

Local Governments In Reach: Discussing Preservation, A Panel Discussion
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Panelists:

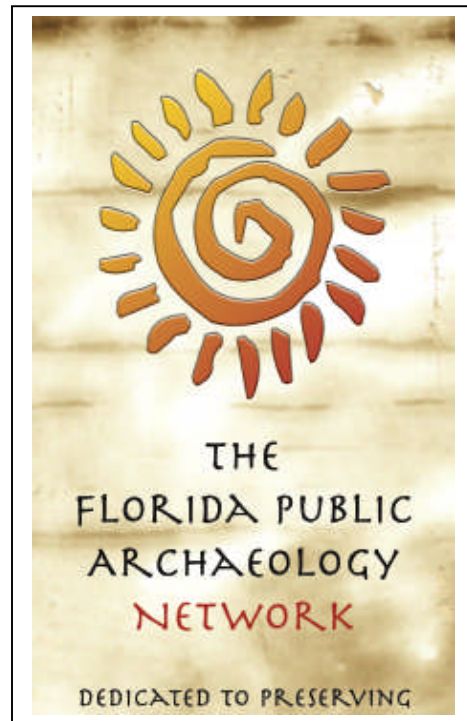
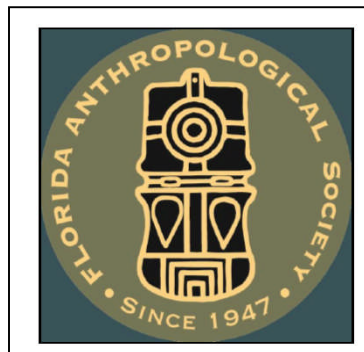
Myles Bland, Archaeologist, Bland & Associates, Inc.
Robin Moore, Archaeologist / Historic Resources Coordinator, St. Johns County
Jodi Pracht, Sarasota County Archaeologist
Jeff Ransom, Archaeologist, Office of Historic Preservation, Miami Dade County
Clifford Smith, Planner, Neighborhood & Development Services Department, City of Sarasota
Michael Wood, Planner, Michael R. Wood Consulting

Moderators:

Zaida Darley, Florida Public Archaeology Network (FPAN)
Jeff Moates, Florida Public Archaeology Network (FPAN)

Transcribed and Edited By:

Myles Bland, FAC Treasurer



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Jeff Moates:

Well, thank you all for attending. This is Local Government in Reach, Discussing Preservation.

First off, my name is Jeff Moates. I'm the director of the West Central Regional Center of the Florida Public Archeology Network based out of Tampa. I'm only just going to provide a brief little introduction, and Zaida will really be running the show. So thank the panelists – thank you guys for participating in this, and you'll learn who these folks are in just a little bit. And I'd also like to thank the Florida Archeological Council for willing to co-sponsor this panel discussion.

What this came out of, really, was an effort as one of the work areas for the Florida Public Archeology Network, which is assisting local governments: we needed to kind of get an idea of what that meant. So it was really an effort to kind of become introduced to local governments and preservation programs within local governments. Sixty-seven counties in Florida; five county archeologists, I think, maybe one city archeologist – Dr. Smith here. Another one in Saint Augustine, that's right. Really the idea of the discussion panel here is to learn the roles – or their roles – within the local governments, with an emphasis for the discussion on archeological site protection, specifically where we're at – the kind of the "state of," and where these protection measure are located within that local government; how they work. Even what may help to provide better protection, so they can focus on specific counties, and what not.

We've got about an hour to rollover. We hope that the audience will participate towards the end, and maybe site some examples that you're aware of, of local government preservation, or preservation programs that you're familiar with. So, really, the goal of this session is hopefully we'll come out of it with some more ideas, or better ideas, on how we, as a group – as an audience, FAS, FPAN, FAC, can assist these county staff, city staff people, even the CRM profession in ideas on how we can assist them better to provide better protection and more preservation for archeological sites.

So thanks for being here. I think we've got some good questions in store. So I'll turn it over to Zaida Darley. Thank you.

Zaida Darley:

Hi. My name is Zaida Darley, and I'm also with the Florida Public Archeology Network in the Central Region. And I'm an outreach professional responsible being involved with teaching local

governments. And in getting this job I had to do a lot of learning. You know, they teach us how to manage archeological sites, but once we get to writing ordinances, at least at the local level, I found that I was lacking information.

So I thought that maybe this session would be helpful not only – I just found talking to them had helped me a lot, and made frames for information to help me understand more of what's going on with the local government assistance, and how we support these individuals.

So I'm going to start the first a question with asking your name. If each one of you can state your name, your position, and your responsibilities within local government. Some of you are not county archeologists, but you still work with local government, so you can just give us an idea on what you do. You want to pass the mike down?.

Robin Moore:

My name is Robin Moore. My title is Historic Resources Coordinator for St. Johns County. And there was just one staff person within the county dedicated to the historic resource program, and I reside in the Environmental Division at this point. My duties include oversight of land development regulations with archeological ordinances, development of historic preservation programs, and communication and education with public in general.

Jodi Pracht:

Hi, I'm Jodi Pracht. I'm the consulting archeologist for Sarasota County. My primary duties revolve reviewing proposed development sites. We're fortunate in that we also have an architectural historian on our team, so we're well covered there.

Michael Wood:

Hi, I'm Michael Wood. I'm actually now a planning consultant, but that was after being first with my consultant by being laid off from Manatee County after 20 years, or so. I was the planning administrator of Manatee, for multiple years. That included practically everything other than current development review. So it included historic preservation as one of the aspects, but my focus and my group's focus was on maintaining the comprehensive plan, community redevelopment, CDBG and CRA administration, and things like that.

Currently I am consulting with the County, actually, in the public safety arena, and with Highlands County, through the Central Florida RPC on their update of their comprehensive plan.

- Clifford Smith:* Good afternoon. I'm Dr. Clifford Smith, senior planner with the City of Sarasota. One of my responsibilities for the city is historic preservation, which includes drafting comprehensive plan, updating the zoning code, reviewing all land development in the city that has anything to do with historic preservation, archeology, structures, as well as any public funding that's going through – that would impact any registered national or local designated site. So it's a rather comprehensive, and it also includes working with the general public, and being staffed to the Historic Preservation Board for the City of Sarasota. I'm also a member of the county Historic Preservation Board, and chairman of the Coalition for Historic and Preservation for the County of Sarasota. So I wear a lot of hats.
- Myles Bland:* Hi, there. I'm Myles Bland from Bland and Associates. We're a CRM firm out of Jacksonville. We do large historic structure surveys, countywide surveys, and we also help CLG's develop regulations and codes and things of that nature, as well National Register nominations.
- Jeff Ransom:* My name is Jeff Ransom. I'm the Miami-Dade County Archaeologist. I basically manage all the sites in Dade County. There's over 400 of them. Then there's dealing with construction companies, developers, planners, updating our site files, evaluating, locating, and excavating sites. And also I deal with the City of Miami because they don't have an archeologist. So, it's a wide area that I cover.
- Zaida Darley:* And now touching on this. But, what is the level of archeological resource protection within your government? Kind of summarize them, something to talk about. But how does it compare to this state, when it comes to looking at the local or regional level? What are the differences?
- Robin Moore:* Going in order again?
- Clifford Smith:* We can start down there.
- Robin Moore:* Our level of archeological protection in the county, I think, is pretty strong. We have an archeological ordinance that not only covers county lands, but also covers private lands for development. And the way we really manage that ordinance – the way we put it in a process is we, in the past, when there hasn't been an archeologist – I have an archeology backup – when there hasn't been one, we've had a probably model across the county. If something fell in a high prob or medium prob location where a survey is required for that property, and this doesn't include single

residential, but it does include if somebody wants to build three houses on a certain, provided it is not on an landfill, three houses that is going to cover that on up through commercial.

So it's pretty intensive, and that's been fleshed out as we proceed – as they hire an archeologist, that's been fleshed out a little more, and a little more.

So I think our ordinance is pretty strong as far as it compares with the state, you know. It doesn't compare to the state, but I think it does augment what the state has because we're kind of extending out into private land. We have the HART training that goes on a lot, and that's something I've attended several times to see what planners can get out of HART training for local archeological ordinances. And, really, a lot of that is focused on state lands and regulations and is associated with state money. So it's not particularly relevant to most of the things that planners do on a daily basis in the county land. I think we're kind of covering that element now.

Audience: Question from audience: “What is HART?”

Myles Bland: What is HART? (*Question from audience repeated for speaker*).

Robin Moore: I'm sorry. Andrea? (*In audience*)

Audience: Heritage and Archeological Resource Training (HART).

Robin Moore: Thank you. Heritage and Archeological Resource Training (HART).

Jodi Pracht: The short answer to the question is that the Sarasota County review process, it augments the state level. The way that it does that is we have – we pay attention to sites, both architectural and archeological, that we consider locally significant. So the state isn't necessarily involved at that level. So, really, we have three tiers of review for our county. There's the federal review, section 106; there's state, and then there's the county review. So we're pretty well covered.

So that's the short answer. The longer answer – and I'll try to be brief – I have to explain a little bit about the kind of reviews I do, and the background of that.

There's a really strong historic preservation community in Sarasota County, and it got started in the 1950's. It carried on through the

work of several women through the '60s, and eventually that effort was codified in the county code, in section 66, that actually implemented archeological review for eight types of development processes. These include things like development of regional impact, site development plans, water and navigation control projects. So any one of these eight types of reviews that are going in for permitting come across my desk, and during their course, if I require a survey of any one of these types of projects, if an archeological site is found, that parcel gets flagged in our tracking software – in our permitting software. So then in the future, if anything else occurs, it automatically comes to my desk. So if this is a planned community and/or archeological sites found, and then later they're expanding the road into the right-of-way, something that I wouldn't normally see, not one of these eight types, because the parcel has been flat, we get to see it again. And that's kind of control, you know, maintaining control over the site so that we know about this. It also works for architecture, so there are two types of flags: archeological, and architecture. So every time a resource is identified, in the future if something happens to that parcel, we see it again and we review it again.

So I think in that sense we have a pretty good level of control. Where I would say we're lacking is that architectural sites way out number the archeological sites, like 100 times. I think the answer to that comes to my mind when I try to understand the differences in the number of local listings is that architecture is pretty easy and it's pretty good to get – it's not difficult to get community support, because people say, "Hey, I remember that building on Main Street. I don't want them to tear it down." Archeological sites are a little more difficult, especially when we're kind of proprietary about where they are, and what they are. But we're really fortunate in Sarasota in that we have a really strong community support; we have several boards that help us in our work.

Sorry, that was longer than I thought.

Michael Wood:

You were getting into the next question. Manatee County probably has, and I am going to speak from my experience in Manatee County. We would be sort of the opposite, or not quite the opposite of Sarasota, in our approach. We have, the community, in general, is not as organized on the archeological front, or even on the historic preservation front, but there's many different small groups, they all sort of focus on their one thing that they have rallied around. So, they are not, we try to get them to come together, share information and knowledge with each other, and sort of help build sort of an ethic of preservation. But there's

just some of the things that are, quite frankly, are getting lost in the budget cuts right now.

The County really does defer to the state regulations. Past that, through the way the comprehensive plan is written for Manatee County, any major development – so, anything that really is new development that's going to go above a certain intensity, go above a certain level of density, it typically is forced into the planned development rezoning process. So it is kicked into a public hearing process to go through, and it's through that process that it starts to be identified through oversight, of site sensitivity map, and through knowledge from staff. There are some planners on staff over the years that have had more of an archeological background; one of them actually just walked in here, as I walked in the door, from about 20 years ago. We had some folks on staff that had more of that background, but that comes and goes. Manatee County is the sixteenth largest county in the state, and I think people are probably more similar to us than many others. I've compared to Sarasota and some other counties that have a longer history with us.

Through that rezoning process, it does get identified – there is a requirement for a survey to be done. That review gets done and gets put into the review process of the consideration for the property as it gets developed.

So that really is the main way that our archeological resources are protected in the county. It's through the actual development process.

Clifford Smith:

I don't know where to start. Jodi, you touched on the fact that in Sarasota County, and the City of Sarasota, we have a great amount of public support for historic preservation and archeological resources. This has made it possible for the City of Sarasota to pass some very strong zoning code, because, really, quite frankly, I believe the best way to preserve your historic cultural resources is through good governance. And the hallmark of good governance for preservation is strong zoning code/land development regulation. The City has passed, in the last couple years, some very comprehensive regulation regarding archeological resources. To give you one example, in our zoning code, we have a section called Fortuitous Finds. It's also bracketed with Unmarked Human Burial, because one of the Florida state laws is on unmarked burials.

We looked at that and said, beyond that, we can also cover Fortuitous Finds. This allows us, as a city, when you're redeveloping, whether it's a single house lot, or a large multi-acre complex, if anything is uncovered during that development process, that we can literally shut the job down to do an archeological assessment on whatever is uncovered.

To give you one prime example - we have the Palm Avenue Parking Garage going up. It's a City project – multi-million dollar project – right in the heart of downtown, and within a couple days of them starting the project, they uncovered a brick alley. So basically it was stop the project, let's check out the bricks.

We couldn't have done that two years ago. With our new zoning code, we can't. We've also had other sites where middens, human burials, unmarking burials, have been uncovered through development process of the single individual residential structure, we have been able to stop the job, notify the state, go through the process. But it's because the City was very proactive, and I was hired at exactly the right time, because the City wanted to do good historic preservation, so they allowed the comprehensive plan to be rewritten and the zoning code to be rewritten, and I'll be glad to talk to you about the process of getting that zoning code and that comprehensive plan changed to protect your resources. I'll let you know that it really starts with your support: if you don't have the community support and the people basically talking to their city government, or their municipality saying, "We want to protect these resources," it won't happen.

So it really ends up into your lap to come to the city, or come to your county or municipality and say, "We want to protect our resources." That allows city staff or county staff to actually implement this through regulation changes.

The City of Sarasota has very comprehensive zoning code; we reviewed the state code, we reviewed Sarasota County code, because it's also very good, and then we wrote our own code to meet and achieve all the regulations out there.

So, I brought a copy if anybody's interested, and I'll leave it so that people can make photocopies if they wish.

Myles Bland:

Within Duval County, we operate under a land development code – 755.12 – which requires archeologist surveys for essentially new subdivisions. The reports are copied to Duval County, but DHR remains the primary clearance agency. I'd like to emphasize there's

a difference with what Robin does, which is an important one. He actually is the one that reviews the reports and issues the clearance letters at St. Johns County, and then the reports are filed with DHR, which is a significant and important difference, which makes, I would say, St. Johns County one of the more advanced programs in the state.

Also, at St. Johns County, they've done something very interesting. They did a very good predictive model, and it completely addresses archeological sites by using factors such as proximity to put water, the location of known sites, elevation, known historic development patterns, and it really addresses the archeology material very well.

Then on a separate level, they've also been conducting very comprehensive architectural surveys so they can know what's in a particular area. Some counties we work for that have hired us and had us do surveys of all the structures, say, in the incorporated area. Others have hired us to do the unincorporated areas. But it's very hard to do one giant project that addresses all of your resources from a planning standpoint, and St. Johns County is really at the cutting edge.

If I had a choice for which plan, and which model is this ideal, I would borrow his (*Clifford Smith's*) plan for above ground material, and mate it with Robin's plan below ground material, for a very advanced, powerful, effective system for regulating your resources, but also getting the job done: something that developers can work with, public officials can work with. Robin's maps are very easy to follow: there's a high, medium, low probability with bright colors which tell you exactly what you're getting to. And eventually they'll have the structures done the same way.

Also, the St. Johns County program is tied to a comp plan, so it's part of the regulations, and it's part of the comprehensive plan. I'm not really aware of another plan in the state has that kind of regulatory emphasis. This system works in an extremely organized, streamlined, efficient manner.

So that's the system we operate under the most. I'm also familiar with the regulatory systems in Alachua County, Indian River County, but those are much older regulations.

If folks would like to see up-to-date regulations, the ones that for a CRM management perspective, that are the most exciting are

definitely Sarasota County for above ground, and St. Johns County for below ground.

Jeff Ransom:

We at Miami-Dade County, we always talk about what's more important, I mean, the state does help a lot, but they can't look over everything, especially down as far as Miami. The highest level of protection that we have is the local level, and that goes with anybody, really. When I say we have strong ordinance, and when I say strong ordinance, it can mean that's it effective in taking to the stand legal questioning, or legal challenges. And, believe me, we are always taken to court on a lot of these designations, because that's what we do, designate sites, and we don't need the property owner's notification or approval to designate the site. So we do that a lot.

We also have a model, and we say designate a lot, and designate early. Don't wait until the site is in danger of being destroyed before you rush to the historic preservation board, rush to write a report, to make sure that site isn't destroyed. So that's what we're doing. Right now we have almost 50 archeological zone that are designated, and sites, and that's what we're doing, we're picking the most important sites that we have in the county, historical and archeological. So architecture, you know, historic buildings, included, and we're taking them and writing designation reports, going in front of the board, and getting them designated. And in doing that, and we have a level of regulation over these properties. Of course, certificates of appropriateness, and certificates to dig, and that's how we do it. Because we have that, we have a very strong ordinance.

Jodi Pracht:

Great. Can I ask a question? You designate without a property owner's consent?

Jeff Ransom:

Correct.

Jodi Pracht:

Have you run into private landowner legal – yeah – the private land ownership and their rights?

Jeff Ransom:

Sure.

Jodi Pracht:

Has that gone to court?

Jeff Ransom:

It's gone to court, yeah.

Jodi Pracht:

And the designation was upheld?

- Jeff Ransom:* It was upheld. As long as it's not a taking, and they can prove, you know, that it's not hurting them monetarily. But most of the times it's just a case of: We just don't want you to designate our property. It's nothing that they're going to lose a large amount of money, and it doesn't...
- Jodi Pracht:* No conservation easements, no...?
- Jeff Ransom:* No.
- Jodi Pracht:* ...no real authority? Huh, interesting. I've found in my experience in Sarasota County, with the economy the way it is, I'm getting more and more challenges...
- Jeff Ransom:* Yeah.
- Jodi Pracht:* ...about my review calls, and I have to defend them more vigorously.
- Jeff Ransom:* It's getting like that with us, too. Fortunately, we're winning those.
- Jodi Pracht:* You get the attorneys involved, and you hear individual property rights, and you start going, "Oh, now let me rethink this."
- Jeff Ransom:* We have a really good historic preservation attorney with us...
- Jodi Pracht:* Oh, wow.
- Jeff Ransom:* ...during our meetings, and at the court level. Anything that has to go to court, he goes, and he's really good. His name is Tom Lowe, he's been around for a while.
- Jodi Pracht:* And he's a historic preservation attorney, huh? Our County attorney handles all of our...
- Jeff Ransom:* It helps when you know all the historic preservation laws.
- Jodi Pracht:* Exactly, yeah. That's interesting. Sorry, for disrupting the flow.
- Audience:* Zaida, before we move on, can I ask Robin a few questions?
- Zaida Darley:* Sure.
- Audience:* First, you mentioned the effect of private land. So I'm curious about how your ordinances affect private property. And, also, who did your predictive model for the County?

Robin Moore: The question was: How does the ordinance affect private property? And then also: Who did the predictive model?

The ordinance affects private property much like many other zoning regulations and land development regulations do. There are things that the property – there are certain things that the property owner must address, and requirements of the local government, that they must meet, and state government of course, before they can get permitting to do certain things on the property.

Audience: And is that county-wide, or does it change whether you're in the City of St. Augustine or not?

Robin Moore: It will change if you're in the City, because the City has their own ordinances. But as far as the county goes, anything that unincorporated is covered by a county across the whole board.

We had a contract for the initial predictive model in 2000-2001, that was Environmental Services, and we recently had it updated after five years of these ordinances being enacted in the county, because, of course, many newer sites were located during that time because of the ordinances. So we recently had it updated as well.

Zaida Darley: Some of you have been speaking about how local laws augment the state, but at the same time you all were speaking about variety from county-to-county. So what would you pick up? What you say to latch upon to try to create stronger local ordinances, or local regulations if you're going to raise awareness within the county, or the municipality, or public, or more or less regulations? What would you say, how would you improve, what you're responsible for?

Michael Wood: Can't make you stop. Sorry, every single time.

Jodi Pracht: Well, we're thinking about..... [*crosstalk*].

Michael Wood: Well, I have one together, actually.

Robin Moore: That's really another question.

Jodi Pracht: Do you have any? Why don't you go first?

Michael Wood: Thank you. I thought about it before I got here. Well, Zaida sent us the questions earlier, so that was helpful.

Actually, again, I'm coming from my experience in Manatee County, and I'm coming from the experience of I have a background in city and regional planning. I don't have any formal education in archeology or even historic resources, other than what I have picked up over 20 plus years in the profession.

But part of what I've really seen and kind of understand how do we get people to basically love something that may be under the ground, or not. There is, you know, the raised awareness was the first thing that came to me, and it's at different levels; you have to get it to the general public, to the local planning staff, the local elected officials. They actually have to know that there's something in their jurisdiction that they have responsibility for, and so they actually need to understand that. They need to come to love it to some extent, or they're not going to protect it.

So, there is sort of a big story that I think is lacking sometimes in archeology, or at least from my perspective. There's sort of a state-level or regional-level down to the county-level, and even at the city-level, that I think Sarasota and St. Augustine, these are unique places in the state. Bradenton, Palmetto, other jurisdictions, this is not on their radar. It's simply not on their radar, especially now that the current economic times. Updating the site sensitivity map, those things, the County had one done in '90, it had not been updated since, and we were trying to just, that was one part of what I was trying to move forward with. It's just like we need to understand what is we have, and how we connect that to the local level so people start to cherish it.

Once the general public really understands that they have something unique, they will move forward to protect it, just like environmentally sensitive lands. Once they actually understand that this is something important to them, and it should be protected, they move forward and the general public will come forward and say, "Yeah, this is something important to our community." But you're always in a constant sort of PR movement with new citizens, people coming in, new elected officials, and there is, I think, a tide of eco-tourism, and heritage tourism, where this really it starts to show up in the public officials as this is real money, people are coming here and spending real dollars to see things that are archeological and historical-based.

So, it really is aware of the resource, connect people to the resources at levels also, and then you'll get protection of the resource. So it really is big picture, and I think part of the archeological community is you have to move from the very

technical end to almost a PR program of, "These are the important places in the state," and then maybe to the regional, and then the county and starts to pick it up a little bit more.

Clifford Smith:

The question was lacking. I can give you one story. When I started with the City in 2006, and the zoning code regulation, one of the first tasks I did – I'm an archeologist, cultural resource management, historic preservation – coming into government, as a government worker, which was quite foreign to me; I had come from a museum background, and all kinds of other things. So my first task was read what was there; what's in the comprehensive plan; what's in the zoning code; and what's lacking? And when I first read the zoning code for the City of Sarasota, there was no archeology in the zoning code. When you read the comprehensive plan, it didn't cover it, it basically gave scant mention of it under historic preservation.

So one of my first tasks as a new senior planner for the City of Sarasota was to explain to the city commission, and the chain of command, and staff, what was really lacking.

So as an employee for the City of Sarasota, I was able to work from the inside, but also this was a unique situation where the City of Sarasota has tremendous historic resources, both above ground and below. We had a community that was very focused on saving it's cultural resources, and I'm seeing a lot of people from this area in the audience here that have been a great help to me over the time. I appreciate all their support.

As a city trying to manage this, you need to really – I hate to use the word "politic" – but you really need to talk with the people; you need to get that support, and with that support you can actually enact good zoning code. And this is not a simple process. It took two years to pass the new zoning code. I was hired in December 2006, and we passed the new zoning code for the city on February 17, 2009. It goes through multiple public hearings and review, and in order to get that zoning code changed can be horrific.

But when I'm listening – "Oh, Sarasota was unique. Sarasota County's unique" – the potential for all of Florida is to do this, but you need to talk to your municipalities, because really at the very local level – government level, at the most local basic step, because they control the land development regulations, and that's where you're going to protect your resources, is through that code.

So you need to really address this in your own home towns. Talk to the planners. Talk to the people that are doing the zoning code amendments, and writing the comprehensive plan. You at the City of Sarasota comprehensive plan, it was just redone. It just went through the amendment process. We have strong regulation in there, which is the overarching document – the policy document. And that's what it is, it tell you what is the policy of the city. The zoning code then tells you how to enact those policies. So it's all these various layers of paperwork that you have to put together as a comprehensive unit to go forward to offer that protection.

So when we look at it, I could make the argument that look at what's missing; if you look at what is lacking, and look at what is being faced by the people coming into the city, because if they go from the city to the county, their projects have totally different review. If this is confusing to a developer, you have to put this right up front. We publicize everything: on the Internet, through the Web, it's televised, everything. So to try to disseminate that information out to the public is just as important as getting that public to come back and give the city feedback.

So I hope I've given you an idea that there is a great lack out there. We started out with, and what really keyed us to be able to get this forward, is one residential structure was being built on a midden, and it came up with a lot of human remains. So we could key in the unmarked human burial – the only thing I could go to in the City of Sarasota, because we didn't have anything else at that time, and stop the project to say, "Wait a minute, you can't bulldoze this stuff. You got to stop this project." From that, because it made the newspapers, it got a lot of publicity, and for a time the city hall was the caretaker of archeological materials from that site, it made the city commissioners and other staff very aware of the problem.

So don't, hopefully, wait until you literally have a site with bones coming out of the ground before you go and talk to your local city hall.

Myles Bland:

I'm going to say from an operational standpoint, probably one of the biggest areas of concern I see is that we have maybe 20 million people in Florida, and we have five county archeologists, and maybe three or four city archeologists. There are entire areas that are just completely uncovered. In each case where these regulations were developed, they were all precipitated by a large CRM company doing a contract, or county archeologist, or county historic preservation person implementing the changes that then moved forward.

I think the most pressing need is for boots on the ground, and FPAN has gone a long ways toward doing that and raising archeology's general, overall profile throughout the area. But you need essentially a county archeologist with a two-door white county pickup truck, and the ability to roam around and meet people, and see things, and talk to people. And it's hard to put a face to the regulations or to the changes, or to the provisions, until you have a professional that people know, that also is linked to either the city commission, the zoning board, the planning commission – whatever it may be in your individual jurisdiction, you still need a historic preservation professional who needs to walk around the house, to walk over the site, to see what's there; and from there, frequently, the regulations do flow. But we have a tremendous shortage of people in applied positions.

Audience: So what do you suggest at the counties were there isn't an archeologist on the ground? I have eight counties, and no county archeologist.

Myles Bland: Yes. So vast.

Audience: Will you come down, Myles?

Myles Bland: Yes. In cases where, like in St. Johns County, it started with a local historic preservation society, and SAA, and folks like that agitating for a county archeologist, and then it triggered large-scale CRM contracts where large surveys were done; catalog what was out there; large management plans were done with recommendations, and embedded in each of those was a recommendation that there be a county archeologist, that there be a comprehensive plan, that there be these sort of steps that need to be taken. And not all of them have been taken. For example, the Duval County comprehensive plan was much more grandiose, and had steps like within ten years we'll have everything cataloged, we'll have this, we'll have that. But there has to be at least a beginning kernel of some document with the logo of the planning commission on there, or the zoning board, or something of that nature, to precipitate the discussion of the hiring of someone for those positions.

Other than that, a ground swell of public support. The public support thing is nice, but we really do need codified publications that the local government's paid for saying, "Hey, we think this is a good idea. That there needs to be something done, so there's not such – such as this oversight, so we don't have this situation." If you need to, on a local scene, put that forward – I've seen various

government agencies say, "Hey, we're gonna streamline this." Or, "Don't you remember when you tore down that building," that something bad happened. "We can make sure that never happens again." There's both ways of making it appealable to developers, the public, and the governmental agencies, and that's really the salesmanship part, where it comes in.

I think, honestly, a person with a historic preservation degree working in the county government is a good place for that sort of change, and familiarity with the policies to begin. But in this day and age, you're right, it's very, very hard to come up with a solution to tell the government, "Wow, we think you should hire another position. We need another position."

Audience:

Related to that, I'm independently related to a County where we do not have a county or city archaeologist, generally we see archeologists are like teachers, they can't very well just hire an archeologist. So one of the ideas we kicked around for a while was that the county and some municipalities could each have a contributing fund, and hire one person that would handle not only county property, but municipal properties as well.

Do you think that, because we have city and county archeologists here, do you think that is a viable alternative? Do you think that will cause problems down the road? Is it better than nothing? Should we not even go in that direction?

Jodi Pracht:

I actually was thinking about it, not in that particular context, but of multiple counties, bringing together their resources, and employing somebody. The challenge for that person would be to interpret their different jurisdictional...

Myles Bland:

Different ordinances.

Jodi Pracht:

Yeah, like if there were different ordinances. But if the counties could get on the same page.

Michael Wood:

If they could adopt – it would be easiest if they had the same set of regulations, they could come to the same set of regulations. But part of the trick is, is actually if you join the two – if you have an interlocal agreement, basically, just between two governmental parties, it just needs to be clear within the agreement written down, you know, how much is each paying for it, and what exactly they are looking to do. And, of course, then that position is always going to end up in the argument; it's always going to be picked-on from either side about: You're spending more time over here, and

spending more time over there. So it's usually best to try to like layout probably those bigger items that need to be done for the county: the survey work, and things like that, who they both benefit.

So at the front-end it's probably good to focus on the big pieces, and then you can, you know, in the successive years you can start narrowing it down.

Myles Bland:

I would point out that in some counties in Georgia, which are very rural, in the '90s they had a need for large municipal landfills. So, they worked up a similar agreement where a tri-county or a four-county area would assume responsibility and share costs for one landfill that would share the entire area.

So, although all is not loss on joint cooperative cost-share events, especially considering that when you get down to it, a historic preservation professional with maybe just a small office and a truck, is not terribly, grossly prohibitively expensive.

So I think that is something that is workable.

Clifford Smith:

Last year the County of Sarasota, City of Sarasota, and others, the county actually requested a blue ribbon panel to be put together to review just what you're asking about: To do a combined historic preservation resource management system, where you would pool the resources from all the jurisdictions; the county of Sarasota, the City of Venice, North Port, City of Sarasota, the county, and part of Long Boat. So there's a lot of different jurisdictions involved within Sarasota County. So the outreach was put forward that combining the staff resources and the financial resources would be more cost-effective, and actually create a more comprehensive, seam-less way to protect the historic resources.

I think you're on the right track; you're looking towards the future, and trying to get the most historic preservation coverage for the least dollars. And in today's economy, especially with municipalities, we are faced daily with budget cuts, and staff cuts, and other things, this has become extremely important, how best to economize and be the most efficient mechanism to produce the desired results, and relay that services to the general public.

Jeff Ransom:

One of the issues that we had in Miami-Dade, was the problem we had with the city of Miami. The City of Miami had an archeologist for, I think, was one year. Once they heard a big "no" over a project that was going to happen, they fired her. So it's very

political. I'm not sure how the rest of Florida is right now, but land use is just incredibly political. I've offered my services to the City of Miami, and the response is "no."

But we started working together, but I kept finding more things wrong with what they're doing and than saying that what we were doing, and we just said, "Well, we really don't need your help anymore." So it just came down to that.

But going back to the awareness. I think that's the most important thing. I try to contact our commissioners; I can't do that, it's something that I'm not allowed to do, to contact a commissioner and tell him, "Hey, you have some great sites within your district." But, I did go to a school, and I did a presentation on the sites in Dade County, and one of the teachers lives near one of the sites. It's called "Honey Hill." And that teacher went to speak to our commissioner, for her district, and the commissioner said, "Oh, great. I didn't know we had a site there." And she came up with some money, and it's now Chittohatchee Park. It's an archeological park, and it has informed displays, and a trail, and everything. It just went – it all happened from going to one school.

So I think that's the way to go, literally, starting at the bottom and head up to the public tell their commissioners, "Look, you have this amazing site, and you are doing nothing with it." Then they'll start, you know, they'll think about it, that something should be done with that.

What else? Did we get into?

Zaida Darley:

I don't know if we are going to have enough time to get into that.
[Audience laughter.]

Jodi Pracht:

I think one thing in Sarasota we could do is tie a greater tax incentives to protective covenants and conservation easements, to give incentives for landowners to protect archeological resources, except that we had the history center have just taken on ourselves is "boots on the ground," is that what you said? I started doing some survey work: I'm working through a very complicated project right now. It's a beautiful parcel on the bay that has a significant midden. The midden actually spans six blocks, and one of these is slated for development.

So we would do the site visit to try to figure out how the house could possibly be constructed to minimize impact on the midden, bringing in fill, and we floated all kinds of alternatives. And we're

kind of winnowing it down to something that's actually workable, but one of the questions that came up is: So they build their house on the water, or just say we want to do landscaping in their back yard, which would be the midden, that wouldn't come through – that would require no permit. And I would not see that at all, in the future, five years from now – ten years from now.

Michael Wood: When they put the pool in.

Jodi Pracht: When they put the pool in, exactly. So we're getting really creative with ideas, like how about we write into the protective covenant that if the landowner wants to do any ground disturbing activities in the area of the midden, they call me and I go out and I dig – I dig the holes for the trees, or, you know, I dig their landscaping, or their irrigation. A whole new career opportunity. *[Audience laughter.]*

Michael Wood: And rates change. Rates change.

Jodi Pracht: Yeah. So this is not something our office has done at all. So we're going into new directions, with actually boots to ground and helping people.

Audience: I had a question about Sarasota, and you said that fortuitous finds can stop development on a single parcel. Is there any monitoring of those single parcels?

Jodi Pracht: It's self-reporting, which gets scary.

Audience: That is scary.

Jodi Pracht: That's our Plan B.

Audience: You've got no rule about it and getting them to follow-through with every one of them?

Jodi Pracht: Well, you can't, and it keeps me up at night because, you know, I'm on the fence on a review, like, "Should I? Shouldn't I? An acre, that's a lot of money for somebody who just wants to build a home. Okay, I'm just gonna tag fortuitous finds." But if they don't self-report, I'll never know about it. You know, what's out there?

Audience: And that's even if they recognize what they are looking at.?

Jodi Pracht: Pottery looks like dirt, you know, so you are relying on it, yeah.

Robin Moore: On that subject, I think one way to do it is to educate your zoning enforcement people, and the people in the building department guys who go out and check, you know, to make sure things are the way they should be for the permit, and educate them on identification of sites.

Jodi Pracht: I don't want to take up too much time, but I want to throw out something kind of esoterical that hurts me. Earlier today when I was listening to a paper on shell works, and it was an amazing paper and I'm looking at her slides and I'm thinking, "Holy cow, this is architecture," and archeological sites always get nominated for data, and data potential, which has always seemed a bit of an oxymoron to me, because you're saying they're important and now let's go destroy them by excavating them.

So the protection that offers, it seems a little counter-intuitive to me. I started thinking: "Has anybody nominated or considered an archeological site potentially eligible based on architecture?" Then what, logically, does that mean? Does that mean you can't ever excavate it?

I don't know the answer to that question; I'm throwing it out there. But it's kind of interesting.

Audience: Along those lines [*cross talk*] got nominated, or was successfully nominated. And I think one of the first ideas was to nominate it as an architectural piece, and it was difficult – it was a difficult process for our interests. It eventually got it through with the archeological data Criteria D. Do you remember, was it a structure?

Jodi Pracht: So, did that designation didn't prohibit future excavation? Because if you're saying it's architectural, you're saying you can't modify it, or you have to replace with like or similar during restoration.

Audience: Yeah, I don't know. That might have been the reason why it didn't pass.

Jodi Pracht: So, there's like you excavate shells and then you put shells back?

Audience: Yeah.

Jodi Pracht: How would that work?

Robin Moore: I think now that I've had the time to think about it, I had to take some of the areas that we lack and certainly local government

lacks across the board, with respect to protection. But I think with the areas – some two areas we lack in – us archeologists and resource people – are in the awareness realm, especially showing a return on the investment that all these developers and everybody have to put in to the archeological surveys. You know, what is the return to the community on these ordinances; on the money spent on archeology. Of course, we are very fortunate, I think at the state now, to have a group like FPAN who's out there, that are going to probably make a big difference, and show that return through education and awareness.

But contemplating how we can show the public a return on that investment, because it is a community investment. If you want to hire an archeologist, well, what are they going to do for you?

So one of the ways working with the recs and parks departments of local governments, and they're going to have land that has the historic use there in. So that kind of thing. But we just need to work harder on that, in our profession.

Then the other is our lack of knowledge about how local government works, about how ordinances are created, about zoning regulations. You know, does anybody here really know what a comp plan is, or what the process is that creates elevation?

Michael Wood:

Kind of. It's a whole other profession.

Robin Moore:

But, really, know the process of what is created in an elevated economy: how do you create archeological protection? And it's a community effort, and we don't know that.

So I think we'll lacking on our education on this.

Zaida Darley:

Now, we're kind of running out of time, on to the last question, and then we're gonna open it up to the audience. If they have any further questions.

But if you've got something we touched upon it, and it's how to get the public and organizations, such as FPAN, FAC and FAS, to help to assist local government? I know some of the ways that the public can get involved, you have been mentioning public awareness? Is that through just resource review boards? You know, should we have a preservation planning, which is something? How would you say that, if you had an assignment, what would you think they should do to make a difference?

Jodi Pracht: Public education.

Michael Wood: I think probably one of the impactful things that could be done is, again, in the education world that actually focusing on the professional staff planning people that are throughout the state and the local governments. The state planning – there's two principle planning organizations within the state of Florida: The Florida Planning and Zoning Association who has a state conference upcoming in Sarasota in June, I think, or October sometime; and the Florida Chapter of the American Planning Association. I was just recently last month in New Orleans at the National Planning Conference, and I don't remember even seeing one session out of a three-and-a-half day full time period on archeology. Of the last few years I've gone to the state planning conference, I don't think I've seen one there; not that there hasn't been, I just don't remember.

So the professional planners in this state are not getting even a half-hour, an hour-and-a-half, two-hour session on archeological finds important in the state of Florida. So I think that's one of the real impactful ways that the organization here could really work with. The planning organization, and through the Department of Community Affairs, those are the places – and the Regional Planning Councils – where you can really reach that group of planners, and share information.

Clifford Smith: Yeah, well, I was thinking of is that FPAN could be very instrumental in raising awareness of our city commissioners, local politicians, other city planners, and the city staff, because we need to get this information to the decision makers, and we need to give them really good, precise language so if they're going to writing code, they're going to be writing comprehensive plan amendments, or something like that, they need to be aware of what are the resources in their area. So if FPAN knows that the resources in that area, they've got to raise awareness of local government, what are their resources, why is it significant, what makes this important to them and their citizenry? Not only just educating the general public, but the people that actually write the code and enact the code. I think this is the fundamental step. I would invite FPAN to come down to Sarasota to talk to Coalition for Historic Preservation, or any of the 501(c)(3)s, because these people go to their city government and talk to their city government, and tell their elected representatives how important this is.

So I think the more that you can make these connections, the better. So I welcome them at any time to Sarasota.

Myles Bland:

Returning to the really local scene, I would say the historic review boards, and historic district commission, whatever it is in your area, if it exists, is extremely important. It seems to be almost always the genesis for the rules, the regulations, the land development codes, that then lead to county archeologists and other positions.

I think the reason for that is because they are composed of five or seven local, established citizens that have a big interest in historic preservation; many of them are in politics or retired, or have access to the local museum, or considerable social connections, and those are almost invariably the group that initially applies for the DHR grant, or the initial funding, which leads to the writing of the first draft of the codes – that leads to the first idea that maybe we need a county historic structure person; that possibly a county archeologist would be a good idea.

FAS, FAC, FPAN, all do wonderful things, but returning right to the microscopic level of where it starts, it's closely linked to the HRBs, that issue the certificates of appropriateness for the local historic district; that look at the zoning variances for the garage within historic buildings; that examine all of those things. It's only a short leap to those small, local, well-connected groups to move into the regulatory realm.

So that area is one which should be targeted for as much attention as the historic preservation community can give it.

Jeff Ransom:

I think that, number one, the thing that FPAN can help us with is awareness, and we've talked a lot about that. One thing that I been doing is talking to property owners. They change so many, their property, they buy and sell all the time that the new ones don't know that they have a resource on their property. So they could maybe build something on there and they don't even know they have a site there. And that information is not in the file, and it's not passed along in many cases on purpose.

So that's one of the things that I'm dealing with right now. And also FPAN can really assist local governments, in helping them come up with a better ordinance, or strengthen their ordinance if they have a weak one. Those cities that don't have an ordinance, they need to enact one, and come up with a board – you know, set up a board and try to do something like that, and be proactive about it.

Robin Moore: I agree with all that. I think FAC and FAS as organizations can approach community leaders and also look for coalitions of people out there in the community, not just historic resource review boards, but just people that they might be interested in archeology, and develop a core of people to constantly keep pressure on local government, and keep education of local government. It's a constant, constant battle. Even as a staff member, it's a constant for educating the local officials on just our resources, because it just never stops. And those organizations can essentially lobby for ordinances and that type of thing, show that it employs people in the community, and employs archeologists in the community, and all kinds of different things.

Of course, FPAN and their outreach, education, and that type of thing, they can also do well to serve as a – I think everybody needs more education on how comp plans work, but to be able to have a good understanding of that so when the public comes to you and they ask about ordinances, FPAN does not necessarily say, "Here's what we need to do," but they can certainly point them to point people within local government – the planners especially – to go talk to, and make those connections, and be able to facilitate those connections. That would be a very important role.

Zaida Darley: So, is there any questions from the audience?

Audience: Jeff, I'm just curious, you mentioned how information on cultural resources is not tied on public property, if the property owner changes they may not know about it. Isn't there any way, you know, we have a master site files, we know where the documented sites are. Isn't there any way to get that tied to the tax info so that you could pull up a tax record on a piece of property, couldn't there be some sort of flag in the system where there is a documented site related to that, so that that information is not lost?

Jeff Ransom: Yeah, I think it could be done through the property appraiser.

Myles Bland: Yes, but....

Jodi Pracht: Wouldn't that make it public?

Jeff Ransom: That's the problem with the public record.

Jodi Pracht: It would make the location public record.

Clifford Smith: That's a concern.

Jodi Pracht: The location of the archeological site, would that become public record if it were in the tax records, or if it were in property appraiser data.

Clifford Smith: You want to protect the archeological records.

Audience: Most property appraisers at the county already do that, they're flagged or designated, not the Florida Master Site File, itself. You are talking two different things. It's nice to do that, but things you still need to do is reach the landowner, so you have to have to a public outreach by the city or government, and sometimes they do not even want to pay the postage to do that.

Jeff Ransom: Well, it might not have to be done like that, I'm just saying, just approach the property owners. And tell them what they have. You know, a lot of them, they just don't know.

Audience: I'd just like to say that in Highlands County, the perception is that your land is going to be confiscated or you cannot develop or do anything with any land that has a site on it. And it has taken years. Now this started back around 1991, an editorial was written, and then other things were written, and they got pretty venomous about the ecology, the environment of the scrub jay, and this kind of thing, until people there do not want an archeologist on their property, they didn't want a scientist on their property, they didn't even want a bird count on their property. So, it's taken years to go back and try to talk to individual landowners that have sites there, and telling them, you know, this is wonderful. Do you realize what you have on your property? You know, and really talk to them about how important it is to preserve. This is not anyone that came to me and said "I need a listing with my property because the Master Site file that says it's there." It was a campsite. There were good bit of pottery there, we went out and we looked at it as a chapter just to see what was there. And we wrote a letter to the planning commission and we said, "This is campsite. This is something. They passed through here. This was not a major site, or anything like that." And our chapter, they can do whatever they want to do with their property.

Now what I do tell them if they have a burial site on their property, then they're not to dig in it, and if they really, really want to develop it – and I hope I'm right about this – you can apply to the state and they can move it. This is what I have heard is that the state could do that, that's if they really, really want to develop a piece of property.

But the perception out there is not a good one, and I think education that's the dominant thing that you have to have, is education. We start it in schools, because sometimes trying to talk to an 80-year-old man that has for years, and years not wanted anybody on his property because he's afraid it's going to be taken from him, you start young, and you start talking about having them out to site and finding out why it's important, why should people preserve this site, and I think that's what you're going to have to do if you want to get this across to people.

Michael Wood:

If I can respond to that just a little bit. I think what you bring up is a really good point, but your community has to be ready. If you're ahead of the curve, and you start talking about designating sites on private property, your elected officials have to be ready for the blow-back that's gonna come, because for everybody – for each community that starts to move forward, it's going to get opposition. Any addition that will add to the length or the review, or another person in the development review process of just from a dig development to getting maybe a garage built, the elected officials are going to be very weary about what additional burden and cost is being put into – not just for the property owner, but actually, now even more so, the local government: how much more is it going to cost us to actually review those.

Somebody had mentioned Santa Rosa County is laying off teachers, you know, Manatee County, we had a vigorous planning department was cut in half last year: half the professional staff was left go. So the folks that are left, I can promise you, unfortunately their top focus is not on archeology. They are trying to first get through the system, and just get through what they have already on the books.

Audience:

I do want to bring up one more point. Thank you. We were talking – while you were talking, I'm sorry....

Michael Wood:

That happens a lot.

Audience:

...one of the things you said, you were telling us is to go together to get an archeologist, and you have one for several counties. You said, now for our county it would be easier because there's not a whole lot, well, there's not a whole of development going on. I can see where a lot of the counties where you – an archeologist, could do well for development. But is there a way county governments to work together to? This is the next question.

Jodi Pracht:

Yeah. Getting multiple counties to share the resource of the county archeologist. The challenge in that would be that the archeologist could potentially have whole different ordinances that they were trying to apply. In terms of land ownership concerns, it's been my experience recently that they're pushing back a little harder, especially in this economy. I had to go to a planning commission meeting and defend my call for an archeological survey – multiple codings on her property, so, you know, what I was asking was really not that much. But they had an attorney who was very aggressive and called my judgment call un-American, and floated words like "unconstitutional," and our county attorney went white.

Jodi Pracht:

And it actually got to the place in the discussion – this attorney was very aggressive about he didn't want any stipulations for development – our county attorney actually stopped and said, "Are you considering litigation?" So they're pushing that.

Myles Bland:

Yeah. It might help if you pointed out to them and said, historic designation is not a condemnation or a taking. That might be the first way to go, and that might do something alleviate some of the other site's concerns. And then the same thing is in counties and cities where I've seen it done effectively, is it's presented as something of a pro forma, everyone has to do it, and everyone down the line from the planners to the county archeologist, to the city archeologist says, "Oh, well, everyone has to do it, that's pretty much the norm." And you say, "Look at your DHR letter, it's pre-fix 2010, 10,011, there were 10,011 people in front of you this year that got told to do it."

When you start pre-fixing it that way, then it rapidly becomes, "Boy, another piece of governmental red tape." And then you say, "Wow, I'm sorry that you ran into this, but when was the last time you a permitted an ocean-front house on top of a shell midden?" They'll go, "Wow, that's the first time." It's frequently how you approach things.

Then as far as how some of the county and city archeologists I know, in your particular case specifically, if they come with a lawyer, then you come with the city lawyer. In this case it doesn't generally engender any feelings of terrible difficulty, but you're saying "Hey, this is a permit, we all have to get through it, and there's a cost-benefit analysis to be done in this situation." Doing the survey is going to cost less than paying the attorney, they're

going to do the survey, and in most cases, it's going to cost a lot less to do the survey than it is to pay the attorney.

So while, once again, those are really local statements – a local way to address the problem, it is a way that it can be dealt with – so, yeah.

Zaida Darley: Any other questions?

Jeff Moates: As we get ready to close, I would like to thank the panel.

Zaida Darley: And I want to thank everyone for staying longer than the session and the discussion, and for our panelists for attending.

Audience: And for a bit of history, so if you haven't been here a while, etc. This feels like 20 years ago, we've come a long way with some county ordinances, it just highlights how all politics is local, so to speak, the old saying – that's where we have to start. And FAS has a big burden and big role ahead of them, hopefully.

Thank you for your time, and hopefully be a resource for the rest of us in the future.

Panel: Thank you.

[Audience applause.]

End: