



United States Department of the Interior

NATIONAL PARK SERVICE
1849 C Street, N.W.
Washington, D.C. 20240

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A3631(2/77)

DEC 22 1999

Mr. Paul H. Lohaus
Director, Office of State Programs
Nuclear Regulatory Commission
Washington, D.C. 20555-0001

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OSP

Dear Mr. Lohaus:

We request your participation in reporting to Congress on the Federal archeological activities that your agency conducted in fiscal year 1999 by completing and submitting the enclosed questionnaire. The Archeological Resources Protection Act (ARPA; 16 U.S.C. 470ii-mm) and the Archeological and Historic Preservation Act (16 U.S.C. 469-469c) require the Secretary of the Interior to report to Congress on the Federal archeology program. Information from past reports has provided important guidance for Congressional actions, for example, in preparing the 1988 amendments to ARPA which have enhanced the law enforcement provisions of the statute substantially.

The Departmental Consulting Archeologist and the Archeology and Ethnography Program within the National Park Service prepare the Secretary's report based on responses to the enclosed questionnaire.

We thank you for your cooperation in preparing and providing the information requested. Without your attention and careful work, our goal of providing a detailed and useful report could not be met. You will find this report helpful in carrying out archeological activities for your agency, in assisting with the development of your archeological program, and as a resource for information exchange with others who may be conducting similar work.

Please return the completed questionnaire to the Departmental Consulting Archeologist by **March 31, 2000**. Please note that the LOOT form is currently under review by the Office of Management and Budget.

When the form has been approved we will notify you with reference to this request for information. To facilitate your response, however, a copy of the provisional LOOT form is included for your information. As you know, reporting with the LOOT form is a way for many agencies to fulfill their Section 14(c) responsibilities under ARPA.

If there are questions about the questionnaire, please contact Dr. Barbara Little of my staff at (202) 343-1070, FAX (202) 523-1547, E-mail: barbara_little@nps.gov. On behalf of the Secretary of the Interior and Congress, thank you for your continuing participation in this important program review and reporting effort.

Sincerely,

Francis P. McManamon, Ph.D.
Departmental Consulting Archeologist

Enclosure



THE SECRETARY OF THE INTERIOR'S REPORT TO CONGRESS

ON FEDERAL ARCHEOLOGICAL ACTIVITIES

GSA Control Number: 0236-DOI-AN

Agency _____
 Office _____
 Contact _____
 Phone _____
 Email _____

ANSWER SHEET: Questionnaire on Fiscal Year 1999 Activities

Quantitative Data

H5 _____
 B1 _____ I1 \$ _____
 B2 \$ _____ I2 \$ _____
 B3 _____ Land-managing agencies
 only, Sections J-L
 B4 \$ _____ J1 _____
 C1 _____ J2 _____
 D1 _____ J3 _____
 D2 _____ J4 _____
 D3 _____ J5 _____
 D4 _____ K1 _____
 D5 _____ K2 _____
 D6 _____ K3 _____
 E1 _____ L1 _____
 E2 _____ L2 _____
 F1 _____ L3 _____
 F2 _____ L4 _____
 G1 _____ L5 _____
 H1 _____ L6 _____
 H2 _____ % _____ L7 _____
 H3 _____ L8 _____
 H4 _____ L9 _____

L10 _____
 L11 _____
 L12 _____
 L13 _____
 L14 \$ _____
 L15 \$ _____
 L16 \$ _____
 L17 \$ _____
 L18 \$ _____
 L19 \$ _____

Attached Material

Narrative Responses
 (check if present):

A1 _____
 B5 _____
 B6 _____
 D7 _____
 E3 _____
 F3 _____
 H6 _____
 H7 _____
 H8 _____
 I3 _____
 J6 _____
 K4 _____
 L20 _____
 L21 _____

LOOT form(s)
 included: ___ #

Computer
 disk accompanying:

Photographs
 accompanying:

Other materials
 accompanying:

THE REPORT TO CONGRESS ON
THE FEDERAL ARCHEOLOGY PROGRAM
GSA Control Number: 0236-DOI-AN

Questionnaire on Fiscal Year Activities (October 1, 1998 - September 30, 1999)

The Report to Congress on Federal archeological activities is prepared for the Secretary of the Interior by the Departmental Consulting Archeologist, National Park Service. The report is required by Section 5(c) of the Archeological and Historic Preservation Act of 1974 (AHPA; 16 USC 469-469c) and Section 13 of the Archaeological Resources Protection Act of 1979 (ARPA; 16 USC 470aa-470mm). These statutes direct the Secretary to report on the scope and effectiveness of Federal archeological activities and to provide information about such activities and programs to Congress. This report provides information about Federal archeological activities in order to offer assistance with professional methods for archeological preservation and for the administration of historic preservation programs. Sections 2 and 101(h) of the National Historic Preservation Act (NHPA; 16 USC 470 *et seq.*) authorize the Secretary to collect and distribute such information to Federal agencies, State and local governments, private organizations and individuals, other nations, and international organizations.

Instructions

Please note that this questionnaire is the same as last year's. This questionnaire will not be changed significantly until calendar year 2002.

All Federal agencies that undertake, contract for, issue permits and licenses, or that require of other parties archeological investigations should respond to questions in Sections A-I. Sections J-L apply only to agencies that also manage Federal or Indian land. It is understood that precise data are not always available and that in some cases knowledgeable estimates must be made.

Note that these questions specifically apply to archeological investigation, protection, management, recovery, and collections management activities carried out under Federal authority, and do not pertain to all cultural resource management activities. In the event that a department/agency takes the position that the entire questionnaire is not applicable, return the uncompleted questionnaire with a cover letter of explanation.

Fill out each line of the Answer Sheet with numerical data called for, or with no data to report (ND). Round all dollar (\$) amounts to the nearest hundred.

ARPA LOOT Clearinghouse Data: The attached LOOT form (OMB No.1024-0111) is the primary source for information on cases of archeological resource crime. Although submitting this form is voluntary, the information has been used by law enforcement and attorneys to guide case development. Please fill out a form **OR** send copies of equivalent information from the case files for each citation, misdemeanor and felony conviction and civil penalty completed in the reporting year.

Due Dates and Assistance: The headquarters office of each agency should send their response to the Departmental Consulting Archeologist, National Park Service, Archeology and Ethnography Program, 1849 C St. NW, Room NC210, Washington, DC 20240 by **March 31, 2000**. Questions about this questionnaire should be directed to Barbara Little of the Archeology and Ethnography Program, at 202-343-1058, Fax: 202-523-1547; E-mail: barbara_little@nps.gov.

For Agency Headquarters Use Only. *The headquarters office of each agency shall provide a response to the*

Agency _____

Office _____

questionnaire on the Answer Sheet, summarizing information collected from regions, districts, divisions, etc. Narrative responses and LOOT forms can be submitted by separate regional, state, division, etc. office. Please compile all responses in either Word for Windows 6.0, WordPerfect 6.1 for Windows, or WordPerfect 5.1 provided on the attached disk. Agencies may reformat the questionnaire to expedite the collection of information from their field offices. However, the questionnaire and answer sheet must be submitted to us in its original form.

Section A. Agency Archeology Program Highlights

A1. Briefly (200 words or less) describe one exemplary project or program conducted by your office in this reporting year highlighting its public benefits and research benefits.

Section B. Participation, Education, and Outreach in the Agency Archeology Program

_____ B1. Number of partnership agreements (e.g. cooperative, cost-share, interagency, research) in the archeology program. Do not include contracts.

\$ _____ B2. Total dollar value of contributions provided by partners (e.g. money, services)

_____ B3. Volunteer hours contributed to the agency for the benefit of archeology

\$ _____ B4. Total dollar value of work performed by volunteers

B5. Briefly (200 words or less) describe one exemplary partnership, education, or outreach program/product conducted by your office in the reporting year.

B6. If needed, clarify responses to questions about participation, education, and outreach.

Section C. Archeological Overview

_____ C1. Number of area-wide overviews and non-project planning under ARPA and NHPA (e.g. base comprehensive plans, Forest overviews, preservation plans, historic context statements)

Section D. Archeological Identification and Evaluation [This section includes Section 106 undertakings and activities under Section 110 of NHPA and ARPA conducted on federal and non-federal land and performed or funded by agency or non-agency entities in the reporting year.]

_____ D1. Number of projects for which there were database and file searches, literature reviews and map checks that resulted in a file letter, report, or other documentation

_____ D2. Number of field studies to identify and evaluate archeological sites

_____ D3. Number of acres inventoried in the reporting year

_____ D4. Number of archeological sites identified in the reporting year

_____ D5. Number of archeological sites determined eligible for the National Register of Historic Places (NRHP) by the Keeper or through documented consultation with the SHPO in the reporting year

_____ D6. Number of archeological sites on agency managed land that were stabilized, rehabilitated, monitored, or protected (e.g. anti-vandalism signs, fences, road closures)

in the reporting year. [Report each archeological site protected only once. Do not include sites avoided during a Section 106 undertaking]

D7. If needed, clarify responses to questions about archeological identification and evaluation.

Section E. Archeological Data Recovery [Data recovery projects include recordation, surface collection, and excavation and are conducted to mitigate effects to an archeological site threatened by destruction or disturbance. This section includes Section 106 undertakings and activities under Section 110 of NHPA and ARPA conducted on federal and non-federal land and performed or funded by agency or non-agency entities in the reporting year.]

_____ E1. Number of archeological data recovery projects

_____ E2. Number of archeological sites on which data recovery was undertaken

E3. If needed, clarify responses to questions about archeological data recovery.

Section F. Unanticipated Archeological Discoveries [This section provides data on archeological properties discovered unexpectedly subsequent to agency completion of the NHPA Section 106 review for undertakings conducted on federal and non-federal land and performed or funded by agency or non-agency entities in the reporting year.] Include undertaking in year it is identified even if work won't occur until following year.

_____ F1. Number of undertakings resulting in the discovery of unanticipated archeological resources

_____ F2. Number of undertakings resulting in the discovery of unanticipated archeological resources that required data recovery of significant archeological resources

F3. If needed, clarify responses to questions about unanticipated archeological discoveries.

Section G. Archeological Information Management

G1. Describe how the agency is maintaining and improving the management of records for collections, permits, sites, and inventory. Include a description of any data-sharing efforts between your office and other organizations. If there is no change from previous years, indicate no change.

Section H. Archeological Collections Management

_____ H1. Number of items/lots or cubic feet of material remains (artifacts, samples) curated in all repositories (explain dimension used in H8)

% _____ H2. Percentage of amount identified in H1 that is accessioned and cataloged.

_____ H3. Number of linear feet of records associated with stored archeological materials

_____ H4. Number of federal museums/repositories curating agency collections

_____ H5. Number of non-federal museums/repositories curating agency collections

H6. When was the agency policy for management and preservation of its collections established or last revised, if different? How is it being implemented?

H7. List the museums/repositories curating agency collections. If there is no change from previous years, indicate no change.

H8. If needed, clarify responses to questions above about archeological collections management.

Section I. Cost and Benefits of Archeology Program

\$ _____ I1. Total amount allocated (directly from Congress or as a result of internal agency allocations) to the cultural resource management program that is used for archeological activities

\$ _____ I2. Total amount allocated to other agency programs (e.g. timber, construction, permits, licenses, grants) that are used for archeological activities

I3. Does the agency have information on economic benefits from archeology, such as recreation visitor use days and dollars spent by visitors on heritage tourism? If so, describe.

THE REMAINDER OF THE QUESTIONNAIRE (Sections J-L) IS TO BE COMPLETED BY AGENCIES THAT MANAGE FEDERAL OR INDIAN LAND. If you are answering from a regional, state, division, etc. office, please provide figures only for your region. The headquarters office of each agency will compile information to provide an agency-wide response.

Section J. Archeological Resource Base on Federal and Indian Lands

Questions J1-J6 call for the best possible estimates for **all prior years through the reporting year.**

_____ J1. Total acres inventoried on agency-managed land

_____ J2. Total number of recorded archeological sites on agency-managed land

_____ J3. Total number of recorded archeological sites on agency-managed land listed on the NRHP

_____ J4. Total number of recorded archeological sites on agency-managed land that were determined eligible for the NRHP by the Keeper or through documented consultation with the SHPO

_____ J5. Total number of recorded archeological sites on agency-managed land that were

determined ineligible for the NRHP by the Keeper or through documented consultation with the SHPO

J6. If needed, clarify responses to questions about the archeological resource base on Federal and Indian lands

Section K. Archeological Permitting [K1-K2 apply to all permits issued pursuant to Federal agency policies, procedures, or guidelines for archeological activities authorized by ARPA, the Antiquities Act, or agency-specific statutes]

- _____ K1. Number of permit applications received
- _____ K2. Number of permits issued or in effect
- _____ K3. Number of notifications to Indian Tribes of proposed work that might harm or destroy sites having religious or cultural importance to a Tribe, as required by ARPA Uniform Regulation § -.7

K4. If needed, clarify responses to questions about archeological permitting.

Section L. Archeological Law Enforcement [This section includes all archeological resource crime pursuant to ARPA, the Antiquities Act, Federal property laws, or other statutes and regulations protecting archeological sites. This section should be completed with the help of law enforcement. Use the attached LOOT form **OR** send copies of equivalent information from the case files for each citation, misdemeanor and felony conviction and civil penalty completed in the reporting year.]

- _____ L1. Total number of documented violations (count 1 for each incident).
- _____ L2. Number of documented violations where individual(s) were arrested.
- _____ L3. Number of individual(s) arrested.
- _____ L4. Number of individual(s) cited.
- _____ L5. Number of individual(s) prosecuted under ARPA.
- _____ L6. Number of individual(s) prosecuted under authorities other than ARPA.
- _____ L7. Number of individual(s) convicted of a misdemeanor under ARPA.
- _____ L8. Number of individual(s) convicted of a misdemeanor under authorities other than ARPA.
- _____ L9. Number of individual(s) convicted of a felony under ARPA
- _____ L10. Number of individual(s) convicted of a felony under authorities other than ARPA.
- _____ L11. Number of individual(s) found libel (civil penalty).

- _____ L12. Number of criminal and civil cases where individual(s) were found guilty or liable (unlike L7-L11, a case may include more than one individual).
- _____ L13. Number of criminal and civil cases where individual(s) were found not guilty or not liable (unlike L7-L11, a case may include more than one individual).
- \$ _____ L14. Amount of fines imposed or ordered.
- \$ _____ L15. Amount of restitution imposed or ordered (includes civil penalties).
- \$ _____ L16. Cost of restoration and repair originally asked for in site damage assessments.
- \$ _____ L17. Amount given in rewards (not amount offered).
- \$ _____ L18. Commercial value of personal property and artifacts seized and either retained or sold.
- \$ _____ L19. Estimated law enforcement cost for archeological resource protection.

L20. If needed, clarify responses to questions about archeological law enforcement.

L21. Describe effective projects, methods, and techniques the agency has used to improve archeological protection programs. Examples include development of incident reporting systems, the use of remote sensing equipment for site monitoring, and interagency cooperation by law enforcement, justice and cultural resources staff.

Information Provided By:

Name:

Phone:

Agency/Office:

Date Completed:

U.S. Attorney/Legal Contact:

Name:

Phone:

Narrative Summary: (Use additional sheets if necessary)

Attachments: (Please attach the following, if not available please give name and phone number of person who has access to those documents)

1. Investigative Reports (Arrest summaries, evidence logs, etc.)
 2. Court Documents (Indictments, motions, sentences, etc.)
 3. Archeological Damage Assessment
-

Paperwork Reduction Act and Estimated Burden Statement

This information is being collected, pursuant to 16 U.S.C. 470mm, to provide the necessary information needed to complete the Secretary's Report to Congress on Federal Archeology Programs, and will be used to allow the National Park Service to evaluate Federal archeological protection programs and assess compliance with the Archaeological Resources Protection Act of 1979 (16 U.S.C. 470). Response to this request is voluntary. No action may be taken against you for refusing to supply the information. The public reporting burden for this form is estimated to average 1 hour per response, including the time for reviewing instructions, gathering and maintaining data, and completing and reviewing the form. Direct comments regarding the burden estimate or any other aspect of this form to Information Collection Clearance Officer, Administrative Services Division, National Park Service, P.O. Box 37127, Washington, D.C. 20013-7127 and the Office of Management and Budget, Paperwork Reduction Project, Washington, D.C. 20503.

DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
Departmental Consulting Archeologist
Archeology and Ethnography Program

**Subject: Archeological Resource Protection
Listing of Outlaw Treachery (LOOT) Information Clearinghouse**

Issue: The looting and vandalism of archeological sites robs all the citizens of a non-renewable part of their cultural heritage. Looters destroy information that often is the only way we can ever understand how people lived in the past. Archeological sites do not regenerate, nor can they be replaced. The National Strategy for Federal Archeology presented by the Department of the Interior stresses goals which will improve agencies' stewardship capabilities toward archeological resources. Three of them particularly are important for archeological protection. They are improved information exchange among law enforcement and cultural resources professionals, improved public awareness programs, and improved information about archeological sites and collections. In 1988, significant assistance for improved stewardship was provided by amendments to the Archaeological Resources Protection Act (ARPA, 16 U.S.C. 470aa-mm) which among other things requires Federal land managing agencies to develop documents for reporting suspected violations.

Status: Significant progress in conducting archeological law enforcement casework has been made based upon availability of technical information, field methods training through the Federal Law Enforcement Training Center (FLETC), and protection program training through the Archeology and Ethnography program. Since 1987, one of the sources for case information has been the Listing of Outlaw Treachery (LOOT) Information Clearinghouse. The LOOT Clearinghouse contains voluntarily submitted summary records of prosecuted cases in both hardcopy files and computerized database formats. There are nearly 500 cases currently in LOOT.

A standard LOOT form has been developed to systematically organize case information. The form (NPS 10-29) contains data on such things as arrests, indictments, trials, pleas, judgements, sentences, investigative reports, court documents, and archeological resources damage assessments. Federal information collection requirements have been met through administrative review by the Office of Management and Budget, and LOOT has received clearance for its consistency with Federal legal responsibilities such as Privacy Act and FOIA issues. This means any Federal agency may adopt the LOOT form as part of their program to comply with Section 14(c) of the Archaeological Resources Protection Act.

The case information in LOOT has been used by cultural resources, law enforcement, and justice personnel to improve general understanding of archeological resources crime as well as to guide case development. Most recently, the LOOT Clearinghouse served as a primary source for compiling the *Archeological Resources Protection: Federal Prosecution Sourcebook*, which was co-published with the Department of Justice and serves as a principal technical reference for United States Attorneys and departmental solicitors. LOOT also has been used as a source for material in archeological protection training.

What is Needed: Through ongoing cooperation of law enforcement and justice personnel in submitting LOOT entries and promoting the participation in LOOT by agency managers, the LOOT Clearinghouse can continue to provide current summary and comparative information about archeological looting and vandalism. Agency press releases sent with LOOT entries are important as well. These press releases are printed in the *Common Ground* which is distributed to nearly 8,000 agencies and professionals involved in cultural resources management and law enforcement. In addition, press releases are mailed to more than 180 editors of other major publications. This kind of information exchange can play a major part in raising public awareness of the looting problem and helping to realize the deterrence effect of efficient casework.