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Rhadigan, Ryan

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**Surveying the Reservoir:
Public Records and the Archival Logics of the Oroville Dam**

by Ryan Rhadigan

Department of Rhetoric
University of California, Berkeley
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Institute for the
Study of
Societal Issues

Ryan Rhadigan
Department of Rhetoric
University of California, Berkeley

rrhadigan@berkeley.edu

Heavy flooding and forced emergency evacuations of over 180,000 local residents in February 2017 drew national attention to California's aging and structurally damaged Oroville Dam. As a centerpiece of California's six-hundred-mile State Water Project, the Oroville Dam plays a significant role in water allocation throughout the state. While recent media coverage highlights how infrastructural damage and bureaucratic delays to the dam's federal relicensing process have cast a shadow of uncertainty over the dam's future, considerably less has been said about the controversies surrounding the Oroville Dam's planning and construction, and how that history continues to shape and impact the present. A particularly neglected aspect is the dam's continued role in disrupting the lifeways of California's indigenous Konkow Maidu communities and displacing Konkow Maidu people from a significant portion of their ancestral territory. By engaging in a historical analysis of the Oroville Dam's construction and present-day operation through the heuristic use of the concept "archival logics," this paper explores how the modified hydrology enacted by the Oroville Dam not only reconfigures indigenous material and political space, but also consolidates, reorders, and displaces local forms of knowledge. Through close readings of ethnological and archeological surveys produced in compliance with state and federal laws during the construction and relicensing of the Oroville Dam in the mid-2000's, this paper demonstrates how the continued operation of the Oroville Dam both necessitates and mediates public archival practices that enroll, reroute, and intervene in Maidu acts of political and epistemological sovereignty.

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Hydrological Politics and Archival Logics

Heavy flooding and forced emergency evacuations of over 180,000 local residents in February 2017 drew national attention to California's aging and structurally damaged Oroville Dam. As a centerpiece of California's six-hundred-mile State Water Project, the Oroville Dam plays a significant role in water allocation throughout the state. While recent media coverage highlights how infrastructural damage and bureaucratic delays to the dam's federal relicensing process have cast a shadow of uncertainty over the dam's future, considerably less has been said about the controversies surrounding the Oroville Dam's planning and construction, and how that history continues to shape and impact the present. A particularly neglected aspect is the dam's continued role in disrupting the lifeways of California's indigenous Konkow Maidu communities and displacing Konkow Maidu people from a significant portion of their ancestral territory.

This paper explores how the modified hydrology enacted by the Oroville Dam not only physically reconfigures Maidu social and political space, but also works to consolidate, reorder, and disarticulate local forms of knowledge. I argue that such epistemological effects are intimately tied to the manufacture of archives, and more specifically, the attendant co-operation of governmental and archival *logics* within these epistemic and administrative spaces.¹ In the case of California's Oroville Dam, "logics" indexes both the archival technics—the media, technologies, and procedures that facilitate archival storage and retrieval—and the governing aims, rationalities, and applications of archival knowledge through state-sponsored practices of cultural resource management. In this sense, Oroville Dam's lawful presence and continued

¹ For discussion of how archives function both as agents of fact production and technologies of governmental rule, see Ann Stoler, "Colonial Archives and the Arts of Governance" *Archival Science* 2, no. 1 (2002): 87-109.

operation both necessitates and presupposes the development and preservation of a public archive— an archive grounded in traditional Maidu territory, which enrolls, appropriates, and mediates Maidu place names, histories, cultural objects, and land-based knowledge.²

I focus my analysis on archival logics for two reasons: First, the completion of historical, archeological, and ethnographic surveys of the area impacted by the Oroville Dam and reservoir (or equivalent efforts conducted in “good faith”) is legally mandated under Section 106 of the National Historical Preservation Act (NHPA) and must be carried out for the dam to operate in compliance with federal law.³ Second, written archives are an epistemologically privileged site for arbitrating social facts and thus play a pivotal and disproportionate role in determining legal and political possibilities for indigenous communities. Anthropologist Audra Simpson notes how ideological commitments to “objectivist history” sustain an “authenticating loop” and “industry of fact checking” that has a stultifying effect in the North American settler-colonial context— privileging the authority of the archive while circumscribing the experiences and voices of the indigenous people it purports to represent.⁴

² For discussion of land-based knowledge and pedagogy in a broader indigenous context, see Matthew Wildcat et al., “Learning from the Land: Indigenous Land Based Pedagogy and Decolonization,” *Decolonization: Indigeneity, Education and Society* 3, no. 3 (2014):i-xv; Leanne Betasamosake Simpson, “Land as Pedagogy: Nishnaabeg Intelligence and Rebellious Transformation,” *Decolonization: Indigeneity, Education and Society* 3, no. 3 (2014):1-25.

³ Thomas King notes that although NHPA section 106 compliance frequently takes the form of historical and archaeological surveys, there is nothing in the Code of Federal Regulations that explicitly requires agencies to conduct a “survey” per se. Instead, the regulations “require a ‘reasonable and good faith effort’ to ‘identify historic properties.’” See Thomas King, *Cultural Resource Laws and Practice* (New York: Alta Mira Press, 2013), 127. See also 36 CFR 800.4(b)(1) which states that “a reasonable and good faith effort...may include background research, consultation, oral history interviews, sample field investigation, and field survey” (8). (Protection of Historic Properties, Advisory Council on Historic Preservation. *Code of Federal Regulations*, title 36 [2017]: 87-112, <https://www.gpo.gov/fdsys/pkg/CFR-2017-title36-vol3/pdf/CFR-2017-title36-vol3.pdf>).

⁴ Audra Simpson, *Mohawk Interruptus: Political Life Across the Borders of Settler States* (Durham: Duke University Press, 2014), 75-6.

My analysis of the dam brings together materials from two separate and purposively distinct archives: On the one hand, I use texts that constitute part of the dam's broader historical documentation. Many photographs, correspondences, and oral histories were generated before, during, and after the planning and construction of the SWP. A large number of these materials are now catalogued and accessible in public archives throughout the state of California. The collected papers of the

Feather River Project Association and their promotional film *California Waterama*, for example, are part of this historical record, and are housed in archives at California State University Northridge and University of California Davis, respectively. On the other hand, I analyze public records that were produced in accordance with the legal requirements of the NHPA, including two public reports prepared for the California Department of Water Resources by outside contractors. Many of these materials are also historical in scope and content. However, since these documents play a determinative role in the Oroville Dam's Federal Energy Regulatory Commission licensing, I consider these documents part of what I call the dam's operational archive.

By juxtaposing select documents from the dam's historical and operational archive, I aim to highlight the ways that these archives both document and efface Maidu social and political presence in and around Lake Oroville. I argue that public records generated in response to well-meaning legal directives like NHPA produce mixed outcomes for Maidu people. The documents, by virtue of their archival visibility, can help facilitate projects of cultural revitalization and

Konkow Maidu Tribal Presence in the Lake Oroville Area:



An Ethnographic and Ethnohistoric Inventory



Written By:
Helen McCarthy,
Heather Scotton, &
Brandy Doering

political recognition.⁵ However, the same exposure and accessibility also function to erode Konkow Maidu cultural sovereignty and epistemological control by positioning Maidu land, history, and cultural resources as public goods for public usage.

Tentative Beginnings and Renewed Controversy

In January of 1958, an invitation to the Los Angeles premiere of the motion picture *California Waterama: The Story of the Feather River Project* was sent out to a select group of county officials, public dignitaries, business partners, and other “water leaders” in Southern California.⁶ The lunchtime screening was coordinated to coincide with three other simultaneous premieres scheduled in Sacramento, San Francisco, and Oroville, California. “Californians are not only entitled to, but also have long waited for, a straight forward, comprehensive picture of water matters as they exist today,” Henry Dart Greene, Executive Manager of the Feather River Project Association, reasons in the invitation, “...We hope you will join the citizens of the Los Angeles area and elsewhere over the State in this eagerly-anticipated event.”⁷

⁵ While several Maidu communities in the Oroville area are officially acknowledged by the United States government as federally recognized tribes, others are unrecognized or currently in the process of seeking federal recognition. See Heather Hacking, “Oroville Konkow Maidu Tribe Petitions for Federal Recognition,” *Chico Enterprise Record*, September 17, 2016, <https://www.chicoer.com/2016/09/17/oroville-konkow-maidu-tribe-petitions-for-national-recognition/>. For a discussion of how ethnological representation impacts legal and political recognition for indigenous communities see Joanne Barker, *Native Acts: Law, Recognition, and Cultural Authenticity* (Durham: Duke University Press, 2011) and James Clifford “Identity in Mashpee” in *The Predicament of Culture: Twentieth Century Ethnography, Literature and Art* (Cambridge, Harvard University Press, 1988): 277-346. For a critique of recognition as a tool and strategy for indigenous political self-determination see Glen Coulthard, *Red Skin, White Masks: Rejecting the Colonial Politics of Recognition* (Minneapolis: University of Minnesota Press, 2014).

⁶ Invitation to Screening of “California Waterama,” 21 January 1958, Water Works Documenting Water History in Los Angeles, Oviatt Library Special Collections and Archives, California State University, Northridge. <https://calisphere.org/item/5aaa76e793101776823c238f8c8a5fbc/>.

⁷ Ibid.

The film sought to increase awareness and garner support for the fledgling and controversial Feather River Project—a plan to build a multipurpose reservoir and dam near Oroville, California, as the first phase of a much larger comprehensive State Water Project (SWP). When completed, the vast six-hundred-mile network of reservoirs, canals, aqueducts, and dams forming the SWP would be responsible for transporting and distributing water from the Feather River



watershed in the Sierra Nevada Mountains as far south as the arid and densely populated cities of the Los Angeles Basin. At the time, however, the plan was considered politically dangerous, both because it required the passage of a \$1.75 billion statewide bond act and because outspoken voters, politicians, and newspapers in Northern California rebuked it as a hostage-taking maneuver, where threats of curtailed development due to water shortage were used to justify the high costs of relocating Sierra Nevada water to Southern California's rapidly developing cities.⁸

Eventually the pro-development message of the *California Waterama* film and other Feather River Project campaigning prevailed. In the face of vociferous popular opposition, particularly regarding the financial costs assumed by taxpayers, the statewide California Water Resources Development Bond Act passed by a narrow three percent margin of victory in

⁸ David Carle, *Water and the California Dream: Historic Choices for Shaping the Future* (Berkeley: Counterpoint Press, 2016), 179-92.

November of 1960.⁹ By 1968, after almost a decade of construction overseen by the California Department of Water Resources (DWR), the colossal dam was completed. Oroville is the tallest dam in the United States (770 feet), and forms the second largest reservoir in California. The impounded segment of the Feather River, along with 167 miles of artificially formed shoreline, has been designated a state recreation area.

Now, almost six decades after the Oroville Dam's civic dedication ceremony, aging infrastructure and dangerously heavy rainstorms have re-centered the dam in the crosshairs of statewide political debate and public scrutiny. The problems began on February 12, 2017, when a large section of concrete on the dam's primary spillway sustained major damage while discharging excess storm water. In turn, the dam's emergency spillway—a wooded hillside lacking any concrete or structural fortification—was utilized for the first time since the dam's construction. Rapid erosion resulted from the high volume of water passing over the unprotected berm, stoking fears that the spillway might collapse and prompting the forced evacuation of over 180,000 downstream residents.¹⁰ Fortunately, dam operators were able to stabilize the situation and avert further damage.

While these nearly calamitous events renewed broad public interest in California's SWP and heightened focus on the Oroville Dam as a local instantiation of broader problems of climate change, bureaucratic gridlock, and infrastructural decay, most reporting and analysis of the dam's flooding, structural restoration, and unfinished federal relicensing process is still framed in

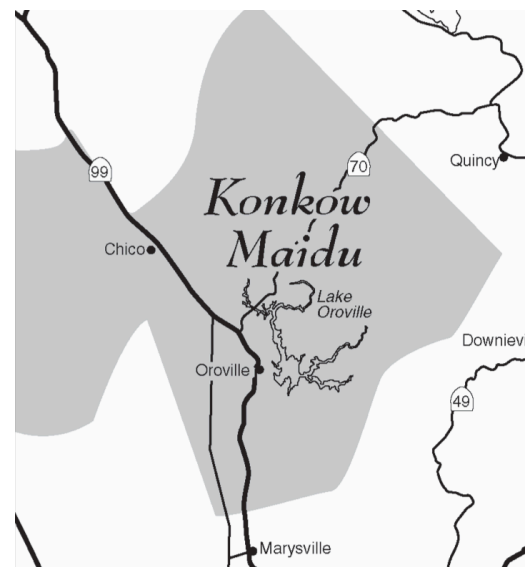
⁹ Ibid., 182.

¹⁰ Nijaj Chokshi and Mike McPhate, "Flood Risk Near Oroville Dam Causes Thousands to Evacuate in California," *New York Times*, February 12, 2017, <https://www.nytimes.com/2017/02/12/us/california-oroville-dam-spillway-evacuate.html>.

terms of financial costs and taxpayer burdens.¹¹ Much less is said about the structure's impacts on the dam site itself, and how this history continues to shape and impact the present for local populations. In particular, acknowledgment of the dam's detrimental impact on Northern California's indigenous communities is conspicuously absent from most historical and contemporary analysis of the SWP, as is consideration of the dam's sustained role in disrupting local lifeways and displacing indigenous Konkow Maidu people from a significant portion of their ancestral territory.¹²

Siting the Dam

The Oroville Dam facilities are located firmly in traditional Konkow Maidu lands. As descendants of speakers of a Maidu dialect, Konkow Maidu people share linguistic, cultural, historical, and political affinities with Mountain Maidu communities to their Northeast and Nisenan communities to their South.



They have a longstanding claim to the meadowlands, forests, and riparian areas southwest of the

¹¹ See for example: Aubrey Bettencourt, "Eight Water Bonds Passed Since 2000, And We Still Have the Oroville Disaster," *The Fresno Bee*, February 21, 2017, <http://www.fresnobee.com/opinion/readers-opinion/article133516714.html>; David Grossman, "The Oroville Dam Disaster Will End Up Costing About \$400 Million," *Popular Mechanics*, June 6, 2017, <http://www.popularmechanics.com/technology/infrastructure/a26787/final-cost-oroville-dam-400-million/>; Paul Rodgers, "Oroville Dam: Cost to Repair Spillways nearly Doubles in Price to \$500 million," *Mercury News*, October 19, 2017, <http://www.mercurynews.com/2017/10/19/cost-of-repairing-oroville-dams-spillway-nearly-doubles-in-price-to-500-million/>.

¹² One area of notable exception has been limited reporting documenting public looting and disruption of Maidu artifacts in the Lake Oroville Recreation Area. See Jennifer MacDonald, "Excavations Disturb Sacred Maidu Land," *Chico Sol*, May 27, 2008, <http://chicosol.org/2008/05/27/excavations-disturb-sacred-maidu-land/>; Lee Romney, "Volunteers Work to Protect California Historic Site from Looters," *LA Times*, July 6, 2014, <http://www.latimes.com/local/la-me-lake-oroville-artifacts-20140707-story.html>.

Sierra Nevada Mountains along the North Fork of the Feather River drainage. The area spans roughly from the Sacramento River (west of Chico) to the Middle Fork of the Feather River (east of Bald Rock Dome) and south to the convergence of the North, Middle, and South Forks of the Feather River (near Oroville). It is land rich with timber, salmon, and wildlife, and prior to settler encroachment, gold. Eleanor Nevins argues that Maidu people, by virtue of their geographic location, directly experienced the collision, violence, and compounded disruption of three core pillars of nineteenth-century US nation building: the 1849 Gold Rush, the construction of the Central Pacific Railway (the western segment of the transcontinental railway), and the development of social-scientific methods of ethnolinguistic study and documentation.¹³ For Maidu communities and descendants who maintain ties to the area, it could be argued that the damming of the Feather River in 1968 incorporates historical traces of all three of these formative and injurious entanglements.¹⁴ Submerged in the engineered waters of the Oroville Dam Reservoir and dispersed throughout its immense fluctuation zone are the remnants of hundreds of Maidu cultural sites, including villages, petroglyphs, fishing grounds, ceremonial structures, burial sites, and hunting camps. The small town of Enterprise II, a forty-acre parcel of land purchased by the US Department of the Interior for the Estom Yumeka Maidu Tribe in 1916, is also completely inundated. As are the remains of John Bidwell's Bar, the site of a gold

¹³ M. Eleanor Nevins, "'You Shall Not Become This Kind of People' Indigenous Political Argument in Maidu Linguistic Text Collections," in *Engaging Native American Publics: Linguistic Anthropology in a Collaborative Key*, eds. Paul Kroskrity and Barbara Meek (New York: Routledge, 2017) 61.

¹⁴ I borrow Jean Dennison's use of the term "entanglement" here as a means of underscoring the coercion, devastation, contradiction, and creative potential that is "inherent [to] power dynamics within the ongoing colonial context without erasing the agency [of indigenous peoples]... [or] ignoring or empowering the colonial forces with which the colonized people must contend." See *Colonial Entanglement: Constituting a Twenty-First-Century Osage Nation* (Chapel Hill: University of North Carolina Press, 2012), 6-7.

panning operation which collected over \$100,000 worth of gold dust between 1848 and 1849, largely through the recruitment and exploitation of Maidu laborers.¹⁵

The State Water Project is not the first time economic ambitions concretized in a large-scale dam near Oroville. More than half a century prior in 1896, prospector and ex Union Pacific railway engineer Major Frank McLaughlin erected a massive wooden, steel, and rock-walled dam and bypass canal in hopes of mining gold and platinum from the riverbed.¹⁶ Though McLaughlin's diversion project attracted considerable publicity, support, and investment—most notably the publication of detailed watercolor renderings of the structure in *Harper's Weekly*,¹⁷ technical and financial assistance from inventor Thomas Edison, and \$12 million dollars in shares purchased by British mining firms—the mining operation ultimately failed to pan out, and McLaughlin destroyed the dam soon after its completion.¹⁸ When construction for the California SWP began in the mid twentieth century, the wreckage of McLaughlin's dam was repurposed as earthfill for the Oroville Dam's embankment, while the remaining segments of his colossal diversion canal (dubbed the "China Wall" in the structure's heyday) sank into the depths of the dam's Thermalito diversion pool.¹⁹

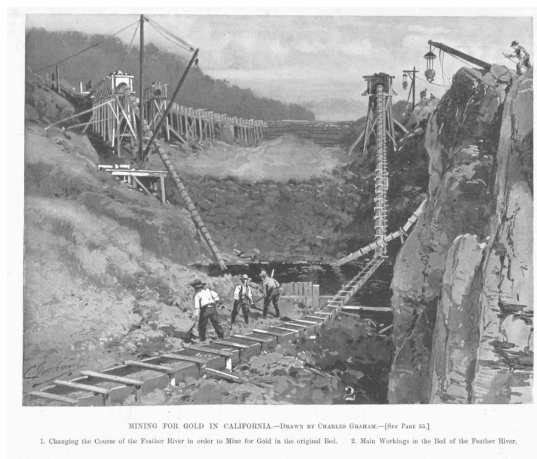
¹⁵ Dorothy Hill, *The Indians of Chico Rancheria* (Sacramento: State of California Department of Parks and Recreation, 1978), 15.

¹⁶ Susan Dormanen, "The Golden Gate Villa," Santa Cruz Public Libraries, <https://www.santacruzpl.org/history/articles/653/#f7>.

¹⁷ "The Feather River Dam," *Harper's Weekly*, v. 39 (1895): 55-6; "The Latest from the Mines," *Mining Journal, Railway, and Commercial Gazette* 63, no. 2 (1893): 976.

¹⁸ See "Frank McLaughlin Kills Daughter and Himself at Santa Cruz" and "McLaughlin's Career in This State Was Remarkable One" in *San Francisco Call* 102, no. 107, 17 November (1907): 17-8.

¹⁹ "Heather Hacking, "Popular Oroville Paddle Spot is a Hotbed for History," *Chico Enterprise Record*, August 8, 2015, <http://www.chicoer.com/article/NA/20150808/NEWS/150809721>.



Displacing the flow of the Feather River, the Oroville Dam, like McLaughlin’s Golden Gate Dam before it, separates Konkow Maidu people from their land, and reconfigures social and material relationships with fish, sacred sites, and other important cultural and political surroundings. In this way, the continued disruption and dispossession of the Konkow Maidu people is a necessary condition of the Oroville dam’s continued operation. The drastically modified local hydrology enacts a stark violence, a “simultaneous destruction of co-constituted peoples and their nonhuman relations,” as Kim TallBear has conceptualized more generally.²⁰ Such devastation is perceptibly and eminently material, yet also cuts deeply into the intangible realms of local knowledge and social-ecological practices. As Timothy Mitchell’s writing on Egypt’s Aswan Dam points out, techno-scientific forms of expertise like hydrology and civil engineering are best understood as “a concentration and reorganization of knowledge rather than an introduction of expertise where none had been in use before.”²¹ Accordingly, the Oroville

²⁰ Kimberly TallBear, “Uppsala 3rd Supradisciplinary Feminist Technoscience Symposium: Feminist and Indigenous Intersections and Approaches to Technoscience,” *Indigenous Science Technology and Society*, October 17, 2013, <http://indigenousts.com/uppsala-3rd-supradisciplinary-feminist-technoscience-symposium-feminist-and-indigenous-intersections-and-approaches-to-technoscience/>.

²¹ Timothy Mitchell, “Can the Mosquito Speak?” *Rule of Experts: Egypt, Techno-politics, Modernity* (Berkeley: University of California Press, 2002), 37.

Dam not only physically reconfigures the Feather River waterscape (and the remains of McLaughlin's degraded structure) into what Cleo Woelfle-Erskine and July Cole would describe as a "colonized hydrology,"²² but it intervenes in multiple generations of Maidu knowledge, ceremony, history, and specialized ecological management practices.

Surveying Lake Oroville

In 2004 two public reports were prepared for the California Department of Water Resources by outside contractors to satisfy NHPA requirements stipulated in the dam's Federal Energy Regulatory Commission relicensing project. The first report, *The Archaeological and Historical Site Inventory at Lake Oroville Butte County*, was generated through collaboration between the Anthropological Studies Center at Sonoma State University and the Archaeological Research Center at California State University Sacramento, and presents an overview of the findings from archeological surveys of the dam's reservoir and fluctuation zone. The second report, *Konkow Maidu Tribal Presence in the Lake Oroville Area: An Ethnographic and Ethnohistoric Inventory* was compiled by Cultural Resources Management Service Far Western Anthropological Research Group, Inc., and describes the methods and findings of an ethnogeographic survey conducted for the same area. Both reports were written for the general public and contain pedagogically-oriented prose and diagrams. Both reports are available for download on the California Department of Water Resources website.²³

²² Cleo Woelfle-Erskine and July Cole, "Transfiguring the Anthropocene: Stochastic Reimaginings of Human Beaver Worlds," *Transgender Studies Quarterly* 2, no. 2 (2015): 297-316.

²³ "Library," Department of Water Resources, California Department of Water Resources, <https://water.ca.gov/Library>.

As studies commissioned by the DWR for the management of the California State Water Project, both reports are public records that constitute part of the Oroville Dam's historical and operational archive.²⁴ However, as reports that purposely catalogue and inventory the locations of Maidu structures, artifacts, and other sites of cultural significance, these surveys also perform a translation and systematic reconfiguration of Maidu resources, history, local knowledge, and cultural objects—some of which were either lost, removed, destroyed, damaged, or inundated with water during the dam's construction. By reading these survey documents together, I demonstrate how the gradual accretion of the Oroville Dam's textual archive not only transfers and consolidates certain aspects of Konkow Maidu cultural knowledge, resources, and oral traditions, but also reroutes and intercedes in future acts of knowledge production and cultural exchange.

When looking at the California DWR commissioned studies side-by-side, it quickly becomes apparent that the surveys reflect substantially different methodological approaches to surveying the area engulfed by and adjacent to the Lake Oroville Reservoir. The archaeological and historical site inventory conducted by research teams from CSU Sacramento and Sonoma State University employs methods specific to the subfields of historical and prehistorical archaeology,²⁵ while the Maidu-focused ethnographic and ethnohistoric inventory completed by

²⁴ My methodological choice to analyze two widely available public documents in this paper is intentional. As one significant thread of my analysis focuses on the ways public archives can function as a technique of colonial capture, I do not wish to exacerbate this problem by unnecessarily flagging or drawing attention to information that otherwise might remain unpublicized or partially concealed within the archival record. My focus is on formally delineating the relationships between settler colonialism, large-scale infrastructure, historical preservation law, archival logics, and political potentialities.

²⁵ While these divisions are contested, historical archaeology as a subfield has generally relied more heavily on the use of written historical records and focuses on documenting the literate European settlement of the Americas, while prehistoric archaeology focuses on documenting non-literate pre and proto historic cultures. Such traditional divisions overlook or fail to account for the primacy of orality in

Far Western Anthropological Research Group, Inc., utilizes methods of interview, which are not typically employed or valued as a source of data in prehistoric archaeology, and are only recently being applied in historical archeology by select practitioners.²⁶ Archaeologist Kent Lightfoot explains how the division between prehistoric and historical archaeology in North America is “situated in an earlier segregated view of the past” that separates the study of Native American material culture from the study of European settlements and colonial impacts.²⁷ Not only do the subfields have different targets of study traditionally, but they have also developed substantially different theoretical approaches, research aims, and methodological techniques for studying objects. In practice, this means that indigenous remains found within the boundaries of a colonial settlement are much more likely to be studied by a historical archaeologist using historical methods, while structures of a discrete village occupied by indigenous people long after contact with European settlers are still more likely to be studied through prehistorical methods.²⁸ Lightfoot contends that even as such disciplinary partitions have begun to erode as many archaeologists embrace more dynamic understandings of cultural contact and cultural change, the traditional methodological subdivisions continue to substantively influence how ethnographic or ethnohistorical sources might be used or rejected by archaeologists studying indigenous material culture.²⁹

many indigenous cultures, where oral traditions are and continue to be an essential mode for transmitting cultural and historical knowledge.

²⁶ See for instance Gabriel Moshenska, “Oral History in Historical Archaeology: Excavating Sites of Memory,” *Oral History* 35, no. 1 (2007): 91-97.

²⁷ Kent Lightfoot, “Culture Contact Studies: Redefining the Relationship Between Prehistoric and Historical Archaeology,” *American Antiquity* 60, no. 2 (1995): 202.

²⁸ *Ibid.*, 203.

²⁹ *Ibid.*, 204-6.

Much of the current disciplinary debate surrounding the issue of ethnographic texts and archaeological relevance is increasingly connected to the emergent subfield of Indigenous Archaeology.³⁰ Sonia Atalay describes Indigenous Archaeology as a practice that seeks to account for the colonial imbrications of archeological study and to develop ethically and socially just forms of research that are “in synch with and contribut[e] to the goals, aims, hopes, and curiosities of the communities whose past and heritage are under study, using methods and practices that are harmonious with their own worldviews, traditional knowledges, and lifeways.”³¹ While Atalay and other proponents of Indigenous Archaeology foreground the importance of seriously engaging indigenous oral traditions in order to produce archaeological knowledge, other archaeologists like Robert McGhee contend that archaeology and oral traditions represent two distinct ways of interpreting the past, and must be kept separate if archaeology is to remain a scientific practice.³²

³⁰ See for example George Nicholas and Thomas Andrews, eds., *At a Crossroads: Archaeology and First Peoples in Canada* (Burnaby, B.C.: Archaeology Press, 1997); Joe Watkins, *Indigenous Archaeology: Native American Values and Scientific Practice* (Walnut Creek: Alta Mira Press, 2000); Tim Murray, “Archaeologists and Indigenous People: A Maturing Relationship?” *Annual Review of Anthropology* 40, no. 1: 363-381; Sonya Atalay, *Community-Based Archaeology: Research with by and for Indigenous and Local Communities* (Berkeley: University of California Press, 2012).

³¹ Sonya Atalay, “Indigenous Archaeology as Decolonizing Practice,” *American Indian Quarterly* 30 no. ¾ (2006): 284.

³² Robert McGhee, “Aboriginalism and the Problems of Indigenous Archaeology,” *American Antiquity* 73 no. 4 (2008): 580. See also Robert McGhee, “Of Strawmen, Herrings, and Frustrated Expectations,” *American Antiquity* 75 no. 2 (2010): 240, in which McGhee reiterates how “non-scientific” indigenous perspectives ultimately detract from archaeological practice, and suggests that even in the act of defending the validity of Indigenous Archaeology, some proponents betray a similar suspicion with their own equivocal assertions. For instance, in a response to McGhee, proponents of Indigenous Archaeology clarified that in their assessment, “[g]iving *equal consideration* is categorically different from giving *equal weight* to Indigenous views, concerns, and needs.” Is “considering” indigenous perspectives truly collaborative if researchers maintain and assert the ability to “weigh” and subordinate those claims against the evidence of the archaeological record, McGhee asks?

In my present analysis of the NHPA directed Oroville Dam surveys, I see these epistemological divisions reflected and embodied in the content and materials of the public archive. Maidu oral accounts of the survey area and epistemological claims about its contents are quite literally separated or cordoned off from other archaeological data in the act of their archival inclusion. While the archaeological and historical site inventory produced by CSU Sacramento and Sonoma State University combines site-specific transect studies (selected at random for the purposes of representative sampling) with the analysis of written historical documents like maps, census schedules, property deeds, and secondary accounts,³³ the Far Western Anthropological Research Group's ethnographic and ethnohistoric inventory uses interviews conducted with Konkow Maidu community members to gather "information about culturally important or sensitive locations" and then supplements and cross-references interview data with the analysis of historical and ethnographic documents from various archives.³⁴ In disciplinary terms, the first report applies methods typical to the subfields of prehistoric and historical archaeology; the second report—which is structured around interviews with "knowledgeable, local, Konkow Maidu Elders" and maintains that "many published sources do not take Maidu views into account"³⁵—shares epistemological and methodological affinities with the subfield of Indigenous Archaeology.

Some of this methodological duality can be attributed to the fact that the NHPA section 106 regulations require federal agencies—or local agencies seeking federal licensing or funds—

³³ Mark Walker et al., *The Archaeological and Historical Site Inventory at Lake Oroville Butte County: A Report for the Public* (Sacramento: California Department of Water Resources, 2004), 5-7.

³⁴ Helen McCarthy et al., *Konkow Maidu Tribal Presence in the Lake Oroville Area: An Ethnographic and Ethnohistoric Inventory* (Sacramento: California Department of Water Resources, 2004), 3-4.

³⁵ *Ibid.*, 3.

to consult with a Tribal Historic Preservation Officer (or a designated community representative) if the federal undertaking at issue is located on Indian lands.³⁶ Or alternately, in cases where the undertaking is not located directly on Indian lands, it still requires consultation with “any Indian tribe or Native Hawaiian organization that attaches religious and cultural significance to historic properties that may be affected by an undertaking...regardless of the location of the property.”³⁷ Since “Indian tribes” are legally-designated participants in the NHPA section 106 consultation process, indigenous communities like the Maidu have a say in determining what a “good faith effort” to identify indigenous historical properties can and should look like. These consultations are in turn much more likely to incorporate indigenous oral traditions, have closer ties to local indigenous epistemologies, and resonate with the methodological approaches embraced within the subfield of Indigenous Archaeology. At the same time, however, indigenous groups are frequently one single stakeholder in a much larger web of consulting parties—an aggregation that often includes the applicant for federal funding or permits, local governments, state and federal agencies, and the general public. Though Indian Tribes have a designated place at the table, it does not guarantee that the successful identification of indigenous properties will ultimately sway or impact agency decisions, nor ensure that indigenous groups’ recommended procedures for identifying such properties will be accorded equal weight or consideration in decision-making.

The separation between CSU Sacramento and Sonoma State University’s archaeological and historical site inventory and the Far Western Anthropological Research Group’s

³⁶ 36 CFR 800.2(c)(2)(i).

³⁷ 36 CFR 800.2(c)(2)(ii).

ethnographic and ethnohistoric inventory does more than just index a straightforward division of labor. It highlights how different, and at times competing, notions and practices of expertise are mobilized, registered, and adjudicated through the NHPA consultation process. Though both surveys were commissioned and published by the California DWR as part of the agency's "good faith effort" to account for historical properties in the areas impacted by the Oroville Dam, they each reflect substantially different methodological approaches, epistemological principles, and empirical sources of historical and archaeological information. Furthermore, while both surveys facilitate applied and legislatively prescribed processes of cultural resource management, it is perhaps noteworthy that the archaeological and historical survey—a report firmly connected to the disciplinary subfields of historical and prehistorical archaeology—was produced by university-affiliated academic researchers, while the ethnographic inventory (structured around oral interviews with Konkow Maidu elders) was compiled by a privately-owned cultural resource management firm. This split is illustrative of broader discursive rifts within the discipline of archaeology, which sometimes subordinate and isolate the policy-oriented, contract-driven, applied work of cultural resource management from the purely academic pursuit of basic research and theory.³⁸ Accordingly, the report produced by CSU Sacramento and Sonoma State University benefits abstractly from such discursive hierarchies, assuming a relative position of increased epistemological authority and privileged disciplinary expertise when paired with the

³⁸ Laurajane Smith, for example, laments how cultural resource management (CRM) is "often perceived as a process that is in some way separate from the 'real' business of archaeological research, or at least as an adjunct area of archaeological practice" despite the central role CRM plays in the preservation and maintenance of an archaeological database, and the large number of trained archaeologists that CRM employs. See *Archaeological Theory and the Politics of Cultural Heritage* (New York: Routledge, 2004), 1-2.

Far Western Anthropological Research Group’s inventory—despite the fact that both studies were commissioned and both are practical examples of cultural resource management.

Applying Geoffrey Bowker and Susan Leigh Star’s concept of “boundary infrastructures” to these two reports, it is helpful to consider how public archives generated by the NHPA embody different forms of expertise and serve multiple communities of practice (e.g., federal policy makers, academics, local politicians, Maidu elders and cultural activists) by allowing different users access to a shared and collective system of information. However, as Bowker and Star emphasize, not all users approach the infrastructure equally and with the same techniques or bureaucratic tools needed to localize or manipulate the system’s contents. Some communities must “make a series of serious concessions about the nature and quality of their data before making any kind of entry into [shared] information systems.”³⁹ In the case of the report on *Konkow Maidu Tribal Presence in the Lake Oroville Area*, the epistemological authority of the survey is in some ways already marked as “other”—pre-distinguished as potentially more political, and thus fabricated, and devalued as less archaeological or scientific.

Foreman Creek and Archaeological Expertise

An example of how differing epistemological values and conflicting discourses of archaeological expertise are mobilized within the NHPA consultation process can be seen in the disputes that followed after the California DWR recommended a temporary closure of the recreational facilities in the Foreman Creek area on the northwestern shore of Lake Oroville until a plan to protect Maidu cultural resources and install additional facilities could be developed.

³⁹ Geoffrey Bowker and Susan Leigh Star, *Sorting Things Out: Classification and Its Consequences*, (Cambridge: MIT Press, 2000), 313.

The DWR’s call for a temporary closure was motivated by concerns expressed by Berry Creek Rancheria (Tyme Maidu Tribe), Enterprise Rancheria (Estom Yumeka Maidu Tribe), Mooretown Rancheria (Concow Maidu), the Mechoopda Indian Tribe of Chico Rancheria, and the Konkow Valley Band of Maidu. Since the Foreman Creek boat ramp and campgrounds are currently located in an area that contains an especially high concentration of Maidu cultural sites (including a village site, large cemetery, fishing sites, ceremonial grounds, and petroglyphs documented in the 2004 ethnographic inventory as the “Foreman Creek Complex”),⁴⁰ many Maidu communities are interested in restricting public access to the area in order to protect the cultural sites from looting, vandalism, and destruction from unregulated Off-Highway Recreational Vehicle traffic. While some Maidu communities suggested protecting particularly sensitive portions of the area with barriers or restrictive signage and restricting public use of the boat ramp, others requested that the Foreman Creek area—one among thirty-five public recreation sites located in the Lake Oroville project area—be granted a conservation easement and closed to recreational use.⁴¹ As Konkow Valley Band of Maidu representative Patsy Seek explained at a 2006 public hearing on the matter: “It really has never been said that it was going to be all taken. But, you know, as far as the Indian people, I feel that we have a right to something too... And what we are doing is asking for Foreman Creek, and I don’t think that’s a whole lot. That lake is a big lake, and I don’t think that’s a whole lot to have to ask for.”⁴²

⁴⁰ McCarthy et al., *Konkow Maidu Tribal Presence in the Lake Oroville Area*, 11.

⁴¹ US Federal Energy Regulatory Commission, “Draft Environmental Impact Statement for Hydropower License,” Oroville Facilities, FERC Project No. 2100 (September 2006), 300-301.

⁴² US Federal Energy Regulatory Commission, “Transcript of the 11/8/06 Meeting Held in Oroville, CA at the State House Theatre RE the Draft Environmental Impact Statement for the Oroville Facilities under p-2100,” <https://www.ferc.gov/docs-filing/ferconline.asp> (accessed May 24, 2018).

While the DWR dismissed the idea of granting a conservation easement to one or more of the Maidu petitioners, citing the low volume of current public usage at Foreman Creek and the potentially adverse effects it might have on “people who use the facility for recreation, especially those who live close to the facility,” it also acknowledged a need for developing a cultural resources protection plan and “restrict[ing] public access to threatened sites.”⁴³ A temporary closure was recommended by DWR staff as a stopgap measure to ensure that an appropriate cultural preservation plan was developed; however, the DWR also made clear that such a closure would be temporary and that a full plan would be rolled out within six months of the dam’s successful relicensing.⁴⁴

In spite of such assurances, some local non-Maidu residents mobilized to oppose the temporary closure of Foreman Creek recreational facilities. One resident in particular collected almost a thousand petition signatures and forwarded the petitions along with copies of the DWR’s proposed plan and a transcript of a speech she delivered at a public hearing in June of 2007 to former US congressman Wally Herger. What is perhaps most notable about the resident’s public comments is how she marshals common understandings of archaeological expertise in order to bolster the authority of her claims and delegitimize Maidu assertions of local belonging and cultural heritage. A segment of the transcript she submitted reads verbatim:

On July 30, 2006, I spoke to Michael Delacorte [Professor of Archaeology, CSU Sacramento] and the whole State Archaeological Team they were NEVER ALLOWED to do any of the surveys at Foreman Creek! It was all done by UNTRAINED TRIBAL MEMBERS! In the summer of 2002, I watched the surveys that were done at Foreman Creek, I am a Certified Grading Inspector, I know the difference between Native Soil and Fill. I saw the artifacts they were

⁴³ US Federal Energy Regulatory Commission, “Draft Environmental Impact Statement for Hydropower License,” 300.

⁴⁴ Ibid, 347.

documenting! They were what was trapped between the Native Soil and the Silt and when the silt flaked away, these artifacts are what were documented. This is not the survey method described by Michael Delacorte at the CRWG [cultural resources working group] meeting as the method of surveying that archaeologist use... This is just another plot to close down the only Land that the Lake is easily accessible by vehicle and that you can BOAT, SWIM and FISH in the SAME AREA!⁴⁵

Here the woman references her own professional credential as a “certified grading inspector” and a working knowledge of soil types to argue that the site inventory carried out by Far Western Anthropological Research Group in consultation with Maidu community members was methodologically flawed. She pits the privileged archaeological expertise of a CSU Sacramento faculty member against the work of “untrained tribal members” in a manner that collapses all Maidu claims to the area (i.e., political, historical, ethical, religious, legal) into the category of “archaeological” claims, and then uses observable differences in archaeological methods to question the validity of Maidu political and epistemological assertions. As Laurajane Smith explains generally about governmental logics that position archaeological practices of cultural resource management as a medium or arbiter in political disputes: “Expert knowledge thus becomes included in the ‘political’ arena. Yet at the same time, expertise is de-politicized as it is seen to rest on technical rationalist calculation, which must operate above competing interests.”⁴⁶ Accordingly, the grading inspector’s comments undermine and directly invert the Maidu community’s claims of ownership and historical belonging. By underscoring technical and

⁴⁵ US Federal Energy Regulatory Commission, “Congressman Wally Herger Forwards Petitions Collected by Berry Creek Municipal Advisory Council Steering Committee, Opposing the Closure of the Foreman Creek Recreation Area re the Lake Oroville Proj-2100,” Janice Wilson’s CD Containing Pictures as Part of Her Comments re the Closing of the Foreman Creek Recreation Area under P-2100, <https://www.ferc.gov/docs-filing/ferconline.asp> (accessed March 21, 2018).

⁴⁶ Smith, *Archaeological Theory and the Politics of Cultural Heritage*, 10.

procedural differences between the two DWR inventories, her testimony shifts the target and object of public debate from the political implications of Maidu cultural and historical priority in Foreman Creek to the (in)credibility of divergent methods of archaeological research and documentation. In this way, Maidu aspirations to protect vulnerable sites located within the traditional boundaries of Maidu territory, and Maidu mobilizations of political sovereignty at the local, state, and federal level, are simplified and abstracted to a technical and procedural archaeological problematic, delimited to a single locatable site of contestation (i.e., Foreman Creek rather than the entirety of traditional Maidu lands),⁴⁷ and ultimately, dismissed cynically as “just another plot to close down” public access to Lake Oroville. Now, more than a decade after the completion of the site inventories and the 2007 public hearing, Foreman Creek remains open to the general public for recreational use.⁴⁸

Water, Archives, and Public Usage

The Feather River Project Association’s 1958 film *California Waterama* celebrates California’s past hydrological feats while conveying a sense of urgency and looming danger should voters choose not to endorse further growth by approving funds for the Oroville Dam.

“Time is running out...” the narrator implores anxiously in the opening credits and at a handful

⁴⁷ Smith documents how cultural resource management can “render wider political debates about the legitimacy of cultural and social claims on the past as non-political...by redefining these issues as issues of access, or even ‘ownership’, of certain discrete heritage sites and objects, so that wider social problems become narrowed down and redefined as conflicts over single heritage sites.” *Ibid.*, 11.

⁴⁸ Although Foreman Creek remains open for recreational use, the California DWR has implemented some voluntary conservation measures including creating designated parking areas, relocating floating toilets to discourage heavy boating traffic, restricting public access after sunset, and increasing security patrols to deter looters. See US Federal Energy Regulatory Commission, “California Department of Water Resources Submits Current Cultural Resources Protection Measures at Foreman Creek Area for Oroville Facilities in P-2100,” <https://www.ferc.gov/docs-filing/ferconline.asp> (accessed May 24, 2018).

of other times over the course of the short narrative.⁴⁹ The sound of a ticking clock relentlessly beating at high-speed quarter-of-a-second intervals accompanies and punctuates the narrator's warning each time it is made. Rather than question the premise of transporting water hundreds of miles south—not for the purpose of meeting current population requirements in 1958, but instead to provide the requisite resources for a projected three-fold increase of development in California's most arid regions—the film frames California's water problem as an issue of maldistribution rather than unsustainable growth.

Juxtaposing snowcapped mountain vistas and wide-angle shots of green pastures and plentiful harvests with stark and somber images of flooded homes and close-up images of hands digging in parched and crumbling soil, *California Waterama* suggests that California's natural bounty of “abundant but unequally distributed water...too much water in some sections, too little elsewhere” is both a catalyst and impediment to statewide progress.⁵⁰ The citizens of California must take control of water as a shared resource and collective political entitlement to ensure that it is more evenly distributed throughout the state: “Water is everybody's business,” Greene's narrator charges, “your business as a citizen of California.”⁵¹



⁴⁹ California Waterama: The Story of the Feather River Project, 1957, California Light and Sound, UC Davis, University Library, Special Collections, University of California, Davis. <https://calisphere.org/item/140de483d554ad7cfdade94e90bcb48c/>.

⁵⁰ Ibid.

⁵¹ Ibid.

At the film's climax, Southern California residents are shown boarding a train for Oroville. They hold picket signs representing the names of their home communities; communities for which they hope to claim a share of the Feather River's water. The pomp and circumstance of the carefully choreographed event performs a ceremonial taking that parallels and prefigures the material taking of water, as well as the attendant archival takings necessitated by the NHPA. Later, the camera pans through a busy picnic scene as the film's narrator explains how "the Oroville chamber [of commerce] treated three thousand visitors to a barbecue." He notes how "visitors from all parts of the state sat down together making friends" and muses optimistically "that if all the people could sit down around a table, our water problems would be solved." Maidu people and the forced displacement of Konkow Maidu cultural, social, and political structures simply do not figure into this barbecue or the broader narrative of *California Waterama*. Looking back at the film with a critical eye, the presumed absence of California's indigenous communities, and the Maidu in particular, becomes instead conspicuously present. The narrator's restaging and reinvestment of the foundational settler myth of Thanksgiving—the proposition that deep political differences and ethical obligations might be resolved through the symbolic act of sharing a meal—fosters a return of the indigenous claim to title and priority which the film otherwise represses and disavows. The Feather River is not a political entitlement that the local Oroville chamber, the voters of California, or the state DWR have sole discretion and authority to allocate.

However, before we dismiss the film's narrative and political attitudes as a relic of the past, it is important to recognize how erasure of indigenous title and presence continues as a constitutive element in narratives about California water that circulate widely today. For instance, even as the California DWR expends money and resources to document the

archaeological history of the Oroville Dam, a detailed history of the State Water Project posted on the organization's website explains that prior to the discovery of gold in 1849, "California was 'virgin' land...there were no substantial developments, only missions and ranches along the coast and a few early pioneers like John Sutter. The streams ran uncontrolled, and during wet seasons, large areas became wetlands filled with thousands of waterfowl and other wildlife."⁵² If indigenous people figure into this bucolic settler fantasy of "virgin" land and waterscapes at all, it is through an oblique reference to colonial Spanish missions, which the text distinguishes from more "substantial developments." There are no mentions of indigenous communities, structures, or water practices, which precede Sutter's Mill.

Archival Pasts / Archival Futures

Increased archival visibility can help facilitate projects of cultural resurgence and political recognition. However, the same exposure and accessibility also threatens to erode Konkow Maidu control by positioning Maidu oral accounts of the survey area as epistemologically "other" and shifting the target of public debate from the political implications of Maidu cultural and historical priority in the Oroville area, to the credibility—or incredibility—of divergent methods of archaeological documentation. Accordingly, archival inclusion not only expands political possibilities, but can also constrain or even oppose indigenous acts of political and epistemological self-determination, even when rooted in active community input. Yet, if the calamitous floods of 2017 teach us anything, it's that the dam's massive and imposing colonial hydrology is durable but not indissoluble. Towering over the river and local landscape, the dam's

⁵² "History of the California State Water Project," State Water Project, California Department of Water Resources, last modified October 28, 2008, <https://water.ca.gov/Programs/State-Water-Project/History>.

770 foot earth and concrete embankment appears settled and intractable. But as with most assemblages, this injurious structure of capture and disavowal can be unmade. Californians can think, consume, inhabit, and relate to the Feather River and its original indigenous stewards otherwise. The opportunity to begin to do so at Oroville Dam, by acknowledging how violent coloniality powerfully structures and impacts the lived present, and respecting Maidu sovereignty and Maidu land, is now.



Institute for the
Study of
Societal Issues

2420 Bowditch St. # 5670
Berkeley , CA 94720-5670

tel: 510-642-0813

fax: 510-642-8674

email: issi@berkeley.edu

web: <http://issi.berkeley.edu>