

**ANNUAL REPORT TO CONGRESS  
ON THE FEDERAL ARCHEOLOGICAL PROGRAM  
FY83 AND FY84**



**ARCHEOLOGICAL ASSISTANCE DIVISION**

**NATIONAL PARK SERVICE**

**DEPARTMENT OF THE INTERIOR**

**WASHINGTON, D.C.**

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**

**Donald Paul Hodel, Secretary**

**William P. Horn, Assistant Secretary for Fish and Wildlife and Parks**

**William Penn Mott, Jr., Director, National Park Service**

This report was prepared by staff in the Archeological Assistance Division, National Park Service, under the general direction of Dr. Victor A. Carbone, Chief, Archeological Assistance Division, and Dr. Bennie C. Keel, Departmental Consulting Archeologist. This report is dedicated to the memory of Dr. Carbone.



THE SECRETARY OF THE INTERIOR  
WASHINGTON

JUN 9 1986

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 provide you with a copy of the combined annual report to the Congress for activities carried out under the Federal archeological program during fiscal years 1983 and 1984. The report was prepared to fulfill my reporting responsibilities under the Archeological and Historic Preservation Act of 1974 and the Archaeological Resources Protection Act of 1979.

This report differs from reports prepared in previous years in that it describes the status of archeological activities carried out only by the National Park Service. From fiscal years 1975 through 1982, the National Park Service attempted to collect data from other Federal agencies on their archeological activities. The information collected was largely incomplete and inaccurate. In addition, several agencies maintained that they were not required to report to the Department because they conducted archeological studies under other authorities. Thus, the reports submitted to the Congress for those fiscal years were not able to reliably assess the scope and effectiveness of the Federal archeological program.

To rectify this problem, the National Park Service currently is (1) implementing a computerized nationwide archeological database on Federal activities, and (2) drafting regulations which will, insofar as the legal authorities allow, require Federal agencies to provide me with the information needed to prepare the reports to Congress. Once the database is operational and the regulations are promulgated, my reports to the Congress will be able to fully satisfy the intent of the legislation by containing reliable information on activities carried out by other Federal agencies.

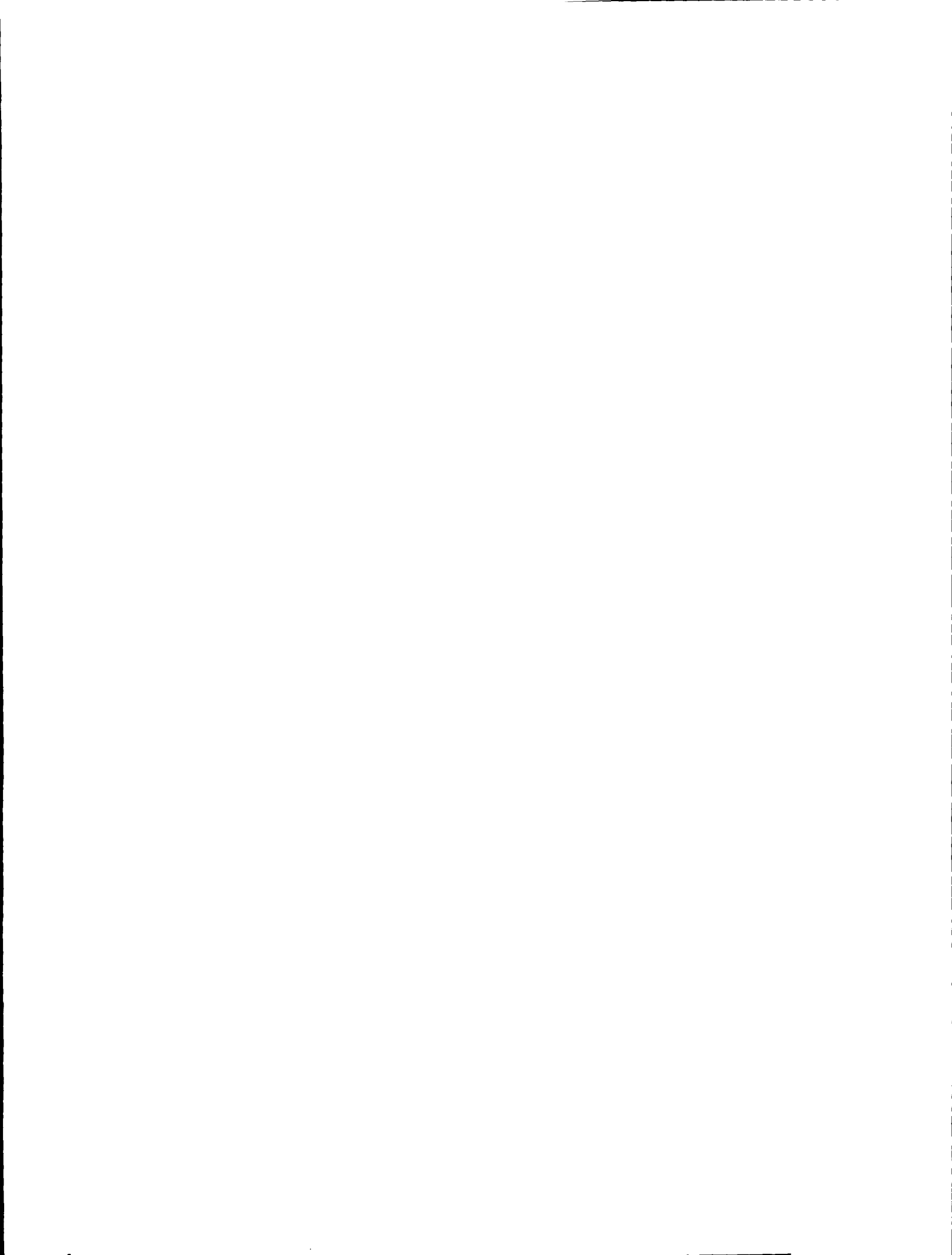
A similar letter is being sent to Honorable Morris K. Udall, Chairman of the Committee on Interior and Insular Affairs, House of Representatives.

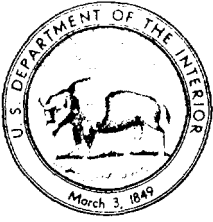
Thank you for your continued support of the Federal archeological and historic preservation programs.

Sincerely,

DONALD PAUL HODEL

Enclosure





THE SECRETARY OF THE INTERIOR  
WASHINGTON

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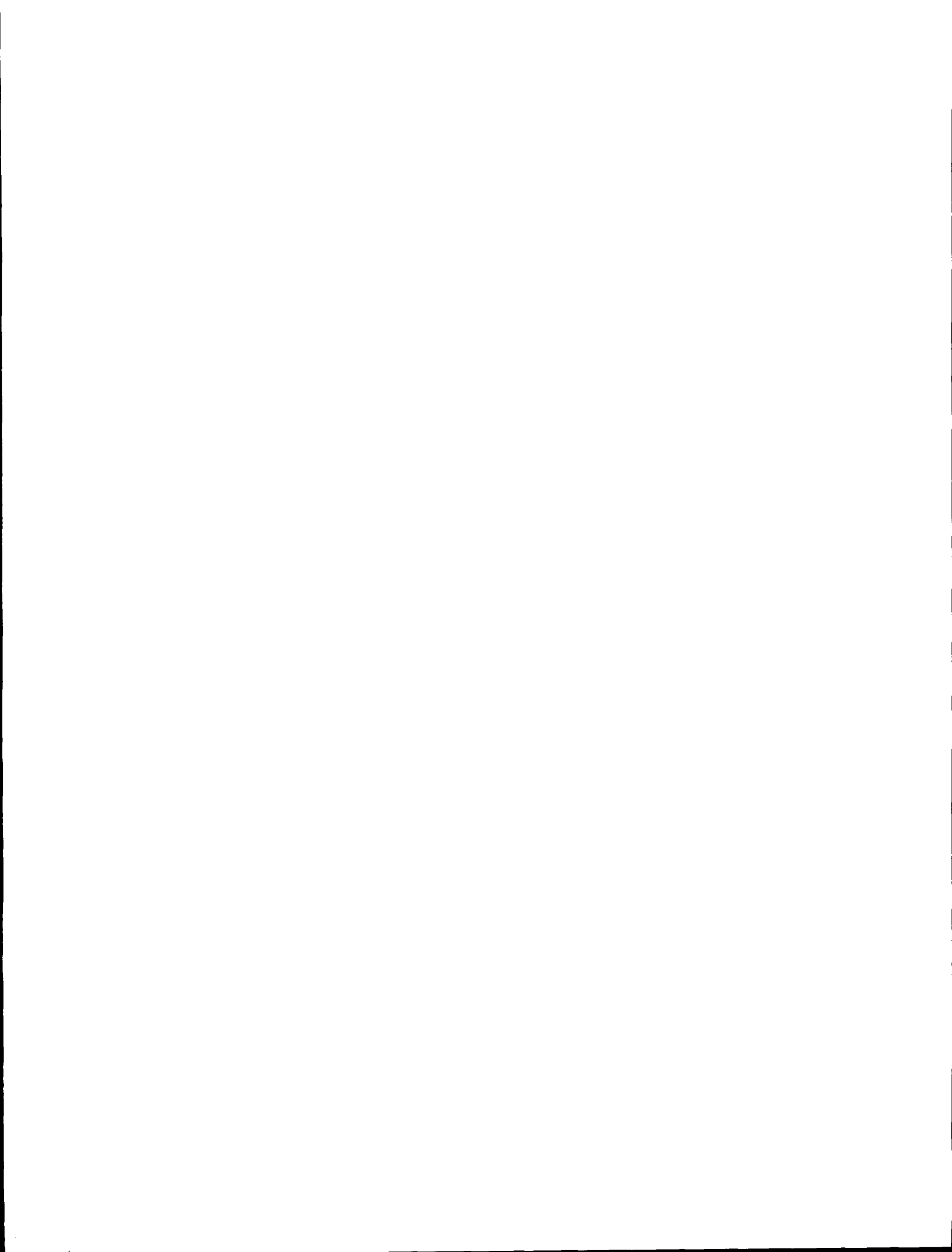
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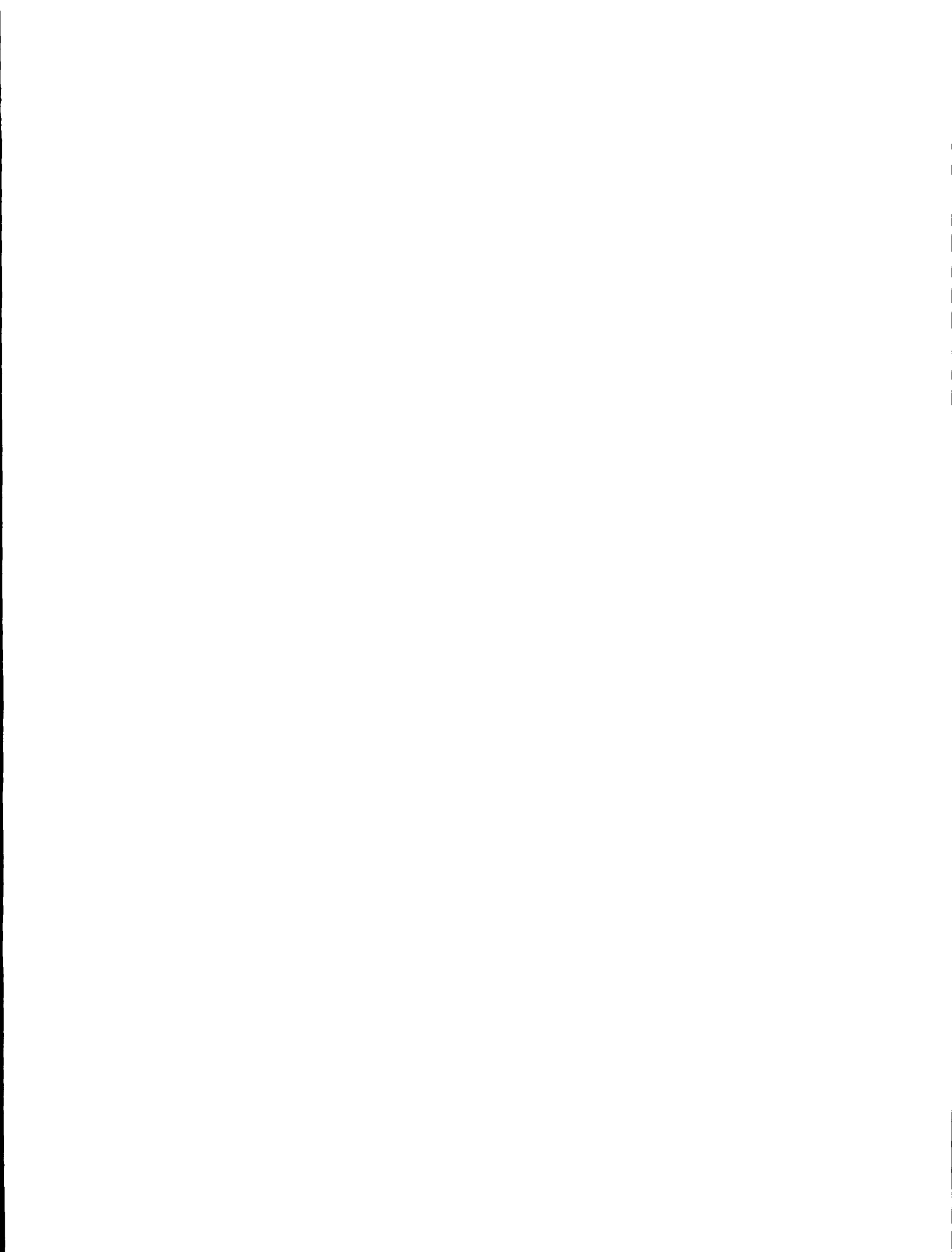
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FY83 AND FY84**

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**ANNUAL REPORT TO CONGRESS  
ON THE FEDERAL ARCHEOLOGICAL PROGRAM  
FY83 AND FY84**

**I. INTRODUCTION**

**A. Preparation of the Combined FY83 and FY84 Report**

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 was prepared pursuant to section 5(c) of the Archeological and Historic Preservation Act of 1974 (Public Law 93-291; 74 Stat. 220; 16 U.S.C. 469-469c) and section 13 of the Archaeological Resources Protection Act of 1979 (Public Law 96-95; 93 Stat. 721; 16 U.S.C. 470aa). Under these Acts, the Secretary of the Interior is directed to submit an annual report on the Federal archeological program and on activities carried out under the provisions of the 1979 Act to the United States Congress. As a part of this report the Secretary is to indicate the scope and effectiveness of the program, the specific projects surveyed and the results produced, and the associated costs. In addition, the Secretary is to make appropriate recommendations as to changes or improvements needed in the provisions of the 1979 Act.

This report describes the status of archeological activities carried out by the National Park Service (NPS) during FY83 and FY84 and on the Service's efforts to streamline the annual reporting requirements. The body of the report is divided into five sections. The first section reports on the status of efforts by NPS to establish a nationwide computerized data base of Federal archeological activities. The second section reports on activities relating to the Archaeological Resources Protection Act, including development of two sets of regulations, decentralization of the permitting program, and preparation of an informational pamphlet for the public. The third section reports on activities relating to the Archeological and Historic Preservation Act, including development of two sets of regulations, withdrawal of a third set of regulations, preparation of NPS procedures for responding to notifications to the Secretary that important archeological properties have been discovered during construction of a Federal undertaking, and analysis of past such notifications. The fourth section reports on activities relating to the archeological component of the National Register of Historic Places, including responsibility for reviewing archeological nominations and requests for determinations of eligibility, preparation of technical materials, and preparation of archeological theme studies and nomination forms for designation of archeological properties as National Historic Landmarks. The fifth section reports on NPS's archeological technical assistance program, including preparation of the Secretary of the Interior's Standards and Guidelines for Archeology and Historic Preservation, availability of training for Federal agencies on the Federal archeological program, and issuance of new Archeology Series qualification standards for Federal employment. In addition, Appendix I of this report contains a revised thematic structure for the National Historic Landmarks' Original Inhabitants theme. Appendix II of this report contains information on archeological contracts administered by NPS archeological technical assistance offices during FY83-84. Appendix II is arranged by State, and identifies the Federal agency being assisted, the NPS office providing the assistance, the dollar amount of the contract, the fiscal year when the contract began, and the contract's current status. Appendix III of this report cites the archeological reports accepted during FY83-84 under NPS administered contracts. Appendix IV lists memoranda of agreement between NPS

and other Federal agencies to provide technical assistance. Appendix V is a list of acronyms used in the report.

The report was prepared by staff in the NPS's Archeological Assistance Division (AAD), under the general direction of the Departmental Consulting Archeologist. The AAD serves as liaison with other Federal agencies in matters dealing with archeological resources; develops standards, guidelines and other documents for the management of archeological resources; and coordinates the collection of information from other agencies for inclusion in the annual report to Congress on the Federal archeological program. The AAD also is responsible for coordinating policy on the issuance of permits for archeological and paleontological investigations on public and Indian lands, and provides archeological contracting technical assistance. The Departmental Consulting Archeologist, who also is the NPS's Assistant Director for Archeology, is responsible for the archeological and anthropological programs of the NPS, and oversees the archeological programs of the Department of the Interior.

### **B. Past and Future Methods for Reporting**

From FY75 through FY78, reports to Congress on the Federal archeological program consisted primarily of information on archeological investigations conducted by NPS's Interagency Archeological Services program. These investigations were funded either with monies appropriated to the Service under the 1974 Act or with monies transferred to the Service from other Federal agencies. In order to collect information on Federally-authorized archeological projects that were not conducted by the Service, the Service requested that all Federal agencies provide information concerning archeological projects conducted during FY76, FY77 and FY78. Because the information provided was largely incomplete, the reports were not able to reliably assess the scope and effectiveness of the Federal archeological program.

Since FY79, NPS has used a questionnaire to collect information from Federal agencies on their archeological activities. Initially the questionnaire was designed to collect information on individual projects conducted. However, because many agencies were not able to provide the level of detail requested on individual projects, the questionnaire was revised to collect information in a grouped format. Nevertheless, use of the questionnaire does not result in the collection of accurate information because some agencies are not able to extract the requested information from their records management systems. For example, archeological expenditures frequently may be included within general planning or construction budgets rather than be listed separately. Also, expenditures incurred by agency staff conducting projects in-house rather than by contracting ordinarily are not reported.

Because of these problems and others connected with use of a questionnaire, NPS will in subsequent years report on information on Federal archeological activities contained in the new computerized data base, in notifications to the Secretary of the Interior under section 4(a) of the 1974 Act, and in antiquities permit, prosecution and conviction statistics reported from Federal land managing agencies.

## II. STATUS REPORTS ON ARCHEOLOGICAL ACTIVITIES CONDUCTED BY THE NATIONAL PARK SERVICE

### A. Computerized Archeological Data Base

During FY84 the Archeological Assistance Division, NPS, developed and established a nationwide computerized data base of Federal archeological activities. This effort was in response to criticisms raised by the General Accounting Office in its evaluation of the Federal archeology program, and to efforts by the Society for American Archaeology encouraging the Department of the Interior to establish an archeological data base. In reports issued in 1979 and 1984, the General Accounting Office stated that the Federal archeological program was inefficient and redundant because of inadequate oversight and coordination by the Department of the Interior. The Congress responded to these criticisms and recommendations by providing funds to the NPS for the specific purpose of establishing a data base of Federal archeological activities. NPS has used these funds to design, develop and implement a nationwide computerized archeological data base. To date, the data base management system has been designed, the necessary software and hardware have been acquired, and the system has been implemented beginning with a demonstration project in the Washington, D.C., office (WASO), and a pilot project in the Southeast Regional Office (SERO) and the States of Georgia and Arkansas. Implementation of a national system involving all the regions, States, and Federal agencies is scheduled for the Summer of 1985.

As a first step toward developing a computerized data base, NPS conducted a nationwide survey of existing data bases being used by the States, Federal agencies and institutions. A number of systems are in place in both the Government and private sectors, but these are all woefully inadequate in preventing redundancy in the Federal archeological program. For example, on a nationwide scale, the National Technical Information Service (NTIS) in the Department of Commerce functions as a Federal repository of all reports generated by Federal agencies. Although NPS submits to NTIS reports on its archeological activities, not all Federal agencies do so. In addition, there are severe technical limitations to the NTIS system for archeological users. Since it is basically a cataloging system, it is not possible to conduct searches and sorts by geographic location. Location of projects by State and county are key data elements to know if an archeologist is searching for reports on previous archeological studies conducted in an area of a proposed Federal undertaking.

Also on a nationwide scale, four years ago a small group of professional archeologists in the private sector created a bibliographic and abstract service by establishing the journal American Archeology (formerly known as CRM Abstracts). The objective of the service is to compile an ongoing bibliography of archeological contract reports based on information voluntarily provided by professional archeologists.

One type of historic preservation activity information collection system that is required by law and regulation is operated by State Historic Preservation offices. Most State offices routinely collect information on preservation activities occurring within their respective States. Some Federal agencies also collect information on preservation activities occurring within areas under their control or jurisdiction. Unfortunately, most of this information routinely is not disseminated beyond the State or Federal agency.

The data base management system developed by the NPS does not duplicate these existing systems but does capitalize on them by capturing certain kinds of information. The failure of data management systems such as NTIS and American Archeology, which

rely on voluntary data collection, when contrasted with the success of systems such as those associated with large scale data recovery programs provided NPS with a set of prerequisites for a successful system. First, standardization of data elements is crucial since this is the only way in which data can be consistently collected and transferred, given the different hardware and software systems which are in use. Second, there has to be an active repository to provide the necessary administrative services and support.

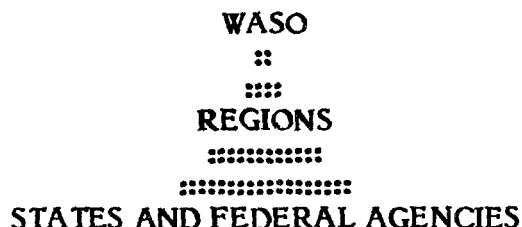
Obviously, the success of the NPS's archeological data base will largely be based on the kind of data base management system which is being utilized. In this regard, NPS examined currently available computer software and established the following major criteria upon which it selected a system:

- \* the system should be the most advanced state of the art system available so that it does not become obsolete before it is fully operational;
- \* the system should provide the best foundation for a management information system;
- \* the system should use a high level language to allow for easy use without extensive programming experience, using the same language for the programmer, the administrator and the user;
- \* the system should be able to be easily expanded to suit new and changing needs;
- \* the system should be able to support a wide range of conditions each suited to the variety of workload and computing environments of the various NPS regional offices and many States that will be participating;
- \* the system should guarantee data independence to insure that the data can be shared from environment to environment with a minimum of effort; and
- \* the system should be consistent with the NPS Servicewide long-range plans and the Service's movement toward standardization.

Taking all of these factors into account and under the advice of several professional consultants, it was concluded that a relational data base management system would meet the criteria and provide the best solution to the data base's long term needs. One of the most attractive aspects of a relational data base management system is that it is very forgiving of bad design decisions in that alterations can be made rather easily. The data base system was designed utilizing the ORACLE data base management system on an IBM PC-XT.

The data base has been designed to contain three types of information: (1) information on specific federally authorized archeological projects (i.e., what work has been done, where, by whom, and how much it cost), (2) information on archeological reports completed for those projects, and (3) information on other sources of more detailed information on those projects (i.e., what existing data bases and other files are available, what kinds of information do they contain, who has them, where are they, and how are they accessed). The data base should enable NPS to provide effective control over a fairly sizeable volume of information spanning fifty States and the various territories and commonwealths.

The system developed is a tri-level hierarchical arrangement:



The Washington, D.C., and regional offices of NPS will serve as a centralized repository of nationwide common data elements relating to project activities, reports and other data bases. This information will be used to fulfill the Secretary's oversight and reporting responsibilities, as well as to evaluate the impact of policy decisions on the resource base. The States and Federal agencies will continue to collect and input the necessary information on the common data elements. They also will be free to expand the data base to fulfill local needs from the management, research and public information points of view. Each State or Federal agency will have the freedom to determine which additional data elements it needs to best discharge its responsibilities. They will be the repositories of the more detailed data bases which would be available to users.

The NPS currently is implementing a pilot of the archeological data base in the Southeast Region with the Archeological Services Branch and the States of Georgia and Arkansas. The pilot data base will look at problems of data collection, exchange of information among the States, regions and WASO, levels of effort required, standardization, data entry, implementation on a larger scale, hardware and software needs, level of technical expertise required for developing and maintaining a system, etc. The States of Georgia and Arkansas were selected on the basis of their level of computer experience in order to contrast implementation needs from the perspective of those who have their own systems and those who do not.

The Washington, D.C., office is coordinating the overall pilot data base and compiling a nationwide catalog of existing data bases. The NPS's SERO already has a bibliographic data base consisting of several thousand entries for projects throughout the southeast. As part of the pilot project they are attempting to capture this information. SERO personnel are responsible for editing and entering the revisions to the data base which will be required as part of the conversion from their existing TAXIR system to the new ORACLE system.

The State of Arkansas is designing, developing and implementing a prototype system for computerized bibliographic citation and project data using an INFORMIX data base management system. INFORMIX is currently available on a wide range of personal computers. This will also provide a good test of the portability of the design. Arkansas is responsible for preparing the necessary documentation to go with the system and guidelines for its use and operation. Arkansas also is responsible for entering its data into the SERO data base.

The State of Georgia is serving as the pristine State representing the interests of the have nots. Since part of the Georgia data base already resides in the SERO data base, they are responsible for updating and editing. They also are serving as a laboratory test case where we can study the problems of implementation at the State level, and the application of the system to other categories of historic preservation data.

Currently the data base consists of 29 separate tables representing three classes of data, including archeological reports, Federal agency archeological projects and information on other archeological data bases within the United States. The archeological reports are described in a main table and in one of a series of tables that has categories appropriate to the type of report such as a journal, monograph, paper, or unpublished report. Other data bases and Federal agency archeological projects are described in main tables. The main tables are linked to a series of other tables which have domains common to all three (e.g., State, county, town, and type of work undertaken). Every effort was made to choose domains (fields and attributes) from existing NPS data bases such as the National Register of Historic Places data base, the Cultural Resources Bibliography, the List of Classified Structures and the Cultural Sites Inventory. Additional authorities include the Library of Congress MARC Formats for Bibliographic Data, the Federal Information Processing Standards and Cultural Resources Management Abstracts.

The computerized nationwide archeological data base is designed to provide effective control over a fairly sizeable volume of information on federally authorized archeological work conducted over the past 10 years in the 50 States and the various territories which participate in the historic preservation program. It is estimated that federally authorized archeological work has generated over 100,000 records distributed nationwide in both manual and machine readable form. This reduces to an average of approximately 2000 projects and reports per State. This is the backlog of information which will have to be entered into the system. A recent survey of State Historic Preservation offices indicated that ongoing activities would result in approximately 100 (for eastern States) and 400 (for western States) new reports per year.

Establishment of a comprehensive archeological and cultural resource data base can serve as a management tool for Federal agencies, the private sector, and the States. Once established, the data base should improve overall planning for archeological and cultural resource management activities, reduce redundancy in archeological efforts, provide a mechanism for data sharing on a large scale, and enhance the ability of NPS to provide oversight and coordination and to report annually to Congress on the scope and effectiveness of the Federal archeological program.

## **B. Archaeological Resources Protection Act**

### **1. Regulations implementing the Archaeological Resources Protection Act**

The Archaeological Resources Protection Act (ARPA) of 1979 requires that the Departments of Defense, Agriculture, Interior, and the Tennessee Valley Authority promulgate uniform regulations implementing certain provisions of the Act. Further, the Act allows individual agencies to promulgate their own regulations, consistent with the uniform regulations. Considerable effort was expended on developing these documents during FY83 and FY84. On January 6, 1984, final uniform regulations were published in the Federal Register. They became effective February 6. These regulations can be found in the Code of Federal Regulations at 43 CFR Part 7 (Interior), 36 CFR Part 296 (Agriculture), 18 CFR Part 1312 (Tennessee Valley Authority), and 32 CFR Part 229 (Defense).

Promulgation of these regulations results in several important changes in the way the Federal Government protects archeological sites on public and Indian lands. Definitions of archeological resources that are protected by the Act are clearly specified in the regulations; this should facilitate prosecution of individuals who use these resources illicitly. Permitting procedures are also somewhat changed by the Act and implementing regulations. Because of the information requirements in ARPA, agencies can no longer issue permits that do not specify the time, scope, location and specific purpose of the proposed work. Permits cannot be issued for archeological activities on Indian lands without the permission of the Indian tribe or individual allottee. Additionally, any Federal agency manager who determines that permitted activities on public lands under his/her jurisdiction might result in harm or destruction of sites regarded as culturally or religiously significant by any Indian tribe must notify that tribe of the permit application and afford the tribe 30 days to comment before issuing the permit.

Although the several land managing agencies directly involved in this program are issuing additional directions to their staffs through program directives, revisions in existing regulations, and other means, only the Department of the Interior is developing a formal set of departmental counterpart regulations. By the end of FY84, a draft of these regulations was circulated in the Department for review and comment. These counterpart regulations expand on the discussion in the uniform regulations of permitting on Indian lands and provide more detail on the implementation of the civil penalty provisions of the Act.

### **2. Decentralization of the Permitting Program**

Under the Antiquities Act of 1906 (Public Law 59-209; 34 Stat 225; 16 U.S.C. 431-433), any person who wishes to conduct archeological investigations on public or Indian lands must obtain a permit from the Secretary of the Federal department responsible for administering the lands. In 1979, enactment of ARPA altered this requirement so that only those persons who wish to excavate or remove any archeological resource located on public or Indian lands must obtain a permit from the Federal land manager. Since 1968, the Archeological Assistance Division, NPS, has been receiving and reviewing applications for archeological permits for lands under the jurisdiction of the Departments of the Interior and Defense. During FY83, the AAD received approximately 425 applications for new permits or amendments to existing permits. Of those applications, approximately 400 permits were issued or amended. During FY84, the AAD received and reviewed approximately 300 applications for new permits or amendments to existing permits and issued approximately 190.

Until the Final Rules and Regulations promulgated under ARPA became effective on February 6, 1984, permits were issued under the authority of the Antiquities Act. When these rules became effective, the Department was required to make several major changes in the permitting process. These changes are important to private sector businesses that conduct archeological work for Federal agencies on public and Indian lands. First, permits for archeological activities on Indian trust lands cannot be issued without the permission of the Indian landowners. For tribal lands, permission must be obtained from the tribe. For allotted lands, permission must be obtained from the individual landowner, or from 51% of the owners where multiple ownership occurs. Permit applicants need to consider this new requirement and the time that may be required to obtain the necessary Indian consent(s) when planning and scheduling their work and preparing permit applications.

Second, whenever a Federal land manager determines that a permitted activity may result in the harm or destruction of sites that are important to an Indian tribe for cultural or religious reasons, the tribe must be allowed 30 days to comment before the permit is issued. This requirement applies to all Federal public lands. Again, permit applicants must consider this requirement and the time that is involved with obtaining tribal comments when planning and scheduling their work and preparing permit applications. The Departmental Consulting Archeologist has recommended that, with certain exceptions, Federal land managers do not need to consider that surveys with limited testing result in harm or destruction of sites, but that many excavation projects will require this notification and comment period.

Third, under the previous permitting system, the Department issued general permits for archeological investigations on land controlled by one or more agencies in one or more States. There was no requirement to state the specific purpose or location of the permit. However, under ARPA, permit applications must include information on the time, scope and location and specific purpose of the proposed work. Because of this requirement, the Department can no longer issue general permits. Rather, permits must be obtained on a project-by-project basis. The Departmental Consulting Archeologist has advised Federal land managers to interpret this requirement as broadly as possible so that, for example, one permit would suffice for 20 well pads located within a 20,000 acre lease area even though the exact location of the pads may not be known at the time the permit is being issued. However, even though Federal land managers may interpret the term "project" in a broad sense, individual permits will be required for each project and private sector businesses will not be able to hire archeological contractors who have general permits in hand. Again, permit applicants need to keep this requirement in mind when planning and scheduling their work and preparing permit applications.

In April 1983, all individuals holding active permits (there are over 1,000 active permits) and all agencies within Departments of the Interior and Defense were notified of these changes in procedures. Individuals holding general permits also were notified that all general permits would expire on September 30, 1984, and could not be extended.

In addition to the above legislatively mandated changes, during FY84 NPS requested that the Secretary of the Interior redelegate authority for permitting to individual agencies within the Department, with the expectation that those agencies delegate the authority for permitting to the field level. This request was made and granted in an attempt to expedite the permitting process and enable the local land managers to receive and review permit applications and to issue permits. On September 28, 1984, the Secretary of the Interior issued Secretarial Order No. 3104 (effective October 1, 1984) re delegating the authority for issuance of archeological and paleontological permits from NPS to the individual agencies within the Department. On September 20, 1984, the Acting Director



of NPS amended National Park Service Order No. 77 to enable the Service's Regional Directors to grant permits for archeological and paleontological investigations on lands under their control or jurisdiction.

During FY84, the AAD prepared a technical manual for the review and issuance of archeological permits within NPS. These procedures are now in use. Incorporated into this manual are such items as the Service's Guidelines for Studies, NPS Standards and a discussion of Uses Authorized under ARPA. In consultation with the AAD, similar guidance procedures were developed by other agencies within the Department of Interior. The preparation of these procedures and the review provided by each agency within DOI ensure uniform guidance to field offices and applicants for the review and issuance of permits. In addition, all agencies within the Department of the Interior will provide the AAD with information on permits issued for incorporation into the nationwide computerized data base on Federal archeological activities.

In the Spring of 1984, NPS also notified the Department of Defense that it wished to transfer to the Department the responsibility for review and issuance of archeological permits for investigations on lands under the control or jurisdiction of the Department of Defense. However, the Department of Defense has requested that NPS continue to review and issue its permits. NPS and the Department of Defense currently are negotiating an Interagency Agreement on this matter.

### 3. ARPA Pamphlet

During FY83, the Archeological Assistance Division, NPS, awarded a contract to Morehouse College, a black college in Atlanta, Georgia, to design and write a pamphlet explaining certain aspects of ARPA to the public. Design and writing were completed late in FY84. The Division intends to print and distribute the pamphlet to Federal land managers for local distribution during FY85. The pamphlet discusses the purpose of the Act and explains why it is important that archeological sites be preserved for scientific study. It also defines the term "arrowhead" and describes penalties if caught vandalizing or otherwise destroying archeological sites on public and Indian lands.

## C. Archeological and Historic Preservation Act

### 1. Revisions to 36 CFR 66

In January of 1977, the Department of the Interior published proposed rules (36 CFR Part 66) which provided guidance for Federal agencies on methods, standards and reporting requirements for the recovery of scientific, prehistoric, historic and archeological data. These rules, which were proposed under the authority of the Archeological and Historic Preservation Act, have never been finalized. Since their publication, subsequent changes in the overall Federal archeology program and the publication of the Secretary of the Interior's Standards and Guidelines for Archeology and Historic Preservation (48 FR 44715, September 29, 1983) have made portions of the 1977 proposed rule considerably out of date and extraneous. During FY84, the Archeological Assistance Division, NPS, began an effort to develop a new set of regulations implementing certain provisions of the AHPA. These regulations will establish procedures to enable the Secretary of the Interior to respond to notifications that important data may be damaged or destroyed by a Federal project, activity, or program. The regulations also will set forth the Secretary's role to coordinate the Federal archeological program. In addition, the regulations will provide guidance for Federal agencies on funding authorities and reporting requirements under the Act. At the close of FY84, a first draft was completed and circulated to a number of Departmental personnel for comment.

### 2. 36 CFR 79 Curation Regulations

Section 101(a)(7)(A) of the National Historic Preservation Act of 1966, as amended, (Public Law 89-665; 80 Stat. 915; 16 U.S.C. 470) directs the Secretary of the Interior to issue regulations ensuring that significant prehistoric and historic artifacts and associated records recovered under the authorities of the 1966 Act, the Reservoir Salvage Act of 1960, as amended, (Public Law 86-523; 74 Stat 220; 16 U.S.C. 469) and ARPA are deposited in an institution with adequate long-term curatorial capabilities. In addition, section 5 of ARPA gives the Secretary discretionary authority to promulgate regulations on the (1) exchange of archeological resources recovered from public and Indian lands and on the (2) ultimate disposition of archeological resources recovered under the authorities of ARPA, the Antiquities Act and the Reservoir Salvage Act. Section 5 further states that exchanges, where appropriate, are between suitable universities, museums or other scientific or educational institutions. It also states that any exchange or ultimate disposition of resources recovered from Indian lands must be subject to the consent of the Indian or Indian tribe which owns or has jurisdiction over such lands.

During FY84 the Archeological Assistance Division, NPS, began an effort to prepare regulations that will describe Federal agency responsibilities to preserve archeological artifacts and associated records recovered under the Antiquities Act, the Reservoir Salvage Act, as amended, and the ARPA. The regulations also will present guidance for Federal agencies on selecting appropriate repositories for the ultimate disposition of federally owned archeological collections and to exchange materials in those collections. Specific guidance will be provided to ensure that appropriate Indians or Indian tribes are notified concerning the disposition of materials recovered from Indian lands. The regulations also will provide an appeals process to resolve any problems and disagreements concerning the appropriateness of a repository to house a federally owned collection. Although the regulations will not be retroactive, and will apply only to federally owned collections created after their effective date, they will encourage

