BASIC CRITERIA FOR CULTURAL RESOURCES REPORT PREPARATION

FOR SECTION 106 CONSULTATION WITH THE STATE HISTORIC PRESERVATION OFFICER (SHPO) UNDER THE NATIONAL HISTORIC PRESERVATION ACT

CULTURAL RESOURCES REPORT

The Cultural Resources Report must be prepared by a qualified researcher that meets the Secretary of the Interior's Professional Qualifications Standards. Please see the Professional Qualifications Standards at the following website: (http://www.cr.nps.gov/local-law/arch_stnds_9.htm).

The Cultural Resources Report should include one of the four "findings" listed in Section 106. These include**:**

- **"No historic properties affected"** (no properties are within the area of potential effect (APE; including below the ground).
- **"No effect to historic properties"** (properties may be near the APE, but the project will not have any adverse effects).
- **"No adverse effect to historic properties"** (the project may affect impact historic properties, but the effects will not be adverse).
- **"Adverse effect to historic properties**".

Note: Consultation with the SHPO will be required if a "no adverse effect to historic properties" or an "adverse effect to historic properties" determination is made, to develop and evaluate alternatives or modifications to the proposed project that could avoid, minimize or mitigate adverse effects on historic properties.

RECORDS SEARCH

- A records search (less than a year old) extending to a half-mile beyond project APE from a geographically appropriate Information Center is required. The records search should include maps that show all recorded sites and surveys in relation to the APE for the proposed project, and copies of the confidential site records included as an appendix to the Cultural Resources Report.
- The APE is three-dimensional (depth, length and width) and the maximum possible area (e.g., new construction, easements, staging areas, and access roads) directly affected by the proposed project.

NATIVE AMERICAN AND INTERESTED PARTY CONSULTATION

- Native American and interested party consultation should be initiated at the planning phase of the proposed project to gather information to assist with the preparation of an adequate Cultural Resources Report.

- The Native American Heritage Commission (NAHC) must be contacted to obtain documentation of a search of the Sacred Lands Files for in or near the project APE.

- All local Native American tribal organizations or individuals identified by the NAHC must be contacted by certified mail, and at minimum should include a map and a description of the proposed project.

- Follow-up contact should be made by telephone and a phone log maintained to document the contacts and responses.

- Letters of inquiry seeking historical information on the project area and local vicinity should be sent to local historical societies, preservation organizations, or individual members of the public with a demonstrated interest in the proposed project.

Copies of all documents mentioned above (project description, map, phone log and letters sent to the NAHC and Native American tribal organizations or individuals and interested parties) must be included in the Cultural Resources Report.

PRECAUTIONS

- A finding of **"no known resources"** without supporting evidence is unacceptable. The Cultural Resources Report must identify resources within the APE or demonstrate with sufficient evidence that none are present.

- **"The area is sensitive for buried archaeological resources**", followed by a statement that **"monitoring is recommended."** Monitoring is not an acceptable option without good-faith effort to demonstrate that no known resource is present.

- If **"the area is already disturbed by previous construction"** documentation is still required to demonstrate that the proposed project will not affect historic properties. An existing road can be protecting a buried archaeological deposit or may itself be a historic property. Additionally, previous construction may have impacted an archaeological site that has not been previously documented.

SHPO CONSULTATION LETTER

Submit a draft consultation letter prepared by the qualified researcher with the Cultural Resources Report to the State Water Resources Control Board. A draft consultation letter template is available for download.

STATE WATER BOARD CONTACT INFORMATION

Please contact Mr. Ahmad Kashkoli (916) 341-5855 or ahmad.kashkoli@waterboards.ca.gov if you have any questions related to CWSRF Program cultural resources requirements.