



Historical Happenings

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

March

WONDERFUL THINGS

What's New at HQ?

As we get further into 2016 we will be showcasing more on the 50th 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 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 1 (Northwest)

Oregon Militia Standoff Spotlights Federal-Tribal Quandary over Artifacts

Leaders of Oregon's Burns Paiute tribe are demanding that authorities investigate whether the armed occupiers stole or damaged any of thousands of tribal artifacts housed on public lands since the standoff began in October. Shortly before he was killed last month, LaVoy Finicum, the Oregon militia's de facto spokesman, posted a video that showed the occupiers rummaging through Paiute artifacts in one of the federal buildings.

The conflict over management of the Malheur NWR thrust the tribe into the middle of an impasse between federal officials and anti-government forces. Tribal Chairperson Charlotte Rodrique rejected the group's overtures, stating that she had received racist emails from the group's members. Rodrique has insisted that federal officials start to account for Paiute artifacts as soon as the standoff ends.

The American Anthropological Association voiced its support for the tribe and echoed its concerns about the artifacts in a January letter to Dan Ashe, the U.S. Fish and Wildlife Service director. The association noted that “the problems with these artifacts being held hostage are numerous, and our fear is that they may be altered, destroyed, or sold illegally.”



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The federal government plays an outsized role in the preservation of the Burns Paiute artifacts, protecting the tribe's property under the terms of an 1868 treaty. With fewer than 400 members, the tribe must rely almost entirely on the government's assistance. Rodrique said that the tribe has maintained a productive relationship with the U.S. Fish and Wildlife Service, which manages the refuge under a 2013 conservation plan developed in conjunction with the tribe, environmental groups, ranchers, farmers, and local and state government officials.

"We're such a small tribe, we can't afford a building to store this volume of artifacts," says Rodrique. The collection numbers more than 4,000 pieces, including stone arrowheads, woven baskets, site records, maps, and confidential documents that pinpoint other archeological sites in the refuge.

The plan catalogues the sensitive sites requiring protection, including burial grounds, rock art, hunting blinds, vision quest sites, as well as the remains of winter villages. Federal officials also have established guidelines that prohibit access to these sites. ARPA and NAGPRA discourage looting of archeological sites through power to prosecute anyone who disturbs sites or steals artifacts.

From story by Isaac Park, American Prospect (courtesy NPS colleagues)

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

Archeological Resources Protection Training Program (ARPTP) Offered

The Federal Law Enforcement Training Center (FLETC) and NPS are sponsoring the Archeological Resources Protection Training Program **March 28-April 01, 2016**, in Spokane, Washington.

This 37-hour course provides training in all aspects of an archeological investigation and prosecution. The class culminates in a 12-hour practical exercise where law enforcement officers and archeologist work as a team to investigate and document an archeological crime scene. Attendees will gather and process physical evidence, write incident reports, executive summaries, search warrants, damage assessments, and provide testimony in a courtroom scenario. This training is open to all law enforcement officers, prosecutors, and Federal archeologists.

Contact: FLETC instructor Charles Louke (912) 280-5138 for course information.

Contact for NPS employees: Wiley Golden at (912) 267-2246 for registration.

Others should contact their National Academy representatives at FLETC to register.

Wildland Fire Resource Advisor Training Course

This course provides participants with the foundation to serve as Resource Advisors (READs) during wildland 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



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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) 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)

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.

HR1806

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



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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.

HR2285

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

Sponsor: Rep. Keating (D-MA)

Status: Pending before House Homeland Security 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.

HR2817

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.

HR3114

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.

S1979

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.

S2012

S. 2012-the Energy Policy Modernization Act of 2015

Sponsor: Sen. Murkowski (R-AK)

Status: Passed the Senate; pending before the House Energy and Commerce Committee

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, and all will work to secure passage of the measure in the House.

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



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