

TARL POLICY ON SITE LOCATION INFORMATION

Archeological site location information contained in the files at the Texas Archeological Research Laboratory is available to professional archeologists, avocational archeologists, and students connected with secondary and higher education organizations. An archeologist who has not been to TARL previously must present an introductory letter from the contracting firm or agency they work for; a vita or other documentation of their archeological background may be requested. An avocational with a demonstrated need for such data for research purposes and who is not known to TARL staff is asked for a reference from a known archeologist. Students are introduced to TARL staff through their professors. All new researchers are then given a tour of the facility collections and records, instructed on use of office equipment, and given an explanation of the system for documenting their use of TARL materials and costs.

We will provide descriptive location information, but not map plottings, to non-archeologists requesting file searches for their company when it is a small project and they are requesting initial information on cultural resources within that project area. Environmental scientists in the employ of consulting firms/agencies/institutions may be allowed access into TARL Records and may make copies of site location information if their request for that data is approved. If we have not dealt with a person or firm/agency/institution before, we must receive from them a written statement (using their company letterhead) verifying that they fully understand the restricted use of locational information as stated below. To be sure the regulatory agency is aware of the project, we also send a copy of their request and the resulting information to the Archeology Division of the Texas Historical Commission. We include the following statement in our reply to the data request to ensure that they understand this locational information is protected by state law:

Please remember that information regarding site locations should not be made available to the general public, is not for publication or for use in public documents, and is for your company's use only. Site location information is protected by the National Historic Preservation Act of 1966 Title III, Section 304, and by Section 191.004 of the Antiquities Code of Texas. If you have questions regarding this policy please call Carolyn Spock, Head of Records at TARL (512-471-6006) or the Texas Historical Commission, Archeology Division (512-463-6096).

COUNCIL OF TEXAS ARCHEOLOGISTS GUIDELINES FOR CULTURAL RESOURCE MANAGEMENT REPORTS

The following citations in the Council of Texas Archeologists Guidelines for Cultural Resource Management Reports discuss the protection of site locations from disclosure. Though this is taken from the section on cultural resource management reports, the laws relate also to data on file at agencies and repositories.

3.1 Definition of Study Area

The area investigated should be described, and a map included (preferably derived from the USGS 1:24000 scale topographic series) on which the study area is clearly demarcated. If the study area was investigated by means of a representative sample rather than complete coverage, the sampled areas should be described and/or illustrated. Inclusion of exact location of sites is not necessary. In several public laws and implementing regulations (PL 94-458, Section 11; PL 96-95, Section 9; and PL 96-515, Section 304), provisions have been made to protect cultural resources by withholding locational data. Any specific locational information, while necessary for the federal archeologist, the Texas Historical Commission, and the state site files, may be reproduced totally separately from the report and in limited quantity so that distribution may be restricted.

4.1.8 Provision of Site Locations

In general, specific site locations should not be published. If maps or descriptions providing specific site locations are to be included, the distribution and audience of the report should be considered. If it seems likely that vandalism of cultural sites and structures will result from the general dissemination of such information, the site locations should be presented under separate cover and distributed only to the sponsor and to appropriate curatorial and research institutions. All map plottings of site and structure locations provided to such institutions should be capable of correlation with the USGS 1:24000 scale topographic series, and all locational descriptions should include Universal Transverse Mercator grid coordinates (Edwards 1969).

In several public laws and implementing regulations (PL 94-458, Section 11; PL 96-95, Section 9; PL 96-515, Section 304; and the Texas Natural Resources Code, Section 191.004), provisions have been made to protect cultural resources by withholding locational data. Any specific locational information, while necessary for the federal archeologist, the Texas Historical Commission, and the state site files, may be reproduced totally separately from the report and in limited quantity so that distribution may be restricted.

REGULATIONS AND STATUTES

Federal

1966 National Historic Preservation Act (PL 89-665)

1976 National Historic Preservation Act Amendments (PL 94-458)

1979 Archeological Resources Protection Act (PL 96-95)

1980 National Historic Preservation Act Amendments (PL 96-515), Section 304: *Confidentiality of the location of sensitive historic resources:*

(a) **Authority to withhold from disclosure.** The head of a Federal agency or other public official receiving grant assistance pursuant to this Act, after consultation with the Secretary, shall withhold from disclosure to the public, information about the location, character, or ownership of a historic resource if the Secretary and the agency determine that disclosure may

- (1) cause a significant invasion of privacy;
- (2) risk harm to the historic resource; or
- (3) impede the use of a traditional religious site by practitioners.

(b) **Access determination.** When the head of a Federal agency or other public official has determined that information should be withheld from the public pursuant to subsection (a), the Secretary, in consultation with such Federal agency head or official, shall determine who may have access to the information for the purpose of carrying out this Act.

(c) **Consultation with Council.** When the information in question has been developed in the course of an agency's compliance with section 106 or 110(f), the Secretary shall consult with the Council in reaching determinations under subsections (a) and (b).

Additional information prohibiting/protecting against disclosure of site locations may be found in 36CFR296.18.

State

Texas Natural Resources Code: Title 9—Heritage, Chapter 191—Antiquities Code.
Vernon's Texas Civil Statutes.

Texas Antiquities Committee, Office of the State Archeologist General Rules of Practice and Procedures, 355.01.00.001-.017.

Elaborating from the above state citations:

The Antiquities Code of Texas (Revised September 1, 1987), Section 191.004: CERTAIN RECORDS NOT PUBLIC INFORMATION.

- (a) Information specifying the location of any site or item declared to be a state archeological landmark under Subchapter D of this chapter is not public information.
- (b) Information specifying the location or nature of an activity covered by a permit or an application for a permit under this chapter is not public information.
- (c) Information specifying details of a survey to locate state archeological landmarks under this chapter is not public information.

Texas Antiquities Committee Rules of Practice and Procedure, Chapter 41.12, Designation Procedure, Section (j), *Privileged information*: The location of State Archeological landmarks, both designated and non-designated, is not public information. However, inquiries as to the status of specific sites may be disclosed to qualified professionals.