

**CULTURAL RESOURCE STANDARDS  
HANDBOOK**

**GUIDANCE FOR UNDERSTANDING AND APPLYING  
THE NEW YORK STATE STANDARDS FOR CULTURAL  
RESOURCE INVESTIGATIONS**

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**THE NEW YORK ARCHAEOLOGICAL COUNCIL  
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## WHAT IS THE PURPOSE OF THIS HANDBOOK?

This handbook was created to assist non-archaeologists in their use and understanding of the New York State's Professional Standards for Cultural Resource Investigations (hereafter referred to as the Standards). The process of identification, evaluation, and protection of significant cultural resources is mandated by a variety of state and federal laws. These laws help protect our state's cultural heritage. Agencies, municipalities, and private developers are full partners in this process of preservation. Cultural resource investigations conducted as part of these mandates serve as a planning tool for many groups living, working, and developing projects in New York State. New York State has adopted a set of professional standards for the conduct of cultural resource investigations and the curation of collections resulting from these studies.

The purpose of creating standards for cultural resource investigations is to establish systematic, high-quality methods for the identification, evaluation, and interpretation of culturally significant resources. Use of these Standards helps ensure that professionals gather uniform categories of information, explain their methods, and use appropriate reporting procedures. This process assists in the equitable and comparable review of development projects throughout the state. The Standards outline the basic information needed by reviewers, but they also encourage performance above the required minimum level.

The regulatory review process for most development projects in New York State now includes some consideration of the potential impact of the project on cultural resources. Appendix A lists the agencies and programs whose proposed projects must comply with federal, state, and local cultural resource laws. Cultural resources can include (but are not limited to) prehistoric (pre-A.D. 1600) and historic (post-A.D. 1600) archaeological sites, as well as standing buildings greater than 50 years old and various types of landscapes (e.g. rural, sacred, urban). New York regulatory requirements for compliance were formalized in the State Environmental Quality Review Act (SEQRA), the New York State Historic Preservation Act (NYSHPA) and the New York City Environmental Quality Review Act (CEQRA). SEQRA and CEQRA require the consideration of environmental, social, and economic factors for certain proposed development actions. Many of these follow the lead of federal laws and regulations such as Section 106 of the National Historic Preservation Act and the National Environmental Protection Act. Cultural resources are given equal weight with ecological factors in making decisions about the potential impacts of projects on important aspects of the environment. NYSHPA established requirements for the identification, evaluation, and preservation of significant archaeological sites and structures.

One goal of planned development is to ensure the preservation of significant cultural and natural features, such as prehistoric and historic archaeological sites and historic standing structures, as well as open space, trees and plants, water supplies, and unique landscapes. Preventing the destruction of these resources ensures the continued use and enjoyment of them by present and future generations. Whether you are planning to develop a commercial venture, such as a shopping mall or gravel mine, or a municipal project, such as a water treatment plant or highway, it is likely that both cultural and natural features will be considered in the planning and permitting process. It is important therefore that everyone, developers, planners, and individuals, understand the process and goals of cultural resource management (CRM). This handbook, when used in conjunction with the Standards, is a good first step in understanding the preservation and permitting process.

Stewardship of the past is not solely the responsibility of archaeologists and managers. Every citizen shares this responsibility. Even though it is not a requirement of any legislation, it is important for landowners to consider the impacts of their own ground-modifying activities on any known sites under their control as well as protection of the site from looters. The state encourages stewardship of sites on private land through a variety of preservation easements that reduce taxes.

## WHO SHOULD USE THIS MANUAL?

Any individual or group who needs to familiarize themselves with CRM procedures should use this manual, including:

- City, Town, and County Planners
- Government Agencies
- Developers
- Landowners
- Public Interest Groups
- Native Americans and other Ethnic Groups
- Teachers and Students

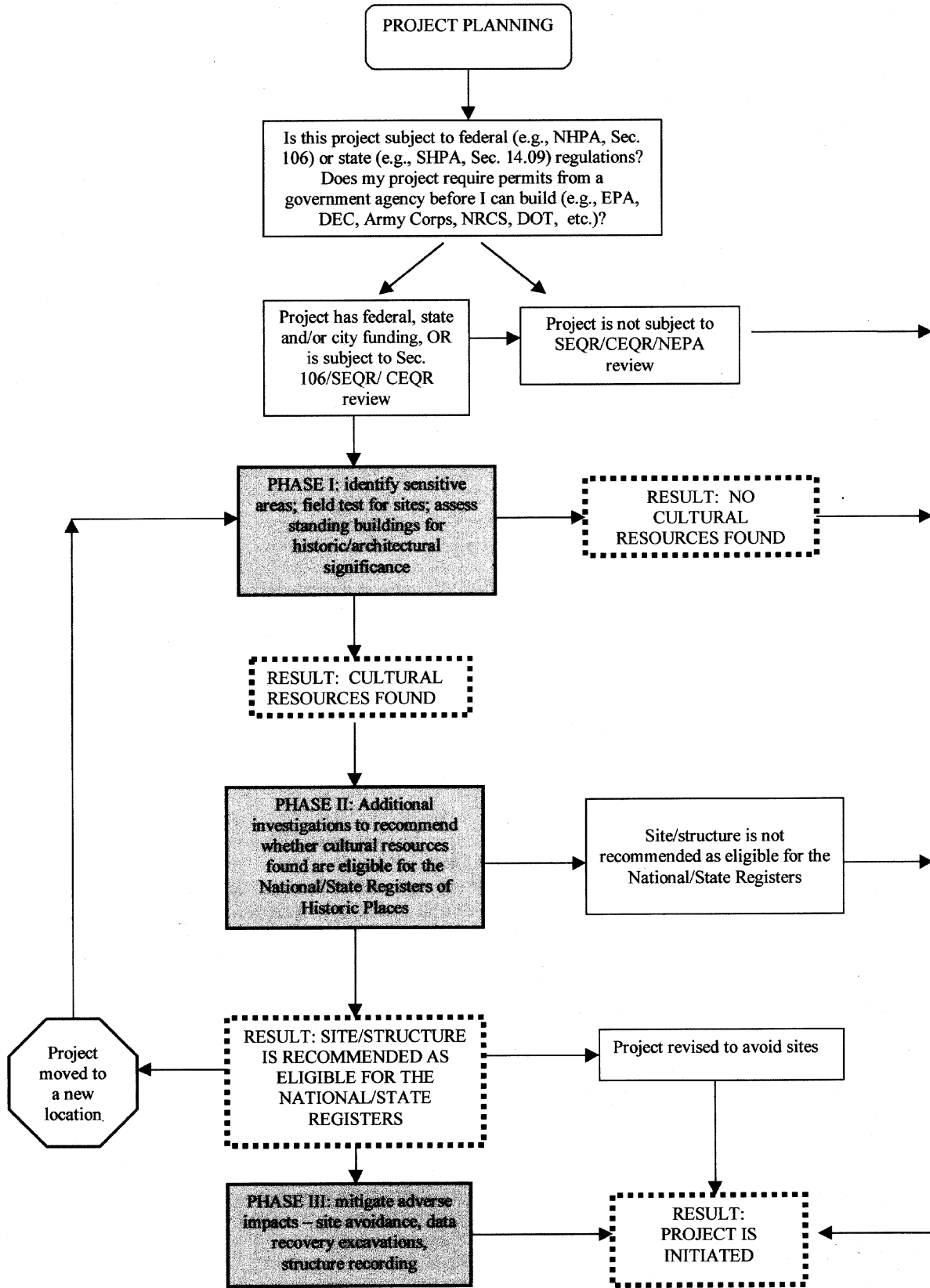
### How to use this handbook:

The information in this handbook is intended to provide a good overview of the CRM process; it is not intended to be a comprehensive description of that process. This handbook was written in a question/answer format to allow readers to select areas that are of particular interest to them. The intent is to help people understand the CRM process of identifying, recovering, preserving, and managing resources within an environmental impact context. A flow chart is provided to visually guide you through the process. This handbook is divided into sections keyed to corresponding parts in the New York State Standards, available from either the New York Archaeological Council (NYAC) or the New York State Office of Parks, Recreation and Historic Preservation (OPR&HP):

- Introduction (Section 1.0 of the Standards)
- Reconnaissance: Phase I Projects (Section 2.0)
- Site Evaluation: Phase II Projects (Section 3.0)
- Mitigation/Data Recovery: Phase III Projects (Section 4.0)
- Human Remains (Section 5.0)
- Preserving the Artifacts (Section 7.0)
- Appendices containing checklists and a glossary

### Handbook format notes:

- Questions related to definition and purpose follow section headings
- **Boldface** is used for headings as well as for important terms
- *Italicized words* refer to examples of a particular process, explained in a text box
- *Italicized paragraphs* are quotes from the Standards
- Text boxes provide definitions and examples
- Appendices contain a glossary, checklists, and reference materials.



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# STANDARDS FOR CULTURAL RESOURCE INVESTIGATIONS (THE NEW YORK ARCHAEOLOGICAL COUNCIL 1994)

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## INTRODUCTION

*"The purpose of these guidelines is to ensure that archaeological work of the highest caliber is carried out in New York State." (Standards, Section 1.0)*

### **What are cultural resources and what is cultural resource management (CRM)?**

"Cultural resources are 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." (NYAC, Appendix D). Cultural resource management refers to the processes and procedures for the identification, evaluation, mitigation, and conservation of significant sites and structures. CRM is grounded in federal and state laws governing historic preservation. A corresponding set of federal and state regulations spell out the general process and procedures for managing cultural resources.

**Features** are the archaeological remains of things that people of the past built but could not move (e.g., house posts, fire pits, foundations, storage pits).

### **Why were standards for cultural resource investigations created?**

The Standards were developed by a state-wide team of professional archaeologists to provide specific guidance for those individuals or groups proposing projects that must comply with the federal and state laws governing the preservation of cultural resources (e.g., those projects requiring state or federal permits, funding, and/or technical assistance). The Standards outline steps for producing high quality, efficient products (surveys and reports). The intent was to create a document that describes a set of specific procedures for a variety of CRM investigations, most of which involve the field of archaeology. Although recommended procedures are described, the Standards encourage flexibility in study design to meet the requirements of specific investigations. "Good judgment and common sense should prevail" (Standards, Section 1.0).

### **What is Archaeology?**

Archaeology is one of the major disciplines associated with CRM investigations; history, architecture, geology, and Native American studies are some other common fields used in CRM. Archaeology is a social science and one of the four subdisciplines in anthropology. Archaeologists study artifacts and other evidence in (and on) the ground to identify sites and interpret human behavior covering hundreds and thousands of years. Archaeology uses a variety of methods to locate sites and to analyze cultural material. The results of these scientific studies yield clues about the past that cannot be gleaned from other sources, such as written histories. Archaeological sites are sometimes the only remaining traces of the earliest inhabitants of New York State.



The sites found in the Northeastern U.S. are not like those depicted in the movies. They do not involve massive temples and stone structures. Rather, most archaeological traces are invisible to the passerby, buried in fields, or hidden under asphalt. We know that the prehistoric and early historic peoples in New York State lived in structures that were relatively small; these dwellings were usually constructed of wood and bark, the types of materials that do not last long in our wet, acidic soils. For most of the prehistoric past, people lived in camps and they moved these camps as the seasons changed, leaving behind varying amounts of debris, broken tools, and features. With the start of farming in this region, around A.D. 800, people began to live year-round in the same general area. It was not until European settlers arrived that people began erecting stone and wood frame structures, many with outbuildings, such as barns. Construction of roads, canals, railroads, and clusters of houses offer more visible signs of past occupations. Archaeologists must be well trained in their field and use the best methods available to locate these traces of the past that are no longer standing.

### **What is Historic Preservation?**

Cultural resources are non-renewable parts of our environment. Once a site is destroyed, it is lost forever. The importance of cultural resources to preserving our national heritage has been recognized by all levels of government in the United States and around the world. The unprecedented destruction of these significant resources during periods of rapid development after World War II prompted national initiatives to preserve important prehistoric and historic sites and structures. Even archaeologists recognize that the act of excavation destroys a site. That is why specialized training in ways to conserve and protect artifacts, sites, and structures is an important part of the ethical training of all archaeologists. Adherence to standards and acceptance of ethics are ways archaeologists "police" themselves and insure that fragile cultural resources are not wastefully excavated or irresponsibly destroyed.

### **Why should I be concerned about cultural resources?**

Information about past activities enables us to understand social and political organization, changing economic strategies, shifting land use patterns, technological innovations, and sometimes even the religious or ideological beliefs of human society. Apart from the sheer pleasure of knowledge, this understanding gives us valuable time depth and enables us to better comprehend current human activities as well as more accurately predict future patterns. Cultural resources warrant informed preservation so that they will be available for future study and analysis of the past as well as the future. After all, how will we know where we are going if we do not know where we have been?

### **How is the information gathered during a cultural resource investigation used?**

Historic preservation reviewers, municipal planners, developers, landowners, and archaeologists use this information to design projects and protect significant cultural resources. Therefore, cultural resources serve a planning and research function. In recent years, cultural resources also have been incorporated into heritage tourism projects throughout the United States. When interpreted for the general public, prehistoric and historic sites are valuable educational tools for schools, and a vehicle for enhancing economic development through tourism. For example, municipal planners and economic development directors may wish to have professional archaeologists conduct a comprehensive survey of significant sites in their region to identify and protect sensitive areas and designate less sensitive areas for future developments. The results of such a survey could also be used for public education projects as well as walking/driving tours for visitors. Archaeologists use information gathered during cultural resource investigations to add to their existing knowledge about how people lived and changed over thousands of years. These sites and the **artifacts** and **features** contained within them are valuable parts of our regional and national heritage.

**"Artifacts** are 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." (Standards, Appendix D). Artifacts are the results of human activity (e.g., tools, food remains, and even landscapes).

### What is a significant finding?

The term "significant" is somewhat subjective but guidance on making this determination is provided in the U. S. Department of Interior's National Register of Historic Places Criteria for Eligibility. Sites must meet one or more of the following criteria to be considered significant (National Register Bulletin No. 24, p. 5):

- Associated with important events in our history (Criterion A);
- Associated with the lives of persons significant in our past (B);
- Embody distinctive characteristics of a type, period, or method of construction (C);
- Have the potential to yield information important in prehistory or history (D).

The significance of a prehistoric or historic site is usually determined by the amount and quality of the information that is present on a site. These data must have the potential to address the criteria for eligibility and in the case of Criterion D, the site must have the potential to contribute to specific research questions that will add to our present knowledge about the past. The ability to characterize a site based on its size, age, artifact variability, function, integrity (lack of disturbance of soils containing artifacts), and context (regional, chronological, functional) forms the core of assessing significance. The strength of a site's significance is key to obtaining a determination of eligibility for listing on the National or State Registers of Historic Places.

Significance: A prehistoric site is discovered in a farm field along a major river. Investigations determined that the site is small (size). Artifacts found include projectile points greater than 1500 years old (age). Other artifacts suggest that plant processing as well as butchering occurred on this site (artifact variability), and the presence of a cooking hearth indicates an overnight encampment (function). The site has not been disturbed by major modifying activities, such as grading (good integrity). The area is elevated above the river and is adjacent to a rich wetland (environmental context). A review of the literature found that there are no other known sites of this age and type in the region. Conclusion: this site is potentially eligible for the National and State Registers under Criterion D - the site is likely to yield important information about the past that will enhance our understanding of prehistory in the region.

## **How can the findings of a significant cultural resource affect development?**

The presence of a significant cultural resource within a proposed project may affect development by requiring relocation or modification of design plans to avoid damage to culturally significant areas. Part of the intent of the CRM process is to provide developers with information about cultural resource protection so that adjustments can be made early in the planning stage thus avoiding costly adjustments in the later development stages. The process recognizes that project redesign is not always feasible and offers other options when the proposed impacts to sites cannot be avoided.

## **How are CRM projects conducted?**

The methods used for a CRM investigation are guided by the nature of the project, its complexity, and the federal and state requirements for these projects. The Standards outline a logical set of sequential steps (phases) to be followed during the compliance process. Projects that exhibit a potential to be rich in cultural resources may require more than one phase of CRM investigation and more in-depth study. However, the Standards allow investigators the discretion to customize each phase to fit the complexity and particulars of their project as long as the intent of the law and the spirit of the Standards are met. Three successive phases of investigation are described in the Standards:

- Phase I Reconnaissance (see Section 2.0 of the Standards)
- Phase II Site Evaluation (Section 3.0)
- Phase III Data Recovery (Section 4.0)

## **What are typical costs for CRM projects?**

The cost of a project is related to its size and complexity. Average costs range from less than \$1,500 for a small Phase IA project in a rural area to more than \$100,000 for a large, complex Phase III data recovery, or even several million dollars as was the case of the African Burial Ground Project in Manhattan. It is wise to get estimates from several consultants and carefully consider what each consultant will provide for the cost indicated. Be aware that the lowest price will not always provide the best results and problems may result if the product is judged inadequate by reviewers. Technical proposals and cost estimates should demonstrate and guarantee compliance with the Standards for best results. Quality surveys facilitate review of your project and ease your progress through the permit process. A checklist of items that are frequently included in a Request for Proposal (RFP) is included in Appendix B.

## **Where can I get more information about historic preservation?**

- New York Archaeological Council
- New York State Department of Environmental Conservation
- NYS OPR&HP, local agencies such as the New York City Landmarks Preservation Commission
- National Register of Historic Places
- New York State Museum and regional or university museums
- Local historians & historical societies
- Local chapters of the New York State Archaeological Association

The remaining sections of this handbook describe each of the sequential phases of a cultural resource investigation as outlined in the Standards. Not all projects will require all phases; some will stop at the conclusion of Phase I, while others will continue through Phase III.

## RECONNAISSANCE: PHASE I PROJECTS

*"The primary goals 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" (Standards, Section 2.0)*

### **What is a Phase I Cultural Resource Investigation?**

A Phase I investigation is the first step in determining whether a proposed project contains any potentially significant cultural resources. Specific tasks include Phase IA (literature and document review and sensitivity assessment) and Phase IB (field investigations). When accomplished according to the Standards, a Phase I study produces a final report that identifies sensitive areas and standing structures within a project area and tests that project for traces of the past. The Phase I report presents a summary of all the findings and recommendations either of no adverse impact (leads to award of permit) or continuation to the next phase of investigation (Phase II Site Evaluation).

### **What is a Phase IA Literature Review 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 cultural/historical setting that provides the basis for the sensitivity assessment." (Standards, Section 2.2)*

Literature reviews and sensitivity assessments include:

- state and regional site files checks (NYS OPR&HP, regional colleges/universities, private CRM firms);
- research (histories, prehistories, archaeological reports, soil surveys, environmental reports, deed and census records, etc.);
- interviews (landowners, local historians, avocational archaeologists, amateurs, Native Americans, etc.);
- walkover (check for ground disturbance, terrain, visible cultural resources);
- sensitivity assessment (types of sites likely to be present in all parts of the project area, types of Phase I testing needed); and, report summarizing results, sensitive areas, and recommendations.

## What is an archaeologically sensitive area?

Archaeologically sensitive areas contain one or more variables that make them likely locations for evidence of past human activities. Sensitive areas can include:

- places near known prehistoric sites that share the same valley or that occupy a similar landform (e.g., terrace above a river);
- areas where historic maps or photographs show that a building once stood but is now gone as well as the areas within the former yards around such structures;
- an environmental setting similar to settings that tend to contain cultural resources (e.g., well-drained places with highly productive soils near the confluence of two waterways); and,
- locations where Native Americans and published sources note sacred places, such as cemeteries or spots of spiritual importance.

## What is a Phase IB Field Investigation?

*"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." (Standards, Section 2.3)*

Each project's sensitivity assessment must be field tested to verify the presence/absence of archaeological sites. Various methods are used to accomplish these investigations:

- Systematic Surface Survey. This method is used in previously plowed areas. Replowing and disking may be needed to improve surface visibility to about 70%. Archaeologists identify, map, and collect artifacts to identify artifact concentrations within the project limits. Archaeologists also must excavate a sample of subsurface test pits to characterize the soil and/or artifact layering present in the project area.
- Subsurface Testing. This method involves manual excavation of small test pits at fixed intervals not to exceed 15 meters (50 feet). These shovel test pits can either be round or square and measure between 30-50 centimeters (12-20 inches) in diameter. The soil must be screened through 1/4-inch mesh to standardize the recovery of a full range of artifacts. In some urban or floodplain situations, backhoe trenching or other machine-assisted methods may be necessary to reach deeply buried cultural resources.
- Remote Sensing. This testing method is used to identify buried features without destructive excavations. Fragile and sensitive cultural features, such as burials, are the types of cultural resources that could be severely damaged by subsurface discovery methods. The tool most commonly used in this process is ground penetrating radar. Remote sensing may not be appropriate for all field situations and experts should be consulted before these techniques are used. When remote sensing is selected, field verification through excavation of the resulting anomaly areas is necessary to verify that these patterns are cultural.
- Laboratory Processing. Archaeologists must clean, stabilize, and inventory cultural material removed from the field. An artifact catalog notes the location of each piece (e.g. shovel test pit number or surface collection spot), the depth at which it was found, a description of the piece, as well as other pertinent information. This catalog should use terms commonly used by other archaeologists and

current with the state-of-the-art. All collections, including artifacts, field records, and photography must be curated in a repository that meets the requirements of the Standards.

- **Report.** At the conclusion of all investigations and processing, the archaeologist must produce a written report that complies with the Standards. This report will contain a summary of what (if anything) was found and recommendations about the next step in the process. This summary document is reviewed by agencies and their decision determines whether a permit is awarded or if further work is needed. Similar reports are required for all phases of archaeological investigation. Details on what should be included in these reports are discussed in the Standards (Section 6.0)

### **What happens after the Phase I Report is complete?**

The report is distributed to the client, lead agency, reviewing agency (usually includes the State Historic Preservation Office housed at OPR&HP), and interested parties for evaluation. The lead and reviewing agencies may or may not agree with the recommendation made by the archaeologist in the report. They may also request additional information, if the work presented is incomplete or not in compliance with the Standards. This could delay the permitting process, so it is important that the archaeologist guarantees compliance with the Standards.

### **How long does it take to review a Phase I Report?**

You can expect to wait a minimum of 30 days. The amount of time depends on the complexity of the project and whether additional information is needed.

### **What happens if a site is found during Phase I investigations?**

If a prehistoric or historic site is found, the archaeologist could recommend either redesign of the project to avoid the site thought to be eligible for the National Register of Historic Places, or a Phase II site evaluation to determine if the site meets criteria for nomination to the National Register. Not all sites will be eligible but if a site can be avoided with little or no impact to the project, then avoidance can preserve the site and save time in the permitting process.

## SITE EVALUATION: PHASE II PROJECTS

*"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." (Standards, Section 3.1)*

### What is a Phase II Site Evaluation?

A Phase II site evaluation involves additional research and excavation to collect the data necessary for evaluating a site's data potential and research significance. A Phase II obtains detailed data on the boundaries, age, function, integrity, and significance in support of a recommendation for National Register eligibility.

During a Phase II investigation, archaeologists will perform the following:

- additional background research, especially for historic sites, to better define the site's context and type (e.g., deed and census information helps define the historic household; regional museum collections help define the context of prehistoric sites);
- additional surface collection and/or excavation using closer interval shovel test pits and/or larger excavation units (e.g., 1 by 1 meter, 2 by 2 meter squares or trenches of various sizes) to establish a site's horizontal and vertical boundaries within the area of the proposed project limits;
- excavation of similar units in areas likely to yield artifacts and features with the potential for dating;
- evaluation of the horizontal and vertical distribution of artifacts and features within the site area;
- additional analysis to help interpret site function based on the types of artifacts and features present;
- assessment of the types of data present on the site (e.g. artifact clusters, datable items, features, stratified layers of artifacts, etc.) and the types of research questions that can be addressed using these types of data; and,
- a report that summarizes the results and recommends whether the site meets one or more of the four criteria for eligibility to the National and State Registers of Historic Places.

The **Registers of Historic Places** are our nation's and state's official list of cultural resources worthy of preservation. These resources must meet strict criteria for eligibility and contain information that enhances our understanding of the past locally and nationally. Properties listed on the Register include sites, buildings, structures, objects, and entire districts. The properties represent significant pieces in American history, architecture, archaeology, engineering, and culture. The National Register is administered by the National Park Service, which is part of the U.S. Department of Interior; the State Register is maintained by the OPR&HP.

### **How does finding an eligible site affect my project?**

If a site within your project limits is declared eligible for the National and/or State Registers you will need to seriously consider options for avoiding impacts to the site. It may be possible to redesign the project so that the site is outside the impact zone (e.g., left as green space). If redesign is not feasible (e.g., the site covers the whole parcel slated for development, or avoidance cannot be accommodated from an engineering stance), the adverse impacts can be mitigated through a Phase III Data Recovery. In some cases, a combination of avoidance and data recovery will satisfy the mitigation requirement. While preservation without impacts is the preferred choice, the preservation process was never intended to stop development. Likewise, listing on the Registers of Historic Places does not guarantee the property's protection since unregulated projects are not required to comply with federal and state laws. However, the intent of preservation legislation is to foster preservation in harmony with responsible development.

Avoidance and Redesign: Archaeologists identified a site within the project limits of a proposed development. The site was later evaluated and determined to be eligible for the National Register of Historic Places. The proposed development consisted of the construction of a building and parking spaces around the structure. In addition, the developers were required to keep 30% of the parcel as "green" or undeveloped space. They redesigned the project to have some of that green space correspond to the location of the site. Thus, they avoided adverse impact to the eligible site through redesign.

### **How does Phase II differ from Phase I?**

The surface/subsurface testing in Phase I is designed to find all the sites that may be affected by the proposed development. Specific methods are used to sample a property to locate these cultural resources. A Phase II occurs only if the Phase I finds a site that needs to be evaluated according to the National Register criteria for eligibility. The Phase II process includes more detailed research, greater sampling of the property, a greater variety of excavation units, and more in-depth analysis. This may be the last time a site is studied before it is destroyed.

### **Does my site require a supplemental Phase II survey?**

*"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?"*  
(Standards, Section 3.7)

This depends on what the expectations were for your site and how those compare to what was found. Did the background information for your site suggest that you should find a large number and variety of artifact types? Were features expected (e.g., are campsites and villages likely for this area)? If your findings didn't correspond with your expectations, a supplementary survey is recommended.



## MITIGATION/DATA RECOVERY: PHASE III

*"Phase III Cultural Resource investigations are required if an archaeological/historical resource listed on or eligible for inclusion on the State or National Registers of Historic Places is identified and impacts to this resource by a proposed project are anticipated." (Standards, Section 4.0)*

If impact to a National or State Register eligible site cannot be avoided through project redesign, then other measures will be needed to mitigate the adverse impact to the site.

### **What is mitigation?**

Mitigation is a process that lessens the impacts on a site or historic structure. If preservation of an archaeological site in an undisturbed state is not possible or if the site will no longer be accessible for research due to project development, then the site's data can be retrieved prior to the start of the project. Data Recovery is a form of mitigation that includes intensive field investigations on the site before its destruction. Recovered data are then analyzed by professional archaeologists and other specialists according to the research goals of the project. For standing historic buildings that have been determined to be eligible for the Registers, a professional architectural historian and photographer will document the structure, both inside and outside, prior to its demolition. Mitigation may take the form of site enhancement, such as the restoration and/or stabilization of a part of the site that will not be destroyed. Data Recovery is the most intense form of archaeological and documentary research that occurs on a site that will be destroyed. Because of this, public outreach programs and sharing of the results with professional and avocational colleagues are important parts of Phase III mitigation. These data recovery and outreach steps must first be outlined in a Data Recovery Plan which is reviewed and authorized by the lead agency and the state reviewers before the plan is executed in the field.

### **What is involved with a Data Recovery Plan?**

A Data Recovery Plan (or mitigation plan) is a research design that outlines the documentary research, field objectives, and analysis plans for the site. The plan should include the following items:

- a summary of the site, as determined from the Phase I and II investigations;
- a discussion of the categories of data present on the site that contributed to the determination of significance (e.g., specific artifact categories, features, structural remains, specialized remains such as faunal, etc.);
- a presentation of background information from the literature that outlines the research topics that will be addressed for the project;
- a discussion of the field techniques and sampling design needed to recover the types of information that are significant for the site;
- an analysis plan that details the specific techniques (e.g., C-14 or other dating methods, botanical identification, lithic and/or micro-wear analysis, geomorphological assessment, etc.) that will gather the data needed to address the research objectives;

- procedures for handling human remains if they are found;
- plans for public outreach during and/or after excavation;
- plans for dissemination of important results to lay and professional audiences; and,
- plans for the curation of artifacts and documents associated with the project.

The data recovery plan must be approved by the lead agency and the OPR&HP (Standards, Section 4.2). This review can take as long as 30 days, sometimes longer if extensive revision is needed.

### **What fieldwork is done during a Phase III project?**

Phase III fieldwork and excavations use the same field techniques as Phases I and II. Fieldwork should be designed to answer the questions posed in the Data Recovery Plan and, to the extent possible, assist in future archaeological research. For example, the archaeologist determines how much of the site to excavate in order to recover sufficient information to properly characterize the age, size, context, and integrity of the site. Since one of the main purposes of Phase III work is to record and preserve information that may be lost during construction, all observations should be fully and accurately described. Locations of all collection and test units should be recorded on project/site maps showing sufficient detail for analysis. (Standards, Section 4.3)

### **Is Phase III monitoring during construction needed for my site?**

*"If an approved Phase III data recovery plan does not result in the 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 phases of construction?" (Standards, Section 4.5)*

### **What does supplemental Phase III monitoring involve?**

Careful monitoring by professional archaeologists should be practiced during the initial phases of construction. This procedure could include supervised removal of the topsoil to expose potential features or observation of construction by an archaeologist to identify artifacts. Monitoring should include explicit procedures for periodic halts in construction to allow examination of exposed soil or halts to allow excavation of areas producing concentrations of artifacts. It should be stressed that monitoring is a method of last resort and should never be substituted for more standard excavation methods unless these are not at all feasible. For instance, standard archaeological methods would not be feasible for projects involving the reconstruction of existing roadbeds that have sealed important archaeological sites. Here, monitoring with periodic halts in construction as needed may be the only workable option for recovering significant archaeological information.

**Is mitigation a long and costly process?**

The time and cost involved with mitigation depends on the size, complexity, and character of the site and the proposed project. For example, mitigation of a small shallow site in a rural setting will take less time than a deep and complex site in an urban setting. Generally speaking, if you anticipate the need for a Phase III mitigation, you should allow for additional costs and time.

**Do we share the results with the public?**

Archaeologists throughout the nation have made it a priority to share the results of interesting projects with the communities in which the site is found. There are several ways to do this and some include:

- slide presentations for the community during New York State's annual Archaeology Week;
- tours of the site during excavation if the public's safety can be accommodated;
- visits to local schools to show slides of the methods and results of excavation;
- preparation of an illustrated pamphlet or web site on the prehistory and/or history of the area and the project results; and,
- films or videos of the field investigations and research for distribution to academic and public organizations.

## **HUMAN REMAINS**

### **What happens if human bones are found on my project?**

Human remains discovered unexpectedly on an archaeological site must be treated with the utmost dignity and respect. Work should immediately halt and the remains left in place so that a determination can be made about prehistoric or historic affiliation, as well as any modern conditions that could make this a crime scene. This determination should be done by an expert, such as an archaeologist or physical anthropologist or coroner. Projects proposed on federal or tribal land must comply with the Native American Graves Protection and Repatriation Act of 1990 by contacting the SHPO and initiating the Native American consultation process. Projects sponsored by a federal agency must follow the Section 106 regulations for the National Historic Preservation Act, calling for consultations with all parties who may have an interest in those remains. Projects proposed on state land, sponsored by a state agency, or reviewed by a state agency must contact the OPR&HP for guidance on the appropriate consultation process. If human remains are found unexpectedly in your project area, secure the site and protect the remains from damage and disturbance (e.g., looting).

### **What happens next?**

The process differs depending on whether the remains are historic or prehistoric. If the remains are from the historic period (e.g., they have coffin remains, there are historic artifacts with them, or they are in a historically documented cemetery), then they are treated as a significant archaeological site. If they are from a family cemetery and there are lineal descendants, then these family members have a voice in whether the remains are removed and re-interred. These discussions would occur within the context of the federal Section 106 or state Section 14.09 regulations. If the remains are prehistoric or associated with historic Native American groups, some form of consultation with tribal groups who could be associated with the burials occurs. For federal projects, Native Americans will have a deciding say on whether they will allow the remains to be removed and reburied, or if they require that they remain in their original place. For state projects, a similar consultation process occurs and the OPR&HP has an important say in what happens next. If removal of the remains and reburial is the agreed upon process, then you may be invited to participate in the formal ceremonies associated with the reinterment.

### **How do these findings affect my project?**

As with all other significant cultural resources, the preferred option is preservation in place. This is even more important for finds of human remains since many view these burial places as sacred. For prehistoric sites, a lot depends on the outcome of the consultation process and how the remains were treated after they were found. It is possible that finding human remains will have a serious effect on your project in that you may not be able to build or otherwise disturb that spot. In other cases, an agreement will allow the removal of the burials and construction can go ahead according to schedule.

## **PRESERVING THE ARTIFACTS**

### **Who is responsible for the artifacts that are found on my project?**

The archaeologist is responsible for the artifacts until the project is completed. This responsibility includes the assurance that artifacts are appropriately cleaned, cataloged, and secured according to state and federal standards.

### **Where can I get more information on curation and preservation of artifacts?**

For more information on curatorial services, refer to Section 7.0 of the Standards. Here you will find detailed information on the curation of archaeological collections. This section of the Standards covers the following:

- Classification of artifacts;
- Curation of artifacts;
- Qualifications for museum professionals;
- Responsibilities of the archaeologist;
- Guidelines for selecting a museum; and,
- Criteria for institutions serving as museums.

### **Who owns the artifacts?**

In most cases, the owner of the parcel is considered the owner of the artifacts. However, many projects are funded with tax dollars and still others locate sites that are so important they are eligible for listing on the National and State Registers of Historic Places. It can be argued that artifacts resulting from these sites should be available for viewing by the public and research by other scholars and should not be in one individual's possession. Landowners are often encouraged to donate archaeological collections originating from their land to non-profit educational institutions and museums to keep these objects of national heritage in the public domain. Items found on federal, state, municipal, or tribal lands come under the jurisdiction of the agency or tribal group responsible for that land.

### **If I wish to donate the artifacts, how do I choose an acceptable place?**

The project archaeologist, OPR&HP, or member of NYAC will be able to recommend an appropriate educational institution or museum for your donation. It is important that all documentation of the collection be provided to this institution with the artifacts. A collection without excavation records, maps, and photographs has lost much of its value.

### **Is the donation of artifacts tax deductible?**

Most donations to non-profit educational institutions and museums are tax-deductible. First, you need to know the value of the collection and this cannot be done by the institution receiving the items. Since most artifacts that derive from archaeological sites are fragments and not the whole objects normally viewed in museums, it is important to have the collection appraised by an institution that can assess its research value. In this way, the maximum research value is estimated for the collection not the maximum display value of individual pieces. Museums with professional archaeologists on staff who are familiar with the region where the collection originates are the best places to have a research collection appraised.

## APPENDIX A: LIST OF AGENCIES AND PROGRAMS REVIEWED BY OPRHP/SHPO

UNDER SECTION 106 OF THE NHPA, SECTION 14.09 OF THE NEW YORK STATE PRESERVATION LAW, AND LOCAL LAWS

AIR FORCE	Dormitory Authority of the State of New York (DASNY)
AIR NATIONAL GUARD (ANG)	
ARMY	
Affordable Housing Corporation (AHC)	EMPIRE STATE DEVELOPMENT CORPORATION (ESDC)
Appalachian Regional Commission (ARC)	ENVIRONMENTAL PROTECTION FUND/HISTORIC PRESERVATION GRANTS
	ENVIRONMENTAL PROTECTION FUND/PARKS GRANTS
BARN REHABILITATION TAX CREDIT	EPF/HERITAGE AREA SYSTEM
BOND ACT	Economic Development Administration (EDA)
	Environmental Protection Agency (EPS)
CERTIFIED LOCAL GOVERNMENT PROGRAM (CLG)	Environmental Quality Bond Act (EQBA)
ARMY CORPS OF ENGINEERS (ACOE, CORPS)	
CLEAN WATER CLEAN AIR (CWCA)	FARM SERVICE AGENCY (FSA)
<ul style="list-style-type: none"><li>• -HERITAGE AREA SYSTEMS</li><li>• -HISTORIC PRESERVATION GRANTS</li><li>• -PARKS GRANTS</li></ul>	FEDERAL COMMUNICATIONS COMMISSION (FCC)
City Environmental Quality Review (CEQR)	FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA)
Coastal Zone Management (CZM)	FEDERAL RAILROAD ADMINISTRATION (FRA)
Community Development (CD)	FEDERAL TRANSIT ADMINISTRATION (FTA)
Comptroller of the Currency (COC)	Facilities Development Corporation (FDC)
	Farmers Home Administration (FMHA)
DEPARTMENT OF COMMERCE (DOC)	Federal Aviation Administration (FAA)
DEPARTMENT OF JUSTICE (DOJ)	Federal Deposit Insurance Corporation (FDIC)
DEPARTMENT OF PUBLIC SERVICE (DPS)	Federal Energy Regulatory Commission (FERC)
DEPARTMENT OF PUBLIC WORKS (DPW)	Federal Highway Administration (FHWA)
DEVELOPMENT AUTHORITY OF THE NORTH COUNTRY (DANC)	Federal Housing Administration (FHA)
DIVISION FOR YOUTH (DFY)	Federal Savings and Loan Insurance Corporation (FSLIC)
Department of Social Services (DSS)	
Department of Civil Service (DCS)	GOVERNOR'S OFFICE OF REGULATORY REFORM (GORR)
Department of Correctional Services (DOCS)	General Services Administration (GSA)
Department of Defense (DOD)	
Department of Energy (DOE)	Health and Human Services (HHS)
Department of Environmental Conservation (DEC, NYSDEC)	Housing Development and Action Grant (HODAG)
Department of Labor (DOL)	Housing Finance Agency (HFA)
Department of State (DOS)	Housing Preservation and Development (HPD)
Department of Transportation (DOT, NYSDOT)	Housing Trust Fund (HTF)
Department of the Interior (DOI)	
Division of Alcoholism and Alcohol Abuse (DAAA)	IMMIGRATION AND NATURALIZATION SERVICE (INS)
Division of Housing and Community Renewal (DHCR)	INDUSTRIAL DEVELOPMENT AGENCY (IDA)
Division of Military and Navy Affairs (DMNA)	INTERSTATE COMMERCE COMMISSION (ICC)
Division of Substance Abuse Services (DSAS)	

ISTEA

LAKE GEORGE PARK COMMISSION (LGPC)  
Lake Champlain Basin Program (LCBP)  
Land and Water Conservation Fund (LWCF)  
Library Service and Contract Act (LSCA)  
Local Waterfront Revitalization Program (LWRP)

MARTIN LUTHER KING, JR. COMMISSION (MLKC)  
Metropolitan Transit Authority (MTA)

NATIONAL ENDOWMENT FOR THE ARTS (NEA)

NATIONAL OCEANIC AND ATMOSPHERIC  
ADMINISTRATION (NOAA)

NATIONAL RECREATIONAL TRAILS FUND ACT  
(NRTFA)

NATIONAL SCIENCE FOUNDATION (NSF)

NATURAL RESOURCES CONSERVATION  
SERVICE (NRCS)

NAVY

NEW YORK CITY DEPARTMENT FOR THE AGING  
(NYCDFA)

NEW YORK CITY HOUSING DEVELOPMENT  
CORPORATION (HDC)

NEW YORK CITY PUBLIC DEVELOPMENT  
CORPORATION (NYCPDC)

NEW YORK CITY SCHOOL CONSTRUCTION  
AUTHORITY (NYCSCA)

NEW YORK CITY TRANSIT AUTHORITY (NYCTA)

NEW YORK STATE AIR NATIONAL GUARD  
(NYANG)

NEW YORK STATE BANKING DEPARTMENT

NEW YORK STATE BRIDGE AUTHORITY (NYSBA)

NEW YORK STATE COUNCIL ON THE ARTS  
(NYSCA)

NEW YORK STATE DEPARTMENT OF HEALTH  
(DOH)

NEW YORK STATE ENERGY OFFICE (NYSEO)

NEW YORK STATE ENVIRONMENTAL FACILITIES  
CORP (NYSEFC)

NEW YORK STATE POLICE (NYSP)

NYS CANAL CORPORATION

NYS COMMISSION ON CABLE TV

NYS DEPT OF AGRICULTURE & MARKETS  
(AG/MKTS)

NYS ENERGY RESEARCH & DEVELOPMENT  
AUTHORITY (ERDA)

NYS THRUWAY AUTHORITY/CANAL CORP  
(NYSTA)

National Endowment for the Humanities (NEH)

National Heritage Trust (NHT)

National Park Service (NPS)

New York Racing Authority (NYRA)

New York State Adirondack Park Agency (APA)

New York State Education Department (SED)

New York State Power Authority (NYPA)

Nuclear Regulatory Commission (NRC)

OFF TRACK BETTING (OTB)

OFFICE OF ALCOHOL SUBSTANCE ABUSE  
SERVICES (OASAS)

OFFICE OF ARCHITECTURAL AND HISTORY AND  
HISTORIC PRESERVATION (DAHPP)

OFFICE OF COURT ADMINISTRATION (OCA)

OFFICE OF TEMPORARY AND DISABILITY  
ASSISTANCE (OTDA)

Office of General Services (OGS)

Office of Mental Health (OMH)

Office of Mental Retardation and Developmental  
Disabilities (OMRDD)

Office of Parks, Recreation and Historic Preservation  
(OPRHP)

PORT AUTHORITY (NYC, PA)

PUBLIC DEVELOPMENT CORPORATION (PDC)

Public Service Commission (PSC)

RECREATIONAL TRAILS PROGRAM (RTP)

RESOLUTION TRUST CORPORATION (RTC)

RURAL DEVELOPMENT (RD)

RURAL DEVELOPMENT ADMINISTRATION (RDA)

RURAL ECONOMIC AND COMMUNITY  
DEVELOPMENT (RECD)

RURAL UTILITIES SERVICE (RUS)

Rural Area Revitalization Program (RARP)

Rural Electrification Administration (REA)

SMITHSONIAN INSTITUTE

STATE EDUCATION DEPARTMENT/LIBRARIES  
(SED/L)

STATE EMERGENCY MANAGEMENT OFFICE  
(SEMO)

STATE UNIVERSITY CONSTRUCTION FUND  
(SUCF)

SURFACE TRANSPORTATION BOARD (STB)

Soil Conservation Services (SCS)

St. Lawrence Eastern Ontario Commission (SLEOC)

State Environmental Quality Review Act (SEQRA)

TRANSPORTATION ENHANCEMENTS ACT (TEA-  
21)

U.S. BANKRUPTCY COURT  
UNITED STATES DEPARTMENT OF JUSTICE  
(USDOJ)  
URBAN PARK & RECREATION RECOVERY  
PROGRAM (UPARR)  
US DEPARTMENT OF LABOR (USDOL)  
US Department of Education (USDOE)  
US Department of Transportation (USDOT)  
United States Coast Guard (USCG)  
United States Department of Agriculture (USDA)  
United States Department of Housing and Urban  
Development (HUD)  
United States Postal Service (USPS)  
United States Small Business Administration (SBA)  
Urban Cultural Parks (UCP)  
Urban Development Action Grant (UDAG)  
Urban Development Corporation (UDC)  
Urban Mass Transportation Administration (UMTA)

Veteran's Administration (VA)



## **APPENDIX B: REQUEST FOR PROPOSAL CHECKLIST**

This checklist for preparing a Request for Proposal (RFP) for archaeological and historical investigations can be used to assist people who hire consultants. Projects vary in their requirements and an RFP may not need to contain all the information on the checklist to be complete.

### COVER LETTER

- Identification of requestor: municipality, contact person, address, phone number
- Brief description of project scope, location, purpose
- Brief description of qualifications the consultant will need to conduct the project
- Deadline for submittal of proposal
- Arrangements for site visit if necessary
- Contact person if different from requestor

### DESCRIPTION OF PROJECT BACKGROUND

- Description of development project: size (acres), location, type, general setting (e.g., forested, agricultural land, floodplain, areas previously disturbed, standing water, etc.)
- Description of any correspondence with the OPR&HP (include their letter and unique project number, if one is assigned), and any references to nearby National Register sites/properties

### SCOPE

- Objectives of the survey: assess general sensitivity, locate sites, determine if sites previously located are eligible for the National and/or State Register of Historic Places, mitigate adverse impacts to a known site, etc.
- Type of cultural resource survey requested: Stage 1A, 1B, combined, Stage 2, etc.
- Specialized skills and/or equipment needed (e.g., OSHA hazardous materials training, underwater archaeology training, GIS or GPS equipment, etc.)
- Number of draft and/or final report copies needed (specify color or black-and-white photographs)
- Compliance with New York State Standards and/or appropriate federal standards

### PROJECT SCHEDULE

- Deadlines for completion of sensitivity assessment and/or fieldwork
- Deadlines for submitting preliminary and final reports

## PROPOSAL CONTENTS

- Ask for a technical proposal that describes the research, field, laboratory, analysis methods (appropriate to the stage of survey and applicable Standards)
- Ask that proposer identifies key personnel and their qualifications
- Ask for a list of the proposer's professional experience, especially on projects of similar scope
- Ask for a schedule containing periodic reporting times, if required in scope
- Ask for a cost estimate that includes hourly or daily rates per task and personnel, mileage, per diem, supplies, equipment, overhead, and profit

## OTHER INFORMATION

- Correspondence from DEC, OPR&HP, and/or federal agencies regarding the cultural resources scope of the project
- Locational maps (e.g., county, deed, topographic), diagrams, photographs if appropriate
- Contract type and sample contract
- Required meetings with requestor and public

## FACTORS USED TO EVALUATE PROPOSALS

- Quality of technical proposal especially thorough understanding of the requirements of the stage of survey as well as pertinent legislation and applicable standards
- Scheduling that accommodates the deadlines of the project
- Qualifications of the key personnel (e.g., do they meet federal qualifications, such as 36 CFR? do they have the range of experience and academic credential to direct this type of project?)
- Professional experience of the firm in relation to the geographic region of the project and the project scope
- Proven record of project completion for similar types of survey
- Ability to clearly communicate results and conclusions in verbal, written, and visual/graphic formats
- Cost proposal that covers all of the proposed tasks and is competitive with peers

## ADDITIONS TO GLOSSARY

(The Standards glossary is expanded to include these terms)

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**Base-line information:** Data that relates to site context from which comparisons can be drawn.

**Context:** An artifact's or a site's setting in time and place, its association to others of similar form, and its general relationship to other artifacts or sites in the archaeological record. The potential contribution to the knowledge base of comparable sites.

**Curatorial Services:** Management and preservation of collections according to professional museum and archival practices.

**Disking:** The vertical slicing of plowed soil by using a tractor attachment of sharply-edged disks. The disks break up clods into smaller pieces and enable artifacts to be seen.

**Ecofact:** An artifact that was not altered for human use (e.g., microscopic remains of pollen from edible plants, unmodified animal bone)

**Feature:** A localized area of human use or modification. Sometimes part of an activity area (e.g., hearth of a cooking area), cluster of artifacts (e.g., flint chips), and/or structures in the ground (e.g., fireplace, drain, post-holes).

**Integrity of Site:** A lack of major disturbance to the original condition of the site during or after its period of use. A lack of horizontal or vertical mixing of artifact layers from various time periods.

**Lead agency:** The decision-making agency that assumes primary responsibility for approval of cultural resource investigation plans, results, and recommendations for a proposed project (e.g., town planning board, municipality).

**Piece plotting:** A surface survey system of marking sites with flags and returning to draw a detailed distribution map.

**Research potential:** The possibility of a site making a substantial contribution to knowledge in the field of archaeology.

**Sensitivity:** The measure of the potential for the site to contain significant cultural resources.

**Significance:** An assessment of a site's unique data and research potential within a specific archaeological, cultural, and/or environmental context. This assessment is expressed in relation to a site meeting one of the four criteria for eligibility to the National Register of Historic Places.

**Transect:** Site testing or sampling conducted along a continuous strip within the proposed project parcel. The strip is used for organization and tabulation of data collection (e.g., frequency and size of artifacts).