



## SOCIETY FOR AMERICAN ARCHAEOLOGY

February 20, 2009

The Honorable John L. Nau, III  
Chairman  
Advisory Council on Historic Preservation  
1100 Pennsylvania Avenue NW  
Washington, D.C. 20004

Dear Chairman Nau:

The Society for American Archaeology (SAA) thanks the Advisory Council on Historic Preservation (ACHP) for its hard work and dedication in highlighting the needs of preservation during these momentous times. SAA is concerned, however, that the understandable haste to implement the economic relief package will place great stress upon the preservation compliance system, and that further steps are needed to ensure adequate protections for our cultural resources.

As you know, SAA is an international organization that, since its founding in 1934, has been dedicated to the research about and interpretation and protection of the archaeological heritage of the Americas. With more than 7,500 members, SAA represents professional archaeologists in colleges and universities, museums, government agencies, and the private sector. SAA has members in all 50 states as well as many other nations around the world.

SAA appreciates all of the actions taken by the ACHP over the past several weeks to remind federal agencies of the importance of historic preservation to the overall economic stimulus effort, as well as the need to allocate sufficient resources for Section 106 reviews. However, we judge that the steps taken by the administration to ensure NHPA compliance during implementation of the stimulus package have been cursory, at best, and will prove insufficient to the challenges that State Historic Preservation Officers (SHPO) and Tribal Historic Preservation Officers (THPO) will face in the months ahead.

To be frank, SAA is unconvinced that many of the projects that will be funded by the stimulus bill are truly "shovel-ready", that is, that they have completed all their NEPA and NHPA reviews. The reviews for the vast majority of federal projects and virtually all federal pass-through projects are done using current project funds. Thus it is unlikely that many NEPA or Section 106 reviews were done for projects that had no funds to go to the construction phase in the first place.

Given this, it is possible that agency preservation staff, SHPOs, and THPOs will soon be dealing with an influx of thousands of federal undertakings for review, during a time of great need to proceed to construction as quickly as possible. As you know, for years SHPOs and THPOs received flat federal appropriations. The current economic crisis has also critically reduced the state and tribal share of funding for these offices. There is a strong possibility that the preservation compliance system will be unable to handle the stimulus review workload that is coming.

SAA believes that the solution must entail two things: (1) it must ensure that a portion of the NEPA and NHPA compliance funds for each project is available for use by federal agencies to fund planning and review staff positions, where needed, within the agency itself, as well as the SHPOs and THPOs of concern, and (2) ACHP, agency Federal Preservation Officers, and outside preservation organizations must begin active consultation with each SHPO and THPO to discuss strategies for achieving effective and timely compliance with NEPA and NHPA at the state, tribal, and local levels. In that way, resources and attention can be applied to those areas facing potential review logjams.

We understand that this process will not be easy, but we do not see a realistic alternative to our suggestions. In order to protect the resources, funds from the stimulus for the SHPO and THPO offices are needed and increased consultation must take place. Even if the FY2010 appropriations bill contains more monies for the preservation offices, it is unlikely to be signed into law before this fall, long after the stimulus has made its impact. For that reason the need for action is urgent.

Thank you for your time and attention to this vital issue. SAA looks forward to working with ACHP in the weeks ahead.

Sincerely,

A handwritten signature in black ink, appearing to read "Dan R. Shaw". The signature is fluid and cursive, with a large initial "D" and "S".

President