

Missouri State Archives

Finding Aid 110.05

Department of Natural Resources

State Historic Preservation Office

Missouri Advisory Council on Historic Preservation

Abstract: Minutes (1967-1980)

Extent: 0.8 cubic feet (2 archival boxes)

Physical Description: Paper files with some photos

Location: Missouri State Archives

Administrative Information

Alternative Formats: Microfilm (S04521-S04523) of the Minutes, 1967-2020, and Advisory Council on Archeology, 1968-1972. PDFs also available in Reference.

Access Restrictions: Locations for archeological sites are restricted under section 304 of the National Historic Preservation Act of 1966 (54 U.S.C. 307103) and 43 CFR parts 7.1, 7.3, and 7.18 of the Archaeological Resources Protection Act.

Full text of relevant laws:

54 U.S.C. 307103:

- (a) **AUTHORITY TO WITHHOLD FROM DISCLOSURE.**—The head of a Federal agency, or other public official receiving grant assistance pursuant to this division, after consultation with the Secretary, shall withhold from disclosure to the public information about the location, character, or ownership of a historic property if the Secretary and the agency determine that disclosure may—
- (1) cause a significant invasion of privacy;
 - (2) risk harm to the historic property; or
 - (3) impede the use of a traditional religious site by practitioners.
- (b) **ACCESS DETERMINATION.**—When the head of a Federal agency or other public official determines that information should be withheld from the public pursuant to subsection (a), the Secretary, in consultation with the Federal agency head or official, shall determine who may have access to the information for the purpose of carrying out this division.

- (c) **CONSULTATION WITH COUNCIL.**—When information described in subsection (a) has been developed in the course of an agency’s compliance with section 306107 or 306108 of this title, the Secretary shall consult with the Council in reaching determinations under subsections (a) and (b).

43 CFR subpart A 7.1 of the Archaeological Resources Protection Act:

- (a) The regulations in this part implement provisions of the Archaeological Resources Protection Act of 1979, as amended (16 U.S.C. 470aa-mm) by establishing the uniform definitions, standards, and procedures to be followed by all Federal land managers in providing protection for archaeological resources, located on public lands and Indian lands of the United States. These regulations enable Federal land managers to protect archaeological resources, taking into consideration provisions of the American Indian Religious Freedom Act (92 Stat. 469; 42 U.S.C. 1996), through permits authorizing excavation and/or removal of archaeological resources, through civil penalties for unauthorized excavation and/or removal, through provisions for the preservation of archaeological resource collections and data, and through provisions for ensuring confidentiality of information about archaeological resources when disclosure would threaten the archaeological resources.
- (b) The regulations in this part do not impose any new restrictions on activities permitted under other laws, authorities, and regulations relating to mining, mineral leasing, reclamation, and other multiple uses of the public lands.

43 CFR subpart A 7.3 of the Archaeological Resources Protection Act:

As used for purposes of this part:

- (a) Archaeological resource means any material remains of human life or activities which are at least 100 years of age, and which are of archaeological interest.
- (1) Of archaeological interest means capable of providing scientific or humanistic understandings of past human behavior, cultural adaptation, and related topics through the application of scientific or scholarly techniques such as controlled observation, contextual measurement, controlled collection, analysis, interpretation and explanation.
- (2) Material remains means physical evidence of human habitation, occupation, use, or activity, including the site, location, or context in which such evidence is situated.
- (3) The following classes of material remains (and illustrative examples), if they are at least 100 years of age, are of archaeological interest and shall be considered archaeological resources unless determined otherwise pursuant to paragraph (a)(4) or (a)(5) of this section:
- (i) Surface or subsurface structures, shelters, facilities, or features (including, but not limited to, domestic structures, storage structures, cooking structures, ceremonial structures, artificial mounds, earthworks, fortifications, canals, reservoirs, horticultural/agricultural gardens or fields, bedrock mortars or grinding surfaces, rock alignments, cairns, trails, borrow pits, cooking pits, refuse

- pits, burial pits or graves, hearths, kilns, post molds, wall trenches, middens);
- (ii) Surface or subsurface artifact concentrations or scatters;
 - (iii) Whole or fragmentary tools, implements, containers, weapons and weapon projectiles, clothing, and ornaments (including, but not limited to, pottery and other ceramics, cordage, basketry and other weaving, bottles and other glassware, bone, ivory, shell, metal, wood, hide, feathers, pigments, and flaked, ground, or pecked stone);
 - (iv) By-products, waste products, or debris resulting from manufacture or use of human-made or natural materials;
 - (v) Organic waste (including, but not limited to, vegetal and animal remains, coprolites);
 - (vi) Human remains (including, but not limited to, bone, teeth, mummified flesh, burials, cremations);
 - (vii) Rock carvings, rock paintings, intaglios and other works of artistic or symbolic representation;
 - (viii) Rockshelters and caves or portions thereof containing any of the above material remains;
 - (ix) All portions of shipwrecks (including, but not limited to, armaments, apparel, tackle, cargo);
 - (x) Any portion or piece of any of the foregoing.
- (4) The following material remains shall not be considered of archaeological interest, and shall not be considered to be archaeological resources for purposes of the Act and this part, unless found in a direct physical relationship with archaeological resources as defined in this section:
- (i) Paleontological remains;
 - (ii) Coins, bullets, and unworked minerals and rocks.
- (5) The Federal land manager may determine that certain material remains, in specified areas under the Federal land manager's jurisdiction, and under specified circumstances, are not or are no longer of archaeological interest and are not to be considered archaeological resources under this part. Any determination made pursuant to this subparagraph shall be documented. Such determination shall in no way affect the Federal land manager's obligations under other applicable laws or regulations.
- (6) For the disposition following lawful removal or excavations of Native American human remains and "cultural items", as defined by the Native American Graves Protection and Repatriation Act (NAGPRA; Pub. L. 101-601; 104 Stat. 3050; 25 U.S.C. 3001-13), the Federal land manager is referred to NAGPRA and its implementing regulations.
- (b) Arrowhead means any projectile point which appears to have been designed for use with an arrow.
- (c) Federal land manager means:
- (1) With respect to any public lands, the secretary of the department, or the head of any other agency or instrumentality of the United States, having primary management authority over such lands,

- including persons to whom such management authority has been officially delegated;
- (2) In the case of Indian lands, or any public lands with respect to which no department, agency or instrumentality has primary management authority, such term means the Secretary of the Interior;
 - (3) The Secretary of the Interior, when the head of any other agency or instrumentality has, pursuant to section 3(2) of the Act and with the consent of the Secretary of the Interior, delegated to the Secretary of the Interior the responsibilities (in whole or in part) in this part.
- (d) Public lands means:
- (1) Lands which are owned and administered by the United States as part of the national park system, the national wildlife refuge system, or the national forest system; and
 - (2) All other lands the fee title to which is held by the United States, except lands on the Outer Continental Shelf, lands under the jurisdiction of the Smithsonian Institution, and Indian lands.
- (e) Indian lands means lands of Indian tribes, or Indian individuals, which are either held in trust by the United States or subject to a restriction against alienation imposed by the United States, except for subsurface interests not owned or controlled by an Indian tribe or Indian individual.
- (f) Indian tribe as defined in the Act means any Indian tribe, band, nation, or other organized group or community, including any Alaska village or regional or village corporation as defined in, or established pursuant to, the Alaska Native Claims Settlement Act (85 Stat. 688). In order to clarify this statutory definition for purposes of this part, "Indian tribe" means:
- (1) Any tribal entity which is included in the annual list of recognized tribes published in the Federal Register by the Secretary of the Interior pursuant to 25 CFR part 54;
 - (2) Any other tribal entity acknowledged by the Secretary of the Interior pursuant to 25 CFR part 54 since the most recent publication of the annual list; and
 - (3) Any Alaska Native village or regional or village corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act (85 Stat. 688), and any Alaska Native village or tribe which is recognized by the Secretary of the Interior as eligible for services provided by the Bureau of Indian Affairs.
- (g) Person means an individual, corporation, partnership, trust, institution, association, or any other private entity, or any officer, employee, agent, department, or instrumentality of the United States, or of any Indian tribe, or of any State or political subdivision thereof.
- (h) State means any of the fifty states, the District of Columbia, Puerto Rico, Guam, and the Virgin Islands.
- (i) Act means the Archaeological Resources Protection Act of 1979 (16 U.S.C. 470aa-mm).

43 CFR subpart A 7.18 of the Archaeological Resources Protection Act:

(a) The Federal land manager shall not make available to the public, under subchapter II of chapter 5 of title 5 of the United States Code or any other provision of law, information concerning the nature and location of any archaeological resource, with the following exceptions:

(1) The Federal land manager may make information available, provided that the disclosure will further the purposes of the Act and this part, or the Act of June 27, 1960, as amended (16 U.S.C. 469 through 469c), without risking harm to the archaeological resource or to the site in which it is located.

(2) The Federal land manager shall make information available, when the Governor of any State has submitted to the Federal land manager a written request for information, concerning the archaeological resources within the requesting Governor's State, provided that the request includes:

- (i) The specific archaeological resource or area about which information is sought;
- (ii) The purpose for which the information is sought; and
- (iii) The Governor's written commitment to adequately protect the confidentiality of the information.

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Preferred Citation: [Item description], [Box] [Folder], [series]; Missouri Council on Historic Preservation; *Department of Natural Resources*, Record Group 110; Missouri State Archives, Jefferson City.

Acquisition Information: Agency Transfers. Accession number #2011-0092 and unknown accession.

Processing Information: Processing completed by A.C.N. on 6/17/2021.

Historical and Biographical Notes

The Missouri Advisory Council on Historic Preservation was created per the National Historic Preservation Act of 1966 (Public Law 89-665), 253.022 RSMO, and Missouri Constitution Art. III, Sec. 48. The council has met under the governance of the Department of Natural Resources and Missouri State Parks since 1974. Prior to DNR's creation on July 1, 1974, the Council met under the governance of the Department of Conservation. Under both departments, the council reported to the Office of Historic Preservation/State Historic Preservation Office, which in turn reported to the State Historical Survey and Planning Office.

The Missouri Advisory Council on Historic Preservation meets several times a year to vote on National Register nominations submitted to the State Historic Preservation Office

and provides other guidance on historic preservation needs and issues. Those serving on the council consist of architects, historians, archeologist, and interested laypersons appointed by the governor with approval of the Senate. Members are appointed for two-year terms. Prior to 1973, the Council's predecessors were the Advisory Council on Historic Sites and Buildings and the Advisory Council on Archeology.

Timeline

1966	National Preservation Act of 1966 enacted.
1967	Governor Warren E. Hearnes uses executive orders to grant the State Parks Board authority to study numerous sites for inclusion on the National Register of Historic Places.
1967	First known meeting of the future Advisory Council on Historic Preservation meeting occurs in August, 1967. Known then as both the Advisory Council on Historic Sites and Buildings and the Advisory Council on Archeology.
1968	The Office of Historic Preservation is created as division of the State Historical Survey and Planning Office under the auspices of the Department of Conservation to implement the National Historic Preservation Act of 1966.
1970	Missouri's first statewide preservation plan is approved.
1972	HB 1477 places the Parks Board in charge of administering the National Historic Preservation Act funds.
1973	The Advisory Council on Historic Preservation is formally created by executive order of Governor Christopher S. Bond on October 22.
1974	The Department of Natural Resources is created as part of the Reorganization Act of 1974 and the Advisory Council on Historic Preservation and related organizations are moved under the new department's governance.
1986	The federal Tax Reform Act of 1986 makes tax credits available for private investors to use to rehabilitate historic properties for commercial use.
2018	Updated version of the statewide preservation plan is approved.

Additional Descriptive Information

Bibliography

"43 CFR Subpart A-Uniform Regulations." Cornell Law School Legal Information Institute. Accessed October 26, 2021. <https://www.law.cornell.edu/cfr/text/43/part-7/subpart-A>.

"Missouri Advisory Council on Historic Preservation." Missouri Department of Natural Resources. Accessed June 1, 2021. <https://mostateparks.com/page/84406/missouri-advisory-council-historic-preservation>.

"The National Historic Preservation Act." Advisory Council on Historic Preservation. Accessed October 26, 2021. <https://www.achp.gov/sites/default/files/2018-06/nhpa.pdf>.

“State Historic Preservation Office.” Missouri State Parks. Accessed June 1, 2021.
<https://mostateparks.com/page/84371/state-historic-preservation-office>.

Related Material

National Register Files: <https://mostateparks.com/page/84436/missouri-national-register-listings>.

The most recent set of decisions made by the Missouri Advisory Council on Historic Preservation will be available at <https://mostateparks.com/page/85621/decisions-missouri-advisory-council>.

Series

The records consist of the following series:

Minutes, 1967-1980

Advisory Council on Archaeology Minutes, 1968-1972

Minutes, 1967-1980

Extent: 0.7 c.f. (1.75 archival boxes)

Arrangement: Chronological within series

Scope and Content

The Missouri Advisory Council for Historic Preservation minutes include the minutes of its predecessor and begin in August, 1967. Records and topics included with the minutes include criteria for selecting historic sites, information related to historic sites, and correspondence. Correspondence focuses on scheduling meetings or with potential historic sites. The 1970 minutes include some photographs.

Microfilm contains the Minutes, 1981-2020, but MSA has no physical holdings of those records.

Container List

Box	Folder	Contents	Date
1	1	Minutes	August, 1967
1	2	Minutes	October 26, 1968
1	3	Minutes	November 15, 1969
1	4	Minutes	March 21, 1970
1	5	Minutes	March 21, 1970
1	6	Minutes	May 17, 1970
1	7	Minutes (includes photos)	September-December, 1970
1	8	Advisory Council Executive Committee Minutes	October 7, 1970
1	9	Minutes	1971
1	10	Minutes	February-June, 1972
1	11	Minutes	November-December, 1972
1	12	Minutes	1973
1	13	Minutes	1974
1	14	Minutes	1975
2	1	Minutes	1976
2	2	Minutes	July 15, 1977
2	3	Minutes	January 27, 1978
2	4	Minutes	April 28, 1978
2	5	Minutes	July-October, 1978
2	6	Minutes	January-April, 1979
2	7	Minutes	July-November, 1979

2	8	Minutes	1980
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Advisory Council on Archaeology, Minutes, 1968-1972

Extent: 2 folders

Arrangement: Chronological

Scope and Content

The Advisory Council on Archaeology Minutes cover 1968-1972. The Council was responsible for selecting archeological sites for the National Register of Historic Places prior to being combined into the Missouri Advisory Council for Historic Preservation. The committee met twice yearly in Columbia, Missouri.

Record contents include criteria for selecting archeological sites, lists of selected and potential sites and their descriptions, excerpts from the State Archeological Plan, and correspondence.

Related minutes can be found in the Minutes, 1967-1980 series.

Note: Locations of archeological sites are restricted. Redacted PDFs are available in Reference.

Container List

Box	Folder	Contents	Date
2	9	Advisory Council on Archaeology Minutes (restricted)	1968-1970
2	10	Advisory Council on Archaeology Minutes (restricted)	1971-1972