



SOCIETY FOR AMERICAN ARCHAEOLOGY

December 14, 2007

Ms. Caroline Hall
Preservation Compliance Coordinator
Heritage Preservation Services
National Park Service
1849 C Street NW (2255)
Washington, D.C. 20240

Dear Ms. Hall:

The Society for American Archaeology (SAA) appreciates the opportunity to comment on the draft Nationwide Programmatic Agreement between the National Park Service, the Advisory Council on Historic Preservation, and the National Conference of State Historic Preservation Officers to address compliance of activities in the national parks with Section 106 and its implementing regulations.

SAA is an international organization that, since its founding in 1934, has been dedicated to the research about and interpretation and protection of the archaeological heritage of the Americas. With more than 7,200 members, SAA represents professional archaeologists in colleges and universities, museums, government agencies, and the private sector. SAA has members in all 50 states as well as many other nations around the world.

SAA has two overarching concerns with the document. The first is its inconsistent and somewhat inadequate professional qualifications standards for NPS personnel, and both the Streamlined Review and Standard Review Processes. The second is whether or not archaeological testing should be eligible for the Streamlined Review Process at all. These concerns, as well as several others, are described in greater detail below.

Page 2: SAA is concerned about the absence of the National Association of Tribal Historic Preservation Officers (NATHPO) from the list of organizations consulted concerning methods of ensuring that NPS management policies are in accord with the NHPA.

Page 5: SAA believes that more stringent qualifications standards are needed for the Park Section 106 Coordinator position, and urges the inclusion of a citation of the Secretary's Professional Qualifications Standards (36 CFR Part 61 Appendix A).

Page 6: SAA believes that each Park CRM team should include a member of one of the professional archaeological or cultural resource management organizations (SAA, RPA, SHA, ACRA), in addition to relevant state universities, federally-recognized tribes, and Native Hawaiian organizations. SAA agrees with the PA's requirement for Section 106 training.

Page 7: There appears to be a discrepancy in the description of who decides which projects/undertakings qualify for the Streamlined Review Process. In this section, the Park Section 106 Coordinator has responsibility for recommending whether projects are subject to Section 106 through the Streamlined Process. On page 32 however, there is language stating that the Park Superintendent, in consultation with the SHPO/THPO and Native American groups, will make a determination about which undertakings will be reviewed using the Streamlined Review Process. This needs to be clarified.

Page 9: To ensure the inclusion of pertinent scientific information in the management and care of historic properties in the national parks, Paragraph IV B, concerning consultation with the public, should include "national and local scientific organizations."

Page 10: SAA urges the inclusion of the following language to the introductory paragraph of the section titled "Streamlined Review Process": "All research, monitoring, excavation, documentation, report preparation or other historic preservation activities carried out in compliance with this stipulation shall be conducted by a qualified archaeologist, historian or other professional meeting the Secretary of Interior's Professional Qualifications Standards as described in Appendix A of 36 CFR Part 61." SAA suggests that the term "Properties of Traditional Religious and Cultural Importance" (line 26) be changed to "Traditional Cultural Property" as defined in NPS Bulletin 38. Finally, SAA suggests that the language "not be adverse" (line 35) be changed to "will have no effect or no adverse effect", which is more consistent with the language of the Section 106 regulations and is the basis for the Effect Findings in the last sentence of the section.

Page 12: Criteria for using the Streamlined Review Process indicate that all properties within an APE must have been previously evaluated for National Register eligibility with SHPO / THPO concurrence, and that the effects of the proposed undertaking will not be adverse. Given these requirements, it is difficult to see how archaeological testing can or should be included as an activity that can be approved by the Streamlined Review Process. Archaeological testing is not a low-impact or repetitive activity undertaken on a daily basis. Further, the specific description of archaeological testing given on page 13 includes testing for significance evaluation – which does not match the criteria given for the Streamlined Review Process, as noted above. It is also unclear why the testing described on page 13 would even be necessary for sites under the Streamlined Review Process, given that such testing would have been conducted already.

Page 13: If the final PA does retain archaeological testing under the Streamlined Review Process, the language "Phase I and Phase II" (line 14) should be defined or deleted. These expressions are not used uniformly across the country.

Page 16: The section titled “Hazardous Fuel and Fire Management” should include a provision requiring post-project inspections of areas subjected to such activities to ensure that they did not impact archaeological sites, or result in the discovery of previously unknown sites. In addition, SAA opposes the placement of Environmental Monitoring Units within archaeological sites, and believes that language should be included in the PA to reflect that.

Page 19: The same language added to page 10 should also be included in the section titled “Standard Review Process” to ensure that the work conducted is carried out by qualified personnel: “All research, monitoring, excavation, documentation, report preparation or other historic preservation activities carried out in compliance with this stipulation shall be conducted by a qualified archaeologist, historian or other professional meeting the Secretary of Interior’s Professional Qualifications Standards as described in Appendix A of 36 CFR Part 61.”

Page 25: To ensure maximum participation and transparency in the implementation of the PA, the section titled “Park Program Review by NPS Regional Directors”, SAA suggests altering line 33 to read “Program performance issues raised by consulting parties or the public.” In addition, the language concerning pools of “cultural resource mentors” is troubling in that it adds to SAA’s concern that the PA does not ensure adequate professional standards. In fact, this language seems to formally anticipate that the Section 106 Coordinators and the CRM Team may not have the technical skills necessary for the reviews. If this is to be the case, it is unclear why the PA names these personnel as the ones to determine use and results of the Streamlined Review Process.

Appendix A: SAA is also concerned about the assertion that archaeological activities pursuant to the Archaeological Resources Protection Act are not considered Federal undertakings subject to Section 106. SAA does not believe this to be the case.

Appendix D: This section should be amended to include “DO-78 Handbook”, which is cited on page 6 line 18.

Again, SAA appreciates the efforts of NPS and the other parties in furthering this process, and looks forward to working with them in the months ahead.

Sincerely,

A handwritten signature in black ink, appearing to read "Dean R. Snow". The signature is fluid and cursive, with a large initial "D" and "S".

Dean R. Snow, President