Archaeological Damage Assessment Report: Unauthorized Removal of Artifacts and Site Damage from Numerous Sites in Inyo and Mono Counties, California and Mineral County, Nevada

United States Forest Service Case:
14-05-7158017

Bureau of Land Management Case:
CA-170-15-18

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August 10, 2015

Table of Contents

List of Tables

List of Figures

EXECUTIVE SUMMARY

Between September 15, 2010 and August 19, 2014, sixteen prehistoric archaeological resource sites located on federal land in Eastern California and Western Nevada were subjected to acts prohibited under the Archaeological Resources Protection Act (ARPA). The prohibited acts conducted included excavation, removal, damage and alteration at several locations within each sites. These acts caused injury to Government property under Title 18 U.S. Code Section 1361 and the subject retained the government property in violation of 18 U.S. Code Section 641. The prohibited acts occurred over several years and targeted the most important portions of the sites containing the greatest amount of data potential. One of the targeted sites contains a Native American burial and cremation within the traditional homelands of the Shoshone and Mono Lake Paiute (Kutzadikaä) people. Local tribal members are the descendants of the individuals interred at the site. An additional 20,000 to 30,000 artifacts illegally removed from other archaeological sites on federally managed lands were recovered in the course of the investigation. These artifacts and their values are addressed in a separate report.

The archaeological damage assessment found that:

1.) The sites addressed in this report are archaeological resources as defined by the Archaeological Resources Protection Act of 1979 (16 U.S.C. § 470aa-mm).

2.) These resources are located on federal land administered by the Inyo National Forest, Humboldt- Toiyabe National Forest, the Sierra National Forest, and Death Valley National Park.

3.) These resources were damaged and/or removed by acts that are prohibited by the Archaeological Resources Protection Act.

4.) The damage and removal of these resources was not authorized.

5.) These resources were retained in violation of 18 U.S.C §641.

6.) The actions caused injury to Government property as prohibited under 18 U.S.C. § 1361.

7.) The damage to the sites resulted in an emergency Restoration and Repair cost of **$33,187.91.**

8.) The damage to the sites resulted in a projected Restoration and Repair Cost of **$11,086.90.**

9.) The Commercial Value of items removed without authorization from the sixteen archeological sites totals **$3,257.00.**

10.) The Archaeological Value of the damage to the sites is **$62,314.21.**

11.) The total cost of Restoration and Repair plus the Commercial Value of items removed from these sites is **$47,531.87**

12.) The total damage to site as determined by the Archaeological Value and the total Cost of Restoration and Repair is **$106,589.08**

INTRODUCTION

In early September of 2014, the Bureau of Land Management (BLM), Bishop Field Office Archaeologist received a phone call from a concerned citizen regarding images of cultural resource damage the citizen had observed on a well-known mountaineering internet webpage. The BLM archaeologist visited the webpage in question and viewed several images of an individual excavating what appeared to be a prehistoric bow stave from ice and snow using a granitic rock. The website included the coordinates of where the activity occurred, the names of participants on the trip, when the activity occurred, and a detailed trip report. The website identified the individual seen excavating the bow-stave as Jonathon Bourne. Website information indicated the incident had occurred on lands administered by the United States Forest Service (USFS). The BLM archaeologist forwarded the information to the USFS Inyo National Forest Archaeologist and a Special Agent with the National Park Service (NPS) who specializes in archaeological resource cases. Plumas National Forest Geographic Information Coordinator Carvel Bass and Sierra National Forest Special Agent Grate reviewed the data collected from the website. Bass reviewed the coordinate data and was able to determine the specific location where the bow stave was excavated.

Inyo National Forest Archaeologist Jaqueline Beidl visited the location of the bow-stave removal, as detailed on the webpage, on September 17, 2014. Beidl was accompanied by USFS Special Agent Michael Grate, Law Enforcement Ranger Cooper Fouch, Assistant Special Agent in Charge (ASAC) Kent Delbon, and Law Enforcement Administrative Assistant Alex Specht. The group was able to identify the exact location where the bow had been removed based on the suspect's GPS coordinates and by matching the surrounding landforms to images from the website. Examination of this location revealed that several rocks had been piled on the snow at this location. Removal of the rocks revealed an indentation in the glacial ice matching the shape, size and alignment of the bow in the website pictures. Closer examination of this locale by the investigators resulted in the recovery of two small fragments of bow broken off during removal from the ice. These fragments were later fitted to the bow that was in the possession of Bourne. No other cultural resources were immediately identified at this location; snow, ice and rock talus obscured much of the ground surface. The Bow Stave Site is located on public lands administered by the Sierra National Forest.

The resulting law enforcement investigation recovered substantial evidence regarding theft and damage of archaeological resources located on federal lands administered by Death Valley National Park, Humboldt-Toiyabe National Forest, Inyo National Forest and Sierra National Forest within the last five years. The seized evidence included a log book containing a list of Global Positioning System (GPS) derived coordinate location data for archaeological sites on federal lands where items of archaeological interest were removed without authorization. A team of archaeologists from each of the affected agencies and the Bureau of Land Management was assembled to assist with the law enforcement investigation. The interagency team of archaeologists examined the recovered artifacts and logbook information, and then assisted with the archaeological component of the investigation.

Pursuant to the Archaeological Resources Protection Act (43 C.F.R. Section 7.4), permits are required for the excavation, removal, or alteration of any archaeological resource located on federal lands. These permits are issued by the federal land manager to applicants who are appropriately qualified by training and education, and have demonstrated competence in archaeological theory and methods. Pursuant to 43 C.F. R. Section 7.8, permits are issued only for the purpose of furthering archaeological knowledge that is in the public interest. Before proceeding, each of the four federal archaeologists with authority over these locations checked their respective permit files to verify whether archaeological permits had been previously issued to the subject of the investigation, Jonathon Bourne. Each of the archaeologists verified that Jonathon Bourne had not been issued a permit for archaeological investigation.

Through coordination with the investigation team, it was determined sixteen locations on four federal jurisdictions would be investigated in accordance with the Archaeological Resources Protection Act (16 USC Section 470aa-ee). These include sites designated by the suspect as: B4, B5, B8, B9, B13, B16, B15-17, B19, B20, B21, B22, B44, B45 B47, B49 and the Bow Stave Site. Each of these sites date from between 10,000 years before present and the late 1800s.The agency archaeologists assigned each of these sites a temporary identifier to facilitate their tracking and documentation.

Table 1. Affected Site Concordance List

TEMPORARY SITE NUMBER	BOURNE NUMBER	JURISDICTION	PROHIBITED ACTS
Eureka 1	19	Death Valley National Park	Remove, Damage, Alter
Eureka 2	21	Death Valley National Park	Remove, Damage, Alter
Eureka 3	20	Death Valley National Park	Remove, Damage, Alter
Vine 1	22	Death Valley National Park	Remove, Damage, Alter
Papoose 1	47	Inyo National Forest	Remove, Damage, Alter
Big Alkali 1	44	Humboldt-Toiyabe National Forest	Remove, Damage, Alter
Big Alkali 2	45	Humboldt-Toiyabe National Forest	Remove, Damage, Alter
Whiskey Flat 1	16	Humboldt-Toiyabe National Forest	Remove, Damage, Alter
Whiskey Flat 2	4(442)	Humboldt-Toiyabe National Forest	Remove, Damage, Alter
Whiskey Flat 3	5(443)	Humboldt-Toiyabe National Forest	Remove, Damage, Alter, Excavate
Whiskey Flat 4	13	Humboldt-Toiyabe National Forest	Remove, Damage, Alter, Excavate
Whiskey Flat 5	8	Humboldt-Toiyabe National Forest	Remove, Damage, Alter
Whiskey Flat 6	9	Humboldt-Toiyabe National Forest	Remove, Damage, Alter
Whiskey Flat 7	15, 17	Humboldt-Toiyabe National Forest	Remove, Damage, Alter, Excavate
Whiskey Flat 8	49	Humboldt-Toiyabe National Forest	Remove, Damage, Alter
Bow Stave Site	N/A	Sierra National Forest	Remove, Damage, Alter, Excavate

DAMAGE ASSESSMENT FIELD PROCEDURES

Between March 30, 2015 and May 13, 2015 an inter-agency archaeology team traveled to and recorded fifteen additional archaeological resources on three federal jurisdictions. This team was comprised of Archaeologists Greg Haverstock, Ashley Blythe, William Kerwin from the Bureau of Land Management, Forest Service Archaeologists Jacqueline Beidl and Eric Dillingham, and National Park Service Archaeologist Wanda Raschkow. The archaeologists were accompanied by law enforcement agents from the USFS and BLM. Four of the impacted archaeological sites are located on public lands administered by Death Valley National Park; ten of the sites are

located on public lands administered by the Humboldt-Toiyabe National Forest, while the remaining archaeological resource is located on public land managed by the Inyo National Forest.

During interviews conducted by Special Agent Grate, Bourne admitted that he had removed archaeological resources from federal lands without authorization. He also admitted that he had excavated within sites on federal lands and had removed artifacts found in sub-surface contexts. Bourne also acknowledged that he documented his daily activities in a journal and that he logged locations from where he removed artifacts in a logbook. These locations were marked using one of several recreational grade GPS units that he owned. The artifacts were identified in the logs by a number which Bourne assigned in order to track them. Often times these numbers were written directly on the artifacts. In many instances Bourne also drew and described the items in a column next to the Latitude and Longitude coordinates. These data were used by the inter-agency archaeological team to locate the affected archaeological resources.

The inter-agency team developed a methodology for completing field investigations at each of the remaining fifteen resource locations. The team traveled to the nearest location accessible by vehicle. The team then hiked to the specific GPS coordinate that was documented in the Bourne log. The GPS location was marked on the ground with flagging and close-interval transect survey was conducted surrounding that location. All identified artifacts were marked with pin flags. When artifact densities decreased substantially, or no further artifacts were visible, a site boundary was delineated. This boundary was then recorded using a GPS unit. Each formal artifact (tools, ceramics, beads, etc.) was described, measured, photographed, and position mapped with a scientific grade Trimble GPS unit. The process was repeated for all identified archaeological features (rock rings, cairns, hearths etc.). The environmental setting, landform, aspect, proximity to water, and any other information considered to be pertinent in describing the site was collected to satisfy professional archaeological documentation standards. At each of the coordinates listed in Dr. Bourne's logbook a prehistoric archaeological site was discovered. Site B22 (Vine 1) was the only location were the archaeological site did not encompass the Bourne GPS coordinate. The GPS coordinate in the Bourne logbook placed the site on the small ridge above the shelter rather than at the shelter. Since the location of the coordinate was a flat terrace with no potential to contain a rock shelter it was determined that Bourne either made an error in logging the site, or that the recreational grade GPS introduced error to the coordinate. A thorough survey of the surrounding area resulted in the rock shelter being identified based on the Bourne logbook description and the proximity of the GPS coordinate. The Bourne GPS log did contain a coordinate point that corresponded to the rock shelter identified during the investigation. Fieldwork conducted at the Bow Stave Site has been described above. Given its location in the Sierra Nevada and access difficulty, the site was not revisited during this investigation.

ARCHAEOLOGICAL RESOURCE DESCRIPTION

Archaeological Interest

The Archaeological Resources Protection Act of 1979 (ARPA), states:, "the term 'archaeological resource' means any material remains of past human life or activities which are of archaeological

interest … at least 100 years of age" (16 U.S.C. 470bb(1)). The term "material remains" is defined under the uniform regulations, as, "… physical evidence of human habitation, occupation, use, or activity, including the site, location, or context in which such evidence is situated" (43 C.F.R. 7.3(a) (2)). The ARPA Uniform Regulations also state that, ''Of archaeological interest' means capable of providing scientific or humanistic understandings of past human behavior, cultural adaptation, and related topics through the application of scientific or scholarly techniques such as controlled observation, contextual measurement, controlled collection, analysis, interpretation and explanation" (43 C.F.R. 7.3(a)(1)).

All of the resources addressed in this report are of archaeological interest as defined by ARPA. The sites contain material remains that can provide scientific data to further our understanding of past human behavior. As described below, these resources contain significant information about the life ways of hunter-gatherer peoples during prehistory including resource procurement strategies, social organization, cultural change, mobility, and technology. One of the sites contains human remains. Intact burials provide detail of customs and mourning rituals related to death in native cultures, and can be directly analyzed to reveal previously unknown evidence of diet, health conditions, race, and marriage systems.

Artifacts, human made or processed items and tools, provide evidence of past human behavior and can be directly analyzed to address questions about artifact and site function, date of site utilization, and material source. Artifacts recorded at the sites include milling implements (stone tools for grinding plant and animal foods), brown-ware pottery, obsidian and cryptocrystalline silicate (chert) tool making debris (debitage), flakestone tools, cobbles and larger modified rocks used for battering and chopping, and glass beads used for trade. Processed and burned large and small mammal bone and bird bones are also present along with charcoal and midden soil. Midden soils are by products of food preparation and cooking and constitute important sources of data about past human activities.

Obsidian projectile points and formal obsidian tools were taken from 15 of the 16 sites without authorization. These artifacts have high scientific value in their original context as they provide both an indirect and direct means of dating occupational episodes and can also yield information regarding resource procurement, trade and mobility patterns. Projectile point types are temporal markers since each style of projectile point was manufactured for a limited period of time, usually a few thousand years. Obsidian projectile points can provide a second means to date archaeological sites through a process called Obsidian Hydration. An obsidian tool is formed by removing the outer-surface of the stone by flaking, exposing new surfaces to the processes of weathering. These newly exposed surfaces absorb water from the atmosphere and cause microscopic mechanical breaks along the exterior of the obsidian tool. The thickness of these breaks grows larger the longer the surface is exposed to the atmosphere. Scientists measure the breaks and are able to calculate the age of the artifact. Obsidian and some cherts also can be sourced geochemically back to its point origin and provide information about human patterns of mobility and resource procurement. Projectile points reflect changes in prehistoric technology over time and are vital to identifying the period of site occupancy (Ericson and Glascock 2004).

Areas with milling tools or stones were excavated, damaged, and altered at 9 of the 16 sites. Milling tools include hand-stones (used to crush and grind plant and animal remains) and flat or

tabular grinding surfaces, known as milling-slabs, on which foods are processed. Newly developed analyses can extract protein residues and starch grains from the surfaces of milling implements in order to determine what foods were being processed. Milling tool shape and style are important indicators of diet and subsistence activities (Davis 1963).

Pottery sherds were identified at site B44 (Big Alkali 1). Pottery is temporally sensitive as it was only manufactured and used in the past 650 years in the region. Pottery can also be dated to within a roughly 10 to 60 year span using thermoluminescence dating. Pottery signifies a significant shift in prehistoric land use strategies, as people changed from a highly mobile pattern to an increasingly more sedentary lifestyle. Associated to this shift were requirements for the storage of food and water, a reliance on lower value foods, and reduced interactions with outside tribal groups (cf. Eerkens 2001).

Several large areas of carbonized or burnt soil were documented in site B15-17 (Whiskey Flat 7), each consisting of dark stained soils with trade beads and other artifacts; and at least one contained a partially cremated human bone. These areas are locations where humans were cremated prehistorically. Bourne's logbook listed the carbonized soil as the location where he excavated glass trade beads. The Paiute and Shoshone burial practices often included placing the possessions of the deceased individual with them at death, either in or on top of the grave site. Items and other artifacts in direct association to these locations represent burial goods (Steward 1933). Native burial practices are not fully understood. In addition to having persistent ancestral connections for living descendants, these locations contain important information regarding indigenous mourning rituals and funerary customs.

Site Specific Summary by Jurisdiction

The sites described below were subject to unauthorized excavation, artifact removal, damage, and alteration by the subject. The sites were surveyed and recorded by the inter-agency archaeology team with support from law enforcement. The names and numbers in parentheses indicate the site designation assigned by the archaeological team while the other refers to the identifier assigned by Bourne. The sites are segregated by respective federal management agency. None of these resources had been previously recorded.

Death Valley National Park, California

B20 (Eureka1): This large prehistoric site contains a large array of flakestone debris, projectile points, edge-modified flake tools, a hand-stone milling implement, multiple bifacial flake tools, a hammer-stone, and a stone drill. The site is located in Eureka Valley on federal land managed by Death Valley National Park and encompasses approximately 13,080 square meters in area. The site contains twelve formal artifacts and greater than 15,000 flakes. The flakestone assemblage is dominated by obsidian, likely from the nearby Saline Range, but a large percentage of chert material is also present. Much of the chert is consistent with material from the Last Chance Chert Source. This material is typically green-grey in color with a tannish-white cortex. Diagnostic artifacts include a single Pinto Point and three Elko Corner-Notched dart points. These indicate site use during the early- and middle-Holocene, approximately 3,000- 9,500 years before present. The site is located in on sandy alluvial surfaces containing desert scrub habitat, adjacent to a dry lake bed. The presence of milling implements in the assemblage suggests that diverse activities

occurred at the site, including at a minimum plant processing and stone tool manufacture (Figure 1).

B21 (Eureka 2): This mid-sized prehistoric site contains a diverse assemblage of flakestone artifacts and two milling implements. The site is located in Eureka Valley on federal land managed by Death Valley National Park and encompasses approximately 4,500 square meters in area. The site contains twenty-two formal artifacts, two milling-stones, and greater than 9,000 pieces of flaked stone. The flakestone assemblage is dominated by obsidian, likely from the nearby Saline Range, but a large percentage of chert material is also present. Much of the chert is consistent with material from the nearby Last Chance Chert Source. This material is typically green-grey in color with a tannish-white cortex. Diagnostic artifacts include a mixture of Elko Corner-Notched dart points and Rose Spring arrowheads indicating that the site was utilized during much of the last 3,500 years. The site is located on a sand sheet adjacent to the Eureka Sand Dunes (Figure 1).

B19 (Eureka 3): This large prehistoric site contains a vast array of flakestone debris, thirty formal artifacts, two milling-stones, a hammer-stone, and two cairns composed of 5-7 stacked volcanic rocks. The site is located in Eureka Valley on federal land managed by Death Valley National Park and covers an area approximately 6,400 square meters in size. Diagnostic artifacts include a Great Basin Stemmed Point and three Elko Corner-Notched dart points, indicating that the site was utilized during the early-Holocene approximately 8,000-10,000 years before present (BP) and during the Newberry Period approximately 3,500- 2,000 years BP. The site contains a very large but low to moderate density flakestone scatter primarily of obsidian with lesser amounts of chert. The site is located in on sandy alluvial surfaces containing desert scrub habitat, adjacent to a dry lakebed (Figure 1).

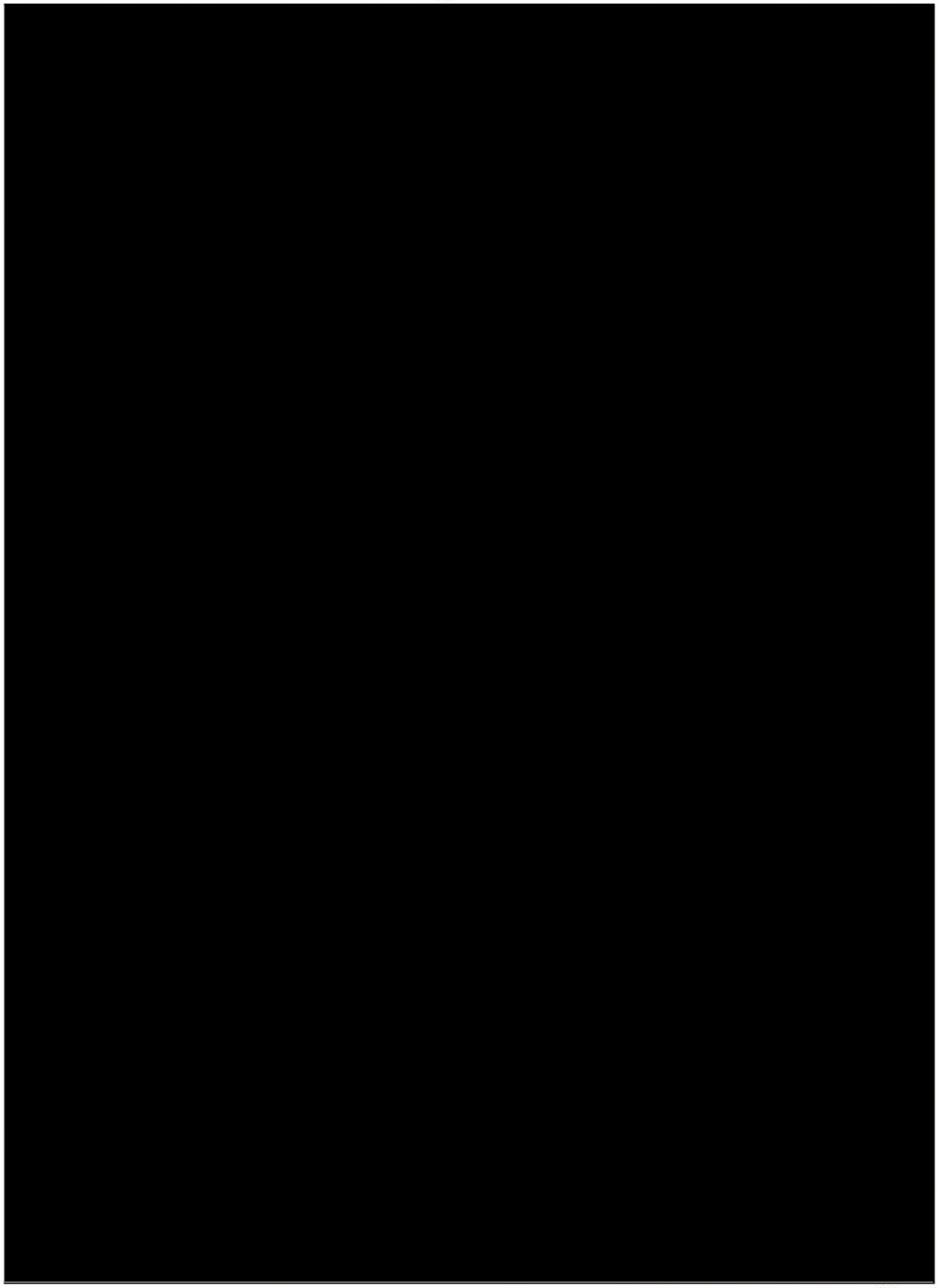
Site B22 (Vine1), View South, Showing Rock Shelter in Center

B22 (Vine 1): This discrete prehistoric archaeological site contains a small rock shelter feature and an associated artifact deposit covering approximately 450 square meters. As evidenced by

the surface components, the deposit contains charcoal, parts of a deadfall trap, calcined bone, and flakestone debris. The flakestone assemblage contains a combination of chert and obsidian artifacts exceeding 200 in number, including two utilized flake-tools. A single hand-stone milling implement was located on a small stone ledge within the shelter while a milling slab was located just outside. The period of use of this site dates to an un-specified prehistoric era. This site is within an administratively closed section of Death Valley National Park. Only park employees and visitors on guided tours are allowed access to this locale. The area is completely fenced with barbed-wire and posted as closed (Figure 2).

SITE LOCATION MAP
Death Valley National Park

FIGURE 1.



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Project: New_geodatabaseSDE

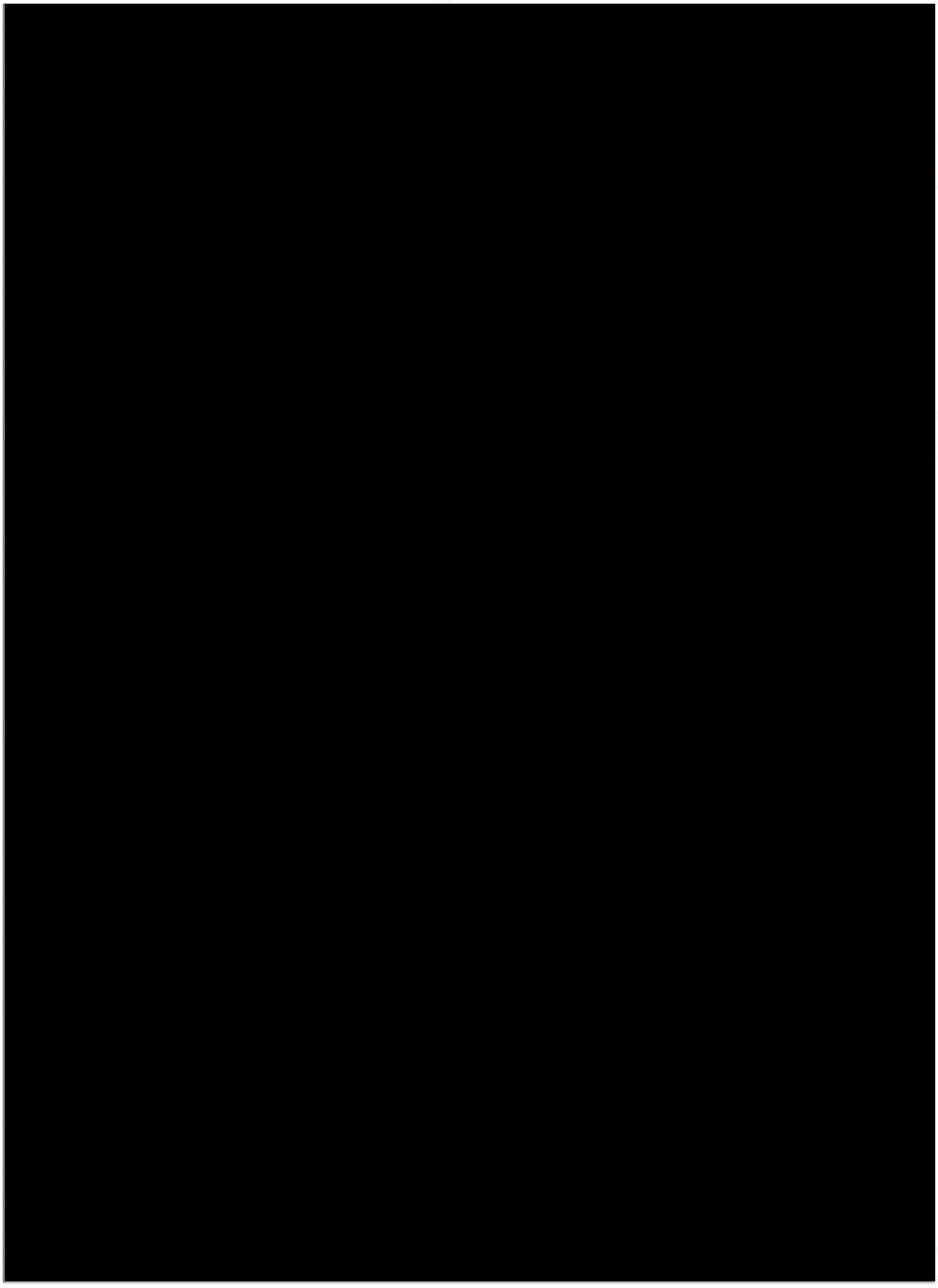
0 0.3 0.6 1.2 1.8 2.4 Miles

0 1 2 4 Kilometers

N W E S

SITE LOCATION MAP
Death Valley National Park

FIGURE 2.



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Miles
0 0.5 1 2
Kilometers

N W E S

Inyo National Forest, California

B47 (Papoose 1): This large prehistoric archaeological site contains an extensive lithic scatter of flakestone and 39 formal flake tools. One locus located within the central southern portion of the site also contains four basalt milling implements. The site is located in the Inyo Mountains on federal land managed by the Inyo National Forest and encompasses more than 50,000 square meters. This site contains an intriguing amount of evidence indicating that the site was utilized during the early-Holocene, approximately 6,500- 10,000 years before present, including five Pinto projectile points, two Great Basin Stemmed projectile points, and a Northern Side-Notched projectile point. The site is located in a medium sized basin of sagebrush surrounded by pinyon-juniper woodland (Figure 3).

Image of Site B47 (Papoose1), Looking South

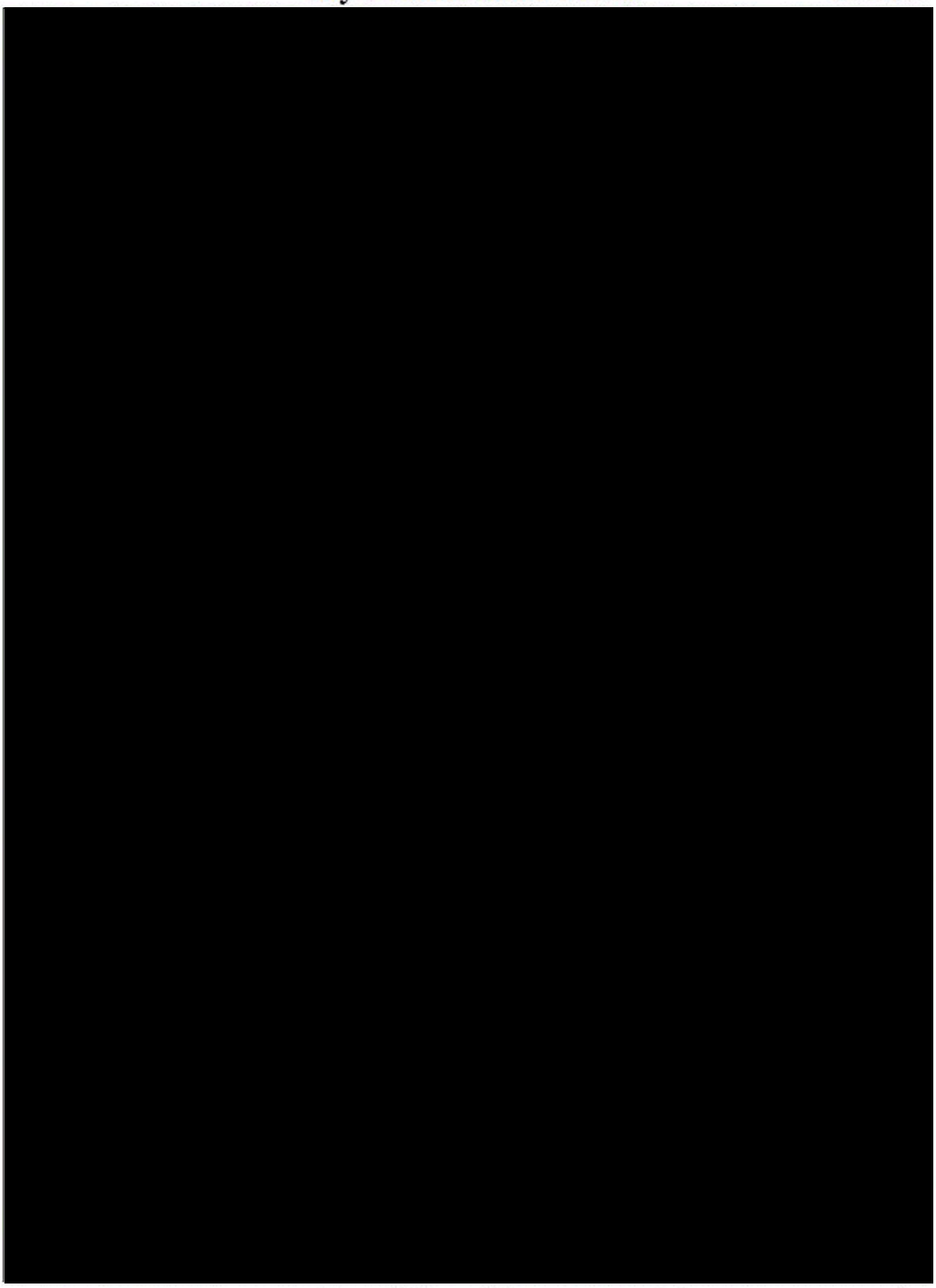
Sierra National Forest, California

Bow Stave Site: This prehistoric site contained a juniper bow stave that was encased within an ice patch. The site is located in the wilderness of the Sierra National Forest at greater than 12,000 feet in elevation. A fragment of the bow was subjected to radiocarbon analysis and determined to be a minimum of 135 years old (Beta Analytic Sample Beta – 398434). Research indicates this was the first recorded incidence of prehistoric ice patch archaeology in California. Given the rarity of finding a bow stave, coupled with the ice patch context, an outside expert was consulted. Archaeologist Craig Lee (pers. com. 2015), a specialist in ice patch archaeology,

confirmed the significance of the resource and provided accepted methodology that should be adhered to in recovering data associated with the bow. This is one of the most significant archaeological finds in California's recent history; unfortunately, the original relationship between the bow stave and associated paleo-botanical data has been altered forever by its unauthorized and unsystematic excavation and removal (Figure 4).

SITE LOCATION
Inyo National Forest

FIGURE 3.



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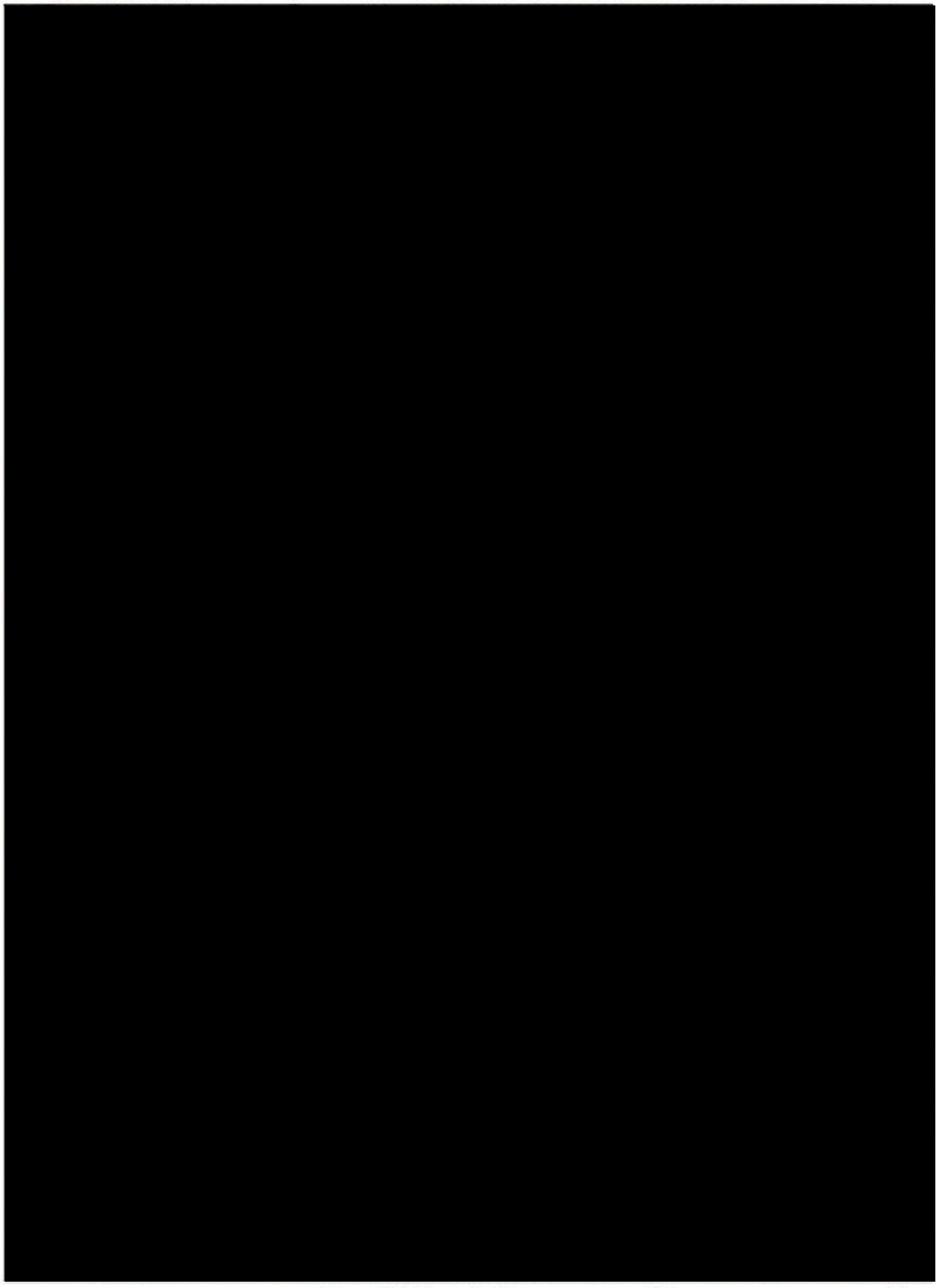
SITE LOCATION
Sierra National Forest

FIGURE 4.



Humboldt-Toiyabe National Forest, Nevada

B44 (Big Alkali 1): This large prehistoric site contains two hearth features of fire-affected rock, a dense lithic scatter, three ceramic brown-ware pottery sherds, three milling implements, calcined mammal bones, and 20 formed flakestone artifacts covering 8,000 square meters. Diagnostic artifacts include two Great Basin Stemmed projectile points, a Humboldt Basal-Notched projectile point, and an Elko projectile point. These artifacts indicate that the site was utilized during the early- and middle-Holocene, approximately 3,000-10,000 years before present. The site is located on a terrace over-looking a basin containing a dry lake-bed. The site is situated on the edge of the juniper woodland containing a sagebrush understory (Figure 5).

Image of Site B44 (Big Alkali 1) Overview looking Northeast

B45 (Big Alkali 2): This large prehistoric site contains a sparse flakestone deposit surrounding the remains of two prehistoric game-drive features. The site encompasses approximately 90,000 square meters of pinyon-juniper woodland. Both game-drive features are constructed of pinyon and juniper limbs set into the ground to form two converging fences that meet at a small semi-circular corral. Most of the corral portions are intact, while only limited sections of the fence-lines are extant. Thirty-five formed flakestone tools are located within the site and in the immediate vicinity of the features. Two milling implements are also found within the site boundary. Diagnostic artifacts include five Great Basin Stemmed projectile points and an Elko Corner-Notched projectile point which had been recently collected and stacked at the mouth of the eastern corral in what land managers refer to as a “looter pile”. These piles evidence

unauthorized artifact removal and alteration. The artifacts piled are those that the collector sorted through and rejected. The diagnostic artifacts at the site indicate that the site was utilized during the early and middle-Holocene, approximately 3,000-10,000 years before present, while the presence of a standing wooden structure suggests that the site continued to be utilized through the late-period (Figure 5).

B16 (Whiskey Flat 1): This is a small prehistoric lithic scatter consisting primarily of stone tool fragments and a few flakes. Most of the archaeological deposit is concentrated in an approximately 15 square meter area on a remnant dry playa surface, which is surrounded by sagebrush and bunch grasses. The stone materials present include chert, obsidian, and basalt. The diagnostic projectiles present indicate that the site was utilized during the early-Holocene, approximately 7,000-10,000 years before present. These include a Great Basin Stemmed Point and a Northern Side-Notched dart point (Figure 6).

B4 (Whiskey Flat 2): This mid-sized prehistoric site contains a sparse artifact scatter of obsidian and chert flakestone, milling implements, and formed flakestone tools covering greater than 7,000 square meters. The site is located on the eastern edge of Little Whiskey Flat, at the edge of the transition zone from sagebrush steppe to pinyon-juniper forest. The lithic flake assemblage contains primarily late-stage obsidian bifacial thinning flakes but also includes a limited number of chert and basalt flakes. Diagnostic artifacts include both early and late-Holocene projectile points but no mid-Holocene styles. These include a Great Basin Stemmed Point, a Fish Slough Side-Notched dart point, and an Eastgate arrowhead. This suggests that the site was used at various times over the last 10,000 years. The site also contains a basalt milling stone, several stacked basalt rock cairns, and a granitic hand-stone. The Cairns are composed of stacked rock approximately 60 centimeters in diameter and 30 centimeters in height (Figure 6).

B5 (Whiskey Flat 3): This small prehistoric archaeological site consists of low-density prehistoric lithic scatter primarily of obsidian flakes, three basalt milling implements, two basalt cores, and a Rose Spring Arrowhead. The site is located on a small terrace within the pinyon-juniper woodland. The presence of this arrowhead style suggests that the site was used approximately 750-1500 years before present. The flakestone assemblage contains a few hundred obsidian, basalt, and chert flakes sparsely covering 2000 square meters (Figure 6).

B13 (Whiskey Flat 4): This discrete but complex prehistoric archaeological site contains two stone features, six milling implements, two utilized flake tools, a bifacial core, and two arrowheads covering 1,500 square meters. The features include a distinct hearth feature and a single course rock ring that likely served as a cache. The hearth is composed of a concentration of fire affected rock, charcoal, and partially burned mammal bone. The rock ring is a circular alignment that is approximately 2 meters in diameter. The ring is surrounded by a scattering of stones that likely served to cover and protect the cache. The diagnostic artifacts, a Cottonwood Triangle and a Desert Side-Notched arrowhead, indicate that the site was utilized during the last 750-150 years before present. The site is located within the pinyon-juniper woodland and was likely used as a seasonal camp for pinyon nut procurement and storage (Figure 6).

B8 (Whiskey Flat 5): This small prehistoric site contains a sparse lithic flakestone scatter, a single-course rock ring that is approximately 3 meters in diameter, three basalt milling

implements, a flake-tool, a chert biface fragment, and a late-Holocene Desert Side-Notched projectile point, dating to approximately 750- 150 years before present. The rock ring appears to have been the remains of an occupation structure. The site is located on a bench within a pinyon-juniper forest. The site assemblage and location indicates that it served as a logistical camp situated to exploit pinyon nuts (Figure 6).

B9 (Whiskey Flat 6): This small prehistoric site contains a sparse assemblage of flakestone debris and two formed flakestone tools covering 2,000 square meters. The site is located on the edge of a large flat, likely a Pleistocene lake, just below a small gap in the adjacent ridgeline. The site was covered by loose sand which likely obscured a portion of the archaeological deposit. This site is of un-specified prehistoric age. One of the formed flakestone tools is a portion of a dart point but the fragment could not be identified to a specific type (Figure 7).

B15-17 (Whiskey Flat 7): This discrete proto-historic site contains an archaeological assemblage significant for both its humanistic and scientific value. The site contains 10 archaeological features that include an extant occupation structure, at least three cremation locales, a rock ring cache, a hearth, three stone cairns, and a juniper tree with sections of trunk removed by axe. In one of the funerary fire locations partially cremated human bones were identified. The human elements consisted of a cranial fragment, a long-bone fragment, and dental enamel from a human incisor. All of the cremation locations also contained glass trade beads (n=53), many of which exhibited evidence of having been burnt to varying degrees. The site also contains two late-period Cottonwood Triangular arrowheads, a Prosser style glass button, a two-piece bi-metal button, and a chert biface fragment. This site has chronological indicators that fall into a very narrow time range. Very few sites in the Great Basin have such clearly defined time spans, ranging from late-prehistory to circa-1890 AD. Most sites contain mixed deposits of earlier and later occupations, making separation and interpretation of different periods of use, and the cultures they represent, difficult. The cairns and cremation locations in this site are the material remnants from late-period Paiute and Shoshone burial tradition. The site also contains the material remains of a late-period occupation structure which in and of itself constitutes an extremely rare cultural item (Figure 7). For these reasons this site is highly significant from both a scientific and a humanistic perspective.

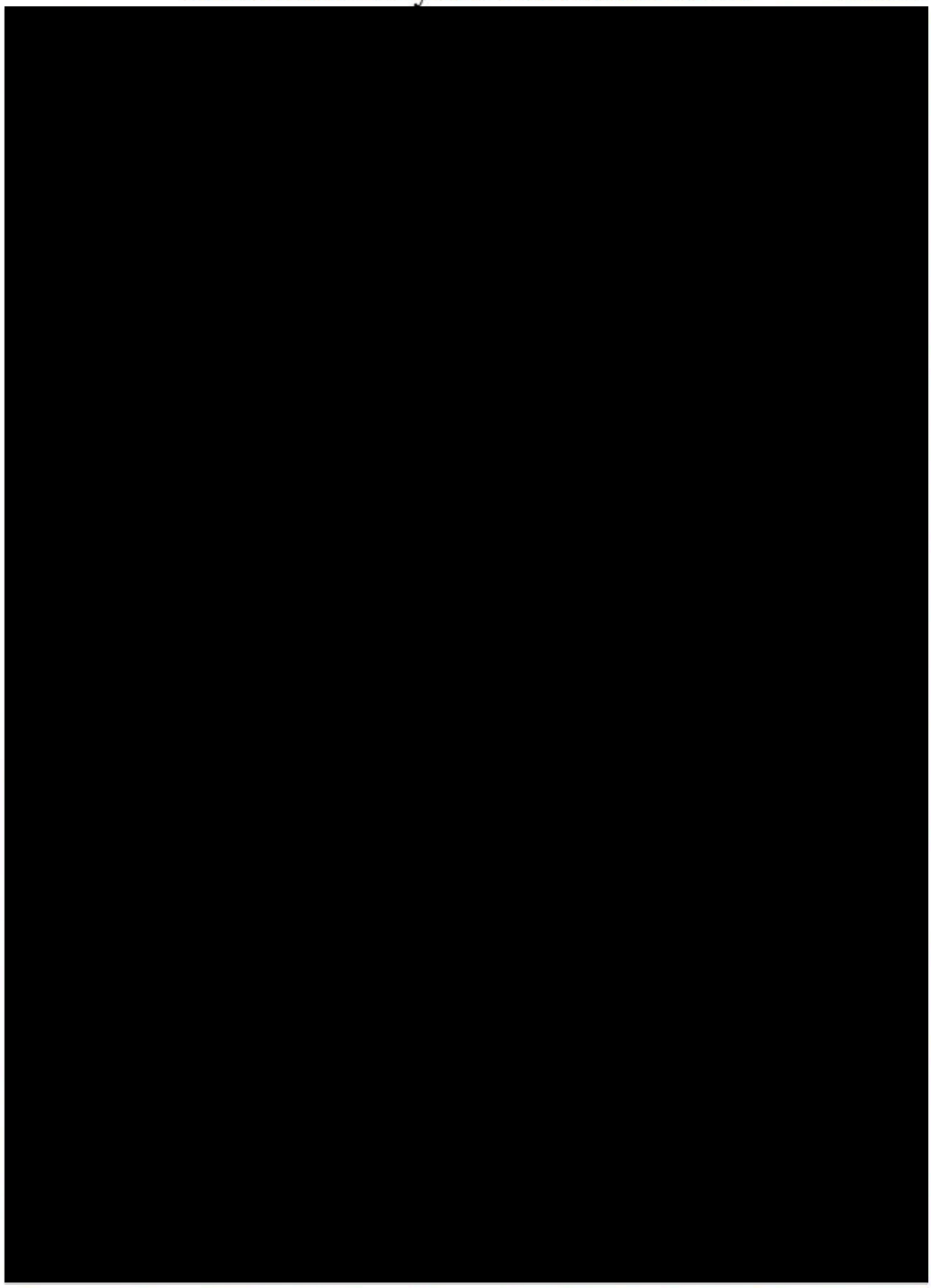
Image of Site B15-17 (Whiskey Flat 7)
Showing Cremation Area and Modern Cairn which Matches Bourne GPS Coordinates

B49 (Whiskey Flat 8): This prehistoric archaeological site contains a high density obsidian scatter, three milling implements, and a single basalt flake covering 3,000 square meters. In addition to the debitage, four obsidian bifaces, a formed flake tool, and a Rose Spring projectile point were identified within the site. This site appears to be a logistical camp for pinyon procurement that also served as a locale for obsidian tool production during the last 1500 years before present (Figure 7).

As discussed, the sixteen sites addressed in this report clearly fall within the definition of "archaeological resource(s)" as defined by ARPA and contain significant evidence of past human life and activities of archaeological interest. As defined by 43 C.F.R. 7.3(a)(3), the types of resources excavated, damaged, removed, and altered at the sites include, by subsection; (i) Surface and subsurface features, including cairns, hearths and middens; (ii) Surface and subsurface artifact concentrations and scatters; (iii) Whole or fragmentary tools and implements, flaked and ground stone; (iv) By-products, waste products or debris resulting from the manufacture or use of human-made or natural materials; (v) Organic waste (including vegetal and animal remains); and (vi) Human remains (including burials and cremations).

SITE LOCATION MAP
Humboldt-Toiyabe National Forest

FIGURE 5.



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Date Prepared: 7/10/2015
Project: New_geodatabaseSDE

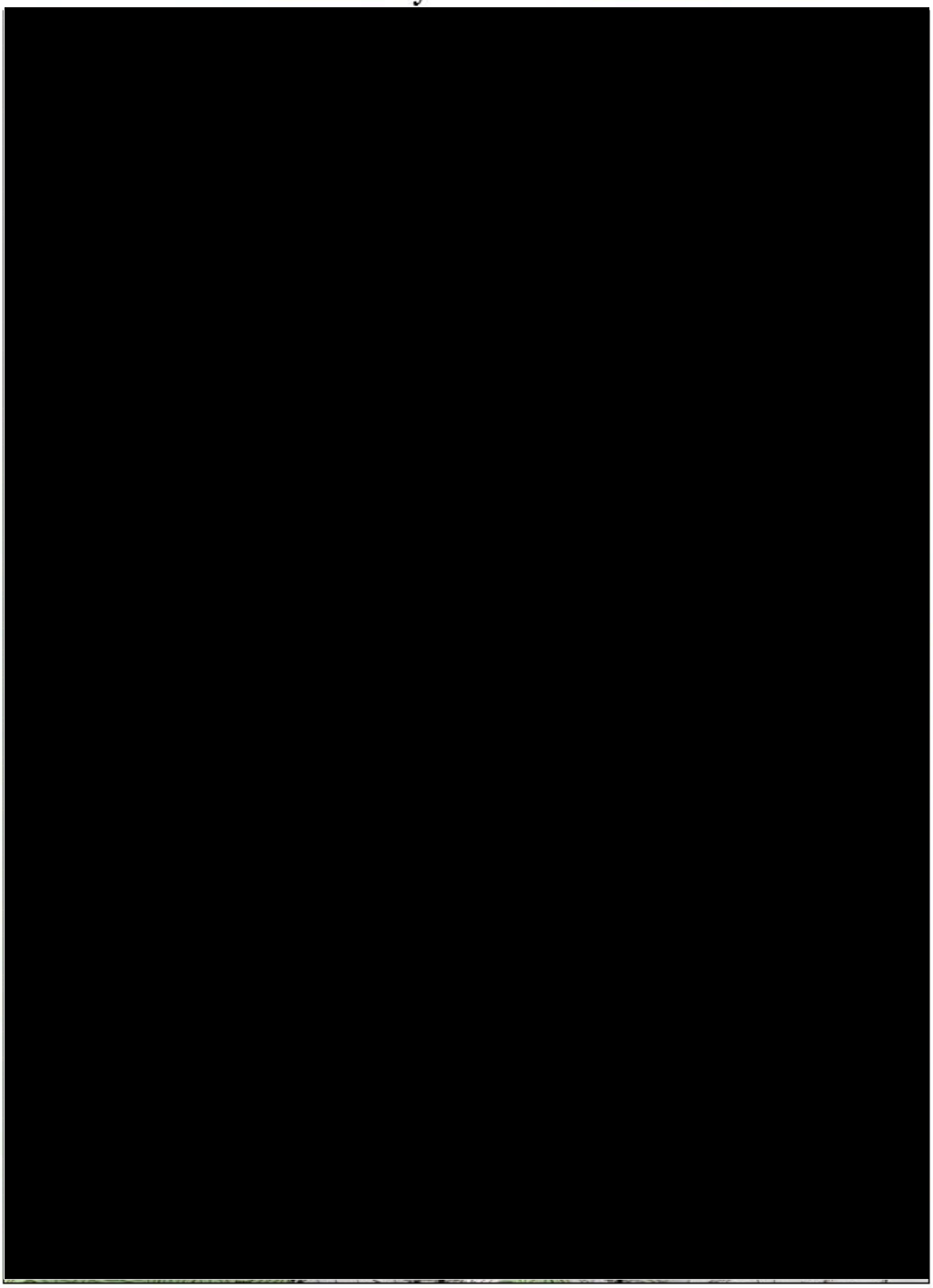
0 0.125 0.25 0.5 0.75 1 Miles

0 0.5 1 2 Kilometers

N W E S

SITE LOCATION MAP
Humboldt-Toiyabe National Forest

FIGURE 6.



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0 0.125 0.25 0.5 0.75 1
Miles

0 0.5 1 2
Kilometers

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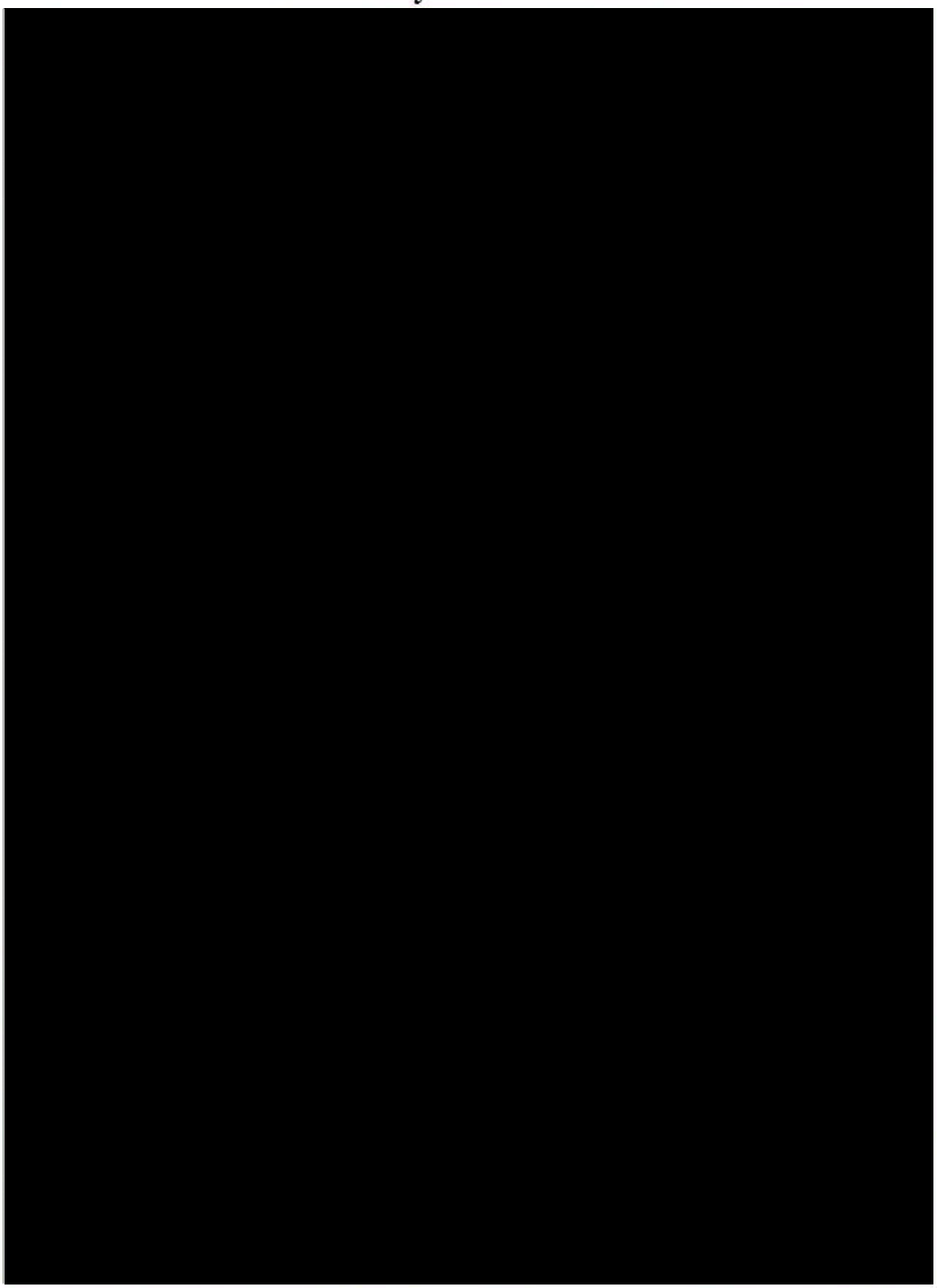
SITE LOCATION MAP
Humboldt-Toiyabe National Forest

FIGURE 7.



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0 0.15 0.3 0.6 0.9 1.2
Miles
Kilometers
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National Register of Historic Places
Another indicator of the archaeological interest of the sites addressed in this report and the archaeological resources they contain is the status of the sites relative to inclusion in the National Register of Historic Places. The National Register of Historic Places (NRHP) was created by the National Historic Preservation Act of 1966 (P.L. 89-665; 80 Stat. 915; 16 U.S.C. 470), as amended, as a register of, "… districts, sites, buildings, structures, and objects significant in American history, architecture, archeology, engineering, and culture" (16 U.S.C. 470a(a)(1)(A)).

There are four NRHP criteria upon which a site's eligibility can be evaluated (36 C.F.R. 60.4). The site must fit into one or more of the criteria to be determined eligible for listing on the NRHP. The criteria for an archaeological site in this case are that it must "…possess integrity of location, design, setting, materials, workmanship, feeling and association and

a) that are associated with events that have made a significant contribution to the broad patterns of our history; or

b) that are associated with the lives of persons significant in our past; or

c) that embody the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or

d) that have yielded, or may be likely to yield information important in prehistory and history."

Based on the surface components of the sites addressed in this report it has been determined that thirteen of the sixteen sites are eligible for the NRHP under criteria D. The remaining three sites (B5, B9, and B16) require additional study in the form of sub-surface testing before a determination can be made.

Humanistic Interest
To the local Paiute and Shoshone Indians, B15-17 (Whiskey Flat 7) is a sacred site containing the physical remains of their ancestors. The cairns and cremation areas represent the physical manifestation of past burial activities, ancestral veneration in the form of leaving goods in tribute, ceremonial ritual, and belief during the period in which the location was used proto-historically. Damaging the cremation locations or removing the associated artifacts is the same as desecrating a grave in a Euro-American cemetery and stealing grave goods (see appendix D.). The local tribal representatives have voiced these very concerns. The damage to this site is viewed by local tribes as an attack on the traditions of the Paiute and Shoshone people and an affront to their customs, beliefs and ancestors

The unauthorized actions at the other impacted sites are the subject of similar views. The respective tribes view the removal of artifacts as an attempt to destroy evidence of their

connection to these places. They feel that ARPA violations are a continuation of past attempts to erase the tribal legacy and destroy their past. Many local tribal members view these transgressions as a continuation of forced cultural assimilation. They have a difficult time understanding the rationalizations of collectors, who value artifacts solely as material objects to collect and possess. They place higher, less commercial, value on these remnants and they understand that these items are the key to understanding the undocumented past. To them the theft of artifacts from archaeological sites is akin to ripping pages out of history books.

Age

The Archaeological Resources Protection Act provides legal protection for archaeological resources. The act defines the term archaeological resource as "any material remains of past human life or activities, which are at least 100 years of age and which are of archaeological interest" (43 C.F.R. 7.3(a)). All of the archaeological resources addressed in this report meet this definition and time requirement. All but one of the sites addressed in this report are prehistoric in age, by definition a prehistoric site meets the 100 year age threshold for ARPA. The definition of the term prehistoric means that the site was in use prior to written history. This date varies depending on the region however; in Eastern California the date commonly used is 1850. Except for site B15-17 (Whiskey Flat 7), all of sites are comprised entirely of artifacts used prior to sustained Euro-American contact circa 1850. All of the artifacts located within the site are indicative of a reliance on stone and prehistoric technology instead of metal and items of industrial manufacture. Knives, projectile points, cutting tools, and grinding implements in the site are all constructed of stone. Absent from these site components are artifacts consistent with post-contact trade, exchange, or Native American reuse of discarded items

Site B15-17 (Whiskey Flat 7) contains archaeological components that indicate that the site was in use in the period just before and after the arrival of Euro-Americans to the region. These artifacts include; manufactured glass and metal buttons, and glass trade beads. This site is dominated by artifacts constructed from traditional materials including flakestone tools, the remains of a wickiup (circular occupation structure) constructed exclusively of juniper limbs, and ground-stone milling implements. These artifacts and the sites location are consistent with sites dating to the mid- to late-1800s. Thus, all of the cultural resources addressed by this report exceed 100 years in age.

ARCHAEOLOGICAL RESOURCE DAMAGE

The Prohibited Acts and Criminal Penalties Section of ARPA states that:

> No person may excavate, remove, damage, or otherwise alter or deface or attempt to excavate, remove, damage, or otherwise alter or deface any archaeological resource located on public lands or Indian lands unless such activity is pursuant to … [an ARPA] permit … (16 U.S.C. 470ee(a)).

The prohibited acts, as defined by ARPA, conducted at the sixteen locations include excavation, removal, damage and alteration within the sites. These prohibited acts occurred over five years and targeted the most important portions of the sites containing the most data potential as well as Native American human remains. All sixteen of the sites addressed by this report had artifacts removed from them without authorization. At least four of the sites were subjected to unauthorized excavation, damage, and alteration.

Sites B5, B13, B15-17, and the Bow-Stave site were damaged as a result of prohibited excavation. These resources contain surface and subsurface material remains of past human activities that were damaged, removed, and altered. These areas contained whole or fragmentary tools, bone, tool by-products, waste products or debris resulting from the manufacture or use of human-made or natural materials, organic waste (including vegetal and animal remains), and human remains.

No less than four of the sites addressed in this report were subjected to unauthorized excavation. This unauthorized excavation is evidenced by log entries made by Bourne and digital images posted to the internet. The images Bourne's hiking partner posted on the internet show a bow stave as it was found mostly covered in ice. Another image show Bourne utilizing a granitic stone to excavate the bow stave out of the ice field (appendix, image 3 and 4). Shortly thereafter the images show that the bow has been removed. Fragments found later at this exact location mend with the bow that was recovered from the Bourne residence.

According to his log book on November 2, 2010 Bourne, "Sifted bead site-20 or so more beads…" The "Bead Site" is located at [redacted]. When this location was visited during the field damage assessment that location corresponded to a cremation site which contained glass beads which were visible on the surface. The beads found at this location are consistent with those recovered from the Bourne residence (appendix, image 12). This site is located on the Humboldt-Toiyabe National Forest.

According to his log book on September 15, 2010 Bourne visited a "campsite" at the "tip of small pass" there he found a "jade piece-white bird point, and cottonwood by sifting". "Cottonwood" is collector lingo for a Cottonwood Triangular Arrowhead. Small arrowheads are incorrectly referred to as "bird-points" by some misinformed collectors. The projectile that Bourne recovered from this site was an arrowhead and it was recovered from a sub-surface context. This site is located at [redacted] on the Humboldt-Toiyabe National Forest.

According to his log book on November 2, 2010 Bourne revisited a site that he had previously located. Bourne "sifted jade pendant site" (B13) but found nothing during the unauthorized excavation. This site is located at [redacted] on the Humboldt-Toiyabe National Forest.

All of the sites addressed by this report contained artifacts that were removed from federal lands without authorization. These 32 items are listed in the commercial value table and addressed in detail below. These artifacts are significant indicators of past human behavior and often serve as the only means of dating sites. These artifacts are critical to our understanding of prehistoric

human behavior and site function; their removal egregiously impacts our ability to decipher the past. In sum, the archaeological remains in the affected sites contain a significant amount of archaeological information that could advance our understanding of prehistoric behavior including burial practices. The damage carried out at these sites degraded this data potential and diminished our ability to address many important scientific questions about this time period.

VALUE AND COST DETERMINATIONS

The "Prohibited Acts and Criminal Penalties" section of ARPA (16 U.S.C. 470ee) identifies three monetary values that will be considered in relation to the penalty for the offense. These are the "commercial value" or the "archaeological value" of the archaeological resources involved in the violation and the "cost of restoration and repair" of these resources (16 U.S.C. 470ee (d)). Procedures for determining these figures are established in the ARPA Uniform Regulations (43 C.F.R. 7.14).

Archaeological Value:
The ARPA Uniform Regulations define the term "archaeological value" as follows:

> … the archaeological value of any resource involved in a violation … shall be the value of the information associated with the archaeological resource. This value shall be appraised in terms of the costs of the retrieval of the scientific information which would have been obtainable prior to the violation. These costs may include, but need not be limited to, the cost of preparing a research design, conducting field work, carrying out laboratory analysis, and preparing reports as would be necessary to realize the information potential (43 C.F.R. 7.14(a)).

Archaeological value of the violations was determined by following the Society for American Archaeology (SAA) "Professional Standards for the Determination of Archaeological Value". These standards state that "…the scale of scientific information retrieval must be based upon the standard archaeological unit for that context." The standard archaeological unit is a 1 x 1 meter square excavation unit, excavated in 10 cm levels to two levels below contact with sterile soil. This allows for controlled and measurable excavation and information recovery. The standards also state that "…the scale of scientific information retrieval must be proportional to the nature and extent of the prohibited conduct." For purposes of this assessment, calculations of archaeological value are based on the minimum scientifically viable unit for the location damaged as detailed in the Bourne log.

For the three sites that Bourne wrote about excavating in his journals (B5, B13, B15-17) and the site featured in the web page images (Bow Stave Site), the appropriate level of excavation and analysis was determined based on the resource type and scientific methodology. This determination was made by referencing the Bourne log book and defaulting to the smallest unit of excavation that would be appropriate for the scientific removal of data from each archaeological context. The minimal acceptable unit size for gauging the presence or absence of

sub-surface archaeological material is a .50 x .50 meter square excavation unit. This sized test unit is appropriate only when the presence of a sub-surface component is not known. This methodology was used to calculate archaeological value at two sites that Bourne excavated that lacked obvious archaeological features like hearths or rock rings and did contain a visible sub-surface component. This method is appropriate for sites B5 and B13.

When excavation is conducted within an archaeological feature, or when a potential sub-surface component is visible on the surface, the minimum unit size is one square-meter by one meter in depth. Using these guidelines site B17 would be subjected to a 1 cubic meter excavation due to the presence of carbonized and burnt soil associated with a cremation. The Bow Stave Site would also be excavated using a 1 cubic meter unit due to the position of the bow and the methods utilized in ice patch archaeology. It should be noted that although the same unit of excavation will be employed at these two sites the associated costs and time will vary due to the differences in location and access.

This resulted in the most proportional and conservative calculation of archaeological value allowable under the regulations. It was determined that **75.03 ft^3 (2.125 m^3)** of excavation would minimally be required to excavate in a scientifically sound manner the areas within sites B5, B13, B15-17, and the Bow Stave Site that Bourne disturbed.

Table 2 outlines the costs for conducting systematic, archaeological data recovery using accepted professional methodology at the sites where Bourne excavated. Rates are calculated using contractor rates to conduct scientific excavations at the site based on quotes supplied to the BLM in 2012 (Pacific Legacy Estimate 2012). There are seven phases in conducting scientific data recovery at an archaeological site: 1) Native American consultation, 2) State Historic Preservation Officer consultation; 3) preparation of a research design; 4) conducting field work; 5) laboratory analyses, 6) preparation of reports, and 7) curation of recovered cultural materials. The determination of archaeological value is calculated for each of these phases. It should be noted that the archaeological value is based on both fixed and variable costs. The costs associated with the pre-field work, consultation, and report preparation are fixed and not dependent on the number of units excavated during the fieldwork phases. The expenses associated with the fieldwork are directly correlated to the amount of soil excavated and number of artifacts recovered and features encountered. In calculating the archaeological value, both the fixed costs and the variable costs need to be considered.

Native American consultation is required by law and policy and must include a federal land manager. Further, both the Shoshone Tribe and Mono Lake Paiute (Kutzadikaä) consider site B15-17 (Whiskey Flat 7) to be sacred due to the presence of burials. A site visit with tribal representatives, USFS leadership, and the archaeologist who investigated the scene will be required.

Consultation with the State Historic Preservation Officer (SHPO) is required under Section 106 of the National Historic Preservation Act of 1966, as amended. The SHPO is appointed by the Governor and is charged with the protection of cultural resources within the state. Excavation within a site eligible for listing on the NRHP represents a potential adverse effect to the site, which requires resolving the adverse effect through a Memorandum of Agreement (MOA) with

the SHPO, and the Advisory Council on Historic Preservation (ACHP) if the council elects to participate. The MOA is an agreement document, devised through consultation, between the agency, the SHPO and the ACHP which outlines the steps taken to resolve adverse effects to a NRHP eligible site.

The preparation of the research design involves conducting a review of previous scientific studies conducted in the region. The research design includes information on previous investigations, geology, climate, history, ethnography and an overview of the archaeology of the region, along with a discussion of research questions that are important to understanding prehistoric human behavior. Field methods, laboratory methods, analyses to be conducted and curation of materials are also addressed. Research questions are developed to address scientific questions and humanistic concerns, such as:

- When was the site occupied?
- What types of activities occurred at the site?
- What types of tools were used?
- What foods were eaten/left as tribute?
- Was the site occupied year round or seasonally?
- Are the tools made from local material or did they travel or trade to acquire toolstone or food goods?
- What was the environment during the period of site use?
- How does this site fit into the larger cultural patterns previously identified by researchers?

Field work involves in-field scientific data recovery at the site, including excavation and screening of the soil matrix in 10 cm levels, recovery of artifacts, and documentation. Documentation includes excavation unit notes by unit and 10 cm level, field labeling and bagging of artifacts by unit, type and level, and digital photography. Both planar and unit sidewall drawings are executed. This is done in order to assess and document both the horizontal and vertical stratigraphy of the artifacts within the site. Much if not all of the data potential of the site is contained in the relationship between the site components. The context and associations between the site components is the key to understanding the past human behavior that occurred at the site. Each artifact and each sample is carefully documented and the location of that collection is tracked permanently. Soil samples would be collected from within the site for recovery of seeds, small bone and carbon for radiocarbon dating.

The laboratory analyses involve the sorting, cataloguing and analyses of artifacts recovered. Artifacts are labeled and bagged in curation bags and all data entered into a database. To understand human activities at the site, stone artifacts and tools would be metrically measured, weighed and each artifact characterized by raw material and type. A faunal specialist would sort and analyze all of the bone to determine types and percentages of species present. Flotation (running the soil samples through sieves in water) would be conducted to recover macro-botanical materials such as seeds. Carbon samples would be extracted and prepared from bone, seeds, or the soil for submittal for radiocarbon dating. Samples of obsidian would be sent in for geochemical sourcing studies and obsidian hydration. Obsidian hydration analysis is a technique used to date obsidian artifacts. When a new surface is created during creation of an obsidian tool

water penetrates the new surface and creates a microscopic hydration zone that grows over time. That hydration zone or rim can be measured and the age of that artifact can be determined. In sum, the laboratory analyses allow us to gain information to address the research questions. Typically the ratio of field work to laboratory work is 1 to 3.

All of the collected archaeological materials are prepared for final curation and boxed to meet museum standards. This includes a collection inventory, descriptive analysis, and artifact cataloging. Curation must occur at a repository which meets federal standards (36 C.F.R. 79). The local standard rate for curation is $2,500.00 per cubic foot of material remains to be curated. Based on previous research at the sites, it is estimated that a minimum of two cubic feet of material would be recovered. This figure includes the bow stave which would require special curation treatment due to its recovery from an anaerobic, frozen context.

After the analyses are completed a final report is written which details the findings in relation to the research questions, the field work conducted and any limitations experienced, and the laboratory analyses, methods and findings. The data collected at the site would be discussed and applied to questions identified in the research design. Upon completion and acceptance of the report by the respective agencies, the artifacts recovered would be shipped to a federally recognized museum repository for curation. The report would be submitted to the California Historic Resources Information System for dissemination to qualified researchers.

The archaeological value of the violations is calculated to be **$62,314.21** based on the cost of scientific retrieval of data within the excavated, damaged and altered locations, the associated analyses, and reporting (Table 2).

Table 2. Archaeological Value

A. Consultation Mono Paiute and Western Shoshone Tribes						
			Rate	**Units**	**Total**	
	Western Shoshone	1. Meeting Field Manager	$72.21	2	$144.42	
		2. Meeting Archaeologist	$47.30	2	$94.60	
		3. Drive Time	$119.51	2.5	$298.78	
		4. Notice of Human Remains Discovered	$47.30	3	$141.90	
		5. Government Vehicle	$0.54	148	$79.92	
					Sub-Total:	$759.62
	Mono Paiute	1. Meeting Field Manager	$72.21	2	$144.42	
		2. Meeting Archaeologist	$47.30	2	$94.60	
		3. Drive Time	$119.51	1	$119.51	
		4. Notice of Human Remains Discovered	$47.30	3	$141.90	
		5. Government Vehicle	$0.54	30	$16.20	
					Sub-Total:	$516.63
B. Consultation State Historic Preservation Officer/ Advisory Council on Historic Preservation						
			Rate	**Units**	**Total**	
		1. Conference Call (Archaeologist)	$47.30	2	$94.60	
		2. Conference Call (Field Manager)	$72.21	2	$144.42	
		3. Written Consultation	$47.30	4	$189.20	
		4. Memoradum of Agreement	$47.30	40	$1,892.00	
					Sub-Total:	$2,320.22
C. Preparation of Research Design						
			Rate	**Units**	**Total**	
		1. Principal Investigator	$143.43	8	$1,147.44	
		2. Field Director	$95.97	20	$1,919.40	
		3. Clerical	$48.00	4	$192.00	
		4. Graphics/ GIS	$64.92	4	$259.68	
		5. Excavation Consultation Archaeologist	$47.30	4	$189.20	
		6. Excavation Consultation Field Manager	$72.21	2	$144.42	
					Sub-Total:	$3,852.14
					Total Pre-field Expenses:	**$7,448.61**

Table 2. Archaeological Value (cont.)

D. Field Work: Sub-Surface Testing						
	Site B5	**4.41 cubic feet (0.125 cubic meters)/ 1 day, 1 crew**	**Rate**	**Units**	**Total**	
		1. Field Director	$95.97	8	$767.76	
		2. Research Assistance	$50.82	8	$406.56	
		3. Field Technician	$44.47	8	$355.76	
		4. Field Technician	$44.47	8	$355.76	
		5. USFS Archaeologist	$47.30	8	$378.40	
		6. Per Diem	$100.00	4	$400.00	
		7. Contractor Mileage	$0.56	268	$150.08	
		8. USFS Mileage	$0.56	122	$68.32	
					Sub-total:	$2,882.64
	Site B13	**4.41 cubic feet (0.125 cubic meters)/ 1 day, 1 crew**	**Rate**	**Units**	**Total**	
		1. Field Director	$95.97	8	$767.76	
		2. Research Assistance	$50.82	8	$406.56	
		3. Field Technician	$44.47	8	$355.76	
		4. Field Technician	$44.47	8	$355.76	
		5. USFS Archaeologist	$47.30	8	$378.40	
		6. Per Diem	$100.00	4	$400.00	
		7. Contractor Mileage	$0.56	268	$150.08	
		8. USFS Mileage	$0.56	122	$68.32	
					Sub-total:	$2,882.64
	Site B17	**35.31 cubic feet (1 cubic meter)/2 days, 1 crew**	**Rate**	**Units**	**Total**	
		1. Field Director	$95.97	16	$1,535.52	
		2. Research Assistance	$50.82	16	$813.12	
		3. Field Technician	$44.47	16	$711.52	
		4. Field Technician	$44.47	16	$711.52	
		7. USFS Archaeologist	$47.30	16	$756.80	
		8. Per Diem	$100.00	16	$1,600.00	
		9. Contractor Mileage	$0.56	268	$150.08	
		10. USFS Mileage	$0.56	122	$68.32	
					Sub-total:	$6,346.88
	Bow Stave Site	**35.31 cubic feet (1 cubic meter)/3 days, 1 crew**	**Rate**	**Units**	**Total**	
		1. Field Director	$95.97	24	$2,303.28	
		2. Research Assistance	$50.82	24	$1,219.68	
		3. Field Technician	$44.47	24	$1,067.28	
		4. Field Technician	$44.47	24	$1,067.28	
		7.USFS Archaeologist	$47.30	10	$473.00	
		8. Per Diem	$100.00	12	$1,200.00	
		9. Contractor Mileage	$0.56	380	$212.80	
		10. USFS Mileage	$0.56	42	$23.52	
					Sub-total:	$7,566.84
					Total Field Work:	**$19,679.00**

Table 2. Archaeological Value (cont.)

E. Analyses			Rate	Units	Total	
	Excavation Data	1. Director report writing	$95.97	60	$5,758.20	
		2. Lab Technician	$44.47	120	$5,336.40	
		3. Lab Analysis	$70.00	100	$7,000.00	
		4. Faunal Specialist	$62.10	20	$1,242.00	
		5. Botanical Specialist	$257.00	6	$1,542.00	
		6. Historian	$65.00	5	$325.00	
		7. Obsidian Hydration(excavation)	$15.00	50	$750.00	
		8. X-ray Florescence(excavation)	$38.00	50	$1,900.00	
		9. Radiocarbon Assay	$600.00	6	$3,600.00	
		10. Curation of artifacts recovered (excavation)	$2,500.00	2	$5,000.00	
	Recovered Data	1. Radiocarbon Assay (bow, Big Horn tool)	$600.00	2	$1,200.00	
		2. X-ray Florescence (recovered items)	$38.00	10	$380.00	
		3. Obsidian Hydration (recovered items)	$15.00	10	$150.00	
		4. Chert Sourcing (recovered items)	$38.00	5	$190.00	
		5. Morphological studies (recovered items)	$70.00	4	$280.00	
		6. Bow (metrics, morphology, research)	$47.30	5	$236.50	
		7. Incised Tablets (background research)	$47.30	5	$236.50	
		8. Incised Tablets (drawn, photographed, described, metr	$30.00	2	$60.00	
					Sub-total:	$35,186.60
			Archaeological Value:			**$62,314.21**

Cost of Restoration and Repair:

The ARPA Uniform Regulations define the term "cost of restoration and repair" as follows:

> "… the cost of restoration and repair of archaeological resources damaged as a result of a violation … shall be the sum of the costs already incurred for emergency restoration or repair work, plus those costs projected to be necessary to complete restoration and repair, which may include, but need not be limited to the costs of the following:
>
> (1) Reconstruction of the archaeological resource;
>
> (2) Stabilization of the archaeological resource;
>
> (3) Ground contour reconstruction and surface stabilization;
>
> (4) Research necessary to carry out reconstruction or stabilization;
>
> (5) Physical barriers or other protective devices, necessitated by the disturbance of the archaeological resource, to protect it from further disturbance;

(6) Examination and analysis of the archaeological resource including recording remaining archaeological information, where necessitated by disturbance, in order to salvage remaining values which cannot be otherwise conserved;

(7) Re-interment of human remains in accordance with religious custom and State, local, or tribal law, where appropriate, as determined by the Federal land manager;

(8) Preparation of reports related to any of the above activities (43 C.F.R. 7.14(c)(1)-(8)).

The emergency cost of restoration and repair, as outlined in Table 3, has been calculated at **$33,187.91.** These costs are based on immediate restoration and repair expenses which included pre-field meetings, conducting the field damage assessment, site documentation, and preparation of this report. The restoration and repair costs include a briefing to the resource managers by the respective archaeologists and discussions on how to proceed with the damage assessment. The emergency restoration and repair costs have also been broken down by incident to assist in understanding the expenses associated with each unauthorized act. The field recording was conducted over 122.75 hours in nine days. When the archaeological crew size is considered, 244 person hours were spent in the field recording the impacted sites. An additional 98.5 hours were required to complete the site forms, maps, and to process the spatial data. These costs also include expenses related to the preparation of this report which also required processing of the geospatial information, creating maps and tables, and conducting a records search.

There are also projected restoration and repair costs associated with these incidents. These expenses are for activities that have not yet been conducted due to the on-going investigation and the need for coordination with outside agencies, including the vested tribes and the State Historic Preservation Officer. These costs are related to the reburial of the disturbed human remains and include consultation, physical reburial, ground contouring, and monitoring of the site to protect it from further disturbance. The restoration of the artifacts including the removal of markings placed on the artifacts by the suspect, the removal of glue from the bow, the repair of the damage to the bow caused by the suspect, and the cataloging and curation of the recovered items. It should be noted that the projected restoration and repair costs will add an additional **$11,086.00** for work that has not yet been conducted (J. Claire Dean, pers. com 2015). These costs are itemized in Table 4.

Table 3. Cost of Restoration and Repair

A. SITE DOCUMENTATION

DATE	TRAVEL VEHICLE	HOURS DOCUMENT	STAFF*	STAFF COSTS	MILEAGE (A)	MILEAGE (B)	VEHICLE COSTS	FIELD COSTS
3/30/2015	3	3	H, Be, R	$863.58	109.46	122.1	$125.04	$988.62
3/30/2015	3	2.5	H, Be, R	$791.62	112.68	125.1	$128.40	$920.02
3/31/2015	5.5	5	H, Be, R	$1,511.27	162.4	57.78	$118.90	$1,630.17
4/1/2015	4	4.5	H, Be, K	$1,223.41	60.54	N/A	$32.69	$1,256.10
4/2/2015	5	3.5	H, B, K, Be	$1,618.91	182.4	91.8	$148.07	$1,766.98
4/2/2015	5	2.5	H, B, K, Be	$1,428.45	198.82	98.6	$160.61	$1,589.06
4/3/2015	4.5	1.5	H, B, D, Be	$1,722.54	191.42	98.56	$156.59	$1,879.13
4/3/2015	4.5	2	H, B, D, Be	$1,866.09	191.42	98.56	$156.59	$2,022.68
4/3/2015	4.5	1.75	H, B, D, Be	$1,794.31	191.42	98.56	$156.59	$1,950.90
4/3/2015	4.5	2	H, B, D, Be	$1,866.09	191.42	98.56	$156.59	$2,022.68
9/17/2014	1.2	11.8	Be	$641.29	33.48	98.56	$71.30	$712.59
							Week 1 :	$16,738.93

DATE	TRAVEL VEHICLE	HOURS DOCUMENT	STAFF	STAFF COSTS	MILEAGE (A)	MILEAGE (B)	VEHICLE COSTS	FIELD COSTS
5/11/2015	4.5	1	H, B, Be, K	$1,051.77	191.42	N/A	$103.37	$1,346.56
5/11/2015	4.5	5	H, B, Be, K	$1,816.69	191.42	N/A	$103.37	$2,111.48
5/11/2015	4.5	1	H, B, Be, K	$1,051.77	191.42	N/A	$103.37	$1,346.56
5/12/2015	4.5	6	H, Be	$1,014.62	191.42	N/A	$103.37	$1,309.41
5/13/2015	3	4	H, Be, R, K	$1,338.61	109.46	122.1	$125.04	$1,695.21
	65.7	57.05	122.75				Week 2 :	$7,809.21
			*H=Haverstock, Be=Beidl, R=Raschkow, B=Blythe, K=Kerwin, D=Dillingham				Fieldwork Total:	$24,548.14

B. RECORDS

SITE NUMBER	BOURNE NUMBER	JURISDICTION	Forms	TIME	OFFICE STAFF	RATE	OFFICE COSTS	
Eureka 1	19	DEVA	Site records, Maps	6	Raschkow	$47.30	$283.80	
Eureka 2	21	DEVA	Site records, Maps	6	Raschkow	$47.30	$283.80	
Vine 1	22	DEVA	Site records, Maps	7	Raschkow	$47.30	$331.10	
Papoose 1	47	Inyo FS	Site records, Maps	8	Fortney	$19.50	$156.00	
Big Alkali 1	44	H-T	Site records, Maps	8	Fortney	$19.50	$156.00	
Big Alkali 2	45	H-T	Site records, Maps	8	Fortney	$19.50	$156.00	
Whiskey Flat 1	16	H-T	Site records, Maps	5.75	Fortney	$19.50	$112.13	
Whiskey Flat 2	4(442)	H-T	Site records, Maps	5.75	Fortney	$19.50	$112.13	
Whiskey Flat 3	5(443)	H-T	Site records, Maps	5.75	Fortney	$19.50	$112.13	
Whiskey Flat 4	13	H-T	Site records, Maps	5.75	Fortney	$19.50	$112.13	
Bow	N/A	SNF	Jurisdiction, Maps, Data	4	Beidl	$49.33	$197.32	
Whiskey Flat 5	8	H-T	Site records, Maps	5.75	Fortney	$19.50	$112.13	
Whiskey Flat 6	9	H-T	Site records, Maps	2	Fortney	$19.50	$39.00	
Whiskey Flat 7	15, 17	H-T	Site records, Maps	13	Fortney	$19.50	$253.50	
Whiskey Flat 8	49	H-T	Site records, Maps	5.75	Fortney	$19.50	$112.13	
Eureka 3	20	DEVA	Site records, Maps	6	Raschkow	$47.30	$283.80	
				102.5				

C. REPORT

						Site Records Total:	$2,813.07

STAFF	RATE	DATE	HOURS	DETAIL	COST		
Haverstock	$47.30/hour	4/7/2015	7	DAR	$331.10		
Haverstock	$47.30/hour	5/28/2015	4	DAR	$189.20		
Haverstock	$47.30/hour	6/5/2015	6	DAR	$283.80		
Haverstock	$47.30/hour	6/18/2015	3	DAR	$141.19		
Haverstock	$47.30/hour	7/6/2015	4	DAR	$189.20		
Haverstock	$47.30/hour	7/7/2015	8	DAR	$378.40		
Haverstock	$47.30/hour	7/9/2015	10	DAR	$473.00		
Canaday	$49.33/ hour	8/1/2015	4	Peer Review	$197.32		
Haverstock	$47.30/hour	8/8/2015	12	DAR	$567.60		
						Total Report:	$2,750.81

D. PLANNING

COLLECTION	TIME	STAFF	TOTAL				
Examine/Descibe/Price	6 hours	Haverstock	$283.80				
Photograph	4 hours	Fortney	$78.00				
Radiocarbon Analysis (Bow)		Beidl	$600.00			Total Recovered Artifact Exam:	$961.80

EVIDENCE EXAMINATION	UNITS	STAFF	TOTAL				
Travel Time	11 hours	Haverstock/ Beidl	$1,062.93				
Meeting	4 hours	Haverstock/ Beidl	$386.52				
Vehicle Costs	644 miles/.56	Haverstock/ Beidl	$360.64				
Per Diem	$61.00 per day	Haverstock/ Beidl	$122.00				
Hotel	$91.00 per Arch	Haverstock/ Beidl	$182.00				
						Total Artifact Exam:	$2,114.09
						RESTORATION AND REPAIR:	**$33,187.91**

Table 4. Projected Cost of Restoration and Repair

ARTIFACT	RESTORATION REQUIRED	Units	Rate	Cost
Bow:	Removal of glue , stabilize for curation			
	Conservator	12	$135.00	$1,620.00
	Materials		$50.00	$50.00
	Curation	1	2500	$2,500.00
Flakestone Artifacts:	Removal of identification markings			
	Conservator	3	$135.00	$405.00
	Technician	4.6	$30.00	$138.00
	Travel and per Diem	3 days		$1,825.00
Curation of Artifacts:	Catalog	3	$15.00	$45.00
	Label and Package	3	$15.00	$45.00
	Curation Facility Charges	1 cubic ft.	$2,500.00	$2,500.00
			Sub-total:	$9,128.00
NAGPRA Site 17	**ACTION REQUIRED**	**Units**	**Rate**	**Cost**
Field Manager Meeting	Archaeologist briefing	1	$121.30	$121.30
Field Manager Letter	Tribal Notification Certified Letter	1	$74.00	$74.00
Travel time	Archaeologist/ Manager	1.5	$121.30	$181.95
Site visit with tribe	Archaeologist/ Manager	4.5	$121.30	$545.85
Site stabilization	Reburial, healing	6	$19.50	$117.00
			Sub-total:	$918.80
		TOTAL PROJECTED:		**$11,086.90**

Commercial Value:

The ARPA Uniform Regulations (43 C.F.R. Part 7) define the term "commercial value" as follows:

> For the purposes of this part, the commercial value of any archaeological resource involved in a violation….shall be its fair market value (43 C.F.R. Part 7.14(b)).

Per 18 U.S. Code § 641 the word "value" means face, par, or market value, or cost price, either wholesale or retail, whichever is greater. The commercial values detailed in this report were determined using the fair market price for all items removed from the sixteen locations and recovered from the Bourne residence. Each of these items meet the definition of an "archaeological resource" under ARPA (16 U.S.C. 470bb (1)) and the ARPA Final Uniform Regulations (43 C.F.R. Part 7.3(a)). Other items recovered from the suspect's residence but not

originating from the sixteen locations addressed in this report will be addressed in a separate report.

All commercial value determinations were made by the author, who holds an advanced degree in Anthropology with an emphasis in archaeology. The author specializes in prehistoric hunter-gatherer adaptations and technology in eastern California and the western Great Basin. He has greater than ten years of experience related to archaeological survey, artifact analysis, flint knapping, and prehistoric technology. He also has received specialized training in artifact authentication and valuation including the various methods of forging modern reproductions for illicit purposes.

Prior to valuation each of the 32 artifacts was evaluated for authenticity by examining form, material type, wear, and method of manufacture. It was determined that each of the recovered artifacts is prehistoric or early historic in age, and Native American in origin. All of the artifacts addressed in this report are greater than 100 years of age and are of archaeological interest. These determinations satisfy the requirements of ARPA in defining the artifacts as archaeological resources.

Value determinations were made by the author based on data derived from several different sources. Each artifact was examined in detail and compared to similar items available for sale via a number of different venues. Internet auction web sites, EBAY, artifact price guides, appraisals by artifact dealers, and personal communications with museum curators were all referenced. Each item was valued conservatively, especially when a large range of values existed for a particular artifact type.

All projectile points and flaked-stone artifacts were evaluated using the Overstreet methodology. This approach assigns a grade to each projectile based on several quality factors. These include; size, completeness, workmanship, symmetry, material type, and aesthetic appeal. The range of grades runs from Grade 1 through Grade 10, with a Grade 10 being an artifact that is of the highest quality in all aspects. It has no detracting imperfections, superb symmetry, and possesses outstanding visual appeal. Rarely is this class of artifact encountered. A Grade 1 artifact on the other hand may possess breaks, nicks, or chips. It may be asymmetrical, lacking in aesthetic appeal, or be constructed of a poor quality material. In addition to the factors of quality and size, projectile point type also influences value. Some types of projectiles are more valuable based on collector demand, or rarity of type (Overstreet 2013).

The recovered artifacts included incised stone tablets. Incised stone tablets are rarely sold commercially and current retail values were found from a single commercial source. To bolster the valuation of these rare items, an appraisal completed for the Nevada State Museum in Overton, NV was referenced (Feirer-Donaldson 2014). The values of that appraisal were converted into present value by adjusting for inflation. Those derived values are consistent with the listed retail values for two incised stone tablets listed for sale on an artifact website (Western Artifacts 2015).

The bow stave was valued by comparing it to multiple artifacts found for sale on-line, and through a commercial appraisal from an artifact dealer (American Trails 2015, Antique American Indian Art 2015, EBAY 2015, and Skinner Artifacts 2015). Since the bow stave

appraisal included a range, it was valued at the lower end of the value spread after being weighted with the other values.

The steatite pendants, glass trade beads, and horn tool were compared to items offered for sale on-line from several different sources (American Trails 2015, EBAY 2015, Skinner Artifacts, and Western Artifacts 2015). A number of quality factors were considered when valuing the items. These included size, completeness, workmanship, symmetry, material type, rarity, and aesthetic appeal. The commercial value for the archaeological items involved in this case totals **$3,257.00** (Table 5).

Table 5. Commercial Value of Items Removed from Federal Lands

TEMPORARY SITE NUMBER	BOURNE NUMBER	ARTIFACT NUMBER	ARTIFACT DESCRIPTION	GRADE*	VALUE
Eureka 1	19	1	Biface, obsidian, complete, sandblasted	Poor	$2.00
Eureka 1	19	2	Elko Dart Point, fragmentary, 80% complete	Grade 1	$3.00
Eureka 1	19	3	Elko Dart Point, fragmentary, 85% complete	Grade 1	$1.00
Eureka 2	21	4	Gatecliff Expanding Stem, Dart Point(reworked drill), chert	Grade 7	$225.00
Eureka 3	20	5	Elko Dart Point, fragmentary, 85% complete	Poor	$3.00
Vine 1	22	6	Big Horn Sheep Horn Percusor	Rare, fair	$350.00
Vine 1	22	7	Incised Stone Tablet	Fine	$400.00
Vine 1	22	8	Incised Stone Tablet	Good	$150.00
Vine 1	22	9	Incised Stone Tablet	Good	$200.00
Papoose 1	47	10	Pinto Point, obsidian complete	Grade 3	$20.00
Big Alkali 1	44	11	Biface, obsidian, large , complete	Good	$20.00
Big Alkali 2	45	12	Biface, obsidian, large , fragment	Grade 2	$3.00
Big Alkali 2	45	13	Biface, obsidian, large , fragment	Poor	$1.00
Whiskey Flat 1	16	14	Elko, projectile point, chert, 90% complete	Grade 2	$3.00
Whiskey Flat 2	4(442)	15	Biface, obsidian small, complete	Grade 2	$5.00
Whiskey Flat 3	5(443)	16	Biface, chert, white	Grade 2	$5.00
Whiskey Flat 3	5(443)	17	Steatite pendant, fragment	Poor	$1.00
Whiskey Flat 3	5(443)	18	Arrowhead, chert, complete Desert Side Notch	Grade 2	$5.00
Whiskey Flat 4	13	19	Steatite Pendant , small, ovate	Fair	$55.00
Whiskey Flat 5	8	20	Biface, obsidian, large , complete	Good	$20.00
Whiskey Flat 6	9	21	Humboldt Basal Notch Dart Point	Grade 7	$200.00
Whiskey Flat 7	15, 17	22-30	Glass Trade Bead (lot of 9), varied	Fair	$35.00
Whiskey Flat 8	49	31	Steatite Pendant, incised, complete	Fine	$350.00
Bow	N/A	32	Bow Stave, juniper, complete	Good	$1,200.00
				TOTAL:	**$3,257.00**
			*OVERSTREET GUIDE		

CONCLUSIONS

Between September 15, 2010 and August 19, 2014 sixteen prehistoric archaeological sites in Eastern California and Western Nevada were subjected to acts prohibited under the Archaeological Resources Protection Act (ARPA) and 18 U.S.C. §1361. Four primary prohibited acts, as defined by ARPA, occurred at this site. These include removal, excavation, damage, and alteration of archaeological resources. Per 18 U.S.C. 1361, the unauthorized excavation, damage, and alteration caused an injury to sixteen archaeological resources owned and managed by the Federal Government. The prohibited activities have damaged and altered significant archaeological information. These sites contained significant scientific and archaeological value, much of which was destroyed, altered, damaged, or removed during these incidents. These sites are also of great cultural importance to the Paiute and Shoshone Indians who inhabit the area today and whose ancestors are buried in at least one of these sites.

ARPA identifies three monetary determinations as the measures of the severity of harm to the archeological resource(s) involved in a criminal violation of the statute. These monetary determinations include, Commercial Value, Archeological Value, and the Cost of Restoration and Repair. Per the ARPA the sum of archeological value and cost of restoration and repair, or the sum of commercial value and cost of restoration and repair shall be utilized to assess the severity of the violation and the appropriate penalties.

As detailed above the total Commercial Value of the items removed from sixteen sites is **$3,257.00** (Table 5). The total cost of the Archaeological Value has been determined to be **$62,314.21** (Table 2). The total Cost of Restoration and Repair has been determined to be **$44,274.87** (Tables 3 and 4). This is based on costs for standard scientific data retrieval at the excavated, damaged and altered locations, conducting the damage assessment, salvage data recovery, and production of this report and related reports. The total cost of Restoration and Repair plus the Commercial Value of items removed from the impacted sites is **$47,531.87** (Tables 3, 4, and 5).The total cost of Restoration and Repair plus the Archaeological Value is **$106,589.08** (Tables 2, 3, and 4).

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Appendices

A. Selected Images

Image 1.) View of Closed Area within Death Valley National Park Containing Site B22 (Vine 1)

Image 2.) Incised Stone Tablet Removed from Closed Area DVNP, Site B22 (Vine 1)

Image 3.) Webpage Image of Bourne during Unauthorized Excavation, Bow Stave Site, Sierra National Forest

Image 4.) Bourne Conducting Unauthorized Excavation, Bow Stave Site, Sierra National Forest

Image 5.) Bow Stave Removed From Sierra National Forest, Recovered from the Bourne Residence

Image 6.) Close-Up of Bow String Notch

Image 7.) Fragments of Bow Stave Recovered by Archaeologist Beidl in the Sierra National Forest

Image 8.) Gatecliff Expanding -Stem Dart Removed From Death Valley National Park, Recovered from the Bourne Residence

Image 9.) Steatite Pendant Removed From the Humboldt-Toiyabe National Forest, Recovered from the Bourne Residence

Image 10.) Biface Removed From the Humboldt-Toiyabe National Forest, Recovered from the Bourne Residence

Image 11.) Humboldt Basal Notched Dart Point Removed from the Humboldt-Toiyabe National Forest, Recovered from the Bourne Residence

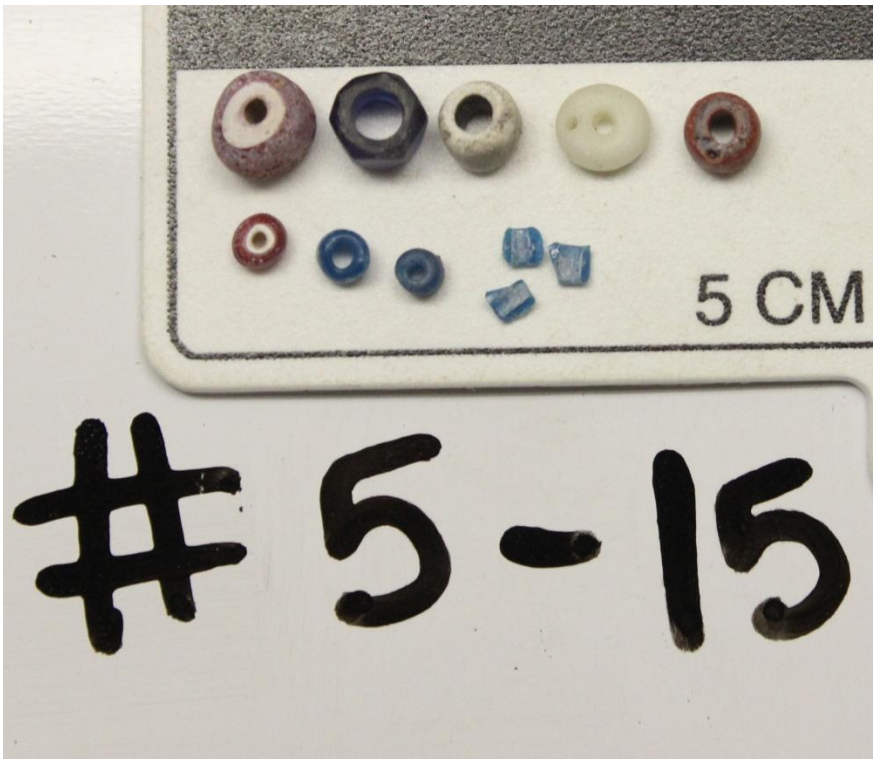

Image 12.) Beads Removed From Humboldt-Toiyabe National Forest Site B15-17, Recovered from the Bourne Residence

Image 13.) Stone Tool Flaking Implement Removed from Death Valley National Park, Recovered from the Bourne Residence

B. Costs by Site

TEMPORARY SITE NUMBER	BOURNE NUMBER	COMMERCIAL VALUE	ARCHAEOLOGICAL VALUE*	R and R VALUE
Eureka 1	19	$6.00	$3,993.14	$2,685.50
Eureka 2	21	$225.00	$3,899.14	$2,685.50
Eureka 3	20	$3.00	$3,867.14	$2,685.50
Vine 1	22	$900.00	$4,795.94	$2,744.50
Papoose 1	47	$20.00	$3,899.14	$2,557.70
Big Alkali 1	44	$20.00	$3,899.14	$2,557.70
Big Alkali 2	45	$4.00	$4,040.14	$2,557.70
Whiskey Flat 1	16	$3.00	$3,867.14	$2,513.83
Whiskey Flat 2	4(442)	$5.00	$3,899.14	$2,513.83
Whiskey Flat 3	5(443)	$11.00	$13,849.91	$2,219.38
Whiskey Flat 4	13	$55.00	$13,849.91	$2,219.38
Whiskey Flat 5	8	$20.00	$3,899.14	$2,599.02
Whiskey Flat 6	9	$200.00	$3,899.14	$2,513.83
Whiskey Flat 7	15, 17	$35.00	$27,870.13	$3,061.15
Whiskey Flat 8	49	$350.00	$3,899.44	$2,651.30
Bow	N/A	$1,200.00	$29,208.32	$5,509.03

***The sum of archaeological values exceeds the total in the report due to the associated fixed costs of reporting**

C. Radiocarbon Report

D. Tribal Statement Regarding Site B15-17 (Whiskey Flat 7)

SUBJECT: B15-17 (Whiskey Flat 7)

Our ancestors that were laid to rest at B15-17 Whiskey Flat in the traditional area of the Paigwedika[a] (Fish eaters) this site is considered sacred as it contains the remains of our ancestors as well as significant cultural artifacts and cultural features.

Our sacred practice for honoring our deceased relatives has been practiced for many generations and continues to be carried on to this day.

After the Ya-ga Ne ga (Cry Dance) the possessions of our deceased relatives are burned signifying the deceased would not need these earthly possessions anymore but were for the deceased to use in the afterlife. These items were the personal possessions of the deceased and those of the relatives wishing to make an offering. These precious items consist of Indian money, shells, trade beads and other trinkets which are valuable to us.
Our view is that these items are considered sacred and were never meant to be desecrated or bothered out of respect for our deceased relatives for fear of bad things happening to us and/or our relatives.

Raymond Andrews, THPO

Raymond Andrews, THPO
Bishop Paiute Tribe
Tribal Affiliation Mono Lake Kutzadika[a] and Bishop Paiute