with the relevant phone

Page 212

numbers and maybe possibly e-mail addresses, that will help because we might be able to pass a lot of stuff.

For instance, you know, the NAGPRA, once we get Yuma's, send that out and get some comments so that hopefully when we come back to the next meeting we'll have another draft, but with all your comments incorporated in them.

TAD BRITT: What I did to compile the list for this meeting -- and I began a couple months ago, but since then there have been tribal elections. I looked on the federal Web site for Bureau of Indian Affairs. It gives the federally recognized tribes, chairperson, other officers and contact information.

I called those numbers, got updates because that list is only updated periodically. And since that time, unfortunately, there have been some elections, but, you know, we'll do that again. We'll call and follow up and try to keep as much current.

And ideally, if y'all could notify us, it would help us a lot when you have change of staff. Send us an e-mail. Send us a postcard. That would be, you know, appreciated as well.

MUHAMMAD BARI: In the next few days we

Page 213

will be contacting Yuma proving ground for the copy of the NAGPRA SOP, what we were talking about. And also we will talk to the Death Valley folks and get whatever we can get to finalize this document.

But in the meantime, we would request, please review this draft as what we have and see what you don't like or what you want to add and what would you like to see in this one.

So that way we can talk informally or formally to meet the final role of finalizing the SOP.

We are working on the ICRMPR too.

And I think Darrell is going to give you some deadlines on that one.

DARRELL GUNDRUM: Hopefully within about a month or so we will be able to get the ICRMP out. This is the ICRMP. It's actually two parts. This is confidential site information of all the sites we have here at Fort Irwin. And then there's the main body of the text.

It's a rather large document. It's a living document. It's revised yearly, and it goes under a major review every five years. But this is where we need your comments on this draft to be incorporated into the final.

Page 214

WILLIAM HELMER: Is that a new draft? When is that -- this draft, it's going to -- the new draft is coming out next month?

DARRELL GUNDRUM: We could probably have it done in about a month.

TAD BRITT: Can you put that on a CD?

DARRELL GUNDRUM: Yeah. It could be sent out on a CD, hard copy form.

WILLIAM HELMER: And when was the old one done?

DARRELL GUNDRUM: Originally it was put together in 1998. It has a long history. It was initially created in 1998 by Science Applications International Corporation.

The staff here at Fort Irwin, cultural resources personnel updated it last summer. It was completed last summer, August of 2001.

WILLIAM HELMER: Okay.

TAD BRITT: And hopefully we can get our data in there this week.

WILLIAM QUILLMAN: What I would like to do, also, is once we get the draft from Yuma, we can put that in the appendix of that so you will have just one document to look at within the next 30 to 60 days.

Page 215

Also, one more point. If anybody needs to talk to me, I've given out my cards. I've got more here. Don't hesitate to call me.

But for consistency and continuity, if you have just a general run-of-the-mill question or something like that, your real point of contact should be Darrell. Dr. Gundrum is well versed in what's going on here at Fort Irwin.

I'm not always around, unfortunately, because I'm out at meetings and other stuff. But normally he is, so he would be the more logical person to contact.

But if you have any questions for me, please don't hesitate to call me, and I will do whatever I can to answer them.

MUHAMMAD BARI: That's all three, even four of us: Darrell, me, Mickey and Mr. Horalek also. We are all here. And I think we are on the sign-in sheet also. You have our numbers.

And any one of us you can ask any question. If I don't have, I will ask these guys and get the answer to you.

TAD BRITT: Any more questions? Comments?

BARBARA DURHAM: Have we decided where we're going -- our next meeting is?

Page 216

TAD BRITT: No, we haven't. We've picked a couple of months. I think we've all agreed we will do it off site.

What we'd like to do is maybe one of the tribes would like to host it. We could do it there. I'm just throwing some ideas out. Or at a location that's easier to -- that's more centrally located.

MUHAMMAD BARI: I can suggest Palm Springs, Riverside, Las Vegas. Pick one.

TAD BRITT: I don't know exactly where you all came from. I know Mr. Swain came from Utah. Some folks came from Arizona. So there's -- looks like we may want to look east of here. I'm not sure.

CHAD SMITH: Possibly Las Vegas.

BARBARA DURHAM: That's what I was thinking.

MUHAMMAD BARI: Laughlin is good place also. Laughlin is not bad either.

CHAD SMITH: Well, then, our casino and hotel where we do have conference rooms, facilities, is in Laughlin, of the Mojaves, the Avi, which means mountain and also means cash in the Mojave language.

And I can inquire and get back to you on that.

Page 217

We have hosted the Intertribal Water Protection Network meetings.

And probably in October, next month -- and I haven't made the arrangements yet -- we're going to be funded by BLM to host an organizational meeting to establish a site steward group in the Needles area in collaboration with Needles BLM. And we already work closely with the Kingman BLM site stewards.

And the site stewards is archaeologists and average people, as well, that take an interest in protecting the cultural resources in the back country, doing everything from picking up trash, doing, like, an adopt-a-site that they can even -- some can see a mile away through binoculars from their house, a site that has had vandalism or that they are protecting from getting vandalism.

And there isn't one organization in the Laughlin area, but there is in the Las Vegas area. So some of them are coming down to the meetings as well.

So we'd be finished with the aftershocks of that, planningwise. And it's a pleasure to spend BLM's money to do a positive thing like this too.

So January or February we could do it. And

Page 218

I'll go ahead --

TAD BRITT: Does that sound good to everybody here?

CHAD SMITH: I can start the ball rolling. Also, there's reduced rates, prearrangement, and it's -- it's good.

TAD BRITT: Okay. Well, we'll write that up and tentatively plan on that.

For those groups that aren't here, is that a good location, that you know of? If you know those groups.

PHIL SWAIN: We'll make it.

MUHAMMAD BARI: I think I would personally request you guys, if you convey the message to the other tribes if you are in communication with, please encourage them to attend this. We all want to do the right things here.

TAD BRITT: Certainly at our next meeting we'll have, Mr. Earle will have spoken with all the tribes. Should have his report finished or certainly a draft ready for review.

We'll update you on everything that we've done, talked about today.

Yes, sir, Mr. Swain.

PHIL SWAIN: Are we ready to wrap it up?

Page 219

TAD BRITT: Yes, sir.

PHIL SWAIN: Are we?

TAD BRITT: Well, we've got -- we can stay here until 4:30.

MUHAMMAD BARI: I started packing already.

PHIL SWAIN: Well, no. I usually save my comments for the last.

TAD BRITT: Okay.

PHIL SWAIN: What I've heard today, you know, from the chairman's office -- we're a small tribe. And like you mentioned before, you know, we all just can't get up and come here on the Army's beckoning and drive out in the middle of nowhere, okay.

And what I see here -- and I hear the comments about, you know, not being able to pay our people to come down here to do these things, you know, to assist you with this draft.

And I think if you're going to not reinvent the wheel but, you know, make the wheel better, then you're going to have to go out and get something to add to this thing, that I'm sure that somewhere the Army --

And this is my first meeting to a NAGPRA event here. And I see that from our tribe, you

Page 220

know, it's hard for us to just get up and go. And we're not as, you know, cashy as some of the other gaming tribes, but, you know, we get around. And we do a lot of these things too.

And, in fact, that's what I was going to ask the attorney here, you know, how much involvement do they really have into this draft agreement in itself, you know, because I think there's a lot of things in here that's probably missing.

I did have a time, like the young lady here, to go through this, and she's probably been at this for ten years. And I commend the people that are here because they are interested in stuff.

But, to me, if I turned this over to my attorney and I have him look at it, you know, we may have a different situation here. And I don't know if I want to do that.

And I'm listening to this gentleman here talk all day, and he seems to know quite a bit about this stuff. So I'm thinking, you know, with the people that we have here, whether or not we could actually look at this -- and it says a draft on here. And I guess we're using it, you know. And I don't see whoever the commanding general's signature

Page 221

on here or if he actually approved this or, you know, it's what they're using today. It, being a draft, you know -- I mean what are you using --

TAD BRITT: He wouldn't sign that until it's been approved.

PHIL SWAIN: What are you using if you're not using this, you know, for many of the things that are happening here, you know?

And where the guy wants a response in 45 days, you got to remember that a tribal office, you know, just doesn't get, you know, a request from Fort Irwin for a Land Expansion Project, you know. We've got Yucca Mountain, we've got Nellis, we've got Hoover Dam bypass. We've got every federal agency here in the free world beckoning us to read documents this thick.

TAD BRITT: Sure.

PHIL SWAIN: And if we don't have -- seems to be part of the Mojave tribe where he has a job to do that. Many of us don't have that luxury of hiring a cultural resource person. We have to depend on our volunteers to do that, and it's hard to get a volunteer to go down there to Fort Irwin, you know.

I tried to tell them that's where General

Page 222

Patton was trained, you know. We can see his head, you know. But, no, they didn't really care about that, you know. So I'm the one that's left to come down to listen to this stuff, you know.

And so the guy here is talking about all these other things, and I'm just appalled. And I guess it's possible that you can do this, that you can transplant a tortoise from here to another spot. You know, I didn't think you could do that. But that's my own ignorance because I don't go to a lot of these meetings.

And I'm wondering, you know, how that would affect us.

Up there in the deserts of Nevada, you know, where we battle, you know, the other side, we're told we can't do this, you know. And yet maybe for the sake of the Army, that can be done. Like, you know -- it just appears to me that, you know, if we tried to get something going, you're good to say it's good for the national defense, so what was the word, you know -- we'll just do it.

And I see that as a very serious problem with me because the government, you know, has never been favorable to many of the decisions that the tribes need. And here we're doing the same thing.

Page 223

I'm just appalled that out of the $145 million allocated to this program, that there was no money allocated to the Indian tribes to come and consult with you guys at this time, you know.

And I think it's good that you have all these laws and acts in place, but it doesn't mean hogwash until we get people that are interested in making sure this happens and they do it correctly.

And, see, we run into that problem with this thing here. It's not thick enough, the way I feel it, you know. It needs to have more information tied into this agreement.

But we do -- and we are busy with many of these projects. And I have to apologize, you know, to the gentleman down here about the 40-day time limit. We just -- it's hard for us to get together to do those kind of things, you know. We're fighting nuclear transportation in Nevada. We're fighting Nellis. We're fighting the Hoover Dam bypass. All of these take our time.

And with a small tribe like ours, when we lose someone, like what you talked about the Southern Paiutes, when we lose someone, we all go. In fact, I'm probably -- I can feel people hitting me in the back because I didn't go to this one. And

Page 224

I thought this was more important. So that's why I'm here.

And like there was a death on the Mojave. We're all related, you know. Like was said yesterday, you know, we're all part of that tribe, Paiutes, Southern Paiutes, Chemehuevis -- we're all related in our own way.

So I think it's a good start. But not knowing the impact it would have, you know, because we're up there and you're down here, it's hard for us to get on our, you know, racing horse to come down here and try to stop everyone because we have other, you know, sticks in the fire. And so that's what we're working on.

What I would like to see, like what the gentleman said here, is an update or even appointing one person. You know, the letter I got said call this person, that person, so I'm calling around, trying to figure out who in the hell is in charge of this program down here. And I get five different people, you know.

And we need to get someone from your office, like the lady spoke down here about an Indian liaison. Let's change the title if we have to, you know, so we know who that person is, who to

Page 225

contact so we can have a better understanding, a clear communication.

You know, hell, I can't even call out here myself. It's like we're out in the middle of nowhere. That's where we need to get where civilization begins.

So that would be my first thing, is either get a cell tower here where I can zero in here because I know they're trying to get ahold of me.

So that's all I wanted to say. And I'm glad I came. The food was delicious.

But I would like to see something -- I don't think it was mentioned. I know there was some discussion about the payments, you know. That should be one of the first things that should be --

TAD BRITT: I think that's been duly noted, and we're going to check into that.

PHIL SWAIN: In fact, we'll make it effective today. So tomorrow we'll get our checks for 150. Mine -- I consider my time as valuable as much as my tribal attorney, so I want $500 for mine.

TAD BRITT: I don't think anybody is in disagreement with that.

PHIL SWAIN: So I'll send you a bill for that amount.

Page 226

TAD BRITT: Send it to Muhammad.

Mr. Swain, I appreciate you sharing your perspective with us. You made some good points. We'll certainly look at those.

I would encourage you to share that document with your attorney. It has -- it's not the first place it's been applied, the NAGPRA SOPs. They are -- this is the model for NAGPRA SOPs. I'm not saying it's perfect. There's certainly room for improvement, but any kind of input, constructive or otherwise, comments you may have, we'd like to have them.

And, again, I want to thank all of y'all for participating. We appreciate you coming up here.

The Timbi-sha, we need to get together before you leave today and get your travel vouchers taken care of.

The four of y'all are going to go on our trip tomorrow, right?

PHIL SWAIN: I am. I'm going to ride in that armored carrier.

TAD BRITT: You may get your tank rides yet, sir.

If that's it, then, again, thanks for

Page 227

coming.

Just for your own benefit tonight, in your motel room there's a list of restaurants. Reggie's is right here. That's probably the -- there's a Popeye's and Taco Bell right behind the Landmark Hotel. There is a Thai, Mexican and Korean restaurant on base. There's The Outer Limits. All of these are probably driving distance. Reggie's is right here.

With that, we'll conclude for the day, and then we'll meet at the Landmark Inn at the lobby tomorrow morning at 8:30 sharp. And we'll caravan over to the curation facility and begin our tour.

Did you have a question, Mr. Swain?

PHIL SWAIN: No.

TAD BRITT: Okay. Thank y'all.

(Whereupon, the above Native American Consultation Meeting was concluded.)

Page 228

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) ss.

I, REAGAN EVANS, RMR, CRR, CSR No. 8176, in and for the State of California, do hereby certify:

That said proceedings was taken down by me in shorthand at the time and place therein named, and thereafter reduced to typewriting under my direction, and the same is a true, correct and complete transcript of said proceedings;

I further certify that I am not interested in the event of the action.

Witness my hand this 1st day of October, 2002.

REAGAN EVANS, RMR, CRR
CSR NO. 8176
Certified Shorthand
Reporter for the
State of California

$100 [1] 31:22
$140 [2] 32:17 36:5
$145 [1] 223:2
$20 [1] 41:20
$400 [1] 41:14
$500 [1] 225:21
$75 [2] 24:14 41:18
'03 [3] 25:23 30:19 31:11
'06 [1] 32:5
'07 [1] 32:5
'20s [1] 164:1
'30s [1] 95:4
'40s [1] 102:7
'90s [1] 140:13
'96 [2] 42:25 43:12
'97 [3] 34:13 34:15 42:10
00 [2] 13:9 50:21
02 [1] 108:2
07 [1] 1:0
1 [2] 108:2 171:1
1,000 [2] 35:7 75:23
1,500 [1] 115:1
1,700 [1] 115:3
1-meter [1] 60:10
10 [9] 22:23 22:23 51:4 51:6 51:7 55:8 56:14 114:7 114:8
10,000 [1] 133:25
10,000-year-old [1] 164:12
10-meter [3] 72:7 110:24 176:7
100 [5] 27:16 55:10 55:15 66:4 66:5
106 [9] 136:1 146:4 158:9 172:10 175:13 175:14 204:22 205:2 207:9
109 [1] 4:5
11 [2] 30:21 114:7
110 [2] 135:25 172:10
113,000 [1] 56:9
115,000 [1] 34:7
12 [4] 13:9 22:23 50:21 107:5
12,000 [1] 25:15
120 [2] 112:19 211:8
124 [1] 109:20
124-acre [1] 110:5
127 [2] 33:25 37:16
13,000 [1] 65:3
131 [1] 57:19
137 [1] 4:7
14 [9] 6:23 57:11 66:14 105:7 107:5 128:20 141:1 161:12 208:7
15 [3] 4:4 55:8 110:6
15,000 [1] 44:9
15-kilometer [1] 56:14
15-minute [3] 51:3 181:3
150 [2] 177:11 225:20
15th [1] 202:4
162 [1] 114:23
17 [1] 58:10
1770s [4] 93:20 93:23 98:15 98:23
1776 [1] 98:18
178 [2] 67:17 110:2
1820s [1] 99:16
1830s [2] 94:5 102:7
184 [1] 4:8
1870s [1] 94:22
1890 [1] 100:22
18th [4] 93:16 96:19 97:3 104:16
19 [2] 109:19 120:20
1900 [2] 94:22 98:24
1920s [2] 120:20 121:24
1930s [2] 100:6 100:12
1970s [1] 83:16
1980 [2] 16:13 82:5
1980s [2] 82:2 84:9
1982 [2] 16:13 18:7
1986 [1] 23:24
1989 [1] 18:9
1990 [1] 140:9
1996 [1] 85:14
1997 [2] 33:17 34:5
1998 [2] 214:12 214:13
19th [3] 93:16 94:9 96:19 100:18 104:16
1st [1] 228:13
2 [5] 50:23 84:23 113:18 181:8 181:8
2,000 [3] 31:25
2,356 [2] 109:20 112:14
2,600 [1] 58:21
20 [8] 15:24 72:5 72:6 82:5 84:24 86:10 86:18 110:24
20,000 [1] 39:8
20,000-plus [1] 38:16
200 [2] 46:10 95:15
200-4 [2] 140:19 140:20
2000 [2] 24:3 24:9
2001 [1] 214:17
2002 [3] 1:0 108:1 228:13
2003 [1] 55:2
20th [4] 94:20 104:13 104:17 104:21
21 [1] 58:11
22,000 [3] 23:5 110:2 114:3
234 [1] 114:20
24 [3] 6:17 17:11 145:25
24,000 [1] 46:10
240,000 [1] 41:21
25 [7] 56:25 58:19 58:21 66:12 109:21 109:24 113:12
25,000 [1] 75:21
27 [2] 56:23 57:16
3 [3] 1:0 84:23 98:6
3,000 [1] 115:10
30 [14] 15:24 35:20 44:6 51:6 153:25 157:10 178:11 191:3 191:8 191:10 208:7 214:24 219:4 227:12
30-meter [3] 73:16 176:9
300 [4] 75:23 88:10 89:13 98:1
33,000 [1] 21:19
330,000 [2] 33:19 34:6
350,000 [2] 21:12 23:12
39 [1] 181:8
4 [3] 1:0 108:1 219:4
40 [2] 114:6 117:24
40-day [2] 192:7 223:15
400 [1] 98:6
400,000 [1] 44:7
422 [1] 48:23
426 [1] 48:23
44 [1] 77:6
45 [3] 51:4 192:8 221:9
46 [1] 84:20
479 [1] 57:18
48 [1] 76:24
498 [1] 57:13
5 [6] 4:2 35:24 39:9 39:10 55:7 101:24
5,000 [2] 20:24 21:2
50 [6] 27:4 37:22 39:12 59:2 110:7 177:16
50,000 [1] 23:3
50-meter [6] 146:10 148:17 176:11 176:25 177:9 178:2
500 [3] 57:3 164:11 167:18
500- [1] 36:7
51 [1] 4:4
520,000 [1] 23:16
56 [1] 51:7
57 [1] 1:0
59 [1] 181:8
5th [1] 24:21
6 [2] 33:2 101:24
60 [2] 117:24 214:24
600 [2] 58:9 101:24
618 [2] 56:24 58:3
63,000 [1] 58:9
64 [1] 112:16
640,000 [2] 21:10 21:11
642,000 [1] 56:8
66,000 [1] 23:8
68 [1] 112:15
7 [2] 76:25 84:24
7,000 [1] 35:24
700 [1] 49:6
72 [1] 114:23
760 [1] 173:22
775,000 [1] 56:10
79 [2] 60:15 60:19
8 [1] 227:12
8,000 [4] 60:5 61:8 116:8 116:11
80 [4] 28:23 44:8 134:6 134:20
800 [2] 27:17 44:9
81 [1] 57:8
8176 [2] 228:4 228:16
87/88 [1] 4:5
9 [2] 1:0 58:9
90 [1] 204:8
90-day [1] 31:7
a.m [3] 1:0 51:6 51:7
abandonment [1] 99:18
Abatement [1] 207:19
Abeyta's [1] 207:13
ability [3] 33:4 46:13 138:9
able [27] 6:13 19:9 19:16 20:2 20:12 51:20 79:8 95:19 97:18 101:9 102:22 110:19 137:12 137:13 140:25 159:12 159:15 162:8 162:10 180:19 182:9 185:4 185:19 197:24 212:2 213:16 219:16
aboriginal [1] 149:23
above [3] 142:18 208:18 227:17
aboves [1] 150:9
absolute [2] 134:10 151:15
absolutely [3] 188:18 188:21 196:14
academic [1] 70:22
acceptable [2] 210:24 211:1
access [7] 121:12 140:15 173:4 177:6 192:14 192:20 201:11
accomplish [3] 6:13 37:1 189:22 196:7 208:23
accomplishment [2] 18:2 196:2
accordance [1] 155:5
according [3] 116:12 117:25 132:11 145:2 203:15
account [6] 29:9 31:4 32:11 60:24 61:5 133:14
accountable [1] 129:4
accounts [1] 94:2
accuracy [3] 134:4 134:7 134:20
accurate [3] 55:9 204:9
accused [1] 34:10
achieve [2] 134:6 196:5
achieved [3] 160:5 176:2 195:5
acknowledge [2] 5:22 75:13
acquire [2] 32:3 32:13
acquisition [1] 56:9
acres [27] 21:10 21:11 21:19 23:4 23:5 23:8 23:12 23:16 25:15 33:19 34:6 34:7 41:21 44:7 46:10 56:8 56:9 56:10 58:10 58:22 75:22 109:20 109:20 110:2 112:14 114:3 114:13
acronym [1] 170:7
acronyms [3] 174:14 174:16 174:17
act [21] 8:15 24:13 24:13 25:9 29:21 30:2 45:3 45:4 47:15 47:21 53:22 53:23 57:7 85:12 140:9 140:12 154:12 160:3 172:23 207:10 207:17
acting [2] 2:6 10:1
action [16] 33:2 35:8 35:13 35:16 36:22 37:7 147:15 147:20 148:3 148:10 149:12 151:24 178:17 190:20 195:7 228:12
actions [2] 24:19 155:12
active [4] 26:21 134:15 165:4 165:22
activities [14] 38:9 38:19 41:23 70:13 89:19 100:10 112:10 127:22 146:10 148:17

157:8 171:19 184:8 197:13
activity [11] 10:16 78:9 78:16 88:11 141:21 147:10 148:21 157:12 157:16 177:25 187:4
acts [3] 40:12 138:7 223:6
actual [1] 170:11
adapt [7] 19:9 78:10 78:13 78:22 78:24 80:6 80:14
Adaptive [1] 19:6
add [5] 51:2 80:3 174:15 213:7 219:22
add-it [1] 121:5
added [2] 44:3 51:1
addition [13] 92:11 93:2 95:16 111:19 112:2 112:19 115:5 117:16 119:2 120:4 120:24 125:10 130:7
additional [3] 104:3 141:17 156:18
address [19] 7:25 13:25 44:20 47:19 48:6 71:19 71:20 101:13 160:11 172:21 182:18 183:14 183:21 183:23 183:24 184:18 184:25 189:12 193:17
addressed [2] 170:22 184:23
addresses [2] 28:23 212:1
addressing [2] 77:25 127:18
adds [2] 23:3 23:8
adequate [1] 89:4
adequately [1] 48:6
adhere [2] 78:22 78:24
adherents [1] 143:21
adjacent [2] 83:22 120:19
adjourned [1] 107:4
administered [1] 25:12
administering [1] 207:9
Administration [1] 27:14
administrator [2] 2:7 9:23
adopt-a-site [1] 217:14
adult [2] 137:23 137:23
advance [2] 70:12 127:14
adversarial [1] 47:5
adversaries [1] 186:14
adverse [1] 47:22
advertised [1] 31:1
advice [1] 208:4
Aeolian [3] 131:11 131:14 137:21
Affairs [8] 2:25 3:1 3:3 10:22 10:24 12:6 13:14 212:13
affect [3] 53:6 65:12 222:13
affected [5] 63:20 98:25 100:12 131:1 199:22
affects [1] 61:9
affiliated [8] 143:14 144:14 149:22 151:22 154:16 157:14 161:1 161:9
affiliating [2] 160:19 161:12
affiliation [18] 8:12 11:18 51:5 87:17 88:6 88:9 92:23 101:11 143:1 151:9 151:12 153:17 154:5 155:21 156:19 157:25 159:6 167:16
affiliations [1] 52:24
afford [1] 154:7
afforded [2] 57:10 152:25
Africa [2] 16:25 132:19
afternoon [17] 44:25 69:10 70:20 71:21 78:6 81:7 87:9 87:11 87:24 103:4 103:12 103:14 108:6 108:18 129:2 138:15 138:23
aftershocks [1] 217:22
afterward [1] 18:11
again [52] 8:20 14:13 14:23 18:10 18:11 39:14 46:19 51:9 52:22 54:7 56:12 57:10 61:1 61:8 63:3 64:9 64:24 66:1 66:3 67:11 67:17 71:16 72:22 75:18 75:25 76:3 77:4 77:5 77:6 77:12 77:15 118:4 124:20 128:6 129:16 134:9 134:17 139:9 141:4 151:6 151:19 153:8 155:15 156:17 163:17 171:18 173:17 204:18 211:20 212:18 226:13 226:25
against [5] 19:11 22:13 37:12 48:17 175:16
age [5] 60:21 63:22 79:15 130:10 146:18
agencies [11] 27:10 27:16 73:23 160:14 167:17 187:20 202:19 203:6 207:7 209:21 209:22
agency [6] 9:5 28:1 74:1 203:10 203:14 221:15
agenda [6] 8:9 12:10 51:9 87:6 87:12 211:8
ages [1] 52:23
ago [18] 22:23 41:13 55:8 60:5 65:2 65:4 86:24 101:25 110:15 116:9 116:11 134:1 150:2 174:23 175:18 180:10 181:19 212:10
agree [12] 80:2 81:18 132:6 151:25 160:20 160:21 174:12 181:1 188:13 189:4 191:17 195:2
agreed [5] 25:9 58:15 59:2 84:3 216:2
agreement [25] 79:3 151:24 151:25 152:5 153:20 157:13 169:6 172:6 172:6 172:20 173:4 180:11 180:17 185:6 186:9 188:16 189:3 191:23 192:14 193:1 193:5 197:16 211:9 220:8 223:12
agreements [2] 197:12 198:12
ahead [3] 160:24 198:5 218:1
ahold [3] 201:19 202:21 225:9
aimed [2] 89:3 171:20
air [10] 22:4 22:4 27:11 38:6 38:18 38:20 43:7 88:14 160:25 187:20
AIRFA [3] 177:3 177:4 177:5
Alaska [1] 140:18
alienated [1] 144:11
allegiance [2] 12:14 12:16
Alley [2] 28:11 33:23
allocated [2] 223:2 223:3
allow [5] 30:11 105:13 153:5 154:10 199:13
allowable [1] 175:14
allowed [4] 32:2 32:3 32:7 71:13
allowing [3] 71:8 105:24 177:6
allows [3] 54:5 66:1 188:1
alluded [1] 84:20
alluvial [1] 119:3
alluvials [1] 65:19
alluvium [1] 164:8
almost [7] 17:21 57:3 58:5 58:9 75:21 180:11 203:12
along [13] 38:18 116:1 116:2 116:2 116:3 117:11 117:16 118:3 118:4 119:10 121:20 132:25 172:21
alternative [7] 33:1 34:23 35:9 35:14 37:8 37:9 38:4
alternatives [5] 32:23 33:1 34:14 35:16 37:24
altitude [2] 97:15 97:21
always [7] 19:7 36:20 90:6 96:8 174:10 208:22 215:9
amass [1] 168:3
amateur [1] 165:23
amended [1] 47:22
America [2] 6:20 68:3
American [29] 1:0 2:1 5:3 8:11 8:14 9:17 12:17 46:3 48:18 105:20 112:2 140:11 140:18 141:23 143:19 143:20 144:1 146:15 153:5 154:9 154:12 155:4 163:10 166:15 167:2 167:12 173:9 183:7 227:17
American's [1] 161:24
Americans [18] 6:4 6:8 6:9 6:12 6:16 6:17 44:15 45:6 45:15 81:2 106:4 128:10 130:1 140:8 149:17 155:9 167:11 189:18
among [4] 95:7 116:22 156:7 162:2
amount [4] 151:2 151:3 210:17 225:25
analyses [1] 66:2
analysis [14] 63:3 75:6 75:12 133:13 133:18 135:13 135:14 145:5 145:10 147:16 151:1 151:2 152:20 204:12
analyzed [1] 66:13
analyzing [1] 59:15
ancestors [1] 188:6
ancestral [1] 190:13
ancient [2] 63:11 143:22
Angeles [3] 26:17 99:23 228:2
annexes [1] 194:4
announcing [1] 197:4
annually [2] 150:15 166:12
answer [14] 15:12 16:2 30:17 33:11 45:16 107:1 107:1 170:5 186:16 186:19 195:22 207:1 215:15 215:22
answers [2] 185:3 188:9
Antelope [3] 96:9 98:18 99:19
anthropologist [3] 11:17 87:14 87:14
anthropologists [5] 94:18 147:18 147:19 151:7 151:8
anticipate [3] 30:18 31:11 31:25
anticipation [1] 138:22
anxious [1] 138:10
anyone's [1] 207:14
anytime [1] 153:3
anyway [2] 161:4 161:10
apart [3] 110:6 110:7 154:24
apiece [1] 109:20
apologize [3] 46:23 87:22 223:14
appalled [2] 222:6 223:1
apparent [1] 38:7
appear [1] 146:14
appended [2] 70:7 199:25
appendix [3] 199:17 201:4 214:23
apples [3] 62:1 62:1 62:1
applicable [4] 43:12 44:2 45:10 45:12
Applications [1] 214:13
applied [1] 226:7
applies [1] 177:5
apply [2] 146:4 177:4
appointing [1] 224:16
appointment [1] 108:18
appreciate [5] 81:4 138:2 179:17 226:2 226:14
appreciated [2] 6:8 212:24
appreciation [2] 5:14 139:3
approach [16] 52:15 53:2 54:12 67:11 78:9 78:10 78:20 78:22 78:24 79:23 80:1 81:14 87:19 88:7 126:17 210:9
appropriate [6] 106:11 106:12 146:7 151:6 152:22 156:13
appropriated [1] 144:12
appropriations [1] 24:25

approve [1] 157:18
approved [4] 180:1 198:15 221:1 221:5
AR [1] 140:19
ARC [1] 173:7
archaeological [34] 8:13 43:16 45:7 51:12 51:20 51:21 52:10 59:12 68:17 82:3 83:2 83:2 83:4 91:8 91:14 108:9 109:12 111:23 130:7 130:16 133:15 146:3 149:25 151:12 158:4 165:23 168:4 172:1 183:1 192:15 198:21 199:19 200:20 207:21
archaeologist [7] 3:10 3:17 10:12 11:22 64:7 82:20 176:9
Archaeologist/CR [1] 2:10
archaeologists [24] 46:12 49:4 61:16 63:7 66:7 66:23 79:10 90:7 90:19 102:1 102:22 105:25 110:6 114:6 120:2 123:16 123:20 124:23 125:7 130:23 133:12 163:19 207:25 217:10
archaeology [6] 67:15 73:10 85:6 171:17 176:5 188:4
archival [1] 93:7
area [141] 22:2 22:4 22:17 23:10 23:11 23:19 23:21 24:23 25:2 27:5 28:10 28:12 28:24 29:19 30:12 30:13 30:15 33:20 33:24 37:7 37:15 40:5 40:9 54:9 56:11 56:13 56:17 56:19 58:9 58:12 58:20 59:3 66:8 66:13 68:4 68:12 68:16 68:17 71:1 76:3 77:7 77:14 80:9 80:17 80:25 81:1 84:4 84:11 88:12 89:6 89:9 90:4 90:9 94:9 94:16 95:6 95:11 96:3 96:6 96:6 96:10 96:24 97:9 97:11 97:12 97:19 98:8 98:12 99:10 99:12 101:5 102:6 109:16 109:21 109:22 109:23 110:25 111:1 112:12 112:15 112:22 113:11 113:11 113:23 113:24 114:1 115:22 117:7 117:21 117:22 118:6 118:11 118:14 118:15 119:3 119:8 119:8 120:3 121:1 121:3 121:11 121:15 121:18 122:5 122:16 122:18 123:1 123:6 123:9 123:17 124:17 125:6 125:8 126:4 126:10 127:6 130:23 133:6 135:2 148:22 150:1 150:2 154:15 154:22 159:14 161:9 162:12 162:18 166:8 166:8 166:12 170:21 175:7 178:1 185:17 190:13 190:17 190:18 217:7 217:19 217:19
areas [59] 21:4 22:7 23:17 28:20 38:2 45:25 53:9 53:16 56:6 56:18 58:8 58:22 59:3 65:16 66:8 66:9 67:5 74:5 74:17 76:20 77:1 88:17 88:24 92:14 93:5 93:18 96:18 97:11 97:15 97:23 99:5 99:25 100:3 109:14 109:17 110:17 112:4 113:3 114:18 119:5 121:13 123:24 125:12 125:18 129:11 130:12 130:13 130:15 134:8 135:3 135:4 135:17 135:19 135:21 136:4 136:7 136:16 137:2 137:3
argue [1] 132:10
argument [1] 167:18
arid [1] 99:12
Arizona [1] 216:12
armored [3] 17:19 22:10 226:22
Army [38] 6:25 9:8 15:8 15:10 15:19 15:21 16:9 18:12 18:19 19:18 19:24 20:6 20:13 20:17 20:22 21:6 21:8 22:8 22:16 25:17 37:1 37:10 41:4 70:15 70:15 72:16 128:15 140:19 155:24 156:4 158:22 161:21 162:9 174:14 182:23 203:21 219:23 222:17
Army's [5] 37:19 38:4 140:19 174:14 219:12
ARPA [12] 70:14 70:14 105:19 128:7 128:16 131:7 140:12 172:22 176:14 176:18 176:21 176:22
arranged [1] 13:7
arrangements [2] 90:11 217:4
arriving [1] 7:16
arrow [1] 123:18
arrowheads [1] 143:23
art [6] 57:16 77:4 92:4 92:9 182:5 182:11
artifact [4] 63:8 67:7 86:15 110:25
artifacts [44] 49:5 49:6 60:21 63:19 63:20 67:6 68:17 69:4 72:7 79:12 79:14 79:15 80:20 81:13 84:17 84:24 85:24 110:22 110:22 110:24 111:3 111:4 111:8 111:11 112:19 115:1 115:9 115:15 116:11 116:15 116:20 121:19 123:12 123:14 126:16 131:19 132:4 133:9 138:18 146:24 164:23 165:13 183:5 183:5
artifactual [1] 126:20
artwork [1] 182:7
aside [2] 162:10 163:10
aspect [5] 60:3 60:18 63:9 90:25 188:17
aspects [1] 90:16
assess [1] 133:19
assessment [2] 28:22 145:23
assignment [1] 83:6
assist [4] 39:25 185:5 189:23 219:18
assistance [2] 8:25 151:6
assistant [1] 10:15
assisting [1] 12:1
associated [4] 79:20 141:23 146:6 146:12
Associates [1] 3:19
association [1] 146:3
assuming [1] 32:7
assumption [1] 146:18
asymmetrical [2] 18:22 19:4
attached [1] 100:25
attack [1] 38:10
attempt [3] 87:23 93:2 153:23
attempting [1] 199:10
attend [3] 10:16 10:20 218:16
ATTENDING [1] 2:1
attention [1] 114:2
attorney [7] 3:7 11:11 187:10 220:6 220:16 225:21 226:6
ATVs [1] 208:1
August [3] 54:25 114:6 214:17
auspices [1] 11:2
Australia [1] 21:22
authorities [2] 146:7 146:13
authority [2] 19:20
authorized [1] 24:14
available [11] 9:1 31:21 42:15 42:19 43:9 56:4 85:15 92:18 103:18 147:16 154:19
Avawatz [19] 33:24 56:17 56:18 58:4 58:12 58:20 59:7 61:15 66:8 68:22 76:15 109:17 109:19 109:21 112:12 112:20 121:15 122:10 123:4
average [2] 59:17 217:11
averse [1] 193:9
Avi [1] 216:22
Aviation [1] 27:13
award [1] 6:18
aware [3] 91:16 91:25 92:8
away [7] 36:25 88:25 96:5 96:14 96:18 183:21 217:15
BA [1] 28:22
baby [1] 40:14
background [2] 100:8 158:23
backgrounds [1] 5:21
backhoe [9] 125:14 125:22 126:1 126:2 126:11 126:19 131:8 158:10 171:21
bad [2] 205:24 216:19
bajada [1] 65:18
Baker [2] 30:25 37:18
balanced [1] 37:12
ball [3] 103:16 161:23 218:4
band [3] 2:12 10:9 144:17
Barbara [31] 2:7 9:22 9:22 27:25 44:14 71:24 72:4 80:19 80:22 83:12 84:13 84:16 166:15 166:18 166:20 166:25 167:13 168:20 173:2 175:5 178:4 186:1 187:11 187:19 188:2 191:5 191:21 196:8 203:5 215:24 216:16
barely [1] 47:16
Bari [24] 3:4 11:3 11:3 38:23 166:22 172:3 179:16 179:20 179:25 187:23 189:21 191:13 192:24 194:22 195:4 195:23 196:10 208:23 212:25 215:16 216:8 216:18 218:13 219:5
barriers [1] 41:7
Barstow [4] 30:25 166:1 166:1 166:11
basalt [12] 117:6 118:4 119:6 119:9 119:10 119:12 119:17 119:19 119:20 122:15 122:16 123:2
base [33] 11:19 37:21 43:6 57:24 68:14 71:6 82:8 88:15 89:15 89:20 89:21 90:4 92:24 146:7 153:6 154:11 161:1 162:6 162:7 164:23 165:4 188:3 227:7
based [13] 44:9 53:11 56:3 58:15 59:9 59:13 60:21 66:2 68:18 88:18 149:24 207:22 209:10
baseline [3] 42:24 43:3 62:20
basic [2] 106:2 135:25
Basin [1] 83:21
basis [3] 88:23 100:10 167:6
basketry [2] 92:15 92:18
battle [1] 222:15
battlefield [1] 138:24
beach [3] 116:5 116:10 117:17
beaches [1] 131:15
beads [3] 163:22 163:23 164:3
beat [1] 27:2
became [1] 82:4
beckoning [2] 219:13 221:15
become [1] 209:7
becomes [2] 37:21 127:1 145:13
bed [2] 67:24 116:19
bedrock [1] 59:21
beforehand [1] 201:23
began [2] 56:22 212:10
begin [6] 14:16 105:5 129:21 145:10 184:24 227:13
beginning [5] 56:22 77:16 81:25 93:22 94:19 94:20 98:15 135:8
begins [4] 93:20 93:25 202:11 225:6
begun [1] 54:25
behalf [2] 5:12 104:7 139:1
behavior [1] 51:25
behaviors [1] 102:21
behind [5] 130:3 140:7 169:9 176:16 227:5
beige [1] 65:17
Belcher [5] 2:24 10:21 10:22

Bell [1] 227:5
belonged [1] 25:13
below [6] 53:4 114:19 116:13 125:15 125:20 142:18
beneath [1] 164:8
beneficiaries [1] 189:19
benefit [6] 106:3 106:4 106:4 184:14 186:14 227:2
benefits [2] 56:2 106:6
Benning [1] 163:9
Berkley [1] 95:5
Bernardino [3] 74:12 83:5 165:24
best [12] 7:3 15:14 40:23 45:16 72:16 74:3 84:10 127:8 180:3 187:18 189:14 209:25
better [28] 7:4 9:16 35:11 38:1 38:3 46:21 51:21 52:19 56:4 62:8 77:19 79:8 81:20 105:10 133:19 134:10 134:19 137:13 138:17 138:21 146:25 189:20 195:16 195:17 209:16 211:19 219:20 225:1
Betty [33] 2:16 10:2 10:2 81:23 82:20 82:24 85:4 85:25 106:16 122:14 123:2 123:10 139:5 160:25 161:17 168:10 168:14 168:18 169:7 169:17 170:2 171:4 171:12 173:15 173:21 173:23 174:2 176:5 177:3 177:8 177:17 178:6 188:3
between [21] 15:11 28:7 35:25 36:15 60:8 72:9 89:12 92:20 97:10 99:13 143:4 157:13 170:9 172:12 185:7 186:9 187:4 188:17 193:19 197:17 206:13
beyond [3] 52:14 54:7 56:13
bias [1] 137:7
biases [2] 61:5 61:13
bifaces [1] 124:12
big [7] 19:12 59:19 75:14 85:1 132:24 177:9 198:18
bigger [2] 52:19 177:20
biggest [6] 9:14 9:14 55:25 61:13 61:19 73:2
bill [8] 9:19 24:25 25:7 28:12 166:11 191:25 207:15 225:24
binding [1] 157:13
binoculars [1] 217:15
biological [3] 28:22 28:24 151:12
biologist [1] 130:25
birds [1] 199:11
bit [18] 6:1 28:6 51:10 54:1 83:23 83:24 88:14 91:3 96:23 98:21 103:1 108:4 108:10 108:12 109:4 112:5 211:19 220:20
bite [1] 48:17
black [3] 123:3 124:15 124:20
blade [1] 158:10
blanche [1] 71:10
BLM [17] 52:12 56:9 61:14 71:10 72:8 72:23 73:6 74:5 74:7 74:11 74:20 74:24 75:5 81:13 217:5 217:7 217:8
BLM's [1] 217:24
block [2] 110:8 110:12
blocks [12] 20:25 66:14 66:15 66:16 67:16 67:19 67:20 109:19 109:24 110:2 110:5 113:24
blowing [1] 133:25
blowup [1] 76:2
blue [2] 23:11 41:12
board [4] 87:16 179:6 184:9 184:10
Bob [4] 11:10 33:9 167:23 179:21
body [1] 213:20
bombing [1] 22:3
bone [4] 83:24 83:24 113:17 145:11
bones [1] 85:22
boost [1] 67:15
bottom [3] 64:4 64:25 207:3
bought [1] 186:19
bound [1] 166:13
boundaries [5] 23:15 60:25 89:22 89:25 111:16
boundary [6] 22:12 22:18 28:8 28:8 89:15 111:25
bounded [1] 23:11
Bowling [2] 28:11 33:23
Boxer's [1] 28:12
boxes [1] 49:6
break [7] 15:1 15:2 51:3 106:23 108:19 139:16 181:3
breakdown [1] 57:15
breaking [1] 187:14
breaks [1] 15:1
breakthrough [1] 175:15
bridge [2] 35:5 200:21
brief [2] 184:9 211:9
briefing [1] 108:20
briefly [1] 160:12
brigade [3] 20:23 21:1 22:11
Brigadier [1] 5:12
bring [4] 17:4 58:20 71:22 189:21
bringing [2] 67:14 184:17
brings [1] 64:7
Britt [196] 3:17 4:4 7:20 7:22 9:6 9:6 12:4 12:12 12:18 14:13 44:16 44:24 45:17 45:21 46:2 46:25 49:16 50:9 50:12 51:8 62:8 62:10 62:14 64:14 64:17 64:19 64:22 69:17 70:18 71:14 72:1 72:5 72:10 73:8 73:12 73:18 73:22 74:10 74:25 75:10 75:14 78:12 78:17 79:25 80:21 81:4 81:11 82:2 87:5 91:2 103:11 103:25 104:7 105:4 105:18 106:3 106:10 106:18 108:3 115:5 123:25 124:8 128:4 128:19 128:25 130:19 131:14 132:6 133:8 134:5 135:6 135:19 136:10 137:6 137:15 139:12 140:4 158:6 158:14 158:17 159:3 159:20 159:23 160:7 160:23 161:21 162:16 162:22 162:25 163:9 163:16 163:25 164:14 164:19 164:21 165:9 165:12 166:17 166:19 167:1 167:10 168:13 168:17 168:21 172:5 172:17 172:25 173:14 173:20 173:22 174:1 174:4 174:12 174:18 175:7 175:10 176:4 176:18 177:5 177:11 177:19 178:7 178:13 178:16 179:19 179:24 180:1 180:22 181:1 181:10 181:21 181:25 182:14 184:5 184:15 185:24 187:13 189:1 192:25 194:12 195:8 196:14 196:18 198:5 198:24 199:2 199:7 199:10 199:21 200:17 201:1 201:5 201:16 201:20 202:3 202:7 202:15 203:1 203:7 204:4 205:3 205:5 205:12 205:15 205:22 206:2 206:6 206:12 206:21 208:10 208:12 209:10 209:15 210:2 210:24 211:2 211:7 212:9 214:6 214:19 215:23 216:1 216:10 218:2 218:7 218:18 219:1 219:3 219:8 221:4 221:17 225:16 225:22 226:1 226:23 227:16
broken [3] 38:8 59:15 114:7
brought [3] 87:16 123:1 174:18
brownish [1] 65:17
brownwares [1] 124:21
budget [1] 207:11
Bucna [1] 102:5
buffer [2] 177:1 177:24
build [4] 5:24 34:22 206:25 210:9
building [3] 20:25 49:5 175:25
buildings [1] 121:6
built [1] 49:4
bullet [1] 48:18
bump [1] 51:9
Bureau [3] 25:13 27:10 212:12
burial [7] 83:20 84:3 129:12 142:16 143:13 158:19 158:19
burials [1] 142:10
buried [8] 53:16 66:18 67:4 67:10 118:17 125:13 125:20 130:12
burro [1] 126:25
burying [2] 136:19 136:20
business [1] 137:19
busy [1] 223:13
buy [1] 25:18
bypass [3] 35:4 221:14 223:20
cactus [1] 118:13
Caddo [1] 163:12
cairns [2] 121:7 142:22
California [34] 1:0 3:22 5:2 45:4 54:24 61:2 72:10 72:11 73:9 73:11 74:12 74:23 78:1 78:11 92:14 92:15 99:1 102:18 111:5 111:14 121:16 146:14 159:10 160:2 160:4 165:8 176:8 207:8 207:12 208:13 210:4 228:1 228:5 228:17
calls [6] 64:24 75:5 149:5 149:7 154:25 192:6
cameras [1] 114:9
camp [1] 93:4
cannot [4] 18:24 25:7 153:19 156:14
cans [1] 120:18
capabilities [1] 22:20
capability [3] 21:22 21:24 22:17
capacity [1] 59:18
Cappannari [1] 95:15
Captain [3] 2:24 10:21 10:21
caravan [1] 227:12
caravans [1] 94:5
carbon [1] 127:21
card [1] 104:9
cards [1] 215:2
care [17] 7:6 13:5 20:2 49:13 78:10 78:12 78:22 78:24 80:6 80:14 82:14 138:13 152:19 189:23 211:21 222:2 226:18
careful [2] 39:3 39:15
caretaker [1] 25:12
Carobeth [1] 94:23
carried [1] 11:19
carrier [1] 226:22
carry [1] 209:19
Carson [2] 17:20 17:24
carte [1] 71:9
cartographer [1] 55:19
cartoon [1] 64:24
carving [1] 98:17
case [7] 17:19 91:17 96:20 133:4 155:2 157:8 192:20
cases [2] 48:3 194:10
cash [1] 216:23
cashy [1] 220:2
casino [2] 211:5 216:20
cataloged [1] 49:7
catastrophic [1] 53:14
categorically [1] 53:10
categories [3] 60:16 60:20 93:13
categorizing [1] 60:17
category [3] 34:17 150:9 150:11
cattle [1] 40:1
caused [1] 29:25
caution [1] 41:16
cavalry [2] 17:19 22:16
cave [2] 92:4 92:8
cc [1] 205:25
cc'd [1] 206:18
CD [4] 31:17 31:18 214:6 214:8

ccase [2] 146:10 148:18
ccases [2] 157:24 178:2
cell [1] 225:8
cemetery [3] 162:11 163:10 163:12
center [22] 1:0 5:1 5:8 5:10 6:22 7:15 8:22 20:12 20:15 22:25 23:3 23:4 23:15 24:6 27:1 74:13 82:5 83:5 137:25 138:6 139:2 169:9
centimeters [1] 117:24
central [10] 117:20 118:5 118:10 118:13 123:23 124:17 124:17 144:7 144:10 211:6
centrally [1] 216:7
centuries [2] 39:12 93:16
century [9] 93:25 94:9 94:20 96:19 97:3 100:18 104:13 104:17 104:21
CEQA [6] 45:10 45:10 45:10 45:12 207:16 209:1
ceramics [2] 76:9 118:15
ceremonial [1] 143:18
ceremonies [3] 153:6 154:11 177:7
ceremony [4] 142:20 143:7 144:1 144:4
CERL [1] 109:11
certain [10] 46:11 53:7 72:2 77:2 77:5 88:21 106:19 186:14 190:13 200:18
certainly [32] 18:5 46:16 67:13 78:4 81:5 81:15 85:15 87:2 96:20 99:2 101:8 102:3 103:18 128:9 129:1 136:4 159:21 168:6 174:13 179:7 184:23 187:17 193:8 197:21 204:15 208:25 209:7 211:17 218:18 218:21 226:4 226:9
certification [1] 157:11
certified [7] 3:22 149:11 153:25 194:12 194:19 194:23 228:16
certify [2] 228:5 228:11
cetera [1] 54:23
Chad [84] 2:10 10:11 10:11 33:23 34:21 35:1 35:20 36:2 36:7 36:16 37:3 38:6 39:11 43:13 45:2 45:20 45:23 47:4 48:8 48:15 64:13 64:16 64:18 64:20 69:15 70:11 70:21 78:8 78:14 79:23 83:17 84:19 101:13 126:14 127:11 127:25 128:15 128:22 131:4 131:10 131:19 132:1 132:9 133:4 140:2 157:21 158:7 158:15 158:18 159:5 159:22 160:1 160:9 161:14 161:15 162:5 162:17 162:23 163:4 163:15 164:18 172:16 172:19 173:1 174:6 174:22 175:6 175:9 175:12 180:15 180:20 184:2 184:6 199:17 201:3 201:6 201:12 205:14 207:6 208:11 211:5 216:15 216:20 218:4
chair [2] 62:11 192:4
chairman [1] 10:9
chairman's [1] 219:10
chairperson [4] 2:6 2:13 10:1 212:14
challenges [1] 73:2
Champaign [1] 9:9
chance [4] 50:7 114:4 122:22 168:25
change [14] 18:13 18:19 50:25 75:20 97:6 114:21 128:13 136:2 137:12 150:18 174:10 204:17 212:22 224:24
changed [8] 18:9 18:10 18:11 28:9 61:7 63:13 76:18 170:7
changes [4] 61:10 98:3 98:22 211:25
changing [6] 18:6 18:13 19:17 20:14 20:16 76:13
channel [2] 195:6 196:5
characteristics [1] 59:16
characterize [2] 126:3 130:9
characterized [2] 55:15 63:14
charcoal [3] 72:1 113:16 113:20
charge [1] 224:19
Charis [2] 3:9 55:5
check [2] 43:4 166:4 225:17
checked [1] 43:5
checkout [1] 13:7
checks [2] 13:6 225:19
Chemehuevi [3] 94:25 97:11 100:20
Chemehuevis [3] 96:15 99:21 224:6
chemical [3] 18:25 19:2 19:4
chert [1] 118:6
chi-square [1] 65:22
chief [4] 2:22 3:4 5:6 11:4
China [5] 27:13 132:11 173:3 186:11 210:8
cholla [1] 118:13
chosen [2] 35:9 37:8 37:10
Chris [2] 2:24 10:21
chronology [1] 60:21
circumstances [6] 47:12 47:13 98:11 99:9 146:17 192:9
cite [3] 48:2 94:14 100:20
city [1] 31:15
city-type [1] 18:22
Civil [1] 100:3
civilians [1] 7:8
civilization [1] 225:6
claim [7] 121:7 149:2 155:3 156:23 157:1 157:6 179:8
claimant [3] 153:18 156:13 156:25
claimants [1] 150:4
claiming [1] 156:19
claims [3] 26:18 155:21 162:1
clarifications [1] 183:10
clarify [2] 69:17 65:14
classification [1] 65:14
classifications [3] 60:16 73:19 73:19
classify [2] 60:20 123:16
classifying [1] 62:24
clean [3] 27:7 61:25 145:9
cleaned [1] 68:19
cleaning [2] 61:19 61:20
clear [4] 72:12 72:14 85:18 225:2
cleared [1] 13:25
clearinghouse [1] 74:15
clearly [5] 57:9 167:23 185:25 186:12 187:5
climate [1] 98:3
climate-controlled [1] 86:22
Clinton [1] 24:9
clock [1] 148:12
close [4] 36:20 64:9 163:6 180:13
closed [1] 36:24
closely [2] 151:22 217:8
closer [1] 34:7
closing [2] 4:6 31:11
closure [1] 195:7
Clovis [4] 52:25 68:2 125:5 125:9
Club [1] 201:7
Clyde [2] 2:17 10:5 10:5
co-litigants [1] 48:16
cobbles [1] 119:16
code [2] 6:11 174:2
coexist [1] 21:25
Col [13] 2:21 4:2 4:7 5:5 5:6 8:2 11:5 12:9 12:12 108:17 137:16 137:17 139:6 139:12 169:25
collaboration [2] 95:18 217:7
collaborative [1] 106:7
collect [9] 59:18 79:8 81:13 82:8 82:11 117:10 119:12 129:24 180:8
collected [18] 49:5 55:3 55:7 80:20 80:21 81:3 94:23 94:24 95:2 95:4 117:13 122:13 122:21 123:12 123:14 124:11 134:12 183:6
collecting [6] 55:23 70:4 81:24 134:12 176:16 176:17
collection [12] 85:13 86:15 86:23 135:15 159:2 159:4 163:23 168:4 181:18 181:21 181:25 183:4
collections [6] 82:4 85:21 87:2 165:2 165:7 165:25
color [4] 63:19 65:17 67:20 67:22
Colorado [7] 2:15 10:4 17:20 17:21 83:18 96:15 99:15
colors [1] 66:16
combat [3] 16:19 18:1 20:8 20:9 20:17 20:23 20:25 21:5
combine [1] 134:16
combined [3] 70:7 130:17 151:16
comfortable [1] 87:24
coming [15] 7:23 50:3 69:10 76:5 86:14 103:25 104:4 122:19 122:24 122:25 139:9 214:3 217:20 226:14 227:1
command [1] 19:20
commander [20] 2:22 5:7 147:23 147:25 148:7 148:25 149:6 149:15 153:4 153:4 154:10 155:23 157:11 170:3 170:10 170:17 170:18 170:19 170:23 196:6
commander's [1] 148:22
commanding [1] 220:25
commands [2] 170:20
commend [1] 220:13
comment [12] 25:24 31:2 31:8 31:9 40:16 48:5 71:11 141:8 169:1 202:10 202:11 202:22
commentary [2] 94:17 95:19
comments [21] 4:8 8:19 32:16 34:3 47:5 71:7 102:25 108:16 108:23 190:7 191:1 210:12 211:16 211:20 212:5 212:7 213:24 215:23 219:7 219:16 226:11
commercial [1] 26:21
commitment [2] 5:15 7:17
committee [6] 40:22 86:4 86:7 155:7 156:9 156:13
committees [1] 173:13
common [2] 5:23 193:19
communicate [1] 195:18
communication [5] 147:25 195:5 196:5 218:15 225:2
communities [11] 89:5 90:19 92:13 92:16 92:21 93:1 93:10 95:18 95:25 100:19 101:10
community [6] 38:13 91:21 92:7 92:7 100:21 144:18
company [2] 11:25 109:11
compartments [1] 80:25
compensate [2] 33:4 176:1
compensated [1] 189:4
compensating [1] 175:2
compensation [7] 24:15 29:3 40:12 41:25 174:19 183:18 187:16
compile [1] 212:9
compiling [1] 196:21

complement [1] 68:10
complete [14] 23:13 24:18 28:25 30:5 31:3 31:20 32:3 32:10 58:5 75:21 109:12 199:18 199:24 228:10
completed [5] 26:12 34:25 58:23 147:10 214:17
completely [1] 125:1
completion [1] 35:12
complex [2] 22:20 115:25
compliance [9] 58:14 134:13 142:13 147:9 172:10 172:11 184:22 199:12 208:18
complicated [1] 15:17
comply [3] 24:12 176:22 176:23
component [4] 56:1 76:13 149:16 198:23
components [2] 57:25 148:19
composed [1] 59:23
composition [1] 59:23
comprehensive [9] 40:20 151:24 151:25 152:5 172:5 172:20 180:10 181:25 211:9
computer-based [1] 54:17
computerized [2] 54:18 60:15
concentration [1] 117:2
concentrations [1] 116:25
concept [1] 185:4
concern [8] 32:14 38:15 71:18 161:16 182:23 182:24 183:15 189:11
concerned [4] 7:6 152:12 178:22 182:12
concerning [1] 182:24
concerns [18] 8:16 9:17 38:14 48:6 48:19 49:19 71:15 81:4 81:17 81:22 108:23 129:1 158:23 182:21 183:9 184:4 184:19 184:25
concert [1] 51:18
concisely [1] 185:25
conclude [3] 125:10 130:5 227:10
concluded [2] 28:19 227:18
concluding [2] 8:6 108:16
conclusion [2] 13:2 35:3
conclusions [1] 64:12
conclusive [1] 163:18
conclusively [1] 84:6
concrete [2] 120:9 120:12
concur [2] 156:8 156:9
concurrence [2] 206:15 208:5
concurring [1] 146:13
condensed [1] 199:23
conducive [1] 60:6
conduct [7] 21:22 105:10 133:13 147:16 153:6 154:11 177:7
conducted [5] 21:17 62:19 66:21 146:20 155:12
conference [1] 216:21
confidential [6] 192:15 192:21 199:4 201:4 206:5 213:18
confirm [1] 190:10
conflicting [3] 155:10 155:21 162:1
conflicts [1] 141:16
confusing [1] 17:11
Congress [3] 15:25 24:4 24:21
Congressional [2] 6:19 198:13
connected [1] 94:11
connection [1] 11:19
connections [1] 15:11
consensus [3] 161:18 161:20 168:1
consent [1] 208:4
consider [6] 9:17 48:16 121:22 198:10 203:12 225:20
consideration [3] 34:15 35:18 133:21
considerations [2] 26:15 102:10
considered [7] 34:16 34:20 92:5 144:14 152:6 188:10 203:6
considering [2] 122:1 187:19
consist [2] 120:8 121:5
consisted [3] 112:13 113:19 113:20
consistency [1] 215:4
consistent [4] 73:4 74:13 169:20 179:6
consolidated [1] 172:13
consolidating [1] 204:10
constitutes [3] 71:21 72:4 145:6
constructed [1] 66:3
construction [2] 177:25 178:2
constructive [2] 5:17 226:10
consult [10] 13:18 27:15 105:11 129:25 141:2 151:20 152:13 152:18 185:18 223:4
consultants [6] 3:16 12:1 173:11 183:16 185:18 186:4
consultation [24] 1:0 5:3 29:1 80:24 92:20 101:14 103:8 105:6 140:11 140:15 141:19 151:23 152:3 153:14 153:19 155:18 156:6 166:17 183:17 184:22 191:22 192:5 205:2 227:18
consultations [2] 184:8 184:17
consulted [5] 84:8 128:11 141:3 148:4 155:9
consulting [5] 46:15 205:6 205:20 205:22 206:10
contact [9] 20:3 152:23 179:11 194:25 211:24 212:14 215:6 215:12 225:1
contacting [3] 103:21 106:11 213:1
contacts [5] 47:9 102:7 146:7 149:5 150:12
contain [1] 79:4
contained [1] 93:6
containing [1] 92:4
content [2] 59:17 146:17
context [4] 116:14 118:1 132:10 146:17
contiguous [1] 26:25
continue [7] 49:3 49:15 136:22 141:2 153:19 154:6 156:5
continued [2] 29:10 144:3
continues [1] 117:19
continuing [2] 101:1 142:3
continuity [1] 215:4
contract [5] 83:8 83:11 86:19 152:1 185:19
contracted [2] 43:2 109:11
contractor [6] 3:22 11:14 11:17 15:8 69:11 104:1
contractors [2] 69:18 86:20
contrary [1] 100:15
contrast [1] 118:5
contribute [1] 101:11
contribution [1] 6:8
contributions [3] 6:5 6:14 6:21
control [6] 54:23 55:11 62:20 66:5 148:20 149:18
controlled [1] 13:20
controlling [1] 21:20
convenient [1] 211:4
conversant [1] 33:8
conversation [1] 149:9
convey [2] 9:14 218:14
conveyed [1] 144:12
convoy [1] 50:15
cooking [1] 116:23
cooled [1] 108:3
cooperating [7] 27:10 28:1 202:19 203:6 203:9 203:10 203:14
coordinates [1] 112:9
coordination [1] 150:15
coordinator [4] 2:13 2:16 9:21 10:19
copies [8] 31:14 31:20 86:25 141:5 181:16 182:2 182:4 192:2
copy [6] 31:24 85:14 200:16 209:5 213:1 214:8
cord [1] 97:5
core [7] 88:24 90:16 94:16 96:18 97:11 102:19 167:2
cores [2] 113:1 119:15
Cornelius [37] 2:16 2:17 10:2 10:2 10:5 10:5 10:7 81:23 82:20 82:24 85:4 85:25 106:16 122:14 123:2 123:10 139:5 160:25 161:17 168:10 168:14 168:18 169:7 169:17 170:2 171:4 171:12 173:15 173:21 173:23 174:2 176:5 177:3 177:8 177:17 178:6 188:3
corner [3] 35:21 110:8 110:13
corollary [1] 70:13
Corporation [1] 214:14
corps [3] 32:12 163:11 163:12
correct [11] 38:24 45:17 64:22 72:5 78:21 160:12 188:21 199:2 199:21 205:22 228:9
correctly [1] 223:8
correlations [1] 64:10
correspond [2] 77:4 193:6
corresponded [2] 65:10 150:20
correspondence [3] 205:25 206:18 211:15
corridor [10] 26:16 35:15 35:19 36:12 56:19 89:19 93:22 98:10 99:14 101:25
corridors [1] 101:18
cost [2] 38:1 175:14
cost-effective [3] 54:13 69:24 77:20
costs [1] 37:12
councils [2] 191:6 191:12
count [1] 14:11
country [4] 6:10 16:11 16:15 217:13
country's [1] 6:18
county [4] 83:5 146:9 165:24 228:2
couple [18] 8:3 13:22 14:19 41:13 49:17 50:3 57:6 57:14 65:4 66:14 70:9 86:24 87:10 150:1 164:22 196:20 212:10 216:2
coupled [1] 40:7
courage [1] 6:7
course [20] 27:9 27:15 47:23 65:4 65:7 89:20 90:14 91:21 92:15 101:14 114:2 119:13 126:6 128:24 131:5 132:20 133:11 137:11 154:25 209:14
court [4] 12:8 48:16 158:15 161:24
courtroom [1] 187:9
cover [3] 123:16 172:8 173:7
coverage [1] 58:19
coverages [1] 59:9
covered [2] 151:25 210:14
covering [1] 176:15
covers [1] 8:2
cracked [1] 116:24
Craig [34] 3:20 4:5 108:8 109:9 109:10 115:7 121:21 122:6 122:17 123:5 123:11 124:1 124:2 124:10 125:23 126:8 126:12 127:4 127:24 128:2 130:5 131:8 131:22 132:2 132:7 132:21 133:7 133:22 134:23 135:14 137:14 137:15 163:24 202:5
create [1] 66:1
created [2] 163:12 214:13
creating [2] 7:7 131:18
cremation [4] 83:19 84:2 142:10 163:21

cremations [1] 164:2
Crest [2] 55:5 74:11
crew [4] 68:1 114:17 118:25 124:5
crews [2] 114:7 114:16
crime [2] 146:6 146:12
criminal [2] 146:8 147:13
criteria [2] 111:2 193:21
critical [5] 23:22 40:3 41:22 95:16 132:20
criticisms [1] 47:7
criticized [1] 100:9
CRM [1] 72:11
Cronese [1] 164:1
cross [2] 162:8 200:21
cross-reference [1] 63:4
crosscut [1] 99:14
crosses [1] 35:22
crosshatched [2] 66:9 67:17
CRR [2] 228:4 228:15
crunch [1] 191:7
crystalline [1] 118:7
CSR [2] 228:4 228:16
cultural [114] 3:6 7:11 7:24 8:5 8:11 9:7 9:11 10:12 10:16 11:7 11:18 14:22 14:24 21:15 43:7 43:14 43:19 44:15 45:7 47:23 48:3 48:24 50:20 51:5 51:21 52:10 52:11 52:23 54:15 54:19 54:22 56:2 56:24 59:11 60:12 60:17 68:23 72:20 73:24 77:24 83:9 87:14 87:16 88:6 88:8 90:16 91:6 91:7 91:9 91:10 92:3 92:6 92:11 93:3 95:20 95:24 98:10 103:6 105:13 138:13 138:18 138:18 141:25 142:3 143:1 144:5 144:7 144:25 145:15 145:17 145:24 146:15 147:12 147:22 148:2 148:8 148:11 150:6 150:13 151:5 151:8 152:6 152:20 152:21 153:1 153:11 154:4 155:5 155:21 156:15 156:19 156:24 157:9 157:25 158:10 159:6 166:24 167:5 167:16 169:13 172:4 173:18 183:11 185:12 186:22 188:23 189:24 190:5 198:22 204:2 204:20 214:15 217:12 221:21
culturally [6] 72:6 137:8 144:14 149:22 154:15 167:19
culture [5] 101:16 142:20 143:7 158:5 184:13
cultures [1] 5:22
curated [3] 81:9 81:11 164:24
curation [9] 50:13 70:24 81:12 86:2 86:16 165:13 165:14 165:15 227:13
curations [1] 50:15
current [8] 21:11 38:2 43:15 44:2 67:21 95:24 168:14 212:20
custody [3] 149:2 152:15 156:16
cut [3] 22:6 37:17 87:5
cuts [1] 207:11
cutting [1] 208:3
D [3] 3:18 4:1 4:5
D-Day [1] 16:22
dam [4] 35:4 163:13 221:14 223:19
damage [5] 29:5 29:25 39:22 40:10 41:15
Dan [1] 11:12
Daniel [1] 48:13
dark [5] 63:15 68:20 75:18 124:9 124:22
Darrell [47] 3:10 11:21 11:21 14:6 14:8 44:20 44:22 50:16 51:19 60:13 78:21 79:24 80:3 80:19 82:3 82:23 82:25 83:14 84:14 84:18 85:8 86:12 97:4 130:20 136:11 165:1 165:11 165:18 180:21 181:15 181:18 181:23 182:4 190:10 193:9 197:3 205:10 208:16 209:13 209:20 213:13 213:15 214:4 214:7 214:11 215:7 215:17
Darrell's [1] 49:8
dart [1] 124:25
data [35] 51:24 52:7 55:3 55:3 55:5 55:7 55:9 55:23 57:12 58:4 60:9 60:22 61:20 61:25 68:10 68:19 74:10 74:11 74:14 74:16 75:1 75:3 75:3 76:8 98:6 104:20 134:7 134:12 134:13 134:14 134:15 134:16 134:17 134:24 214:20
database [4] 54:22 60:12 61:3 192:17
date [9] 32:6 44:4 101:6 108:14 120:1 120:20 149:8 196:9 198:7
dateable [1] 79:19
dated [1] 140:13
dates [2] 70:4 70:5
dating [2] 93:16 101:24
Dave [1] 91:2
David [22] 3:18 4:5 11:16 11:16 51:10 70:23 87:13 87:25 91:4 97:4 97:8 101:21 103:5 103:10 103:15 103:23 104:6 104:11 104:14 104:18 105:1 105:22
Davis' [1] 207:14
days [16] 6:23 22:14 30:20 148:25 153:25 157:10 178:12 191:3 191:8 191:10 192:8 208:7 211:8 212:25 214:25 221:10
dead [1] 90:15
deadlines [1] 213:14
deal [16] 14:21 14:22 20:9 26:17 90:20 93:17 94:1 141:16 158:24 162:3 167:3 171:16 171:24 172:2 185:15 201:17
dealing [6] 26:3 26:6 102:23 140:14 170:15 201:14
dealt [1] 161:1
death [12] 27:25 28:8 99:10 142:20 143:7 143:9 154:22 191:23 192:3 192:17 213:3 224:3
debatage [1] 85:23
debate [2] 91:13 95:11
debris [4] 112:17 113:17 118:21 119:5
December [1] 24:9
decendents [1] 153:14
decide [3] 85:19 87:3 206:3
decided [2] 48:19 215:24
decision [6] 25:16 25:25 31:6 31:6 32:1 37:5
decisions [2] 149:3 222:24
declare [2] 85:6 85:9
declared [1] 176:7
deemed [2] 153:7 157:1
deep [4] 65:6 99:2 100:2 117:24
deep-ended [1] 59:11
deeply [1] 53:16
defense [4] 24:25 30:4 140:18 222:20
defer [2] 45:15 178:10
define [1] 73:18
defined [5] 72:17 110:23 144:5 144:22 145:3
defining [1] 61:17
definite [1] 185:14
definitely [1] 167:21
definition [12] 61:21 61:22 72:12 72:14 73:4 73:6 75:11 91:7 99:3 142:24 145:2 177:1
definitions [9] 61:23 61:23 72:17 72:21 72:23 73:1 141:11 142:15 174:16
definitive [1] 185:3
deflated [2] 132:15 132:20
deflation [2] 132:1 132:2
degree [5] 79:11 79:12 133:16 133:17 186:15
DEIS [3] 34:21 37:4 70:8
DeJuan [1] 132:18
delegated [2] 10:18 10:19
delicious [1] 225:11
delineate [2] 129:21 194:5
delineated [1] 129:12
demonstrate [4] 29:24 31:23 153:15 153:17
demonstrated [3] 150:6 180:5 200:2
demonstration [2] 50:17 60:14
dense [2] 119:5 120:17
densest [1] 117:23
Densities [1] 200:12
department [7] 9:8 24:4 27:11 30:3 85:6 140:17 187:20
depend [1] 221:22
depending [2] 25:16 191:9
deploy [1] 7:1
deployment [1] 18:1
deposited [2] 134:1 142:21
deposition [6] 62:21 69:3 131:11 131:22 132:3 164:8
deposits [2] 67:1 80:11 126:3
depressions [2] 120:16 120:17
Depth [1] 59:21
deputy [4] 2:22 2:25 5:6 10:22
descendents [3] 149:1 149:20 151:19
descent [4] 151:18 154:4 156:19 161:23
describe [1] 27:2
describing [1] 169:21
descriptive [1] 65:22
desert [52] 23:22 40:1 40:2 40:4 40:14 40:21 41:5 41:21 42:3 44:6 52:16 54:10 54:21 55:4 55:20 55:21 62:17 63:14 63:14 69:2 76:12 76:14 76:22 79:11 80:6 80:10 87:15 89:14 89:17 93:18 94:12 97:17 97:23 98:16 98:23 99:2 99:17 100:2 100:19 103:18 106:6 112:22 112:23 112:25 113:5 113:6 113:8 123:19 123:20 131:1 166:8 210:11
deserts [1] 222:14
deserve [1] 7:9
design [2] 128:23 130:4
designated [1] 28:13
designed [2] 19:18 138:7
designee [2] 148:1 149:6
desire [1] 156:21
destroy [1] 207:5
detail [6] 25:4 46:19 64:6 108:13 128:7 139:23
detected [3] 136:17 137:4 145:12
detection [2] 144:23 145:6
determination [3] 145:13 157:25 177:13
determine [5] 57:6 101:4 146:24 152:14 161:23
determined [10] 56:25 58:18 66:13 147:7 151:9 151:18 153:13 156:14 159:5 170:13
determines [2] 146:2 146:5
determining [3] 59:20 149:18 167:16
develop [5] 20:5 24:11 54:14 63:15 133:18
developed [5] 51:13 51:18 55:2 121:12 155:6
developers [1] 174:23
developing [1] 61:14

development [2] 41:22 95:17
devised [2] 62:23 62:24
devoted [1] 143:25
devoting [1] 54:2
diagnose [1] 63:18
diagnostic [1] 79:19
dialogue [2] 5:17 184:24
Dick [1] 40:22
Diego [1] 30:23
difference [2] 42:14 72:9
different [52] 5:21 16:12 16:15 18:17 18:21 52:22 52:23 52:23 60:16 60:19 61:17 67:1 67:20 68:9 72:23 72:24 72:24 72:24 72:25 73:25 74:24 76:15 81:14 89:12 97:22 97:24 99:4 99:7 99:11 99:13 111:11 115:14 115:20 115:21 122:25 129:11 130:9 132:22 132:24 134:25 135:2 135:3 135:4 135:4 135:9 137:2 168:22 179:12 186:7 195:12 220:17 224:20
difficult [5] 17:9 17:11 110:16 185:8 185:9
diffuse [2] 113:20 119:4
digging [1] 171:21
digital [2] 60:10 60:11
direct [2] 38:15 130:13
directing [1] 110:1
direction [3] 23:9 24:3 228:9
directions [1] 181:6
directives [1] 184:22
directly [2] 95:6 142:16
director [6] 2:23 3:9 10:15 10:18 10:25 11:8
disagreeing [1] 175:10
disagreement [1] 225:23
disclosure [1] 27:21
discover [1] 100:16
discovered [4] 92:5 142:13 158:13 161:10
discoverics [1] 153:24
discovery [19] 91:14 141:22 144:22 145:7 145:14 146:1 146:18 147:21 148:15 152:24 157:9 157:23 158:9 158:11 158:16 171:7 171:9 172:9 178:1
discrimination [1] 179:15
discuss [14] 8:10 12:20 85:11 87:10 96:23 98:20 106:12 108:6 108:20 139:17 139:18 153:22 174:21 183:16
discussed [3] 103:4 127:11 209:4
discussion [5] 92:19 182:16 184:7 211:14 225:14
discussions [1] 157:19
dispersed [2] 19:11 19:14
displace [1] 36:10
displaced [1] 39:19
displays [1] 14:20
disposal [2] 8:25 90:14
disposed [1] 156:25
disposition [10] 141:13 145:20 147:7 148:6 153:10 153:12 154:13 154:15 155:22 177:23
dispute [4] 141:16 153:21 155:14 155:22
disputed [1] 156:15
disputes [1] 156:11
disputing [2] 156:6 156:7
distance [3] 96:5 96:18 227:8
distances [2] 21:3 60:8
distribution [4] 58:3 115:14 115:17 118:23
distributions [1] 134:25
districts [1] 167:2
disturbance [4] 127:13 133:16 136:5 151:3
disturbances [1] 148:23
disturbing [2] 80:23 81:3
divide [1] 170:8
division [6] 3:4 11:1 11:4 146:9 147:14 187:4
document [33] 42:15 43:9 43:14 58:18 82:10 92:23 168:11 169:11 169:17 171:8 171:15 171:23 172:1 172:3 172:14 172:23 173:6 173:7 179:17 183:14 190:7 193:5 193:17 193:23 198:14 199:14 199:25 200:15 213:4 213:21 213:22 214:24 226:6
documentation [3] 82:21 93:14 93:19
documented [2] 44:11 157:12
documents [3] 192:21 193:12 221:16
DOD [4] 70:14 105:20 162:10 187:25
doesn't [16] 52:16 70:14 81:13 81:14 151:15 158:3 158:4 158:23 159:8 168:11 177:3 200:19 208:22 209:1 221:11 223:6
dollars [2] 41:6 43:19
domain [1] 200:20
dominant [1] 65:20
done [48] 15:25 21:7 23:14 24:2 27:8 34:12 36:12 42:21 42:25 42:25 43:25 44:4 44:5 45:18 46:8 62:15 66:10 71:16 72:11 72:15 73:10 83:10 85:13 86:18 86:19 87:14 100:16 101:15 102:18 121:24 122:8 122:10 125:16 127:23 129:17 135:14 137:10 154:17 164:17 179:3 181:19 182:8 189:5 211:15 214:5 214:10 218:23 222:17
donut [1] 88:16
door [1] 12:23
dotted [1] 64:13
down [32] 13:3 13:11 18:10 21:3 22:6 23:22 59:15 62:11 91:3 97:12 99:14 113:3 121:12 133:10 170:14 170:22 177:15 186:4 186:22 192:9 199:23 211:7 217:20 219:17 221:23 222:4 223:15 224:10 224:12 224:20 224:23 228:6
download [1] 42:20
downside [2] 47:18 47:19
downward [1] 97:19
DPW [3] 3:4 54:23 148:19
Dr [5] 40:22 55:20 55:22 62:15 215:7
draft [39] 25:22 28:23 30:18 34:1 42:9 42:18 43:12 139:20 160:22 168:16 168:24 169:5 174:13 179:16 179:22 190:5 196:16 196:22 197:3 198:25 199:18 200:15 201:20 201:21 202:6 204:16 204:23 212:7 213:6 213:24 214:1 214:2 214:3 214:22 218:21 219:18 220:7 220:23 221:3
drafting [1] 178:9
dramatically [1] 61:8
drier [1] 65:8
Drinkwater [2] 83:21 83:22
drive [3] 37:22 198:10 219:13
driven [1] 22:9
drivers [3] 53:21 140:7 140:10
driving [1] 227:8
droughts [1] 98:5
Dry [1] 207:19
due [1] 43:24
dug [1] 113:15
duly [2] 156:24 225:16
dumb [2] 170:4 177:8
duration [2] 137:18 191:2
Durham [32] 2:7 9:22 9:22 27:25 44:14 71:24 72:4 80:19 80:22 83:12 84:13 84:16 166:15 166:18 166:20 166:25 167:13 168:20 173:2 174:18 175:5 178:4 186:1 187:11 187:19 188:2 191:5 191:21 196:8 203:5 215:24 216:16
during [16] 14:25 15:1 18:10 67:21 83:15 94:4 95:14 98:4 130:22 141:18 145:5 165:4 165:5 183:6 196:1 202:10
Dust [1] 207:19
duties [1] 207:9
dweller [1] 103:18
dwelling [1] 26:22
DWMA [1] 40:4
dynamic [3] 51:23 76:13 133:12
E [2] 3:15 4:1
e-mail [3] 13:25 212:1 212:23
e-mails [1] 155:12
Earle [26] 3:18 3:19 4:5 11:16 11:16 51:10 87:13 87:25 91:4 97:8 101:21 103:5 103:10 103:11 103:15 103:23 104:1 104:6 104:11 104:14 104:18 105:1 105:22 106:10 106:25 218:19
earliest [4] 32:6 68:2 120:2 125:7
early [8] 47:1 84:9 93:22 93:25 95:4 119:15 132:12 157:3
earned [1] 6:18
earth [1] 142:19
easier [1] 216:7
east [11] 23:3 26:21 30:24 34:18 97:2 97:9 116:1 117:19 131:18 133:23 216:13
east/west [2] 64:18 110:9
eastern [1] 22:12
economic [4] 90:5 100:10 100:14 102:21
Ecosystem [2] 54:21 55:5
edge [2] 110:11 116:3
educated [2] 137:22 138:3
education [1] 46:12
educational [1] 137:20
EDWARD [3] 2:21 4:2 4:7
Edwards [3] 27:12 88:14 88:20
effect [4] 41:19 47:23 56:14 159:17
effective [3] 105:14 159:23 225:19
effects [1] 37:18
efficient [2] 54:14 162:4
effort [7] 69:20 69:25 77:18 88:9 103:9 175:3 176:1
efforts [4] 39:24 47:22 52:8 110:1
eight [3] 22:19 38:21 114:16
EIS [21] 31:13 31:24 33:14 33:15 34:1 34:11 34:13 34:15 36:20 42:9 42:18 44:13 58:15 135:20 135:20 198:23 199:1 199:21 200:14 201:19 201:21
EIS's [1] 193:3
either [16] 26:11 30:9 53:13 53:15 68:14 97:23 109:3 127:2 145:10 147:25 149:6 151:23 152:7 169:18 216:19 225:7
elders [14] 48:20 86:1 94:18 106:11 147:17 151:7 152:16 173:12 174:25 177:6 182:10 184:10 184:18 186:3
election [2] 150:16 150:22
elections [2] 212:11 212:18
electronically [1] 36:14
element [2] 91:22 102:20
elements [3] 96:2 193:19 193:19
elevated [1] 156:2

elevation [4] 60:3 60:11 60:22 118:12
eligible [7] 57:1 57:9 78:15 79:5 82:16 82:18 144:19
Elko [1] 124:23
elsewhere [1] 159:10
embarked [2] 18:18 22:24
Emergency [1] 155:11
emotion [1] 39:16
emphasis [2] 102:20 179:17
emphasize [3] 34:14 88:2 101:8
employ [1] 151:5
employed [1] 67:12
encounter [3] 62:22 69:19 144:23
encounters [1] 111:22
encourage [4] 46:3 46:16 218:16 226:5
encouraged [1] 67:13
end [13] 8:19 15:16 49:20 59:8 63:2 78:3 84:20 100:2 100:18 186:16 186:25 204:5 204:12
endangered [12] 21:16 24:13 25:9 26:2 26:8 29:5 29:11 29:14 29:20 30:2 32:12 56:5
ended [1] 95:10
enemy [4] 18:23 19:2 19:6 19:10
enemy's [1] 19:16
enforcement [1] 157:18
engaged [1] 142:2
Engineers [2] 32:13 163:12
England [1] 16:24
enjoys [1] 6:10
ensure [4] 21:25 145:19 148:23 177:21
enter [3] 131:6 172:7 186:13
enterprises [1] 100:14
entire [4] 31:24 43:9 68:15 109:21
entities [1] 176:19
entity [1] 187:25
environment [8] 7:6 7:8 7:18 8:4 47:24 60:6 61:7 187:24
environmental [29] 3:4 3:7 11:1 11:4 11:12 23:21 24:12 25:21 26:13 31:5 32:15 36:23 38:12 42:24 43:2 43:6 45:3 45:4 47:10 48:17 51:24 53:23 61:6 90:19 99:8 140:17 167:4 199:22 207:17
environmentalist [1] 38:10
environmentally [1] 38:5
environments [1] 99:4
envision [1] 36:15
envisioned [1] 33:19
episode [1] 133:6
episodes [1] 16:21
equivalent [2] 128:16 131:7
era [2] 94:4 100:2
ERDC-CERL [1] 3:17
Eric [3] 55:20 64:22 64:24
eroded [3] 53:14 53:16 119:16
erodes [1] 119:10
eroding [1] 119:20
erosional [1] 65:18
especially [2] 110:17 160:1
essence [2] 75:1 106:22
essentially [3] 25:12 26:25 33:20 34:4 37:10
establish [2] 186:25 217:6
established [3] 16:13 184:24 190:9
establishing [1] 5:16
establishment [4] 162:11 162:14 162:20 162:21
estimate [3] 38:15 39:11 130:10
et [1] 54:23
ethnic [1] 97:2
ethnographers [1] 151:8
ethnographic [6] 88:16 104:20 105:23 106:17 106:20 175:13
ethnography [1] 101:15
ethnohistorian [1] 11:25
ethnohistorical [1] 102:18
Euro-American [3] 112:3 114:24 120:5
Euro-Americans [1] 127:5
Europe [1] 18:9
evaluate [12] 46:13 57:14 69:19 69:22 77:18 80:17 82:15 83:10 133:19 137:13 146:25 184:20
evaluated [2] 57:4 108:14
evaluating [2] 46:9 68:25
evaluation [7] 69:13 75:22 80:8 108:9 128:11 142:4 190:20
evaluations [3] 127:16 129:22 146:20
Evans [5] 3:21 12:7 12:7 228:4 228:15
evening [1] 15:2
event [6] 53:15 131:12 157:16 171:7 219:25 228:12
events [3] 89:13 98:7 99:17
eventually [4] 135:21 168:24 172:17 189:15
everybody [14] 5:8 5:14 8:8 13:11 14:1 14:3 50:1 50:1 50:7 50:14 103:20 140:2 196:25 218:3
everybody's [2] 49:19 148:21
everywhere [2] 77:11 209:21
evidence [5] 143:12 151:10 153:18 158:1 158:2
evolving [1] 76:13
exact [2] 111:7 196:11 200:10
exactly [28] 17:3 17:12 19:15 19:20 21:3 25:12 28:9 39:19 43:22 46:2 110:11 110:13 110:18 124:4 125:19 141:25 158:6 158:6 160:12 162:22 164:19 175:10 179:2 181:1 181:17 192:5 205:1 216:10
examine [1] 68:8
example [10] 18:25 39:25 42:24 63:25 94:14 96:15 100:20 159:13 192:22 200:9
examples [2] 59:25 96:8
excavate [3] 70:17 71:6 82:19
excavation [7] 67:8 68:7 69:16 70:2 70:22 126:18 127:15
excavations [1] 70:3
except [5] 34:18 112:21 139:25 140:24 173:22
exceptions [1] 23:18
excerpts [1] 199:20
exchange [1] 189:20
exciting [2] 76:10 125:9
exclude [1] 53:10
excuse [3] 31:10 91:2 126:8
excuses [1] 195:15
exempt [1] 176:21
exempted [2] 30:1 30:9
exemption [3] 29:22 30:5 30:10
exercise [1] 171:22
existed [4] 36:20 91:18 92:9 97:3
existence [2] 29:11 91:25
existing [6] 51:24 54:18 56:8 91:10 122:6 189:9
exists [1] 36:22
expand [3] 22:24 23:24 24:5 33:5 37:5
expanded [1] 23:15
expanding [2] 37:2 37:6
expansion [50] 8:11 11:15 11:19 14:19 14:21 15:9 15:12 15:25 18:19 20:19 22:24 23:2 23:13 23:14 27:5 28:15 28:24 29:9 30:15 33:3 33:18 33:18 33:19 34:18 35:14 36:19 36:22 38:17 40:25 41:15 43:15 43:20 47:6 47:7 48:17 51:14 56:18 65:16 74:17 77:7 80:8 80:17 104:23 105:2 109:13 130:23 198:8 198:19 205:3 221:12
expect [4] 19:1 76:21 191:2 196:11
expectation [1] 193:6
expected [1] 137:4
expecting [1] 190:23
expedient [1] 178:15
expediently [1] 160:15
expeditions [2] 94:4 101:19
expense [1] 175:21
expenses [2] 185:20 186:12
expensive [1] 37:21
experience [4] 16:17 20:7 161:25 209:10
experienced [2] 17:5 18:5
experiences [1] 205:24
expert [1] 62:18
expertise [8] 161:22 175:5 185:17 187:1 187:2 187:6 188:19 188:24
experts [5] 8:17 138:11 175:8 184:18 188:10
explain [4] 15:22 33:15 191:25 198:24
explaining [1] 205:7
explains [2] 169:10 205:15
expose [1] 146:23
exposed [1] 147:5
exposure [1] 151:3
express [2] 5:14 156:20
expurgated [1] 201:7
extend [2] 5:13 28:16
extending [1] 161:12
extensive [5] 21:13 32:16 102:6 127:13 127:20
extensively [2] 111:13 118:16
extent [3] 101:4 130:2 149:9
extraordinary [1] 41:19
extreme [4] 76:12 76:14 76:15 192:8
extremely [1] 132:11
eyes [1] 143:24
F [1] 5:12
faces [1] 113:13
facilitate [1] 51:13
facilitates [1] 54:17
facilitator [1] 9:13
facilities [3] 36:17 81:12 216:21
facility [12] 14:12 35:21 50:14 50:15 50:17 86:2 86:16 165:3 165:14 165:14 165:15 227:13
fact [24] 18:5 28:10 37:15 37:16 38:1 38:15 43:23 92:8 93:6 93:22 96:3 99:1 136:9 169:2 169:15 170:16 170:20 170:23 171:13 185:14 194:9 220:5 223:24 225:18
factor [1] 59:20
factors [6] 37:3 37:6 53:5 59:14 59:14 197:24
facts [2] 39:3 39:4
fails [1] 156:22
fair [3] 57:20 105:3 179:10
fairly [4] 33:8 88:7 98:6 179:6
fall [7] 85:11 87:3 125:1 135:24 142:23 208:25 209:2
falls [1] 155:15
familiar [4] 28:11 40:5 78:12 79:25
families [3] 89:4 100:1 143:15
family [2] 7:8

90:3
fan [1] 108:5
fans [1] 119:3
far [11] 15:25 26:20 30:22 30:23 30:23 33:3 57:3 57:18 66:20 130:23 185:6
farther [1] 28:16
fashion [1] 204:19
Father [1] 93:23
fault [4] 64:17 207:13 207:14 208:9
faults [1] 64:13
favorabilities [1] 52:1
favorability [6] 51:22 53:20 65:24 68:21 75:17 129:9
favorable [3] 53:19 198:1 222:24
favoritism [1] 179:14
fax [1] 155:13
feasible [1] 34:4
feature [6] 113:19 113:20 116:20 118:2 118:17 118:18
features [2] 110:25 111:16
February [2] 210:22 217:25
federal [20] 27:13 30:25 45:11 45:18 73:23 91:7 92:17 92:20 145:1 149:12 160:5 176:19 187:25 189:2 195:10 206:13 208:5 209:21 212:12 221:14
federally [7] 26:5 26:8 140:16 140:21 159:11 159:16 212:13
feedback [6] 27:18 31:4 138:11 194:9 194:16 194:21
feeling [1] 122:11
feet [2] 110:7 177:11
felt [4] 34:3 69:23 84:10 164:16
fence [5] 52:14 52:17 54:7 56:13 84:10
fenced [2] 84:4 162:20
few [11] 12:20 13:13 96:22 98:20 110:15 113:1 115:20 117:3 120:13 181:19 212:25
fiber [1] 164:9
field [19] 13:2 13:8 13:9 47:10 50:10 50:12 62:25 63:8 63:24 84:22 95:3 95:13 145:9 145:12 146:23 147:16 151:2 175:20 202:3
field-verify [1] 66:5
fiesta [3] 102:9 102:14 102:19
fight [12] 7:1 16:11 16:15 18:8 18:8 19:1 19:5 19:16 20:13 22:13 22:21 138:9
fighting [3] 223:18 223:19 223:19
figure [3] 138:1 195:17 224:19
figuring [1] 39:18
Fil [1] 5:13
file [2] 29:21 38:13
filed [2] 30:4 48:10
fill [1] 166:20
filled [3] 13:4 14:6 207:18
filling [1] 111:4
film [1] 21:10
final [11] 55:1 130:6 147:6 178:24 196:21 202:5 202:7 204:9 204:16 213:10 213:25
finalize [4] 179:18 180:11 211:10 213:4
finalizing [2] 190:5 213:10
finally [8] 32:18 54:16 76:23 141:20 150:8 153:10 155:14 159:10
finding [8] 48:10 67:9 76:24 112:5 119:14 146:16 158:10 165:7
findings [3] 47:3 106:13 158:20
finds [2] 75:24 82:11
fine [3] 75:5 193:22 203:2
finish [5] 8:6 17:23 31:5 55:1 114:21
finished [3] 114:10 217:22 218:20
fire [2] 22:6 224:13
fire-cracked [1] 117:1
firm [1] 43:1
firms [1] 83:9
first [16] 16:18 29:18 88:1 93:14 110:8 112:12 112:13 126:24 142:2 189:24 190:12 210:22 219:24 225:7 225:15 226:7
Fish [2] 29:1 29:6
fit [5] 61:23 74:3 75:1 75:3 99:3
fits [1] 75:10
five [6] 17:17 31:12 41:5 55:22 213:23 224:20
flag [1] 118:22
flagging [1] 118:25
flags [1] 118:23
flaked [2] 113:3 119:23
flakes [13] 73:15 73:15 84:24 84:24 85:23 112:17 112:25 113:2 118:5 118:7 119:1 119:15 124:12
flaking [4] 112:17 113:16 118:21 119:4
flat [2] 110:17 133:10
Flinn [14] 2:21 4:2 4:7 5:5 5:6 8:2 12:9 12:12 108:17 137:16 137:17 139:6 139:12 169:25
flooding [1] 131:12
floor [3] 108:23 181:4 182:17
floors [1] 97:23
fluvial [1] 65:1
fly [1] 36:14
flying [1] 39:16
focus [5] 24:1 43:21 88:8 89:7 89:23
focused [2] 88:9 129:14
focuses [1] 102:19
focusing [2] 98:2 114:2
folklore [1] 151:13
folks [8] 51:8 88:3 160:20 176:4 181:10 195:9 213:3 216:12
follow [9] 127:8 148:2 155:16 155:17 179:24 179:25 189:1 208:13 212:19
follow-on [1] 16:4
follow-up [1] 171:15
followed [8] 35:11 127:6 127:10 128:17 129:3 149:10 152:23 171:7
following [7] 45:13 77:22 77:23 100:22 140:4 157:7 205:5
food [4] 12:21 50:24 100:23 225:11
foothills [1] 123:4
force [8] 22:4 22:13 27:11 36:16 88:14 160:25 187:20 195:25
force-on-force [1] 6:24
foregone [1] 35:3
forensic [2] 147:19 151:7
Forest [3] 99:24 158:8 174:23
form [5] 24:5 74:8 111:5 111:14 214:8
formal [2] 69:16 103:22
formalize [2] 193:2 193:4
formalized [1] 178:24
formally [3] 35:12 57:4 213:10
format [3] 140:5 183:13 211:20
formed [4] 65:2 65:9 116:6 116:10
former [1] 15:10
forms [4] 63:1 63:2 83:3 83:4
formulate [3] 24:5 24:7 24:17
FORSCOM [1] 155:24
Fort [130] 1:0 2:20 5:2 5:7 7:7 7:14 7:23 8:12 8:12 8:13 9:9 9:16 11:7 11:22 13:14 14:2 16:6 16:9 16:12 17:3 17:20 17:21 17:24 20:21 21:9 29:8 29:24 33:17 40:25 41:8 48:23 51:19 52:12 52:20 53:10 54:19 54:22 55:4 55:13 55:25 56:24 58:17 60:12 60:25 61:1 61:3 61:18 61:23 65:15 66:21 67:12 72:15 72:21 72:25 73:22 74:3 74:6 74:16 74:20 76:20 77:1 77:7 77:14 77:24 78:23 78:25 81:14 82:6 83:20 84:19 85:5 86:21 88:5 88:12 88:14 88:20 89:6 93:17 95:6 95:12 95:14 96:3 96:6 96:20 98:12 99:3 101:5 105:5 128:6 128:12 128:14 138:19 142:2 142:6 154:7 154:21 155:8 155:16 156:5 156:14 160:10 162:7 163:9 165:13 167:16 168:2 168:9 169:3 169:8 169:19 174:21 176:20 180:4 180:18 181:20 182:12 183:8 187:14 189:13 189:17 195:9 195:22 197:7 208:13 209:15 213:19 214:15 215:8 221:12 221:23
forth [11] 110:10 112:7 112:17 120:19 135:5 155:17 162:2 169:1 185:13 185:14 187:2
fortunate [1] 51:11
forward [2] 5:16 8:22
fought [2] 6:16 19:13
found [57] 29:12 44:9 52:5 52:6 68:22 68:23 77:1 83:12 83:21 83:24 88:19 111:12 112:14 112:17 112:19 112:21 112:25 113:10 113:10 113:16 113:18 114:20 114:25 115:3 115:20 115:25 116:21 116:22 116:25 117:5 117:22 118:1 118:14 118:17 119:1 119:2 120:5 120:12 120:16 120:24 123:15 123:22 124:14 124:15 124:18 125:5 125:21 144:25 145:4 149:13 149:21 157:23 162:13 163:18 164:9 164:23 200:10
foundation [1] 5:23
foundations [3] 120:9 120:12 120:13
four [7] 17:16 49:3 55:22 109:23 113:24 215:16 226:19
foxhole [1] 171:21
foxholes [1] 112:6
foyer [1] 12:24
frame [2] 201:24 210:22
framework [2] 180:21 186:4
Francisco [2] 30:23 98:17
free [5] 6:20 12:22 14:15 138:16 221:15
Freedom [2] 140:12 154:12
freedoms [1] 6:9
Friday [1] 68:1
friends [1] 48:16
front [3] 25:3 169:19 169:23
frontier [3] 97:2 97:10 99:13
Ft [3] 2:9 10:14 83:18
fulfill [1] 19:19
full [2] 137:7 199:24
full-time [1] 49:4
fully [1] 184:19
function [1] 144:3
funded [2] 207:15 217:5
funding [12] 32:17 86:7 104:24 173:10 173:10 173:11 183:16 207:15 208:3 208:11 209:1 209:23
funds [1] 40:25
funerary [12] 90:15 141:24 142:12 143:6 143:11 144:24 145:11 145:16 145:21 146:22 153:3 167:25
future [7] 8:23 105:15 122:21 122:22 136:2 160:8 163:7
G2 [1] 174:6
G3 [4] 148:19 173:25

174:4 174:8
gained [1] 152:3
gaming [1] 220:3
garages [1] 166:5
Garces [2] 93:23 98:17
garrison [2] 170:17 170:19
Gary [1] 48:14
gather [1] 101:10
general [9] 5:12 78:14 82:13 82:18 105:12 132:7 146:18 215:5 221:25
general's [1] 220:25
generally [3] 85:2 85:21 102:17
generated [2] 129:9 165:20
generation [2] 6:15 6:15
genetics [1] 159:7
gentleman [3] 220:19 223:15 224:16
gentlemen [1] 15:6
geographical [4] 77:2 150:1 150:2 151:11
geology [2] 59:22 62:21
geomorphic [11] 51:24 53:5 53:15 55:16 65:20 77:3 109:13 130:6 130:16 131:9 142:7
geomorphological [1] 131:4
geomorphologist [12] 55:21 62:14 62:18 64:6 67:14 116:7 116:13 119:25 126:3 130:8 131:23 175:9
geomorphologist's [1] 66:17
geomorphologists [3] 64:1 68:5 79:9
geomorphology [2] 56:1 117:25
George [2] 16:25 95:2
Georgia [3] 2:5 9:25 9:25
geostatistical [1] 65:23
GIS [6] 51:23 54:16 55:3 55:18 111:10 115:13
given [6] 25:18 73:20 74:2 96:9 197:6 215:2
giving [2] 89:3 130:11
glad [1] 225:11
gleaned [1] 94:2
goal [2] 30:5 179:1
God [1] 166:12
goes [14] 8:2 16:1 17:11 31:10 31:10 33:3 63:1 116:2 117:19 126:24 146:1 200:4 200:14 213:22
gold [1] 68:11
Goldstone [8] 13:21 21:19 27:13 50:18 68:12 68:12 75:18 121:2
Goldwater [1] 48:4
gone [7] 42:25 55:6 55:10 55:14 89:16 109:15 141:10
good [35] 5:5 15:7 17:6 27:2 46:25 62:20 76:8 77:9 86:24 94:1 102:2 125:15 130:1 165:16 169:6 174:19 180:16 184:12 184:24 186:17 194:18 196:6 197:18 203:25 208:8 210:22 216:18 218:2 218:6 218:10 222:20 222:20 223:5 224:8 226:3
Good-day [1] 139:11
government [6] 106:4 121:23 185:7 189:6 195:11 222:23
government-to-government [1] 140:14
GPS [7] 110:7 110:10 110:15 111:6 111:15 114:8 134:10
GPSs [1] 55:8
grab [1] 62:10
gradually [2] 99:20 131:17
granitic [1] 64:5
grapevine [1] 47:8
graphic [1] 45:24
grateful [1] 6:20
grave [2] 83:12 142:24
Graves [2] 8:14 140:8
Gray [1] 207:13
grazing [1] 39:25
great [5] 6:6 7:5 62:13 97:18 185:15
greater [2] 45:5 133:17
greatest [1] 6:15
green [2] 65:18 68:20 75:19
ground [14] 21:3 23:5 23:6 26:4 36:15 38:8 118:22 127:13 147:1 163:5 163:6 172:20 187:14 213:1
ground-disturbing [2] 70:12 148:17
group [13] 66:6 88:22 91:11 91:15 91:23 143:2 143:5 144:16 144:18 151:21 160:19 195:13 217:6
groups [27] 32:15 38:10 88:18 88:22 89:4 89:5 89:8 89:12 90:2 90:3 90:9 90:17 96:4 97:16 97:22 98:15 99:2 99:11 99:14 99:21 100:1 128:2 165:23 195:16 205:12 218:9 218:11
guess [13] 27:2 72:16 86:25 117:9 120:21 122:24 123:6 127:4 127:7 183:19 196:13 220:24 222:7
guests [1] 108:24
guests' [1] 12:25
guidelines [3] 70:15 77:22 208:13
Gulf [1] 18:10
Gundrum [33] 3:10 11:21 11:22 14:8 44:22 51:19 79:24 80:3 82:3 82:23 82:25 83:14 84:14 84:18 85:8 86:12 97:4 130:20 136:11 165:1 165:11 165:18 181:18 181:23 182:4 205:10 209:13 209:20 213:15 214:4 214:7 214:11 215:7
guy [2] 221:9 222:5
guys [6] 85:5 176:17 184:12 215:21 218:14 223:4

Habitat [3] 23:23 40:3 41:22
habitation [3] 57:19 64:10 76:25
half [1] 66:10
halls [1] 31:15
halted [1] 176:12
hammerstones [1] 70:25
hand [8] 70:2 126:14 138:4 185:11 186:21 196:7 198:2 228:13
handle [2] 90:8 141:19
handling [2] 152:19 205:1
handout [1] 32:25
handouts [1] 25:3
happening [3] 141:9 198:19 221:8
happy [2] 106:24 189:16
hard [7] 42:2 109:3 214:8 220:1 221:22 223:16 224:10
harm's [1] 163:7
Harrington [1] 94:23
hauled [1] 166:9
haystack [1] 126:17
head [2] 14:11 222:1
headache [1] 61:13
hear [5] 18:15 43:17 81:6 81:16 219:15
heard [6] 18:4 41:11 167:15 198:9 198:18 219:9
hearing [3] 25:24 109:3 189:25
hearings [5] 30:21 30:21 31:3 34:2 34:2
hearth [1] 118:17
hearths [1] 116:23
heat [2] 63:20 87:22
heated [2] 116:24 117:3
heavily [1] 120:21
held [1] 60:7
hell [2] 224:19 225:3
Helmer [70] 2:4 9:19 9:19 29:12 30:12 31:7 33:13 42:8 72:8 73:6 73:9 73:13 73:21 74:4 74:18 75:8 75:13 81:9 103:3 103:8 103:13 103:21 104:5 104:9 104:12 104:15 104:22 105:16 106:8 121:19 122:3 125:21 126:5 126:9 134:3 135:12 135:16 164:20 164:22 165:16 166:3 167:8 167:15 178:8 178:14 192:1 193:18 194:18 195:3 196:15 198:20 199:3 199:9 200:24 201:18 201:22 202:10 202:14 202:23 203:24 204:24 205:4 205:20 205:23 206:4 206:8 206:17 214:1 214:9 214:18
help [19] 9:16 12:22 14:15 41:9 81:19 81:20 81:21 87:16 101:3 101:11 126:2 139:4 139:10 180:22 188:19 190:2 195:17 212:2 212:22
helped [1] 98:11
helpful [2] 95:13 150:24
helping [2] 6:20 169:5
hereby [1] 228:5
heritage [3] 138:19 192:13 207:5
hesitate [2] 215:3 215:14
hey [1] 71:5
Hi [1] 11:21
hide [2] 27:22 206:24
high [9] 59:8 67:23 67:25 75:19 76:3 97:20 99:5 129:12 129:14
higher [2] 97:15 118:11 208:14
highest [5] 6:18 67:23 68:20 130:12 160:19
highlands [1] 65:18
highlighted [2] 63:6 140:23
highly [3] 77:2 133:12 134:15
Highway [2] 33:25 37:16
hills [1] 123:8
hinderance [1] 189:11
hiring [1] 221:21
historic [30] 2:4 9:20 10:13 47:15 47:20 53:22 54:24 57:2 57:7 57:21 57:22 61:2 75:16 77:12 78:1 89:13 93:19 94:16 112:18 114:24 120:5 121:9 121:16 121:22 122:1 126:21 127:1 172:22 173:12 207:10
historical [4] 78:11 100:7 138:13 144:6
historically [2] 96:5 143:3
histories [1] 106:13
history [7] 6:4 16:21 98:8 101:16 138:19 204:20 214:12
hit [1] 110:11
hitting [2] 35:7 223:24
hogwash [1] 223:7
hold [2] 13:1 152:16 191:6
holding [1] 149:20
holdings [1] 56:8
hole [1] 88:16
home [2] 48:19 50:22
homesteading [1] 121:12
homesteads [6] 57:22 68:13 120:6 120:15 120:20 120:24
honest [1] 5:17
honestly [9] 15:14 30:3 30:7 34:3 34:8 36:18 40:13 48:12 203:18
honor [2] 6:6 6:19
honorarium [1] 188:12
honored [1] 5:15
Hood [1] 16:9
Hoover [3] 35:4 221:14 223:19
hope [2] 40:24 139:7
hopeful [1] 27:8
hopefully [15] 7:17 15:11 16:2 46:21 50:22 81:17 88:3

102:22 152:6 156:8 184:23 211:14 212:6 213:15 214:19
hoping [2] 134:6 134:19
Horalck [22] 3:7 11:10 11:10 33:9 136:6 160:11 163:2 166:6 168:23 170:1 170:4 171:11 171:13 180:9 180:16 180:24 185:1 186:6 188:13 193:12 193:22 215:17
horizontal [2] 132:21 133:5
horse [1] 224:11
host [2] 216:5 217:5
hosted [1] 217:1
hotel [4] 13:10 50:21 216:21 227:6
hours [4] 17:11 22:19 87:10 145:25
house [2] 49:5 217:16
housing [2] 120:16 120:17
Huachuca [1] 163:15
huge [1] 115:25
human [31] 83:23 83:23 83:25 84:7 85:22 85:22 90:21 123:17 141:23 142:8 142:12 142:21 143:10 143:16 144:23 145:11 145:20 146:21 151:3 152:19 152:21 153:1 153:10 155:4 156:23 157:9 157:23 158:21 159:1 167:24 172:20
humans [1] 61:9
Humboldt [1] 124:24
hundred [4] 114:14 122:12 150:1 188:14
hunting [1] 100:24
husband [2] 10:7 95:2
ICRMP [2] 213:16 213:17
ICRMPR [1] 213:12
idea [8] 52:19 58:2 63:17 80:15 86:24 111:25 118:23 166:9
ideal [2] 147:2 180:3
ideally [2] 164:7 212:21
ideas [3] 138:16 211:3 216:6
identifiable [1] 143:5
identification [3] 95:25 150:25 152:21
identifications [1] 141:13
identified [20] 18:12 27:6 46:10 48:24 52:12 55:13 55:24 56:24 68:7 69:6 75:23 108:13 142:9 142:12 143:11 145:4 147:15 151:4 153:19 193:13
identify [7] 91:5 93:3 93:8 126:19 137:13 145:19 174:16
identity [1] 143:2
ignorance [1] 222:10
Il [4] 6:16 22:3 52:25 68:15
Illinois [2] 9:9 55:19
illustrated [1] 6:11
IMA [2] 170:6 170:20
image [2] 64:1 64:25
images [1] 65:9
imagine [1] 179:5
Imax [1] 74:8
imbued [1] 143:23
immediate [1] 71:1
immediately [4] 86:10 147:24 149:10 176:6
impact [9] 25:21 26:13 26:24 31:5 36:23 59:5 89:19 175:22 224:9
impacted [2] 38:8 130:25
impacts [4] 28:24 58:16 59:1 59:6
implementing [1] 140:19
import [1] 106:2
importance [6] 49:11 93:21 97:18 144:7 144:11 177:14
important [33] 5:21 6:11 6:14 14:10 29:25 35:6 53:8 60:4 62:3 66:19 88:13 90:14 90:18 90:25 91:24 92:16 92:25 94:15 95:22 96:3 97:14 97:16 98:1 98:8 101:22 102:15 132:11 147:11 175:19 175:23 182:23 195:8 224:1
importantly [4] 52:6 61:4 61:12 62:23
impressed [1] 210:5
impression [1] 128:14
improve [2] 129:23 138:8
improvement [1] 226:10
improvements [1] 134:18
in-depth [2] 87:8 204:20
in-house [2] 83:1 83:1
in-place [1] 154:3
inactive [1] 165:5
inadequate [1] 164:17
inadvertent [16] 141:22 142:1 144:22 145:6 145:13 146:1 147:20 148:15 152:24 153:24 157:9 158:11 171:7 171:9 172:9 178:1
inadvertently [1] 171:22
inalienable [1] 144:14
include [8] 92:3 93:4 93:12 128:17 142:22 169:8 184:17 199:13
included [2] 152:4 201:21
includes [2] 14:1 91:8
including [5] 49:24 95:12 146:17 147:15 149:11
incoming [2] 7:14 7:23
incomplete [1] 105:8
inconclusive [1] 57:11
incorporate [1] 211:18
incorporated [3] 42:22 212:8 213:25
incorporating [1] 60:9
incorporation [1] 43:25
incorrectly [1] 158:12
indeed [1] 148:9
independent [2] 3:22 187:8
indeterminate [1] 159:6
Indian [21] 2:15 10:4 83:18 140:12 140:18 143:4 143:14 144:7 144:15 144:17 149:20 149:22 149:22 150:5 152:23 154:12 157:14 172:13 212:12 223:3 224:24
Indians [4] 144:18 144:21 144:21 162:2
indicate [1] 141:2
indicated [2] 40:8 47:12
indicating [1] 135:3
indication [2] 63:22 208:12
indications [3] 39:8 90:2 90:4
Indio [1] 17:1
individual [10] 5:18 113:2 142:20 143:10 143:13 143:24 144:8 144:12 172:8 178:25
individuals [2] 55:17 143:15
inequity [1] 206:12
influx [1] 65:5
inform [1] 31:18
informal [1] 103:24
informally [1] 213:9
information [69] 27:18 32:24 44:18 46:6 46:7 46:18 49:25 58:6 70:9 77:19 79:4 79:9 79:18 83:5 93:6 93:13 94:1 94:8 94:16 94:21 94:24 95:3 95:5 95:20 95:23 98:14 101:10 111:9 115:16 129:20 129:25 130:11 130:17 132:21 134:11 136:24 149:14 152:3 152:9 152:14 152:15 158:12 158:18 174:25 175:2 178:19 189:20 189:20 190:12 190:14 191:18 191:24 194:22 199:5 199:8 199:13 200:3 200:8 200:19 201:9 201:11 204:5 204:7 205:16 205:17 206:5 212:14 213:18 223:12
informative [1] 15:3
informed [3] 129:22 148:14 150:17
informing [1] 190:12
initiate [1] 164:15
Inn [2] 50:15 227:11
input [4] 171:19 202:25 203:18 226:10
inquire [1] 216:24
insert [1] 196:24
inside [3] 89:15 89:24 113:14
insight [1] 105:24
insights [1] 138:20
insignificant [1] 79:22
installation [37] 16:6 21:14 34:8 44:18 82:14 83:8 84:3 86:20 88:19 89:1 89:7 89:9 89:25 104:1 104:2 104:4 104:8 155:23 156:3 157:11 157:14 164:1 165:21 165:22 169:23 170:2 170:10 170:17 170:23 172:7 172:12 176:19 184:7 184:13 184:16 206:2 206:7
installations [3] 71:10 167:1 180:2
instance [13] 59:16 84:8 89:18 91:14 92:17 93:4 94:11 97:1 97:19 103:6 151:11 154:2 212:4
instances [1] 115:3
instead [3] 34:6 62:1 64:20
insurmountable [1] 162:24
intact [2] 66:25 118:2
integral [1] 105:20
integrated [5] 32:18 54:19 72:19 77:24 196:16
integrating [3] 45:2 78:8 194:2
integrity [2] 132:10 190:4
intensive [2] 6:24 80:13
intent [3] 177:24 184:15 199:14
intention [1] 101:9
intentionally [1] 143:9
intentions [1] 171:23
interact [1] 167:5
interacted [1] 61:9
interaction [2] 45:5 89:12
interactions [1] 102:11
interest [13] 90:6 91:1 92:13 92:19 95:24 106:5 159:1 160:13 160:14 168:9 200:2 210:6 217:11
interested [20] 13:23 27:17 28:3 48:9 89:8 90:1 90:10 94:19 138:17 155:2 155:19 155:20 156:18 156:22 156:25 180:9 201:6 220:14 223:7 228:11
interesting [9] 76:11 95:5 102:4 115:12 119:6 122:20 122:23 134:24 135:11
Interior [2] 24:4 27:11
intermediate [1] 99:10
International [1] 214:14
Internet [1] 19:8
interpret [1] 105:25
interpretation [2] 92:2 104:20
interpretations [1] 66:17
Interstates [1] 35:23
Intertribal [1] 217:1
interview [1] 87:21
interviews [2] 13:17 106:9
introduce [2] 8:8 9:4
introduction [2] 140:6 141:10
introductory [1] 7:13
inundations [1] 131:13
invasion [2] 16:22 16:25
inventoried [2] 46:9 86:22
inventories [2] 67:19 154:18

inventory [22] 45:7 52:7 54:24 61:2 67:3 67:21 69:19 69:21 75:22 77:17 86:17 108:9 109:12 110:14 110:17 114:3 128:11 129:17 135:25 142:3 181:24 183:6
inverse [1] 131:20
investigation [3] 132:19 146:8 146:11
investigations [2] 129:8 147:12
investigative [1] 147:13
invited [8] 3:13 12:25 49:23 81:5 85:10 105:7 108:24 140:22
involve [2] 45:25 88:3
involved [10] 44:15 45:6 70:24 88:5 102:4 157:17 171:18 175:3 176:1 187:5
involvement [5] 45:14 157:23 173:9 175:17 220:7
involves [2] 145:23 148:18
Irwin [116] 1:0 2:20 5:2 5:7 7:7 7:14 7:23 8:12 9:10 9:16 11:8 11:23 13:14 14:2 16:6 17:3 17:21 20:21 21:9 29:8 29:24 33:17 40:25 41:8 48:23 51:19 52:12 52:21 53:10 54:19 55:4 55:13 55:25 56:25 58:18 60:12 60:25 61:1 61:3 61:18 65:15 66:21 67:12 72:15 72:21 72:25 73:22 74:6 74:16 74:20 76:20 77:1 77:7 77:14 77:24 78:23 78:25 82:6 83:20 84:19 85:5 86:21 88:5 88:12 88:14 88:21 89:6 95:17 95:6 95:12 95:14 96:3 96:6 96:21 98:12 99:3 101:5 105:5 128:6 128:13 138:20 142:2 142:6 154:7 154:21 155:8 155:16 156:5 156:14 160:10 165:13 167:17 168:2 169:3 169:8 169:19 174:21 176:20 180:4 180:18 181:20 182:12 183:8 187:15 189:13 189:17 195:9 195:22 197:7 208:13 209:15 213:19 214:15 215:8 221:12 221:23
Irwin's [9] 8:13 8:14 16:12 54:22 61:23 74:3 81:14 128:14 168:9
Isabel [1] 95:2
isolate [2] 110:21 110:22
isolated [10] 72:18 75:24 111:3 111:4 111:8 112:19 115:1 115:6 115:9 115:15
issuance [2] 70:17 127:15
issue [22] 70:14 90:13 90:24 91:13 96:23 97:25 98:21 102:9 159:8 160:15 170:15 170:21 170:24 172:2 172:15 176:3 185:2 185:23 186:20 191:15 192:5 196:2
issues [23] 8:16 32:20 47:6 90:20 91:1 102:4 103:5 104:19 105:3 105:17 106:24 108:25 158:25 171:2 176:8 181:5 181:13 182:21 184:4 186:21 188:23 190:3 197:10
ITAM [3] 54:23 55:5 148:20
item [4] 85:7 85:7 85:9 145:11
items [18] 7:25 63:6 71:3 85:11 85:20 87:3 141:14 142:13 143:6 143:17 143:22 144:6 147:8 148:6 157:1 163:18 167:25 179:9
iterations [1] 24:2
itself [10] 27:5 48:8 88:20 89:1 89:10 93:17 162:21 165:4 204:2 220:8
J [1] 2:4
January [10] 24:24 25:23 30:19 31:10 31:11 198:15 202:12 202:13 210:21 217:25
Jeff [2] 10:25 138:4
JEFFERY [1] 2:23
jeopardy [2] 29:7 29:10
job [3] 81:20 209:25 221:19
jobs [4] 195:19 209:24 210:20 210:20
John [1] 94:23
join [1] 156:20
joint [2] 36:16 81:1
Joseph [1] 5:12
Joshua [1] 118:12
Julian [2] 95:7 100:5
July [5] 24:22 32:5 32:5 114:5 150:19
jumbled [1] 131:20
June [4] 24:19 25:25 31:12 198:16
Junior [1] 5:13
justice [1] 140:17
justification [1] 187:5
justify [1] 135:22
Kawaiisu [2] 95:9 99:22
keep [7] 20:12 20:16 78:7 87:12 88:13 96:25 212:19
keeping [4] 7:12 159:3 192:20 192:21
Kelly [1] 95:2
Kennedy [3] 2:5 9:25 9:25
kept [1] 150:12
key [3] 20:21 54:4 198:22
keyed [5] 104:23 105:1 105:2 105:16 105:18
kill [1] 199:11
kilometer [2] 66:10 66:10
kilometers [1] 85:1
Kimberli [1] 109:2
kind [54] 6:2 53:14 56:21 57:15 65:17 65:22 76:13 79:19 80:22 88:1 88:4 88:15 89:3 89:23 90:2 90:7 94:16 97:1 97:10 99:9 99:13 102:15 103:16 103:17 105:19 112:23 113:1 113:19 116:14 116:25 120:6 130:3 132:3 133:2 138:2 141:15 146:22 151:15 152:25 159:13 161:11 163:7 168:7 178:14 182:11 185:5 185:21 186:1 187:3 197:6 198:22 211:11 223:17 226:10
kinds [17] 19:17 40:6 40:12 43:8 44:11 48:14 90:15 98:7 100:10 102:21 111:11 115:14 115:20 124:2 134:25 135:2 152:5
Kingman [1] 217:8
kinship [2] 90:10 151:12
kiva [3] 91:18 91:21 92:1
knew [2] 83:25 150:3
knowing [3] 135:25 200:2 224:9
knowledge [2] 45:16 56:21
knowledgeable [1] 184:11
known [3] 68:3 91:20 143:16
knows [1] 166:12
Korea [2] 53:1 68:15
Korean [1] 227:6
Kroeber [1] 94:23
L [3] 2:21 4:2 4:7
lab [2] 9:8 145:9
laboratory [1] 145:5
lack [4] 108:14 132:10 208:2 208:2
Ladies [1] 15:6
lady [3] 220:11 224:23
Laird [2] 94:24 95:2
lake [32] 22:2 27:13 65:1 67:24 76:4 83:22 102:6 116:1 116:3 116:7 116:8 116:19 117:18 117:18 118:3 118:4 118:4 118:9 120:7 120:8 121:13 125:3 125:4 125:17 132:11 132:25 133:24 133:25 166:7 173:3 207:19 210:8
lakes [5] 60:7 60:8 65:1 65:5 65:10
land [51] 8:10 11:15 14:19 14:21 15:9 15:11 15:24 18:19 20:18 22:9 22:22 25:1 25:4 25:5 25:8 25:11 25:14 25:16 25:16 25:17 25:19 26:19 26:24 26:25 27:10 32:4 32:13 33:19 34:9 36:19 36:21 39:23 41:15 41:24 44:7 45:18 51:13 61:10 74:21 74:22 80:8 92:17 104:23 105:1 121:23 149:23 198:8 198:19 205:3 206:13 221:12
landform [4] 55:16 59:22 59:25 76:18
landforms [8] 56:3 65:9 65:15 65:16 65:20 77:3 130:9 130:10
Landmark [4] 13:10 50:14 227:5 227:11
lands [9] 24:15 43:15 43:20 45:11 45:11 92:20 145:1 149:21 159:18
landscape [7] 52:1 53:5 53:6 59:13 63:9 64:1 135:10
Lane [4] 26:7 40:19 44:5 44:7
language [3] 25:7 180:8 216:23
lapse [1] 15:18
large [6] 57:3 58:24 65:5 85:1 193:16 213:21
largely [1] 23:18
larger [3] 83:7 89:5 89:9
largest [1] 44:4
Las [5] 30:24 140:25 216:9 216:15 217:19
last [24] 18:11 18:16 24:22 33:6 41:5 44:5 54:25 61:8 65:3 68:1 73:14 86:18 88:10 89:13 95:14 98:1 98:6 110:12 114:12 114:14 116:8 214:16 214:17 219:7
lasting [1] 5:25
late [8] 13:7 83:15 97:3 101:5 102:7 114:4 132:12 157:5
latest [2] 175:12 207:11
latitude [1] 73:23
Laughlin [4] 216:18 216:19 216:22 217:19
law [10] 11:12 30:8 30:9 45:13 53:25 157:17 160:2 185:10 198:16 206:16
Lawhorn [2] 3:1 10:23 10:23
laws [6] 53:24 105:19 188:1 189:2 189:2 223:6
lawsuit [1] 48:10
lay [1] 186:4
layers [1] 55:3
Leach [1] 22:2
lead [3] 12:15 158:20 198:3
leaders [3] 17:5 143:19 154:11
leadership [1] 72:25
learn [1] 19:5
learning [4] 19:7 79:7 137:23 137:23
least [11] 27:16 36:8 71:2 111:21 116:11 135:1 141:7 151:2 151:3 194:9 206:17
leave [9] 82:13 82:19 108:17 117:10 147:2 150:21 169:18 169:18 226:17
led [4] 37:4 70:21 207:11 207:19
leech [1] 27:6
leeway [1] 197:20
left [8] 23:18 24:10 94:6 98:17 114:14 117:13 188:6 222:3
legal [6] 53:21 140:7 140:10 150:4 183:13 189:14
legalese [1] 180:7
legally [1] 189:5
legislation [4] 24:8

24:23 28:20 172:22
length [1] 97:5
less [4] 39:10 41:20 129:21 179:8
lethal [1] 20:2
letter [11] 190:25 191:9 197:3 205:7 205:9 205:10 205:13 205:14 205:18 211:13 224:17
letters [14] 44:17 46:5 83:16 83:18 83:19 103:22 104:3 104:3 128:20 150:18 190:11 190:11 190:22 194:8
letting [1] 46:6
level [2] 156:3 156:3
levels [1] 90:4
liaison [4] 166:16 167:12 183:7 224:24
libraries [1] 31:15
lies [1] 98:12
life [9] 15:10 39:12 90:17 90:24 94:8 100:23 101:2 102:20 209:23
life's [1] 49:8
likely [5] 52:5 56:6 83:11 147:17 147:18
likewise [1] 154:23
limestone [2] 64:4 113:12
limit [2] 177:16 223:16
limited [5] 78:9 78:15 79:4 143:25 192:20
limits [5] 21:14 21:17 84:5 189:6 227:7
line [20] 23:11 52:14 54:7 56:19 58:4 58:11 58:19 59:7 69:6 109:17 109:23 113:23 139:22 139:22 158:2 164:9 198:9 198:14 205:17 207:3
lineal [10] 149:1 149:1 149:19 151:18 151:19 153:14 154:4 154:15 156:19 161:23
lines [6] 16:1 28:18 52:17 56:13 64:13 172:21
lining [1] 38:13
link [1] 36:13
linked [1] 38:2
linking [1] 36:12
list [18] 13:19 14:4 14:10 27:17 51:1 122:7 148:4 149:4 150:12 150:23 153:16 160:20 165:17 178:19 182:16 212:9 212:16 227:3
listed [2] 26:5 26:9
listen [2] 10:10 222:4
listening [2] 8:16 220:19
listing [1] 183:12
literally [3] 41:6 129:19 209:17
literature [3] 41:14 62:16 96:13
lithic [15] 57:17 57:17 63:18 69:1 77:8 78:10 78:25 79:2 80:5 80:9 84:19 84:21 85:3 85:3 85:23
litigious [1] 27:23
live [9] 7:3 16:7 21:1 22:5 22:6 35:24 96:9 188:23 190:6
live-fire [1] 6:24
living [6] 90:9 95:12 99:22 100:2 100:21 213:22
lobby [1] 227:11
local [8] 28:20 78:16 98:7 100:13 100:25 103:17 157:17 166:1
locales [1] 53:7
localized [2] 77:2 77:13
located [7] 88:25 96:5 96:17 97:23 98:16 99:2 216:7
location [14] 91:19 92:1 92:9 98:22 122:23 142:18 158:19 197:23 198:1 201:8 210:25 211:6 216:6 218:10
locational [4] 55:9 111:9 115:16 199:7
locations [11] 44:11 66:2 67:9 82:11 92:3 92:16 100:19 115:21 122:25 200:10 200:20
lock [2] 163:13 192:20
locked [2] 81:15 106:18
logged [1] 149:7
logic [1] 132:17
logical [1] 215:11
logistical [1] 65:25
logistics [2] 12:20 141:15
long-term [2] 54:4 189:7
longer [7] 34:16 34:19 36:22 60:7 98:21 105:2 150:20
look [43] 5:16 8:22 13:21 15:2 29:2 50:19 52:18 53:17 59:4 59:22 59:23 60:2 60:2 60:4 60:8 62:3 63:19 64:2 68:6 68:8 74:25 79:10 89:24 125:15 133:8 133:10 133:13 136:4 137:21 138:7 168:25 187:17 187:24 189:8 193:24 196:23 201:20 202:15 214:24 216:13 220:16 220:23 226:4
looked [5] 55:14 73:14 112:13 121:23 212:12
looking [38] 16:2 19:9 32:4 32:25 37:25 50:2 52:4 52:11 52:22 52:24 53:3 55:24 56:13 57:5 57:13 58:21 61:20 62:1 63:5 64:4 66:8 67:4 67:5 67:21 68:9 76:20 97:1 100:5 101:24 126:7 134:23 155:25 180:14 194:17 195:6 197:12 198:17 207:24
looks [5] 63:23 64:2 64:17 102:25 216:12
Los [2] 26:17 228:2
lose [2] 223:22 223:23
lots [13] 23:25 26:10 26:15 26:18 27:6 32:9 33:9 37:13 37:13 40:5 40:11 44:3 119:14
louder [1] 109:4
Louisiana [1] 162:8
love [1] 50:23
low [8] 53:20 67:22 68:21 77:8 78:9 99:12 129:12 204:10
lower [1] 89:20
LTC [11] 2:23 10:25 10:25 168:16 174:8 174:15 194:1 194:14 210:25 211:3 211:23
Luis [2] 159:16 159:18
Luiseno [1] 159:18
Luisenos [1] 159:15
lunch [3] 14:25 103:1 106:23
luxury [1] 221:20
ma'am [12] 44:16 71:23 72:1 106:15 106:19 160:24 166:19 169:16 176:4 177:5 177:19 188:13
mail [9] 13:6 149:11 182:7 194:13 194:19 194:23 196:25 197:1 205:13
mailing [1] 13:24
main [6] 12:24 38:9 104:22 164:14 168:4 213:19
maintain [1] 7:17
Maj [3] 3:1 10:23 10:23
major [10] 23:19 53:15 65:3 65:16 121:2 147:22 175:15 183:15 189:24 213:23
majority [4] 57:3 58:24 77:13 211:4
makes [5] 23:2 171:8 178:15 185:15 187:1
man [5] 22:10 115:8 132:12 164:4 175:20
manage [5] 15:9 54:14 73:24 136:1 168:5
management [20] 25:14 27:10 40:4 53:9 54:4 54:6 54:20 54:21 57:9 72:20 79:1 83:9 91:8 105:3 172:4 190:6 196:16 202:3 204:18 204:22
management's [1] 79:20
management-summary [1] 204:6
manager [22] 2:10 3:6 3:20 9:7 10:12 11:7 105:14 108:8 145:25 146:15 147:13 147:23 148:2 148:8 148:11 150:13 151:5 166:23 169:13 169:24 173:18 187:23
manager's [1] 183:12
managers [2] 90:20 92:20
manages [1] 11:14
managing [4] 7:11 54:2 78:24 208:20
mand [1] 203:15
Mandatory [1] 203:17
maneuver [4] 22:17 23:12 36:15 37:2
maneuvering [1] 40:15
maneuvers [3] 36:16 42:3 59:1
manganese [1] 63:16
manifestations [2] 132:13 132:14
Mann [1] 166:11
manpower [1] 209:22
Manuel [1] 140:24
map [14] 25:2 28:6 56:16 59:5 64:1 65:23 66:1 97:14 111:15 111:16 115:22 115:23 121:25 123:7
maps [9] 59:3 65:24 68:18 75:16 115:13 129:9 205:7 205:8 205:9
March [3] 202:5 202:6 202:7
margin [1] 132:13
Marilyn [1] 55:18
marriage [1] 102:13
marshal's [1] 146:8
massive [1] 131:12
match [1] 61:21
material [14] 68:24 79:19 86:20 111:23 117:12 117:15 119:14 119:23 119:24 152:5 158:9 158:11 165:1 165:6
materials [16] 49:25 50:2 92:15 92:18 111:11 117:6 117:10 119:21 123:25 124:5 125:13 126:20 132:3 132:24 133:2 152:11
matter [4] 8:17 46:12 184:18 200:5
matters [1] 198:1
Maurice [1] 95:9
may [67] 5:20 17:4 17:5 47:4 47:12 51:11 55:1 56:5 57:24 62:22 75:6 90:3 91:15 92:13 92:18 92:24 93:5 93:8 95:19 95:24 96:4 108:24 109:3 109:5 126:17 127:21 133:15 141:18 142:11 142:11 142:22 144:11 149:2 149:5 149:20 150:3 152:16 152:22 153:7 155:2 156:19 157:12 157:16 159:1 160:7 170:23 179:9 179:11 179:12 180:3 180:3 182:22 184:19 185:1 190:24 194:14 195:11 195:12 195:15 195:18 197:22 204:9 211:21 216:13 220:16 226:11 226:23
McDonald [3] 55:20 55:22 62:15
mean [26] 7:25 25:5 46:3 48:11 69:15 80:24 81:15 85:7 87:5 93:15 114:8 129:3 138:2 143:6 161:23 163:19 168:2 168:12 169:24 187:14 199:4 203:12 206:14 208:16 221:3 223:6
meaningful [2] 5:24 184:16
means [18] 18:23 21:2 29:8 29:23 29:23 33:2 45:22 88:17 89:2 137:22 142:1 143:1 144:17 146:21 151:14 203:22 216:22 216:23
meantime [4] 156:5 179:21 190:9 213:5
mechanical [1] 70:3
mechanism [1] 194:16

mechanisms [1] 90:22
Medal [1] 6:19
medicine [1] 70:24
medium [3] 67:22 129:12 129:14
meet [7] 13:10 111:2 186:24 195:11 211:15 213:10 227:11
meeting [25] 1:0 5:3 5:10 9:12 10:20 12:2 40:23 140:22 152:8 184:6 196:9 196:12 197:4 197:9 197:18 210:16 211:8 211:21 212:6 212:10 215:25 217:6 218:18 219:24 227:18
meetings [7] 28:19 191:6 207:25 215:10 217:2 217:20 222:11
meets [1] 186:23
member [2] 144:9 144:13
members [4] 7:9 68:1 143:4 184:11
mementos [1] 138:24
memorandums [1] 140:13
men [1] 7:2
mentality [1] 54:8
mention [4] 66:20 102:13 129:7 183:7
mentioned [13] 61:7 72:22 96:12 98:9 106:8 129:16 136:12 141:4 151:1 156:17 193:14 219:11 225:13
merely [1] 18:23
message [1] 218:14
meter [1] 164:7
meters [3] 110:6 113:12 177:16
method [1] 133:18
methodological [3] 61:5 61:12 87:19
methodologies [1] 128:23
methodology [4] 46:20 129:24 137:12 204:20
methods [7] 52:6 65:21 65:25 110:3 137:9 155:22 183:2
Mexican [2] 94:4 227:6
MICHAEL [1] 3:1
Mickey [6] 3:3 11:6 33:8 40:16 208:17 215:17
Mickey's [1] 197:3
microphone [1] 109:6
mid [1] 93:20
mid-September [1] 43:24
middle [2] 219:13 225:4
might [25] 8:25 14:8 15:13 16:3 33:7 74:19 74:23 76:21 92:4 102:12 105:23 115:23 124:6 125:19 143:23 166:4 177:18 180:16 180:18 182:12 192:2 193:16 198:10 201:23 212:2
migration [2] 89:12 99:20
Mike [1] 10:23
mild [1] 32:14
mile [1] 217:15
miles [3] 35:20 37:22 116:2
military [19] 3:9 6:5 6:12 68:14 88:19 89:1 94:3 101:19 112:4 112:11 115:3 115:15 115:18 117:3 117:15 162:11 162:14 162:19 168:3
milk [5] 26:7 40:19 44:5 44:8 200:9
million [8] 24:14 32:17 36:5 41:14 41:18 41:20 43:19 223:2
millions [1] 41:6
mind [4] 7:12 50:25 88:13 96:25
mine [7] 26:21 51:2 112:18 168:18 201:15 225:20 225:21
mines [6] 27:4 57:22 68:13 75:18 121:3 121:5
minimal [1] 57:11
minimize [1] 26:24
minimum [1] 208:18
mining [9] 26:18 94:3 94:12 100:25 120:24 120:25 121:7 121:8 121:13
minute [7] 58:17 59:4 60:1 93:8 139:13 142:1 153:22
minutes [1] 15:24
miscellaneous [1] 112:6
missing [2] 55:25 220:10
mission [23] 6:13 7:4 16:10 16:12 16:14 18:2 18:2 19:19 20:5 21:23 22:1 29:23 29:24 49:12 142:5 168:2 189:22 195:24 196:1 196:2 196:7 197:7 208:24
mission-focused [1] 49:12
missionization [1] 99:1
missions [2] 21:21 170:11
mitigate [3] 33:4 41:15 47:21
mitigated [2] 29:13 29:15
mitigating [1] 38:19
mitigation [11] 29:2 29:9 30:6 32:3 32:10 39:22 39:24 40:11 40:17 41:1 41:4
mixed [7] 116:14 117:3 118:1 130:15 132:3 132:23 133:2
Moapa [2] 2:12 10:9
model [33] 8:13 51:13 53:22 54:12 56:12 59:11 60:10 60:23 61:14 66:3 73:3 75:9 75:7 77:23 129:10 130:18 134:4 134:14 135:18 135:23 136:12 136:22 136:22 136:25 136:25 137:12 137:24 192:11 210:4 210:7 210:7 211:10 226:8
model's [1] 76:23
modeled [1] 52:9
modeling [1] 53:1
models [5] 51:23 60:11 134:8 134:17 136:8
moderate [2] 59:6 59:8
modern [1] 65:8
modernization [2] 20:11 32:19
modernizing [1] 22:8
modest [1] 37:25
modify [3] 169:1 180:18 193:24
moisture [1] 59:19
Mojave [41] 2:9 10:14 26:4 52:16 54:10 54:21 55:4 55:21 65:1 76:12 76:14 76:22 83:18 87:15 89:18 89:21 93:18 93:21 94:12 96:13 97:17 98:9 98:13 98:16 98:23 99:15 99:17 99:19 100:19 101:16 101:25 106:5 125:3 125:4 126:23 164:2 184:4 210:10 216:23 221:19 224:3
Mojaves [3] 71:2 96:16 102:8 162:6 216:22
moment [5] 7:12 139:16 166:22 180:10 186:8
money [6] 39:18 41:4 41:10 41:20 217:24 223:3
monitor [1] 38:20
monitored [3] 147:5 147:6 177:23
monitoring [3] 131:2 131:2 110:2
month [7] 195:11 196:22 213:16 214:3 214:5 217:3
monthly [1] 191:6
months [11] 31:12 44:6 49:20 50:4 70:10 197:18 210:17 210:18 210:19 212:10 216:2
monzonite [2] 64:11 64:20
Mormon [3] 57:23 121:16 122:4
morning [17] 5:5 14:7 15:2 15:7 45:1 46:22 50:13 60:19 108:4 108:11 109:1 129:17 141:4 181:14 182:15 210:14 227:12
mortuary [1] 158:20
most [23] 14:10 57:18 61:4 84:18 85:22 110:1 112:20 113:1 114:2 115:12 116:20 117:5 117:25 120:25 122:13 123:22 130:14 130:14 133:23 151:21 152:12 156:13 211:4
mostly [6] 112:22 118:4 118:6 120:7 121:10 126:2
motel [1] 227:3
motifs [1] 182:11
MOU [5] 172:24 173:4 192:12 192:13 193:2
mountain [9] 26:7 35:23 40:19 44:5 44:8 97:23 99:5 216:23 221:13
mountains [4] 64:2 97:20 99:6 122:15
move [2] 19:25 183:22
moved [1] 150:2
movies [1] 6:10
moving [2] 99:23 100:3
Mrs [1] 10:7
Ms [1] 174:18
Muhammad [24] 3:4 11:3 11:3 11:9 38:23 166:22 172:3 179:16 179:20 179:25 187:23 189:21 191:13 192:24 194:1 194:7 194:22 195:4 195:23 196:10 208:23 212:25 215:16 216:8 216:18 218:13 219:5 226:1
mulling [1] 185:21
multicomponent [1] 133:5
multiple [3] 55:3 57:25 106:6
multitudes [1] 48:1
museum [7] 164:4 164:5 164:24 164:25 165:15 165:24 166:1
museums [5] 158:24 162:15 165:8 165:17 167:17
must [12] 19:5 19:9 24:12 32:18 143:11 144:13 145:25 148:18 151:23 151:25 153:17 170:22
N [1] 4:1
NAGPRA [74] 2:13 2:16 9:21 10:18 71:3 85:7 85:9 85:11 85:18 86:5 86:7 87:4 87:7 90:23 105:16 105:19 108:20 139:15 139:17 139:21 140:7 140:8 140:11 141:14 142:9 142:11 142:13 142:16 142:25 145:1 145:4 145:18 147:11 148:15 149:4 149:18 153:3 153:20 154:13 154:18 155:6 155:15 155:16 156:9 156:12 157:2 157:8 157:15 157:24 158:25 161:2 162:9 163:18 166:17 170:15 172:9 172:22 176:10 176:15 176:23 176:24 178:9 181:19 181:22 181:24 189:25 190:3 193:3 211:11 212:4 213:2 219:24 226:7 226:8
name [13] 5:5 9:6 9:19 9:22 10:8 11:13 11:21 11:24 13:24 14:11 15:7 60:22 109:9
named [2] 121:25 228:7
names [3] 14:11 51:1 169:2
napping [1] 113:2
narrow [1] 192:9
NASA [5] 13:21 14:1 21:19 27:13 50:19
nation [3] 144:17 185:7 194:5
nation's [2] 7:2 20:13
nation-to-nation [2] 167:6 198:11
national [42] 1:0 5:1 5:7 5:9 6:22 7:15 8:21 19:20 20:12 20:15 22:25 23:2 23:15 24:5 24:12 27:1 28:1 29:22 30:4 30:10 45:3 47:15 47:20 53:22 53:23 57:1 57:7 78:15

79:6 82:4 82:15 99:24 137:24 138:6 139:2 169:8 169:12 172:22 191:23 192:4 207:10 222:20
nations [3] 5:18 182:10 186:9
native [66] 1:0 2:1 5:3 6:4 6:9 6:12 6:17 8:11 8:14 9:17 12:17 38:14 44:14 45:6 45:14 46:3 48:18 81:2 88:11 88:18 88:24 89:4 90:8 90:18 91:20 92:13 92:16 92:21 93:1 93:9 94:8 94:18 95:18 95:18 95:25 97:16 98:2 100:11 101:9 101:10 105:20 106:4 112:2 128:10 130:1 140:8 140:18 141:23 143:19 143:20 144:1 146:14 149:17 153:5 155:4 155:9 161:24 163:10 166:15 167:2 167:11 167:12 173:8 183:7 189:18 227:17
natural [20] 3:6 7:11 7:24 8:5 11:7 14:22 14:24 21:15 54:20 56:2 92:12 92:22 92:25 142:17 150:13 166:24 169:13 169:18 173:18 183:11
nature [4] 5:19 70:13 153:9 160:23
Navy [3] 27:12 187:21 187:21
near [4] 74:5 96:11 143:10 160:8
nearest [1] 154:19
neat [1] 136:11
neccssarily [5] 75:4 89:15 100:7 147:1 171:16
neccssary [4] 61:24 70:3 153:7 207:7
need [66] 8:25 12:3 13:24 14:6 14:11 16:18 17:7 19:24 22:22 27:23 29:6 31:23 34:9 36:19 36:21 36:24 42:17 51:2 58:19 70:11 82:14 83:10 85:10 102:17 105:11 127:18 127:23 135:21 135:23 139:22 139:23 147:24 148:4 152:9 152:12 152:18 156:1 166:4 171:14 172:1 172:12 173:7 173:8 173:10 174:20 178:20 180:6 184:21 187:17 188:7 188:19 189:4 189:5 190:2 196:3 196:8 197:16 200:7 201:10 202:8 211:8 213:24 222:25 224:22 225:5 226:16
needed [5] 24:1 66:14 128:10 134:14 143:18
needle [1] 126:16
Needles [2] 217:7 217:7
needs [15] 20:1 20:16 34:8 38:4 74:3 122:10 127:25 164:17 179:3 179:3 193:24 195:22 206:3 215:1 223:11
negative [1] 111:25
neglected [1] 94:13
negotiate [4] 173:3 185:6 185:8 186:18
negotiating [3] 172:19 186:8 186:10
negotiation [2] 186:24 187:7
negotiations [2] 186:13 186:17
neighboring [1] 80:25
neighbors [2] 26:24 27:12
Nellis [7] 27:12 48:3 132:9 132:18 160:25 221:13 223:19
NEPA [16] 24:19 25:8 26:11 26:14 34:23 35:2 35:8 35:12 43:14 47:16 105:18 140:11 172:11 199:11 199:13 203:15
Network [1] 217:2
Nevada [2] 222:14 223:18
never [6] 30:4 36:24 40:8 84:6 110:18 222:23
new [20] 19:18 19:18 19:19 22:15 22:15 22:16 23:5 43:25 67:11 75:23 79:8 100:3 133:13 134:8 187:14 197:4 197:4 210:25 214:1 214:2
newly [2] 69:6 92:5
newspaper [1] 154:19
newspapers [2] 31:1 94:11
next [27] 15:24 18:17 24:19 26:1 30:15 57:5 57:14 86:9 139:14 147:22 149:16 150:5 152:8 196:9 196:12 197:9 197:18 210:16 211:8 211:21 212:6 212:25 214:3 214:24 215:25 217:3 218:18
NHPA [2] 105:18 140:11
nine [1] 114:16 **nineteenth** [1] 93:25
nobody [1] 83:25
non-Native [2] 93:24 100:13
none [5] 34:14 59:7 69:6 137:3 150:9
nonfederally [1] 159:12
nonhuman [1] 146:2
noon [1] 107:5
normally [1] 215:11
Normandy [1] 16:22
north [6] 16:25 28:10 28:16 30:22 68:3 98:13
north/south [2] 66:11 110:9
northeastern [4] 119:7 121:1 121:14 125:6
northern [2] 28:7 113:11
northwest [1] 96:10
notches [2] 123:19 123:20
note [7] 70:19 76:11 81:6 108:25 147:11 170:14 190:19
noted [2] 183:22 225:16
notes [4] 49:18 95:3 95:13 182:15
nothing [9] 10:6 82:16 84:23 136:8 136:9 136:17 169:4 176:25 206:24
notice [1] 148:21
notices [2] 154:14 154:18
notification [8] 44:17 70:12 71:20 71:21 83:16 128:18 141:12 153:25
notifications [1] 182:24
notified [11] 70:17 71:5 84:1 127:14 128:2 128:4 128:20 148:13 149:4 179:3 182:25
notifies [1] 147:23
notify [6] 146:13 148:8 148:25 155:10 155:23 212:21
notifying [1] 149:16
noting [1] 146:16
November [1] 28:25
now [79] 11:11 17:22 20:20 21:10 23:2 23:6 23:17 23:20 24:16 26:20 28:5 28:17 31:13 32:1 37:14 37:15 37:25 38:21 38:23 40:3 44:23 46:5 47:20 48:11 53:21 59:10 62:9 81:25 87:13 88:13 90:1 92:11 93:2 93:11 94:15 95:4 95:16 98:5 99:23 108:5 114:13 114:16 115:19 123:11 125:2 125:18 125:24 127:5 127:12 134:9 134:20 135:17 136:15 145:22 150:25 155:24 163:2 164:4 169:4 169:24 170:5 170:6 171:8 171:20 172:21 173:18 173:25 176:10 176:14 185:3 186:4 188:15 194:14 197:14 198:10 199:12 200:4 200:5 208:3
nowhere [2] 219:13 225:5
NOX [1] 207:12
NRHPA [1] 199:12
NTC [6] 2:20 11:12 56:15 58:1 170:9 170:23
NTC'S [1] 20:5
nuclear [1] 223:18
number [19] 20:14 39:22 57:20 77:9 88:22 99:13 99:20 99:25 100:18 102:3 114:21 117:23 140:3 171:2 173:19 173:21 174:3 193:17 197:24
numbers [8] 32:16 39:5 39:7 41:16 140:1 212:1 212:15 215:19
numerous [2] 57:18 164:2
Nuooah [1] 95:10
o [1] 64:20
o'clock [1] 50:23
object [3] 92:19 144:15 145:2
objections [3] 48:2 48:10 127:22
objective [4] 81:19 165:12 168:4 179:10
objectives [3] 77:24 88:7 168:7
objects [41] 71:18 72:2 90:22 141:24 141:24 141:24 142:9 143:6 143:11 143:17 143:18 143:25 144:5 144:10 144:13 144:24 144:24 144:24 145:15 145:16 145:16 145:16 145:21 146:22 149:2 149:19 150:7 151:4 152:6 152:11 152:17 152:20 152:21 153:1 153:4 153:11 154:13 155:5 156:15 156:24 157:10
observance [1] 144:3
observations [1] 63:7
observe [2] 64:8 146:23
observed [1] 64:12
obsidian [10] 122:15 122:17 122:19 122:21 122:24 124:7 124:8 124:11 124:12 124:12
obsolete [2] 42:11 42:13
obvious [3] 6:2 37:13 37:14
obviously [13] 31:21 32:18 46:11 67:7 68:8 69:8 90:5 102:8 185:2 185:18 197:15 200:1 202:24
occasion [2] 155:8 179:2
Occasional [1] 94:3
occupation [6] 88:11 90:1 95:14 97:11 98:11 120:3
occupations [1] 133:3
occupied [2] 100:1 120:21
occupying [1] 89:8
occur [11] 56:6 76:25 77:6 77:10 77:13 92:24 116:11 116:13 120:7 120:25 179:2
occurred [7] 89:13 93:6 98:3 112:10 121:25 127:19 130:22
occurrence [1] 98:7
occurs [5] 28:17 117:18 119:7 123:6 123:8
October [3] 171:1 217:3 228:13
off [27] 12:10 21:14 21:17 41:22 74:20 84:4 84:11 87:6 97:6 108:4 114:18 123:12 133:25 140:5 141:11 142:2 164:1 175:21 175:25 177:16 181:5 181:13 197:20 206:9 206:11 206:20 216:3
off-site [1] 129:7
office [13] 3:1 3:3 12:6 13:14 24:10 121:24 146:8 174:10 197:1 209:21 219:10 221:10 224:23
officer [7] 2:4 2:25 9:20 10:13 10:22 10:24 167:12
officers [1] 212:14
official [4] 10:3 27:14 148:1 150:20
officials [1] 157:18
offset [5] 24:15 24:15 39:21 40:2 40:10
often [7] 35:1 48:4 71:12 88:20 88:24 90:7 96:17
Ogden [12] 2:23 10:25 10:25 11:5

168:16 174:8 174:15 194:1 194:14 210:25 211:3 211:23
old [13] 26:18 27:4 44:1 57:23 94:6 116:5 116:23 119:25 120:9 121:2 122:4 132:18 214:9
older [3] 65:19 125:2 167:18
once [14] 8:20 55:24 68:6 75:20 137:11 145:12 157:4 159:14 188:18 188:21 195:11 200:4 212:4 214:22
one [140] 7:10 14:23 20:1 20:9 20:24 21:20 26:20 26:22 27:20 29:18 31:23 32:22 33:1 33:13 34:9 34:13 34:13 35:7 35:16 36:6 36:18 38:9 39:4 40:21 40:23 41:16 42:8 42:16 43:10 45:14 45:23 63:1 64:11 66:19 68:1 68:10 69:20 69:24 70:7 73:2 73:15 76:12 77:18 77:20 83:14 84:4 84:8 85:9 89:2 91:1 91:4 96:2 96:8 96:25 98:10 99:11 100:4 101:3 102:3 102:12 109:2 111:21 112:12 113:9 118:2 118:16 119:6 120:6 121:2 122:6 122:9 125:5 125:9 125:14 127:20 129:6 133:6 133:6 136:11 138:5 138:10 150:19 153:15 158:1 158:8 159:13 160:20 162:2 162:5 167:13 168:15 168:17 168:18 171:4 171:18 172:13 172:23 173:3 179:8 179:18 179:25 182:18 182:23 183:20 185:1 185:22 186:20 187:5 187:7 188:17 190:2 193:13 193:13 193:16 194:7 195:5 197:10 198:6 198:20 199:11 199:15 199:16 199:23 204:11 205:19 205:23 207:20 213:8 213:14 214:9 214:24 215:1 215:20 216:4 216:9 217:18 222:3 223:25 224:17 225:15
one-by-one [1] 70:2
one-track [1] 126:23
ones [10] 67:18 67:18 67:20 74:3 121:2 121:10 129:13 175:24 188:9 207:11
ongoing [3] 26:11 38:9 108:10 144:6 184:8
open [12] 5:17 8:7 30:16 33:7 48:7 68:7 78:4 108:22 166:8 184:24 195:6 196:4
open-door [1] 206:25
opening [2] 4:2 27:21
operate [2] 21:4 172:14
operating [12] 8:15 87:8 108:21 139:15 139:21 141:21 155:18 178:24 193:1 197:11 198:13 211:17
operation [4] 19:5 102:14 190:16 196:1
operational [2] 20:7 37:19
operationalizing [1] 102:23
operations [8] 18:22 18:23 94:12 101:1 148:20 174:1 174:8 190:4
opinion [1] 29:7
opportunity [8] 49:2 50:1 71:11 87:9 138:3 141:8 154:7 206:19
opposed [1] 15:15
opposing [1] 22:13
optic [1] 164:9
optimize [1] 52:7
option [2] 29:20 34:4 34:5
options [2] 29:17 30:8
oral [6] 96:13 106:13 106:19 149:25 151:13 158:2
oranges [1] 62:2
order [6] 51:24 63:18 82:10 89:24 149:19 150:5
orders [1] 13:1
ordinarily [1] 142:23
ordinary [1] 142:23
ordnance [1] 22:5
organization [6] 12:2 90:11 138:8 144:9 144:13 217:18
organizational [1] 217:5
organized [1] 144:18
orientation [2] 132:16 133:9
oriented [1] 66:11
original [1] 43:1
originally [4] 18:7 126:22 142:18 214:11
orthophotoquads [1] 60:10
ORVs [1] 26:16
otherwise [2] 103:19 226:11
ours [1] 223:21
ourselves [4] 27:9 47:13 188:17 197:19
outcome [1] 210:6
outcrops [1] 119:9
Outer [1] 227:7
outside [6] 12:23 56:15 74:16 100:21 176:18 195:18
outstanding [1] 122:9
outweighed [1] 37:6
overall [1] 47:23
overlays [1] 65:23
overseas [4] 16:10 18:1 19:1 20:1
Owens [1] 207:19
own [9] 23:6 72:17 79:1 177:17 193:20 206:13 222:10 224:7 227:2
owned [2] 61:14 144:8
owners [1] 149:23
ownership [3] 145:19 149:18 153:16
p.m [9] 1:0 107:5 108:2 181:8 181:9
package [1] 30:6
packages [2] 29:3 29:10
packing [1] 219:5
page [4] 31:14 139:25 140:1 206:1
pages [2] 31:25 199:23
paid [1] 25:10
painful [1] 47:25
Paiute [10] 2:12 95:8 151:20 151:21 161:2 161:3 161:5 161:6 161:7 161:8
Paiutes [6] 10:9 99:22 161:9 223:23 224:6 224:6
Palm [1] 216:8
Palmdale [2] 100:21 100:22
Palms [4] 35:16 35:19 36:14 210:7
pamphlet [1] 140:20
Panderson [1] 48:13
Panel [1] 41:12
panels [1] 71:7
paper [4] 31:24 94:6 115:9 115:10
paperwork [2] 48:1 115:8
paragraph [2] 139:25 199:24
parameters [1] 74:2
parametric [1] 65:25
parc [1] 177:15
Park [3] 28:1 191:23 192:4
part [44] 6:14 6:25 7:15 18:19 20:15 20:19 24:25 26:10 26:14 26:23 28:14 33:11 39:2 42:20 89:14 89:17 95:16 96:10 96:10 97:17 112:13 114:5 115:13 117:20 118:6 118:10 118:14 119:7 120:2 120:21 121:1 121:14 121:17 124:17 125:6 135:18 137:23 142:19 143:6 152:1 173:13 209:23 221:19 224:5
PARTICIPANTS [1] 2:20
PARTICIPANTS/ATTENDEES [1] 3:13
participate [2] 140:22 162:6
participating [2] 175:4 226:14
participation [9] 8:21 46:4 46:17 154:8 174:20 175:17 177:2 183:18 197:22
particles [1] 131:17
particular [12] 89:5 90:9 91:15 91:20 91:23 92:1 92:1 92:9 92:17 93:9 127:19 143:14
particularly [14] 47:11 52:17 90:14 93:15 93:21 94:19 95:22 97:16 99:12 99:18 99:21 104:18 159:24 166:7
particulates [1] 38:7
parties [10] 141:18 148:4 151:24 155:2 156:6 156:7 156:18 189:15 200:1 201:7
partner [2] 159:12 159:15
partners [1] 27:14
parts [7] 16:15 21:13 60:7 99:19 109:16 185:6 213:17
party [5] 27:17 28:3 156:22 156:25 209:8
pass [4] 14:4 121:17 122:4 212:2
passed [2] 80:25 198:16
past [12] 36:3 88:21 91:19 110:1 112:10 117:12 119:11 122:12 137:5 137:10 205:24 206:9
paths [1] 127:8
patina [2] 63:15 63:15
patination [1] 79:12
patrimony [4] 141:25 144:5 144:25 145:17
patterns [6] 51:25 61:11 102:14 135:8 136:3 136:3
Patton [2] 17:1 222:1
pavement [5] 79:11 80:6 80:10 112:22 112:24 112:25 113:5 113:7 113:8
pavements [3] 63:14 63:14 69:2
pay [10] 174:25 185:4 185:8 185:20 186:12 186:18 186:19 188:20 188:25 219:16
paying [5] 187:2 187:6 187:9 203:22 203:22
payment [1] 187:16
payments [1] 225:14
peak [1] 65:3
pedestrian [6] 66:22 66:24 129:18 136:13 137:5 207:23
people [34] 14:12 27:17 31:16 31:17 31:22 35:24 36:9 39:3 40:5 40:21 41:11 41:17 42:16 44:6 44:10 47:9 48:14 80:24 86:8 93:24 95:19 100:9 100:11 100:11 101:9 104:20 106:5 117:8 117:12 119:11 119:22 122:11 131:2 133:1 150:19 174:9 174:10 175:21 179:11 179:11 185:16 186:2 188:8 194:20 195:12 209:24 210:19 217:11 219:17 220:13 220:22 223:7 223:24 224:21
people's [1] 166:4
per [7] 153:16 153:20 154:11 154:17 157:2 157:15 198:16
percent [22] 28:23 39:9 39:10 56:23 58:9 58:10 58:12 58:19 58:21 59:2 66:4 66:12 76:25 76:25 77:6 84:20 109:21 109:24 134:6 134:20 188:14 204:9
perfect [1] 226:9
perform [1] 190:16
performance [3] 76:24 138:25 207:8
perhaps [5] 88:22 94:15 101:23 160:13 160:14
period [8] 25:24 25:24 31:8 31:9 88:10 98:4 202:11 202:11
periodically [1] 212:16
periods [5] 88:21 132:23 165:5 165:5 165:21

periphery [1] 88:19
Perlman [8] 3:15 9:15 11:24 11:24 50:7 50:10 198:3 211:6
permanent [1] 29:5
permission [3] 13:15 25:18 70:17
permit [2] 127:15 128:8
permits [1] 70:15
permitting [2] 128:17 131:7
person [9] 103:19 149:8 169:14 215:12 221:21 224:17 224:18 224:18 224:25
personal [2] 194:25 195:1
personally [1] 218:13
personnel [3] 85:5 211:25 214:16
perspective [7] 37:20 52:3 53:9 133:14 174:14 197:6 226:3
perspectives [1] 58:14
pertain [1] 105:19
pertains [1] 176:18
petroglyph [2] 50:20 71:7
PFC [3] 3:2 12:5 12:5
Ph.D [1] 55:18
phase [1] 128:11
phenomenon [1] 100:4
Phil [17] 2:13 10:8 10:8 62:6 62:9 62:13 218:12 218:25 219:2 219:6 219:9 221:6 221:18 225:18 225:24 226:21 227:15
phon [2] 113:2 207:13
phone [9] 13:25 149:7 154:25 173:19 173:21 192:5 192:8 193:10 211:25
photograph [3] 111:17 112:23 113:21
photographed [2] 111:15 124:5
photographing [1] 111:5
photographs [2] 13:16 115:11
phrase [1] 102:1
physical [5] 142:17 147:18 151:6 170:11 185:10
pick [4] 32:25 50:14 79:13 216:9
picked [2] 26:23 216:1
picking [3] 82:22 193:9 217:13
picky [1] 173:16
pictograph [1] 50:19
picture [13] 52:19 89:4 105:8 113:6 113:9 113:14 116:18 118:19 119:9 119:18 120:11 120:13 137:7
pictured [1] 124:16
piece [6] 23:3 23:4 23:8 31:22 34:19 41:13
pieced [1] 66:14
pieces [3] 42:21 43:11 202:19
piled [1] 132:23
piles [3] 117:10 117:11 117:13
pin [1] 118:23
place [30] 16:7 16:8 16:8 18:6 20:22 21:1 21:6 39:24 45:8 49:14 58:17 80:23 92:6 96:12 96:13 101:20 146:11 147:2 147:21 149:8 169:10 169:23 170:7 177:24 180:2 211:4 216:18 223:6 226:7 228:7
placed [2] 21:13 143:8
places [16] 21:8 21:16 31:15 37:17 41:9 43:5 45:12 53:13 57:2 88:20 91:9 93:8 95:20 96:16 163:2 175:19
plain [1] 119:3
plains [1] 18:9
plan [35] 13:23 24:5 24:7 24:11 24:17 24:21 28:15 32:11 32:16 33:18 33:18 34:5 43:6 54:5 54:20 54:21 72:20 77:25 78:2 78:11 79:1 147:14 147:20 148:3 149:12 151:23 152:4 172:4 178:16 183:2 190:6 190:20 195:23 196:17 218:8
planned [1] 171:17
planning [1] 38:21
planningwise [1] 217:23
plans [5] 28:16 32:19 40:6 40:17 179:5
plant [2] 26:7 200:10
plant-gathering [1] 100:24
playa [1] 132:13
playas [1] 99:5
pleasure [1] 217:23
pledge [2] 12:14 12:16
plenty [1] 197:19
plot [2] 112:9 115:13
plots [1] 111:10
plotted [1] 115:17
plus [1] 39:12
PM-10 [1] 38:25
point [25] 14:20 28:14 28:15 45:23 46:8 68:2 68:3 76:24 101:22 102:2 113:15 115:23 125:5 125:7 153:2 174:19 177:21 180:17 184:3 185:2 185:16 189:21 194:18 215:1 215:6
pointed [3] 56:7 133:10 135:7
points [17] 38:10 82:9 123:15 123:18 123:21 124:8 124:11 124:23 124:24 124:25 125:3 125:3 125:4 125:9 135:3 211:24 226:3
policies [1] 141:12
policy [11] 24:13 45:3 53:23 82:6 82:13 82:19 140:18 145:18 163:5 173:24 206:25
political [1] 208:25
Polk [1] 162:7
Popeye's [1] 227:5
population [4] 39:19 44:8 90:4 98:22
populations [1] 29:5
portion [2] 88:2 88:9
portions [2] 89:9 207:14
position [9] 13:24 166:21 167:20 167:22 169:21 173:17 175:1 183:7 183:12
positioned [1] 59:13
positions [5] 135:10 174:9 195:13 207:18 209:24
positive [2] 38:5 217:24
possession [1] 167:24
possibility [4] 84:7 86:3 136:19 190:24
possible [10] 17:10 77:17 82:7 87:23 94:7 97:5 149:1 154:3 155:11 222:7
possibly [5] 53:16 90:3 127:2 212:1 216:15
post [7] 11:22 49:4 147:14 162:13 162:14 162:24 164:6
postcard [1] 212:23
posters [2] 14:21 15:3
potential [13] 39:13 53:12 56:14 66:17 67:4 68:22 83:19 129:13 129:14 130:12 142:8 151:19 163:20
potentially [2] 84:2 152:15
pottery [6] 118:15 124:14 124:15 124:16 124:18 143:22
Powell [1] 94:21
power [10] 26:16 56:19 58:4 58:11 58:19 59:7 69:6 109:17 109:23 113:23
PowerPoint [2] 49:25 58:7
practice [3] 16:16 91:23 143:19
practices [4] 90:12 90:13 90:16 158:20
practicing [2] 16:24 17:2
prayer [2] 12:15 12:17
prearrangement [1] 218:5
precedence [1] 189:9
precedent [2] 162:25 163:14
precedents [3] 187:15 187:18 187:25
predicated [2] 129:8 149:4
predict [4] 51:20 51:21 51:25 56:4
predictive [17] 8:13 51:12 53:21 54:11 56:12 59:10 60:23 73:3 75:7 77:23 129:10 134:3 134:14 135:23 136:7 210:4 211:10
predominant [2] 59:24 85:2
preexisting [1] 134:17
preferred [1] 167:14
prehistoric [11] 57:15 59:20 64:10 68:20 69:1 76:9 102:24 112:16 114:23 120:4 127:3
prehistorically [3] 135:9 137:9 143:3
prehistory [2] 105:9 123:17
preliminary [9] 64:11 65:14 68:19 70:9 87:18 145:23 148:5 149:12 204:5
preparation [1] 25:22
prepare [2] 83:2 146:15
prepared [6] 7:1 19:22 86:23 142:17 153:9 203:4
preponderance [6] 143:12 151:9 151:14 151:17 153:18 158:1
presence [3] 5:16 126:19 158:19
present [12] 8:17 35:18 36:11 47:11 111:21 126:16 127:23 128:10 130:24 167:18 182:1 210:3
present-day [2] 143:4 143:21
presentation [3] 4:3 78:3 139:14
presentations [5] 12:19 14:17 49:25 141:6 196:24
presenter [1] 9:13
preservation [14] 2:4 9:20 10:13 47:15 47:20 53:22 57:7 78:1 78:11 154:2 154:3 172:23 173:12 207:10
preserve [3] 82:6 147:3 168:5
preserved [1] 177:22
preserving [2] 138:18 208:20
president [3] 3:16 24:8 24:24
presidential [1] 140:13
pretty [13] 27:2 64:2 76:9 78:19 79:3 85:18 98:14 131:9 155:15 161:21 162:4 167:23 180:13
prevail [1] 131:16
prevailing [1] 133:24
previous [5] 25:2 33:18 34:12 43:13 115:18
previously [14] 55:12 58:10 58:11 58:12 66:9 67:12 67:18 91:15 91:25 92:8 136:13 142:8 145:12 182:6
primarily [3] 23:25 82:4 88:10
primary [2] 26:16 43:10
primed [1] 103:1
principal [2] 91:4 93:12
priorities [2] 7:10 160:17
prioritize [1] 54:6
priority [2] 149:17 153:15
private [6] 25:16 25:19 26:19 27:17 73:25 83:8
proactive [1] 54:12
probabilities [1] 67:24
probability [7] 53:11 53:19 53:20 66:1 67:25 75:19 76:4
problem [11] 61:19 75:14 95:14 106:21 189:8 195:24 206:6 206:23 208:11 222:22

223:9
problems [7] 55:7 74:19 198:18 206:8 209:11 209:22 209:23
procedure [3] 8:15 141:21 178:25
procedures [19] 87:8 108:21 128:16 139:15 139:21 141:12 145:22 146:4 155:16 155:17 155:18 156:20 171:6 179:13 192:19 192:21 193:2 197:11 211:17
proceed [5] 16:3 77:16 188:16 191:4 191:19
proceeding [1] 208:8
proceedings [3] 107:4 228:6 228:10
process [39] 5:15 22:24 26:11 26:14 27:22 34:23 35:2 35:8 35:10 35:11 35:13 45:21 46:4 46:9 48:1 48:7 48:8 48:20 88:5 98:25 105:6 106:7 125:17 125:23 141:12 141:19 146:2 153:21 157:4 158:16 162:4 165:18 169:5 170:12 175:4 175:15 179:11 183:5 190:5
processes [4] 89:11 131:25 138:12 142:7
processing [2] 100:24 148:14
produce [1] 65:23
produced [1] 68:18
product [1] 186:25
production [1] 85:3
productive [1] 198:2
professional [1] 207:25
profitable [1] 138:23
program [17] 3:20 11:14 15:9 18:18 20:11 33:10 80:6 81:21 95:17 105:14 186:22 187:23 188:5 188:18 188:22 223:2 224:20
programmatic [1] 172:6
programs [6] 3:9 15:4 54:18 144:20 188:11 197:7
prohistoric [1] 106:1
project [27] 10:6 16:1 32:18 33:12 35:5 36:5 45:19 54:22 55:5 56:15 56:22 64:7 88:2 89:3 93:12 94:17 95:17 100:17 102:5 103:22 108:8 175:22 185:12 190:17 195:23 207:20 221:12
projectile [4] 68:3 82:9 123:15 135:2
projector [1] 51:11
projects [9] 9:11 83:7 163:7 188:5 207:16 208:3 208:5 208:7 223:14
proof [1] 203:13
proper [8] 54:3 58:1 81:18 145:19 183:13 187:16 194:20 208:4
properly [1] 13:6
properties [5] 91:6 92:3 92:12 95:24 103:6
property [6] 13:20 50:19 61:15 144:8 163:13 170:12
proposal [3] 23:1 31:2 43:15
proposed [9] 8:10 36:2 36:4 37:16 47:15 58:16 59:1 59:5 154:14
proposing [1] 41:19
prospector [1] 126:24
prospects [1] 121:8
protect [6] 56:6 84:11 145:19 147:2 168:5 177:12
protected [7] 84:11 147:6 162:18 162:19 175:19 176:13 177:22
protecting [5] 7:10 192:18 208:19 217:12 217:17
protection [5] 8:14 82:18 140:8 145:24 217:2
protects [1] 39:23
prototype [1] 55:2
proud [1] 6:21
proved [1] 158:8
provide [6] 20:6 41:1 86:25 95:19 108:12 189:6
provided [3] 94:18 104:21 144:20
Providence [2] 97:20 99:6
providing [2] 95:23 105:23
proving [2] 172:20 213:1
provision [1] 29:21
provisions [3] 24:13 25:9 200:18
provost [1] 146:8
proximate [1] 132:16
prudent [1] 53:17
public [33] 2:23 2:25 3:1 3:3 10:22 10:24 11:1 11:8 12:6 13:14 25:1 25:23 25:23 25:24 30:19 30:20 30:21 31:2 31:3 31:15 31:15 34:2 34:2 34:3 43:10 154:14 155:1 200:5 200:11 200:15 200:20 203:21 206:4
publish [1] 31:8
published [1] 154:14
PUC [1] 166:23
pull [1] 205:18
purchase [1] 24:14
pure [1] 168:8
purely [1] 102:21
purpose [7] 104:22 104:25 105:22 110:23 164:14 166:16 210:8
purposes [2] 75:6 91:4
pursuant [1] 145:1
put [29] 21:17 24:8 30:16 30:25 31:13 31:14 34:1 40:3 40:18 41:4 41:13 41:21 60:23 67:7 72:19 111:9 115:2 115:22 136:17 148:21 154:18 174:9 185:22 186:6 200:7 203:16 214:6 214:11 214:22
puts [1] 203:10
putting [1] 38:22
pyres [1] 142:22
qualified [1] 184:20
qualifies [1] 145:5
quality [7] 7:7 38:6 38:18 38:21 43:8 45:4 207:17
quarries [1] 117:7
quarry [3] 119:7 119:13 122:18
quartz [3] 64:5 64:11 70:25
Quest [1] 101:19
questions [28] 8:18 13:16 14:14 15:12 15:14 16:2 30:16 30:17 33:7 42:6 45:9 47:3 47:5 49:19 78:1 78:4 101:12 106:25 108:23 134:2 139:16 157:19 164:22 184:25 207:2 210:12 215:13 215:23
quick [1] 104:12
quicker [3] 77:19 180:19 193:25
quickly [5] 19:25 77:17 96:22 98:19 155:11
Quillman [13] 3:5 11:6 11:6 33:9 40:17 150:14 166:23 167:21 169:15 177:12 206:23 210:21 214:21
quite [10] 94:7 95:11 96:5 101:5 112:5 114:10 119:25 122:7 162:17 220:20
racing [1] 224:11
radiocarbon [4] 70:4 71:25 72:2 204:15
radius [12] 56:14 72:7 73:16 110:25 146:11 148:18 176:7 176:9 176:11 176:25 177:9 178:2
rain [2] 40:13 65:5
rainfall [2] 97:1 97:25
rains [1] 65:2
rainwater [1] 65:11
raised [2] 47:6 121:6
ran [2] 166:11 174:22
ranches [2] 100:13 100:25
range [12] 22:3 48:4 53:18 54:23 76:19 76:21 99:4 99:7 123:13 124:19 148:20 161:10
ranges [3] 22:6 35:23 67:22
ranking [2] 149:17 149:19
rapid [1] 196:3
rare [2] 155:8 179:1
rates [1] 218:5
rather [9] 73:16 85:1 89:7 144:8 174:9 180:9 199:19 207:22 213:21
rations [1] 112:7
rats [1] 166:8
reached [1] 153:21
react [1] 19:17
read [4] 31:16 41:12 42:20 221:15
readiness [1] 168:3
reading [1] 111:6
ready [7] 147:20 180:11 181:10 197:19 204:12 218:21 218:25
Reagan [5] 3:21 12:7 12:7 228:4 228:15
Reagan's [1] 196:19
real [12] 63:15 64:9 67:14 76:3 77:9 89:19 104:12 137:6 165:18 180:16 184:16 215:6
reality [1] 37:7
realize [3] 145:10 189:3 210:19
realized [1] 161:22
really [30] 6:8 6:13 33:6 85:17 94:7 98:1 102:2 102:15 102:17 103:1 106:20 116:8 120:17 121:21 123:7 124:3 125:1 125:25 126:24 139:21 164:16 165:2 165:15 165:19 165:22 189:10 197:9 198:1 220:7 222:2
Reanalysis [1] 158:14
reason [8] 26:23 36:18 121:22 178:8 180:24 188:24 202:22 205:11
reasonable [3] 193:6 206:21 210:17
reasonably [2] 143:3 143:8
reasoning [2] 46:20 130:3
reasons [7] 21:12 23:21 23:25 37:14 39:4 85:10 91:19
reburial [4] 159:18 160:2 161:2 162:7
receipt [1] 194:23
receive [1] 188:12
received [8] 83:18 83:19 148:9 190:25 191:1 194:16 194:11 205:6
recent [8] 52:25 91:13 117:14 123:16 146:6 160:2 164:8 207:10
recently [5] 6:7 6:10 100:16 165:6
recess [3] 51:6 107:5 181:8
recite [1] 12:14
reclassify [3] 75:2 75:4 75:7
recognition [1] 160:5
recognized [13] 91:10 140:16 140:21 144:19 145:3 149:22 159:11 159:12 159:17 159:24 160:4 200:6 212:13
recommend [1] 59:2
recommendation [3] 79:21 86:3 86:3
recommendations [4] 77:15 148:5 156:10 156:12
recommended [1] 59:9
reconnaissance [2] 62:19 207:22
reconstructing [1] 102:13
record [15] 32:1 82:10 83:3 83:4 106:13 106:25 110:21 111:3 111:4 111:14 114:15 118:24 149:7 183:23 200:5
recorded [11] 58:2 80:20 83:15 111:13 113:4 121:4 121:9 122:8 158:12 158:13 211:18
recording [11] 63:7

68:9 111:19 112:3 112:8 113:7 114:11 114:13 114:17 114:22 118:19
records [4] 62:16 93:15 149:25 192:15
recovered [4] 68:2 68:3 145:3 163:22
recovery [2] 40:22 52:8
recreate [1] 127:8
Recreation [1] 26:15
recremation [1] 162:6
red [6] 23:11 63:6 63:21 121:17 122:4 140:23
reddened [1] 116:24
redeposited [1] 65:12
redistribution [1] 131:12
reduce [1] 47:22
reduced [2] 218:5 228:8
reduction [3] 57:17 85:24 119:15
redwares [1] 124:21
reemphasize [1] 14:14
refer [4] 101:17 139:25 145:15 153:21
reference [3] 42:17 42:23 62:21
referenced [3] 26:12 28:21 42:10
referencing [1] 33:16
referring [3] 43:13 167:7 168:24
refine [2] 137:11 171:3
refined [3] 134:21 136:23 136:25
refinement [1] 204:10
refinements [1] 183:13
reflect [1] 66:16
refreshments [2] 12:21 50:24
regard [1] 47:7
regarding [6] 152:18 153:12 183:9 183:11 187:16 190:13
regardless [1] 67:5
regards [1] 191:3
Reggie's [3] 12:24 227:3 227:8
regimen [2] 17:20 22:16
region [6] 84:9 90:5 93:24 98:2 99:11 155:25
regional [6] 52:2 52:15 74:12 89:6 156:3 210:9
regions [2] 52:13 62:17
register [5] 30:25 57:2 78:15 79:6 82:16
regression [1] 65:25
regs [7] 128:15 140:19 178:11 182:23 199:12 205:5 206:14
regular [1] 171:25
regulations [6] 47:22 70:16 143:24 155:6 175:13 178:10
rehearsal [1] 16:16
reinternment [2] 154:7 162:23
reinternments [1] 162:12
reinvent [2] 180:24 219:19
Reischl [48] 3:8 4:4 11:13 11:13 14:18 15:6 15:7 28:2 29:16 30:14 31:9 33:17 33:22 34:24 35:17 35:22 36:4 36:8 36:18 37:9 38:20 38:24 39:14 41:3 42:18 43:17 45:9 45:17 46:23 47:2 48:7 48:9 48:22 56:7 198:6 198:25 200:4 200:22 201:10 201:13 202:1 202:8 202:13 202:18 202:24 203:3 203:8 204:1
reiterate [1] 101:7
related [5] 72:7 143:15 209:5 224:4 224:7
relationship [9] 5:25 28:7 132:5 132:8 143:2 150:7 189:19 190:14 207:1
relationships [2] 133:6 140:14
released [3] 6:11 25:22 30:19
relevant [3] 95:6 95:8 211:25
reliable [2] 98:6 98:14
reliance [1] 99:4
religions [1] 143:20
religious [14] 90:11 90:13 90:24 91:23 93:9 140:12 143:19 144:1 144:2 153:5 154:8 154:10 154:12 177:7
religiously [1] 90:22
remain [1] 6:20
remainder [2] 69:1 139:19
remains [47] 85:22 90:21 111:20 112:2 112:3 112:4 112:5 113:19 115:3 115:15 116:23 117:3 117:5 118:24 120:25 120:25 130:13 132:22 141:23 142:8 142:12 142:21 143:10 143:16 144:24 145:21 146:5 146:22 146:24 149:21 151:4 152:19 152:21 153:1 153:11 155:4 156:15 156:23 157:4 157:9 158:21 159:1 159:18 162:3 162:13 163:5 167:25
remarks [3] 4:2 4:6 8:7
remember [2] 205:18 221:10
reminiscences [1] 95:1
remote [1] 197:23
removal [1] 147:8
remove [1] 86:1
removed [2] 71:4 143:12
removing [1] 147:1
rename [1] 75:6
renewal [1] 144:3
Reno [1] 40:22
renounced [1] 19:3
reopens [1] 23:4
reorganized [1] 155:25
repatriated [2] 156:24 157:5
repatriation [9] 8:15 71:18 90:21 140:9 154:3 159:17 159:21 160:3 173:5
replicates [1] 18:1
report [28] 41:12 49:23 55:1 69:21 70:7 77:21 83:1 85:14 86:25 146:16 148:3 148:9 149:11 181:19 191:1 191:18 196:21 196:22 198:21 199:15 199:16 199:19 199:25 200:11 201:19 202:5 202:7 218:20
reporter [3] 3:22 12:8 228:17
reporting [2] 82:8 208:15
reports [9] 48:2 128:24 153:9 155:1 165:20 182:5 183:3 201:8 207:21
represent [3] 5:20 9:5 188:8
representation [2] 77:10 91:22
representative [3] 10:3 10:4 91:22
representatives [2] 13:13 106:12
represented [1] 140:24
represents [1] 76:12
request [8] 109:2 183:15 183:16 191:17 206:22 213:5 218:14 221:11
requested [1] 182:5
require [2] 22:9 115:9
required [14] 24:17 24:18 30:6 45:18 80:7 82:17 127:14 128:7 128:14 134:13 142:14 148:10 153:5 154:10
requirement [3] 24:1 24:7 37:1
requirements [10] 32:10 37:11 37:11 135:24 140:15 142:6 194:6 198:10 203:9 203:15
requires [3] 16:11 133:12 203:14
rerun [1] 134:8
research [8] 9:8 77:23 77:25 100:6 128:23 130:4 168:7 185:13
research-oriented [1] 70:22
researchers [1] 94:19
reservation [4] 22:12 23:7 175:21 175:25
resident [1] 138:19
resides [1] 154:20
resolution [4] 153:21 155:14 156:7 156:10
resolutions [1] 141:17
resolved [1] 156:16
resolving [1] 160:15
resource [38] 9:7 9:11 9:18 10:12 13:22 44:15 45:7 54:20 54:20 54:22 54:24 59:12 60:12 60:17 72:20 77:25 83:9 91:8 105:14 142:3 145:24 146:15 147:12 147:23 148:2 148:8 148:11 150:13 151:5 158:10 173:18 183:11 185:12 186:22 188:23 194:2 203:13 221:21
resources [46] 3:6 7:11 7:25 8:5 8:24 11:7 14:22 14:23 14:24 14:24 21:15 21:15 43:7 43:19 54:3 54:15 56:2 56:3 61:10 73:24 92:12 92:22 92:25 93:3 95:20 97:16 97:22 137:3 138:13 166:24 166:24 167:5 170:20 172:4 182:13 189:24 190:6 192:18 195:10 204:2 208:21 208:22 209:16 210:1 214:16 217:12
respect [5] 5:19 13:17 54:3 57:7 141:22
respond [1] 109:5
response [16] 44:20 190:23 191:3 191:8 191:11 191:14 191:16 191:16 191:24 193:7 195:1 195:7 196:3 196:12 208:6 221:9
responses [1] 84:1
responsibilities [2] 170:9 209:19
responsibility [4] 6:25 7:5 148:7 155:1
responsible [3] 148:22 170:10 174:11
rest [3] 12:23 84:16 205:12
restaurant [1] 227:7
restaurants [1] 227:3
restoration [1] 154:6
result [3] 34:2 131:15 151:23
results [7] 43:24 67:13 69:12 87:19 108:13 204:11 211:10
resume [3] 157:10 157:12 157:16
resumption [3] 141:20 147:9 157:7
retain [2] 59:19 156:14
retrieved [1] 127:21
returned [3] 71:3 86:20 155:5
review [16] 48:1 48:20 62:16 77:21 87:2 155:6 156:9 156:13 190:8 194:3 199:16 208:4 209:8 213:6 213:23 218:21
reviewers [1] 207:15
reviewing [1] 207:20
reviews [3] 48:5 138:7 203:17
revised [2] 199:12 213:22
revisit [5] 70:20 106:24 108:25 181:5 210:13
revisiting [1] 181:13
Rey [2] 159:16 159:18
rhetoric [1] 39:15
rhyolite [1] 117:6
Ribbon [1] 41:12
ride [1] 226:21
rides [1] 226:23
ridge [7] 116:6 116:16 116:17 119:10 119:17 119:19 123:3
Ridgecrest [1] 30:24
right [77] 11:11 12:24 17:22 20:19 22:21 23:1 23:6 26:20 27:23 27:24 27:24 28:17 33:20 34:19 42:2 48:22 48:25 49:10 51:12 64:2

64:14 75:10 76:19 83:22 85:7 89:19 97:9 100:17 100:21 114:16 115:10 125:23 125:24 134:20 139:7 139:11 157:1 160:10 160:13 160:18 163:2 164:1 164:4 164:10 164:11 165:11 167:15 169:4 169:7 170:5 171:5 171:20 172:21 173:16 180:7 180:22 181:23 182:18 183:21 185:3 186:16 188:15 199:21 200:13 203:24 207:3 208:10 208:19 208:24 209:8 209:12 209:18 218:17 226:20 227:4 227:5 227:9

right-of-way [1] 177:18

rightful [1] 145:20

rights [1] 90:15

rite [2] 142:20 143:7

ritual [1] 144:2

River [11] 2:15 10:4 83:18 89:18 93:21 96:15 98:9 98:13 99:15 99:19 101:25

Rivers [2] 3:16 12:1 89:21

Riverside [1] 216:9

RMR [2] 228:4 228:15

road [4] 50:22 96:11 122:4 127:1

roadblock [1] 175:16

roads [13] 27:6 57:22 121:10 121:10 121:11 121:20 121:22 121:25 122:1 122:1 126:21 126:22 127:5

ROBERT [19] 3:7 11:10 136:6 160:11 163:2 166:6 168:23 170:1 170:4 171:11 171:13 180:9 180:16 180:24 185:1 186:6 188:13 193:12 193:22

rock [11] 57:16 68:22 77:4 92:4 92:9 117:1 117:3 142:22 182:5 182:7 182:11

rock-shelter [4] 57:16 112:21 113:22 127:20

rock-shelters [3] 68:23 112:16 113:10

rocks [4] 59:24 64:4 64:5 64:5

Rockshelter [1] 70:23

Rogers [1] 164:2

role [3] 9:12 157:21 213:10

roll [1] 193:16

rolling [2] 103:17 218:4

room [5] 84:25 86:22 178:5 226:9 227:3

rooms [2] 12:23 216:21

rose [1] 123:21

rotation [4] 17:15 17:17 17:25 18:3

rotational [1] 7:16

rotations [1] 17:16

rough [1] 169:4

roughly [1] 134:23

routes [2] 52:18 101:18

routine-type [1] 197:13

rubber-stamped [1] 209:18

rubification [1] 79:13

Ruiz [1] 55:18

rule [1] 94:4

rules [1] 147:9

run [5] 46:23 49:14 134:17 182:16 223:9

run-of-the-mill [1] 215:5

running [4] 12:11 48:20 99:14 170:11

S [2] 2:23 3:20

Sacramento [2] 30:22 207:16 207:20

sacred [14] 35:6 46:14 91:9 93:8 96:1 96:13 96:16 140:15 141:24 142:10 143:17 144:24 145:16 175:19

sacredness [1] 143:23

safe [1] 26:19

sake [1] 222:17

saliva [1] 158:3

Sally's [1] 70:23

salt [1] 77:6

salute [2] 139:5 139:6

sample [5] 55:10 55:11 59:2 66:4 67:16

samples [1] 127:21

sampling [3] 55:16 66:25 164:15

San [8] 30:23 30:23 74:12 83:5 140:24 159:16 159:18 165:24

sand [17] 117:17 117:23 117:24 118:8 119:3 123:24 124:17 125:19 130:15 131:10 131:18 131:23 131:23 131:25 132:13 133:22 136:16

sands [1] 65:12

Sarah [2] 3:2 12:4

sat [1] 113:3

satellite [1] 38:7

satisfaction [1] 160:16

satisfied [1] 150:10

satisfying [1] 199:11

save [2] 184:2 219:6

saw [3] 16:5 25:2 160:17

says [11] 116:7 167:10 168:16 169:7 171:5 171:6 173:17 176:11 176:12 198:14 220:23

scatter [4] 57:17 63:18 113:2 116:15

scattered [3] 84:24 113:5 119:21

scatters [12] 69:2 78:10 78:25 79:2 80:5 80:9 84:19 84:21 85:3 119:4 120:18 120:19

scene [2] 146:6 146:13

schedule [5] 78:7 139:10 150:22 202:16 211:8

scheduled [1] 30:22

schedules [2] 150:16 155:10

science [3] 158:4 168:8 214:13

scope [2] 37:25 129:4

scoping [1] 28:19

scratched [1] 164:18

screen [1] 91:3

sea [1] 112:6

seasonal [1] 88:23

second [3] 29:20 45:14 80:4

section [12] 98:13 135:25 146:4 171:5 171:6 172:10 172:10 175:14 204:21 204:25 205:2 207:9

sections [1] 42:12

sector [1] 27:5

security [4] 14:1 29:22 30:4 30:10

see [67] 8:10 18:20 19:7 20:7 26:4 35:1 59:6 62:7 62:9 65:7 66:25 75:1 75:17 80:17 81:12 82:7 84:21 85:19 85:25 86:13 97:8 97:15 111:20 112:22 114:19 115:8 115:17 116:5 116:19 117:14 118:25 122:5 122:23 123:7 125:12 125:19 128:22 131:19 134:17 135:8 136:9 136:18 161:4 183:2 186:1 186:5 186:6 189:10 197:9 198:7 198:17 198:18 200:24 202:21 203:1 203:2 213:6 213:8 217:15 219:15 219:25 220:25 222:1 222:22 223:9 224:15 225:12

seeing [1] 208:6

seek [1] 156:7

seeking [3] 44:17 166:2 205:16

seem [4] 37:14 47:4 73:10 159:8

seep [1] 127:2

sees [1] 62:24

SEIS [2] 70:8 199:18

select [1] 125:18

Senator [1] 28:12

send [23] 31:19 31:24 180:20 182:2 190:20 193:23 194:3 194:8 194:12 194:22 202:22 203:19 203:20 203:21 204:3 204:4 211:13 211:20 212:5 212:23 212:23 225:24 226:1

sending [6] 70:8 190:22 196:16 202:19 209:6 209:8

senior [1] 10:24

sense [4] 46:21 185:15 186:15 187:1

sensitive [1] 200:19

sent [14] 24:23 44:18 46:5 83:16 128:20 150:18 154:1 154:23 168:15 168:19 182:6 190:7 200:1 214:7

separate [1] 131:5

separated [1] 144:16

separation [1] 186:5

September [5] 1:0 108:1 202:4 204:5 204:13

series [3] 99:16 102:11 104:19

serious [1] 222:22

Serrano [1] 99:18

Serranos [1] 97:12

serve [3] 5:23

served [1] 6:6

Serves [1] 34:8

service [7] 6:6 6:17 6:19 29:2 29:7 158:8 174:23

services [1] 144:20

session [5] 8:7 8:16 8:19 138:15 139:20

set [17] 24:22 61:17 63:1 137:2 139:8 139:13 155:17 162:10 163:1 163:9 170:25 187:15 193:20 196:8 196:12 197:14 198:7

setting [5] 14:20 87:20 133:11 133:12 210:16

settled [1] 96:19

settlement [2] 88:25 90:2

setup [1] 198:11

seven [2] 73:15 113:15

several [11] 37:17 67:8 83:17 84:25 88:7 116:2 121:3 122:25 132:24 163:24 182:4

shall [9] 151:9 153:13 153:13 154:7 154:14 155:5 155:16 155:23 156:14

shallow [1] 80:12

shape [1] 98:11

share [2] 106:14 226:5

shared [1] 143:2

sharing [4] 46:7 46:17 205:17 226:2

sharp [1] 227:12

sheet [14] 50:11 117:17 117:23 117:24 118:8 119:3 123:24 124:17 131:10 131:11 131:18 132:13 136:16 215:19

sheets [4] 115:9 115:10 125:19 133:22

shells [2] 112:6 117:14

shelved [2] 34:4 34:22

sherds [4] 118:15 124:2 124:15 124:16

sheriff [1] 146:9

shock [1] 20:8

shore [1] 132:25

shoreline [1] 116:20

shores [1] 116:1

short [3] 7:13 97:25 108:19

Short-term [1] 98:5

shorthand [2] 3:22 228:7 228:16

Shoshone [7] 2:3 9:21 9:24 10:1 95:8 154:22 161:8

Shoshones [2] 161:3 161:5

shotgun [1] 117:14

shovel [8] 69:16 70:1 111:21 111:22 111:24 113:15 113:18 136:18

shovel-test [1] 127:16

shovel-tested [1] 126:15

shovel-testing [5] 80:10 125:18 125:22 125:24 127:12

show [23] 7:13 7:13 7:17 7:19 7:22 8:3 22:14 25:4 28:6 49:7 58:16 59:3 59:25 60:13 65:9 75:19 86:15 96:22 115:23 123:11 124:6 179:14 182:10

showed [1] 123:3

showing [1] 115:14

shown [3] 7:21 84:6 127:20
shows [1] 29:14
SHPO [19] 83:4 146:14 157:17 157:21 205:21 205:25 206:9 206:14 206:19 207:8 207:12 208:5 208:7 209:7 209:11 209:12 209:17 209:21 210:4
SHPO's [2] 157:23 208:9
shut [1] 170:22
side [16] 23:7 26:21 26:22 47:25 78:9 81:16 97:6 116:4 116:16 116:16 123:19 123:20 187:24 204:10 204:11 222:15
sides [2] 184:14 190:2
Sierra [1] 201:7
sign [3] 50:8 152:2 221:4
sign-in [1] 215:18
sign-up [1] 50:10
signatories [1] 152:1
signature [2] 197:4 220:25
signed [8] 13:4 24:8 24:24 28:21 192:3 206:9 206:11 206:20
significance [12] 57:6 82:15 91:10 91:11 92:6 93:9 95:21 133:20 142:11 144:2 146:19 152:16
significant [8] 6:5 57:1 79:5 80:18 90:22 94:1 110:25 111:16
Silurian [3] 33:21 33:22 35:14
similar [7] 79:23 80:15 80:15 171:15 172:2 179:14 186:10
simply [4] 22:19 34:24 100:25 102:9
single [3] 40:13 121:5 153:18
sister [1] 187:20
sit [4] 13:3 13:10 21:3 62:11
site [83] 35:6 42:19 45:25 51:21 52:7 52:10 53:11 56:23 59:12 59:12 61:17 61:21 63:1 63:2 66:2 66:23 67:4 68:21 71:3 72:4 72:5 72:12 72:17 72:18 73:4 73:7 74:19 74:21 75:5 75:8 75:11 75:17 80:16 81:9 83:2 83:15 84:13 84:14 91:17 110:23 110:23 111:14 111:16 111:21 112:1 113:7 114:18 115:25 116:18 116:22 117:5 117:9 117:11 117:16 119:6 126:6 126:9 129:8 129:9 129:21 131:6 132:25 143:13 145:25 148:24 163:21 176:12 177:1 177:13 177:14 177:22 180:18 192:15 197:20 200:20 201:8 212:12 213:18 216:3 217:6 217:8 217:10 217:16
sites [157] 13:22 21:15 21:15 21:20 21:21 27:6 46:10 46:11 46:14 46:14 48:24 50:19 50:20 50:20 51:25 52:4 52:5 52:11 52:20 52:23 52:23 53:3 53:15 53:18 53:19 54:9 55:10 55:12 55:15 55:24 56:24 57:5 57:8 57:10 57:11 57:16 57:17 57:18 57:19 57:21 57:24 58:1 58:3 59:20 60:17 60:20 61:3 62:20 64:10 66:18 67:9 68:6 68:17 69:1 69:5 69:7 69:7 69:8 69:19 72:23 73:1 75:17 75:23 76:9 76:25 77:8 77:12 82:7 82:8 82:10 82:13 82:17 82:23 83:2 83:10 83:13 84:18 84:20 84:25 85:2 86:17 91:9 91:9 91:14 93:8 96:1 101:24 102:24 110:21 111:13 111:20 112:15 112:18 112:20 112:21 113:25 114:11 114:14 114:17 114:19 114:20 114:22 114:24 114:25 115:20 115:21 117:23 118:2 118:3 118:8 118:13 118:16 118:20 119:2 119:4 120:5 120:6 120:6 122:18 123:13 125:11 125:21 126:2 126:15 127:2 129:11 129:13 129:15 130:24 132:12 132:18 133:15 134:9 135:1 135:9 136:19 136:20 137:11 137:13 140:15 142:10 142:10 142:11 142:16 147:4 176:6 176:9 183:1 185:14 188:4 190:19 190:19 201:15 204:6 204:6 204:10 213:18
sites' [1] 93:4
sitting [2] 123:7 186:21
situ [4] 82:14 146:20 151:1 154:2
situation [5] 53:6 147:2 208:8 209:17 220:17
six [5] 32:23 33:1 38:23 197:17 210:17
Sixty [1] 30:20
size [4] 84:25 177:15 178:4 178:6
skimming [1] 129:19
skip [1] 139:24
slide [7] 30:15 33:6 51:11 97:7 115:2 130:6 139:14
slides [2] 96:23 120:23
slightly [4] 74:23 114:21 179:12 186:7
slope [3] 60:3 60:18 63:9
small [14] 77:6 77:13 78:9 78:25 79:1 80:5 80:9 84:19 84:21 113:24 117:2 139:2 219:10 223:21
Smith [119] 2:10 3:20 4:5 10:11 10:11 12:15 12:18 33:21 34:21 35:1 35:20 36:2 36:7 36:16 37:3 38:6 39:11 43:13 45:2 45:20 45:23 47:4 48:8 48:15 64:13 64:16 64:18 64:20 69:10 69:15 70:11 70:21 75:25 78:5 78:8 78:14 79:23 101:13 108:8 109:8 109:9 109:10 115:7 121:21 122:6 122:17 123:5 123:11 124:2 124:10 125:23 126:8 126:12 126:14 127:4 127:11 127:24 127:25 128:2 128:15 128:22 130:5 131:4 131:8 131:10 131:19 131:22 132:1 132:2 132:7 132:9 132:21 133:4 133:7 133:22 134:23 135:14 137:14 140:2 157:21 158:7 158:15 158:18 159:5 159:22 160:1 160:9 161:15 162:5 162:17 162:23 163:4 163:15 163:24 164:18 172:16 172:19 173:1 174:6 174:22 175:6 175:9 175:12 180:15 180:20 184:2 184:6 199:17 201:3 201:6 201:12 202:5 205:14 207:6 208:11 211:5 216:15 216:20 218:4
so-called [1] 207:21
social [3] 90:11 90:24 102:11
soil [4] 59:16 59:18 59:18 59:21
soils [1] 56:4
soldiers [15] 7:8 7:14 16:7 16:9 16:14 16:17 16:23 17:1 17:10 18:1 18:8 20:6 20:24 21:2 138:23
solicit [1] 203:18
someone [4] 113:3 223:22 223:23 224:22
sometimes [8] 18:16 47:17 47:25 88:15 88:18 94:13 191:6 191:10
somewhat [1] 88:23
somewhere [2] 16:8 219:22
soon [3] 179:20 192:6 196:11
SOP [4] 145:18 183:10 213:2 213:11
SOPs [4] 139:17 193:3 226:7 226:8
sorry [4] 68:11 97:4 137:17 198:4
sort [7] 89:7 101:4 103:7 157:22 191:14 195:1 196:11
sound [2] 171:8 218:2
sounds [3] 170:4 180:6 203:24
source [4] 94:13 94:15 119:19 122:22
sources [3] 93:7 93:11 94:10
south [5] 23:4 30:23 99:10 113:13 116:1
southeast [2] 35:21 116:4
southern [12] 28:8 30:13 95:8 99:1 99:21 161:3 161:6 161:7 161:9 165:8 223:23 224:6
southward [1] 99:23
southwest [3] 91:18 155:25 164:5
sovereign [1] 5:19
Soviet [2] 18:8 186:10
Soviets [1] 19:12
space [3] 21:2 21:23 111:23
spaced [1] 110:6
Spain [1] 21:21
Spanish [4] 57:23 94:6 121:16 122:4
speak [7] 15:19 52:15 109:4 114:11 157:3 168:8 179:8
speakers [1] 97:12
speaking [2] 102:17 167:23
special [4] 93:5 144:19 151:6 192:9
specialist [1] 167:3
specialists [2] 147:15 153:6
specialty [1] 11:11
species [12] 21:16 24:13 25:9 26:3 26:5 29:5 29:11 29:14 29:21 30:2 32:12 56:5
specific [9] 91:17 143:13 143:15 143:18 152:14 180:18 193:20 194:5 200:7
specifically [5] 43:21 70:16 143:25 145:15 184:7
specifics [1] 71:20
specifies [1] 157:8
specify [1] 153:24
speedy [2] 190:23 195:7
spend [2] 41:9 217:23
spent [4] 16:23 32:21 39:18 43:18
spirit [1] 53:25
spoke [1] 224:23
spoken [1] 218:19
spook [1] 174:6
spot [2] 111:7 222:8
spreadsheet [2] 60:15 60:15
spring [1] 123:21
springs [3] 60:8 97:20 216:8
squirrel [1] 26:4
ss [1] 228:2
stabilized [2] 147:4 176:13
stable [1] 76:16
staff [10] 2:22 5:6 50:16 51:20 165:6 184:6 197:3 208:2 212:22 214:15
stage [3] 28:23 135:15 204:23
stand [5] 12:14 62:6 97:6 116:10 117:17
standard [12] 8:15 87:8 108:21 139:15 139:21 141:21 155:17 178:24 193:1 197:11 208:15 211:17
standardized [1] 62:25
standards [6] 39:1 61:17 80:14 186:23 208:14 208:18
start [19] 9:3 22:11 22:18 30:20 51:4 87:1 114:4 118:12 140:5 141:11 169:5 171:1 181:13 188:18 188:22 193:23 208:6 218:4 224:8
started [10] 12:13 16:13 18:7 46:25

51:9 54:25 109:8 148:13 181:11 219:5
starting [4] 165:2 180:17 185:2 185:11
starts [2] 17:18 148:12
state [18] 45:11 74:1 74:22 74:23 75:2 75:5 83:3 160:2 160:4 176:8 207:16 208:3 208:22 209:1 209:22 228:1 228:5 228:17
state-listed [1] 26:5
statement [6] 20:21 25:21 26:13 31:5 36:24 177:21
States [3] 6:12 19:3 144:20
stationed [2] 16:10 17:18
stations [2] 38:21 85:3
status [4] 25:12 56:21 95:11 144:21
stay [4] 48:18 137:17 139:8 219:3
stenographer [1] 49:18
step [3] 86:9 147:22 189:25
Stephen [1] 95:15
steppingstone [1] 186:2
steps [2] 152:23 162:2
steward [3] 95:7 100:5 217:6
stewards [2] 217:9 217:10
stewardship [3] 8:1 54:2 208:19
stick [1] 169:19
sticks [1] 224:13
still [19] 35:7 42:10 42:22 43:12 44:2 71:18 74:7 80:10 114:14 122:7 132:4 132:16 132:22 135:12 135:15 135:24 156:13 170:12 207:24
stipulations [1] 176:24
stock [1] 21:8
stone [5] 77:5 113:3 164:3 177:20 199:11
stones [2] 70:25 116:23
stop [3] 52:16 188:5 224:12
stopped [1] 176:12
stoppers [1] 198:8
stops [1] 178:11
stored [2] 86:10 86:21
story [1] 81:16
straightforward [1] 88:8
strange [1] 15:21
strategies [1] 54:6
strategy [3] 54:11 67:1 137:1
stratographically [1] 131:21
streams [1] 76:5
street [1] 39:6
strive [1] 161:19
strong [2] 5:24 137:7
strongest [1] 150:6
studies [15] 26:10 35:3 37:4 39:6 39:18 40:7 41:6 47:17 48:5 109:13 130:6 130:8 131:9 164:16 175:14
study [37] 8:11 8:12 11:18 29:14 42:25 43:3 43:6 43:14 43:25 44:4 44:15 45:24 51:5 87:17 88:6 89:7 90:25 91:5 92:23 93:2 98:2 101:3 101:11 104:23 105:10 106:17 106:20 108:9 109:17 109:19 109:22 110:2 110:5 110:5 110:24 112:12 113:11 113:23 113:24 113:24 114:1 115:22 117:7 117:20 118:6 118:11 118:14 119:8 121:1 121:18 122:20 123:1 123:6 125:6 135:1 200:9 204:2
stuff [23] 44:1 78:16 82:25 86:1 116:22 120:10 125:11 125:19 126:4 131:25 164:9 164:11 164:12 166:13 174:7 202:20 204:4 204:22 212:3 215:10 220:14 220:21 222:4
STUs [1] 126:17
subject [4] 8:17 15:17 175:7 184:18
subjected [1] 58:25
submeter [1] 110:20
submit [1] 83:3
subsequently [1] 145:4
subsistence [2] 61:11 90:8
substantial [1] 59:1
subsurface [7] 66:25 80:7 111:20 111:23 126:16 126:19 164:15
subsurfacely [1] 112:1
success [1] 32:8
successfully [1] 162:18
such [19] 8:1 13:18 54:1 54:19 60:3 63:8 65:25 71:11 79:11 84:4 90:20 90:23 127:22 127:23 144:4 144:10 144:13 157:1 193:3
suffered [1] 133:16
sufficient [1] 126:18
suggest [2] 156:6 216:8
suggestion [1] 171:14
suit [2] 38:13 48:17
suits [1] 38:4
sum [1] 151:15
summary [3] 85:13 86:23 181:18 202:4 204:22
summer [5] 55:23 56:22 112:13 214:16 214:17
superintendent [1] 192:3
superior [35] 56:20 58:4 58:8 58:25 59:8 61:15 67:17 67:24 68:14 69:9 74:7 76:2 76:4 76:6 76:11 109:18 109:25 114:1 116:1 117:18 117:18 117:30 118:9 120:7 120:8 121:11 123:5 123:9 123:23 125:17 132:25 133:23 135:1 138:25 166:7
supplement [2] 34:13 42:16
supplemental [8] 25:20 30:18 33:14 33:15 42:23 43:11 58:15 135:20
supply [2] 196:20 201:2
support [1] 7:1
supporting [1] 140:10
supposed [3] 18:7 139:5 176:15
surface [17] 53:4 53:4 63:9 79:16 114:19 116:12 116:13 125:12 125:16 125:20 129:18 129:19 136:14 136:17 142:19 144:25 164:18
surfaced [1] 15:14
surfaces [1] 63:12
surprised [1] 100:16
surprisingly [1] 94:8
surrounding [3] 52:13 54:9 61:3 62:17 93:18
survey [15] 43:16 43:19 66:24 67:16 69:12 74:20 75:21 79:7 128:5 136:14 136:24 199:19 207:21 207:23 208:1
surveyed [12] 46:1 56:23 58:8 58:10 58:11 58:13 66:9 67:18 135:20 135:22 135:23 136:8
surveying [1] 44:7
surveys [14] 45:7 58:5 58:22 61:16 66:20 66:22 69:11 72:24 83:1 121:24 137:5 173:7 185:13 190:18
survival [1] 40:24
survive [1] 20:3
Susan [12] 3:15 9:15 11:24 11:24 13:2 14:5 50:6 50:7 50:10 196:20 198:3 211:6
sustain [2] 7:18 20:4
sustainability [2] 8:1 54:5
Swain [21] 2:13 10:8 10:8 62:6 62:9 62:13 216:11 218:12 218:24 218:25 219:2 219:6 219:9 221:6 221:18 225:18 225:24 226:2 226:21 227:14 227:15
sympathetic [1] 209:16
system [5] 62:24 62:25 74:11 74:23 111:10
systems [2] 102:14 102:19
T [1] 3:1
table [3] 8:9 9:3 41:22
Taco [1] 227:5
tactics [2] 19:19 22:16
Tad [204] 3:17 4:4 7:19 7:20 7:22 9:3 9:6 9:6 12:1 12:4 12:10 12:12 12:18 14:8 14:13 44:16 44:24 45:17 45:21 46:2 46:25 49:16 50:9 50:12 51:8 62:8 62:10 62:14 64:14 64:17 64:19 64:22 69:17 70:18 71:14 72:1 72:5 72:10 73:8 73:12 73:18 73:22 74:10 74:25 75:10 75:14 78:12 78:17 79:25 80:21 81:4 81:11 82:2 87:5 87:25 91:2 103:11 103:25 104:7 105:4 105:18 106:3 106:10 106:18 108:3 115:5 123:25 124:8 128:4 128:19 128:25 130:19 131:14 132:6 133:8 134:5 135:6 155:19 136:10 136:12 137:6 137:15 139:12 140:4 158:6 158:14 158:17 159:3 159:20 159:23 160:7 160:23 161:21 162:16 162:22 162:25 163:9 163:16 163:25 164:14 164:19 164:21 165:9 165:12 166:17 166:19 167:1 167:10 168:13 168:17 168:21 172:5 172:17 172:25 173:14 173:15 173:20 173:22 174:1 174:4 174:12 174:18 175:7 175:10 176:4 176:18 177:5 177:11 177:19 178:7 178:13 178:16 179:19 179:24 180:1 180:22 181:1 181:10 181:21 181:25 182:14 184:5 184:15 185:24 187:13 189:1 192:25 194:12 195:8 196:14 196:18 198:5 198:24 199:2 199:7 199:10 199:21 200:17 201:1 201:5 201:16 201:20 202:3 202:7 202:15 203:1 203:7 204:4 205:3 205:5 205:12 205:15 205:22 206:2 206:6 206:12 206:21 208:10 208:12 209:10 209:15 210:2 210:24 211:2 211:7 212:9 214:6 214:19 215:23 216:1 216:10 218:2 218:7 218:18 219:1 219:3 219:8 221:4 221:17 225:16 225:22 226:1 226:23 227:16
Tad's [2] 43:21 43:21
takes [5] 32:11 40:13 62:25 146:11 162:3
taking [16] 29:9 39:25 49:18 49:19 53:2 60:24 61:2 61:4 70:24 80:23 111:6 133:14 138:12 139:3 139:10 148:10
Talkers [1] 6:11
talks [1] 7:24
tangled [1] 157:22
tank [1] 226:23
tanks [1] 19:12
tape [2] 8:2 16:4
tasked [1] 69:18
tasks [1] 138:1
taught [1] 71:9
TCPs [1] 46:13
teach [1] 17:6
team [1] 20:24
tear [3] 42:3 126:10 207:24
technology [2] 54:17 110:19
teens [1] 120:20
Tehachapi [1] 96:11
Tehachapis [2] 95:10 99:22
telephone [2] 147:24

149:5 155:12
telephonic [1] 191:14
telephonically [1] 195:2
television [1] 19:8
telling [2] 80:1 190:15
tells [5] 19:20 32:2 63:17 79:14 172:14
temporary [1] 88:23
ten [4] 17:14 39:23 175:18 220:13
tend [2] 63:15 63:21
tendency [1] 101:23
tens [2] 63:12 65:2
tentatively [1] 218:8
term [3] 97:25 98:21 105:2
terms [9] 15:21 29:13 103:8 106:19 126:18 139:24 167:16 186:7 204:1
terrain [1] 60:2
test [15] 69:6 69:15 69:16 80:7 111:19 111:21 111:22 113:18 119:14 130:17 137:2 137:3 158:3 161:10 204:12
tested [2] 118:17 134:4
testing [17] 69:8 70:13 71:25 72:3 83:10 109:12 114:18 119:16 125:11 125:12 127:13 127:19 129:7 130:13 131:5 182:25 183:2
tests [5] 67:8 70:1 111:24 113:15 136:18
Texas [1] 16:9
text [1] 213:20
texture [1] 59:21
Thai [1] 227:6
thank [19] 7:20 8:20 9:18 12:12 12:18 15:5 49:16 50:5 51:5 64:22 64:23 107:3 137:14 137:15 139:7 139:12 181:7 226:13 227:16
thanks [4] 87:25 139:9 192:24 226:25
themselves [3] 131:20 156:8 176:21
theories [1] 158:4
theory [1] 185:10
thereafter [1] 228:8
therefore [6] 30:1 41:8 74:15 145:6 176:21 176:22
therein [1] 228:7
thereof [1] 169:3
thermoluminescence [1] 70:5
thermoluminescences [1] 204:14
they've [2] 16:19 133:15
thick [2] 221:16 223:10
thinking [3] 32:21 216:17 220:21
thinks [1] 131:23
third [2] 22:16 42:15
thorough [1] 62:16
thought [3] 104:15 166:20 224:1
thoughts [2] 130:14 185:22
thousand [2] 65:4 199:23
thousand-year-old [1] 164:12
thousands [11] 63:12 63:12 65:2 69:3 76:16 76:17 119:11 119:22 131:24 133:1 133:3
threat [1] 20:2
threatened [4] 26:2 26:9 32:11 56:5
threats [1] 19:6
three [22] 17:21 21:20 22:14 26:2 28:19 44:6 56:18 73:15 93:12 109:16 109:17 110:25 137:25 148:25 161:1 161:4 195:12 197:17 210:17 210:18 210:19 215:16
three-dimensional [1] 53:2
three-quarters [1] 43:18
threshold [1] 162:9
through [45] 14:1 32:20 35:8 35:12 37:4 47:8 47:8 51:16 52:1 52:18 78:10 80:25 90:22 93:24 95:1 96:7 98:19 100:17 101:14 104:16 115:19 121:17 122:4 126:10 128:1 131:24 135:3 138:20 139:22 140:3 141:10 146:1 158:13 159:19 164:4 165:19 166:12 168:25 170:5 182:16 185:21 189:10 205:11 217:15 220:12
throughout [2] 6:4 135:1
throw [3] 30:16 34:12 41:17
throwing [1] 216:6
thrown [2] 39:3 39:5
ticking [2] 148:12 148:13
tied [1] 223:12
tilt [1] 91:3
Tim [4] 11:13 14:18 15:7 49:16
Timbi-sha [8] 2:3 9:21 9:23 10:1 80:24 154:21 191:22 226:16
time-efficient [1] 69:24
times [8] 39:23 55:23 87:21 97:24 106:1 178:4 178:6 191:5
timewise [1] 32:4
TIMOTHY [43] 3:8 4:4 11:13 15:6 28:2 29:16 30:14 31:9 33:17 33:22 34:24 35:17 35:22 36:4 36:8 36:18 37:9 38:20 38:24 39:14 41:3 42:18 43:17 45:9 46:23 47:2 48:7 48:9 48:22 198:6 198:25 200:4 200:22 201:10 201:13 202:1 202:8 202:13 202:18 202:24 203:3 203:8 204:1
TIMs [1] 170:6
tin [1] 120:18
title [4] 168:12 169:3 183:10 224:24
today [33] 5:11 6:3 6:22 9:1 9:12 9:15 12:8 22:17 49:22 81:19 84:12 85:10 94:7 109:16 138:2 140:24 141:1 141:5 152:7 182:3 183:23 184:23 188:8 198:9 198:19 205:11 211:12 211:18 218:23 219:9 221:2 225:19 226:17
today's [2] 8:7 164:17
together [12] 40:18 66:15 68:8 90:20 133:2 160:10 165:3 177:14 186:25 214:12 223:16 226:16
token [1] 139:2
tomorrow [13] 13:2 13:8 13:19 14:4 50:13 60:14 81:12 84:22 86:14 179:23 225:19 226:20 227:12
tone [1] 197:14
tonight [2] 76:1 227:2
too [11] 15:19 15:20 115:16 124:21 128:16 135:5 157:5 211:23 213:12 217:24 220:4
took [5] 33:23 44:1 101:19 121:23 164:2
tool [5] 51:18 51:23 73:15 113:4 196:6
tools [2] 54:14 79:19
top [6] 7:10 64:3 114:25 164:10 164:12 197:10
topic [2] 8:18 97:12
topics [4] 182:15 197:5 210:14 211:14
tortoise [15] 23:22 26:9 39:19 39:22 40:3 40:14 40:19 40:21 40:24 41:2 41:4 41:20 41:21 131:1 222:8
tortoise-disrupting [1] 41:23
tortoises [6] 38:14 38:16 39:8 39:9 39:23 40:9
total [3] 56:9 56:23 112:14
totaling [2] 109:20 110:2
totally [4] 76:15 129:18 129:18 187:8
touch [3] 103:19 107:2 185:1
touched [1] 184:3
tough [2] 17:6 30:8
tour [2] 50:17 227:13
tours [1] 166:11
toward [1] 172:17
towards [3] 15:15 47:5 99:15
tower [1] 225:8
town [2] 68:12 121:2
traced [1] 143:3
track [2] 24:20 108:7
Tracy [1] 40:22
trade [5] 89:11 98:10 99:14 101:17 102:9
traded [1] 80:25
trading [1] 52:18
tradition [2] 106:20 158:2
traditional [20] 48:2 85:25 86:4 86:8 91:6 92:2 92:11 95:23 100:12 100:23 100:23 101:1 103:6 143:18 143:20 144:1 144:6 152:25 154:10 158:5
traditionally [2] 92:25 100:1
traditions [1] 151:13
traffic [3] 93:24 135:8 136:3
trail [9] 57:23 57:23 94:6 94:6 121:16 121:16 121:17 122:4 126:23
trails [4] 57:22 127:6 127:9 135:7
train [31] 6:23 6:25 7:2 7:24 16:14 18:14 18:16 20:13 20:23 22:4 22:5 22:9 22:21 23:10 23:17 23:19 23:20 23:20 24:16 25:8 25:17 29:4 29:18 30:9 30:11 32:7 37:22 41:8 138:9 195:25 207:4
trained [5] 18:8 18:21 19:11 64:8 222:1
training [54] 1:0 5:1 5:7 5:9 6:22 6:24 7:15 7:16 8:21 15:12 16:13 17:9 17:15 17:22 17:23 20:12 20:15 21:1 21:7 21:8 21:17 22:25 23:2 23:12 23:15 24:6 25:5 27:1 28:16 29:4 29:8 37:2 37:20 37:21 38:1 38:2 40:11 60:24 79:10 82:5 136:3 137:25 137:25 138:6 139:2 142:6 148:20 168:3 169:9 170:21 170:22 171:21 174:1 178:3
transcript [2] 196:24 228:10
transcripts [3] 49:24 141:6 196:19
Transfer [1] 192:13
transplant [1] 222:8
transportation [2] 101:18 223:18
transporting [1] 131:17
trap [1] 209:1
trash [3] 120:18 120:18 217:13
travel [5] 12:25 13:11 93:22 183:17 226:17
traveled [2] 5:9 96:6
travelers' [1] 94:2
traveling [1] 94:5
travels [1] 93:23
TRC [5] 3:20 109:10 129:3 134:7 136:15
treat [1] 84:3
treatment [16] 54:3 57:10 79:1 81:18 82:17 141:13 145:20 147:7 148:5 152:19 152:25 153:12 153:24 155:22 157:12 177:23
trees [1] 118:12
trenches [2] 126:19 131:2
trenching [8] 125:14 125:15 125:22 126:1 126:2 130:22 131:5 131:8
trial [1] 158:15
tribal [39] 2:4 2:7 2:10 9:20

9:23 10:11 10:13
106:11 106:12 144:8
144:12 145:1 147:17
149:5 149:21 150:12
150:15 150:20 151:7
152:16 154:8 173:11
173:12 173:12 174:19
182:10 183:16 183:18
184:11 184:18 186:3
191:5 191:12 192:4
197:22 211:5 212:11
221:10 225:21

tribe [36] 9:21 9:24
10:1 10:14 10:19
83:19 126:23 143:4
143:14 144:7 144:15
144:17 144:17 149:24
152:10 154:20 158:3
159:13 159:13 159:16
162:2 172:15 179:8
191:22 192:14 192:16
193:20 206:1 206:8
206:10 206:18 219:11
219:25 221:19 223:21
224:5

tribe's [1] 150:22

tribes [86] 2:15
5:20 10:4 35:6
38:14 44:19 45:5
48:15 49:21 49:22
70:16 71:4 81:1
83:17 84:1 84:9
85:16 103:22 105:6
105:7 127:14 127:22
128:18 128:19 128:21
140:16 140:21 140:23
141:1 141:5 149:1
149:3 149:13 149:20
149:22 149:22 150:6
152:24 153:14 153:15
153:17 154:4 154:16
155:19 155:20 156:18
157:14 159:11 159:25
160:3 161:1 161:12
162:8 163:4 169:3
172:8 172:13 173:9
175:15 178:20 178:25
179:7 182:1 182:2
182:25 183:12 185:4
185:16 187:17 187:22
190:23 193:19 193:24
195:10 203:5 206:13
206:16 207:7 209:5
212:13 216:5 218:15
218:20 220:3 222:25
223:3

TRIBES/MEMBERS [1] 2:1

tried [5] 42:4 115:22
132:9 221:25 222:19

trigger [1] 29:1

trinomial [1] 83:6

trip [7] 13:2 13:8
13:10 50:10 50:12
84:22 226:20

troops [2] 7:23
207:4

trouble [2] 51:10
155:10

true [5] 21:11 126:12
140:4 164:6 228:9

trump [1] 158:4

try [12] 15:20 15:21
16:17 17:4 17:9
20:10 78:7 115:23
137:24 179:10 212:19
224:12

trying [26] 23:24
39:17 42:2 46:5
48:25 49:9 49:13
49:13 61:24 67:1
74:13 105:9 129:23
130:8 130:9 173:3
188:15 188:22 192:6
192:8 195:14 206:24
206:25 209:25 224:19
225:9

turn [8] 12:9 63:21
87:13 96:20 109:7
182:17 183:25 193:16

turned [3] 130:15
131:25 220:15

Twentynine [4] 35:15
35:19 36:13 210:7

twice [1] 154:24

two [39] 3:16 9:10
11:25 14:21 21:21
29:16 30:7 35:22
35:23 36:12 36:15
38:22 45:9 49:20
55:17 58:22 61:22
65:9 65:16 65:21
68:9 68:23 69:5
76:20 112:15 112:18
115:9 154:18 154:24
178:4 178:6 185:5
186:9 190:2 190:2
193:12 195:12 199:11
213:17

two-page [1] 111:5

type [14] 19:4 59:24
60:21 63:2 63:9
63:10 125:8 133:11
153:9 170:15 179:16
199:24 204:6 204:22

types [33] 46:11
46:14 52:20 52:22
56:4 60:21 62:21
63:5 65:15 65:21
66:2 68:9 72:2
77:5 92:17 92:24
93:3 93:12 111:1
118:7 125:1 135:9
148:16 152:9 152:11
152:20 160:14 164:16
167:4 171:19 178:21
197:12 204:6

typewriting [1] 228:8

typically [7] 63:13
66:11 66:24 69:20
79:5 129:17 154:17

U.S [3] 158:8 174:23
185:7

UC [1] 95:4

ultimate [1] 179:1

ultimately [5] 56:10
134:19 148:22 162:18
189:18

unable [1] 10:16

unanticipated [1] 144:23

unclaimed [3] 150:8
150:10 155:4

unclear [2] 73:10
170:16

Unconventional [1] 19:15

uncovered [1] 37:4

uncovering [1] 165:6

under [31] 11:2
29:8 29:20 30:8
34:15 34:23 47:11
70:15 71:2 72:24
75:11 78:11 80:5
85:11 85:18 87:4
99:9 135:24 144:25
145:3 158:9 164:17
175:12 176:5 176:10
178:9 185:9 207:9
207:16 213:23 228:8

underfunded [2] 209:13

underpasses [1] 37:18

underside [1] 79:14

understand [19] 9:16
38:6 42:3 48:22
71:14 71:17 71:24
78:17 81:20 81:21
100:7 159:20 173:14
184:21 187:11 189:11
195:8 195:16 195:22

undertaken [2] 128:5
154:5

undertaking [3] 11:17
205:7 205:16

undertakings [3] 35:2 35:7 47:16
172:10 193:3

underway [1] 45:24

undisturbed [1] 23:18

unfederally [1] 159:24

unfortunate [1] 141:7

unfortunately [2] 212:17 215:9

unidentifiable [1] 167:19

unidentified [1] 142:8

Union [1] 186:11

unique [3] 5:19
16:6 142:5

unit [6] 17:18 17:18
69:16 110:10 111:6
111:15

United [3] 6:12
19:2 144:20

units [15] 17:4
19:18 20:6 20:6
22:9 22:15 22:19
67:8 68:7 70:2
110:7 110:16 114:8
127:16 137:25

universities [1] 158:25

University [1] 55:19

unless [1] 152:1

unlikely [1] 52:5

unofficially [1] 27:15

up [305] 8:6 8:7
14:15 14:20 20:16
22:2 22:14 26:4
27:2 27:7 30:16
32:24 33:23 34:5
38:13 38:16 39:6
39:17 42:3 42:19
44:22 46:8 50:14
52:25 55:1 58:4
58:20 61:20 61:20
61:25 65:8 68:7
68:11 68:13 68:19
71:22 75:17 76:24
79:13 82:22 84:20
87:20 95:10 96:11
100:2 100:17 101:7
108:22 109:6 113:10
113:15 114:7 115:22
115:23 117:19 119:7
119:8 119:8 120:25
121:1 121:3 121:13
122:15 122:16 122:18
123:8 123:8 123:23
125:5 132:3 132:23
137:2 137:21 139:8
139:13 145:10 148:3
149:10 157:3 157:22
161:17 162:9 171:1
171:22 173:24 174:18
175:16 175:20 178:11
179:23 184:2 185:14
186:16 189:21 193:9
207:25 212:19 217:13
218:8 218:25 219:12
220:1 222:14 224:10
226:14

update [6] 43:2
150:23 156:1 211:23
218:22 224:16

updated [5] 43:6
43:8 150:15 212:16
214:16

updates [1] 212:15

upper [2] 89:21
99:19

upward [1] 97:18

urban [1] 18:22

used [13] 52:7 61:16
81:2 88:22 91:7
93:1 93:11 96:24
120:22 125:14 152:14
155:23 210:10

useful [3] 94:8
94:24 105:24

uses [2] 19:18 63:1

using [26] 25:20
36:16 43:5 45:10
56:11 65:23 74:7
74:22 86:7 89:5
90:3 99:11 100:23
110:4 110:10 111:15
174:14 187:1 187:6
208:1 210:6 220:24
221:2 221:3 221:6
221:7

usually [2] 161:25
219:6

Utah [1] 216:11

utilize [1] 97:17

UTM [1] 112:8

UTMs [1] 111:6

valid [2] 42:22 129:1

validated [2] 55:11
134:21

valley [31] 27:25
28:8 33:21 33:23
56:20 74:7 76:3
96:9 96:10 96:11
98:18 99:10 99:20
109:18 109:25 114:1
117:19 117:20 118:9
120:8 120:21 121:11
123:6 123:9 123:23
135:1 154:22 191:23
192:4 192:18 213:2

valleys [1] 135:11

valuable [2] 132:12
225:20

value [1] 37:6

values [1] 7:2

vandalism [2] 217:16
217:17

variable [2] 52:9
59:11

variables [3] 59:10
63:24 151:16

variance [1] 101:15

varied [1] 68:16

variety [4] 9:10
19:23 57:20 59:13

various [9] 71:10
88:18 91:19 98:15
111:10 134:25 140:12
158:3 172:21

Vegas [5] 30:24
140:25 216:9 216:15
217:19

vehicular [1] 207:22

veneer [1] 164:11

verbatim [2] 49:19
142:24

Verde [1] 48:4

verification [1] 145:24

verified [1] 150:14

versed [1] 215:7

versus [1] 80:14

vested [1] 159:1

vetch [5] 26:7 40:19
44:5 44:8 200:9

veterans [2] 6:6
48:21

vetoed [1] 207:14

via [2] 48:4 211:15

vicinity [1] 8:12

Vicksburg [1] 163:11

video [4] 7:13 7:19
7:21 7:22

view [1] 118:8

viewed [1] 86:9

viewpoint [1] 48:3

village [1] 93:4

villages [2] 99:15
102:8

virtually [1] 20:15
Vision [1] 101:18
visit [1] 145:25
visited [3] 96:17 122:12 133:1
visits [1] 145:25
Vista [1] 102:6
voice [1] 188:6
volcanic [1] 64:4
volunteer [1] 221:23
volunteers [1] 221:22
vouchers [2] 13:11 226:17
wagon [2] 126:24 126:25
wait [1] 191:15
waiting [3] 15:15 43:23 210:5
waived [1] 157:1
walk [4] 51:15 110:9 117:9 117:11
walk-in [1] 127:3
walked [2] 110:6 114:12
walking [3] 44:10 114:10 187:9
wall [1] 18:10
wants [3] 71:5 189:13 221:9
war [13] 6:16 17:5 17:6 17:10 18:11 18:17 18:17 22:3 52:25 53:1 68:15 68:15 100:3
warfare [4] 19:1 19:2 19:4 19:17
warm [1] 5:13
warmup [1] 6:2
warriors [1] 6:23
wars [1] 20:13
wash [2] 131:11 131:15
watching [1] 41:17
water [7] 59:17 60:6 60:7 65:11 116:6 116:8 217:1
wave [1] 131:15
waves [1] 19:12
ways [8] 88:25 90:8 102:20 159:19 188:7 189:9 193:11 201:16
weapons [2] 19:19 22:15
Web [3] 31:13 42:19 212:12
WEDNESDAY [2] 1:0 108:1
week [6] 13:6 17:23 17:23 114:12 122:9 214:20
weekends [1] 117:8
weeks [4] 17:17 17:22 154:24 196:20
welcome [4] 5:8 5:9 5:14 8:21
well-served [1] 37:13
wells [2] 120:9 126:21
west [2] 96:10 163:25
western [7] 22:18 23:7 26:22 27:5 161:3 161:5 161:8
whatnot [1] 165:24
wheel [3] 180:25 219:20 219:20
wherever [3] 17:18 133:15 154:20
white [3] 70:25 124:15 124:20
Whitley [2] 70:23 71:5
whole [16] 20:22 20:23 30:14 40:14 76:18 76:19 76:21 88:5 102:10 104:19 117:22 123:17 166:12 199:4 199:5 210:8
wholeheartedly [1] 181:2
wide [2] 19:22 123:13
wider [2] 89:23 124:19
Wiener [1] 48:14
wife [1] 94:23
wilderness [3] 28:12 28:13 37:16
wildlife [4] 29:1 29:6 40:4 130:25
WILLIAM [78] 2:4 3:5 9:19 11:6 29:12 30:12 31:7 33:13 40:17 42:8 72:8 73:6 73:9 73:13 73:21 74:4 74:18 75:8 75:13 81:9 103:3 103:8 103:13 103:21 104:5 104:9 104:12 104:15 104:22 105:16 106:8 121:19 122:3 125:21 126:5 126:9 134:3 135:12 135:16 164:20 164:22 165:16 166:3 167:8 167:15 167:21 169:15 177:12 178:8 178:14 192:1 193:18 194:18 195:3 196:15 198:20 199:3 199:9 200:24 201:18 201:22 202:10 202:14 202:23 203:24 204:24 205:4 205:20 205:23 206:4 206:8 206:17 206:23 210:21 214:1 214:9 214:18 214:21
willing [1] 106:14
win [3] 7:1 17:7 20:13
wind [1] 65:11
windmills [1] 120:10
window [1] 210:18
winds [2] 131:16 133:24
wish [3] 101:8 155:3 167:24
wishes [2] 13:17 81:17
withdraw [1] 25:1
withdrawal [1] 24:23
withdrawn [1] 56:9
within [29] 13:6 25:15 38:25 66:16 72:7 73:16 77:1 89:21 91:7 110:20 111:17 131:6 142:23 145:25 146:10 148:17 153:24 157:10 162:20 162:23 178:2 189:5 191:3 191:8 195:13 195:16 208:7 213:15 214:24
without [4] 29:4 80:23 188:23 206:10
Witness [1] 228:13
women [1] 7:2
wondering [2] 74:4 222:12
Wood [3] 3:2 12:5 12:5
word [6] 32:14 38:12 47:14 47:21 155:24 222:21
words [6] 72:14 138:1 138:2 145:8 151:20 157:3
workable [1] 177:15
worked [14] 95:9 100:11 127:25 161:17 162:1 162:17 163:11 178:23 191:22 192:1 192:12 202:17 208:16 208:17
works [7] 2:23 11:1 11:8 15:8 54:18 180:2 180:4
world [11] 6:16 7:4 18:6 18:13 18:20 20:23 22:3 27:23 52:25 68:15 221:15
worry [1] 13:5
worst [1] 18:15
worthy [1] 132:19
wrap [1] 218:25
wrapping [1] 101:7
wreck [2] 126:6 126:9
write [3] 69:21 148:10 218:7
writing [2] 190:11 190:11
written [13] 93:15 146:16 148:3 149:7 149:8 149:11 152:4 156:23 157:13 174:13 177:20 206:14 211:16
wrong [2] 38:25 72:6
wrote [3] 129:4 170:14 211:7
X [1] 4:1
y'all [31] 12:3 13:3 14:15 46:7 46:15 49:18 50:3 81:20 85:10 87:20 106:11 139:18 150:21 152:12 165:9 181:10 181:12 182:17 182:20 182:22 183:25 193:10 194:3 197:19 198:7 203:2 210:20 212:21 226:13 226:19 227:16
y'all's [1] 181:4
year [13] 17:15 18:11 24:19 24:22 24:24 25:25 26:1 40:14 44:5 60:7 97:24 150:23 210:23
yearly [1] 213:22
years [52] 9:10 22:23 22:23 39:12 41:6 41:13 55:8 57:6 57:14 60:5 61:8 63:13 65:2 65:3 65:5 69:3 76:16 76:18 81:24 82:5 86:11 86:18 86:24 88:10 89:14 91:13 95:15 98:1 98:6 101:25 110:15 116:8 116:11 119:12 119:22 122:12 122:12 131:24 133:1 134:1 136:23 150:2 164:11 165:20 166:9 167:18 175:18 176:3 181:19 182:8 213:23 220:13
yesterday [1] 224:5
yet [15] 44:16 58:5 64:12 83:14 114:10 122:8 125:25 135:15 142:12 160:7 171:1 187:21 217:4 222:16 226:24
yield [1] 126:15
yokus [1] 102:8
young [2] 22:10 220:11
yourself [2] 9:4 12:22
yourselves [1] 8:8
Yucca [1] 221:13
Yuma [4] 180:12 193:13 213:1 214:22
Yuma's [1] 212:5
zero [1] 225:8
Zigmond [1] 95:9
zone [3] 97:10 177:2 177:24
zones [1] 99:8
^ [2] 70:25 70:25

REPORT DOCUMENTATION PAGE

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14. ABSTRACT

From July to October 2002, the Engineer Research and Development Center-Construction Engineering Research Laboratory provided the National Training Center-Fort Irwin, California, with resources to organize, facilitate, and moderate a consultation meeting between the installation and the federally recognized Native American tribes in a nation-to-nation level meeting. The purpose of the consultation was to establish an open and constructive dialogue between the U.S. Army and those Native American tribes who have cultural resource interests at NTC-Fort Irwin. The meeting was held to discuss the military mission of NTC-Fort Irwin and to identify and address potential tribal issues with respect to the installation and its Area of Potential Effect (APE). Fifteen tribes were invited. Presentations included standard operating procedures for inadvertent discovery, a forthcoming supplemental Environmental Impact Statement regarding expansion, available cultural resources tools (Archeological Predictive Model and Automated Tool for Monitoring Archeological Sites), and the ethnohistoric and ethnographic cultural affiliation study of the mid-Mojave region. A transcript of the consultation meeting is included.

15. SUBJECT TERMS
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