



Rulemaking: Archaeological Permit on Public Lands

**Public comments received
Sept. 9, 2022, 3:30 pm through Sept. 16, 1:30 pm**



Submit a public comment on a rule

Oregon Parks and Recreation Department

Proposed rule change:

Archaeological Permit on Public Lands

Commenter name (if provided):

Thomas Churchill

Location (if provided): ,

Public comment:

Comments uploaded as an attachment. Thanks!

Date comment received:

September 13, 2022 08:12 AM

Commenter email (if provided):

tecbear50@gmail.com

From: [tecbear](#)
To: [PUBLICCOMMENT * OPRD](#)
Subject: RE: proposed rule change for archaeological permits on public lands
Date: Monday, September 12, 2022 11:59:14 AM

COMMENTS

Section (2)

2(a) changed from a qualified archaeologist employed by to a person for the benefit of; why? Who are you trying to let in that is not a qualified archaeologist? If you have a specific person in mind, such as a graduate student, use that term.

The use of the term “Person or person” in 736-051-0080 makes several sections confusing or inaccurate for me. As defined in 736-051-0070 a “Person” means an individual, a partnership, a public or private corporation, an unincorporated association or any other legal entity. “Person” includes any subsidiary subcontractor, parent company or other affiliate. Business entities are considered affiliates when one controls or has the power to control the other or when both are controlled directly or indirectly by a third person.”

The use of the term person, as defined in 736-051-0070, may fit for 736-051-0080 sections (1) and 2(a) but not (8). The use of the term in section 8 omits the other class of applicants, the qualified archaeologist, from a fast-track permit process.

The current definition for a “Person/person” does not include any connections to that entity’s schooling and/or knowledge of archaeology or archaeological methodology just that they are working for the “benefit of a recognized scientific or educational institution with a view to promoting the knowledge of archaeology or anthropology”. A person requesting an archaeological excavation permit on public land, and private land for that matter, needs to have some connection with the archaeological discipline that is given to verify their professionalism.

If the qualified archaeologist has requirements to meet to get a SHPO archaeological excavation permit; the person conducting an excavation, examination or gathering of such material for the benefit of a recognized scientific or educational institution with a view to promoting the knowledge of archaeology or anthropology needs to have archaeological standard requirements to meet as well.

For “the benefit” seems like a very vague comment, it implies that the person doesn’t even need to be associated with or working for the scientific or educational institution. Do you mean working with or working for the scientific or educational institution; it used to say employed.

Section (3)

Not sure why this is addressed as a separate entity and not just included in the list of permit applicants. Oral archaeological permit; how will these be verified? And how will the conditions and amount of work be defined? No condition mentioned of any documentation relating to the permit to be given back to SHPO; just to notify the location to SHPO. I understand the need for an easy and quick process between SHPO and the LCIS’s Physical Anthropologist; however, their Physical Anthropologist should still need to follow a verifiable

process for applying and completing the conditions of the permit as do the other archaeological permit applicants.

Section (11)

Stopping all field work operations and/or laboratory work for an unknown amount of time is very vague and could be a burden expense to the applicant. What has happened to the pre-fieldwork tribal/applicant agreement about the procedures regarding human remains, funerary objects, sacred objects, or objects of cultural patrimony? This agreement document just needs to now include the-new LCSA Physical Anthropology participation with the process. If a project is halted what is the procedure to restart the project and how long is this process going to take?

Thank you for taking the time to look at my comments.

Thomas E. Churchill

Archaeological Frontiers