

**FISH AND WILDLIFE SERVICE  
NATURAL AND CULTURAL RESOURCES MANAGEMENT**

**Natural and Cultural Resources Management**

**Part 614 Cultural Resources Management**

**Chapter 4 Authorization to Use Cultural Resources for Research and Study**

**614 FW 4**

**4.1 What is the purpose of this chapter?** This chapter provides the U.S. Fish and Wildlife Service's (Service) policy and procedures for:

- A. Authorizing people to use cultural resources from Service lands, and
- B. Administering research permits and the resulting products according to Federal regulations and Departmental guidance.

**4.2 What are the objectives of this chapter?** Our objectives are to:

- A. Facilitate appropriate scientific use of cultural resources on Service lands, and
- B. Ensure that collections of archaeological materials removed from our lands and the records relating to them are stored and used appropriately.

**4.3 What are the authorities, definitions of terms, and responsibilities for this chapter?**

See 614 FW 1 for information about the authorities, terms used, and responsibilities for all the chapters in Part 614.

**4.4 What are the types of permits the Service issues for people researching and performing studies on cultural resources, who issues them, and what are the criteria?** If someone wants to research or study archaeological resources located on lands under Service control, he/she may need to get a permit.

**A. Types of permits:**

(1) There are two types of permits we issue that are associated with research—permits under the Archaeological Resources Protection Act (ARPA) and Special Use Permits (SUP).

(a) The Regional Historic Preservation Officer (RHPO) administers ARPA permits for archaeological researchers.

(b) The Project Leader/Field Station Manager issues and administers SUPs for a specific special use.

(2) The Project Leader/Field Station Manager has to issue an SUP when an applicant acquires a permit under ARPA for work on Service lands.

(3) The Project Leader/Field Station Manager may:

(a) Restrict activities by attaching special provisions to the SUP, such as refusing access to specific sites or areas and specifying the time period during which work may be performed, and

(b) Use the SUP to require the applicant to submit reports about the research and studies they are performing.

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(4) When combined with an ARPA permit, the Project Leader/Field Station Manager cannot use an SUP to authorize work not specified in the other permit.

(5) The Regional Director may suspend or terminate ARPA permits. Project Leaders/Field Station Managers may recommend suspension or termination of ARPA permits to the Regional Director, and may terminate or suspend SUPs, as appropriate, to protect resources. The Project Leader/Field Station Manager should work with the RHPO on any restrictions he/she is adding to a permit.

**B. Who issues the permit:**

(1) Only the Regional Director or his/her designee may issue permits for work authorized under the ARPA.

(2) Project Leaders/Field Station Managers issue SUPs or similar authorizations for other studies.

(3) The RHPO reviews permit applications and advises the Regional Director and Project Leader/Field Station Manager about whether or not to issue these permits.

**C. What the permit ensures:** A permit ensures that only qualified personnel and institutions carry out research projects, excavations, and studies of our resources. Those seeking a permit must have the education and experience commensurate and in accordance with existing professional standards (e.g., for archaeology the Service uses the Secretary of the Interior's "Standards for Archaeology and Historic Preservation"). They must also provide a reasonable research strategy to the Service for review that includes detailed information on how the work will be executed. It should also emphasize securing an appropriate curation repository for any materials that the permit allows them to recover.

**D. What to look for when reviewing a permit:**

(1) Since many methods used in investigating archaeological resources are destructive and result in the irretrievable loss of the resource, the RHPO and the Project Leader/Field Station Manager must carefully review applicant qualifications, the goals and objectives of the research project, and the proposed products and methods of care for any materials that will result from their work.

(2) The proposed work should:

(a) Further knowledge of the resources and benefit the public interest, and

(b) Be consistent with the evaluation and planning requirements for work conducted under Section 106 of the National Historic Preservation Act (NHPA) or other applicable authority.

(3) The applicant should define the work and provide a detailed research design that:

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(a) Accounts for all aspects of the investigation, including the curation and proper storage of any collections resulting from work conducted under the permit, and

(b) Identifies clear deliverables to the Service.

(4) The scheduling of the work should take into account other work being performed on the site, status of the land being examined (i.e., Is it opened or closed to the public?), and other management needs for preserving wildlife and habitat.

**4.5 Are there instances where these permits are not required?**

A. Permits under ARPA are typically not issued when:

(1) The study or research is conducted by an institution under a contract issued in accordance with Federal procurement regulations (e.g., for work contracted and managed by the Service as part of its NHPA Section 106 compliance).

(2) The work is conducted by a Service archaeologist, historian, or other subject matter expert at the request of a Project Leader/Field Station Manager.

(3) The study or research will not be destructive. In this case, an SUP is still required, and the Regional Director may also still choose to require an ARPA permit.

B. The RHPO must review all contracted archaeological work, regardless of whether or not a permit is required.

C. Though a permit is not required in the situations we describe in section 4.5A, the following must still be in place:

(1) Professional standards and practices,

(2) Strategies for research and recovery, and

(3) An appropriate plan for curation of any materials recovered.

**4.6 What happens if an activity proposed in a permit might have a harmful effect on a site that has tribal religious or cultural importance to Native American tribes, Native Hawaiians, or Alaska natives?** If we determine that a proposed activity may have a harmful effect on a site that has religious or cultural importance to Native American tribes, Native Hawaiians, or Alaska natives (called “tribes/native organizations” in the remainder of this chapter), the Project Leader/Field Station Manager must consult with the tribe/native organization before authorizing the work (see 614 FW 6 for details).

A. Service ARPA permits must include a Plan of Action (POA) in case human remains are identified during work. The Native American Graves Protection and Repatriation Act (NAGPRA) allows for the intentional removal or excavation of cultural items from Federal lands:

(1) If it is done under the permitting requirements of Section 4 of ARPA, and

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**(2)** After the Service has formally consulted with the tribe/native organization and documented our consultation.

**B.** After any human remains are removed or excavated, the Service will address disposition using the requirements in Section 3 of NAGPRA and its regulations.

**4.7 What happens after the Service issues a permit under the ARPA?** The Project Leader/Field Station Manager and the RHPO should regularly review these permits.

**A.** If required, the permittee or the Regional Director may request a modification to the permit during the period of coverage.

**B.** The Regional Director may also suspend a permit if a permittee fails to meet the stipulations in it (e.g., if the permittee does not produce the deliverables identified in the permit).

**4.8 Where can employees find more information about permitting related to cultural resources?**

**A.** You can find procedures on applications for approval and denial of permits for cultural resource activities on the [Service Cultural Resources Web site](#).

**B.** Project Leaders/Field Station Managers should rely on their RHPO for professional guidance and to review permit applications, to help with development of permitting standards for the Region (which may include additional requirements for applicants (e.g., insurance bonds), and to help monitor performance under the permit.

/sgd/ Stephen Guertin  
DEPUTY DIRECTOR

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