

Archaeological Sites and Disclosure Liability



Presented by:

ARCHAEOLOGICAL RESOURCE SERVICE

www.digsmart.com

707-762-2573

DISCLOSURE LIABILITY

Disclosure liability in real estate transactions has recently increased significantly in importance. All manner of potential defects, defaults, inadequacies, or misperceptions can be viewed as undisclosed liabilities. Recently archaeological sites have been seen as disclosable liabilities due to the owners responsibilities under the California Environmental Quality Act. If an archaeological site, historic structure, or other "cultural resource" has been examined as part of an environmental impact report, or if it was reported to the University of California Archaeological Site Survey prior to 1970, or the Office of Historic Preservation more recently, it has been recorded with the State of California and given a standard record number. Three questions arise:

- > How do I find out if an archaeological site has been found on a parcel?
- > How do I find out if someone looked for an archaeological site and did not find one?
- > What effect will the presence of an archaeological site have on my planning decisions?

THE ““OFFICIAL”” APPROACH

As organized, all information pertinent to archaeological site distribution is held by the Regional Office of the California Archaeological Site Inventory. If you want an answer to either of the first two questions, you can call this office, request a list of consultants to hire, have your consultant commission a literature search, wait two to four weeks. Eventually you will receive a short letter and an invoice. The size of the invoice depends on the "complexity" of your parcel. The letter will tell you whether or not an archaeological site has been recorded on or near the parcel in question, but only if you know how to read it (Figure 1).

FIGURE 1 PART OF A TYPICAL RESPONSE LETTER FROM THE REGIONAL OFFICE OF THE CALIFORNIA HISTORIC SITES INVENTORY

Records at this office of the California Archaeological Inventory were reviewed to determine if this project could adversely affect prehistoric or historic archaeological resources. This review did not take into account the possibility of sites of architectural importance. However, the Office of Historic Preservation has determined that buildings and structures 45 years or older may be of historic value. Therefore, if the project area contains such properties they should be evaluated prior to commencement of project activities. Please contact our office for a list of professional consultants.

_____ The proposed project area contains or is adjacent to the archaeological resource(s) (_____). A study is recommended.

The proposed project area has the possibility of containing archaeological resources. A study is recommended.

_____ Study # _____ identified one or more archaeological or other cultural resources. The recommendations from the report are attached.

_____ Study # _____ identified no archaeological resources. Further study for archaeological resources is not recommended.

_____ There is a low possibility of archaeological sites. Further study for archaeological resources is not recommended.

_____ Comments:

In all cases, if archaeological resources are encountered during the project, work in the immediate vicinity of the finds should be halted until a qualified Archaeologist has evaluated the situation. If you have any questions, please give us a call...

NEED FOR AN ALTERNATIVE

As organized, the present Regional Office system is inefficient, inaccurate, costly and slow. The information processing is currently undertaken by undergraduates and

graduate students. These individuals are not considered professionally qualified to undertake the work that they evaluate. This lack of experience has led to major errors in information processing, costing time and money. Currently county and state policies recognize the Regional Office as the primary source of archaeological information. This defacto monopoly has led to abuses, unnecessarily high processing costs, and a deterioration of the archaeological record.

An alternative solution is available by contracting with a professional archaeologist, recognized by their membership in, and certification by the Society of Professional Archaeologists (SOPA), to evaluate the same information the Regional Office staff would use. A savings of time and money can be achieved by doing multiple project literature checks and spreading the \$60.00 per hour (or fraction) Regional Office fee among several projects. This is offset by the fee charged by the professional to gather and evaluate the work. The cost of this approach will be no higher than the Regional Office fee, and should be of higher quality due to the evaluation by an experienced professional. This approach is still time consuming and expensive.

THE SOLUTION, THE PASTFINDER SYSTEM

In order to resolve the inherent problems of the Regional Office system, an alternative is needed. Private enterprise has undertaken the tasks of the Regional Offices, and can accomplish these tasks more efficiently, less expensively, and more accurately with the PastFinder system. This has been achieved by using qualified professional staff, not utilizing student labor in tasks requiring professional judgment. Efficiency has been achieved by computerizing the data processing, allowing literature checks to be accomplished in minutes instead of days or weeks. This efficiency allows better service at a lower cost.

By computerizing the available information into a data base we have made it possible to produce higher quality literature searches in a minimum of time. We are making this information available through very rapid mail, or FAX inquiries. Inquiries are received and channeled to the first available technician. The technician can identify the parcel, query the database, and report the information to the client. This can be accomplished by an immediate fax copy of the information summary. A hard copy of the summary can also be mailed to the client on the same day. If necessary, the information can be sent by courier or FedEx if requested (at extra cost.)

BACKGROUND OF THE AUTHORS

William Roop and Katherine Flynn have been partners in Archaeological Resource Service since 1974. Recently Ms. Flynn has formed Abacus Archaeological Associates as a Women's Business Enterprise.

During the past 20+ years, Archaeological Resource Service has evaluated cultural resources throughout northern and central California. The firm has completed over 2500 consultations in the State of California since January 1975. These projects have included all aspects of cultural resource management.

The extensive regional experience of Archaeological Resource Service has given us the technical expertise to provide quick and accurate service to all clients. We maintain and continually update our data base so that we can accurately assess:

- > The distribution of cultural resources within any specific property;
- > The composition and integrity of discovered cultural resources;
- > Eligibility of specific resources to the National Register of Historic Places or other local, county or state historic registers.
- > Appropriate measures to avoid or mitigate potential impacts to cultural resources.

Since 1973 Archaeological Resource Service has provided input on municipal and county general plan elements, assessments of archaeological sensitivity, cultural resource assessment, and general consultation on regional modeling of cultural resource distribution and function.