The New York State Department of Transportation (NYSDOT) Office of Environment recommends protecting archaeological site locations from public disclosure, based on §307103 of the National Historic Preservation Act, the Secretary of the Interior’s Standards for Archaeological Documentation, Section 14.09 of the New York State Historic Preservation Act, and the policy of the New York State Historic Preservation Office (SHPO).

**National Historic Preservation Act (NHPA), §307103 - Access to Information**

(a) AUTHORITY TO WITHOLD FROM DISCLOSURE - The head of a Federal agency or other public official receiving grant assistance pursuant to this Act, after consultation with the Secretary, shall withhold from disclosure to the public, information about the location, character, or ownership of a historic resource if the Secretary and the agency determine that disclosure may –

1) cause a significant invasion of privacy;
2) risk harm to the historic resources; or
3) impede the use of a traditional religious site by practitioners.

**Secretary of the Interior’s Standards for Archeological Documentation**

Some individual property information, such as specific locational data, may be highly sensitive to disclosure because of the threat of vandalism. If the objectives of the documentation effort are such that a report containing confidential information such as specific site locations or information on religious practices is necessary, it may be appropriate to prepare a separate report for public distribution. The additional report should summarize that information that is not under restricted access in a format most useful to the expected groups of potential users.

**New York State Historic Preservation Act – Section 14.09**
(9 NYCRR Section 427.8 – Public Access to Information)

“... Information on archaeological sites that may be damaged by unauthorized investigators if their location be generally known may be withheld from the public at the discretion of the commissioner in consultation with the commissioner of Education, and will be released, where appropriate, in a format approved by such commissioners.”

Consult with the SHPO and/or the State Archaeologist to determine an appropriate format for the release of information on archaeological sites.

**NYSHPO Policy on Access to Files, Data, and Information:**

Prior to the OPRHP on-line Cultural Resource Information System (CRIS), only 36 CFR Part 61 qualified archeologists and designated representatives of State or Federally-recognized Native American tribes were provided access to the Archeological Site files, and the Archeological Report library. The policy was recently revised to provide archaeology privileges to CRIS users who were granted permission as government officials requiring information on archaeological sites in order to meet their agencies’ responsibilities under Section 106 (NHPA) and/or Section 14.09. As a result, the NYSDOT Regional Cultural Resource Coordinators and selected staff of the Office of Environment have applied for, and been granted full access to archaeological data maintained by the SHPO.

Under the Terms and Conditions of this agreement, CRIS users acknowledge that the release of precise locations may threaten archaeological and historic resources, and therefore are required to “take reasonable precautions to ensure the security of archaeological site locations. The services or information derived from this service are not for use on public websites and/or for dissemination to the general public without SHPO authorization” (NYS-CRIS Archaeology Data Permission Information, NYSOPRHP Division for Historic Preservation, 2014).