

Dissemination of Cultural Resource Information: Policy and Procedures

October 1991 (revised November 2002)

WHEREAS, Sections 106 and 110 of the National Historic Preservation Act set forth federal policy for the preservation of federally owned or federally impacted sites, structures, and objects of historical, architectural, or archaeological significance; and

WHEREAS, the National Historic Preservation Act requires that information relating to the location or character of historic resources be withheld from disclosure to the public when it is determined that the disclosure of such information may create a substantial risk of harm, theft, or destruction to such resources or to the areas or place where such resources are located; and

WHEREAS, the Archaeological Resources Protection Act requires that information concerning the nature and character of certain archaeological resources not be made available to the public unless the disclosure would further the purposes of the Act and not create a risk of harm to such resources or to the site at which such resources are located; and

WHEREAS, the authority to restrict information about historic and archaeological resources applies to inventories that receive federal assistance under the authority of the National Historical Preservation Act, and such inventories include the survey and inventory data of all State Historic Preservation offices; and

WHEREAS, a statutory objective of the state archaeologist is to preserve archaeological resources; and

WHEREAS, it is a misdemeanor to knowingly appropriate, excavate, injure, or destroy any historical, prehistorical, or archaeological resource on land owned by the state or any county, city and county, city, town, district, or any other political subdivision of the state.

THEREFORE, the Colorado Historical Society's Office of Archaeology and Historic Preservation establishes this policy concerning the access and distribution of cultural resource information.

I. Background

It is in the public interest to protect Colorado's cultural resources. The Office of Archaeology and Historic Preservation (OAH) recognizes this need and therefore restricts access to some cultural resource information. This policy is supported by CRS 24-72-203(1), CRS 24-80-405(2), and the Archaeological Resource Protection Act (ARPA) of 1979 (as amended). Although OAH reserves the right to restrict access to various types of cultural resource data, OAH also recognizes the need of scholars, researchers, archaeology and history contractors, and other public citizens to have access to these files

in order to perform their jobs relating to the identification and protection of cultural resources.

The purpose of this policy is four-fold:

1. Assure that only qualified users have access to restricted information.
2. Maintain a defensible record of who has viewed specific records.
3. Ensure that the user is aware of the appropriate uses and limitations of the records.
4. Follow consistent procedures for accessing all cultural resource information regardless of the format.

The following guidelines concerning access pertain to all cultural resource records at OAHP, including but not limited to forms, documents, maps, images and digital information. A File Access Request must be completed prior to accessing the records. OAHP staff will provide the individual with the requested information based on the guidelines outlined below. Users may not have access to files other than those provided by OAHP staff.

II. Access to Architectural Records

Unless otherwise noted in the records, access to architectural records is unrestricted.

III. Access to Archaeological Records

A. ACCESS BY PROFESSIONAL ARCHAEOLOGISTS

Individuals working as archaeologists on projects meeting at least one of the following criteria may be provided with unrestricted archaeological records:

1. Listed on a current state or federal cultural resource permit.
2. Employed with permanent status under Federal Job Series 193.
3. Employed as an archaeologist for a registered non-profit historic preservation organization.
4. Teaches archaeological classes at a college or university.
5. Graduate student with written justification for access from qualifying faculty - access may be for a limited time.

B. ACCESS BY NON-ARCHAEOLOGISTS

Other individuals may have limited access to archaeological records. The type and extent of data available to these individuals is determined on a case-by-case basis. Information concerning the location of an archaeological site will be provided only in rare cases. Factors influencing the decision to provide information include:

1. The individual's previous archaeological experience.
2. The type of project for which the information is being gathered.
3. The type of information requested.
4. Proposed uses of the data.

C. ACCESS TO DIGITAL INFORMATION

Cultural resource information is available in a digital format to individuals, government agencies, and private organizations. A designated staff member at the organization will be held responsible for the use and distribution of the information. The type and extent of the data provided will be determined on a case-by-case basis with the exact locations of archaeological sites rarely provided.

Factors that influence the decision to provide information include:

1. The proposed uses of the requested information.
2. The ability of the agency to restrict access to the information.

IV. Procedures for Access

A. Walk-in Requests

1. All individuals must complete and sign a *File Access Request* before viewing any cultural resource records, including forms, documents, maps, images, and access to Compass.
2. The assisting staff needs to complete the *Request Tracking and Information Provided* sections of the form.
3. Architectural information (non-archaeological) is unrestricted, but *File Access Request* still needs to be completed.
4. Individuals requesting archaeological locational information must provide, if requested, written documentation supporting their qualifications as outlined in *Dissemination of Cultural Resource Information: Policy and Procedures*. Review and acceptance of these qualifications will be done by an OAH staff archaeologist prior to releasing the restricted information.

B. Database File Searches and Requests for Records to be Sent

1. A *File Access Request* must be completed prior to the release of any cultural resource records. This includes, but is not limited to, computerized searches and requests for information to be sent via mail, fax, or e-mail. The form can be completed by the individual making the request or by the staff member taking down the information from a phone call.
2. The form does not need to be signed if the request excludes exact archaeological site locations or is from an established Colorado archaeologist.
3. Individuals requesting archaeological locational information must provide, if requested, written documentation supporting their qualifications as outlined in *Dissemination of Cultural Resource Information: Policy and Procedures*. Review and acceptance of these qualifications will be done by an OAH staff archaeologist prior to releasing the restricted information. A *File Access Request* may be required.