

ARCHAEOLOGICAL REVIEW PROCEDURE

Adopted by Resolution November 14, 1985, Amended by Resolution August 21, 2010 effective Noon, January 10, 2011

I Intent

The following archaeological review procedure shall apply to all proposed construction projects on property owned by the City of Pensacola and identified on the attached map. This procedure is patterned after the Federal archaeological review procedure established in Section 106 of the national Historic Preservation Act of 1966. The procedure is designed to identify, evaluate and preserve the limited non-renewable archaeological remains and artifacts on City-owned property. Where possible, the intent of this policy is to undertake the review procedure in early stages of project planning so that no construction delays occur.

II Responsibility

The Mayor shall be responsible for coordinating the archaeological review procedure for City-owned property. Technical assistance in the review procedure shall be provided by a professional archaeologist meeting the standards of the Society of Professional Archaeology and having substantial experience in the archaeology and history of Pensacola. Said archaeologist will be appointed by the City Council to serve in this capacity.

III Procedure

A. Initial Determination. Prior to the development of preliminary plans for proposed construction projects on City-owned property, the Mayor and the appointed Archaeologist shall confer to review the nature and extent of the ground disturbance associated with the project. Proposed construction projects include but are not limited to building construction, renovation, additions, landscaping underground utility activities, and disturbances within street rights-of-way.

B. Review of Project Impact. Based on the preliminary review required in III.A. above, if the proposed project is determined not to cause ground disturbance to the property, or there is no potential for archaeological deposits, then the archaeological review procedure will not be undertaken. If the proposed project is determined to cause ground disturbance to the property and there is a potential for archaeological deposits then the following review procedure shall be initiated.

1. The Mayor shall work with the appointed Archaeologist to determine if the site proposed for development contains significant archaeological resources. The criteria used to make this determination shall include, but not be limited to:

- a) National Register of Historic Places Criteria set forth in 36CFR800.10 which include sites:
 - (1) That are associated with events that have made a significant contribution to the broad patterns of our history; or
 - (2) That are associated with the lives of persons significant in our past; or
 - (3) That embody the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or
 - (4) That have yielded, or may be likely to yield, information important in prehistory or history
 - b) Inventory of significant archaeological sites identified by the Florida Bureau of Archaeological Research; and
 - c) Field survey of City-owned properties for possible archaeological potential prepared by UWF Archaeology Department.
2. If the presence of archaeological deposits is unknown and the location is at least of moderate potential for archaeological sites, a field assessment survey and possible testing (limited exploratory excavation) of that property shall be conducted, subject to the approval of the Mayor.
 3. Determination of Effect. For each property determined to contain significant archaeological resources, the appointed Archaeologist and the Mayor shall determine if the proposed project will affect the archaeological resources. The findings of effect shall include: 1) no adverse effect, or 2) adverse effect. If the findings indicate no adverse effect, then the archaeological review procedure stops. If the findings indicate an adverse effect, then a preliminary case report stating such findings shall be prepared.

4. Preliminary Case Report. The appointed Archaeologist shall prepare a written preliminary report presenting the archaeological significance of the site, the determination of effect findings and the recommended archaeological activity, if any, to preserve the archaeological resources. This report shall be forwarded to the Mayor and the State Historic Preservation Office for comments.
 - a) Contents of the report shall address: a verification of the legal and historical status of the property; an assessment of the historical, architectural, archaeological, or cultural significance of the property; a statement indicating the special value of features to be most affected by the undertaking; an evaluation of the total effect of the undertaking upon the property; a critical review of any known feasible and prudent alternatives and recommendations to remove or mitigate the adverse effect.
5. Memorandum of Agreement. In consultation with Mayor and the appointed Archaeologist, a proposed memorandum of agreement shall be prepared specifying actions to be taken to avoid or mitigate any adverse effects. Estimates of costs for such actions proposed to avoid or mitigate adverse effects shall be addressed in the memorandum. The proposed memorandum of agreement will be presented to the City Council for review and approval.

IV. Funding

- A. Public Lands. All archaeological activities established in this policy shall be funded by the City, or in the case of a leased site, the assigned leasee
 1. Initial determination, review of project impact and preliminary case report activities performed by the appointed Archaeologist will be compensated through a limited work-as-needed contract approved by the Mayor.
 2. Funding for implementing memorandums of agreement shall be decided on a case-by-case basis by the City Council.
 3. Funding from other sources, such as the State of Florida and private sources to undertake archaeological activities will also be pursued by the City and appointed Archaeologist.

V. Prohibitions

It shall be the policy of the City Council to prohibit the search for and/or removal of any archaeological material greater than 50 years old on City property. If such removal occurs, it will be considered a theft. This prohibition includes employees of the City and contractors working on City-owned property.

VI. Disposition of Archaeological Materials

All archaeological materials excavated under this policy shall become the property of the City of Pensacola. Such materials shall be housed in facilities that meet the standards set forth in the Society for American Archaeology Standards for Quality Control. While such materials cannot be sold, the materials may be loaned or donated to appropriate State or non-profit associations with standard curatorial facilities.

VII. Archaeological Review of Private Property

The appointed Archaeologist shall be informed of all meetings of the Architectural Review Board and the Planning Board in order to monitor the sub-surface impact of proposed private construction projects and make suggestions to the owners and/or developers of the project site to perform voluntary archaeological activities. All archaeological activities suggested by the appointed Archaeologist and agreed to by the private property owner shall be funded by the private property owner.

VIII Definitions

- A. **Impacted area** – the land area, or areas, where land may be disturbed or the environment changed in such a way as to effect their historic value.
- B. **Significant date** – data that can be used to answer research questions, including questions of present importance to scholars and questions that may be posted in the future.
- C. **Archaeological data** – material remains (artifacts, refuse, etc.) produced purposely or accidentally by human beings, and in the spatial relationships among such remains.
- D. **Archaeological artifacts** – objects made or used by humans in historic or prehistoric times greater than 50 years old.
- E. **Ecofacts** – plant and animal remains associated with past human activities.

NOTE:

This procedure was amended by adoption of Resolution No. 3-88 on January 14, 1988 so as to extend the application of such procedures to all public rights-of-way within the boundaries of the City of Pensacola which are maintained by the City government.

CONTINGENCY – CONSTRUCTION PROJECTS

Adopted by Council Action June 9, 1988; Amended by Resolution August 21, 2010 effective Noon,
January 10, 2011

Mayor may approve change orders on construction projects in a total amount not to exceed five percent (5%) of the original award of bid.