

# **NORTH DAKOTA SHPO GUIDELINES MANUAL FOR CULTURAL RESOURCE INVENTORY PROJECTS**

Revised Edition

[State Historical Society of North Dakota  
Archaeology and Historic Preservation Division](#)

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<http://history.nd.gov/hp/hpforms.html>

2012

Updated March 7, 2018

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## 1. INTRODUCTION

The following provides the reader guidelines from the North Dakota State Historic Preservation Office (ND SHPO) for Class I, II, and III cultural resource investigations (i.e., Literature Searches, Reconnaissance Inventories, and Intensive Inventories, respectively). As such, the following information supersedes all previous versions of this manual.

Projects falling within the scope of these guidelines are those which are sponsored fully or in part by the ND SHPO, projects reviewed by the ND SHPO under Section 106 of the National Historic Preservation Act (NHPA), and projects complying with North Dakota laws designating, regulating, and governing the role of the [State Historical Society of North Dakota](#) (SHSND) as carried out by the ND SHPO. These guidelines, however, do not necessarily fulfill requirements of any sponsoring federal agency or agencies, state agency or agencies other than the SHSND, or any of the state's Tribal Historic Preservation Offices (THPOs).

In many instances, professional personnel of the SHSND are available for consultation with federal, state, and local agencies, or contracted cultural resource employees. For such services, interested parties should contact the SHSND, Archaeology and Historic Preservation Division Office, North Dakota Heritage Center, 612 East Boulevard Avenue, Bismarck, North Dakota 58505-0830 or 701-328-2672.

### **The State Historical Society of North Dakota**

The SHSND is the agency within North Dakota responsible for protecting historic properties. As such, the ND SHPO within the [Archaeology and Historic Preservation Division](#) (AHP) of the SHSND reviews federally proposed, licensed and/or funded projects and the concomitant cultural resources identification, evaluation, protection, preservation, and development and/or mitigation efforts. Further, the AHP, through the Director, is responsible for preservation and interpretation of antiquities on the state level (see [North Dakota Century Code](#) [NDCC] 23-06-27, 55-02-03, 55-02-07, 55-02-07.1, 55-03-01, 55-03-01.1, 55-10-01, 55-10-09).

Under Section 101 of the NHPA, as amended, some of the responsibilities of the SHPO are:

- (1) in cooperation with federal and state agencies, local governments, and private organization and individuals, direct and conduct a comprehensive statewide survey of historic properties and maintain inventories of such properties;
- (2) identify and nominate eligible properties to the [National Register of Historic Places](#) (NRHP) and otherwise administer applications for listing historic properties in the NRHP;
- (3) prepare and implement a comprehensive [statewide historic preservation plan](#);

- (4) advise and assist, as appropriate, federal and state agencies and local governments in carrying out their historic preservation responsibilities;
- (5) cooperation with the Secretary, the Advisory Council on Historic Preservation, and other federal and state agencies, local governments, and organizations and individuals to ensure that historic properties are taken into consideration at all levels of planning and development; and
- (6) consult with the appropriate federal agencies in accordance with this Act on federal undertakings that may affect historic properties, and the content and sufficiency of any plans developed to protect, manage, or to reduce or mitigate harm to such properties.

Further, the state policy of the state of North Dakota regarding cultural resources is as follows:

It is hereby declared to be in the public interest to provide for the preservation of historic sites, buildings, structures, and antiquities of state and national significance for the inspiration, use and benefit of the people of North Dakota (NDCC 55-10-01).

The ND SHPO addresses these responsibilities through a variety of services and activities, including the review of project proposals and cultural resource work reports as requested and/or required by federal and state agencies, maintenance of data about cultural resource sites, materials, and work projects, development of predictive models, and completion of a statewide cultural resources inventory. The following guidelines are intended to insure that all cultural resource project reports submitted to the ND SHPO provide adequate data and fit into long-range agency goals for cultural resources management and information retrieval systems. They represent the standard by which ND SHPO-sponsored projects will be planned and conducted, and by which the acceptability of reports and materials submitted to the ND SHPO for review and comment will be determined.

### Permitting Process

NDCC 55-03 outlines the permitting process for cultural resource investigations, and the SHSND is charged with the responsibility of implementing the permitting process on an annual (calendar-year) basis. Section 7 of this manual provides an overview of the Contractor's Reference List on file at the AHP and of the permit requirements. Additional information regarding the permitting process is available online at <http://history.nd.gov/hp/hpforms.html> or by contacting the Chief Archaeologist:

701-328-3574 or  
Archaeology and Historic Preservation Division  
North Dakota Heritage Center  
612 East Boulevard Avenue  
Bismarck, ND 58505-0830

NDCC 10-19.1-134 also requires that all out-of-state (“foreign”) corporations/companies must have a certificate of authority issued from the Secretary of State. The SHSND cannot issue a permit under NDCC 55-03-01 until the certificate of authority has been obtained. Information regarding the certificate of authority may be obtained by contacting:

701-328-4145 or  
North Dakota Secretary of State  
Capitol Building, 1<sup>st</sup> Floor  
600 East Boulevard Avenue  
Bismarck, ND 58505-0500 or  
<http://sos.nd.gov/>

### **Discovery of Human Remains**

The reporting and disposition from unmarked burials on state and private lands are required under the NDCC 23-06-27 (Protection of Human Burial Sites, Human Remains, and Burial Goods – Unlawful acts – Penalties – Exceptions). The law and administrative rules (North Dakota Administrative Code [NDAC] 40-02-03 – Protection of Prehistoric and Historic Human Burial Sites, Human Remains, and Burial Goods) outline the process and procedures to be followed, and identify those charged with responsibility for its implementation.

### **Burial Discoveries on State and Private Lands**

In the event that human remains are discovered on state and private lands in North Dakota the following procedure must be followed:

- (1) Leave everything in place; do not remove or collect anything. If a burial is discovered, all ground disturbing activities in that location must cease. It is very important for law enforcement personnel and representatives from the SHSND or North Dakota Department of Health to examine the location as it was found.
- (2) Notify the appropriate local law enforcement office and the SHSND. The SHSND will notify the [North Dakota Department of Health](#). If the burial is believed to be American Indian, the North Dakota Intertribal Re-interment Committee will be notified by the SHSND.

### **Burial Discoveries on Federal Lands**

In the event that human remains are discovered on federal lands, immediately notify the federal agency charged with jurisdiction.

### **Tribal Historic Preservation Offices (THPOs) in North Dakota**

Five tribes have formally assumed the responsibilities of the ND SHPO for purposes of Section 106 compliance on their tribal lands in North Dakota and should be consulted for undertakings occurring on, or affecting historic properties on, those tribal lands.

- The THPO for the Standing Rock Sioux Indian Reservation is located in the City of Fort Yates, North Dakota. This THPO has jurisdiction over all lands located within the Standing Rock Sioux Indian Reservation, which encompasses all of Sioux County, North Dakota.
- The THPO for the Turtle Mountain Indian Reservation is located in the City of Belcourt, North Dakota. This THPO has jurisdiction over all lands located within the Turtle Mountain Indian Reservation, which encompasses a portion of Rolette County, North Dakota.
- The THPO for the Fort Berthold Indian Reservation is located in the City of New Town, North Dakota. This THPO has jurisdiction over all lands located within the Fort Berthold Indian Reservation, which encompasses portions of Dunn, McKenzie, McLean, Mercer, Mountrail, Ward, and Williams Counties, North Dakota.
- The THPO for the Sisseton-Wahpeton Oyate Indian Reservation is located in the City of Agency Village, South Dakota. This THPO has jurisdiction over all lands located within the Sisseton-Wahpeton Oyate Indian Reservation, which encompasses portions of Richland and Sargent Counties, North Dakota.
- The THPO for the Fort Totten Indian Reservation is located in the City of Fort Totten. This THPO has jurisdiction over all lands located within the Fort Totten Indian Reservation, which encompasses portions of Benson, Eddy, Nelson, and Ramsey Counties, North Dakota.

Researchers are directed to consult with ND SHPO if they are not certain if a proposed undertaking is located on Tribal lands.

## 2. PROFESSIONAL QUALIFICATIONS

The NHPA (36 CFR 61.4[e] [1] and 36 CFR 61: Appendix A) and National Register Programs (NPS-49: Chapter 31) specify the professional qualifications for Historic Preservation Fund-assisted projects; the state guidelines given below parallel those qualifications. It is essential that all cultural resource inventory efforts, which are undertaken to satisfy state and federal requirements, are performed or supervised by professionally qualified personnel. For government-sponsored projects, or those occurring on lands managed by a federal agency, the following requirements may not fully meet the sponsoring agency's prerequisites. Further, the sponsoring agency's requirements may not be as stringent as those of the ND SHPO. The ND SHPO does, however, assess the professional qualifications of project personnel, including the Principal Investigator (PI), when it reviews agency projects.

Additional qualifications for certain site- or feature-specific surveys are given below. Such surveys include those designed specifically for locating and recording architectural or historical features.

### **Institution, Agency, and Company Requirements**

It is desirable that companies and institutions conducting investigations in North Dakota have expertise in Midwestern (preferably Plains or Northern Plains) history, architectural history, prehistory, geography, geology, architecture, etc. A commitment to the research problems of Midwestern cultural resources by cultural resource professionals engaging in contractual work and cultural resources management is essential. Such commitment can be evaluated by the individual's publications, professional papers, or research dealing with Midwestern North America.

The institution, agency, or company with which the cultural resource professional is associated is expected to meet minimal standards in support of the professional's efforts. These minimal standards are:

- (1) have the facilities and staff or consulting specialists necessary to carry out the proposed fieldwork, analysis, and report preparation;
- (2) have the ability to curate all artifacts recovered in the course of the work undertaken, or a written agreement with a proper repository within the state of North Dakota for curation of artifacts (see Curation of Artifacts, below);
- (3) have the ability to guarantee the timely completion of work undertaken; and
- (4) have an understanding of all relevant laws, rules, and regulations.



## **Principal Investigator**

All cultural resource inventories must be carried out under the direction of the PI and it is their responsibility to assure the personnel under their guidance meet minimal requirements for the work delegated to them, to assure all stages of the project are carried out in a professional manner, and to assure an adequate report is prepared and submitted to the proper agency or agencies. The PI must be directly involved in a minimum of 75% of the fieldwork (i.e., 75% of the company's time spent in the field on survey, testing or mitigation).

During some projects, both prehistoric and historic/architectural resources will be encountered. The use of an archaeologist PI for recording and providing preliminary recommendations and evaluations of architectural resources is acceptable, *provided that the recorder fully comprehends the NRHP Criteria for such features*. It is advised that the PI give serious consideration to recommending architectural features formally be evaluated by an architectural historian with the qualifications given below.

### **Principal Investigator for Architectural Projects (Architectural Historian)**

The professional qualifications for a PI involved in a survey designed specifically for locating and recording architectural features and sites on non-federal lands, or projects the SHSND sponsors, include:

- (1) a graduate degree in Architectural History, Art History, Historic Preservation or a closely related field, with coursework in American architectural history; or
- (2) a bachelor's degree in Architectural History, Art History, Historic Preservation or a closely related field plus one of the following:
  - (A) at least two years full-time experience in research, writing or teaching in American architectural history or restoration architecture with an academic institution, historical organization or agency, museum or other professional institution; or
  - (B) substantial contribution through research and publication to the body of scholarly knowledge in the field of American architectural history.

### **Principal Investigator for Archaeological Projects (Archaeologist)**

The professional qualifications for a PI involved in a survey designed specifically for locating and recording archaeological resources on non-federal lands, or projects the SHSND sponsors, include:

- (1) a graduate degree in Archaeology, Anthropology, or a closely related field, or equivalent training accepted for accreditation purposes by the [Register of Professional Archaeologists](#);

- (2) demonstrated ability to carry research to completion, usually evidenced by timely completion of a thesis, research reports, or similar documents;
- (3) at least 16 months of professional work experience and/or specialized training in archaeological fieldwork, laboratory or library research, administration, or management, including at least four months supervised experience in archaeological field research and at least one year of experience and/or specialized training in the kind of activity the individual proposes to practice.

### **Principal Investigator for Historical Properties Projects (Historian)**

The professional qualifications for a PI involved in a survey designed specifically for locating and recording historic features and sites on non-federal lands, or projects the SHSND sponsors, include:

- (1) a graduate degree in American History or a closely related field; or
- (2) a bachelor's degree in American History or a closely related field plus one of the following:
  - (A) at least two years of full-time experience in research, writing, teaching, interpretation or other demonstrable professional activity with an academic institution, historic organization or agency, museum or other professional institution; or
  - (B) substantial contribution through research and publication to the body of scholarly knowledge in the field of history.

### **Field Supervisor**

The PI for a project is responsible for the quality of work undertaken and the report produced, and it is expected that they will supervise and actively participate in the work undertaken. If the PI cannot participate full-time in the project's fieldwork, however, one or more qualified professionals must be in the field at all times. These individuals must be listed on the company's or institution's permit as a qualifying PI.

### 3. CLASSES OF INVENTORIES

Identification of cultural resources is an obvious prerequisite to a determination of their significance, to the evaluation of impacts on such resources, and to the planning of methods for the preservation of the resources or the mitigation of identified impacts. In general, inventory involves a broad, interdisciplinary study of all those social and cultural aspects of the environment, both tangible and intangible, that may be affected by an undertaking. Identification of cultural resources requires the location of those tangible places (districts, sites) and things (buildings, structures, objects, artifacts) that may contain or represent prehistoric and/or historic values. Such identification should include sufficient study of those resources to determine what their values are, and whether these values are of sufficient significance to make the resources eligible for listing in the NRHP and/or the North Dakota State Historic Sites Registry. Once an undertaking's impacts on significant resources have been evaluated, it is then possible to ascertain whether data recovery constitutes appropriate mitigation, whether some other mitigative measure must be developed and implemented, or whether the project should be reevaluated, redesigned, and/or relocated.

These guidelines are comparable to those required to identify resources eligible for the NRHP pursuant to Section 106 of the NHPA, 36 CFR 800, and to Sections 2(a), 2(b), and (where applicable) 1(3) of Executive Order 11593. They are presented here for the convenience of federal and state agencies and other users, and to insure that inventory efforts conducted under authorities other than federal requirements result in data and reports which are comparable to, and compatible with, the cultural resource database of the SHSND.

Although the exact activities necessary for identification of cultural resources will vary, depending on the nature of federal or state land holdings or jurisdiction and on the nature of the proposed undertaking, one or more of the following steps generally will be required:

- (1) Pre-Field Research – Class I: Literature Search
- (2) Field Research – Class II: Reconnaissance Inventory
- (3) Field Research – Class III: Intensive Cultural Resources Inventory

#### **Pre-Field Research – Class I: Literature Search**

Documentary research is the starting place for all inventory efforts. Systematic study and evaluation of documentary data usually will allow predictions about the types and distribution of cultural resources that may be encountered in an area. Such study may make it possible to develop a broad evaluation framework within which the significance of particular cultural resources may be judged. Finally, background research will aid in pinpointing cultural resources that have been adequately documented, or cultural resources that known but require further study to be fully documented. In conducting a Class I Inventory, answers to the following questions are sought:

- (1) Are there known cultural resources in the area?

- (2) Has the area been surveyed adequately before?
- (3) Is knowledge about the presence or absence of cultural resources based on an inventory conducted in accordance with the standards set forth in these guidelines? If not, to what extent is inventory data lacking?
- (4) If the area has not been inventoried systematically, what predictions may be made about the types and distribution of cultural resources expected? This should be based on data from nearby inventoried areas, from the known history of the area, from the constraints known to be imposed by the natural environment, and similar factors.
- (5) Given the known prehistory and history of the state, the social and cultural concerns of its people, and pertinent state, regional, and local plans, what kinds of preservation and/or research priorities appear to be appropriate, and what kinds of historic priorities might be important to satisfy these priorities?

The agency, individual, or company undertaking a literature search should be vigorous in seeking useful sources of data. Innovative approaches to predict the locations of resources and develop evaluation frameworks should be encouraged. Some data, however, are restricted by law (see Protection of Site Location Data, below) and/or protected by copyright. Minimally, the following sources of background data should be consulted:

- (1) The AHP of the SHSND should be consulted for such data as:
  - (A) information on resources listed in, nominated to, or determined eligible for inclusion in the NRHP and/or the North Dakota State Historic Sites Registry; resources on other lists, inventories, or registers known to the AHP; and resources on which the AHP has evaluated or unevaluated inventory data. The NRHP is published in its entirety in the Federal Register on the first Tuesday in February of each year; additions are published monthly in the Federal Register. The NRHP is available online at <http://www.nps.gov/nr/>.

The most recent full publication and each subsequent addition should be consulted to determine whether any listed resources exist within the area to be affected by the proposed undertaking. The NRHP listings are accompanied by a list of resources which have been determined eligible for inclusion, as well as a list of pending nominations. The listings at the AHP of National Architectural and Engineering Record (HABS and HAER Records), Heritage Conservation, and Recreation Service, and any similar surveys and published reports, should be utilized.

- (B) The North Dakota Cultural Resources Survey (NDCRS) files for sites in North Dakota and records on inventories and other cultural resources-related activities in the state.
  - (C) Information on predictive data about potential resources in the area.
  - (D) Recommendations regarding the need for inventories in the area.
  - (E) Recommendations concerning methods that should be used to conduct inventories and possible sources of professional expertise and funding.
  - (F) Results of previous inventories in the area, and the State Historic Preservation Officer's comments on them.
  - (G) Recommendations concerning pertinent federal, state, or local laws and policies concerning cultural resources.
- (2) Basic published and unpublished sources on state and local history, prehistory, anthropology, ethnohistory, architecture, and ecology, as appropriate, should be studied to obtain an overview of the study area's potential cultural resource distributions and research or preservation values. National Register historic contexts are available at <http://history.nd.gov/hp/historiccontexts.html>. Additional archaeological information is available in the *North Dakota Comprehensive Plan for Historic Preservation: Archaeological Component*. The Plan is available online at [http://history.nd.gov/hp/stateplan\\_arch.html](http://history.nd.gov/hp/stateplan_arch.html).
- (3) Persons with first-hand knowledge of cultural resources and/or their significance should be interviewed when feasible and appropriate. Such interviews are of particular importance where resources of cultural importance to local communities or social groups may be involved. Oral data should be elicited and recorded using professional methods. The SHSND should be contacted in this type of effort because the AHP may be able to refer the researcher to local individuals and/or historical organizations within or near the project area.

The [State Archives](#) holds recordings produced during North Dakota's Bicentennial Oral History Project which may provide useful data. Literature searches should be undertaken by or under the supervision of professional historians, architectural historians, and/or archaeologists as appropriate. The services of specialists such as ethnohistorians, anthropologists, sociologists, historical architects, and cultural geographers may be needed to make full use of available documentary data.

Less than 10% of North Dakota has been surveyed at the Class III level for cultural resources. As a result, existing reports and lists of such surveys seldom provide information adequate for full identification of cultural resources within many areas of the state.

## Request for Spatial Data

For project areas **greater than 100,000 acres** in extent, the ND SHPO may make available its geospatial data. The initial request for the geospatial data must come in writing from the lead federal or state agency for the project (email is acceptable). Once the request is received, a standard Memorandum of Agreement (MOA) may be signed by the SHSND and the federal/state agency or permit holder, as directed. The MOA outlines: (1) that the files are delivered for one-time use (e.g., specific to that project only), (2) the ND SHPO review number, and (3) the North Dakota Century Code that applies to the restrictions of locational information (NDCC § 55-02-07). All approved requests are subject to a maximum of 10 working days turn-around. No same-day orders should be anticipated.

## Conducting File Searches at the ND SHPO

The ND SHPO has security procedures for using its in-house GIS viewer, NDCRS files, cultural resource reports, and NRHP files. These procedures apply to all North Dakota permit holders and others using the files. A secure log-in is mandatory to use the GIS viewer and corresponding NDCRS and cultural resource report databases. User authentication for logging into the system is accomplished via North Dakota Online Services. Individual employees of a permitted entity must pre-register for a North Dakota Login ID via the following: <http://history.nd.gov/ldap.html>.

Individuals wishing to conduct a file search at ND SHPO need to bring their North Dakota Login ID and government-issue photo identification with their signature to complete registration prior to first use of the system. Permit holders may expedite this registration process by emailing the ND SHPO a spreadsheet with a list of all employees and their associated North Dakota Login ID. This list will be updated quarterly; permit holders need to let the ND SHPO know if someone previously granted access no longer is an employee.

Completion of the process requires entry of a minimum of six fields in order to access the GIS viewer and corresponding databases used for file searches at the ND SHPO. These fields are: 1) Name, 2) Representing (Employer), 3) Files to be Accessed, 4) Name of Project, 5) Client, and 6) Name of Federal/State Agency with Oversight.

## Field Research

If the review and evaluation of existing information via a Literature Search (Class I Inventory) fails to produce complete data based upon prior professional examination of the proposed project area, then the Literature Search should be supplemented by direct examination (Class II Inventory and/or Class III Inventory). Field inspections resulting in reports which will be submitted to the AHP for consideration in conjunction with project descriptions reviewed by the AHP must be performed by professional historians, archaeologists, architectural historians, as defined in Section 2. It may be necessary or useful to consult additional specialists for particular characteristics of the area. For example, if industrial properties are present, the services of an

industrial historian or industrial archaeologist may be appropriate, if the continuing lifeways of social or ethnic groups are important to understanding the area's cultural resources, social and cultural anthropologists, oral historians, and/or folklorists may be necessary additions to the staff. The exact make-up of the staff will depend on the types of resources that reasonably can be expected to occur.

The nature of the project's impact area will affect the methods employed to identify and record cultural resources. Urban and rural areas may require different approaches. Terrain, vegetation, land ownership, and other factors will affect the time required to conduct an inspection and the techniques required to complete it. For example, if few indications of archaeological sites are judged likely to appear on the surface of the ground due to vegetation, alluviation, or other factors, it may be necessary for archaeologists to undertake subsurface shovel or auger probing to locate sites.

Some cultural resource inventory and evaluation studies are performed by contractors on a "fixed cost" basis. In that instance (especially in the case of large area surveys), it may be impractical to contract for both inventory and evaluation at the same time because the number of sites and types and levels of evaluation needed cannot be determined until the inventory is completed. Such large area inventories should be contracted with separate contracts for inventory and evaluation studies, or preferably, with a contract specifying the identification of sites and preliminary evaluation activity such as "shovel testing" archaeological sites to define vertical and horizontal extents of cultural materials, followed by a contract for detailed evaluation work. Agencies and companies planning field inspections should consider these factors when preparing work plans and contract specifications, and should consult with the ND SHPO and staff of the AHP to determine what special approaches may be necessary.

Adequate records must be kept of all field inspections to indicate what lands were inspected, the degree of intensity with which they were inspected, the types of cultural resources sought, all cultural resources observed, and any factors that affected the quality of the observations. Reports resulting from library, fieldwork and/or laboratory work should follow the format outlined in Section 5.

The intensity of field inspection in advance of a proposed project should be commensurate with the projected impact of the undertaking. A project where the effects will be minimal and diffuse may only require a systematic sample reconnaissance or some other less intensive field inspection. A project which has definable direct impacts generally will require a more intensive field inspection. Also, the level of project planning will affect the nature of field inspection undertaken. At an early level of planning, when several alternatives are available for the location of project facilities, low intensity reconnaissance may be appropriate to provide planning guidance. When alternative project locations have been reduced, a more intensive survey usually will be necessary. Although different types of field inspections may be appropriate in different situations, such inspections generally fall into two classes, reconnaissance inventory and intensive inventory.

## **Class II: Reconnaissance Inventory**

In some situations, a Class II reconnaissance inventory may be an acceptable strategy in combination with a Class I. A Class II usually is used in large-scale projects for locating areas with good or better cultural resource potential which will require investigation at the Class III level. Prior to undertaking a reconnaissance inventory, a Class I must be conducted in order to determine if previously recorded cultural resources exist within the proposed project area, and to determine whether portions of the project area have been adequately surveyed in the recent past.

Full identification of cultural resources for purposes of detailed project planning, environmental assessments and resource evaluation normally requires that an intensive inventory be conducted. Some agencies and companies, however, may find it helpful in their planning activities to conduct reconnaissance inventories in order to obtain preliminary data on the nature and distribution of an area's cultural resources.

Reconnaissance inventory is designed to provide a general impression of an area's cultural resources and their values; it involves small-scale fieldwork relative to the overall size of the Area of Potential Effect (APE). Although a reconnaissance inventory will seldom, if ever, provide sufficient data to insure identification or final evaluation of all cultural resources in an area, it should make it possible to verify the existence and condition of resources tentatively identified or predicted from a literature search, to identify areas where cultural resources are lacking, and to indicate where certain kinds of resources likely are to occur. This will make possible a more informed and efficient intensive inventory at later planning stages.

Reconnaissance inventory should only be used as a preliminary step to an intensive inventory, unless the reconnaissance reveals it is impossible or extremely unlikely for cultural resources to occur in the area. However, in areas of potential impact to significant resources, reconnaissance inventory may verify impacts and aid in developing plans to avoid or mitigate such impacts.

In cases where a governmental agency intends to fund, permit or license a project, particularly if the project involves large land areas, a reconnaissance inventory may provide the agency with sufficient information to allow the development of protective stipulations in the contracts, permits or licenses. An agency or company that participates in many small-scale projects over a large area may find it useful to sponsor a reconnaissance inventory of the entire area in order to develop a basis for making decisions about the need for intensive inventories of individual projects, or to obtain guidance in the kinds of inventory strategies that may be needed. Although a reconnaissance inventory ordinarily will not provide sufficient data to insure identification of all cultural resources under the jurisdiction of, control of, or subject to impact by a federal or state funded, assisted or licensed project, it may be an effective planning tool. Reconnaissance inventories should be used to select project alternatives which avoid areas containing significant resources, rather than as a means of identifying resources which must be mitigated after the project site has been selected.

A reconnaissance inventory is preceded by an adequate literature search as discussed above. In the field, an effort is made to gain a sufficient impression of the cultural resources in



the area under consideration in order to permit predictions to be made about the distribution and significance of resources within the area. For small areas, a brief visit to the area by professional personnel in pertinent disciplines may be sufficient for reconnaissance purposes. Such a reconnaissance should provide an overview of the types of resources that potentially exist and delineate appropriate methods to be used to complete an intensive inventory, if necessary.

For larger areas, such as proposed mining areas or transmission line corridors, a more systematic approach to reconnaissance inventory usually is necessary. For archaeological resources this commonly involves detailed inspection of statistically valid sample of the area from which projections about the entire area can be made. Comprehensive windshield or pedestrian inspections of architecturally significant resources, or at least spot checks of various neighborhoods within the area, are appropriate for the characterization of architectural resources in such a reconnaissance.

Coordination in the field with local parties interested in or knowledgeable about the area's history and cultural resources is as appropriate during a reconnaissance as it is during an intensive inventory. In the case of a small area, the cost of a reconnaissance inventory may be the same as the cost of an intensive effort; therefore intensive inventory frequently is recommended for small projects. Intensive inventory often is recommended by the AHP because the project's description and request for comment reaches the AHP for review after the preliminary planning stages and at a point when cost and time factors preclude careful and thoughtful planning-stage considerations with which cultural resources should be dealt.

It should be remembered only the lead agency in consultation with the ND SHPO can require that a Class II be conducted instead of a Class III. Private contractors permitted in the state for conducting archaeological work cannot make such determinations on their own in the field unless the lead agency and the ND SHPO have agreed to this method.

### **Class III: Intensive Cultural Resource Inventory**

An intensive inventory is a systematic, detailed field inspection done by, or under the direct supervision of, professional architectural historians, historians, archaeologists, and/or other appropriate specialists. This type of study usually is required to formulate a preliminary determination of the significance of resources and their eligibility for listing in the NRHP and the North Dakota State Historic Site Registry. It is preceded by an adequate literature search (Class I), and, sometimes, by a reconnaissance (Class II) effort.

All districts, sites, buildings, structures and objects of possible historical or architectural value are examined by or under the supervision of a professional historian or architectural historian. Persons knowledgeable in history, prehistory, and folkways of the area are interviewed by or under the supervision of a professional historian, ethnohistorian, cultural anthropologist, or folklorist. The surface of the land and all districts, sites, buildings, structures, and objects of possible archaeological value are inspected by or under the supervision of a professional archaeologist. Historical archaeologists are employed where historic archaeological sites are likely; prehistoric archaeologists are used where prehistoric sites are probable. Documentary data necessary for evaluation of specific resources are compiled and analyzed.

A comprehensive, systematic effort is made to identify all resources within the area of concern that might qualify for listing in the NRHP and the North Dakota State Historic Sites Registry, and to record information sufficient to permit their evaluation or to indicate what further work is necessary to accomplish evaluation. A good faith effort at identifying surface and near-surface resources is met by adhering to the following protocols. The ND SHPO recommends that Class III survey involves no greater than 15 meters (50 feet) transect-interval spacing and that pedestrian transects be walked in a serpentine manner. Ground surface visibility is to be deemed sufficient to demonstrate a good effort at resource identification. Auger or shovel identification probes are to be used in instances where ground surface visibility is not sufficient in order to meet the good faith standard. Identification probing efforts do not constitute the evaluation of resources satisfied by formal test excavations.

Cultural resources should be evaluated against the criteria established in 36 CFR 60.6 (re-designated 36 CFR 1202), and supporting documentation should be developed with reference to guidelines published in 36 CFR 63 (re-designated 36 CFR 1204) in the Federal Register on Wednesday, September 21, 1977, Vol. 42, page 47666).

Since the precise kinds of field activities necessary to fully identify cultural resources vary among different regions of the United States, it is vital that agencies or companies preparing to undertake or contract for intensive inventories consult with the ND SHPO in developing plans for such inventories. Although, a literature search and/or reconnaissance inventory may negate the need for inclusion of one or more disciplines on the project staff. The field personnel of an intensive inventory effort should be cognizant of, and prepared to record, all cultural resources located within the inventory area. If a contract is made or accepted for only one portion of the cultural resources work, such as the archaeological inventory, this should be clearly stated in the contract and the resulting report.

### **Cultural Resource Work during the Winter Season**

Review of the results of past inventories performed when snow cover was present has led to the AHP formulating an opinion regarding the adequacy of winter season survey for cultural resources in North Dakota:

Whereas, 36 Code of Federal Regulations, Part 800-Protection of Historic and Cultural Properties. Subsection 800.4 (Federal Register, Vol.44., No. 21-Tuesday, January 30, 1979) states, in part:

“It is the responsibility of each Agency Official requesting consultation with a State Historic Preservation Officer under this section to provide the information that is necessary to make an informed and reasonable evaluation of whether a property meets National Register criteria and to determine the effect of a proposed undertaking on a National Register or eligible property,” and

Whereas, 36 Code of Federal Regulations, Part 66 (re-designated 36 CFR 1210)-Recovery of Scientific, Prehistoric, Historic and Archeological Data: Methods, Standards,

and Reporting Requirements, Subsection 66.2i (Federal Register, Vol. 42, No. 19-Friday, January 28, 1977) states, in part, that data recovery operations should reflect:

“An understanding by the principal investigator of the data or research value of the property. This value will normally have been defined as the result of a location and identification study as discussed in Appendix B,” and

Whereas, 36 Code of Federal Regulations, Part 66 (re-designated 36 CFR 1210) Recovery of Scientific, Prehistoric, Historic and Archaeological Data: Methods, Standards, and Reporting Requirements, Appendix B, Section 1.4 (Federal Register, Vol. 42, No. 19-Friday, January 28, 1979) states, in part:

“Systematic subsurface testing is conducted if necessary to located full descriptive and evaluative data,” and

Whereas, it is the opinion of this office that either snow cover or heavy vegetation cover generally obscure ground surface sufficiently to necessitate subsurface testing of such covered areas to determine whether or not archaeological resources exist within the study area, and

Whereas, it is the opinion of this office that subsurface testing to locate, identify, and/or evaluate archaeological resources cannot be properly conducted when the ground is frozen.

It is, therefore, the opinion of the ND SHPO that cultural resource inventories conducted in North Dakota when there is snow or heavy vegetation obscuring the surface of the study area and the ground is frozen are not adequate to either properly identify archaeological resources or evaluate the significance of resources which may be identified. Consequently, agencies which submit such reports to this office for review and comment pursuant to the above regulations will ordinarily be informed that adequate information has not been provided for this office to make an “informed and reasonable” evaluation of the proposed project’s effects on significant resources and asked to provide such adequate information prior to resubmission of the materials for review and comment.

### **For Indirect Effects Recordation for Wind Turbine Projects Only**

An architectural historian meeting the Secretary of Interiors qualifications must conduct a Class II reconnaissance survey of buildings and structures that they deem to be 45 years of age or older. The survey boundary is two miles from wind turbines 400 feet or higher. The Class II reconnaissance survey can be summarized in a table or paragraph in the Class III report. If the surveyor finds properties in the two mile buffer zone that they deem potentially eligible a site form must be submitted provided that: 1) the property owner is participating in the project and 2) permission to be on the property to record the buildings and structures 45 years and older has been granted. If access is denied, the cultural resource specialist will submit a site lead form by remaining in the right-of-way of a road or on public property.

#### 4. CULTURAL RESOURCES IDENTIFICATION, RECORDING, AND EVALUATION

Federal agencies usually have documentation on what constitutes a site, and when conducting projects on those lands, it is recommended the lead agency's criteria for site identification be used. For other projects, including those where a federal agency has not published site identification criteria, it is recommended the ND SHPO's criteria be used.

##### Identification of Sites

For documentation purposes, a cultural resource site is defined as a location of past human activity that took place over 50 years ago and which left physical traces of activity in the form of (1) an intact cultural feature, (2) six or more artifacts found within about 60 meters of one another, and/or (3) an intact subsurface cultural deposit regardless of the number of artifacts.

##### Identification of Isolated Finds

A location of five or fewer artifacts and identified by the archaeologist(s) as representing an area of very limited past activity may be recorded as an isolated find. In all cases of identifying a location as an isolated find, the archaeologist(s) should consider whether the location has potential to contain buried artifacts. In such cases, consideration should be given to recording the location as a site lead.

##### Identification of Site Leads

Site leads are identified by three separate definitions. The first consists of a location reported by a landowner or other non-professional as containing cultural resources. These locations are identified as site leads until such time as a qualified archaeologist or architectural historian can determine whether cultural resources exist in the area and, if so, whether the location is site or an isolated find.

**Archaeology:** The second definition for a site lead is a location with five or fewer surface visible artifacts that may, in the professional judgment of the archaeologist(s), be only a limited surface expression of a former occupation area where most of the artifacts are not visible (i.e., still buried).

**Architecture:** Third, architectural site leads are intended for sites that are outside the project area and not fully recorded or when access is denied so the form cannot be fully completed. Site leads should still include as much information as possible and at least an overview photograph, and more if possible.

Consideration should be given by the PI, the lead agency, and the ND SHPO as to whether a site lead location should be examined more closely, possibly by subsurface investigations, prior to a determination of No Historic Properties Affected or No Adverse Effect.

## Defined Non-Sites and Property Types Requiring No Formal Documentation

The following defined non-sites and property types do not require formal documentation on NDCRS site forms. If they are encountered discuss them in the project report. Consult the lead agency cultural resource specialist for project-specific requirements.

***Professional judgment and common sense should be used during site recording.***

- 1) Utility lines (i.e., power poles/lines, towers, telephone lines, fiber optic cable, etc). However, historic utility facilities such as the WAPA transmission facilities (including the power lines) *must* be recorded.
- 2) Pipelines (i.e., water, gas and oil)
- 3) Elevation, bench, and section markers. However, the state line quartzite markers *must* be recorded.
- 4) Car banks (i.e., the use of abandoned cars, farm machinery, appliances, etc. to stabilize riverbanks, stream banks, or drainages)
- 5) Isolated rip-rap (i.e., the use of cobbles, rock, or wood to stabilize riverbanks, stream banks, or drainages). However, WPA or CCC constructions *must* be recorded.
- 6) Isolated abandoned motorized vehicles and appliances
- 7) Farm or ranch fences and enclosures (i.e., barbed wire, chain link, buck-and-pole, or other types of pasture fence). However, corrals, roundup or load-out facilities *must* be recorded.
- 8) Unnamed two-track roads (i.e., ranch roads, seismic roads, etc.)
- 9) Recent trash (i.e., highway trash, etc.)
- 10) Producing oil/gas wells and dry hole markers
- 11) Corrugated metal culverts
- 12) Modern prospect pits associated with mineral exploration or mining with no associated features, cribbing, and/or less than 50 associated artifacts. Mention only in the report but do not submit a site form.
- 13) Modern field clearing rock piles consisting of large rocks and boulders. However, stone johnnys/rock cairns or towers without mortar such as butte markers, water markers, sheepherder's monuments, other monuments, etc. *must* be recorded.
- 14) Isolated, run-down/nonfunctional machinery
- 15) Active gravel/borrow pits
- 16) Railroad segments such as altered grades and tracks unassociated with other railroad features do not have to be recorded. However, *record* sidings and tracks possibly associated with major and monumental historic developments such as the railroad siding for the Garrison Dam, or any sidings and tracks associated with military Cold War development.

Of the list above, although not requiring formal documentation (NDCRS site forms or Feature #), pipelines; elevation, bench, and section markers; prospect pits associated with mineral exploration or mining that exist in a recorded site their presence should be noted in the setting section of the NDCRS form.

Please see: <http://history.nd.gov/hp/historiccontexts.html> for additional information about select topics such as *Farms in North Dakota Part 1 and Part 2*; *Federal Relief Construction in North Dakota, 1931-1943*; and *Railroads in North Dakota, 1872-1956*.

## Recording of Cultural Resources

The database of information for cultural resource sites in North Dakota is maintained at the AHP of the SHSND. Verified sites are indexed according to the Smithsonian Institution Trinomial System (SITS). This system includes a number for the State (North Dakota is “32”), a two-letter abbreviation for the county in which the site is located, and numbers indicating specific sites. The SITS numbers for North Dakota are assigned by the SHSND. There is no fee for SITS number assignment.

The AHP has developed standardized archaeological, architectural, and historical archaeological forms for recording sites, site leads, and isolated finds and training manuals for completing the forms. The North Dakota Cultural Resource Survey (NDCRS) forms and manuals are available at <http://history.nd.gov/hp/hpforms.html> or by contacting the AHP office. The manuals detail how to properly fill out archaeological, architectural, historical archaeological and multi-component forms, and updates to previously recorded cultural resources. Cultural resource data submitted to the AHP for inclusion in the NDCRS database **must** be submitted on the standardized NDCRS form or on standard federal agency forms approved by the AHP. If the standardized forms are revised, the revised forms will supersede any previous forms.

For isolated finds and site leads, Page 1 of the NDCRS form should be filled out, along with a description discussing the resource and providing the recorder’s evaluation and recommendation, and a topographic map with the resource location marked (see NDCRS manuals).

The SITS numbers are assigned to adequately recorded, verified cultural resource sites. Blocks of numbers will not be assigned to anticipated sites. A site must be located and properly recorded before a number will be issued. Site numbers will not be assigned via telephone or email without prior submission of forms. Telephone and email assignments may result in overdue site forms, double numbering, and sub-standard recording of cultural resources.

Because of the flood of requests for site numbers, staffing limitations, and necessary quality control measures, up to 15 working days may be required to process a site form. The timing of the 15-day period begins upon receipt of the form(s) by the AHP. If a form is found to have errors (such as a mistake in legal location, lack of a proper sketch map, no artifact descriptions, etc.), a number will not be assigned until the corrections have been submitted. In such a case, the 15-day processing time will begin again when the corrected form is received. Site numbers will not be assigned on a “drop-in” basis (i.e., hand delivering site forms to the SHSND and requesting SITS numbers immediately).

To expedite the site number assignment process, the following steps should be followed:

- (1) During fieldwork, give consideration to all required portions of the site forms, particularly legal description, photos, and sketch map.
- (2) Include a reproduction of the correct 7.5' USGS topographic quadrangle map with the site boundaries accurately plotted. The map should not be reduced or enlarged.
- (3) Site forms, photographs, and sketches must be archival quality. Digital photographs are acceptable for site forms and reports, but must be a minimum of 300 DPI with a maximum size of 5" by 7" using archival inks. If the digital images are not acceptable upon ND SHPO review, archival quality 35 mm prints may be required.
- (4) *Use the current, standardized site forms* available on the SHSND website (<http://history.nd.gov/hp/hpforms.html>).
- (5) Prior to submission, please check the form(s) for typos and other errors. ***Site forms received via email will not be processed.***
- (6) Prepare a brief cover letter to explain your request. (The AHP receives many site forms for various reasons.)

Review of a NDCRS form by personnel at the AHP of the SHSND prior to assigning the site a number consists of:

- (1) Conducting a file check to see if the site has been previously recorded.
- (2) Matching the site's legal description on Page 1 to the site boundaries on the correct 7.5' USGS topographic quadrangle map.
- (3) Checking information on Page 1 against the other pages to verify accuracy and completeness of the site form.
- (4) Downloading the PDF version and GIS shapefiles from the AHP-run FTP site.
- (5) Assigning a number.
- (6) Informing the sender of the number assignment. The sender is informed via a letter, or by email if requested.
- (7) Entering site data into the database.
- (8) Filing the site form.

If there is a discrepancy during any of the steps listed above, a letter commenting on the problem is sent to the sender for correction. A number is not assigned before the site form has reached step 5.

Forms for cultural resources recorded during inventories must be submitted for quality control measures prior to completion of the project report and submission of that report to the AHP for review and comment. Reports received by the AHP which contain either field designations for sites, site leads, isolated finds, and/or forms not previously submitted for review will be returned to the sender with a request that the site forms be submitted for review and assignment of SITS numbers, and to resubmit the report with the field designations within the report replaced by the SITS numbers.

### Evaluation of Cultural Resources

The preliminary evaluation of all cultural resources identified within the study area should be made in sufficient detail to provide an understanding of the historical values that they represent. This is done to aid in the nomination of resources to the NRHP, management of the resources and/or planning of mitigation of adverse effects of proposed projects on the resources in the event such mitigation becomes necessary. Throughout the recording and evaluation process, *the PI should remember that the evaluation as determined by them is a recommendation and not a final determination. Only the lead agency and ND SHPO, through consultation, can provide a final determination of eligibility (DOE) on cultural resources in North Dakota.*

If a literature search (Class I) or field reconnaissance (Class II) has been completed, the predicted significance and number and distribution of each type of cultural resource likely to occur within the study area should be presented and justified on the basis of background research and/or field inspection. Specific cultural resources recorded during field inspection should be described and evaluated against the criteria for eligibility for inclusion on the NRHP, as set forth in the NHPA. All cultural resources recorded during field inspection should be recorded on current [NDCRS forms](#).

If an intensive inventory (Class III) has been completed, all cultural resources should be clearly and completely described in the report and recorded on current NDCRS forms. Each property must be evaluated against the criteria for eligibility for inclusion in the NRHP. If, after evaluation in terms of the appropriate criteria for eligibility, a resource is determined not to be significant, this decision must be fully explained and justified. Cultural resource contractors should be especially careful during contract negotiating and subsequent planning for fieldwork to insure that the purchaser of the contract understands whether or not the work to be performed will include site evaluations. Many purchasers presume that the inventory report will contain NRHP evaluations while the contractor presumes only site identifications and preliminary evaluations will be produced.

In most cases it is expected that the report of Class I, II, and III inventories will provide recommendations for further study, evaluation, preservation, impact mitigation, or no further work. Further, it is expected that all reports will follow the general format presented in Section



6. Standardization of recommendations and report formats will aid in the evaluation of possible adverse effects of proposed projects and activities.

Different types of data will be needed to evaluate different types of resources. For instance, the evaluation of some kinds of archaeological sites will require subsurface testing to locate or obtain full descriptive and evaluative data. On the other hand, detailed historical research may be necessary to evaluate some kinds of historic sites. Architectural and/or historical research may be necessary to evaluate architectural sites. Care should be taken that evaluation efforts, particularly in the case of archaeological resources, do not seriously damage or destroy the resource evaluated.

## 5. PROTECTION OF SITE LOCATION DATA

The 1979 North Dakota Legislature passed Senate Bill 2243, now codified as Section 55-02-07.1 of the NDCC. This law became effective on July 1, 1979, and, as amended, states:

55-02-07.1. Protection of prehistoric or historic site locational data. The director of the state historical board may limit access to and release of information from files of the SHSND which contain data that specifically identifies the location of archaeological or historical sites in North Dakota. No access to, or release of information from files which contain such site specific locational data shall be made until the director shall be satisfied that the applicant has a reasonable need for the information contained in those files, and professionally acceptable qualifications to assure that release of the information will not result in unnecessary destruction of the resource.

The most frequent use of such data by persons other than SHSND employees is by individuals, companies and/or agencies performing “Literature Searches” for cultural resource protection or work projects. A secure log-in procedure has been developed to aid the SHSND’s evaluation of the needs and credentials of persons requesting data, and to provide a means of documenting the number and type of requests received.

The AHP of the SHSND maintains the master files which comprise the state’s cultural resource inventory. Because of a recognized need to address the requirements of NDCC 55-02-07.1, the following procedure has been adopted regarding access to, and release of, information from the AHP’s site files:

- (1) A “Literature Search” as necessary for cultural resource inventory work includes both a file search and document research. The AHP has the data necessary for file searches and will make that data available to persons with a legitimate need for the data. Document research may be conducted at other locations, such as libraries, courthouses, etc., and is not provided by the AHP.
- (2) All requests for file searches will require using the secure log-in procedure and signing the users’ logbook. The form and logbook must be completed by the individual requesting access prior to use of the files.
- (3) All file searches should include the following:
  - (A) A check of the site location database which include reference to all verified cultural resource sites, site leads, and isolated finds known to the SHSND.
  - (B) A check of the manuscript database of areas which previously have been surveyed.

- (4) Due to staffing limitations the AHP cannot do file searches for contractors. All file searches must be performed by the requestor in the AHP office during the workday (8:00 a.m. to 5:00 p.m., Monday through Friday, except for state government holidays. There is no fee to access the files at the AHP office.

It is recommended that site-specific location data in reports appear in an appendix, rather than in the text; this is especially advisable for large reports which include references to many sites. This allows public dissemination of the report without disclosure of site location data by simply removing the appendices. Short reports for small projects, and which contain site location data in the text, should receive limited dissemination to protect site location data.

## 6. REPORT FORMATS

The following report format is intended to serve as an outline, for guide, to the types of information which should be included in cultural resource inventory and evaluation reports. While not intended to be a “cookbook” followed point by point, a report should provide full information as outlined here to allow the AHP to review proposed projects and activities adequately, and make the administrative decisions necessary to manage North Dakota’s cultural resources properly. Cultural resource inventory reports received by the AHP for review and inclusion in the manuscript database should contain, as a minimum, the following sections or components:

- (1) [Manuscript Data Record Form](#). This form should be paper clipped to the front of the report. The form is not required for reports with a cover/title page that specifically states it is a *draft* review version; however, ***no final report will be accepted or reviewed without this form attached.*** Appendix A contains a copy of the form. It is available on the SHSND website at (<http://history.nd.gov/hp/hpforms.html>).
- (2) Cover/Title Page. The front page should, at a minimum, list the following:
  - (A) Title. This should include information on the type of project undertaken (i.e., inventory, testing, excavation, mitigation, literature search, etc.) and, if applicable, the type of cultural resource assessed (e.g., archaeological, architectural, historical). Also, the title should include the name of the project proponent, the common project name and up to six county names in which the survey takes place.
  - (B) Location of the project.
  - (C) Date of the report.
  - (D) Name of the contractor (if applicable).
  - (E) Author(s).
- (3) Abstract. This should provide a brief overview of the project and results. For small reports, this section may not be necessary.
- (4) Introduction. Provides a brief overview of the project, including:
  - (A) The purpose of the report.
  - (B) If it is a contractual project, indicated the contractor and purchaser.
  - (C) The name of the federal or state agency with jurisdiction over the project/property.

- (D) A description of the proposed project or activity which caused the work to be done.
  - (E) The location of the project, general and specific.
  - (F) The date(s) when the work was accomplished.
  - (G) The names of all of the participants in the project, including field crew members.
- (5) Environment. This section may be brief for small projects, but for larger projects, the following should be reported:
- (A) The physical features of the study area (i.e., terrain, drainage, etc.)
  - (B) A description of the study area (unless the data is available in a previous report, in which case the proper reference to the document will suffice).
    - (i) A discussion of the field conditions (i.e., vegetation, etc.)
    - (ii) A discussion of the present land-use patterns.
    - (iii) A discussion of the past conditions of the land.
  - (C) A discussion of any fieldwork problems related to the environment (i.e., snow cover, flooding, dense vegetation, etc.)
- (6) Research Goals. Define the purpose of the project.
- (A) List and describe the sponsor's goals.
  - (B) List and describe the investigator's goals.
  - (C) Include the Research Design if applicable.
  - (D) Include the Scope-of-Work, if available, in an appendix.
- (7) Methods. The methodology utilized to conduct and complete the project.
- (A) Results of the Literature Search (Class I).
    - (i) List and describe published and/or unpublished sources consulted (tabularize as necessary).
    - (ii) Indicate methods of analysis.

- (iii) Indicate contacts made with informants and professional experts regarding the study area.
    - (iv) Indicate the date(s) when the work was performed.
  - (B) Reconnaissance Inventory (Class II).
    - (i) Include (7)(A)(i-iv) above or refer to it if in published or manuscript form.
    - (ii) Describe the fieldwork completed, including sampling techniques, etc.
    - (iii) Describe remote sensing or any other specialized techniques employed.
    - (iv) Refer to maps, tables, etc., appropriate to explain the techniques used.
    - (v) Indicate the date(s) when the work was performed.
  - (C) Intensive Inventory (Class III).
    - (i) Include (7)(A)(i-iv) (Literature Search) above or refer to it if in published or manuscript form; and, if relevant, (7)(B)(i-v) above or refer to it if in published or manuscript form.
    - (ii) Describe in detail all the fieldwork completed.
    - (iii) Describe any specialized methods or techniques employed.
    - (iv) Indicate the date(s) when the work was performed.
- (8) Evaluation of Research.
  - (A) Discuss the reliability of available data.
  - (B) Identify any changes in the stated goals.
  - (C) Identify and discuss any deficiencies in primary or supportive data.
  - (D) Relate results of completed work to the stated goals.
- (9) Inventory of Resources (tabularize as necessary).

- (A) Literature Search (Class I).
  - (i) Review and summarize the information on cultural history and process, history, architecture, etc., derived from the effort.
  - (ii) List and describe the known resources.
  - (iii) Discuss the relationship of the resources to the environment.
  - (iv) Provide the predictive statements on anticipated site density, distribution, and, if applicable, potential significance.
- (B) Reconnaissance Inventory (Class II).
  - (i) Include (9)(A)(i-iii) above or refer to it if in published or manuscript form.
  - (ii) Provide updated site information, if necessary.
  - (iii) List and describe resources identified during fieldwork.
  - (iv) Describe and illustrate artifactual materials observed.
- (C) Intensive Inventory (Class III).
  - (i) Include (9)(A)(i-iii) above or refer to it if in published or manuscript form; and, if relevant, (9)(B)(i-iv) above or refer to it if in published or manuscript form.
  - (ii) Provide analysis of densities and distributions of identified cultural resources.
  - (iii) Describe and illustrate artifactual materials observed.
- (10) Evaluation of Resources. Discussion of the contractor's evaluation recommendations of the cultural resources recorded. ***NOTE: The Principal Investigator DOES NOT provide formal evaluations, but rather, only makes evaluation recommendations. This should be made explicitly clear in all reports.***
  - (A) Literature Search (Class I).
    - (i) List historic properties within the study area known to be eligible for, nominated to, or listed in the NRHP.

- (ii) List historic properties within the study area which have apparent potential for inclusion in the NRHP.
    - (iii) List historic properties within the study area which have no known potential register value.
    - (iv) Justify each of the above in terms of appropriate criteria.
    - (v) Provide tentative evaluation of properties predicted in (9)(A)(iv) above.
  - (B) Reconnaissance Inventory (Class II).
    - (i) Include the literature data in (10)(A)(i-v) or refer to it if in published or manuscript form.
    - (ii) Include comparable data for sites identified during field inspection.
  - (C) Intensive Inventory (Class III).
    - (i) Evaluate all of the resources within the study area.
- (11) Statement of Impacts. *NOTE: If your report relates to a project which will be reviewed by the AHP, you must include impact data or state that impacts are presently unknown. In those instances where significant or potentially significant resources are identified within the area of a proposed project but impacts are not defined, acceptance of the report, and therefore the start of the sponsor's project, will be delayed until the impacts are defined by the project's sponsor.*
- (A) List the resources which will be impacted directly.
    - (i) Describe how these resources will be affected.
    - (ii) Describe the degree of the effect(s).
  - (B) List the resources which will be impacted indirectly.
    - (i) Describe how these resources will be affected.
    - (ii) Describe the degree of the effect(s).
  - (C) List the resources identified by study which will not be impacted by the sponsor's project.



- (12) Recommendations. ***NOTE: The Principal Investigator DOES NOT “clear” projects, but rather, only makes recommendations. This should be made explicitly clear in all reports.***
- (A) Literature Search (Class I).
    - (i) Recommend further work necessary (inventory, evaluation, etc.).
      - (a) Recommend specific documentary sources which will provide necessary data.
      - (b) Recommend fieldwork as necessary.
      - (c) Recommend strategies to be utilized in further work undertaken.
  - (B) Reconnaissance Inventory (Class II).
    - (i) Recommend further work necessary (inventory, evaluation, etc.).
    - (ii) Recommend preliminary choice of project alternatives, if any.
  - (C) Intensive Inventory (Class III).
    - (i) Recommend further evaluation work, if necessary.
    - (ii) Recommend management alternatives (preservation, development, data recovery, mitigation, etc.).
- (13) References Cited.
- (A) Provide standard bibliographic references for every publication or work cited in the report.
- (14) Appropriate Appendices. ***NOTE: For most agencies, this will include NDCRS forms; however, the copy of the report to be forwarded to the SHSND should not include the NDCRS forms. The NDCRS forms should be submitted to the SHSND before the final report is submitted.***
- (A) Appropriate tables, charts, graphs, etc.
  - (B) Maps.
    - (i) Only USGS 7.5' topographic quadrangle maps are acceptable. The SHSND will not accept reports with hand-drawn maps or county highway maps. It is acceptable to reduce the 7.5' maps slightly for

*reports*, but such reduction shall be limited to no more than 20% less than the actual size (i.e., a minimum of 2.1" equals 1 mile).

- (ii) Each map should have:
  - (a) An identifying number or letter.
  - (b) A legend, caption, and the source of the map.
  - (c) North arrow.
  - (d) Scale.
  - (e) Vicinity map with clearly marked locators including section, township and range, etc.
- (iii) The following should be indicated clearly in the map section:
  - (a) Exact area inventoried and coverage given.
  - (b) Location of the proposed project and ancillary facilities (if known).
  - (c) Cultural resource site location(s).
  - (d) Vegetation cover, if applicable.
  - (e) Location of test pits, coring, etc.
  - (f) Any other descriptive features referred to in the report.
- (C) Plates.
  - (i) Photographs or line drawings of appropriate artifacts, features, or other materials.
  - (ii) Photographs of each cultural resource, or category thereof, relevant to the report. In the case of architectural resources, photographs of each resource are required. Guidelines for identification and recording of architectural resources are available from the AHP.
  - (iii) Class III Inventory reports must include a minimum of two digital images documenting the surveyed project area. Digital images of Class III surveyed areas should endeavor to show complimentary views of the project area (i.e., north and south ends of project corridor, east and west views of project area, etc.). All digital

images included within Class III Inventory reports must be clear, un-pixelated and of archival quality. Digital images must be printed at a minimum of 300 DPI. If the digital images are not acceptable upon ND SHPO review, archival quality 35 mm prints may be required.

- (D) Scope-of-Work (if available).
- (E) Research Design (if available).
- (F) NDCRS site forms. ***NOTE: The copy of the report to be forwarded to the SHSND should not include the NDCRS site forms.***
  - (i) All positive reports should contain properly completed site forms for each identified cultural resource unless the resource has been previously recorded as a verified site. In instances where previously recorded sites are re-inspected, an update to the existing NDCRS site form(s) should be completed detailing the site condition, potential impacts, and artifacts and features noted, etc. The update to the site file should be filed separately with the AHP for inclusion in the site location database. The NDCRS Manuals explain how to update a site file and are available at (<http://history.nd.gov/hp/hpforms.html>).
  - (ii) Site forms used must be either current NDCRS standardized forms or forms approved by the AHP.
  - (iii) Site forms must be submitted to the AHP ***prior*** to use in a report so that the forms can be checked for accuracy.

Reports received for review which include site forms not previously submitted and assigned site numbers will be delayed until the forms have been processed. A failure to include any of the above items will result in a rejection of the report for review purposes until the missing data are supplied.

### **Submission of Digital Data (Cultural Resource Reports and GIS Data)**

As a condition of the Permit to Conduct Cultural Resource Surveys in North Dakota, all entities/individuals permitted by the ND SHPO at the SHSND must provide the standard paper copy of the submitted **Class III** cultural resource inventory report, a digital copy of the report (PDF format), and geospatial data (GIS shapefiles) of **Class III** surveyed (inventoried), tested or mitigated project areas. All permitted entities/individuals are similarly required to provide a PDF copy and shapefiles in addition to the standard paper copy of the NDCRS forms for sites, site leads and isolated finds via the FTP site.

The following protocols for submission of electronic components of the survey report apply:

- (1) At the time the permit is awarded, new permit holders will be supplied an address for a File Transfer Protocol (FTP) site maintained by the SHSND and a log-in and password in order to upload digital data. (The FTP address and password initially assigned in 2013 to permit holders remain valid.) Effective January 1, 2017, the FTP server address for uploading GIS shapefiles and PDF versions of reports and NDCRS forms is:
  - (A) FTP Address (Host): <https://mft.nd.gov>
  - (B) Password: remains as assigned by SHSND
- (2) Permit holders are required to submit new and updated NDCRS forms for sites, site leads, and isolated finds via the FTP site. Submit a paper copy and upload a PDF version of the NDCRS form and corresponding shapefiles to the FTP site. The respective shapefiles must include the field code, as it appears at the top, left of the NDCRS form. Numbers will not be assigned until the paper *and* all digital files are received by the ND SHPO.
- (3) At or before the time the paper copy of the **Class III** cultural resources inventory report is delivered to the ND SHPO, a PDF version of the report and corresponding shapefiles must be uploaded to the FTP site. For each report submitted, permit holders will be responsible for uploading a uniquely-named project folder to their assigned folder on the FTP site. Uploaded folders will contain the PDF version of the **Class III** inventory report and a single polygon shapefile representing all Class III inventoried, tested or mitigated project areas. The PDF report must include a completed manuscript data record form (available in MS Word and Adobe PDF format <http://history.nd.gov/hp/hpforms.html>). Folders uploaded may be named according to a project name, followed by the name of the permitted entity/individual name, and a report of investigations number (if possible). Do not use excessively long folder titles. **Do not upload vaguely or poorly identified project folders.** For example, do not use “Well Pad\_McKenzie County” or similar labels for folders.
- (4) ND SHPO Review and Compliance staff will confirm the required electronic data was sent to the ND SHPO prior to issuing a letter of concurrence for a specific project. Failure to provide the electronic data will constitute a violation of the terms of the ND SHPO permit (NDCC § 55-03-01 and NDAC 40-02-02) and will result in a delay in receiving a ND SHPO letter of concurrence until the electronic data is received.

There are free or open-source options available for FTP software. FileZilla Client (<https://filezilla-project.org/>) is used by the ND SHPO. FileZilla’s appearance and operation is similar to Microsoft Windows Explorer or other dedicated file managers.

There are methods for converting word processing documents with inserted image files into Portable Document Format (PDF). One option is to use the functionality within Microsoft

Word to “Save as Adobe PDF” or to “Publish as Adobe PDF.” In some cases, a free Add-In or Plug-in may be required from Microsoft or another open-source software alternative in order to save a PDF within a chosen word processing program.

## 7. MISCELLANEOUS

### Curation of Artifactual Materials

North Dakota State Law (NDCC, 55-02-07) states that all historical and archaeological artifacts and sites found on any land owned by the State of North Dakota, or its political subdivisions, belong to the State of North Dakota. Artifacts found on federal property are the property of the agency which manages that property (P.L. 59-209:34 Stat. 225: 16 USC 431-433 the Antiquities Act of 1906, and P.L. 96-95: 74 Stat. 220: 16 USC 469-469A the Archaeological Resources Protection Act of 1979). Artifacts recovered from private property belong to the landowner (NDCC, 55-03-05 and North Dakota Attorney General's Opinion re: 55-03-05 dated April 18, 1968).

Arrangements should be made prior to any field investigation to provide adequate permanent curation of recovered specimens, or the return of specimens to their rightful owner. Such arrangements should be specifically detailed in the text of the report. It is preferred that all artifacts recovered from North Dakota cultural resource sites be permanently stored in North Dakota, rather than an out-of-state location.

The SHSND can provide modern, climate-controlled, secure facilities for permanent curation in the North Dakota Heritage Center. The SHSND, however, is not prepared to curate collections from sites located outside of North Dakota. Copies of a Memorandum of Agreement for curatorial services, [Guidelines for Submitting Archaeological Collections](#), and assignment of an accession number for collections may be obtained by contacting the AHP.

### Preliminary Reports

In those situations where fieldwork is undertaken for a project which requires an opinion from the ND SHPO, but production of the final report is delayed or expected to be a lengthy process, preliminary reports may be acceptable. Often a proposed project description and request for an opinion on the project will arrive at the AHP long before the final report, and the submission of a preliminary report often prevents confusion about the status of a project's progress. This report must be submitted through the lead federal agency, or their approved state agency representative.

### Negative Reports

Reports of negative findings fieldwork do not need to be as extensive as the format described in Section 6 (reports with positive findings). A letter describing the work undertaken, the sponsor's project (with any identifying numbers), the literature search efforts, etc. will suffice. A 7.5' topographic map showing the exact area surveyed is necessary and reports without one will be returned. In cases of large-area inventories (i.e., 40 acres or more in size), full-scale reports are required even in the absence of identifiable cultural resources. If in doubt, check with the lead agency and the AHP.

## Contractor's Reference List

Due to the large number of requests for information relating to contractors in various areas of cultural resources work, their credentials, qualifications, addresses and availability, the AHP maintains a list of those contractors who have submitted their credentials for review and have been permitted by the state. The list includes an indication of the specific disciplines for which the AHP believes the contractor to be qualified, and the contact information of the contracting company, institution, or individual. Copies of this list are provided, upon request, to any interested party who wishes to contract for cultural resource work.

Once on the reference list, additions or changes in the listing may be made by submitting a written request, including adequate documentary materials. The addition or release of permanent or temporary staff should be made known to the AHP as soon as such action is taken so the AHP files remain current. If work reports generated by the company or institution are received for review by the AHP, and it is apparent new personnel have been hired and are performing work without proper credentials on file with the AHP, the company or institution will be removed from the reference list and a complete new application will be required prior to reinstatement.

If, in cross-checking references, misinformation is detected in an application, the company or institution involved will be removed from the list and asked to explain the misinformation prior to reinstatement. Should this office receive a complaint about performance, ethics or any other serious matter relating to your company or institution's dealing with individuals, companies or agencies using the contractor's reference list, a copy of the complaint will be forwarded to you immediately so that you may respond to it. In this instance, and after receipt of your response, your company or institution will be removed from the reference list only when the complaint is judged to be accurate and the response inadequate. In any case where a company or institution has been removed from the list, re-application may be made upon correction of the identified problem, although repeated complaints may make reinstatement more difficult.

The categories under which individuals, companies or institutions will be listed are:

- (1) Archaeology.
- (2) Historic Architecture.
- (3) History.

While there are certainly areas of cultural resource work other than those presented above, these are the categories for which AHP receives the most call. Credentials submitted for areas of expertise other than those listed above will be kept on file, but the listed categories will be limited to those described above. Applicants should indicate specific categories for which they are qualified and for which they would prefer to be listed. Applications should include a specific indication of which individual(s) in the company or institution staff is qualified to act as

the PI for the category, and credentials submitted should address those qualifications. If the credentials submitted do not address the individual's qualifications for a category indicated, some explanation of the individual's qualifications must be made.

### **Permitting Materials to be Submitted**

**Credentials.** It is essential that all cultural resource inventory, testing/evaluation and mitigation efforts are performed or directly supervised by qualified professional personnel. Further, it is important that the evaluation of a particular cultural resource (i.e., archaeological, architectural, or historical) be made by a professional who meets the minimum qualifications for that particular discipline. Basic minimum qualifications for professional cultural resource personnel are described in Section 2.

It is the position of the ND SHPO:

- (1) Cultural resource work reports received by this office for review and comment, and which relate to either field surveys or resource evaluations performed by unqualified individuals or by individuals whose professional credentials have not been evaluated by this office will be considered inadequate for purposes of review and comment. Such reports will be recommended for non-acceptance by the responsible state or federal agency.
- (2) As is clearly indicated in our letters requesting updated credentials as a basis for inclusion of the firm on our Contractor's Reference List, reports of work performed by less than qualified personnel or individuals for whom no credentials have been submitted for evaluation are grounds for removal of the contracting firm from the list. Re-entry to the list will necessitate at least clarification of the credentials questioned, and may require a total resubmission of credentials.

**Facilities Description.** Provide a description of the support and operating facilities available to your company or institution. We are particularly interested in the available laboratory space, equipment, support staff, consulting expert arrangements, etc., at your disposal.

**Curation of Artifacts.** Explain what arrangements or facilities your company or institution has for permanent curation of artifacts recovered from North Dakota cultural resource sites. If you have an agreement with another company, agency or institution to provide permanent curatorial services, include a copy of that agreement in your application.

**Permits.** If you, your company or institution hold any relevant permits, licenses, etc., such as a Federal Antiquities Permit, include a copy of that permit with your application, along with a list of all individuals specifically covered by the permit.



References. Provide a list of the names, numbers, and report titles of any and all cultural resource projects undertaken in North Dakota in the last 18 months prior to your application. If no projects were undertaken in North Dakota during the last 18 months, provide a list of major projects undertaken elsewhere during the last 24 months prior to your application. A new company which does not have an impressive backlog of completed project reports will not be penalized for its recent entry into the field.

Upon receipt of credentials submissions, the materials received will be reviewed by appropriate personnel from this office, and your company or institution will be notified as to listing status, further information needed or problems identified with the materials submitted (see Section 1).

**APPENDIX A**

**Manuscript Data Record Form**

**MANUSCRIPT DATA RECORD FORM**

1. Manuscript Number: [SHPO assigns]
2. SHPO Reference #:
3. Author(s):
4. Title:
5. Report Date:
6. Number of Pages:
7. Type – I, T, E, O:  
I=Inventory; T=Formal Testing; E=Excavation; O=Other
8. List formally tested or excavated sites (not probes):
9. Acres:
10. List the legal description\* and study unit. For study unit assignment, use the township tables in the *State Plan*, [http://history.nd.gov/hp/stateplan\\_arch.html](http://history.nd.gov/hp/stateplan_arch.html).  
Study Units: LM, CB, KN, HE, SM, GA, JA, GR, NR, SR, SO, SH, YE

*\*For inventory, formal testing and excavation projects, list the CLASS III legal locations only.*

County      Township      Range      Section      Study Unit