

February 22, 2000

ILLINOIS BULLETIN NO. IL-190-00-05

SUBJECT: ECS - New Guidance on Cultural Resource Reviews for Tree-Planting Practices in Illinois

PURPOSE: To transmit information on New Guidance on Cultural Resource Reviews for Tree-Planting Practices in Illinois.

EXPIRATION DATE: When contents have been noted.

BACKGROUND: The Natural Resources Conservation Service is involved with numerous tree-planting projects for riparian buffers, windbreaks and reforestation to natural habitat with the Conservation Reserve and Wetland Reserve Programs. The reference to trees in this bulletin also includes shrubs. After careful consideration of our conservation goals and review of our cultural resource preservation program, we have noted the following points:

- Cultural sites located in forest-developed soils may have been altered by tree growth and the addition of one more generation of trees will not significantly further affect the cultural remains.
- The addition of trees to the plant community covering a site may be beneficial in eliminating or significantly reducing soil erosion.
- Subsequent tree-removal practices are separate from tree-planting practices and are not relevant to the consideration of tree-planting impact on cultural sites.

NEW POLICY: NRCS will adopt the following policy concerning cultural resource review of tree-planting practices on forest-developed soils:

1. Direct seeding of acorns and/or planting of bare root seedling stock does not constitute an undertaking.
 - a. However, due to the sensitivity of human burial sites NRCS will review all tree-planting locations to determine if human burials are present in the project area, and will decide on a case-by-case basis whether an alternate practice (such as, grass-planting) is more appropriate on burial sites.
 - b. Direct seeding of acorns and/or planting of bare root seedling stock on non-burial cultural sites is not an undertaking.
2. Planting of balled and burlapped and/or container stock are considered undertakings and will follow regular cultural resource review procedures.

NEW PROCEDURES: When a field office recommends a tree-planting practice, these procedures will apply:

1. Decide what size planting will occur. Bare root seedling and acorn will not be considered undertakings unless a burial site is in the project area. Planting of balled and burlaped and/or container stock trees are undertakings and follow the normal cultural resource review procedures.

2. If bare root seedling or acorns will be used, the field office may send a condensed version of the project area location to the NRCS archaeologist for review. An example may be to send quarter-section coordinates with the township and range information, without the topographic map. Only recorded sites will be inventoried. There will be no field investigation of highly probable areas to look for new sites in the project area.
3. Bare root and acorns may be planted on non-burial sites. If a burial site is found to be in the project area, the NRCS archaeologist will conduct a field visit to mark the area for avoidance.

Any questions regarding this new policy and procedures may be addressed to Sharron Santure,
NRCS Archaeologist, 309-547-2215, ext. 3.

/s/
WILLIAM J. GRADLE
State Conservationist

*DIST: All Offices
Leadership Team*

PROCEDURES FOR CULTURAL RESOURCE CONSIDERATION DURING NRCS ACTIVITIES

Step 1: Determine if NRCS is an undertaking.

NRCS activities that have adverse effects on historic properties (such as, if they alter the soil at the location of the historic site) are referred to as undertakings. Check list of conservation practices considered to be undertakings in General Manual Subpart B, Appendices 401.40.

Step 2: Determine Area of Potential Effect.

You must include all areas to be affected: access and haul roads, borrow areas, areas where spoil will be deposited, view shed of the landscape, as well as location of actual conservation practice/structure. All of these areas are the "Area of Potential Effect" or APE.

Step 3: Determine if cultural resources are in APE.

Send location of APE to Cultural Resources Specialist (CRS) to be checked against the Illinois state site files. Send a Cultural Resources Review Form and a copy of the relevant part of the quadrangle map with the APE clearly marked on it.

Check historic plat maps for buildings that may have stood in the APE in the 19th and early 20th centuries.

Check the cultural resources file in the field office to see if APE is near a historic property listed on the National Register of Historic Places, or if a locally known site of importance is in or near the APE.

Step 4: Conduct field inspection for cultural resources.

Early in project planning, walk over the APE looking for artifactual material or remains of historic buildings or earthen structures (such as, mound or old roadbeds). NRCS personnel should expect that a few of their projects will have cultural resources present, especially on uplands or terraces along broad floodplains.

If cultural material is present in the APE, flag the location of the material to determine the site extent. Leave flags in field.

Inform the CRS of the discovery of a cultural site.

Step 5: Avoid the cultural resource.

With involvement of the CRS and landowner, redesign the conservation practice to maintain a distance of at least 50 feet away from the site, or if this is not possible, change to a conservation practice that will not have an adverse effect on the cultural resource. Most projects with cultural resources present in the APE will come to this conclusion. However, if a cultural site cannot be avoided, proceed to Step 6.

Step 6: CRS will evaluate the significance of the site.

In some situations the cultural resource may lay precisely where the conservation activity must occur. The CRS, with the assistance of the State Historic Preservation Office (SHPO) and possibly other archaeologists, will determine if the site is "significant" and eligible for listing on the National Register of Historic Places.

If the site is not significant, the conservation plan may proceed. If the site is significant, the landowner must protect the site by either avoidance, selection of an alternative practice that doesn't cause disturbance to the resource, or mitigate effects to the resource. If the landowner does not want to change the conservation practice to protect the resource, NRCS may withdraw assistance. This is a decision of the State Conservationist. As a federal agency, NRCS-assisted projects may not have adverse effects to significant cultural resources.

If the landowner chooses site mitigation, NRCS proceeds with Step 7.

Step 7: Mitigate the adverse effect of the cultural resource.

Professional archaeologists or architects will be brought in to remove the historic property or excavate and collect data before the conservation practice is installed.

Most conservation assistance will not require this step because site evaluation and mitigation costs can be substantial and are usually borne by the landowner. Some USDA programs (EWP, PL-566) have technical assistance money that can be used to fund archaeological and historical investigations.

PROCEDURES FOR DISCOVERY DURING CONSTRUCTION

Step 1: Stop work immediately and protect the cultural resource.

If human bone or burial markers are found or are suspected to be present, or if artifacts or building foundations are uncovered, stop work, protect the site by covering with plastic sheeting, and call the CRS and your supervisor.

If human bone is found, contact the CRS and your supervisor immediately and the county coroner within 48 hours.

Steps 6 and 7 above repeated.

The Cultural Resources Specialist in Illinois is:

Sharron Santure
USDA Service Center
15381 North State Highway 100
Lewistown, IL 61542

Telephone: (309) 547-2215 ext. 3
Fax: (309) 547-3439
Email: Sharron.Santure@il.usda.gov

Cultural Resources and Your Conservation Plan

USDA Natural Resources Conservation Service

What Are Cultural Resources?

Do you enjoy looking at your family's photograph albums or hearing stories about your parents and grandparents? Are family traditions important to you? Most of us are interested in our personal histories. We want to know about the past because it helps us recognize who we are, how we became what we are, and how we are similar, as well as different from others.

In a broader sense, it is important to all of us to preserve the past--our North American cultural heritage--a legacy of over 10,000 years. To learn about these deepest roots of human development is to learn something of what humanity is, what shapes it, and how much it can accomplish.

It is sometimes difficult to piece together the story of humankind. These stories await discovery in the fragile traces of the past. We call these traces of the past **cultural resources**, and many of these traces are preserved on the surface and in the soil of our farms and cities.

Simply stated, cultural resources are all the past activities and accomplishments of people. They include buildings, objects made or used by people (artifacts), locations, and less tangible resources such as dance forms, stories, and holiday traditions.

The cultural resources that the Natural Resources Conservation Service (NRCS) deals with most often are known as historic properties. These may be prehistoric or historic sites, buildings, structures, features, or objects. The most common type of historic property NRCS employees encounter is non-structural archaeological sites. These often extend below the soil surface and must be protected during conservation practices that disturb the earth at the site. Cultural resources are non-renewable. There is no way to "grow" a new archaeological site or historic house once it has been destroyed.

Why Does NRCS Care About Cultural Resources?

For Resource Conservation:

NRCS considers cultural resources in its conservation planning for the same reason it protects the natural resources--the soil, water, air, plants and animals--on your property. Keeping natural resources in balance helps provide the basis for a healthy and profitable farm environment; keeping cultural resources provides the basis for understanding our human past. We are all stewards of the soil and water on our property, the organisms that inhabit it, and the heritage information that it contains.

Because It's the Law:

Recognizing the importance of cultural heritage, the federal government passed the National Historic Preservation Act (NHPA). This Act established a national policy for protecting our important cultural resources. The NHPA requires Federal agencies to consider cultural resources in its activities and determine if significant historic properties will be adversely affected by those activities.

Illinois legislators passed the Illinois State Agency Historic Resources Preservation Act requiring state agencies to consider cultural resources during state-funded or licensed undertakings.

Nationally, NRCS has established procedures for training its field personnel and SWCD partners to recognize cultural resources during conservation planning and to protect those resources from earth-disturbing conservation activities.

Cultural Resources Field Procedures

In Illinois, NRCS has established procedures to identify, evaluate and avoid the destruction of important cultural resources. Any practice that requires federal or state employee assistance, or receives federal or state funding, or requires a federal or state permit must follow these cultural resources protection procedures:

Step 1: Decide if the proposed conservation activity is an earth-disturbing undertaking. The most common conservation undertakings are grassed waterways, terraces, dams, diversions, tiling, land-clearing, and wetland restorations.

Step 2: Determine the entire area that will be altered during construction of conservation practices.

Step 3: Look over the area for evidence of cultural resources. This step will be performed free of charge by your trained NRCS/SWCD conservationist.

Step 4: Avoid the cultural resource if one is present. This may involve moving the location of the practice or selecting a different, non-destructive conservation practice. Most projects with cultural resources present will come to this conclusion.

Step 5: If the cultural resource cannot be avoided, a professional archaeologist or historian will evaluate the importance of the historic property. The expense of professional investigation is the responsibility of the landowner, and cannot be supported with cost-share funds.

Step 6: If the cultural resource is determined to be non-significant, the landowner and NRCS may proceed with the conservation practice. However, if the resource is significant, and an alternative practice cannot be agreed on, the cultural resource must be "mitigated".

Mitigation is an action that reduces the harmful impact, and may consist of moving a historic building out of harm's way or documenting its architecture before destruction; excavation of an archaeological site; or building a protective barrier around the historic property. There may be occasions when the landowner does not want to pay for site excavation or mitigation. If no alternative conservation plan can be implemented, NRCS will withdraw assistance on conservation activity at that site, and the landowner may proceed with the conservation practice only at their own expense.

If artifacts, building foundations, or human remains are uncovered, the contractor must stop work and NRCS must be contacted. The NRCS conservationist will take steps to protect the site until it can be evaluated for significance. Steps 5 and 6 above will be conducted.

Procedure for Discovery During Construction

Landowners with historic properties on their land have ownership of that historic property with the exception of human remains, grave markers (including burial mounds) and artifacts found in association with graves and human remains. Human burials and their associated objects are the property of the state.

Private Property Rights and the Illinois Burial Protection Law

Non-grave artifacts from archaeological sites and historic buildings are the property of the landowner. A landowner may choose to disturb a historic property, but they cannot receive federal or state assistance to do so. If an earthmoving activity disturbs human remains, the landowner is required to contact the county coroner within 48 hours.

