Guidelines for Cultural Resource Investigations in Oklahoma Being Reviewed by the U.S. Army Corps of Engineers Tulsa District Regulatory Office

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AUTHORITIES

Section 404 of the Clean Water Act (CWA) requires that discharges of dredged or fill material into "waters of the United States" be authorized by a permit from the U.S. Army Corps of Engineers (Corps) prior to the work. The term "waters of the United States" includes rivers, lakes, streams, intermittent and ephemeral creeks, natural ponds, and adjacent wetlands. The "discharge of dredged material" includes the addition, placement, or redistribution of dredged or excavated materials within waters of the United States.

These guidelines apply to all waters including "navigable waters" subject to the authority of Section 10 of the Rivers and Harbors Act of 1899 (RHA). Section 10 RHA requires prior authorization for any activity in or around navigable water which could impact the navigable capacity or condition of the waterway. Navigable waters in the Tulsa District include the McClellan-Kerr Arkansas River Navigation System and backwater areas influenced by the navigation pools (Arkansas River, Grand River, Sans Bois Creek, Verdigris River, and Bird Creek), portions of the Poteau River, the Canadian River upstream to the Lexington/Purcell area, Eufaula Lake, Lake Texoma, the Red River downstream from the Oklahoma/Arkansas state line, and the Illinois River downstream from the Moody/Ellerville area including Tenkiller Ferry Lake. If your proposed work site is located on any of these waters you are advised to contact the Corps Regulatory Office at the location listed on the last page for additional information on Section 10 authority.

Corps permits associated with Section 404 and Section 10 are Federal undertakings under Section 106 of the National Historic Preservation Act (NHPA). Appendix C of 33 CFR Part 325 (supplemented by Interim Guidance, dated 25 April 2005 and 31 January 2007) establishes the procedures followed by the Corps to fulfill the requirements set forth in the NHPA, other applicable historic preservation laws, and Presidential directives as they relate to the Regulatory Program of the Corps (33 CFR Parts 320-324).

GUIDELINES FOR CULTURAL RESOURCE INVESTIGATIONS

The following are the minimum guidelines for cultural resource investigations for projects in Oklahoma in which the Regulatory Office, Tulsa District of the Corps is the lead Federal agency. Cultural resource investigations for road projects in Oklahoma may follow the field and report guidelines in the Oklahoma Department of Transportation Cultural Resource Studies Manual (Oct. 2017).

Projects within Kansas and Texas that are reviewed by the Tulsa District regulatory office should follow the Kansas Historical Society (KHS) and Texas Historical Commission (THC) standards, respectively. Projects on tribal land should meet or exceed the cultural resource standards of the respective tribal entity, as applicable. Large or complicated projects should be discussed with the Regulatory Office prior to field investigation. The below field methodology and report guidelines are subject to change at any time.

Cultural resource investigations should be supervised by a professional who meets the Secretary of the Interior's (SOI) Standards for Professional Qualifications (Section 54 U.S.C § 306131 of the NHPA). On a project specific basis, qualified specialists (e.g. SOI qualified architectural historian, geoarcheologist, etc.) and analysts may be necessary.

Survey Report guidelines:

- A purpose of the cultural resources report is to *explicitly make the case* that the field investigations meet current standards and to justify National Register of Historic Places (NRHP) eligibility recommendations and recommendations for additional investigation.
    - Reports that do not provide sufficient information and analysis may require revision.
- Generally follow Oklahoma State Historic Preservation Office (SHPO) Fact Sheet #16 for archeological survey reports.
- The report should include detailed plans for the project, including depth of impacts, and define the areas considered part of the proposed permit area, as defined in Appendix C of 33 CFR 325.
    - The Corps Regulatory Office is responsible for making final determinations of permit area boundaries, therefore, the report should state the permit areas are subject to Corps verification.
- At minimum, a topographic map (1:24,000) showing the project area and aerial map (at sufficient scale for shovel tests with labels, changes in survey methodology, and cultural resource finds to be easily identified) should be included in the report.
- The cultural context should include discussions of the Prehistoric, Protohistoric, and Historic Periods.
    - Oklahoma has a unique history as Indian Territory and Oklahoma Territory which should be discussed, including the Tribal Nation with the jurisdictional area that includes the project area (as applicable), as well as the Tribes that relocated to the region that the project is located.
- The environmental context should include a discussion of mapped soils and the vertical extent of ground disturbance sufficient to determine if deep testing might be required.
    - If the undertaking has the potential to disturb Holocene Aged soils that are deeper than the depth of shovel testing, deep testing may be necessary on a case-by-case basis.
- The background research and environmental context should be detailed enough to explicitly justify determinations of low and high probability areas for cultural resources.
- If cultural resource sites are identified:
    - A shovel test pit log should be included for all shovel test pits within and adjacent to the cultural resource site.
    - The shovel test pit log should include (at minimum): width, depth of each level, soils in each level (color and texture [silt, clay, sand, loam]), disturbances/inclusions, results, and reason for termination.
- If shovel tests from non-site contexts are not included in a table, a summary should be included in the results section describing the differences in soil observed throughout the survey area.
- If feature(s) are present at Historic Period sites, courthouse chain-of-title research should be conducted and provided within the report to justify NRHP eligibility recommendations.
- The recommendation section should include NRHP eligibility evaluations for all cultural resources and a discussion if additional research (e.g. testing, geoarcheology, etc. is justified).

        - These recommendations should be based on the results section and explicitly justified.
- Oklahoma Archeological Survey (OAS) isolate and site forms and SHPO Historic Preservation Resource Identification (HPRI) and bridge forms should be included in an appendix for all newly recorded resources and those revisited (site update form).
- The number of artifacts identified by type should be presented in the results section for each cultural resource within the survey area.
- Photographs should be included within the report and include: general overview of project area by geographic/vegetation areas, cut banks, disturbances, cultural resource sites, diagnostic artifacts, representative artifacts, etc.
- The SWT Corps Regulatory Office preference is for reports to be initially submitted digitally for review with GIS files that include the overall project area, proposed permit areas, and site boundaries for resources within or near the proposed permit areas.
    - Once finalized, the Regulatory Project Manager may have the applicant provide paper copies of the cultural resources report for coordination.

Field investigation guidelines

- The field investigation guidelines apply to the Permit Areas, as defined in Appendix C of 33 CFR Part 325 (1)(g), which include the waters of the United States that will be directly affected by the proposed work or structures and the uplands directly affected as a result of authorizing the work or structures.
- All differences in field methodology (transect interval, shovel test spacing, etc. should be depicted on a figure in the report.
- Maximum transect intervals are 30 meters.
    - Transect intervals for high probability areas should be explicitly justified in the report based on the types of resources expected and in-field conditions.
    - The maximum transect width is 15 meters to each side of the surveyor; if the survey corridor is greater than 30 meters, additional transects are necessary.
- Maximum shovel test intervals is 100 meters on each transect.
    - High probability areas should be shovel tested at a minimum of 30 meter intervals on each transect.
    - Shovel tests should be staggered on adjacent transects (generally forming a diamond pattern).
    - Low probability areas with greater than 30 percent ground surface visibility, greater than 20 percent slopes, and/or exposed bedrock generally do not need systematic shovel testing
    - Areas with significant disturbance or are modern landforms (e.g. dredged deposits) do not require systematic shovel testing unless the disturbance/intrusive deposits are shallow and shovel testing can reach in situ deposits.
    - At least one shovel test should be excavated in each environmental zone (e.g. flood plain, first terrace, up-slope, ridge top, etc.) on each side of water crossings even in areas of high ground surface visibility, disturbance, etc.
- Shovel tests should be approximately 30 centimeters in diameter and excavated to culturally sterile soil, if possible.
- All shovel test fill should be screened through ¼ inch mesh or gone through by hand if necessary.
- Standing structures should be recorded following the Oklahoma SHPO standards (e.g. Review and Compliance Manual).

- Sites should be delineated by surface artifacts/features and shovel tests, as necessary, in a cruciform (+) pattern (if surface artifacts are present, delineation shovel tests may only be necessary in proximity to the site boundary).
    - Delineation shovel tests should be excavated at 5 meter intervals until two negative shovel tests are excavated.
        - Large sites may require additional delineation shovel tests in addition to the cruciform pattern to refine the site boundary.
        - Sites with only surface artifacts/features (no subsurface cultural deposits) with greater than 30 percent ground surface visibility may not require delineation shovel tests depending on in-field conditions.
            - Sufficient information should be presented in the results section of the report to reach concurrence on site boundaries.
- At least one shovel test should be excavated in each cultural resource site to determine the potential for intact cultural resource deposits.
    - Depressions, possible middens, and other areas within sites that can be differentiated based on surface indications should be shovel tested.
- Artifacts should not be collected unless prior consultation has determined it is necessary.
    - Artifacts should be analyzed (quantified and typed) and photographed (diagnostics and representative samples) in-field and returned to the locations in which they were found.

For more information, contact:

Regulatory Office
U.S. Army Corps of Engineers, Tulsa District
2488 East 81st Street
Tulsa, OK 74134-4290

Telephone: 918-669-7400
Facsimile: 918-669-4306

Email: CESWT-RO@usace.army.mil