



# Historical Happenings

*Notes on Cultural Resource Management in the U.S. Fish and Wildlife Service*

April

## WONDERFUL THINGS

### What's New at HQ?

As we get further into 2016 we will be showcasing more on the 50<sup>th</sup> anniversary of the National Historic Preservation Act. Check out our new web page commemorating the event and check back often for updates.

<http://www.fws.gov/historicpreservation/NHPA.html>

### Around the Regions....

#### Region 4 (Southeast)

Check out the link for some new information about the Byrd Hammock Site, now a part of St Marks National Wildlife Refuge

<https://npsseac.wordpress.com/2016/03/25/seac-honored-with-hartzog-award/>

Savannah National Wildlife Refuge hosts recent Discovery Day event. Rick Kansaki, the Regional archaeologist was on hand to teach kids about archaeology and to assist them with a 'mock' excavation set up on the Refuge. Kids got hands on experience in a great setting and Rick got some much needed help. Way to go Rick!!



Historical Happenings provides information on the USFWS Cultural Resources Management program. Information comes from sources such as the Regional Historic Preservation Officers, websites, new sources, as well as other cultural resource management professionals.

Issues are also available on the USFWS Cultural Resources website <http://historicpreservation.fws.gov>. Submissions are encouraged and can be made via email. Please contact Eugene Marino at [Eugene\\_Marino@fws.gov](mailto:Eugene_Marino@fws.gov) for submission guidelines



## Region 5 (Northeast)

Before the Civil War, fugitive slaves sought refuge within the Great Dismal Swamp, which consisted of hundreds of square miles of dense, unmapped wilderness. Some fugitives were taking shelter while traveling north on the Underground Railroad. Many others formed a society that resided in the harsh interior depths of the swamp, far beyond the reach of white authorities. To avoid discovery and capture, these self-emancipated African Americans – known as “maroons” – maintained virtually no connection to the outside world. Their lives were not recorded in any documentary records. Fifteen years ago, a doctoral student in archaeology, Daniel Sayers, reasoned that the maroons must have left some material evidence of their settlements. This archaeological record would be the only way to understand how the maroons had lived. Sayers obtained an ARPA permit from Region 5 to conduct research within Great Dismal Swamp National Wildlife Refuge. His multi-year research project identified multiple maroon settlements, led to archaeological field schools through American University, and resulted in an interpretive visitors’ pavilion that marks the Refuge as a site on the National Park Service’s Underground Railroad National Network to Freedom. A number of maroon artifacts will be exhibited at the National Museum of African American History and Culture, scheduled to open later this year in Washington, D.C. The University Press of Florida has announced its publication of Dr. Sayers’ new book, “A Desolate Place for a Defiant People: The Archaeology of Maroons, Indigenous Americans, and Enslaved Laborers in the Great Dismal Swamp.”

Link to book: <http://upf.com/book.asp?id=SAYER001>

## Region 7 (Alaska)

FWS cultural resource staff in Alaska is working hard to retrieve and account for Native American cultural materials. Check out their latest efforts [here](#)

## Other Agency News

### Department of the Navy

The Department of the Navy (DON) regulations implementing the Sunken Military Craft Act (SMCA) and establishing permitting requirements for conducting intrusive activities on sunken and terrestrial military craft under its jurisdiction go into effect March 1, 2016.

Published in the Federal Register August 31, 2015, the revised regulations establish a permitting process for intrusive activities that may injure, disturb, or remove DON sunken and terrestrial military craft for archeological, historical, or educational purposes. The rule also identifies guidelines for inclusion of foreign or other Department of Defense sunken military craft under DON's permitting program, and establishes the process by which enforcement provisions of the SMCA will be implemented.

The SMCA, enacted in 2004, affirmed the United States’ right, title and interest in and to its military craft remains in perpetuity, unless expressly divested. Those who disturb, remove, or injure sunken military craft a without authorization may face enforcement action. The permitting process provides a means through which individuals and organizations may seek the required authorization. Recreational divers or commercial and sport fishermen may continue to operate over and around DON sunken military craft without requiring a permit as long as they do not intentionally or negligently disturb, remove, or injure them and their contents.

Since publishing Final Rule 32 CFR 767, the NHHHC has developed information about the new program and its associated processes. Related documents and outreach materials are available on the NHHHC web site at:

<http://www.history.navy.mil/research/underwater-archaeology/policy-and-resource-management.html>.

The full text of the Final Rule is available at <https://federalregister.gov/a/2015-20795>

### TRAINING, UPCOMING EVENTS, EDUCATION, AND NEWS

The Office of Federal Agency Programs is pleased to announce that registration has opened for our spring Section 106 Webinar Series. Topics featured include the popular advanced level course on "Innovative Approaches to Section 106 Mitigation" as well as intermediate level programs on "Understanding 36 CFR 800.12: Disaster Response and Emergencies" and "Managing Confidential Information and Section 304." A complete list of course dates, program descriptions, and registration instructions are now posted on [www.achp.gov/sec106webinar.html](http://www.achp.gov/sec106webinar.html).

ACHP staff instructors lead these hour-long learning experiences. A small group format of 25 participants allows for student interaction with colleagues and the instructor. Intermediate level programs assume basic familiarity with the Section 106 review process, while advanced topics are designed for experienced users of the regulations.

Spaces remain in spring offerings of the ACHP's popular classroom courses for those seeking more comprehensive Section 106 training. The one-day Section 106 Advanced Seminar is coming to New Orleans on March 30 and Anchorage on April 21. The Section 106 Essentials will be offered in Anchorage on April 19-20 and in Philadelphia on May 24-25. Course details and the full season calendar are available at [www.achp.gov/106select.html](http://www.achp.gov/106select.html).

We hope you will join us for an upcoming course. Please contact the ACHP's Section 106 training program with any questions at [webinar@achp.gov](mailto:webinar@achp.gov).



Historical Happenings provides information on the USFWS Cultural Resources Management program. Information comes from sources such as the Regional Historic Preservation Officers, websites, new sources, as well as other cultural resource management professionals.

Issues are also available on the USFWS Cultural Resources website <http://historicpreservation.fws.gov>. Submissions are encouraged and can be made via email. Please contact Eugene Marino at [Eugene\\_Marino@fws.gov](mailto:Eugene_Marino@fws.gov) for submission guidelines



### Archeological Resources Protection Training Program (ARPTP) Offered TBD

#### Wildland Fire Resource Advisor Training Course

This course provides participants with the foundation to serve as Resource Advisors (READs) during wild-land fire incidents.

READs generally work with fire managers to convey concerns about natural, cultural and wilderness resources. Objectives are to improve communication between READs and fire managers; and present the rationale for prioritizing and determining an appropriate response to resource issues, demonstrating how READs can contribute to the management of an incident and meet expectations of professional READs.

Using a scenario-based format, the course will focus on roles and responsibilities, and will provide participants with strategies and tools for evaluating specific resource concerns. Information will be presented in sufficient detail to serve as a refresher for present resource advisors and general enough to be useful for those who have never served in this capacity. Much of the information can be applied in the All-Hazard or All Risk READ environment as well.

This course (N-9042) fulfills the requirement for READ on a red card. A Red Card is not required prior to participating in this course. The local Fire Management Officer will authorize the inclusion of "READ" as a qualification on the wildland fire certification Red Card.

**PARTICIPANTS:** Employees that frequently serve as READs include fire managers, botanists, ecologists, biologists, hydrologists, geologists, foresters, GIS specialists and cultural resource specialists. The course is also valuable for those managing resources on public lands, but with no interest in serving as READs, to become familiar with fire management organizations and the types and formats of resource data that benefit the READ during the course of his or her duties.

While the course has no tuition fee, the participant's home unit must cover travel expenses.

The course will be held **May 3, 4 and 5, 2016**, at The Redwoods conference room in Wawona, CA. Directions and logistics information will be provided upon selection for the course. The course will begin promptly at 0800 and will continue until 1700.

Deadline for applications: April 29, 2016.

**Contact:** Jun Kinoshita, ([jun\\_r\\_kinoshita@nps.gov](mailto:jun_r_kinoshita@nps.gov)) or phone at (209) 379-1317 to submit nominations or questions.

#### National Park Service's 2016 Archeological Prospection Workshop

The NPS 2016 workshop on archeological prospection techniques, Current Archeological Prospection Advances for Non-destructive Investigations of Fort Gadsden, a War of 1812 Fort and Fight will be held **May 16--20, 2016**, at the War of 1812 Fort Gadsden site in Apalachicola National Forest, Franklin County, Florida.

The site consists of two successive forts. The first was built by the British during the War of 1812. It occupied a strategic spot along the Apalachicola River. On July 27, 1816, U.S. Navy forces bombarded the fort hitting the ammunition shed inside the fort. The resulting explosion killed more than 300 African Americans holding the fort. In 1818, a second fort was built under the direction of Major General Andrew Jackson. The fort remained in use until 1821 when Florida became a U.S. Territory.

The lectures will be at the Southeast Archeological Center in Tallahassee, Florida. The field exercises will take place at the Fort Gadsden site. Lodging will be in Tallahassee, Florida at a motel to be determined.

**Contact:** Steven L. DeVore, Archeologist, NPS Midwest Archeological Center, Federal Building, Room 474, 100 Centennial Mall North, Lincoln, Nebraska 68508-3873; tel: (402) 437-5392, ext. 141.

#### LEGISLATIVE NEWS

Recent Proposed Cultural Resource Legislation:

H.R. 1493-Protect and Preserve International Cultural Property Act

Sponsor: Rep. Engel (D-NY)

Status: Passed House 6/1/15; pending before the Senate Foreign Relations Committee

This bill would make a number of important and beneficial changes to how the U.S. prevents the looting and destruction of cultural resources overseas. It would grant the President the authority to impose emergency restrictions on the importation of Syrian cultural materials, and establish the position of U.S. Coordinator for International Cultural Property Protection at the State Department to oversee and develop a unified approach to the international cultural property protection activities of numerous federal agencies. This person would also serve as the chair of a new Coordinating Committee in International Cultural Property Protection. The panel, made up of representatives of those agencies, will meet to "coordinate and inform Federal efforts to protect international cultural property," and to assist the U.S. Coordinator in their efforts. SAA and other preservation groups sent a letter in support of H.R. 1493. The House passed the bill in June. On January 28, 2016, the Senate Foreign Relations Committee approved the measure, but only after making the establishment of the Coordinating Committee voluntary rather than mandatory. The full Senate must now consider the amended version of H.R. 1493.

H.R. 1541-PRISM Act

Sponsor: Rep. Grijalva (D-AZ)



Historical Happenings provides information on the USFWS Cultural Resources Management program. Information comes from sources such as the Regional Historic Preservation Officers, websites, new sources, as well as other cultural resource management professionals.

Issues are also available on the USFWS Cultural Resources website <http://historicpreservation.fws.gov>. Submissions are encouraged and can be made via email. Please contact Eugene Marino at [Eugene\\_Marino@fws.gov](mailto:Eugene_Marino@fws.gov) for submission guidelines



Status: Pending before the Senate Energy and Natural Resources Committee

The Preservation Research at Institutions Serving Minorities (PRISM) Act would amend the NHPA to give colleges and universities with large numbers of Hispanic students the ability to tap into a grant program that provides students with the opportunity to participate in historic and cultural resources preservation projects. The new grants would be for Hispanic Serving Institutions, where Hispanic students make up 25% or more of the school's full-time undergraduate enrollment. H.R. 1541 passed the House on November 30. A Senate companion bill (S. 805) is pending before that chamber's Energy and Natural Resources Committee.

H.R. 1806-America COMPETES Reauthorization Act of 2015

Sponsor: Rep. Lamar Smith (R-TX)

Status: Passed House 5/20/15; pending before the Senate Commerce Committee

In reauthorizing the National Science Foundation, H.R. 1806 would break with tradition and allocate funding on a directorate-by-directorate basis. In doing so, the bill would also make a 45% cut to the Directorate of Social, Behavioral, and Economic Sciences (SBE), which includes archaeological research. H.R. 1806 is opposed by the administration. Prior to debate in the House, SAA and groups representing nearly every scientific organization and research university in the country urged Members of Congress to vote "no." In the end, the measure passed 217-205. We will continue to vigorously oppose the bill in the Senate, which has indicated that it intends to take a better approach to NSF reauthorization.

H.R. 2285-Prevent Trafficking in Cultural Property Act

Sponsor: Rep. Keating (D-MA)

Status: Pending before the Ways and Means Committee

This measure would coordinate the activities of Immigration and Customs Enforcement (ICE) and Customs and Border Protection (CBP) to prevent stolen and illicitly-excavated cultural objects from entering the United States, in part through increased training for ICE and CBP personnel. It would also support the investigation and prosecution of individuals involved in the trafficking of antiquities, in an effort to break the link between this activity and the funding of terrorist and criminal organizations.

H.R. 2817-National Historic Preservation Amendments Act of 2015

Sponsor: Rep. Turner (R-OH)

Status: Pending before the House Natural Resources Committee

The bill would reauthorize the Historic Preservation Fund through 2025 at \$150 million per year. SAA and other preservation groups will work for the enactment of this important legislation. Two related bills, S. 556 and S. 2012, are pending before the full Senate. Both of those would permanently reauthorize the HPF. Authorization for the HPF expired on September 30.

H.R. 3114- Army Corps of Engineers Veterans Curation Training Act

Sponsor: Rep. Napolitano (D-CA)

Status: Passed by the full House; pending before Senate Environment and Public Works

This bill would reauthorize the Army Corps of Engineer's veterans' curation program. Under this initiative, the Corps trains active duty and veteran armed forces personnel in curation and historic preservation techniques, in

part through cataloguing the Corps' enormous number of archaeological materials. The bill would authorize a total of \$35 million for the program through 2020.

S. 1979-the Bring the Ancient One Home Act of 2015

Sponsor: Sen. Murray (D-WA)

Status: Pending before Senate Environment and Public Works Committee

The measure would direct the Army Corps of Engineers, within 90 days of enactment, to transfer the remains known as the Kennewick Man to the Washington State Department of Archaeology and Historic Preservation for the purposes of repatriating the remains to claimant tribes. The legislation would waive all other provisions of law, including NAGPRA.

S. 2012-the Energy Policy Modernization Act of 2015

Sponsor: Sen. Murkowski (R-AK)

Status: Pending before full Senate

This bill would provide for a permanent reauthorization of the Historic Preservation Fund (HPF), and the Land and Water Conservation Fund. Authorization for the HPF expired at the end of September 2015. Permanent authorization of the HPF is a leading goal of SAA and other preservation groups.

S. 2242-Save Oak Flat Act of 2015

Sponsor: Sen. Sanders (D-VT)

Status: Pending before Energy and Natural Resources Committee

This measure would repeal the portion of the 2015 Defense Authorization Act requiring the exchange of land in Arizona between the Department of Agriculture and Resolution Copper Mining (RC). Under the terms of the exchange, the Secretary of Agriculture must convey the previously protected land known as Oak Flat to RC for mining operations no later than 60 days after the publication of the final Environmental Impact Statement. Thus, the swap will take place regardless of the findings of the review process, even if the mine would have drastic adverse impacts on environmental and cultural resources. SAA, local tribes, and numerous other groups strongly opposed the land exchange at the time, and will support S. 2242

Proposed Law Threatens Protection of Federal Archeological Resources

Congress has introduced legislation that would diminish the authority of federal agencies to enforce federal public lands law. A bill introduced March 16, 2016, targets BLM and USFS law enforcement personnel. The Local Enforcement for Local Lands Act of 2016 would strip BLM and the USFS of their law enforcement functions completely, affecting abilities to uphold cultural resource protection laws, while providing block grants for local authorities proportional to the percentage of public land in each state.

Nate Catura, president of the Federal Law Enforcement Officers Association (FLEOA), cited several concerns with the transfer of power. Primarily, he noted, local law enforcement is not prepared to deal with the functions federal agents are specifically trained and equipped to handle, such as timber theft, protecting archeological resources and investigating wildfires.

A USFS spokesman said the agency is reviewing the legislation and is working to provide more information on its law enforcement activities. Kristen Lenhardt, a BLM spokeswoman, declined to comment directly on pending legislation, but refuted the general notion that eliminating law enforcement responsibilities at the agency would help it focus on its "core



Historical Happenings provides information on the USFWS Cultural Resources Management program. Information comes from sources such as the Regional Historic Preservation Officers, websites, new sources, as well as other cultural resource management professionals.



Issues are also available on the USFWS Cultural Resources website <http://historicpreservation.fws.gov>. Submissions are encouraged and can be made via email. Please contact Eugene Marino at [Eugene\\_Marino@fws.gov](mailto:Eugene_Marino@fws.gov) for submission guidelines

mission.”

The new CAP study finds the federal agencies that manage U.S. public lands already have too few rangers and law enforcement officers to adequately combat criminal activities on public lands. The USFS has 765 full-time law enforcement officials covering 193 million acres, while the BLM has just 124 law enforcement rangers who are responsible for 245 million acres of land. That's one officer for every 3,000 square miles of land.

These rangers are responsible for dealing with the threat of armed anti-government extremists, but they also have several other key duties, including protecting Native American cultural resources from destruction and looting, preventing theft and vandalism of natural and other cultural resources, and dealing with illegal marijuana cultivation on public lands. H.R. 4751 directly undercuts their ability to both protect themselves and others on these lands and to fulfill the rest of their duties.

*Thanks to Karen Mudar, the NPS Archaeology e-gram, and the Society for American Archaeology for the information in the section and other parts of the newsletter.*

## VOLUNTEERS AND FRIENDS NEWS

Jack and Patty Wettstein fascinate visitors with the tales of the Calusa people's history and teach about the native Florida plant life of this enchanting boardwalk trail. Patty shows the tools and resources that the Calusa used to hunt, fish, and survive. Jack leads a tour around the 1/3-mile trail, noting medicinal plants that the Calusa utilized. They display maps showing the historical distribution of these now-extinct peoples and explain the nuances of their society. The Wettsteins are resident volunteers at the J.N. "Ding" Darling NWR for over 5 years. Both are retired school teachers from New Jersey that have continued their passion in teaching by lead talks and tours around the ancient Calusa Indian Shell Mounds every Tuesday at 1pm. These programs are free to the public and ongoing from 1-3pm January 4 - April 3, 2016.



*Many thanks to Toni Westland for the information and photo*



Historical Happenings provides information on the USFWS Cultural Resources Management program. Information comes from sources such as the Regional Historic Preservation Officers, websites, new sources, as well as other cultural resource management professionals.

Issues are also available on the USFWS Cultural Resources website <http://historicpreservation.fws.gov>. Submissions are encouraged and can be made via email. Please contact Eugene Marino at [Eugene\\_Marino@fws.gov](mailto:Eugene_Marino@fws.gov) for submission guidelines

