

## Ant 755 Seminar in Archaeological and Historic Preservation

**Purpose and Goals:** In this course we will examine the professional and philosophical issues involved in the management of cultural resources. Although primary emphasis will be placed on archaeological resources, we will also consider other types of cultural resources including architecture, landscapes, sacred sites, traditional cultural properties, and human remains. We will learn what is required under the major laws that govern cultural resources management, emphasizing the first-hand reading of these laws in order to separate the legal facts from (what are often widely believed) fictions. Once we understand what the laws require, we will consider how these laws are actually applied. We will discuss the “gray areas” within these laws, examine how different states and agencies approach these issues, and discuss selected contested cases that exemplify some of the pitfalls that can be encountered. In addition, we will review professional standards and guidelines for various aspects of cultural resources management, learn how to carry a project to completion, and consider various Native American concerns.

**Learning Outcomes:** By the end of the semester you should:

- Be familiar with the major federal laws and regulations, including NHPA, NEPA, ARPA, DOT Section 4f, NAGPRA, AIRFA, and Executive Order 13007;
- Understand the consultation process involved in the application of these laws;
- Understand the steps involved in scoping a project, bidding on a project, preparing a budget and proposal, and evaluating proposals;
- Understand the methods and issues involved in locating and identifying cultural resources, evaluating their integrity and significance, and determining whether they are eligible for the National Register of Historic Places;
- Know when to use and how to prepare the following documents: Programmatic Agreements, NAGPRA Plan of Action (POA), Memorandum of Agreements, Environmental Impact Statements, Cultural Resource Management Plans, ARPA Permits, Requests for Proposals, Requests for Bids, and nominations to the National Register of Historic Places; and
- Understand some of the major ethical and philosophical issues we face as cultural resources management professionals.

**Texts and Required Readings:** There are two assigned texts for this class, both written by Thomas King. These are *Federal Planning and Historic Places: The Section 106 Process* and *Thinking About Cultural Resources Management: Essays from the Edge*. Additional readings will be assigned weekly; these will be e-mailed to you as pdf files or they can be downloaded from internet sources.

**Final Project/Paper:** Each student will complete a written paper in the form of a proposal in response to a (hypothetical) “Request for Proposals.” The final paper should be approximately 20-30 doubled-spaced pages in length, and is due at the start of class Dec. 1. Each student will submit nine copies of their proposal. Additional information will be provided approximately mid-way through the class.

**Course Requirements and Grading:** Because this is a seminar class, your active participation is required and will form the basis for much of your grade. Your grade will be based on class participation and contribution (60%) and the final project/paper (40%).

**Academic Misconduct**— Academic integrity is a legitimate concern for every member of the campus community; all share in upholding the fundamental values of honesty, trust, respect, fairness, responsibility and professionalism. By choosing to join the UNLV community, students accept the expectations of the Student Academic Misconduct Policy and are encouraged when faced with choices to always take the ethical path. Students enrolling in UNLV assume the obligation to conduct themselves in a manner compatible with UNLV’s function as an educational institution.

An example of academic misconduct is plagiarism. Plagiarism is using the words or ideas of another, from the Internet or any source, without proper citation of the sources. See the *Student Academic Misconduct Policy* (approved December 9, 2005) located at: <https://www.unlv.edu/studentconduct/student-conduct>.

**Copyright**—The University requires all members of the University Community to familiarize themselves with and to follow copyright and fair use requirements. **You are individually and solely responsible for violations of copyright and fair use laws. The university will neither protect nor defend you nor assume any responsibility for employee or student violations of fair use laws.** Violations of copyright laws could subject you to federal and state civil penalties and criminal liability, as well as disciplinary action under University policies. Additional information can be found at: <http://www.unlv.edu/provost/copyright>.

**Disability Resource Center (DRC)**— **Disability Resource Center (DRC)**—The UNLV Disability Resource Center (SSC-A 143, <http://drc.unlv.edu/>, 702-895-0866) provides resources for students with disabilities. If you feel that you have a disability, please make an appointment with a Disabilities Specialist at the DRC to discuss what options may be available to you. If you are registered with the UNLV Disability Resource Center, bring your Academic Accommodation Plan from the DRC to the instructor during office hours so that you may work together to develop strategies for implementing the accommodations to meet both your needs and the requirements of the course. Any information you provide is private and will be treated as such. To maintain the confidentiality of your request, please do not approach the instructor in front of others to discuss your accommodation needs.

**Religious Holidays Policy**— Any student missing class quizzes, examinations, or any other class or lab work because of observance of religious holidays shall be given an opportunity during that semester to make up missed work. The make-up will apply to the religious holiday absence only. It shall be the responsibility of the student to notify the instructor **within the first 14 calendar days of the course for fall and spring courses (excepting**

**modular courses), or within the first 7 calendar days of the course for summer and modular courses,** of his or her intention to participate in religious holidays which do not fall on state holidays or periods of class recess. For additional information, please visit: <http://catalog.unlv.edu/content.php?catoid=6&navoid=531>.

**Transparency in Learning and Teaching**—The University encourages application of the transparency method of constructing assignments for student success. Please see these two links for further information:

<https://www.unlv.edu/provost/teachingandlearning>

<https://www.unlv.edu/provost/transparency>

**Incomplete Grades**—The grade of I—Incomplete—can be granted when a student has satisfactorily completed three-fourths of course work for that semester/session but for reason(s) beyond the student’s control, and acceptable to the instructor, cannot complete the last part of the course, and the instructor believes that the student can finish the course without repeating it. The incomplete work must be made up before the end of the following regular semester for undergraduate courses. Graduate students receiving “I” grades in 500-, 600-, or 700-level courses have up to one calendar year to complete the work, at the discretion of the instructor. If course requirements are not completed within the time indicated, a grade of F will be recorded and the GPA will be adjusted accordingly. Students who are fulfilling an Incomplete do not register for the course but make individual arrangements with the instructor who assigned the I grade.

**Tutoring and Coaching**—The **Academic Success Center (ASC)** provides tutoring, academic success coaching and other academic assistance for all UNLV undergraduate students. For information regarding tutoring subjects, tutoring times, and other ASC programs and services, visit <http://www.unlv.edu/asc> or call 702-895-3177. The ASC building is located across from the Student Services Complex (SSC). Academic success coaching is located on the second floor of the SSC (ASC Coaching Spot). Drop-in tutoring is located on the second floor of the Lied Library and College of Engineering TEB second floor.

**UNLV Writing Center**—One-on-one or small group assistance with writing is available free of charge to UNLV students at the Writing Center, located in CDC-3-301. Although walk-in consultations are sometimes available, students with appointments will receive priority assistance. Appointments may be made in person or by calling 702-895-3908. The student’s Rebel ID Card, a copy of the assignment (if possible), and two copies of any writing to be reviewed are requested for the consultation. More information can be found at: <http://writingcenter.unlv.edu/>.

**Rebelmail**—By policy, faculty and staff should e-mail students’ Rebelmail accounts only. Rebelmail is UNLV’s official e-mail system for students. It is one of the primary ways students receive official university communication such as information about deadlines, major campus events, and announcements. All UNLV students receive a Rebelmail account

after they have been admitted to the university. Students' e-mail prefixes are listed on class rosters. The suffix is always [@unlv.nevada.edu](mailto:unlv.nevada.edu). **Emailing within WebCampus is acceptable.**

**Final Examinations**—The University requires that final exams given at the end of a course occur at the time and on the day specified in the final exam schedule. See the schedule at: <http://www.unlv.edu/registrar/calendars>.

**Library statement:**

Students may consult with a librarian on research needs. For this class, the Subject Librarian is ([https://www.library.unlv.edu/contact/librarians\\_by\\_subject](https://www.library.unlv.edu/contact/librarians_by_subject)). UNLV Libraries provides resources to support students' access to information. Discovery, access, and use of information are vital skills for academic work and for successful post-college life. Access library resources and ask questions at <https://www.library.unlv.edu/>.

## **Course Schedule**

### **September 1<sup>st</sup> Introduction**

- What are cultural resources?
- Overview of federal laws impacting cultural resources management
- History of cultural resources management

### **September 8<sup>th</sup> The National Historic Preservation Act (NHPA)- Overview**

- Overview of Sections 106 and 110
- Understanding the Section 106 process
- National Register Nominations- what is the process for placing a property on the National Register? What is the difference between single property and multiple property designations? What are the pros and cons of being on the Register? what does National Historic Landmark designation really mean in terms of the Section 106 process?

### **September 15<sup>th</sup> Identifying Cultural Resources**

- The scoping process/determining the area of potential effect
- What constitutes a “reasonable and good faith effort?” to locate cultural resources within an APE?
- Comparison of state survey standards/discussion of appropriate standards
- Programmatic Agreements: what are they? how are they written?

### **September 22<sup>nd</sup> Evaluating Cultural Resources**

- Assessing integrity under the National Register: comparison/discussion of various standards for “problematic” sites (can deflated lithic scatters be eligible? sites in plowed agricultural fields? moved historic buildings? remodeled historic buildings)
- Assessing significance under the National Register
  - Understanding the four criteria of significance

- How do we evaluate under criterion (d)? How “important” must the information potential of a site be in order to meet criteria (d)? How do we decide? What do we do about “problematic” sites, such as turn-of-the-century farmsteads? Surface lithic scatters? Abundant or redundant site types?
- What are historic contexts?
- What are some of the management issues involved in making a National Register determination? What happens if we determine something is eligible? Is not eligible? What do we do with the “in-between” sites?
- Testing: how do we determine the information potential of a site? What constitutes a “reasonable and good faith effort” to identify a site’s information potential? How do various agencies/states approach this issue?
- What information should be included in a letter to the SHPO, regarding the results of a cultural resources evaluation?

### **September 29<sup>th</sup> National Register Listing/Identifying and Resolving Adverse Effects**

- Review of process involved for listing a property (or district) on the National Register; how to write a National Register nomination; a review of historic contexts as relates to writing a nomination
- What constitutes an “adverse impact?”
- Memorandum of Agreements: what are they? how are they written?
- How do we “resolve adverse effects?” What types of creative mitigation approaches can be used? What approaches other than data recovery (such as site burial) can be used in archaeology? How do different agencies and states view such alternative approaches?

### **October 6<sup>th</sup> The National Environmental Policy Act (NEPA)/Section 4f of the Department of Transportation Act**

- Overview of the act, and a discussion of how its implementation relates to Section 106 implementation
- What is an EIS, when is it used, and how is one written?
- Discussion and comparison of the different approaches involved in Section 106 and NEPA compliance
- Review of Section 4f, and discussion of how it relates to Section 106 and NEPA

### **October 13<sup>th</sup> Traditional Cultural Properties (TCPs), the American Indian Religious Freedom Act (AIRFA), and Executive Order 13007**

- Overview of the traditional cultural properties concept, AIRFA, and Executive Order 13007
- A discussion of how religious issues and laws relate to the TCP concept
- What constitutes a “traditional community?” What are the standards (or what *should* be the standards?) for evaluating TCP claims? How does (or should) the 50-year rule apply to TCPs?

- How does one go about identifying TCPs? What constitutes a “reasonable level of effort” for determining whether there are any TCPs in your project area?
- Discussion of some of the issues and dilemmas associated with the issue of cultural secrecy.

## **October 27<sup>th</sup> The Archaeological Resources Protection Act (ARPA), Proposal Writing & Bidding**

- Overview of ARPA and the ARPA permitting process
- What is involved in conducting a background search?
- What is the difference between an RFP and an RFQ?
- How is a budget prepared? What are some rules of thumbs for estimating costs?
- From the contractor's perspective: how do you ensure you get the best product for your money? What is the difference between "low bid" and "best value" contracts? What constraints are placed on various contractors in the governmental sectors, and how do different agencies work within these constraints to ensure quality work?

## **Management and Planning Issues/Qualification Standards/Curation Issues**

- A review of the Secretary of the Interior's Standards for the treatment of historic properties, buildings, and archaeological sites
- How do we weigh and balance different needs during the planning phase?
- What should be included in a good Cultural Resources Management Plan?
- A discussion and debate of the pros and cons about reconstructing sites and buildings and/or re-using sites and buildings
- What are the required federal standards (i.e., experience and educational levels) for preservation professionals? What are state and local standards?
- What are the required state standards for curation? Understanding and dealing with the "curation crisis."

## **October 27<sup>th</sup>**

## **Nov. 3<sup>rd</sup> The Native American Graves and Repatriation Act (NAGPRA), Pt 1**

- What, exactly, does NAGPRA require? What is *not* required under NAGPRA?
- What are the steps involved in NAGPRA compliance for field projects? What is a "Plan of Action" (or POA)? What are the steps involved in NAGPRA compliance for curated materials? What is a summary? An inventory? What is the time frame involved in compliance?
- How do we determine if a collection has any sacred objects, objects of cultural patrimony, or unassociated funerary remains? What is a reasonable and appropriate level of effort? How do we determine cultural affiliation? What, again, is considered a reasonable and appropriate level of effort? How do we determine which tribes should be consulted regarding a particular collection? What constitutes an appropriate effort to consult? What constitutes appropriate documentation of these efforts?

- What happens when there is a conflict—when more than one tribe is affiliated and/or claims the remains? What happens when the repository and one or more tribes do not agree on cultural affiliation?

**Nov. 10<sup>th</sup> NAGPRA, Pt 2**

- What is the process for dealing with culturally unaffiliated remains?
- Understanding the Native American perspective: aside from what is legally required under NAGPRA, what types of concerns do Native Americans have about archaeologists' handling of human remains and funerary objects? What other internal policies might be appropriate?

**Nov. 17<sup>th</sup> Professional Ethics and Ethical Dilemmas**

- A review of ethic statements (SAA statements, ROPA statements)
- Discussion of the Register of Professional Archaeologists (ROPA)
- Discussion of some of the dilemmas that face the professional

**Dec. 1<sup>st</sup> Global Heritage Management** (*Proposals due*)

**Dec. 8<sup>th</sup> Public/Community Archaeology** (*and Review of Proposals*)