

1980

1981

1982

**ARCHEOLOGICAL  
AND  
HISTORICAL  
DATA RECOVERY  
PROGRAM**

**NATIONAL PARK SERVICE  
U.S. DEPARTMENT OF THE INTERIOR  
WASHINGTON, D.C.**



**NOVEMBER 1983**

**ON MICROFILM**

PLEASE RETURN TO:  
TECHNICAL INFORMATION CENTER  
DENVER SERVICE CENTER  
NATIONAL PARK SERVICE



United States Department of the Interior

OFFICE OF THE SECRETARY  
WASHINGTON, D.C. 20240

D-153  
File: NPS  
General

DEC 1 1983

Honorable James A. McClure  
Chairman, Committee on Energy  
and Natural Resources  
United States Senate  
Washington, D.C. 20510

Dear Mr. Chairman:

It is my pleasure to transmit herewith a copy of the combined annual report to the Congress for activities carried out under authority of the Archeological and Historic Preservation Act of 1974 (Public Law 93-291, as amended) and the Archaeological Resources Protection Act of 1979 (Public Law 96-95). This report is submitted in response to my reporting responsibilities under the aforementioned statutes as required in sections 5(c) and 13, respectively, for fiscal years 1980 through 1982.

Thank you for your continued support of the national archeological and historic preservation programs.

Sincerely,

SECRETARY

Enclosure

ON MICROFILM

PLEASE RETURN TO:  
TECHNICAL INFORMATION CENTER  
DENVER SERVICE CENTER  
NATIONAL PARK SERVICE

As the Nation's principal conservation agency, the Department of the Interior has basic responsibilities to protect and conserve our land and water, energy and minerals, fish and wildlife, parks and recreation areas, and to insure the wise use of all these resources. The Department also has major responsibilities for American Indian reservation communities and for people who live in island territories under U.S. administration.

This report is required to be submitted to the United States Congress by section 5(c) of the Archeological and Historic Preservation Act of 1974 (Public Law 93-291) and by section 13 of the Archaeological Resources Protection Act of 1979 (Public Law 96-95). The National Park Service prepared the report on behalf of the Secretary of the Interior. Copies are available in limited quantity for general distribution.

**U.S. Department of the Interior**

**William P. Clark, Secretary**

**G. Ray Arnett, Assistant Secretary for Fish and Wildlife and Parks**

**Russell E. Dickenson, Director, National Park Service**

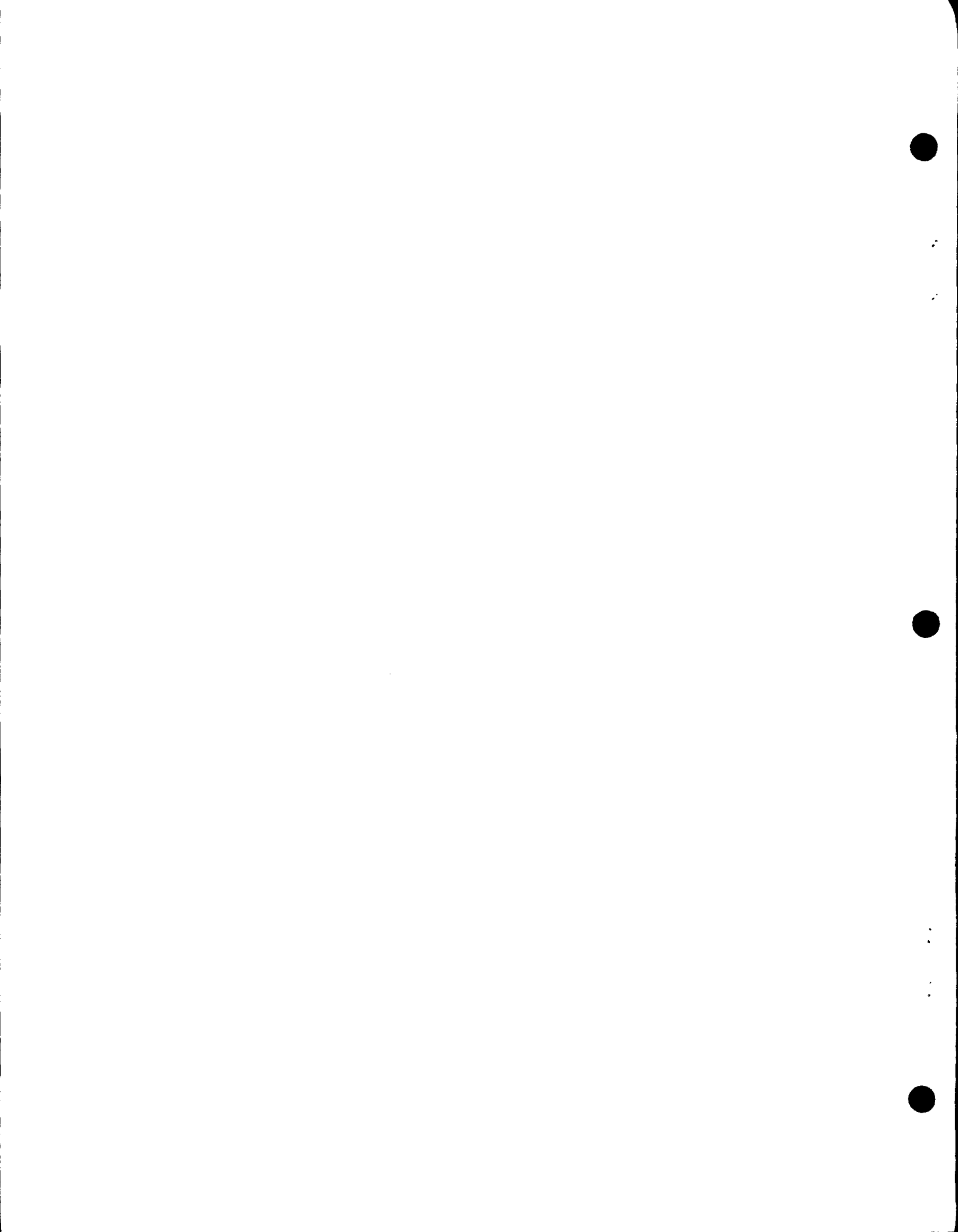
**This report was prepared under the direction of Lawrence E. Aten, Chief, Interagency Resources Division, National Park Service.**

## TABLE OF CONTENTS

Introduction	1
The Archeological and Historic Preservation Act of 1974 (Public Law 93-291)	2
--Background	
--Scope and Effectiveness	
The Archaeological Resources Protection Act of 1979 (Public Law 96-95)	6
--Status of Rulemaking	

## APPENDIXES

Appendix A: Expenditures by Federal Agencies for Archeological Survey Activities and Data Recovery	8
Appendix B: Federal Agency Archeological Studies Completed Under Public Law 93-291	13
Appendix C: Fact Sheet on Evaluation of Requests for Waiver of One Percentum Limitation/Data Recovery Activities	24
Appendix D: Guidelines for the Disposition of Archeological and Historical Human Remains	29
Appendix E: Archeology for Federal Managers	31



## INTRODUCTION

This report was prepared for the Senate Energy and Natural Resources Committee and the House Interior and Insular Affairs Committee of the United States Congress. It is required under section 5(c) of the Archeological and Historic Preservation Act of 1974 (Public Law 93-291) and by section 13 of the Archaeological Resources Protection Act of 1979 (Public Law 96-95).

Public Law 93-291 calls for the preservation of historic and archeological materials and data that otherwise would be lost as a result of Federal construction or federally licensed or assisted activities. It authorizes Federal agencies to obligate project funds for the recovery, protection and preservation of significant scientific, prehistoric and archeological materials and data affected by the project. It permits agencies either to undertake the requisite recovery, protection and preservation directly or, alternatively, to transfer a maximum of one percent of the total amount authorized for each project to the Secretary of the Interior for this purpose. In addition, it places coordinating responsibility with the Secretary of the Interior in order to assure a uniform Federal program.

Public Law 96-95 establishes procedures and conditions for the issuance of permits by the Secretary of the Interior or other Federal land managers to excavate or remove archeological resources on public or Indian lands. It provides for the custody and disposition of resources removed and imposes criminal and civil penalties for excavating, removing or damaging archeological resources on these lands without a permit issued under the act. The law directs the Secretary of the Interior to improve cooperation and the exchange of information between (1) private individuals with collections of archeological resources and data and (2) professional archeologists and Federal authorities responsible for the protection of archeological resources on public and Indian lands.

This report describes Federal activities during fiscal years 1980 through 1982 for the recovery of archeological and historical data under Public Law 93-291. The report discusses problems associated with implementation of the law and what the Department of the Interior is doing to resolve them. In addition, the report contains information on the numbers of projects undertaken and dollars spent by Federal agencies for archeological survey and for data recovery. Studies emanating from these efforts are listed and a policy statement regarding the disposition of archeological and historical human remains is provided. Regarding P.L. 96-95, the report describes the status of the rulemaking process associated with full implementation of the act.

\*\*\*\*\*



# THE ARCHEOLOGICAL AND HISTORIC PRESERVATION ACT OF 1974

(Public Law 93-291)

## Background

Over the last century, historic preservation in the United States has grown, assisted by a comprehensive body of legislation designed to protect, preserve and conserve our nation's cultural patrimony as represented by archeological, architectural and historic resources.

The early 1980's have been a period of program introspection, reflecting upon where archeology in America has been, where it is now and more importantly -- how it will be oriented for the remainder of this century. Decisions made now and over the following few years will undoubtedly continue to set an indelible direction for the future of archeology in the United States.

Federal planners often have neglected to consider archeological resources when planning construction activities. A principal goal of historic preservation is the successful integration of and timely compliance with legal requirements to ensure that project construction goals are met without incurring unnecessary costs. If recognized early, potentially negative effects to archeological resources can be either avoided or lessened. Failure by the agencies to follow required compliance procedures has led to resource destruction and contributes heavily to costly construction delays. On the other hand, documentation of hundreds of projects nationwide over the past decade demonstrates that early attention to resource recovery has seldom delayed a construction project.

As required by Executive Order 11593 and the National Historic Preservation Act, all Federal agencies must locate, identify and evaluate historic and archeological resources under their jurisdiction or control or that will be affected by their actions. Agencies must resolve questions of whether properties are eligible for inclusion in the National Register of Historic Places. If no way can be found to avoid damaging important resources, it may be decided that recovery of specimens and scientific data is in the public interest. Data recovery is the scientific retrieval and preservation of archeological and historic materials and information that would otherwise be lost, and the study of those resources in their original context. Because resources and attendant data are destroyed when excavated, conservation measures at the site to permit preservation and long-term scientific study are preferable to immediate excavation. Data recovery through salvage is regarded as a last resort to save important archeological information.

An agency may use its authority under Public Law 93-291 to undertake archeological excavation. The agency may contract directly, using the project's appropriated funding, or may request the Secretary of the Interior to assume responsibility for archeological investigations on a cost reimbursable basis.

In brief, Public Law 93-291 directs the preservation of historic and archeological materials and data that would otherwise be lost as a result of Federal construction or federally licensed or aided activities. Data recovery or in situ preservation are options available to the Secretary of the Interior and other Federal agencies. The Secretary of the Interior is responsible for coordinating activities under the law.

## Scope and Effectiveness

From 1974, when Public Law 93-291 was enacted, to 1980 the Interior Department steadily moved from funding individual data recovery projects for which other agencies did not have money to exercising broader leadership by providing guidance and expertise in data recovery. Supported by the legislative history of the act, Interior prompted agencies to secure their own funding directly from Congress. Interior began focusing on ways to improve operation of the program and to insure better data recovery. For example, Interior introduced competitive contracting methods that increased quality, reduced costs and have since become the standard Federal approach. Technical bulletins also have been produced to advise other agencies on particular procedures.

Still, through 1980, much of the focus of the program was on individual projects that needed money quickly for data recovery. Although this approach was responsive to the obligations of resource stewardship, it remained difficult to set priorities among worthy projects and to determine just what kinds and quantities of data recovery should take place. Attention needed to be focused on advance planning and on uniformity of approach rather than on sudden reaction to projects as they appeared.

While planning had received considerable attention over the past decade in the field of historic preservation, no systematic approach or central theme had been adopted. Each Federal agency and sometimes each bureau had its own approach to planning. States often had their own methods which differed in scope and depth from those of the Federal agencies. Consequently, the Interior Department and other Federal agencies spent a considerable amount of time reacting to crisis situations instead of planning programs and managing resources. Agencies sought a solution by funding more and more archeological activities. Insufficient attention was given to whether duplication of effort was occurring or whether more investigations and expenditures were required in a particular instance.

To solve these problems, the Department of the Interior resolved during FY 81 to set the pace for a fully integrated planning system which could be adopted nationwide. Over FY 82, the Department moved ahead with this purpose in mind together with recommendations received from the General Accounting Office. The initiatives, discussed below, are grouped under two major activities: 1) the implementation of a comprehensive preservation planning process and 2) the development of standards and guidelines for uniform direction.

Both issues are now being addressed through the development and implementation of the Resource Protection Planning Process (RP3). RP3 is a planning concept developed by the Department to provide State and Federal agencies with a flexible model for identifying, evaluating and protecting archeological and other historic resources. Because the approach can be applied to all levels of planning, it represents the best means for coordinating not only overviews but also for attaining high priority preservation and data recovery goals.

RP3 is simple in concept and employs well-tested planning concepts. Professionals, academic researchers, planners, and agency representatives are brought together to organize and define broadly what is known about an area's past. This overview is broken down into a series of specific historic and prehistoric contexts. These contexts form convenient units for developing finite and focused goals for surveying the area contained in the unit, evaluating properties for their importance within the historic context of the unit, and formulating options for protecting those properties considered important. Once

these goals are established they provide Federal, State and local agencies with concrete, practical guidance for fulfilling their preservation responsibilities in a timely and cost-effective manner.

Twenty States are using the RP3 system to prepare their State comprehensive preservation plans, as required under the National Historic Preservation Act. Because RP3 provides a similiar planning structure for each State, comprehensive preservation plans for adjacent States can be synthesized into larger regional plans. Such regional plans provide a distinct advantage to Federal agencies because their areas of responsibility often overlap State lines. Instead of coping with separate goals for each State, agencies can address a single set for the entire region.

The U.S Army Corps of Engineers is preparing this type of regional plan for the lower Ohio River Basin. The plan is a cooperative effort with the Department of the Interior and the State Historic Preservation Offices of Illinois, Indiana, Ohio and Kentucky. When this project is completed (approximately January 1984), the Corps may undertake broader application throughout the Nation. The Department of the Interior is in a unique position to foster development of these regional plans as part of a national strategy to use historic and archeological resource planning as a basis for constructing an integrated preservation planning system among Federal, State and local governments. Interior gives technical assistance, works with agencies to provide information and advice, conducts workshops, and distributes information on specific techniques. In addition, standards and guidelines are being prepared for all archeological and historic preservation activities: planning, identification, evaluation, registration, documentation and treatment.

Rather than providing assistance to agencies in a piecemeal fashion as in the past, Interior began developing policy statements that will provide uniform direction. For example, guidelines are being prepared for archeological and historical data recovery activities. A fact sheet on waiver of the one percentum limitation on data recovery has been prepared by the Department and included herein as Appendix C. The Department of the Interior provides a short course for Federal managers regarding the goals and techniques of modern archeology, the laws and regulations attendant to the preservation of archeological resources and other related subjects. Information on this course is contained in Appendix E. In addition Interior is providing archeological standards and guidelines to fulfill the requirements of the National Historic Preservation Act of 1966, as amended in 1980.

Interior is consulting with other agencies and the public in the development of these standards and guidelines. To enhance communication on archeological policies, the National Park Service formally established, in March 1983, the Departmental Consulting Archeologist position at the Assistant Director level. This office serves as the focal point within the Department for dealing with other agencies on general policy questions and directives affecting the national archeological program. In addition, the office is expected to improve coordination of the Department's archeological programs by eliminating policy duplication and inconsistencies among bureaus.

Through 1982, besides developing and implementing a new planning strategy and uniform policy statements, Interior, as coordinator under Public Law 93-291:

- advised on how to recover archeological and historical data
- served as the clearinghouse for data recovery studies
- defined adequacy in archeological recovery research plans

- provided uniform reporting requirements for contracting
- fostered communication among agencies
- enhanced consistency in information provided to the public
- established procedures for notification to the Interior Department when potential damage to archeological resources arises.

Interior will continue these activities to fulfill its responsibilities as coordinator under Public Law 93-291. In addition, it will continue to exercise leadership in the conservation, preservation and protection of archeological resources nationwide. By fully exercising the Secretary's responsibilities as provided by Public Law 93-291, a more cost-effective national archeological program is being achieved.

\*\*\*\*\*

