

Dissemination of Cultural Resource Information: Policy and Procedures

October 1991 (revised November 2002; December 2012)

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, History Colorado'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, regardless of format, including but not limited to site forms, documents, maps, images and GIS information. A File Access Request Form 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 Non-Restricted Records

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

III. Access to Restricted Records

Restricted records include Archaeological, Paleontological, and any type of owner restricted information

Individuals working as archaeologists on projects meeting at least one of the following criteria may be provided access to 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.

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

1. The individual's previous cultural resource 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.

If OAHP is unable release our records for any reason, the requestors will be referred to the landowner on record.

IV. Procedures for Access

1. A *File Access Request* form 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. Individuals requesting restricted 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 OAHP staff archaeologist prior to releasing the restricted information.
3. Researchers planning to review information in-house should contact OAHP prior to arrival to ensure the availability of assisting staff and requested information.