Indian Affairs - Office of Public Affairs

Media Contact: Carolyn Harris 202/343-5726
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Proposed regulations establishing uniform procedures for federal land managers to protect and conserve archeological resources on public and Indian lands have been published in the Federal Register of January 19, 1981.

The proposed regulations would implement the Archaeological Resources Protection Act (P. L. 96-95) which was signed by President Carter on October 31, 1979.

The Archaeological Resources Protection Act has two major purposes:

1. To protect irreplaceable archeological resources on public and Indian lands which are subject to loss or destruction by persons who excavate, remove, damage, alter or deface them for commercial or personal reasons; and
2. To increase communication and exchange of information among government authorities, the professional archeological community, Native Americans, collectors, and the general public toward the goal of protecting and conserving archeological resources nationwide.

Three major issues are covered in the regulations:

- Archeological resources are defined as material remains of human life or activities at least 100 years old of archeological interest. As authorized by Congress, the regulations expand the Act's definition of "archaeological resource" to clarify it.

- Permits will be issued by federal land managers for the excavation or removal of archeological resources. Excavation and removal must be done in the public interest by qualified persons. Archeological resources located on public, non-Indian lands are the corporate property of the nation, held in trust by the federal government. Archeological resources located on Indian lands remain the property of the Indian tribe or Indian individual having rights of ownership over those lands.

- Persons who receive permits to excavate archeological resources must guarantee that the resource and associated scientific data removed from public or Indian lands receive adequate care and are maintained for the benefit of public and scientific study. A permit for the excavation or removal of logical resources on Indian lands may be issued only after consent from appropriate tribal authority or Indian landowner with direct legal jurisdiction over the lands proposed to be excavated.

Prior to issuing a permit for the excavation or removal of archeological resources located on public, non-Indian lands, the federal land manager is responsible for advising and considering comments from Indian tribal authorities r Indian groups which may have an interest in the resources for cultural or religious purposes. Federal land managers may suspend, revoke, or terminate any permit.

Criminal penalties for violations of the Act can range from a fine of not more than $10,000 and/or imprisonment of not more than one year to a fine of $100.000 and five years in jail.

Public hearings will be held to permit public comment on the regulations.

The schedule of hearings and agency hosts are:

February 7, 1981
University of Illinois Circle Campus Room 509-10
750 S. Halstead Street
Host: National Park Service

February 14, 1981
Marriott Hotel Courtland and International Blvd N.E.
Atlanta, Georgia
Host: Department of Defense

February 21, 1981
Southwestern Indian Polytechnical Institute
9169 Coors Road, N.W.
Albuquerque, New Mexico
Host: Bureau of Indian Affairs

February 28, 1981
Federal Courthouse Room 2007
450 Golden Gate Avenue (Use Turk St. Entrance)
San Francisco, California
Host: Department of Defense

March 7, 1981
Main Auditorium
1011 E. Tudor Road
Anchorage, Alaska
Host: Fish and Wildlife Service

March 14, 1981
Lecture Hall, Bldg. #25
West 6th and Kipling Sts.
Denver Federal Center
Denver, Colorado
Host: Water & Power Resources Service

For more information contact Charles M. McKinney. Task Force Chairman. Heritage Conservation and Recreation Service, U.S. Department of the Interior. 440 G Street. N.W., Washington. D.C. 20243, phone: 202/343-5264.

The public is invited to comment in writing by March 21, 1981.

The proposed regulations were written by an Interagency Task Force established by Secretary Andrus on March 24, 19809 composed of representatives of the Departments of Defense and Agriculture, the Tennessee Valley Authority, and bureaus of the Department of the Interior.