

DISTRICT OF COLUMBIA MUNICIPAL REGULATIONS
TITLE 10A HISTORIC PRESERVATION

CHAPTER 5 ARCHAEOLOGICAL RESOURCES

Secs.	
500	General Provisions
501	Historic Properties Designated for Archaeological Significance
502	Historic Properties with Potential Archaeological Significance
503	Projects Involving a Public Hearing by the Mayor's Agent

500 GENERAL PROVISIONS

Both the D.C. Inventory and National Register provide for the designation of historic and prehistoric archaeological sites, and both include properties in the District of Columbia designated for their archaeological significance. In addition, some properties designated largely for reasons of architectural or historical significance also possess archaeological significance. However, for the majority of designated properties, including historic districts, the potential for significant archaeological remains has not been fully evaluated.

In reviewing proposed work under the Historic Protection Act (D.C. Official Code §§ 6-1104 through 6-1108), the Mayor's Agent and Review Board shall consider impacts on designated archaeological sites that may be affected by ground disturbance.

The Board and staff may also consider potential archaeological sites during the conceptual or preliminary design review processes. The goal of this review is to identify, protect, and when appropriate allow for the recovery of information on archaeological heritage of the District of Columbia that may be adversely affected by construction or development.

501 HISTORIC PROPERTIES DESIGNATED FOR ARCHAEOLOGICAL SIGNIFICANCE

For properties designated solely or in part for their archaeological significance, the Board and staff shall determine the effect of the proposed work on the designated archaeological features, and shall recommend an appropriate treatment consistent with the Guidelines for Archaeological Investigations in the District of Columbia ("Archaeological Guidelines"), as prepared by the staff.

Upon receipt of a permit or conceptual review application affecting a property designated for archaeological significance, the staff shall determine in consultation with the applicant if the proposed work is likely to affect any archaeological site on the property. The staff shall consult with the applicant with the objective of reaching agreement on an appropriate treatment for the affected archaeological site, consistent with the Archaeological Guidelines.

Dependent on the circumstances, appropriate treatments may include avoiding disturbance of the site, archaeological testing, or excavation and recovery of artifacts and data. If the staff and applicant reach agreement, the staff may approve work covered by the delegation of authority in Chapter 3.

The staff shall determine whether review by the Board is appropriate, depending on the significance of the property and the circumstances of the case. If the staff and applicant are unable to reach agreement on a scope of work, the staff shall refer the case to the Board for consideration in accordance with the procedures in Chapter 3.

The Board may recommend that an archaeological site not be disturbed, or if disturbance is unavoidable, may recommend that the Mayor's Agent require the applicant to undertake investigation of the features in a manner consistent with the Archaeological Guidelines.

The Mayor's Agent may impose specific conditions or requirements for archaeological investigation as appropriate.

502 HISTORIC PROPERTIES WITH POTENTIAL ARCHAEOLOGICAL SIGNIFICANCE

Upon receipt of a permit or conceptual review application affecting a property likely to possess archaeological significance, the staff may consult with the applicant to consider the potential for archaeological investigation. The staff shall conduct preliminary archival research, or have this research conducted by others, to establish whether there is sufficient evidence to anticipate the presence of archaeological resources that might warrant further investigation.

If the staff determines in consultation with the applicant that significant archaeological potential exists in a project area, the staff may recommend to the Board that archaeological testing, and excavation if appropriate, be conducted before ground disturbance. The Board shall consider these recommendations in accordance with the procedures in Chapter 3. These investigations shall not normally be expected of homeowners or small businesses, unless the applicant agrees after consultation with the staff.

If an applicant agrees to undertake archaeological investigation, the staff shall assist in identifying archaeological consultants meeting National Park Service professional standards as described in 36 CFR 61, in preparing a scope of services consistent with the Archaeological Guidelines, and in any other manner deemed appropriate. The Board shall resolve any failure to agree on the scope of an investigation.

503 PROJECTS INVOLVING A PUBLIC HEARING BY THE MAYOR'S AGENT

In cases referred to the Mayor's Agent for approval after a public hearing, the Board may recommend that specific actions be taken to avoid disturbance of known or potential archaeological resources. The Board may also recommend to the Mayor's Agent that

specific levels of archaeological investigation be undertaken before disturbance of known or potential archaeological resources.

In making recommendations for archaeological investigation, the Board shall consider the overall scope and extent of a proposed project and the financial capacity of the applicant. Specifically, the Board may recommend that the Mayor's Agent require archaeological investigation to be undertaken in cases involving demolition of historic structures, substantial impacts on historic landmarks or districts, or a substantial amount of new construction. The Board shall not normally expect homeowners and small businesses to incur the cost of undertaking archaeological investigation.

The Mayor's Agent may impose specific conditions or requirements for archaeological investigation as appropriate.