

Cultural Resources



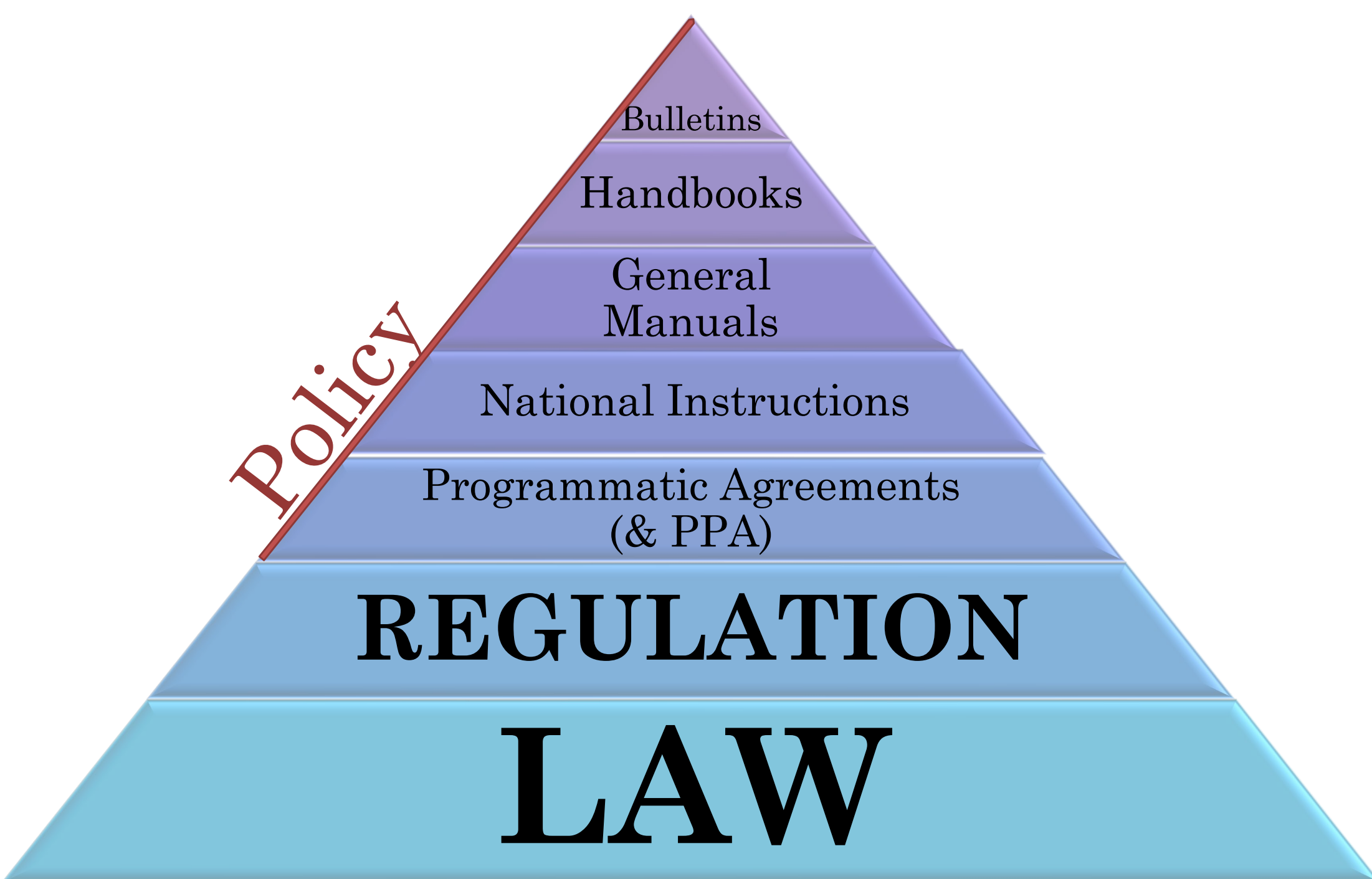
Presentation Objectives:

- Brief overview of Cultural Resources Legislation
- Define cultural resources
- Brief review of NRCS policy and procedures for cultural resources
- Recent updates



"...And right above the Stone Age strata you can clearly see artefacts from the 'Iron Age!'"





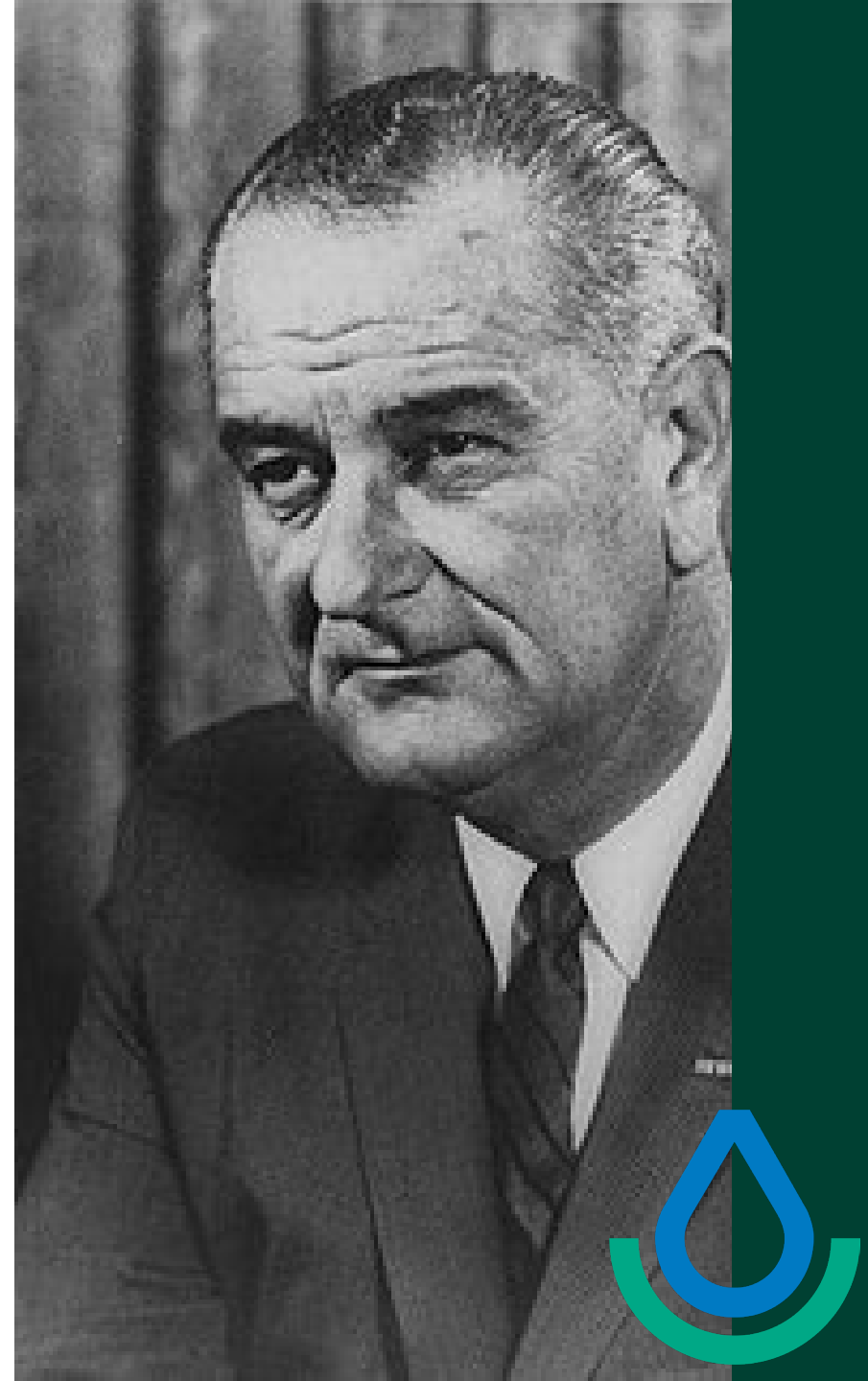
Cultural Resources Legislation in the United States

- Antiquities Act of 1906
- National Historic Sites Act of 1939
- National Historic Preservation Act of 1966.
- National Environmental Policy Act of 1969.
- 1972 Amendment to the Federal Property & Administrative Services Act of 1949
- The Historic & Archaeological Data Preservation Act of 1974
- American Indian Religious Freedom Act of 1978
- Archaeological Resources Protection Act of 1979
- Native American Graves Protection and Repatriation Act of 1990



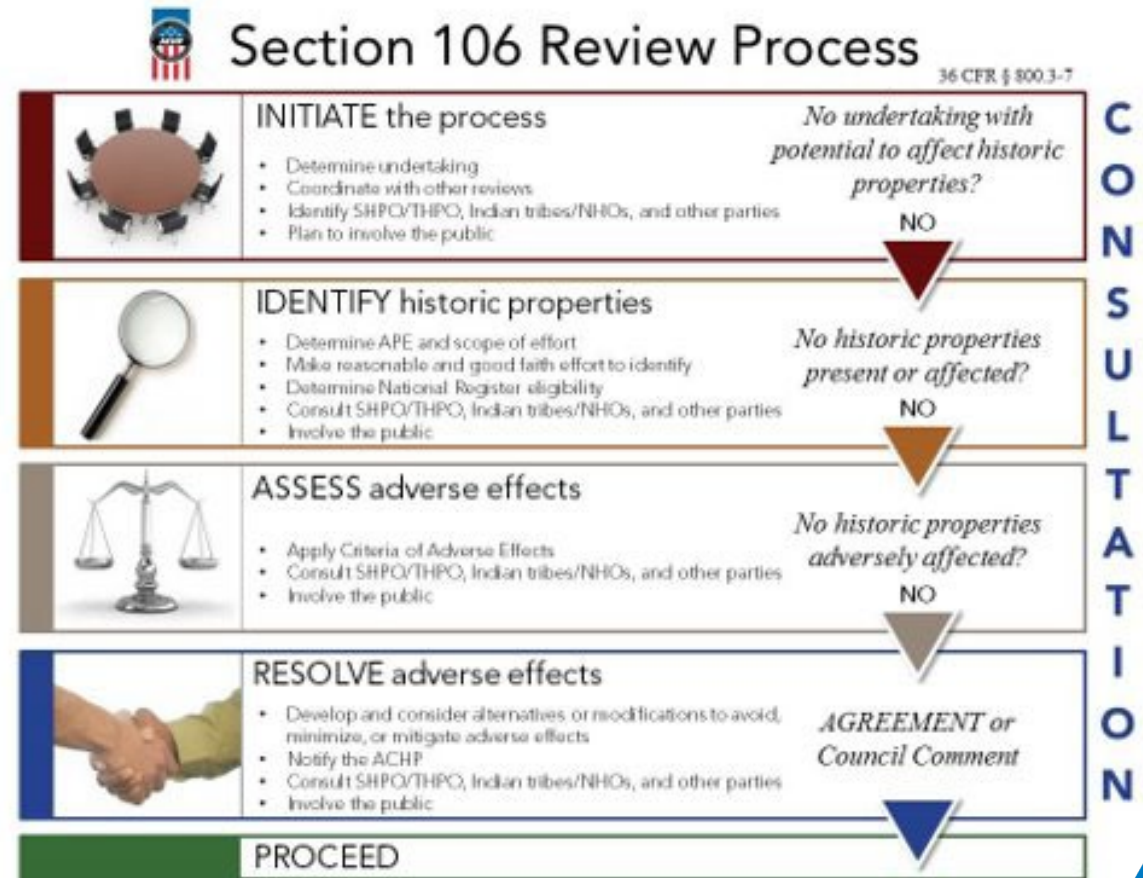
The National Historic Preservation Act (NHPA)

- The primary law that governs cultural resources is the National Historic Preservation Act (NHPA) of 1966; This law dictates the broad requirement that *the Historical and Cultural foundations of the Nation should be preserved.*
- The NRCS like any federal agency is required to comply with all federal legislation and cultural resources are not exempt from that legislation.



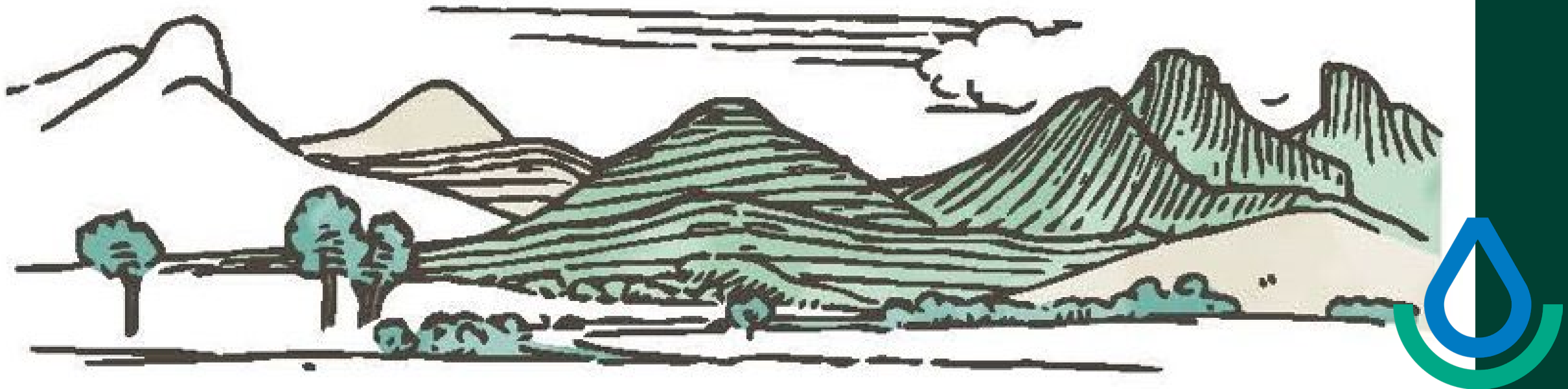
The National Historic Preservation Act (NHPA)

- **Section 110** requires the NRCS to identify, evaluate, protect, and nominate historic properties to the National Register of Historic Places.
- **Section 110(k)** of the NHPA prohibits Federal agencies from providing assistance to an applicant who, with the intent to avoid the requirements of compliance with Section 106, significantly adversely affects or destroys historic properties that are in the assistance project's area of potential effect (APE).



NEPA and the NHPA

*... Laws requiring all Federal Agencies
to take into account impacts
to **natural AND cultural** resources
before implementing a project
or undertaking.*



- In accordance with the National Historic Preservation Act (NHPA) and related statutes and regulations, NRCS is responsible for the identification and evaluation of cultural resources and the protection of historic properties affected by NRCS undertakings. In addition, NRCS will manage the historic properties under its jurisdiction (owned or leased land) to protect, preserve, rehabilitate, restore, and maintain them.

NRCS Policy



The NRCS is responsible for historic preservation and cultural resources compliance in all actions where NRCS is considered the lead agency; **it is the policy of NRCS to protect cultural resources in situ to the fullest extent possible.**

If NRCS, in consultation with the SHPO and appropriate tribes or THPOs, determines an undertaking will have an adverse effect on an historic property. We will enact treatment measures as described in the National Cultural Resources General Manual (Title 420 Part 401.22) to resolve adverse effects.

NRCS policy guides us on how we move through this process.

- General manual, National Instructions, and Handbooks provide the framework
- The process is flexible but NOT optional.



**ILLINOIS PROGRAMMATIC AGREEMENT BETWEEN THE
US DEPARTMENT OF AGRICULTURE,
ILLINOIS NATURAL RESOURCES CONSERVATION SERVICE STATE OFFICE, AND
ILLINOIS STATE HISTORIC PRESERVATION OFFICER,
REGARDING CONSERVATION ASSISTANCE**

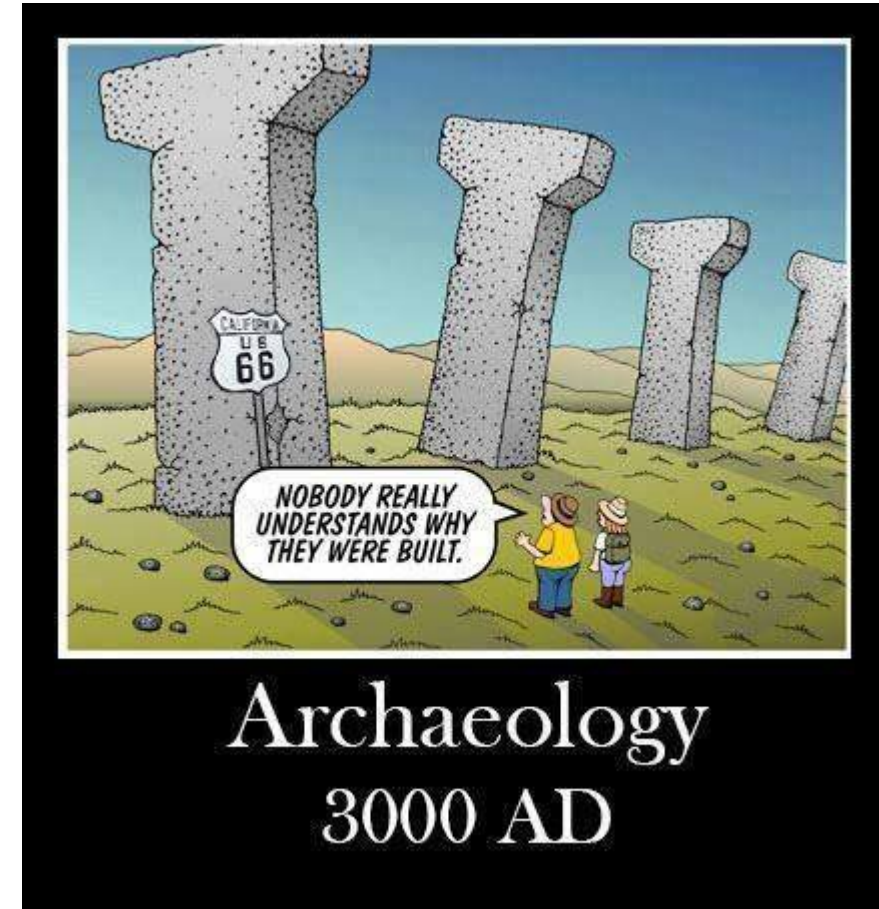
WHEREAS, the United States Department of Agriculture (USDA) Natural Resources Conservation Service (NRCS) administers numerous voluntary assistance programs, special initiatives, and grant and emergency response programs for soil, water, and related resource conservation activities available to eligible private producers, States, commonwealths, Federally Recognized Tribal governments, other government entities, and other applicants for conservation assistance, pursuant to the Agriculture Improvement Act of 2018 (2018 Farm Bill, Public Law 115-334); Soil Conservation and Domestic Allotment Act of 1935 (Public Law 74-46, 16 U.S.C. 590 a-f, as amended); the Flood Control Act of 1944 (Public Law 78-534, as amended); the Watershed Protection and Flood Prevention Act (Public Law 83-566, as amended, 16 U.S.C. 1001-1012); the Agricultural and Food Act of 1981 (Public Law 97-98, 95 Stat. 1213); the Agricultural Credit Act (Public Law 95-3341, Title IV, Section 403); Food, Agriculture, Conservation and Trade Act of 1990 (Public Law 101-624); the Flood Control Act of 1936 (Public Law 74-738); the Food Security Act of 1985 (Public Law 99-198, as amended); the Federal Agricultural Improvement and Reform Act of 1996 (Public Law 104-127); and executive and secretarial orders,

Illinois NRCS – SHPO PA



What are Cultural Resources?

- The term is used throughout the Federal Government to refer to historic, aesthetic, and cultural aspects of the human environment.
- In NRCS, the term is sometimes used interchangeably to refer to any historic or archaeological property that has been identified during planning or to refer to “historic properties” as defined by the ACHP regulations.
- In fact, the term “cultural resources” is not identical to the term “historic properties” and may incorporate natural and broader cultural elements (i.e., spiritual) of the human environment.



Cultural Resources Defined

- The physical evidence of the past activities and accomplishments of people (individual and society).
- Cultural resources are **non-renewable**.
- They can include tangible and less tangible traces of culture, historical documents, landscapes, and lifeways.
- Includes both resources that eligible for the National Register of Historic Places and those that are not eligible.

**Archaeologists
Don't Dig Dinosaurs.**



Tangible Cultural Resources

- Districts
- Archaeological Sites
- Buildings
- Structures
- Objects
- Historical Documents
- Cemeteries



Intangible Cultural Resources

- **Traditional Cultural Properties (TCPs)**
- **Landscapes**
- **Subsistence** (resources: food, tools)
- **Religion** (beliefs, worldview)
- **Medicine and Healing** (knowledge)



Prehistoric Sites



- Grand monumental sites in Illinois such as Cahokia
- Others are rather smaller mounds which are still clearly recognizable
- However, most are sites that aren't as recognizable to the untrained eye such as:
 - Habitation sites
 - Temporary camp sites
 - Hunting processing sites
 - Artifacts scatters from tool manufacturing

Historic Sites



- Homesteads
- Churches
- Poor farms
- Cemeteries
- Artifacts scatters
- Industrial sites



Types of Artifacts: Prehistoric



Projectile Points

Flakes

Hammer Stones

Scrapers

Drills

Cores

Abraders

Pottery



Types of Artifacts: Historic



Cans

Bottles

Nails

Metal objects

Horseshoes

Toys

Window Glass

Bricks



Section 106 in the Planning Process

Who is involved in Section 106 Compliance?

Trained Field Office

Employees

- Conducts inventories of NRCS practices that are subject to review
- Submits review requests, pertinent paperwork to Cultural Resources Specialist (CRS) for Section 106 compliance
- Serves as point of contact between cooperators and CRS for cultural resource concerns

Cultural Resources Specialist

- Responsible for training NRCS field office staff
- Makes recommendations to the State Conservationist on Section 106 matters
- Oversees implementation of cultural resource policy and procedures
- Reviews projects for Section 106 compliance
- Provides direct assistance to field office staff

State Conservationist

- Has approval authority for all undertakings
- Can commit NRCS to take appropriate action for undertaking as a result of Section 106 compliance
- Responsible for conducting consultation with SHPO, other federal and state agencies, THPOs, Tribes



IL-NRCS SHPO PA EXEMPTIONS

APPENDIX A

LIST OF UNDERTAKINGS REQUIRING NO FURTHER SECTION 106 REVIEW

Pursuant to Stipulation V. a. above, in consultation with the Illinois SHPO, the NRCS, through the qualified CRS as described in Stipulation II. b., has determined that the following undertakings have little or no potential to affect historic properties. The NRCS is not required to consult further with the SHPO under Section 106 for any undertaking that is included in this appendix.

Conservation Practices Applicable in Illinois

Access Control
Air Filtration and Scrubbing
Alley Cropping
Amending Soil Properties with Gypsum Products
Amendments for Treatment of Agricultural Waste
Conservation Cover
Conservation Crop Rotation
Contour Buffer Strips
Contour Farming
Contour Orchard and Other Perennial Crops

Reviews are practice driven,...not program driven!

Every undertaking that falls under Appendix B must be sent to the State Archaeologist



CRP Funded Practices

- If a cultural site is present, the FO will:
 - Complete the CPA-52 and present a copy to the CED
 - FSA will make a determination of effect
 - FSA may consult with SHPO
 - Receive a copy of SHPO comment and send copy to State Archaeologist

Title IL420 – Illinois Instruction

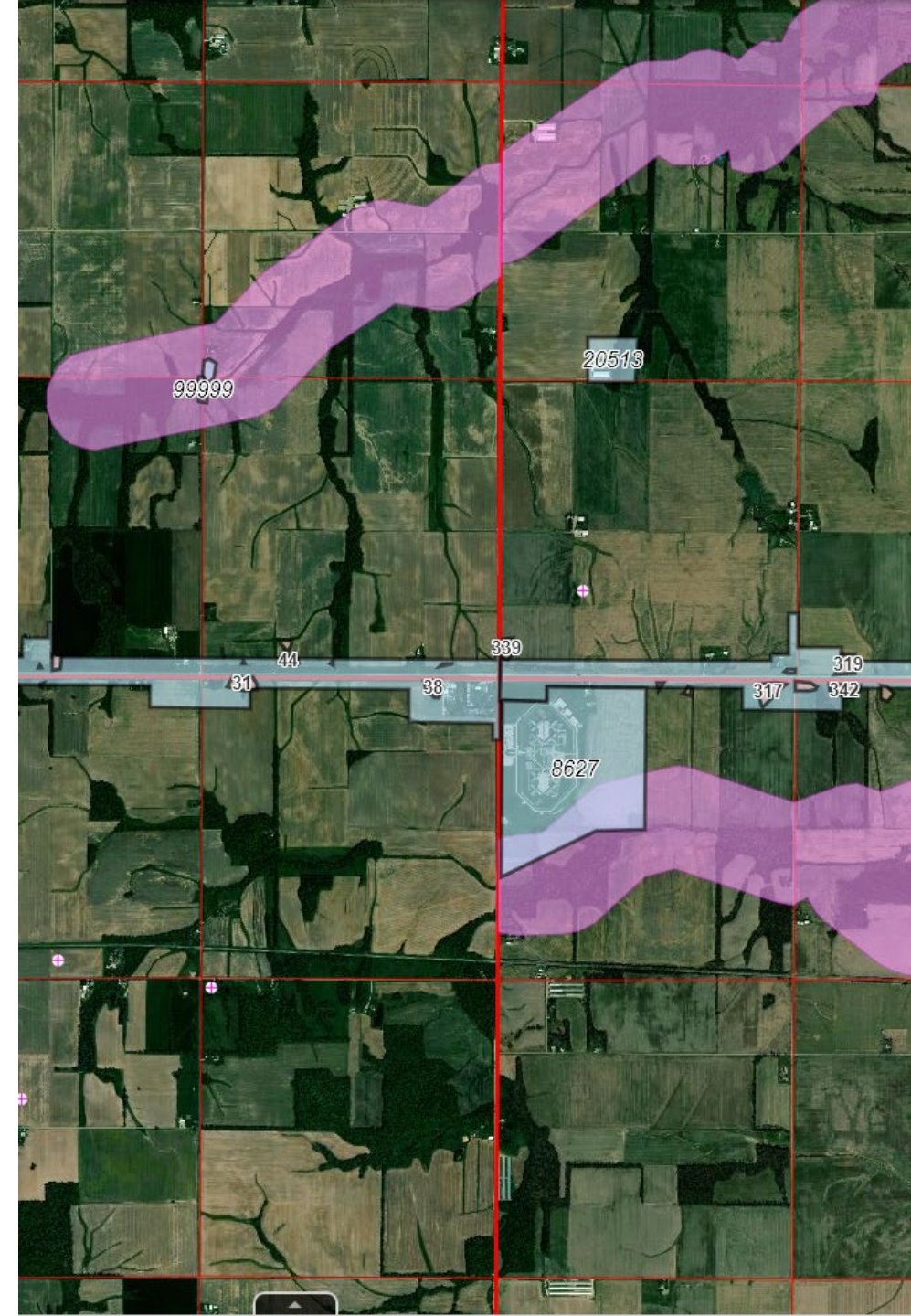
E. CRP Projects

1. All CRP practices that include an undertaking if they are ground disturbing practices or on the Appendix B of the SHPO Programmatic Agreement, will require a field review as outlined in section A.
 - 1.1. All CPA-052 forms will be submitted to the State Archaeologist for review, as outlined in section A.
 - 1.2. All practices with cultural resources concerns identified within the APE, by the State Archaeologist, must be provided to the Farm Service Agency for additional follow up.
 - 1.3. No field visits are conducted for CRP, by the ACRS or the State Archaeologist.
2. If there are no cultural resource concerns, the State Archaeologist will clear the project and the undertaking may proceed.



Cultural Resources Reviews

- **Send in the cultural resources review early in the planning**
- **Do not wait until funding is secured, or landowner ready to install**
- State Archaeologist will use mapping software to check for archaeological sites and for areas of high probability for cultural resources. This includes:
 - Historic structures
 - Cemeteries
 - National Historic Sites and Districts
 - Trail of Tears, and/or Trail of Tears Buffer
- If necessary, the State Archaeologist or a Cultural Resources Coordinator will perform a field visit
 - Pedestrian Survey
 - Shovel Test Pits (STP)
 - Ground Penetrating Radar (GPR)



Cultural Resources Reviews Cont.

Reason for field inspection:

- Known archaeology sites within or near the APE
- Artifacts were found during initial survey from field office
- High potential
- Alter a historic landscape
- Visibility less than 25%
- Anything else that the State Archaeologist deems necessary

Review Process will require consultation if a cultural site is present

- New sites need to be reported – takes several days to receive site number
- Consultation documentation is prepared
- SHPO has up to 30 days to comment
- If further investigation and/or documentation is required, could cause long delay



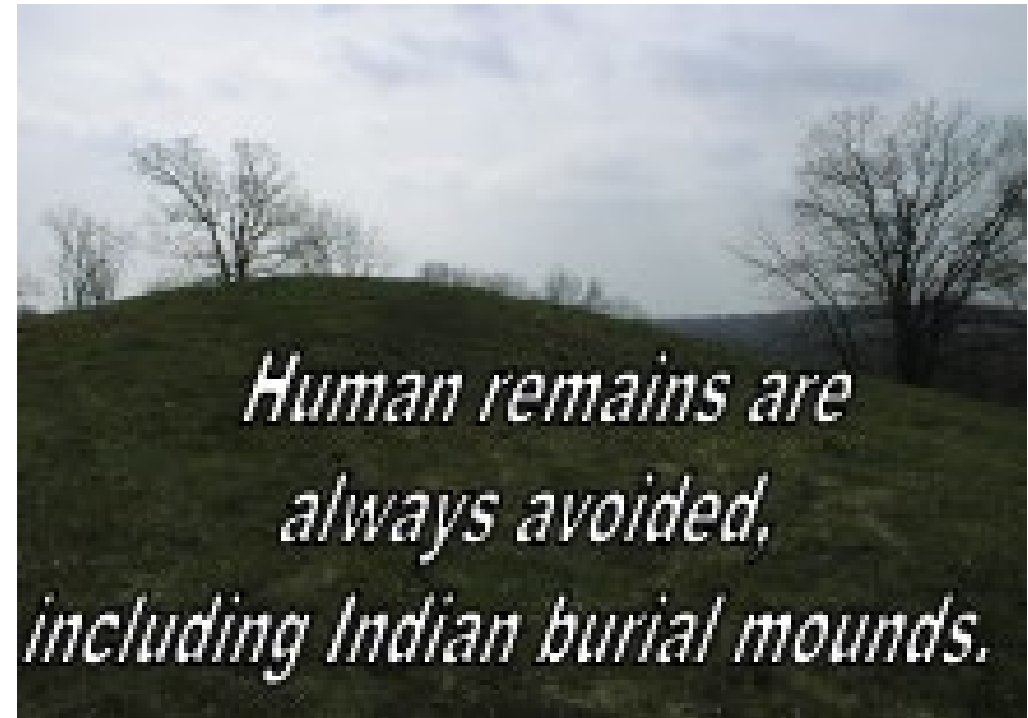
Initial Survey Prior to Submission

- The more people with you during a survey the quicker it will be
 - Walk parallel lines or transects, systematically across the APE
 - Five meters apart
 - Ground visibility is required to be 25% or greater unless grasses
- The most common mistake in surveying is surveying the APE haphazardly. Walk the area in a systematic way to assure that you have covered all the APE
- If artifacts and/or sites are found during initial field visit:
 - Take photographs
 - Map where cultural resources are located
 - **Do not collect any artifacts from the field**
 - If you are uncertain about potential artifacts and/or sites send in photographs to the State Archaeologist



Avoidance is preferred!

- Should you discover the presence of cultural resources in the APE while conducting the initial field survey:
 - Avoidance is the simplest solution. Move the undertaking away from the site or consider an alternative practice that will not have an effect on cultural resources (e.g., seeding a cultivated field rather than building terraces).





What happens when you find cultural resources that cannot be avoided?

- Get the State Archaeologist involved
- Discuss options with Client
- The State Archaeologist will help with decisions on whether to avoid, discontinue assistance, or mitigate effects.
- The State Archaeologist will handle any consultation (SHPO, Tribes) that is necessary.



Cultural Resources Review

- Area of Potential Effect (APE)
 - Only identify areas that could potentially adversely affect cultural resources
 - It does NOT mean the whole field that is benefitting from the new practice
 - Review may get sent back to discuss APE
 - Remember, borrow areas and access roads need to be considered for the APE
- Forms:
 - Please include the number of practices
 - Name of practices
 - Other items to include in submission:
 - Plat maps
 - Previous cultural resources reports
 - Electronic polygon shapefiles
 - Relevant photographs
 - Any additional information such as a plan map etc..
- Please fill out funding program & status.
- Ask the landowner about any sites/ graves on the property **before** review is sent in
- If you have questions, ask!

ILLINOIS CULTURAL RESOURCES REVIEW FORM

To be completed for all "Undertakings." Consult Appendix B to determine the extent of the review. Upload the following to the County SharePoint Folder: quadrangle map, aerial map w/APE marked & planned practices, polygon APE shapefiles, fully completed CR Review Form, & any other supporting documentation that may be helpful to complete the review. Enter all information into the County Tracking List within the County folder.

Area: _____ County: _____ Field Office: _____

Submitted By: _____ Submission Date: _____

AREA OF POTENTIAL EFFECT (APE)

Participant Name: _____ Tract #: _____ APE Acres: _____

USGS Quadrangle: _____ Meridian: _____ Township# _____ Range# _____ Section: _____ ¼ Section: _____

Ground Cover: _____ Proposed Construction Date: _____

Practice(s) Name, Code & Amount

--

Application Status: Planning Pre-Approved Obligated

Funding Source: CSP EQIP RCPP CRP ACEP EWPI PFC IDNR Other: _____

CULTURAL RESOURCES REVIEW

- | | YES | NO |
|--|--------------------------|--------------------------|
| 1. Is owner/operator aware of any historic structural remains, or artifacts within the APE?
Describe: _____ | <input type="checkbox"/> | <input type="checkbox"/> |
| 2. Did the submitter find any buildings shown in old county atlases or platbooks within the APE?
What year did the building 1 st appear? _____ | <input type="checkbox"/> | <input type="checkbox"/> |
| 3. Are there any buildings over 50 years old within the APE?
Describe: _____ | <input type="checkbox"/> | <input type="checkbox"/> |

ONSITE PROJECT SITE INSPECTION

Date APE was walked and visually searched for artifacts: _____

APE Surveyed By: _____

% Ground Visibility: _____



Construction/ Post Review Discoveries

it's not a matter of 'if' – it's a matter of 'when'

- **STOP** all work (no exceptions!)
- Secure the area
- Report to your supervisor and the landowner/applicant
- **Notify the State Archaeologist**
- **DO NOT COLLECT ANYTHING!**
- Refer to Section VII of IL SHPO Agreement



Discovery of Human Remains

- **STOP** all work immediately
- Remains must be protected in place (Set up 50-foot buffer around remains)
- Do not move/touch anything!
- **Local law enforcement agencies must be contacted immediately, to determine if remains are part of any ongoing investigation.**
- Report the find to your supervisor
- **If it has been determined to not be a crime scene, notify the State Archaeologist immediately**
 - The county coroner and SHPO will be notified within 48 hours of discovery
- Planning and construction activities at the site can recommence only after the NRCS State Conservationist and the SHPO agree that the plan for treatment of the human remains has been completed



Adverse Affect: Anticipatory Destruction

- Example: a landowner has a historic barn on their property. They're concerned that the barn will hold-up the installation of practices in their NRCS contract. The landowner decides to tear down the barn. This would be considered 'anticipatory destruction.'
- If the landowner has cultural resources on their property and they remove the cultural resources for a project, please inform the State Archaeologist
- This **includes** graves markers (refer to *Human Skeletal Remains Protection Act*)





Areas of Special Concern

- We must protect all burials, not just Native American Sites
- There are hundreds of undocumented and unknown cemeteries across Illinois
- These are protected by federal and state laws
 - Even if there are no headstones!



Cemeteries, cont.

- Exact boundaries of these cemeteries are often hard to know
- This requires research, archival work, field visits, and more
- Undertakings that occur near grave sites may time extra time to process



Common Issues



- Visibility- Per SHPO, anything under 25% visibility requires strict 15m-interval shovel test survey with screening of the sediment
 - This is time consuming, and often an impossibility
- At 15 meters, there are roughly 16 STP's per acre. At 25 a day, 7 days a week, a 200-acre site would take 128 days to complete
- Therefore, if you don't have visibility, you can send it to the State Archaeologist for a review for known sites, however it will still have to investigate the site with better visibility and sent in again for a second review. **OR** wait until you have better visibility.
- Do not send a review with less than 25% visibility **and** crops in the ground
 - Additionally, do not send a review with snow on the ground
 - It will get sent back
- Only those who have completed the Cultural Resources Training may walk the field themselves



Recent Updates

Cultural Resources
Review Form

- New Form October 2023.

Cultural Resources
Contact List

- Updated October 2023.

Illinois Instructions

- Updated October 2023.

Appendix A & B of
our SHPO Agreement

- Updated October 2023.

Submittal Process

- Updated October 2023.



Cultural
Resources
Coordinators

Area One: David Hahn, Wyatt Junis.

Area Two: Dan Sahm, Jeremy Piper

Area Three: Benjamin Johnson, Dan Osterman

Area Four: Jeremy Jackman, Patrick Mitsdarfer



Questions?



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- (1) mail: U.S. Department of Agriculture
Office of the Assistant Secretary for Civil Rights
1400 Independence Avenue, SW
Washington, D.C. 20250-9410;
- (2) fax: (202) 690-7442; or
- (3) email: program.intake@usda.gov.

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