



## Permits for Archeological Investigations

### 3. Information for NPS Archeologists

#### Introduction

This section describes the NPS archeologist's responsibilities for complying with cultural resource laws and regulations when conducting archeological activities on parklands. It also includes responsibilities in assisting regional directors and park managers in reviewing applications for a Permit for Archeological Investigations (hereafter referred to as a "Permit"), monitoring field projects, and reviewing final reports and products resulting from archeological investigations.

A Permit is a legal document that defines the scope and methodology of the permitted archeological work and specifies the conditions for suspending the project. Thus, a Permit can be, and is, used in court to establish elements of cultural resource laws violations, should they occur.

The NPS archeologist is essential to the permitting process. The archeologist normally is designated by the park manager or regional director as a liaison between the applicant and the regional director who issues the Permit. The NPS archeologist may provide assistance or background information to the applicant in preparing a Permit application, advises the park manager and/or the regional director about the feasibility and appropriateness of the project, monitors the activity, and reviews reports, ASMIS records, and other documentation that is generated by the permitted investigation. Because of this important role, the NPS archeologist should be familiar with all sections of this NPS Archeology Guide Permits module.

NPS archeologists provide expert advice to the regional director and the park manager on the issuance, inspection, and review of archeological projects conducted under a Permit. NPS archeologists assist in enforcing cultural resource protection laws and regulations, including the [Archeological Resource Protection Act \(ARPA\)](#) and ARPA regulations.

The NPS archeologist is also responsible for determining whether the proposed project will impact an archeological or historical resource that is listed or eligible to be listed on the National Register of Historic Sites. If the proposed project will impact an eligible or listed site, the project must comply with NHPA Section 106 provisions, and NEPA Environmental Assessment requirements.

#### **NPS Archeologists: Responsibilities of NPS Archeologists and Contractors Conducting Archeological Investigations**

Whether located at a national park unit, a regional center that specializes in cultural resources, or at the regional office, NPS archeologists conduct field work and oversee the work of others on parklands. Although a Permit is not required for NPS-authorized fieldwork, all work performed by NPS archeologists is held to the highest federal standards (see Director's Order #28A, Sections 6A

and 6B and Secretary of the Interior's Standards for Archeological Documentation). NPS archeologists and non-NPS archeologists working on behalf of the NPS must meet ARPA standards for undertaking archeological investigations (43 CFR 7.8 and 7.9).

- A graduate degree in anthropology or archeology, or equivalent training and experience;
- The demonstrated ability to plan, equip, staff, organize, and supervise activity of the type and scope proposed;
- The demonstrated ability to carry research to completion, as evidenced by the timely completion of theses, research reports, or similar documents;
- Completion of at least 16 months of professional experience and/or specialized training in archeological field, laboratory, or library research, administration, or management, including at least 4 months experience and/or specialized training in the kind of activity the individual will be expected to carry out;
- Archeologists engaging in historical archeology projects should have had at least one year of research concerning archeological resources of the historic period. Archeologists engaging in prehistoric archeology projects should have had at least one year of experience in research concerning archeological resources of the prehistoric period.

#### **NPS Archeologists: Assisting Applicants**

It is important that permit applicants contact park managers when contemplating an archeological project to be carried out on parklands. The park manager may delegate responsibilities for assisting Permit applicants to a park or other NPS archeologist. It is important that all NPS requirements are discussed with the applicant before the permit application is submitted. In order to assist the applicant in planning an archeological project, the NPS archeologist should be familiar with:

- NPS policies that pertain to the management of archeological resources, such as Director's Order DO#28 on Cultural Resources and associated NPS Cultural Resource Management Guideline, Director's Order DO#28A on Archeology, and the Secretary of the Interior's Standards and Guidelines as they relate to archeological resources.
- **Park management plans.** The archeologist assesses the relevance of the proposed research project to anticipated park needs, and suggests ways that the proposed research may contribute to achievement of management goals, and to articulate with management plans.
- **Permit application and the Permit process.** The NPS archeologist provides assistance to the applicant in preparing the application for a Permit, and to the regional director in reviewing the Permit application. The archeologist is familiar with the application forms, the information requested, and the permitting process.
- **The NPS site recordation system.** A Permit has the potential to yield site management information that must be recorded in the Archeological Site Management Information System (ASMIS), either as new site records or updates to existing site records. It is important that requirements for collecting and documenting site information in conformance with ASMIS are included in the Permit conditions. The NPS archeologist provides a permittee with a field form to record the pertinent ASMIS fields as site documentation. The NPS archeologist may also

require the permittee to enter the data into a copy of the the ASMIS database tables, depending on the capabilities of the permittee and the ability of the NPS archeologist to monitor and verify data entry. More information about [ASMIS is available on InsideNPS](#). The NPS archeologist is familiar with:

- ASMIS User Guide;
- ASMIS Data Dictionary, which should also be provided to the permittee;
- the required fields in ASMIS to create a complete, accurate, and reliable site record (See "Required ASMIS Fields by Screen, July 2005"). Note that some of the required fields, e.g., Site Documentation Level, Treatment Proposed, Management Action, National Register Status, must be entered by NPS staff that make management decisions about the site(s);
- the most accurate and effective methods for the permittee to determine site locations, such as GPS.
- The park unit plans for discovery of human remains. A written plan of action is required for the inadvertent discovery of Native American human remains, intentional excavations of Native American human remains, or both ([NPS Cultural Resource Management Guideline, Appendix R](#)). The park manager will also provide directives for inadvertent discovery and intentional excavation of non-Native American human remains. The NPS archeologist provides the permittee with a copy of the park plans for discovery of human remains or assists in the development of appropriate plans.

If the archeological project is anticipated to impact a site that is listed or eligible for listing on the National Register of Historic Sites or if the project involves archeological excavations, compliance with Section 106 of NHPA or NEPA is required. The regional director or the regional director's appointed delegate will consult with the SHPO about compliance needed. If compliance is required, the applicant will be requested to prepare background documentation.

#### **NPS Archeologists: Reviewing Permit Applications**

NPS archeologists provide the major technical and policy review of archeological Permit applications. They advise regional directors and park managers on the merits of the proposed work and provide recommendations, with justifications, for approval or denial of applications. The Permit may be denied if the application does not meet Permit requirements. (See [43 CFR 7.8 Issuance of Permits](#)).

The NPS archeologist verifies that:

- The applicant is appropriately qualified, as evidenced by training, education, and/or experience, and possesses demonstrable appropriate competence.
- The proposed work is to be undertaken for the purpose of furthering archeological knowledge in the public interest.
- The proposed work, including time, scope, location, and purpose, is not inconsistent with any management plan or established policy, objectives, or requirements applicable to the management of the park.

- Written consent has been obtained for work proposed on state, tribal, or other federal lands managed by the NPS.
- Necessary compliance with cultural resource laws and regulations is addressed.
- A plan for documentation of newly discovered sites and revisited sites, including new or updated ASMIS records, is provided.
- Written confirmation has been obtained from the curatorial facility that will accept the resulting collections and associated records.
- Written confirmation has been obtained that the curatorial facility is in compliance, or working toward compliance, with provisions of regulations for federally-owned and administered archeological collections (36 CFR 79).
- The applicant has confirmed that, not later than 90 days after the date that the final report has been submitted to the NPS, all material remains and associated records resulting from work conducted under the requested Permit will be delivered to the curatorial facilities as named in the Permit application (Permit Form, Standard Permit Conditions, 15v, w).

NPS Cultural Resources Management Guideline (1997) and Director's Order #28A, Archeology recommends that invasive fieldwork, such as excavation, be limited. However, proposals may point out specific reasons and justifications why the recovery of park archeological resources are necessary and significant to current research and management needs.

The NPS archeologists involved in Permit application review ensures that terms and conditions for an approved Permit anticipate all possible outcomes of the project including, for example, attention to final site condition, review of deliverables other than reports, and ASMIS and ANCS+ data entry.

#### **NPS Archeologists: NPS Inspections**

The regional director is responsible for ensuring that inspections occur during the field and laboratory phases of a permitted project to determine whether the project is in compliance with stipulations of the Permit. These inspections are conducted by NPS archeologists and, when feasible, an NPS curator. During the inspection, the NPS archeologist verifies that:

- A copy of the Permit is on site at all times;
- Responsible parties identified in the Permit are present and are performing the roles identified in the Permit;
- The investigators are maintaining accurate field documentation, including ASMIS data and locational data, preferably in GPS;
- The investigators are maintaining a photographic log containing information on each photograph taken, including full provenience information, date, and aspect;
- The investigators are maintaining a field specimen log;
- The investigators are drafting a series of maps containing detailed information on the location of archeological investigations, the location of individual archeological test units, significant profiles, and floor plans;

- The investigators are maintaining provenience integrity by placing associated objects into common containers, and separating objects of different provenience into separate containers, all of which are clearly marked.
- Compliance requirements established through consultation with the SHPO(s) or ACHP are being addressed.
- The activities are in compliance with other NPS permits.

The appointed NPS archeologist or curator should also monitor project-related laboratory activities. Laboratory inspection includes verification that all of the NPS standards for collections management outlined in Curation of Federally-Owned and Administered Archaeological Collections ([36 CFR Part 79](#)) and the [NPS Museum Handbook](#), and other NPS region-specific guidelines are met to ensure proper management and security of the collection.

Should violations of the terms of the Permit be observed, the archeologist communicates this information in writing and in a timely manner to the park manager who, in turn, provide the regional director with the information necessary to suspend the Permit and all associated activities.

#### **NPS Archeologists: Discovery of Human Remains**

If human remains are discovered, either during excavation or survey, the plan developed by the park to respond to these circumstances is followed. If no plan exists, the permittee ceases all work and immediately notifies the park manager of the discovery. Work stoppage is specific to the area where the human remains are encountered.

#### **Native American Human Remains**

If excavation of Native American human remains during the permitted project was anticipated, the Permittee will follow the procedures in the written Plan for Intentional Excavation of Native American Human Remains provided in the Permit. Project work may continue in accordance with the written programmatic plan previously formulated by the park unit in consultation with Native American tribes and made a part of the conditions of the Permit.

If the discovery of Native American human remains during the permitted project was not anticipated, the permittee will follow procedures in the Plan for Unanticipated Discovery of Native American Human Remains provided in the Permit.

In the absence of a programmatic plan, permitted activities may be resumed 30 days after tribes have been notified ([25 U.S.C. 3002\(d\)](#)). During the 30 day work stoppage, permittees should coordinate their activities with NPS in order to avoid harm to Native American human remains and other cultural items that are protected under [NAGPRA](#) (25 U.S.C.3001, Definitions).

If, as part of an excavation or inadvertent discovery, Native American human remains or NAGPRA-related items are disinterred, scientific archeological methods, techniques, analyses, and reports are

conducted as required by ARPA and Section 3 of NAGPRA (NPS Cultural Resource Management Guideline, Appendix R).

### **Non-Native American Human Remains**

If the human remains are determined to be non-Native American, NAGPRA does not apply. In that case, the park manager will confer with law enforcement officials, the county or State coroner, and/or the medical examiner to determine the appropriate course of action. As the location of the human remains is a potential crime scene, the permittee ceases all work immediately upon discovery, and does not begin work again until notified by the park manager.

### **NPS Archeologists: Reviewing Research Reports and Products**

The NPS archeologist reviews all products of the investigations, such as reports, field forms, ASMIS site records, or the field data to create ASMIS site records, for conformance with the Permit terms and conditions. The NPS archeologist reviews all ASMIS site records or the information provided for entry into ASMIS to determine that it is complete, accurate, and reliable.

The NPS archeologist provides the park manager and regional director with comments and recommendations regarding the products. Upon completion of the project and after all reports and/or products have been submitted and accepted, the regional director sends a letter to the applicant and park manager stating that the conditions of the Permit have been met.

Results of archeological investigations on parklands must be accessible to a broad range of users, including federal, tribal, state, and local agencies, the professional community, and the general public. Results must be communicated in reports that summarize the objectives, methods, techniques, and research results. Information relating to curation, such as any on-site conservation of items, ANCS+ catalog records, name of the curatorial repository, and collection accession numbers should also be included in the final report in order that additional detailed information can be obtained, if necessary. Information about specific site locations and other site information that would endanger the integrity of the archeological resource, if generally available, should be reported in a manner that allows the park manager to withhold that information.

### **Preliminary Reports**

Within 6 weeks of completion of the field component of the research project, the permittee must submit a preliminary report to the regional director. The report should describe the fieldwork, including accomplishments, methods used to accomplish the work, names of individuals that carried out the fieldwork, maps, any GPS data, completed ASMIS forms for any newly recorded archeological sites, and any professional recommendations.

When a fieldwork episode involved only minor work and/or minor findings, a final report may be submitted in place of the preliminary report.

### **Annual Reports**

In the event that the Permit extends for more than 1 year, the NPS requires an annual progress report by the permittee. The report must detail the extent of work accomplished to date, and how much work remains to be carried out. The Permit will be reviewed on a yearly basis following the submission of the annual report to ensure that the project is meeting deadlines and goals (43 CFR 7.9(g)).

### **Final Reports**

Standard permit conditions require that within 6 months of completion of the field component of the research project, the permittee must submit a final report for review by the regional director. The applicant is advised to submit a draft report ahead of time, and allow time for revisions based on reviews by NPS personnel. If analysis is expected to take longer than six months, the regional director may authorize an extension for submission of the final report.

The final report must be consistent with information in field notes, photographs, and other materials (see the Secretary of the Interior's Standards for Archeological Documentation and 36 CFR 79 for additional guidance) and include:

- Description of the study area;
- Relevant historical documentation/background research;
- Research design;
- Field studies as actually implemented, including any deviation from the research design and the reason for the changes;
- Field observations, including the number of new sites that are discovered and identified sites that are revisited;
- Analyses and results, illustrated as appropriate with tables, charts, photographs, and graphs;
- Evaluation of the investigation in terms of the goals and objectives of the investigation;
- Recommendations for updating interpretive and management materials;
- Recommendations for on-going or proposed treatment activities, such as structural documentation, stabilization, etc.;
- Name and location of facility curating material remains and associated records; and
- Accession numbers.

If the actual research methods differed from those proposed, the reasons for these differences should be included in the report.

The final report is a public document and cannot be copyrighted. Information collected in the final report may be used by the NPS for cultural resource management purposes. Information collected during the research project, however, may be used by permittees in other publications that can be copyrighted. However, the permittee must not publish, without the prior permission of the regional director, any locational or other identifying archeological site information that could compromise the

government's protection and management of archeological sites (Permit, Standard Permit Conditions 15.x).

### **Artifact and Document Storage**

Artifacts and records from the archeological investigations on federally owned parklands are the property of the United States (43 CFR 7.8). Material remains and associated records must be delivered to the appropriate official of the institution responsible for curation no later than 90 days after the final report is submitted to the regional director (43 CFR 7.8.7).

### **NPS Archeologists: Archeological Resource Protection on Parklands**

Disturbance of archeological sites without a Permit is illegal and will be prosecuted. NPS archeologists assist in enforcing cultural resource protection laws and regulations, in particular the Archeological Resource Protection Act (ARPA) and ARPA regulations, through monitoring permittees' research activities and monitoring archeological resources within parks. NPS archeologists must immediately report any cultural resource law violations to the park manager. Other laws that protect park archeological resources include the National Park System Resource Protection Act.

Looted or disturbed sites are crime scenes, and must be investigated by law enforcement personnel. Prior to the arrival of a law enforcement officer, the NPS archeologist assists by recording information about the looting, photographing damage, and obtaining accurate locational information. Once the scene has been secured by a law enforcement officer, the NPS archeologist assists in documentation of damage. Volumetric measures, profiles, and plan views of looters pits become part of the damage assessment report. Backfill is screened for further evidence. Archeologists who assist in this work should meet the Secretary of the Interior's Standards for Archeologists, and have completed ARPA law enforcement training for archeologists, particularly training in conducting archeological damage assessments.

The NPS archeologist may also prepare the damage assessment report. The damage report includes justification for assigned commercial value (if objects or collections are recovered), site restoration and repair costs, and archeological values. Current sources for determining commercial value include *North American Indian Artifacts: A Collector's Identification and Value Guide*, by Lar Hotham, and *Overstreet Indian Arrowheads: Identification and Price Guide*, by Robert M. Overstreet. Evaluation of the commercial value of Euroamerican objects may be gained through use of e-Bay. Professional Standards for determining archeological value are available.

The damage assessment report provides the prosecutor with the information to argue the case, and is critical to a successful prosecution. Archeologists work closely with NPS law enforcement personnel to determine the cost of penalties associated with criminal offenses and civil penalties under ARPA. The penalties section of ARPA is at 16 U.S.C. 470ee(d), and 470ff.

Archeologists play a pivotal role in the documentation of looted and disturbed sites and in the successful prosecution of archeological resource laws violations. Archeologists also work pro-actively with regional and local law enforcement personnel to protect archeological resources. Archeologists

and law enforcement personnel share information about the location of important sites to promote site monitoring. Archeologists educate park law enforcement officers about the importance of protecting and preserving archeological resources and encourage park law enforcement officers to attend training in cultural resource laws and law enforcement.

Archeologists also work closely with park interpretive staff to provide visitors with information about cultural resource laws and the actions that constitute violations of cultural resource laws. Archeologists work with interpretive staff to educate visitors about the importance of protecting our national heritage. Resources for development of interpretive materials for protection of archeological resources are available on the [Archeology Program website](#).