

# PROFESSIONAL ARCHAEOLOGISTS OF NEW YORK CITY NEWSLETTER

October 2018

Issue 179

## PRESIDENT'S MESSAGE

Congratulations to all for surviving the unbelievable heat of Summer 2018, and, despite the discomfort, I hope it was a good one. Since this newsletter is being distributed after our September 12th meeting, I want to thank those of you who attended. The topics were timely and the conversation lively. Addressed were the updated LPC archaeological guidelines (the PANYC Guidelines Committee is to be thanked, and in fact congratulated, for their thoughtful comments) as well as ongoing topics of concern. One positive note: the New-York Historical Society has agreed, and indeed fostered, a program co-sponsored by PANYC to commemorate the centennial of the storied Field Exploration Committee (FEC). William Calver and Reginald P. Bolton are most recognized of these literally groundbreaking archaeologists but there were other early heroes of New York City archaeology. The program, basically a question and answer format with questions posed by me and then by the audience and Dr. William J. Parry, an expert on this early archaeological group, answering them. The historical society is to be thanked for their generous support of this event to be held on December 6, but you'll all be invited. In the meantime, I look forward to seeing you at our next PANYC meeting on November 27th.

Regards to all,



Joan Geismar  
PANYC President

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# RECENT PANYC CORRESPONDENCE

*The following e-mail was submitted to the New York Times on behalf of PANYC in response to statements made about the discovery of the African Burial Ground in a recent article (<https://www.nytimes.com/2018/08/13/opinion/texas-slavery-african-american-graveyard.html>):*

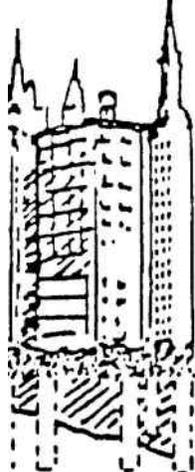
An excellent NY Times editorial ("Documenting 'Slavery by Another Name' in Texas," August 13, 2018) unfortunately perpetuates a misconception about Manhattan's African Burial Ground discovered in 1991. Contrary to several NY Times' articles, and those of other media sources, the African Burial Ground uncovered in Lower Manhattan was not "stumbled upon" by construction workers but uncovered and documented by archaeologists carrying out an archaeological investigation according to Federal environmental review laws. The burial ground is clearly documented on historical maps; the question was, did evidence of it remain, and, as the archaeological investigation proved, indeed it did. It's time the New York Times, the newspaper of record, set this record straight.

Joan H. Geismar, Ph.D.

## *PANYC'S RESPONSE TO DRAFT LPC GUIDELINES*

In June 2018, the New York City Landmarks Preservation Commission (LPC) circulated a draft of its revised "Guidelines for Archaeological work in New York City" to the archaeological community. The revised draft included substantial revisions to the LPC guidelines, which were last updated in 2002. As described by LPC, the revisions were intended to increase the standardization and consistency of archaeological work in New York City and to make the archaeological review process easier and more transparent for both practicing archaeologists and city agencies alike. While many PANYC members submitted their own comments on the draft guidelines to LPC, PANYC also submitted a comment letter based on suggestions received from our membership. PANYC's committee in charge of drafting the response included Kelly Britt, Camille Czerkowicz, Joan Geismar, Diane George, and Elizabeth Meade. The committee's comment letter submitted to LPC on behalf of PANYC is included in the following pages.

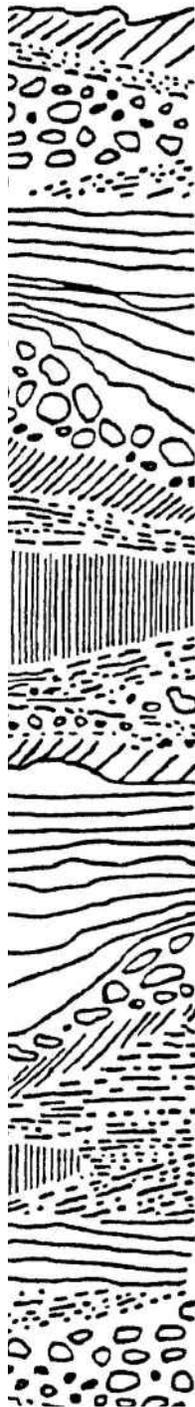
The final version of the guidelines was issued on September 20, 2018 ([https://www1.nyc.gov/assets/lpc/downloads/pdf/2018\\_Guidelines%20for%20Archaeology\\_Final\\_high%20res.pdf](https://www1.nyc.gov/assets/lpc/downloads/pdf/2018_Guidelines%20for%20Archaeology_Final_high%20res.pdf)). LPC scheduled two workshops to go over the changes in the new guidelines on September 13, 2018 and September 26, 2018. The sessions were attended by many PANYC members and representatives from various city agencies.



*Professional Archaeologists of New York City, Inc.*  
July 16, 2018

Ms. Amanda Sutphin  
Director of Archaeology  
New York City Landmarks Preservation Commission  
1 Centre Street, 9th Floor North  
New York, NY 10007

**PANYC**



**Re: PANYC's Review of the Draft *Guidelines for Archaeological Work in New York City*, Issued June 2018**

Dear Ms. Sutphin:

Professional Archaeologists of New York City, Inc. (PANYC) thanks you for providing the draft *Guidelines for Archaeological Work in New York City* for our comment. The Commission is to be congratulated for undertaking this project. As you are aware, PANYC's members represent a wide range of professionals with experience in both academic archaeology and cultural resources management (CRM); however, nearly all of the comments in this comment letter are from members who are currently or were formerly involved in CRM. Therefore, the comments that follow are based on the long-term, professional experience of many practicing archaeologists who are personally familiar with New York City archaeology. The intention is to make a commendable and attractive document even more workable for all involved in a given project: for the Landmarks Preservation Commission as the overseeing agency and for other agencies, and contractors, as well as for the general public, who will benefit most from the archaeological investigations these guidelines will influence.

PANYC feels that the draft requires extensive revision and additional rounds of review to ensure that it provide clear, practical, and realistic guidance to the target audience. We therefore hope that this will serve as the first step in a longer conversation that will culminate in the production of a more accessible and serviceable document—one that will serve as an exemplary model for other urban localities where archaeological resources are at risk. To this end, PANYC offers the following suggestions for revisions or clarifications to the draft guidelines:

- While the draft guidelines are thoroughly and carefully written, they are also quite dense and repetitive since different sections are intended for different audiences

(developers/ agencies and professional archaeological consultants). Furthermore, guidance is presented in a non-linear fashion with general concepts explained at the beginning and practical guidance following much later in the document or relegated to appendices. We feel that it is crucial that the final document be logical, reasonable, and clearly written and that the current draft, which does not meet these criteria, requires reorganization and simplification.

- It may prove more beneficial to prepare two separate documents: one streamlined version intended for those who may not understand the basic aspects of archaeological work in New York City, the other intended for practicing archaeologists. All parties would benefit from the simplification and streamlining that would result from splitting the documents, as this would help to ensure that all concepts are understood, and all requirements can be met.
- While not stated explicitly in the draft guidelines, New York City is an extremely rich area for archaeological resources and those resources are profoundly important. As this often is a surprise to non-archaeologists, we feel it is critical to state that the purpose of these guidelines is to protect and document New York City's irreplaceable archaeological resources. The guidelines should clearly summarize New York City's archaeological importance as well as the unique aspects of urban archaeology that make New York's buried resources important and irreplaceable. Some significant sites result in large, important collections of artifacts, and this should be stated outright.
- In the interests of transparency and establishing legal authority, the guidelines must define the legal and financial mechanisms that led to creation of the document and identify the parties involved in its implementation and enforcement. In addition to the listed authors, who has reviewed and provided input to the document? Who within LPC or the administration will approve the document and ensures that it becomes law? How was the preparation of the document funded? This type of information is critical to ensure transparency and to satisfy any questions about LPC's jurisdiction and legal authority.
- As part of the streamlining effort, we feel that it would be beneficial to remove some of the more specific requirements for research and fieldwork and clarify others, as confusing regulations are difficult to follow and to enforce. Many of the requirements listed for fieldwork are so specific that they may work only in ideal situations and not in the real world of urban archaeology, where some leeway is required to account for unexpected occurrences and unforeseen outcomes. Furthermore, some requirements are listed only in the appendices and not in the main text, which we feel is problematic. The guidelines must be flexible enough to allow for all possible scenarios, with increased specificity to be defined in consultation with LPC on a case by case basis as the fieldwork continues.
- As currently written, the guidelines refer only to the responsibilities of the archaeologist, and do not clearly outline the responsibilities of the developer or city agency that may also be involved.
- The requirement that budgets be included in documents submitted to LPC is not appropriate. LPC should not be involved in or have any oversight over financial contracts made between private consultants and their clients. While it is appropriate for LPC to ask that assumptions for the amount of work required by specific line items (such as labor

hours and artifact/sample counts) are met, LPC cannot ask for information on the monetary value associated with a contract.

- The requirement that all archaeological work must be linked to a standard datum is impractical. It is often difficult or impossible to accurately determine on-site elevations for sites that have not been professionally surveyed. Even for those sites that have been surveyed, the datum points from which elevations are measured are selected by the engineer or surveyor preparing the map and can therefore vary widely between boroughs. As most CRM practitioners are not experienced surveyors with access to expensive equipment that would allow them to easily make such calculations for certain projects, this requirement would place an unfair burden on the archaeological consultant. Furthermore, unless it is confirmed that all consultants are calculating and converting elevation points accurately and correctly, this requirement is useless and will only result in confusion and incorrect data.
- The shifting use of state/federal “Phase” terminology with LPC or other work-scope descriptors is confusing and potentially deleterious. The draft guidelines specifically state that an archaeological documentary study as described by LPC is similar to, but different than a Phase 1A study as defined by state/federal agencies. Similar distinctions are made between presence/absence testing and evaluation of significance and integrity (as compared to Phase 1B/Phase 2 investigation), and data recoveries/mitigation (as compared to Phase 3). However, the differences (if any) between these terms are never specified, and the terms are used interchangeably throughout the document. Most CRM firms working in New York City use the phased terminology regardless of these distinctions. We therefore feel it is important that the guidelines clearly define the differences between these types of documents, perhaps in the form of a table to clearly show the comparisons.
- The draft guidelines do not provide sufficient guidance for situations where jurisdictions (e.g., City, State, Federal, or Tribal Nation) overlap (see Section A.4.5, “Overlapping Jurisdictions”). This section should provide better guidance regarding the procedures that must be followed in the event that conflicting directives are given by various reviewing agencies.
- If punitive measures are included in the guidelines (e.g., removal from VENDEX), they must be defined in clear and explicit terms to prevent misuse and unfair competition among consultants. The guidance should also be updated to include any systems that may replace VENDEX in the future, as such systems are subject to change over time.
- The discussion of artifact culling and sampling, both in the field and the lab, requires clarification. The following must be made explicitly clear which objects can be saved and how, and who is responsible for making these decisions. The discussion of sampling should be clarified and separated between field and lab sampling and post-analysis culling and as to what is expected (keeping in mind variable field conditions). If possible, the archaeologist, LPC, and the final repository should develop a strategy together based on the project specifics.
- Dovetailing with the lack of adequate guidance on culling, we do not feel that suggestions in the guidelines regarding culling and long-term storage are meaningful. The New York City Archaeological Repository does not have sufficient space to store the vast

collections resulting from archaeological investigations in the city and the New York State Museum is increasingly limited in its capacity in terms of storage and staffing to deal with collections.

- Sections A and B need to include more explicit and substantial references to artifacts. Specifically, the long-term care and curation of artifacts should be mentioned in Section A.3 (under "LPC and Archaeology"); and as part of the Section A.2 (under "Overview of the Archaeological Process"). As written, the guidelines appear to minimize the importance of this aspect of our work as well as the time involved, despite extensive guidance on artifact collection, analysis, and storage elsewhere in the document.
- One of the most important issues affecting the practice of archaeology today involves the ethical considerations that govern research and publication (including plagiarism and attribution for work/authorship), fieldwork, and professionalism towards both colleagues and peers. In the current draft of the guidelines, ethical standards are mentioned only as an afterthought in Appendix B, and then only to reiterate the RPA code of conduct. If specific ethical standards are not mentioned in the body of LPC's guidelines, the guidelines must at least incorporate a reference in one of the main sections to the requirement that archaeologists adhere to the code of conduct.
- For all sections on Native peoples, there seems to be an implication that the sites were formed before the Contact or Colonial period and the list of Indian nations to be consulted reflects that. It should be clearly stated in the guidelines how those nations were identified (presumably based on state and federal guidance). LPC should also consider identifying other groups, such as the Saint Regis-Mohawk Tribe, which have had a strong presence in Brooklyn starting around the turn of the last century but are not on the consultation list for New York City.
- The draft guidelines should place greater emphasis on the need for archaeological information to be presented to researchers and members of the public in an accessible, non-technical way. The guidelines should include requirements to ensure that technical data is both available, accessible, and understandable. Table C9.1 includes the requirement that abstracts include non-technical summaries, but abstracts should also name the important features/deposits excavated, the kind of deposits/features that they are, why they are important, and how they are designated in the report. In addition, the report should state the size of the collection and its whereabouts.
- The draft guidelines should provide more information for developers who may choose to do archaeology even when not required by law. Providing such guidance could encourage more developers to fund archaeological investigations even without a legal mandate.
- The guidelines must be a living document that can be updated as laws and technology change. They should therefore include provisions for how modifications will be addressed in the future to ensure that updates occur in a timely, if not regular, basis.

PANYC would also like to make the following suggestions regarding the functional aspects of the document that we feel would improve its quality and readability:

- The entire document must be reviewed by an editor to ensure consistency and to correct grammatical and spelling errors (e.g., use of historic/historical or fieldwork/field

work/field-work, italicization of proper names, etc.). Much of the work of these guidelines will be setting the new "language" of archaeological work in New York City and care must be taken to make sure terminology is consistent.

- The document could be more easily navigated through the inclusion of internal links between sections; the use of footnotes as opposed to endnotes; and the inclusion of full section/chapter titles for all internal references (as opposed to only section/chapter numbers).
- Many of the photographs and maps included in the guidelines as examples of appropriate work do not meet the requirements listed for visual aids in the draft guidelines with respect to the inclusion of north arrows, scale bars, and menu boards for photographs and the inclusion of legends, scales, and north arrows for maps. This should be corrected and to be consistent throughout the document.
- A number of key concepts or practices referred to throughout the document are familiar to archaeologists but may be confusing to non-archaeologists. Language should be consistent throughout all the chapters so that agencies, developers, and archaeologists use the same words to discuss ideas and tasks. Figure B-1 on page 18 includes a wide range of key terms, few of which are clearly defined and some of which do not match the terms used in Section C of the guidelines. Furthermore, the document appears to avoid using the term "excavation" to describe archaeological testing.
- We would also recommend that glossary terms be consistently color-coded and capitalized for easy reference, not only for the first usage. Some of the terms that are not defined, used inconsistently, or were otherwise unclear from section to section include:

▪ Archaeological work	to mean artifacts or collections)	in the glossary, not the main text)
▪ Project	▪ Archaeological collection	▪ Management plan
▪ Archaeological impacts to resources	(assumed to mean both artifacts and records, but not consistently used or defined)	▪ Applicant
▪ Field investigation	▪ Data recovery	▪ Excavation plan
▪ Designated parks	▪ Archaeological consultant	▪ Data recovery program through excavation
▪ Stakeholders (not currently included in glossary)	▪ Field testing	▪ Collection
▪ Potential resource	▪ Research design (a full definition is only included	▪ Acceptable repository
▪ Resource (sometimes used		▪ Archive record
		▪ Qualified analyst

Once again, thank you for seeking our input. We sincerely hope that our comments will prove useful and that they will be taken as constructive suggestions, not as criticism. The guidelines as proposed are to be commended, but we feel strongly that some revision is necessary to make

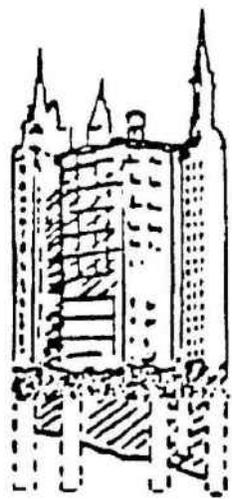
them even more workable. Please do not hesitate to reach out to PANYC if we can contribute in any way to achieve this end.

Thank you,

A handwritten signature in cursive script that reads "Joan H. Geismar".

**Joan H. Geismar**  
PANYC President  
40 East 83 Street  
New York, NY 10028  
212 734-6512  
[info@panycarchaeology.org](mailto:info@panycarchaeology.org)

CC: PANYC Executive Board



**PANYC**

**Professional Archaeologists of New York City, Inc.**

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**Please mail this form along with your check, made payable to PANYC, to:**

Shelly Spritzer, PANYC Treasurer  
301 East 76th Street, Apt. 14  
New York, NY 10021-2446

**In addition, please email a copy of your information and notice of submission of payment to PANYC Secretary Lizzie Martin at [lizziepmartin@gmail.com](mailto:lizziepmartin@gmail.com).**

# PANYC

## INFORMATION FOR NEW MEMBERS

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If you are interested in joining PANYC or if you would like to subscribe to the PANYC Newsletter, please complete the form below and return it to:  
[info@panycarchaeology.org](mailto:info@panycarchaeology.org)

To obtain information on how to become a member of PANYC, please fill out the form below and check your desired membership level. Membership is contingent upon submission of the application to the PANYC board and acceptance of the application by a majority of PANYC members during a vote taken at a general membership meeting. Non-members may apply to receive the newsletter as indicated below.

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