



ADMINISTRATIVE PROCEDURES

Procedure Number: 34-1
Effective Date: January 1, 2016
Revision Date: _____

C. DeLuca

County Administrator

SUBJECT: PROTECTION OF CULTURAL RESOURCES, REVIEW AND COMPLIANCE

DEPARTMENT RESPONSIBLE: Office of Sustainability and Conservation, Cultural Resources and Historic Preservation Division

I. PURPOSE

The purpose of this Administrative Procedure is to provide the review and compliance process to carry out the intent of Board of Supervisors Policy C3.17 for the protection of cultural resources. The protection of cultural resources is an integral part of planning and design for Pima County (County) projects, and projects by the County or others on County property, prior to the initiation of project ground disturbance or construction.

II. DEFINITIONS

Cultural Resources are material remains or places that are the products of human behavior in the past and that exist in the present, including human remains, prehistoric and historic archaeological sites and objects, historic sites, districts, buildings and structures, and other material remains resulting from human actions, which in general are more than 50 years old; and traditional cultural places, which are places associated with the cultural practices or beliefs of a historically rooted living community.

Division is the Cultural Resources and Historic Preservation Division of the Office of Sustainability and Conservation.

Significant Cultural Resources are cultural resources that are eligible to or listed in the Pima County Register of Cultural Resources, or are eligible to or listed in the Arizona Register of Historic Places, or are eligible to or listed in the National Register of Historic Places.

III. CULTURAL RESOURCES REVIEW AND COMPLIANCE

Pima County requires that any County project or any project on County property with a potential to impact cultural resources must take into account and mitigate the negative effects of that project on cultural resources through avoidance, minimization, or mitigation, prior to the initiation of project construction. In general the cultural resources review and compliance process involves a number of successive steps, not all of which will be required for every project.

Only Division staff permitted under the Arizona Antiquities Act (A.R.S. 41-841 et. seq.), or qualified individuals with relevant cultural resource management experience under the

supervision of permitted staff, will review cultural resources compliance actions, as enumerated below in this section, to ensure that the actions and compliance process are implemented to contemporary professional standards.

1. Records Check: The Division will review its cultural resources records to determine whether or not the project area has previously been surveyed for cultural resources. If the records check indicates that the project area has been field surveyed to contemporary professional standards and no significant cultural resources were recorded, the Division may issue a written clearance statement that compliance requirements have been met and the project may proceed.

2. Field Inventory Survey: If the records check indicates that the project area has not been surveyed, or was surveyed using less than contemporary professional standards, then a cultural resources field survey may be required to identify any cultural resources within the project area. If the field survey finds no significant cultural resources, the Division may issue a written clearance statement that compliance requirements have been met and the project may proceed.

3. Monitoring: The Division may, based on its professional knowledge and opinion, require cultural resources monitoring for any project if there is a reasonable likelihood that a project has the potential to impact cultural resources.

4. Mitigation: If a project has the potential to impact significant cultural resources the Division will require that an appropriate mitigation treatment plan is prepared and implemented. Upon the completion of acceptable cultural resources treatment the Division may issue a written clearance statement that compliance requirements have been met and the project may proceed.

5. Discovery of Cultural Resources: If any cultural resource is discovered during construction on a County project or on a project being conducted on County property, work will immediately stop in the area of discovery. The Division will be notified and will determine a suitable course of action regarding the discovery.

6. Discovery of Human Burial Or Cremation Remains: In the event that human remains, including human skeletal remains, cremations, and/or ceremonial objects and funerary objects are found during excavation or construction, ground disturbing activities must cease in the immediate vicinity of the discovery. State laws A.R.S. §§ 41-865 and 41-844 require that the Arizona State Museum be notified of the discovery so that cultural groups who claim cultural or religious affinity to the remains can make appropriate arrangements for repatriation and reburial. The human remains will be removed from the project area by a professional archaeologist pending consultation and review by the Arizona State Museum and the concerned cultural groups.

7. State or Federal Cultural Resources Compliance: Should any County project or any project on County property require State or Federal cultural resources compliance, the Division will be responsible for ensuring that the State or Federal cultural resources compliance requirements are met.

IV. RESPONSIBILITIES

To successfully implement Board of Supervisors Policy C3.17 and these Administrative Procedures, the Division is responsible for:

1. Protecting cultural resources on County property.
2. Cultural resources review and compliance actions for County projects by all County Departments or for any project on County property.
3. Ensuring cultural resources review and compliance pursuant to Pima County Board of Supervisor's actions and to comply with Pima County code, policies, and procedures.
4. Maintaining the Pima County cultural resources databases and records, and the confidentiality of information as required under Arizona State law or Federal law.
5. Determining whether or not to accept cultural resources conservation easements on non-County property from third parties, and the conditions to be included in the cultural resources conservation easement.
6. Cultural resources inventory, monitoring and management on County property.
7. Obtaining and implementing any grants to the County for cultural resources identification, assessment, and documentation.
8. Administering the terms of the County's Certified Local Government and other Agreements with the Arizona State Historic Preservation Office.
9. Establishing and maintaining a Pima County Register of Cultural Resources.
10. Implementing the cultural resources elements of the Sonoran Desert Conservation Plan, the Sustainable Action Plan, Pima Prospers, and future plans approved by the County Board of Supervisors.
11. Reviewing applications by third parties wishing to conduct independent cultural resources research investigations on County property, ensure that the proposed research is acceptable to the Division, and determine whether or not the Division will grant permission for the research to proceed and the conditions under which the research will be conducted.
12. Ensuring that at least one Division employee is permitted under the Arizona Antiquities Act at all times.