



Idaho State Historic Preservation Office **Release of Archaeological Information**

Ownership of site information

SHPO archaeological site information is owned by either the federal government or the State of Idaho.

State Law regarding release of information

Idaho Public Records Law Manual [see § 9-340E.(1) regarding exemptions for records, maps, or other records identifying the location of archaeological sites]

Procedures for release of archaeological information

1. Per state legal counsel and in compliance with the federal and state statutes cited below, regulations, manuals, and agreements, the Idaho SHPO releases archaeological information only to professionals meeting the Secretary of the Interior's Professional Qualification for archaeologists *who have provided a resume and signed a confidentiality agreement*. These documents are required for all cases outlined below.
2. An archaeologist may request archaeological site and survey records as needed for Section 106 Review or federal or state agency planning purposes utilizing the SHPO Record Search service. The SHPO Record Search Number must be included in the background research section of the resulting report.
3. Large-scale information requests (as determined by SHPO in consultation with the appropriate land-managing agency) will be referred directly to the appropriate federal and/or state agency for direct release of information from that agency.
4. For research projects, only general information will be released initially about sites on private land. Specific site locations may be provided once the researcher has determined which sites would be most likely to provide data relevant to the research topic. *Private land owners will not be notified by SHPO*. Therefore, our release of private land data to you does not authorize your access to sites on private land.
5. If working on Federal land, Federal agencies should be contacted about obtaining a Cultural Resource Use Permit. The State Archaeologist should be contacted about obtaining a State permit only if excavation (including shovel testing, auguring, or formal testing) is anticipated within a recorded site on State land (State Code § 67-4120).
6. An archaeologist or student under the supervision of a qualified archaeologist may request archaeological site and survey records for educational or research purposes. This request must be accompanied by a research proposal which must be reviewed and approved by the appropriate federal and state agencies.
7. All requests for research projects must meet the requirements provided in the Idaho SHPO [Record Search Request for Research Projects](#)



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Laws/regulations governing the release of federal archaeological information

Freedom of Information Act, 5 U.S.C. 552

Archaeological Resources Protection Act (see Section 9 under Confidentiality)

36CFR296 Protection of Archaeological Resources (see 296.18 regarding confidentiality of archaeological resource information)

National Historic Preservation Act of 1966 as amended through 2006 (see § 304 regarding confidentiality of the location of sensitive historic resources)

Secretary of Interior's Historic Preservation Professional Qualification Standards for Archeologists (see BLM Manual for reference to above regarding confidentiality)

The national Programmatic Agreement among the BLM, the Advisory Council on Historic Preservation, and the National Conference of State Historic Preservation Officers regarding the manner in which BLM will meet its responsibilities under the National Historic Preservation Act (see 5.c. reference to § 304 of NHPA)

The State Protocol Agreement between the Idaho State Director, BLM, and the Idaho SHPO which implements the national PA

Idaho SHPO annual data sharing agreements with BLM with terms for release of information