



Archaeological Resource Investigations

INTRODUCTION TO ARCHAEOLOGICAL DAMAGE ASSESSMENT

Class Description

The Archaeological Resources Protection Act of 1979 (ARPA) requires assessment of archaeological damages for criminal prosecutions and civil penalties under the act. These assessments also are required for sentencing for archaeological violations under the new Cultural Heritage Guideline recently adopted by the United States Sentencing Commission. Archaeologists who may be called upon to provide assistance in archaeological violation cases on federal and Indian lands must be prepared to assess damages according to the legal standards established by ARPA and the act's uniform regulations. The ARPA archaeological damage assessment procedures also can be used effectively in dealing with violations of other laws, such as state archaeological protection statutes.

Archaeological Resource Investigations' day and a half Introduction to Archaeological Damage Assessment Class provides a basic introduction to the damage assessment process and related topics. The instructors for the class, Archaeologist Martin McAllister and Assistant United States Attorney Wayne Dance, are the recognized national experts on archaeological damage assessment. Topics covered in the class are:

- The Legal Basis for Archaeological Damage Assessment in the ARPA Statute and the ARPA Uniform Regulations
- ARPA Archaeological Damage Assessment Procedures and ARPA Damage Assessment Report Content
- The Society for American Archaeology Professional Standards for the Determination of Archaeological Value
- The Role of the Archaeologist in Case Prosecution
- Expert Witnesses and Expert Opinion Evidence in Federal Court
- Defense Issues in Archaeological Violation Cases
- Federal Sentencing Guidelines and the New Cultural Heritage Guideline
- The Archaeological Resource Investigations Five-Day Archaeological Damage Assessment Class

The targeted participants for the class are professional archaeologists employed by federal, tribal and state land management agencies and professional contract archaeologists who may be called upon to carry out archaeological damage assessment.



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Instruction By:
Martin McAllister, Archaeologist Instructor
and
Wayne Dance, Attorney Instructor

Class Schedule

Day 1:

- 8:00 - 9:00** Welcome, Introductions, and Discussion of Class Goals and Schedule: Class Host Representative(s), Mr. McAllister, Mr. Dance and Participants
- 9:00 - 10:00** The Legal Basis for Archaeological Damage Assessment in the ARPA Statute and the ARPA Uniform Regulations: Mr. Dance
- 10:00 - 12:00** ARPA Archaeological Damage Assessment Procedures and ARPA Damage Assessment Report Content: Mr. McAllister
- 12:00 - 1:00** Lunch
- 1:00 - 3:00** ARPA Archaeological Damage Assessment Procedures and ARPA Damage Assessment Report Content Continued: Mr. McAllister
- 3:00 - 4:00** The Society for American Archaeology Professional Standards for the Determination of Archaeological Value: Mr. McAllister and Mr. Dance
- 4:00 - 5:00** The Role of the Archaeologist in Case Prosecution: Mr. Dance

Day 2:

- 8:00 - 9:00** Expert Witnesses and Expert Opinion Evidence in Federal Court: Mr. Dance
- 9:00 - 10:00** Defense Issues in Archaeological Violation Cases: Mr. Dance
- 10:00 - 11:00** Federal Sentencing Guidelines and the New Cultural Heritage Guideline: Mr. Dance
- 11:00 - 11:30** The ARI Five-Day Archaeological Damage Assessment Class: Mr. McAllister and Mr. Dance
- 11:30 - 12:00** Written Critiques and Class Conclusion: Participants, Mr. McAllister, Mr. Dance and Class Host Representative (s)