
**NAVIGATING THE 106/707 CULTURAL RESOURCES
REVIEW AND COMPLIANCE PROCESS:
ARCHAEOLOGY FOR BUSINESS PEOPLE**

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THE FEDERAL AND STATE CULTURAL RESOURCE REVIEW AND COMPLIANCE PROCESS

This booklet has been prepared to help you understand the intricacies of the federal and state cultural resource review and compliance process (the 106/707 Process). It has been triggered in the case of your construction project for one or more reasons:

- You are using federal or state money for part or all of your project funding
- Your project is located on federal, state or local government property
- You require a federal or state license or permit in order to accomplish your project

You have received a letter from the office of the State Historic Preservation Officer (SHPO) informing you of the review process and telling you that you need to pay for an archaeological survey of your project area. If you are an average applicant, chances are you have had little or no experience with archaeological surveys or excavations. This booklet has been designed to help you successfully navigate the 106/707 process.

The federal and state cultural resources laws require federal and state agencies to ensure the protection of historic resources that will be impacted by projects situated on their lands or by projects they fund, permit, or license. The laws have been written to both protect our common cultural heritage and to allow economic development to go forward. The SHPO in each state regulates these efforts. At the federal level the SHPO office works with the National Advisory Council on Historic Preservation. At the state level the SHPO is responsible for review of all projects that fall under the state cultural resource laws. In Illinois the SHPO is part of the Illinois Historic Preservation Agency [IHPA]).

History of the 106/707 Process

The drive to preserve and protect cultural resources has a long history in this country. The passage of the Antiquity Act of 1906 had its roots in efforts by the federal government in the late 19th century to preserve Civil War battlefields. It also grew out of the work of individuals and museums to preserve prehistoric Indian sites throughout the country. Between the two world

wars salvage archaeology conducted by the Works Progress Administration (as part of the New Deal) resulted in the excavation of hundreds of prehistoric sites across the country, in the Southeast and Midwest in particular. But it wasn't until after World War II – with the construction of the national interstate highway system, the flooding of river valleys behind dam projects on the major river systems, and the destruction of historic buildings in major cities across the country – which the federal government passed legislation that would protect and preserve significant cultural resources in this country.

Archaeologists in Illinois have advocated for the preservation of the cultural resources of the state since the 1920s. At that time they took note of the impact of grave looting on Indian burial mounds. They lobbied the state to purchase and preserve the Cahokia Mounds site near St. Louis. Through the formation of the Illinois Archaeological Survey (IAS) in 1956 they worked to salvage what information they could from sites that were being destroyed by highway construction in the state. Since the adoption of the federal and state cultural resource laws and the collection of archaeological data across the state, our understanding of the prehistory and history of Illinois has increased ten fold. The importance of the laws rests on the non-renewable character of cultural resources. Once an archeological site has been damaged or destroyed there is no way to reclaim information the site once held. With its loss we lose part of our cultural heritage.

LEGAL BASIS

There are two parallel legal tracks in the compliance process: the Federal 106 and the State 707 processes for identifying and protecting cultural resources. At the federal level the major cultural resource laws are the National Historic Preservation Act (NHPA) and the Archaeological Resources Protection Act (ARPA). In Illinois three pieces of legislation protect cultural resources: the Illinois State Agency Historic Resources Preservation Act (707), the Archaeological and Paleontological Resources Protection Act (APRPA) and the Human Skeletal Remains Protection Act (HSRPA). Together these five laws constitute the federal and state compliance processes. The federal process was set in place in the 1960s and 1970s; the state process dates to 1990. The state 707 process was modeled after the Federal 106 process so that the two could work in tandem. Because both processes follow the same procedures for identifying and protecting cultural resources, the agency and developer involved in a project do not have to retrace their steps and start at the beginning if funding sources change from federal to state, or vice-versa.

Federal 106 Review Process

The federal process for identifying and protecting cultural resources is called the 106 Process. This name derives from Section 106 of the National Historic Preservation Act. The rule of thumb is that if cultural resources are located on federal land, or if federal assistance is provided, or if federal permits or licenses are needed, then cultural resources protection procedures must be followed. The text of the statute can be found at the web site address listed in the back of this booklet. (The National Park Service maintains a listing of all federal legislation, regulations, and standards that govern the preservation activities of federal agencies at <http://www.cr.nps.gov/linklaws.htm#regs>).

Regulations under the NHPA set out basic guidelines and standards for field work and archaeological reports. In each state the SHPO office has established local regulations, based on these standards. The local regulations take into account the different kinds of archaeological resources found in each state. Section 106 also lays out the procedures for dealing with human burials found on projects that fall under its jurisdiction. It also establishes the minimum qualifications an individual must meet in order to conduct archaeological investigations. These qualifications are commonly referred to as the Secretary of the Interior's Guidelines and Standards.

State 707 Review Process

The Illinois State Agency Historic Resources Preservation Act was passed in 1990. This act (<http://www.legis.state.il.us/ilcs/ch20/ch20act3420.htm>) outlines the procedures for the identification and protection of cultural resources that may be impacted by projects that are funded by, licensed by or permitted by state agencies. This legislation was amended 1991 to limit archaeological surveys for state agency permit and license reviews to projects in high probability zones across the state and to locations of previously recorded sites. These zones are corridors extending up to 500 ft beyond both edges of the major river drainages in the state. Based on previous surveys and excavations we know that these areas have the highest probabilities for archaeological sites, especially burial mounds.

Public Lands

The Archaeological and Paleontological Resources Protection Act was passed to ensure that cultural resources on state or local public lands are protected. Like the NHPA the Illinois

legislation (<http://www.legis.state.il.us/ilcs/ch20/ch20act3435.htm>) lays out the minimum criteria an individual must meet in order to conduct archaeological research in Illinois. The IHPA has also drawn up guidelines for field techniques, reporting standards, and a certification process for archaeologists to follow if they wish to work on state or local public land. Formal Permits are required to conduct archaeology on public lands

Burial Law

In 1989 the state passed the Human Skeletal Remains Protection Act to protect marked or unmarked human burials without reference to ethnic origins, cultural backgrounds, or religious affiliations. Basically this law states that all human graves in unregistered cemeteries that are older than 100 years are protected by the State of Illinois. It is illegal to intentionally disturb these burials or burial markers including Indian mounds. The penalties include a prison term, fines, and seizure of the equipment used. Under some conditions permits to excavate a burial can be obtained from the IHPA. These permits are given to individuals who meet the qualifications (established by IHPA) of education and background needed in order to excavate a human burial. In the case of accidental discovery of human remains, whomever makes the discovery is required by state law to notify the county coroner immediately so that the coroner can determine whether or not the remains are part of a crime scene. The full text of the law can be found at <http://www.legis.state.il.us/ilcs/ch20/ch20act3440.htm>.

STAGES OF THE 106 AND 707 PROCESSES

It is important that you keep in mind that the 106 and the 707 review processes (Figure 1) are discovery processes. By their nature archaeological sites are found on the ground or beneath it. Only two percent of the state has been covered by archaeological surveys. The 106/707 process is intended to locate archaeological sites in your project area, determine their significance, and protect significant sites.

The 106/707 process is composed of three stages or phases:

- Phase I surveys are intended to locate the archaeological sites in a project area
- Phase II excavations are intended to collect the data needed to determine the cultural significance of an archaeological site
- Phase III excavations are intended to mitigate the adverse impacts of construction projects on a significant archaeological site if it cannot be preserved.

- At any stage an agreement can be entered into with the Federal Agency and the SHPO to avoid construction effects to a site, establishing protection for the site and avoiding archaeological costs to a project. Contact the Agency or SHPO for details.

Table 1. Phases In Cultural Resource Investigations

PROJECT SUBMITTED FOR REVIEW

- Phase I Survey Requested, or
- No Phase I Survey Requested
 - Project Clearance

PHASE I SURVEY

- No Sites Located, or
 - Project Clearance
- Sites Located
 - No Further Work, or
 - Project Clearance
 - Site Avoidance, or
 - MOA
 - Project Clearance
 - Phase II Investigations Requested

PHASE II INVESTIGATIONS

- Test Excavations Conducted
 - No Further Work, or
 - Project Clearance
 - Site Avoidance, or
 - MOA
 - Project Clearance
 - Phase III Investigations Requested

PHASE III INVESTIGATIONS

- Phase III Investigations Conducted
 - Construction Clearance
 - Artifact Analysis
 - Report Preparation
 - Curation

Remember that after he/she finds a site the archaeologist still does not know exactly what kinds of artifacts are there. He/she will only know that after the excavations have been completed. Occasionally unexpected discoveries are made after an applicant has completed the review

process for an undertaking. The laws mandate that these resources be examined and their significance be determined before construction work can continue.

Phase I Survey

Both the 106 and 707 review processes commonly begin with a review of your project by the archaeologists on staff at the IHPA. They examine the exhibits and project description you submit and determine if an archaeological survey is required. If your project falls under the federal review process they will ask for a Phase I survey unless your project falls under the conditions of any programmatic agreements they may have with the permitting or licensing agency.

If your project only falls under the ISAHRPA (707) review process they will check the state site GIS database to determine if the area falls within the high probability zones and if it has been surveyed previously. They also check for any archaeological sites that have been previously reported in the area. In general they will request a Phase I survey if: 1) the project area falls within the high probability zone and it has not been damaged by previous construction; 2) it has not been surveyed in the past three years; 3) sites have been previously found in the area.

For most projects the 106/707 Process ends after the archaeological survey. State-wide at least 50% of the projects reviewed have either no archaeological sites or no significant sites. If the contracting archaeologist you hired does not find any sites, then no further work will be required and you have completed the 106/707 process once the report has been reviewed and accepted by the IHPA.

If a site is found in your project area the archaeologists at the IHPA will consult with the permitting or funding agency to determine if further work is needed. Their determination will depend on the significance or potential significance of the site. If they do not think that a site can yield important information then IHPA will determine that no further work is needed and clear the project for construction. If IHPA thinks the site may be a significant resource, they will then request that you either avoid the site (by changing your design plans) or conduct additional archaeological investigations to determine if it is significant. If you avoid the site you may have to treat it as if it were significant and set-up a deed covenant to protect it.

Phase II Investigations

Phase II investigations are intended to determine the physical integrity of an archaeological site and to collect an adequate sample of the artifacts so that the archaeologists at IHPA and the agencies can determine its cultural significance. Annually Phase II investigations are required at

15% to 20% of the sites found on Phase I surveys in Illinois. Phase II studies usually involve collection of a sample of the artifacts on the surface of the site and excavation of a sample of the features and deposits beneath the surface. The archaeologist uses these materials to make a recommendation of the significance of the site. A decision by IHPA about the significance of the site is based on the result of this work.

Phase III Investigations

Phase III investigations are intended to mitigate the adverse impacts of an undertaking on a significant cultural resource that cannot be preserved. It is the last step in the compliance process, and it can be an expensive one. Phase III excavations usually involve the excavation of the site (or the portions that will be impacted). Such an excavation is only undertaken after a site has been determined to be significant, and when there is no way to avoid an adverse impact to the site. Annually, on a state-wide basis, somewhere between 25 and 30 sites are determined to be eligible, requiring Phase III investigations or preservation.

DETERMINATION OF SIGNIFICANCE

The archaeologists at the IHPA base their decisions at each phase in the 106/707 Process on the significance or potential significance of the cultural resources found in your project area. When they make these decisions they rely on the reporting and recommendations of the archaeologist you have hired. IHPA makes recommendations and enters into agreements with the funding, licensing or permitting agencies concerning the significance of sites located during Phase I surveys. Disagreements are resolved by appeal to the Keeper of the National Register of Historic Places.

National Register of Historic Places

Significance, or a determination of significance, refers to the eligibility of a cultural resource for listing on the National Register of Historic Places. The NHPA lists four criteria for determining the significance of a resource. To quote the law:

The quality of significance in American history, architecture, archeology, engineering, and culture is present in districts, sites, buildings, structures, and objects that possess

integrity of location, design, setting, materials, workmanship, feeling, and association and

a) that are associated with events that have made a significant contribution to the broad patterns of our history; or

(b) that are associated with the lives of persons significant in our past; or

(c) that embody distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or

(d) that have yielded, or may be likely to yield, information important in prehistory or history.

The fourth criterion -- the fact that a cultural resource has yielded or has the potential to yield information important in prehistory or history of a region -- is the one that most often applies to prehistoric or historic archaeological sites.

Significance: Physical Integrity and Context

The first factor an archaeologist considers in determining the significance of a site is physical integrity. This refers to the archaeological context of the artifacts in the site. If they are found in primary context then they are roughly the same location where they were deposited hundreds or thousands of years ago. If they are in disturbed context they have been moved from their original, primary context and do not retain their original integrity. If a site retains its physical integrity – if the artifacts are still in primary context – then it is potentially significant. If it has lost its physical integrity – if the artifacts are in disturbed context – then the site is not significant. Plowed fields are not generally considered disturbed contexts.

Significance: Archaeological Research Questions

If a site still retains its physical integrity its significance then depends on the contribution it can make to archaeological research. This research is a cumulative process and the decision as to what information is important to the prehistory or history of an area changes as we accumulate

new data. Consider three examples of the ways research can affect determinations of significance.

Until the past 10 or 15 years archaeologists had little or no knowledge of the prehistoric rock art in the state. Recent research has shown us that both petroglyphs and pictographs are found in the state. From the research we know what kinds of rock art can be found in the area. We know that they are found in rockshelters and on bedrock exposures. We also know that while some of the art work dates to the Woodland period, other drawings are associated with the Mississippian period. The research has also documented the fragility and vulnerability of these resources. Because we now have a database of information about these sites archaeologists working in parts of the state with rock exposures should consider these resources in their proposals for Phase I surveys and in their recommendations about the potential significance of rock art sites.

On a nation-wide level Paleoindian studies – research into the earliest migrations to North America -- is an important research area. While isolated Paleoindian points have been commonly found on drainage divides in the state, few Paleoindian sites in Illinois have been excavated and well-documented. One of the few Paleoindian sites excavated in the state was recently found during a cultural resource survey in the northeastern corner of the state. Investigations at the site have demonstrated that resources of this age can be found in the state, and that they have the potential to yield information on the earliest inhabitants of Illinois.

In another example recent excavations have uncovered the first archaeological evidence of the 17th and 18th century French occupations at Peoria. Although historians and archaeologists have searched for archaeological evidence of the village over the years, none was found until recent excavations for a road improvement project in downtown Peoria uncovered a field and outbuilding associated with the French village. In this case the archaeological site is significant for the information it can yield on the French settlement of the Illinois Valley, the Great Lakes region, and eastern North American.

Like prehistoric ones, historic period sites have the potential to yield information about broad trends in the history of the state (Criterion D). In some cases they may also yield information about events that were important in the history of the state and the nation (Criterion A). They also have the potential to yield information about the lives of individuals who are considered important to the history of the state and the nation (Criterion B). **STANDING STRUCTURES** (Criterion C).

These, and other examples of current archaeological research in Illinois, demonstrate the following points:

- The significance of an archaeological resource depends on the current state of our knowledge of the prehistory and history of both the local area and the state as a whole.
- Archaeological sites in Illinois have the potential to yield information that has importance to current research at both the state and national levels.
- Archeological sites in Illinois have the potential to tell us about kinds of cultural resources that have been poorly known and poorly documented in the past.

Who Determines Significance

The determination of the significance of a cultural resource rests with the archaeologists at IHPA and the federal and/or state agency involved. They use different threads of evidence to make these determinations. First, they rely on the reports produced by the archaeologist you hired. These reports provide them with summaries of the field and lab work techniques, and with descriptions of the site(s) studied. They review the reports to check that the field and lab work was done correctly. They review the reports for evidence of the physical integrity of the site(s). They also use the site descriptions and summaries to determine if the site(s) can contribute significant information to our understanding of the prehistory or history of the region. In making their determination they consult with both the archaeologist who conducted the field work and prepared the report and with archaeologists who are experts in any particular fields of study that may be related to the site.

HIRING AN ARCHAEOLOGIST

There are over 25 contracting archaeological firms in Illinois, from Chicago to Cairo. The IHPA maintains a list of these companies and the individuals who work for them. The agency will provide you with this list when they request a Phase I survey of your project. The companies range in size from one-person shops that specialize in Phase I surveys to large companies (with more than 50 employees) that can conduct Phase I surveys and Phase II/III excavations. Some are non-profit firms, others are for-profit companies. Some are environmental companies who maintain archaeologists on their staffs and provide cultural resource studies in addition to other environmental studies (e.g., wetland and endangered species studies). Some of these companies specialize in historic archaeology and others in prehistoric archaeology. Some hire

both prehistoric and historic archaeologists. Several have specialists (e.g., archaeobotanists, faunal analysts, physical anthropologists, and geoarchaeologists) on staff.

Proposals and Bids

Before you hire a consulting archaeologist you should prepare an RFP (request for proposal), send it to several archaeological firms, and ask them to prepare a bid on the project. To do this the archaeologist needs to know the location of your project, its size, the ground cover, and the impact your undertaking will have on the ground surface. You should provide a copy of the IHPA letter requesting a survey, a map of the project area, copies of any architectural or engineering plans that will show the kind of undertaking you are planning, a description of the ground conditions (i.e., is it a plowed agricultural field, woods, pasture, or has it been previously developed), and your schedule and deadlines (especially deadlines for submitting federal or state grant proposals, permit or license applications).

Qualifications

The IHPA list of archaeological contractors in Illinois includes the names of the archaeologists working at each firm who meet the federal qualifications for a professional archaeologist (as laid out by the Secretary of the Interior's Guidelines for Professional Archaeologists). Archaeologists who meet the federal standards may conduct surveys under the NHPA (106 Process) and under ISHRPA (the 707 Process). If your project requires a state permit under the 707 process – for work on public lands – then the contractor you hire must be certified for work on public lands. You should check with IHPA about these requirements before accepting a bid.

The federal qualifications cover archaeological investigations done under the 106 Process. To quote the NHPA:

Archaeology. The minimum professional qualifications in archaeology are (a) a graduate degree in archaeology, anthropology, or closely related field, or equivalent training accepted for accreditation purposes by the Society of Professional Archaeologists, (b) demonstrated ability to carry research to completion, usually evidenced by timely completion of theses, research reports, or similar documents, and (c) at least 16 months of professional experience and/or specialized training in archaeological field, laboratory, or library research, administration, or management, including at least 4 months experience in

archaeological field research and at least one year of experience and/or specialized training in the kinds of activity the individual proposes to practice.”

In order to be certified to work on Federal 106 projects an archaeologist must submit a vita (academic resume) to IHPA and update it over the years. The vita should list the archaeologist’s education (undergraduate and post-graduate degrees), the individual’s work history (including a list of archaeological firms for which the individual has worked), a list of compliance reports the individual has written, and a list of research papers and articles the archaeologist has presented at professional meetings or published in professional journals. The compliance reports on the vita should document the individual’s success at conducting archaeological investigations at one or more stages in the compliance process (survey or excavation). In order to be certified under the Public Lands law an individual must complete a form that provides the educational and work experience information required, and supply a copy of a college transcript documenting that he or she has earned a post-graduate degree in archaeology or a related field.

The IHPA list of contractors does not indicate any agency certification of the competency of the listed organizations. As in all professional fields the abilities, and qualifications, of each consultant will vary. Before accepting a bid for your project you should obtain a list of previous clients of the contractors who have submitted bids; contact them to determine if they were pleased with the service of a contractor you are contemplating dealing with. You can also contact IHPA with questions about the contractors listed with their agency.

Most archaeological consultants can identify both prehistoric and historic resources found on a Phase I survey. However some individuals specialize in either prehistoric or historic archaeology, and as such they can provide different expertise at the Phase II and Phase III stages in the compliance process. If you need to hire an archaeologist to conduct Phase II investigations at a historic site you should hire someone with education and experience in dealing with historic artifacts and features. If a human burial is found in your project area and must be excavated, the IHPA maintains a list of individuals who are qualified to excavate human burials under the state burial law. In these circumstances you must hire an individual on this list to conduct the excavations.

Some consulting archaeologists maintain small staffs and do not have the personnel or equipment needed for more intensive excavations conducted during a Phase II or III study. Be sure and check if the archaeologist you plan to hire has the staff and equipment necessary to complete your project in a timely fashion.

Archaeological Compliance Reports

The reports required at the end of the Phase I, II, and III stages in the compliance process can be submitted in one of several formats. Because they review hundreds of projects a year the IHPA has developed two forms: the Archaeological Survey Short Report (ASSR) for reporting the results of a small Phase I survey, and the Archaeological Testing Short Report (ATSR) for reporting the results of a small Phase II investigation at a site. In situations where a project has produced more information than can be succinctly summarized in one of these two forms, the IHPA has a set of report guidelines for archaeologists to follow. The archaeological contractors on the IHPA list should all be familiar with these forms and the IHPA guidelines for reports.

ARCHAEOLOGICAL FIELD TECHNIQUES

Archaeologists use different field techniques at the several stages in the 106/707 process. Survey techniques that are appropriate to Phase I may or may not be appropriate in Phase II or Phase III investigations. When you review bids for archaeological services remember that no matter whether it is a Phase I, Phase II, or Phase III study, the bids should include background research, field work, lab work, report writing and curation costs. Make sure that the archaeologist has listed field and lab work that is appropriate to the level or stage of investigations. The bid should contain an estimate of the number of person-days required in the field and the lab. Check to see if the archaeologist has included costs of curation of artifacts recovered during the work and has outlined the steps necessary for a curation agreement with the Illinois State Museum. If you have any questions about the appropriateness of the field and lab work outlined in the proposal check with the archaeologists at IHPA.

Phase I Surveys (Identification of Archaeological Resources)

Since a Phase I survey covers all of your project area, and locates and identifies all of the cultural resources in it, a bid for services should include the following work:

- *Library Research.* The work should begin with a review of historic documents, previous surveys and known sites, landforms and soils in your project area.
- *Field Work.* The bid should include an outline of the field techniques that the archaeologist will use (i.e., pedestrian survey, shovel testing, or deep trenching/coring) and the reasoning for the techniques. The choice of techniques

is determined by the ground conditions in your project area, the landforms, and the potential for buried sites. Remember that the archaeologist has to look at 100% of your project area. The reviewers at IHPA will not accept the results of a survey that covered only part of your project area.

- *Report Preparation.* The archaeologist should also include the costs of the time needed for artifact analysis after the survey, preparation of maps, tables and text for the report, and the time needed to submit state site forms to the Illinois State Museum (ISM). The ISM issues official state site numbers; the IHPA will not accept your report unless all sites located in your project area have a state site number.

Phase II Investigations

The purpose of a Phase II study is to determine the NRHP significance of a site. The data collected during this phase should tell you if the site retains its physical integrity, and if it is significant and eligible for the National Register of Historic Places. Although each site is different there are some basic guidelines archaeologists follow when designing a Phase II investigation.

In a Phase II proposal a consulting archaeologist should outline how he/she will document the site and collect the samples needed to determine its physical integrity and significance. The archaeologist should include a review of the Phase I results and the relevant prehistory or history of the region where the site is located. The field work should be designed to map the site, collect the surface materials in a controlled fashion (by mapping their locations), and excavate a sample of the subsurface deposits. This information and these samples should be collected so that the archaeologist can use them to determine the age of the site occupation, the physical integrity of the site, and the kinds of artifacts that are preserved in the cultural deposits. The archaeologist should budget sufficient time in the lab after the field work for processing all these artifacts and samples, and for writing a report of the results of the analysis.

The time and costs needed for preparation of the report will vary according to the percentage of the site that is investigated, and the kinds of artifacts and features the archaeologist expects to find, the need for a geoarchaeologist to help determine the site's physical integrity, the need for specialists who can conduct botanical, faunal, or osteological analyses, and the need for radiocarbon dates. The archaeologists bidding on the contract may consult with the archaeologists at IHPA to ensure their bids include all the work the SHPO office requires. When

reviewing bids for a project you should also check with IHPA to be sure they include costs for all the work required by IHPA.

Phase III Excavations

If a site in your project area is determined to be significant, and you cannot change your design plans to avoid it, then the SHPO will require excavation of the site to mitigate the adverse impact of your undertaking. Any archaeologist bidding on a Phase III study should design a plan of work that will open up a large area of the site. Often this can be done with heavy machinery. This is the one way to quickly locate and excavate storage, cooking, and house features, and to collect the required samples of artifacts, charcoal, and bone. The bid for a Phase III investigation will depend on the kind of site, its size, and the extent of the impact the undertaking will have.

FREQUENTLY-ASKED-QUESTIONS ABOUT THE 106/707 REVIEW PROCESS

IHPA (SHPO Office) and Cultural Resource Laws

Who is responsible for deciding whether a Phase I survey is needed?

After they review your exhibits and project description, the staff archaeologists at IHPA will decide if an archaeological survey is necessary. If previous impacts (such as earlier construction or quarrying) have damaged the project area, you may not be required to perform a Phase I survey. If your project falls under the ISAHRPA (707) process they will check the state site GIS database to determine if the area has been surveyed within the past three years, if it falls within one of the high probability areas, and if any archaeological sites have been previously reported in the project area (Stages of the 106/707 Process, pages 5, 7).

Who decides if additional work (Phase II or Phase III investigations) is needed at a site found in my project area?

The staff archaeologists at the IHPA review the Phase I report the contracting archaeologist has prepared for you. They determine if the fieldwork was done according to federal and state standards, and they review the contracting archaeologist's recommendations for further work. If the field work was correctly done and no sites were found, they will accept the archaeologist's recommendations for no further work. If there is any question about the field techniques the archaeologist used, or if they have questions about the descriptions of the sites found on your property, they will consult with your contracting archaeologist before making a final determination about the need for further work (Stages of the 106/707 Process, pages 7-8).

What are the high probability areas across the state?

The ISAHRPA (707) was amended in 1991 to limit surveys to projects in high probability areas across the state and to locations of previously recorded sites. The high probability zones are corridors along the river drainages; they extend 500 ft beyond both edges of major river valleys. Based on previous surveys and excavations we know that these areas have the highest probabilities for archaeological sites, especially burial mounds. The high probability zones, defined by researchers at the ISM and marked on the state site GIS database, apply only to state funded or permitted projects.

How long does IHPA have to review the original project submission and determine if a Phase I survey is required?

30 days from receipt of all required information

How long does IHPA have to review a Phase I or Phase II report and determine if additional work will be needed?

30 days from receipt of all required information

What percentage of projects advance beyond a Phase I survey?

State-wide, approximately half of the Phase I surveys conducted each year find no archaeological sites. These projects do not go any further than the Phase I stage in the compliance process. Roughly 15% to 20% of the sites that are found on Phase I surveys require Phase II investigations to determine if they are significant. Of these, somewhere between 25 and 30 sites are determined to be eligible and require Phase III investigations (if they cannot be avoided). Each year only a small percentage of all sites found, and only a minor fraction of all projects that are reviewed for cultural resources, have significant sites.

Are there regulations for the various federal and state laws?

Yes. They contain details on the permitting processes, qualifications for consulting archaeologists, and other information. Contact the archaeologists at IHPA for more information on the regulations. Contractors bidding on your project should be familiar with these regulations.

ARCHAEOLOGICAL SIGNIFICANCE

What do archaeologists mean when they talk about primary context?

Artifacts in primary context have not been moved a significant distance from their original depositional context. They may have been moved somewhat by freeze-thaw cycles or other processes in the natural environment but they are still in association with – in the same context as – other artifacts that were deposited or discarded at the same time. As such they still retain important information about the past.

What do archaeologists mean when they talk about disturbed context?

Artifacts found in disturbed contexts have been moved from the places where they were discarded hundreds or thousands of years ago. They have lost most if not all of their associations with other artifacts that were discarded at the same time. Whether this redeposition happens through natural erosion (by wind and water) and redeposition, or through modern disturbances, these artifacts have lost much of their archaeological association and significance.

What criteria does IHPA use to determine if Phase II or Phase III investigations will be needed at a site?

For most archaeological sites, determinations of significance and eligibility for listing on the National Register fall under Criterion D: the potential to yield, or be likely to yield, information important in prehistory or history. The importance of an archaeological site to the prehistory or history of a region varies across the country. It depends on the kinds of sites and artifacts that are preserved, and on our current understanding of the prehistory or history of that region. From previous research we know much about the prehistory or history of certain parts of Illinois. But there are some areas where little research has been done and where research could yield new and important information. (Determination of Significance, pages 9-12).

ARCHAEOLOGICAL CONTRACTORS

How do I find an archaeological contractor?

The IHPA provides a list of archaeological contractors who regularly work in Illinois. These individuals meet all the minimum qualifications as laid out by the Secretary of the Interior's guidelines for a professional archaeologist. By including a firm or individual on this list the IHPA does not commend or endorse their professional expertise or performance record.

What information should I provide when I request bids from consulting archaeologists?

The archaeologist needs to know the location of your project, its size, the existing ground cover, and the impact your undertaking will have on the ground surface. You should provide a copy of the IHPA letter requesting the survey, a map of the project area, copies of any architectural or engineering plans that will show the kind of undertaking you are planning, a description of the ground conditions (i.e., is it a plowed agricultural field, woods, pasture, or has it been previously developed), and your planning schedule and deadlines (especially deadlines for submitting federal or state grant proposals, permit or license applications) (Hiring an Archaeologist, pages 13-15).

Can every archaeologist conduct Phase I, Phase II, and Phase III investigations? Can any archaeologist excavate human burials?

Some archaeological consultants specialize in historic or prehistoric investigations. If your RFP specifies Phase II investigations at a historic site you should hire an archaeologist who has the educational background and experience needed to deal with historic artifacts and features. If a human burial is found in your project area, and it must be excavated, the IHPA maintains a list of individuals who are certified to excavate human burials under the state burial law. In such a circumstance you must hire an individual from this list to conduct the excavations (Hiring an Archaeologist, pages 13-15).

FIELD WORK

Why did the archaeologist I hired last fall have to wait until spring to conduct the field work?

Field work is dependent on ground conditions and weather. To locate archaeological sites the archaeologist has to be able to see the ground surface or excavate shovel tests. This work cannot be done in winter when snow or ice obscure the ground surface. Pedestrian surveys are most efficiently done in spring, before the plants grow too high, or after the fall harvest. In summer, when the crops are tall, it becomes more difficult and takes more time to conduct pedestrian surveys.

Why do some Phase I survey techniques cost more than others?

A pedestrian survey in an agricultural field takes less time than shovel testing in a pasture or woods. Plowing turns up artifacts and they are easily seen during a surface survey of a field. Under these conditions the location and spatial dimensions of a site can be determined in a short amount of time. Shovel testing requires the excavation of small (1ft x 1ft) holes, at an interval of 15 m or less, across the project area. The dirt from each hole has to be screened for artifacts and then returned to the hole. This technique takes more time than a pedestrian survey.

AFTER THE FIELD WORK IS DONE

Who owns the artifacts collected during the field work?

The landowner owns the artifacts except for human remains and burial artifacts. If these are collected then by law the state holds them in trust for the descendants of Illinois. There are legal procedures for descendants to claim them.

Why does the archaeologist have to curate the artifacts found on my project?

By its nature an archaeological excavation destroys a site. After the field work is complete the artifacts, samples, field records, maps, and photographs are all we have left of the site. They constitute the archaeological collection from the site and form the documentary basis for the interpretation of the site and the assessment of its cultural significance. The contracting archaeologist and the IHPA use the artifacts and records from the Phase I survey to decide whether or not further work needs to be done at a site.

Each of the federal and state laws have different guidelines for the curation of materials collected under their authority. Whether your RFP covers a Phase I survey or Phase II/III excavations the archaeologist you hire should include curation costs in the proposal he/she submits for the project. The proposal should also provide information on the curation facility with which the contractor has a curation agreement.

Can I donate the artifacts to a local or state museum?

In the case of Phase III excavations the final disposition of the artifacts and records is dictated by the Memorandum of Agreement reached between the SHPO and the responsible federal or state agency. There are many museums in Illinois who would accept the artifacts from your project. The Illinois State Museum in Springfield accepts donations and uses the materials for research into the prehistory of Illinois. A number of state universities have museums and will accept donations of artifacts, especially if they come from the part of the state where the university is located. Often there are local city or county museums who would accept donations of artifacts that come from the city or county. Contact the Illinois State Historical Society and the Illinois Association of Museums (at IHPA) for a list of museums in Illinois. Before you donate a collection of artifacts, contact the museum for information on their donation procedures and guidelines. They may have some restrictions, based on their mission and facilities, on the kinds of materials they will accept.

CULTURAL RESOURCE WEB SITES

FEDERAL LEGISLATION AND FEDERAL AGENCIES

Federal Cultural Resource Laws

<http://www.cr.nps.gov/linklaws.htm>

- American Antiquities Act of 1906
- <http://www.cr.nps.gov/local-law/anti1906.htm>
- National Historic Preservation Act of 1966
- http://www.access.gpo.gov/uscode/title16/chapter1a_subchapterii_.html
- Archaeological Resources Protection Act of 1979
- <http://www2.cr.nps.gov/laws/archprotect.htm>

Advisory Council on Historic Preservation

<http://www.achp.gov/>

National Park Service, Archaeology and Ethnography Program

<http://www.cr.nps.gov/aad/>

National Register of Historic Places

<http://www.cr.nps.gov/nr/>

ILLINOIS STATE LEGISLATION AND STATE AGENCIES

Illinois General Assembly

<http://www.legis.state.il.us/>

- Human Skeletal Remains Protection Act (20 ILCS 3440)
- <http://www.legis.state.il.us/ilcs/ch20/ch20act3440.htm>
- Archaeological and Paleontological Resources Protection Act (20 ILCS 3435)
- <http://www.legis.state.il.us/ilcs/ch20/ch20act3435.htm>

- Illinois State Agency Historic Resources Preservation Act (20 ILCS 3420)
- <http://www.legis.state.il.us/ilcs/ch20/ch20act3420.htm>

Illinois Historic Preservation Agency
<http://www.state.il.us/hpa/default.htm>

National Register of Historic Places in Illinois
<http://state.il.us/hpa/ps/nrill.htm>

Preservation Services at the Illinois Historic Preservation Agency
<http://state.il.us/hpa/ps/index.htm>

CONSERVATION AND CURATION OF ARCHAEOLOGICAL COLLECTIONS

National Park Service
http://www.cr.nps.gov/aad/collections/intro_cur01.htm

NON-PROFIT ARCHAEOLOGICAL AND HISTORICAL ORGANIZATIONS IN ILLINOIS

Illinois Archaeological Survey
<http://virtual.parkland.cc.il.us/ias/mainmenu.htm>

Illinois State Museum
<http://www.museum.state.il.us/>

University of Illinois, Department of Anthropology
<http://www.anthro.uiuc.edu/itarp/>

Southern Illinois University Carbondale, Center for Archaeological Investigations
<http://www.siu.edu/~cai/>

Illinois Association of Museums
<http://www.state.il.us/hpa/iam/>

Illinois State Historical Society and Association of Illinois Museums and Historical Societies
<http://www.historyillinois.org/>