Appendix H  Draft Programmatic Agreement
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WHEREAS, the Federal Railroad Administration (FRA), in cooperation with the New York State Department of Transportation (NYSDOT), proposes to construct the High Speed Rail Empire Corridor Program, a program of proposed improvements to intercity passenger rail service along the Empire Corridor between New York City and Niagara Falls, New York (“the Program”); and

WHEREAS, the FRA has determined the Program constitutes an undertaking as defined in 36 CFR 800.16(y), and is subject to review in accordance with Section 106 of the National Historic Preservation Act (NHPA), 16 U.S.C. 470f, and its implementing regulations at 36 CFR Part 800; and

WHEREAS, FRA is the lead federal agency for compliance with the National Environmental Policy Act (NEPA) and, in cooperation with NYSDOT, will address the potential environmental impacts of the Program in accordance with the requirements of NEPA, using a tiered process, as provided for in 40 CFR 1508.28; and

WHEREAS, FRA, in cooperation with NYSDOT, is preparing a Tier 1 Environmental Impact Statement (“Tier 1 EIS”), which will address broad corridor-level issues and proposals of the Program, as part of the initial phase of the tiered process; and

WHEREAS, FRA in cooperation with NYSDOT will prepare, site-specific environmental documentation for component projects in subsequent phases or tiers of the program (Tier 2) in accordance with NEPA; and

WHEREAS, in coordination with the tiered process under NEPA, Section 106 of NHPA is being progressed using a phased process to conduct identification and evaluation efforts and to apply the criteria of adverse effect pursuant to 36 CFR 800.5; and

WHEREAS, FRA, in cooperation with NYSDOT, initiated consultation with the New York State Historic Preservation Officer (NYSHPO) pursuant to 36 CFR 800.2(c)(4) for the Undertaking covered by this Programmatic Agreement (PA); and

WHEREAS, FRA has invited the Advisory Council on Historic Preservation (ACHP) to participate in the Section 106 consultation for this Undertaking and ACHP has declined via e-mail dated July 20, 2012; and

WHEREAS, FRA and NYSDOT, in consultation with NYSHPO and federally recognized tribes, including the Cayuga Nation, the Delaware Nation, the Delaware Tribe, the Stockbridge-Munsee Band of Mohican Indians, the Oneida Indian Nation, the Onondaga Nation, the Saint Regis Mohawk Tribe, the Seneca Cayuga Tribe of Oklahoma, the Seneca Nation of Indians, the Shinnecock Indian Nation, the Tonawanda Seneca Nation, and the Tuscarora Nation, have defined an area of potential effects (APE) in accordance with 36 CFR 800.4(a)(1), based on the five (5) alternatives advanced for study in the Tier 1 EIS, as shown on Attachment A and the APE may be modified for each component project advanced as part of the Program, based on the individual scope of the subsequent component projects; and

WHEREAS, FRA and NYSDOT in consultation with NYSHPO and federally recognized tribes, have conducted preliminary identification efforts, established the likely presence of historic properties within the APE for each of the Tier 1 alternatives, and determined that the Program has the potential to affect
historic properties included on or eligible for inclusion on the National Register of Historic Places (NRHP); and

WHEREAS, in accordance with 36 CFR 800.14(b)(1)(ii) and except as otherwise stated in this PA, this PA sets forth the process by which FRA will fulfill its obligations under Section 106 of NHPA for Tier 2 undertakings, given that the final identification of historic properties and effects on any such properties cannot be fully determined prior to approval of the undertaking; and

WHEREAS, this PA also serves to provide Program-wide consistency in consultation procedures, documentation standards, and Federal agency oversight in compliance with Section 106 of the NHPA for the component projects that will be undertaken as part of the Program; and

WHEREAS, pursuant to the requirements of NEPA, NHPA, and SEQRA, NYSDOT and FRA conducted a public involvement process as part of the environmental review for the Tier 1 EIS. As part of this outreach, information was provided to federal, state, and local agency representatives; elected officials; property owners; interested persons; and interested organizations; and

WHEREAS, FRA in coordination with NYSDOT, has consulted with federally recognized tribes with a known interest in geographical areas included in the proposed High Speed Rail Empire Corridor (as detailed in Attachment B), considered their views, and offered them an opportunity to sign this PA as Concurring Parties; and

WHEREAS, a Concurring Party has participated in the Section 106 process as a consulting party, accepts the outcome of the process and content of the PA, but their concurrence is not required to execute, amend, or terminate the PA; and

WHEREAS, FRA has approved requests from the following organizations to consult on historic preservation matters of interest to them associated with this Program and has invited those organizations to sign this PA as Concurring Parties: the Preservation League of New York State; Preservation Buffalo Niagara; and the National Park Service/ Erie Canalway National Heritage Corridor;

WHEREAS, tribal lands are considered to be “all lands within the exterior boundaries of any Indian reservation and all dependent Indian communities,” as defined in Section 301(14) of the NHPA and 36 CFR § 800.16(x); and

WHEREAS FRA, NYSDOT, and NYSHPO are signatories pursuant to 36 CFR 800.6(c)(1) and have sole authority to execute, amend, or terminate this PA.

NOW, THEREFORE, the FRA, NYSDOT, and NYSHPO agree that, except as otherwise stated in this PA, Tier 2 undertakings shall be administered in accordance with the following stipulations to satisfy Section 106 requirements for the Program.
STIPULATIONS

I. APPLICABILITY

A. Unless the signatories amend or terminate this PA, and except as provided in Stipulation I.B, this PA shall apply to this Undertaking and all component projects advanced as part of the Program.

B. This PA shall not apply to effects of this Undertaking that occur on or affect tribal lands as defined in Section 301(14) of the NHPA and 36 CFR 800.16(x). Notwithstanding this, Stipulation IV below addresses the process by which FRA and NYSDOT intend to consult with federally recognized tribes and comply with Section 106 of the NHPA for effects that occur on or affect tribal lands. If undertakings occur on tribal lands, the THPO will serve in the role of the SHPO as described in 36 CFR 800.3 and Section 101(d) of NHPA if there is a THPO. If a tribe has no THPO, FRA will consult with that tribe’s designated representative in addition to and on the same basis as consultation with the SHPO. In accordance with the referenced statute and regulations, the FRA, the lead Federal agency, will follow appropriate tribal consultation procedures for the identification of historic properties and resolution of adverse effects.

C. In the event that NYSDOT applies for additional federal funding or approvals for the undertakings from another agency that is not party to this PA and the Undertaking, as described herein remains unchanged, such funding or approving agency may choose to comply with Section 106 by agreeing in writing to the terms of this PA and notifying and consulting with FRA and NYSHPO. Any necessary modifications will be considered in accordance with Stipulation XVIII.B of this PA.

1. Routine maintenance activities that would not adversely affect historic properties as specifically described in Attachment C will be exempt from the Section 106 review procedures described in this PA.

II. ROLES AND RESPONSIBILITIES AS SIGNATORIES

A. FRA

As the lead Federal agency, FRA has primary responsibility pursuant to 36 CFR 800.2(a)(2) to ensure that the provisions of this PA are carried out. FRA will conduct government-to-government consultation with federally recognized tribes, execute MOAs and programmatic agreements to address or resolve adverse effects as necessary for the component projects advanced in the Tier 2, and participate in the resolution of disputes. FRA is responsible for all determinations of eligibility and findings of Effect of the projects. Consistent with the requirements of 36 CFR 800.2(a) and 800.2(c)(4), FRA remains legally responsible for ensuring that the terms of this PA are carried out and for all findings and determinations made pursuant to this PA.

B. NYSDOT

Pursuant to 36 CFR 800.2(a)(3), FRA delegates to the NYSDOT the responsibility to conduct cultural resource studies in coordination with FRA; and to prepare documents and reports with recommendations for required findings of eligibility and effect in coordination with the FRA and submit them to the SHPO for concurrence. In addition, FRA authorizes NYSDOT to initiate consultation with the NYSHPO, federally recognized tribes, and other consulting parties, in accordance with 36 CFR 800.2(c)(4). NYSDOT shall be responsible for the following, where applicable:

- Consult with other consulting parties and the public;
• In coordination with FRA, delineate the Area of Potential Effect for each component project as needed in consultation with the SHPO;
• Prepare documentation for NYSHPO and FRA including determinations of eligibility and effect;
• Circulate comments on Section 106 documents from the NYSHPO, federally recognized tribes, other consulting parties, and the public;
• Maintain documentation of the Section 106 compliance for each component project within the Program;
• Develop a Draft MOA for each applicable project within the Undertaking as required;
• Identify individuals and organizations with a potential interest in participating in Section 106 consultation for component projects;
• Develop and implement project MOAs in consultation with MOA signatories for component projects as appropriate; and
• Develop and implement treatment plans for component projects where applicable which set forth measures to avoid, minimize, or mitigate adverse effects on historic properties’ treatment plans may be included as provisions or attachments in the MOAs for applicable component projects.

C. NYSHPO
Pursuant to 36 CFR 800.3(c)(4), the NYSHPO shall review and comment on all adequately documented project submittals within 30 calendar days of receipt. No response from the NYSHPO within 30 calendar days of receipt shall indicate concurrence with the project submittal and FRA findings.

III. CONSULTATION WITH THE NYSHPO
A. For each component project, NYSDOT, in coordination with FRA, shall initiate consultation with the NYSHPO to seek input on refining the APE based on the scope of the individual project, and to identify potential consulting parties.
B. NYSDOT, in coordination with FRA, will direct cultural resource consultants to conduct archaeological and architectural surveys as needed to identify historic properties within the APE. NYSDOT will provide copies of Draft Cultural Resource Survey (CRS) reports to FRA for review. Based on CRS reports, FRA will make findings regarding NR eligibility of historic properties.
C. NYSDOT will direct cultural resource consultants to prepare Final CRS reports based on FRA findings.
D. NYSDOT will provide Final CRS reports to NYSHPO for 30-calendar day review. Submittals to NYSHPO shall be made using NYSHPO’s preferred report format and submission process at the time of submittal; allowance shall be made for changes in NYSHPO’s submission process and forms resulting from updates to NYSHPO’s computer system, which is expected to be in place by 2014. NYSDOT will seek the concurrence of NYSHPO with the report’s findings. In coordination with FRA, NYSDOT will address comments or requests for additional information from NYSHPO within the 30-calendar day review period. NYSHPO will be provided a 30-calendar day review period for each separate report.
E. FRA, in coordination with NYSDOT and in consultation with the NYSHPO, will apply the criteria of adverse effects (36 CFR 800.5(a)(1)) to identified historic properties within the APE, and document the assessment of effects. The Finding Documentation will be provided to the NYSHPO for 30-calendar day review and comment. If no adverse effects are identified, the process will be concluded if NYSHPO does not object within 30 calendar days, as described in VI.E.

F. FRA shall notify the ACHP of any adverse effect finding, and provide the ACHP with the Finding Documentation prepared in accordance with 36 CFR 800.11(e).

G. FRA shall notify the ACHP of any undertaking that may adversely affect an NHL, and shall invite ACHP to participate in consultation to resolve adverse effects. FRA shall also notify the Secretary of the Department of the Interior of any consultation involving an NHL, and formally invite the Secretary to participate in the Section 106 consultation process when there may be an adverse effect to these properties.

H. FRA, in coordination with NYSDOT, will consult with the NYSHPO and ACHP, if participating, to consider measures to avoid, minimize, or mitigate adverse effects on historic properties. If adverse effects cannot be avoided, FRA will request written concurrence from the NYSHPO, issue an adverse effect determination for the project, and move forward with consultation to develop a Memorandum of Agreement (MOA), including mitigation measures agreed-upon through consultation.

IV. CONSULTATION WITH FEDERALLY RECOGNIZED TRIBES

A. FRA

1. As the Lead Federal agency with responsibility for Section 106 compliance, FRA is responsible for all government-to-government consultation with federally recognized tribes. Attachment B contains a list of federally recognized tribes with an identified interest in the geographical area of the High Speed Rail Empire Corridor.

2. FRA shall ensure that consultation with federally recognized tribes takes place early in the project development process for each project addressed in the Tier 2 process to identify cultural, confidentiality, or other concerns including those about historic properties, and to allow adequate time for consideration of such concerns whenever they may be expressed.

3. In accordance with 36 CFR 800.2(c)(2), individual federally recognized tribes may be identified as consulting parties for each component project based on the project location relative to areas of interest for Section 106 consultation.

4. Consultation with federally recognized tribes shall take place throughout the development of subsequent component projects within this Undertaking, regardless of whether such tribes are concurring parties to this PA or have actively participated in Section 106 consultation during the Tier 1 phase of the Program.

5. In accordance with Section VIII.A of this PA, if FRA determines that a component project occurring on tribal land will cause adverse effects to historic properties, and a MOA to resolve those effects is necessary, the affected tribe shall be a required signatory to the MOA.

6. In accordance with Section VIII.A of this PA, if FRA determines that a component project not occurring on tribal land will cause adverse effects to historic properties of a religious or cultural significance to a tribe, and a MOA to resolve those effects is necessary, FRA shall consult with the affected tribe and shall invite the tribe to be a concurring party or signatory to that MOA, as appropriate.
B. Consultation for Each Project

1. FRA shall invite federally recognized tribes with an identified interest in the geographical area that may be affected by a component project to participate in consultation for that component project. The FRA may delegate some of its consultation responsibilities to NYSDOT for a project component, but only with an affected tribes’ written consent. Communication for the purpose of providing opportunities to participate in consultation may take the form of meetings, written correspondence, review of reports and documents, emails, and/or phone calls.

2. FRA shall consult on a government-to-government basis with federally recognized tribes at key milestones in the Section 106 process to gain input. The consultation with federally recognized tribes may occur at the following points in the Section 106 process:
   i. During identification of historic properties, to assist in the identification of properties of religious and cultural significance.
   ii. During assessment of adverse effects, to provide views regarding the project’s effects on identified cultural and historic properties, and to participate in the development of avoidance, minimization and treatment measures for adverse effects to both archaeological and built resources as appropriate.
   iii. During resolution of adverse effects, to participate in the development of mitigation measures to be incorporated into an MOA developed by FRA in consultation with the NYSHPO, federally recognized tribes, and other consulting parties.

3. NYSDOT in coordination with FRA will provide copies of CRS report(s) and Finding Documentation for 30-day calendar review period, concurrent with review by the NYSHPO. The views and comments of federally recognized tribes will be considered by FRA as part of the consultation process for the identification of historic properties and assessment of effects.

4. For Native American groups that are not federally recognized, FRA will consider requests to participate as other consulting parties based on their statement of interest in the project.

V. PARTICIPATION OF OTHER CONSULTING PARTIES AND THE PUBLIC

A. Public Involvement

Public involvement in planning and implementation of undertakings covered by this PA shall be governed by NYSDOT’s established Public Involvement procedures for planning and conducting public outreach. Historic resources will be identified and effects will be disclosed to the extent allowable under 36 CFR 800.2(d)(1-2), 800.3(e), and 800.11(c)(1 and 3) and Stipulation XIII of this PA.

Public involvement and the release of information hereunder shall be consistent with 36 CFR 800.2(d)(1-2), 800.3(e), and 800.11(c)(1 and 3), and the Freedom of Information Act, 5 U.S.C. 552, and the implementing regulation applicable to the U.S. Department of Transportation, at 49 CFR Part 7.

Pursuant to 36 CFR 800.11(e) through (g), summaries of any views provided by consulting parties or the public will be included in documentation of project effects to historic properties and any individual MOAs.

B. Consulting Parties
Consulting parties shall participate in undertakings covered by this PA in accordance with 36 CFR 800.2(e)(3) through (5) and 800.3(f). Consulting parties may include other federal, state, regional, or local agencies that may have responsibilities for historic properties and may want to review reports and findings for a project within their jurisdiction.

FRA, in coordination with NYSDOT, will consult with NYSHPO early in the process for each component project to identify potential consulting parties and methods to be used for involving consulting parties in the process.

VI. IDENTIFICATION AND EVALUATION OF HISTORIC PROPERTIES

A. Area of Potential Effects

The Area of Potential Effects (APE) for each undertaking will be determined by FRA in coordination with NYSDOT in accordance with the APE Delineation guidelines (Attachment D). As described in Attachment D, throughout the design process, FRA in coordination with NYSDOT, and in consultation with federally recognized tribes, as appropriate, will determine if revisions to an undertaking require modifications to the APE established as part of Tier 1. If an APE requires revisions, FRA in coordination with NYSDOT will inform the SHPO and other consulting parties, and take appropriate measures to modify the scope of identification efforts.

B. Identification of Historic Properties

1. The NYSDOT, in coordination with FRA, will be responsible for carrying out appropriate studies to identify historic properties within the APE in accordance with 36 CFR 800.4(b), and to prepare documentation in accordance with Attachment E. As appropriate, these methods may be modified for the specific needs of component projects in consultation with the NYSHPO and participating federally recognized tribes, as appropriate, based on the review of the Principal Investigator (PI) and current professional standards. FRA shall make determinations of eligibility based on NRHP criteria (36 CFR 60.4) and evaluated in accordance with provisions of 36 CFR 800.4(c). Evaluation methods and criteria shall be consistent with the Secretary of the Interior’s Standards and Guidelines for Evaluation (48 Fed. Reg. 44729-44738) (36 CFR 63) and shall be completed by PIs qualified in the appropriate discipline: archaeology, architectural history, or history.

2. The NYSHPO and New York State Museum (NYSM) archaeological site files contain highly sensitive archaeological site locational information, including information relating to human burials, and are not a public record (36 CFR 800.6(a)(5); 800.11(c)). Any project documents intended for public review should not include sensitive archaeological site locational information. Any documentation prepared with this information should be prominently labeled “Confidential. Not for Public Release,” and the distribution strictly controlled. Alternatively, an alternate public version of the documents may be prepared that summarizes information relevant to understanding the nature of historic properties and the project’s potential effects on those properties without disclosing specific locations or sensitive information. NYSHPO shall be consulted prior to disseminating this information.

3. A reasonable and good faith effort shall be made to identify historic properties within the APE for each of the component projects that are advanced at the Tier 2 level and will be documented in individual CRS Reports as described in Attachment E. The content, methodology, level of effort, and documentation requirements for historic property evaluations in the CRS shall be conducted in accordance with State Education Department (SED) Work Scope Standards, which incorporate the standards of the New York Archaeological Council (NYAC), as described in detail in Attachment E. The CRS reports will be submitted for review by the NYSHPO, tribal historic
preservation officers (THPOs) and/or designated tribal representatives for federally recognized tribes who are participating in Section 106 consultation for the project, and any additional consulting parties.

i. Archaeological properties include precontact and historic period archaeological sites, properties identified as per 36 CFR 800.4(b), objects and districts. The goal of the archaeological survey is to locate and identify any significant archaeological resources that may be affected by the project. Evaluations shall be made by PIs fully qualified in the discipline of archaeology. Archaeological properties within the APE shall be documented in the CRS report.

A list of archaeological resources exempt from evaluation is provided in Attachment F.

Any archaeological investigations that may be required on New York State-owned land shall be conducted under a State Archaeologist’s permit (Education Law Section 233). A State Archaeologist’s permit application shall be submitted to the NYSM by a qualified professional archaeologist retained by the project sponsors.

ii. Historic architectural properties include historic buildings, structures, objects, sites, and districts. Evaluations shall be made by PIs. Historic architectural properties within the APE that are identified by PIs as historic properties shall be documented in the CRS report. Historic architectural properties evaluated as ineligible for the NRHP by PIs shall be documented in the CRS report. The content, methodology, level of effort, and documentation requirements for historic architectural evaluations in the CRS report are provided in detail in Attachment E. A list of historic architectural property types exempt from evaluation is provided in Attachment F.

C. Procedures for Evaluation of Historic Properties

1. FRA shall review the identified historic properties presented in the Draft CRS Report, which would include documentation of identified historic properties in the APE including those that are listed in the NRHP, previously determined eligible for the NRHP, recommended eligible for the NRHP in the CRS report, or that are recommended not eligible for the NRHP. FRA shall make determinations regarding the NRHP eligibility of previously unevaluated properties identified in the approved CRS Report.

2. NYSDOT shall prepare a Final CRS report based on FRA’s review and approval.

3. NYSDOT shall submit the Final CRS report to the NYSHPO, federally recognized tribes participating in consultation identified as a result of Stipulations IV.B and V.B and any consulting parties, who shall have 30 calendar days to review the CRS report findings and provide their comments.

4. Known archaeological properties whose NRHP eligibility cannot be evaluated prior to approval of an undertaking will be presumed NRHP eligible until archaeological investigation to evaluate their eligibility can occur. Project-specific MOAs may include a provision for treatment plans that include archaeological testing, monitoring, and/or a data recovery program.

5. If, after the submission of the Final CRS report to NYSHPO, federally recognized tribes, and any consulting parties, there are changes to the APE that include additional properties not exempt from evaluation or information is received that there may be additional historic properties within the APE, a Supplemental CRS report will be prepared, and distributed following review by FRA, to NYSHPO and all parties who received the Final CRS report for a review and comment period.
of 30 days. If no objection is made, consistent with Stipulation V.I.D, within the 30-calendar day period, the findings for those historic properties in the Supplemental CRS report would become final.

D. Eligibility Disagreements

Should a disagreement arise regarding the NRHP eligibility of a property in the APE for an undertaking, FRA shall forward a Determination of Eligibility documentation to the Keeper of the National Register (Keeper) for resolution in accordance with 36 CFR 800.4(c)(2) if:

1. NYSHPO or a federal agency with jurisdiction over the involved lands objects in writing within 30 calendar days to a finding of eligibility, or

2. A Native American tribe or group that ascribes traditional religious and cultural significance to a property objects in writing within 30 calendar days to a Finding of Eligibility regarding that property; and

3. FRA is not able to resolve that objection through consultation with the NYSHPO and the objecting party as provided for in Stipulation XVII.A.

Should a member of the public disagree with any NRHP eligibility determinations, NYSDOT shall inform the FRA and any affected signatories and take the appropriate objection into account. NYSDOT shall consult for no more than 30 calendar days with the objecting party and, with any or all of the other signatories. NYSDOT shall document such consultation efforts and submit the findings in writing to the FRA for review. FRA’s decision regarding resolution of the objection from a member of the public will be final.

E. No Historic Properties Affected

If FRA determines that no historic properties are affected by the proposed project as defined in 36 CFR 800.4(d)(1), NYSDOT shall provide documentation of this finding, consistent with 36 CFR 800.11(d), to the NYSHPO and participating federally recognized tribes and shall notify consulting parties. If the NYSHPO does not object within 30 calendar days of receipt of an adequately documented finding, the Section 106 process shall be complete. If NYSHPO objects to the finding within the 30-day period, and/or if the proposed project is located on tribal lands and the applicable federally recognized tribe objects to the finding, the FRA shall follow the protocol for resolution set forth in 36 CFR 800.4(d)(ii) and (iv).

VII. ASSESSMENT OF ADVERSE EFFECTS

A. If historic properties are identified in the APE for a project, NYSDOT in coordination with FRA shall assess adverse effects in accordance with 36 CFR 800.5 and document its assessment in a Draft Finding Documentation in accordance with 36 CFR 800.11(e) for each undertaking where historic properties were identified within the APE. The Draft Finding Documentation shall describe the undertaking, the area of potential effects, steps taken to identify historic properties, affected properties and the assessment of adverse effects to historic properties, consideration of measures to avoid or minimize effects, and mitigation measures to resolve the project’s adverse effects, if any. The Draft Finding Documentation will also incorporate a record of consultation with the NYSHPO, federally recognized tribes, other consulting parties, and the public. Following FRA review, NYSDOT shall distribute the Draft Finding Documentation to the NYSHPO, federally recognized tribes, and other consulting parties identified as a result of Stipulations IV.B and V.B, who shall have a 30-day review and comment period. NYSDOT, in coordination with FRA, will ensure that comments are considered and prepare a revised Draft Finding Documentation for FRA review and
approval as the basis for FRA’s effect determination for the project. NYSDOT, on behalf of FRA will submit the Final Finding Documentation to the NYSHPO requesting concurrence with FRA’s effect determination. The Final Finding Documentation will also be provided to federally recognized tribes and other consulting parties. If an adverse effect is found, FRA will notify the ACHP and continue consultation to resolve the project’s adverse effects on historic properties.

B. FRA will notify and invite the Secretary of the Interior (represented by the National Park Service regional office’s program coordinator) when any project section may adversely affect a National Historic Landmark (NHL) pursuant to 36 CFR 800.10 and Section 110(f) of the NHPA.

C. Consistent with 36 CFR 800.5(b) and (d)(1), FRA may determine that there is no adverse effect on historic properties within the APE for an undertaking when the effects of the undertaking would not meet the Criteria of Adverse Effect at 36 CFR 800.5(a)(1), the undertaking is modified to avoid adverse effects, or if conditions agreed upon by NYSHPO are imposed, such as subsequent review of plans for rehabilitation by the NYSHPO/THPO to ensure consistency with the Secretary’s Standards for the Treatment of Historic Properties (36 CFR Part 68) and applicable guidelines, to avoid adverse effects. Any conditions would be documented by the written concurrence of the NYSHPO and federally recognized tribes, as appropriate. NYSDOT will submit all such written concurrence documents to FRA, which is responsible for ensuring compliance with all conditions to avoid adverse effects.

VIII. RESOLUTION OF ADVERSE EFFECTS

A. Memoranda of Agreement

1. A MOA will be developed by NYSDOT in coordination with FRA for each component project that FRA determines will cause adverse effects on historic properties. The MOA will describe measures to avoid, minimize, and/or mitigate adverse effects, as agreed upon through consultation. A Draft MOA shall be circulated amongst NYSDOT, NYSHPO, FRA, participating federally recognized tribes, and consulting parties for review and comment. A revised MOA reflecting the input of these parties will be subsequently circulated for review and comment.

2. Each MOA will include a process for efficiently addressing unanticipated discoveries in the post-review period, including the inadvertent discovery of human remains.

3. Should federally recognized tribes decline to participate in the MOA for a specific project, they will be provided documentation regarding treatment that is called for in that MOA.

4. Pursuant to 36 CFR 800.11(e) through (g), views of the public will be considered and included where appropriate in individual MOAs.

5. Upon review, concurrence, and execution of the MOA, Section 106 review will be considered concluded for that specific project or undertaking, though coordination and compliance efforts would continue according to the terms of this PA and the MOA.

B. Mitigation Measures

1. FRA, NYSDOT, and the project sponsors where applicable shall develop and implement avoidance, minimization, and/or mitigation measures where adverse effects on cultural resources are identified for a component project. Mitigation measures will be developed in consultation with the NYSHPO, participating federally recognized tribes, and any consulting parties.

2. Measures to avoid, minimize, or mitigate adverse effects on historic properties may require the development of project-specific or resource-specific treatment plans. NYSDOT and/or the project
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spons or shall prepare a Treatment Plan documents where appropriate, for review and approval by NYSHPO, FRA, and participating federally recognized tribes. Treatment plans shall set forth specific protocols to avoid, minimize, or mitigate adverse effects and may include Archaeological Monitoring Plans, Data Recovery Plans, Archaeological Avoidance Plans, Construction Protection Plans, Historic American Building Survey (HABS)/ Historic American Engineering Record (HAER) recordation, or other measures, as appropriate.

C. Treatment Plan Reviews

1. NYSDOT will provide a draft of any treatment plan to the FRA and or NYSHPO for review, prior to circulating the plan to consulting parties for a 30-day review and comment period. Based on comments received, treatment plans may be revised and will be incorporated as attachments to the MOA.

D. Treatment Plan Implementation

1. Upon execution of each MOA, each related treatment plan shall be implemented. Depending upon the nature of the treatment, the treatment may not be completed until after the specific project is completed. Termination of the project after initiation of the treatment plans will require completion of any work in progress, and amendment of each treatment plan as described below. Amendments to the treatment plans will be incorporated by written agreement among the signatories to the MOA. Each MOA will outline appropriate reporting processes for the treatment plans.

2. Dispute Resolution

The parties participating in the development and implementation of the treatment plans will come to agreement on the treatment prescribed in and the implementation of the treatment plan in the MOA. If the parties are unable to come to agreement on the treatment of adverse effects in the MOA, the procedures outlined in XVII.A will be followed to resolve the dispute.

IX. CHANGES IN ANCILLARY AREA/CONSTRUCTION RIGHT-OF-WAY

NYSDOT will notify NYSHPO and potentially affected federally recognized tribes participating in Section 106 consultation on this Program (see Attachment B), and potentially affected consulting parties of any changes in the Program scope that result in changes to the APE, or effects on historic properties, and will reopen Section 106 consultation with appropriate potentially affected parties to address these changes.

X. CONSTRUCTION APPROVAL

Upon the completion of any preconstruction activities required according to the provisions of the applicable MOA, if any such activities are required, NYSDOT may authorize construction within portions of the APE. If concurrence of the approval to proceed cannot be reached among the signatories, the dispute will be resolved in accordance with Stipulation XVIII.A.

XI. DISCOVERIES, UNANTICIPATED ADVERSE EFFECTS, UNANTICIPATED DAMAGE

In accordance with 36 CFR 800.13(a)(2), if a previously undiscovered archaeological, historic, or cultural property is encountered during construction, or previously known properties will be affected or have been affected in an unanticipated adverse manner, NYSDOT will implement the following procedures. These procedures may be modified for individual component projects, to address specific concerns identified through consultation.
A. NYSDOT shall ensure that all operations for the portion of the undertaking with the potential to affect an historic property are immediately ceased and will contact the FRA and the NYSHPO upon unanticipated resource discovery. Federally recognized tribes with an identified interest in the project location will also be notified as appropriate, based on the nature of the unanticipated discovery.

B. If historic properties are discovered or unanticipated effects on historic properties are identified after construction commences, NYSDOT will follow the procedures for Discoveries without prior planning outlined in CFR 800.13(b)(3),

C. If a NHL is affected, FRA shall include the Secretary of the Interior represented by the National Park Service regional office’s program coordinator and the ACHP in the notification process.

XII. CONFIDENTIALITY

All parties to this PA shall ensure that shared data, including data concerning the precise location and nature of historic properties and properties of religious and cultural significance are protected from public disclosure to the greatest extent permitted by law, including conformance to Section 304 of the NHPA, as amended and Section 9 of the Archaeological Resource Protection Act and Executive Order on Sacred Sites 13007 FR 61-104 dated May 24, 1996.

As noted under VI.B.2, NYSHPO and NYSM archaeological site files contain highly sensitive archaeological site locational information, including information relating to human burials, and are not a public record (36 CFR 800.6(a)(5); 800.11(c)). Any project documents intended for public review should not include sensitive archaeological site locational information. Any documentation prepared with this information should be prominently labeled as confidential and the distribution strictly controlled. Alternatively, an alternate public version of the documents may be prepared that summarize information relevant to understanding the nature of historic properties and the project’s potential effects on those properties without disclosing specific locations or sensitive information. NYSHPO shall be consulted prior to disseminating this information.

XIII. HUMAN REMAINS

If human remains are unexpectedly encountered during construction, NYSDOT in coordination with FRA will follow procedures in accordance with the NYSHPO Human Remains Discover Protocol:

A. In accordance with the NYSHPO’s Human Remains Discovery Protocol (2005), the following steps shall be taken in the event of the unanticipated discovery of human remains:

1. Construction activities in the vicinity of the discovery shall immediately cease and the site shall be secured;

2. Human remains and any associated artifacts shall be left in place until appropriate consultation has taken place and a plan has been developed;

3. The county coroner, local law enforcement and the NYSHPO shall be notified and a determination shall be made as to whether the remains are forensic or archaeological in nature;

4. If the human remains are determined to be Native American, they shall be left in place until consultation with appropriate federally recognized tribes has occurred to identify a plan of action consistent with the Native American Graves Protection and Repatriation Act (NAGPRA);

5. If the remains are determined not to be Native American, they will be left in place until consultation with NYSHPO and any other appropriate parties has taken place to identify an appropriate plan of action for avoidance or removal.
B. All human remains shall be treated in a manner consistent with ACHP “Policy Statement regarding Treatment of Human Burial Sites, Human Remains and Funerary Objects” February 23, 2007; http://www.achp.gov/docs/hrpolicy0207.pdf

XIV. CURATION

A. Collections from Federal Lands

FRA will be responsible for ensuring that curation of all records and other archeological items resulting from identification and data recovery efforts on Federal lands is completed in accordance with 36 CFR Part 79, and if the archaeological materials are determined to be of Native American origin, FRA will follow NAGPRA regulations and procedures set forth in 43 CFR Part 10. NYSDOT shall ensure that documentation of the curation of these materials is prepared and provided to the affected parties to this PA within 10 days of receiving the archaeological materials.

B. Collections from Private Lands

Materials collected from private lands should be returned to the landowner, or acquired through a Deed of Gift from the landowner. Materials from private lands to be returned to the private landowners after completion of the undertaking shall be maintained in accordance with 36 CFR Part 79, and 43 CFR Part 10 if the archaeological materials are determined to be of Native American origin, until all necessary analysis has been completed. NYSDOT shall document the return of materials to private landowners or alternate curation facilities and submit copies of this documentation to the affected parties to this PA.

C. State Lands

Any archaeological investigations on New York State-owned land shall be conducted under a Section 233 permit (New York State Education Law Section 233).

XV. PROFESSIONAL QUALIFICATIONS STANDARDS

All actions prescribed by this PA that involve the identification, evaluation, analysis, recording, treatment, monitoring, or disposition for historic properties, or that involve reporting or documentation of such actions in the form of reports, forms, or other records, shall be carried out by or under the direct supervision of a person or persons who meet, at a minimum, the Secretary of the Interior’s Professional Qualifications Standards (48 FR 44738-44739) (Appendix A to 36 CFR Part 61) in the appropriate discipline. Hereinafter, such persons shall be referred to as PIs. NYSDOT shall ensure that consultants meeting these qualification standards conduct the work outlined in this PA. However, nothing in this stipulation may be interpreted to preclude FRA or NYSDOT or any agent or contractor thereof from using the services for persons who are not PIs, as long as their activities are overseen by PIs.

XVI. DOCUMENTATION STANDARDS

A. All documentation that supports the findings of effect made under this PA shall be consistent with 36 CFR 800.11 and shall be in accordance with the attachments to this PA. Documentation shall be submitted to NYSDOT and prepared by professionals experienced in the preparation of Section 106 documents. NYSDOT shall review the documentation for adequacy, and transmit all documentation cited herein as stipulated by this PA.

B. All documentation prepared under this PA shall be kept on file at NYSDOT and FRA and made available to the public in a manner consistent with the respective agencies’ policies for public access to environmental documents, and without the inclusion of culturally sensitive information that may
jeopardize confidentiality as stipulated by this PA, consistent with applicable confidentiality requirements and Federal records management requirements.

**XVII. AUTHORITIES**

Compliance with the provisions of this PA does not relieve FRA or other federal agencies of any other responsibilities not described in this PA to comply with other legal requirements, including those imposed by NAGPRA (25 U.S.C. 3001 and 43 CFR 10), the ARPA (16 U.S.C. 470 aa-47011), and NEPA (42 U.S.C. 4321-4347), and applicable Executive Orders.

**XVIII. ADMINISTRATIVE STIPULATIONS**

A. Dispute Resolution

1. Should any signatory to this PA object within 30 calendar days to any action proposed or any document provided for review pursuant to this PA, FRA shall consult with the objecting signatory to resolve the objection. If FRA determines that the objection cannot be resolved within 15 calendar days, FRA shall forward all documentation relevant to the dispute, including FRA’s proposed resolution, to the ACHP. FRA will also provide a copy to all signatories and consulting parties for the undertaking. ACHP shall provide FRA with its advice on the resolution of the objection within 30 calendar days of receiving adequate documentation. Prior to reaching a final decision on the dispute, FRA shall prepare a written response that takes into account any timely advice or comments regarding the dispute from the signatories and consulting parties, including federally recognized tribes, and provide them with a copy of this written response. FRA will then implement any action determined by this dispute resolution process and proceed according to its final decision.

If ACHP does not provide its advice regarding the dispute within calendar 30 days, FRA may make a final decision on the dispute and proceed accordingly. Prior to reaching such a final decision, FRA shall prepare a written response that takes into account any timely comments regarding the dispute from the signatories and consulting parties for the undertaking, and provide them and ACHP with a copy of such written response.

B. Amendment

1. The signatories to this PA may request that it be amended, whereupon the signatories will consult to consider such amendment. This PA may be amended only upon written concurrence of all signatory parties.

2. To address changes in the treatment of specific historic or archeological properties affected by the undertaking, NYSDOT may propose revisions to the treatment plans or MOAs, as appropriate, rather than to this PA. Upon concurrence of the signatories, NYSDOT and FRA may revise the treatment plans to incorporate the agreed upon changes without executing a formal amendment to this PA. An MOA may be amended only upon written concurrence of all signatory parties.

3. Revisions to an attachment to this PA would be implemented through consultation and include any necessary revisions to the PA itself that may result from modification of an attachment.

4. Pursuant to 36 CFR 800.14(b)(2)(iii), if this PA is amended to cover or apply to an individual component project occurring on tribal lands, the affected tribe shall be a signatory to the amended PA.

C. Review and Reporting


PA-14
Each year following the execution of this PA until it expires or is terminated, NYSDOT shall provide all parties to this PA a summary report detailing work carried out pursuant to its terms. Such report shall include any scheduling changes proposed, any problems encountered, and any disputes and objections received in FRA’s efforts to carry out the terms of this PA.

D. Termination

FRA, NYSHPO, or NYSDOT may terminate this PA by providing 30 calendar days written notice to the other signatories; the signatories shall consult during the 30-day period prior to termination to seek agreement on amendments or other actions that would avoid termination. Should such consultation result in an agreement on an alternative to termination, the signatory parties shall proceed in accordance with that agreement. Should a signatory party propose termination of this PA, they will notify the other parties in writing. If any of the signatories individually terminates their participation in the PA, then the PA may be terminated in its entirety. In the event of termination, then FRA shall either consult in accordance with 36 CFR 800.14(b) to develop a new agreement or request the comments of the ACHP pursuant to 36 CFR Part 800. Beginning with the date of termination, FRA shall ensure that until and unless a new agreement is executed for the actions covered by this PA, such undertakings shall be reviewed individually in accordance with 36 CFR 800.4-800.6.

E. Duration of this Programmatic Agreement

In the event that the terms of this PA are not carried out within 10 years, this PA shall be assessed by the signatories to determine if it still needed and working effectively, or whether it should be terminated. If the PA is effective and its duration needs to be extended, the signatories can decide to extend the duration of the PA. If the signatories determine that the PA is effective, but needs revisions, revisions will be made. In the event the signatories determine that the PA is not effective and cannot be amended to address concerns, the PA shall be considered null and void, memorialized in a letter to the signatories from FRA. If FRA chooses to continue with the undertaking, it shall re-initiate review of the undertaking in accordance with 36 CFR Part 800.

F. Execution and Implementation of the Programmatic Agreement

This PA and its attachments shall take effect following execution by FRA. Additional attachments or amendments to this PA shall take effect on the dates they are fully executed by FRA, NYSHPO, and NYSDOT.

Execution of this PA by FRA, NYSHPO, and NYSDOT and implementation of its terms evidence that FRA has taken into account the effects of this undertaking on historic properties and afforded ACHP an opportunity to comment.
SIGNATORIES

Federal Railroad Administration

By: ______________________________ Date: _______________

New York State Historic Preservation Officer

By: ______________________________ Date: _______________

Commissioner New York State Department of Transportation

By: ______________________________ Date: _______________
CONCURRING PARTIES

Cayuga Nation

By: ______________________________ Date: _______________

Delaware Nation

By: ______________________________ Date: _______________

Delaware Tribe

By: ______________________________ Date: _______________

Stockbridge Munsee Community Band of Mohican Indians

By: ______________________________ Date: _______________

Oneida Indian Nation

By: ______________________________ Date: _______________
Onondaga Nation

By: ____________________________ Date: ______________

Saint Regis Mohawk Tribe

By: ____________________________ Date: ______________

Seneca Cayuga Tribe of Oklahoma

By: ____________________________ Date: ______________

Seneca Nation of Indians

By: ____________________________ Date: ______________

Shinnecock Indian Nation

By: ____________________________ Date: ______________
High Speed Rail Empire Corridor Project Programmatic Agreement

Tonawanda Seneca Nation

By: ______________________________ Date: _______________

Tuscarora Seneca Nation

By: ______________________________ Date: _______________

The Preservation League of New York State

By: ______________________________ Date: _______________

Preservation Buffalo Niagara

By: ______________________________ Date: _______________

National Park Service/ Erie Canalway National Heritage Corridor

By: ______________________________ Date: _______________
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*Alt. 125 as shown is a potential corridor used to analyze the potential operating characteristics, environmental impacts and cost for this speed (125 mph) threshold.
ATTACHMENT A

High Speed Rail
Tier 1 EIS
Empire Corridor Program

Tier 1 EIS
High Speed Rail
Empire Corridor Program
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Federally Recognized Native American Tribal Nations Participating in Section 106 Consultation

Cayuga Nation
Delaware Nation
Delaware Tribe
Stockbridge-Munsee Community Band of Mohican Indians
Oneida Indian Nation
Onondaga Nation
Saint Regis Mohawk Tribe
Seneca Cayuga Tribe of Oklahoma
Seneca Nation of Indians
Shinnecock Indian Nation
Tonawanda Seneca Nation
Tuscarora Nation
PURPOSE

Section 106 regulations require a “reasonable and good faith effort” to identify historic properties (36 CFR 800.4[b][1]). This attachment identifies routine maintenance activities that may reasonably be anticipated to have no potential for adverse effects on historic properties. This attachment defines categories of maintenance activities that do not warrant review unless deemed otherwise in the professional judgment of PIs. The following activities do not require review or documentation:

1. Maintenance of railroad structures or infrastructure either within or outside of a Historic District where no substantial ground disturbance is required and the affected structures or infrastructure are:
   a. Not individually listed or eligible for individual listing in the National Register of Historic Places; or
   b. Have not been determined to be a contributing resource to a National Register listed or eligible Historic District.

2. Repairs to historic properties where such repairs are undertaken in accordance with the Secretary of the Interior’s Standards for the Treatment of Historic Properties (36 CFR 68).

3. Replacement of structural elements or other components of historic bridges, culverts, or structures where the affected elements or components do not contribute to the historic significance of the structure AND:
   a. Where the replacement requires only minimal alterations to historic fabric of the structure; and
   b. Where the alterations to the appearance of the historic structure are not visible from the public right of way.

4. Replacement of ties or rail where there are no changes in vertical or horizontal geometry.

5. Repointing of masonry joints in bridges, culverts, or buildings where the color, texture, aggregate of the grout and the rake of the joint matches the existing.

6. Repairs to historic stone masonry culverts that are not individually listed in the National Register or have been previously determined to be individually eligible for listing in the National Register AND where the exterior appearance of the culvert, including existing stone masonry wing walls and headwalls, is unaffected.

7. Replacement of existing security cameras where no substantial visual alterations to the building or structure result from the replacement.
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In accordance with Stipulation VI.A. of this PA, NYSDOT or other project applicant shall establish the Area of Potential Effects (APE) for undertakings covered by this PA. The project sponsor, in coordination with NYSDOT, is responsible for establishing and describing the APE in consultation with the New York State Historic Preservation Office (SHPO) and taking into consideration the views of any federally recognized tribal nation with an interest in the project area.

As defined in 36 CFR 800.16(d), an APE is “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 area of potential effects is influenced by the scale and nature of an undertaking and may be different for different kinds of effects caused by the undertaking.”

Different APEs may be established for archeological properties and historic architectural properties:

**Archaeological Resources**

For archeological properties, an APE is typically established based on an undertaking’s potential for direct effects from ground-disturbing activities.

The APE for archaeological properties is the area of ground proposed to be disturbed during construction of the undertaking, including grading, cut-and-fill, easements, staging areas, utility relocation, borrow pits, and biological mitigation areas, if any.

**Historic Architectural Resources**

The APE for historic architectural properties includes all categories of properties listed below that contain buildings, structures or objects more than 50 years of age at the time the cultural resources survey is completed:

1. Properties within the proposed right-of-way;
2. Properties where historic materials or associated landscape features would be demolished, moved, or altered by construction;
3. Properties near the undertaking where railroad materials, features, and activities have not been part of their historic setting and where the introduction of visual or audible elements may affect the use or characteristics of those properties that would be the basis for their eligibility for listing in the National Register; and
4. Properties near the undertaking that were either used by a railroad, served by a railroad, or where railroad materials, features, and activities have long been part of their historic setting, but only in such cases where the undertaking would result in a substantial change from the historic use, access, or noise and vibration levels that were present 50 years ago, or during the period of significance of a property, if different.
For this project, a key phrase in the APE definition in the Section 106 regulations contained within 36 CFR 800.16(d) is “may...cause alterations in the character or use of historic properties” (emphasis added) because many of the undertakings involve the construction of additional, relocated, and/or high speed rail alongside existing railroads. In such cases, potential historic properties near the proposed undertaking historically had railroad features, materials, and activities within their setting that contributed to their character, or may even have been used by or served by the railroad. For example:

- The character and use of a historic railroad passenger or freight depot or railroad bridge would not change unless it would be put out of service, destroyed, altered, or moved for the undertaking;
- The character and use of an industrial building next to existing railroad tracks would not change, unless freight railroad service was an important association and the spur lines or loading areas would be removed by the undertaking;
- The character and use of buildings would not change if they would be separated from the undertaking by an existing railroad; however,
- The character of a non-railroad or non-industrial building would likely change if the building is visually sensitive and the proposed undertaking introduces an elevated grade separation or other large building or structure;
- The use of a non-railroad or non-industrial building would likely change if the building is sensitive to noise, like a school, museum or library, and the frequency of noise or vibration events from passing trains is increased over historic-era railroad events.

When delineating the APE, the project applicant shall follow the identification methodology described in Stipulation VI.B., which is different for archaeological properties and historic architectural properties. The project applicant shall take into account the nature of the proposed undertaking and whether or not it has the potential to affect the characteristics that might qualify the property for eligibility to the NRHP. Whenever an individual phase is revised (e.g., design changes, utility relocation, or additional off-site mitigation areas), the project applicant will determine if changes require modifying the APE. If an APE proves to be inadequate, NYSDOT or the project applicant is responsible for informing SHPO, federally recognized tribal nations, and any appropriate consulting parties in a timely manner of needed changes. The APE should be revised commensurate with the nature and scope of the changed potential effects.
NEW YORK STATE EDUCATION DEPARTMENT

CULTURAL RESOURCES SURVEY PROGRAM

WORK SCOPE SPECIFICATIONS

FOR

CULTURAL RESOURCE INVESTIGATIONS

ON

NEW YORK STATE DEPARTMENT OF TRANSPORTATION PROJECTS

March 2004
THESE SPECIFICATIONS ARE IN EFFECT FOR ALL STUDIES CONDUCTED BY AND FOR THE NEW YORK STATE MUSEUM AS OF APRIL 1, 1979 AND UNTIL FURTHER NOTICE.

(Established April 1, 1979)
(Revised April 1, 1980)
(Revised April 1, 1981)
(Revised April 1, 1984)
(Revised April 1, 1985)
(Revised April 1, 1986)
(Revised July 15, 1992)
(Revised December 10, 1994)
(Revised January 30, 1998)
(Revised March 31, 2004)

These specifications represent a refinement of guidelines that were developed by the State Museum in 1979 in consultation with the Department of Transportation and the Office of Parks, Recreation and Historic Preservation, and the several revisions made thereafter. These guidelines apply specifically to projects done for the New York State Department of Transportation.
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INTRODUCTION

The work done for the New York State Department of Transportation (DOT) by the New York State Museum (NYSM), State Education Department’s (SED) Cultural Resource Survey Program (CRSP) is designed to help DOT meet its cultural resource compliance needs under Section 106 of the National Historic Preservation Act of 1966 (as amended) for federally sponsored projects and Section 14.09 of Parks, Recreation and Historic Preservation Law of 1980 for state sponsored projects. Under Section 106 DOT must “take into account the effect of the undertaking on any district, site, building, structure, or object that is included in or eligible for inclusion in the National Register.” Under Section 14.09, DOT must consult with the Commissioner of the Office of Parks, Recreation and Historic Preservation (OPRHP) “concerning the impact of the project if it appears that any aspect of the project may or will cause any change, beneficial or adverse, in the quality of historic, architectural, archaeological, or cultural property that is listed on the National Register of Historic Places or property listed on the State Register of Historic Places or is determined to be eligible for listing on the state register by the commissioner.” Standards and specifications described in this document apply to work conducted in accordance with both federal and state regulations.

The purpose of cultural resource investigation services provided to DOT by CRSP is to identify and assess historic properties against the State and/or National Registers of Historic Places (S/NRHP) criteria if such properties exist within the DOT’s Area of Potential Effect (APE) that may be affected by DOT undertakings. The initial identification of archaeological sites is done on reconnaissance surveys, while recommendations for eligibility for listing on the S/NRHP generally occur after site examinations. Both of these phases of work are described below. Historic districts, buildings, structures, and objects are identified and evaluated during architectural surveys that generally are done concurrently with archaeological reconnaissance surveys. Procedures for architectural surveys, historic bridge inventories, historic setting analysis, and building/structure evaluation are also described below. Finally, if a historic property determined eligible for listing on the S/NRHP cannot be avoided and will be affected by a DOT undertaking, mitigation may include data recovery in the case of archaeological sites or Historic American Building Survey/Historic American Engineering Record (HABS/HAER) recordation for bridges or other structures, buildings, and objects. These are also described below.

The work done by CRSP for DOT is also designed to meet the goals of SED’s Strategic Plan as outlined in the NYSM Plan. Specifically, the work is designed to satisfy Museum Goal 4.1: “The Museum’s research advisory services and advisory and regulatory services to museums, historical societies, professionals, and government agencies will meet the highest standards, will be delivered in a timely and cost-effective fashion, and will assure accountability for assets held in the public trust.”

This document represents the ninth revision to work scope specifications for cultural resource investigations originally developed in 1979 for CRSP. The previous revisions were made to update and clarify aspects of the work scope to reflect changes in professional standards, and SED, DOT, and/or State Historic Preservation Office/Office of Parks, Recreation and Historic Preservation (SHPO/OPRHP) expectations for cultural resource investigations. The present document provides additional revisions to the work scope specifications for DOT projects based on changes in CRSP during the past several years brought about through negotiations between SED, DOT, and SHPO/OPRHP. Of particular importance are new Section 106 procedures established between DOT, SHPO/OPRHP, and the Federal Highway Administration (FHWA) based on revised regulations that went into effect in January 2001(Appendix A). As a result of these changes, DOT has assumed responsibility for making recommendations for National Register eligibilities (through the CRSP) for historic properties. While these determinations were previously made by the SHPO/OPRHP, the revised 106 procedures specify review and concurrence by SHPO/OPRHP with recommendations presented in Cultural Resource Survey reports. Other revisions to the work scope were developed to assist the DOT with project planning/design and effect recommendations, including guidelines for historic setting analysis for historic districts that the CRSP recommends as eligible for the S/NRHP. New report guidelines have also been developed for documenting and evaluating bridges based on the statewide DOT Historic Bridge Inventory completed in 2002.

The reconnaissance survey report outline (Appendix B) was developed in 1995 and 1996 by the Report Quality Task Force that was to develop a report outline that focused on presenting information important to the goals of CRSP projects for DOT as summarized above and in Appendix A. DOT has required CRSP to include the page number of each historic resource form, prehistoric and historic site form, the table summarizing the location of S/NRHP eligible and listed buildings/structures in the table of contents. The new site exam report outline (Appendix C) was developed with the same goal by CRSP with input from DOT and State University of New York.

This document also reflects the adoption by SHPO/OPRHP in September 1995 of the New York Archaeological Council’s (NYAC) Standards for Cultural Resource Investigations and Curation of Archaeological Collections (1994). As indicated by SHPO/OPRHP, the NYAC standards for investigation have been recommended for use by the New York State Board for Historic Preservation and have also been reviewed by the National Park Service, which found them to be consistent with the Secretary of Interior’s Standards and Guidelines for Archaeology and Historic Preservation (36 CFR Part 800.)
 Whereas previous versions of the CRSP work scope provided detailed guidelines for cultural resource field investigations, the present document refers to the attached NYAC standards (Appendix D) for guidance on archaeological fieldwork and the Report Quality Task Force report outline. The document also provides details on requirements specific to DOT projects. All questions regarding these requirements should be addressed to the director of CRSP or his designate prior to initiation of work assignments.

**DEFINITIONS**

**Area of Potential Effect (APE):** The geographic area or areas in which an undertaking may directly or indirectly cause changes in the character or use of historic properties, if any such properties exist. The area of potential effect is influenced by the scale and nature of an undertaking and may be different for different kinds of effects caused by the undertaking. DOT provides the APE to SED in the initial project description.

**Environmental Analysis Bureau:** The office within the New York Department of Transportation that coordinates and manages the statewide Cultural Resources Survey Program.

**Evaluation:** Process by which the significance and integrity of a historic property are judged and eligibility for National Register listing is determined.

**Historic Context:** An organizing structure for interpreting history that groups information about historic properties that share a common theme, common geographical area, and a common time period. The development of historic contexts is a foundation for decisions about the identification and evaluation of historic properties, based on comparative historic significance.

**Historic Property:** Any prehistoric or historic district, site, building, structure or object.

**Identification:** Process through which information is gathered about historic properties.

**Integrity:** The unimpaired ability of a property to convey its historical significance.

**Office of Parks, Recreation and Historic Preservation (OPRHP):** The office within New York State Government charged with overseeing the state’s historic preservation program and assisting with compliance with Section 14.09 of the Parks, Recreation and Historic Preservation Law for 100% state funded projects.

**Map Documented Structure (MDS):** Buildings or structures documented by historic maps during background research and identified through field inspection as no longer standing. MDS locations are indicators of historic archaeological site sensitivity.

**Project Area:** Within the APE, area associated with actual ground disturbance and/or alterations to historic properties, including setting or landscape features.

**Regional Cultural Resource Coordinator (CRC):** In each NYSDOT Region, the person designated with responsibility for coordinating the Region’s Cultural Resource Survey Program and procedures associated with compliance with state and federal statutes protecting cultural resources.

**Section 106:** Implementing regulation of the National Historic Preservation Act of 1966 (16 USC 470), pertaining to NYSDOT projects that are federally licensed, permitted or funded.

**Section 14.09:** Implementing regulations of the NYS Historic Preservation Act of 1980 (Chapter 354 of Parks, Recreation and Historic Preservation Law), pertaining to NYSDOT projects that are entirely state licensed, permitted or funded. These regulations parallel the federal Section 106 regulations and apply to projects with no federal agency involvement.

**Significance:** Importance of a historic property as defined by the National Register criteria in one or more areas of significance.

**State Historic Preservation Office (SHPO/OPRHP):** Established under the National Historic Preservation Act, the SHPO administers the national program at the state level. Under Section 106, the SHPO reviews projects that are federal undertakings. In New York State, the SHPO resides in the Office of Parks, Recreation and Historic Preservation.
I. RECONNAISSANCE (PHASE I) SURVEY

APPLICATION: For survey of areas of potential affects from DOT capital projects.

PURPOSE: Reconnaissance surveys are designed to:

1. locate and identify on project maps all existing prehistoric and historic archaeological sites (sites), to the extent possible given current professional standards for field work, and locate, inventory/photograph, and identify on project maps standing buildings / structures (including bridges and other engineering features) districts, and objects within the project area that are eligible for listing on the S/NRHP, and

2. provide adequate information on buildings/structures for the SHPO/OPRHP and FHWA concurrence to the S/NRHP eligibility recommendations or require site examination (Phase II testing; see Section II) if additional information is needed for that recommendation.

Definition of the survey APE includes all areas that may be disturbed by the proposed project including settings of districts, buildings, and structures and their associated landscape features.

I.A. GENERAL METHODS

ARCHAEOLOGICAL AND ARCHITECTURAL SURVEYS

PROJECT DEFINITION: A project map or maps and Form A with project information will be provided by DOT for each project. This information will be provided to the investigator by the CRSP director or his designate at the time of project assignment. Reconnaissance surveys may include only architecture or archaeology but usually include both. In some cases only a Historic Setting Analysis will be completed if S/NRHP eligibilities have previously been determined or if it is a S/NRHP listed property. The type of survey and the APE is determined by the DOT Regional Cultural Resource Coordinator (CRC) and specified on the Form A (Cultural Resource Survey Checklist, Appendix E).

1. Review project maps and the project information contained on the Form A. The project area should be clearly plotted by the CRC on the project map(s). At least two sets of duplicate survey maps should be provided by DOT, one for field use and one for the working file of the investigator that will be used to develop the project map for the final report. Duplicate maps should be obtained directly from the CRC.

2. Discuss deficiencies or ambiguities in the project-area definitions with the appropriate CRC. If the CRC is unable to clearly define project area limits on project maps, the investigator should do so, after consultation with CRC, and obtain CRC’s written concurrence that the project area definition is adequate for their purposes.

3. Immediately report changes to or clarifications of the project area in writing to the CRSP director or his designate. No changes in survey scope that will affect the project budget or schedule should be made without written authorization from the CRSP Project Director.

BACKGROUND RESEARCH: Conduct background research before the initiation of fieldwork to develop prehistoric and historic contexts for the project area. Contexts are used to assess the project area’s sensitivity for prehistoric and historic archaeological sites and help to assess the S/NRHP eligibility of districts, buildings, structures, and objects in the project area. Background research involves several steps:

1. Site, Building/Structure, and Report File Checks. File searches must include the SHPO/OPRHP/New York State Museum (NYSM) statewide site and structure files, the OPRHP and NYSM report files, local museum and university site and report files, files of county and town historians, local libraries and Heritage Areas.

   a. Review inventories of previously recorded archaeological sites and cultural resources survey and archaeological investigation reports to determine if cultural resources have been previously recorded in and/or near (generally within 3.2 km) the project area. Include an area in the site file checks large enough relative to the size of the project area to determine what kinds of landforms and soil conditions are most sensitive for the presence of prehistoric archaeological sites in the region for comparison with the project area. Compile a table or list of previously reported
archaeological sites for inclusion in the report. Plot the location of all previously identified sites with their name and number within the project area, previous cultural resource surveys and archaeological investigations within the project area on the project map and prepare a list of those surveys and summarize their results for inclusion in the project report.

b. Contact SHPO/OPRHP and arrange an appointment to examine building/structure inventory files and discuss the project with the SHPO/OPRHP regional National Register staff. Information from these sources is critical for determining previously identified S/NRHP eligible historic properties, as well as properties already on, nominated to, or proposed for nomination to the S/NRHP or currently listed in the State inventory.

c. Obtain complete copies of all documents and maps on file at SHPO/OPRHP for properties already on, nominated to, or proposed for nomination to the S/NRHP or in the State inventory. Plot S/NRHP eligible, listed or nominated properties on the survey map with appropriate labels.

2. **Documentary Research.** Conduct research on the project area’s environmental and cultural settings to help develop prehistoric and historic contexts, define field environment, and locate actual or potential site locations. Focus environmental research on the identification of the kinds of landforms and soils that are located in the project area and the influence of these on the project area’s sensitivity for archaeological sites. Thoroughly assess the project area for the presence of alluvial and colluvial deposits with the potential for buried late Pleistocene and Holocene surfaces. Consult the literature on regional prehistoric settlement patterns to aid in the development of the general prehistoric context for the project area. Use regional settlement pattern models with the site file and environmental information and information on disturbances and current land use obtained during the initial project walkover (see below) to develop a sensitivity assessment for prehistoric archaeological sites in the project area.

Consult appropriate primary and secondary sources on local and regional history to develop an historic context for the project area. Identify the major historic trends, events and activities and themes, and their potential or known expression in the project area. Assess the potential of the project area to contain historic archaeological resources that predate historic maps. Sources consulted should include the State Museum, Library and Archives, SHPO/OPRHP, county and local libraries and records of historical societies, town and county clerks, historian and residents. Identify potential historic archaeological sites in the project area including the yards of historic standing buildings/structures and no-longer standing buildings/structures (Map Documented Structures [MDSs]) from historic maps and other documentary information. Plot all potential MDS locations on the project area map as a circle and label each with a unique number or letter designation. Compile a table listing these potential resources indicating the historic maps on which each MDS is plotted and any identifying label on those maps for inclusion in the report. Use all of these sources of information with information on disturbances and current land use obtained during the initial walk over of the project area (see below) to determine the project area’s sensitivity for archaeological sites.

**LANDOWNER NOTIFICATION:** Distribute landowner notification letters, obtained from the CRC, in advance of field work to all landowners to inform them of the pending survey. In all cases, permission of the landowner is needed to enter onto private property for the purposes of this research. If no owner or tenant can be found, and a letter of notice and explanation is left at the residence, exterior inspection and archaeological testing may be conducted, but no interior inspections (except of ruins or open and unused outbuildings) should be made. Recording and photographing executed from public lands, such as highway right-of-way, may be conducted without landowner permission. However, it is a matter of courtesy to inform the landowner or occupant of the building of the purpose of your recording before proceeding.

In the event that a landowner or tenant denies access to a property contact the CRC immediately and inform her/him of the problem. Inform the CRC if lack of access to that property will affect the results of the survey. The CRC and/or other regional DOT staff will work to obtain property access permissions. This information should be included in the report.

For projects on Native American reservation lands, consult with the CRC at the time of project initiation. Surveys on reservations will be conducted in accordance with the procedures and scope acceptable to the involved Native American nation.

**I.B. RECONNAISSANCE SURVEY**

**ARCHAEOLOGICAL FIELD METHODS**

Archaeological surveys must be directed by an individual who meets current NPS standards (36 CFR Part 61) for professional archaeologists.
Field investigations for the identification of archaeological sites take place in several steps:

1. Conduct a walkover survey of the entire project area and take detailed notes on observed natural and manmade features, visible evidence for sites, and disturbances that will allow for a more effective subsurface survey design. Assess the nature and extent of any disturbances, and eliminate from subsurface testing only those areas where there is no potential for intact archaeological resources. Take several general-view photographs showing the project’s setting. Plot the position and angle of each photograph on the project map(s). These photographs must show field conditions, not just the road and its shoulders. Photograph and plot on the map(s) areas of disturbance. Determine if buried utilities are located in the project area that have caused disturbance that might be impacted by subsurface testing procedures. If buried utilities are present or anticipated where subsurface testing is planned, contact the Underground Facilities Protective Organization (UFPO) at 1-800-962-7962 at least two days prior to excavation.

2. Interview local landowners and residents to obtain information on previously unreported archaeological sites.

3. Refine previous site information on the project map based on new information. Plot all additional sites identified during preliminary field survey on the project map and add to appropriate lists. Compile an interview informant list, including name, address, telephone, number and brief summary of information supplied for inclusion in the project report.

4. Develop and implement a survey strategy based on Section 2.3 of the NYAC Standards for Cultural Resource Investigations (Appendix D). Take into account all information gathered to this point in the development of the strategy including background research, the walkover survey and the sensitivity assessment for prehistoric and historic archaeological sites.

   a. When there is a potential for buried late Pleistocene and Holocene surfaces, design a deep testing plan to sample those deposits for archaeological sites. This plan may include mechanical excavations, hand excavations, or some combination thereof. The plan should be reviewed with the CRSP director or his designate prior to implementation. OSHA safety standards must be followed in all deep-testing plans.

   b. If cultural material is encountered in only one shovel test pit, excavate additional shovel test pits to ensure that it does not represent a larger site. Begin additional shovel test excavations at one-half the interval between the find and the next sterile shovel test. Excavate additional shovel tests closer to and/or farther from the initial positive shovel test as necessary to ensure that the initial positive shovel test did not intersect a larger site.

   c. When an archaeological site is found its lateral boundaries must be defined within the project area. Excavate additional shovel tests or do additional surface survey transects as appropriate to determine how close artifact deposits extend to the road. Extend the additional survey to the maximum extent of obvious disturbance associated with the road (e.g., shoulder, drainage ditch, road edge) and to the outside edge of the project area. Extend testing onto the shoulder when possible if a site has deep deposits that may extend under disturbance associated with the shoulder. If survey conditions prevent additional survey, and site boundaries are based on some other criterion, that criterion must be clearly described and justified in the report.

   d. Define the vertical extent and physical integrity of the site to the extent possible with reconnaissance survey field techniques. Determine the depth of artifactual deposits and identify from where in the soil profile artifacts originate. The report must include a brief description of the site’s soils and a statement as to where in the soil profile artifacts originate. In some situations (e.g., alluvial or colluvial settings), it might be necessary to provide a statement as to whether testing methods were sufficient to document the full potential vertical extent of the site.

   e. If numerous sites are found during a survey, and a procedure is followed to define horizontal and vertical boundaries for all of the sites, this procedure should be explained before the individual site descriptions. However, this does not obviate the need for explanation of the implementation of that procedure in each site description. For example, if site boundaries exclude nearby positive shovel test pits or surface finds, the rationale for these exclusions must be explained in the site description. If boundaries are drawn that extend significantly beyond the locations of positive shovel test pits or surface finds, this needs to be explained. Site boundaries should include all portions of a site, not just those portions that are recommended for additional investigations. Although testing is restricted to the project area, indicate if the site appears to extend outside the project area boundary.

   f. Each site identified must be assigned a NYSM site file number and a name. Submit a NYS site inventory form to the CRSP director or his designate prior to report submission so that a NYSM number can be assigned. Site names,
5. At the completion of the survey analyze all data sets to determine if sites that are potentially eligible for S/NRHPs are present in the project area. The analysis of artifactual and other information must be done under the prehistoric and/or historic context developed for the project. This analysis should also include information on site integrity to the extent possible with reconnaissance survey data. Use this analysis to make recommendations as to whether or not a site examination is needed to determine the eligibility of the site for S/NRHP.

A site does not require site examination (Phase II testing) if it does not have the potential to yield important information about prehistory or history, if its context is disturbed, or if it lacks provenience or association. Report any potentially significant site to the CRSP director or his designate to determine the need for site examination through a site exam request (see Section II). This information will be presented to DOT to determine whether the site(s) can be avoided by design revisions.

Historic Setting Analysis should be applied when a S/NRHP eligible district is identified as a result of reconnaissance survey. Historic Setting Analysis alone may also be conducted for existing S/NRHP listed and eligible districts, or at the request of the Regional Cultural Resource Coordinator.

I.C. RECONNAISSANCE SURVEY
ARCHITECTURAL FIELD METHODS

Architectural surveys must be done by an architectural historian who meets current NPS standards (36 CFR Part 61) and has been approved by SED, DOT, and OPRHP. The credentials of the architectural historian must be on file at SED, DOT, and SHPO/OPRHP.

Architectural fieldwork is accomplished through several steps:

1. Conduct a walkover survey of the project area to correlate existing buildings/structures with those shown on historic maps. Determine which buildings/structures is at least 50 years old and record street or fire address for each property.

2. Interview local landowners and residents to identify the building/structure’s age and history or clarify information already noted for historic properties where such information is ambiguous or contradictory.

3. Identify which buildings/structures are eligible for the S/NRHP and record information needed to complete the New York State DOT Historic Resource Inventory Form (Appendix F) with appropriate photograph(s). Determine if there are eligible S/NRHP historic districts in the project area or partially within the project area but extend beyond project limits. Consult with SHPO/OPRHP staff when proposing an historic district or expanding an existing historic district. Record proposed boundaries of the recommended district on the project survey map. Complete an historic district form (Appendix F) with appropriate photo documentation. Inventory all eligible buildings/structures and/or districts unless they have been previously inventoried. Provide updated photographs of existing National S/NRHP listed or eligible properties or districts. Identify major changes to properties since original inventory that could affect existing eligibility status. Include the original form and new photographs in the report.

4. Photograph all buildings/structures in Historic Districts within the project area and all buildings/structures that are at least 50 years old within the project area or that have property extending into the project area and accurately plot them on project map and label with street or fire addresses. Photograph special architectural details of each building/structure, its surroundings and visual character relative to other properties and environmental features (cultural and natural), and the area of impact and relationship to the highway. Plot photo angles on the map and key them to the photographs within the report. Photograph outbuildings with associated buildings/structures. Photograph isolated outbuildings as primary buildings (unassociated).

5. When a S/NRHP eligible district is identified as a result of reconnaissance survey, Historic Setting Analysis should be applied. Historic Setting Analysis alone may also be requested for existing S/NRHP listed and eligible districts. Conduct detailed site-specific research and document contributing features of the district, including elements of the setting and spatial relationships between buildings and the natural/cultural landscape. Photograph contemporary views of the streetscape for comparison with historic photographs, including vegetation and landscape features, street furnishings, buildings and structures. Provide mapping of the district that shows contributing elements of the setting, and buildings/structures identified...
by street address and function. Photographic views, summary tables of historic landscape features, and other descriptive information should be included in the Historic District inventory. Guidance for Historic Setting Analysis is provided in Appendix F.

6. The method of survey and reporting historic bridges is different from the previous work scopes. In 2002 a statewide inventory of historic bridges was completed. The three-year project updates a previous inventory of pre-1925 bridges conducted in the 1980s. The scope of the current inventory includes bridges built prior to 1961 that are located on public highways, including both state and locally-owned bridges. Over 6,600 bridges have been evaluated for eligibility for listing in the S/NRHP. A total statewide population of nearly 600 historic bridges has been identified.

The following documents were prepared as part of the Historic Bridge Inventory project:

- **Historic Bridge Database**
  The database contains collected data and a Historic Determination, the eligibility status, for each inventoried bridge. The Historic Bridge Database was incorporated into the existing database for DOT’s Bridge Inventory and Inspection System (WinBolts). Available from DOT Regional Cultural Resource Coordinators.

- **Contextual Study of New York State’s Pre-1961 Bridges, November 1999**
  The contextual study establishes a framework for understanding the historic and engineering significance of New York’s bridges. The study includes an overview of national trends in bridge engineering, the history of bridge design and construction in New York State, and the development of New York’s transportation networks.

- **Evaluation of S/NRHP Eligibility, January 2002**
  The evaluation report presents background information on the purpose and scope of the inventory, chronology of project activities, evaluation criteria, and methodology for evaluating S/NRHP eligibility. Recommendations for bridges selected for field survey are discussed within the context of bridge type.

- **Historic Bridge Management Plan, September 2003**
  The Management Plan presents practices and recommendations consistent with the needs of transportation and preservation, that NYSDOT and other bridge owners can apply to their historic bridges.

If a bridge was included in the inventory of bridges built prior to 1961 include only the S/NRHP eligibility in the cultural resource survey report. This inventory is available from the CRC. No bridge inventory forms are needed for bridges previously evaluated even if those structures are to be removed.

If the bridge has not been evaluated, a bridge inventory form (Appendix F) with photograph(s) is required only if the bridge is eligible individually or as part of a district. Information on the bridge, such as construction date, type, length, etc., may be gathered from the WinBolts database or the CRC. Evaluation of the bridge within the context of bridge type and sub-group is detailed in the **NYSDOT Guidelines for Evaluating Historic Bridges (Appendix F)** and the January 2002 report **Evaluation of National Register Eligibility**: Task C3 of the Historic Bridge Inventory and Management Plan prepared for the DOT and FHWA by Mead & Hunt, Inc. If there is any question as to how to present a bridge in the report contact the CRSP director or his designate. If the BIN (bridge identification number) is not known, the investigator should obtain the BIN from the CRC and include the number in the report.

Note that bridges determined not individually S/NRHP eligible in the bridge inventory may be contributing features of a historic district. If an inventoried bridge is located within or adjacent to a historic district, it should be evaluated for its potential as a contributing resource to the district.

Culverts were outside the scope of the bridge inventory and were not evaluated. Although usually not S/NRHP eligible, there are cases where a culvert may be S/NRHP eligible, such as a stone arch culvert or a former raceway. Culverts may be contributing features of a historic district.

7. Follow the minimal standards for documentation for buildings/structures inside the project area to ensure that sufficient visual information is available in the report for review and to support the S/NRHP eligibility and non-eligibility recommendations.

a) **Documentation Procedures:**

1. One representative photograph is sufficient for a building/structure when a building is clearly architecturally significant because of design and integrity unless vegetation obscures the view. The relationship of the property and roadway should always be depicted in the photograph. An angled frontal shot is suggested. If a building is architecturally simple, a single photograph that captures two facades is sufficient. Additional photographs should be taken as needed if obstructions are present. Each qualitatively
different face, whether contributing to or detracting from the over-all style or integrity of the building/structure, should be clearly shown in photographs.

2. If the architectural historian finds a building/structure’s eligibility difficult to illustrate additional photographs should be taken as follows:

The level of detail photography depends on the amount and type of detail present, the degree to which it already shows adequately in the representative photography and the degree to which detail is significant in the evaluation of architectural significance.

(Example: If an ornate Victorian house that has no intrusive modifications and is in a good state of preservation, individual photographs of the many architectural details are not necessary. However, if a house with aluminum siding, awnings, a car port and concrete faced foundation has evidence that suggests an early 19th century origin, photographs of windows, porches, trim and hardware may be necessary to confirm or reject the early date and provide a basis for determination of the S/NRHP eligibility or non-eligibility for the property.)

Usually exterior documentation is sufficient, particularly when the architectural characteristics are the major contributing factors to significance. However, interior photographs should be provided if exterior photographs alone do not capture unique features that make the property S/NRHP eligible.

(Example: If the exterior of the building does not have architecturally significant features and it has no remnant exterior features indicating an early construction date, and yet is supposed, from documentary evidence, to be a house standing in 1767, interior details [doors, moldings, floors] or structural features [hand-hewn beams, rose-head nails] may be the only information on which to base a description of the resource and from which to facilitate an evaluation of historic significance.) The level of internal documentation depends on the subject and the need for detailed information. Photographs are part of this documentation.

b) Technical aspects of the recording process

1. All photography should be in color. A standard 3.5 x 5 inch print size is adequate. Digital photos are not acceptable.

2. Efforts should be made to “match” old or “historic” views with duplicate views taken as part of the field of study. (This greatly aids evaluation of integrity and helps document contributing elements in the environment or setting.)

3. All photographs should be affixed to the pages of the report with double sided cellophane tape (a single 2 inch strip is adequate).

4. To the extent possible, the bulk resulting from photographs in the report should be evenly distributed; i.e. one photo in the center of the page; one photo on top half of page, then later one photo on bottom half of another page; two photos to a page (top and bottom); three photos to a page; etc. so that the report lies flat for binding.

8. All aboveground cultural resources greater than 50 years old identified within the project area should be evaluated for S/NRHP eligibility:

1. Categorize the property type (district, building, structure, object);
2. Determine the historic context represented;
3. Determine significance under National Register Criteria A, B, C, and/or D, and identify the applicable criteria;
4. Determine if the property retains integrity, the ability to convey its significance through physical features.

Evaluations should be made within the historic context(s) developed as a result of background research and with reference to local, State, or National level of significance. Note that the project area should not be considered in isolation as a level of significance (i.e. a building is not eligible because it is the only example of its style/type/period within the project area).
Historic Resource Inventory forms and Historic District forms should include a definitive statement of eligibility, reflecting the evaluation process. Aboveground resources that do not meet the National Register Criteria for Evaluation should clearly be identified as not eligible. Consult National Register Bulletin #15: How to Apply the National Register Criteria for Evaluation for guidance.

I.D. RECONNAISSANCE SURVEY PRODUCT

The outline for CRSP reconnaissance survey reports is attached (Appendix B). Follow this outline in the preparation of the report. Mark maps or descriptions specifically locating sites “Confidential, Not for Public Distribution”. Submit one unbound copy of each report to the CRSP director or his designate for review according to the project schedule. Include with the draft report all maps, appropriately highlighted, and one copy of all photographs. After review by the CRSP director or his designate make all necessary revisions and submit six (6) bound copies of the report, one on acid-free paper, to the CRSP director or his designate. Each report should contain original copies of photographs and project maps. Additional copies of the report may be requested for distribution to DOT and other interested parties involved in the consultation process.
II. SITE EXAMINATION (PHASE II)

APPLICATION: To determine S/NRHP eligibility of archaeological sites in the project area.

PURPOSE: To present all information necessary to determine eligibility for listing on the S/NRHP, including, but not limited to, horizontal and vertical extent of the site in the project area, the types of information the site can produce (subsurface features, postmold patterns, charcoal for dating, ceramic samples, information on technology, etc.), the temporal and cultural affiliation(s) of the site and its physical, prehistoric and/or historic integrity, and an identification of the context(s) and research questions, if any, that may be addressed through data recovery. Eligibility requirements for the S/NRHP are presented in National Register Bulletin 15 and 36.

PROCEDURE FOR REQUESTING SITE EXAMINATION: A request for site examination must be prepared for SED prior to the initiation of site exams, regardless of remaining project funds, since DOT may be able to avoid a site with change in project design. Prepare a request in writing for the CRSP director or his designate. Although delays are common after a site has been located and before funding is approved for site exams, the following procedures must be followed unless otherwise directed.

Steps followed for site exam request:

1. Prepare a site examination request that includes:
   • descriptions of the site’s environmental context, previous excavations, artifacts, and features
   • a statement on the site’s physical integrity
   • a prehistoric and/or historic context and a statement on the site’s research potential
   • proposed site exam methodology including test unit placement consistent with Section 3.0 of the NYAC Standards for Cultural Resource Investigations (Appendix D)
   • appropriate portion of the project map depicting location of site and excavation units of previous investigations in relation to the project area boundaries
   • cost and time estimate required to complete the proposed site examination. Do not include this in the Phase I survey report.

2. Include the site examination request in the Phase I report under the recommendation section. The cost and time estimate is submitted to DOT at the same time, but as a separate document. The site exam request contained in the report and the separate proposed budget will be forwarded to the DOT Environmental Analysis Bureau (EAB) and the CRC.

3. The CRSP director or his designate will coordinate with EAB and the CRC to determine if the site can be avoided.

4. The schedule, including a revised due date, and budget approval will be coordinated by SED, EAB, and CRC.

5. After the review is completed, and if it is determined that the site cannot be avoided, the CRC will submit a Form A to the CRSP director authorizing the site examination. The CRSP director will then authorize initiation of the site exam per contractual agreement with the investigator’s institution.

Once the site exam has been approved, it is critical that the work be done according to the approved work plan, budget, and schedule. Any deviation must be approved in writing by the CRSP director or his designate.

METHODS:

1. Develop and implement a site examination strategy based on Section 3.0 of the NYAC Standards for Cultural Resource Investigations (Appendix D).

2. Notify landowner of pending site examination. Discuss with the landowner a deed of gift for the artifact collection.

3. When premature termination of investigations, either vertically or horizontally, is caused by conditions or situations that are under the control of either the SED or the CRC, immediately notify the CRSP director or his designate.
4. Test units should be distributed to include a determination of the limits of site productivity in the direction of the edge of pavement.

5. Boundaries of the site should be depicted on the project area map. Refine site limits by testing results and include an assessment of the extent to which significant deposits approach the road.

6. Contact CRC to obtain highway mapping for the site area. If the CRC is unable to provide mapping, prepare site maps that approximate highway map design and include highway, environmental, and cultural landmarks.

7. Prepare detailed artifact inventories, with descriptive cultural and provenience information. Consult appropriate experts during the identification and evaluation process. Summaries of expert opinion should be adequately cited in the site analysis notes.

8. Prepare line drawings of test unit profiles for inclusion in the report to illustrate soil descriptions and discussions of physical integrity.

9. Photograph site areas, excavation units, features and artifacts if illustrative of site significance.

10. Promptly and completely backfill all excavations unless written permission has been obtained from the landowner to delay backfilling or to leave excavation open. (During excavation, all appropriate OSHA specifications must be complied with, without exception.)

**RECOMMENDATIONS:** Sites should be evaluated for eligibility following procedures outlined in *National Register Bulletin #36: Guidelines for Evaluating and Registering Archeological Properties.* To qualify for eligibility under National Register Criterion D, a property must have information that can contribute to our understanding of human history of any period, and the information must be considered important. The property must also have the necessary configuration of data sets and integrity to address important research questions.

Recommendations should include an explicit statement of S/NRHP eligibility. For sites that do not qualify, the report should state that the site is not eligible and no further investigation is necessary. If the site meets the National Register criteria, the significance assessment should include discussion of the rationale for evaluation of collected data and justification for a definitive recommendation that the site is eligible. Recommendations for avoidance of significant sites should address requirements for protection of the site before, during, and after construction to avoid accidental impact. Data recovery should be recommended in the event that an eligible site with additional research potential cannot be avoided.

**PRODUCT:** Follow the outline for CRSP site examination reports (Appendix C). This outline should be adjusted as appropriate through consultations with the CRSP director or his designate when more than one site examination is included in the report. Mark maps or descriptions specifically locating sites “Confidential, Not for Public Distributions”. Submit one unbound copy of each report to the CRSP director or his designate for review according to the project schedule. Include all maps, appropriately highlighted, and one unbound copy of all photographs. Make all necessary revisions to the report based on comments by the CRSP director or his designate and submit six (6) bound copies of the report, one acid-free paper, to the CRSP director or his designate. Additional copies of reports may be requested for distribution to DOT or other parties to the consultation process. Each report should contain original copies of photographs and project maps.
MITIGATION (PHASE III)

APPLICATION: An investigation conducted when historic properties have been determined eligible for the S/NRHP and DOT cannot avoid impact. Archaeological site may also involve alternative mitigation activities in lieu of and/or in conjunction with the more standard technical data recovery treatments and reports, as provided in Section 4.0 of the NYAC Standards.

III.A. ARCHAEOLOGICAL SITE DATA RECOVERY

PURPOSE: To excavate the designated site within project limits to obtain the data necessary to describe and interpret the site, address research topics developed in the Data Recovery Plan (see below), and preserve the information that would be lost to construction impact.

METHOD: The investigator will be provided with a general project plan showing the limits of impact. The investigator will be responsible for developing a Data Recovery Plan based on Section 4.0 of the NYAC Standards for Cultural Resource Investigations that includes research design, methodology, schedule, and budget. SED, DOT, and OPRHP/SHPO will review the plan and request revision if warranted. SED will provide directions for any other form of mitigation. Once approved, the data recovery plan will be executed according to project schedule.

PRODUCT: Submit an end-of-field letter briefly summarizing the investigations and results to the CRSP director or his designate within four (4) weeks after the completion of fieldwork. The CRSP director or his designate will submit this letter to DOT. The formal report is due within one year of fieldwork completion. Submit one copy of the draft report to SED for review. When approved by SED an additional copy of the draft report will be provided to DOT for review. After review by SED and DOT is completed and revisions resulting from these reviews have been made by the investigator, submit six (6) bound copies with original photographs to SED, one of which should be printed on acid-free paper. Each report should contain site plans, and project maps. Submittal of the final report must be made within six (6) months of receipt of comments on the draft report from SED and DOT, or by the end of the contract term, which ever comes first. One unbound copy of the report with original photographs and all site plans and project maps shall be maintained either by the investigator or the SED for future copy use. Additional reports may be requested for distribution to local and regional repositories.

III.B. BUILDINGS AND ENGINEERING PROPERTIES

PURPOSE: To record and document standing buildings/structures as part of the Section 106/14.09 mitigation process.

METHOD: Follow the Secretary of the Interior’s Standards and Guidelines for Architectural and Engineering Documentation (Federal Register, Vol. 48, No. 190, Thursday, September 29, 1983, pp. 44730-34) and/or the New York State Office of Parks, Recreation, and Historic preservation guidelines for the appropriate level of documentation. Procedures for appropriate levels of documentation and instructions for completion of documentation are provided in the following documents, copies of which are available from the CRSP director or his designate.

- OPRHP October 24, 1995 Memorandum on Mitigation Documentation
- National Park Service August 1989 Guidance for the Preparation of Written and Descriptive Data in Accordance with the Standards of the Historic American Engineering Record.

PRODUCT: Submit two draft copies of the HABS or HAER documentation with appropriate drawings and figures to the CRSP director or his designate according to project schedule. The draft documentation will be reviewed by the CRSP director or his designate and DOT/EAB. Make necessary revisions based on CRSP and DOT/EAB comments and submit three copies to the CRSP director or his designate for distribution to DOT who will forward copies to SHPO/OPRHP for comment. After approval by SHPO/OPRHP, make required number of final copies and submit to the CRSP director or his designate according to project schedule. Additional copies may be requested by SHPO/OPRHP for distribution to local repositories.

Attachment E to the Draft Programmatic Agreement for the High Speed Rail Empire Corridor Program
APPENDIX A

REVISED SECTION 106 IMPLEMENTATION PROCEDURES

The following procedures outline New York State Department of Transportation (NYSDOT) responsibilities for implementing Section 106 of the National Historic Preservation Act, as delegated by the Federal Highway Administration (FHWA). The New York State Museum participates in this process through its role in the identification of historic properties (800.4) on behalf of NYSDOT. As outlined in Step 2, cultural resource survey reports prepared by SED and its subconsultants provide eligibility recommendations for review and concurrence by the SHPO and FHWA.
REVISED SECTION 106 PROCEDURES FOR NYSDOT

STEP 1 – INITIATE THE SECTION 106 PROCESS (800.3)

The NYSDOT, early in the NEPA process, shall consult with SHPO/THPO, to identify consulting parties and invite them to participate in the Section 106 process (i.e. local officials, other federal/state agencies, public organizations/groups) (800.8(a)(2)).

Region establishes if project has potential to cause effect on historic properties (800.3(a))
I. Determines project has no potential to cause effect on historic properties
   A. Document in Design Report
   B. Section 106 complete
II. Determines project may cause effect on historic properties
   A. Go to STEP 2

STEP-2 IDENTIFY HISTORIC PROPERTIES (800.4)

The NYSDOT, in consultation with SHPO/THPO and identified consulting parties, shall take steps necessary to identify historic properties within the Area of Potential Effects (800.4(b)).

Region applies screening/survey criteria
I. Determines screening needed – screening conducted
   A. No potential historic properties identified
      1. Document in Design Report
      2. Section 106 complete
   B. Potential historic properties identified (12 or less) in consultation with EAB (above ground concerns only)
      a. Proceed to STEP 2.III.B for Assessing Affects
   C. Determines survey needed (12 or more potential historic properties identified or archaeologically sensitive and no prior ground disturbance demonstrated)
      a. Proceed to STEP 2.II
   D. Entirely w/in S/NRHP listed or eligible historic district prepares inventory forms for potential historic properties
      a. Proceed to STEP 2.II
II. Determines survey needed
   A. Determine survey type
      1. Survey needed for buildings/structure (12 or more) & archaeology
      2. Survey needed for building/structures only (12 or more)
      2. Survey needed for archaeology only
   B. Initiate survey – prepares and submits Form A & maps to SED and EA B
      1. SHPO copied – early project notification

III. Survey report results
   A. No historic properties identified – SED sends all reports to EAB
      1. EAB agrees with SED’s eligibility recommendations
         a. EAB requests FHWA’s concurrence that no historic properties affected
         b. EAB notifies SHPO of finding concurrently with FHWA and distributes survey report to SHWA, SHPO & regions
            (1) No response form SHPO within 30 days
               (a) assume agreement
               (b) FHWA provides notification to NYSDOT & SHPO that Section 106 is complete
            (2) SHPO objects within 30 days – copies FHWA &NYSDOT
               (a) SHPO identifies potential historic properties
                  i) NYSDOT does not agree with SHPO’s eligibility recommendations
                     a) FHWA requests Department of Interior (DOI) opinion on eligibility
                        1.1 DOI determines property eligible
                        1.2 Proceed to STEP 3.I to assess project effect
ii) NYSDOT agrees with SHPO’s eligibility recommendations
   a) Proceeds to STEP 3.1 to assess project affects

2. EAB/Region disagree with SED’s eligibility recommendations
   b. EAB distributes reports to SHPO, FHWA and Region with potential historic property recommendations
   c. Proceed to STEP 2.III.B.1a.

B. Historic Properties Identified
1. SED survey report/regional inventory forms sent to SHPO – NYSDOT & FHWA copied
   a. No response from SHPO within 45 days regarding historic property recommendations
      (1) Assume agreement w/SED eligibility recommendations
      (2) Region proceeds to STEP 3.1 to assess project affects
   b. SHPO responds with disagreement on all or several eligibility determinations within 45 days – copies NYSDOT and FHWA on all or part of SED’s recommendations
      (1) If SHPO finds historic properties eligible
         (a) EAB/Region disagree with SHPO’s eligibility determinations
            i) Go to STEP 2.III.A.1.b.(2)(a)1a
         (b) EAB/Region agrees with SHPO’s eligibility determinations
            i) Go to STEP 3.
      (2) If SHPO finds no historic properties eligible
         (a) NYSDOT requests FHWA’s concurrence that no historic properties affected
            i) FHWA concurs – copies SHPO & NYSDOT
            iii) 36 CFR, Part 800 is complete
   c. SHPO requests more information
      (1) SED or Region provides information to SHPO – FHWA and EAB copied
      (2) Proceed to STEP 2.III.B.1

STEP 3 – ASSESS EFFECTS TO HISTORIC PROPERTIES (800.5)

The NYSDOT, in consultation with SHPO/THPO and identified consulting parties, shall consult regarding the undertaking’s effect on historic properties during the NEPA scoping and the preparation of the NEPA Documents (i.e. EA or DEIS/EIS), and hold public hearings, publish notice of EA/EIS availability in local papers, publish notice of opportunity for a design or combined corridor design for public hearings (800.5(c)(2)). Also through this consultation, alternatives & proposed measures that might avoid, minimize or mitigate any adverse effects on historic properties will be described in the EA or DEIS/EIS.

I. Region Evaluates Affect to Historic Properties
   A. Avoids affecting historic properties – prepares finding documentation & requests FHWA’s concurrence that no historic properties affected 0 SHPO notified (no effect)
      1. No response from SHPO within 30 days
         a. Assume agreement with finding
         b. FHWA provides concurrence letter to region – copies SHPO & EAB
         c. Section 106 complete
      2. SHPO objects within 30 days
         a. FHWA &NYSDOT notified of objection
         b. Additional consultation needed
         c. Proceed to STWP 4 if issues not resolved
   B. Region finds, in consultation with EAB & SHPO, that historic properties affected – Proceed with STEP 4

STEP 4 – APPLY CRITERIA OF ADVERSE EFFECT 9800.5(a))

I. Region applies criteria of adverse effect (800.5(a))
   A. Determines project will have an adverse effect on historic properties – proceed to STEP 5 for assessment of adverse effects
II. Region proposes finding of no adverse effect (800.5(b))
   A. Prepares finding documentation & sends to SHPO, EAB & FHWA
1. No response from SHPO within 45 days
   a. Assume agreement
   b. FHWA gives concurrence – copies SHPO & EAB
2. SHPO responds to finding to NYSDOT within 45 days – copies to FHWA
   a. Additional information requested
   b. Conditions modified/added
   c. Return to STEP 4.I.
3. SHPO disagrees to finding to NYSDOT within 45 days – copies FHWA
   a. Proceed to STEP 5 if no adverse effect is not resolved

**STEP 5 – RESOLUTION OF ADVERSE EFFECT (800.6)**

I. NYSDOT explore avoidance/modifications alternatives
   A. Successful – avoids adverse effect
      1. Return to STEP 3, if recommended no historic properties affected
      2. Return to STEP 4, if recommend no adverse effect
   B. Region concludes adverse effect
      1. Provides finding documentation to SHPO (800.11(e)) – copies other consulting parties, FHWA & EAB
      2. SHPO concurs within 45 days
         a. Issues adverse effect letter and draft MOA to region – copies other consulting parties, FHWA & EAB
         b. FHWA concurs – notifies Council (Council has 15 days to respond)
            (1) Requests Council’s involvement
            (2) Determines Council will not be involved
         c. FHWA forwards Council response to region – copies other consulting parties, EAB & SHPO
   3. SHPO does not concur – proceed to STEP 5.I.

II. Region progresses draft MOA
   A. Agrees with MOA/Stipulations & signs agreement – circulates to SHPO & FHWA for signatures
   B. Disagrees with MOA/Stipulations
      1. Consults with SHPO & FHWA on stipulations & modifies MOA with agreed upon stipulations
      2. Signs MOA & circulates to SHPO & FHWA for signatures

III. Council participation
   A. If Council not consulting party, FHWA provides Council with copy of signed MOA and summary documentation (if not previously submitted) – copies to SHPO, NYSDOT, & other consulting parties
      1. Date of FHWA notification letter to Council – Section 106 process complete
   B. If Council participates
      1. FHWA provides Council with original MOA and draft design approval document
      2. FHWA requests Council concurrence & signature
         a. Council agrees & signs MOA – returns to FHWA
            (1) FHWA distributes copies to NYSDOT, SHPO & consulting parties – Section 106 process complete
         b. Council disagrees
            (1) Consults with FHWA & SHPO
APPENDIX B

CRSP RECONNAISSANCE (PHASE I) SURVEY
REPORT OUTLINE FOR DOT PROJECTS
CRSP RECONNAISSANCE SURVEY (PHASE I SURVEY)
REPORT OUTLINE FOR DOT PROJECTS

I. TITLE PAGE
A. Cultural Resource Survey Type
B. Program Year
C. PIN, BIN, and PR# (if available)
D. Project Name – Location
E. Author/Institution
F. Prepared For NYS Museum
G. Date
H. Sponsor – NYSDOT and FHWA (federal projects)

II. MANAGEMENT SUMMARY (OUTLINE FORMAT)
A. DOT PIN and BIN and PR# (if available): _________   _________   __________
B. DOT project type (from Form A) and funding (state or federal): ___________________________
C. Cultural resource survey type: ________________________________
D. LOCATION INFORMATION
Route (from – to):  __________________________________________
Minor Civil Division (give MCD number): ______________________
County: __________________________________________________
E. SURVEY AREA
Length: __________________________________________________
Width: _________ __________________________________________
Acres: __________________________________________________
F. U.S.G.S. 7.5 Minute Quadrangle Map: __________________________
G. SENSITIVITY ASSESSMENT
Prehistoric (high, medium, low): _______________________________
Historic (high, medium, low): __________________________________
H. ARCHAEOLOGICAL SURVEY METHODOLOGY
Number of shovel test pits: _______
Number of units: _______________
Surface survey (yes/no): _________
I. RESULTS OF ARCHAEOLOGICAL SURVEY
Number of prehistoric sites identified: _________________________
Number of historic sites identified: _____________________________
Number of sites recommended for investigation: _________
Number of listed/eligible or potentially eligible S/NRHP sites identified: _______________________
J. RESULTS OF ARCHITECTURAL SURVEY
(Reference page number of summary charts)
Number of buildings/structures in project area: _________________
Number of known NR listed/eligible buildings/structures: ________
Number recommended eligible buildings/structures or districts: _____
Number of S/NRHP listed/eligible or recommended eligible buildings/structures identified: _______
K. AUTHOR/INSTITUTION: __________________________
L. DATE: __________________________________________
M. SPONSOR: NYSDOT & FHWA (if appropriate)

III. TABLE OF CONTENTS (includes the page number of each historic resource inventory form, archaeological site form, table summarizing the location of S/NRHP eligible buildings/structures, and summary of identified S/NRHP eligible buildings/structures within the project area).
List of Photographs and Figures.

IV. ARCHAEOLOGICAL SURVEY
A. DOT project description (reference source of information)
   1. Details on project work scope and location (If area to be surveyed does not include the entire area give reason provided by DOT on Form A.)
2. Survey Width – specify from centerline
3. Survey Length – total length of surveyed area

B. General Project Area
1. Maps of project location (i.e. state, county, town)
2. Photographs of current land use (commercial, rural, suburban etc.)

C. Background Research
1. Site file search (table format preferred). Include the site name/number, site type, location, whether it is listed (L), eligible (E), or inventoried (I) and source information:
   - New York State Museum (NYSM)
   - State Historic Preservation Office/Office of Parks, Recreation & Historic Preservation (SHPO/OPRHP)
   - Universities
   - County/town
   - Interviews
2. Environmental Setting (Brief and Relevant)
   a. Topography
   b. Soils (summary of dominant series)
   c. Drainage and distance to nearest water source
   d. Type and extent of disturbance with documentation if available
3. Prehistoric Context
   a. Brief overview of settlement pattern focusing on site types expect to find in project area (The scope of this overview should be specific to project area based on existing knowledge.)
   b. Prehistoric site sensitivity (Based on integration of environmental information, site file data, overview, and current land use/disturbances)
4. Historic Context (For archaeological sites, buildings, districts, structures and objects)
   a. Major historic trends or themes for project area.
   b. Historic maps – map documented structure (MDS) and structures summary table
   c. Historic site sensitivity (Based on historic map results, information about settlement prior to historic maps, and current land use/disturbance)

D. Archaeological Survey Methodology
1. Project walkover
   a. Areas eliminated from testing (steep slope, standing water, disturbance, access denied)
2. Testing procedures
   a. Surface survey
   b. Subsurface testing
     i. size/placement and interval/depth
     ii. total number of tests

E. Archaeological Survey Results
1. Brief overview of results, including negative results
2. Table summarizing the results of archaeological investigations at MDS and standing buildings/structures
   (Example Table 1, attached)
3. Site descriptions
   a. Context statement
   b. Site size (horizontal and vertical)
   c. Site location
   d. Site characteristics (including period of significance)
   e. Summary of quantity and kinds of artifacts
   f. Artifact distributions – horizontal and vertical
   g. Identified features
   h. Integrity
   i. Research potential
   j. Potential impacts (include site exam request information)
4. SHPO/OPRHP site form follows each site description. This form includes the brief summary of the site, a summary of S/NRHP eligibility, and under which criteria the site is eligible to S/NRHP.

V. ARCHITECTURAL SURVEY
(If no archaeological survey is required include from above items IV. A, IV.B, IV.C.4)
A. Methodology
   (Include review of SHPO/OPRHP database/discussions with SHPO/OPRHP staff)
B. Results – begin with a brief summary of findings under subheadings: Recommended S/NRHP eligible buildings/structure, historic districts, non S/NRHP eligible properties, etc.
   1. Table of all buildings/structures and objects (include bridges, monuments, and cemeteries)
      (Include in table local street name, if known, with street address grouped by MCD then address. Example Table 2, attached.)
   2. Table of recommended S/NRHP eligible (inventoried) buildings/structures and districts. (Example Table 3, attached.)
   3. DOT Historic Resource Inventory Form for all eligible buildings/structures (sample attached). For proposed historic districts include Historic Setting Analysis, District Form and photos of each building/structure. Include a table listing contributing and non-contributing properties. Include DOT Bridge Inventory form if the bridge has not been previously evaluated and is recommended S/NRHP eligible.
   4. Photographs
      a. Separate photographs placed after forms for all buildings/structures at least 50 years old showing associated landscape features and outbuildings
      b. Streetscapes to show the general setting for recommended S/NRHP eligible districts
   5. Organization of Photographs and Inventory Forms
      a. Inventory forms with photograph and location map ordered sequentially by address and location
      b. Buildings/structures forming recommended S/NRHP eligible districts grouped together as district with photographs of streetscapes showing district boundaries. Preliminary district boundaries drawn on project map
      c. Photographs of buildings/structures at least 50 years old recommended not S/NRHP eligible placed at end of the report, ordered sequentially with and by address or location
      d. Associated outbuildings grouped and labeled with the principal building/structure

VI. APPENDICES
A. References and interviews
B. Test pit data/artifact catalog
C. Correspondence (include survey request Form A, SHPO/OPRHP letters, DOT Region letters, S/NRHP and/or inventory forms)
D. Project map (Metric/English)
   a. Project area boundary
   b. Shovel test pits (w/ and w/out artifacts)
   c. Buildings and structures (NRE/ not NRE)
   d. MDS locations
   e. Photo angles
   f. Site names, numbers, and boundaries
   g. Areas not tested (standing water, steep slope, disturbance, access denied)
   h. Boundaries of recommended S/NRHP eligible and S/NRHP listed historic districts
E. Nomination forms for S/NRHP listed properties
### EXAMPLE TABLE 1. Summary of the Results of Archaeological Investigations at MDS/Standing Structures.

<table>
<thead>
<tr>
<th>Structure/MDS</th>
<th>Map #</th>
<th>First Known</th>
<th>Inside Project Area?</th>
<th>Field Conditions</th>
<th>Testing Interval</th>
<th>STPs</th>
<th>Artifacts</th>
<th>Comments/Impacts</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cincinnatus Ambulance (MDS1)</td>
<td>8</td>
<td>L.N. Hopkins barn</td>
<td>no</td>
<td>Post-1950 structure with partially paved front</td>
<td>15 m</td>
<td>1</td>
<td>0</td>
<td>No cultural remains recovered. No further work recommended.</td>
</tr>
<tr>
<td>2761 Taylor Ave. (MDS 2)</td>
<td>8</td>
<td>H.B. Boyd barn</td>
<td>yes</td>
<td>modern gas station with paving</td>
<td>no testing</td>
<td>-</td>
<td>-</td>
<td>Area extensively disturbed by modern building construction. No further work recommended.</td>
</tr>
<tr>
<td>MDS 3</td>
<td>4, 8</td>
<td>barn</td>
<td>yes</td>
<td>lawn and brush next to creek, area graded</td>
<td>7.5 m</td>
<td>3-7</td>
<td>40</td>
<td>Barn associated with dwelling to the north. Artifacts recovered include mostly coal, ash, and cinders/slag along with nails and other architectural debris. Only a few fragments of domestic refuse were recovered such as ceramic and bottle glass likely associated with the dwelling. No structural features were found and the area appeared to be extensively disturbed. No further work is recommended.</td>
</tr>
<tr>
<td>2769 Telephone Rd.</td>
<td>4, 5, 6, 8, 10</td>
<td>L. White</td>
<td>yes</td>
<td>lawn, sidewalk, driveway</td>
<td>15 m</td>
<td>8-10</td>
<td>19</td>
<td>Artifacts consist of low density sheet scatter from late 19th and early 20th century found in unstratified A horizon. No features found. Little research potential. No further work recommended.</td>
</tr>
<tr>
<td>2781 Taylor Ave. (NY 26)</td>
<td>4, 5, 6, 7, 10</td>
<td>Pres. Church</td>
<td>no</td>
<td>lawn, sidewalk</td>
<td>15m</td>
<td>11, 12</td>
<td>3</td>
<td>Two whiteware fragments and one bottle glass fragment recovered in the A horizon. Little research potential. No further work recommended.</td>
</tr>
<tr>
<td>5681 Main St. (MDS 4)</td>
<td>4, 5, 6, 7, 8</td>
<td>O. Kingman, Res. &amp; Store</td>
<td>yes</td>
<td>lawn, sidewalk in front of 1930s public library</td>
<td>7.5 m</td>
<td>21-25</td>
<td>109</td>
<td>O. Kingman House and Store Site (NYSM #10919). See Site Description Section.</td>
</tr>
</tbody>
</table>
## EXAMPLE TABLE 2

Table 2. List of Architectural Properties in Project Area

<table>
<thead>
<tr>
<th>Address/Location</th>
<th>NR-Eligible</th>
<th>Not NR-Eligible</th>
<th>&lt;50 years old</th>
<th>Existing NR Status / Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Town of Hoosick, Rensselaer County - MCD 08305</strong>&lt;br&gt;(Hamlet of North Hoosick)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>NY 22</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>North Hoosick Fire Dept 22106 NY 22</td>
<td></td>
<td>x</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Jacob Chace House 22109 NY 22</td>
<td>x</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>22112 NY 22</td>
<td>x</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>22114 NY 22</td>
<td>x</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>22126 NY 22</td>
<td>x</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>North Hoosick Post Office 22157 NY 22</td>
<td>x</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>22159 NY 22</td>
<td>x</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>22169 NY 22</td>
<td>x</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>22179 NY 22</td>
<td>x</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>22182 NY 22</td>
<td>x</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>22184 NY 22</td>
<td>x</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>22186 NY 22</td>
<td>x</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Delaney Hotel 22198 NY 22</td>
<td>NR-Listed 95NR0892</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>BIN 1-01700-0 NY 22/Walloomsac River</td>
<td>Excluded from 2000 Historic Bridge Inventory (on 5-year Capital Program)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>NY 67</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Stewart's 4702 NY 67</td>
<td>x</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Baby Lane</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>7 Baby Lane</td>
<td>x</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Foxy's Antiques 8 Baby Lane</td>
<td>x</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Factory Hill Road</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1 Factory Hill Road</td>
<td>x</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>3 Factory Hill Road</td>
<td>x</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>5 Factory Hill Road</td>
<td>x</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>7 Factory Hill Road</td>
<td>x</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>11 Factory Hill Road</td>
<td>x</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>15 Factory Hill Road</td>
<td>x</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>21 Factory Hill Road</td>
<td>x</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>North Hoosick United Methodist Church 8 Factory Hill Road</td>
<td>x</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>12 Factory Hill Road</td>
<td>x</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>32 Factory Hill Road</td>
<td>x</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>50 Factory Hill Road</td>
<td>x</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>BIN 2-20166-0 Factory Hill Road over Walloomsac River</td>
<td>2000 DOT Historic Bridge Inventory determined bridge NRE</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Mahar Road</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>19 Mahar Road</td>
<td>x</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>20 Mahar Road</td>
<td>x</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
### EXAMPLE TABLE 3

Table 3. Contributing Landscaping of NR-Listed and NR-Eligible Properties

<table>
<thead>
<tr>
<th>Name/Address</th>
<th>SHPO Unique Site Number</th>
<th>Other Inventory</th>
<th>Contributing Landscaping Within /Adjacent to Project Area</th>
</tr>
</thead>
<tbody>
<tr>
<td>Delaney Hotel</td>
<td>08305.000003</td>
<td></td>
<td>Property has a dirt parking lot and narrow lawn strip along Route 67</td>
</tr>
<tr>
<td>Jacob Chace House 22109 NY 22</td>
<td></td>
<td>mature trees, lawn</td>
<td></td>
</tr>
<tr>
<td>22114 NY 22</td>
<td></td>
<td>mature trees, lawn, concrete path</td>
<td></td>
</tr>
<tr>
<td>5 Factory Hill Rd</td>
<td></td>
<td>mature tree, lawn</td>
<td></td>
</tr>
<tr>
<td>North Hoosick United Methodist Church 8 Factory Hill Rd</td>
<td>08305.000104</td>
<td>trees, lawn along back edge of lot</td>
<td></td>
</tr>
<tr>
<td>50 Factory Hill Rd</td>
<td></td>
<td>trees, lawn</td>
<td></td>
</tr>
<tr>
<td>19 Mahar Road</td>
<td></td>
<td>mature tree, lawn</td>
<td></td>
</tr>
<tr>
<td>BIN 2-20166-0</td>
<td>08305.000020</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
APPENDIX C

CRSP ARCHAEOLOGICAL SITE EXAMINATION (PHASE II)

REPORT OUTLINE FOR DOT PROJECTS
CRSP ARCHAEOLOGICAL SITE EXAMINATION (PHASE II)

REPORT OUTLINE FOR DOT PROJECTS

I. Title page (as described in Phase I report outline)

II. Management Summary
1. Project Goal
2. Site Identification (include Unique Site No.)
3. Location (following SPHINX guidelines)
4. DOT PIN
5. DOT BIN
6. Project Limits
7. U.S.G.S. Quadrangle
8. Area Tested (square meters, square feet)
9. Description of Site and Testing Results
   1. Setting (brief)
   2. Type
   3. Age
   4. Function
10. Significance Statement
   1. Integrity
   2. Significance of Site/Research Topics
11. Potential Impacts
12. Recommendations (eligibility, additional work). Reference page of site inventory form or include brief summary of the site, a summary of S/NRHP eligibility, and under which criteria the site is S/NRHP eligible.
13. Author/Institution
14. Date of Report
15. Sponsor

III. Table of Contents

IV. Introduction
1. Site Identification
2. Site Location
3. Summary of information on site based on previous investigations
   1. Time Period
   2. Function (general)
   3. Size
4. Justification for Site Examination investigation

V. Background Research
1. Environmental Context
   1. Regional
   2. Site-specific
2. Historic Context Development (prehistoric and/or historic as appropriate) sufficient to aid in determination of S/NRHP Eligibility

VI. Methodology
1. Field
   1. Test unit size(s)
   2. Placement
   3. Depth
   4. Rationale
   5. Screening
   6. Other methods as appropriate
   7. Mapping
2. Laboratory
   1. Processing
   2. Analytical procedures for specific artifact classes (e.g., chipped stone, pottery, historic ceramics, glass, nails)
   3. Repository of artifacts, field notes, and other records

VII. Results
1. Site boundaries within project area
1. Horizontal
2. Vertical

2. Site stratigraphy and chronology (with appropriate illustrations)
   1. Soils (should include representative test unit profiles)
   2. Diagnostic artifacts (should include photographs and/or drawings)
   3. Radiocarbon dates (when appropriate)

Features
5. Artifact analysis
   1. technology
   2. style
   3. function

6. Specialty analysis (where appropriate)
7. Site structure
   1. Artifact distributions
   2. Feature distributions

8. Physical integrity

VIII. Interpretation
(Specifically referencing results of all sources of information including artifact analysis, stratigraphy, features, site structure, etc.)
1. Site age
2. Site function
3. Relationship to local and regional context

IX. Significance Assessment
1. Integrity
2. Adequacy of horizontal and vertical boundary definition
3. Significant research topics that can be addressed by site
   1. Reference contextual development
   2. Reference results
   3. Statement of ability of site to yield important information to address research topics (positive or negative)
   4. Methodology needed to achieve research goals (if appropriate)

X. Assessment of proposed work on site integrity
1. Identification of specific impacts
2. Maps

XI. Recommendations
1. Data Recovery
2. No further work
3. Avoidance

XII. Appendices (double sided)
1. Reference and interviews
2. Test pit data/artifact catalog
3. Correspondence (include survey request Form A., SHPO/OPRHP letters, DOT Region letters)
4. Project map (Metric/English)
APPENDIX D

STANDARDS FOR CULTURAL RESOURCE INVESTIGATIONS AND THE CURATION OF ARCHAEOLOGICAL COLLECTIONS IN NEW YORK STATE

by

THE NEW YORK ARCHAEOLOGICAL COUNCIL
Standards for Cultural Resource Investigations and the Curation of Archaeological Collections in New York State

by

The New York Archaeological Council

Adopted by the New York State Office of Parks, Recreation and Historic Preservation

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1.0 INTRODUCTION

Standards for Phase IA, IB II and III Cultural Resource Investigations; the Production of Cultural Resource Management Reports; and the Curation of Archaeological Collections, have been developed in order to ensure a degree of uniformity in the approach taken by archaeologists in New York State. It is hoped that all archaeologists, private developers, local, state and federal agencies will make use of these standards toward the fulfillment of their preservation obligations under a variety of federal, state and local laws and preservation ordinances.

The purpose of these guidelines is to ensure that archaeological work of the highest caliber is carried out in New York. These guidelines will help to clarify expectations for the often diverse approaches to cultural resource investigations utilized by the increasing number of individuals and corporate groups that are becoming involved in cultural resource compliance reviews. All professional/Supervisory level personnel must meet the qualifications set forth in 36 CFR 61. Their aim is to promote consistent, high quality performance, and documentation. Although detailed in some cases, these guidelines are not intended to be all-encompassing nor to address all possible situations.

It is likewise expected that published guidelines will result in more acceptable, efficient, and cost-effective research on New York archaeological sites. Innovation beyond the scope of these recommended procedures is expected and encouraged.

Good judgement and common sense must prevail. These guidelines will be subject to periodic revision and refinement.

2.0 PHASE I CULTURAL RESOURCE INVESTIGATIONS: RECONNAISSANCE

2.1 Goals of Phase I Investigations

The primary goal of Phase I Cultural Resource Investigations are to identify archaeologically sensitive areas, cultural/sacred areas and standing structures that are at least 50 years old, that may be affected by a proposed project and to locate all prehistoric and historic cultural/archaeological resources that may exist within the proposed project area. The goals of Phase I work need to be flexible to reflect the size of the project and stage of project planning and can be undertaken in subphases (Phase IA and IB) if appropriate.

When a review process determines that a project will not affect any known or recorded sites(s) but is located in an area where insufficient previous survey has been conducted, and where there is a moderate or high probability that previously unrecorded sites may occur, Phase I culture resource investigations should be conducted. The purpose of these investigations is to locate all surface and/or subsurface sites that occur within the project area. Site locations are frequently discovered as a result of documentary search, informant interviews, land surface inspection and subsurface testing.

Due to the complexities often characterizing projects and sites located in urban settings, these guidelines apply primarily to projects situated in non-urban environments. At some point in the near future, guidelines will be established for Phase I work in urban environments (cf. Pennsylvania guidelines) as well as underwater contexts.

2.2 Phase IA Literature Search and Sensitivity Assessment

Phase IA investigations are intended to gather information concerning the environmental/physical setting of a specific project area as well as its cultural setting. It is the interrelationship of the physical environment and the cultural, historical setting that provide the basis for the sensitivity assessment. This research should include a consideration of relevant geomorphology and soils information, culture history, and previous archaeological research to provide for the development of explicit expectations or predictions regarding the nature and locations of sites. Regardless of the project size, archaeologists should consider all relevant data in developing these expectations. The specific source from which background information should be drawn will vary according to project size and the availability of comparative data. The information presented and analyses performed should assist reviewers in understanding and evaluating the importance of environmental and cultural/historical resources within and surrounding the project area. Finally, it should also provide the rationale for developing the research design, the sensitivity assessment, and for selecting appropriate Phase IB field methodology as well as for evaluating project impacts.

2.2.1 Environmental/Physical Setting

A summary of relevant information, with accompanying maps (where appropriate), concerning the environmental/physical setting should address the following: geology, soils, hydrology, physiography/geomorphology, climate, flora, fauna, and recent human/natural-disturbances.

2.2.2 Background Research

Background research should include a preliminary review of manuscripts, maps, atlases, and historical documents, unpublished notes, previous surveys, State and local site inventories, and published material relevant to the project area to locate possible sites and provide the basis for documenting the cultural setting for the project area. The specific sources from which background information should be drawn will vary according to project size and the availability of comparative data. Where information pertaining to the specific project area or environs is not available, expectations should be developed from regional or state plans for the conservation of archaeological resources, investigations of similar environments outside the local area, or other environmental data. The results of this background research should be included in the report as documentation and justification for the sensitivity assessment and site location predictions.

The following list of topics may be useful in considerations of cultural setting. A comprehensive treatment of the cultural setting of a project area will most likely only involve some subset of this list. These have been adapted from a list of historic contexts...
developed by the New York State Historic Preservation Office (NYS SHPO).

- Transportation
- Economy
  - Industry
  - Agriculture
- Social Organization
  - Government
  - Education
- Social Change
  - Contact and Settlement Post-Revolutionary
  - War Expansion
  - Social and Political Movements
- Religion
- Communication
- Recreation
  - Entertainment
  - Tourism
- Demography
  - Immigration
  - Emigration
- Community Planning and Development
- Engineering
- Architecture
- Science
- Art and Literature
- Ethnicity

It is recognized that a variety of individuals, especially those interested in or living near a specific project area, may have information not available from any other source. Such information can enhance the data gathered from the written record alone. Informant interviews with persons (e.g. avocational archaeologists, landowners, state or local government agency staff) who may be familiar with the project area and possible archaeological sites can make a valuable contribution to these investigations.

A field visit to the project area should be undertaken to determine the possibility of prior disturbance/destruction and the physiographic evidence for potential sites. Where conditions at the time of the field visit differ from those portrayed on map resources, the current conditions should be described and the map resources amended accordingly. If the initial field check shows that any sites have been previously destroyed, or that for other obvious reasons no sites exist there, the appropriate review agency should be consulted. It may determined that no further Phase I survey is required. The basis for such conclusions must be submitted in writing with supporting documentation (e.g. building/grading plans, photographs).

2.2.3 Sensitivity Assessment
An estimate of the archaeological sensitivity of a given area provides the archaeologist with a tool with which to design appropriate field procedures for the investigation of that area. These sensitivity projections are generally band upon the following factors: statements of locational preferences or tendencies for particular settlement systems, characteristics of the local environment which provide essential or desirable resources (e.g. proximity to perennial water sources, well-drained soils, floral and faunal resources, raw materials, and/or trade and transportation routes), the density of known archaeological and historical resources within the general area, and the extent of known disturbances which can potentially affect the integrity of sites and the recovery of material from them.

The analysis of data gathered for the environmental/physical setting and the cultural setting must address the following questions: Given the data gathered for the environmental/physical setting and the cultural setting of the project area what is the likelihood of finding prehistoric or historic cultural/ archaeological resources? What types of sites are likely to be found? What is the likely condition of sites that might be found?

2.3 Phase IB Field Investigation Guidelines
Appropriate field investigations comprise a systematic, on-site field inspection designed to assess archaeologically sensitive areas and environmental characteristics relevant to site locations and formation processes. Such investigations include, but are not limited to systematic surface survey, subsurface shovel testing, and remote sensing studies.

Subsurface testing is often the major component of this level of investigation and is required except in those cases in which the presence or absence of resources can be determined by direct observation (e.g. surface survey), by the examination of specific documented references, or by the detailed documentation of prior disturbance of such a degree that all traces of intact cultural resources have been erased.

Field-testing procedures for Phase IB Field Investigations should verify site locations provided by informants, confirm site locations suggested by the literature search, and discover previously unknown sites. The areas to be subjected to a field survey are selected on the basis of the data gathered during the Phase IA evaluation and all probable locations of project construction, staging areas, or any other areas of potential impact. Detailed evaluation of specific resources is not carried out at this level; however, it is necessary to record and describe sites as fully as possible to aid in the formulation of recommendations for avoidance if site boundaries are adequately defined or further evaluation. The precise locations of identified resources with respect to areas of impact of the proposed project must be clearly established.

Because portions of project areas often differ in the likelihood of containing sites, contracted archaeologists encountering or anticipating considerable diversity in site densities within the project area should devise survey strategies in consultation with the appropriate review agency. In cases where sampling specific portions (or strata) of a project area is planned, sampling designs that ensure equal probability of identifying sites in all surveyed locales must be devised. Some areas may, however, be eliminated from survey due to the lesser probability that sites would occur. Areas characterized by more than 12-15 per cent slope may fall into this category; obvious exceptions to elimination of such areas
of slope would include terraces and possible rockshelter sites. Where the field testing or literature search reveals areas of disturbance in which no sites could remain intact, documentation of this disturbance via photographs, construction plans, stratigraphic profiles, soil borings, etc. must be included in the report. Areas of standing water may also be excluded from testing, if appropriate and if reasonable explanations for avoiding such areas are presented. Areas not subjected to intensive archaeological investigations should be documented photographically in the archaeological report and on project area maps.

2.3.1 Systematic Surface Survey
Areas that have not been plowed and disked in the past should not be plowed or disked to facilitate a systematic surface survey. If previous plowing cannot be documented, a limited shovel testing program to document the presence of a plowzone should be undertaken. Each systematic surface survey should be performed according to the following standards, unless alternative methods have been developed in consultation with the appropriate review agency. A limited subsurface shovel-testing program should also be conducted in conjunction with (and prior to) all surface surveys in order to assess plowzone depths and characteristics of underlying soils.

If all non-wooded, previously cultivated portions of the project area can be plowed and disked, a systematic surface investigation can be undertaken once the area has been prepared and subjected to a steady rainfall. Systematic controlled surface survey may only be performed if adequate side visibility (i.e. 70% or better) exists. Plowing and disk in strips with intervening areas of unplowed ground no wider than 15 meters may be an acceptable means of field preparation if and only if shovel tests are excavated at 15-meter intervals throughout the unplowed areas.

Archaeological field crews should align themselves at 3-meter to 5-meter intervals in a straight line and pass across the prepared areas searching the surface for artifacts. Each artifact find spot or artifact concentration should be clearly marked and assigned a unique field number. After the artifacts have been flagged, a surface map identifying artifact locations and/or concentrations, depending upon the specific situation and number of artifacts, should be prepared.

2.3.2 Subsurface Shovel Testing
Subsurface shovel-testing programs should be performed according to the following standards, unless alternative methods have been developed in consultation with the appropriate review agency. Where surface visibility is impaired (e.g. grass lawns, wooded areas), the field survey consists of the excavation of 30 to 50-centimeter minimum diameter test units to undisturbed or non-artifact bearing subsoil at a maximum of 15-meter intervals (or 2 per 460 square meters of surface area = 16 tests per acre = 44 tests per hectare). All excavated soils should be screened through ¼-inch hardware cloth. Transects should be established with a compass and taped and/or paced measurements depending upon local conditions. Transects and shovel tests should be numbered in a systematic fashion. Soils excavated from shovel tests should be carefully screened as noted above in order to recover cultural material. All stratigraphic profiles should be described in field notebooks or on appropriate field forms. Information recorded in notebooks should include, but not he confined to, descriptions of soil type, texture, color, condition, and the presence or absence of cultural materials or cultural features.

Documentation of field work activities should include the recording of field observations in notebooks and on appropriate forms. Photography should be employed to document field conditions, observations, and field techniques.

When cultural materials are discovered in isolated shovel-test units, a minimum of four additional units should be dug in the vicinity or the initial test units should be expanded to insure against mistaking evidence of actual sites for "stray finds."

If no cultural resources identified through the Phase IA and/or Phase IB surveys will be impacted by the proposed project, then the survey process is complete. If cultural resources identified by these studies are within the proposed impact area, further evaluation may be required to determine the potential eligibility of the resource(s) for inclusion in the State or National Register of Historic Places (NRHP). The extent of additional cultural resource study may be reduced by project modifications (e.g. realignment, relocations) that avoid or minimize potential impacts, only if sufficient testing to define valid site boundaries or buffer zones has been completed.

2.4 Phase IB Report
The final Phase IB report should present the results of the field investigations, including a description of the survey design and methodology; complete records of soil stratigraphy and an artifact catalog including identification, estimated date range, and quantity or weight, as appropriate. The locations of all test units must be accurately plotted on a project area map, with locations of identified resources clearly defined. Photographs that illustrate salient points of the survey are an important component of the final report. Detailed recommendations and supporting rationale for additional investigation must be incorporated into the conclusions of the Phase IB study. For a detailed summary of the requirements for Phase I Reports refer to the NYAC Standards for the Production of CRM Reports (Section 6).

2.5 Disposition of Collections
Provisions for the responsible curation of the archaeological collection (material remains and associated records) generated as a result of Phase I investigations, is an integral part of any reconnaissance level survey. Collections made during Phase I field investigations are often the only collections made from a site, especially if mitigation measures include site avoidance. These collections may represent the remains of resources eligible for listing on the State and/or National Register. However, since the sites will be avoided, no Phase II investigations are conducted and...
evaluation of the site cannot be completed based solely upon the results of Phase I work. Arrangements must be made in advance of any field work for the proper processing, documentation, and curation of collections as outlined in Standards for the Curation of Archaeological Collections (Section 7).

3.0 PHASE II CULTURAL RESOURCE INVESTIGATIONS: SITE EVALUATION

3.1 Goals of Phase II Investigations
The primary goals of Phase II Cultural Resource Investigations are to obtain detailed information on the integrity, limits, structure, function, and cultural/historical context of an archaeological site sufficient to evaluate its Potential National Register eligibility. These objectives necessitate the recovery and analysis of artifacts, their context and distribution, and any other pertinent data necessary for an adequate evaluation. Based on this information, each site can be assessed to determine its eligibility for the State or National Registers of Historic Places. A site's significance and eligibility are directly related to data collected during a Phase II investigation, the site's integrity, research questions that maybe answered at the site, and the site's importance in relation to the known archaeological database.

A Site is eligible the National Register if it meets one or more of the following criteria (as set forth in, NYCRR 427 and 428 or 36 CFR 800):

A. Associated with events that have made a Significant contribution to the broad patterns of our History
B. Associated with the lives of persons significant in our past;
C. Embodies the distinctive characteristics of a type, period or method of construction or represents a significant and distinguishable entity whose components may lack individual distinction; or,
D. Has yielded, or may be likely to yield, information important in prehistory or history.

Specific data are needed to adequately address these criteria and to prepare a proper site significance evaluation. These include, but may not be limited, site boundaries and an estimate of size: temporal and/or cultural affiliation; intra-site artifact/feature patterning; site function; and placement within geographic and interpretive contexts. Additional important actors include the potential that the data present on the Site have for yielding additional important information and both the physical and temporal integrity of the site. This multivariate evaluation of site significance will also provide the initial framework on which to base a subsequent data recovery program if one is required as part of the data recovery plan for the site.

3.1.1 Site Boundaries/Site Size
An estimate of the extent of the site is one dimension of variability important in interpreting site significance. Establishing site boundaries is also essential in determining how much of an impact a proposed project will have on a potentially eligible site. Since project limits are arbitrarily defined in geographic space, it maybe necessary to estimate the likelihood that the site extends outside the project boundaries. National Register Bulletin Number 12 outlines various ways of estimating site boundaries. Site size is also an important factor in placing the occupation within regional and cultural settlement systems.

3.1.2 Temporal and/or Cultural Affiliation
Assigning a site to a general time period or specific cultural phase or tradition is an integral aspect of significance. This information helps place the site within an initial context for interpretation and may interface with divisions of interest in the State Plan. Temporal/cultural divisions may horizontally across the site or vertically within the natural stratigraphy of the soils.

3.1.3 Intra-site Artifact/Feature Patterning
Artifacts may be distributed across site area in a uniform, random, or clustered fashion. Identifying the characteristics of the horizontal and vertical distribution pattern provides the initial structure for interpreting the site. The presence of features (e.g. hearths, pits, cisterns, privy, well, postmolds) adds an additional component to the structure of the occupation as well as an information-rich element for analyzing the site's placement within the temporal/cultural subsistence/settlement systems. Power assisted stripping should not be undertaken as part of site evaluation unless accompanied by intensive recovery and analysis of plowzone data. As a rule, power machinery use should be restricted to data recovery (Phase III) and the removal of sterile overburden.

3.1.4 Site Function and Context
Using the existing information on intra-site clustering, artifact type distributions, and feature presence, a preliminary assessment of site function allows the tentative placement of the site within known temporal, regional and developmental context of the area. This classification and placement may also relate to study units defined as important in the State Plan.

3.1.5 Data Potential and Site Integrity
The criteria for eligibility to the State and National Registers specifically requires the archaeologist to assess whether data present on the site have the potential to yield information important to understanding the area's history and prehistory. Part of this assessment necessitates and evaluation of whether the site has suffered physical impacts that have destroyed its research potential. Likewise, archaeologists must determine if temporal components exist in unmixed contexts, whether they be horizontal or vertical, and evaluate to what extent mixing has affected the research potential of the site.

Certain methods have a proven record of efficiently obtaining information relevant to the State or National Register criteria for archaeological sites. These procedures are outlined below.

3.2 Phase II documentary Research
For both prehistoric and historic sites, Phase II documentary research provides two types of information: (1) information on the types of data expected from the site as derived form previous work...
on the site and/or on known sites in the locale and region; and (2) local, regional and national contexts within which to evaluate the importance of the site and to identify research questions that can be addressed. Research efforts should include more intensive interviews with local informants as well as regional and state experts; specific research of published and unpublished site reports from the region to determine how the site may fit within local and regional chronologies, subsistence/settlement systems, and established theoretical contexts; construction of expectations concerning the types of data that may be present and the types of field strategies appropriate for obtaining these data; and review of research issues and theoretical contexts within the disciplines of anthropology, archaeology, and history to which the data on the site might be relevant. Research questions for historic sites should focus on issues that can not be addressed solely through written records. The results of this review should form the basis for any future data recovery plans.

3.3 Phase II Field Work/Excavation Guidelines

Phase II field work is not limited to the documentation of the presence/absence of artifacts as in the Phase IB investigations, nor to a specific impact zone as in a Phase m data recovery program. The Phase II investigation is often the last time a site will be examined and the last opportunity for an archaeologist to collect information from the entire site area. It is essential that basic or "base-line" information be collected at the Phase II level of investigation for future reference and research.

3.3.1 Surface Investigation Guidelines

Systematic controlled surface surveys may only be performed if adequate surface visibility (70% or better) exists. A systematic survey of the project/site area may help to provide a tentative estimate of the site's horizontal boundaries and the presence/absence of artifact concentrations. With landowner permission, it may be possible to quickly check outside the project limits to determine if the site extends beyond these arbitrary boundaries. No area should be plowed that has not been previously plowed. Depth of plowing should not exceed the depth of existing plow zone. This depth can be determined from the Phase I shovel testing program.

Systematic surface survey will provide information only on those items present within the plow zone. If the Phase IB investigations showed that sub-plowzone components are present, then additional subsurface excavations will be necessary to estimate site boundaries. In either case subsurface testing is warranted to maximize the recovery of information from the plowzone, sub-plowzone, and to appropriately address the criteria for eligibility.

Systematic surface survey includes, but is not limited to, walking close interval transects (5 meter intervals or less) and marking each artifact location for point provenience mapping or collection within standard units or cells established at a systematic interval across the project/site. All artifact locations identified during a systematic surface survey must be documented either through piece plotting or by surface collection cell.

If artifacts are collected by surface cells, both the size and spacing of the units should be determined on the basis of the results of the Phase IB survey and any other appropriate considerations. If a site appears to have low artifact density (e.g. less than 5 artifacts per collect cell), then a larger collection cell may be justified. Collection cell size should not exceed 5 meter x 5 meter since it is unlikely that the plowing process moved artifacts more than this. In general, the size and spacing of the cells should be less than that used in the Phase IB investigations. If the artifacts appear to be evenly distributed across the project area, then an interval as large as 10 meters could be justified. If the artifacts appear to be tightly clustered, then intervals of 5 meters or less may be warranted.

In the case of historic sites, where evidence of a foundation was found during the Phase IB investigation, a more clustered or radial pattern of collection could occur using the foundation walls or an historic feature as a focal point.

3.3.2 Subsurface Testing/Excavation Guidelines

Subsurface testing is an essential component of a site evaluation. Methods included, but are not limited to, a systematic shovel-test program, test unit excavations, and remote sensing. In most cases, the majority of the information used in evaluating a sites' significance and eligibility for inclusion on the State or National Registers derives from this testing. As with surface inspection, subsurface investigation should be designed to gather sufficient data to provide an accurate estimate of site boundaries, both for plowzone and sub-plowzone components. In addition, information on the presence and degree of artifact clustering is derived form this method. Artifacts analyzed by cluster contribute to interpretations of site function as does evidence for features collected during testing. Subsurface methods increase the volume of soil examined, thereby increasing the chances of recovering diagnostic cultural material and radiocarbon samples that will help identify the temporal component present. Recovery of tools assists in identifying infra-site structure and contribute to the overall interpretation of site types. Subsurface testing is a major means of assessing the physical and cultural integrity of a site and provides valuable information on the data potential present.

Shovel Tests: The excavation of shovel-test units (round or square no larger than 0.25 meters) within a project/site area is a quick and efficient method of obtaining site-specific information. In order to obtain data on site boundaries and artifact variability both horizontally and vertically on the site, the spacing and depth of units should be carefully selected. As previously discussed under Surface Investigation Guidelines (Section 3.3.1) information from the Phase IB survey should be used to establish these parameters.

For example, if the results of the Phase IB investigations revealed that a large, uniform distribution of artifacts was present, then shovel tests spaced at 10-meter intervals may be justified. However, if discreet artifact clustering is identified, then interval no greater than 5 meters are warranted. Similarly, if the Phase IB investigations isolated a sub-plowzone component, then depth of all shovel tests should exceed the maximum depth of artifacts previously identified by at least 10 centimeters. On deep, flood-
plain deposited soils, it may be prudent to extend all shovel-tests to a minimum depth of 1.0 meter. If information obtained in the previous Phase I investigations, Phase II excavations or soil borings indicate that deeply buried stratified cultural deposits may exist in a project area, mechanically excavated trenches may be appropriate to determine the presence/absence of such phenomena.

All excavated soils should be screened through hardware cloth no greater than 1/4 inch in size. If it is expected that large number of small artifacts may be present, such as beads and micro-flakes, then a sample of the soil should be passed through 1/8 inch or smaller mesh, as well. Artifacts from the plowzone and different soil levels should be provenienced separately.

The results of the shovel-testing program should be sufficient to provide an accurate estimation of the site boundaries, at least within the project limits and to prepare a distribution map identifying the amount, degree, and type of artifact clustering present.

**Test-Unit Excavations:** Test-unit excavations are larger, more rigorously controlled excavation units that shove-test units. Common types of test units are squares and trenches. Units usually measure a minimum of 1.00 square meters and rarely exceed 5.00 square meters. This range accommodates 1.00 x 1.00 meter squares as well as 1.00 meter wide x 5.00 meter long trenches. The size, configuration, and depth of excavation units are contingent upon parameters derived from the Phase IB survey as well as the information collected during surface survey and shovel-testing.

Excavation units should be placed in those areas of the site most likely to yield data relevant to adequately address the goals and objectives of the Phase II investigations. Placement of test units should reflect the results of the systematic surface survey and/or shovel-testing program as well as the expectations regarding site type/function. For prehistoric sites, this may mean excavation of test units within clusters of high artifact concentrations; on historic sites, placement of units adjacent to foundation walls or in suspected midden locations may be appropriate.

During Phase II field work, it is not necessary to aim for excavation of a specific sampling fraction of the entire site area. Rather, it is more important to provide coverage of all the artifact clusters and structural features present since these are the areas likely to yield the most information on the site.

The choice of natural vs. arbitrary excavation levels and level thickness should facilitate the controlled collection of information necessary for evaluating site significance. Units should be excavated by hand using trowels or shovel skimmered; features should always be trowelled. It is common for the plowzone to be removed as one natural layer. However, it is rarely appropriate to remove the subsoil as a layer. Instead the subsoil (and unplowed topsoils) should be excavated in arbitrary levels within natural stratigraphic layers. The thickness of each arbitrary level should never exceed 10 centimeters.

In general, all measurements should be recorded in the metric system with English equivalents reported in parentheses. However, in cases of historic sites, when considered appropriate and approved by the SHPO, measurements may be recorded in feet and inches with metric equivalents reported in parentheses. In urban settings, where mechanized equipment is used to remove asphalt and fill, particular care must be taken to maintain vertical and horizontal control via careful measurements in those instances where excavation in predetermined thicknesses is not possible.

All excavation units must have appropriate documentation including profiles of at least one wall, feature plans and profiles and photographic documentation. All appropriate samples should be collected even when funds are not immediately available for their analysis. For instance, soil samples from features and unit levels and carbon samples should be routinely collected for present or future analysis.

**Remote Sensing:** Remote sensing covers all techniques that use other than excavation and physical inspection methods to observe and record subsurface phenomena. Frequently, techniques include soil resistivity, proton magnetometer, gradiometer, ground penetrating radar (GPR), and various photographic techniques (aerial, infrared, etc.).

In order for the data collected through the use of remote sensing techniques to be of value in evaluation the nature, extent, and importance of an archaeological resource, caution is necessary in using these techniques and interpreting their results. First, the archaeologist must clearly understand the characteristic of the data recovered and the potential limitations of the technique being utilized. Second, the natural geophysical properties of an area are important and will directly affect the results. Close coordination between the archeologist and the geophysical specialist are thus necessary to ensure accurate interpretation of the data. Third, the nature and importance of phenomena identified through remote sensing must be evaluated through actual excavation and recording of some, or all the phenomena unless anomalies will be avoided.

### 3.4 Phase II Analysis and Report

The archaeologist must provide sufficient information about the site to allow the review agency to make a determination of eligibility to the State or National Register of Historic Places; to assess the expected impacts to the site from the proposed construction; and to offer recommendations to mitigate the adverse impact either through avoidance, redesign, data recovery, recordation, or a combination of these. The archaeologist should provide an explicit discussion of the sites(s) eligibility, or non-eligibility for listing on the State or Nation Register based on the data collected during the Phase II investigation. The rationale for evaluation of significance should be clearly stated and justified. The report should also include a discussion of the impacts that are likely to occur on the site(s) if the project proceeds as planned and offer appropriate recommendations for resource management or impact mitigation.
If site avoidance is recommended for a cultural resource, the report should include detailed site protection requirements to be implemented before, during and after construction to ensure that the resource is not accidentally impacted. If Phase III data recovery investigations are recommended for all or part of a site as an appropriate means of mitigation, the archaeologist should provide recommendations that should be used as the basis for developing a data recovery plan (see Section 4.2).

3.5 Urban Contexts
Due to the complex and diverse of implementing regulations methods in urban contexts, Phase II field strategies should be undertaken only after intensive documentary and map research has been completed for the parcel under study. The field strategies selected to obtain sufficient information for addressing the State or National Register criteria should be formulated in consultation with the appropriate reviewing agency.

3.6 Underwater Sites
As with urban contexts, submerged sites constitute a special category of cultural resources. Phase II methods should be designed in cooperation with the reviewing agency in compliance with specific guidelines for the systematic and scientific conduct of these types of investigations.

3.7 Supplemental Phase II Investigations
In specific cases, where a site with unique, historically documented data is excavated, but the Phase II excavations do not recover the physical evidence expected, it may be appropriate for all involved parties to consider additional Phase II investigations, undertaking archaeological monitoring during the initial phases of construction, or site stripping. As an example, if strong documentary evidence exists for the presence of human burials, but none is discovered during the field investigations, it may be appropriate to conduct supplemental monitoring during preliminary site preparations or construction to identify such features if present. Where such monitoring is employed, contingency plans should be made to implement resource evaluation and data recovery and such plans should be accounted for in archaeological and construction schedules. Monitoring is, however, never a substitute for adequate Phase II Investigations.

3.8 Disposition of Collections
Provision for the responsible curation of the archaeological collection (material remains and associated record) generated as a result of Phase II investigation at an acceptable repository is an integral part of any site evaluation. Arrangements must be made in advance of any field work for the proper processing, documentation, and curation of collections as outlined in the Standard for the Curation of Archaeological Collections (Section 7).

4.0 PHASE III CULTURAL RESOURCE INVESTIGATIONS: DATA RECOVERY
Phase III Cultural Resource Investigations are required if an archaeological/historical resource listed on or eligible for inclusion on the State or National Register of Historic Places is identified and impacts to this resource by a proposed project are anticipated. When a data recovery plan is developed, it should be based on a balanced combination of resource-preservation, engineering, environmental and economic concerns. Mitigation may take the form of avoidance through project redesign, reduction of the direct impacts on the resource with data recovery on the portion to be destroyed, data recovery prior to construction, recordation of structural remains, and/or a combination of the above.

4.1 Goals of Phase III Data Recovery/Impact Mitigation
While varying quantities and quality of data are collected during Phase I and Phase II cultural resource investigations, Phase III investigations are specifically designed to recover information contained in a significant archaeological site before all or part of it is destroyed. Thus the goals of Phase III Data Recovery/Impact Mitigation excavations focus on collecting and preserving cultural, environmental, and any other data of value form a site before it is lost. Due to the project-specific nature of this phase, data recovery plans should be development on a case-by case basis in consultation with the SHPO, project sponsor, interested parties, and other involved state and federal agencies.

4.2 Phase II Research Design/Data Recovery Plan
A research design is an integral part of any professional archaeological project. In any Phase III investigations, a research design takes the form of a data recovery plan that must be approved by the SHPO and other involved state and federal agencies prior to commencement of work. The data recovery plan shall be consistent with the Secretary of the Interior's Standards and guidelines for Archaeological Documentation (48 FR 44734-37) and take into account the Council's publication, Treatment of Archaeological Properties (Advisory Council on Historic Preservation, (draft) 1980). The data recovery plan should reflect a knowledge of the existing archaeological/historic database and research questions considered important at the local, regional and/or national level. The data recovery plan must provide a detailed discussion of the research topics and questions to be addressed; the types of data that must be gathered in order to address these questions; strategies and methodology for recovery of the necessary data; methods of analysis and interpretation; a schedule for completion of various aspects of the investigations; the name and background of all key project personnel and consultants who will participate in the research; disposition of collections and field records; and any other necessary information deemed appropriate by the SHPO and other involved state and federal agencies or the Advisory Council on Historic Preservation.

4.3 Phase III field Work/Excavation Guidelines
Data Recovery should be as complete as possible. It should be tailored to the research questions established in the data recovery plan, and to whatever degree possible, to future archaeological research. The basic field work and excavation guidelines established for Phase I and Phase II investigations should be followed for any similar work undertaken in this phase. As a general rule, artifactual information should not be sacrificed for feature information and vice versa. Whenever possible,
mechanized stripping should be restricted to that portion of the site expected to be destroyed.

When preparing to undertake field work for a Phase III data recovery program an archaeologist must be prepared to provide the following: an explicit statement of the procedures used to collect the archaeological data; an explanation and justification of the methodology employed in data collection and recording; a discussion of the system for identifying and recording the spatial and contextual provenience of cultural material and other physical data; detailed descriptions of specialized procedures such as flotation, soil chemistry (pH, phosphates, etc.), and collection of radiocarbon samples; and any other relevant information as deemed appropriate by the reviewing agency.

Structural components such as depositional strata and cultural features identified during subsurface testing should be fully and accurately described and documented by acceptable means. Locations of all sampling and testing units should be recorded on project/site maps. Any important contextual relationships and associations between objects, cultural features, and environmental features should be described and explained.

Unless a site is to be completely destroyed, permanent reference points should be established at the site to facilitate relocation of excavation units and features.

### 4.4 Phase III Analysis and Report

The Phase III report is expected to be special in both content and format. The description, analysis, and interpretation of information collected should consider all forms of data collected. The reader should be given as complete and accurate an understanding of the site, its function, temporal and cultural affiliations, etc. as possible. All types of data analyzed (e.g. faunal, floral, geological or geomorphological, architectural, historical) should be integrated into site interpretation.

Any additions or modifications to the approved data recovery plan should be explained and justified. In addition, decisions made after field work has been completed as to whether or not to analyze all data collected should be addressed.

Excavation units and any other subsurface tests should be described in detail including stratigraphic profiles, soil conditions and characteristics, depths of deposits; and description and justification for excavation techniques. Depending on the nature and complexity of the site, it may be appropriate to discuss individual excavation units separately or to treat common deposits located in more than one unit together.

All laboratory procedures relevant to artifact and special sample processing, differential handling of certain classes of material, artifact identification and cataloging, and storage should be discussed.

Any previous applicable work should be incorporated into the analysis of the site. Examples of such work would include, but not be restricted to local and regional work that is directly related to the site, culture(s), or time period(s) represented; related work in other geographic areas; theoretical or descriptive archaeological work; and any relevant research or information from other disciplines that have direct bearing on the analyses and interpretation of data collected at this site.

The report should include a discussion of contributions and potential contributions the Phase III investigations have made or could make to state, local, or national prehistory or history as appropriate. It may also be possible to discuss the study’s contributions to broad anthropological and theoretical issues or to the State Plan if data generated during the investigations are suitable for such purposes.

Finally, the archaeologist should disseminate the information to the archaeological community and the lay public. An integral part of any data recovery should be publications, presentations at meetings and/or community programs, such slide talks and exhibits.

### 4.5 Supplemental Phase III Investigations

If an approved Phase III data recovery plan does not result in recovery of the physical evidence known to exist at a particular site and if the site will be destroyed, then all involved parties should strongly consider undertaking archaeological monitoring during the initial phase of construction or additional Phase III investigations which could possibly include mechanized site stripping. Archaeologically supervised stripping or site destruction under archaeological control can be a very effective means of evaluating the validity of a project field research design, particularly if the data recovery plan employs a sampling regime. It provides a means of assuring that data collected during the implementation of the data recovery plane are representative of the true nature of the archaeological site. Destruction under control may also be applicable to situations where looting of uncollected materials within the project impact zone may occur following the completion of data recovery. As previously noted, Phase III investigations are specifically designed to recover information contained in a significant archaeological site before all or part of is destroyed. If deemed appropriate, this supplemental work should ensure that the goals of Phase III are satisfied before the site and its associated data are lost. Under no circumstances should such activities be undertaken on sites or portions of sites not subject to imminent destruction. Monitoring is not a substitute for an adequate Phase III investigation.

### 4.6 Disposition of Collections

Provisions for the responsible curation of the archaeological collection (material remains and associated collections) generated as a result of Phase III investigations at an acceptable repository is an integral part of any data recovery plan. Arrangements must be made in advance of any field work for the proper processing, documentation, and curation of collections as outlined in Standards for the Curation of Archaeological Collections (Section 7).
5.0 DISCOVERY OF HUMAN REMAINS

The discovery of human remains and items of cultural patrimony as defined by Section 3001 of the Native American Graves Protection and Repatriation Act (NAGPRA) in any phase of cultural resource investigations requires special consideration and care. Any discoveries of human remains on State lands must be reported to the State Museum. At all times human remains must be treated with the utmost dignity and respect. Should human burials be encountered, the location should immediately be secured and protected from damage and disturbance. Unless burial excavation is the purpose of or an explicit component of the approved research design, human remains should be left in-situ until consultation with the project sponsor, the SHPO, federally recognized Native American groups, concerned parties, and involved state and federal agencies has taken place. The excavation, study and disposition of human remains should take place in accordance with all applicable federal, state, and local laws. The NYAC Policy on Human Remains (dated 1972, Appendix B) and Guidelines for Consideration of Traditional Cultural Values in Historic Preservation Review published by the President's Advisory Council on Historic Preservation can provide helpful guidance on the proper treatment of human remains.

6.0 STANDARDS FOR THE PRODUCTION OF CRM REPORTS

The following report guidelines summarize general content and suggested formats for any CRM report. It is understood that reports written for agencies that have their own specific report requirements should be written accordingly, but these reports should also include the information outlined in these standards. The National Park Service report format is also an appropriate model for reports.

These standards have not been designed to exclude categories of information not listed, nor to offer a rigid format for final reports. It is also important to note that reports are expected to pertain only to the level of research and analysis appropriate to the level of cultural resource investigation undertaken. In addition, these standards have been prepared under the assumption that CRM reports must fulfill the needs of the lead agency involved as well as those of any other reviewer. Finally, any report prepared in accordance with NYAC standards should include completed New York State Prehistoric or Historic Archaeological Site Forms and Building Structure Inventory forms where appropriate.

For the purposes of these guidelines, a "reviewer" is anyone who reads, examines, or studies the report for a lead agency, municipality, citizen group, university, or similar body in order to evaluate the cultural resource investigations completed, the results and the recommendations.

Given the potential distribution of the CRM report, it is also important to provide information that will allow appropriate reviewers the opportunity to make informed evaluations but at the same time protect the fragile archaeological/historical resource base from potential dangers posed by unscrupulous individuals.

As such some type of non-disclosure statement or method of site location protection within the report will be required.

6.1 Title Page

Each report should contain a title page that provides at least the following: the title of the report, including the level of investigation (e.g. Phase IA, IB, I, II, or III); the name and location of the minor civil subdivision (city/village/town, county, state) of the project; any pertinent project identification number (e.g. Highway PIN, Permit Number); author(s), contributor(s), project director(s), principal investigator(s); date report was prepared; name and address of the project sponsor for whom the report was prepared; and the organizational affiliation with address of the archaeological consultant.

6.2 Table of Contents

The table of contents should be arranged in a logical manner and should constitute a list of primary and secondary internal divisions of the report with their beginning page numbers. Lists of figures, tables, and plates (with page numbers) should immediately follow the list of section headings. They may be listed on separate pages if the lists are lengthy. It may also be appropriate to list authors of sections and subsections in the proper place within the table of contents.

A typical report table of contents may include the following: Management Summary; Introduction; Environmental/Physical Setting; Background Research and Sensitivity Assessment; Research Design; Field Methods and Procedures; Results; Summary, conclusions, and recommendations; References Cited; Acknowledgements; Appendixes: List of figures; List of Tables; and List of Photographs/Plates.

6.3 Management Summary

The management summary, like an abstract, should serve as a brief, clear outline of the proposed project, the investigations, results, and recommendations. It is often used by non-archaeologists and should be written with this category of reader as well as any agency reviewer in mind.

The management summary should include sections outlining the following: project location, project description, project size; regulatory and/or lead agency, landform/environment, work completed, problems encountered, results, and conclusions and recommendations.

6.4 Introduction

The introduction should outline and summarize all pertinent sections of the report and should include at least the following:

(1) The names of the project sponsor and the contact person; the date on which the consultant was contacted to perform the work; the date on which the parties contracted to perform the investigations; contract numbers and permit/project numbers; legislation relevant to the work.
6.6 Background Research and Sensitivity Assessment

The section summarizing the background research and sensitivity assessment should be written in such a manner as to assist reviewers in understanding and evaluating the importance of archaeological resources in the project area as well as the rationale for any further research recommended. The following general guidelines apply for reporting the results of the background literature search and sensitivity assessment: specify the steps taken in obtaining information; cite all sources including oral testimony, and provide full references in the report; explain omissions and lack of cultural activity where pertinent to the conclusions of the sensitivity assessment; provide a summary of the cultural background and environmental attributes and limitations of the area; review information on known archaeological and other cultural resources and previous studies in the area; include information on the foci and extent of previous coverage of the area and the research questions addressed; and specify where all records resulting from the background research will be curated. DO NOT provide specific site locations in reports for public distribution.

6.6.1 Background Research
Summaries of the following should be covered under Background Research: site file searches at the state and local levels; archaeological literature search, including both published and unpublished sources; examination of historic maps and archival information; searches of State and National Register files at SHPO, specifying SRHP/NRHP-listed, SRHP/NRHP-eligible, and SRHW/NRHP-inventoried sites; informant interviews; examination of institutional and private artifact collections; consultation with other professional archaeologists, locally active historians, and municipal authorities; field visit(s); the person(s) involved, the date of the visit, and the observations made.

A table listing the known cultural resources within a one-mile radius of project area should be included in the report with maps (see above re reports for public distribution) and photographs where appropriate.

6.6.2 Sensitivity Assessments
Summaries of the following should be covered under Sensitivity Assessment: the sensitivity rating expressed as low, moderate, high, or mixed, that reflects the likelihood that cultural resources are present within the project area; definition of the rating system used and its implications for further research; discussion of the types and conditions of cultural resources likely to be found within the project area; rationale for assigning the sensitivity rating; and relevant environmental and/or historic contexts such as those in SHPO's list developed for state-wide planning (see Section 2.21).

6.7 Research Design

The research design should reflect a knowledge of the existing database and research questions considered important at least at the local and regional levels. The degree of complexity or detail should be appropriate to the level of investigations undertaken. This section of the report should include the following: an identification of the theoretical goals as stated in the form of specific hypothesis to be tested or problems to be investigated; the identification of the relevant analytical variables; specification of the data necessary for empirical testing; specification and justification of the methods and techniques for collecting and studying the data; and discussion of possible outcomes of the analyses.

6.8 Field Methods and Procedures

This section of a Phase I report should include discussions of the following: walkover survey strategies designed to determine the presence of visible foundations, artifact scatters, disturbed ground, Excessive slope, etc.; the type and size of excavation/ collection unit used to locate resources and the reasons for this selection (e.g. shovel-test units for artifact recovery, larger units for surface collections, trenches for identifying buried historic foundations or deeply buried prehistoric sites); testing interval and design (e.g. single transect, regular grid, staggered grid) and rationale for this selection; when plowing and collecting, the length and interval between furrows, whether cultural material was piece-plotted or collected in systematically placed units, type weather and ground conditions (e.g. cloudy vs. bright sun, dry vs. moist soil, adequacy of potential artifact visibility); excavation and artifact recovery techniques (e.g. shovel vs. machine excavation, natural vs. arbitrary layers/ levels, depth to sterile soil, remote sensing methods, soil stripping strategies) and rationale; average depth of...
test units; typical soil profiles; the size of screen mesh; the adequacy of horizontal and vertical survey coverage; areas not surveyed and reasons why; and the potential biases in results (if any) from gaps in coverage.

This section of a Phase II report should, in addition, include discussions of the following: the type and size of excavation/collection units used during the site examination; the field sampling strategy and rationale for its selection; the excavation/collection techniques and how these relate to the data expected; and any impediments to the site examination that may have influenced the results.

This section of a Phase III report should, in addition, include discussions of the following: explanation of and justifications for the data recovery field strategy and methods; the treatment and analysis of floral, faunal, or other organic matter recovered; and all laboratory procedures relating to the stabilization, labeling, cataloging, and storage of artifacts and records, including the curation facility.

6.9 Results
The results section of a report should clearly outline in the text and on maps the project boundaries, testing strategies, and cultural resources identified during testing. Depending upon the specific nature of the project and the investigations undertaken, it may be the site(s), standing structures, single test units, or single artifacts recovered from a plowed field that serve as the primary unit of discussion. Descriptions may be organized by starting at one end of a project area and moving to the other or by grouping similar resources together (e.g., all prehistoric resources separate from historic resources and standing structures).

6.9.1 Components of a Phase I Report
Key components of this section of the text for a Phase I report should include the following: project site; the number of and intervals between shovel test units (with the shovel-test unit records included as an appendix); the number of tests actually excavated; the number of units, if any, that produced cultural material; the numbers and types of artifacts recovered and their cultural affiliation, if known (with the artifact list/catalog included as an appendix); the nature of the artifact distribution (e.g., clusters of artifacts, uniform scatter, random distribution, features); physiographic context of the artifacts (e.g., floodplain, Terrace, swamp, lake); stratigraphic context of the artifacts (e.g., surface, plowzone, buried); lists of all standing structures that are at least 50 years old as well as structures that are less than 50 years old and are exempt from Office of Parks, Recreation and Historic Preservation (OPRHP) guidelines; site and structure inventory forms for all prehistoric and historic archaeological sites and standing structures that are at least 50 years old; and a master project map that details the testing strategy and results.

6.9.2 Components of a Phase II Report
Key components of this section of the text for a Phase II report should include the following: the number of each type of excavation unit used in the site examination including detailed descriptions of typical and unusual profiles of excavation units; the range of artifact types recovered from testing (with the artifact catalog included as an appendix); the average density of material per unit as well as other summary statistics that help describe the site; the estimated site size and the proportion of the site contained within the project boundaries; the size of the area actually excavated (total sq. m); the nature of the vertical stratification of the site (e.g., site contained within the plow zone, sub-plowzone, layered in the sub-plowzone); any internal clustering within the site; the types of features present (with photographs, floor plans, and profiles included as appropriate); temporal associations of the sites based on diagnostic artifacts or radiocarbon dating if available; summaries of floral, faunal and, other specialized analyses; summaries of functional, technological, and stylistic analyses of specific artifact groups; interpretations of site function; interpretations of the place of the site within a larger temporal, regional, or theoretical context and research potential of the site.

6.9.3 Components of a Phase III Report
Key components of this section of the text for a Phase III report should include the following: complete artifact inventories integrating all phases of investigation; results of artifact analyses; results of all floral, faunal, and radiocarbon analyses; integration and interpretation of the results of all tests and analyses; the application of these integrated results to the research questions and goals of the study as made explicit in the research design; all pertinent plans and sections of excavation units and features encountered; and any biases or extraneous factors that may have affected the outcome of the excavations and analyses. All Phase III report photographs, tables, maps, and other graphics should be of publishable quality and follow National Park Service guidelines.

6.9.4 Project Map Specifications
Project maps should include the following: an outline of the project boundaries in reference to fixed features such as roadways, power lines, rivers, canals, and railroads; the locations of all important features within the project boundaries such as standing structures, ditches, and disturbed areas; the locations of all test units actually excavated or collected differentiated according to those that contained artifacts and those that did not; the locations of all suspected artifact clusters and features such as foundations, wells, and middens; the identification of all structures that are at least 50 years old or other important standing structures in the project area; numbered photo angles of all photographs included in the text; a title block identifying the project name, location, date of investigation, and contractor performing the survey; key to all symbols used on the map; a bar scale using both English and metric measurements; and a north arrow (specify whether grid, magnetic, or geographic).

Maps accompanying a Phase II report should, in addition to the information listed for project maps. Include the following: estimates of site boundaries; detailed maps of all individual site excavations; site locations labeled with site name and number locations of features and any radiocarbon dated samples. Maps accompanying a Phase III report should also include the locations...
of all excavation units, backhoe trenches, and areas of machine stripping.
6.10 Summary, Conclusions and Recommendations

The final section of an archaeological survey report should serve as a stand-alone summary of the activities and findings reported in detail in the body of the report.

6.10.1 Components of a Phase I Report

For a Phase I report, this section should summarize the scope, methodology, areal coverage, and findings of the investigations; identify any areas where archaeological materials were discovered; point out gaps in survey coverage or areas where weather, owner-access refusal, or other conditions prevented or necessitated less than thorough investigations; indicate the institutional repository for artifacts, field notes, and records for the project; evaluate the results of the investigations in terms of the project's theoretical orientation, bias, and assumptions identified in the research design; compare the results of the investigations to those of others conducted in the area; place the study within a regional context in terms of its contribution to regional knowledge and the degree to which its results reflect what is known of the area; assess the project impact; explain the need for and general scope of additional work, if any; make and justify recommendations for project modifications to protect sites if accurate site boundaries can be established; and consider secondary effects of the project as well as the direct impacts (e.g. housing development resulting from road, sewer, or waterline construction or site isolation resulting from gravel mining).

6.10.2 Components of a Phase II Report

For a Phase II report, this section should summarize the arguments regarding the significance or non-significance of the resources investigated; state whether or not sufficient information has been collected to address the criteria for eligibility for listing on the State of National Registers of Historic Places such as information pertinent to the integrity, research potential, and the adequacy of horizontal and vertical boundary information; and present possible options for the treatment of ant resources considered significant (e.g. avoidance through redesign, protective conditions, and/or data recovery) along with specific recommendations as to how these might be implemented.

6.10.3 Components of a Phase III Report

For a Phase III report this section should include summaries of the research design and of the recovery, analysis, and interpretation of information collected during the data recovery program; an evaluation of the success of the data recovery plan and any modifications made to it; an interpretation of data recovered from the site(s) and their importance in relation to the relevant to the historic context(s) established for the region; a discussion of contributions the Phase III investigations have made to the current state of knowledge of prehistory or history and the state plan; recommendations for updating or revising research questions, goals, and preservation priorities in the state historic preservation plan; recommendations for supplemental Phase III investigations, if appropriate (Section 4.5); recommendations for the conservation, short-term, and long-term curation of the collection; and finally, recommendations for dissemination of all appropriate information to the archaeological community and public outreach programs.

6.11 References Cited

Every effort should be made to ensure that this part of the report is complete and accurate. We urge the consistent adoption of the American Antiquity format and refer readers to its most recently Published style guide.

7.0 STANDARDS FOR THE CURATION OF ARCHAEOLOGICAL COLLECTIONS

7.1 Definitions

For the Purposes of these standards, the following definitions apply:

7.1.1 Collection means material remains that are excavated or removed during a survey, excavation or other study of a prehistoric or historic resource, and associated records that are prepared or assembled in connection with the survey, excavation, or other study.

7.1.2 Material remains means artifacts, objects, specimens and other physical evidence that are excavated or removed in connection with efforts to locate, evaluate, document, study, preserve or recover a prehistoric or historic resource. Classes of material remains (and illustrative examples) that maybe in a collection include, but are not limited to:

(A) Components of structures and features (such as houses, mills, piers, fortifications, raceways, earthworks, and mounds);
(B) Intact or fragmentary artifacts of human manufacture (such as tools, weapons, pottery, pottery, basketry, and textiles);
(C) Intact or fragmentary natural objects used by humans (such as rock crystals, feathers, and pigments);
(D) By-products, waste products or debris resulting from the manufacture or use of man-made or natural materials (such as slag, dumps, cores, and debitage);
(E) Organic material (such as vegetable and animal remains, and coprolites);
(F) Human remains (such as bone, teeth, mummified flesh, burials, and cremations);
(G) Components of petroglyphs, pictographs, intaglios or other works of artistic or symbolic representation;
(H) Components of shipwrecks (such as pieces of the ship’s hull, rigging, armaments, apparel, tackle, contents, and cargo);
(I) Environmental and chronometric specimens (such as pollen, seeds, wood, shell, bone, charcoal, tree core samples, soil, sediment cores, obsidian, volcanic ash, and baked clay); and
(J) Paleontological specimens that are found in direct physical relationship with the prehistoric or historic resource.
7.1.3  Associated records means original records (or copies thereof) that are prepared, assembled and document efforts to locate, evaluate, record, study, preserve, or recover a prehistoric or historic resource. Some records such as field notes, artifact inventories, and oral histories may be originals that are prepared as a result of the fieldwork, analysis, and report preparation. Other records such as deeds, survey plans, historical maps and diaries may be copies of original public or archival documents that are assembled and studied as a result of historical research.

Classes of associated records (and illustrative examples) that may be in a collection include, but are not limited to:

(A) Records relating to the identification, evaluation, documentation, study, preservation or recovery of a resource (such as site forms, field notes, drawings, maps, photographs, slides, negatives, films, video and audio cassette tapes, oral histories, artifact inventories, laboratory reports, computer cards and tapes, computer disks and diskettes, printouts of computerized data, manuscripts, reports, and accession, catalog, and inventory records);

(B) Records relating to the identification of a resource using remote sensing methods and equipment (such as satellite and aerial photography and imagery, side scan sonar, magnetometers, subbottom profilers, radar, and fathometers);

(C) Public records essential to understanding the resource (such as deeds, survey plats, military and census records, birth, marriage, and death certificates, immigration and naturalization papers, tax forms, and reports);

(D) Archival records essential to understanding the resource (such as historical maps, drawings and photographs, manuscripts, architectural and landscape plans, correspondence, diaries, ledgers, catalogs, and receipts); and

(E) Administration records relating to the survey excavation or other study of the resource (such as scopes of work, requests for proposals, research proposals, contracts, antiquities permits, reports, documents relating to compliance with Section 106 of the National Historic Preservation Act [16 U.S.C. 47f], and National Register of Historic Places nomination and determination of eligibility forms).

7.1.4  Curatorial services means providing curatorial services means managing and preserving a collection according to professional museum and archival practices, including but not limited to:

(A) Inventorying, accessioning, labeling, and cataloging a collection;

(B) Identifying, evaluating, and documenting a collection;

(C) Storing and maintaining a collection using appropriate methods and containers, under appropriate environmental conditions and physically secure controls;

(D) Periodically inspecting a collection and taking actions as may be necessary to preserve it;

(E) Providing access and facilities to study a collection; and

(F) Handling, cleaning, stabilizing, and conserving a collection in such a manner to preserve it.

7.1.5  Qualified museum professional means a person who possesses training, knowledge, experience and demonstrable competence in museum methods and techniques appropriate to the nature and content of the collection under the person’s management and care, and commensurate with the person’s duties and responsibilities. In general, a graduate degree in museum science or subject matter applicable to archaeology, or equivalent training and experience, and three years of professional experience are required for museum positions that demand independent professional responsibility as well as subject specialization (archaeology) and scholarship. Standards that may be used, as appropriate, for classifying positions and evaluating a person’s qualifications include, but are not limited to, the following federal guidelines:

(A) The Office of Personnel Management’s “Position Classification Standards for Positions under the General Schedule Classification System” (U.S. Government Printing Office, stock No. 906-028-00000-0, 1981) are used by Federal agencies to determine appropriate occupational series and grade levels for positions in the Federal service. Occupational series most commonly associated with museum work are the museum curator series (GS/GM-1015) and the museum technician and specialist series (GS/GM-1016). Other scientific and professional series that may have collateral museum duties include, but are not limited to, the archivist series (GS/GM-1420), the archeologist series (GS/GM-193), the anthropologist series (GS/GM-190), and the historian series (GS/GM-170). In general, grades GS-9 and below are assistants and trainees while grades GS-11 and above are determined according to the level of independent professional responsibility, degree of specialization and scholarship, and the nature, variety, complexity, type, and scope of the work.

(B) The Office of Personnel Management’s "Qualification Standards for Positions under the General Schedule (Handbook X-118)" (U.S. Government Printing Office stock No. 906-030-00000-4, 1986) establish educational, experience, and training requirements for employment by the Federal Government under the various occupational series. A graduate degree in museum science or applicable subject matter, or equivalent training and experience, and three years of professional experience are required for museum positions at grades GS-11 and above.

(C) The "Secretary of the Interior's Standards and Guidelines for Archeology and Historic Preservation" (48 FR 44716, Sept. 29, 1983) provide technical advice about archeological and historic preservation activities and methods for use by Federal, State and local Governments and others. One section presents qualification standards for a number of historic preservation professions. While no standards are presented for collections manager, museum curators or technicians, standards are presented for other professions (i.e. historians, archeologists, architectural historians, architects, and historic architects) that may have collateral museum duties.
7.2 Responsibilities of the Archaeologist
1. If material remains are collected as a result of a survey, excavation, or other study of a prehistoric or historic resource, a system for identifying and recording their proveniences must be maintained.
2. All associated records from an archaeological project should be intelligible to other archaeologists. If terms lacking commonly held referents are used, they should be clearly defined.
3. During accessioning, analysis, and storage of the material remains and associated records in the laboratory, the archaeologist must take precautions to ensure that correlations between the material remains and the associated records are maintained, so that provenience, contextual relationships, and the like are not confused or obscured.
4. The archaeologist must ensure that a collection resulting from a project will be deposited at a repository that can provide curatorial services, that employs at least one qualified professional with experience in collections management/curation.
5. The initial processing of the material remains (including appropriate cleaning, sorting, labeling, cataloging, stabilizing, and packaging) must be completed, and associated records prepared and organized in accordance with the repository’s processing and documentation procedures.
6. A professional archaeologist should refuse to participate in any research, which does not comply with the above criteria.

7.3 Guidelines for Selecting a Repository
1. When possible, collections from New York should be deposited in a repository that:
   (i) is in the state;
   (ii) stores and maintains other collections from the same site or project location; or
   (iii) houses collections from a similar geographic region or cultural area.
2. The collection should not be subdivided and stored at more than a single repository unless such subdivision is necessary to meet special storage, conservation, or research needs.
3. Material remains and associated records should be deposited in the same repository to maintain the integrity and research value of the collection.

7.4 Criteria for Institutions Serving as Repositories for Archaeological Collections
1. The institution must be chartered as a museum by the Board of Regents of the State of New York or similar body, or be an institution of higher education recognized by the State of New York.
2. The repository must certify, in writing, that the collection shall be cared for, maintained, and made accessible in accordance with the standards in this part.
3. The repository must be able to provide adequate, long-term curatorial services including:
   (A) Accessioning, labeling, cataloging, storing, maintaining, inventorying and conserving the particular collection on a long-term basis using professional museum and archival practices; and
   (B) Comply with the following, as appropriate to the nature and content of the collection;
      (1) Maintain complete and accurate records of the collection, including:
          (a) records on acquisitions;
          (b) catalog and artifact inventory lists;
          (c) descriptive information, including field notes, site forms and reports
          (d) photographs, negatives, and slides;
          (e) locational information, including maps;
          (f) information on the condition of the collection, including any completed conservation treatments;
          (g) approved loans and other uses;
          (h) inventory and inspection records, including any environmental monitoring records;
          (i) records on any deaccessions and subsequent transfers, repatriations, or discards;
   (2) Dedicated the requisite facilities, equipment, and space in the physical plant to properly store, study, and conserve the collection. Space used for storage, study, conservation, and, if exhibited, any exhibition must not be used for non-curatorial purposes that would endanger or damage the collection;
   (3) Keeping the collection under physically secure conditions with storage, laboratory, study, and any exhibition areas by
      (a) having the physical plant meet local electrical, fire, building, health and safety codes;
      (b) having an appropriate and operational fire detection and suppression system;
      (c) having an appropriate and operational fire detection and deterrent system;
      (d) having an adequate emergency management plan that establishes procedures for responding to fires, floods, natural disasters, civil unrest, acts of violence, structural failures, and failures of mechanical systems within the physical plant;
      (e) providing fragile or valuable items in a collection with additional security such as locking the items in a safe, vault, or museum specimen cabinet, as appropriate;
      (f) limiting and controlling access to keys, the collection, and the physical plant; and
      (g) periodically inspecting the physical plant for possible security weaknesses and environmental control problems, and taking necessary actions to maintain the integrity of the collection;
   (4) Requiring staff and any consultants who are responsible for managing and preserving the collection, and for conducting inspections and inventories as described in sections 3.(B)(7) and 3.(B)(8), to be either qualified museum professionals or professional archaeologists guided by a professional museum conservation consultant.
   (5) Handling, storing, cleaning, conserving and, if exhibited, exhibiting the collection in a manner that:
      (a) is appropriate to the nature of the material remains and associated records;
      (b) protects them from breakage and possible deterioration from adverse temperature and relative humidity, visible light, ultraviolet radiation, dust, soot, gases, mold, fungus, insects, rodents, and general neglect; and
      (c) preserves data that may be studied in future laboratory
analyses. When material remains in a collection are to be treated with chemical solutions or preservatives that will permanently alter the remains, when possible, retain untreated representative samples of each affected artifact type, environmental specimen or other category of material remains to be treated. Untreated samples should not be stabilized or conserved beyond dry brushing;

(6) Storing site forms, field notes, artifacts, inventory lists, computer disks and tapes, catalog forms, and a copy of the final report in a manner that will protect them from theft and fire such as (a) storing the records in a an appropriate insulated, fire resistant, locking cabinet, safe, vault or other container, or in a location with a fire suppression system; (b) storing a duplicate set of records in a separate location; or (c) ensuring that records are maintained and accessible through another party. For example, copies of final reports and site forms frequently maintained by the State Historic Preservation Officer, the State Archaeologist or the State museum or university. The Tribal Historic Preservation Officer and Indian tribal museum ordinarily maintain records on collections recovered from sites located on Indian lands. The National Technical Information Service and the Defense Technical Information Service maintain copies of final reports that have been deposited by Federal agencies. The National Archeological Database maintains summary information on archeological reports and projects, including information on the location of those reports.

(7) Periodically inspecting the collection or having a professional conservation assessment done regularly for the collection for the purposes of assessing the condition of the material remains and associated records, and monitoring those remains and records for possible deterioration and damage; and performing only those actions as are absolutely necessary to stabilize the collection and rid it of any agents of deterioration.

(a) Material remains and records of a fragile or perishable nature should be inspected for deterioration and damage on a more frequent basis than lithic or more stable remains or records.

(b) Because frequent handling will accelerate the breakdown of fragile materials, material remains and records should be viewed but handled as little as possible during inspections.

(8) Periodically inventorying the collection by accession, lot, or catalog record for the purpose of verifying the location of the material remains and associated records

(a) Material remains and records of a valuable nature should be inventoried on a more frequent basis than other less valuable remains or records.

(b) Because frequent handling will accelerate the breakdown of fragile materials, material remains and records should be viewed but handled as little as possible during inventories.

9) Providing access to the collection for scientific, educational, and religious uses, subject to such terms and conditions as are necessary to protect and preserve the condition, research potential, religious or sacred importance, and uniqueness of the collection, such as

(a) Scientific and educational uses. A collection shall be made available to qualified professionals for study, loan and use for such purposes such as in-house and travelling exhibits, teaching, public interpretation, scientific analysis, and scholarly research. Qualified professionals would include, but not be limited to, curators, conservators, collection managers, exhibitors, researchers, scholars, archaeological contractors, and educators. Students may use a collection when under the direction of a qualified professional.

(b) Religious uses. Religious remains in a collection shall be made available to persons for use in religious rituals or spiritual activities. Religious remains generally are of interest to medicine men and women, and other religious practitioners and persons from Indian tribes, and other indigenous and immigrant ethnic, social, and religious groups that have aboriginal or historic ties to the lands from which the remains are recovered, and have traditionally used the remains or class or remains in religious rituals or spiritual activities.

(c) The repository shall not allow uses that would alter, damage, or destroy an object in a collection unless the repository determines that such use is necessary for scientific studies or public interpretation, and the potential gain in scientific or interpretive information outweighs the potential loss of the object. When possible, such use should be limited to unprovenienced, non-unique, non-fragile objects, or to a sample of objects drawn from a larger collection of similar objects.

(d) No collection (or part thereof) shall be loaned to any person without a written agreement between the repository and the borrower that specifies the terms and conditions of the loan. At a minimum, a loan agreement shall specify

1) the collection or object being loaned;
2) the purpose of the loan;
3) the length of the loan
4) any restrictions on scientific, educational or religious uses, including whether any object may be altered, damaged or destroyed;
5) except as provided in section 2(9)(c), the stipulation that the borrower shall handle the collection or object being borrowed during the term of the loan so as to not damage or educe its scientific, educational, religious, or cultural value; and
6) any requirements for insuring the object or collection being borrowed for any loss, damage or destruction during transit and while in the borrowers possession.

(e) The repository shall maintain administrative records that document approved scientific, educational, and religious uses of the collection.
Appendix A
FEDERAL LAWS, REGULATIONS AND GUIDELINES
36 CFR Part 800 Protection of Historic Properties
36 CFR Part 60 National Register of Historic Places
36 CFR Part 61 Procedures for Approved State and Local Government Historic Preservation Programs
36 CFR Part 79 Curation of Federally Owned and Administered Archaeological Collections
Archaeology and Historic Preservation: Secretary of Interior’s Standards and Guidelines
Department of Transportation Act of 1966
National Environmental Policy Act of 1969
Archaeology and Historic Preservation Act of 1974
Archaeological Resource Protection Act of 1979
434 CFR Part 7 Protection of Archaeological Resources: Uniform Regulations
Abandoned Shipwreck Act of 1987
Abandoned Shipwreck Act Guidelines
Native American Grave and Repatriation Act of 1990

NEW YORK STATE LAWS AND REGULATIONS
State Historic Preservation Act- Article 14 of Parks, Recreation and Historic Preservation Law
9 NYCRR Part 426 Authority and Purpose
9 NYCRR Part 427 State Register of Historic Places
9 NYCRR Part 428 State Agency Activities Affecting Historic and Cultural Properties
State Environmental Quality Review Act • Article 8 of Environmental Conservation Law
6 NYCRR Part 617 State Environmental Quality Review

PERTINENT GUIDANCE DOCUMENTS AND “HOW TO” MATERIALS
Advisory Council on Historic Preservation
The Treatment of Archaeological Properties
Section 106 step-by-step.
U. S. Department of the Interior
Technical Brief No.11 Legal Background of Archaeological Resource Protection

National Register Bulletins
#12 Definition of National Register Boundaries for Archaeological Properties
#15 How to Apply the National Criteria for Evaluation
#16A How to Complete National Register Registration Forms
#16B How to Complete National Register Multiple Property Documentation Form
#29 Guidelines for Restricting Information About Historic and Prehistoric Resources
#36 Evaluating and Registering Historical Archaeology Sites and Districts
#38 Guidelines for Evaluating and Documenting Traditional Cultural Properties

#41 Guidelines for Evaluating and Registering Cemeteries and Burial Places
#43 Defining Boundaries for National Register Properties

To obtain copies and or updated versions of the above documents, please address your request to the relevant agencies listed below.

Advisory Council on Historic Preservation
1100 Pennsylvania Avenue, NW, Suite 809
Washington, DC 20004

National Register of Historic Places
National Park Service
U.S. Dept. of Interior
P.O. Box 37127
Washington, DC 20013-7127

Archaeological Assistance Division
National Park Service
U.S. Dept. of Interior
P.O. Box 37127
Washington, DC 20013-7127

New York State Office of Parks, Recreation and Historic Preservation
Historic Preservation Field Services Bureau
Peebles Island
P.O. Box 189
Waterford, NY 12188-0189
Phone 518-237-8643

New York State Museum
Cultural Education Center
Empire State Plaza
Albany, NY 12230

New York State Department of Environmental Conservation
50 Wolf Road
Albany, NY 12233
Appendix B
NYAC BURIAL RESOLUTION
15 September 1972

Whereas, the Native Americans of New York State regard the disturbance of their burials in the ground as disrespectful to their dead; and

Whereas, the New York Archaeological Council, the representatives of the majority of the professional archaeologists working in New York State recognizes that the same legal and ethical treatment should be accorded all human burials irrespective of racial or ethnic origins; and

Whereas, NYAC recognizes that despite our position the disturbance of burials by others is and will be a reality; therefore,

Resolved,

1) That the New York Archaeological Council urges a moratorium on planned burial excavation of Indian skeletons in New York State until such time as public opinion regards the recovery of skeletal data as a scientific endeavor irrespective of racial or ethnic identity,

2) That we oppose the excavation of burials for teaching purposes as pedagogically unnecessary and scientifically destructive,

3) That we agree in the future to reburial of Indian skeletons in a manner and at a time prescribed by the Native Americans whenever burials are chance encounters during archaeological excavations or other earth moving activities,

4) That we request the opportunity to study these skeletons for their scientific and historic significance before reburial, and

5) That when a burial ground is being disturbed by untrained individuals, a committee of local Native Americans and archaeologists should jointly plan the salvage of information and the preservation of remains.

Appendix C
NYAC CODE OF ETHICS AND PRACTICE

Archaeology is a profession, and the privilege of professional practice requires professional morality and professional responsibility, as well as professional competence, on the part of each practitioner.

A. The Archaeologist’s responsibility to the Public:

(1) An archaeologist shall:

a. recognize a commitment to present archaeology and its research results to the public in a responsible manner;

b. actively support conservation of the archaeological resource base;

c. be sensitive to, and respect the legitimate concerns of, groups whose cultural histories are the subjects of archaeological investigations;

d. avoid and discourage exaggerated, misleading, or unwarranted statements about archaeological matters that might induce others to engage in unethical or illegal activity;

e. support and comply with the terms of the UNESCO Convention on the means of prohibiting and preventing the illicit import, export, and transfer of ownership of cultural property.

(2) An archaeologist shall not:

a. engage in any illegal or unethical conduct involving archaeological matters or knowingly permit the use of his/her name in support of any illegal or unethical activity involving archaeological matters;

b. give a professional opinion, make a public report, or give legal testimony involving archaeological matters without being as thoroughly informed as might reasonably be expected;

c. engage in conduct involving dishonesty, fraud, deceit, or misrepresentation about archaeological matters;

d. undertake any research that affects the archaeological resource base for which he/she is not qualified.

B. The Archaeologist’s Responsibility to Her/His Colleagues:

(1) An archaeologist shall:

a. give appropriate credit for work done by others

b. keep informed and knowledgeable about developments in her/field or fields of specialization;

c. accurately, and without undue delay, prepare and properly disseminate a description of research done and its results;

d. communicate and cooperate with colleagues having common professional interests;

e. give due respect to colleagues’ interest in, and right to, inform about, sites, areas, collections, or data where
there is mutual active or potentially active research concern;

f. know and comply with all laws applicable to her/his archaeological research, as well as with any relevant procedures promulgated by duly constituted professional organizations;

g. report knowledge of violations of this Code to proper authorities.

(2) An archaeologist shall not:

a. falsely or maliciously attempt to injure the reputation of another archaeologist;

b. commit plagiarism in oral or written communication;

c. undertake research that affects the archaeological resource base unless reasonably prompt, appropriate analysis and reporting can be expected;

d. refuse a reasonable request from a qualified colleague for research data.

C. The Archaeologist’s Responsibility to Employers and Clients:

(1) An archaeologist shall:

a. respect the interests of her/his employer or client, so far as is consistent with the public welfare and this Code of Standards.

b. Refuse to comply with any request or demand of an employer or client which conflicts with the Code or Standards;

c. Recommend to employers or clients the employment of other archaeological or other expert consultants upon encountered archaeological problems beyond her/his competence;

d. Exercise reasonable care to prevent her/his employees, colleagues, associates and others whose services are utilized by her/him from revealing or using confidential information. Confidential Information means information of a non-archaeological nature gained in the course of employment which the employer or client has requested be held inviolate, or the disclosure of which would be embarrassing or would be likely to be detrimental to the employer or client. Information ceases to be confidential when the employer or client so indicates or when such information becomes publicly known.

(2) An archaeologist shall not:

a. reveal confidential information, unless required by law;

b. use confidential information to the disadvantage of the client or employer; or

c. use confidential information for the advantage of herself/himself or a third person, unless the client consents after full disclosure;

d. accept compensation or anything of value for recommending the employment of another archaeologist or other person, unless such compensation or thing of value is fully disclosed to the potential employer or client;

e. recommend or participate in any research which does not comply with the requirements of the SOPA Standards of Research Performance

Appendix D

GLOSSARY

Adverse impact: A damaging Change to the quality of the cultural resource's significant characteristics. An adverse impact will result in the loss of important information.

Archaeological resources: The subsurface remains of buildings, fireplaces, storage pits, habitation areas, and other features of past human activity. Investigating archaeological resources requires the use of a specialized set of techniques and methods for extracting the maximum information from the ground. Archaeological resources can be either prehistoric or historic in origin.

Archaeological sites: One type of cultural resource, unique in that they are the only way to learn about people who kept no written records. They also can be used to confirm, correct, and expand upon the written records left by our ancestors.

Archaeology: A set of methods and techniques designed to recover important information about the life-ways of past peoples and cultures from the remains they left in the ground.

Artifact: See Material remains.

Collection: Any material remains that are excavated or removed during a survey, excavation or other study of a prehistoric or historic resource, and associated records that are prepared or assembled in connection with the survey, excavation, or other study.

Cultural resources: The collective evidence of the past activities and accomplishments of people. They include buildings, objects, features, locations, and structures with scientific, historic, and cultural value.

Extant resources: Buildings or structures which are still standing in much the same form as when they were first constructed. Historic houses, bridges, and farmsteads are examples.

Feature: Intact evidence of cultural activity, typically in the form of hearths, pits, cisterns, privies, wells, postmolds, or other intentional, permanent alterations of the ground surface.

Historic property: Any building, structure, object, district, place, site, or area significant in the history, architecture, archaeology, or culture of the State of New York, its communities, or the Nation.

Impact: Any Change, whether good or bad, in the quality of a cultural resource's significant historic, architectural, or archaeological characteristics.

Impact mitigation: A course of action, which lessens the harm that will be inflicted upon a cultural resource. It may include work restrictions, repair, restoration, documentation, the installation of a protective covering, or the planned removal of a
resource. In the case of archaeological sites, the latter typically involves full-scale excavations.

Material remains: Objects, specimens and other physical evidence that are excavated or removed in connection with efforts to locate, evaluate, document, study, preserve or recover a prehistoric or historic resource.

National Register of Historic Places: The nation’s official list of historic, architectural, archaeological, and cultural resources worthy of preservation. The Register contains individual sites and historic districts of national, state, or local significance. The Register is maintained by the United States Department of the Interior.

NYAC: New York Archaeological Council, a not-for-profit association of professional archaeologists with an interest in New York State archaeology.

Prehistoric/historic resources: Prehistoric resources date to the time before written records for a specific area, while historic resources are those dating to the time or written records. In North America, the time of written records began about A.D. 1500 with the arrival of European explorers. However, some parts of the country were not visited by outsiders until much later.

Reviewer: Anyone who reads, examines, or studies the report for a lead agency. Municipality, citizen group, university, or similar body in order to evaluate the cultural resource investigations completed, the results, and the recommendations.

SHPO: State Historic Preservation Officer, who is an appointed official responsible for administering the National Historic Preservation Act (NHPA) within a state government or jurisdiction.

Significant Property: A cultural resource that meets the criteria of the State or National Register of Historic Places.
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APPENDIX E

DEPARTMENT OF TRANSPORATION
CULTURAL RESOURCE SURVEY CHECKLIST
FORM A
## FORM A - CULTURAL RESOURCE SURVEY CHECKLIST

**Today's Date** _______

### SURVEY_____ ADDENDUM ___ SITE EXAM____ DATA RECOVERY PLAN___ DATA RECOVERY___

### HABS/HAER ___ Indicate HABS/HAER Level I, II, III ________________

### IS THIS A ROLL-OVER PROJECT (Y/N) ____  IF YES, DATE PREVIOUSLY REQUESTED ________

### TYPE OF SURVEY NEEDED:

- ARCHEOLOGICAL: __
- ARCHITECTURAL: __
- BOTH: ___
- HISTORIC SETTING ANALYSIS ONLY: __

### ANY PREVIOUS SURVEYS (Y/N) _____  IF YES, SURVEY DATE _______ P.R. # ____________

### PIN (must have nine digits):

- FUNDING:  FEDERAL ____  STATE ____

### UNIQUE SITE NUMBER(S) (USN):

### PROJECT BOUNDARIES: ROUTE: _ (give local name, e.g. CR18/Main St.)

### FROM: _______ TO: _______

### MINOR CIVIL DIVISION(S) & COUNTY:

### PROJECT DESCRIPTION & PROPOSED WORK: (include ROW acquisition & borrow, on-site detours, staging and temporary access areas) ____________________________________________________________________________

### ESTIMATED LENGTH: _______ ESTIMATED WIDTH: _______ (show impact area on project map)

### ESTIMATED NUMBER OF BUILDINGS IN PROJECT AREA: _______

### ESTIMATED NUMBER OF BUILDINGS TO BE ACQUIRED/REMOVED _______

### BRIDGE(S) - BIN, Year Built & Type:

- ____________________________________________________________________________

### RESULTS OF 2002 HISTORIC BRIDGE INVENTORY: Eligible__ Not Eligible __ Nat’l Register Listed__ Unevaluated__

### NYSDOT Bridge Inventory Form Needed for Unevaluated Bridge(s):(Y/N) __

### FEDERAL PERMITS REQUIRED: (include Nationwide) (Y/N)_____

### DATE SURVEY NEEDED BY: (MONTH/YEAR)

### PRESENT PROJECT STAGE: IPP ____ SCOPING ____ DESIGN ____ SCHEDULED DESIGN APPROVAL ____

### USGS QUAD OR DOT PLANIMETRIC (location map) MAP INCLUDED: (Y/N)_____

### (include quad name and show project survey limits on map) ELECTRONIC MAPS AVAILABLE (Y/N)_____

### TWO COPIES OF RECENT PLANS WITH PROJECT BOUNDARIES: (Y/N) ___ (Show cultural resource survey limits on plans)

### ADDITIONAL COMMENTS: _____________________________________________

### REGIONAL CONTACT: __________________ TELEPHONE: _______ EMAIL: __________

### TRIBAL CONTACT:

- Form A Package: 4(+) Form A’s - (2 SED, 1 SHPO, 1 EAB, + Tribal Contact(s) as applicable
- 4(+) Location Maps - (2 SED, 1 SHPO, 1 EAB, + Tribal Contact(s) as applicable
- 2 Project Plans - (SED)
- 2 WinBolts Screen - (SED)
- 4(+) Screening Information - (2 SED, 1 SHPO, 1 EAB, + Tribal Contact(s) as applicable

(revised 1/04)
APPENDIX F

NEW YORK STATE PREHISTORIC SITE INVENTORY FORM

NEW YORK STATE HISTORIC SITE INVENTORY FORM

NEW YORK STATE HISTORIC RESOURCE INVENTORY FORM

NEW YORK STATE HISTORIC DISTRICT FORM WITH INSTRUCTIONS

HISTORIC SETTING ANALYSIS GUIDANCE FOR NYSDOT PROJECTS

NEW YORK STATE BRIDGE INVENTORY FORM
AND GUIDELINES FOR EVALUATING HISTORIC BRIDGES
NEW YORK STATE PREHISTORIC SITE INVENTORY FORM

For Office Use Only – Site Identifier: ________________________________

Project Identifier: ________________________________________________

Date: ______________________________________________________________

Name: _____________________________________________________________
Phone: (518) 473-1503

Address: Room 3122 Cultural Education Center
Albany, NY 12230

Organization (if any): New York State Museum

1. Site Identifier(s):

2. County:
   City:
   Township:
   Incorporated Village:
   Unincorporated Village or Hamlet:

3. Present Owner:
   Address:

4. Site Description (check all appropriate categories):
   Site: □ Stray find □ Pictograph □ Burial □ Surface evidence □ Material below plow zone □ Single Component □ Evidence of features □ Stray find □ Pictograph □ Burial □ Surface evidence □ Material below plow zone □ Single Component □ Evidence of features
   Location: □ Under cultivation □ Never cultivated □ Previously cultivated □ Pastureland □ Woodland □ Floodplain □ Upland □ Sustaining erosion
   Soil Drainage: □ Excellent □ Good □ Fair □ Poor □ Flat □ Gentle □ Fair □ Poor □ Flat □ Gentle
   Slope: □ Flat □ Gentle □ Poor □ Steep

   Distance to nearest water from site (approx.):
   Elevation:

5. Site Investigation (append additional sheets if necessary):
   Surface Testing Date(s):
   □ Site Map (Submit with form*)
   □ Collection
   Subsurface Testing Date(s):
   Testing: □ Shovel □ Coring □ Other:
   Unit size: □ Single Component □ Multi-component □ Stratified
   Number of Units: □ Single Component □ Multi-component □ Stratified
   (Submit plan of unit with form)
   Investigator:
   Manuscript or published report(s) (reference fully):
   Present repository of materials: New York State Museum

* Submission should be 8 ½” by 11” if feasible

Attachment E to the Draft Programmatic Agreement for the High Speed Rail Empire Corridor Program
6. **Components(s) (Cultural affiliation and dates):**

7. **List of material remains (be as specific as possible in identifying object and material):**
   If historic materials are evident, check here and fill out historic site form. 

8. **Map References:** Map or maps showing exact location and extent of site must accompany this form and must be identified by source and date. Keep this information to 8½” by 11” if possible.
   
   **USGS 7 ½ Minute Series Quad. Name:**
   
   **For Office Use Only – UTM Coordinates:** ____________________________

9. **Photography (optional for environmental impact survey):** Please submit 5” by 7” black and white print(s) showing the current state of the site. Provide a label for the print(s) on a separate sheet.
NEW YORK STATE HISTORIC SITE INVENTORY FORM

For Office Use Only? Site Identifier _____________________________________

Project Identifier: __________________________ Date: __________________________

Your Name: ____________________ ____________  Phone: __________________________

Address:

Organization (if any): _______________________________________________________

1. Site Identifier(s): ____________________________

2. County: __________________________

One of following?

City:

Township:

Incorporated Village:

Unincorporated Village or Hamlet:

3. Present Owner: ____________________________

Address: __________________________________________

4. Site Description (check all appropriate categories):

Structure/site:
Superstructure: complete__ partial__ collapsed__ not evident___
Foundation: above___ below___ (ground level) not evident____
Structural subdivisions apparent___ Only surface traces visible ___ Buried traces___ Undetected ___

List construction materials (be as specific as possible):

Grounds: Under cultivation ___ Sustaining erosion___ Woodland_______ Upland ___

Never cultivated ___ Previously cultivated___ Floodplain______ Pastureland___

Drainage: excellent__ good__ fair ___ poor ___

Slope: flat___ gentle___ moderate___ steep___

Distance to nearest water from site (approx.): m ( ft)

Elevation: m ( ft).

5. Site Investigation (append additional sheets, if necessary):

Surface Testing date(s):

Site Map (Submit with form*):

Collection:

Subsurface  Testing date(s) : Testing: shovel__ coring__ other __ unit size________

Number of units ____________________ (Submit plan of units with form*)

Excavation: unit sizes__ no. of units ___ (Submit plan of units with form*)

* Submission should be 8”x 11”, if feasible

Investigator:

Manuscript or published report(s)(reference fully):

Present repository of materials:

6. Site inventory:

a. Date constructed or occupation period:

b. Previous owners, if known:

c. Modifications, if known:

(append additional sheets, if necessary)

Attachment E to the Draft Programmatic Agreement for the High Speed Rail Empire Corridor Program
7. Site documentation: (append additional sheets, if necessary):
   a. Historic map references
      1) Name __ Date ___ Source __
      Present location of original, if known ___.
   b. Representation in existing photography:
      1) Photo date ___ Where located
      2) Photo date ___ Where located ___

   Primary and secondary source documentation (reference fully):

   d. Persons with memory of site:
      1) Name ______________________ Address ____________________________
      2) Name ______________________ Address ____________________________

8. List of material remains other than those used in construction (be as specific as possible in identifying object and material):

   If prehistoric materials are evident, check here and fill out prehistoric site form.

9. Map References: Map or maps showing exact location and extent of site must accompany this form and must be identified by source and date. Keep this information to 8 1/2 by 11 inches if possible.

   USGS 7.5 Minute Series Quad Name: ________________________________

   For Office Use Only -- UTM Coordinates: ____________________________

10. Photography (optional for environmental impact survey):
    Please submit a 5" x 7" black and white print(s) showing the current state of the site. Provide a label for the print(s) on a separate sheet.
**HISTORIC RESOURCE INVENTORY FORM**

For NYSDOT Projects

(NYS Education Department Cultural Resources Survey Program Work Scope Specifications, Section I.C. (January 1998)

**NYS OFFICE OF PARKS, RECREATION & HISTORIC PRESERVATION**
P.O. BOX 189, WATERFORD, NY 12188
(518) 237-8643

### IDENTIFICATION

Property name (if any) ____________________________________________

Address or Street Location ____________________________________________ Rural Fire Number __________________________

County __________________________ Town/City __________________________ Village/Hamlet: __________________________

Original use __________________________ Current use __________________________

Architect/Builder, if known __________________________ Construction Date* __________________________

### DESCRIPTION

Please check those that are applicable

<table>
<thead>
<tr>
<th>Exterior Walls:</th>
<th></th>
<th></th>
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<tbody>
<tr>
<td>G wood clapboard</td>
<td>G wood shingle</td>
<td>G vertical boards</td>
<td>G plywood</td>
<td>G stone</td>
<td></td>
<td></td>
</tr>
<tr>
<td>G brick</td>
<td>G poured concrete</td>
<td>G concrete block</td>
<td>G vinyl siding</td>
<td>G aluminum siding</td>
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<td></td>
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<tr>
<td>G cement-asbestos</td>
<td></td>
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<tr>
<td>G other:</td>
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</tbody>
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<table>
<thead>
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<th>Roof:</th>
<th></th>
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<tbody>
<tr>
<td>G asphalt, shingle</td>
<td>G asphalt, roll</td>
<td>G wood shingle</td>
<td>G metal</td>
<td>G slate</td>
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<table>
<thead>
<tr>
<th>Foundation:</th>
<th></th>
<th></th>
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</thead>
<tbody>
<tr>
<td>G stone</td>
<td>G brick</td>
<td>G poured concrete</td>
<td>G concrete block</td>
<td></td>
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<th>Alterations:</th>
<th>Date(s)(if known):</th>
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<table>
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<th>Condition:</th>
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<tbody>
<tr>
<td>G excellent</td>
<td>G good</td>
<td>G fair</td>
<td>G deteriorated</td>
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<table>
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<th>Associated Building:</th>
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</thead>
<tbody>
<tr>
<td>G garage</td>
<td>G silo</td>
<td>G privy</td>
<td>G shed</td>
<td>G barns</td>
<td></td>
</tr>
<tr>
<td>G carriage house</td>
<td>G other</td>
<td></td>
<td></td>
<td></td>
<td></td>
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</table>

<table>
<thead>
<tr>
<th>Landscape Features:</th>
<th></th>
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<tbody>
<tr>
<td>G gardens</td>
<td>G pond</td>
<td>G mature trees</td>
<td>G slate sidewalks</td>
<td></td>
</tr>
<tr>
<td>G fountain</td>
<td>G hitching post</td>
<td>G carriage steps</td>
<td>G walls</td>
<td></td>
</tr>
<tr>
<td>G well</td>
<td>G mile post</td>
<td>G monument/sculpture</td>
<td></td>
<td></td>
</tr>
<tr>
<td>G other</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### Prepared by:

Address

Telephone: __________________________ Email: __________________________ Date: __________________________

PIN: __________________________ Organization: __________________________

Attachment E to the Draft Programmatic Agreement for the High Speed Rail Empire Corridor Program
Photos:
Provide clear, original color photographs of the property recommended for National Register eligibility. Submitted views should represent the property as a whole and its relationship to the road. Include general setting, outbuildings and landscape features.

Maps:
Maps included in the survey report will indicate the location of the property in relationship to streets, intersections or other widely recognized features so that the property can be accurately identified. Photo angles and location of the properties will be shown on these maps.

Narrative Description of Property: Briefly describe the property's location (e.g., north side of NY 17, west of Jones Road); a general description of the building, structure or feature including such items as architectural style (if known), number of stories, type and shape of roof (flat, gabled, mansard, shed or other), and materials. Describe in detail the property's setting and contributing landscape features. (use additional space as needed)

Narrative Description of National Register Eligibility: Briefly describe those characteristics by which this property meets the National Register eligibility criteria. The narrative should support the eligibility recommendation, citing all specific National Register criteria that apply: Associative Value (Criteria A & B): Properties significant for their association in or linkage to events (Criterion A) or persons (Criterion B) important in the past. Design or Construction value (Criterion C): (use additional space as needed)

*Sources: Include sources that document/support the construction date along with the National Register eligibility recommendations. This would include architectural guidebooks, interviews, articles, county histories, newspapers, oral histories, building cornerstones, previous Cultural Resource Survey reports, and primary sources (deeds, census records).

Historic Maps: Cite historic maps that document the property's history.

Other Sources:
HISTORIC DISTRICT INVENTORY FORM
For NYSDOT Projects
New York State Education Department Cultural Resources Survey Program Work Scope Specifications

NYS OFFICE OF PARKS, RECREATION
& HISTORIC PRESERVATION
P.O. BOX 189, WATERFORD, NY 12188
(518) 237-8643

IDENTIFICATION

Name of District:_________________________________________________________________________________________

Street / Route ___________________________________________________________________________________________

County:_________________________ Town/City:__________________________ Village/Hamlet:________________________

DESCRIPTION

Describe the location, physical characteristics (boundaries, topography, street pattern, building setback), building/property characteristics (function, dates of construction, styles, materials) and landscape (trees, sidewalks, street lamps, hitching posts, etc.). Identify whether existing street and landscape features reflect historic improvements, based on historic photographs, postcards, views, and maps.

Prepared by: _______________________________ Address _______________________________________________________

Telephone: ______________________________ Email ______________________________________________________________

PIN:____________________________________ Organization:______________________________________________

Attachment E to the Draft Programmatic Agreement for the High Speed Rail Empire Corridor Program
LIST OF INDIVIDUAL PROPERTIES
List and briefly describe each property in the historic district, including approximate date of construction, architectural style, and whether contributing or non-contributing. Include landscape features that contribute to the district as a whole but are not necessarily associated with individual properties.

SIGNIFICANCE
Discuss how the historic district meets the National Register eligibility criteria. How does the district fit within the historic context and reflect historic events of the city/village/town (Criterion A)? Does the district have association with people important to the history of the city/village/town (Criterion B)? Are properties typical or outstanding examples of architecture/design for their respective era, and how do landscape features contribute (Criterion C)?

Period of significance __________________________ National Register Criterion/ Criteria __________________________

PHOTOS
Provide clear, original color photographs of each contributing property within the historic district. Submitted views should represent each property as a whole and its relationship to the street. Include general setting, outbuildings and landscape features. Streetscape views should capture significant physical characteristics of the district.

MAPS
Provide a quadrangle map or tax map showing the historic district location and boundaries. Project maps included in the survey report will more specifically indicate the locations of individual properties in relationship to streets, intersections or other widely recognized features. Photo angles will be shown on these maps.

SOURCES Typical sources include county and town histories, historic maps and images, historian interviews, previous Cultural Resource Survey Reports and Building Structure Inventories, architecture guide books and census records.
Following the principles of Context Sensitive Solutions, the design approach for projects in historic districts should incorporate an understanding of the physical features that define and contribute to the significance of the district. This approach involves preservation, to the extent possible, of existing historic resources, and creation of new features compatible with the historic character of the project area.

In order to avoid creating a false sense of history, the project design must reference the documented historic context of the specific time and place. Knowledge of site-specific context is achieved through focused research that includes detailed documentation and analysis of historic maps, local records, period illustrations, and historic photographs. This process will provide project designers with the necessary background to guide project development toward a context sensitive design.

This guidance is to be used by the SED when proposing an eligible architectural district or individual properties with large tracts of land. It can also be applied when requested by the Regional Cultural Resource Coordinator (CRC) for a known eligible or listed district.

Research Objectives:

- Identify and support contributing/non-contributing features.
- Look at historic maps and photographs to document the evolution of the town.
- What did the town look like at the turn of the century, in the 1920’s and 1950’s?
- Observe the town today. What historic features remain?
- What historic features have been lost?
- What historic features define the streetscape?
- Consider spatial relationships - open space, setback & density of buildings, scale.
- Describe the changes in setting, roadside features and streetscape elements.
- Determine & identify period(s) of significance for proposed district.
- Take photographic views showing current and historic views at same location.

Potential Sources:

- Maps – Sanborn Fire Insurance maps, DOT As-Built plans, Historic Maps and Atlases in chronological sequence (i.e. change over time)
- Images - Postcards, Photographs, Newspapers, Lithographs, Birds Eye Views, 19th century maps with inset views of prominent buildings and structures
- Documents – City/ village council or board minutes, Ordinances, Newspapers

Elements of Historic Setting:

- Street Widening/Narrowing
- Traffic Islands
- Street Width, Alignment and Intersection Configuration
- Building Setback and Density
- Surface Treatments - brick, cobblestone, bluestone, pavers
- Trees – planting scheme, species
- Curb Lines - extension, parking areas, curb material
- Street Lights - types, locations
- Street Furniture - benches, fountains, monuments, statues, clocks
- Traffic Islands
- Fences/ Walls - construction and material type, location
- Open Spaces - spatial relationship
- Walkways/ Crosswalks/ Sidewalks
- Boulevards, Planted Medians
- Driveways, Alleys
- Traffic Signals
- Signs & Street Markers
- Dates & Names Stamped in Concrete
- Awnings
Form A:

Historic Setting Analysis should be incorporated in the development of proposed National Register eligible districts by the SED. In addition, the CRC may request this analysis. The FORM A has been revised to include under TYPE OF SURVEY NEEDED a Historic Setting Analysis check off box to show this particular request. The CRC will provide a detailed description of proposed work (i.e. proposed intersection reconfiguring, sidewalk installation, tree planting, street widening or narrowing). The CRC should be contacted with questions about the project.
BRIDGE INVENTORY FORM
NEW YORK STATE DEPARTMENT OF TRANSPORTATION
DATE: ________________________ PIN:________________________BIN:__________________
PREPARER/AFFILIATION:____________________________________________________________

EVALUATION APPLYING METHODOLOGY OF NYSDOT 2002 HISTORIC BRIDGE INVENTORY
National Register Eligible _____ National Register Criteria ____________________ Not Eligible ____

IDENTIFICATION
1. BRIDGE NAME(S): (if known) _____________________________________________________
2. TOWN/CITY/VILLAGE (MCD): _____________________ HAMLET:________________________
3. COUNTY:________________________________________________________________________
4. FEATURE CARRIED (street, route no., railroad): _________________________________________
5. FEATURE CROSSED (river, highway, railroad): __________________________________________
6. YEAR BUILT: ______________________

DESCRIPTION
7. BRIDGE TYPE: ____________________________________________________________________
7a. Number of Spans: ________________ 7b. Length of Span(s): ________________________________
8. STRUCTURAL MATERIAL:  a. timber ___ b. stone__ c. steel __ d. concrete __ e. cast/ wrought iron _f. other ___
8a. Abutment Material:  concrete__ stone faced__ laid-up stone ___ other______________________________
9. PHOTOS: (see attached)
10. INTEGRITY:  a. list major alterations and dates (if known):
    b. previous use ________________  c. moved___ if so, when? ________________
11. RELATED BUILDINGS AND PROPERTY (check more than one if necessary):  a. power house __ b. railroad station __ c. bridge operators house __ d. landscape features (specify) (i.e. stone walls, light standards) __________________________ e. other ______________________
12. BRIDGE SURROUNDINGS (check more than one if necessary):  a. open land__ b. woodland__ c. scattered buildings__
    d. densely built-up__ e. commercial__ f. industrial__ g. residential__ h. potentially eligible historic district ____ i. other___
13. OTHER NOTABLE BRIDGE FEATURES (e.g. aesthetic treatment, multiple spans, cantilevered):

14. HISTORIC IMPORTANCE/ ASSOCIATION (include plate information):  Engineer or builder ________________

15. LOCATION MAP: (see attached)
NEW YORK STATE DEPARTMENT OF TRANSPORTATION
GUIDELINES FOR EVALUATING HISTORIC BRIDGES
September 2002

The recently completed statewide Historic Bridge Inventory resulted in evaluations of National Register eligibility for over 6,000 bridges built prior to 1961. During the early phase of the project, a group of bridges on the 5-Year Capital Program was identified and excluded from the inventory. Since that time, many of these bridges were individually evaluated; however other bridges that were subsequently taken off the program remain unevaluated. Additional bridges may be unevaluated due to an excluded owner (e.g. railroad), or if identified by the Historic Bridge Database under exclusion code 21: needs individual assessment.

These guidelines summarize procedures to apply the methodology developed under the Historic Bridge Inventory for an evaluation of National Register eligibility. The methodology for evaluation within the context of bridge type and sub-group is explained in greater detail in the report, *Evaluation of National Register Eligibility* (January 2002).

**COLLECT DATA FOR HISTORIC BRIDGE**

- Identify Unevaluated bridge (WinBolts Historic card, Historic Determination field records eligibility status; bridges with Exclusion Codes 1, 6, 7, 8, 9, 10, 15, 19, and 20 do not require separate evaluation)
- Gather data from WinBolts: Year built, bridge type, span length, material, etc. are found on Identification, Structural Details, and Spans Inventory cards)
- Conduct field investigation as part of Cultural Resources Screening or Survey
- Photograph bridge; note historic integrity, setting, bridge plate information

**ANALYZE BRIDGE WITHIN SUBGROUP**

**Identify Bridge Type / Subgroup and Year Built**

**Arch Bridges**
- Concrete Arches (deck and half-through)
- Masonry - E
- Steel - E

**Beam and Girder Bridges**
- Jack arches
- Plate girders
- Rigid frames
- Rolled beams
- Slabs
- T-Beams
- Timber beams

**Movable Bridges**
- Bascule - E
- Lift - E
- Retractile - E
- Swing - E

**Truss Bridges**
- Common: Pratt and Warren
- Uncommon - E: Baltimore, Bowstring Arch, Camelback, King Post, Lenticular, Parker, Pennsylvania, Unusual Configurations

**Suspension Bridges - E**

**Does the bridge represent a rare or uncommon type?**
The following sub-types are relatively rare, and should be considered eligible unless they have a significant integrity problem:
- Open spandrel concrete deck arch - E
- Half-through concrete arch - E
- Steel arch - E
- Movable - E
- Suspension - E
- Uncommon truss types - E

Attachment E to the Draft Programmatic Agreement for the High Speed Rail Empire Corridor Program
Assess Historic Integrity
To be eligible, a bridge must have sufficient historic integrity to convey its particular significance. An uncommon bridge type or rare surviving example of a type may have alterations and still be eligible, provided that the bridge retains the essential characteristics that convey its historic identity (e.g. 19th century stone arch; King Post Truss). Alterations that may affect the integrity of historic bridges include:

- replacement of original rail or parapet
- replacement of main structural members
- adding non-original, main structural members
- widening a bridge with new structural members
- adding a concrete veneer to the original masonry superstructure
- in-filling the underside of an arch rib or girder
- removing main members that were integral to the superstructure
- removing the superstructure
- lengthening a superstructure with additional spans

Were bridge plans standardized?
For bridge types associated with standardized plans, determine if the bridge pre-dates the standardization period. Standardized plans were developed for the following bridge types:

- **Concrete arch**
  Standardized plans for concrete arch bridges were developed ca. 1911 and came into widespread use in 1926. Filled spandrel deck arches built before 1911 (prior to standardization) or ca. 1911-26 (the early period of standardization) should be considered eligible unless they have a significant integrity problem. Post-1925 filled spandrel deck arches would not be eligible unless they possess special features.

  Due to their relatively small numbers, both pre- and post-standardized open spandrel deck arches and half-through arches would be eligible unless they have a significant integrity problem.

- **Beams/ girders**
  - **Pre-1929 Beam and Girder bridges**
    Following 1908, standardized plans were used with increasing frequency statewide and had taken firm hold by 1930. The date of standardization varies by subgroup: Jack arches 1920s; plate girders, rolled beams, and slabs, 1909; T-beams 1910. Pre-standardized bridges that retain their historic integrity may be eligible as uncommon or innovative examples, or as representative of the evolution of the type.

  - **Post-1929 Beam and Girder bridges**
    The implementation of standardized plans resulted in a large group of bridges that vary little from each other. Due to the ubiquity of post-1929 beam and girder bridges, they would be not eligible unless they possess a special feature or warrant special consideration for the following: bridges with historical associations; bridges with high artistic value; box girders (standardized after 1929); cantilever spans; continuous spans; prestressed concrete T-beams.

- **Pratt and Warren trusses**
  Standardization of plans for Pratt and Warren truss bridges began in 1908, and by 1926, were in widespread use throughout the state. As examples of pre-standardized or early standardized design, Pratt and Warren trusses built prior to 1926 would be eligible unless they have a significant integrity problem. Post-1925 Pratt and Warren trusses show little variation and are considered not eligible unless there is a significant variation, historical association, or high artistic value.

Does the bridge exhibit significant variations?

- multiple spans
- cantilever spans (beam and girder)
- continuous spans (beam and girder)
- prestressed concrete

Does the bridge exhibit artistic value or aesthetic treatment?
Aesthetic features may enhance a bridge’s potential for National Register eligibility. Examples of aesthetic treatments that are present in the bridge population include:

- decorative portal
- decorative rail or parapet
Does the bridge have any Special Recognition factors?
These factors may contribute to potential eligibility under National Register Criteria A-1 or A-2.

- **Historical association**
  - Depression-era funding
  - Association with an individual, memorial, or bridge marker

- **Considered historically important by local community**
  - Town/county historian, local historical society, preservation or friends groups

- **Distinctive features or trends**
  - Construction material such as timber or prestressed concrete
  - Support system such as cantilevered

**APPLY NATIONAL REGISTER CRITERIA**

- Evaluate National Register eligibility within context of subgroup
  Eligible bridges should meet one or more of the following criterion:
  - A-1: associated with historic event(s) or activities
  - A-2: associated with historic trends
  - C-3: represents the work of a master
  - C-4: possesses high artistic value
  - C-5: demonstrates pattern of features common to a particular bridge type
  - C-6: demonstrates individuality or variation of features within bridge type
  - C-7: demonstrates evolution of a particular bridge type

- Consider whether the bridge may contribute to an eligible historic district

**DOCUMENTATION**

- Eligible bridges: Complete NYSDOT Bridge Inventory Form

  **Cultural Resources Screening** - CRC should complete form; follow screening procedures

  **Cultural Resources Survey** - SED should complete form; include in CRS Report

  **Example of Suggested Wording**: Applying the methodology of the 2002 Historic Bridge Inventory, BIN 2226120 is eligible under National Register Criteria A-1, C-4, and C-6. Built in 1936, this multi-span, open spandrel concrete deck arch represents a significant variation of an uncommon bridge type. The decorative lighting and parapets represent high artistic values that enhance the design. The bridge is also significant for its association with historic events through Depression-era funding for construction.

- Not Eligible bridges: No form needed

  **Cultural Resources Screening** - follow screening procedures

  **Cultural Resources Survey** - include photograph only with other buildings/structures recommended Not Eligible

  **Example of Suggested Wording**: Based on an application of the methodology developed for the 2002 Historic Bridge Inventory, BIN 1045680 is Not Eligible. Built in 1938, this Jack Arch bridge post-dates the implementation of standardized plans, and lacks a significant historical association or aesthetic treatment to distinguish it from the large population of this type.

**SOURCES**

WinBolts Historic Card / Historic Bridge Database
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Properties Exempt from Evaluation

This attachment defines categories of properties that do not warrant evaluation for National Register eligibility, unless deemed otherwise in the professional judgment of the qualified professional archaeologist or architectural historian, respectively. Exempted properties do not require documentation.

ARCHEOLOGICAL PROPERTIES (PRECONTACT AND HISTORIC) EXEMPT FROM EVALUATION

Based on an initial field survey, the following properties are exempt from further evaluation at the discretion of the PI:

- Isolated non-diagnostic prehistoric artifacts consisting of fewer than three items per 100 square meters;
- Isolated historic finds consisting of fewer than ten artifacts per 100 square meters (e.g., several fragments from a single glass bottle are one artifact);
- Refuse scatters less than 50 years old (scatters containing no material that can be dated with certainty as older than 50 years old);
- Features known to be less than 50 years old;
- Isolated refuse dumps and scatters over 50 years old that lack specific associations;
- Foundations and mapped locations of buildings or structures more than 50 years old with few or no associated artifacts or ecofacts, and with no potential for subsurface archeological deposits; or
- Building and structural ruins and foundations less than 50 years old.

PIs qualified in archaeology shall apply professional judgment as to the level of identification effort, in consultation with consulting Native American Tribe(s) where appropriate. This exemption process does not include archeological sites, traditional cultural properties, or other cultural remains or features that may qualify as contributing elements of districts or landscapes.

HISTORIC ARCHITECTURAL PROPERTIES EXEMPT FROM EVALUATION

The following types of historic architectural properties are exempt from evaluation and documentation:

1. Properties less than 50 years old at the time of the Phase I survey unless they may have achieved exceptional significance in accordance with NRHP Bulletin 22.
2. Properties moved within the past 50 years unless they are among the exceptions noted in “Criteria Consideration B: Moved Properties” of National Register Bulletin 15.

The historical architectural property types listed below may be exempt from evaluation and may not require documentation, based on the professional judgment of PIs qualified in the disciplines of history or architectural history.
Railroad Related Features:

- Railroad maintenance facilities, such as repair buildings and equipment storage structures
- Railroad communication and signaling systems
- Railroad structures such as grade separations, pedestrian overcrossings and underpasses
- Railroad fencing and other right-of-way features
- Access roads for railroads
- Railroad maintenance materials (e.g., ties, track, ballast, etc.)
- Railroad grades converted to other uses, such as roads, levees, or bicycle/pedestrian paths

Recent Transportation or Pedestrian Facilities:

- Light rail systems, including shelters, benches, and platforms
- Bus shelters and benches
- Airstrips and helicopter landing pads
- Vista points and rest stops
- Toll booths
- Truck scales and inspection stations
- City streets, alleys, and park strips
- Sidewalks, curbs, berms, and gutters
- Bike paths, off-road vehicle trails, equestrian trails, and hiking trails
- Parking lot and driveways

Highway and Roadside Features:

- Isolated segments or bypassed or abandoned roads
- Curbs, gutters, and walkways
- Highway fencing, soundwalls, guard rails, and barriers
- Cattle crossing guards
- Roadside, median, and interchange landscaping and associated irrigation systems
- Street furniture and decorations
- Signs and reflectors
- Parking meters
- Street lighting and controls
- Traffic lights and controls
- Highway operation control, maintenance, and monitoring equipment
- Telecommunications services, including towers, poles, dishes, antennas, boxes, lines, cables, transformers, and transmission facilities
- Utility services, including towers, poles, boxes, pipes, lines, cables, and transformers
- Oil and gas pipelines and associated control devices

Adjacent Features:

- Prefabricated buildings less than 50 years old not associated with permanent buildings or a historic district
- Fences, walls, gates, and gateposts
- Isolated rock walls and stone fences
- Telephone booths, call boxes, mailboxes, and newspaper receptacles
• Fire hydrants and alarms
• Non-Rail Markers,
• Signs, and billboards
• Fragments of bypassed or demolished bridges
• Temporary roadside structures, such seasonal vendors’ stands
• Pastures, fields, crops, and orchards
• Corrals, animal pens, and dog runs

Movable or Minor Objects:

• Movable vehicles
• Stationary vehicles less than 50 years old or moved within the last 50 years
• Agricultural, industrial, and commercial equipment and machinery
• Sculpture, statuary, and decorative elements less than 50 years old or moved within the last 50 years.

These exemptions do not apply to properties 50 years old or older that could be important, nor do they apply to properties that may contribute to the significance of larger historic properties such as districts or landscapes.
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