Cultural Resources & You.
The cultural resources staff at Arizona State Museum and the current historic preservation coordinator for the University of Arizona can be reached at http://www.statemuseum.arizona.edu/crservices/. Click on the UA Discoveries Team Contact Form. Submit your comments or questions and we will get back to you.

Cover photo: Remains of an adobe wall on the Santa Rita Experimental Range. Photo by John Madsen.
The University of Arizona (UA) campus has a multitude of buildings and open spaces listed on the National Register of Historic Places (NRHP). And buried beneath our campus streets and parking lots and under our grassy mall lie hidden historic features and artifacts ready to tell us a story about early campus life and the neighborhoods that once surrounded a much smaller University.

Off campus, the UA owns or leases thousands of acres of open space used for education and research. These lands too, like our campus, contain many prehistoric and historic resources. Some of these are so significant they are listed on both the Arizona and National Registers of Historic Places. One is recognized as a National Historic Landmark.

The information enclosed in this booklet is intended to provide you with federal and state statutes, policies, guidelines, and executive orders. These must be considered during the planning stages for all infrastructure maintenance and repairs, for all new development, and before conducting any research on University-owned or leased lands where ground disturbance might impact cultural resources.
CULTURAL RESOURCES AND YOU

Legal Authority for Resources Protection

Land and facility use and development at the University are inevitable, necessary, and mandated for the integrity of the infrastructure and the mission of the University. Unfortunately land and facility use and development can have, and have had, unforeseen and deleterious effects on important prehistoric and historic resources on University-owned or controlled land. Several laws have been promulgated at the national, state, and local levels to protect, conserve, and preserve cultural resources for the benefit of the public. These laws reflect a long-standing public appreciation of the inherent value of local, state, and national history and prehistory as well as the physical remains of the historic and prehistoric record. The UA has recognized its custodial role as a state public institution in guarding the cultural resources under its care and has developed its own policy regarding these resources that is reflective of society’s interest and concern. The following information describes the pertinent federal, state, and local laws, plans, and policies that intersect around the issues for managing the cultural resources on UA owned and leased lands.

FEDERAL STATUTES

Certain federal legislation promotes the use of historic properties to meet society’s contemporary needs. These statutes direct the federal government to take a leadership role in historic preservation in cooperation with state, local, and tribal governments and the interested public. Two national acts initiated in the late 1960s have the authority to affect the management of the cultural and natural resources on University-owned and leased lands.

1. National Historic Preservation Act (NHPA) of 1966: When the University receives federal funds, grants, or monies for projects that may result in ground-disturbing activities on University-owned or leased lands, the University is required to follow the cultural resources compliance requirements of the NHPA, the most widely cited and widely applicable federal preservation law. The funding federal agency will lead the University in ensuring that the requirements of the NHPA are followed during the course of the project. Section 106 of the act specifies a process wherein federal agencies are required to consider the effects of their undertakings on historic properties in consultation with the Arizona State Historic Preservation Office (SHPO), and to allow the Advisory Council on Historic Preservation (ACHP) an opportunity to review and comment on the proposed project. The SHPO is also a review partner.

Properties listed in or eligible for listing in the National Register of Historic Places (NRHP), the nation’s master inventory of designated historic resources, are subject to section 106 review during federal undertakings. The NRHP includes listings of buildings, structures, sites, objects, and districts that possess historic, architectural, engineering, archaeological, or cultural significance at the national, state, or local level. The NRHP also maintains a list of nationally significant properties that are cataloged into the NRHP as national historic landmarks (NHL), designated thus by the secretary of interior under the authority of the Historic Sites Act of 1935. Several structures and properties owned
by the UA are currently register listed and one larger University property is listed as a NHL. For instance, in 1986, a national register historic district comprised of 21 buildings, ranging in date of construction from 1891 through 1937, was created in recognition of the significance of the University of Arizona's historic core (visit the Planning, Design and Construction web site or see Historic Documents at http://www.cfp.arizona.edu/documents for more information). The Desert Laboratory on Tumamoc Hill was listed as a NHL in 1965 and listed in the National Register in 1966. In 2009 Tumamoc Hill was recommended eligible for the register as an archaeological district. Many more University properties, both on campus and off, may be potentially eligible for listing in the NRHP.

All federal undertakings that directly or indirectly involve a National Register property trigger advance planning and other actions under the provisions of section 110(f) of the NHPA. Implementation of this directive requires federal agencies to minimize harm to a landmark – whether it is on federally controlled land or not – from the effects of an undertaking and to consult with SHPO and afford the ACHP the opportunity to comment on the undertaking. Federal agencies are obliged to exercise a higher level of care when they consider the deleterious effects on NHLs from their undertakings and they are obliged to consider prudent and reasonable alternatives to mitigate the negative effects. Section 110(f) does not supersede Section 106; rather, section 110(f) is intended to raise the standard of planning for NHLs beyond those afforded to cultural resources with solely state or regional significance.

Status as a national landmark may also bring a University property additional protection under section 111 of the NHPA. If a federal undertaking could result in a federal lease, exchange, or management contract, the agreement document should provide for the preservation of the property and the ACHP should be consulted to ensure adequate protection. This consultation may be combined with section 106 consultations to streamline the process.

2. **National Environmental Policy Act (NEPA):** While parallel in some ways to section 106 review, NEPA is a broader program, enacted in 1969, that requires federal agencies to consider the environmental effects of their activities, including those having the potential to adversely impact historic and natural resources. The potential for projects to involve federal agencies or federal funding on University-owned and leased lands is high due to federal oversight of power and gas leases and federal grants.

3. **Endangered Species Act of 1973:** This landmark legislation is administered by the United States Fish and Wildlife Services. The intent of the legislation is to protect and conserve components of the nation’s natural heritage. The act also provides that no project using federal funds will adversely affect species of plants or animals determined to be endangered or threatened with extinction. Certain authorities have been delegated to the Arizona Department of Agriculture and the Arizona Game and Fish Department through cooperative agreements pursuant to section 6 (c) of this act.
STATE STATUTES AND RULES

The Arizona legislature has passed certain statutes to protect, preserve, and conserve the state’s cultural and natural resource heritage and wildlife for the enjoyment, needs, and appreciation of the state’s present and future citizens and communities. Three Arizona governmental bodies are the main administrators of these statutes in their statewide applications, including those applied to the cultural and natural resources on University lands.

Cultural Resources Statutes that apply to the management of UA Properties.

1. **State Historic Preservation Act of 1982**, codified in Title 41 State Government, Chapter 4.2, Historic Preservation. Includes Arizona Revised Statutes § 41-862 through 41-864 (ARS) and is administered by the SHPO on behalf of the Arizona State Parks Board (ASPB), whose authority is provided at Title 41 Chapter 3, Article 1.1, ARS § 41-511 et seq. Pertinent ASPB administrative rules are found in Arizona Administrative Code Title 12, Natural Resources. These four statutes mandate that state-land-managing governmental bodies consider the effects their activities may have on cultural properties at all levels of planning and development. By the creation and maintenance of a register for significant properties – the Arizona Register of Historic Places (ARHP) – this act provides for the preservation and protection of historic or prehistoric properties that are significant at the local, regional, or state level. Many University properties are listed on the ARHP, and any activities, changes, alterations, plans, or decisions that may have an effect upon the prehistoric or historic resources lying within the University’s jurisdiction must be reviewed by the SHPO. This legislation requires all state institutions and agencies to consult with the SHPO. Incidentally, cultural resources determined eligible for or listed in the NRHP, are automatically entered into the Arizona Register. Separate nominations to the Arizona Register are not necessary in those instances.

2. **Arizona Antiquities Act (AAA) of 1960**, (as amended), codified in Title 41 State Government, Chapter 4.1, Article 4, Archaeological Discoveries, includes ARS § 41-841 through 41-845, and is administered by the Arizona State Museum (ASM) on behalf of the Arizona Board of Regents (ABOR) whose authority is provided in Title 15, Chapter 13, Article 2, ARS 15-1621 et seq. The act contains regulations designed to protect archaeological and paleontological resources on property owned or controlled by the state. By virtue of its authority derived from the state statutes and Chapter VIII of the ABOR Policy Manual, the ASM is responsible for the issuance of AAA permits to qualified individuals or entities that would conduct archaeological or paleontological research on state-owned or controlled land, including University lands. The ASM evaluates the professional qualification of permit applicants, reviews the appropriateness of treatment plans and research proposals, reviews and approves survey and excavation results and reports and is the state repository for collections acquired under permit. Important amendments to ARS 41-844 (B) 1990 further protect human remains and associated funerary objects 50 years old or older, sacred objects, and objects of national or tribal patrimony.
3. Information relating to location of archaeological discoveries and places or objects included or eligible for inclusion on the ARHP; confidentiality, codified in Title 39 Public Records, Printing and Notices, Chapter 1, Article 2 Searches and Copies, ARS §39-125. Nothing in this chapter requires the disclosure of public records or other matters in the office of any officer that relate to the location of archaeological discoveries as described in section 41-841 or 41-844 or places or objects that are included in or may qualify for inclusion in the ARHP as described in section 41-511.04, subsection A, paragraph 9. An officer may decline to release this information if the officer determines that the release of the information creates a reasonable risk of vandalism, theft, or other damage to the archaeological discoveries or the places or objects that are included in or qualified for inclusion in the register. In making a decision to disclose public records pursuant to this section, an officer may consult with the director of the ASM or the SHPO.

4. Arizona Native Plant Law of 1991 is codified in Title 3, Agriculture, Chapter 7, Articles 1 Administration and 2 Enforcement, and is administered by the Arizona Department of Agriculture (AZDA). This law contains several statutes that protect certain native vegetation and promote native plant conservation in a way that brings threatened and endangered plants to the point of recovery. Protected native plants are a component of the nation’s natural heritage and cannot be disposed of from any lands without the owner’s permission and an AZDA permit. The AZDA has additional enforcement authority to protect archaeological and paleontological sites and materials under Title 3, Chapter 7, Article 2, ARS 3-931 (E), Title 13, Chapter 37 ARS 13-3702 and ARS 13-3702.01.

PLANS AND POLICIES

The UA has adopted certain plans and policies to protect, preserve, and conserve the cultural and natural resource heritage and wildlife on UA properties around the state.

1. The University of Arizona Functional Planning Studies and Reports (see http://www.cfp.arizona.edu/documents accessed 5 March, 2010) contain the 2006 UA Preservation Plan. The preservation plan and associated 2006 Preservation Plan Manual provide guidance on the care and treatment of historic architecture and landscapes within the boundary of the UA main campus. The UA Preservation Plan does not specifically address properties like Tumamoc Hill, the Santa Rita Experimental Range, or the many other satellite properties in Arizona, but the plan and appendices, particularly appendix 3, entitled Maintenance Manual for Historic Buildings, is a guiding document on maintenance and upkeep of University-owned buildings and surrounding historic infrastructure. This manual recognizes that all repair and alterations of historic properties must be in accordance with the secretary of interior’s Standards for the Treatment of Historic Properties.
The UA General Administrative Policy Relating to Historic Preservation Activities (http://www.cfp.arizona.edu/documents accessed 5 March, 2010) was adopted on 1 May 2006 and articulates the custodial obligations and position of the University for the preservation of the resources under its control in all aspects of land or facility use and development. This administrative policy succinctly reiterates and reaffirms the University’s stewardship role and responsibilities for the cultural resources under its ownership or control, whether they are located on campus or off. The policy states that cultural resources will be considered in all phases of planning for land and facility use and development.

The policy reaffirms the University’s accord with the state’s historic preservation acts and its willingness to document professionally the cultural resources it owns or controls and to consult with the SHPO. It names the president of the UA as the official who will nominate historically significant cultural resources under the University’s ownership or control to the national or state registers; it proposes that the University adaptively use or reuse the cultural resources it owns or controls in project planning and implementation; it enjoins the University to encourage public appreciation of all Arizona’s cultural resources through education, study, and interpretation; and it identifies the University’s historic preservation coordinator as the appointed official who will ensure that policy compliance, SHPO consultation, and any reporting requirements issuing from the University’s preservation activities will be met.

EXECUTIVE ORDER

Executive Order 2006-14

1. All executive branch agencies (including the ABOR) will develop and implement tribal consultation policies to guide their work and interaction with federally-recognized tribes in Arizona. Consultation requires that, to the extent practicable and permitted by law, state agencies and offices will seek input from appropriate elected or appointed tribal officials before undertaking any action or policy that will, or is reasonably believed to, have the potential to affect a tribal community or its members. Further, state agencies and offices will, to the fullest extent possible and to the best of their ability, integrate the input generated from tribal consultation into their decision-making processes to achieve mutually acceptable solutions.

2. All executive branch agencies will designate a member of their staff to assume responsibility for the agency’s implementation of the tribal consultation policy and to act as the principle point of contact for tribal issues.

3. All executive branch agencies will review their tribal consultation policies each year and submit an electronic report to the governor and the legislature to describe all action undertaken as a result of the implementation of these policies. Electronic copies of these annual reports will be provided to the Arizona Commission of Indian Affairs.
Cultural Resources and You
What should I do?
Potential Scenarios

Question
I supervise a University of Arizona grounds crew. What should we do if we find buried garbage pits containing ash, broken or whole bottles, tin cans, or other trash?

Answer:
First, take all reasonable steps to secure and maintain the feature’s preservation. Then report the discovery to the ASM director at 621-6281 or to the ASM cultural resources staff at 621-2096 or 621-4795. A cultural resources specialist will be happy to look at, and assess, the significance of the deposit. If it is necessary to move objects to permit the continuation of your work, the ASM will provide you with guidance on procedures to accomplish the move in a manner that will least disturb and best preserve the object(s).

Question
We are in the planning stage of a campus project that will involve several phases of ground disturbance. What should we do?

Answer:
The UA Historic Preservation Committee (UAHPC) should be actively involved in the planning process. It is important to submit plans to UAHPC for review during the initial stage of planning. The intent of UAHPC participation is to ensure university compliance with historic preservation statutes. UAHPC can be reached at http://www.statemuseum.arizona.edu/crservices/. Click on UA Discoveries Team Contact Form and leave a message.

Question:
I work at an off-campus UA property. If I find historic or prehistoric artifacts, old rock, adobe or brick foundations, or any other unusual features on the property, what should I do?

Answer:
Report your discovery to the ASM director at 621-6281, or to the ASM cultural resources staff at 621-2096 or 621-4795. If the discovery is not threatened by an impending ground-disturbing project report the discovery by going to http://www.statemuseum.arizona.edu/crservices/. Click on UA Discoveries Team Contact Form and leave a message.

Question:
Can I use my metal detector to search for old coins around a historic structure slated for demolition on university property?

Answer: Occasionally you will see individuals searching for coins with metal detectors on campus lawns. For a number of safety reasons detecting on campus is discouraged, particularly when probes are used. Old coins found on the surface of state land are not protected by historic preservation statutes but can be protected by other state laws. Using digging implements, including probes to unearth coins from historic properties on state lands, is a form of excavation and is prohibited.
Question
I occasionally take my undergraduate classes to Tumamoc Hill, a university-owned property, to study soil-forming processes. Occasionally we dig pits to expose and record soil profiles. Should I be concerned about disturbing cultural resources?

Answer
Yes, there are hundreds of prehistoric and historic sites on UA-owned and controlled lands. The ASM has paper and electronic site records and files and can research your project area to see if any cultural resources have been previously identified. The university is required to protect all cultural resources within its ownership or control. The ASM is happy to assist departments to ensure their compliance with historic preservation statutes.

Question
I work at a UA facility with many known archaeological sites. Someone has recently dug a number of holes on one site and there are piles of broken artifacts at each hole. What should I do?

Answer
Call the ASM director at 621-6281 or the ASM cultural resources staff at 621-2096 or 621-4795. The ASM staff will visit the site with you so they can assess the damage. It is best not to walk on the site, or to remove items that may have been left by the person(s) doing the damage.

Should you see any person collecting artifacts or digging on a site please call 911. Do not attempt to stop any vandalism that you personally witness on your own. Looters often carry firearms. If someone approaches you in the field, act friendly, be polite, and leave the area at your earliest convenience.

Question:
I work for the University of Arizona and recently someone brought in a large collection of decorated pottery shards, an ornate rusted spur, and hundreds of blue glass beads in a plastic coffee can. The owner of the collection wanted to know the age of the objects and how much the collection was worth. What should I do?

Answer:
The value of cultural resources is in the information that they contain. Cultural resources that are removed from their original depositional locations are virtually stripped of their information value, but they are not valueless. Encourage the owner of the collection to contact the ASM director at 621-6281 or the ASM cultural resources staff at 621-2096 or 621-4795. The ASM staff does not appraise collections but is always eager to examine new artifacts and to provide a friendly evaluation of artifact age and importance and other educational information.

Question:
I was walking a series of new transects across my research plots and discovered a human skull exposed in the side of a wash bank. What should I do?
Answer:
Mark the location so you can find it again. Call 911. Law enforcement, in cooperation with the local medical examiner, will evaluate your discovery. Should the skull be identified as historic or prehistoric, the ASM will be notified by the medical examiner. The ASM is responsible for reporting discoveries to groups that claim affinity to certain historic and prehistoric human remains. A decision will be made with the group(s) to leave the remains in place or to remove and repatriate the remains.

This material was prepared by John Madsen, associate curator of archaeology at Arizona State Museum, with assistance from ASM staff Nancy Pearson and Todd Pitezel, 2010.

VANDALISM AND THEFT OF CULTURAL PROPERTIES

Historic and prehistoric sites are plentiful on lands owned or controlled by the University of Arizona. This is vandalized rock art from Tumamoc Hill. Notice the recent chisel marks around the upper bear paw. If you witness someone vandalizing or attempting to remove cultural property, call 911 immediately.

Photo by Peter Boyle.