

FEDERAL HISTORIC PRESERVATION LAWS

- 1906 - **Antiquities Act** (P.L. 59-209) Established protection over any "historic or prehistoric ruin or monument, or any object of antiquity situated on government lands . . ."; required permits for their removal. Secretary of the Interior charged with responsibility.
- 1935 - **Historic Sites Act** (P.L. 74-292) Congress declared that "it is a national policy to preserve for public use historic sites, buildings, and objects of significance . . ." Act empowers the Secretary of the Interior through the National Park Service to conduct surveys, publish studies and otherwise encourage the preservation of historic properties not federally funded.
- 1960 - **Reservoir Act** (P.O. 86-523) Gave Department of the Interior through the National Park Service major responsibility for preservation of archeological data that might be lost specifically through dam construction.
- 1966 - **Historic Preservation Act** (P.O. 89-665) Established Advisory Council, expanded National Register. Pledged federal assistance to preservation efforts of state and local groups. Advisory Council given responsibility to comment on effect of federal undertakings on national Register properties.
- 1970 - **National Environmental Policy Act** (P.L. 91-190) Title I, Section 101(b), "...it is the continuing responsibility of the federal government to use all practicable means...to reserve important historic, cultural and natural aspects of our national heritage..." Under Title 1, Section 102(2)(c), federal agencies were to prepare environmental impact statements for each major federal action having an effect on the environment.
- 1971 - **Executive Order 11593** "Protection and Enhancement of the Cultural Environment". Charged federal agencies with responsibility to survey all lands and nominate properties to the Register. Requires Secretary of the Interior to advise other federal agencies in matters pertaining to the identification and evaluation of historic properties located on lands under their jurisdictions.
- 1974 - **Archeological and Historic Preservation Act** (P.L. 93-291) Amends the Reservoir Salvage Act of 1960. Secretary of the Interior to be responsible for coordinating and administering a nationwide program for recovery, protection, and preservation of scientific, prehistoric, and historic data.
- 1979 - **Archeological Resources Protection Act** (P.L. 96-95) Establishes stricter fines and penalties for disturbance of archeological resources on Federal Lands. New procedures for permitting studies of archeological resources. Clarifies definition of archeological sites and objects.

Applicable Codes of Federal Regulations

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CFR	VIOLATION	COLLATERAL
261.8(b)	Possessing a firearm or other implement designed to discharge a missile capable of destroying animal life.	\$100
261.8(c)	Possessing equipment which could be used for hunting, fishing, or trapping.	\$100
261.8(d)	Possessing a dog not on a leash or otherwise confined.	\$50
261.8(e)	Curtail the free movement of any animal or plant life into or out of a cave, except as authorized to protect a cave resource.	\$100
36CFR261.9	Property	
	The following are prohibited:	
261.9(a)	Damaging any natural feature or other property of the United States	\$250
261.9(b)	Removing any natural features or other property of the United States	\$250
261.9(c)	Damaging any plant that is classified as a threatened, endangered, sensitive, rare, or unique species.	\$200
261.9(d)	Removing any plant that is classified as a threatened, endangered, sensitive, rare, or unique species.	\$200
261.9(e)	Entering any building, structure, or enclosed area owned or controlled by the United States when such building, structure, or enclosed area is to open to the public.	\$250
261.9.(f)	Using any pesticide except for personal use as an insect repellent or as provided by special-use authorization for other minor uses.	Mandatory Appearance
261.9(g)	Digging in, excavating, disturbing, injuring, destroying, or in any way damaging any prehistoric, historic, or archaeological resource, structure, site, artifact, or property.	Mandatory Appearance
261.9(h)	Removing any prehistoric, historic, or archaeological resource, structure site, artifact, or property.	\$250
261.9(i)	Excavating, damaging, or removing any vertebrate fossil or removing any paleontological resource for commercial purposes without a special use authorization	Mandatory Appearance

Applicable Codes of Federal Regulations

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CFR	VIOLATION	COLLATERAL
261.9(j)	Excavating, damaging, or removing any cave resource from a cave without a special use authorization, or removing any cave resource for commercial purposes.	\$250
36CFR261.10	Occupancy and use	
	The following are prohibited:	
261.10(a)	Constructing, placing, or maintaining any kind of road, trail, structure, fence, enclosure, communication equipment, or other improvement on National Forest System land or facilities without a special-use authorization, contract, or approved operating plan.	\$200
261.10(b)	Taking possession of, occupying, or otherwise using National Forest System lands for residential purposes without a special-use authorization, or as otherwise authorized by Federal law or regulation.	\$250
261.10(c)	Selling or offering for sale any merchandise or conducting any kind of work activity or service unless authorized by Federal law, regulation, or special-use authorization. I. Selling II. Work activity or service	\$100 \$200
261.10(d)	Discharging a firearm or any other implement capable of taking human life, causing injury, or damaging property as follows: (1) In or within 150 yards of a residence, building, campsite, developed recreation site or occupied area, or (2) Across or on a Forest Development road or a body of water adjacent thereto, or in any manner or place whereby any person or property is exposed to injury or damage as a result in such discharge. (3) Into or within any cave.	\$150
261.10(e)	Abandoning any personal property	\$100
261.10(f)	Placing a vehicle or other object in such a manner that it is an impediment or hazard to the safety or convenience of any person.	\$50
261.10(g)	Commercial distribution of printed material without a special use authorization.	\$50
261.10(h)	When commercially distributing printed material, delaying, halting, or preventing administrative use of an area by the Forest Service or other scheduled or existing uses or activities on National Forest System lands; misrepresenting the purposes of affiliations of those selling or distributing the material; or misrepresenting the availability of the material without cost.	\$100