

ARTS. PARKS. HISTORY.

Attachment 1

Wyoming Department of State Parks and Cultural Resources

WYOMING STATE HISTORIC PRESERVATION OFFICE

Claudia Nissley

State Historic Preservation Officer

BARRETT BUILDING, 2301 CENTRAL AVE, CHEYENNE, WY 82002

(307) 777-7697

February 25, 2005

Dear Colleagues:

This letter is a follow-up to our January 3, 2005 letter that defined the changes for recording sites. Our intent is that the changes will better serve the State and its resources, streamline the management of resources, and effect a better process without sacrificing the overall mission of the State Department of Cultural Resources. The change was made in conformance with the Wyoming Administrative Procedures Act and in accord with internal management procedures.

Section 101(b)(1)(3) of the National Historic Preservation Act requires that the State Historic Preservation Officer, in cooperation with Federal and State agencies, local governments, and private organizations and individuals, direct and conduct a comprehensive statewide survey of *historic properties* and maintain inventories of such properties (16 U.S.C. 470, emphasis added). The term, historic property, is defined in the statute and its implementing regulations, 36 CFR Part 800, as, "...districts, sites, buildings, structures, and objects **significant** in American history, architecture, archaeology, engineering, and culture" (emphasis added). Historic properties may be listed on or determined eligible for listing on the National Register of Historic Places.

The State of Wyoming maintains, and will continue to maintain, a statewide database that far exceeds the statutory requirement of only entering historic properties. Our database includes all of the cultural resources identified within the State – historic properties plus the cultural resources determined not eligible for the National Register, not evaluated for their eligibility or an isolate. The data in the database is generated by cultural resource specialists and interested citizens conducting inventories and recording the information on one of two forms; a cultural properties form (10 pages) or an isolate form (2 pages).

The previous definition of a prehistoric site was two or more associated artifacts. We do not believe the low number of two associated artifacts is particularly significant in American archaeology and would not necessarily meet the definition and criteria for a historic property. Therefore, we raised the threshold of the definition for a prehistoric site to 15 or more spatially associated artifacts within a 30 meter diameter and for a historic site to 50 or more associated artifacts within a 30 meter diameter. The person observing and recording the cultural resource find in the field must use their best judgment based on their prior experience and knowledge of previously recorded data for that specific geographic area of Wyoming. There may be an extraordinary circumstance that may warrant a cultural properties form to be completed for fourteen associated artifacts or less. If this is the case, we are requesting the recorder to justify their decision on the form.



Dave Freudenthal, Governor

Phil Noble, Director

Cultural features have been recorded as sites under the previous definition and should continue to be recorded as sites under the revised definition. This policy does not alter existing exclusions listed on our website at:

<http://wyoshpo.state.wy.us/shpoweb2002/2002webpages/cpforms.htm>

A *prehistoric* isolate is now defined as 14 or fewer associated artifacts where no buried cultural materials or features are thought to exist.

A *historic* isolate is now defined as 49 or fewer associated artifacts where no buried cultural material or features exist.

It is not necessary to practice extensive subsurface testing to determine whether a subsurface deposit exists. The majority of the National Historic Preservation Act, Section 106 undertakings has an inadvertent discovery clause covering those circumstances when a subsurface discovery is made after construction commences.

We appreciate all of the thoughtful comments submitted that facilitated additional discussion for interpretation of this policy in the field. We hope this letter helps to clarify the majority of comments we received. As always, any additional comments will be welcome.

We ask for your cooperation in implementing this policy.

If you have additional questions, please contact Dr. Mark Miller at (307) 766 - 5564, or me at (307) 777 - 7697.

Sincerely,

Claudia Nissley
Wyoming State Historic Preservation Officer



Dave Freudenthal, Governor
Phil Noble, Director