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Case Number: 1:08-cv-519
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Docket Text:

REPLY to opposition to motion re [38] MOTION for Order *Requiring the DOI Administrative Record be Supplemented* , [37] MOTION for Order *Requiring the NIGC Administrative Record be Supplemented* , [36] MOTION for Order to *Suspend Briefing Schedule* filed by BUTTE COUNTY, CALIFORNIA. (Attachments: # (1) Exhibit A - CV of Stephen Dow Beckham)(Whittlesey, Dennis)

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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

BUTTE COUNTY, CALIFORNIA)	
)	
Plaintiff,)	
)	1:08-cv-00519-HHK-AK
v.)	
)	
PHILIP N. HOGEN, et al.,)	PLAINTIFF'S REPLY IN SUPPORT OF
)	MOTIONS TO SUPPLEMENT
)	ADMINISTRATIVE RECORDS AND
Defendants.)	TO SUSPEND BRIEFING SCHEDULE
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I. INTRODUCTION

Plaintiff Butte County respectfully submits this Reply in support of three motions it filed on September 5, 2008: (1) Motion for Order Requiring the [Department of the Interior ("DOI")] Administrative Record be Supplemented; (2) Motion for Order Requiring the [National Indian Gaming Commission ("NIGC")] Administrative Record be Supplemented; and (3) Motion for Order to Suspend Briefing Schedule.

The Federal Defendants and tribal Intervenor-Defendant have opposed the motions with what essentially amounts to an argument that "the Administrative Records ("ARs") are what the federal government says they are, and no supplementation is appropriate even though non-included, legally-relevant materials were before, and ignored by, both the DOI and NIGC when the contested decisions were made." Withholding such materials denies the plaintiff the opportunity to fully evaluate those materials in presenting its case, and denies this Court the opportunity to fully assess whether the decisions here at issue were arbitrary and capricious, an abuse of discretion or otherwise not in accordance with law. The Federal Defendants' efforts to "cook" the ARs should not be countenanced by this Court.

This case squarely presents this Court with the question of whether the federal decision makers ignored uncontested evidence that the modern Mechoopda Indian Tribe of the Chico Rancheria ("Tribe") never had any ownership or tribal relationship to land upon which it proposes to conduct gaming pursuant to the Indian Gaming Regulatory Act, 25 U.S.C. § 2701, *et seq.* ("IGRA"). The legal examination will focus on the federal decision makers' conclusions that the land – herein known as the "Casino Site" – qualifies for gaming as "restored land" under IGRA Section 20(b)(1)(B)(iii), 25 U.S.C. § 2719(b)(1)(B)(iii), while ignoring to the point of not even reading an expert historical assessment establishing that it does not.

(It should be noted that the tribal Intervenor-Defendant has repeatedly presented in filings herein its story of past oppression and current efforts to begin developing an economic base so that badly-needed services and benefits can be provided to the tribal membership. The plaintiff is sympathetic to those needs and concerns. However, these repeated accounts of past oppression and the current pursuit of economic opportunity are "red herrings" which are irrelevant to determining whether the Casino Site qualifies for gaming as "restored land" as a matter of law. Indeed, it is a fact that the Tribe has legal avenues through which it can acquire many parcels other than the Casino Site for economic development, just as it is a fact that there is a specific statutory requirement which must be satisfied before any land can be used for casino gaming. Whether the Casino Site satisfies that requirement is the only matter before this Court.)

The federal decisions rest on an informal land determination dated March 14, 2003, by NIGC Acting General Counsel Penny Coleman ("Coleman Land Determination"), that the Casino Site qualifies as "restored land." (DOI AR000338 and NIGC AR002027) That opinion adopted virtually verbatim the recitation of tribal history written by consultants hired by the tribal Intervenor-Defendant. For the purpose of testing the Tribe's version of its history, the

plaintiff retained its own consultant, the nationally known and widely-respected ethnohistorian Dr. Stephen Dow Beckham of Lewis & Clark College, who universally is regarded as the leading ethnohistorian dealing with Indians of the Pacific Coast.¹ Dr. Beckham examined the materials furnished to the NIGC by the Tribe and then conducted extensive independent research in various federal archives, state archives and materials in the relevant collections of materials maintained by the University of California at Berkeley and Lewis & Clark College. (DOI AR00564) This research led him to conclude that the current Tribe does not trace the ancestry of either the Tribe or its membership to the historic Mechoopda Village as it existed in the 19th Century. Rather, Dr. Beckham concluded and documented that the modern Tribe is not descended from any historic tribe and can only trace its collective antecedents as a tribe to a disparate and non-tribal group of Indians and non-Indians who worked at and, while employed by the owners, were allowed to reside on the ranch of John and Annie Bidwell. (DOI AR005711-12) Indeed, the Bidwells not only determined who could live on their property, but even enforced their own moral code of conduct as a condition of continued employment and residency. (DOI AR00005711-12) The Bidwell standards of moral conduct were incorporated in both deeds and a will executed by Annie Bidwell, and they became the permanent guide for residency on the property long after her death. (DOI AR005712) Although the Bidwell Ranch subsequently became the Chico Rancheria, Annie Bidwell's eligibility requirements for continuing residency on the property continued in place, to the point of adoption as the membership criteria in the Mechoopda Tribe's first formal Constitution. (DOI AR005712-13)

Dr. Beckham's report is entitled "Mechoopda Indian Tribe of the Chico Rancheria" (DOI AR005661) and the Federal Defendants concede that it was delivered to both the DOI and NIGC

¹ A copy of Dr. Beckham's Curriculum Vitae is **Exhibit A** to this Reply.

prior to the decisions which are at issue herein: "Plaintiff's Beckham report,' which is present in the DOI [Administrative] record is properly not part of the NIGC record because it was not considered by the NIGC Chairman when he approved the Tribe's gaming ordinance amendment." Fed. Def. Opposition at 5.

With this, the Federal Defendants concede that the NIGC intentionally ignored – and, in turn, omitted from its AR – the Beckham Report, despite the fact that it documents that the Casino Site does not *and cannot* meet the statutory requirement for restored land status under IGRA. Moreover, even though the DOI did include the Beckham Report in its AR, DOI's Acting Deputy Assistant Secretary for Policy and Economic Development George T. Skibine formally declared in a letter dated August 28, 2006, to plaintiff's counsel Dennis J. Whittlesey that the Beckham Report would be ignored because Interior had "concurred in the NIGC's determination of March 14, 2003" (DOI AR000813) (responding to June 16, 2006 Whittlesey letter forwarding the Beckham Report to the DOI (DOI AR 002695)).

These concessions confirm deliberate decisions by the Federal Defendants to ignore the Beckham Report's challenge to the foundation of the Coleman Land Determination, and are of extraordinary significance to the Motions to Supplement.

One of the specific files identified by plaintiff from the record which *was* produced concerns a previous request by the tribal Intervenor-Defendant to have land in Sutter County – (far from Butte County) – declared "restored land" for gaming purposes pursuant to IGRA Section 20(b)(1)(B)(iii). And, not coincidentally, this file was specifically identified by plaintiff's counsel as relevant prior to the assembly of the ARs. *See* Exhibit A to Fed. Def. Opposition.

As is discussed below, federal courts and the NIGC have repeatedly and clearly articulated the criteria which must be satisfied for lands to qualify as "restored," and for a tribe to claim that status for two geographically-separated parcels should have (1) triggered concerns at both the NIGC and DOI and (2) led to a careful examination of disparities in the separate applications for land determination. Simply stated, this is a case where a tribe almost certainly submitted contradictory applications for restored land certification. Nothing could be more relevant to a final decision than inconsistent applications claiming restored land status, yet the Federal Defendants affirmatively did not give even cursory review to the Intervenor-Defendant's Sutter County application, despite the file's availability to the decision makers. *See* e-mail correspondence from NIGC attorney Maria Getoff to tribal attorney Christina Kazhe inquiring as to the status of the Sutter County site, dated December 13, 2002. (NIGC AR002559)

The Federal Defendants and Defendant-Intervenor defend the absence from the ARs of these relevant materials with arguments that there are three circumstances under which it is appropriate for this Court to order that the ARs be supplemented and, predictably, argue that *none* of them are present here. To the contrary, plaintiff respectfully submits that the ARs and statements of opposing counsel themselves demonstrate that *all* of those circumstances are found in this case.

As is explained at Section II.D below, the law is established in the D.C. Circuit that this Court is required to supplement the ARs if even one of those circumstances is present. Moreover, this appears to be a case in which the appropriate remedy goes beyond merely ordering that the ARs be supplemented. This is the very kind of case in which the D.C. Circuit has said the reviewing Court should immediately remand the contested decisions back to the two

agencies with direction to the decision makers to fully reconsider the entire land determination issue in light of the materials previously ignored.

II. DISCUSSION

A. **The Courts and NIGC Repeatedly Have Required Evidence of a Tribal Historical Connection to Land Before It Can Be Deemed "Restored."**

There are three important cases in which federal courts have examined the elements which must be present for land to be qualified as "restored" for the purposes of IGRA Section 20(b)(1)(B)(iii). See *Grand Traverse Band of Ottawa and Chippewa Indians v. United States Attorney for the Western District of Michigan*, 198 F.Supp. 2d 920 (W.D.Mich. 2002); *Confederated Tribes of Coos, Lower Umpqua & Siuslaw Indians*, 116 F.Supp. 2d 155 (D.D.C. 2000); *Grand Traverse Band of Ottawa and Chippewa Indians v. United States Attorney for the Western District of Michigan*, 46 F.Supp. 2d 689 (W.D.Mich. 1999). In every case, the courts concluded that such status requires that (a) the land has been recognized over time as the tribe's land, and (b) there must be a historical connection between the tribe and the land itself.

The NIGC has repeatedly used these same standards in determining whether land qualifies as restored. The NIGC Indian Land Determinations are a matter of public record on the Commission's web site. See <http://www.nigc.com> at the "Reading Room" link where a further link to "Indian Land Decisions" can be found. All of the following land determination decisions disclosed herein can be found through those links.

The NIGC decision confirming restored land status for the Bear River Band of Rohnerville Rancheria (August 5, 2002) reviewed all three of these important court decisions and unequivocally stated at 11: "there must be indicia that the land has in some respect been recognized as the Band's." The NIGC further cited to evidence "tending to establish that the . . . site has been important to the tribe throughout its history." *Id.* at 12. In the decision rendered

subsequent to the court decision in *Coos*, the NIGC confirmed restored land status for the Confederated Tribes of Coos, Lower Umpqua and Siuslaw Indians (December 5, 2001), citing the historical significance of the site to the tribes. Historical connections to the land were also the foundation of a positive ruling for the Cowlitz Tribe of Washington (November 22, 2005), and the Elk Valley Rancheria Band of Tolowa Indians (July 13, 2007), in which the NIGC stated at 7 that an off-reservation site can meet the statutory requirement for restored status only if the "land has in some respects been recognized as having a significant relation to the Tribe."

Ignoring critical evidence is not appropriate. The NIGC recognized the importance of carefully examining relevant records in assessing restored land status in the case of Grand Traverse Band of Ottawa and Chippewa Indians (August 31, 2001) at 15: "we believe the phrase 'restoration of lands' is a difficult hurdle and may not necessarily be extended, for example, to any lands that the tribe conceivably once occupied throughout its history. [T]he NIGC finds the following evidence important. The Band has assembled substantial evidence tending to establish that the Turtle Creek site was important to the tribe throughout its history." [Emphasis supplied.] And the same element was cited in the positive ruling for the Ione Band of Miwok Indians of California (September 19, 2006) at 4: "The tribe must have a modern and historical connection to the land[.]" as well as in the rulings for the Mooretown Rancheria of Maidu Indians (October 18, 2007) at 10, the Poarch Band of Creek Indians (May 19, 2008) at 26 and the United Auburn Indian Community (January 3, 2002) at 2.

B. The Sutter County Application Is Critical to APA Review.

The Federal Defendants dismiss the import of Sutter County materials as casually as they dismissed the Beckham Report. Yet, the Beckham Report goes to the heart of the modern Mechoopda Tribe's claim that it should be given land status for land in Butte County

occupied by a number of historic tribes. If the Tribe also has made the same claim for land in Sutter County – far from the Casino Site – this would have been a significant issue for administrative review to insure that the Tribe was not making contradictory claims of historic occupancy. It stands to reason that the Tribe did not historically occupy two areas distant from one another, and failure by the decision makers to consider this inconsistency would clearly have been arbitrary and capricious, an abuse of discretion or otherwise not in accordance with law.

With this, the issues for review are definite.

First, the Beckham Report demonstrates that the modern Mechoopda Tribe did not descend from the historic groups of Indians discussed in the Coleman Land Determination – indeed, the tribal submission upon which Coleman relied never connected the historic tribes and their populations to the modern tribe. It did not because there was a total disconnect, in that they never relocated as a tribe to the Bidwell Ranch. The residents on the Ranch and, subsequently the Chico Rancheria, were individual Indians who worked and lived on the Bidwell Ranch. There is no evidence of any relocation to the Ranch of whatever the historic tribal unit may have been. Not only did Beckham identify the residents as a disparate group, but the residents themselves also did so through responses to federal Census takers, as reported by Beckham.

Second, since the modern Tribe sought restored land status for the Sutter County site, there is a strong presumption that it must have submitted information supporting its "historic" ties to that land. The history claimed by the modern tribe cannot be contradictory. Until, and unless, the plaintiff and this Court are able to examine that prior application and supporting materials, the record is incomplete and a fair and full review is impossible.

C. The Federal Defense for Non-Production of Unspecified Materials Is Disingenuous.

The Federal Defendants oppose supplementation of the ARs with a blanket denial of relevance: "these documents were *properly* not considered by the NIGC or the Secretary because they are irrelevant to the decisions being made." Fed. Def. Opposition at 3. Given the judicial and administrative standards for restored land qualification, the statement more than strains credulity. These materials are directly relevant to the decisions at issue because those decisions were premised on a determination that the land met the standards defined for restored land status and the subject documents expressly address those standards. And their significance is underscored by what little the Federal Defendants have disclosed: "The Tribe asked the Secretary whether the parcel, located in Sutter County, would be considered restored lands if taken into trust." Fed. Def. Opposition at 6. If nothing more than a simple inquiry was submitted, then it would be easy for the DOI to so certify. On the other hand, if – as expected – documentation of historical occupancy of the Sutter County site was submitted as part of that request, then the application file should be examined to determine whether its contents contradict the subsequent application for the Butte County land determination.

Plaintiff admittedly does not know what was submitted in this matter, just as it cannot know what else of relevance was in DOI and NIGC files because they have *not* been disclosed in the ARs. Yet, the Federal Defendants repeatedly defend their nondisclosure by pleading the ultimate "Catch 22" which is that plaintiff cannot have access to materials which plaintiff cannot prove exist. Fed. Def. Opposition at 7, ll.9-11; p.8, ll.8-9; p.9, ll.7, 12-13; p.10, ll.2-3, 14; p.10, l.20 – p.11, 11; p.11, ll.7-9, 19-20; p.12, ll.12. The Federal Defendants propose an impossible burden for plaintiff: by concealing the materials, they make it impossible for plaintiff to "prove" their existence.

The Federal Defendants either should be required to certify that the materials generally identified do not exist, or they should produce them. Anything less deprives the plaintiff and this Court of access to the information which either did inform, or reasonably would have informed, the decision makers in the matters at issue herein.

D. Three Circumstances Exist Which Require This Court To Order the Agencies To Supplement the Administrative Records.

Paying lip service to the law,² Federal Defendants acknowledge that three independent circumstances exist under which a court is required to order an agency to supplement its administrative record in order to fulfill the Administrative Procedure Act's ("APA") requirement that judicial review be made upon the "whole record." 5 U.S.C. § 706. The three independent circumstances are: (1) where the agency deliberately or negligently excluded documents adverse to its decision; (2) when the materials provide background information to the court to determine whether the agency considered all relevant factors; and (3) where the agency failed to explain administrative action so as to frustrate judicial review. *See James Madison Ltd. by Hecht v. Ludwig*, 82 F.3d 1085, 1095 (D.C. Cir. 1996), in which the D.C. Circuit stated that when any one of these circumstances exist, a reviewing court is "require[ed] . . . to supplement the administrative record." And while the presence of *even one* of the three circumstances requires supplementation, *all three* are present here.

² Federal Defendants declare that "supplementation of the record is not allowed unless the moving party demonstrates 'unusual circumstances,'" Fed. Def. Opposition at 4 (citing *American Wildlands v. Kempthorne*, 530 F.3d 991, 1002 (D.C. Cir. 2008)), and then fail to explain in a cogent manner why such unusual circumstances are not present here.

1. Deliberately or negligently excluded documents adverse to the agencies' decisions.

Federal Defendants generically respond that they have "not deliberately or negligently excluded any relevant information adverse to its decision." Fed. Def. Opposition at 12. This broad statement is false on its face given the documentation of the modern Tribe's lack of a historical connection to the Casino Site presented by the Beckham Report, copies of which were submitted more than once to each of the agencies well in advance of their respective decisions at issue.

As noted throughout this Reply, the Beckham Report gets to the very foundation of the Tribe's claims to historical connection with the Casino Site and directly contradicts the foundation of the Coleman Land Determination, which was an unstudied acceptance of the Tribe's claims that the modern Tribe's tribal antecedents trace to a historic Mechoopda Village, thereby purportedly establishing the historic connection. This process neither included testing those claims nor pursuing independent historical research. The Beckham Report irrefutably demonstrates that (i) there was no continuity between the modern Tribe and the 19th Century Mechoopda Village tribelet, and (ii) the modern Tribe can only trace its historical antecedents to the Bidwell Ranch in the early 20th Century. Thus the analysis and conclusions contained in the Beckham Report are clearly adverse to the two administrative decisions herein challenged. Because the Beckham Report was omitted from the NIGC AR and because any and all documents, correspondence and analysis pertinent to the Beckham Report were omitted from both ARs, such documents almost certainly were deliberately or negligently excluded from the ARs.

Similarly, the Tribe's 1996 application to take Sutter County land into trust and its request for a land determination of restored land status for that site almost certainly contains

historical information that likely contradicts the Tribe's second application for the Casino Site. Federal Defendants assert that "[excluded] material in the record . . . does not belong there . . . [because] it is irrelevant to the agency actions at issue and, accordingly, was not considered by the decisionmakers." Fed. Def. Opposition at 12. This statement ignores the existence and reality of the Tribe's 1996 application, which is certainly relevant for the very reason that as part of that application IGRA requires the Tribe to demonstrate a historical connection between the modern Tribe and the Sutter County site.³ Thus, the ARs should be supplemented because of the deliberate or negligent exclusion of documents adverse to the administrative decisions.

2. Materials providing background information to the Court to determine if the agencies considered all relevant factors.

Federal Defendants shamelessly declare that the "NIGC Chairman and the Secretary considered all relevant factors when making their decisions." Fed. Def. Opposition at 12. It is difficult to imagine how the NIGC Chairman and the Secretary could have fully considered the most important relevant factor – the modern Tribe's historical connection to the Casino Site – without examining the findings contained in the Beckham Report and examining

³ See e-mail correspondence between NIGC attorney Maria Getoff and tribal attorney Christina Kazhe inquiring as to the status of the Sutter County site, dated December 13, 2002. (NIGC AR002559).

the files concerning the Sutter County site, yet it is conceded that they did not.⁴ Given that the decisionmakers did not even read, let alone consider, the Beckham Report, certainly its findings and conclusions constitute background information this Court should examine to determine if, in fact, the decision makers considered all the relevant factors, chiefly the modern Tribe's lack of any historical connection to the Casino Site. Absent such connection, the Casino Site simply cannot qualify as restored land for gaming.

Similarly, the Tribe's 1996 application and request for land determination pertaining to the Sutter County site – and any files related thereto – provide background information that informed the Secretary and the NIGC Chairman in rendering the final agency actions herein challenged. *See, e.g.*, NIGC Land Determination at 8-9 (reciting the Department's examination of the Sutter County site based on the Tribe's 1996 application). DOI AR002695.

In addition to those circumstances wherein a court may require an agency to supplement the record, this Court has also held that "*extra record evidence* may be considered to ascertain whether the agency considered all relevant factors." *See Southwest Center for*

⁴ In multiple written communications to both DOI and NIGC over some 20 months, plaintiff furnished multiple copies of the Beckham Report contradicting the factual premise for the restored lands analysis contained in the Coleman Land Determination. *See, e.g.*, Whittlesey Letter dated June 16, 2006, DOI AR002695. Federal Defendants respond: "Moreover, these documents were *properly* not considered by the NIGC or the Secretary because they are irrelevant to the decisions being made." Fed. Def. Opposition at 3. "Plaintiff's 'Beckham Report' . . . is not part of the NIGC record because it was not considered by the NIGC Chairman when he approved the Tribe's gaming ordinance amendment." *Id.* at 5. "We are not inclined to revisit [the Coleman Land Determination] now because the Office of the Solicitor reviewed this matter in 2003, and concurred in the NIGC's determination of March 14, 2003." *See* DOI AR000813 (letter of August 28, 2006, to plaintiff's counsel from George T. Skibine, Acting DOI Deputy Assistant Secretary for Policy and Economic Development, rejecting reconsideration of restored land status in light of the Beckham Report).

Biological Diversity v. Babbitt, 131 F.Supp.2d 1 (D.D.C. 2001) ("*Southwest Center*") (emphasis added). The Intervenor-Defendant is technically correct in noting that plaintiff "is seeking to supplement the record, and it is not asking the Court to consider 'extra record evidence.'" Intervenor Opposition at 7, n. 4. On multiple occasions, plaintiff provided copies of the Beckham Report to both agencies well in advance of the agencies rendering the decisions challenged herein. *See, e.g.*, Whittlesey Letter dated June 16, 2006, DOI AR002695. As noted above, the Beckham Report is contained in the DOI AR but it is not included in the NIGC AR. In the event the Court determines that that the NIGC AR should not be *supplemented* with the Beckham Report, plaintiff argues in the alternative that the Beckham Report should be reviewed by this Court as extra record evidence to determine if the NIGC considered all relevant factors.

In *Southwest Center*, plaintiffs sought to either 1) introduce four new documents (scientific reports) for the court to consider or 2) supplement an administrative record compiled by the U.S. Fish and Wildlife Service with the scientific documents. 131 F.2d at 1-2. The decision therein challenged was a denial of a petition to list the Rio Grande cutthroat trout as threatened or endangered under the Endangered Species Act ("ESA"). *Id.* In examining the ESA's factors and process for determining whether to list a species, the court wrestled with one of the scientific reports – which was written *after the agency's decision* – to determine whether it addressed a "relevant factor" that should have been considered by the agency. The Court went on to hold that "the agency will have its choice as to how to proceed. It may choose to have its attorneys file on its behalf a legal memorandum arguing that the 1998 study does not speak to a factor that is relevant in the agency's consideration of Plaintiffs' petition. In the alternative, the agency may consent to a limited remand to it to consider the [scientific report]." *Southwest Center*, 131 F.Supp.2d at 9.

In the instant matter, the same should be ordered of the two agencies with respect to the Beckham Report: the Federal Defendants should be required to either (1) file legal memoranda explaining why the Beckham Report does not address relevant factors as to their respective decisions or (2) consent to a limited remand back to the agencies to fully consider the findings and conclusions contained in the Beckham Report. And the instant case has more compelling factors than did *Southwest Center*. First, the Beckham Report was provided to the agencies before the decisions were rendered. Second, there can really be no dispute that the findings and conclusions in the Beckham Report address relevant factors that the agencies should have considered, given that it is an expert ethnohistorical report addressing the modern Tribe's lack of a historical connection to the Casino Site. This is not merely a relevant factor in the restored land analysis; it is likely the *dispositive* factor.

The proposed solutions in *Southwest Center* may well be the appropriate remedy in this case. Rather than merely ordering supplementation of the ARs, plaintiff respectfully submits that this is the very kind of case in which this Court should immediately remand the two decisions back to the agencies with direction to the decision makers to fully reconsider the Coleman Land Determination in light of the Beckham Report's documented findings and conclusions.

3. The agencies failed to explain their decisions in such a manner that it frustrates judicial review.

The Federal Defendants state that the "records contain more than 11,000 pages of information that was before the agencies" in support of their blanket assertion that "the agencies explained their decisions adequately so as not to frustrate judicial review." Fed. Def. Opposition at 12. Quantity is not a substitute for quality, and thousands of the 11,000 pages contained in the two ARs are environmental assessments that do not analyze whether the Casino Site constitutes

restored land eligible for gaming.⁵ Additionally, Federal Defendants state that "both agencies explained their actions at the time those actions were taken, and the explanations are in the record." *Id.* This is not correct. As demonstrated by the Beckham Report, the modern Tribe has no historical connection to any land other than the Bidwell Ranch – and thus no historical connection to the Casino Site – and neither agency explained or accounted for this fact when rendering the decisions at issue. The failure to explain the decisions to ignore critical and credible evidence that was presented to the agencies well in advance of their respective decisions frustrates judicial review.

E. The Briefing Schedule Should Be Suspended To Allow the AR to Be Supplemented and Allow Plaintiff an Opportunity to Further Review It.

Suspending the briefing schedule is a direct function of a decision that the ARs should be supplemented. The decision on this issue turns on resolution of the first. If the Court finds the Motions to Supplement should be granted, then plaintiff should be given a reasonable period of time in which to work with the expanded materials in developing its Opposition to the defendants' dispositive motions and simultaneously prepare its own dispositive motion.

The opposing parties argue that the instant motion should be denied because the briefing schedule was agreed to by all. But that agreement was reached before the ARs were submitted. Plaintiff's Motion is a function of the "cooked" ARs – a fact of which plaintiff was unaware when it agreed to a briefing schedule. At this time, the plaintiff's filings are due on October 24, 2008, and fairness would dictate a new briefing schedule if the Court orders supplementation of the ARs. Plaintiff is prepared to confer with the Federal Defendants and

⁵ See, e.g., DOI AR001299-AR001770; AR002726-AR003733; AR004757-AR005633; NIGC AR000455-AR001463; AR001487-AR002024; AR002052-AR002558.

Intervenor-Defendant to agree on the revised briefing schedule and submit a Revised Case Management Report to the Court once the Federal Defendants have complied with an order to supplement.

III. CONCLUSION

For the reasons stated above and in plaintiff's Memorandum of Points and Authorities in support of the instant motions, this Court should order the Federal Defendants to supplement the two Administrative Records and suspend the briefing schedule until plaintiff has been served with the whole and corrected record and had a reasonable period of time to review it to insure that it is complete so that this litigation can proceed. Alternatively, the Court should consider simply remanding the entire matter back to the two agencies with direction to revisit and reconsider the Coleman Land Determination in light of the findings and conclusions of the Beckham Report and the Tribe's admissions in its Sutter County application.

DATED this 6th day of October 2008.

s/Dennis J. Whittlesey
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Washington, D.C. 20036

EXHIBIT A

STEPHEN DOW BECKHAM

1389 S.W. Hood View Lane
Lake Oswego, OR. 97034-1505
E-MAIL: beckham@lclark.edu

Home: 503-635-4935
FAX: 503-636-1775
Cell: 503-351-1914

Department of History
Lewis & Clark College
Portland, OR. 97219

Phone: 503-768-7455

Education:

B.A. History/Biology, University of Oregon, 1964
M.A. History/Anthropology, UCLA, 1966
Ph.D. History/Anthropology, UCLA, 1969 (Honors)

Employment:

Pamplin Professor of History, Lewis & Clark College, 1993-present
Professor of History, Lewis & Clark College, 1981-1993
Associate Professor of History, Lewis & Clark College, 1977-81,
Linfield College, 1972-77
Assistant Professor of History, Linfield College, 1969-72
Lecturer in History, Long Beach State University, 1968-69
Teaching Assistant, Department of History, UCLA, 1966-67
Editorial Assistant, *Pacific Historical Review*, UCLA, 1964-66

Memberships:

American Historical Association
Oregon Historical Society
Historic Preservation League of Oregon
National Trust for Historic Preservation

Publications:

- 2006 ***Oregon Indians: Voices from Two Centuries.*** Oregon State University Press, Corvallis, OR.
- 2004 ***Astoria Column: Landmark of the Pacific Crossroads.*** Friends of the Astoria Column, Portland, OR.
- 2003 ***The Literature of the Lewis and Clark Expedition: A Bibliography and Essays.*** Lewis & Clark College, Portland, OR.

- 2002 ***Lewis & Clark From the Rockies to the Pacific.*** Graphic Arts Publishing Company, Portland, OR.
- 2000 ***The Gerber Block: Historical Developments on the Public Rangelands in Klamath County, Oregon.*** Klamath Falls, OR.: U.S. Department of Interior, Bureau of Land Management.
- 1998 ***Handbook of North American Indians, Vol. 12. Plateau.*** Deward E. Walker, Jr., ed. Smithsonian Institution, Washington, DC.
"History Since 1846," pp. 149-173
- 1995 ***Hoffman Construction Company: Seventy-Five Years of Building.*** Hoffman Corporation, Portland, OR.
- 1994 ***Native Americans in the Twentieth Century: An Encyclopedia.***
Mary B. Davis, ed. Garland Publishing Co.,
New York, NY. (April)
"Chinook Indian Tribe"
"Tillamook Tribe"
"Confederated Tribes of Coos, Lower Umpqua, and Siuslaw"
"Confederated Tribes of the Siletz Reservation"
"Cow Creek Band of Umpqua Tribe of Indians"
- 1993 ***Many Faces: An Anthology of Oregon Autobiography.*** Oregon Council of Teachers of English and Oregon State University Press, Corvallis, OR.
- 1991 ***Lewis & Clark College.*** Lewis & Clark College, Portland, OR.
- Tall Tales From Rogue River: The Yarns of Hathaway Jones.*** Oregon Reprint Series, Oregon State University Press, Corvallis, OR.
(Reprint)
- The First Oregonians: An Illustrated Collection of Essays on Traditional Lifeways, Federal-Indian Relations, and the States Native People Today.*** Carolyn Buan and Richard Lewis, eds. Oregon Council for the Humanities, Portland, OR.
"The Oregon Coast," pp. 2-8
"Federal Indian Relations," pp. 39-54
"Captured Heritage: Confederated Tribes of Coos, Lower Umpqua, and Siuslaw Indians," pp. 77-82 (Written with Donald Whereat)
"Patience and Persistence: The Cow Creek Band of Umpqua Tribe of Indians," pp. 89-94 (Written with Sherri Shaffer)

- 1990 ***Handbook of North American Indians. Vol. 7, Northwest Coast.*** Wayne Suttles, ed. Smithsonian Institution, Washington, DC.
"History of Western Oregon Since 1846," pp. 169-179
- 1987 ***Catholic Church Records of the Pacific Northwest, Grand Ronde Register 1 (1860-1885), Grand Ronde Register(1886-1898), St. Michael the Archangel Parish, Grand Ronde Indian Reservation, Grand Ronde, Oregon, St. Patrick's Parish, Muddy Valley, Oregon.*** (Edited with Harriet Duncan Munnick). Binford & Mort Publishing, Portland, OR.
- 1986 ***An Overview of Investigations at 45SA11: Archaeology in the Columbia River Gorge.*** (Written with Rick Minor and Kathryn Anne Toepel). U.S. Army Corps of Engineers, Portland District, Portland, OR.
- Land of the Umpqua: A History of Douglas County, Oregon.*** Douglas County Commissioners, Roseburg, OR.
- 1984 ***Native American Religious Practices and Uses in Western Oregon.*** (Written with Rick Minor and Kathryn Anne Toepel). University of Oregon Anthropological Paper No. 31. University of Oregon, Eugene, OR.
- The Taylor Grazing Act in Oregon.*** U. S. Department of Interior, Bureau of Land Management, Portland, OR.
- The Barlow Road: Historic Oregon Trail.*** U. S. Department of Agriculture, Forest Service. Mt. Hood National Forest, Gresham, OR.
- "This Place is Romantic and Wild:" A Historical Overview of the Cascades Area, Fort Cascades, and the Cascades Townsite, Washington Territory.*** U. S. Army Corps of Engineers, Portland District, Portland, OR.
- 1981 ***Prehistory and History of BLM Lands in West-Central Oregon: A Cultural Resource Overview.*** (Written with Rick Minor and Kathryn Anne Toepel). University of Oregon Anthropological Paper No. 25. University of Oregon, Eugene, OR.
- 1980 ***Cultural Resource Overview of the BLM Lakeview District, South-Central Oregon.*** (Written with Rick Minor and Kathryn Anne Toepel). University of Oregon. Anthropological Paper No. 16.

University of Oregon, Eugene, OR.

Cultural Resource Overview of BLM Lands in Northwestern Oregon: Archaeology, Ethnography, History. (Written with Rick Minor and Kathryn Anne Toepel) University of Oregon Anthropological Paper No. 20. University of Oregon, Eugene, OR.

- 1979 **Benjamin Silliman and His Circle: Studies on the Influence of Benjamin Silliman on Science in America.** Leonard G. Wilson, ed. Science History Publications, New York, NY.

"Colonel George Gibbs," pp. 29-48

- 1978 **Identifying and Assessing Historical Cultural Resources in the Pacific Northwest.** U. S. Department of Agriculture, Forest Service, Cultural Resource Memoir No. 2. (Reprinted as **You May Have Something There.**) U.S.D.A., Forest Service, Portland, OR.

- 1977 **The Indians of Western Oregon: This Land Was Theirs.** Arago Books, Coos Bay, OR.

- 1974 **Tall Tales From Rogue River: The Yarns of Hathaway Jones.** Indiana University Press, Bloomington, ID.

- 1973 **Coos Bay: The Pioneer Period, 1851-1890.** Arago Books, Coos Bay, OR.

- 1971 **Requiem For a People: The Rogue Indians and the Frontiersmen.** University of Oklahoma Press, Norman, OK. (Vol. 108, Civilization of the American Indian Series).

Lonely Outpost: The Army's Fort Umpqua. Oregon Historical Society, Portland, OR. (Oregon Imprint Series).

The Simpsons of Shore Acres. Arago Books, Coos Bay, OR.

Articles:

Coos Historical Quarterly
Heritage of Stone
Journal of the Shaw Historical Library
Nineteenth Century
Northwest Folklore

Open Spaces: Views from the Northwest
Organization of American Historians Newsletter
Oregon Humanities Magazine
Oregon Historical Quarterly
Oregon Historical Society Spectator
Oregon English
Oregon Times Magazine
Overland Journal
Pacific Historical Review
Pacific Northwest Library Quarterly
Pioneer Days in the South Umpqua Valley
Portland Magazine
Public Historian

Media Projects:

- 2004 Television Program: "America's Railroad Age," Tactical and Practical, The History Channel. (30 minutes), October (national broadcast)
- 1999 Television Program: "Oregon's Remarkable Century." (90 minutes, color program, Oregon Public Broadcasting) (Steve Amon, Producer)
- 1998 "Legendary Lighthouses: The Wilderness Coast, Lighthouses of Oregon and Washington." (30 min., color program, University of Cincinnati and WGBH, Boston, MA.) (Content consultant, narrator) (Release on PBS in October and November, 1998)
- "Women On the Oregon Trail." (30 min., color program, OPBS and Off-the-Wall Productions, Denver, CO.) (Content consultant, narrator) (Release in December, 1998)
- 1994 "The Chinook," Indians of North America Series. (30 min., color program, Invision, Schlessinger Video Productions, Library Video Company Bala Cynwyd, PA.) (Content consultant, narrator ethnohistorian)
- 1993 "Beyond Eden's Gate: The Legacy of the Oregon Trail." (60 min., color program, KPTV, Portland, OR., in association with Oregon Historical Society and Oregon Trail Coordinating Council) (Content consultant and historical narrator)
- 1983 Slide/Sound Program: "A Sense of Place." (18 min. multimedia program; researched and written under grant from Oregon Committee for the Humanities for the Historic Preservation League of Oregon)

- 1982 Television Program: "Salmon On The Run." (1 hour, color program, NOVA, WGBS, Boston, Mass.; researched and written under grant from California Committee for the Humanities) (James Mayer, Producer)
- 1978 Slide/Sound Program: "'Hey, What Is That You've Got There': Historical Cultural Resource Management." (half hour, training program, U. S. Dept. of Agriculture, Forest Service, Region Six, Portland, OR.
- 1972 Television Series: "This Land Was Theirs: The Indians of the Oregon Coast." (6 half hour, color programs for CBS and OPBS, 1972).

Introductions to Books:

Beckham, Dow

- 1991 ***Swift Flows the River: Log Driving in Oregon.*** Introduction by Stephen Dow Beckham. Arago Books, Coos Bay, OR.

Berry, Don

- 2006 ***A Majority of Scoundrels.*** Introduction by Stephen Dow Beckham. Oregon State University Press, Corvallis, OR.

McKelvey, Susan Delano

- 1991 ***Botanical Exploration in the Trans-Mississippi West, 1790-1850.*** Introduction by Stephen Dow Beckham. Oregon State University Press, Corvallis, OR.

Munnick, Harriet Duncan

- 1986 ***Catholic Church Records of the Pacific Northwest: Roseburg Register and Missions (1853-1911).*** Introduction by Stephen Dow Beckham. Binford & Mort Publishing, Portland, OR.

Dodge, Orvil O.

- 1969 ***Pioneer History of Coos and Curry Counties, Oregon.*** Introduction and Errata by Stephen Dow Beckham. (Reprint of 1898 edition). Coos-Curry Pioneer and Historical Association, North Bend. OR.

Expert Witness:

2008 *Amador County, California, Board of Supervisors, v. United States of*

America (Bureau of Indian Affairs, Department of Interior). Case filed in U.S. District Court, District of Columbia, Washington, DC. Witness for the plaintiff.

The Buena Vista Rancheria: Amador County, California.

2008 *Butte County, California, Board of Supervisors, v. United States of America (Bureau of Indian Affairs, Department of Interior).* Case filed in U.S. District Court, District of Columbia, Washington, DC. Witness for plaintiff.

Mechoopda Indian Tribe of the Chico Rancheria

2007 *Svensen Island Floating Homeowners Association, LLC. v. State of Oregon and Clatsop County,* Case No. 06-2068, Circuit Court, Clatsop County, OR. Report submitted to Oregon Department of Justice, Salem, OR.

Svenson Slough, Clatsop County, Oregon: Navigable Potentials and Uses

2007-08 *Steven K. Stewart v. United States of America, acting by and through Department of Agriculture, by and through United States Forest Service,* Case No. 07-6282-TC, United States District Court, Eugene, OR.

Waldo Lake: A History of Enterprise in Oregon's High Cascades

2006-08 *Contra Costa County, California, Board of Supervisors.* Expert witness reports on the identity, location, and history of the Scotts Valley Band of Pomo and the Guidiville Band of Pomo (casino projects). Researcher for Contra Costa County, Martinez, CA.

2006 *Navigability of Upper Rogue River, Oregon.* Researcher for Oregon State Division of Lands, Salem, OR.

2004-05 ***Klamath Tribes of Oregon et al. v. PacifiCorp.*** Civil No. 04-644-HA, U.S.D.C., Oregon. Witness for the defendant.

2002-06 ***Donald Trump v. Eastern Pequot Tribe.***
Witness for the plaintiff; ongoing.

Ancestors of the Eastern Pequot Tribe of Connecticut and Evidence of Splinter Group Activity: A Preliminary Report, June, 2003.

2001-06 ***Delaware Nation of Oklahoma v. Commonwealth of Pennsylvania, et al.*** U.S.D.C., Civ. Action No. 2:2004 CV-00166, Philadelphia, PA. Witness for the plaintiff; ongoing.

Investigations into Indian Reserved Lands, State of Pennsylvania (9 December 2002)

Okehocking Reservation, 1702-38: Indian Lands in Chester County, Pennsylvania (July 2003)

Reserved Delaware Lands, State of Pennsylvania: Moses Tunda Tatamy's Grant and His Descendants, February 2003

Federal Prerogatives in Indian Land Cessions (18 June 2004)

The Treaty of Greenville and Its Precedents (18 June 2004)

The Role of Moses Tatamy as a Delaware Chief and Historical Residency of the Tatamy Family in Forks Region, Northampton County, Pennsylvania (21 June 2004)

2000-05 ***Northwest Steelheaders v. State of Oregon***, Marion County Case No. 99C12309. Witness for the defendant, Oregon Department of Justice, Salem, OR.

John Day River, Oregon: An Examination of Navigable Uses and Navigability Potentials

1996 ***Charles Bonnett v. State of Oregon***, # 16-954-02466. State Court, Lane County, Eugene, OR. Witness for defendant, Oregon Department of Justice, Salem, OR.

Siuslaw River Bar and Estuary Entrance: An Assessment of Historical Sources Related to Navigable Uses and Navigability Potentials

1995-97 ***State of Washington v. Whitner, et al.*** PA94-CR 2598/2045/2597/2043/2044. District Court of Washington for Cowlitz County. Witness for the plaintiff State of Washington.

Affidavit of Stephen Dow Beckham: Expert Witness Declaration.

1992-94 ***State of Oregon v. Tidewater Contractors, Inc.*** 93-6017-HO, U.S. District Court, Eugene, OR. Witness for plaintiff, Oregon Department of Justice, Salem, OR.

Chetco River, Oregon: Historical and Ethnohistorical Evidence of Navigability.

Affidavit of Stephen Dow Beckham: Expert Witness Declaration

1992-93 ***Havasu Landing Homeowners Association, Havasu Lake Betterment Association, Inc., Needles Lodge, et al. v. Manuel Lujan, Jr.*** Case No. CV 92-6184-TJH, U.S.

District Court, Central District, CA. Witness for plaintiffs.

Affidavit of Stephen Dow Beckham: Expert Witness Declaration.

1989-1997 **Karuk Tribe of California v. United States.** Docket No. 90-3993-L, U.S. Claims Court, Washington, DC.
Witness for plaintiff, Karuk Tribe, Happy Camp, CA.

Affidavit of Stephen Dow Beckham: Establishment of Hoopa Valley Reservation, The Aboriginal Karuk Tribe, Karuk History.

Deposition of Stephen Dow Beckham.

1984-94 **Colville Tribe v. United States.** Docket 181-D, U.S. Claims Court, Washington, DC. Witness for plaintiff, U.S. Department of Justice, Washington, DC.

Exercise of Congressional Plenary Power, Presidential Authority, and Bureau of Indian Affairs Procedures, Colville Indian Reservation, 1872-1944.

Purposes for the Colville Indian Reservation: Bureau of Indian Affairs Policy and Practice on the Northern Columbia Plateau, 1864-1884.

Beneficial Impacts of the Grand Coulee Project: Colville Indian Reservation.

1984 **United States v. Washington.** Civil No. 9213, Phase 1, U.S. District Court, Portland, OR., and Tacoma, WA. Witness for amicus State of Oregon Department of Justice, Salem, OR.

Ethnohistorical Context of Reserved Indian Fishing Rights: Pacific Northwest Treaties, 1851-1855.

1981-84 **Cow Creek Band of Umpqua Tribe of Indians v. United States.** Docket 53-81L, U.S. Claims Court, Washington, DC. Witness for plaintiff, Cow Creek Band of Umpqua Tribe of Indians, Roseburg, OR.

Answers to Defendant's First Set of Interrogatories. 6 vols.

Cow Creek Band of Umpqua Tribe of Indians: Occupation and Use of Territory in Southwestern Oregon. 3 vols.

1981-82 **Wahkiakum Band of Chinook Indians, et al. v. Rolland**

Schmitt, et al. Civil Action C81-630T, U.S. District Court, Tacoma, WA. Witness for plaintiff Wahkiakum Band of Chinook, Chinook, WA.

1980-81 **Cowlitz Tribe and Chinook Tribe, Inc., v. Ralph Larsen, et al.** Civil Action C80-166T, U.S. District Court, Tacoma, WA. Witness for Cowlitz and Chinook Tribes, Longview and Chinook, WA.

1980-81 **Cowlitz and Chinook Tribe, Inc., v. Don Barth, et al.** Civil Action 80-391, U.S. District Court, Portland, OR. Witness for Cowlitz and Chinook Tribes, Longview and Chinook, WA.

1979-81 **Wahkiakum Band of Chinooks v. Mrs. Allan Bateman, et al.** Civil Action 79-39. U.S. District Court, Portland, OR. Witness for Wahkiakum Band of Chinooks, Chinook, WA.

Interpretive Exhibits, Writing, and Thematic Design

2008:

Curator (writer/researcher): "Oregon: Yours, Mine, Ours," Oregon Historical Society, Portland, OR. Andre & Associates, Victoria, BC.

2005:

Curator (writer/researcher): "Lewis and Clark: Columbia Gorge to the Sea," 11 interpretive panels for LCBO and Oregon State Parks.

Writer/researcher: Major Themes in Oregon's Logging History, 10 interpretive panels, Collier Logging Museum, Oregon State Parks.

2004:

Curator (writer/researcher) : "Oregon, My Oregon," 7,000 square feet of permanent exhibits, Oregon Historical Society Museum, Portland, OR., with Andre Knowlton Associates, Ltd., Victoria, B.C. (Opened, June, 2004)

Curator (writer/researcher): Vista House at Crown Point, Columbia Gorge, with Mayer/Reed Landscape Architects, for Oregon State Parks, Salem, OR. (Opened, October, 2004)

Curator (writer/researcher): 8,000 square feet of permanent exhibits, Lewis & Clark Interpretive Center at Cape Disappointment, Ilwaco, WA., for Washington State Parks. (Opened March, 2004)

2003:

Curator (writer/researcher): "The Literature of the Lewis and Clark Expedition," exhibit from Lewis & Clark College for Expedition Bicentennial events: Thomas Jefferson Library, Monticello, Charlottesville, VA., January-April, 2003; Academy of Natural Sciences, Philadelphia, PA., April-July, 2003; Louisville Free Library, Louisville, KY., August-December, 2003; Boston Athenaeum, January-April, 2004; Keene State University, Elizabeth, NJ., May-July, 2004; North Dakota Historical Society, Washburne, N.D., July-October, 2004.

Writer/researcher: "Oregon, California, & Eastern Railroad," Rails-to-Trails Project, Klamath Falls, OR., for Oregon State Parks, with Mayer/Reed Landscape Design, Portland, OR.

2001:

Curator/Writer, "Wrapped in Tradition: Indian Trade Blankets and Art of Dale Chihuly," 6,000 square feet of exhibits, with Oregon Historical Society, Portland, OR. (Subsequent venues: Umatilla Tribal Cultural Museum/Tamaltsik Institute, Pendleton, OR.; Cheney-Coles Museum, Spokane, WA.)

2000:

Curator (writer/researcher): Master Interpretive Plan and "Teaser Exhibit," Oregon Country Exhibit, Oregon Historical Society, Portland, OR., with AndreKnowlton Associates, Ltd., Victoria, BC.

Writer/researcher: Exhibit content, Master Interpretive Plan, Proposed Coos County Historical Society Museum, Coos Bay, OR., for the Coos County Historical Society, North Bend, OR.

1999:

Writer/researcher, Eastbank Esplanade, Portland, Oregon, with Mayer/Reed Landscape Design, for City of Portland, OR.

1998:

Writer/researcher, Lewis & Clark Trail in Oregon, Oregon Trail Coordinating Council, Portland, OR., with Sea Reach, Ltd., Rose Lodge, OR.

Writer and historical/ethnohistorical content consultant, Tillamook State Forest Interpretive Center, Jones Creek, Oregon Department of Forestry, Forest Grove, OR., with Aldrich Pears, Vancouver, B.C.

1996:

Script writer, World Forestry Center, 10,400 square feet exhibits, with Jean Jacques Andre Associates, Victoria, BC., for World Forestry Center, Portland, OR.

Script writer, Gorge Discovery Center, 10,000 square feet exhibits, with PPI, Portland, OR., for U.S. Forest Service center at The Dalles, OR.

Script writer, Wasco County History Museum, 10,000 square feet exhibits, with PPI, Portland, OR., for Wasco County Museum Trust, The Dalles, OR.

Co-author, High Desert Interpretive Center Master Plan for Harney County Commissioners, Burns, OR., with Dean Runyan Associates, SMH Architecture, and The Perron Collaborative. Portland, OR.

1994:

Script researcher, Harry E. Casey Gallery of Native Peoples--Doris Swayze Bounds Collection, The High Desert Museum, Bend, OR., with PPI, Portland, OR.

Script writer, Yaquina Head Outstanding Natural Area Interpretive Center, Newport, Oregon, for the Salem District Bureau of Land Management (U.S. Dept. of Interior), with Aldrich, Peers, Inc., Vancouver, BC.

1993:

Script writer and researcher for 7,400 sq. feet of exhibits, Columbia Gorge Interpretive Center, Stevenson, WA., with J. J. Andre, Victoria, BC.

Content consultant, Gallery of Native Peoples, The High Desert Museum, Bend, OR.

1992:

Ethnohistorical consultant for proposed Baldi'yaka Interpretive Center

Cape Arago Lighthouse, Coos Bay, OR, for Confederated Tribes of Coos, Lower Umpqua, and Siuslaw Indians and the Coos Bay BLM District (U.S. Dept. of the Interior), with SMH Architects, Portland, Ore., and J. J. Andre, Victoria, BC.

Research historian for proposed Yaquina Head Outstanding Natural Area Interpretive Center, Newport, Oregon, for Salem District Bureau of Land Management (U.S. Department of the Interior), Salem, OR.

Exhibit writer for Gateway to Hells Canyon Interpretive Center, Wallowa-Whitman National Forest, Enterprise, OR.

1991:

Content consultant and interpretive specialist, "Blue Mountain Crossing: The Oregon Trail," Wallowa-Whitman National Forest, Baker City, OR.

Content consultant for proposed Oregon Trail on Umatilla Indian Reservation Interpretive Center, Pendleton, Oregon, GSA Architects for Confederated Tribes of the Umatilla Indian Reservation, and J. J. Andre, Victoria, BC.

Research historian for proposed Columbia Gorge Discovery Center, The Dalles, Oregon, Columbia Gorge National Scenic Area, U.S. Forest Service, Hood River, OR.

Research historian for proposed Wasco County Museum, The Dalles, Oregon, Wasco County Museum Trust, The Dalles, OR.

Research historian for interpretive signing and kiosks, Oregon Trail in Oregon, Oregon Trail Coordinating Council, Portland, OR.

Ethnohistorical consultant, Roger S. Bounds Foundation Collection of American Indian Art, Hermiston, OR.

Developer of storyline and themes for proposed Gallery of Native Peoples, The High Desert Museum, Bend, OR.

1990:

Interpretive writer and researcher for National Historic Oregon Trail Interpretive Center at Flagstaff Hill, Baker, Oregon. Visual, object, and textual research; signing, interpretive brochures, and exhibit copy writing for the BLM, U.S. Dept. of Interior, Baker City, OR.

Content consultant for proposed End of the Oregon Trail Interpretive Center, Oregon City, Oregon, GSA Architects for Clackamas County.

Content consultant for proposed Yaquina Head Interpretive Center, Agate Beach, Oregon, Salem District, BLM, U.S. Dept. of Interior, Salem, OR.

Content consultant, Concept Development Team, for proposed Lewis and Clark Interpretive Center, Great Falls, Montana, Lewis and Clark National Forest, U.S. Dept. of Agriculture, Great Falls, MT.

1989:

Curator (thematic developer, researcher, writer), "Uncle Sam in the Oregon Country," Center for the Book and Exhibits Office, Library of Congress, Washington, DC.

Author, thematic prospectus for proposed Inter-Agency Interpretive Center, Reedsport, Oregon, Coos Bay District, BLM, Coos Bay, OR.

1988:

Content Consultant, "Spirit of the West Galleries," The High Desert Museum, Bend, OR.

1987:

Researcher, writer, photographer for Barlow Road, Historic Oregon Trail map-brochure, signing, Mt. Hood National Forest, Gresham, OR.

1977:

Researcher and writer, interpretive signing, entry kiosk, interpretive center, Shore Acres State Park, Charleston, OR. Oregon State Parks, Salem, OR.

1975:

Researcher and draft writer for Historic Oregon Trail Exhibits (14 sites at 23 locations on I-84), Th

Honors:

Earl M. Chiles Award, The High Desert Museum, Bend, OR., 2002

Dr. Robert B. Pamplin Professor of History, Lewis & Clark College, and Pamplin Society of Fellows, 1993

Oregon Professor of the Year, Council for the Advancement and Support of Education, Washington, DC., 1992-93
Sears-Roebuck Foundation Teaching Excellence and Campus Leadership Award, Lewis & Clark College, 1990
Daughters of the American Revolution National Award for Contributions in American History, 1986
Ruth McBride Powers Award, Oregon Preservationist of the Year, Historic Preservation League of Oregon, 1986
Faculty Enrichment Fellowship, "The Indians of British Columbia and Their Arts," Canadian government, 1986

Consultant Studies:

Consultant studies in history, ethnohistory, cultural resource management, and archaeology, 1975-2006, including reports for the following governmental agencies:

Siskiyou National Forest
Siuslaw National Forest
Ochoco National Forest
Wallowa-Whitman National Forest
Deschutes National Forest
Mt. Hood National Forest
Umpqua National Forest
Willamette National Forest
Coos Bay BLM District
Roseburg BLM District
Salem BLM District
Lakeview BLM District
Vale BLM District
Oregon State Office, BLM
Portland District, Corps of Engineers
Bureau of Reclamation, Boise District
U.S. Coast Guard, 11th District
U.S. Fish and Wildlife Service, Malheur Refuge
Lake County Commissioners
Clackamas County Department of Transportation and Development
Oregon State Historic Preservation Office for LCDC
Oregon Coast Conservation and Development Commission
Eugene Water and Electric Board

2008:

Documentary Evidence of the Cowlitz Tribe in Clark County, Washington.

Report submitted to the Cowlitz Indian Tribe, Longview, WA.

Fort Vancouver: A History of the Post Cemetery, ca. 1853-1882. Report submitted to ODOT and WDOT, Columbia River Crossing. HRA No. ?

2007:

Columbia River Crossing: Cultural Resource Overview. "Ethnohistory" and "Historical Overview." Chapters in report written with Rick Minor submitted to Washington Department of Transportation and Oregon Department of Transportation.

Buena Vista Rancheria. Report submitted to Board of Supervisors and County Counsel, Amador County, Jackson, CA.

Guidiville Band of Pomo Indians: Traditional Use and Occupancy Areas and Residency in Mendocino County, California. Report submitted to Board of Supervisors and County Counsel, Contra Costa County, Martinez, CA.

2006:

Oregon's Coast Reservation: Tribal Distribution, Administration, and the Particular History of the Confederated Tribes of Coos, Lower Umpqua, and Siuslaw. Report submitted to CLUSIT, Coos Bay, OR.

Portsmouth Cut, Portland, Oregon: Historical Investigations. HRA Report No. ? Report submitted to the City of Portland, Environmental Services and Planning.

Residency of the Shawnee Tribe at Paxtang (Harrisburg) and Nearby Sites in the Lower Susquehanna Watershed, Pennsylvania. Report submitted to Vision Group Ventures, Plymouth Meeting, PA., and Shawnee Tribe, OK.

Needs Assessment: Draft of Potential Projects Relating to Cultural Resources, Education, and Public Affairs. Report submitted to Cowlitz Tribe, Longview, WA.

The Lone Band of Miwok Indians of Amador County, California. Report submitted to Board of Supervisors and County Counsel, Amador County, CA.

Mechoopda Indian Tribe of the Chico Rancheria. Report submitted to Jackson & Kelly, LLC, Washington, D.C., and the Supervisors, Butte County, CA.

The Scotts Valley Band of Pomo Indians: Traditional Use and Occupancy Areas and Residency in Lake County, California. Report submitted to the Board of Supervisors and County Counsel, Contra Costa County, CA.

The Karuk Tribe of California: Federal Relationships, Termination, and Restoration. Report submitted to the Karuk Tribe, Happy Camp, CA. (for submission to National Indian Gaming Commission, Washington, DC.

2005:

Archaeological Investigations in 2004 at the Malheur Agency/Agency Ranch Site (35ML1157), Malheur County, Oregon. Written with Rick Minor. HRA Report No. 289 submitted to U.S. Bureau of Reclamation, Boise, ID.

The Karuk Tribe: Indian Residency and Tribal Presence in Siskiyou County, California, 1910-2005. Report submitted to Karuk Tribe, Happy Camp, CA.

Klamath River Canyon of Oregon and California: Historical Landscape Study. Report submitted to U.S. Department of Interior, Bureau of Land Management, Klamath Falls, OR. (Scheduled for publication, 2006)

Locations of Shawnee Residency in Pennsylvania: A Preliminary Identification. Report submitted to Delaware Gaming, Inc., Plymouth Meeting, PA.

Indian Claims Commission, 1946-78: A Brief History with Comments Relating to Docket 218. Report submitted to Cowlitz Tribe, Longview, WA.

2004:

Cowlitz Indian Tribe of Washington: Report Documenting the Tribe's Historical Presence in, and Occupancy of Clark County, Washington. Report co-authored with Dennis J. Whittlesey, submitted to the Cowlitz Indian Tribe, Longview, WA. (Bureau of Indian Affairs Fee-to-trust conversion of land at LaCenter, WA.)

Aboriginal Territory of the Cowlitz Indian Tribe in Southwestern Washington. Report submitted to Cowlitz Indian Tribe, Longview, WA.

Shawnee Tribe in Maryland: A Literature Search. Report submitted to Nagin, Gallop & Figueredo, P.A., Miami, Florida.

Shawnee Tribe in Eastern Pennsylvania: A Literature Search. Report submitted to Nagin, Gallop & Figueredo, P.A., Miami, Florida.

2003:

The Confederated Tribes of Grand Ronde Community of Oregon: An Examination of Failures in Agricultural Programs, Off-Reservation Subsistence Activities, Areas of

Use, BIA Facilitation of the Pass System, and Understandings of Treaties. Report submitted to Kanji & Katzen, PLLC, Seattle, WA., and to Tribal Council, Confederated Tribes of Grand Ronde Community, Grand Ronde, OR.

Stump Farming on the Upper Wilson River: A Brief History of Life at Jones Creek, 1886-1920, Tillamook County, Oregon. Heritage Research Associates Report No. 262, submitted to Tillamook Forest, Oregon Department of Forestry, Forest Grove, OR.

Agency Ranch: Archaeological Investigations at Beulah Reservoir, Malheur County, OR. Heritage Research Associates Report No. 273 submitted to the Bureau of Reclamation, Boise District, Boise, ID.

2001:

Archaeological Assessment and Historical Review of the Alsop-Brownwood Flood Mitigation and Restoration Project, Multnomah County, Oregon. Written with Robert R. Musil. Heritage Research Associates Report No. 247 submitted to City of Portland, Environmental Services, Portland, OR.

2000:

The Gerber Block: Historical Developments on the Public Rangelands in Klamath County, Oregon. Report submitted to the Lakeview District, Bureau of Land Management, Klamath Falls, OR.

Coos Bay North Spit: Historical Investigations of Federal Activities in Coastal Oregon. Report submitted to the Coos Bay District, Bureau of Land Management, North Bend, OR.

Portland's Westside Waterfront: Historical Overview of Development, Marquam Gulch to Northwest Nicolai. Heritage Research Associates Report submitted to Underground & Tunnels Division, Parson Brinkerhoff Quade & Douglas, Inc., Portland, OR.

The Hatch Tract: A Traditional Siuslaw Village Within the Siletz Reservation, 1855-75. Report submitted to Confederated Tribes of Coos, Lower Umpqua, and Siuslaw, Coos Bay, OR.

The Confederated Tribes of Grand Ronde Community of Oregon: Tribal and Band Identities, Aboriginal Areas, Treaties, Establishment of Reservation Governments, and Status of Claims. Report submitted to The Confederated Tribes of Grand Ronde Community of Oregon, Grand Ronde, OR.

1998:

Rocks and Hard Places: Historic Resources Study of the John Day Fossil Beds National Monument. Report submitted to National Park Service, Seattle, WA.

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1998:

Tillamook Forest Interpretive Center, Jones Creek, Master Plan. Written with Aldrich-Pears, Vancouver, B.C. Report submitted to Oregon Department of Forestry, Tillamook State Forest, Forest Grove, OR.

1997:

Fort Yamhill, Oregon: Research for Correspondence and Visuals, 1856-1866. Report submitted to Oregon Parks and Recreation Department, Salem, OR.

The First Simpson House, 1907-1921: Shore Acres State Park. Report submitted to Oregon Parks and Recreation Department, Salem, OR.

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1996:

Ethnohistory of the Lewis River Region, Washington. Report submitted to Pacificorp, Portland, OR. (Yale Project FERC relicensing)

1995:

Gregory Point, Yoakam Point, and Coos Head: Historic Investigations for the Proposed Baldiyaka Interpretive Center. Report submitted to Confederated Tribes of Coos, Lower Umpqua, and Siuslaw Indians, Coos Bay, OR.

Cape Blanco Lighthouse: Historical Investigations. Report submitted to Coos Bay BLM District, Coos Bay, OR.

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Tucannon River: River Widths, Vegetative Environment, and Conditions Shaping Its Condition, Mouth to Headwaters. Report submitted to Eastside Ecosystem Management Project, U. S. Department of Agriculture, Forest Service, Walla Walla, WA.

Donner und Blitzen River: River Widths, Vegetative Environment, and Conditions Shaping Its Condition, Mouth to Headwaters. Report submitted to Eastside Ecosystem Management Project, U. S. Department of Agriculture, Forest Service, Walla Walla, WA.

1994:

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1993:

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Archaeological and Historical Evaluation of Cultural Resources in the Proposed Morton Butte Timber Sale, Curry County, Oregon. (Written with Rick Minor and Robert R. Musil). HRA Report No. 143. Submitted to Coos Bay BLM District, North Bend, OR.

1992:

The Barlow Road, Clackamas County, Oregon: Inventory Project, Historic Context, 1845-1919. (Written with Richard C. Hanes). Submitted to Clackamas County Department of Transportation and Development, Oregon City, OR.

Barlow Road Inventory Project, Phase 2: Second Sandy River Crossing to Oregon City. (Written with Richard C. Hanes). Submitted to Clackamas County

Department of Transportation and Development, Oregon City, OR.

Cultural Resource Overview of the Umpqua National Forest, Southwestern Oregon. (Written with Rick Minor). HRA Report No. 125. Submitted to Umpqua National Forest, Roseburg, OR.

Cultural Resource Surveys of Selected BLM Land Exchange Parcels in Lane, Linn and Polk Counties, Oregon. (Written with Albert C. Oetting.) HRA Report No. 130. Submitted to Eugene BLM District, Eugene, OR.

Foster and Green Peter Projects, South Santiam River, Oregon: Cultural Resource Management Plan. (Written with Rick Minor and Robert Musil). HRA Report. Submitted to Army Corps of Engineers, Portland, OR.

Historical Overview and Evaluation of the Tillamook Naval Air Station Administration Building, Tillamook Oregon. HRA Report No. 121. Submitted to Salem BLM District, Salem, OR.

An Inventory Strategy Plan for BLM Lands in the Oregon Coast Range. (4 vols.) Vol. 3, Historical Records Survey of Sample Units. (Other volumes written by Kathryn Anne Toepel and Albert C. Oetting). HRA Report No. 135. Submitted to Oregon State Office, BLM, Portland, OR.

Historical Overview and Evaluation of the Tillamook Naval Air Station Administration Building, Tillamook Oregon. HRA Report No. 121. Submitted to Salem BLM District, Salem, OR.

Literature Search and Evaluation of Historical Resources in the Proposed Faler Road Treaty Fishing Access Site and Alternative, Morrow County, Oregon. HRA Letter Report 92-10 to Army Corps of Engineers, Portland, OR.

Cultural Resource Overview and Sample Survey for the Metolius River Wild and Scenic Area, Central Oregon. (Written with Albert C. Oetting and Jill A. Chappel). HRA Report No. 137. Submitted to Deschutes National Forest, Bend, OR.

1991:

Barlow Road Inventory Project, Phase I: Government Camp to the Second Sandy River Crossing. (Written with Richard C. Hanes.) Submitted to Clackamas County Department of Transportation and Development,

Oregon City, OR.

Cultural Resource Evaluation of the Crates Point Interpretive Center Site, Columbia River Gorge National Scenic Area, Wasco County, Oregon. (Written with Rick Minor). HRA Report No. 104. Submitted to Mt. Hood National Forest, Gresham, OR.

Cultural Resources Inventory of the Umpqua National Forest. (Compiled with Rick Minor and Kathryn Anne Toepel). HRA Report. Submitted to Umpqua National Forest, Roseburg, OR.

Cultural Resources Investigations for the Eugene Water and Electric Board Relicensing Project, Lane County, Oregon. (Written with Kathryn Anne Toepel). HRA No. 102. Submitted to Eugene Water and Electric Board, Eugene, OR.

Evaluation of Historical Resources, Right Turn Lane Timber Sale, Douglas County, Oregon. (Written with Rick Minor, George Kramer, and Kevin C. McCormack). HRA Report No. 106. Submitted to Roseburg BLM District, Roseburg, OR.

In Their Own Words: Diaries and Reminiscences of the Oregon Trail in Oregon. 2 vols. Report submitted to Oregon Trail Coordinating Council, Portland, OR.

Wyeth House: Historical Investigations in the Columbia River Gorge, Wyeth, Oregon. B & A Report No. 1. Submitted to Mt. Hood National Forest, Corbett, OR.

1990:

A Class III Cultural Resource Survey for the Proposed Milltown Hill Reservoir Area, Douglas County, Oregon. 2 vols. (Written with George Cramer, Robert R. Musil, and Jill A. Chappel). HRA Report No. 99(2). Submitted to Bureau of Reclamation, Boise, ID.

Cultural Resource Reconnaissance of the Umpqua River North Spit, Oregon Dunes National Recreation Area, Siuslaw National Forest. HRA Report No. 98. Submitted to Siuslaw National Forest, Oregon Dunes NRA, Reedsport, OR.

1989:

Assessment of the Rabbit Mine, Greenhorn, Oregon. Submitted to Baker

Resource Area, BLM, Baker City, OR.

106 Environmental Compliance Report, National Historic Oregon Trail Interpretive Center at Flagstaff Hill, Baker City, OR. Submitted to Baker Resource Area, BLM, Baker City, OR.

1988:

Cultural Resource Overview of the Proposed Milltown Hill Reservoir, Douglas County, Oregon. (Written with Rick Minor). HRA Report No. 71. Submitted to Bureau of Reclamation, Boise, ID.

Cultural Resource Reconnaissance for the Proposed Golden Gulch Dam Project, Douglas County, Oregon. (Written with Paul W. Baxter). HRA Report No. 68. Submitted to Army Corps of Engineers, Portland District, Portland, OR.

Cultural Resource Survey of Selected Tracts in the Bonneville Dam Reservoir Area, Oregon and Washington. (Written with Paul W. Baxter). HRA Report No. 73. Submitted to Army Corps of Engineers, Portland District, Portland, OR.

Prehistory and History of the Columbia River Gorge National Scenic Area, Oregon and Washington. (Written with Rick Minor, Kathryn Anne Toepel and Jo Reece). HRA Reports No. 75(1)(2)(3). Submitted to U.S. Forest Service, Columbia Gorge National Scenic Area, Hood River, OR.

Tribal Economic Development and Strategy and Business Plan: Cow Creek Band of Umpqua Tribe of Indians. (Written with Mark E. Beckham and Cynthia Carlson). USA Research Report. Submitted to Cow Creek Band of Umpqua Tribe of Indians, Roseburg, OR.

1987:

Archaeological Testing in the Southeast Area, Vancouver Barracks Historic District. (Written with Rick Minor). HRA Report No. 61. Submitted to Army Corps of Engineers Portland District, Portland, OR.

Chinook Indian Tribe: Petition for Federal Acknowledgment. USA Research Report No. 5. Submitted to Branch of Acknowledgment and Research, Bureau of Indian Affairs, Department of Interior, Washington, DC.

Cultural Resource Overview of the Willamette National Forest: a 10-year Update. (Written with Rick Minor, Paul W. Baxter, and Kathryn Anne Toepel). HRA Report No. 60 submitted to Willamette National Forest, Eugene, OR.

Cultural Resources Survey for the US Sprint Fiber Optic Cable Project, Oroville, California to Eugene, Oregon. (Written with Rick Minor and Jackson Underwood). Submitted to Dames & Moore, San Diego, CA.

Determinations of Eligibility for National Register of Historic Places: Baxter and Pinkerton-Falk-Riley Houses, Siuslaw National Forest. USA Research Report No. 6. Submitted to Siuslaw National Forest, Corvallis, OR.

Fall Creek, Lookout Point, and Dexter Projects, U.S. Army Corps of Engineers: Cultural Resources Management Plan. (Written with Kathryn Anne Toepel). HRA Report. Submitted to Army Corps of Engineers, Portland, OR.

Fishing Rights of the Chinook Indian Tribe: The Historical Background. USA Research Report No. 8. Submitted to Chinook Indian Tribe, Chinook, WA.

Fishing Rights of the Cowlitz Indian Tribe: The Historical and Legal Background. USA Research Report No. 7. Submitted to the Cowlitz Indian Tribe, Longview, WA.

Historical Investigations of Early Railroad Developments at Bonneville, Oregon: 1855-1882. (Written with Rick Minor). HRA Report No. 57. Submitted to Army Corps of Engineers, Portland, OR.

Prehistory and History of the Ochoco National Forest, Central Oregon. (Written with Rick Minor, Kathryn Anne Toepel, and Ruth L. Greenspan). HRA Report No. 51. Submitted to Ochoco National Forest, Prineville, OR.

The Riddle Ranch, Little Blitzen River, Harney County, Oregon: A Historical Assessment. Report submitted to Burns BLM District, Burns, OR.

1986:

The Bonneville Hatchery: A Historical Assessment for the Bonneville Navigation Lock Project, Bonneville, Oregon. HRA Report No. 48. Submitted to Army Corps of Engineers, Portland, OR.

Cowlitz Indian Tribe: Petition for Federal Acknowledgment. Submitted to Branch of Acknowledgment and Research, Bureau of Indian Affairs,

Washington, DC.

Cultural Resources Inventory Plan for the Siuslaw National Forest. Vol. 2: Verification Survey and Historical Records Survey of Burn Units. (Written with Kathryn Anne Toepel). HRA Report No. 43. Submitted to Siuslaw National Forest, Corvallis, OR.

Cultural Resource Overview and Inventory of the Hayesville Interchange–Battle Creek Interchange, Pacific Highway, Marion County, Oregon. (Written with Rick Minor). HRA Report No. 49. Submitted to Howard Needles Tammen & Bergendoff, Bellvue, WA.

The Former Crown Zellerbach Tree Farm Headquarters Complex, Tahkenitch Lake, Oregon: A Historical Assessment. HRA Report No. 2. Submitted to Siuslaw National Forest, Corvallis, OR.

Historical Investigations at Simon Springs, Umatilla County, Oregon. (Written with Kathryn Anne Toepel). HRA Report No. 52. Submitted to Army Corps of Engineers, Portland, OR.

Overview and Assessment of Cultural Resources in the Proposed Home Valley Park, Skamania County, Washington. (Written with Rick Minor). HRA Report No. 45. Submitted to Army Corps of Engineers, Portland, OR.

The Resource Center, Building No. 1381, Angell Job Corps Center, Waldport, Oregon: A Historical Assessment. USA Research Report No. 3. Submitted to Siuslaw National Forest, Corvallis, OR.

Status of Certain Lands Within or Adjacent to the Chemehuevi Valley Indian Reservation, California. Report submitted to Keck, Mahin & Cate, Attorneys-at-Law, Washington, DC.

1985:

Cultural Resource Investigations for the Steigerwald Lake Wetlands Area, Clark County, Washington. (Written with Rick Minor). HRA Report No. 41. Submitted to Army Corps of Engineers, Portland, OR.

An Overview of Investigations at 45SA11: Archaeology in the Columbia River Gorge. (Written with Rick Minor and Kathryn Anne Toepel). HRA Report No. 41. Submitted to Army Corps of Engineers, Portland, OR.

1984:

An Archaeological Survey and Historical Assessment of Five Disposal Sites for the Bonneville Navigation Lock Project, Oregon and Washington. (Written with Kathryn Anne Toepel). HRA Report No. 32. Submitted to Army Corps of Engineers, Portland, OR.

Archaeological Testing at Fort Cascades and the Cascades Townsite (45SA9). (Written with Rick Minor). HRA Report No. 28. Submitted to Army Corps of Engineers, Portland, OR.

Cultural Resource Overview and Investigations for the Bonneville Navigation Lock Project, Oregon and Washington. (Written with Rick Minor). HRA Report No. 29. Submitted to Army Corps of Engineers, Portland, OR.

The LaPine Management Unit: A Cultural Resource Overview. Report submitted to the BLM Prineville District, Prineville, OR.

"This Place is Romantic and Wild": A Historical Overview of the Cascades Area, Fort Cascades, and the Cascades Townsite, Washington Territory. HRA Report No. 27. Submitted to Army Corps of Engineers, Portland, OR.

1983:

Further Cultural Resource Investigations for the Tualatin River Channel Improvement Project. (Written with Kathryn Anne Toepel). HRA Report No. 19. Submitted to Army Corps of Engineers, Portland, OR.

1982:

Cultural Resource Investigations for the Tualatin River Channel Improvement Project. (Written with Rick Minor and Kathryn Anne Toepel). HRA Report No. 13. Submitted to Army Corps of Engineers, Portland, OR.

Cultural Resource Overview of the Siuslaw National Forest, Western Oregon. (Written with Kathryn Anne Toepel and Rick Minor). HRA Reports No. 7(1, 2). Submitted to Siuslaw National Forest, Corvallis, OR.

Historic Sites and Buildings Inventory, Lake County, Oregon. 5 vols. HRA Report No. 12. Submitted to Lake County Commissioners and Oregon State Historic Preservation Office, Salem, OR.

Historic Use of Six Reservoir Areas in the Upper Willamette Valley, Lane County, Oregon. (Written with Kathryn Anne Toepel). HRA Report No. 8.

Submitted to Army Corps of Engineers, Portland, OR.

Native American Religious Practices and Uses, Siuslaw National Forest. (Written with Kathryn Anne Toepel and Rick Minor). HRA Report No. 7(3). Submitted to Siuslaw National Forest, Corvallis, OR.

1981:

Cultural Resources Overview of the Eugene BLM District: West-Central, Oregon. 3 vols. (Written with Rick Minor and Kathryn Anne Toepel). HRA Report Nos. 4(1, 2, 3). Submitted to Eugene BLM District, Eugene, OR.

The Oregon Central Military Wagon Road: A Historical Study and Field Reconnaissance Inventory. 2 vols. HRA Report Nos. 6(1, 2). Submitted to Willamette National Forest, Eugene, OR.

Survey and Testing of Cultural Resources Along the Proposed Bonneville Power Administration's Buckley-Summer Lake Transmission Line Corridor, Central Oregon. (Written with Kathryn Anne Toepel). Report of the University of Oregon Department of Anthropology to the Eastern Washington Archaeological Survey for the Bonneville Power Administration, Portland, OR.

1980:

Archaeology and History of the Fort Orford Locality: Investigations at the Blundon Site (35CU106) and Historic Fort Orford. (Written with Rick Minor and Ruth L. Greenspan). Report of the University of Oregon Department of Anthropology, Eugene, OR.

The Barnes Ranch: A Historical Overview and Historical Cultural Resources Inventory. Report to the Malheur National Wildlife Refuge, U.S. Fish and Wildlife Service, Burns, OR.

Cultural Resource Overview of the Coos Bay BLM District, Oregon: Archaeology, Ethnography, History. (Written with Rick Minor). Submitted to the Coos Bay BLM District, Coos Bay, OR.

1979:

Civilian Conservation Corps Buildings on the Siskiyou National Forest: An Overview and Inventory with Assessment. Submitted to Siskiyou National Forest, Grants Pass, OR.

Cultural Resource Overview and Field Reconnaissance of the Barlow

Road (Oregon Trail). 2 vols. Submitted to Mt. Hood National Forest, Gresham, OR.

Cultural Resource Overview of BLM Lands in Northwestern Oregon: Archaeology, Ethnography, History. 2 vols. (Written with Rick Minor and Kathryn Anne Toepel). Report of the University of Oregon Department of Anthropology. Submitted to Salem BLM District, Salem, OR.

Cultural Resource Overview of the BLM Lakeview District, South-Central Oregon. (Written with Rick Minor and Kathryn Anne Toepel). Report of the University of Oregon Department of Anthropology. Submitted to the Lakeview BLM District, Lakeview, OR.

Historical Cultural Resource Inventory of the Buckley-Silver Lake BPA Transmission Line, Central Oregon. Report of the University of Oregon Department of Anthropology to the Eastern Washington Archaeological Survey for the Bonneville Power Administration, Portland, OR.

1978:

Cape Arago Lighthouse: A Historical Overview and Structure Inventory. Report submitted to 13th District, U.S. Coast Guard, Seattle, WA.

Cultural Resource Overview and Inventory of the Brothers Area, Prineville BLM District, Oregon. (Written with Kathryn Anne Toepel). Report of the University of Oregon Department of Anthropology to the Prineville BLM District, Prineville, OR.

Cultural Resource Overview of the Siskiyou National Forest. (Written with Glenn D. Hartmann). Submitted to Siskiyou National Forest, Grants Pass, OR.

1977:

Cultural Resource Survey of the Sixes River, Otter Creek Tract, Curry County, Oregon. (Written with Glenn D. Hartmann). Submitted to Siskiyou National Forest, Grants Pass, OR.

Cultural Resources of the Eden Ridge Tract, Coos County, Oregon. (Written with Glenn D. Hartmann). Submitted to the Siskiyou National Forest, Grants Pass, OR.

Historical Cultural Resource Overview of the Bohemia Mining District, Umpqua National Forest. Submitted to the Umpqua National Forest, Roseburg, OR.

1976:

Cultural Resources in the Siuslaw National Forest Based Upon a Literature Search. (Written with Richard E. Ross). Submitted to Siuslaw National Forest, Corvallis, OR.

Historical Resources Within Geothermal Lease Sites: Bully Creek Watershed (Malheur County), Alvord Desert (Harney County), and South Crump (Lake County). Submitted to Archaeological Environmental Research Corp., Salt Lake City, UT., for Chevron Oil Corporation.

Johnson Creek Interceptor, Bandon, Oregon: A Preliminary Cultural Resource Assessment, Project No. 2030-E-75. (Written with Ronald Stubbs). Submitted to Harlan, Gessford, & Erichsen, Inc., Engineers, Coos Bay, OR.

A Statewide Inventory of Oregon Historical Resources. (Inventory of 1,771 sites and structures in 35 Oregon counties based upon a field reconnaissance). Report submitted to Oregon State Historic Preservation Office, Salem, OR.

1975:

Cascade Head and the Salmon River Estuary: A History of Indian and White Settlement and a Historic Buildings Inventory. Submitted to Siuslaw National Forest, Corvallis, OR.

Cultural Resources of Patton Valley, Tualatin River, Oregon: A Historic Overview and Inventory. Submitted to the National Park Service, San Francisco, for the Bureau of Reclamation, Boise ID.

The Oregon Trail in Oregon. Submitted to the Exhibi-Graphics Group, Salt Lake City, UT., for Oregon State Parks and Oregon Department of Transportation, Salem, OR.

Road's End, Lincoln County, Oregon: A Preliminary Cultural Resource Assessment for an Interceptor. (Written with Jan Peterson). Submitted to Harlan, Gessford & Erichsen, Inc., Engineers, Coos Bay, OR.

1974:

Cultural Resources of the Oregon Coast. Submitted to the Oregon Coast Conservation and Development Commission, Florence, OR., and Oregon State Historic Preservation Office, Salem, OR.

Cultural Resources Within Proposed U.S. Army Corps of Engineer Dredge Spoil

Sites, Coos Bay, Oregon, Project Area. Submitted to Daniel, Mann, Johnson, Mendenhall, Engineers, Los Angeles, CA., for the Army Corps of Engineers, Portland, OR.

1973:

The Oregon Seaboard: An Inventory of Historical and Archaeological Sites. Submitted to Oregon Coast Conservation and Development Commission, Florence, OR.

National Register Nominations:

Research, photography, documentation, presentation, and listing on the National Register of Historic Sites and Places:

Barlow Road (Oregon Trail) on the Mt. Hood National Forest, OR.
Bonnevill Hatchery, Bonneville, OR.
Bonneville Dam, Navigation Lock, and Power House, OR. and WA.
Cemeteries (4), Confederated Tribes of Coos, Lower Umpqua, and Siuslaw Indians: *Ka'aich* (Florence, OR.), *Wu'alach* (Coos Bay, OR.), *Bal'diyaka* (Charleston, OR.), *Skeich* (Lakeside, OR.)
Marshfield Sun Building, Coos Bay, OR.
Pioneer Hall, Linfield College, McMinnville, OR.
Riddle Ranch Complex, Blitzen River, Harney County, OR.
Smith, Milton House, Portland, OR.
Turn Point Lighthouse, Stuart Island, WA.
Wade Pipes' Houses (4), Designs for John and Elizabeth Bates, Portland and Lake Oswego, OR.
Weinstein, Clara and Samuel B. House, Lake Oswego, OR.
White, Eugene and Harriet House, Lake Oswego, OR.

Public Service:

Board of Advisors, National Trust for Historic Preservation, Washington, DC., 1976-83
Commission on Christian Unity, American Baptist Churches, USA, Valley Forge, PA., 1973-77
Historic Preservation League of Oregon, Portland, OR., Founder, Board, 1977-80; Board of Stewards, 1985-93
John and LaRee Caughey Foundation, Los Angeles, CA., President and Member of Board, 1984-present
Lewis & Clark Trail Committee, State of Oregon, Salem, OR., 1980-88. (Appointed by Gov. Victor Atiyeh).
Native American Arts Council, Portland Art Museum, Member of Board,

1987-89

Oregon Advisory Committee on Historic Preservation, 1977-84. (Appointed by governors Robert Straub and Victor Atiyeh)

Oregon Geographic Names Board, Portland, OR., 1989-93

Oregon Historical Society, Portland, OR., Member of Board and Executive Committee, 1991-2001; Chair, Publications Committee, 1995-2002; Sen. Mark O. Hatfield Lecture Committee, 1998-2001; CEO Search Committee, 2001; Library Committee and Museum Committee, 1990-92; *OHQ* Advisory Committee, 1999-2001

Oregon State University Press Board, Corvallis, OR., Member, 1989-92, 1998-2001

Oregon Trail Foundation, Oregon City, OR., Member of Executive Committee and Board, 1991-93

Study Commission on Denominational Structure, American Baptist Churches, USA, Valley Forge, PA. 1967-73 (Representative of American Baptists under age 30)

Umpqua Indian Development Corporation, Secretary and Member of Board, 1989-93

Board of Visitors, Northwestern School of Law, Lewis & Clark College, 2002-present