

# North Dakota SHSND/SHPO Guidelines

2026

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## Glossary

### Acronyms and Abbreviations

**ACHP** – Advisory Council for Historic Preservation

**AHP** – Archaeological and Historic Preservation

**APE** – Area of Potential Effect

**ARPA** – Archaeological Resources Protection Act

**BLM** – Bureau of Land Management

**CCC** – Civilian Conservation Corps

**CFR** – Code of Federal Regulations

**CHF** – Cultural Heritage Find

**CV** – Curriculum Vitae

**DOE** – Determination of Eligibility

**FHWA** – Federal Highway Administration

**FTP** – File Transfer Protocol

**GIS** – Geographic Information Systems

**GSV** – Ground Surface Visibility

**HABS** – Historic American Building Survey

**HAER** – Historic American Engineering Record

**HALS** – Historic American Landscape Survey

**MOA** – Memorandum of Agreement

**MS** – Manuscript

**NAGPRA** – Native American Grave Protection and Repatriation Act

**NDAC** – North Dakota Administrative Code

**NDCC** – North Dakota Century Code

**NDCRS** – North Dakota Cultural Resources Survey

**NDOT** – North Dakota Department of Transportation

**NEPA** – National Environmental Policy Act

**NHPA** – National Historic Preservation Act

**NPS** – National Park Service

**NRHP** – National Register of Historic Places

**PA** – Programmatic Agreement

**PI** – Principal Investigator

**SHPO** – State Historic Preservation Office / Officer

**SHSND** – State Historical Society of North Dakota

**SHSR** – State Historic Sites Registry

**SOW** – Scope of Work

**SP** – Shovel Probe

**TCP** – Traditional Cultural Place



**TCS** – Tribal Cultural Specialist

**THPO** – Tribal Historic Preservation Office / Officer

**TRS** – Township, Range, Section

**TU** – Test Unit

**USACE** – US Army Corps of Engineers

**USC** – United States Code

**USDA** – United States Department of Agriculture

**WAPA** – Western Area Power Administration

**WPA** – Works Progress Administration

## Definitions

**Cultural Resource** – a definite location of human activity, occupation, or use, normally greater than 50 years of age, identifiable through field inventory, historical documentation, or oral evidence. The term includes archaeological, historical, or architectural sites, structures, places, or sites or places with important public and scientific uses and may include definite locations (sites or places) of traditional cultural or religious importance to specified social and/or cultural groups. It can include archaeological sites, historic buildings or districts, cultural landscapes, traditional cultural places (TCP), sacred sites, objects, and artifacts. Not all cultural resources are formally recognized or protected.

**Historic Properties (or Historic Resources)** – any prehistoric or historic district, site, building, structure, or object included in, or eligible for inclusion in the NRHP, including properties of traditional religious and cultural importance to a Native American Tribal Nation or Native Hawaiian organization and that meet the NRHP criteria. Historic properties are cultural resources that have been determined to be particularly significant. All historic properties are cultural resources, but not all cultural resources are historic properties.

**Area of Potential Effect (APE)** – the geographic area or areas within which an undertaking may directly or indirectly cause alterations in the character or use of historic properties, if any such properties exist. The APE must include the area for all potential effects regardless of type and should be based on the largest geographic area affected unless areas are already agreed upon by the consulting parties.

**Direct APE** – direct effects come from the undertaking at the same time and place with no intervening cause regardless of its specific type of effect (e.g., whether it is visual, physical, olfactory, auditory, etc.). The direct APE, then, is the geographic area or areas within which an undertaking may directly cause alterations in the character or use of historic properties, if any such properties exist.

**Indirect APE** – The geographic area or areas where an undertaking may cause reasonably foreseeable effects to historic properties that occur later in time or at some distance from the undertaking. The indirect APE should be defined early in the process by identifying those foreseeable effects and determining where they may alter the character or use of any historic properties, if present.



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**Inventory Area** – involves a broad, interdisciplinary study of all those social and cultural aspects of the environment, both tangible and intangible, that may be affected by a project. This includes the file search area (generally a 1-mile radius) and the proposed APE and survey area. Inventory area and survey area are preferred reporting terminology, unless alternative language is required by a state or federal agency.

**Project Area** – may refer to direct APE or survey area. For consistency in terminology, please do not use study area, unless required by a state or federal agency.

**Survey Area** – the portion of the Inventory Area that undergoes the intensive pedestrian inventory.

## State Definitions and Terminology

**Significant Sites** – properties that are listed in the SHSR or that are, in the opinion of the director of the SHSND, significant in understanding and interpreting the history and prehistory of the state.

**No Adverse Effects to Significant Sites** – a finding made when a project may affect historic properties, but those effects do not diminish the characteristics that qualify the property for the SHSR. It is made by the SHSND and other consulting parties for non-federal projects.

**No Significant Sites Affected** – a state review finding used when cultural resources are either not present in a survey area or present but do not meet the criteria for significance under the SHSR.

**Significant Sites Affected** – a state review finding used when cultural resources are present in a survey area, meet the criteria for significance under the SHSR, and would be affected by the project.

## Federal Definitions and Terminology

**Undertaking** – any project, activity, or program funded, licensed, permitted, or approved by a federal agency that has the potential to affect historic properties. Under Section 106 of the NHPA, undertakings trigger the federal review process to ensure that potential effects on cultural resources are considered. In North Dakota, projects involving state funds, state permits, or activities on state lands may also require review by the SHSND as defined by state law, even if they do not meet the federal definition of a federal undertaking.

**Eligibility for the NRHP** – There are four criteria under which a property can be eligible for the NRHP:

- A. That are associated with events that have made a significant contribution to the broad patterns of our history; or
- B. That are associated with the lives of persons significant in our past; or
- C. That embody the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or
- D. That have yielded, or may be likely to yield, information important in prehistory or history.



Properties must have significance and integrity to be eligible for listing in the NRHP. ***The primary reference for evaluating properties is NPS Bulletin 15: How to Apply the National Register Criteria for Evaluation.***

**Contributing Resource** – a building, structure, site, or object that contributes to the significance of the district or property.

**Non-Contributing Resource** – ***a building, structure, site, or object*** that does not contribute to the significance of the district or property. For example, a property with one historic school and two modern portable classroom buildings would have one contributing resource and two non-contributing resources (in this case, buildings). ***A portion or area of a resource cannot be counted as non-contributing.*** For example, if the middle of a single site has lost some integrity (e.g., by a modern pipeline or evaluative testing), the site cannot be subdivided into contributing and non-contributing areas. Another example is a historic building with a non-historic addition; this would still be counted as one resource and not subdivided into contributing and non-contributing portions.

**No Historic Properties Affected** – a finding made when a federal or state agency determines, in consultation with the SHPO, that no properties listed in or eligible (or presumed eligible) for the NRHP are present within the APE, or there are historic properties present but the project will have no effect upon those properties.

**No Adverse Effect** – a finding made when a project may affect historic properties, but those effects do not diminish the characteristics that qualify the property for the NRHP. This determination is made by the federal agency in consultation with the SHPO and other consulting parties for projects with a federal tie.

**Adverse Effect** – a finding made when a project has effects that diminish characteristics qualifying a property for inclusion in a historic register.



# 1. Introduction to SHSND/SHPO Guidelines for Cultural Resource Review

## 1.1 Purpose of the Guidelines

The State Historical Society of North Dakota (SHSND), through its Archaeology and Historic Preservation Department (AHP), carries out state-level review responsibilities and serves as the State Historic Preservation Office (SHPO) for federal undertakings, ensuring that archaeological and historic resources in North Dakota are considered in accordance with applicable law. These guidelines are intended to provide clear and consistent procedures that assist agencies, consultants, and the public in meeting responsibilities related to cultural resource standards. They establish a framework for literature searches (Class I), intensive field inventories (Class II-III), permitting, and reporting, thereby ensuring consistency across projects and transparency in the process. The guidelines are grounded in both federal and state law, including the National Historic Preservation Act (NHPA), and relevant provisions of the North Dakota Century Code (NDCC). Together, these legal frameworks and guidelines promote responsible stewardship of cultural resources and ensure that preservation efforts are carried out in compliance with statutory requirements and professional standards. These guidelines, however, do not necessarily fulfill the requirements of any sponsoring federal or state agency or any Tribal Historic Preservation Office (THPO), other than the SHSND/SHPO.

## 1.2 Guiding Principles

The SHSND/SHPO is committed to advancing historic preservation in North Dakota through a set of guiding principles that reflect both statutory responsibilities and professional values. These principles provide a foundation for decision-making, collaborative consultation, and responsible stewardship of the state's heritage.

- **Preservation Ethic**

Preservation of cultural resources is a shared responsibility that supports the cultural, educational, and economic well-being of North Dakota. The SHSND/SHPO promotes thoughtful planning and proactive measures to avoid, minimize, or mitigate harm to cultural resources.

- **Respect for Indigenous and Descendant Communities**

The heritage of North Dakota is deeply rooted in the histories and traditions of Indigenous Nations and other descendant communities. The SHSND/SHPO affirms the importance of meaningful consultation, respect for sovereignty, and culturally appropriate treatment of sites, objects, and ancestral remains.

- **Public Participation and Transparency**

The preservation process benefits from open communication and the inclusion of public voices. The SHSND/SHPO encourages active participation from stakeholders and strives for transparency in its reviews, decisions, and reporting to foster trust and accountability.



- **Scientific Integrity and Professional Standards**

Archaeological and historic preservation work must be conducted according to rigorous professional standards. The SHSND / SHPO expects research and reporting to reflect accuracy, completeness, and adherence to accepted scientific methods, ensuring that cultural resource management remains credible, defensible, and of long-term value.

## 1.3 Legal and Regulatory Framework

The following sections outline the principal state statutes and federal laws that govern historic preservation in North Dakota. State provisions within the NDCC and the North Dakota Administrative Code (NDAC) establish the SHSND's authority for the permitting, protection of archaeological resources, and treatment of human remains, while federal statutes such as the NHPA and the National Environmental Policy Act (NEPA) provide the framework for agency consultation, environmental review, and preservation compliance. By addressing these authorities together, the guidelines provide a clear reference for understanding how state and federal requirements intersect and how they guide the responsibilities of agencies, consultants, and the SHPO in the review process.

### 1.3.1 Applicable State Cultural Heritage or Environmental Protection Acts

North Dakota has historic preservation laws that must be considered when reviewing projects for compliance. When projects have a federal tie, they are also reviewed under state laws at the same time. In cases where projects are only being reviewed under state law, the term “significant sites” is used when discussing effects. The correspondence for projects reviewed only under state law will be signed by the Director of the SHSND instead of the SHPO. **When identifying the state agency connection for these reviews, it will not be SHSND unless SHSND hired the consultant firm.**

Unless otherwise indicated as a direct quotation, the following information has been summarized by the SHPO. There are several portions of the **NDCC** that are relevant to historic preservation review, including:

**§ 1-08-04.1 State Property having Historical or Artistic Significance** ... “Except for the board of higher education and state institutions under the jurisdiction of the board, every state official or entity that, on behalf of the state, holds, acquires, or receives property having historical or artistic significance shall document and inventory that property on forms furnished by the state historical society.”

**§ 23-06-27 Protection of Human Burial Sites, Human Remains, and Burial Goods - unlawful acts - penalties - exceptions** describes the unauthorized disturbance of human burial sites, human remains, and burial goods, outlines associated penalties, and identifies limited circumstances under which disturbance or removal may lawfully occur in accordance with state law and approved procedures.

**§ 55-02-07 Protection of Historical or Archaeological Artifacts or Sites**

“Any historical or archaeological artifact or site that is *found or located upon any land owned by the state or its political subdivisions or otherwise comes into its custody or possession* [emphasis added] and which is, in the opinion of the director of the state historical society, significant in understanding and interpreting the history and prehistory of the site, may not be destroyed, defaced, altered,



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removed, or otherwise disposed of in any manner without the approval of the state historical board, unless section 55-02-07.2 applies to the site ... The state and its political subdivisions shall cooperate with the director in identifying and implementing any reasonable alternative to the destruction or alteration of any historical or archaeological artifact or site that is significant in understanding and interpreting the history and prehistory of the state, before the state historical board may approve the demolition or alteration."

**§ 55-03 Protection of Prehistoric Sites and Deposits** describes permits and the collection of artifacts.

**§ 55-10 Preservation of Historic Sites and Antiquities** declared it 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 the state of North Dakota. This chapter requires cooperation between the state and its political subdivisions, as well as the state historical society, in safeguarding state historic sites and in the preservation of historic and archaeological sites.

Several other titles under the [NDCC](#), such as Titles 49 and 89, also require consultation with the state historical society.

The **NDAC** also has requirements regarding significant sites and their protection, particularly under Article 40-02 – Archaeology and Historic Preservation.

[§ 40-02-01-03](#) lists out the criteria for listing properties in the State Historic Sites Registry (SHSR).

[§ 40-02-01-10](#) requires permission through the state historical society director for any alteration or demolition of properties listed in the SHSR by any state department or agency or any city, county, school district, or other body corporate and politic. This section provides details for the process of requesting permission. (A list of the properties registered in the SHSR is available through the AHP Department of the SHSND.)

[§ 40-02-02](#) pertains to permitting, which will be covered in more detail in [Section 3](#).

[§ 40-02-03](#) pertains to the protection of prehistoric and historic human burial sites, human remains, and burial goods.

### *1.3.2 Applicable Federal Cultural Heritage or Environmental Protection Acts*

Concerned citizens, cultural resource management consultants, and representatives of state and federal agencies who are involved in projects will find the resources listed below to be helpful. Unless otherwise indicated as a direct quotation, the information has been summarized by the SHPO.

The **Antiquities Act of 1906** provides for the protection of historic, prehistoric, and scientific features located on federal lands. It authorizes the president to designate as National Monuments historic and natural resources of national significance located on federally owned or controlled land. The Secretaries of the Interior, Agriculture, and Defense are authorized to issue permits for archaeological investigations on lands under their control to recognize educational and scientific institutions for the purpose of systematically and professionally gathering data of scientific value.



The **National Park Service Act of 1916** establishes the National Park Service (NPS) to manage our nation's parks and to “conserve the scenery and the natural and historic objects and the wildlife therein and to provide for the enjoyment of the same in such a manner and by such a means as will leave them unimpaired for the enjoyment of future generations.”

The **Historic Sites Act of 1935** establishes a national policy of preservation for public use of historic sites, buildings, and objects. This act led to the eventual establishment within the National Park Service of the Historic Sites Survey, the Historic American Building Survey (HABS), the Historic American Engineering Record (HAER), the Historic American Landscape Survey (HALS), and the National Historic Landmarks Program.

The **Reservoir Salvage Act of 1960** provides for the recovery and preservation of “historical and archaeological data (including relics and specimens)” that might be lost or destroyed in the construction of dams and reservoirs.

The **National Historic Preservation Act of 1966**, as amended (16 USC § 470 et seq.), establishes a program for the preservation of historic properties throughout the United States. It created SHPOs in each state and established the National Register of Historic Places (NRHP) and the Section 106 Review Process. Among its provisions:

- **Section 106** requires federal agencies to consider the effect of their activities on historic properties and to afford the Advisory Council on Historic Preservation the opportunity to comment on those activities. In practice, this provision is administered under regulations defined in 36 CFR § 800, which require that federal agencies consult with the SHPO/THPO in all undertakings. Certain projects that affect historic properties are also referred to the Advisory Council.
- **Section 110** defines the broad requirements for preservation programs in federal agencies.

The **Department of Transportation Act of 1966**, Section 4(f) states that the Secretary of Transportation shall cooperate and consult with the Secretaries of the Interior, Housing and Urban Development, and Agriculture, and with the States in developing transportation plans and programs that include measures to maintain or enhance the natural beauty of the lands traversed. The Secretary of Transportation shall not approve any program or project that requires the use of land from a public park, recreation area, wildlife and waterfowl refuge, or historic site unless there is no feasible and prudent alternative.

The **National Environmental Policy Act of 1969**, as amended (42 USC § 4321, and 4331-4335) declares that it is a federal policy “to use all practicable means and measures ... to create and maintain conditions under which man and nature can exist in productive harmony,” including the need to “preserve important historic, cultural, and natural aspects of our national heritage, wherever possible.” It requires federal agencies to use a systematic and interdisciplinary approach that incorporates the natural and social sciences in federal actions and decision-making that may impact our environment.



The **Archaeological and Historic Preservation Act of 1974**, as amended (16 USC § 469-469c-2) amends the 1960 Reservoir Salvage Act by providing for the preservation of significant scientific, prehistoric, historic and archaeological materials and data that might be lost or destroyed as a result of flooding, the construction of access roads, relocation of railroads and highways, or any other federally funded activity that is associated with the construction of a dam or reservoir.

The **Tax Reform Act of 1976** provides tax incentives to encourage the preservation of commercial historic structures. Amended many times since its original passage, the current law provides for a 20 percent federal income tax credit on monies used in the rehabilitation of commercial, agricultural, industrial, or rental buildings that are certified as historic properties.

The **American Indian Religious Freedom Act of 1978**, as amended (42 USC § 1996 and 1996a) states that it is a policy of the United States to protect and preserve for American Indians their inherent right of freedom to believe, express, and exercise the traditional religions of the American Indian, Eskimo, Aleut, and Native Hawaiians, including but not limited to access to sites, use and possession of sacred objects, and the freedom to worship through ceremonial and traditional rites.

The **Archaeological Resources Protection Act of 1979** (ARPA), as amended (16 USC § 470aa-mm), defines archaeological resources as any material remains of past human life or activities that are of archaeological interest and at least 100 years old. It requires federal permits for their excavation or removal and sets penalties for violators.

The **Native American Graves Protection and Repatriation Act of 1990** (NAGPRA), as amended (25 USC § 3001 et seq.), gives ownership and control of Native American human remains, funerary objects, sacred objects and objects of cultural patrimony that are excavated or discovered on federal land to federally recognized American Indian tribes or Native Hawaiian organizations. The law also establishes criminal penalties for trafficking in human remains or cultural objects and requires agencies and museums that receive federal funding to inventory those items in their possession, identify the descendants of, and repatriate those items.

**Executive Order 13007, Indian Sacred Sites, of 1996** instructs all federal land management agencies, to the extent practicable, to accommodate access to and ceremonial use of Indian sacred sites by Indian practitioners and to avoid adversely affecting the physical integrity of those sacred sites.

## 1.4 SHSND / SHPO's Participation in the Review Process

The SHSND / SHPO's participation in the review process is to ensure consideration of potential effects to cultural resources. The SHSND is responsible for state-reviewed projects, and the SHPO is responsible for consulting on federal undertakings.

### 1.4.1 SHSND Responsibilities (State Role)

In addition to serving as SHPO, SHSND has distinct responsibilities under state law:

- **State Review Authority** – As stated in [Section 1.3.1](#) above and [Section 3.1](#) below, SHSND reviews projects involving state political subdivisions, state funding, or specific state permits to determine potential effects on cultural resources.



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- **Permitting** – Cultural Resource investigations on non-federal lands in North Dakota require a permit issued by SHSND pursuant to NDCC § 55-03-01, as described in [Section 3.2](#) below. Each consultant working on a project must hold an individual permit, even when under a prime contractor.
- **Burial Protection** – SHSND oversees discoveries of human remains in accordance with NDCC § 23-06-27.1 and NDCC § 55-03-01.1, coordinating with THPOs and appropriate authorities to ensure respectful and lawful treatment.
- **Communication Protocols** – *Agencies and consultants are expected to coordinate early with SHSND staff*, provide complete project information, and allow sufficient time for review. Incomplete submittals or late-stage notifications may delay project clearance. These parameters are discussed in detail in [Section 2](#).

#### 1.4.2 SHPO Responsibilities (Federal Role)

- **Consultation** – Engage with federal agencies and other consulting parties to review project effects and explore ways to avoid, minimize, or mitigate adverse effects to cultural resources.
- **Review and Comment** – Provide professional review and formal comments on survey reports, findings, and agency determinations, ensuring compliance with Section 106 and related regulations (36 CFR § 800).
- **Technical Assistance** – Offer guidance to agencies, consultants, and the public on procedures, best practices, and requirements for cultural resource management in line with federal standards.

**The SHPO does not “approve” projects or grant final clearance.** Instead, federal agencies are responsible for recommending determinations for projects and the SHPO concurs with or provides additional comments to those recommendations. By consulting with SHPO, federal agencies can ensure their recommendations are informed, meet standards, and are legally compliant.

### 1.5 Tribal Historic Preservation Officers in North Dakota

For cultural resource projects that occur on tribal lands, the respective THPO serves as the permitting and review authority. Each THPO operates under federal authority delegated through the NHPA, Section 101(d)(2), and governs cultural resource work on their reservation lands.

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

- The THPO for the **Fort Berthold Reservation** is in the City of New Town, North Dakota. This THPO has jurisdiction over Mandan, Hidatsa, and Arikara ancestral homelands 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 **Spirit Lake Reservation** is 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.



- The THPO for the **Lake Traverse Reservation** is in the City of Agency Village, South Dakota. This THPO has jurisdiction over all lands located within the Lake Traverse Reservation, which encompasses portions of Richland and Sargent counties, North Dakota.
- The THPO for the **Standing Rock Sioux Indian Reservation** is 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 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, as well as the property/buildings at the Trenton Indian Service Area.



## 2. Project Submission

Projects are submitted to SHSND/SHPO for review under our responsibilities as codified in State and Federal law. It is the responsibility of a State or Federal agency to consider the effects of any undertaking on historic properties in consultation with SHSND/SHPO.

### 2.1 State versus Federal

Projects that are on land owned or managed by the state or a political subdivision are reviewed under NDCC § 55-02-07. Various state agencies also have their own sections in the NDCC and NDAC that may include additional requirements for review. Please see the section of these guidelines regarding “State Law” for further information.

Projects requiring federal permitting, funding, or approval, or those which take place on federally owned or managed lands, require a more stringent review under 36 CFR § 800, commonly referred to as “Section 106.” Federal review is initiated and managed by the lead federal agency.

Identification of APEs and the level of effort needed to complete Section 106 are determined by the federal agency in consultation with SHPO.

### 2.2 Overview of the Section 106 Process

The SHPO participates in the Section 106 review process, which is led by the federal agency carrying out or funding a project. This process involves the following steps:

- **Initiate the Process**

1. The federal agency identifies consulting parties, including the SHPO, THPOs, federally recognized Tribes, local governments, applicants, and interested organizations or individuals.
2. The federal agency also determines, in consultation with the SHPO, the APE.

- **Identify Historic Properties**

1. The federal agency evaluates whether historic properties (listed or eligible for listing in the NRHP) are present within the area of potential effect.
2. If no historic properties are present or no effects will occur, the review may conclude.

- **Assess Effects**

1. If historic properties are present, but would not be affected, the federal agency, in consultation with the SHPO and other parties, comes to a determination of ‘no historic properties affected’.
2. If historic properties are present and may be affected, the federal agency, in consultation with the SHPO and other parties, determines whether historic properties may be adversely affected.
3. Adverse effects are those that diminish the qualities that make a property eligible for the NRHP. If no adverse effects are identified, the federal agency, in consultation with the SHPO and other parties, comes to a determination of ‘no adverse effect’ and the review may conclude.



- **Resolve Adverse Effects**

1. If adverse effects are identified, the federal agency consults with the SHPO, Tribes, and other parties to avoid, minimize, or mitigate harm.
2. Agreements may include a Memorandum of Agreement (MOA) or Programmatic Agreement (PA), sometimes with direct involvement of the Advisory Council for Historic Preservation (ACHP).

A flowchart of this process may be found in [Appendix A](#).

### **Emphasis on Early Coordination**

Early coordination and proactive planning are essential to both the federal and state review processes. Agencies and consultants are strongly encouraged to contact SHSND/SHPO staff early in project development, particularly for projects with large-scale ground disturbance, known cultural resources, or high potential for buried cultural resources. Early consultation helps identify potential conflicts, reduces the risk of delays, and supports collaborative solutions that balance development and preservation.

## 2.3 Timeline

1. SHSND/SHPO has **30 calendar days** from the date all required documentation of a request is received to provide comments or concurrence (36 CFR § 800).
  - a. The **30-calendar-day** timer does not begin until all required documentation has been submitted. This includes all necessary digital and hard copy files, as noted in the report and site form sections of this document.
  - b. If additional information is requested or SHSND/SHPO returns comments, the **30-calendar-day** timer restarts once the information is received or the comments are addressed.
2. There may be exceptions to this timeline, as in the case of a demonstrated health and safety emergency or other emergency declared by the Governor of North Dakota or the President of the United States.

### *2.3.1 Information Needed*

We are unable to review projects that do not provide sufficient information to determine which law the project is to be reviewed under, the project location, and/or the potential effects on cultural resources resulting from the project. Therefore, there are several items that are required in any request. Additional items may be required for specific projects and should be discussed between SHSND/SHPO and the applicable agency in advance to prevent a delay in review. Required information:

1. **Name, Organization or Affiliation, Phone, Address, City, State, Zip Code, Email:** This information should include contact information for the person submitting the request or the person to whom it should be returned if different. Email is the preferred method of communication and will facilitate the quickest response.



2. **Name of the State/Federal Agency/delegate funding or permitting this project:** If there are multiple agencies, list them all and indicate if one is the lead agency. If a state agency has delegated authority from the Federal Agency (e.g., NDDOT for the Federal Highway Administration (FHWA)), please indicate the appropriate state agency and that they have delegated authority. If you are an applicant submitting this form for a grant application, please indicate the granting agency/program. If you do not provide this information, SHSND/SHPO will review the project under Due Diligence using state law only, and the review will **NOT** be accepted by a federal agency as Section 106 concurrence. **Note:** SHSND/SHPO is rarely the lead agency, as we do not provide the funding or the permit to conduct the project. We would only be the lead agency if we own or manage the property on which the project is taking place. This information will determine under which applicable laws your project is reviewed.
3. **Location of undertaking/APE:** Include Township, Range, and Section(s) (TRS) or street address. If there are multiple legal locations, please indicate this and attach a separate sheet listing all legal locations if necessary. The APE is defined by the state or federal agency in consultation with SHSND/SHPO, **NOT** by the cultural resource consultant or the applicant.
4. **Project description:** Describe the undertaking and nature of state/federal involvement. If multiple agencies are involved, specify the involvement of each. Indicate whether this project is federally funded, permitted, or occurring on federally owned/managed property; or if it is state funded, permitted, or located on state/political subdivision owned/managed property. Keep in mind that SHSND/SHPO staff are not subject matter experts in all construction disciplines, so please describe the nature of the undertaking in terms that a general audience can easily understand. (For instance, if you are reclaiming a roadbed, please indicate what exactly that entails [grading, borrow, reseeding, etc.] and the extent of the effects).
5. **Maps:** Provide clear and detailed maps of the APE and all actions included in the undertaking, including access roads, laydown areas, borrow material locations, and stockpile locations. If the project involves a discrete structure, an overview map indicating the location is sufficient.
6. **Photos:** For projects in which a field visit has occurred as part of project planning, please include photos of the APE and any areas that the undertaking will affect. If no field visit has occurred, please provide, at a minimum, an overview aerial image that clearly indicates the location and a zoomed-in aerial image of the location of potential project effects, if known. If the project involves a discrete property, please include an overview photo in addition to detailed photos of the individual areas to be affected. (For instance, if the project is to replace windows in a house, please provide a photo of the main facade of the house, not just close-ups of the individual windows.)

If there is an associated **Cultural Resource Report**, please refer to [Section 6](#) of this document for the required items and submittal procedures.



### 2.3.2 Material Source Locations (Borrow Pits)

A special form has been created for Material Source Locations (e.g., borrow pits, gravel pits, etc.). We have created this form to be used when asking SHSND/SHPO to review a Material Source location. Please indicate the appropriate funding source, as it ensures that the project is reviewed under the applicable laws. Please **note** that this process only applies to non-NDDOT Material Sources. For details on the NDDOT material source process, please contact NDDOT.

All information on the form must be completed, or it will be sent back for clarification, and this will delay review. SHSND/SHPO Material Source Location reviews are valid for the calendar year in which it was reviewed. Locations must be resubmitted and reviewed each calendar year as additional information may become available regarding cultural resources in the area.

Please see [Appendix C](#) for the Borrow Pit form. It can also be downloaded from our website.

### 2.3.3 How to Submit a Project for Cultural Review

1. All Class II and Class III reports must follow report submission guidelines, including uploading shapefiles and PDFs to the File Transfer Protocol (FTP) as specified in the contractor's SHSND/SHPO Permit. All other items can be emailed, including Class I reports. The review staff is not alerted when files are uploaded to the FTP, so please send your letter requesting review to [shsculturalreview@nd.gov](mailto:shsculturalreview@nd.gov). Uploading the review request to the FTP does **NOT** constitute receipt by the review staff. The review does not begin until SHSND/SHPO receives **ALL** required items.
2. For all projects that do not have an associated Class II or Class III report the preferred method of project submission is via email to [shsculturalreview@nd.gov](mailto:shsculturalreview@nd.gov). Email will expedite the receipt and therefore the response.
3. Via Mail:

Attention: Review and Compliance  
Archaeology and Historic Preservation Department  
State Historical Society of North Dakota  
612 East Boulevard Avenue  
Bismarck, North Dakota 58505-0830

**Form and Instructions:** While some agencies have their own form letters or forms for project submissions, SHSND/SHPO has created a standard form that can be used to ensure all needed items are included with review requests. The form SFN62578 “CULTURAL REVIEW REQUEST” and its instructions can be found in [Appendix B](#) and are also available for download on our website. You may continue to use your existing letter or form if you prefer; however, please ensure that it contains all the required information. Failure to provide the necessary information will result in your project being sent back for further clarification, which will delay the review.



### 3. North Dakota Cultural Resource Permitting

These permitting requirements are based on the [NDCC § 55-03](#) and the [NDAC § 40-02-02](#). Collectively, the legal framework ensures that qualified professionals conduct cultural resource investigations in North Dakota, follow recognized scientific standards, and prioritize the careful documentation, protection, and management of the state's irreplaceable cultural resources in accordance with statutory standards.

#### 3.1 Legal Framework

[NDCC § 55-03-01](#), titled “**Permit required to investigate, evaluate, or mitigate adverse effect on cultural resources, historic buildings, structures, or objects – Application Fee**,” requires that any person or entity wishing to investigate, evaluate, or mitigate adverse effects on cultural resources, historic buildings, structures, or objects, on any lands in North Dakota, under 36 CFR § 800 or any applicable state law, must first obtain a permit from the SHSND/SHPO. The statute also authorizes the agency to establish an application process and fee to support the review and administration of such permits and reports, ensuring proper oversight and preservation of North Dakota’s resources as further detailed in NDCC § 55-03-02.

[NDCC § 55-03-01.1](#), titled “**Permit required to investigate, excavate, or otherwise record cultural resources on land owned by an instrumentality of the state and to excavate cultural resources on private land**,” requires any individual or entity seeking to investigate, excavate, or record cultural resources on land owned or controlled by a state entity including agencies, departments, boards, and commissions, and all political subdivisions, of state government. Project-specific or separate permits are not required if an annual permit is held under NDCC § 55-03-01.

In addition, NDCC § 55-03-01.1 requires a permit when excavating cultural resources on private land, provided the activity falls outside the scope of NDCC § 55-03-01. Separate documentation, beyond the annual permit, may be requested for excavations on a case-by-case basis and is strictly limited to the cultural resources listed in the documentation.

[NDCC § 55-03-02](#), titled “**Contents of permit**,” establishes the SHSND/SHPO as the administrator of the permitting process. Applicants are to clearly state the purpose and follow the form, demonstrate professional qualification, acknowledge the mandates, submit all pertinent records and reports, and submit all recovered materials, archaeological or historical, from state-held lands to the SHSND/SHPO. This section also sets the notification for human remains or burial goods from private lands to the SHSND/SHPO.

[NDCC § 55-03-03](#), titled “**Period for which permit granted – Revocation**,” states that each permit issued under section § 55-03-01 terminates on **December 31** of the year in which it is issued. Any permit issued under Section § 55-03-01 or § 55-03-01.1 may be revoked by the SHSND/SHPO (Director) at any time if it appears that any identification, evaluation, or mitigation of adverse effects on cultural resources, historic buildings, structures, or objects performed by the permittee are being conducted negligently or improperly, or without regard for the careful preservation and conservation of the artifacts and materials they contain.



[NDAC § 40-02-02](#), titled “**Permit for Cultural Resource Investigation**,” summarizes the permitting process under the NDAC in conjunction with NDCC § 55-03-01.

[NDAC § 40-02-02-05](#), titled “**Professional qualifications - Exceptions**,” establishes the minimum qualifications required for Principal Investigators, Exceptions (see [Section 3.3](#)), and other roles engaged in activities performed under a permit issued pursuant to NDCC § 55-03.

[NDAC § 40-02-02-06](#), titled “**Revocation of permit – Grounds**,” defines the criteria for permit revocation issued under NDCC § 55-03, when it is determined that the permittee has:

1. Allowed activities related to the permit to be performed without supervision by qualified personnel as defined in NDAC § 40-02-02-05, or by personnel whose credentials have not been filed with and approved by the Director.
2. Filed inadequately documented reports or site forms.
3. Deliberately falsified data used in activities or reports related to activities conducted under the permit.
4. Failed to provide for the storage and care of artifacts or excavation records from activities conducted under the permit.
5. Been convicted of participating in illegal activities related to obtaining or trafficking artifacts.
6. Misrepresented the permittee’s credentials or qualifications, or that an academic degree, which was used by the permittee to represent the permittee’s qualifications upon permit application, has been revoked or withdrawn by the granting institution.

Individuals listed on an organization or company permit are subject to revocation or denial of future permit renewals. Revocation may occur prior to the calendar year permit expiration in response to significant concerns regarding the conduct or oversight of cultural resource work as listed above.

### **Best Practices to Avoid Revocation or Denial of Permit Renewal**

- Maintain consistent communication with SHSND / SHPO, especially when deviations from the approved scope of work (SOW) or methodology are necessary.
- Document all work adequately and thoroughly including reports, NDCRS forms, and other submittals.
- Ensure that all field personnel meet the required qualifications and understand project expectations.
- Report problems, conflicts, or inadvertent discoveries immediately to SHSND / SHPO staff.
- Avoid account delinquency.

## **3.2 Application Process (SFN 3639)**

To obtain an archaeological permit in North Dakota, applicants must complete and submit the North Dakota Permit Application Form ([SFN 3639](#)). Permits are valid on a calendar-year basis (**January 1 to December 31**) and require annual renewal.

Applicants must submit the fully completed [SFN 3639](#) form, including an organizational description, professional qualifications, facilities plan, legal documentation, and for foreign entities (those companies headquartered outside North Dakota), the Certificate of Authority or evidence that it is in process.



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Electronic submissions are accepted; however, the original signed SNF 3639 Permit Form and any required hard copies must be submitted promptly. Early submission is advised to allow sufficient time for review before planned fieldwork.

### *3.2.1 Application Requirements*

When submitting the [SFN 3639](#) archaeological permit application, the following must accompany a complete submission:

#### **1. Permit Application Form**

- a. The official [SFN 3639](#) form, completed in full and signed by the appropriate applicant or authorized representative. A notary seal is required for the validation of signatures.
- b. An application may be submitted on any calendar day of the year for which it is being applied, but it remains valid only for the remainder of that calendar year.
  - i. Submission of permit renewal applications for the next year may begin in Quarter 4 of the preceding year (October to December). If you are applying late in the year, please indicate whether it is for the current or the following year.
  - ii. The renewal permit will be valid beginning **January 1** of the following year.

#### **2. Applicant Identification**

- a. Indicate the applicant type (e.g., individual, organization, company, or state instrumentality) as designated on the form.
- b. Indicate the year of the permit application.
- c. Provide full contact, email, and business address information.

#### **3. Application Documentation**

- a. A description of the applicant (individual, organization, company, or state instrumentality), including supporting facilities (artifact storage), staffing personnel (list those staff to be utilized for file searches), and other relevant information.
  - i. Research staff/personnel requesting only access to the SHSND / SHPO file search records are not required to meet PI qualifications.
  - ii. **Note:** Permitted Principal Investigators (PI) are to be listed separately under 3b. Those to be considered for Exceptions (Field Directors) are to be listed under 3c. Research Staff conducting file searches should be listed under 3a of the permit.
  - iii. If any fieldwork is to be completed under the permit, the applicant must have the ability to curate all artifacts recovered until the return of the artifact(s) to the landowner or submission of the artifact(s) to the SHSND or other qualified repository for long-term curation. The applicant must provide a summary of their facilities demonstrating that they are capable of artifact curation. This will ensure compliance with [NDCC § 55-03-03](#) standards.
  - iv. If no fieldwork is anticipated, a permit for file searches only should be noted, indicating that it is for non-collection or non-fieldwork purposes.
- b. List the name(s) and role(s) [Archaeology, History, Architectural Historian] of all individuals to be listed as a PI, with documentation of qualifications (e.g., Curriculum Vitae (CV), degrees, field experience).



- i. For permit renewal applications, if an individual was permitted as a PI, a CV is not required, but must be made available upon SHSND / SHPO request.
- c. List the name(s) of any individual(s), for whom the applicant requests an exception to the minimum professional qualifications described at [NDAC § 40-02-02-05](#) (use continuation sheets as necessary). For each individual listed, enclose documentation in application submission to justify the exception requested. Details are described in the professional qualifications section of this document (see [Section 3.3](#)).

**4. Permit Type and Fee**

- a. Select the appropriate permit type:
  - i. Annual permit under [NDCC § 55-03-01](#)
  - ii. One-time permit under [NDCC § 55-03-01.1](#), used for non-review or non-recurring research on state lands. For one-time permits, include the legal location(s), associated North Dakota Cultural Resource Survey (NDCRS) numbers (if known), and a copy of the research design or project plan.

**5. Permit Fee**

- a. Payment of the permit fee can be made online through the North Dakota State Museum Store, by check payable to the “State Historical Society of North Dakota,” or over the phone through the SHSND main office.
- b. Fee Waivers (if applicable)
  - i. State instrumentalities may request a waiver of the application fee by submitting a letter from the administrator of that entity.
  - ii. Nonprofit organizations may qualify for a waiver of the report filing fee—this must be requested when a NDCRS form(s) and the final report are submitted.

**6. Acknowledgement of Permit**

- a. The individual, organization, company, or state instrumentality is expected to meet minimum standards. These minimum standards are:
  - i. Have the facilities and qualified staff or consulting specialists necessary to carry out the proposed fieldwork, analysis, and report preparation;
  - ii. Demonstrate the capacity to ensure timely completion of work undertaken; and
  - iii. Have an understanding of all relevant laws, rules, and regulations.

### *3.2.2 Additional Permit Parameters:*

#### **Out-of-State (Foreign) Entity Clearance**

- Foreign corporations must include a Certificate of Authority from the North Dakota Secretary of State, as required by [NDCC § 10-19.1-134](#). The SHSND will not issue a permit until this requirement is met.



## Submission Requirements

- The original, signed, and notarized [SFN 3639](#) form, along with payment, must be submitted to the SHSND Archaeology and Historic Preservation Department (AHP):

Attention: State Archaeologist  
Archaeology and Historic Preservation Department  
State Historical Society of North Dakota  
612 East Boulevard Avenue  
Bismarck, North Dakota 58505-0830

- Electronic filing is permitted, but it must be followed by delivery of the signed originals and payment. Applicants are advised to allow sufficient lead time for processing.

## Subcontractors

- For projects where multiple cultural resource consulting firms are engaged under a prime consultant, it is essential that each individual firm performing cultural resource work obtains its own consultant permit. This ensures that all contractors meet the professional qualifications and legal requirements set forth by the state, and that responsibility for compliance, reporting, and the quality of work rests clearly with each permitted entity. The subcontractors must be listed in the cultural resource report, including the individual staff members who completed the fieldwork.

## Permit PI Additions/Subtractions

- At any time during the permit year, a permitted contractor may request the addition of individual(s) to their permit.
  - Please indicate which discipline(s) [archaeologist, historian, architectural historian] the individual is to be permitted.
  - Please include a detailed CV for each individual requesting to be added to the permit.
  - Additions may be requested by contacting the State Archaeologist via email or by submitting a hard copy of the request.
- Permitted contractors are responsible for promptly notifying through email or formal letter to the State Archaeologist or other SHSND/SHPO staff when a permitted individual is no longer employed by the permitted organization/company. Contractors are responsible for all actions of the individuals listed on their permit.
  - Failure to comply with the prompt notification of staffing subtraction may result in permit notices or revocation.

## Permit Application Renewals

- Permittees requesting a renewal must indicate that the permit application is for renewal and specify the year for which the renewal is requested.
- Notarized hard copies of the North Dakota Permit Application ([SFN 3639](#)) Form are required for renewal.
  - Permit review will not begin until all parts are received.



- Renewal applications may be abridged to reduce paper by omitting CVs for previously approved PIs and/or Exceptions.
- **Note:** The SHSND/SHPO may request a CV at any time for any permitted individual and any individual previously permitted may not automatically be re-permitted.

### **SHSND/SHPO File Search Data Access**

- A valid permit is required to access this data.
- Each researcher must be listed and operating under a current annual permit.
- Details for conducting a file search at the SHSND/SHPO are described in [Section 4.1](#) of these guidelines.

#### *3.2.3 Contractor Reference List*

Due to the large number of requests for information relating to contractors in various areas of cultural resources work, including 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 determines 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.

### **3.3 Professional Qualifications**

The qualifications for professional personnel involved in cultural resource investigations in North Dakota are set forth in [NDAC § 40-02-02-05](#) and parallel federal standards under [36 CFR § 61](#) and National Register Programs Guideline NPS-49. These minimum standards ensure that individuals with appropriate education, training, and experience perform investigations.

#### *3.3.1 Role and responsibilities*

All cultural resource inventories must be carried out under the direction of a PI. It is the PI's responsibility to ensure that the personnel under their guidance meet the minimal requirements for the work delegated to them, to ensure that all stages of the project are carried out in a professional manner, and to ensure that an acceptable report is prepared and submitted to the proper agency or agencies.

The PI is responsible for the quality and assurance of the work being completed and must meet professional and SHSND/SHPO standards. **The PI must take ownership of the work.** If the quality of the work does not meet standards, then a PI or a company may be reviewed for permit revocation.

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

- Must hold a graduate degree in archaeology, anthropology, or a closely related field with a concentration in archaeology.
- Must demonstrate the ability to carry research to completion, evidenced through timely completion of thesis, research reports, or similar documentation.



- Must possess at least 16 months of professional work experience, which includes:
  - At least four months of supervised archaeological field research.
  - At least one year of specialized training or professional activity in archaeological fieldwork, laboratory or library research, administration, or management.

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

- Must have a graduate degree in architectural history, art history, historic preservation, or a closely related field with coursework in American architectural history, or
- A bachelor's degree in one of these fields, plus either two years of full-time relevant professional experience or substantial contributions to scholarship in American architectural history.

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

- Must have a graduate degree in American history or a closely related field, or
- A bachelor's degree in American history or a related field, plus either two years of full-time relevant professional experience or substantial scholarly contributions to the field.

**Previous approval as a PI does not guarantee continued or automatic renewal approval.** All qualifications are subject to review under current standards; there is no grandfathering provision.

#### **Exception Classification (Field Director)**

These exceptions are intended to acknowledge individuals who demonstrate knowledge, professional competence, and supervisory experience, yet do not fully meet the formal educational, or experience standards outlined above. The exception process provides a mechanism to recognize individuals who can demonstrate the capacity to oversee fieldwork. Individuals approved under this exception process will be classified as **Field Director**. Field Directors may conduct field investigations independently under the broad supervision of a PI. However, fieldwork for formal evaluations and mitigations must be directed by a permitted Principal Investigator. All associated reports and formal deliverables must be reviewed (not including NDCRS forms, but review is recommended), approved, and signed by a permitted Principal Investigator who meets the standards of NDAC § 40-02-02-05. This framework ensures professional oversight while supporting the development of skilled practitioners within the state.

The following criteria must be met before the Director will consider granting an exception to the professional qualifications outlined in NDAC § 40-02-02-05. Meeting these criteria does not guarantee that an exception will be approved; it only ensures that the request will receive full consideration. Upon receipt of a request, all submitted documentation will be evaluated by qualified SHSND/SHPO personnel in the relevant discipline, and the complete packet will then be forwarded to the Director with staff recommendations. Only the Director may grant an exception.



Crew chiefs generally do not meet the supervisory experience requirement necessary for an exception classification as a Field Director. If an individual meets the exception qualifications listed below, they should be requested under the permit as a Field Director classification.

### **Affiliation with a Qualified Organization**

The individual must be employed by or formally affiliated with an organization, institution, or company that has at least one other staff member who fully meets the qualifications in NDAC § 40-02-02-05 and is listed on the current year permit. This requirement ensures regular access to peer review and professional consultation. Employment or affiliation must be clearly documented through a company prospectus, a management letter, or equivalent documentation.

### **Documented Professional Experience**

The individual must document a minimum of a bachelor's degree in anthropology/archaeology, history, or closely related field plus 5 years (60 months) practical experience in the discipline for which the exception is requested, including at least two years (24 months) in a supervisory capacity. Experience does not need to be continuous, but documentation must clearly demonstrate sustained, professional-level involvement. For example, summer fieldwork undertaken by an anthropology student may be counted, whereas summer fieldwork conducted by an individual employed or studying in another, unrelated discipline for the remainder of the year may not be counted towards the experience requirement.

### **Authorship of an Acceptable Report**

The individual must be the primary author of at least one report in the discipline for which the exception is requested. This report or set of reports must meet all applicable standards other than the author's professional qualification status. Documentation must demonstrate the ability to plan, execute, and report work across all levels typically required to satisfy state and federal regulations. A survey-only report will not be sufficient. A report (or combined reports) that includes survey, evaluation (e.g., testing or historical research), and mitigation (e.g., data recovery or preservation planning) will typically meet expectations. Documentation will be reviewed by qualified professionals against North Dakota standards; approval or acceptance by another agency does not guarantee acceptability in this process.

### **Professional References**

Three letters of reference must be provided by professionals who are fully qualified PI in the relevant discipline without an exception. These letters must attest to the individual's ability to conduct independent research. If references are submitted by individuals whose credentials are not already on file with the SHSND / SHPO, résumés of their qualifications may also be required at the request of the SHSND / SHPO.

### **Reasonability and Submission Requirements for Field Director Work Products**

All work conducted by a Field Director must meet SHSND / SHPO standards for accuracy, completeness, and professional accountability. The following requirements apply to materials prepared under a Field Director classification.

#### **1. Qualified PI Review for Formal Submittals**

All formal submittals including Class I, II, and III reports and other products requiring SHPO review (excluding NDCRS forms, but encouraged) must be reviewed, approved, and signed



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by a fully qualified Principal Investigator meeting NDAC § 40-02-02-05. The qualified, permitted PI retains responsibility for ensuring that all materials associated with a project meet state standards outlined in this document. Failure to demonstrate these standards may result in permit status review.

**2. Clear Identification of Roles**

Formal reports must clearly identify the Field Director and the qualified PI. Responsibilities of each must be described, including field oversight, data collection, analysis, drafting, and final review.

**3. Documentation of Oversight**

Reports must include a concise statement describing the nature of the qualified PI's oversight, such as field visits, review of field notes, consultation regarding findings, or guidance provided during analysis and reporting.

**4. Supporting Materials**

All supporting documentation maps, photographs, artifact catalogs, historical research notes, geospatial data, and supplemental datasets must meet SHSND/SHPO standards. The qualified PI is ultimately responsible for verifying that all materials are complete, internally consistent, and appropriate for the level of investigation, and can be made available upon SHSND/SHPO request.

**5. Submission Process**

All formal reports must be submitted through the standard SHSND/SHPO review process. Additional clarification or corrective action may be requested if the work does not meet North Dakota's expectations for quality or regulatory compliance.

Research Staff conducting file searches may access SHSND/SHPO databases under the permit but are not required to meet full PI qualifications. *Please include this staff under 3a of the permit application.* The qualified PI remains responsible for the work completed by research staff and ensuring compliance with standards.



## 4. Pre-Fieldwork and Fieldwork

For all projects subject to compliance with preservation laws, **the APE must be established in consultation with the appropriate parties**. For projects with federal ties, the consultation is between the federal agency or its delegated authority and the SHPO. For projects without a federal tie, the consulting parties involved vary depending on which state law triggered the review; however, SHSND should be consulted before any work begins to ensure the APE and level of effort are appropriate for the proposed project.

In general, the identification of cultural resources (as defined in the [Glossary](#)) involves locating tangible places (districts, sites) and things (buildings, structures, objects, artifacts) that may contain or represent prehistoric and/or historic values. Such identification must include a thorough study of those resources to determine their values and whether these values are of sufficient significance to make the resources eligible for listing in the NRHP or SHSR. **Significance must be identified before integrity is assessed, as integrity is based on the period of significance**. Once a project's effects on significant resources have been evaluated, it is then possible to determine whether the project needs to be reevaluated, redesigned, and/or relocated to eliminate or reduce adverse effects, or if mitigation measures are necessary.

Although the exact activities necessary for the identification of cultural resources will vary, one or more of the following steps generally will be required:

1. Pre-Field Research – Class I: Literature Review
2. Indirect Area of Potential Effect for Architectural Surveys or Pre-Design Archaeological Field Research – Class II: Reconnaissance Inventory
3. Field Research – Class III: Intensive Cultural Resources Inventory

See [Section 6.3](#) and [Appendices E-J](#) for details on report formatting.

### 4.1 Pre-Field Research – Class I: Literature Review

**A Class I Literature Review is more than a search of the files** in the North Dakota Cultural Resources Survey (NDCRS) collection, even though that is a great place to start. These reviews must be undertaken by or under the supervision of professional historians, architectural historians, and/or archaeologists as appropriate. The intent of a literature review is to provide the best information and attempt to answer the following questions:

1. Existing Cultural Resources
  - a. Are there documented cultural resources present in the APE and file search area?
2. Survey History
  - a. Has the area been surveyed using the current SHSND / SHPO standards?
  - b. Should previous recommendations be revisited, given that the time, methodology, or conditions have changed since they were made?
3. Predictive Resource Assessment
  - a. If no systematic inventory exists, what cultural resources are likely to be found, and where might they be located? This prediction should be based on:
    - i. Historical and cultural context of the region



- ii. Environmental constraints and terrain considerations
- iii. Results from nearby inventories and cultural resources

4. Research Objectives

- a. What recommendations can be made based on existing information?
  - i. If no further fieldwork is recommended, present justification grounded in historical documentation, visual/mapping data, prior surveys, extent and type of previous disturbance, and environmental reasons.
  - ii. If additional fieldwork is recommended, propose a tailored methodology that addresses anticipated project effects, setting (e.g., rural, urban), previous disturbances, and meets current survey standards.

Sources such as historical aerial imagery, LiDAR, local histories, historic context documents, online history databases, topographic maps, fire insurance maps, historic preservation plans, collections in the State Archives, etc., should also be searched. Innovative approaches to predicting resource locations and developing evaluation frameworks are encouraged. Minimally, the following sources of background data must be consulted:

1. **SHSND/SHPO records must be consulted** for such data as:
  - a. Information on resources listed in or nominated for inclusion in the NRHP and the SHSR
  - b. Information for evaluating the significance of resources by type
    - i. Several North Dakota NRHP historic contexts and multiple property documentation forms are available at <https://www.history.nd.gov/hp/historiccontexts.html>.
    - ii. Archaeological information is available in the *North Dakota Comprehensive Plan for Historic Preservation: Archaeological Component*. The Plan is available online at [https://www.history.nd.gov/hp/stateplan\\_arch.html](https://www.history.nd.gov/hp/stateplan_arch.html). The references section includes published articles, chapters, books, and other materials, as well as unpublished technical reports.
  - c. The NDCRS files, Cultural Heritage Find (CHF) forms, and records on inventories, testing, mitigation, and monitoring activities in the state
  - d. Information on predictive data about potential resources in the area
  - e. Recommendations regarding the need for inventories in the area
  - f. Recommendations concerning methods that should be used to conduct inventories and possible sources of professional expertise and funding
  - g. Recommendations concerning pertinent federal, state, or local laws and policies concerning cultural resources
2. **Archival repositories** must be consulted for such sources of information as:
  - a. State and Local Histories
  - b. Atlases
  - c. Directories
  - d. Insurance Maps
  - e. Historic Photographs

- f. News Articles
- g. Genealogy
- h. Online Resources

3. **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 inventory area's potential cultural resource distributions and research or preservation values. Numerous repositories in North Dakota, including the State Archives, State Library, and university archives, hold these sources and some sources are available online.
4. **Individuals with firsthand knowledge** of cultural resources and/or their significance should be interviewed when feasible and appropriate. Such interviews are important when 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/SHPO should be contacted in this type of effort because staff may be able to refer the researcher to local individuals and/or historical organizations within or near the survey area.

#### *4.1.1 Request for Spatial Data*

For projects with areas of potential effect **greater than 100,000 acres**, the SHSND/SHPO may make its geospatial data available. The initial request for the geospatial data for the project must be submitted in writing (email is acceptable). Once the request is received, a standard data sharing agreement may be signed by the SHSND and the federal or state agency or permit holder, as directed. The data sharing agreement outlines:

1. That the files are delivered for one-time use (specific to that project only),
2. The SHSND/SHPO review number and associated Data Agreement number,
3. The NDCC that applies to the restrictions of locational information ([NDCC § 55-02-07.1](#)).

All approved requests are subject to a maximum turnaround time of **10 business days**. No same day requests will be completed.

#### *4.1.2 Conducting File Searches at the SHSND/SHPO*

The SHSND/SHPO has security procedures for using its in-house Geographic Information Systems (GIS) viewer, NDCRS files, and historic register files. To have unrestricted access to this data, the researcher must be operating under a current annual permit. A secure login is mandatory to use the GIS viewer and the corresponding NDCRS, CHF, and cultural resource report database. 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 through the following website: <https://www.history.nd.gov/ldap.html>.

Individuals wishing to conduct a file search at SHSND/SHPO must bring their North Dakota login ID and a government-issued photo identification with their signature to complete registration prior to their first use of the system. Permit holders are required to let the SHSND/SHPO know if someone previously granted access is no longer an employee. If an employee is listed on a company's permit, that company is responsible for the employee's actions.



GIS shapefiles of the project search area(s) can be input into the map service. It may be helpful to bring the shapefiles on a flash drive or portable hard drive, as map images and site/survey PDFs are available for download. **We strongly encourage users to bring a list of legal descriptions (TRS) along with shapefiles.**

For most projects, it is expected that the file search will include the area within a one-mile radius of the APE. For projects in urban areas where the height of the project will be lower than the average height of the buildings within the APE, file searches only need to encompass the APE plus one additional city block in each direction. For wind farm projects, it is expected that the file search will also include the area within a two-mile radius of the wind turbines. If there are specific project or topographic considerations or federal agency requirements that suggest a different file search area should be used, SHSND/SHPO must be consulted.

## 4.2 Field Research

If the review and assessment of existing information via a Class I Literature Review fails to produce sufficient data to make a recommendation based upon prior professional examination of the APE, the **Literature Review should be supplemented by direct examination**. Fieldwork resulting in reports that will be submitted to the SHSND/SHPO for consideration in conjunction with projects reviewed under preservation laws must be performed by professional historians, archaeologists, and architectural historians, as defined in [Section 3.3](#). It may be necessary or useful to consult additional specialists to understand the 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 makeup of the staff will depend on the types of resources that can reasonably be expected to occur.

The **nature of the project's undertaking will affect the methods** used 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 fieldwork and the methodology required to complete it. Planning for these methods must occur during the work plan and/or contract scoping phase. For larger or complex projects, work plans should be discussed in consultation with SHSND/SHPO staff.

Agencies and companies planning fieldwork must consider these factors when preparing work plans and contract specifications. They should consult with the SHSND/SHPO early in the process to determine what special approaches may be necessary.

**Adequate records must be kept of all fieldwork** to indicate what lands were surveyed, 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 must follow the appropriate format outlined in [Appendices E-J](#).



## 4.3 Class III - Intensive Cultural Resource Inventory

An Intensive Inventory (Class III) is a systematic, detailed field inspection conducted by or under the direction of North Dakota permitted PIs as defined in [Section 3.3](#). It is intended to support a preliminary recommendation of eligibility for the NRHP or the SHSR.

A permitted PI or permitted Field Director must be directly involved in a minimum of **75 percent** of the company's time spent in the field on Class III survey and monitoring. A PI must also be directly involved in a minimum of **75 percent** of the company's time spent in the field on evaluative testing, mitigation, and case-by-case extended or suspected burial monitoring projects. For projects with multiple crews in the field at the same time, a PI or Field Director must be in close proximity to each crew to facilitate methods and identification efforts. However, a PI or Field Director does not need to be assigned to each crew.

During some projects, both prehistoric and historic/architectural resources will be encountered. The use of an archaeologist PI or Field Director 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 or Field Director give serious consideration to recommending that architectural features be formally evaluated by an architectural historian with the qualifications given in [Section 3.3](#).

### 1. Cultural Resource and APE

- a. If a survey is conducted, **all known or potential cultural resources** identified in the literature review within the APE and survey area (e.g., historic farmsteads) must be considered by qualified professionals, as defined in [Section 3.3](#). NDCRS forms and updates must be completed as noted in [Section 5](#). Specialists in history, archaeology, and ethnography should be consulted as appropriate.
- b. A comprehensive effort should be made to document all previously recorded or newly identified within the APE and to provide sufficient documentation and justification for **initial or updated eligibility recommendations** when applicable, or to indicate the need for further work.

### 2. Pedestrian Survey/Inventory

- a. Transects must be spaced to ensure thorough coverage—**no more than 15 meters (50 feet) apart**—with deviations where terrain or visibility necessitates closer spacing.
  - i. Transects must traverse representative landscape features such as terraces, knolls, drainages, or known cultural loci.
  - ii. Transects may not be required on **steep slopes** (>30 degrees), as these areas typically exhibit low potential for intact cultural deposits due to natural erosion processes and the inherent difficulty of past human occupation or use on such terrain. Provide photographic documentation of the slopes.
- b. Ground surface visibility (GSV)
  - i. The purpose of reviewing ground surface visibility during a pedestrian survey is to examine **how much of the ground surface is visible** for identifying cultural materials or features. In reviewing GSV, one should consider:
    - Is the GSV adequate for identifying cultural resources?



- If the GSV is not adequate are additional methods, such as shovel probing or augering warranted? Are any conditions present that would prevent shovel probing or augering (if so, those will need to be documented in the report).
- ii. **GSV should be reviewed continuously** as visibility changes, including changes within primary vegetation types (e.g., prairie, croplands, cultivated repurposed property, etc.).
  - GSV should **NOT** be averaged across the entire survey area but reported for each distinct GSV area. For example, native prairie with 5% GSV next to a field with 90% GSV does **NOT** mean the entire survey area meets 45% GSV.
- iii. **GSV should guide the need for subsurface assessment.**
  - Subsurface assessment can be useful in substantiating surface observations, exploring subsurface potential, or used where vegetation obscures the ground surface.
  - Shovel probes may be useful even in situations with high GSV. Consider the depositional environment, available information, and the need for additional information about subsurface conditions.

### 3. Shovel Probing/Augering

- a. Pedestrian survey should be supplemented with subsurface investigations, especially when the **GSV is less than 30 percent**, with landowner permissions, except in certain situations (i.e. tribal sites/concerns, lack of landowner permissions, concerns of effect to undiscovered resources).
  - i. If a review of animal burrows is utilized for GSV in place of probes, photographic documentation and soil details, including type and consistency, are requested.
  - ii. Having an APE consisting of agriculture use or croplands is not considered a primary justification for not completing probes, as cultural resources may occur below the plow zone.
    - Agricultural practices that disturb shallowly buried archaeological deposits may leave deeper resources intact. Plowing may also reveal otherwise buried sites with intact cultural deposition below the plow zone. There are numerous archaeology sites across North Dakota with intact features and artifacts beneath the plow zone.
- b. Probing/augering efforts **DO NOT constitute** the evaluation of resources satisfied by formal excavations.
- c. Probes may be carried out on **private and state lands** to delineate a site boundary or to confirm subsurface deposits as part of identifying a cultural resource.
  - i. If permission for probes cannot be obtained from the landowner, other methods should be employed to gain information about the subsurface.
- d. **Soil cores** (i.e., Oakfield cores) are generally not a replacement for standard shovel probes, but may be used to confirm disturbed soil contexts, such as road right of ways, and usage documented (mapping, photos, etc.) in the report.



- e. If shovel probes **penetrating to 50-100 cm** cannot reach sterile subsoil within the vertical APE, **Auger probes** with a 4-inch (10 cm) diameter or larger, may be used to extend shovel probe depths. Consult with SHSND / SHPO if trenching or excavation units **may be warranted** to excavate for buried cultural material.
- f. **Probe termination** and whether to **extend shovel probing** should be informed by **observed subsurface conditions** (e.g., compacted soils, evidence for potential buried deposits, or safety limitations related to depth).
- g. **Probing is to be directed by professional discretion** in context, driven by field conditions and project requirements, such as targeting probable artifact-bearing locales rather than at uniform intervals unless justified by environmental context and not by a prescribed GSV percentage threshold, as areas of high or low GSV may have potential for producing cultural materials.
  - i. **Example field questions for reasonings to complete shovel probes:**
    - Does this portion of the survey area have less than 30 percent GSV in agricultural field or pasture?
    - Is the area forested or obscured by leaves/debris?
    - Is the APE located within farmsteads, house yards, fallow fields, pastures, and other areas of limited surface visibility?
    - Is the area urban or industrial where surface visibility is limited and there is potential for buried cultural context?
    - Is there potential for buried cultural resources in soil deposits which will be directly or indirectly affected by the proposed project activities? For example: below the plow zone in agricultural fields, below the A-horizon in unplowed areas, or buried surfaces in floodplains.
    - Are there potential features identified in the literature review or previously recorded that may not be visible on the surface? For example, historically mapped buildings in croplands.
- h. **Each probe must be documented** in a table, mapped, and summarized in the narrative in NDCRS site forms and reports, with notes on labeled location (mapped), depth, diameter, soil stratigraphy, and representative photographs (positive probes, stratigraphy highlights, etc.) for documentation purposes.
  - i. Probe photos are encouraged to have a north arrow (or other object pointing north) and scale.
  - i. **Photographs** of each shovel probe must be made available upon request by the SHSND / SHPO, but not all have to be included in NDCRS forms or reports.
- j. **If no probes are undertaken**, the inventory report must include:
  - i. A detailed justification explaining why probes were unnecessary, such as based on field conditions; and
  - ii. Photographic documentation showing representative GSV and coverage conditions across the APE.

4. **Photographic documentation of all fieldwork is required.** For photographic requirements, see [Section 6.3.4](#) and the site form manuals.
  - a. Additional photographs to consider while in the field that may be requested:
    - i. Changes in vegetation types



- ii. Each site within the APE
- iii. Relevant site details
- iv. Each feature within the site

b. For standard photography size and additional details, see [Section 6.3.4](#) and the site form manuals.

**Artifact collection during Class III inventory is generally discouraged** unless included in an approved SOW prior to fieldwork or approval from federal agencies or with landowner consent. If artifacts are to be collected, they should be collected and cataloged following standard laboratory methodology. For guidelines on artifact collection and long-term curation, see [Section 4.5](#).

**Remote sensing** is encouraged to supplement data collection on cultural resources and may be an option for examining an area without ground disturbance. **Note:** the use of remote sensing devices to document the presence of and extent of buried cultural resources during a Class III survey in lieu of shovel probing is generally not acceptable, except in areas of known stone features or soil conditions where such techniques have proven reliable. Remote sensing is encouraged for in-depth investigations such as evaluative testing for refining testing strategies.

## 4.4 Evaluative Testing

Evaluative testing is not conducted to fulfill regulatory requirements or to engage in excavation for its own sake. Rather, it serves as a deliberate and focused inquiry into whether subsurface archaeological or historic resources possess sufficient integrity, depth, and information potential to merit further investigation or protection. Using probes and test units (TUs) through a meaningful framework of questions rather than arbitrary excavation, can provide insight into aspects of human behavior, settlement, stratigraphy, or technology.

**Evaluative testing plans must be developed in consultation with the federal agency (when applicable) and the SHSND / SHPO prior to the testing of cultural resources.** Testing methodology will include shovel probes and/or augers and a minimum of one TU. Testing strategies should be tailored to the specific environment, land use, and regulatory context of the survey area. Evaluative testing in urban or disturbed contexts (croplands are not included as complete disturbance), remote sensing, mechanical trenching, or block excavation may complement shovel testing. Additionally, documentary research must inform field sampling strategies. Excessive “Swiss cheese” grid patterning is generally not advised as a testing strategy.

At its core, evaluative testing seeks to answer research questions such as:

1. Does the site contain cultural materials between the plow zone and sterile subsoil?
2. Are artifacts spatially patterned or tied to discrete features that convey site use or function?
  - a. For example, does the distribution of the materials in a razed farmstead within cropland correspond to previously mapped structures or the potential razing history of the farmstead? Is there any archeological or historical information about the sequence and/or timing of demolition and how it relates to the activity areas of the farmstead?
3. Can the recovered assemblage contribute insights into local chronology, technology, subsistence, or social organization?



#### 4.4.1 Site Delineation and Shovel Probes

Evaluative testing begins with carefully planned probes to **define the site boundary**, typically at intervals of 10 to 30 meters, depending on the cultural resource. **Interval spacing** used to evaluate a cultural resource should take into consideration the size of the cultural resource and the nature of the cultural deposit. Interval spacing may be tightened in high-potential areas and/or in small cultural resources. In areas of lower probability, expanded intervals are acceptable. If modifications to the spacing are made in the field due to field conditions such as newly identified disturbances and/or landforms (slopes), those must be discussed in the **Evaluation Testing report**. Sampling strategies must be clearly addressed within the testing plan and selected on a site-by-site basis using methods appropriate to site conditions and research objectives.

The chosen testing configuration(s) **must be sufficient to adequately delineate site boundaries and/or cultural resource concentrations**. For example, a cruciform arrangement of probes that only bisects a site is not considered adequate for boundary determination, as it leaves substantial untested gaps within the site boundary. Additionally, when initial probes yield positive results, any radial or expanded testing strategy must be clearly described and justified within the testing plan.

Shovel probes are **typically 30 to 50 cm in diameter**, with vertical sides extending to full-depth (not cone-shaped). If possible, probes should be excavated to **reach sterile subsoil or post-glacial soil layers**.

1. Where shovel probes do not reach subsoils or post-glacial soil layers (paleosols), probe termination must be documented based on observed subsurface conditions (e.g., compact soils, mixed or truncated deposits indicative of right-of-way disturbance, or impenetrable substrates).
2. In areas with potential for deeply buried deposits, such as floodplains or colluvial slopes, deeper probing through manual augers, corers, or mechanical testing may be implemented to locate intact horizons, pending landowner permissions.

All excavated soil must be passed through a maximum of **1/4-inch mesh** (6 mm) to recover artifacts or ecofacts; finer mesh may be used in contexts that require micro-artifact recovery. For consistency, standard number conventions for soil stratigraphy should start top down lowest to highest (Strat 1, 2, 3 or a, b, c, etc.). Probes must be documented with locational information, confirmation of cultural resources, depths, soil stratigraphy, texture, gravel contents, photographs, and other relevant information, if appropriate, as this information will be requested in reports.

Soil probes (Oakfield cores) are not appropriate to evaluate the location and nature of cultural deposits at identified sites. However, they can be used to confirm the soil profiles at a site that can help interpret the location and nature of the cultural deposits.

#### 4.4.2 Excavation of Test Units

After completing shovel probing to identify stratigraphy, cultural materials, or artifact concentrations, further investigation is conducted through test units. These units, **typically 1-x-1-m**, are placed to sample both artifact clusters and sterile intervals, thereby aiding in the interpretation of site structure and extent. Excavated soil from TUs is to be **screened** through a



similar mesh as shovel probes, unless features are identified, then a smaller mesh is preferred. Excavation proceeds at **arbitrary 10 cm levels** to a depth adequate to characterize subsurface deposits, while maintaining vertical control throughout. Natural strata-based excavation can be used instead of arbitrary excavation in discussion with the SHSND/SHPO or after sterile depositions are reached for sterile soil confirmation. **Multiple units may be necessary** to support determinations of horizontal and vertical integrity and to satisfy NRHP Criterion D requirements. **Artifacts collected with landowner approval or where legally applicable are to be collected and cataloged following standard laboratory methodology.**

Excavation units **should excavate at least 20 cm below the lowest artifact level encountered** and ideally continue to sterile subsoil or parent material to assess the full depth and integrity of the cultural deposits. If a TU does not reach sterile subsoil or excavate 20 cm below artifact levels, justifications are to be documented in the NDCRS form and report. A minimum of one **wall must be profiled and illustrated** in the NDCRS form and report. Provenience information with all soil profiles documented using USDA terminology and Munsell color charts. For consistency, standard number conventions for soil stratigraphy should be from lowest to highest (e.g., Strat 1, 2, 3 or a, b, c, etc.). Test Units must be documented with locational information, confirmation of cultural resources, depths, soil stratigraphy, texture, gravel contents, photographs, and other relevant information.

*Table 1. Components of field research and purpose*

Component	Unit	Purpose
Shovel Probes/ Auger Probes	30–50 cm, 10–30 m interval	Identify subsurface deposits, define site presence
Test Units	1 by 1 m <sup>2</sup> , 10 cm levels	Clarify stratigraphy, controlled excavation, feature associations
Depth Probing	Shovel probes + augers	Ensure depth and integrity of deposits
Documentation	Mapping, photos, contexts	Supports evaluation and reporting
Reporting	Maps, forms, NRHP analysis	Foundation for site eligibility recommendations

Should the project advance, the evaluative testing should demonstrate clear relevance to historical or prehistoric narratives and meet criteria for information potential. This is to both ensure the scientific value of the data acquired as well as to fulfill stewardship objectives.

## 4.5 Artifact Collection and Curation

Plans for either long-term curation or return to the landowner(s) of any potential collected artifacts are to be documented in the evaluative testing plan and detailed in the text of the submitted report. For Class III field work, artifacts may **ONLY** be collected if approved in the SOW prior to fieldwork or by the federal agencies or with landowner consent.

The SHSND is the official repository for any artifact collections from work conducted on State lands (i.e., State, County, or Municipal lands). Contractors should consult with SHSND/SHPO regarding potential collections from State lands prior to conducting work.



For Federal lands, the federal agency that holds the land will determine if collections are to be made and where the collection(s) will be curated. The SHSND is a federal repository for several, but not all federal agencies. The federal agency must have a curation agreement with the SHSND before we can accept incoming federal collections.

Collections submitted to the SHSND from **private lands must include a gift agreement** signed by the landowner. The SHSND **WILL NOT** accept collections from private lands without a signed gift agreement from the landowner. It is the contractor's responsibility to discuss the landowner's wishes both prior to and after collecting any artifacts.

Artifacts to be submitted to the SHSND for curation must be cataloged and housed following the *Guidelines for Submitting Archaeological Collections*. The *Guidelines for Submitting Archaeological Collections, the Accession Number Request Form, and the Gift Agreement form are available for download on the SHSND/SHPO website or by contacting the SHSND/SHPO*.

## 4.6 Discovery of Human Remains

The discovery of human remains in North Dakota is governed under [NDCC § 23-06-27](#) and [NDAC § 40-02-03](#). These laws outline the procedures to be followed upon discovery to ensure respectful treatment and lawful disposition of human remains.

### 4.6.1 *Protocols for inadvertent discovery of human remains*

Immediate protocols if human remains are discovered on **state and private lands** in North Dakota:

- Cease all ground-disturbing activities immediately upon discovery.
- Leave the remains and any associated artifacts or features in place and undisturbed.
- Notify (1) the local law enforcement agency and (2) the SHSND archaeological staff immediately.
- SHSND will coordinate further action, including notifying the North Dakota Department of Health and, if applicable, the North Dakota Intertribal Reinterment Committee/THPOs.

Immediate protocols if human remains are discovered on **federal lands**:

- Cease all ground-disturbing activities immediately upon discovery.
- Leave the remains and any associated artifacts or features in place and undisturbed.
- Immediately notify the federal agency charged with jurisdiction.

## 4.7 Cultural Resource Work during the Winter Season

It is the opinion of the SHSND/SHPO that cultural resource inventories conducted in North Dakota when snow or heavy vegetation obscures the surface of the survey area **and/or** the ground is frozen are **inadequate** for properly identifying archaeological resources or evaluating the significance of resources that may be identified. Because **frozen soils can compromise the effectiveness of subsurface testing**, shovel probes conducted under such conditions are not considered valid unless specifically coordinated with and approved by the SHSND/SHPO in advance. Consequently, agencies that submit such reports for review and comment will be informed that adequate information has not been provided for SHSND/SHPO to make an informed and reasonable evaluation of the proposed project's effects on significant resources. Agencies will be



asked to provide such adequate information prior to resubmission of the materials for review and comment.

## 4.8 Visual Effects Recordation for Wind Turbine Projects Only

An architectural history PI must conduct a Class II reconnaissance survey of buildings and structures they deem to be **45 years of age or older**. The survey boundary must be **two miles from wind turbines 400 feet or higher. A one-mile search radius is acceptable for wind turbines under 400 feet**. The Class II reconnaissance survey must 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.

The potentially eligible site should be fully recorded when:

1. The property owner is participating in the project, and/or
2. Permission to be on the property to record the buildings and structures 45 years and older has been granted.

The potentially eligible site should be recorded as a site lead with the cultural resource specialist remaining in the right-of-way of a road or on public property if:

1. Access is denied, and/or
2. The property owner is not participating in the project.



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## 5. Cultural Resources Identification, Recording, and Evaluation (NDCRS Site Forms)

SHSND/SHPO has a mandate from the Federal Historic Preservation Program to increase the number of cultural resources in the state recorded at a minimum documentation level. The minimum documentation level, as defined by the Department of the Interior, is “location, style, condition, significance, or research needed to determine importance of any property” (Heritage, Conservation and Recreation Service 1980:6). The NDCRS site forms are designed to record cultural resources at that level. The information in the NDCRS system is used to update the comprehensive plan for managing North Dakota’s cultural resources.

Please refer to the individual archaeological, historical archaeological, architectural, and/or CHF form training manuals to aid in completing the cultural resource forms.

### 5.1 Identification of Cultural Resources

#### 5.1.1 *Identification of Sites*

For documentation purposes, a cultural resource site is defined as a location of past human activity that occurred more than 50 years ago and left physical traces of that activity.

Archaeological and Historical Archaeological Sites must include one of the following:

- Intact cultural feature(s)
- Six or more artifacts or features found within 60 meters of one another
- A subsurface cultural deposit, regardless of the number of artifacts, unless there are additional investigations or probes conducted that would preclude the finding being a site.

Architectural sites are standing structures.

#### 5.1.2 *Identification of Site Leads*

Site leads are identified under one of the following conditions:

- A location reported by a landowner or other non-professional as containing cultural resources.
- A location with five or fewer surface visible artifacts, as identified by the archaeologist(s), where it is unclear whether intact subsurface cultural deposits are present.
- A location where the site features cannot be fully recorded, such as when access is denied, feature(s) are outside of the APE, etc. or when features are documented during a reconnaissance-level survey.

When identifying a site lead, the full NDCRS form should be submitted including as much information as possible. See the site form manual for detailed information on site leads.



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### *5.1.3 Identification of Isolated Finds*

An isolated find is defined as a location of five or fewer artifacts located within 60 meters of one another (unless situated on significantly different landforms) and identified by the archaeologist(s) as representing an area of very limited past activity and **with no intact subsurface cultural deposits**.

When identifying an isolated find, the full NDCRS form must be submitted.

**Isolated finds are not inherently ineligible.** To be considered not eligible for the historic registers, archaeologists must:

1. Demonstrate that the identification methods are suitable to identify all artifacts within proximity to the original find; and
2. Provide evidence that supports consideration of the depositional context.

If an isolated find is located on bedrock or within a deflated area with no soil development present within 15 meters, subsurface testing may not be necessary. However, if an isolated find is situated on a slope, the top of the landform within the survey/APE corridor must be examined. Shovel probes should be excavated to establish depositional context or documented with photographs of an exposed cut bank demonstrating the nature of the deposition.

In cases where potential isolated finds are identified in cultivated fields, researchers must consider the potential for intact cultural deposits located below the plow zone. Often, this may require probes. If probes are not conducted, there must be a clear justification explaining why probes were not appropriate, along with a description of the methods used to evaluate depositional context and the potential for subsurface cultural materials. More than one shovel probe for an isolated find is recommended to better characterize the surrounding depositional context.

### *5.1.4 Cultural Heritage Find*

A CHF may include TCPs, Sacred Sites, feature(s), locations, and/or items of cultural and religious significance to **anyone**. These are features, artifacts, and places that are not identified through archaeological practice. The CHF form is not a substitute for completing the NDCRS archaeological, historical archaeological, and architectural site forms. However, the CHF may be recorded in conjunction with one of the other forms, as appropriate, if those features are identified by the archaeologist, historian, and/or architectural historian and documented on the appropriate form.

The form is not a formal determination of significance by Federal, Tribal, or State officials.

### *5.1.5 Updates*

The status of cultural resource sites is dynamic, and outdated details, changed conditions, or errors in locational information can reduce accuracy if not verified against current conditions. Therefore, updated information (especially environmental factors and condition) must be submitted for every cultural resource site that is revisited. This requirement ensures that site files remain the most accurate and reliable record for future research and compliance. The procedure for updates is similar to that of initially recording a site. Please refer to the individual manuals for instructions on how to complete an update, as the requirements differ based on the type of site previously recorded. The submission process is the same as when initially recording a site.



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

The following defined non-sites and property types **do not require formal documentation or updating** on the NDCRS site forms. If they are encountered, discuss them in the project report. If they are encountered when recording a site, please mention in setting or site summary sections. Please record or update the exceptions noted within this list.

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. Historic utility facilities may be identified during pre-field research.
2. Pipelines (i.e., water, gas, and oil), producing oil-gas wells (i.e., oil derricks, storage tanks), dry hole markers, reclaimed facilities, or other associated oil-gas development facilities (unless possessing heritage significance).
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 riprap (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. Isolated, run-down/nonfunctional machinery, including equipment on top of hills (i.e., prairie dinosaurs).
7. Farm or ranch fences and enclosures (i.e., barbed wire, chain link, buck-and-pole, or other types of pasture fence). However, corrals, roundups, or load-out facilities must be recorded.
8. Unnamed two-track roads (i.e., ranch roads, seismic roads, etc.) and non-major road segments such as County highways (however, named historic trails such as Red Trail, etc. must be recorded).
9. Recent trash (i.e., highway trash, modern trash).
10. Corrugated metal culverts and pre-cast concrete culverts with no date stamps. Box culverts should be recorded.
11. Active gravel/borrow pits and historic or modern prospect pits associated with mineral exploration or mining with no associated features, cribbing, and/or a small amount cultural material artifacts.
12. Modern field-clearing piles of large rocks and boulders. However, stone johnnies/rock cairns or towers without mortar, such as butte markers, water markers, sheepherders' monuments, and other monuments, must be recorded. Record rock piles on CHF forms if requested by a Tribal Cultural Specialist (TCS).
13. Railroad segments, such as altered grades and tracks unassociated with other railroad features, do not need to be recorded. However, **DO 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. Also record railroad bridges and other architectural features associated with the railroad.
14. Stock ponds and stock dams not directly associated with a farmstead or ranch yard.



## 5.2 Recording of Cultural Resources and Submission of Site Forms

Standardized archaeological, historical archaeological, architectural, and CHF forms have been created for recording sites, site leads, and isolated finds. Training manuals for completing the forms are available for download on the SHSND/SHPO website. Please refer to the manuals for detailed instructions on how to properly complete and submit archaeological, historical archaeological, architectural, multi-component, and CHF forms, as well as updates to previously recorded cultural resources. The manuals also include the photographic and mapping standards for documenting cultural resources.

The database of information for cultural resource sites in North Dakota is maintained at the SHSND/SHPO. The NDCRS (formerly SITs) and CHF numbers for North Dakota are assigned by the SHSND/SHPO. There is no fee for number assignments.

NDCRS sites are indexed with unique numbers. This numbering system includes:

1. A number for the state (North Dakota is 32)
2. A two-letter abbreviation for the county in which the site is located
3. Numbers indicating specific sites

CHF numbers include:

1. The letters “CHF”
2. A two-letter abbreviation for the county in which the site is located
3. Numbers indicating specific sites

Site numbers are assigned to adequately recorded cultural resource sites. Temporary numbers are not assigned. Blocks of numbers will not be assigned to anticipated sites. Site numbers will not be assigned via telephone or email without prior submission of forms. Numbers will not be assigned on a “drop-in” basis (i.e., hand-delivering forms to the SHSND/SHPO and requesting numbers immediately). Forms are reviewed in the order they are received.

Due to the high volume of requests for numbers, staffing limitations, and necessary quality control measures, up to **15 business days** may be required to process a form. The timing of the **15 business days** begins upon receipt of all three components of a submission:

1. Paper copy of the form
2. PDF of the form (uploaded to the SHSND/SHPO-run FTP site)
3. Corresponding GIS shapefiles (uploaded to the SHSND/SHPO-run FTP site)

If a form is found to have errors, a number will not be assigned until the corrections have been submitted. In such a case, the **15 business-day** processing time will restart once the corrected form is received.

All cultural resource forms, including updates, completed during inventories must be submitted for review and processing **prior** to completing the report and submitting it to the SHSND/SHPO for review and comment. Reports received by the SHSND/SHPO that contain either field code designations and/or forms not previously submitted for review will be returned to the submitter with a request that the forms be submitted for review and assignment of numbers.

### **Notes for form submission:**

- Use the current standardized forms available on the SHSND website. Previous versions of the forms will not be accepted.
- Prior to submission, please check the form(s) for quality and completeness.
- Include a brief cover letter with your submission to explain your request, as the SHSND/SHPO receives many forms for various reasons.
  - Cover letters should include project name, types and numbers of forms submitted, contact information, and any other relevant information which may be beneficial to the reviewer.
- Site number assignments will be provided via an emailed letter. A hard copy of the letter will be mailed only upon request. If a discrepancy is found during the review of the forms, a letter is sent to the submitter with comments. SHSND/SHPO may request corrected forms.

### **5.3 Evaluation of Cultural Resources on NDCRS forms**

Acceptance of NDCRS site forms or CHF forms does not constitute concurrence under state or federal preservation laws. Forms are not a formal determination of significance by Federal, Tribal, or State officials. Evaluations in NDCRS forms are **recommendations only**. Only the lead agency and SHSND/SHPO, through consultation, can provide a final determination of eligibility (DOE) on cultural resources in North Dakota.



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## 6. Reporting

### 6.1 Report Submissions

After any fieldwork (including a Class II or Class III cultural resource inventory, site evaluation, or monitoring), the results must be compiled into a report detailing the project, extent, context, methods, findings, and recommendations for submission to SHSND/SHPO and consulting parties.

In order to be reviewed by SHSND/SHPO, each report submission **MUST** include:

1. Cover Letter
2. Manuscript Data Record Form
3. Paper Copy Report
4. Digital Files (PDF of the report and associated GIS data)

Incomplete submission packages will not be reviewed until all components are received. When a request to review is received by SHSND/SHPO Review and Compliance staff that includes a Class II or Class III report, staff will check that the required electronic data has been received prior to reviewing the project. If any of the required items are missing, the responsible agency will be informed, and the review will not be added to the queue until all items are received.

**For Class II and Class III inventories, monitoring reports, evaluation reports, and mitigation reports:** a paper copy report, the PDF version of the report, and the associated geospatial data (GIS shapefiles of surveyed/inventoried, tested areas, or mitigated areas) must be submitted to SHSND/SHPO as a condition of the Permit to Conduct Cultural Resource Surveys in North Dakota (see [Section 3](#)). Failure to provide a paper copy and electronic data will constitute a violation of the terms of the SHSND/SHPO permit ([NDCC § 55-03-01](#) and [NDAC § 40-02-02](#)) and will result in a delay in receiving a SHSND/SHPO letter until the paper copy and electronic data are received.

Once all materials have been received, SHSND/SHPO has **30 calendar days** to review and respond. The **30-calendar-day** review period does not begin until all materials are received. Failure to submit complete reporting packets may result in a delayed review. See [Section 2.3](#) for more information on the review process. Please **note** that acceptance of a report for the manuscript collection is **NOT concurrence** with the recommendations or determinations contained within the report.

***Note: NDCRS and CHF forms must be submitted to SHSND/SHPO and processed prior to submitting the final report. Submission of the forms and project report together may result in review delays, as the most up-to-date site information will not yet be available in SHSND/SHPO files. Reports must also include final NDCRS or CHF numbers, rather than temporary field numbers. Reports with temporary field numbers will be rejected.***



The paper copy of the cover letter, Manuscript Data Record Form, and report may be delivered to the SHSND/SHPO at the North Dakota State Museum and Heritage Center, or can be mailed to:

Attention: Review and Compliance  
Archaeology and Historic Preservation Department  
State Historical Society of North Dakota  
612 East Boulevard Avenue  
Bismarck, North Dakota 58505-0830

Questions about report packet submission may be emailed to [shsculturalreview@nd.gov](mailto:shsculturalreview@nd.gov).

The following sections describe each component of the report submission.

#### *6.1.1 Cover Letter*

All report submissions must include a cover letter to facilitate project tracking and ensure items are delivered to the Review and Compliance Team. The cover letter should include:

1. Project title, agency project number, and/or SHSND/SHPO Ref Number (if known)
2. Brief project description
3. State or Federal Agency Contact for the project
4. Cultural Resources Management company contact for the project
5. Project Proponent

#### *6.1.2 Manuscript Data Record Form*

The Manuscript Data Record Form (MS Data Form) must be included at the beginning of all reports except for Class I reports. The MS Data Form provides the database information necessary for adding the report to the manuscript collection. Do not add or remove fields on the MS Data form or change its formatting.

See [Appendix D](#) for the MS Data Form. The form is also available as a separate download on the SHSND Downloadable Forms webpage.

A Manuscript Data Record Form must be attached to the front of the report, either before or immediately after the title page. The form may be inserted as a loose page in the front of the report or bound into the document.

#### *6.1.3 Paper Copy*

Paper copy reports should be printed on 8.5-inch by 11-inch paper and may be coil-bound or stapled, depending on report size. Oversized maps may be folded and inserted into the report either as foldouts or in sleeves. If the report contains any color imagery, the report must be printed in color.

#### *6.1.4 Digital Files*

##### **Submittal**

All permitted entities/individuals are required to upload the PDF report (including a completed MS Data Form) and corresponding shapefiles to the SHSND/SHPO-run FTP site. Failure to provide all

digital data will constitute a violation of the terms of the SHSND/SHPO permit ([NDCC § 55-03-01](#) and [NDAC § 40-02-02](#)) and will result in a delay in receiving a SHSND/SHPO letter until all digital files are received.

Manuscript Data Record Forms must be added to the beginning of the report PDF and not submitted as a separate document. Maps and appendices must also be merged into the report PDF and not submitted as separate files. **DO NOT include site forms in reports submitted to SHSND/SHPO.**

## **Uploading Data**

At the time the permit is awarded, new permit holders will be provided with an address for an FTP site maintained by the SHSND/SHPO, along with a login and password, to upload digital data. There are multiple free or open-source options available for FTP software. The FTP server address for uploading GIS shapefiles, PDF versions of cultural resource reports, and NDCRS and CHF forms is:

FTP Address (Host): <https://mft.nd.gov/>  
Password: as assigned by SHSND/SHPO

## **Data Formatting**

SHSND/SHPO collaborates with multiple federal and state agencies, as well as various cultural resource contractors. To expedite review and eliminate potential missed data and files, files uploaded to the FTP server must follow these guidelines:

1. Folders uploaded may be named according to the project name, followed by the name of the permitted entity/individual, and a report or investigation number (if applicable).
2. **DO NOT** upload directly into the root folder or main “Manuscripts” folder. Each project must have its own folder, and all items for that project must be included in that folder.
3. **DO NOT** use excessively long folder titles.
4. **DO NOT** upload vaguely or poorly identified project folders. For example, do not use “Well Pad McKenzie County” or similar labels for folders.
5. Please do not excessively nest folders.
6. **DO NOT** upload consultation letters to the FTP. ***Review staff do not receive notifications that files have been uploaded, and letters uploaded to the FTP do not count as received by SHSND/SHPO.*** All electronic consultation letters and inquiries must be sent to [shsculturalreview@nd.gov](mailto:shsculturalreview@nd.gov).

These steps help staff locate documents associated with reports and review projects, thereby reducing review delays.

## **GIS Data**

The report GIS data must include all areas surveyed, tested, and/or monitored and reported on in the associated report. **DO NOT** include areas that were not surveyed during fieldwork. The acreage of the submitted geospatial data must match that reported on the Manuscript Data Record Form and in the report. Maps in the report that show the survey area must match the survey area in the submitted geospatial data.



## 6.2 What is SHSND/SHPO reviewing for?

Comments and information requests from SHSND/SHPO typically focus on the following two review approaches:

1. **Review for acceptance into the manuscript collection**

This review ensures that all components are included and that the information is clear, serving as the official record of the fieldwork that may be referenced in the future. The review also considers whether the presented evidence supports the recommendations in the report.

2. **Review for information on cultural resources that may be affected by the project**

This review examines the specific details of the proposed project and its potential effects to cultural resources. The report provides information to the agency and SHSND/SHPO about previously recorded cultural resources, newly recorded cultural resources, recent field conditions, and the potential for additional unidentified cultural resources.

### 6.2.1 Report Acceptance versus Concurrence

**Report acceptance does NOT mean that SHSND/SHPO concurs with the recommendations and/or eligibility determinations discussed and described within the report.** Acceptance of a report **ONLY** adds the report to the manuscript collection and is not concurrence or authorization to proceed with the project.

**State Level:** Review under state law is coordinated between the state agency or political subdivision and SHSND and is separate from report acceptance. State agencies have different levels of consultation with the SHSND, as specified by the NDCC and the NDAC. The report may be accepted for the manuscript collection while the state agency or political subdivision and SHSND continue the consultation process. Final determinations of eligibility, mitigation, and/or avoidance strategies will be made in consultation with SHSND and may differ from those recommended in the accepted report. Final authorization for projects with a state-level nexus is granted by the state agency as specified in the NDCC and/or the NDAC.

**Section 106:** Concurrence on a project or site eligibility is between the federal agency and the SHPO as part of Section 106 consultation and is separate from report acceptance, although it may be mentioned in the same letter. The report may be accepted for the manuscript collection while the federal agency and SHPO continue the consultation process. Final determinations of eligibility, mitigation, and/or avoidance strategies will be determined by the federal agency in consultation with the SHPO and may differ from those recommended within the accepted report. **SHPO does not “approve” or “clear” projects or permits under Section 106.** Final authorization for projects with a Section 106 nexus is granted by the federal agency. The SHPO provides comments and recommendations to the federal agency in accordance with federal regulations (36 CFR § 800).

### 6.2.2 Report Considerations for Special Projects

#### Separate Architecture and Archaeology Reports

Generally, the reports should include both Architecture and Archaeology. In specific circumstances, the architecture and archaeology reports may be separated (e.g., large, complex projects, such as



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wind power projects). Consult with SHSND/SHPO before separating the architecture and archaeology reporting.

### **Main Reports and Addendum Reports**

Large, complex projects may undergo alterations, and additional survey areas may be added throughout the life of the project. Addendum reports may be completed, but these reports should only be submitted after the main report has been reviewed and accepted into the manuscript collection. If the main report and addendum report are submitted at the same time, or the addendum report is submitted prior to the main report being approved, the reports will be returned with a request to merge them into a single report.

Multiple field surveys within a single field season should be compiled into a single report or single addendum, rather than submitting multiple reports or addendums.

### **Evaluation and Monitoring Reports**

For any projects that involve site evaluation, a Class III report will be required for the project prior to any evaluation efforts. For site evaluations, a scope of work must be submitted to SHSND/SHPO for review prior to fieldwork so methods and level of effort can be assessed.

For projects that involve monitoring reports, there may be situations where a Class III report is not prepared prior to monitoring. In these cases, please discuss with SHSND/SHPO prior to fieldwork so methods and level of effort can be assessed.

### **Long Term Projects**

Projects that have phases or take multiple years to complete are in danger of using outdated file search data by the time the fieldwork is completed, the report is submitted, and the project review occurs. File searches must be done no more than 6 months prior to fieldwork. For projects that take place over several years, file search data expires after 1 year, and a new file search must be completed the following year prior to any fieldwork. Coordination with SHSND/SHPO to identify the appropriate file search period based on specific project needs is recommended. For delays between fieldwork and reporting of a year or longer, an updated file search must be incorporated into the report to account for any newly recorded sites or new information. Consultants are responsible for identifying all known sites in the APE as of the report submission date.

#### ***6.2.3 Common Report Review Comments***

The following are common issues that arise during report review:

- 1. Inconsistencies between the survey area geospatial data and the maps and acreage presented in the report**

If the geospatial data does not match the maps and acreage included in the report, SHSND/SHPO will ask for clarification on the survey area. The survey area in the geospatial data must match the survey area discussed and mapped within the report to be accurately represented in the file search data.



**2. Missing discussion of GSV in archaeology reports**

SHSND/SHPO will ask for information on GSV (such as photographs) to help assess the visibility of cultural materials and/or features. Pedestrian-only inventories in areas with poor GSV may inadvertently miss cultural materials due to vegetation or other obstructions.

**3. Report uses language regarding site eligibility as determinations rather than recommendations**

Reports contain the author's **recommendations** regarding site eligibility and project effects; determinations are made by the federal/state agency in consultation with SHSND/SHPO. In cases where the federal/state agency and SHSND/SHPO have officially concurred on a determination, include the name of the agency and date of concurrence in the report. Reports authored by federal agencies may contain formal determinations by that agency, but these determinations have to be formally concurred with by SHPO.

**Note:** Eligibilities listed on site forms are the **recommendation** of the person completing the form on the date the form was completed and not formal determinations.

**4. Recommendation language does not match the overall review type**

For projects reviewed under state law, use language such as "North Dakota State Historic Sites Registry," "No Significant Sites," "Significant Sites," etc. For projects reviewed under federal law, use Section 106 language, such as "No Historic Properties Affected," "eligible for the National Register of Historic Places," etc. See [Section 2.1](#) for more information on the differences between state-level review and federal-level review.

**5. Age of recommendation for previous eligibility recommendations**

The report should assess site eligibility based on current information, rather than relying on previous recommendations without any justification or comment on current site conditions.

**6. Field codes are used in the report rather than NDCRS or CHF numbers**

Reports containing field codes instead of final NDCRS or CHF numbers will be automatically returned for corrections. Submitting the forms and project report together may result in review delays while the site forms and any corrections to the forms are processed.

**7. Submission of NDCRS and CHF forms and the associated report at the same time**

NDCRS and CHF forms must be submitted to SHSND/SHPO and fully processed before the final report is submitted; this includes form updates. Submitting forms and project reports together may result in review delays while the forms and any corrections to the forms are processed.

**8. Missing justification and details for recommendations and field method decisions**

SHSND/SHPO will ask for data driven justification and evidence supporting field decisions (e.g., why probes were not completed) and justification and evidence supporting recommendations (e.g., why sites were recommended eligible/not eligible under specific criteria, etc.).



**9. Evidence provided in the report does not support the conclusions or recommendations**

SHSND/SHPO will request additional information when the submitted documentation raises questions or presents contradictions in the conclusions or recommendations. For example, when a site is associated with notable local individuals or families, reviewers must evaluate whether the recovered artifacts could plausibly relate to that association. In situations where diagnostic artifacts are absent, additional evidence is needed to demonstrate that the materials are not from the period or persons of significance. Likewise, incomplete or fragmentary artifacts may still be diagnostic or informative when establishing a potential period of significance and therefore should not be used as the sole justification for recommending a site as not eligible. Moreover, a site may retain potential for yielding important information even in disturbed or plowed contexts, depending on specific conditions.

**10. Contradictions between site recommendations listed in the text and site recommendations listed in tables or summary text**

SHSND/SHPO will ask for clarifications on contradictions to ensure the official record regarding consultation is clear and accurate.

**11. Lack of discussion regarding the potential for subsurface materials in archaeological sites, or lack of justification for an argument that there is no potential for subsurface materials**

A pedestrian survey alone cannot identify subsurface cultural materials. Reports need to include a discussion as to the potential for subsurface materials and why shovel probes or other methods were not necessary.

**12. Negative survey reports that include a CHF, an archaeology or architecture site, a site lead, or an isolated find**

Any survey area that includes a site, a site lead, or an isolated find automatically qualifies as requiring a full report and the negative short-form report cannot be used. However, the full report can be commensurate with the size and scale of the project.

**13. Insufficient Class I Literature Review**

The Class I literature review report is not only a list of sites, manuscripts, and maps. A Class I report needs to contain a synthesis of the data and any recommendations for fieldwork or the project. See [Section 4.1](#) for details on the purpose of the Class I Literature Review.

**14. Submission of a main report and an addendum report at the same time**

To prevent confusion, these reports will be returned to the author for merging into a single report. Report addenda are acceptable after the main report has been accepted into the manuscript collection.



## 6.3 Report Formatting: Required for All Reports

The following items are required to be included in **ALL** reports, regardless of type. Suggested report outlines and additional details are provided in the appendices for each report type (see [Appendices E-J](#)).

### 6.3.1 Manuscript Data Record Form (MS Data Form)

The MS Data Form (available for download on the SHSND/SHPO website and in [Appendix D](#)) provides the required data to add reports to the manuscript collection. **Do not add or remove fields.** The form has the following data fields:

1. **Manuscript Number:** Leave blank – Assigned by SHSND/SHPO after acceptance.
2. **SHSND/SHPO Reference Number:** Include if the SHSND/SHPO reference number is known. This is not the contracting company's internal report tracking number.
3. **Author(s):** All report authors. The first author is considered the primary author, followed by contributing authors.
4. **Title:** Report title
5. **Report Date:** Date the report was completed (not the date of the fieldwork or the date the report was started).
6. **Number of Pages:** The total number of pages (including maps, but not the MS Data Form).
7. **Type:** Report Type, I=Inventory; T=Formal Testing; E=Excavation; B=Built Only (report includes architecture only); O=Other (includes monitoring reports and geophysical survey reports). A report may be more than one type.
8. **List formally tested or excavated sites (not probes):** NDCRS numbers for any sites with formal evaluative testing or excavation. Shovel probes/augering are not considered evaluative testing or excavation.
9. **Acres:** The acreage of the Class II or III Survey area only, not the area of potential effect (APE). The acreage is only the portions that were physically examined during fieldwork.
10. **List the Legal Description and Study Units included in the survey area.** Only legal locations for Class II or Class III Survey area (including formal testing, excavation and monitoring areas. Do not include all the legal locations included in the APE).

Table 2. Study unit abbreviations:

LM	Little Missouri River	GR	Grand River
CB	Cannonball River	NR	Northern Red River
KN	Knife River	SR	Southern Red River
HE	Heart River	SO	Souris River
SM	Southern Missouri River	SH	Sheyenne River
GA	Garrison	YE	Yellowstone River
JA	James River		

**Note:** Acceptance of a report does not constitute concurrence with the recommendations stated within the report and is not a notice to proceed with the project. The presence of a manuscript in the SHSND/SHPO collections is not concurrence or agreement with the recommendations described within that report.

### 6.3.2 Title Page

The title page must include:

- Report Title
- Report Author(s)
- Name of the Cultural Resource Management Company that prepared the report
- Company/agency tracking numbers or record of investigation number
- Who the report was prepared for
- Any associated permit numbers or project numbers from the client and/or state/federal agency
- Report Completion Date
- Principal Investigator

The PI's name on the title page of the report acknowledges that the PI has overseen, reviewed, and is responsible for the work presented in the report.

### 6.3.3 Maps

**All reports must include clear maps depicting the location of the project, the survey area, the area of potential effects, cultural resource site boundaries, any architectural or archaeological features, and any probes, cores, or excavation units.** All text on maps must be readable both digitally and in print, and not too small or pixelated. Maps may be placed within the text with corresponding resources. For large projects, maps may be included as an appendix.

Each map must include:

- Identifying number or letter
- A legend, caption, and source of the map
- North arrow
- Scale
- Vicinity map with clearly marked locators including TRS, etc.
- Labeled manuscripts and site numbers, if boundaries are shown on the map.

Maps should include information on:

- The inventory area and/or survey area
- Location of the proposed project and ancillary facilities (including staging areas, etc.)
- Cultural resource locations (labeled with site number)
- Vegetation cover, if applicable
- Location of test probes, coring, excavation units, etc. with labels
- Any other descriptive features referred to in the report
- Literature review maps must show all previous surveys and recorded cultural resources at the time of the file search with labels indicating the manuscript number or site number.

Literature review maps must be on USGS 7.5' topographic quadrangle maps at a 1:24,000 scale. Maps may be reduced slightly for reports, but no more than 20% less than the actual size of a 7.5'



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map (e.g., a minimum of 2.1 inches equals 1 mile. Sites and manuscripts may be shown on separate maps if the map is too visually cluttered.

Detailed site maps may be drawn to an appropriate scale to clearly show features and may be overlaid on aerial imagery. Please ensure maps include location references and cultural resource numbers are labeled.

#### *6.3.4 Images*

Reports should contain images or line drawings of appropriate artifacts, features, or other relevant materials. **Artifact photos must include a scale.** All photos in reports **must have a caption** describing the photo location, cultural resource number (if applicable), and direction (if applicable). Limit the number of photographs and/or images to one or two per page, and ensure photos and images are of sufficient size for visibility (e.g., 4-inch by 6-inch or 3.5-inch by 5-inch). All images included in reports must be clear, un-pixelated, and of archival quality. Digital images must be printed at a minimum of 300 DPI. **Any digital alterations to a photo should be noted in the caption.**

For survey reports, each cultural resource should have associated photos in the report. For architectural resources, photographs of each recorded feature are required. See [Section 5](#) and the NDCRS Site Form Training Manual: Architectural Sites for identification and recording of architectural resources.

**Digital images documenting the survey area are required.** Due to variation in GSV and changing survey conditions, photos should clearly show the different field conditions encountered at the time of survey.

Class III Inventory reports under 40 acres must include a **minimum of two digital images** documenting the survey area. Reports over 40 acres must include a **minimum of four digital images** documenting the survey area. Consider if additional photos are needed to properly illustrate survey conditions, including changing GSV that demonstrates why shovel probes were not completed. Images should show complementary views of the survey area (e.g., north and south ends of the project corridor, east and west views of the survey area, etc.) as well as different environmental and topographic conditions in the survey area (e.g., plowed field, grazed pasture, tall grass prairie, river valley, etc.). If the Inventory covers more than one discrete survey area, overview photos are required for each area and should be clearly labeled. Include the direction of view in the caption.

#### *6.3.5 GIS Data Requirements*

GIS data must be provided for all Class III survey areas (including formal testing, excavation and monitoring areas) and areas of Class II architectural survey (see [Section 2.3](#)). Report GIS data must include all areas surveyed to the Class II and/or Class III level and reported on in the associated report. **Each type of survey area should be submitted as a separate shapefile and clearly labeled** (e.g., Class II submitted in one shapefile and Class III submitted in another shapefile).



## Appendix A: Section 106 Process

ACHP Section 106 Review Process Flowchart



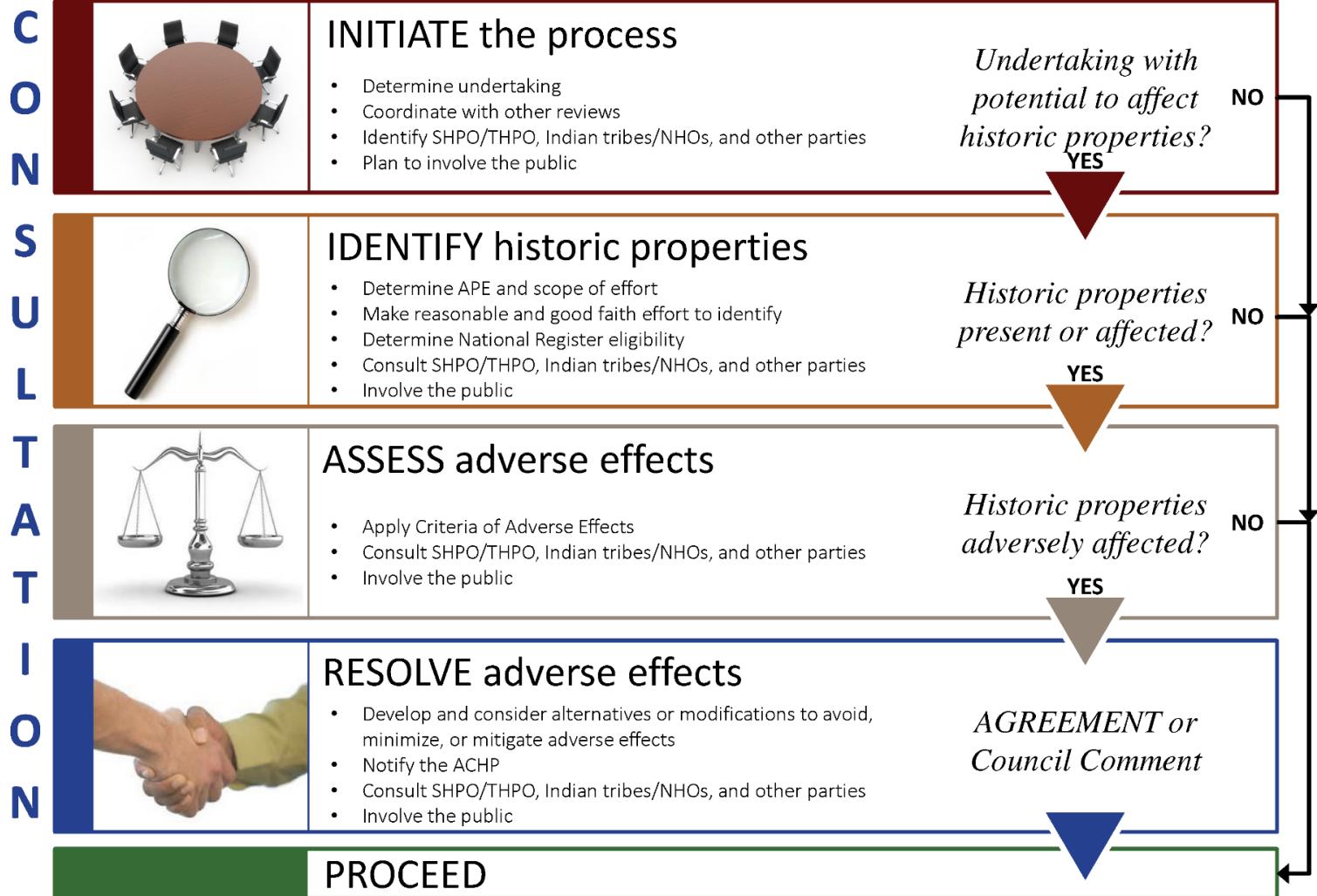
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# Section 106 Review Process

36 CFR § 800.3-7



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## National Register of Historic Places



## Assessing Adverse Effects

### Property Types

Buildings • Structures • Objects • Sites • Districts

### Eligibility = Significance + Integrity

#### 36 CFR § 60.4 Criteria for Evaluation (Significance)

##### A. Event

Associated with events that have made a significant contribution to the broad patterns of our history.

##### B. Person

Associated with the lives of significant persons in our past.

##### C. Design/Construction

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

##### D. Information Potential

Has yielded or may be likely to yield information important in history or prehistory.

### Aspects of Integrity

**setting** MATERIALS  
**LOCATION**  
*Workmanship* **design**  
*feeling* **Association**

### Measure Change from Present Condition

#### 36 CFR § 800.5(a)(1) Criteria of Adverse Effect

An ADVERSE EFFECT is found when **an undertaking may alter, directly or indirectly, any of the characteristics of a historic property that qualify the property for inclusion in the National Register in a manner that would diminish the property's integrity.**

ADVERSE EFFECTS may include **reasonably foreseeable effects** caused by the undertaking that may occur later in time, be farther removed in distance, or be cumulative.

#### 36 CFR § 800.5(a)(2) Examples of Adverse Effects

Destruction or Damage of all or part of historic property  
Alteration not consistent with SOI Standards

Removal from its Location  
Change in Use or Setting

Addition of Visual, Audible, or Atmospheric Elements out of Character  
Neglect (when not an expected characteristic)  
Transfer, Sale, or Lease out of Federal Control



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## Appendix B: Project Submission Form



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## CULTURAL REVIEW REQUEST

STATE HISTORICAL SOCIETY OF NORTH DAKOTA  
ARCHAEOLOGY AND HISTORIC PRESERVATION (NDSHPO)  
SFn 62578 (10/2024)

**Send Completed Form to [shsculturalreview@nd.gov](mailto:shsculturalreview@nd.gov) or by mail to**

State Historical Society of North Dakota  
Archaeology and Historic Preservation  
Attn: Review and Compliance  
612 E. Boulevard Ave.  
Bismarck, ND 58505-0830

Items marked with asterisk (\*) are required. Projects cannot be reviewed unless these items are complete.

Name		
Organization or Affiliation (if any)		
Phone number		
Address		
City	State	Zip Code
Email Address		

SHSND/SHPO ID	Date*
Project/Undertaking Name*	
Type of Project Permit/Funding  <input type="checkbox"/> State <input type="checkbox"/> Federal	Name of State/Federal Agency*
Name of Agency Contact for Project	Title of Agency Contact for Project

Has consultation with SHSND/SHPO been previously initiated for this project? <input type="checkbox"/> Yes <input type="checkbox"/> No	
Approximate Date of Previous Consultation	
Previous Consultation Initiated by	
Describe the Project and/or Undertaking and Nature of State/Federal Agency Involvement*	
Describe the Area of Potential Effects (APE)/Project Location*	
Indicate additional Items included with submission <input type="checkbox"/> File Search and Class I Results <input type="checkbox"/> Manuscript/Class III Cultural Resources Report <input type="checkbox"/> Section 106 consultation correspondence <input type="checkbox"/> Maps, photographs, drawings, and/or plans <input type="checkbox"/> Additional historic property information <input type="checkbox"/> Other: _____	If Manuscript/Class III Report is included with this submission, please indicate Items included with manuscript (all items are required for report review) <input type="checkbox"/> MS Datasheet <input type="checkbox"/> Hard Copy <input type="checkbox"/> Report pdf uploaded to ftp <input type="checkbox"/> Survey Shapefiles uploaded to ftp <input type="checkbox"/> Other: _____
<b>FOR SHSND/SHPO USE ONLY</b> <input type="checkbox"/> No Historic Properties Affected <input type="checkbox"/> No Adverse Effect <input type="checkbox"/> Adverse Effect <input type="checkbox"/> Survey Recommended <input type="checkbox"/> Other: _____	<input type="checkbox"/> No Significant Sites <input type="checkbox"/> Significant Sites in Area (map attached) <input type="checkbox"/> Adverse Effect to Significant Sites <input type="checkbox"/> Other: _____
<input type="checkbox"/> We concur with the above determination, if the project description changes, this concurrence is void. <input type="checkbox"/> Additional information is requested, please see attached letter.	
In response, please reference SHSND/SHPO#	
ND State Historic Preservation Officer/SHSND Director or designated representative	Date

## Appendix C: Material Source Area (Borrow Pit) Form



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## MATERIAL BORROW LOCATION COMPLIANCE REQUEST

STATE HISTORICAL SOCIETY OF NORTH DAKOTA (SHSND)  
NORTH DAKOTA STATE HISTORIC PRESERVATION OFFICE(SHPO)  
SFN 62579 (10/2024)

### APPLICANT

Name		Email Address
Entity		Office Phone
Address		Cell Phone
City	State	Zip Code

### PROJECT

Submittal Date	SHSND/NDSHPO Ref	PROJECT FUNDING/PERMITTING (Required)
----------------	------------------	---------------------------------------

### LOCATION

All requests must be accompanied by an aerial map at 1:10,000 scale showing the precise location of the borrow pit.

Borrow Source Type										
LEGAL LOCATION										
County										
Township	Range	Section(s)								
Quarter Section										
QQQ	QQ	Q								
Coordinates										
Latitude		Longitude								
Proposed Borrow Size (acres)										
Existing Borrow Pit?										
<input type="checkbox"/> Y <input type="checkbox"/> N										
Previously Surveyed* Borrow Location?										
<input type="checkbox"/> Y <input type="checkbox"/> N										
(*see survey definition on page 2)										
Previous Emergency Borrow Location?										
<input type="checkbox"/> Y <input type="checkbox"/> N										
Previous ND SHPO Ref(s)										

Additional Information										
------------------------	--	--	--	--	--	--	--	--	--	--

SHPO Compliance Determination of Effect:					SHSND Compliance Determination of Effect:				
<input type="checkbox"/> No Historic Properties Affected <input type="checkbox"/> No Adverse Effect <input type="checkbox"/> Adverse Effect <input type="checkbox"/> Survey Recommended <input type="checkbox"/> Other: _____					<input type="checkbox"/> No Significant Sites <input type="checkbox"/> Significant Sites in Area (map attached) <input type="checkbox"/> Adverse Effect to Significant Sites <input type="checkbox"/> Other: _____				

ND State Historic Preservation Officer/SHSND Director or designated representative					Date				
--	--	--	--	--	------	--	--	--	--

**Disclaimer:** SHPO approval denotes compliance only with cultural resource requirements. Applicant must also comply with all other environmental laws, e. g. Clean Water, ESA, Wetlands, F&W Easement requirements. It does not constitute approval for ND Dept. of Transportation/Federal Highway Administration projects. Any pits used for emergency projects that also are to be used for NDDOT/FWHA projects must be approved by the NDDOT Environmental & Transportation Services Division and must have a NDDOT Certificate of Approval for use on the NDDOT/FWHA project. This review is for cultural resources only and **does not** constitute review or approval for reimbursement by any state or federal agency.

## INSTRUCTIONS FOR MATERIAL BORROW LOCATION COMPLIANCE REQUEST

Use: The form is intended to provide the information necessary for archeological clearances on borrow locations used as material sources. Each borrow location should be on a separate form. Whenever possible we strongly encourage the use of previously approved existing borrow locations.

**Disclaimer:** Non-federal borrow locations are reviewed under North Dakota cultural resources consultation. This letter does not serve as federal agency consultation or SHPO consultation for compliance with Section 106 of the National Historic Preservation Act of 1966, as amended, (36 CFR Part 800), or the National Environmental Policy Act, as amended, (42 U.S.C. §§ 4321- 4347). This approval is for a one-time use of this location. If your project involves a federal or state agency, please contact them regarding their borrow process.

Unless noted all information on the form must be completed, and all requests must be accompanied by an aerial map at 1:10,000 scale showing the precise location of the borrow pit.

Submit the form to:

NDSHPO, State Historical Society of ND  
Review & Compliance  
612 E Boulevard Ave  
Bismarck ND 58505-3710

Phone: 701-328-3576  
Email: [shsculturalreview@nd.gov](mailto:shsculturalreview@nd.gov)

**\*Survey:** For the purposes of this document, a survey means a Class III Cultural Resources Inventory performed by a professionally qualified and permitted archaeologist. A list of permitted entities may be obtained by calling the ND SHPO at 701-328-2672. Additional information is available in the ND SHPO Guidelines Manual for Cultural Resource Inventory Projects at: <https://www.history.nd.gov/hp/hpforms.html>

### **Detailed Instructions:**

Name YOUR NAME		Email YOUR EMAIL
Entity YOUR ORGANIZATION		Office phone YOUR PHONE
Address YOUR ADDRESS		Cell phone YOUR PHONE
City CITY	State STATE	Zip ZIP
<b>Submittal Date</b>	<b>SHSND/NDSHPO Ref</b>	<b>PROJECT FUNDING/PERMITTING (Required)</b>
<i>Date form completed by applicant</i>	<i>Assigned by SHPO</i>	<i>To be completed by applicant</i>

## EXAMPLE LOCATION INFORMATION:

All requests must be accompanied by an aerial map at 1:10,000 scale showing the precise location of the borrow pit.

Borrow Source Type Gravel		
<b>LEGAL LOCATION</b>		
County Stutsman		
Township 138	Range 63	Section(s) 38
Quarter Section		
QQQ SW	QQ NE	Q SW
Coordinates		
Latitude 46.2652	Longitude -98.57318	
Proposed Borrow Size (acres) 5		
Existing Borrow Pit? <input type="checkbox"/> Y <input type="checkbox"/> N		
Previously Surveyed* Borrow Location? <input type="checkbox"/> Y <input type="checkbox"/> N (*see survey definition on page 2)		
Previous Emergency Borrow Location? <input type="checkbox"/> Y <input type="checkbox"/> N		
Previous ND SHPO Ref(s) if known		

## Appendix D: Manuscript Data Record Form



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## 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, B, O:

I = Inventory; T = Formal Testing; E = Excavation; B = Built Only (report includes architecture only); 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 II or III legal locations only.

<u>County</u>	<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Study Unit</u>
---------------	-----------------	--------------	----------------	-------------------

*Acceptance of a report does not constitute concurrence with the recommendations stated within the report and is not a notice to proceed with the project. Presence of a manuscript in the SHSND/SHPO collections is not concurrence or agreement with the recommendations or determinations within that report.*

## Appendix E: Class I Literature Review Outline



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## **Class I Literature Review Outline**

For a detailed description of the purpose of a Class I Literature Review, see [Section 4](#). The Class I Literature Review is the culmination of a records review and **NOT** a tabular list or only maps of NDCRS file search data.

**Class I reports** must contain at a minimum the following components:

1. Title Page (see [Section 6.3.2](#))
  - a. Report Title: The report title should include the type of report (Class I), the name of the project proponent, the common project name, and up to six county names. For projects that extend between seven or more counties, generalize the area of the state (e.g., southeast North Dakota, Badlands of North Dakota, etc.).
  - b. Location of the project
  - c. Date of the report
  - d. Name of the entity completing the report
  - e. Company/agency tracking numbers or record of investigation number
  - f. Who the report was prepared for
  - g. Any associated permit numbers or project numbers from the client and/or state/federal agency
  - h. Author(s)
  - i. Principal Investigator
2. Abstract
  - a. A brief overview of the project and results – for small reports, this section may not be necessary.
3. Introduction
  - a. Purpose of the report
  - b. Contractor and project proponent, if applicable
  - c. Name of federal or state agency with jurisdiction over the project and/or property
  - d. A description of the proposed project or activity
  - e. Location of the project, both general and specific (include TRS)
  - f. Names of project participants
4. Area of Potential Effect
  - a. Describe the area of potential effect for the project.
5. Results of the Literature Review
  - a. Review of documentation as described in [Section 4.1](#).
    - i. Discuss information identified in published and/or unpublished sources and describe the consulted resources (e.g., lidar, historical imagery, historic documents, maps, etc.). All reviewed resources should be properly cited and included in the References Cited section.
  - b. Integrate information from informants and professional experts regarding the inventory area.
  - c. Review and summarize the information on cultural history, cultural processes, history, architecture, and other relevant topics. Include local historical information.



- d. Provide recommendations on anticipated site density, distribution, and potential significance of known and unknown resources.
- e. Provide description and analysis of what the literature review data indicates, such as areas of potential for archaeological or architectural resources, landscape changes through time, areas warranting additional research or field examination, etc.
- f. Include evaluation of the research information, including data reliability, deficiencies, and unknowns.

6. File Search Results - NDCRS File Search Data
  - a. The date(s) of the file search
  - b. Name of the person(s) completing the file search
  - c. Inventory of Resources
    - i. List and describe the known cultural resources (may be presented in tables as necessary).
    - ii. Tables for previously recorded sites must include, at a minimum, the following fields:
      1. NDCRS Number
      2. Site Name
      3. Site Type
      4. Date of most recent site update
      5. Previous Eligibility Recommendation (specify as for either the SHSR or the NRHP). Clearly indicate that the listed eligibility is a recommendation from previous work, not a determination. If the federal agency has provided documentation of a formal determination of eligibility for the site, list the agency and the date of determination and include documentation in an appendix.
    - iii. Maps of the inventory area showing known resources (may be included in the appendices)
  - d. Inventory of Previous Cultural Resources Work
    - i. List and describe manuscripts and previous cultural resources work in the inventory area (may be presented in tables as necessary).
    - ii. Tables for reports in the NDCRS collection must include, at a minimum, the following fields:
      1. Manuscript Number
      2. Manuscript Title
      3. Author(s)
      4. Manuscript Date
    - iii. Maps of the inventory area showing manuscript locations (may be included in the appendices)
7. Research Analysis (***Note: the cultural resource management company's PI DOES NOT make determinations of eligibility but only makes recommendations.***)
  - a. Discuss in detail each cultural resource within the APE, including eligibility recommendations and if the resource is listed in the SHSR or the NRHP.



- i. Any tables or discussions should note that recommendations of eligibility from site forms are recommendations only, not formal determinations.
  - ii. Consider the age of the previous eligibility recommendations and discuss if they are still appropriate based on the information from the literature review.
  - iii. If direct or indirect effects to cultural resources are known, they should be included in this section.
- b. Discuss whether sufficient information is available to assess the potential for unrecorded cultural resources within the APE (e.g., historically mapped farmsteads, etc.).
- c. Relate the results of the file search to the APE for proposed work.

8. Recommendations (***Note: the cultural resource management company's PI DOES NOT "clear" projects but only makes recommendations.***)

- a. Recommend further work as necessary (e.g., Class III inventory, site evaluation, etc.).
  - i. Recommend specific documentary sources that may provide necessary data.
  - ii. Recommend fieldwork as necessary and any strategies to be used in fieldwork. All recommended actions must include an explanation of the evidence or reasoning that supports them.
- b. If further work is not recommended, the report must include justification for no further work and project effect recommendations on all cultural resources in the inventory area.

9. References Cited

- a. Provide standard bibliographic references for every publication or work cited in the report.

10. Appendices

- a. Appropriate tables, charts, graphs, etc. (see [Section 6.3](#) for guidance on images)
- b. Maps (see [Section 6.3.3](#) for guidance on map content)
- c. SOW (if applicable)
- d. Research design (if applicable)
- e. Other supporting documentation
- f. NDCRS and Cultural Heritage forms should **NOT** be included in the report filed with SHSND/SHPO. However, some agencies will require NDCRS and Cultural Heritage forms as an appendix in the report submitted to them.



## Appendix F: Class II Reconnaissance Inventory Outline



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## **Class II Reconnaissance Inventory Outline**

For a detailed description of the purpose of a Class II report, see [Section 4](#).

**Class II reports** must contain at a minimum the following components:

1. MS Data Form (see [Section 6.3.1](#))
2. Title Page (see [Section 6.3.2](#))
  - a. Report Title: The report title should include the type of report (Class I), the name of the project proponent, the common project name, and up to six county names. For projects that extend between seven or more counties, generalize the area of the state (e.g., southeast North Dakota, Badlands of North Dakota, etc.).
  - b. Location of the project
  - c. Date of the report
  - d. Name of the entity completing the report
  - e. Company/agency tracking numbers or record of investigation number
  - f. Who the report was prepared for
  - g. Any associated permit numbers or project numbers from the client and/or state/federal agency
  - h. Author(s)
  - i. Principal Investigator
3. Abstract
  - a. A brief overview of the project and results. For small reports, this section may not be necessary.
4. Introduction
  - a. Purpose of the report
  - b. Contractor and purchaser, if applicable
  - c. Name of federal or state agency with jurisdiction over the project and/or property. If the project is Due Diligence only, please state due diligence and note the project proponent. The SHSND/SHPO is only the agency if SHSND owns or manages the property on which the project is taking place.
  - d. A description of the proposed project or activity
  - e. Location of the project, both general and specific (include TRS)
  - f. Date(s) the fieldwork was accomplished
  - g. Names of project participants, including PI and field crew members. Also include the name of any subcontractor and subcontractor personnel.
5. Area of Potential Effect
  - a. Describe the area of potential effect for the project.
6. Environment
  - a. Describe the physical features of the survey area (e.g., terrain, drainage, etc.).
  - b. Description of the survey area
    - i. Discuss the field conditions (e.g., vegetation, disturbances, etc.).
    - ii. Discuss current land-use patterns.
    - iii. Discuss past land conditions.



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- c. Discuss any fieldwork issues related to the environment (e.g., snow cover, flooding, dense vegetation, etc.).

7. Results of the Literature Review

- a. Review of documentation as described in Section 4.1.
  - i. Discuss information identified in published and/or unpublished sources and describe the consulted resources (e.g., lidar, historical imagery, historical documents, maps, etc.). All resources should be properly cited and included in the References Cited section.
- b. Integrate information and cite personal communication from informants and professional experts regarding the inventory area.
- c. Review and summarize the information on cultural history, cultural processes, history, architecture, and other relevant topics. Include local historical information.
- d. Provide recommendations on anticipated site density, distribution, and potential significance of cultural resources.
- e. Description and analysis of what the literature review data indicates, such as areas of potential for archaeological or architectural resources, landscape changes through time, areas warranting additional research or field examination, etc.
- f. Evaluation of the research information, including data reliability, deficiencies, and if additional information is needed.

8. File Search Results - NDCRS File Search Data

- a. The date(s) of the file search
- b. Name of the person(s) completing the file search
- c. Inventory of Resources
  - i. List and describe the known cultural resources (may be presented in tables as necessary).
  - ii. Tables for previously recorded sites must include, at a minimum, the following fields:
    - 1. NDCRS Number
    - 2. Site Name
    - 3. Site Type
    - 4. Date of most recent site update
    - 5. Previous Eligibility Recommendation (specify as for either the SHSR or the NRHP). Clearly indicate that the listed eligibility is a recommendation from previous work, not a determination. If the site has a formal determination of eligibility, list the agency and the date of determination and include documentation in an appendix.
  - iii. Maps of the inventory area showing known resources (may be included in the appendices)
- d. Inventory of Previous Cultural Resources Work
  - i. List and describe manuscripts and previous cultural resources work in the inventory area (may be presented in tables as necessary).



- ii. Tables for reports in the NDCRS collection must include, at a minimum, the following fields:
  1. Manuscript Number
  2. Manuscript Title
  3. Author(s)
  4. Manuscript Date
- iii. Maps of the inventory area showing manuscript locations (may be included in the appendices)

9. Research Goals

- a. Define the purpose of the project.
- b. List and describe the sponsor's goals.
- c. If applicable, include the research design.
- d. If applicable, include the SOW in an appendix.

10. Methods

- a. Describe the fieldwork, including sampling techniques.
- b. Describe remote sensing or any other specialized techniques.
- c. Refer to maps, tables, etc., as appropriate.
- d. State the dates the fieldwork was performed, the supervising PI or Field Director (if applicable), and the field crew members.

11. Results: Inventory of Resources

- a. List and describe resources identified during fieldwork.
- b. Provide updated site information.
- c. Describe and illustrate observed features and artifacts.

12. Research Analysis (***(Note: the cultural resource management company's PI DOES NOT make determinations of eligibility but only makes recommendations.)***)

- a. Discuss in detail each cultural resource within the APE, including eligibility recommendations and if the resource is listed in the SHSR or the NRHP.
  - i. Any tables or discussions should note that recommendations of eligibility from site forms are recommendations only, not formal determinations.
  - ii. Consider the age of the previous eligibility recommendations and discuss if they are still appropriate based on the information from the literature review and fieldwork.
  - iii. If direct or indirect effects to cultural resources are known, they should be included in this section.
  - iv. Discuss whether sufficient information is available to assess the potential for unrecorded cultural resources within the APE (e.g., historically mapped farmsteads, etc.).

13. Recommendations (***(Note: the cultural resource management company's PI DOES NOT “clear” projects but only makes recommendations.)***)

- a. Recommend further work as necessary (Class III inventory, evaluative testing of cultural resources based on the Class II, etc.)



- b. Recommend preliminary project alternatives, if any.
    - i. All recommended actions must include an explanation of the evidence or reasoning that supports them.
14. References Cited
  - a. Provide standard bibliographic references for every publication or work cited in the report.
15. Appendices
  - a. Appropriate tables, charts, graphs, images, etc. (see [Section 6.3](#) for guidance on images)
  - b. Maps (see [Section 6.3.3](#) for guidance on map content)
  - c. Scope of work (if applicable)
  - d. Research design (if applicable)
  - e. Other supporting documentation
  - f. NDCRS and Cultural Heritage forms should **NOT** be included in the report filed with SHSND/SHPO. However, some agencies will require NDCRS and Cultural Heritage forms as an appendix in the report submitted to them.



## Appendix G: Class III Intensive Cultural Resource Inventory Outline



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

For a detailed description of the purpose of a Class III report, see [Section 4](#).

**Class III reports** must contain at a minimum the following components:

1. MS Data Form (see [Section 6.3.1](#))
2. Title Page (see [Section 6.3.2](#))
  - a. Report Title: The report title should include the type of report (Class I), the name of the project proponent, the common project name, and up to six county names. For projects that extend between seven or more counties, generalize the area of the state (e.g., southeast North Dakota, Badlands of North Dakota, etc.).
  - b. Location of the project
  - c. Date of the report
  - d. Name of the entity completing the report.
  - e. Company/agency tracking numbers or record of investigation number
  - f. Who the report was prepared for
  - g. Any associated permit numbers or project numbers from the client and/or state/federal agency
  - h. Author(s)
  - i. Principal Investigator
3. Abstract
  - a. A brief overview of the project and results. For small reports, this section may not be necessary.
4. Introduction
  - a. Purpose of the report
  - b. Contractor and purchaser, if applicable
  - c. Name of the federal or state agency with jurisdiction over the project and/or property. The SHSND/SHPO is only the agency if SHSND owns or manages the property on which the project is taking place.
  - d. A description of the proposed project or activity
  - e. Location of the project, both general and specific (including the township, range, and section)
  - f. Date(s) the fieldwork was accomplished
  - g. Names of project participants, including PI and field crew members. Also include the name of any subcontractor and subcontractor personnel.
5. Area of Potential Effect
  - a. Describe the area of potential effect for the project.
6. Environment
  - a. Description of the physical features of the survey area (e.g., terrain, drainage, etc.).
  - b. Description of the survey area.
    - i. Discussion of field conditions (e.g., vegetation, disturbances, etc.).
    - ii. Discussion of current land-use patterns.
    - iii. Discussion of past land conditions.



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- c. Discussion of any fieldwork issues related to the environment (e.g., snow cover, flooding, dense vegetation, etc.).

7. Results of the Literature Review

- a. Review of documentation as described in Section 4.1.
  - i. Discuss information identified in published and/or unpublished sources and describe the consulted resources (e.g., lidar, historical imagery, historic documents, maps, etc.). All resources should be properly cited and included in the References Cited section.
- b. Integrate information from informants and professional experts and cite personal communication regarding the survey area.
- c. Review and summarize the information on cultural history, cultural processes, history, architecture, and other relevant topics. Include local historical information.
- d. Provide recommendations on anticipated cultural resource density, distribution, and potential significance of known and unknown resources.
- e. Description and analysis of what the literature review data indicates, such as areas of potential for archaeological or architectural resources, landscape changes through time, areas warranting additional research or field examination, etc.
- f. Evaluation of the research information, including data reliability, deficiencies, and if additional information is needed.

8. File Search Results – NDCRS and Cultural Heritage Form File Search Data

- a. The date(s) of the file search
- b. Name of the person(s) completing the file search
- c. Inventory of Resources
  - i. List and describe the known cultural resources (may be presented in tables as necessary).
  - ii. Tables for previously recorded cultural resources must include, at a minimum, the following fields:
    - 1. NDCRS Number
    - 2. Site Name
    - 3. Site Type
    - 4. Date of most recent site update
    - 5. Previous Eligibility Recommendation (specify as for either the SHSR or the NRHP). Clearly indicate that the listed eligibility is a recommendation from previous work, not a determination. If the site has a formal determination of eligibility, list the agency and the date of determination and include documentation in an appendix.
  - iii. Maps of the inventory area showing known resources (may be included in the appendices).
- d. Inventory of Previous Cultural Resources Work
  - i. List and describe manuscripts and previous cultural resources work in the inventory area (may be presented in tables as necessary).



- ii. Tables for reports in the manuscript collection must include, at a minimum, the following fields:
  1. Manuscript Number
  2. Manuscript Title
  3. Author(s)
  4. Manuscript Date
- iii. Maps of the inventory area showing manuscript locations (may be included in the appendices)

9. Research Goals

- a. Define the purpose of the project.
- b. List and describe the sponsor's goals.
- c. If applicable, include the research design.
- d. If applicable, include the SOW in an appendix.

10. Methods

- a. Describe in detail the completed fieldwork, including sampling techniques.
- b. Describe remote sensing or any other specialized techniques or methods.
- c. Refer to maps, tables, etc., as appropriate.
- d. State the dates the fieldwork was performed, the supervising PI or Field Director (if applicable), and the field crew members.
- e. Artifact collection during Class III inventory is generally discouraged unless included in an approved SOW prior to fieldwork or approval from federal agencies or with landowner consent. If post-field analysis of the cultural materials is warranted, include an approved scope of work prior to fieldwork and discuss the analysis methods. State the eventual disposition of the materials.

11. Results: Inventory of Resources

- a. List and describe resources identified during fieldwork.
- b. Provide updated cultural resource information.
- c. Describe and illustrate artifacts and features observed.
- d. Provide analysis of densities and distributions of identified cultural resources.
- e. Results of any probes, augers, or soil cores must be described in a table indicating probe identification number, observed stratigraphy/soils, diameter, and approximate depths of any recovered artifacts.
- f. Any probes with artifacts and intact stratigraphy must include photos. Negative probes may be shown using selected photos to demonstrate representative stratigraphy and conditions, but not all negative probes require a photo. Photos may be in-text or an appendix.
- g. Probe locations must be shown on maps (may be included in an appendix) with all probes labeled to connect them to the probe table.

12. Research Analysis (***Note: the cultural resource management company's PI DOES NOT make determinations of eligibility but only makes recommendations.***)

- a. Discuss in detail each cultural resource within the APE, including eligibility recommendations and if the resource is listed in the SHSR or the NRHP.



- i. Any tables or discussions should note that recommendations of eligibility from site forms are recommendations only, not formal determinations.
- ii. Consider the age of the previous eligibility recommendations and discuss if they are still appropriate based on the information from the literature review and fieldwork.
- iii. If direct or indirect effects to cultural resources are known, they should be included in this section.
- b. Discuss whether sufficient information is available to assess the potential for unrecorded cultural resources within the APE (e.g., historically mapped farmsteads, etc.).

13. Recommendations (***Note: the cultural resource management company's PI DOES NOT "clear" projects but only makes recommendations.***)

- a. Recommend further work as necessary (e.g., cultural resource evaluation, etc.).
- b. Recommend management alternatives (e.g., preservation, development, data recovery, mitigation, avoidance, etc.).
  - i. All recommended actions must include an explanation of the evidence or supportive reasoning.

14. References Cited

- a. Provide standard bibliographic references for every publication or work cited in the report.

15. Appendices

- a. Include appropriate tables, charts, graphs, images, etc. (see [Section 6.3](#) for guidance on images). Diagnostic artifacts must be photographed with a scale in the field.
- b. Maps (see [Section 6.3.3](#) for guidance on map content)
- c. SOW (if applicable)
- d. Research design (if applicable)
- e. Other supporting documentation
- f. NDCRS and Cultural Heritage forms should **NOT** be included in the report filed with SHSND/SHPO. However, some agencies will require NDCRS and Cultural Heritage forms as an appendix in the report submitted to them.



## Appendix H: Negative Class III Survey Form Report Template



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## **Negative Class III Survey Form Instructions**

**For survey areas less than 40 acres**, if the Class I and Class III inventories do not identify any cultural resources, then the Negative Class III Survey Form Report may be used to report negative findings. If the author prefers, a full-scale report can always be written instead of using the Negative Class III Form Report. If the negative short form report format is used, it **MUST** follow the Negative Report Template available online on the SHSND/SHPO downloadable forms page. If a district, site, site lead, isolated find, or cultural heritage location is identified within the APE or survey area (whichever is larger), then a full-scale report is required. **Survey areas of more than 40 acres will always require a full-scale report.**

Negative survey reports must also include an MS Data Form and associated geospatial data. Submission procedures are the same as for full-scale Class III reports. All sections of the Negative Report Template must be completed and should not include one-word answers (e.g., Topography: “Great Plains” or “hills” is not sufficient). However, responses may be concise if all necessary information is provided. **DO NOT change, reorder, or add additional fields** to the Negative Report Template, as this will slow down the report review process. **Do not change the font size or font style.** Field areas may be expanded to fit additional text if necessary. Incomplete Negative Reports will be returned with a request for additional information.

### **Instructions for the Negative Class III Survey Form Report (for surveys 40 acres or less)**

\*Any project that includes a recorded site, site lead, isolated find, or cultural heritage location within the APE is considered a positive find and requires a full report.

1. Cultural Resource Report Information
  - a. *Report Title*: The report title should include the type of report (Class II and/or Class III), the name of the project proponent, the common project name, and the county name(s).
  - b. *Funding/Permitting Agency(s)*: State the federal or state agency granting the permit or providing the project funding and include federal agency permit number (e.g., BLM Fieldwork Authorization Number).
  - c. *Entity Completing Fieldwork*: State the Cultural Resource Management company, Federal Agency, or State Agency completing the cultural resources fieldwork.
  - d. *Report Author(s)*: List the names of the people who wrote the report.
  - e. *Principal Investigator*: State the name of PI responsible for the work. The PI’s name acknowledges that they have overseen, reviewed, and are responsible for the work presented in the report.
  - f. *Report Date*: List the date the report was written.
  - g. *Field Personnel*: List the names of all personnel who completed the fieldwork, including the PI, subcontractor and subcontractor personnel and THPOs/Traditional Cultural Specialists if applicable. If a Field Director was in the field, please note that here.
  - h. *Survey Date(s)*: List the fieldwork dates.
2. Location Information
  - a. *County(s)*: List the county(s) where the survey took place.



- a. *USGS 7.5' Topographic Quadrangle(s)*: List the USGS topographic map(s) and map year(s).
- b. *Township*: Township
- c. *Range*: Range
- d. *Section*: Section

\*List out legal locations separately; do not mix multiple legal locations. For example:

**CORRECT:**

<i>Township</i> :	151N	<i>Range</i> :	74W	<i>Section</i> :	6
	151N		75W		1, 2, 3

**INCORRECT:**

<i>Township</i> :	151N	<i>Range</i> :	74/75W	<i>Section</i> :	1, 2, 3, 4
	151/152N		74/75W		1, 6, 31, 36

- e. *Project Title*: Provide the project title used by the state or federal agency and/or the project proponent.
- f. *Project Description and Purpose*: Provide a short description of the project and its purpose, including area(s) of any proposed ground disturbance.
- g. *General Project Location (Directions to survey area)*: Describe directions to the survey area.
- h. *Describe the APE*: Describe the area of potential effect including direct and indirect effects.
- i. *APE Area (Acres)*: State the acreage of the area of potential effect. This may be different from the survey area as the APE and survey area are not always the same. Round acreage to the nearest whole acre.
- j. *Surveyed Acres*: State the acreage of the area surveyed to Class III standards for this report. This may be different from the APE acreage, round to the nearest whole acre. Survey areas larger than 40 acres require a full report.

3. Background and Survey Information

- a. *Property Ownership*: List the entity or entities that own the property (i.e., private, state, federal, tribal or if the landowner's name is known).
- b. *Historical Plats/Atlases/Sources*: Describe or list any historical documents used as part of the project background research, such as LiDAR, aerial imagery, historical maps, atlases, etc. Include enough information for the resource to be revisited.
- c. *Study Unit*: List the archaeological study unit(s) where the survey is located.
- d. *Previous Cultural Resources within APE\**: List any sites previously recorded within the APE. ***If a site, site lead, or isolated find is identified within the direct APE or survey area (whichever is larger), then a full-scale report is required.***



e. *Previous Cultural Resources outside APE within 1 mile:* List in a table any sites that were previously recorded within 1 mile of the APE. Depending on the size of the table can be placed in this section or at the end of the report. Example Table:

NDCRS #	Cultural Resource Name and Type	Most recent site update	Previous eligibility Recommendation	Notes
32BL8	Double Ditch Indian Village (prehistoric archaeology; architecture)	2024	Listed (SHSR) Listed (NRHP)	State Historic Site

f. *Previous Surveys within APE:* List in a table the manuscripts for any surveys previously completed within the APE. Example Table:

Manuscript #	Manuscript Title	Manuscript Author(s)	Manuscript Year	Notes
11567	Jamestown Hospital: A Class III Cultural Resources Inventory in Stutsman County, North Dakota: Reroutes to Sewer, Gas and Water Lines	Engel, D.	2010	Class III Inventory
20760	Desktop Analysis of 42 Structures in the City of Jamestown, Stutsman County, North Dakota	Wren, E. and D. Bostyan	2025	Architecture desktop review

g. *Previous Surveys outside the APE within 1 mile:* List the manuscripts for any surveys previously completed outside the APE but within 1 mile. May be listed as a table. Example Table:

Manuscript #	Manuscript Title	Manuscript Author(s)	Manuscript Year	Notes
11567	Jamestown Hospital: A Class III Cultural Resources Inventory in Stutsman County, North Dakota: Reroutes to Sewer, Gas and Water Lines	Engel, D.	2010	Class III Inventory
20760	Desktop Analysis of 42 Structures in the City of Jamestown, Stutsman County, North Dakota	Wren, E. and D. Bostyan	2025	Architecture desktop review

h. *Date of File Search:* State the date the file search was completed.  
 i. *File Search Personnel:* State the name of the person(s) who completed the file search.

#### 4. Field Results

- Topography:* Provide a short description of the topography of the survey area and how it may relate to the likelihood of the presence of any cultural resources. Single-word descriptions of “Great Plains” or “hills” are not sufficient.
- Soils:* Describe any **field observations** of soils and sediments and connect them to the potential (or lack of potential) for subsurface cultural materials. If shovel or auger probes were completed, report details of stratigraphy and textures. **DO NOT** paste soil survey data from other sources.
- Current and Historical Land Use:* Provide a short description of the current use of the land during fieldwork and any historical land use identified during the background research.



- d. *Vegetation (including % visibility)*: Briefly describe the present vegetation, including the percentage of GSV (see the site form manual for assistance on determining GSV percentages).
- e. *Survey Methods (transect intervals)*: State the specific survey methods and transect intervals (e.g., pedestrian parallel surveys, 15 m intervals, etc.)
- f. *Shovel/Auger Probing Methods*: State the specific shovel or auger probing methods and the justification for probe locations. Include probe locations on a map attachment. If no probes were completed, state “no shovel or auger probes” and include the justification for the lack of probes.
- g. *Environmental Limitations to Survey*: Provide a short description of any environmental barriers or limitations to the survey (e.g., unable to survey all the way up to the pond shore due to inundated wetlands, etc.).
- h. *Time Expended (Person Hours)*: List the number of person hours spent completing the field survey.
- i. *Results*: Describe any cultural resources in the survey area identified during the fieldwork. ***If a site, site lead, or isolated find is identified within the direct APE or survey area (whichever is larger), then a full-scale report is required.*** If no cultural resources are identified during the survey, specifically state “No cultural resources identified.”
- j. *Recommendation*: State the PI’s recommendation for the project. Use the appropriate language depending on the funding/permitting agency. For federal projects, use “No Historic Properties Affected.” For state projects, use “No Significant Sites Affected.” In rare instances, with both state and federal review, the federal recommendations supersede the state recommendation.
- k. *Other Comments/Notes*: Provide a short description of any additional comments or notes that are relevant to the project and/or survey. For example, existing disturbances, modern materials, etc.

5. Required Attachments

- a. USGS 7.5' Topographic Quadrangle Map(s) Showing: (1) Project Location; (2) Previously Recorded Cultural Resources; (3) Previously Conducted Class III Inventories.
- b. Project Map(s) Depicting: (1) APE; (2) Survey Limits
- c. Project Overview Photograph(s) Showing Field Conditions



# **Negative Class III Survey Form Report**

## **(for surveys 40 acres or less)**

*\*Any project that includes a recorded site, site lead, isolated find, or cultural heritage location within the APE is considered a positive find and requires a full report. For instructions, refer to Appendix H: Class III Negative Report in the North Dakota SHSND/SHPO Guidelines Manual.*

### **Cultural Resource Report Information**

***Report Title:***

***Funding/Permitting Agency(s):***

***Entity Completing Fieldwork:***

***Report Author(s):***

***Principal Investigator:***

***Report Date:***

***Field Personnel:***

***Survey Date(s):***

### **Location Information**

***County(s):***

***USGS 7.5' Topographic Quadrangle(s):***

***Township:***                    ***Range:***                    ***Section:***

***Project Title:***

***Project Description and Purpose:***

Submission of this report must include: 1) a paper copy, 2) a PDF version, and 3) the corresponding shapefiles. Submit to the Archaeology & Historic Preservation Division of the State Historical Society of North Dakota at 612 E Boulevard Ave, Bismarck, ND 58505.

SHSND 2026

**General Project Location (Directions to survey area):**

**Describe the APE:**

**APE Area (Acres):**

**Surveyed Acres:**

## Background and Survey Information

**Property Ownership:**

**Historical Plats/Atlases/Sources:**

**Study Unit:**

**Previous Cultural Resources within APE:** None

**Previous Cultural Resources outside APE within 1 mile:**

NDCRS #	Cultural Resource Name and Type	Most recent cultural resource update	Previous eligibility Recommendation	Notes

**Previous Surveys within APE:**

Manuscript #	Manuscript Title	Manuscript Author(s)	Manuscript Year	Notes

**Previous Surveys outside the APE within 1 mile:**

Manuscript #	Manuscript Title	Manuscript Author(s)	Manuscript Year	Notes

**Date of File Search:**

**File Search Personnel:**

## Field Results

**Topography:**

Submission of this report must include: 1) a paper copy, 2) a PDF version, and 3) the corresponding shapefiles. Submit to the Archaeology & Historic Preservation Division of the State Historical Society of North Dakota at 612 E Boulevard Ave, Bismarck, ND 58505.

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**Soils:**

**Current and Historical Land Use:**

**Vegetation (including % visibility):**

**Survey Methods (transect intervals):**

**Shovel/Auger Probing Methods:**

**Environmental Limitations to Survey:**

**Time Expended (Person Hours):**

**Results:**

**Recommendation:**

**Other Comments/Notes:**

## **Required Attachments**

1. USGS 7.5' Topographic Quadrangle Map(s) Showing: (1) Project Location; (2) Previously Recorded Cultural Resources; (3) Previously Conducted Class III Inventories.
2. Project Map(s) Depicting: (1) APE; (2) Survey Limits
3. Project Overview Photograph(s) Showing Field Conditions

## Appendix I: Evaluation Report Outline



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## **Evaluation Report Outline**

Cultural Resource evaluation of significance testing (Evaluative Testing) Site Evaluation Reports must provide detailed information pertinent to a cultural resource's eligibility for the SHSR and/or the NRHP. These reports may reference Class I, II, or III reports, but should be standalone reports that document the evaluative fieldwork, evaluation recommendations, and recommendations for project effects to cultural resources. If applicable, recommendations for avoidance or mitigation should be included. Site Evaluation Reports **require** an MS Data Form and geospatial data and will be added to the manuscript collection.

Shovel probes/augering alone are not sufficient for evaluating sites due to the lack of stratigraphic control. A scope of work or site evaluation plan detailing fieldwork methods, artifact analysis, and the curation of recovered materials must be submitted to the federal or state agency and SHSND/SHPO for approval prior to site work. See [Section 4.4](#) for more information on site evaluation.

**Evaluation Reports** must contain at a minimum the following components:

1. MS Data Form (see [Section 6.3.1](#))
2. Title Page (see [Section 6.3.2](#))
  - a. Report Title: The report title should include the type of report (Class I), the name of the project proponent, the common project name, and up to six county names. For projects that extend between seven or more counties, generalize the area of the state (e.g., southeast North Dakota, Badlands of North Dakota, etc.).
  - b. Location of the project
  - c. Date of the report
  - d. Name of the entity completing the report
  - e. Company/agency tracking numbers or record of investigation number
  - f. Who the report was prepared for
  - g. Any associated permit numbers or project numbers from the client and/or state/federal agency
  - h. Author(s)
  - i. Principal Investigator
3. Abstract
  - a. A brief overview of the project and results
4. Introduction
  - a. Purpose of the report
  - b. Contractor and purchaser, if applicable
  - c. Name of federal or state agency with jurisdiction over the project and/or property
  - d. A description of the proposed project or activity
  - e. Location of the project, both general and specific (include TRS)
  - f. Date(s) the fieldwork was accomplished
  - g. Names of project participants, including PI and field crew members. Also include the name of any subcontractor and subcontractor personnel.



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5. Area of Potential Effect

- a. Describe the area of potential effect for the project.

6. Environment

- a. Physical features of the survey area (e.g., terrain, drainage, etc.)
- b. Description of the survey area.
  - i. Discuss the field conditions (e.g., vegetation, disturbances, etc.)
  - ii. Discuss current land-use patterns.
  - iii. Discuss past land conditions.
- c. Discuss any fieldwork issues related to the environment (e.g., snow cover, flooding, dense vegetation, etc.).

7. Results of the Literature Review

- a. Review of documentation as described in [Section 4.1](#).
  - i. Discuss information identified in published and/or unpublished sources and describe the consulted resources (e.g., lidar, historical imagery, historical documents, maps, etc.). All resources should be properly cited and included in the References Cited section.
- b. Integrate information from informants and professional experts regarding the survey area.
- c. Review and summarize information on cultural history, cultural processes, history, architecture, and other relevant topics. Include local historical information.
- d. Provide recommendations on anticipated site density, distribution, and the potential significance of known cultural resources.
- e. Provide description and analysis of what the literature review data indicates, such as areas of potential for archaeological or architectural resources, landscape changes through time, areas warranting additional research or field examination, etc.
- f. Provide evaluation of the research information, including data reliability, deficiencies, and if additional information is needed.

8. File Search Results - NDCRS File Search Data

- a. The date(s) of the file search
- b. Name of the person(s) completing the file search
- c. Inventory of Resources
  - i. List and describe known cultural resources (may be presented in tables as necessary).
  - ii. Tables for previously recorded sites must include, at a minimum, the following fields:
    - 1. NDCRS Number
    - 2. Site Name
    - 3. Site Type
    - 4. Date of most recent site update



5. Previous Eligibility Recommendation (specify as for either the SHSR or the NRHP). Clearly indicate that the listed eligibility is a recommendation from previous work, not a determination. If the site has a formal determination of eligibility, list the agency and the date of determination and include documentation in an appendix.
- iii. Maps of the inventory area showing known resources (may be included in the appendices).
- d. Inventory of Previous Cultural Resources Work
  - i. List and describe manuscripts and previous cultural resources work in the inventory area (may be presented in tables as necessary).
  - ii. Tables for reports in the manuscript collection must include, at a minimum, the following fields:
    1. Manuscript Number
    2. Manuscript Title
    3. Author(s)
    4. Manuscript Date
  - iii. Maps of the inventory area showing manuscript locations (may be included in the appendices).
9. Research Goals
  - a. Define the purpose of the project.
  - b. Detail research questions that apply directly to the site(s) that are being evaluated.
  - c. If applicable, include the SOW in an appendix.
10. Methods
  - a. Describe in detail the fieldwork, including excavation methods and sampling techniques.
  - b. Describe remote sensing or any other specialized techniques or methods.
  - c. Refer to maps, tables, etc., as appropriate.
  - d. State the dates the fieldwork was performed, the supervising PI and Field Director (if applicable), and the field crew members.
  - e. Describe laboratory analysis methods.
  - f. Describe the curation plan for any collected materials.
11. Evaluation Results
  - a. List and describe resources evaluated during fieldwork.
  - b. Provide updated site information.
  - c. Describe and illustrate artifacts and features observed.
  - d. Provide analysis of densities and distributions of identified cultural resources.
  - e. Results of the excavation units indicating unit number, observed stratigraphy/soils, profile drawings, profile photos, and depths of any recovered artifacts. If features are identified, plan view maps and photos of features should be included.
  - f. The report must include photos of any probes with artifacts and intact stratigraphy. Negative probes may be shown by selected photos showing representative stratigraphy. Photos may be in-text or in an appendix.



- g. Excavation units and probe locations must be shown on maps (may be included in an appendix) with all units and probes labeled to connect them to the table.

12. Laboratory Analysis Results

- a. Summarize the results of the analysis, grouping artifacts by material and/or type.
- b. Include photos showing all sides and the profile of any diagnostic artifacts.
- c. Summary tables may support the results discussion.
- d. Lithic Analysis
  - i. Include material type, size grade, flake stage, tool type, etc.
- e. Ceramic Analysis
  - i. Include temper, vessel form (if identifiable), decoration, size grade, etc.
- f. Faunal Analysis
  - i. Include element identification, species or genus (if identifiable), minimum number of individuals, weathering/breakage, modification, etc.
- g. Any specialized analysis results (e.g., radiocarbon dates, flotation, geoarchaeology, etc.)
- h. Synthesize the laboratory results into preliminary interpretations of what the data mean.

13. Evaluation of Resources (***Note: the cultural resource management company's PI DOES NOT make determinations of eligibility but only makes recommendations.***)

- a. Evaluate the sites and provide justified recommendations for site eligibility for listing in the NRHP or the SHSR.
  - i. Include a discussion of eligibility under the criteria for the appropriate register.
  - ii. Site significance must be discussed before any discussions of site integrity.
  - iii. If insufficient data is available for a recommendation, the site may be recommended as unevaluated with the recommendation of additional work.
- b. Include comparable data for sites identified during fieldwork.

14. Discussion of Effects

- a. Discuss the potential effects of the project on known cultural resources within the APE.
- b. Discuss whether sufficient information is available to assess the potential for unrecorded cultural resources within the survey area/APE.
- c. Relate the results of the literature review to the APE for the proposed work.
- d. Identify any changes in the stated goals.
- e. List the resources that will be directly affected.
  - i. Describe how the resources will be affected.
  - ii. Describe the degree of effect(s).
- f. List the resources that will be indirectly affected.
  - i. Describe how the resources will be affected.
  - ii. Describe the degree of effect(s).

15. Recommendations (***Note: the cultural resource management company's PI DOES NOT "clear" projects but only makes recommendations.***)

- a. Recommend further work as necessary.



- b. Recommend management alternatives (preservation, development, data recovery, mitigation, avoidance, etc.).
  - i. All recommended actions must include an explanation of the evidence or reasoning that supports them.

16. References Cited

- a. Provide standard bibliographic references for every publication or work cited in the report.

17. Appendices

- a. Appropriate tables, charts, graphs, images, etc. (see [Section 6.3](#) for guidance on images)
  - i. Photos should include all sides of all diagnostic artifacts.
- b. Maps (see [Section 6.3.3](#) for guidance on map content)
- c. Scope of work (if applicable)
- d. Research design (if applicable)
- e. Artifact catalog
- f. Other supporting documentation
- g. NDCRS and Cultural Heritage forms should **NOT** be included in the report filed with SHSND/SHPO. However, some agencies may require NDCRS and Cultural Heritage forms as an appendix in the report submitted to them.





## **Monitoring Report Outline**

Monitoring Reports should be submitted to document monitoring efforts and record field conditions and observations. These reports are supplemental to Class I, II, and III reports and may be less formal, with reference to previously filed reports for background research. Monitoring Reports **require** an MS Data Form and geospatial data and will be added to the manuscript collection.

**Monitoring Reports** must contain at a minimum the following components:

1. MS Data Form (see [Section 6.3.1](#))
2. Basic Information Section
  - a. Report Title: The report title should include the type of report (Monitoring), the name of the project proponent, the common project name, and up to six county names included in the report. For projects that extend between seven or more counties, generalize the area of the state (e.g., southeast North Dakota, Badlands of North Dakota, etc.).
  - b. Name of the entity or company completing the report
  - c. Author(s)
  - d. Location of the project, both general and specific (include TRS)
  - e. Company/agency tracking numbers or record of investigation number
  - f. Any associated permit numbers or project numbers from the client and/or state/federal agency
  - g. Date of the report
  - h. Principal Investigator
3. Brief Introduction
  - a. Purpose of the report
  - b. Name of federal or state agency with jurisdiction over the project and/or property
  - c. A brief description of the project activity
  - d. Names of project participants, including PI and field crew members. Also include the name of any subcontractor and subcontractor personnel.
  - e. Dates of the monitoring
4. Description of any known sites that may be encountered during monitoring and expectations of cultural materials.
5. Description of monitoring conditions, including weather, construction work, and ground disturbance (include photos of monitoring conditions).
6. Description of any observations of subsurface soils and associated cultural materials. Include photos of cultural materials and any available profile photos.
7. Recommendations (**Note: the cultural resource management company's PI DOES NOT "clear" projects but only makes recommendations.**
  - a. Recommend further work as necessary (site evaluation, etc.).
  - b. Recommend management alternatives (e.g., preservation, development, data recovery, mitigation, avoidance, etc.).
    - i. All recommended actions must include an explanation of the evidence or reasoning that supports them.



8. References Cited
  - a. Provide standard bibliographic references for every publication or work cited in the report.
9. Appendices
  - a. Appropriate tables, charts, graphs, images, etc. (see [Section 6.3](#) for guidance on images)
  - b. Maps (see [Section 6.3.3](#) for guidance on map content)
  - c. SOW (if applicable)
  - d. Research design (if applicable)
  - e. Other supporting documentation
  - f. NDCRS and Cultural Heritage forms should **NOT** be included in the report filed with SHSND/SHPO. However, some agencies may require NDCRS and Cultural Heritage forms as an appendix in the report submitted to them.

