

CCPA Newsletter

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OSAC COSA

CCPA NEWSLETTER V. ³/₂ No. 1

OSAC COSA No. 8

15 FEBRUARY 1980, DENVER, COLORADO. THE NEWSLETTER OF THE COLORADO COUNCIL OF PROFESSIONAL ARCHAEOLOGISTS, AND THE NEWSLETTER OF THE OFFICE OF THE STATE ARCHAEOLOGIST OF COLORADO. BRUCE RIPPETEAU AND HOWARD POMERANTZ, EDITORS.

GREETINGS!

① As CCPA President Douglas Scott explains in item 3, the CCPA-Newsletter is currently being edited and produced by OSAC. We are happy to do this, but I want it clear that Frank Eddy and Douglas used significant amounts of persuasive force on me. Until such time as the editorship leaves OSAC, we will combine it with our regular offering, the COSA. Howard Pomerantz, the AREMS-1 Coordinating Archaeologist, will soon assume full daily responsibility for production. Material for publication should be sent to him at OSAC (839-3391).

② The Annual Meeting of the CCPA will be this coming Spring on Thursday and Friday, 20 and 21 March, 1980, at the Colorado Heritage Center (1300 Broadway), with Frank Eddy as the program arranger. Local arrangements and the preliminary program are explained on the enclosed Announcement sheet from Frank.

③ A note from CCPA President Douglas Scott:

FALL 1979

"Since the fall meeting in Cortez several things have transpired which may be of interest to you. The first is that Bruce Lutz has resigned as newsletter editor. I think we should all extend our thanks to Bruce for his efforts in juggling his schedule to get the first issues of the newsletter out to the membership. Secondly, and in the same vein, Frank Eddy and I have asked Bruce Rippeteau and Howard Pomerantz to take over as co-editors of the newsletter. Bruce has kindly accepted the responsibility. We asked Bruce Rippeteau to be editor for several reasons, the main one being that he has the personnel, equipment, and mailing system for getting the newsletters out to the membership.

"Good Luck B & H Enterprises!!!

"I am sure most of you are aware by now that the President signed into law "The Archaeological Resources Protection Act of 1979" on 31

October. The new law provides significant penalties for disturbing cultural resources and it makes the violation of the act a felony. This is a significant step forward for archaeologists. The law does have a few drawbacks, however. One is that antiquities are defined as being 100 years old or older. This effectively says that sites of less than 100 years of age can be potted. Fortunately, the various agencies can do something about protecting those sites, so it behooves us as cultural resource types to carefully evaluate those sites less than 100 years old and make recommendations to the agencies so that appropriate action can be taken.

"The other major drawback to the law is that it specifically excludes arrowheads on the surface of the ground. This means, on the negative side, that anyone can legally pick up an arrowhead. However, the intent of congress on the provision is not clear. At the present time, various federal agencies have taken the position that arrowheads are still protected under the 1906 Act, and they are legal property of the government no matter who collects them.

"The act also sets up new antiquity permit guidelines and requires that a set of uniform rules and regulations be written and implemented. Although there are good and bad points to the law, I believe it is one that will do more good than harm, if we use it with good common sense.

"While on a legislative bent, you should all be aware that the Bill requesting the lifting of the 1% limitation for the Dolores Project has been introduced to Congress. The bill introduced by Representative Ray Kogovsek (3rd District) is now in committee. Those of you wishing to express an opinion on the bill should write or telephone the Congress-
an as soon as possible.

"On a sad note, our colleague Galen Baker has been confined to Fort Lyons Veteran Hospital due to deteriorating health.

"Finally, this will be my last note to you as president of CCPA. Frank Eddy will assume the position as of March 1980. I wish to thank all of you for the support you have given me and for your interest and support in CCPA. I have learned a great deal during the last two years serving as president, and I believe this experience will be, and in fact is, helping me in my professional role. Again, thank you for your support and help and Good Luck to Frank in his endeavors."

④ A new antiquities act (PL96-95) was signed by President Carter on 31 October 1979, and is known as the Archaeological Resources Protection Act of 1979. Our Colorado Delegation was supportive in the Congressional effort. Enclosed is a copy for your perusal of the good and of the bee stings.

⑤ Douglas Scott has written the following update on antiquities enforcement:

*Cards?
to someone?*

[5) Cont'd:]

"POTHUNTING IN SOUTHWESTERN COLORADO"

"As all of you are aware, southwestern Colorado has been besieged by "collectors, amateurs, and pothunters" for years. While the damage to the cultural resources has not been limited to any particular area, federally managed lands have been extremely hard hit. For the last several years, BLM has had temporary employees, during various portions of the year, involved in protection of the highly visible and significant archaeological sites. The result of these efforts has been both fruitful and exasperating. On the positive side, BLM managed to successfully prosecute the first 1906 Antiquities Act violation brought to court in Colorado. This prosecution was previously reported by Bruce Rippeteau in his recent article in the Journal of Field Archaeology (6(1)1979).

"Since that article, two more cases have been brought to a successful conclusion. Both were convictions under the 1906 Act. The first involved a case of 2 adults caught excavating a site in Sand Canyon Archaeological Withdrawal, west of Cortez. These 2 persons plead guilty to violation of the Act and were found guilty and sentenced to 60 days unsupervised probation in District Court in Denver.

"The second case was plead before a magistrate in Cortez just before Christmas. The 3 adults involved had been caught surface collecting in an area of Negro Canyon northwest of Cortez. Two individuals plead guilty and were fined \$50 each. The case against the third individual was dismissed.

"While the sentences seem small, the convictions are at least moral victories, and it must be remembered that by law violation of the 1906 Act is only a misdemeanor and a petty offense. This is, of course, now changed with the inactment of the new Antiquities Act.

"The main point of the second case is that it is the first conviction ever for surface collecting. This sets a precedent for future actions under the new Act and thus becomes a significant victory in protecting cultural resources."

⑥ The Society for American Archaeology meeting will be held 30 April to 03 May 1979 in Philadelphia, at the Philadelphia Sheraton Hotel; Ernestene Green, Program Chairperson. Colorado people from across the state and OSACers are already participating in a Dolores Archaeological Program Presentation (CU) and Energy Development and Archaeology Analysis (HCRS).

⑦ Colorado Representative Kogovsek, on 31 October 1979, introduced a bill to relieve the Water and Power Resources Service's (was Bureau of Reclamation) Dolores Project from the Archaeological Conservation Act-1974 limit of 1%. The bill, HR5137, has gone to the Interior Committee of the House and asks for a not-to-exceed-4% to continue the archaeological work. In addition to UAPRS's lobby efforts, the SHPO and I have strongly advocated this to Kogovsek and the rest of the Delegation.

⑧ "Item seen" in the Colorado Archaeological Society, Fort Collins' Chapter's Folsom Point (1979, 10:2):

It is sometimes asked what we get from the Colorado Archaeological Society in return for the large proportion of the membership dues that must be forwarded to that organization. The obvious, tangible reward is the publication, SOUTHWESTERN LORE. However, if one reviews the objectives of the Society, another viewpoint should emerge. It does not exist to do something for the Chapters and individual members. Rather, we exist to help fulfill the objectives of the Colorado Archaeological Society (emphasis mine) and its activities throughout the state, including our area.

⑨ Since this is also an OSAC COSA, it goes to a larger audience than the Newsletter. Anyone professing professional, archaeological, or cultural management activity concerned with Colorado, ought to join CCPA. Those who have, are listed below in the next items. Those who are not are obvious by the absence and should immediately contact Sarah Nelson, Department of Anthropology, University of Denver, 303-839-3391, to rectify this situation.

⑩ Paleontological resources of Colorado are covered variously by State and Federal laws and regulations. OSAC has lately been trying to tidy up some of the authorities and decision-flows. I've gotten together the addresses of some 20 administrators or scientists for Paleontology in Colorado should you need contacts.

⑪ The Archaeological Institute of America held its 100th Annual Meeting in Boston at the end of last December. Swell meeting. Of the 3 New World scholars brought via SAA to coach the meeting of basically Old World foggies, all 3 were Western-US (indeed Colorado friends): Payson Sheets, CU, on Honduran Volcanoes; Jim Judge, Chaco, on Chaco; and Dennis Stanford, SI, on Early Man.

⑫ Our OSAC/SHPO debate with the BLM and Western Slope Gas Co. has new developments. (This matter concerned our view that the existing Cultural Resources Management Law and case-law required the BLM, to require WSG, to survey for cultural resources on private land when issuing a ROW—and their Colorado-office and the Company position that they did not.) The Bad News: The Department of Interior Board of Land Appeals on 15 October 1979, for the second time told us (the State Archaeologist, the SHPO, and the Colorado Attorney General): NO. The Good News: (That particular case aside) the Department of Interior's own Solicitor, later, on 06 December 1979, advised Secretary Andrus (who subsequently initiated steps to direct compliance favorable to our OSAC view) that he had concluded "...the Board's decision... on WSG ...is inconsistent with the law, and should not govern this Department's actions in the future." And so, it appears, it won't.

⑬ The Colorado Historical Society gives out small grants for Cultural activities under our Local Assistant Grants program. For more

information, write: Dave Zack, LAG-Coordinator, Colorado Historical Society, 1300 Broadway, Denver, Colorado 80203, or call at 839-2136.

⑭ US News and World Report (November 19, 1979, p.76) had a nice page's spread on antiquity enforcement and discussed the problem with a quite positive intent. Colorado is cited 4 times and we closed the article. Have a staffer get it, because you should read it.

Check to see if you have
⑮ The 1980-81 State Archaeologist's Guide to Cultural Resources and Archaeological Management Personnel in Colorado is available from Nan Glick, OSAC, 1300 Broadway, Denver, Colorado 80203, for \$2.00; \$2.50 postpaid.

⑯ The UNESCO Convention on the Protection of Cultural Property, a sort of international antiquities act, is covered in Anthropology Newsletter, November 1979 (20(9):1). I hear just recently from the Potomac that it's dead this year in the U.S. for implementing legislation.

⑰ The American Indian Religious Freedom Act (PL95-34) is being implemented, and if you are not familiar with it, check that same Anthropology Newsletter issue p.18. It is amazing(!) and probably the correct and moral thing for us, Anthropologists, to do.

⑱ Along with John Denver, Mohammed Ali, Lyle Alzado, and Governor Lamm, we received one of the Alferd Packer "Poor Taste Awards" (in our case, for the "autopsy" on Margie-the-elephant) from the Denver Magazine (December 1979, p.35). Ignoring, as they did, the scientific importance of our follow-up of the Smithsonian's experiments on Ginzburg, it was semi-humorous—if you don't take your life's motivating goals too seriously.

⑲ As "COPA Representative to Colorado," I have enclosed a recent summary by SAA Council on Public Archaeology Chairperson Dena Dincauze of the 2 Heritage Bills now before Congress. One is the HCRS-written "HCRS-Organic Act," and the other is (long time archaeology supporter) Congressman Sieberling's. They need lamination and some of us are quite active nationally. Be informed when you talk to your Congressperson.

⑳ Jim Hester will be the new President of the Society of Professional Archaeologists, after our next SOPA meeting at SAA. Good luck J.J.

㉑ Important NOTICE: Federal Permits

On 24 January 1980, I had occasion to speak at length with Chuck McKinney, of the Department of the Interior, and he reports:

(a) As of the week of 28 January, all Interior permits, which have been held from 01 November 1979 to 23 January 1980, due to a particular technicality inherited in the passage of PL96-95, will be processed immediately. Therefore, by the time you get this COSA, you may well have your Federal (Interior) permit already.

↗ Please see Fed. Register 45(16):5302-3 (23 Jan 80)
(Ed's note)

(6) The second, "pre-regulation-publishing" conference, sponsored by Chuck for PL96-95, is tentatively scheduled for Denver, 05 March. More later.

(22) CCPA Records Committee Report by Frank Eddy

"A proposal for organizing the CCPA files was presented and adopted by floor vote at the recent Cortez special meetings. The files will be physically established in the Office of the State Archaeologist where they will be subdivided into three sections: 1) personnel files, 2) business files, and 3) Ethics Committee files. By floor vote, it was decided to maintain the first two as files open to all CCPA members to include letters of recommendation. On the other hand, files of the Ethics Committee during the time of an investigation of misconduct will remain closed to all but the allegee and allegor as well as the appointed committee. However, following the investigation and publication of findings in the Newsletter, even these files will revert from closed to open status.

"It is presently anticipated that the Council files will contain the following kinds of documents:

- (1) Personnel Files
 - A. Vitae
 - B. Letters of recommendation
 - C. All general correspondence
- (2) Business Files
 - A. Payment of dues
 - B. Financial books and auditors report
 - C. Minutes of meetings
 - D. Committee reports
 - E. Newsletters
 - F. Annual address of the president
- (3) Ethics Committee Files
 - A. All documentation concerning the allegation and its rebuttal
 - B. Signed depositions concerning the alleged misconduct
 - C. Committee hearings and/or debate
 - D. Published statement covering the resolution of the charge including the nature of the censure, if any."

(23) The official Minutes for publication, prior to vote of adoption, of the CCPA Business Meeting of September 27, 1979, in Montrose, are appended separately.

MOVE? X

24 The Curation and Management of Archaeological Collections: A Pilot Study, Lex Lindsay's (et al.) study under American Anthropological Association auspices, has been published by HCRS, who was the sponsor. This 1" thick, very useful report is available from the Nat. Technical Information Service, U.S.D. Commerce, in Springfield, Virginia 22161. (They hit OSAC for \$16.25 per copy.)

\$32.00

25 A NOTE FROM CCPA PRESIDENT-ELECT EDDY

In planning the agenda for our March, 1980, annual meeting, which will be held the 20th and 21st at the Heritage Center, Denver, I have consciously endeavored to balance interests in the practicalities of organizing a new society, the concern of antiquities permitting, and scholarly interest in a state research design. Following the Thursday morning business meeting, Bruce Rippeteau and Adrienne Anderson will bring us up to date on enforcement and the implications of the new Antiquities Act: "The Archeological Resource Protection Act of 1979." Late in the afternoon, Adrienne will chair a special planning session for those concerned with the 1983 Society for Historic Archaeology meeting to be held here in Denver.

Friday, Joe Lischka will chair a day-long symposium to deal with Research Design as a component of the State Historic Preservation Plan with special attention to site significance and recommendations to the National Registry of Historic Places. It is intended that this presentation will inaugurate a new trend in the Colorado Council's meetings in which scholarly interest in archaeology will occupy equal attention with society business, environmental law, and contracting matters.

If we are successful in designing a plan of research, to include minimally: (1) problem statements, (2) research methods, and (3) available data, the matter of significance can better be approached in terms of specific contributions which any particular site can make to the advancement of scientific knowledge. The importance of the significance concept cannot be overstated since it is the bridging link between archaeology as scholarship and the applied responsibilities of managing cultural resources. It may be that the Council will want to consider an annual review of parts of the Research Design and in particular the current state of our archaeological knowledge.

26 I see that Dr. Mary Leakey will speak at the Denver Natural History Museum, Thursday, 28 February at 7:30 p.m., concerning her Laetoli-ash hominid footprints dated to 3.6 million years ago.

27 I also see (February 1980 Bear Pause) that Joyce Herold, Curator of Anthropology at the DNHM, has been instrumental in appointing Dr. Ruth Underhill as a Research Associate. This was a beautiful gesture.

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SOPA NEWS

VOL. 4, NO. 1
January, 1980

At President-Elect Eddy's request, we are including these items as a preview of Hester's next last CCPA.

The Newsletter of the Society of Professional Archeologists

J. Ned Woodall - Secretary/Treasurer/Editor

Department of Anthropology

Wake Forest University

Winston-Salem, N.C.

③ ALSO:

ON THE SMALL BUSINESS ADMINISTRATION

In response to inquiries by several members, SOPA has initiated a study of SBA contracting procedures. The following is a synopsis, to be followed in a later newsletter by a report on SOPA's involvement in the issuance of Certificates of Competency (COC's).

The SBA was created in 1953 by the Small Business Act, which directs that "the Government should aid, counsel, assist and protect, insofar as is possible, the interests of small business concerns in order to ... insure that a fair proportion of the total purchases and contracts or subcontracts ... be placed with small business enterprises."

The SBA stations a procurement center representative (PCR) at several installations with large buying programs; smaller buying programs are monitored by visits from liaison PCR's. Unless the buying agency's Contracting Officer (CO) reserves a particular procurement for small businesses (called a unilateral set-aside), the PCR reviews planned procurements over \$2500. The PCR may recommend that certain procurements, or certain types of procurements (i.e. "class set-aside") be reserved only for small business bids. Should the CO reject that recommendation the PCR can appeal, all the way to the Secretary of the CO's agency. The PCR will recommend a set-aside if, in his estimation, there will be adequate competition from small businesses. If, for example, an area has few or no private archeological firms the PCR is unlikely to recommend a set-aside. He may instead quote competitive bids by small businesses on a non-set-aside, adding copies of the solicitation to identified small businesses and/or trying to have provisions of the contract modified so small businesses can fulfill the specifications (e.g. scheduling, bonding, requirements, etc.).

Alternatively, the procuring agency can contract directly with a SBA, which in turn subcontracts with small businesses.

If a CO rejects the bid of a small business firm which was the low bidder on a non-set-aside procurement, because he (the CO) questions the firm's ability to perform the contract, the case automatically is referred to the SBA. The SBA then offers to review the capability of the firm to fulfill the contract provisions. If the firm agrees to a review, and the SBA finds it is capable, a Certificate of Competency is granted. The COC is valid only for the specific contract for which it is issued, but with a COC in hand the firm can be awarded the contract. Since the COC is in effect an accreditation, it seems appropriate for SOPA to pursue involvement in that assessment process.

Some of the concern voiced by SOPA members over the SBA is a result of set-asides which disallow bids from university-based contracting programs (small businesses are defined in part as profit-making). It should be noted that there is no chance the SBA procedures will be substantially altered to save university contracting programs, and an increasing number of private firms is anticipated exactly what the Small Business Act was intended to accomplish. SOPA will neither abet nor discourage this growth, but rather will strive to insure the highest quality of archeology possible within the bounds of Federal contracting procedures.

MEMBERSHIP COMMITTEE MEETINGS

Beginning in 1980 SOPA's Membership Committee will reduce its meetings to three, held in April, September and December. Please remind applicants that only the new (1979) form may be submitted, and it must be received at least three weeks before the meeting date. The April and December meetings will coincide with the SAA and AAA annual meetings.

①

A MEMBER'S OBSERVATIONS:

The following comments were provided by Richard Flanders in response to comments issued from the meeting of the Colorado Council of Professional Archeologists (November Newsletter):

- ① SAA is not in a position to represent the profession any more than a professional publication (e.g. a medical journal) is qualified to represent professionals in that area. After all, one does not need qualifications of any sort to join SAA.
- ② The price and the certification of "professionals" is, it seems to me, a specious argument. If one-half of the CCPA members feel that they cannot afford SOPA dues, I would be sure not to entertain the notion of looking for a job in that part of the country. If students feel blackballed, I am afraid that this "old boy's" response would be: pay your dues (in more ways than one)! Remember the old saw: "Yesterday I couldn't smell archeologist and today I am one"? In my years of experience with both amateurs and undergraduates, I feel that this is too often the response from dilettanti and "poor" students.

② ALSO:

THE HATCH ACT, FEDERAL ARCHEOLOGISTS, AND SOPA MEMBERSHIP

One of the concerns mentioned at the Colorado Council of Professional Archeologists (see Nov. 1979 Newsletter) was the possible violation of the Hatch Act by Federal employees joining SOPA, since SOPA is occasionally involved in lobbying activities. SOPA inquiries on this point were directed first to the ethics counselor of the Heritage Conservation and Recreation Service, who expressed surprise that this could be a consideration; his answer was that membership would not be a violation of the act. Next the question was presented to the Office of Personnel Management (an independent agency, the old Civil Service Commission). Their answer was "no way." Finally a written statement was received from the Senior Attorney of the Merit Systems Protection Board, Office of the Special Counsel, another independent agency. To quote from that response:

"Under the terms of sections 7324-7327 of title 5 of the United States Code, commonly referred to as the Hatch Act, Federal employees in the Executive branch are prohibited from taking an active part in partisan political management or partisan political campaigns. The term "partisan" has reference to a political party whose candidates for presidential elector received votes in the last preceding election at which presidential electors were selected, such as the Republican or Democratic Parties. Thus, any activity connected with the management, campaigns, or candidates of the above-mentioned parties is considered partisan and not permitted on the part of a Federal employee. The Act does not restrict the activities of Federal employees with respect to nonpartisan campaigns; that is, where none of the candidates are to be nominated or elected as representing a partisan political party. An election is considered partisan for purposes of the Act if any of the candidates for the particular office are nominated or elected as representatives of one of the (sic) above-mentioned parties."

Thus the Hatch Act prohibits political campaigning for a party or its candidate for office. SOPA has had no involvement in such campaigns, and certainly expects to have none. Lobbying on behalf of legislation, which SOPA does, has nothing to do with the Hatch Act. One spokesman for the Office of Personnel Management stated that, if such lobbying were prohibited, half of the government's employees would be in violation!

PRESIDENT
HESTER DAVIS

VICE PRESIDENT
JAMES HESTER

ASSISTANT SECRETARY/TREASURER
DAVID BROWMAN

29 Dues for CCPA: Treasurer Kris Kranzush will report at the 20-21 March meeting and reminds us to bring our Calendar Year 1980 dues of \$10 to her at the meeting.

30 CCPA Membership: There is an as yet unresolved discrepancy concerning Membership Chairperson Sarah Nelson's official files, which list some 17 "accepted members" and some 16 "pending members." The discrepancy is this list, compared to the 81 who believe they are "charter members." Instead of publishing the membership report, Doug and I thought it could be discussed at the General Business Meeting. Sarah did prepare a formal report.

31 The Executive Committee of CCPA has 5 pending vacancies for which Nominations Committee Chairperson Jeff Kenyon has prepared the following nominees. Please detach his ballot below, mark it, and send to him at his home at 829 Lafayette, Denver, Colorado 80218. Mail by 14 March (so he can receive and officially count the votes before the meeting on 20 March).

WE HOPE TO SEE YOU ALL IN
DENVER FOR CCPA-80
-EDITOR

CUT 2

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PRE-REGISTRATION

COLORADO COUNCIL OF PROFESSIONAL ARCHAEOLOGISTS
ANNUAL MEETING

20 - 21 MARCH 1980

BOETTCHER AUDITORIUM, COLORADO HERITAGE CENTER

If you are planning to attend, please pre-register by filling out this form and returning it with the \$5.00 Registration Fee to:

Collette Colle
Office of the State Archaeologist
1300 Broadway
Denver, Colorado 80203

Name _____

Affiliation _____

Address _____

Zip: _____

Phone () - _____

***REMINDER: Registration fee must be enclosed.

RETURN BY MARCH 10, 1980

ANNOUNCEMENT

ANNOUNCEMENT

Annual Meeting of the Colorado Council for
Professional Archaeologists
(CCPA)

I. AGENDA

Thursday, March 20, 1980:

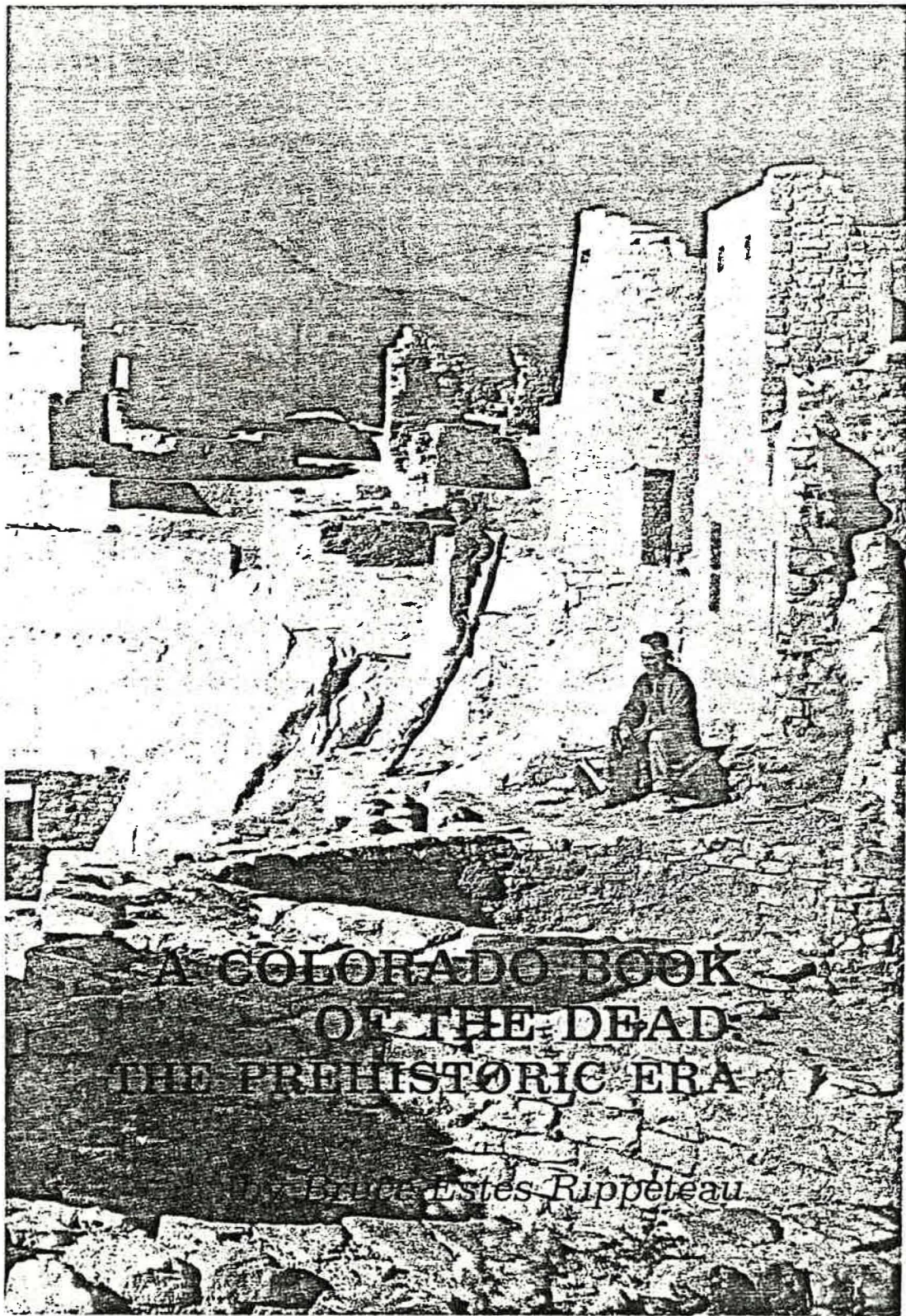
8:00 a.m. <u>Morning:</u>	Registration and coffee	
9:00 a.m.	Business Meeting	Doug Scott/Frank W. Eddy
1:30 p.m. <u>Afternoon:</u>		
	State Archaeologist Awards	Bruce Rippeteau
	Antiquities enforcement for Professional Archaeologists	Bruce Rippeteau
	Antiquities laws and permitting	Adrienne Anderson
	Planning session for 1983 Society for Historic Archaeology meeting in Denver	Adrienne Anderson

Friday, March 21, 1980:

9:00 a.m. <u>Morning:</u>	Symposium on Research Design and the State Historic Preservation Plan	Joe Lischka
1:30 p.m. <u>Afternoon:</u>	Symposium - continued with attention to site significance and recommendations to the National Register of Historic Places	Joe Lischka

II. HOSTING

The above 2-day meeting will be hosted at the Colorado Heritage Center, 1300 Broadway, Denver, Colorado, in the Boettcher Auditorium on the first floor, by the Office of the State Archaeologist. Collette Colle (OSAC, 839-3391) will answer local-arrangements questions, but it is intended that the experiences of out-of-town participants at previous meetings will preclude laborous local arrangement coordination of hotels and transportation. Registration fee will be \$5.00 (checks payable to OSAC), and will cover tags, coffee, and the usual amenities.



A COLORADO BOOK
 OF THE DEAD
 THE PREHISTORIC ERA

By Bruce Estes Rippeteau

Bruce Estes Rippeteau, Colorado State Archaeologist

1979; \$4.95, available from: THE MUSE, Heritage Center, 1300 Broadway
 THE BOOKSHOP, Denver Museum of Natural History, City Park

National and State Parks, most bookstores.

A COLORADO BOOK OF THE DEAD

THE PREHISTORIC ERA

committee on




public archeology

Department of Anthropology
 University of Massachusetts
 Amherst, MA 01003
 November 1, 1979

OFFICE OF THE STATE ARCHAEOLOGIST
 1303 BROADWAY
 DENVER, CO 80203
 (303) 892-3391-2-3

COPA COMMUNICATION

From: Dena F. Dincauze and your state COPA representative, 

I REVISIONS AND PROVISIONS. The "Seiberling bill" briefly summarized in the September COPA COMMUNICATION has been somewhat revised and submitted, with 39 co-sponsors, as H.R. 5496. In this incarnation, the provision limiting survey and inventory funding to 10% of a state's allocation does not appear. The bill is even longer than its predecessor (H.R. 5139), and is substantially the same in respect to provisions for archaeology, with one exception. A major change is the reduction to \$10,000 from \$100,000 of the size of a "mitigation plan" which must be directly approved by the Administrator. (Do you believe they mean that?) In order to stimulate discussion, thought, and action, I am excerpting here Section 222 of the bill. The bill must, of course, be evaluated in its entirety. Sections 247 and 249 also directly affect archaeological conservation practice, and the entire tenor of the bill is germane to our interests. The bill is remarkable for the excruciating detail specifying administrative actions and policies, the strong centralization of decision-making in the Administrator's hands, and the close oversight of state plans and actions. In addition, the bill seems frequently to make preservation action and policies subservient to other federal policy goals, such as energy conservation, urban revitalization, employment, etc. Without prejudice to these latter goals, I think we should consider whether historic preservation should be evaluated primarily in its relationship to them. In regard to archaeology, Section 222 displays a notable absence of commitment to a conservationist ethic.

"Sec. 222. (a) Within ninety days after the date of the appointment of the Administrator, the Administrator shall promulgate guidelines for--

"(1) the identification of historic properties required under section 247;

"(2) archeological and historical data recovery that is to be carried out pursuant to a mitigation plan developed after satisfaction of a Federal agency's responsibilities under section 247 and under the authority of the Archeological Recovery Act of 1960 (16U.S.C. 469-469c); and

"(3) the treatment of archeological and historical data recovered pursuant to a mitigation plan funded or sanctioned by a Federal agency.

"(b)(1) The guidelines under subsection (a)(1) shall--

"(A) take into account the magnitude of proposed undertakings and any potential adverse effects on historic properties,

"(B) provide a reasonable survey standard in relation to the potential magnitude of the adverse effect, and

"(C) take into account planning stages of categories of undertakings.

The guidelines may provide standards permitting agencies to fulfill their survey and identification responsibilities by having applicants for Federal assistance or licenses undertake the actual identification work.

"(2) The guidelines under subsection (a)(2) shall establish mechanisms to foster mitigation that is cost-effective and will result in the recovery of information that will further knowledge of history or prehistory.

"(3) The guidelines under subsection (a)(3) shall apply to all Federal and federally-assisted mitigation activities and shall provide standards for--

"(A) the curation (including the storage, placement, and loan), and

"(B) the donation or other disposal by the Federal Government of artifacts recovered pursuant to such activities.

Any proceeds accruing to the United States from any such disposal shall be deposited in the United States Treasury in the Administrator's account under Public Law 93-291 and shall be available for expenditure in accordance with that Act without further appropriation or fiscal year limitation.

"(c) Within ninety days after the Administrator establishes the guidelines required under subsection (a), each Federal agency shall submit to the Administrator proposed regulations, standards, or procedures, as appropriate, to establish the requirements that will govern the agency's program activities under the Administrator's guidelines. Within thirty days following such submission, the Administrator shall approve, in whole or in part, agency submissions that he determines meet the requirements of his guidelines. The Administrator may issue interim standards to be followed by any agency that does not promulgate approved regulations, procedures or standards for its program activities within one hundred-twenty days after the initial submission to the Administrator.

"(d)(1) With respect to the agency regulations, procedures or standards promulgated pursuant to subsection (a)(2), each agency shall provide a process for the Administrator to review and approve all data recovery plans which involve the expenditure of more than \$10,000. No mitigation plan which involves the expenditure of more than \$10,000 may be undertaken by any agency without the approval of the Administrator.

"(2) The Administrator shall review agency submissions under this subsection within thirty days. The Administrator may establish panels of experts to assist in the evaluation of mitigation proposals. The Administrator may establish a limit on the amount of Federal funds that may be spent on archaeological data recovery for any single project to which this subsection applies."

II

HERITAGE BILL. On September 10, Secretary Andrus released the bill called the "National Heritage Policy Act of 1979." It was filed in the Senate without sponsorship as S1842. The bill, a result of the 1977 Task Force, has strong presidential support. It amends the National Historic Preservation Act by expansion to include protection for Natural Areas as well as Historic Places, and establishes a Council on Heritage Conservation which incorporates most of the activities of the Advisory Council, which is dissolved.

Title I declares that, among other things, "more orderly, accessible and complete information on the existence, location, condition and status of this Nation's natural and historic resources is needed for informed and consistent heritage planning and policy..."

Title II establishes a Natural Heritage Program and a Historic Preservation Program within the Department of the Interior, and creates a National Register of Natural Areas. The National Register of Historic Places ("Historic Register) is expanded to include "networks, cultural landscapes, and neighborhoods" (which are nowhere defined). National Historic Landmarks are established as those places on the Historic Register meeting strict criteria for "national significance." To them is extended the protection currently offered cultural properties under the Department of Transportation's "4(f)" criteria. [The concept of "national significance" emerges as an important concern in both this legislation and the Seiberling bills; we will hear more of this as the legislative process grinds on.]

Title II goes on to authorize the Secretary to request the designation of State Natural Heritage Officers. "This Officer may also be the State Historic Preservation Officer." The position of State Historic Preservation Officer is given legislative authority in this bill. Like H.R. 5496,

ARCHAEOLOGICAL RESOURCES PROTECTION ACT OF 1979

PUBLIC LAW 96-95—OCT. 31, 1979*

93 STAT. 721

93 STAT. 722

PUBLIC LAW 96-95—OCT. 31, 1979

Public Law 96-95
96th Congress

An Act

To protect archaeological resources on public lands and Indian lands, and for other purposes.

Oct. 31, 1979
(H.R. 1825)

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Archaeological
Resources
Protection Act of
1979.

SHORT TITLE

SECTION 1. This Act may be cited as the "Archaeological Resources Protection Act of 1979".

16 USC 470aa
note.

FINDINGS AND PURPOSE

SEC. 2. (a) The Congress finds that—

16 USC 470aa.

- (1) archaeological resources on public lands and Indian lands are an accessible and irreplaceable part of the Nation's heritage;
 - (2) these resources are increasingly endangered because of their commercial attractiveness;
 - (3) existing Federal laws do not provide adequate protection to prevent the loss and destruction of these archaeological resources and sites resulting from uncontrolled excavations and pillage; and
 - (4) there is a wealth of archaeological information which has been legally obtained by private individuals for noncommercial purposes and which could voluntarily be made available to professional archaeologists and institutions.
- (b) The purpose of this Act is to secure, for the present and future benefit of the American people, the protection of archaeological resources and sites which are on public lands and Indian lands, and to foster increased cooperation and exchange of information between governmental authorities, the professional archaeological community, and private individuals having collections of archaeological resources and data which were obtained before the date of the enactment of this Act.

DEFINITIONS

SEC. 3. As used in this Act—

16 USC 470bb.

(1) The term "archaeological resource" means any material remains of past human life or activities which are of archaeological interest, as determined under uniform regulations promulgated pursuant to this Act. Such regulations containing such determination shall include, but not be limited to: pottery, basketry, bottles, weapons, weapon projectiles, tools, structures or portions of structures, pit houses, rock paintings, rock carvings, intaglios, graves, human skeletal materials, or any portion or piece of any of the foregoing items. Nonfossilized and fossilized paleontological specimens, or any portion or piece thereof, shall not be considered archaeological resources, under the regulations under this paragraph, unless found in an archaeological

43 USC 1601
note.

context. No item shall be treated as an archaeological resource under regulations under this paragraph unless such item is at least 100 years of age.

(2) The term "Federal land manager" means, with respect to any public lands, the Secretary of the department, or the head of any other agency or instrumentality of the United States, having primary management authority over such lands. In the case of any public lands or Indian lands with respect to which no department, agency, or instrumentality has primary management authority, such term means the Secretary of the Interior. If the Secretary of the Interior consents, the responsibilities (in whole or in part) under this Act of the Secretary of any department (other than the Department of the Interior) or the head of any other agency or instrumentality may be delegated to the Secretary of the Interior with respect to any land managed by such other Secretary or agency head, and in any such case, the term "Federal land manager" means the Secretary of the Interior.

(3) The term "public lands" means—

(A) lands which are owned and administered by the United States as part of—

- (i) the national park system,
- (ii) the national wildlife refuge system, or
- (iii) the national forest system; and

(B) all other lands the fee title to which is held by the United States, other than lands on the Outer Continental Shelf and lands which are under the jurisdiction of the Smithsonian Institution;

(4) The term "Indian lands" means lands of Indian tribes, or Indian individuals, which are either held in trust by the United States or subject to a restriction against alienation imposed by the United States, except for any subsurface interests in lands not owned or controlled by an Indian tribe or an Indian individual.

(5) The term "Indian tribe" means any Indian tribe, band, nation, or other organized group or community, including any Alaska Native village or regional or village corporation as defined in, or established pursuant to, the Alaska Native Claims Settlement Act (85 Stat. 688).

(6) The term "person" means an individual, corporation, partnership, trust, institution, association, or any other private entity or any officer, employee, agent, department, or instrumentality of the United States, of any Indian tribe, or of any State or political subdivision thereof.

(7) The term "State" means any of the fifty States, the District of Columbia, Puerto Rico, Guam, and the Virgin Islands.

EXCAVATION AND REMOVAL

Permit
application.
16 USC 470cc.

SEC. 4. (a) Any person may apply to the Federal land manager for a permit to excavate or remove any archaeological resource located on public lands or Indian lands and to carry out activities associated with such excavation or removal. The application shall be required, under uniform regulations under this Act, to contain such information as the Federal land manager deems necessary, including information concerning the time, scope, and location and specific purpose of the proposed work.

* Compliments of Office of the State Archaeologist
1300 Broadway
Denver, Colorado 80203
(303) 839 - 3391

(b) A permit may be issued pursuant to an application under subsection (a) if the Federal land manager determines, pursuant to uniform regulations under this Act, that—

(1) the applicant is qualified, to carry out the permitted activity,

(2) the activity is undertaken for the purpose of furthering archaeological knowledge in the public interest,

(3) the archaeological resources which are excavated or removed from public lands will remain the property of the United States, and such resources and copies of associated archaeological records and data will be preserved by a suitable university, museum, or other scientific or educational institution, and

(4) the activity pursuant to such permit is not inconsistent with any management plan applicable to the public lands concerned.

(c) If a permit issued under this section may result in harm to, or destruction of, any religious or cultural site, as determined by the Federal land manager, before issuing such permit, the Federal land manager shall notify any Indian tribe which may consider the site as having religious or cultural importance. Such notice shall not be deemed a disclosure to the public for purposes of section 9.

(d) Any permit under this section shall contain such terms and conditions, pursuant to uniform regulations promulgated under this Act, as the Federal land manager concerned deems necessary to carry out the purposes of this Act.

(e) Each permit under this section shall identify the individual who shall be responsible for carrying out the terms and conditions of the permit and for otherwise complying with this Act and other law applicable to the permitted activity.

(f) Any permit issued under this section may be suspended by the Federal land manager upon his determination that the permittee has violated any provision of subsection (a), (b), or (c) of section 6. Any such permit may be revoked by such Federal land manager upon assessment of a civil penalty under section 7 against the permittee or upon the permittee's conviction under section 6.

(g)(1) No permit shall be required under this section or under the Act of June 8, 1906 (16 U.S.C. 431), for the excavation or removal by any Indian tribe or member thereof of any archaeological resource located on Indian lands of such Indian tribe, except that in the absence of tribal law regulating the excavation or removal of archaeological resources on Indian lands, an individual tribal member shall be required to obtain a permit under this section.

(2) In the case of any permits for the excavation or removal of any archaeological resource located on Indian lands, the permit may be granted only after obtaining the consent of the Indian or Indian tribe owning or having jurisdiction over such lands. The permit shall include such terms and conditions as may be requested by such Indian or Indian tribe.

(h)(1) No permit or other permission shall be required under the Act of June 8, 1906 (16 U.S.C. 431-433), for any activity for which a permit is issued under this section.

(2) Any permit issued under the Act of June 8, 1906, shall remain in effect according to its terms and conditions following the enactment of this Act. No permit under this Act shall be required to carry out any activity under a permit issued under the Act of June 8, 1906, before the date of the enactment of this Act which remains in effect as provided in this paragraph, and nothing in this Act shall modify or affect any such permit.

(i) Issuance of a permit in accordance with this section and applicable regulations shall not require compliance with section 106 of the Act of October 15, 1966 (80 Stat. 917, 16 U.S.C. 470f).

(j) Upon the written request of the Governor of any State, the Federal land manager shall issue a permit, subject to the provisions of subsections (b)(3), (b)(4), (c), (e), (f), (g), (h), and (i) of this section for the purpose of conducting archaeological research, excavation, removal, and curation, on behalf of the State or its educational institutions, to such Governor or to such designee as the Governor deems qualified to carry out the intent of this Act.

CUSTODY OF RESOURCES

SEC. 5. The Secretary of the Interior may promulgate regulations providing for—

(1) the exchange, where appropriate, between suitable universities, museums, or other scientific or educational institutions, of archaeological resources removed from public lands and Indian lands pursuant to this Act, and

(2) the ultimate disposition of such resources and other resources removed pursuant to the Act of June 27, 1960 (16 U.S.C. 469-469c) or the Act of June 8, 1906 (16 U.S.C. 431-433).

Any exchange or ultimate disposition under such regulation of archaeological resources excavated or removed from Indian lands shall be subject to the consent of the Indian or Indian tribe which owns or has jurisdiction over such lands. Following promulgation of regulations under this section, notwithstanding any other provision of law, such regulations shall govern the disposition of archaeological resources removed from public lands and Indian lands pursuant to this Act.

PROHIBITED ACTS AND CRIMINAL PENALTIES

16 USC 470ee.

SEC. 6. (a) No person may excavate, remove, damage, or otherwise alter or deface any archaeological resource located on public lands or Indian lands unless such activity is pursuant to a permit issued under section 4, a permit referred to in section 4(h)(2), or the exemption contained in section 4(g)(1).

(b) No person may sell, purchase, exchange, transport, receive, or offer to sell, purchase, or exchange any archaeological resource if such resource was excavated or removed from public lands or Indian lands in violation of—

(1) the prohibition contained in subsection (a), or

(2) any provision, rule, regulation, ordinance, or permit in effect under any other provision of Federal law.

(c) No person may sell, purchase, exchange, transport, receive, or offer to sell, purchase, or exchange, in interstate or foreign commerce, any archaeological resource excavated, removed, sold, purchased, exchanged, transported, or received in violation of any provision, rule, regulation, ordinance, or permit in effect under State or local law.

(d) Any person who knowingly violates, or counsels, procures, solicits, or employs any other person to violate, any prohibition contained in subsection (a), (b), or (c) of this section shall, upon conviction, be fined not more than \$10,000 or imprisoned not more than one year, or both: *Provided, however,* That if the commercial or archaeological value of the archaeological resources involved and the cost of restoration and repair of such resources exceeds the sum of \$5,000, such person shall be fined not more than \$20,000 or impris-

oned not more than two years, or both. In the case of a second or subsequent such violation upon conviction such person shall be fined not more than \$100,000, or imprisoned not more than five years, or both.

(e) The prohibitions contained in this section shall take effect on the date of the enactment of this Act.

(f) Nothing in subsection (b)(1) of this section shall be deemed applicable to any person with respect to an archaeological resource which was in the lawful possession of such person prior to the date of the enactment of this Act.

(g) Nothing in subsection (d) of this section shall be deemed applicable to any person with respect to the removal of arrowheads located on the surface of the ground.

CIVIL PENALTIES

SEC. 7. (a)(1) Any person who violates any prohibition contained in an applicable regulation or permit issued under this Act may be assessed a civil penalty by the Federal land manager concerned. No penalty may be assessed under this subsection unless such person is given notice and opportunity for a hearing with respect to such violation. Each violation shall be a separate offense. Any such civil penalty may be remitted or mitigated by the Federal land manager concerned. 16 USC 470ff.

(2) The amount of such penalty shall be determined under regulations promulgated pursuant to this Act, taking into account, in addition to other factors--

(A) the archaeological or commercial value of the archaeological resource involved, and

(B) the cost of restoration and repair of the resource and the archaeological site involved.

Such regulations shall provide that, in the case of a second or subsequent violation by any person, the amount of such civil penalty may be double the amount which would have been assessed if such violation were the first violation by such person. The amount of any penalty assessed under this subsection for any violation shall not exceed an amount equal to double the cost of restoration and repair of resources and archaeological sites damaged and double the fair market value of resources destroyed or not recovered.

(3) No penalty shall be assessed under this section for the removal of arrowheads located on the surface of the ground.

(b)(1) Any person aggrieved by an order assessing a civil penalty under subsection (a) may file a petition for judicial review of such order with the United States District Court for the District of Columbia or for any other district in which such a person resides or transacts business. Such a petition may only be filed within the 30-day period beginning on the date the order making such assessment was issued. The court shall hear such action on the record made before the Federal land manager and shall sustain his action if it is supported by substantial evidence on the record considered as a whole.

(2) If any person fails to pay an assessment of a civil penalty--

(A) after the order making the assessment has become a final order and such person has not filed a petition for judicial review of the order in accordance with paragraph (1), or

(B) after a court in an action brought under paragraph (1) has entered a final judgment upholding the assessment of a civil penalty,

the Federal land managers may request the Attorney General to institute a civil action in a district court of the United States for any district in which such person is found, resides, or transacts business to collect the penalty and such court shall have jurisdiction to hear and decide any such action. In such action, the validity and amount of such penalty shall not be subject to review.

Subpenas.

Witness fees.

(c) Hearings held during proceedings for the assessment of civil penalties authorized by subsection (a) shall be conducted in accordance with section 551 of title 5 of the United States Code. The Federal land manager may issue subpenas for the attendance and testimony of witnesses and the production of relevant papers, books, and documents, and administer oaths. Witnesses summoned shall be paid the same fees and mileage that are paid to witnesses in the courts of the United States. In case of contumacy or refusal to obey a subpoena served upon any person pursuant to this paragraph, the district court of the United States for any district in which such person is found or resides or transacts business, upon application by the United States and after notice to such person, shall have jurisdiction to issue an order requiring such person to appear and give testimony before the Federal land manager or to appear and produce documents before the Federal land manager, or both, and any failure to obey such order of the court may be punished by such court as a contempt thereof.

REWARDS; FORFEITURE

16 USC 470gg.

SEC. 8. (a) Upon the certification of the Federal land manager concerned, the Secretary of the Treasury is directed to pay from penalties and fines collected under sections 6 and 7 an amount equal to one-half of such penalty or fine, but not to exceed \$500, to any person who furnishes information which leads to the finding of a civil violation, or the conviction of criminal violation, with respect to which such penalty or fine was paid. If several persons provided such information, such amount shall be divided among such persons. No officer or employee of the United States or of any State or local government who furnishes information or renders service in the performance of his official duties shall be eligible for payment under this subsection.

(b) All archaeological resources with respect to which a violation of subsection (a), (b), or (c) of section 6 occurred and which are in the possession of any person, and all vehicles and equipment of any person which were used in connection with such violation, may be (in the discretion of the court or administrative law judge, as the case may be) subject to forfeiture to the United States upon--

(1) such person's conviction of such violation under section 6,

(2) assessment of a civil penalty against such person under section 7 with respect to such violation, or

(3) a determination by any court that such archaeological resources, vehicles, or equipment were involved in such violation.

(c) In cases in which a violation of the prohibition contained in subsection (a), (b), or (c) of section 6 involve archaeological resources excavated or removed from Indian lands, the Federal land manager or the court, as the case may be, shall provide for the payment to the Indian or Indian tribe involved of all penalties collected pursuant to section 7 and for the transfer to such Indian or Indian tribe of all items forfeited under this section.

CONFIDENTIALITY

SEC. 9. (a) Information concerning the nature and location of any archaeological resource for which the excavation or removal requires a permit or other permission under this Act or under any other provision of Federal law may not be made available to the public under subchapter II of chapter 5 of title 5 of the United States Code or under any other provision of law unless the Federal land manager concerned determines that such disclosure would—

(1) further the purposes of this Act or the Act of June 27, 1960 (16 U.S.C. 469-469c), and

(2) not create a risk of harm to such resources or to the site at which such resources are located.

(b) Notwithstanding the provisions of subsection (a), upon the written request of the Governor of any State, which request shall state—

(1) the specific site or area for which information is sought,

(2) the purpose for which such information is sought,

(3) a commitment by the Governor to adequately protect the confidentiality of such information to protect the resource from commercial exploitation,

the Federal land manager concerned shall provide to the Governor information concerning the nature and location of archaeological resources within the State of the requesting Governor.

REGULATIONS; INTERGOVERNMENTAL COORDINATION

SEC. 10. (a) The Secretaries of the Interior, Agriculture and Defense and the Chairman of the Board of the Tennessee Valley Authority, after consultation with other Federal land managers, Indian tribes, representatives of concerned State agencies, and after public notice and hearing, shall promulgate such uniform rules and regulations as may be appropriate to carry out the purposes of this Act. Such rules and regulations may be promulgated only after consideration of the provisions of the American Indian Religious Freedom Act (92 Stat. 469; 42 U.S.C. 1996). Each uniform rule or regulation promulgated under this Act shall be submitted on the same calendar day to the Committee on Energy and Natural Resources of the United States Senate and to the Committee on Interior and Insular Affairs of the United States House of Representatives, and no such uniform rule or regulation may take effect before the expiration of a period of ninety calendar days following the date of its submission to such Committees.

(b) Each Federal land manager shall promulgate such rules and regulations, consistent with the uniform rules and regulations under subsection (a), as may be appropriate for the carrying out of his functions and authorities under this Act.

COOPERATION WITH PRIVATE INDIVIDUALS

SEC. 11. The Secretary of the Interior shall take such action as may be necessary, consistent with the purposes of this Act, to foster and improve the communication, cooperation, and exchange of information between—

(1) private individuals having collections of archaeological resources and data which were obtained before the date of the enactment of this Act, and

(2) Federal authorities responsible for the protection of archaeological resources on the public lands and Indian lands and

professional archaeologists and associations of professional archaeologists.

In carrying out this section, the Secretary shall, to the extent practicable and consistent with the provisions of this Act, make efforts to expand the archaeological data base for the archaeological resources of the United States through increased cooperation between private individuals referred to in paragraph (1) and professional archaeologists and archaeological organizations.

SAVINGS PROVISIONS

16 USC 470kk.

SEC. 12. (a) Nothing in this Act shall be construed to repeal, modify, or impose additional restrictions on the activities permitted under existing laws and authorities relating to mining, mineral leasing, reclamation, and other multiple uses of the public lands.

(b) Nothing in this Act applies to, or requires a permit for, the collection for private purposes of any rock, coin, bullet, or mineral which is not an archaeological resource, as determined under uniform regulations promulgated under section 3(1).

(c) Nothing in this Act shall be construed to affect any land other than public land or Indian land or to affect the lawful recovery, collection, or sale of archaeological resources from land other than public land or Indian land.

REPORT

16 USC 470ll.

SEC. 13. As part of the annual report required to be submitted to the specified committees of the Congress pursuant to section 5(c) of the Act of June 27, 1960 (74 Stat. 220; 16 U.S.C. 469-469a), the Secretary of the Interior shall comprehensively report as a separate component on the activities carried out under the provisions of this Act, and he shall make such recommendations as he deems appropriate as to changes or improvements needed in the provisions of this Act. Such report shall include a brief summary of the actions undertaken by the Secretary under section 11 of this Act, relating to cooperation with private individuals.

Approved October 31, 1979.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 96-311 (Comm. on Interior and Insular Affairs).
SENATE REPORT No. 96-179 accompanying S. 490 (Comm. on Energy and Natural Resources).

CONGRESSIONAL RECORD, Vol. 125 (1979):

July 9, considered and passed House.

July 30, considered and passed Senate, amended, in lieu of S. 490.

Oct. 12, House agreed to Senate amendments with an amendment.

Oct. 17, Senate concurred in House amendment.

○

NOTES:

THE AMERICAN SOCIETY
FOR
CONSERVATION
ARCHAEOLOGY

ASCA

The American Society for Conservation Archaeology has as its purpose the preservation and protection of historic and prehistoric archaeological interests in conservation and cultural resource management, and promotes all activities, including public education, scientific research, and the maintenance of high professional standards, which help in fostering the conservation of archaeological resources.

Members of the Society receive the bi-monthly NEWSLETTER, and the PROCEEDINGS of the Conservation Archaeology Symposium held annually at the meetings of the Society for American Archaeology.

The NEWSLETTER includes:

Articles dealing with policies and practices
in conservation archaeology

Columns dealing with: Antiquities Legislation Enforcement,
Public Education, Techniques and Methodology

Discussions of proposed Federal rule making

Excerpts from the Federal Register which are pertinent to
archaeology

Copies of Federal Legislation, both pending
and passed

Comment and opinion from readers

Announcements of meetings

News items relevant to conservation archaeology

Positions in conservation archaeology

MEMBERSHIP

Membership in the Society costs \$10.00 per year for individuals, \$25.00 per year for institutions. Members receive the publications of the Society and the opportunity to help the organization reach its goals. Members are invited to attend the annual symposium and the business meeting which are held at the annual meeting of the Society for American Archaeology. Send membership fees to The American Society for Conservation Archaeology, A.E. Rogge, Treasurer, 1621 West Vernon Avenue, Phoenix, Arizona 85007.

MEMBERSHIP APPLICATION

Name _____

Address _____

() Individual \$10.00

() Institutional \$25.00

the bill authorizes U.S. participation in the Convention Concerning the Protection of the World Cultural and Natural Heritage. Section 202 authorizes and encourages educational activities in behalf of natural and historical heritage resources, including the provision of technical assistance. Section 203 incorporates in law several of the provisions of E.O. 11593, requiring federal agencies to identify and nominate to the Register historical properties controlled by them, and to provide care for such properties. Sections 204 and 205 deal with review of project impacts on listed or eligible properties, and require early consideration of heritage resources during project planning. As do the Seiberling bills, Section 206 provides for regulations defining categorical exemptions, for some kinds of federal actions, from the review procedures. Section 209 extends funding authorization through fiscal year 1983.

The Council on Heritage Conservation has a membership of 33, up from the Advisory Council's current 29. The 13 non-federal members appointed by the President must be balanced between historical and natural preservationists, and may include representatives of state and local governments and Indian tribes. The federal representation is somewhat revised. Title IV is devoted to administrative details including funding provisions and a provision for confidentiality about the locations of resources in cases of risk to their integrity or continued existence.

PLANS FOR ACTION. The two bills now before the Congress, each amending the National Historic Preservation Act, have very different philosophical approaches to historical preservation. It is my personal opinion (comments are welcome) that neither bill as filed merits the uncritical support of the archaeological community. There are a number of parallel provisions, which may be expected to survive fairly well through the legislative process. Each bill has some provisions which are especially favorable for archaeological resources, and some which will radically change or even jeopardize current programs and practice, perhaps even adversely affecting the resources. The passage of either bill will result in a spate of new regulations, which are likely to create very different planning and working conditions, at the least.

Historic preservation funding is currently authorized only through fiscal 1981; reauthorization of the present programs must be an essential minimal action for the next session of Congress. It is hard to predict Congress, but the existence of two conflicting bills in the two houses seems to prejudice any rapid action by either house.

COPA recommends that you let your Congressional representatives and Senators know soon of your interest and concern (especially about reauthorization). If discussion is begun early, between the archaeological community and the legislators, we can increase the effectiveness of our participation in the legislative process. Professional and amateur organizations are encouraged to prepare position statements, after consideration of the two bills.

Preservation News reports, without any reference, that a coalition is being formed to monitor the progress of the bills. The National Heritage Alliance will represent both historic preservation and natural conservation interests. If this interests you, an inquiry to the National Trust, at 1785 Massachusetts Ave., N.W., Washington, D.C. 20036, might put you in touch with the Alliance.

committee on



public archeology

Department of Anthropology
 University of Massachusetts
 Amherst, MA 01003
 January 21, 1980

RECEIVED
 JAN 25 1980

COPA COMMUNICATION

From: Dena F. Dincauze and your state COPA representative:

Ryjnstein

OFFICE OF THE
 STATE ARCHAEOLOGIST

SAA LEGISLATIVE POLICY COORDINATOR. The Executive Committee of the Society for American Archaeology has appointed Ruthann Knudson (Univ. of Idaho, Moscow) Legislative Policy Coordinator. Her initial and immediate responsibility is the preparation of policy statements representing the Society's views on issues in the historic preservation bills presently before the houses of Congress. The policy statements will guide the Society in developing positions on specific provisions of legislation. In addition, Ruthann will keep in touch with other archaeologists who are actively engaged in the legislative process.

ARCHAEOLOGICAL RESOURCES PROTECTION ACT ENROLLED. President Carter signed the Archaeological Resources Protection Act on October 31. It has been enrolled as Public Law 96-95. The responsible federal agencies are trying to expedite rulemaking for administration of the Act. Regional public hearings will be held early in the process, probably in January and/or February. The drafters hope to have proposed rules for the Federal Register before April.

ARCHAEOLOGISTS AND THE PUBLIC COMMENT PROCESS. Jan Friedman, Chief Archaeologist for the USDA Forest Service, sends this timely message. "The public comment process is an outstanding opportunity for those interested in the management and protection of the cultural environment to express their views directly to a Federal agency which is formulating policy. It is a chance to criticize and to make suggestions for improvement, but also is a valuable opportunity to express support for positive management programs. An agency must be told that there is a strong constituency which cares about the protection of the cultural environment.

Each Federal agency is obligated to consider all public suggestions in its final decision-making process. Certainly, an agency which hears only negative comments from opponents is obligated to reconsider its proposed policies for strong protection. It is equally the responsibility of supporters of programs for the management of cultural resources to voice their opinions.

This is especially important now as various agencies publish their proposed direction in response to 36 CFR 800.10 and 800.11. Because these will guide the cultural resource programs of agencies for years to come, it is imperative that both professional and avocational archaeologists use this opportunity to suggest changes, register complaints, and express support and approval."

ALERTS: COMMENT PERIOD OPEN. Comments are solicited until February 18 on the Interim Regulations for the National Historic Landmarks Program. (36 CFR Part 1205) of the Heritage Conservation and Recreation Service. The regulations address the program's purpose and authority, as well as the process of identi-

fying, designating, registering and monitoring Landmark sites, buildings, structures, districts, and objects. Criteria for designation include qualities of Association, Appearance, Information, and Integrity. "National Historic Landmark designation is reserved for resources which by strength and clarity of historic association, architectural or design excellence, or extraordinary information content are or clearly have the potential to be publicly and professionally recognized, understood, and appreciated for their significance to the Nation as a whole" (Federal Register 44:74826-30, Dec. 18, 1979).

The Bureau of Land Management published proposed rules for "Land Withdrawals; Amendments to Withdrawal Procedures" in the Federal Register on Dec. 14, 1979 (44:69868-74). Cultural resources, including archaeological sites, are to be considered in any application for "the withdrawal of an area of Federal lands from settlement, sale, location or entry under some or all of the general land laws...for the purpose of limiting activities under those laws in order to maintain other public values in the area or reserving the area for a particular public purpose or program..." Uses for power sites, transmission lines and mining seem to be the usual impetus for withdrawal, and in such cases the applicant must identify cultural resources involved and comply with NEPA regulations. The proposed rules do not specifically refer to 36 CFR 800. Clarity would be served by additional wording to that effect in Sec. 2310.1(c)(11)(i). The comment period is open until March 3, 1980. Write to Director (650), Bureau of Land Management, 1800 C Street NW, Washington, DC 20240. Could the withdrawal procedures be used by SHPOs to protect cultural resources on Federal lands? There seems to be no bar to that in the rules, but I have not read the legislation.

The proposed rules issued for compliance with CEQ regulations by the Federal Emergency Management Agency contain an interesting provision that might deserve support (Federal Register 44:70197-70201, Dec. 6, 1979). An anticipated adverse effect on a National Register or eligible property, "to the extent that it is not possible to execute a Memorandum of Understanding [sic] with the Advisory Council on Historic Preservation..." will trigger an EIS even if one is not otherwise required. This provision, backward as it sounds, seems to offer a special inducement to a Memorandum of Agreement, since NEPA comes in if 106 fails.

The Federal Emergency Management Agency published Interim rules for "Floodplain Management and Protection of Wetlands" that are less than clear about protection of archaeological sites (Federal Register 44:76510-23, Dec. 27, 1979). Sec. 9.10(b) indicates that the "Agency shall identify the full range of potential direct and indirect adverse impacts associated with the occupancy and modification of floodplains and wetlands and the potential direct and indirect support of floodplain and wetland development that could result from the proposed action." Sec. 9.10(d) goes on to oblige specific consideration and evaluation of impacts associated with (2) Natural values including "cultural resource values (archeological and historic sites...)" Fine, but in Sec. 9.4 (Definitions), "Natural Values of Floodplains and Wetlands...include but are not limited to:... (c) cultural resource values (open space, natural beauty, scientific study, outdoor education, recreation)..." A specific mention of archaeological and historic sites here would enhance the internal consistency of the rules. Comments are solicited before Feb. 25 to Rules Docket Clerk, Office of the General Counsel, Federal Emergency Management Agency, Room 302, 1725 Eye Street NW, Washington, DC 20472.

FINAL RULES, U.S. DEPARTMENT OF AGRICULTURE. The USDA has published rules for the "Enhancement, Protection, and Management of the Cultural Environment" (Federal Register 44:66179-83, Nov. 19, 1979). The rules differ in some respects from the draft published in July. The title has been changed from "cultural resources" to "cultural environment" in order "to recognize the broad scope of the program." In addition, the sections have been renumbered. Comment on the draft was minimal, with only 7 SHPOs' offices responding, and only three archaeologists.

FINAL RULES, NATIONAL SCIENCE FOUNDATION. The rules for NSF compliance with NEPA have been revised on the basis of comments received during the review process. Some commentators "expressed concern that review of research proposals for environmental impact would severely inhibit the pace of the scientific review process. [To] minimize delay in the review process, a draft assessment is sufficient to accompany the proposal..." It should be noted that some provisions of the rules, Sec. 640.3(b)(3 & 4), may have relevance for some archaeological proposals. The effect of these rules on NSF's reviews of archaeological proposals has not been clarified yet. The rules appeared in the Federal Register on Jan. 2, 1980 (45:39-42).

PROPOSED RULES UNDER REVIEW. The Fish and Wildlife Service published proposed "Procedures for the Identification and Protection of Archeological, Historic, and Scientific Properties" on October 24, 1979, just missing the November COPA COMMUNICATION. The comment period expired in late November. The statement of responsibility in Sec. 4.2(b)(c) is one of the clearest yet from any agency, and is especially welcome in its treatment of cases of permits and licensed projects. The Procedures establish the office of a Service Historic Preservation Officer, a provision we can expect to see more of. Sarah Bridges has recently joined the FWS, having moved there from the National Register office.

UNESCO CONVENTION. HR 3403, the bill to implement the UNESCO Convention on Cultural Property, has been stalled in the Subcommittee on Trade of the House Ways and Means Committee. Hearings on the bill were held on September 27. Testimony in support of the bill was given by representatives of the Society for American Archaeology, the Archaeological Institute of America, and the Association for Field Archaeology, among others. Strong opposition from art and antiquities dealers, and problems with the language and some provisions of the bill (which has already been much tampered with from its original form) may doom it for this session. Renewed and continuing expressions of support for the bill can't hurt. Address your Congressional representative and Senator, and send copies to at least one of the supportive House Subcommittee members: Corman (CA), Conable (NY), Vander Jagt (MI), Grenzler (MN), Rangel (NY), Stark (CA), Ford (TN), Lederer (PA), Downey (NY), Guarini (NJ), or Shannon (MA). Mary Elizabeth King is coordinating SAA action on this bill.

GOOD NEWS: PROTECTIVE ACQUISITION OF ENDANGERED SITES. Margaret Lyneis reports on encouraging events in Nevada. "The Max G. Fleishman Foundation has granted \$135,000 for the purchase of lands in the Muddy River valley of southern Nevada which contain Anasazi ruins. R. F. Perkins of the Lost City Museum of Overton, Nevada initiated the request. The grant will enable the Nevada State Department of History and Museums to acquire and protect a series of sites, unique in Nevada, which are imminently threatened with residential development. The area is a portion of the district that M. R. Harrington called Lost City or Pueblo Grande de Nevada. Much of Lost City was drowned by Lake Mead with the closing of Boulder (Hoover) Dam in the late 1930's, and is known only from Harrington's work there."

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THE ARCHAEOLOGICAL CONSERVANCY. The announcement of the incorporation of The Archaeological Conservancy is heartening news; it is a fresh new idea in resource protection. Modeled on The Nature Conservancy, which has been remarkably successful in preserving natural areas from misuse, the Conservancy is set up to assist public or private land-managing organizations to acquire, by purchase or easements, property containing archaeological sites, for the purpose of long-term protection and conservation. The Conservancy, which takes the entire nation as its area of interest, has a Board of Directors composed of archaeologists and laymen. The initial five members of the Board are Drs. Richard B. Woodbury, Richard I. Ford, Douglas Schwartz, Steven LeBlanc, and Jay Last. The Board is expected to expand to a full size of fifteen members. Correspondence may be addressed to Dr. Steven LeBlanc, Dept. of Anthropology, University of New Mexico, Albuquerque, NM 87131. The Conservancy is described in the Journal of Field Archaeology, Vol. 6:360-5.

AMERICAN INDIAN RELIGIOUS FREEDOM ACT REPORT. The Secretary of the Interior has submitted to Congress the report on legislative and administrative actions and changes necessary to implement the American Indian Religious Freedom Act (PL 95-34). Agency regulations and legislation have been scrutinized for provisions which hinder, or changes that would support, the intent of the legislation to protect the religious and cultural rights of Native Americans. The recommendation touch on diverse aspects of Federal land management and other policies, and on the issue of museum deaccessioning of religious articles. A copy of the report may be obtained from the Assistant Secretary for Indian Affairs, Dept. of the Interior, Washington, DC 20240.

MUSEUM DEACCESSIONING OF AMERICAN INDIAN OBJECTS. The Western Regional Conference of the American Association of Museums sponsored an October panel discussion on "Ethical and Legal Responsibilities of Museums in Deaccessioning American Indian Objects." The results were encouraging, and the WRC is preparing a report on the meeting, including a transcript of the discussions. The panel chairman was Robert Breunig, of the Museum of Northern Arizona, to whom inquiries about the report may be addressed.

PUBLIC EDUCATION. The Public Education Committee of the American Society for Conservation Archaeology wishes to obtain copies of popularized versions of CRM reports. From reports received, several will be selected (with permission of the author and/or funding agency) for use in a proposed study evaluating the impact of such popularizations on the local communities. For the purpose of this project, it is important that the work have been performed with public monies under the requirements of existing Federal, state, or local regulations. For our purposes 'popularized' means versions of CRM reports that have been written specifically for the general reader. These may be only sections of a full report, or complete reports in themselves. It will only be necessary to send the popular version to the committee. All reports forwarded will be gratefully received by: Mike Roberts, Chair, ASCA Committee on Public Education, ICA, Peabody Museum, Harvard University, Cambridge, MA 02138. The Committee regrets that it has no funds to cover reproduction or mailing costs for those submitting materials.

UNDERWATER ARCHAEOLOGY. A national Workshop on "Sport Divers and Underwater Archaeology" is being held from February 15th to 18th. "The purpose of the workshop is to bring together sport divers and professional underwater archaeologists to discuss ways in which the two can work together to preserve, protect and enjoy our underwater archaeological heritage." Those of you who missed it and are interested might address inquiries to National SCUBA Workshop, Newfound Harbor Marine Institute, Route 3, Box 170, Big Pine Key, FL 33043.

Colorado Council of Professional Archaeologists
Minutes of the Business Meeting
September 27, 1979

The meeting was called to order by President Scott at 9:40 a.m. at the Empire Electric Building in Cortez, Colorado.

Marcia Tate began OSAC announcements by listing various publications available for distribution and by reading a statement from Bruce Rippeteau requesting the nomination by CCPA of five professional archaeologists by Jan. 15, 1980 for the State Archaeologist's Awards to be presented at the Spring 1980 meeting.

Judi Halasi explained new site forms representing an OSAC/Dept. of Historic Preservation effort toward combined computerization of site information:

pink sheet is primarily for structural historic sites
blue sheet can be used for non-structural historic sites
historic sites will use state numbering system
all sheets may be used for a single site depending on types
of components

Beth Walton/Prill Mecham expressed concern over a lack of "National Register eligibility" blank on blue (archaeological site) form; it was decided that the "Research potential/significance" blank should be used for this information.

The forms are now available in quantity and an "OSAC Guide" for form completion is in preparation; position announcement for AREMS encoder was made; general policy of giving trinomial designations to IF's and including them on computer records was explained; OSAC requested that all unused numbers be returned to the office and that an effort be made to update site forms following mitigation work, excavation or site destruction. [* NOW AVAILABLE FROM OSAC]

Treasurer's Report (Kranzush)

Total cash assets: \$981.69

CCPA became a Colorado Non-Profit Corporation on August 27, 1979
IRS Form 1024 (Application for Recognition of Exemption) is being prepared
It was decided that the CCPA fiscal year will be the calendar year.

Membership Committee Report (Eddy for Nelson)

Membership fees do not accurately reflect the number of members due to vita/certification/sponsorship requirements. S. Nelson is severely held up in processing membership applications by lack of documentation. [List of all members by category along with specific membership class requirements is included at end of minutes.] All members are reminded to submit statement certifying accuracy of vita.

Records Repository Report (Eddy)

Three types of CCPA files were proposed:

- 1) Personnel - vita of each member and general correspondence; particularly useful to anyone looking for employees; open to any member.
- 2) Society Business - minutes, books, newsletters, audits, committee reports, etc.; open to any member.

- 3) Committee Files - investigations into ethics/misconduct; probably closed during investigation and opened after resolution of problem; temporary closure might help prevent rumor and unsubstantiated evidence from entering into Committee decision.

Discussion:

- Cassells: person requesting sponsorship could waive rights of disclosure
Weakly: that would complicate record/file maintenance
Buckles: is file closure OK for EEO concerns?
Eddy: John Halloway (CU Counsel) suggested CCPA try it and then change policy as needed if problems arise.
Gordon: would anyone agree to sponsor a person they couldn't recommend?
Weakly: someone may want to sponsor with reservations
Eddy: membership committee could use "reservations" to request additional information from applicant or insist upon additional training prior to acceptance
Kenyon: may a private organization keep secret files on an individual?
Buckles: legal implications of situation should be further investigated
Madden: risks should be taken in public, not private; any file may be opened in court
Walton: an organization with power of censure is able to deprive a person of his/her livelihood; chance of malpractice suit is high
LeFree: recommendation file rather than ethics violations should be discussed first
Eddy: Motion to place recommendations in closed file unavailable to applicant or general membership (seconded)
Hammer: can we vote if there are only a few people who are technically members of CCPA?
Eddy: allow everyone who has paid dues to vote
Kenyon: more legal opinion should be obtained in light of the mood of country on these types of things
D. Martin: amend motion for opening file to the applicant?
Walton: clarify sponsorship vs. recommendation; sponsorship puts sponsor's reputation on the line
Eddy: Sarah thought letter of recommendation in academic sense, stating applicants' strengths and weaknesses
Buckles: perhaps recommendations should be available to applicant; if statements are negative, they may decide not to apply
Scott: call question

Moved and seconded: to maintain closed files of recommendations regarding applicants for membership in CCPA.

Vote: Nay - files will remain open

Eddy - should there be closed files on committee work? ethics, standards, or both?

Discussion:

- Breternitz: yes, otherwise committee members will be hampered by outside interference
Cassells: closed to individual in question?
Eddy: in SOPA, files are open to accused but no one else
Cassells: limit access to accused, accuser and committee
Eddy: until resolution of issue, then open to membership
Weakly: SOP in government operations; even draft reports are restricted
Madden: appropriate to destroy working files and keep only committee report?

Eddy: analogous to Watergate; anticipate problems if an issue should go to court and files are subpoena'd

Weakly: Motion to temporarily close files during investigation of ethics of standards issues to all except person making allegation and person against whom allegation is made . Files will be opened after Committee has resolved issue. (seconded)

Eddy: Amendment: Charges may only be filed by a member of CCPA against a member of CCPA.

Halasi: will files be opened if accused is not a member?

Eddy: can't sanction or censure a non-member

Madden: if involved in nonmember violation, should accused be required to join?

Scott: can't require anyone to join

Weakly: censure committee feels it should be charges only between members

Madden: call question

Moved, seconded and amended: to temporarily close files during investigation by Committee of ethics and standards issues to all except person making allegation and person against whom allegation is made. Files will be opened after issue is resolved by Committee. Charges may only be made by members against members.

Vote: motion carried unanimously

Abuse Committee (Gooding)

progress slow; written report will be available at next meeting

Scott: issue is closed in light of previous motion to restrict committee to investigation of members

Wyoming Association of Professional Archaeologists (Gordon)

haphazard organizational meeting; Frison chaired; adopted CCPA By-Laws with some revision; appointed pro-tem officers; all Wyoming residents and all University of Wyoming/Wyoming Recreation Commission affiliates; CCPA should not consider combining organizations or otherwise associating with WAPA.

Walton: Move to accept Committee Reports
Second (Kenyon)
carried unanimously

Weakly: Move to approve minutes of last meeting
Second (Gordon)
carried unanimously

NEW BUSINESS

Status of Antiquities Act (A. Anderson)

new act vs. revision of old act
Archaeological and Historic Resource Preservation Act of 1979 (H.B. 1825)
in Committee; House passed one version, Senate passed another
arrowheads and bullets exempt; also a "less than 100 years old exemption;
permit system for excavation/removal only

escalation of certain penalties
 Senate version (S.B. 490) leaves definition of archaeological resource to agencies regulating them; does not address "object of antiquity"; less than 50-year-old exemption; penalties *more* less severe than House.

Discussion on which bill to support:

Weakly: does Senate Bill still contain provisions for Governors to decide on issuance of antiquities permits?

LeFree: need to work through the bill and make recommendations as CCPA

Walton: need to act quickly to have input into House/Senate compromise

A. Anderson: today is resolution/compromise day

Walton: we need to point out things that are unacceptable to the professional archaeologist

Weakly: read committee hearing report on "right to collect"

Kenyon: has someone been appointed to call members of CCPA to get action?

Scott: volunteer to keep membership informed; Representatives can be called as well as written; just as effective

Walton: did the testimony cover all valid viewpoints?

Hester: presentation on behalf of archaeological committee and also Federal Agencies was made in House; orchestrated to present facts in light of professional archaeologists; SOPA wants Senate version to be supported

S.B. 1175 (A. Anderson)

Antiquities Act and Federal Land Policy and Management Act Amendment of 1979 definition of archaeological resource conflicts with other act an object of historic/scientific interest must be directly associated with human activity not only artifacts, but all things in archaeological contexts limits Presidential power regarding National Landmarks; Senate approval is required if more than 5000 acres involved current on-going uses of existing monuments (grazing, etc.) are allowed

Bill to create Department of Resources including Agriculture and Interior (Weakly)

many good aspects but administration would be disastrous; super-agency for cultural resources

objects to another layer of bureaucracy

bill will be reintroduced in House and Senate with many co-sponsors

Siberling is open to suggestions and revisions

suggests distribution within CCPA and CCPA input

Scott: Four or five current pieces of legislation will affect us; need to keep abreast

D. Martin: hand written notes from individuals have affect on legislators

CALLS ON SITE DAMAGE/VANDALISM (Mecham/Walton)

OSAC called BLM White River Resource Area regarding investigation of telephone report of site damage on federal land; WRRRA was not given adequate information on the source of the report or location of violation; investigation cost 3 - 4 persondays and had negative results; in future, information as to identity of informant and location of violation will be required.

- LeFree : OSAC felt it had to protect informant's identity due to possibility of recourse by violators; OSAC position is that it has to accept reports of site destruction and has to assume that it is not a prank call
- Scott: problems of coordination between State/Federal agency is not a CCPA issue; if situation arises, try to get adequate information
- Martin: can informant be referred to appropriate agency?
- Tate: caller would not follow through
- Madden: informant's name and phone number should be given to agency
- Tate: Rippeteau felt a need for confidentiality and J. Deans agreed
- Walton: without informant identity, Federal officer is being asked to act for the SHPO instead of the agency; worry about the effect of "crying wolf" on BLM response to next report of unauthorized site damage
- LeFree: name would have been given to Walton or Mecham but not everyone else
- Breternitz: bureaucratic procedure should not be confused with professional responsibility

BLM Activities in SW Colorado (Matlock)

legislation drafted to propose portions of Sacred Mountain Planning Unit in Dolores and Montezuma Counties be set aside as National Conservation Area to protect archaeological sites; potential for inclusion of areas in SE Utah

- will be multiple-use BLM land but gives predominant emphasis to archaeological resources with additional funding for patrol, education stabilization, complete inventory, etc.
- allied with Bureau of Reclamation Dolores Project

Bureau of Reclamation cultural resource expenditures were reported by Ward Weakly.

Negative Findings Reports (LeFree)

Requested input from CCPA toward standardization of negative reports; feels one-page form is not adequate; wants documentation of literature search (historic and archaeological)

Discussion:

- Breternitz: same procedure for well pad as large survey area?
- LeFree: agency specific requirements
- A. Anderson: EIS vs. EAR; agency must specify information needed
- Scott: literature search is not necessary if nothing is found
- Walton: negative results report is not the same as an EIS or EAR
OSAC receives the reports of on-ground investigations
- LeFree: 36CFR800 requires literature search
- Weakly: send letter to OSAC stating that when a negative report is submitted, it implies that a literature search has been done.
- Hammer: good idea, but much easier to have it stated if there is a need to go back through old documents
- LeFree: concern not only with Federal agencies; can CCPA develop standards that will satisfy everyone?
- Hammer: a checklist of procedures

A. Anderson: OSAC needs to outline guidelines for requirements
Scott: should appoint committee for standardization;
move to adjourn (second)
carried unanimously

Meeting adjourned 11:55 a.m.

Respectfully submitted
Kris Kranzush, Treasurer;
for David Stuart, Secretary