



*Coalición Puertorriqueña de Arqueología*  
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## **Legal, Ethical and Methodological Inconsistencies of New South Associates at PO-029 (Jácanas Archaeological Site), Autonomous Municipality of Ponce, Puerto Rico**

### **Ponce-029 (PO-029 or Jácanas Archaeological Site):**

According to New South Associates (2006), Jácanas was defined as a site of at least 9 acres (40.000 m<sup>2</sup>). For this big archaeological site, the original plan for mitigation formulated the excavation of just 50 m<sup>2</sup> in units 1x1 and 2x2 (manual) (=0.001%), and machinery of another 2,000 m<sup>2</sup> (0.05%). This methodological aspect is important because it can show the potential total amount of land impacted (or that they foresaw an impact with the machine until it stopped) and the little sample studied after claiming they found an important and exceptional pre-Columbian site with the alleged extension. The U.S. Corps of Engineers, the Puerto Rico SHPO and New South never considered the preservation of the site in spite New South concluded their Phase II archaeological study claiming the exceptional qualities of the site.

### **Violations to the *Register of Professional Archaeologist's Code of Conduct and Standards of Research Performance* ([link to the "Code and Standards" of RPA](#))**

Specific points of the Code violated by New South Associates at PO-029:

1.1.a; 1.1.b; 1.1.c; 1.1.d; 1.1.e; 1.2.a; 1.2.d; 2.1.c; 2.1.f; 2.1.g; 2.1.h; 2.2.c; 2.2.d; 3.2.e

Specific points of the Standards violated by New South at PO-029:

1.1; 1.3; 1.4; 1.5; 3.1; 3.2; 3.3; 3.4; 3.5; IV

### **Serious problems detected by the *Coalición Puertorriqueña de Arqueología* at PO-029 during New South Associates excavation of the site**

#### **Use of heavy machinery:**

a) The cleanliness of the vegetation (trees) of the place was done with machete and also with heavy machinery, pushing many adult trees and allowing them to collapse after bulldozing. All the

archaeological contexts that were under the ground (around the enormous root systems of those trees) were heavily altered by the described process.

b) The use of the heavy machinery for the archaeological excavation resulted in the elimination of several cultural strata that were full of rich archaeological materials of all kinds that were deposited through time in many overlapping anthropogenic layers.

c) The use of heavy machinery for the excavation resulted in the direct impact on human burials and their respective exposition to the weather inclemency.

d) The use of heavy machinery produced the elimination of the original ancient court floors, subtracting also the foundation of the many monoliths around the courts and leaving them virtually without any physical support. Some of those unique stones were impacted by the heavy machinery process.

e) The accumulation of large piles of archaeological soil (related to the ancient courts and other type of cultural features, e.g.. activity areas as households) just outside the excavation pits attest to the practice of irregular excavation methods, and without any horizontal and vertical control. The thousands of artifacts impacted as a product of these machine excavations were not recovered and the many archaeological artifacts were accumulated in piles. Only a small sample of those impacted areas was properly documented.

f) As a result of the use of machine, the three-dimensional registering of thousand of artifacts, and the horizontal contexts related to the different occupational episodes, were not conducted in a proper way. The artifacts and the soil contexts of them were just placed in piles and those materials are currently near the excavation areas.

### **Violations to Puerto Rico's *Ley 112 del 20 de julio de 1988* known as "*Ley Para la Protección del Patrimonio Arqueológico Terrestre de Puerto Rico*"**

a) The U.S. Corps of Engineers and New South Associates began an excavation in Puerto Rico without the legal consent of the Council of Terrestrial Archeology.

b) New South removed an unknown quantity of archaeological materials from Ponce-029 and from Puerto Rico without the consent and legal permission of the Council (a violation to the UNESCO Convention too). We need to stress that is illegal in Puerto Rico to remove any kind of our cultural heritage, including archaeological materials, without the permission of the pertinent government agencies.

c) To this date New South has been refusing to give complete and accurate reports on the way they have been doing its current research (Mitigation).

d) New South have been negligent with the practice, ethics and the minimum standards of the archeological discipline (since the Phase II archaeological assessment through the current Mitigation) resulting in the destruction of invaluable materials. As a consequence, large sections of horizontal and vertical contexts, where basic information was not documented or collected, were destroyed.

e) An historical cultural resource of the XIX Century was totally destroyed by New South during their work at Ponce-029, and without any kind of consultation with Puerto Rican cultural agencies. They (New South supported by PRSHPO) only based their decisions in the federal eligibility criteria of the Section 106, rejecting to consult the Puerto Rican agencies for this important decision.

f) Together with Puerto Rico SHPO, New South determined that the pre-Columbian site was "mitigable" despite prior information regarding the potentially importance of the site and without considering its obvious need for preservation due the information previously gathered by them (New South 2006).

#### **Violations of Section 106 NHPA 1966**

a) New South never consulted the Puerto Rico's pertinent agencies of interest (Archaeological Council) or other interest groups associated with the archaeological project (community, local archaeological societies, individual archaeologists) (see 36 CFR, Part 800.1; Part 800.2 and Part 800.3). It should be noted that Puerto Rico's SHPO doesn't regulate our internal archaeological laws; that public agency just evaluate the Section 106 process.

b) The Archaeological Council decreed an official (legal) order requesting to New South, to U.S. Corps of Engineers and to PRSHPO all the existing and current progress reports, list of materials illegally removed from Puerto Rico, maps, sketches, catalogs of precise materials extracted, but that information has not been delivered to this date. The only delivered documents to the Archaeological Council was the Phase II report and a basic field catalog of artifact bags with no information on the materials removed outside Puerto Rico.

c) New South didn't assessed correctly the "adverse effects" of the project based on the 36 CFR, Part 800.5 because they never were able to determine the real importance of the site (36 CFR Part 63), nor their vertical or horizontal extension (something that must be clearly done during the Phase II). The methodology employed during the Phase II and Phase III revealed that the sampling strategies and the type of surface strategies on the part of New South were poor from the beginning of his work at the site (in 2006).