

Kansas SHPO's Guide to Archeological Survey, Assessment, and Reports

Kansas State Historical Society
State Historic Preservation Office
6425 SW 6th Avenue
Topeka, KS 66615-1099
(785) 272-8681, ext. 240

Introduction

Many archeological surveys and excavations conducted within Kansas are completed in response to the requirements of federal laws and regulations for proposed projects that are funded, licensed, or assisted by federal agencies. These projects vary in size and scope, ranging from a few acres to many square miles and costing from a few thousand to millions of dollars. Common examples are: construction of reservoirs and lakes financed by the U.S. Army Corps of Engineers; construction of watershed structures and farm terraces funded by the Natural Resources Conservation Service; construction of telecommunications towers licensed by the Federal Communications Commission; construction of rural water districts partially financed by the Rural Development agency; and construction or renovation of municipal wastewater treatment systems partially financed by the Environmental Protection Agency. These examples illustrate the diversity of construction associated with these projects, and that they may be located on federal, state-, or privately-owned property. The degree of federal involvement may vary from complete financing to a licensing or regulatory function. The projects listed above, and others like them, are subject to federal preservation laws. As a result, archeological surveys and assessments may be needed to comply with these legislative requirements.

This guide has been prepared for use by archeologists, engineers, federal-aid applicants, planners, administrators, government officials, or anyone whose duties involve the identification and management of Kansas' cultural resources. The guide is intended to be just that—a guide. It does not attempt to answer specific questions about archeology for the layperson or to provide a detailed discussion of engineering practices and construction techniques for the archeologist. Our hope is that the guide will serve as a common point of reference for additional communication between those persons identified above and will facilitate increased communication to the benefit of all parties.

In addition to federal laws and regulations, the guide describes state laws pertaining to the protection of archeological resources. These laws complement federal legislation and compliance with federal laws and regulations also typically includes compliance with state laws; however, there may be instances when state laws alone will apply. State and local government officials and persons who contract with them should take note of the section entitled State Preservation Laws.

Federal Laws and Regulations

Federal preservation laws and regulations are meant to protect and preserve “cultural resources:” buildings, structures, sites, objects, and districts significant in American history, architecture, archeology, and culture. The following discussion will emphasize the relationship of this legislation and corresponding regulations to those properties classified as archeological sites. A minimal definition of an archeological site is an area of past human activity that requires the use of archeological techniques for its interpretation. Common examples of archeological sites in Kansas include prehistoric Native American villages, camps, burial grounds, quarries, and animal kill sites.

Also included are historic Euro-American forts, farmsteads, houses, towns, and civil engineering structures.

Federal preservation legislation began with passage of the Antiquities Act of 1906 (Public Law 209). This Act applied to cultural resources located on federal property. Subsequent legislation has broadened the federal government's responsibility to identify and protect cultural resources by including important resources whether they are located on federal property and by identifying as important, properties that have local and state, as well as national significance. A capsule summary of three public laws and an executive order that accomplish this expansion of federal responsibility are given below.

National Environmental Policy Act (NEPA), Public Law 91-190

This legislation obligates federal agencies to prepare an environmental assessment for every major federal action that affects the human environment. The environment is defined to include cultural as well as physical resources. The environmental assessment must include the comments of the Advisory Council on Historic Preservation (Advisory Council). The statements are to be prepared to fulfill requirements under the National Historic Preservation Act of 1966 and Executive Order 11593.

Implementing Code of Federal Regulations:

Title 40 CFR 1500: "National Environmental Policy Act: Implementation of Procedural Provisions"

Title 36 CFR 63: "Procedures for Requesting Determinations of Eligibility"

Title 36 CFR 800: "Protection of Historic and Cultural Properties"

National Historic Preservation Act of 1966 (NHPA), Public Law 89-665

This Act provides for a National Register of Historic Places (NRHP or National Register) that lists districts, sites, buildings, structures, and objects significant in American history, architecture, archeology, and culture. It provides for a program of matching grants-in-aid to states for historical surveys and planning, as well as preservation, acquisition, restoration, and development projects. The Act also establishes the Advisory Council on Historic Preservation to advise the President and the Congress on matters relating to historic preservation. The Advisory Council is authorized to secure information it may need from federal agencies to carry out its responsibilities. Section 106 of the National Historic Preservation Act establishes a procedure for the protection of archeological sites through review and comment by the Advisory Council on Historic Preservation, for federal undertakings that affect sites included in or eligible for inclusion in the National Register of Historic Places; also known as "historic properties." Title 36 CFR 800, "Protection of Historic and Cultural Properties," provides the regulations for implementation of Section 106.

Implementing Code of Federal Regulations:

Title 36 CFR 60: "National Register of Historic Places"

Title 36 CFR 61: "Criteria for Comprehensive Statewide Historic Surveys and Plans"

Title 36 CFR 800: "Protection of Historic and Cultural Properties"

Title 36 CFR 63: "Procedures for Requesting Determinations of Eligibility"

Native American Graves Protection and Repatriation Act (NAGPRA), Public Law 101-601

This Act was signed into law in 1990 and develops a systematic process for determining the rights of lineal descendants, Indian tribes, and Native Hawaiian organizations to certain Native American human remains, funerary objects, sacred objects, or objects of cultural patrimony with which they are affiliated. One of the primary goals of this legislation is to protect Native American human remains and funerary or sacred objects that are found on federal and tribal lands.

Implementing Code of Federal Regulations:

Title 43 CFR 10: "NAGPRA Regulations; Final Rule"

Executive Order 11593, "Protection and Enhancement of the Cultural Environment"

This order requires federal agencies to take a leadership role in preservation in two ways. First, for all property under federal jurisdiction or control, the agencies must survey and nominate all eligible properties to the National Register. These eligible properties must also be maintained and preserved by the agency. Second, for every action funded, permitted, licensed, or assisted by the federal government, the agency involved must ask the Secretary of the Interior to determine if any property in the area of potential effects (APE) is eligible for listing on the National Register. The determination of eligibility process is faster than the nomination process and gives the same protection as nomination to the National Register. It also provides for the recoding of National Register properties that will be unavoidably destroyed or altered because of federal action. Title 36 CFR 63, "Procedures for Requesting Determinations of Eligibility," provides the regulations for implementing the requirements of Executive Order 11593.

Implementing Code of Federal Regulations:

Title 36 CFR 800: "Protection of Historic and Cultural Properties"

Title 36 CFR 63: "Procedures for Requesting Determinations of Eligibility"

SHPO and State Archeologist

Each state has appointed a State Historic Preservation Officer (SHPO) to act as a representative to the federal government for the protection of the state's cultural resources. Included among this individual's responsibilities are the identification and nomination of archeological sites to the National Register, a responsibility to comment on the potential impact of federal programs and projects on the state's archeological resources, to recommend cultural resources surveys when needed, and to recommend excavation or other measures to ensure recovery of information from sites that will be damaged or destroyed by federal undertakings. The name and address of the State Historic Preservation Officer for Kansas is:

Patrick Zollner
State Historic Preservation Officer
Kansas State Historical Society
6425 SW 6th Avenue
Topeka, KS 66615-1099

Routine reports or other correspondence concerning requests for consultation or questions regarding compliance with federal regulations or legislation should be sent to the Deputy State Historic Preservation Officer at the address below:

Katrina Ringler
Deputy State Historic Preservation Officer
Kansas State Historical Society
6425 SW 6th Avenue
Topeka, KS 66615-1099
Katrina.Ringler@ks.gov

Questions or comments about federal legislation, regulations, nomination of archeological sites to the National Register, or other matters pertaining to federal compliance should be addressed to the SHPO's staff archeologists at the address below:

SHPO Archeologist
State Historic Preservation Office
Kansas State Historical Society
6425 SW 6th Avenue
Topeka, KS 66615-1099
(785) 272-8681, ext. 240
kshs.shpo@ks.gov

Another source of information and advice about Kansas archeology and state legislation is the State Archeologist. The person in this position is the head of the Archeology Office of the Kansas State Historical Society, which is independent from the State Historic Preservation Office (SHPO). The State Archeologist should be consulted for information about previously recorded sites and for assigning official state designated site numbers to new sites. Contract archeologists or federal or state agencies should contact the State Archeologist prior to beginning a survey to obtain current information about archeological resources located in the project area. The State Archeologist can also supply copies of the *Kansas State Historical Society Archeological Site Form* to be used to record sites. The State Archeologist is also the Secretary of the Kansas Antiquities Commission. Applications for permits to work on land owned by the state, one of its agencies, or any of its political subdivisions should be made to the State Archeologist. The name and address of the Kansas State Archeologist is:

Nikki Klarmann, State Archeologist
Archeology Office
Kansas State Historical Society
6425 SW 6th Avenue
Topeka, KS 66615-1099
(785) 272-8681, ext. 269
nikki.klarmann@ks.gov

Problems or questions about compliance with federal preservation laws should be addressed to the SHPO's staff archeologist.

Information about Kansas archeology, compliance with State laws, requests for access to the state site files, requests for permits, or information regarding unmarked burials should be addressed to the State Archeologist or her staff.

Survey and Assessment of Archeological Resources

The intent of the federal legislation and executive order summarized above is the consideration of potential impacts to archeological sites and other cultural resources that may result from federal undertakings. This is accomplished when the SHPO and agency officials consult to determine the best ways to avoid or minimize destruction or damage to them whenever possible. A key element in this

consultation process in the National Register of Historic Places, which provides a reference list of archeological sites whose significance has been established. Significance is typically assessed with reference to a site's research potential, although some sites, such as the Republican Pawnee Village (14RP1), also known as the Kansas Monument site, and the El Cuartelejo (14SC1) Pueblo site in Scott County, are unique in Kansas and are significant for that reason as well. While the National Register is referenced in the planning of undertakings, only general vicinity locations are given to the public for archeological sites listed there. Specific site locations are supplied by the SHPO to federal agencies and professional archeologists only when necessary, to protect the sites from vandalism and unauthorized collecting. When a project is proposed by a federal agency it is usually SHPO staff or a professional archeologist who reviews the project plans to determine if any National Register or potential National Register sites will be affected.

Before any survey or assessment fieldwork can be undertaken it is first necessary to research all available records relevant to the project area. In Kansas the research and review portion of any project is referred to as Phase I background research. The actual survey of the project area, whether reconnaissance or intensive, is called a Phase II survey, and the assessment of archeological sites, which determines the eligibility of a site for listing on the National Register of Historic Places, is referred to as Phase III testing.

Background Research

To conduct a thorough and effective archeological survey of any project area, it is first necessary to know what historical information is already available for the area as well as what previous archeological work, if any, has been conducted in the vicinity. The place to start with this background research is with the report library and archeological site files maintained by the Kansas State Historical Society. These files are in the Cultural Resources Division of the Kansas State Historical Society at 6425 SW 6th Avenue, Topeka, KS 66615-1099. To request access to these records, contact the Cultural Resources Administrative Officer (785) 272-8681, ext. 240 to set up an appointment. Because archeological site locations are exempt from the Kansas Open Records Act, access to these files is restricted to professional archeologists. The Cultural Resources Division also has available copies of the *Kansas Prehistoric Archeological Preservation Plan (Brown and Simmons 1987)*, *The Archeology of Kansas: A Research Guide (Logan 1996)*, and the *Kansas Preservation Plan: Section on Historical Archeology (Lees 1989)*, which supply background historical and archeological information for the State of Kansas. In addition, the Center for Historical Research, also at the Kansas State Historical Society, maintains collections of state General Land Office (GLO) maps, Sanborn insurance maps, historical atlases, diaries, journals, city and state records, and other historical documents that can be reviewed on site. Access to the Center for Historical Research is available Tuesday through Saturday.

Archeological contractors are welcome to use the site files, maps, and related research materials at the Kansas State Historical Society facilities in Topeka. Our small staff can no longer offer research assistance of site file searches for those unable to travel to Topeka. We are though, able to offer qualified professionals (including archeologists, land managers, and tribal representatives) online access to archeological coverage through the Kansas Geographic Information System (GIS). Information such as site locations, site forms, survey areas, General Land Office (GLO) maps, and report references is available. An application for GIS access (along with a fee structure) is available on the Kansas State Historical Society's web site (<https://www.kshs.org/p/archeological-site-and-survey-location-gis-coverage/15739>) or by contacting the State Archeologist.

Finally, it is often the case that archeological research focuses on the search for information relevant to prehistoric archeological sites and fails to account for the presence of historic archeological sites or historic structures. At a minimum, include a review of GLO maps for the project area. While GLO maps are available as a GIS layer, county atlases can only be accessed through the Kansas Memory portal on the Kansas State Historical Society's web site at: <http://www.kansasmemory.org/>. While we prefer reference to county atlases, information from them is not required in Phase I background research. However, if the eligibility of historic site is being assessed, county atlas information will be expected.

Designing Archeological Surveys

If consultation with the SHPO identifies the presence of archeological sites within a proposed project area, or the potential for sites to be present, the SHPO may recommend an archeological survey be conducted (Phase II survey). Based on the scope of a project, survey efforts may be conducted at different levels of intensity.

The **reconnaissance survey** is designed to provide a general impression of an area's archeological potential and to record any large sites located in the survey area. Although a reconnaissance survey will seldom, if ever, provide sufficient data to ensure identification of all archeological sites in an area, it should be possible to field check well-known or previously recorded sites and collect information about their present condition. The survey would locate sites identified or predicted from background research (Phase I research) and delineate areas where sites are obviously lacking. Information can be gathered to indicate where certain kinds of sites are likely to occur, thus making possible a better planned and more efficient intensive survey to follow.

The reconnaissance survey is the appropriate level of survey to use for projects in the initial stages of planning where large corridors or planning areas have been defined or when the secondary impacts of a project are being considered.

Projects that have reached a planning stage where specific areas or several alternatives have been identified, in which the project will have an impact, should receive an **intensive survey**. This is a systematic detailed field inspection of the project impact area to locate all sites that might be impacted by the proposed construction. Although not specifically designed to do so, an intensive survey can sometimes determine the significance of sites located in the survey area and supply information necessary to determine their eligibility for nomination to the National Register. If the intensive survey does not provide sufficient information for a determination of eligibility and if the project cannot be altered to avoid the site or sites, additional assessment of the archeological sites through subsurface testing (Phase III testing) may be necessary before the project can proceed.

Communication between the contract archeologist (principal investigator) and the contracting firm, the federal agency, the project planners, and engineers, and the SHPO at the initiation of a survey can be beneficial to everyone. The contract archeologist should be familiar with the design details of the project to ensure that all elements of the project, such as known or future borrow areas, access roads, utility corridors, etc., that require survey, are identified. Depending upon the size of the project and the anticipated construction schedule, it is sometimes more economical for the contracting firm or agency to include plans for reconnaissance surveys of any areas designated for future expansion in the contract for an intensive survey of an area where immediate construction is planned.

When planning a survey, the archeologist and the contracting firm or agency should be aware of the full nature of the impact of the proposed project. The area affected by a construction project may be larger than that indicated on the project plans. For instance, pipeline construction will involve digging a relatively narrow trench; however, activities associated with the ditch digging, such as constructing or creating access roads, grading stream banks so equipment can cross, storing back dirt from the excavated trench, and backfilling and bringing the surface back to grade, will impact a corridor larger than the width of the pipeline trench itself. An intensive survey along a specific pipeline route should take such factors into consideration.

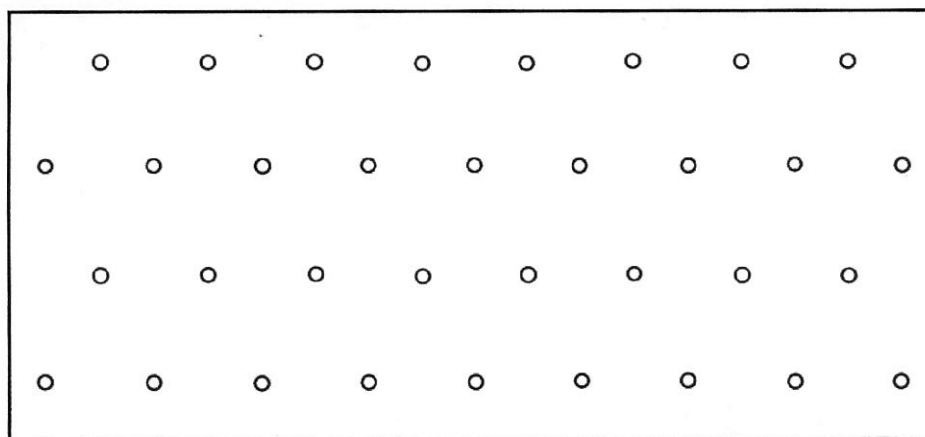
Projects such as flood control reservoirs, watershed structures, and game management area ponds or marshes will often have secondary impacts associated with them in the form of public use areas, roads, parking lots, boat ramps, marinas, picnic areas, cabin sites, etc. The archeological survey for such a project should include not only the area to be inundated, but also those areas above the maximum flood pool that will be affected by construction of the water impoundment.

The project examples given above are only a sample of the wide variety of projects with the potential to impact archeological sites. Communication between the contracting firm or agency, the contract archeologist, and the SHPO can result in the design of a survey for each specific project that will be

beneficial for Kansas' archeological resources, ensure compliance with appropriate regulations and legislation, and produce the most cost-effective project both in terms of fieldwork and assuring the project's uninterrupted progress through all stages of planning and construction. Prior to the archeological survey, the federal agency and the SHPO should have an agreement on the defined APE of the project. Planners, engineers, archeologists, or any person needing advice or comment on the design of a survey for a particular construction project located in Kansas should consult frequently with SHPO staff.

Survey Methodology

The SHPO has developed minimum guidelines for archeological survey methodology that should be used by professional archeologists in completing surveys in compliance with federal laws. These guidelines have been developed based on a review of requirements in adjacent states and statistical studies documenting the effectiveness of various survey methodologies. Based on this review, the SHPO has identified two types of appropriate survey methodologies based on the percentage of ground surface visibility (gsv) in each area. In areas of 40% or greater gsv, the SHPO recommends a pedestrian survey of the project area utilizing a maximum survey transect spacing of 15 meters. In areas of less than 40% gsv the pedestrian survey should be supplemented by shovel testing. Shovel tests should be excavated on staggered transects (see below) no more than 15 meters apart. Shovel tests should be hand excavated and a minimum of 35 centimeters in diameter. They should be excavated 10 centimeters into sterile sub-soil (B-horizon), 10 centimeters below the plowzone, or 10 cm below cultural levels. Shovel tests should be excavated utilizing vertical control, with levels not to exceed 15 centimeters in depth. All excavated material should be screened through ¼ inch or smaller hardware cloth. Since SHPO staff members are aware of the logistical difficulties of shovel test screening, heavy clay may be hand sorted at the discretion of the principal investigator.



|| 15 meters || ○ shovel test

Alternating rows of staggered shovel-test units. The distance between rows is equal to the interval between tests in a row, but tests in adjacent rows are offset one half this interval. Staggering shovel-test units decreases the number of shovel tests required, but increases the probability of site discovery. The distance to the edge of the project boundary or right-of-way should be less than half the distance between shovel tests.

Additionally, if proposed construction is designed to impact three or more feet below the ground surface, the investigation should test for the presence of deeply buried archeological sites. This buried site testing can be conducted in several ways, including the excavation of a representative sample of shovel tests to the anticipated depth of construction disturbance, the excavation of hand-auger tests in the base of a sample of shovel tests, a geomorphological investigation utilizing a backhoe, etc. This deep testing should be sufficient to evaluate the potential for buried sites to the depth of any proposed construction activities. If the project area is believed to have little or no potential for containing buried sites, the justification for this belief, and the supporting documentation should be fully discussed in the project report.

Shovel testing of slopes exceeding 25 degrees is not required due to the low probability of these features containing surface archeological deposits. However, these slopes and particularly cut banks or erosional exposures should be visually examined for buried archeological materials.

SHPO staff members are aware that field conditions can be highly variable and that the procedures outlined above may not be appropriate in all circumstances. Therefore, if the contract archeologist (principal investigator) intends to utilize a survey methodology other than that specified here, it is strongly recommended s/he contact the SHPO office prior to initiation of archeological fieldwork to seek approval of his/her survey plan. Project reports documenting a methodology less intensive than that outlined above will be returned as inadequate if the methodology utilized is not adequately justified.

Survey Techniques and Ground Surface Visibility

Standard archeological techniques such as pedestrian survey and shovel testing are often limited in their ability to locate sites during the survey phase, particularly when sites are buried. While pedestrian survey is not always appropriate in situations of poor ground surface visibility, shovel testing is often time consuming and expensive. Because the discovery of an unidentified archeological site can cause project delays and increased costs once construction is underway, SHPO encourages federal agencies and archeologists involved in compliance projects to develop alternative ways of increasing ground surface visibility and increasing the likelihood of discovering archeological sites during the survey phase.

SHPO staff support the use of shallow (6-8" depth) plowing in areas that can be documented as previously plowed and believes that the use of carefully controlled burns can dramatically increase ground surface visibility in other areas. It may also be appropriate to selectively utilize shallow plowing in areas where no previous ground disturbance can be documented, such as virgin prairie setting, if construction of the project itself will ultimately cause more extensive disturbance to these areas. SHPO encourages discussion regarding the use of these techniques prior to any archeological fieldwork and looks to archeological contractors and federal agencies to provide additional suggestions for increasing ground surface visibility that may be appropriate for individual project areas. Because project construction will ultimately cause significant disturbance to some project areas, SHPO staff believes selective use of mechanical means for increasing ground surface visibility in these areas can be justified.

Site Definitions

The SHPO in consultation with the State Archeologist has developed the following definitions for prehistoric and historic archeological sites. These definitions are intended as minimum guidelines for the recording of archeological sites during surveys conducted in compliance with federal laws and regulations. These definitions are not all inclusive and variables such as ground surface visibility, landform, and professional knowledge of the project area should be considered when applying them. All artifact concentrations meeting or exceeding these minimal definitions should be recorded as archeological sites and submitted as such on a *Kansas State Historical Society Archeological Site Form* (Site Form). Site forms may be submitted in hard copy or electronically via the Kansas State Historical Society web page. Instructions for electronic submission may be found at: <https://www.kshs.org/p/record-an-archeological-site-access-the-archeological-site-and-survey-gis-coverage/14661>. Once the State Archeologist receives site forms and a topographic location map, official trinomial designations will be assigned, and the recorder notified by email.

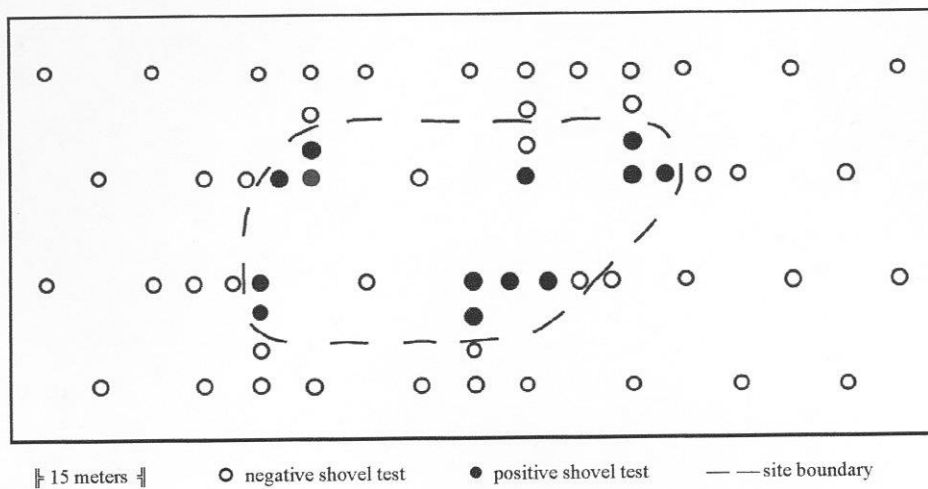
A **prehistoric archeological site** is defined as any one of the following: 1) three or more artifacts within a 20 x 20-meter area; or 2) one diagnostic artifact; or 3) one human-made feature. Isolated finds, including a single utilized flake, a single piece of pottery; or one or two unmodified flakes should not be recorded as archeological sites unless mitigating circumstances such as dense vegetation or the nature of the landform indicate the potential for the presence of additional unobserved artifacts. Isolated finds, other than diagnostic artifacts as noted above, should be indicated

on project maps, and briefly discussed in the project report, but should not be documented on Site Forms.

A **historic archeological site** is defined as any human-made feature 50 years of age or older, dating to the historic period. This definition includes trash dump areas, but not diffuse scatters of historic material. Diffuse scatters of historic material should be noted on project maps and briefly described in the project report but should not be recorded on Site Forms. Isolated historic artifacts such as amethyst-colored glass and dateable ceramics, although diagnostic in nature, should not in themselves be recorded as sites. Isolated historic period residential/farm related windmills, stone walls, fence lines, or relict shade trees should not be individually recorded as sites; however, they should be recorded as site features when they are part of a larger site containing other historic features. Bridge remnants, including abutments, should be recorded as archeological sites when the bridge decking and superstructure are missing. Bridges with intact superstructures are recorded as historic structures, not archeological sites.

Defining Site Boundaries

During archeological fieldwork and in the preparation of archeological site forms it is important to illustrate site boundaries as accurately as possible. In areas of greater than 40% ground surface visibility (gsv) site boundaries should be defined based on the surface scatter of historic or prehistoric artifacts. In areas of less than 40% gsv, site boundaries should be defined based on the presence or absence of artifacts in excavated shovel tests. Shovel tests should be excavated on transects at an interval not to exceed 15 meters. When artifacts are discovered, the transect should be completed at 15-meter spacing until two consecutive negative shovel tests are excavated. Supplementary shovel tests should then be excavated at 5-meter intervals outward from the outer most positive shovel tests until two consecutive negative shovel tests are encountered (see below). In this manner, the outermost ring of positive shovel tests should be used to define the boundary of the site.



The original transects are completed at 15 meter spacing until two negative tests are excavated beyond the outermost positive test. Supplementary tests are then excavated from the outer most positive tests at 5 meter intervals to define the site boundary. The boundary is drawn to include all of the positive shovel tests.

Site Forms

Site Forms should be completed as thoroughly as possible based on observations made in the field. No spaces on the form should be left blank; all spaces should be filled and an indication of “Not Applicable” or N/A used if necessary. Final Site Forms should be typed or completed on-line soon after returning from the field. The Site Form should be dated to the day observations regarding the site were made in the field, not to the date the final form was completed or the date of the project report. Instructions for completing the *Kansas State Historical Society Archeological Site Form* can be found on-line at <http://www.kshs.org/resource/siteformhome.htm>. If possible Universal Transverse Mercator (UTMs) should be indicated using North American Datum (NAD) 83.

Additional assistance in completing the Site Form or problems with on-line access can be directed to the State Archeologist.

Minimum Professional Qualifications

Formal educational requirements and the minimum amount of experience required for a principal investigator employed for federal compliance projects in Kansas are provided below. These requirements are abstracted from the Secretary of the Interior’s Professional Qualification Standards (36 CFR 61). Persons not meeting these requirements can be involved in archeological projects in the state of Kansas, but their work must be supervised by a principal investigator who meets these requirements. Additionally, an individual not meeting the standard specified below cannot be the principal author of a report submitted for federal compliance. For projects where individuals performing the necessary fieldwork do not meet these requirements, the principal investigator is required to participate in at least 40% of the field investigations.

The minimum professional qualifications for a principal investigator in charge of compliance projects related to **prehistoric archeology** are:

- 1) A graduate degree in Anthropology or Archeology with a specialization in Prehistoric Archeology, or a graduate degree in a closely related field, or a graduate degree in Anthropology or Archeology with a specialization in Historical Archeology and at least one year of experience in research concerning archeological resources of the prehistoric period.
- 2) At least one year of full-time professional experience or equivalent specialized training in archeological research, administration, or management.
- 3) At least 4 months of supervised field and analytic experience in general North American archeology.
- 4) At least one year of full-time professional experience at a supervisory level in the study of archeological resources of the prehistoric period; and
- 5) A demonstrated ability to carry research to completion, usually evidenced by timely completion of theses, research reports, or similar documents.

A crew chief or field supervisor who does not meet the above standards, may coordinate fieldwork for 60% of a project’s field time in the absence of the principal investigator only if they have at least one year or its equivalent in field experience and/or specialized field training of the prehistoric period, including at least six months in a supervisory role. The principal investigator is required to be present during the remaining 40% of fieldwork.

The minimum professional qualifications for a principal investigator in charge of compliance projects related to **historical archeology** are:

- 1) A graduate degree in Anthropology or Archeology with a specialization in Historical Archeology, or a graduate degree in a closely related field, or a graduate degree in Anthropology or Archeology with a specialization in Prehistoric Archeology and at least one year of experience in research concerning archeological resources of the historic period.

- 2) At least one year of full-time professional experience or equivalent specialized training in archeological research, administration, or management.
- 3) At least 4 months of supervised field and analytic experience in general North American archeology.
- 4) At least one year of full-time professional experience at a supervisory level in the study of archeological resources of the historical period; and
- 5) A demonstrated ability to carry research to completion, usually evidenced by timely completion of theses, research reports, or similar documents.

A crew chief or field supervisor who does not meet the above standards, may coordinate fieldwork for 60% of a project's field time in the absence of the principal investigator only if they have at least one year or its equivalent in field experience and/or specialized field training of the historical period, including at least six months in a supervisory role. The principal investigator is required to be present during the remaining 40% of fieldwork.

The two specializations in Prehistoric and Historical Archeology are not interchangeable. In situations where archeological resources from the historic period might be affected by an undertaking and the archeological evaluation is conducted by a Prehistoric Archeologist who does not have at least one year of experience in research concerning archeological resources of the historic period, a determination of effect can be made only after consultation with a Historical Archeologist who meets the requirements listed above. The converse is true for a Historical Archeologist conducting field research on archeological resources of the prehistoric period. As noted above, documentation illustrating that an individual qualifies in both Prehistoric and Historical Archeology should include a minimum of one additional year of experience on resources of the alternate specialty, with reports and fieldwork in both specializations. If consultation with another archeologist is requested in providing a recommendation of eligibility for an archeological site, the name and qualifications of the archeologist making the recommendation should be incorporated into the final project report.

Persons engaged in performing archival or documentary research (Phase I research) should have experience and/or specialized training in such work. Archeologists engaged in regional or agency planning or compliance with historic preservation procedures should have at least one year of experience in work directly pertinent to planning, compliance actions, etc., and/or specialized historic preservation or cultural resource management training.

The Survey Report

The SHPO recommends archeological surveys for many projects funded, licensed, or assisted by federal agencies. The need for a survey is determined by several factors, including the amount and kind of survey work previously done in the project area, the archeological potential of the project area, and the need to assess the project's impact on recorded sites. Many parts of the state have not been systematically surveyed, and a lack of survey information is the rule rather than the exception. In a similar vein, very few sites have been tested to adequately assess their research potential, and many survey reports have little information beyond the site's location and a brief list of artifacts found there. Many of these sites were recorded prior to the passage of current preservation legislation and the information gathered does not meet the present standard necessary for federal compliance purposes.

Surveys requested by the SHPO are intended to provide information regarding the nature of the archeological resources located in the project area, whether the project will affect them, and what that effect will be. The Survey Report (in Kansas called a Phase II survey report) is intended to document archeological sites within the Area of Potential Effects (APE). Prior to initiation of any archeological survey, the federal agency and SHPO should have identified the APE for the undertaking. The archeological contractor should ensure that s/he has designed the survey to consider archeological sites that may be present within the entire APE, which may extend beyond the actual footprint of a project.

Over the years, several institutions, agencies, consultants, and private firms have submitted survey and assessment reports to the SHPO for review. These reports have been authored by persons with varying degrees of archeological experience and expertise in Kansas archeology. To ensure that future reports are acceptable and useful for determining project compliance, the SHPO has prepared this guide to indicate the minimum amount and kind of information needed for different reports. The basic guideline for the preparation of any archeological report should be a combination of professional judgment, competence, and ethics.

The outline presented below contains the minimum information that should be included in a survey report. Authors may also supply additional detailed information to a specific project report as they feel is appropriate. The survey report should be prepared following this outline and the Style Guide for *American Antiquity* which is available on the World Wide Web at: http://www.saa.org/Portals/0/SAA%20Style%20Guide_Updated%20May%202018.pdf .

All survey reports received by the SHPO will be considered final and therefore should be thorough and complete. Survey reports that greatly deviate from the format outlined below and the *American Antiquity* style guidelines will be returned to the author for revision and will not be reviewed until the necessary changes are made. Additionally, reports that document previously unrecorded archeological sites or revisits to known archeological sites will not be accepted unless Kansas State Historical Society Archeological Site Forms, with a permanent trinomial designation, have been completed and included in an appendix of the report.

To streamline the report preparation and review processes, the Kansas SHPO has determined that it is not necessary to include a discussion of the project environment in any negative archeological report (any report that does not record the presence of archeological sites with the project APE). Additionally, it is only necessary to provide a brief discussion (approximately 3-5 paragraphs) of the culture history of the project areas in any negative project report. If, however, archeological sites are recorded within the project APE, the environmental history of the area should be discussed, and the culture history section should be expanded to provide a detailed discussion of those time periods relevant to the discovered sites. For assistance in completing the project report please refer to the *Kansas Prehistoric Archeological Preservation Plan* (Brown and Simmons 1987), *The Archeological of Kansas: A Research Guide* (Logan 1996), and the *Kansas Preservation Plan: Section on Historical Archeology* (Lees 1989), which are available from the SHPO and the Kansas State Historical Society web page at: <https://www.kshs.org/p/section-106-consultation/15543> . These documents contain information regarding culture history, environment, previous research, significant sites, and regional research questions which should be incorporated into project reports.

Finally, as archeological surveys often focus on the recordation of prehistoric archeological sites to the exclusion of historic sites and standing structure, a method for the identification of these types of resources should be incorporated into the project design. If structural remains over 50 years in age are encountered within the project area, they should be recorded as an archeological site in the same way prehistoric sites are recorded. Additionally, if standing structures are observed within the project area that are 50 years of age or older, they should be photographed and documented in the project report.

The Archeological Survey Report (Kansas Phase II Report)

- I. **Title Page**
 - A. Type of Investigation (intensive, reconnaissance, pedestrian survey, shovel testing, etc.)
 - B. Project Name
 - C. Location
 - 1. County designation
 - 2. Political name and/or geographical location
 - D. Author's name
 - E. Author's affiliation
 - F. Name of company or agency funding or sponsoring the investigation
 - G. Date of Report (month and year)

- II. **Abstract**
 - A. State the purpose of the investigation.
 - B. State the name of the federal agency, permit, funding, licensing, etc., requiring compliance.
 - C. State the total acreage surveyed during the study (provide one total that includes all project areas)
 - D. List site numbers for all archeological sites within the APE and provide a summary of their significance.
 - E. If appropriate, provide a recommendation of eligibility for each site based on NRHP criteria.
 - F. Describe the expected impacts to sites found within the project area.

- III. **Table of Contents**
 - A. Table of Contents
 - B. List of Tables
 - C. List of Figures
 - D. List of Plates
 - E. Appendices

- IV. **Introduction**
 - A. State the purpose of the report.
 - B. Provide a statement of consultation with SHPO and attach a copy of the SHPO letter requesting the survey (in an appendix)
 - C. Provide a list of project personnel, their qualifications, and responsibilities.
 - D. Describe the scope of work performed and cite the appropriate legislation or regulations with which the work has complied (NHPA, NEPA, NPDES, etc.)
 - E. Identify the project Area of Potential Effects (APE) as established by the federal agency and SHPO.
 - F. Provide a description of the proposed project.
 - 1. Indicate the type of project
 - 2. Describe the depth and extent of the proposed construction impacts
 - G. Provide a project area map (or maps) based on a USGS 7.5-minute topographic map (do not show site locations)
 - 1. Indicate the proposed project boundaries.
 - 2. Indicate the APE if different from the project boundaries.
 - 3. Indicate the boundaries of the present survey area.

- V. **Environment** (not required in negative reports documenting no archeological sites)
- A. Identify the physiographic region of the project area based on the Physiographic Map of Kansas
 - B. Give a brief description of the topography and environment of the region.
 1. Describe any prominent physical or cultural features found in the region
 - C. Describe the environmental history of the region and project area.
- VI. **Culture History**
- A. Provide a brief cultural/historical summary for the project area and physiographic region.
 - B. Provide a detailed culture history for the time period relevant to the archeological sites recorded.
 1. Identify significant sites in the region
- VII. **Previous Archeological Investigations**
- A. Provide a summary of previous archeological work obtained from a literature search and records review
 1. The summary should include, at a minimum, all work within a one-mile radius from the maximum extent of the project APE
 2. Identify previous surveys and previously recorded sites (do not indicate exact site locations)
 3. Provide documentation of a records check with the Kansas State Historical Society
 - a. This should be a copy of the GIS map provided by the Kansas State Historical Society, Archeology Office
 - B. Describe information obtained from other sources.
 - C. Provide the names and addresses of any informants.
- VIII. **Current Archeological Investigation**
- A. Describe the survey methodology and procedures utilized.
 1. Methodology is expected to adhere to that stated above
 2. Provide clear justification for the survey method(s) if they differ from the minimum recommendations outlined above
 3. Describe any remote sensing techniques used
 - B. Provide a description of the survey area(s), indicating the size of the area(s) measured in acres.
 1. Define the boundaries of the survey area(s) and indicate them on a map (do not show site locations)
 2. Provide a statement of survey and field conditions
 - a. Indicate areas of differing ground cover and present-day land use (indicating them on the map)
 - b. Identify any limiting conditions that affected the survey (adverse weather, landowner hostility, steep terrain, etc.)
 3. Describe the soil types found within survey area(s)
 - a. Provide a graphic or text description of the soil profiles illustrating changes with depth and the locations of cultural materials, if any
- IX. **Results of the Archeological Investigation**
- A. Complete a *Kansas State Historical Society Archeological Site Form* (Site Form) for every newly recorded site and include forms in a report appendix.
 1. Do not include site location information (section, township, range) in the body of the report. Refer to archeological sites by their permanent trinomials and/or name only.
 2. Confine all site location information and site location maps to an appendix of the report.

- B. Complete a Site Form revision for every previously recorded site within or adjacent to the project area(s) and include them in a report appendix.
 - 1. Provide information regarding the status of each site.
 - 2. Indicate how each site has changed since the last site record was completed.
- C. Provide a description of each site recorded or visited, include the nature (surface, buried) and cultural affiliation of the site, artifacts observed and collected, site type, density of artifacts, integrity, etc.
- D. Provide a scaled site sketch map for every site within or adjacent to the project area(s). Evaluate and justify the accuracy of the site boundaries and relate them to topographic or cultural landmarks and the project area boundary.
- E. Describe any subsurface tests excavated and indicate their locations on individual site sketch maps or a project map as appropriate. Clearly distinguish between positive and negative tests.
- F. Provide drawings and/or clear color photographs of cultural features.
- G. Provide artifact summaries and artifact tables, if warranted, to illustrate the cultural assemblage of each site recorded
- H. Describe areas where evidence of archeological sites was absent and indicate their locations on a project map.
- I. Provide any additional information, figures, and graphics, necessary to illustrate the survey methodology, level of effort, and nature of archeological sites recorded.

X. Laboratory Analysis and Curation

- A. Describe the cleaning, processing, and cataloguing methodology utilized in the lab.
 - 1. Describe any special analyses performed.
 - 2. Lithic artifacts should be segregated and analyzed by tool and debitage classes.
 - 3. Ceramic artifacts should be segregated into body and rim categories and analyzed by temper and surface treatments.
 - 4. Faunal artifacts should be separated into classes based on species and genus and identified by element as possible.
- B. Provide the name and location of the permanent curation facility for artifacts and records collected during the survey.

XI. Project Impact

- A. Describe the expected impact to each archeological site if the project is completed as planned.
- B. If possible, assess the potential loss of information about Kansas archeology if sites are destroyed.

XII. Proposals to Avoid, Minimize, Test, or Mitigate

- A. Provide a recommendation of how the project can avoid or minimize disturbance to archeological sites through project redesign.
 - 1. If possible, describe an alternative project design that would avoid archeological sites. For example, an alternate route for a water line that would bypass a site.
- B. Provide a recommendation of additional work necessary to test or mitigate archeological sites if the project cannot be redesigned.
 - 1. Describe testing needed for further assessment, if applicable
 - 2. Describe methods other than excavation appropriate for mitigation, such as making a photographic record of a petroglyph site.

XIII. References Cited

- A. List publications used.
- B. List published maps used.
- C. List personal communications

XIV. **Appendices Containing Confidential Information**

- A. Supply one overview map illustrating the boundaries of the proposed project.
 - 1. A USGS 7.5' topographic map or copy(ies) is preferred.
 - 2. Indicate on the map the boundaries of the survey area(s) and APE (if different)
 - 3. Indicate the locations of all sites recorded and visited.
 - 4. Indicate areas of differing ground cover, indicate percentage of ground surface visibility, indicate the type of survey techniques utilized in each area.
- B. Supply one completed *Kansas State Historical Society Archeological Site Form* for each site recorded or visited during the survey.
 - 1. The Site Form must contain an official trinomial designation assigned by the Kansas State Historical Society
 - 2. Include a USGS 7.5' topographic map indicating the site location.
 - 3. Include a scaled site map indicating the boundaries of the site and any excavation units.
 - a. Distinguish between positive and negative excavation units.
 - b. Illustrate the locations of all surface artifacts observed and collected, and artifact concentrations.
 - c. Indicate the locations of any prominent topographic or cultural features.
 - d. Indicate the location of the site datum, if applicable
 - e. Indicate any overlap with the proposed project APE.
- C. Supply the following information on every map in this report.
 - 1. Source of map, north arrow, scale, legend, caption, key
- D. Supply the credentials and/or vita of the author(s) and Principal Investigator if this information has not been previously made available to the SHPO.
 - 1. The author of the report must meet the Secretary of the Interior's Professional Qualifications Standards for the appropriate resources under investigation (i.e., historic, or prehistoric sites)

The Kansas SHPO requests that a digital copy of the archeological survey report be submitted to the SHPO Archeologist (kshs.shpo@ks.gov) for review. Hard copies of larger reports (> ca. 70 pages or those with oversize color graphics) should be provided as well and sent to the address below:

SHPO Archeologist
Kansas State Historical Society
6425 SW 6th Avenue
Topeka, KS 66615-1099

For the most part, the archeological survey report (Kansas Phase II report) is only designed to determine the presence or absence of archeological sites within or adjacent to the proposed project area. If archeological sites are identified, it is then necessary to determine the proposed project impact to each of the sites, and to provide recommendations regarding avoidance or testing of each site. Normally, it is not possible to provide a recommendation of eligibility for listing on the National Register of Historic Places (NRHP) based on survey work alone. If, however, a substantial amount of subsurface testing is incorporated into the survey methodology and documented in the report it may be possible to provide a recommendation of "not eligible" for an archeological site. For the site to be recommended as not eligible, it will be necessary to show through substantial subsurface testing that the site is either, 1) confined to a disturbed plowzone, or 2) ephemeral in nature. If it cannot be clearly illustrated that the site has been adequately investigated, the report author should provide a recommendation for further work at the site in the form of Phase III eligibility testing.

Report authors, unless they are direct representatives or employees of federal agencies, should not make "determinations of eligibility" regarding archeological sites. It is only the representative of the federal agency who provides the determination of eligibility to the SHPO. All eligibility evaluations provided by contractors should take the form of "recommendations of eligibility."

The Assessment Report

Completion of an archeological survey (Phase II) is one step in the process of compliance with Section 106 of the National Historic Preservation Act. If archeological sites are discovered within the project APE, and they will be impacted by the proposed undertaking, additional steps must be taken before the project can proceed. First, the federal agency official or his/her designee is responsible for applying the National Register criteria of eligibility (36 CFR 63) to any sites that have not been previously assessed. If the agency official determines that any of the National Register criteria are met, and the SHPO agrees, the property is considered eligible for listing on the National Register of Historic Places, and for compliance purposes is referred to as a “historic property.”

Subsurface archeological testing is almost always required to provide the information needed to complete such an assessment. The testing/assessment report provides information to the agency official and the SHPO concerning the physical characteristics and condition of the site and its potential contribution to our understanding of Kansas and regional archeology. These parties use the testing/assessment results to assess the site’s eligibility for listing on the National Register. If a site is determined eligible, the information provided in the assessment report is used to determine what avoidance or mitigation measures are most appropriate, and this information is incorporated into a Memorandum of Agreement (MOA).

Adequate testing of each archeological site must be completed and thoroughly documented in the project report, along with all field observations contributing to the recommendation of eligibility. The archeological contractor (principal investigator) should keep in mind that more than likely, the report reviewers will not be able to visit the site location and the only information they will receive regarding the details of the testing/assessment fieldwork will be that documented in the project report. The report author must provide the reviewers with adequate information to understand the extent of the excavations undertaken and the justifications behind the recommendations presented. Also keep in mind that as with the Phase II survey report, the author of the Phase III testing/assessment report provides only a “recommendation of eligibility”, and the agency official will base his/her “determination of eligibility” on the results of the report and the author’s recommendation.

At the time of testing/assessment, the boundaries of archeological sites may not be well defined. If the testing/assessment fieldwork does not directly follow the survey phase, or if site boundaries were not adequately defined during the survey phase, the initial investigation should be focused on identifying the boundaries of the site and any artifact concentrations within the site. If ground surface visibility (gsv) is adequate (above 40%) site boundaries should be determined based on the surface extent of artifacts. All diagnostic surface artifacts should be collected, concentrations of artifacts should be noted, and a controlled sample of surface artifacts collected. Several 1x1 meter test units should be excavated, with test units strategically placed to investigate artifact concentrations and features, and to establish the subsurface of the site. To evaluate the potential for subsurface features that may not be expressed on the surface of the site, SHPO also encourages the excavation of systematic shovel test transects at close interval. The number of transects excavated should be in proportion to the size of the site and the percentage of ground surface visibility.

If ground surface visibility is poor (below 40%) shovel testing should be used to define site boundaries and artifact concentrations. Shovel tests should be excavated on a staggered grid (see above) and the site boundary should be defined as detailed above in the section on Defining Site Boundaries. Once the site boundaries have been defined and artifact concentrations or features have been identified, 1x1 meter test units should be excavated. Test units should be placed to investigate any potential features and to establish the presence or absence of intact subsurface deposits.

All shovel tests excavated during testing/assessment should be a minimum of 35 cm in diameter and should be excavated 5 meters apart. All test units should be no larger than 1x1 meter unless they are expanded to investigate an identified feature. A minimum of three and a maximum of eight 1x1 meter test units should be excavated, with the number of units in proportion to the size of the site. Units

should be broadly spaced across the site to investigate the entire site area for integrity and potential subsurface features.

All test units and shovel tests should be excavated in stratigraphic (not to exceed 10 cm), or 10 cm arbitrary levels and all units should be excavated 10 cm below the cultural horizon, resulting in a sterile 10 cm level at the base of every unit. To verify the depth of the cultural component and to demonstrate there are no more deeply buried components, a sample of the units should be extended by hand-auger, probe, or other means, unless buried site testing as described above has already been performed. All material excavated during testing/assessment should be screened through ¼" or smaller hardware cloth. All subsurface artifacts, except bulk classes such as fire-cracked rock, should be collected, along with all surface diagnostics and a controlled sample of surface artifacts. Bulk artifact classes should be tallied or weighed in the field and an adequate sample collected.

Due to the destructive nature of archeological testing/assessment, care should be taken not to destroy the integrity of the archeological site during the testing process. Test excavations and surface collecting should only proceed to the point necessary to make a recommendation of eligibility. If a site can be recommended as eligible based solely on a minimum amount of excavation, then no further work should take place. However, a site should not be recommended as not eligible unless adequate shovel testing (as noted above) and a minimum of three 1x1 meter test units have been excavated. If the Kansas SHPO does not believe adequate testing has been completed to justify a recommendation of "not eligible" made by the report author, the report will be returned, and additional testing will be required. If the principal investigator believes this level of effort is not justified for a particular site, s/he should contact the SHPO prior to the completion of the fieldwork to discuss his/her reasoning.

The archeological testing/assessment report (Kansas Phase III report) should contain all the information outlined above for the Phase II survey report. In addition, it should discuss the following in relationship to the project area and each of the sites under investigation.

The Archeological Assessment Report (Kansas Phase III Report)

I. Environment

- A. Characteristic of the physiographic region
- B. Past environmental conditions relevant to the time periods of the sites under assessment
 - 1. Flora and fauna
 - 2. Climate
 - 3. Availability of water
 - 4. Availability of natural resources (lithic materials)
 - 5. Length of growing season

II. Culture History

- A. General discussion of the cultural periods identified in Kansas and the Central Plains region.
- B. Detailed discussion of the cultural periods relevant to the sites under assessment with a focus on Kansas

III. Previous Work

- A. Discuss all relevant site records and project reports already on file at the KSHS.
 - 1. Provide the name of the author/recorder, date, type of investigation, results, and any recommendations given.
- B. Discuss any documented changes to each site over time.

IV. Testing Methodology

- A. Methodology is expected to adhere to that stated above.
- B. Provide clear justification for the testing method(s) if they differ from the above recommendations.
 - 1. Detail the methods used – site, depth, and spacing of units; screen size; collection techniques, etc.

V. Site Specific Information

- A. Site type (habitation, quarry, workshop, kill site, etc.)
- B. Site specifics (discuss and provide scaled site map)
 - 1. Horizontal extent of site/site boundary
 - 2. Vertical extent of the site (depth)
 - 3. Locations of artifact concentrations, features, and surface diagnostics
 - 4. Locations of all excavated shovel tests and test units
 - a. Distinguish between positive and negative units.
 - 5. Location of site datum
 - 6. Any noted disturbances to the site
- C. Artifacts recovered or observed.
 - 1. Provide a discussion of all artifacts collected or observed in the field.
 - 2. Provide a table listing all artifacts collected, indicating provenience and depth below surface.
 - 3. Discuss all tools by type and material (if possible)
 - 4. Provide analysis of debitage by type and material (if possible)
 - 5. Discuss pottery analysis by temper, thickness, surface treatment, body, or rim, etc.
 - 6. Provide analysis of any faunal or floral material recovered.
 - 7. Indicate any rare or exotic artifacts.
 - 8. Discuss any other cultural material collected or observed.
- D. Cultural affiliation
 - 1. Provide a determination of cultural affiliation based on the artifacts recovered.
- E. Photographs and Drawings
 - 1. Provide a minimum of two site over-view photographs.
 - 2. Provide representative drawings and/or clear color photographs of unit wall profiles and plan views.
 - 3. Provide photographs of all features before and after excavation
- F. Discuss the physical condition of the site.
 - 1. Address the integrity of the site.
 - 2. Discuss the extent of any disturbance.
- G. Discuss the expected impact from the proposed project.

VI. Regional Research Questions (based on Brown and Simmons 1987, Lees 1989, Logan 1996, and other resources)

- A. Discuss each site in relation to other sites of the same type and time period within the region.
- B. Discuss each site in relation to research questions posed in the documents referenced above.

VII. Recommendation of Eligibility

- A. Provide a recommendation of eligibility for listing on the National Register based on the results of the Investigation.
 - 1. If the site is recommended not eligible, state why and provide a justification that adequate testing/assessment of the site has been completed
 - 2. If the site is recommended eligible provide the details in a statement of significance (below)

VIII. Statement of Significance

A. Identify the qualities of the site that make it eligible for listing on the National Register

1. Provide a concise history of the site, including:
 - a. The period of significance
 - b. The area of significance: either Archeology-Prehistoric or Archeology-Historic
 - c. The primary reason the site is recommended eligible for the National Register
 - d. The information the site has yielded or is likely to yield.

2. Relate the site to a broad historical, archeological, or cultural context, either local, regional, state, or national

Some Phase III assessment reports are, at the discretion of the SHPO Archeologist, sent out for peer review. As a result, three unbound copies of all Phase III reports should be provided. Reports should be sent to the address below:

SHPO Archeologist
Kansas State Historical Society
6425 SW 6th Avenue
Topeka, KS 66615-1099

The archeological testing/assessment report (Kansas Phase III reports) should provide a recommendation of eligibility for each site under investigation. Sites must be recommended as “eligible” or “not eligible” for listing on the National Register based on the field excavations, laboratory analysis, and an evaluation of each site against local, regional, and national research questions. If the author cannot make a recommendation of eligibility based on the fieldwork conducted, additional fieldwork should be performed prior to submitting the project report to the federal agency and SHPO. All reports received by the SHPO will be considered final and therefore should be thorough and complete. Reports that greatly deviate from the format outlined above and the style guidelines established by *American Antiquity* will be returned to the author for revision and will not be reviewed until the necessary changes are made.

The Mitigation Report

Data recovery or mitigation (Phase IV mitigation) of archeological sites to be affected by an undertaking is no longer an exception to the criteria of adverse effect and is defined as an adverse effect under the revised Section 106 regulations. Phase IV data recovery/mitigation will only take place following the execution of a Memorandum of Agreement (MOA) by the agency official, the SHPO, and in some situations the Advisory Council on Historic Preservation. Execution of the MOA allows excavation of the site or other appropriate mitigation to begin and spells out the research orientation of the mitigation report. Because mitigation requirements will be tailored to the particulars of an individual site, there is no standard report format that can be provided here.

Upon completion of the data recovery fieldwork the project archeologist should submit the final report to the signatories named above. This report should be in the form of a detailed excavation report describing the work completed, the artifacts and permanent features uncovered, and a detailed analysis of the recovered cultural materials. It should also address how this information relates to specific research questions posed in the MOA. Any questions regarding the information required in the report, which are not addressed in the MOA, should be directed to SHPO staff before the report is completed.

State Preservation Laws

In addition to the federal laws and regulations discussed above, archeologists, contracting firms, and agencies should be aware of state laws relating to the preservation of Kansas' cultural resources. Three relevant acts, modeled after federal legislation, have been passed by the Kansas legislature.

Kansas Antiquities Commission Act of 1967, (K.S.A. 74-5401 through 74-5408)

This Act establishes the Kansas Antiquities Commission, composed of representatives from the Kansas State Historical Society, the University of Kansas, Kansas State University, and Wichita State University and appoints the State Archeologist as Secretary of the Commission. It also requires a permit for the excavation or removal of antiquities from lands belonging to or controlled by the State of Kansas or any state agency or any county or municipality in the state. It designates the Kansas State Historical Society as the repository for artifacts and records collected from sites within the state under certain conditions. The Act requires reporting of archeological discoveries found through construction and the preservation of the discovery until it can be properly investigated. Misdemeanor penalties are set for violations of the Act.

State Historic Preservation Act of 1977, (K.S.A. 75-2715 through 75-2725)

This Act designates the State Historic Preservation Officer (SHPO) and establishes a State Historic Sites Board of Review to review nominations to the State and National Registers and to act in an advisory capacity on historic preservation matters. It establishes the Register of Historic Kansas Places (State Register) to complement the National Register of Historic Places and provides for a review process for state and local government projects, and private projects that require permits or receive funding from the State, that may affect properties listed on the State Register or the National Register, or their environs.

Unmarked Burial Sites Preservation Act of 1989, (K.S.A. 75-2741 through 75-2754)

The purposes of this Act are: to provide adequate protection for unmarked burial sites and human skeletal remains located on all lands within the State of Kansas; to prohibit unauthorized disturbance of any unmarked burial sites; and to provide procedures for the proper care and protection of unmarked burial sites and human skeletal remains found in the State of Kansas. Additional information may be found at: <https://www.kshs.org/p/unmarked-burial-sites-preservation/14677> .

Archeologists, engineers, and planners working for state and local units of government should be aware of these state laws. Names and locations of properties listed on the Register of Historic Kansas Places can be obtained from the State Historic Preservation Office web page at: <https://www.kshs.org/p/register-database/14638> , and permits to work on public lands can be obtained from the State Archeologist at the addresses given above. Survey and assessment reports that result from compliance with these state laws should follow the outlines for these reports given above.

Summary

This guide is intended to provide an overview of the salient points of federal and state legislation pertaining to the identification and protection of cultural resources in Kansas. Examples of procedural steps to be taken and minimum amounts and kinds of information needed for reports in compliance with federal laws have been given. While the information included in this document is not enforced through state or federal regulations, these guidelines and recommendations outline the level of effort expected by the Kansas SHPO. Additional information or an explanation of any part of this guide can be obtained from SHPO staff at the address and numbers above.

Glossary of Terms

(Taken from 36 CFR 800.16)

Area of Potential Effects means 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.

Consultation means the process of seeking, discussing, and considering the views of other participants, and, where feasible, seeking agreement with them regarding matters arising in the Section 106 process.

Cultural Resources means building, structures, sites, objects, and districts significant in American history, architecture, archeology, and cultures.

Effect means alteration to the characteristics of a historic property qualifying it for inclusion in or eligibility for the National Register.

Historic Property means any prehistoric or historic district, site, building, structure, or object included in, or eligible for inclusion in, the National Register of Historic Places maintained by the Secretary of the Interior. This term includes artifacts, records, and remains that are related to and located within such properties. The term includes properties of traditional religious and cultural importance to an Indian tribe or Native Hawaiian organization and that meet the National Register criteria.

Memorandum of Agreement means the document that records the terms and conditions agreed upon to resolve the adverse effects of an undertaking upon historic properties.

National Register means the National Register of Historic Places maintained by the Secretary of the Interior.

National Register Criteria means the criteria established by the Secretary of the Interior for use in evaluating the eligibility of properties for the National Register (36 CFR 60).

State Register means the Register of Historic Kansas Places maintained by the Kansas State Historical Society.

State Historic Preservation Officer (SHPO) means the official appointed or designated pursuant to Section 101 (b)(1) of the National Historic Preservation Act to administer the State historic preservation program or a representative designated to act for the State Historic Preservation Officer.

Undertaking means a project, activity, or program funded in whole or in part under the direct or indirect jurisdiction of a federal agency, including those carried out by or on behalf of a federal agency; those carried out with Federal financial assistance; those requiring a federal permit, license, or approval; and those subject to State or local regulation administered pursuant to a delegation or approval by a federal agency.

Contact List

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