



July 10, 2014

The Honorable Barbara Boxer
Chairman
Committee on Environment and Public Works
United States Senate
410 Dirksen Senate Office Building
Washington, D.C. 20510

The Honorable David Vitter
Ranking Member
Committee on Environment and Public Works
United States Senate
410 Dirksen Senate Office Building
Washington, D.C. 20510

Dear Chairman Boxer and Ranking Member Vitter,

The Society for American Archaeology (SAA) wishes to express its concerns with the changes to Section 4(f) of the Department of Transportation Act of 1966 contained in Section 1303 of the “MAP-21 Reauthorization Act” (S. 2322). It is our belief that, should it become law, this provision would unnecessarily undermine long-standing protections for historic places, while failing in its objective of increasing the speed of the project delivery process.

SAA is an international organization that, since its founding in 1934, has been dedicated to the research about and interpretation and protection of the archaeological heritage of the Americas. With more than 7,000 members, SAA represents professional archaeologists in colleges and universities, museums, government agencies, and the private sector. SAA has members in all 50 states as well as many other nations around the world.

Under existing law, land containing an historic site cannot be used for a transportation project unless there is no prudent and feasible alternative. Failing that, the lead agency on the project must pursue alternatives that minimize, to the greatest extent possible, any harm to the historic site. Section 4(f) regulations define “feasible and prudent” for the purposes of the Department of Transportation Act (along with all subsequent surface transportation laws) and set forth a process on how to determine feasibility when evaluating alternatives in project planning.

Section 1303 of S. 2322 proposes that this feasibility planning for historic sites be conducted under the auspices of the National Environmental Policy Act (NEPA). The concept seems to be that centralizing all transportation project reviews in one statute will result in greater efficiencies, thus reducing the amount of time needed to bring a project to completion. In our opinion, this is a mistake, for two reasons. First, to implement Section 1303 would require drafting new regulations for NEPA—to define “feasible and prudent”, and to establish a new process for evaluating project alternatives. Such an endeavor would take a considerable amount of time, resulting in more uncertainty and delay for project sponsors than already exists. Furthermore, it is unclear to us how the envisioned changes would result in the expected efficiencies.

Second, Section 4(f) protects more than just historic properties. It also requires the same planning considerations be made for public parks, recreation areas, and wildlife and waterfowl refuges. For some reason, however, only historic sites were selected for S. 2322’s “streamlining”

effort. SAA strongly objects to cultural resources being singled out as some kind of roadblock that must be addressed to ensure better project delivery. If Section 4(f) reviews are in fact a problem in this regard, then Congress should review the statute and its regulations in their entirety, with input from all stakeholders.

SAA appreciates this opportunity to comment on Section 1303 of S. 2322, and stands ready to work with you on improving the nation's transportation infrastructure, while maintaining its commitment to preserving and protecting our irreplaceable historic and cultural heritage.

Sincerely,

A handwritten signature in blue ink that reads "Jeffrey H. Altschul". The signature is fluid and cursive, with a large, sweeping flourish at the end.

Jeffrey H. Altschul, Ph.D., RPA
President