

**PROGRAMMATIC AGREEMENT
AMONG
THE U.S. ARMY CORPS OF ENGINEERS, LOUISVILLE DISTRICT;
THE INDIANA STATE HISTORIC PRESERVATION OFFICER;
AND
THE ADVISORY COUNCIL ON HISTORIC PRESERVATION
REGARDING
ROUTINE OPERATIONS AND MAINTENANCE UNDERTAKINGS THAT HAVE THE
POTENTIAL TO AFFECT HISTORIC PROPERTIES AT FLOOD CONTROL
PROJECTS**

WHEREAS, the United States Army Corps of Engineers, Louisville District (Corps) manages the resources of five flood control projects (Projects) in Indiana, including the: Brookville Dam and Lake, Cagles Mill Dam and Lake, Cecil M. Harden Dam and Lake, Monroe Dam and Lake, and Patoka Dam and Lake (see Appendix G); and

WHEREAS, the Corps has a federal mission which includes operation of these dams and reservoirs for specific Congressionally-authored purposes, generally for the primary purposes of flood control, and for the secondary purposes of public recreation, fish and wildlife management, water supply, and water quality control; and

WHEREAS, these dams constitute vital public safety infrastructures, the function and operation of which serve to protect life and property; and

WHEREAS, the Corps has determined that many of its management activities related to the operation of its dams and reservoirs are federal undertakings, pursuant to Section 106 and Section 110 of the National Historic Preservation Act (NHPA) of 1966, as amended (54 U.S.C. §306108), that may affect properties included in, or eligible for inclusion in, the National Register of Historic Places (NRHP); and

WHEREAS, the Corps recognizes that activities in furtherance of the implementation of these authorized purposes may constitute “undertakings” under Section 106 and, further, that some of those undertakings may have the potential to affect historic properties; and

WHEREAS, the Corps developed this Programmatic Agreement (PA) in accordance with 36 C.F.R. § 800.14(b)(2) to improve consistency, consultation, and accountability in fulfilling its responsibilities to comply with Section 106 for its undertakings related to the operation and maintenance of these Projects; and

WHEREAS, the PA was developed to provide a flexible, programmatic approach for implementing Section 106 of NHPA that will satisfactorily take into account the effects of Corps undertakings on historic properties, provide for appropriate tribal consultation and public participation, minimize redundant documentation, and reduce the need for case-by-case review of routine undertakings when historic properties will not be affected or when undertakings have predictable effects and have a very low likelihood of affecting historic properties; and

WHEREAS, the Corps has consulted with the Advisory Council on Historic Preservation (ACHP) and the State Historic Preservation Officer (SHPO) for the State of Indiana pursuant to Section 800.14(b) of 36 CFR 800, the regulations implementing Section 106 of the NHPA (54 U.S.C. §306108) as amended, and Section 110(f) of the same statute (54 U.S.C §306107); and

WHEREAS, the Corps invited the ACHP to participate in the development of this PA and the ACHP chose to participate pursuant to 36 C.F.R. § 800.14(b)(2); and

WHEREAS, in the development of this PA, the Corps has consulted other Federally-recognized Indian tribes with cultural affinity to historic properties in the vicinity of each Corps Project (see Appendix F), pursuant to 36 CFR § 800.2(c)(1) and 36 CFR 800.14(f); and

WHEREAS, the Corps has consulted with the Miami Tribe of Oklahoma, the Shawnee Tribe, the Osage Nation, the Delaware Nation, and the Pokagon Band of Potawatomi regarding the effects of the undertaking on historic properties and they have asked to sign this PA as Invited Signatories; and

WHEREAS, the Corps has consulted with the Match-E-Be-Nash-She-Wish Band of Potawatomi Indians, the Prairie Band of Potawatomi, and the Fond Du Lac Tribe of Lake Superior Chippewa regarding the effects of the undertaking on historic properties and have invited them to sign this PA as Concurring Parties; and

WHEREAS, the Corps has consulted other interested parties (see Appendix F) pursuant to 36 CFR 800.14(b)(2) and has invited the Indiana Department of Natural Resources (IDNR), which leases land from the Corps and manages recreation and wildlife areas at all five Corps Projects, to be a Concurring Party to this PA; and

WHEREAS, the Corps invited the following parties (see Appendix F) to whom the Corps has issued outgrants over Corps Projects in Indiana to participate in consultation: Indiana State Parks, Indiana Division of Fish and Wildlife, Hoosier Hills Marina, Patoka 4 Seasons Resort, Patoka Lake Regional Water and Sewer District, Ransburg Scout Reservation (Boy Scouts), Amy Weingartner Branigin Peninsular Preserve, Fourwinds Lakeside Inn and Marina, Lake Monroe Sailing Association, Treaty Line Pioneer Village, Inc., City of Bloomington Utilities, D&M Harbison Farms, and Parke County Emergency Management and Planning; and

WHEREAS, the Corps invited the following parties (see Appendix F) with an interest in the undertakings or historic properties to participate in consultation: Indiana Archaeology Council, Indiana Landmarks, Friends of Lake Monroe, Friends of Lieber State Recreation Area, U.S. Forest Service (Hoosier National Forest), Monroe County Board of Commissioners, Brown County Board of Commissioners, DuBois County Board of Commissioners, Owen County Board of Commissioners, Putnam County Board of Commissioners, Parke County Board of Commissioners, Parke County Historical Society, Heritage Preservation Society of Putnam County, Owen County Heritage Museum, Owen County Historical and Genealogical Society, Monroe County History Center, Brown County Historical Society, Inc., Brown County History

Center, DuBois County Museum, Inc., DuBois County Historical Society, Orange County Commissioners, Orange County Historic Museum, Orange County Historical Society, Crawford County Commissioners, Crawford County Historical and Genealogical Society, Franklin County Commissioners, Union County Board of Commissioners, Union County Historical Society, Franklin County Historical Society, and the Indiana Parks Alliance; and

WHEREAS, the Corps has provided the public with an opportunity to comment on this PA via the Corps' public website and social media sites; and

WHEREAS, this PA does not pertain to or affect undertakings subject to the Corps' regulatory responsibility under Section 10 of the Rivers and Harbors Act of 1899 and/or Section 404 of the Clean Water Act and the implementing regulations at 33 CFR Parts 320-332 (The Corps Regulatory Program); and

NOW THEREFORE, the Corps, the SHPO, and the ACHP agree that the Corps shall administer its activities which shall be implemented in accordance with the following stipulations in order to take into account the effect of the undertakings on historic properties.

STIPULATIONS

The Corps shall ensure that the following measures are carried out:

Definitions. The definitions found at 36 CFR § 800.16 apply throughout this PA except where another definition is provided in Appendix E.

I. Applicability

- A. The PA outlines a flexible, programmatic approach to implementing the Section 106 process of NHPA for undertaking that occur at the Projects. This PA outlines how the Corps will consult and report its findings and determinations of effect with the SHPO, Indian tribes, ACHP, and other consulting parties for undertakings that occur at the Projects. The PA contains a list of excluded activities that may occur at the Projects without additional consultation. It also outlines an agreed to flexible process of how Section 106 consultation under the NHPA will be carried out at the Projects. The flexible approach also includes alternative measures on how to mitigate effects to historic properties located at the Projects without the need for an agreement document.

II. Management of Historic Properties

- A. The Corps shall continue its management and preservation of historic properties at each of its Projects through implementation of Department of Defense (DoD) Instruction 4715.16 and Corps policy and guidance found in Engineering Regulation ER-1130-2-540 and Engineering Pamphlet EP-1130-2-540 which states that "the Corps of Engineers will manage federally owned, administered, or controlled historic properties in a spirit of stewardship for the inspiration and benefit of present and future generations." The Corps

will report any updates regarding these efforts in the annual report as outlined in Stipulation XVI. C.

III. Qualifications

- A. In order to administer its activities subject to Section 106 of the NHPA in accordance with this PA, and in order to conduct cultural resource investigations, the Corps shall use a professional archaeologist who meets the standards established for an archaeologist in the OPM X-118 professional (GS-0193) series or equivalent.

The Corps may also use a Federal, Tribal, or private consulting firm archaeologist whose qualifications meet the Secretary of Interior's Professional Standards set forth in the Federal Register at 48 Fed. Reg. 44716-01 (September 29, 1983), as amended.

These archaeologists would be making recommendations in application of the exclusions listed in Appendix A, completing identification and evaluation of historic properties, and in making recommendations of eligibility and effect. In undertakings involving built structures, the archaeologist will consult with an architectural historian/historic preservation planner as outlined in Stipulation III.D. The Corps shall review any recommendations of exclusions and/or National Register eligibility recommendation(s) and make its own determination of effect resulting from the performance of the activities prior to submitting such determinations to the SHPO and/or Indian tribes for review.

- B. The following lists the responsibilities and required qualifications for those individuals responsible for implementing this PA.
1. Agency Official. As specified in 36 CFR 800.2(a), the Agency Official shall be the Louisville District Commander. The District Commander has approval authority for proposed undertakings and can commit the Federal agency to take appropriate action for a specific undertaking as a result of Section 106 compliance under this PA. The District Commander may delegate the authority to make these commitments to another member of their staff at the District Commander's discretion.
 2. Professional Archaeologist. A Professional Archaeologist is an archaeologist who meets the professional standards established for an archaeologist in the OPM X-118 professional (GS-0193) series or equivalent, or the Secretary of the Interior's Standards and Guidelines for Professional Qualifications (48 FR 44738-44739). The Professional Archaeologist has the following responsibilities under this PA:
 - A. Determining which undertakings qualify as exclusions as specified in Stipulation VI.A.1 and 2 of this PA;
 - B. Determining the Area of Potential Effects (APE) as specified in Stipulation VII.D. of this PA;
 - C. Determining the appropriate level of identification required as specified in Stipulation VII.D of this PA;

- D. Making the determinations of eligibility as specified in Stipulation VII.F. of this PA;
 - E. Making determinations of effect as specified in Stipulation VII.G. of this PA;
 - F. Determining appropriate resolutions of adverse effects as specified in Stipulation VII.H. of this PA;
 - G. Preparing, reviewing, and submitting for review cultural resources inventory documents as specified in Stipulation XVI.E. of this PA;
3. Professional Archaeologist Hierarchy
- a. If the Corps has a Professional Archaeologist on staff, then they shall perform the duties in Stipulation III.B.2. A Professional Archaeologist may, at their discretion, choose to delegate these duties to another Professional Archaeologist within the Louisville District.
 - b. In the event the Corps does not have a Professional Archaeologist employed within the Louisville District, the Corps shall consult a Professional Archaeologist from another Corps district to perform the duties in Stipulation III.B.2 or, if no archaeologists are available contract for the services of a Professional Archaeologist, who meets the professional standards of the Secretary's Standards and Guidelines for Professional Qualifications upon consultation with the Indian tribes.
4. For guidance on undertakings involving built environment resources where questions of eligibility, effect, and treatment require specialized knowledge, the Professional Archaeologist may at their discretion consult with an Architectural Historian/Historic Preservation Planner from another Corps district who meets the professional standards of the Secretary's Standards and Guidelines for Professional Qualifications (48 FR 44738-44739) to perform this task, consult with the Corps' Technical Center for Expertise for Historic Structures and Buildings (TCX), or in the event that other Corps district personnel or staff at the TCX are not available, the Corps may contract a professional consultant who meets the professional standards of the Secretary's Standards and Guidelines for Professional Qualifications (48 FR 44738-44739).

IV. Tribal Consultation

- A. The Corps shall, in accordance with Section 101(d)(6)(A) (54 U.S.C. § 302706(b)) of the NHPA, consult with Indian tribes that may attach traditional religious and cultural significance to historic properties that may be affected by Corps undertakings at each Project. The Corps shall follow the principles of the Memorandum for Commanders, USACE Tribal Consultation Policy dated November 1, 2012, and the *U.S. Department of Defense American Indian and Alaska Native Policy* to guide its tribal consultation procedures and relationships. The Corps recognizes the unique government relationship it

has with Indian tribes. The PA outlines the process the Corps will use to consult with Indian tribes at the Projects.

- B. The Corps shall be sensitive to the concerns of Indian tribes and rights regarding confidentiality and privacy and shall protect sensitive information to the fullest extent permitted by law, using applicable provisions and exemptions of Section 304 (54 U.S.C. §307103) of NHPA, Section 9 of the Archaeological Resources Protection Act of 1979 (ARPA) and Section (b) of the Freedom of Information Act.
- C. Indian tribes will be notified of excluded activities in a report as outlined under Stipulation XVI.B. If an Indian tribe or tribes notify the Corps as outlined under Stipulation VI.4 they have determined that an excluded activity or an undertaking would adversely affect cultural resources or those of religious and cultural significance to Indian tribes, and that concern or objection cannot be resolved either using the process outlined in the PA or upon further discussion between that Indian tribe or tribes and the Corps, the Corps will follow the regulations for consultation in 36 CFR 800.5, even if that excluded activity or undertaking would otherwise have resulted in a determination of “no historic properties affected” under Stipulation VII.G.3. or an exclusion pursuant to Stipulation VI.
- D. The Corps in accordance with 36 CFR § 800.4 (c)(1) acknowledges that Indian tribes possess special expertise to contribute to the identification and/or evaluation of a potentially eligible cultural resource for listing on the NRHP. These types of cultural resources may possess religious, spiritual and/or cultural significance which only a trained Tribal representative can identify. While evaluating a potentially eligible cultural resource, the Corps shall make a reasonable and good faith effort to consult with all Tribes possessing ancestral ties to the area through the reporting procedures outlined in Stipulation XVI. A. and B. Results of this consultation may be excluded from inventory reports or reports may include only summaries citing confidentiality provisions (e.g., Freedom of Information Act (FOIA) (5 U.S.C. 552, as amended by Public Law No. 104-231. 110 Stat. 3048. Section 9 of ARPA (16 U.S.C. 470hh), Section 304 of the NHPA (54 U.S.C. 307103), and Executive Order 13007; see Stipulation VII – Confidentiality).

V. Public Involvement

For undertakings/activities reviewed pursuant to this PA, the Corps shall use its procedures for public involvement under the National Environmental Policy Act (NEPA) to solicit information and concerns about historic properties from members of the public in a manner that reflects the nature and complexity of each undertaking, its potential effect on historic properties and the likely interest of the public of the effects on historic properties. A copy of the Scoping Letter and List of Exclusions outlined in Stipulation XVI. Will be posted to the Corps website for a 45-calendar day comment period at the beginning of the calendar year

VI. Undertakings Excluded from Further Review

- A. Undertakings Excluded from Review. The Corps has determined that certain classes of actions or treatments have predictable effects with little potential to affect historic properties or will result in no adverse effect when done with proper conditions and are excluded from further review or consultation under Section 106, pursuant to the terms of this PA.
1. Those categories of undertakings listed in Appendix A are excluded from further review or consultation. These include categories of undertakings for which no historic properties are present, or for which the Signatories agree the potential effects on historic properties are foreseeable and will have no affect to historic properties or are likely to be minimal. The Corps may revise or update Appendix A as needed upon mutual written agreement of all Signatories. Individual Signatories may also request revisions to Appendix A upon mutual agreement of all Signatories. This will also include consultation with Indian tribes listed in Appendix F for any proposed revisions or additions to the list of exclusions. Any revision or update to Appendix A will follow the amendment process for revising appendixes in the PA as outlined in Stipulation XVII.
 2. The Professional Archaeologist as defined in Stipulation III.B.2 or Architectural Historian/Historic Preservation Planner meeting the requirements in III.B.4. shall conduct a review of each excluded activity prior to implementation to determine if the proposed undertaking meets the criteria outlined in Appendix A. If the Professional Archaeologist or Architectural Historian/Historic Preservation Planner finds the undertaking meets the criteria, then the Corps is not required to consult with SHPO, Indian tribes, ACHP, or other parties regarding the undertaking.
 3. The Corps, at its discretion, may elect to consult on an otherwise excluded undertaking.
 4. The Corps will provide documentation electronically of the use of exclusions to the SHPO, Indian tribes, and the ACHP via an annual scoping letter and report as specified in Stipulation XVI.A and B. If the SHPO or Indian tribe identify an activity that was excluded using one of the exemptions from Appendix A, the SHPO and Indian Tribes will have 45 calendar days upon receipt of the Scoping Letter or Exclusions Report to either offer comments or consult on the exempted activity for the upcoming calendar year.

VII. Consultation Procedures

- A. For undertakings not excluded from review pursuant to Stipulation VI.A, the Corps shall complete the following steps. Where appropriate, and in accordance with 36 CFR 800.2(c), these steps will be carried out in consultation with the SHPO, Indian tribes, and other consulting parties.

- B. Project Planning and Decisions. The Corps will ensure that Section 106 consultation is completed prior to making a final decision to proceed with a proposed undertaking. To the maximum extent possible, Section 106 consultation will be completed at the earliest stage of planning or decision-making and include consideration of design options as appropriate based on the project scope.
- C. Type of Activity that could Affect Historic Properties: The Corps shall make the determination, under 36 CFR 800.3(a)(1), if the undertaking is the type of activity that could affect historic properties. If the Corps makes this determination that the activity is the type that will not affect historic properties, this determination will be documented in the reporting requirements as specified in Stipulation XVI.A and C and the undertaking can proceed.
- D. Determination of APE. After receiving the Scoping Letter at the start of the calendar year as outlined in the reporting requirements specified in Stipulation XVI. A., the SHPO, Indian tribes, and consulting parties will have the opportunity to comment on the APE for those individual undertakings listed in the Scoping Letter. If the SHPO, Indian tribes, or consulting parties have any comments regarding the APE for an individual undertaking listed in the Scoping Letter, the Corps shall take those comments into consideration. The SHPO and Indian Tribes will have 45 calendar days upon receipt of the Scoping Letter to offer comments regarding the APE for those individual undertakings for the upcoming calendar year. Consulting parties will have 45-calendar days from when the Scoping Letter is posted to the Corps website to offer comments regarding the APE for individual undertakings. The Corps shall consider the direct, indirect, and cumulative effects that an undertaking may have on historic properties in the APE. The Corps will consider the potential effects an undertaking may have on historic properties located on federal and non-federal land, taking into consideration the scale and nature of the undertaking, the extent of federal involvement, the nature and extent of potential effects on historic properties, and the likely nature and location of historic properties within the APE.
- E. Determination of Appropriate Level of Identification
1. When the Corps proposes to perform an inventory or survey of the entire APE using the Indiana Division of Historic Preservation and Archaeology standards for conducting archaeological and architectural surveys in the state of Indiana as outlined in Appendix B, no consultation with the SHPO or Indian tribes regarding the level or extent of the inventory will be required. SHPO and Indian tribes will still be given the opportunity to comment on the APE as outlined in Stipulation VII. D.
 2. Based on existing inventory information, the Professional Archaeologist or Architectural Historian/Historic Preservation Planner may determine that further inventory will not be necessary for the APE if a survey covers the entire APE and if the fieldwork and report are consistent with current professional standards. Inventories more than ten years old will be reexamined and considered for resurvey if

they do not reflect current standards and knowledge levels. The Corps will provide references to prior inventories, previously recorded archaeological sites and built structures, and their current NRHP evaluations, and will document a decision not to conduct further inventory in the Section 106 documentation provided to the SHPO and Indian tribes as specified in Stipulation XVI. C.

3. In the event that the Corps proposes to perform a survey of only portions of the APE (sample inventory), the SHPO and Indian tribes will be given an opportunity to comment on the proposed level, extent, and design of the sample inventory, subject to a 30-day review period.
4. The Professional Archaeologist or the Architectural Historian/Historic Preservation Planner shall ensure that all identification activities and inventory reports reasonably conform to the Secretary of the Interior's Standards and Guidelines for Archaeology and Historic Preservation (48 FR 44720-44723). Where the Corps deems appropriate and feasible, the Corps will attempt to conform to SHPO standards in addition to the Secretary's Standards and Guidelines.

F. Determination of Eligibility

1. Individual archaeological sites and built structures. The Corps shall ensure that archaeological sites and built structures identified in the APE are evaluated for eligibility for inclusion in the NRHP as stipulated in 36 CFR 800.4(c) by applying the National Register criteria found in 36 CFR 60.4. Historic properties are any prehistoric or historic districts, sites, buildings, structures, or objects that are eligible for or already listed to the NRHP. *All archaeological sites and built structures for which the Corps has not made a determination of eligibility will be treated as eligible for management purposes until such time that consultation has been completed with the SHPO and Indian tribes.* Built structures that were previously determined not eligible because they were younger than 50 years at the time of determination will be reevaluated for eligibility if/when they reach 50 years of age.
2. If archaeological sites and/or built structures that have been previously coordinated with the SHPO and Indian tribes to be not eligible for inclusion in the NRHP, the Corps may proceed with the undertaking. The documentation and reference to these previous concurrences will be included in the reporting according to Stipulation XVI.C.
3. If archaeological sites and/or built structures that are not eligible for inclusion in the NRHP but have not been previously reported to the SHPO and Indian tribes, the Corps will provide the SHPO and Indian tribes the opportunity to review the determination of eligibility and associated documentation for these not eligible archaeological sites and built structures.

- a. For undertakings in which only archaeological sites or built structures are present but determined by the Corps to be not eligible, the Corps shall provide the necessary inventory documentation and written justification of why each archaeological site and built structure does not meet the criteria for NRHP eligibility defined in 36 CFR 60.4 to the SHPO and Indian tribes. The SHPO and Indian tribes shall have 30 calendar days from receipt to review and comment on the determination of eligibility.
 - b. If the SHPO and the Indian tribes fail to respond within these specified review periods, the Corps eligibility determination will stand.
4. If the Corps and a Indian tribe(s) and the SHPO cannot agree on any determination of eligibility, the parties will follow regulations in 36 CFR 800.4(c)(2) to resolve the disagreement.

G. Determination of Effect

1. No Archaeological Sites or Built Structures Present: When the appropriate level of inventory is completed for the APE pursuant to Stipulation VII.E.1. and no archaeological sites or built structures are present within the APE, then the Corps may proceed with the undertaking pursuant to Stipulation VII.E.2 of this PA. Documentation regarding the results of the inventory will be provided pursuant to Stipulation XVI.C.
2. No Historic Properties Affected: When the appropriate level of inventory is completed for the APE pursuant to Stipulation VII.E.1. and the Corps has made a determination of “no historic properties affected” within the APE, the Corps will supply the documentation supporting the determination of no historic properties affected outlined in Stipulation VII.F.3. to the SHPO and Indian tribes for their review and comment. If the SHPO and Indian tribes concur with determination of no historic properties affected, the Corps may proceed with the undertaking pursuant to Stipulation VII.G.2. of this PA. If the SHPO or Indian tribes fail to respond within the review period specified in Stipulation VII.F.3, the Corps may proceed with the undertaking pursuant to Stipulation VII.G.2. of this PA. If the SHPO or Indian tribe(s) object under Stipulation VII.F.4., and the objection cannot be resolved, the parties will follow regulations in 36 CFR 800.4(c)(2) to resolve the disagreement.
3. No Adverse Effect to Historic Properties: When historic properties or unevaluated archaeological sites or built structures are present in the APE, and the Corps determines that the undertaking will not have an adverse effect on historic properties or unevaluated archaeological sites or built structures, the Corps shall document a finding of “no adverse effect to historic properties,” and the undertaking may

proceed. The Corps will provide inventory documentation in support of the no adverse effect determination to the SHPO and Indian tribes specified in Stipulation XVI.C. Copies of the inventory reports will also be made available for inspection by the public consistent with the provisions of Section 304 (54 U.S.C. 307103) of NHPA, Section 9 of ARPA, ER-1105-2-100 Appendix C, and the Secretary of the Interior's Standards for Archaeological Documentation. If the SHPO or Indian tribe(s) object under Stipulation VII.G.3., and the objection cannot be resolved, the parties will follow regulations in 36 CFR 800.5(c)(2) to resolve the disagreement.

4. Adverse Effect to Historic Properties. If the Corps applies the criteria of adverse effect found in 36 CFR 800.5(a) and determines that the project will result in an adverse effect to historic properties, the Corps shall document this finding and notify the SHPO, Indian tribes, consulting parties, and interested public pursuant to 36 CFR 800.6(a). The Corps shall continue to consult with the SHPO, Indian tribes, and consulting parties to develop and evaluate alternatives or modifications that could avoid, minimize, or mitigate adverse effects. The Corps shall submit the inventory documentation to the SHPO and Indian tribes. The Corps shall notify the ACHP and consulting parties of their adverse effect determinations and shall invite their comments and participation. The Corps shall proceed with the resolution of adverse effect procedures in VII.H. If the Corps and the SHPO and/or an Indian tribe(s) cannot agree on any determination of eligibility, the parties will follow regulations in 36 CFR 800.4(c)(2) to resolve the disagreement.
5. Notwithstanding the provisions in Stipulations VII.G.1, VII.G.2, and VII.G.3, the Corps shall submit inventory reports to the SHPO and Indian tribes for the Section 106 review process as defined in 36 CFR 800 Subpart B, prior to proceeding with the undertaking where:
 - a. The Corps chooses to consult using the standard review process as defined in 36 CFR 800 Subpart B
 - b. A substantial public concern exists about effects of the undertaking on historic properties such that the expedited review process in the PA cannot ensure that those concerns will be adequately considered,
 - c. A disagreement exists with an Indian tribe(s) concerning undertakings on or near a historic property or a property of traditional cultural or religious significance to the Indian tribe, or
 - d. The SHPO or the ACHP requests that the Corps consult using the standard review process as defined in 36 CFR 800 Subpart B based on a substantial concern that historic properties may be adversely affected.

6. The Corps will suspend any undertaking that does not conform to the conditions of this PA or was started without coordination with either the Professional Archaeologist or the Architectural Historic/Historic Preservation Planner. The Corps will then consult as needed with the SHPO, Indian tribes, the ACHP, and other consulting parties if applicable to bring the undertaking into conformance.
- H. Resolving Adverse Effect. Upon consultation with the SHPO, Indian Tribe(s), and other consulting parties, the Corps shall resolve adverse effects through the process outlined below, without an agreement document or with an agreement document.
1. Upon consultation with the SHPO, Indian tribe(s), or other consulting parties that want to participate in the resolution of adverse effects, the Corps will follow a streamlined process and resolve adverse effects without an agreement document and will select one of the options listed below:
 - a. Data Recovery Plans. When the Corps proposes to resolve adverse effects through data recovery, the Corps will prepare a data recovery plan. This plan most often involves archaeological sites eligible under Criterion D only, as defined in 36 CFR 60.4, but could include built structures eligible under Criterion D and other criteria. The Corps shall submit the data recovery plan to the SHPO and Indian tribes for review and comment. If the SHPO or Indian tribes do not respond within 30 days, the Corps may proceed with the plan without concurrence. Comments submitted by the SHPO and Indian tribes shall be taken into consideration by the Corps and the data recovery plan revised. The Corps will consult with the SHPO and Indian tribes to resolve any outstanding comments prior to implementation of the data recovery plan.
 - i. Preliminary reports will be provided to the SHPO and Indian tribes within the time frame specified in the data recovery plan. The SHPO and Indian tribes will provide comments within 30 days or another agreed upon time frame. Comments submitted by the SHPO and Indian tribes shall be taken into consideration by the Corps and the preliminary report will be revised. If the SHPO and Indian tribes do not respond within the agreed upon time-frame, the Corps may proceed without concurrence.
 - ii. Final data recovery reports will be submitted to the SHPO and Indian tribes within the time frame specified in the data recovery plan. If the SHPO and Indian tribes do not intend to provide comments, the SHPO and Indian tribes will have 15 business days to notify the Corps upon making this decision. If the SHPO and Indian tribes have concerns regarding the report, the SHPO and Indian tribes will provide comments to the Corps within 30 days or an agreed upon time frame. The Corps

will respond to these comments in writing and revise the report if necessary.

- b. Other Mitigation Plans. If data recovery is not the only mitigation measure or is not the most appropriate mitigation measure the Corps will prepare, or cause to be prepared, a mitigation plan. The Corps will discuss mitigation measures with the SHPO, Indian tribes, and other consulting parties who are participating prior to preparation of the plan, especially when the affected properties are eligible under Criterion C as defined in 36 CFR 60.4.

The Corps will submit the mitigation plan to the SHPO and Indian tribes for review and comment. If the SHPO or Indian tribes do not respond within 30 days, Corps may proceed without concurrence with the proposed mitigation plan. The Corps will respond to the SHPO and Indian tribes comments in writing prior to implementation of the plan.

Mitigation plans may include but are not limited to the following:

- i. Historic American Buildings Survey/Historic American Engineering Record/Historic American Landscape Survey (HABS/HAER/HALS). Typically HABS/HAER documentation will be prepared for buildings and structures eligible under Criterion C or Criteria A and C as defined in 36 CFR 60.4.
- ii. Preservation, Rehabilitation, Restoration or Reconstruction. Mitigation plans involving preservation (including stabilization), rehabilitation, restoration, or reconstruction will follow the Secretary of Interior's standards and guidance found at <http://www.nps.gov/history/tps/>.
- iii. Archival Research. Mitigation may involve researching the history of the historic property and/or the region and its people to address research themes. This may include primary research at sources including national, state, or local archives, university collections, museum collections, HABS/HAER documentation, census data, real estate records, local newspapers, family histories, land deeds, photos, and maps.
- iv. Oral Histories. Oral histories should follow the guidance found in the Handbook for Oral History-NPS, 2004 by Janet A. McDowell (31 pages): <http://www.cr.nps.gov/history/oh/oralh1.htm>; and Oral History Association: Principles and Best Practices, 2009: <http://www.oralhistory.org/about/principles-and-practices/>.

- v. Ethnography. Mitigation plans involving ethnography should follow the guidance found in NPS Essential Competencies for an Ethnography; American Anthropological Association's statement on Ethnography: <http://www.aaanet.org/stmts/irb.htm>; NPS NRHP Bulletin 38-TCPs, Appendix II, Professional Qualifications for Ethnography: <http://www.nps.gov/nr/publications/bulletins/nrb38/nrb38%20apendix%202.htm>.
 - vi. Mitigation may involve workforce training and education on cultural sensitivity, preparation of reports, papers, brochures, articles, books or booklets, web-based digital and video materials written for the general public in jargon-free language and include professional quality photographs and/or drawings as appropriate; preparation of a curriculum for use in schools; a public interest story to be posted on the Corps' web site, press release, news article, and exhibits, including formal displays, posters, wayside exhibits, etc.
 - a. Preliminary reports will be provided to the SHPO and Indian tribes within the time frame specified in the mitigation plan. Comments submitted by the SHPO and Indian tribes shall be taken into consideration by the Corps and the preliminary report will be revised, if necessary. If the SHPO or Indian tribes do not respond within the agreed upon time-frame, the Corps may proceed without concurrence from the SHPO and Indian tribes.
 - b. Final reports will be submitted to the SHPO and Indian tribes within the time frame specified in the mitigation plan. If the SHPO or Indian tribes do not intend to provide comments, the SHPO and Indian tribes will notify the Corps within 15 business days upon making this decision. If the SHPO or Indian tribes have concerns regarding the report, the SHPO and Indian tribes will provide comments to the Corps. The Corps will respond to these comments in writing and revise the final report if necessary
2. If the SHPO, Indian tribe(s), or any other consulting party requests to enter into an agreement document to address adverse effects to historic properties rather than follow the alternative outlined in Stipulation VII.H.1., the Corps will follow the process outlined in 36 CFR 800.6 and will prepare an agreement document. The Corps will continue consultation with SHPO, Indian tribes, consulting parties, interested public, and would invite the ACHP to participate, to develop an agreement document.

- I. Standard Treatment and Protocols. The Corps, in consultation with the SHPO and Indian tribes, may develop standard treatments, mitigation measures, and/or protocols for certain classes of undertakings where effects on historic properties or those of religious and cultural significance to Indian tribes, are similar and repetitive. In such treatment protocols, the Corps shall consult with other consulting parties that have a demonstrated interest in the class of historic properties. Upon mutual written agreement by the Signatories, such standard treatments shall be appended to this PA through the amendment process outlined in Stipulation XVII. and may be followed in lieu of standard case-by-case consultation for the specified class of undertakings or historic properties.
- J. The Corps shall afford the SHPO and Indian tribes, interested organizations, and the general public, as appropriate, the opportunity to provide input during development of Environmental Assessment (EA) and Environmental Impact Statement (EIS) documents prepared under NEPA.

VIII. Emergency Undertakings

- A. Declared Emergencies or Disaster. The Corps will follow the procedures in 36 C.F.R. § 800.12(b)(2) when responding to an emergency or disaster. In the event implementation of the emergency response undertaking exceeds thirty (30) calendar days following the formal disaster or emergency declaration, and the Corps determines it is necessary to extend the expedited review period, the Corps will notify all signatories and concurring parties in writing and continue the emergency response undertaking without further consultation. Immediate rescue and salvage operations to preserve life or property are exempt from Section 106 pursuant to 36 C.F.R. § 800.12(d).
- B. Critical Infrastructure Emergencies. In the event components and systems integral to the operating function of the system, including but not limited to dams, reservoirs, and other critical flood risk management infrastructure malfunction or fail (e.g., waterline break), or are at risk of imminent malfunction or failure, and when delay in action (including, but not limited, to repair, replacement, or installation of temporary features) would result in immediate risk to life and/or property, the Corps, within its sole discretion, may take immediate action(s), using the minimal amount of work, as determined by the Corps, to mitigate the risk posed by the critical infrastructure emergency. The Corps will notify the SHPO, Indian tribes, and other interested parties as soon as possible after becoming aware of the critical infrastructure emergency. Notification will be by phone and email. SHPO, Indian Tribes, and interested parties will have seven (7) calendar days to comment; however, the Corps is not precluded from taking immediate action(s) to mitigate the risk posed by the critical infrastructure emergency during this comment period. The Corps will provide documentation of the critical infrastructure emergency and the corrective actions taken for the emergency within thirty (30) calendar days of project completion. Additional repairs to address the failure that are not deemed “critical”

by the Corps will follow the review processes outlined in Stipulations VI and VII, as appropriate.

IX. Discovery of Human Remains

If human remains are found during Project activities, the procedures outlined in Appendix C regarding the unanticipated discovery of human remains will be followed.

X. Post-Review Discoveries

The Corps shall follow the procedures in Appendix D for post-review discoveries if historic properties are discovered or if unanticipated effects on historic properties are found after the Corps has completed Section 106 consultation for the undertaking.

XI. Data Sharing

- A. The Corps will maintain spatial and tabular site and survey data in its internal database and GIS systems. These data shall be protected as indicated in Stipulation XII.C.
- B. Data Gathered at Projects. The Corps will ensure that inventory reports and relevant associated documentation from undertakings occurring on all other Projects are transmitted to the SHPO for inclusion in the State's cultural resources database. Indian tribes may determine how confidential information provided by the tribe may or may not be shared.
- C. The Corps and SHPO will ensure that site locations and other confidential information are protected and made available only to qualified persons in accordance with state and federal guidelines, including Section 304 (54 U.S.C. §307103) of NHPA and Section 9 of ARPA. Indian tribes may determine how confidential information provided by the tribe may or may not be shared.

XII. Indiana State Permit

Indiana Code 14-21-1-16 states that a state permit is required to either conduct a field investigation or to alter a historic property within the boundaries of property owned or leased by the state. Indiana Code 14-21-1-18 requires that a project funded by the state which would alter, demolish or remove a historic site or historic structure owned by the state or listed in the state or national register obtain a certificate of approval.

Typically, excluded activities listed in Appendix A would not cause an alteration to a historic property pursuant to Indiana Code 14-21-1-16 or Indiana Code 14-21-1-18. Undertakings that do not fall under those excluded activities listed in Appendix A will follow the procedures outlined in Stipulation VII. in this PA as well as Indiana Code 14-21-1. In all cases, IDNR property staff shall follow procedures for review established by the Corps and

follow the procedures for review outline by IDNR central office. Professional archaeologists must obtain required permits pursuant to ARPA and Indiana Code 14-21-1-16

XIII. Duration

This PA will expire after a period of five (5) years from the date of its execution and can be extended an additional five (5) years by agreement of all Signatories through an amendment of the PA. At any time, the Corps may consult with other Signatories to reconsider the terms of the PA and amend it in accordance with Stipulation XVII. below.

XIV. Dispute Resolution

Should any signatory or concurring party to this PA object at any time to any actions proposed or the manner in which the terms of this PA are implemented the Corps will consult with the objecting party to resolve the objection. If the Corps or the objecting party determines that the objections cannot be resolved, the Corps will forward all relevant documentation to the ACHP in accordance with 36 CFR Section 800.2(b)(2).

- A. Upon receipt of adequate documentation, the ACHP shall review and advise the Corps on the resolution of the objection within 30 days. All comments provided by the ACHP and the Signatory parties to the PA will be taken into account by the Corps in reaching a final decision regarding the dispute.
- B. If the ACHP does not provide comments regarding the dispute within 30 days after receipt of adequate documentation, the Corps may render a decision regarding the dispute. In reaching its decision, the Corps will take into account all comments regarding the dispute from the parties to the PA.
- C. The Corps' responsibility to carry out all other actions subject to the terms of this PA that are not the subject of the dispute will remain unchanged. The Corps will notify all parties of its decision in writing before implementing that portion of the undertaking subject to dispute under this stipulation. The Corps' decision will be final.

XV. Reporting

- A. Scoping Letter. The Corps will send a scoping letter on projected upcoming undertakings for each Project to the SHPO and Indian tribes. To the extent possible, this scoping letter will be sent out annually no later than January 1. A copy of the scoping letter will also be posted to the Corps website for a 45-calendar day comment period at the start of the calendar year to allow consulting parties an opportunity to comment. The scoping letter will describe projected upcoming undertakings and seek comment. The Corps will take into account any SHPO and Indian tribe comments received. The scoping letter will also include a list of proposed excluded undertakings listed in Appendix A. The scoping letter

will be in the form of a table that provides, at a minimum, who is proposing the undertaking, a brief summary of the proposed undertaking, information on where the undertaking is located, if the undertaking can be excluded under one of the exemptions provided in Appendix A, and approximately when the undertaking is scheduled to occur. This scoping letter will also contain a map showing the locations for each of the future undertakings. The location maps will be detailed enough to clearly identify the location of the undertaking in terms of identified roads and rivers. Also included with the scoping letters will be both a Geographic Information System (GIS) shapefile and Keyhole Markup language Zipped (kmz) file that contains the locations for all the undertakings discussed in the scoping letter. If an undertaking is proposed that was not listed in the annual scoping letter, that undertaking and associated documentation will be included in the report outlined in Stipulation XVI.C.

- B. Exclusions. The Corps will submit a report of excluded undertakings to the SHPO, Indian tribes, and ACHP on an annual basis no later than January 1. The report will be in the form of a table that provides, at a minimum, a thorough summary of the undertaking, information on where the undertaking occurred, and what exclusion the Corps applied from Appendix A of this PA. The exclusions report will also include those excluded undertakings that were not listed in the scoping letter outlined in Stipulation XVI.A. A copy of the exclusions report will also be posted to the Corps website for a 45-calendar day comment period at the start of the calendar year.
- C. Findings of Not the Type of Activity that could Affect Historic Properties (Stipulation VII.E.C.), No Archaeological Sites or Built Structures Present (Stipulation VII.G.1), No Historic Properties Present (Stipulation VII.G.2), No Adverse Effect to Historic Properties (Stipulation VII.G.3), and any updates the management and preservation of historic properties at the Projects (Stipulation II.). The Corps will submit a report of all undertakings for which the Corps made a determination of “finding of not the type of activity that could affect historic properties”, “no archaeological sites or built structures present”, “no historic properties present”, or “no adverse effect to historic properties” to the SHPO, Indian tribes, and ACHP on an annual basis no later than September 30 of each year. The report will include, at a minimum, a summary of the undertaking, information on where the undertaking occurred, copies of any reporting that support these determinations, and references to the inventory documentation that was used to make the determinations. The report will also include those undertakings that were not originally listed in the scoping letter outlined in Stipulation XVI.A.
- D. The reports for exclusions and findings of “finding of not the type of activity that could affect historic properties”, “no archaeological sites or built structures present”, “no historic properties present”, or “no adverse effect to historic properties” shall include any

scheduling changes proposed, any problems encountered, any disputes and objections received in the Corps' efforts to carry out the terms of this PA, and a summary of how those disputes were resolved.

E. Cultural Resources Inventory Documentation

1. Undertakings in an APE where no archaeological sites or built structures were identified during inventory documentation - the Corps will submit electronically to the SHPO and Indian tribes a copy of any negative findings inventory report and maps, as appropriate, on an annual basis no later than January 1 of each year. Electronic submission to state databases, as appropriate, will occur upon finalizing the report.
2. Undertakings Resulting in a Determination of No Historic Properties Present or No Adverse Effect to Historic Properties - the Corps will submit electronically to the SHPO and Indian tribes a copy of any cultural resources inventory report, along with associated cultural resources documentation including resource recording forms and maps, as appropriate, as outlined in Stipulation VII.F.3. Electronic submission to state databases, as appropriate, will occur upon finalizing the report.
3. Undertakings Requiring Standard Review Process-In the case of undertakings that require the use of the standard review process as specified in Stipulations VII.F.3., VII.G.5, and VII.G.6, the Corps shall submit the inventory documentation at the time of consultation with the SHPO and Indian tribes. All inventory documents will be approved by a Professional Archaeologist or Architectural Historian/Historic Preservation Planner before use in making eligibility and effect determinations.

XVI. Amendments

This PA may be amended when such an amendment is agreed to in writing by all signatories. All proposed amendments will be sent to all consulting parties to review for thirty (30) calendar days. If needed, the signatories may meet to discuss the proposed amendment and any comments received. The amendment will be effective on the date a copy signed by all signatories is filed with the ACHP.

If the Corps determines an amendment to an Appendix is needed, or if another signatory or concurring party requests an amendment to an Appendix, the Corps shall notify all signatories of the intent to modify the Appendix. If the Corps determines the amendment necessary, they will provide a draft of the updated Appendix to all signatories and concurring parties. If no objections are received within thirty (30) calendar days of the proposed amendment, the Corps shall date the amended Appendix and provide a copy to all signatories and concurring parties.

XVII. Availability of Funds

The Signatories to this PA recognize that the Corps must operate in accordance with authorized project purposes and funding limitations. All actions taken by the Corps in accordance with this PA are subject to the availability of funds, and nothing in this PA shall be interpreted as constituting a violation of the Anti-Deficiency Act. Similarly, all actions taken by the SHPO in accordance with this PA are subject to the availability of funds appropriated by the State legislature.

XVIII. Termination

Any Signatory to this PA may terminate it by providing ninety (90) days written notice to the other parties, provided that the parties will consult during the period prior to termination to seek agreement on amendments or other actions that would avoid termination. Termination of this PA, or failure to abide by its terms shall require the Corps to comply with 36 CFR 800 with respect to undertakings that otherwise would be reviewed under this agreement. If the PA is terminated, any undertakings already underway that are covered by the terms of the PA will be completed under the terms of the PA. Any proposed undertakings that occur after the termination of the PA will follow the Section 106 consultation process as defined in 36 CFR 800 Subpart B.

XIX. Severability

In the event any provision of this PA shall be deemed contrary to or in violation of any applicable existing law of the State of Indiana or the United States of America, only the conflicting provision shall be deemed null and void, and the remaining provisions of this PA shall remain in effect.

XX. Execution

Execution of this PA by the Corps, the SHPO, and the ACHP, and implementation of its terms, evidences that the Corps has taken into account the effects of the undertakings to which this PA applies on historic properties and afforded the ACHP an opportunity to comment.

XXI. Implementation

This agreement was signed in multiple counterparts, each of which is an identical copy, and each of which is considered an original. This PA becomes effective on the date of the last signature and will be implemented immediately.

**PROGRAMMATIC AGREEMENT
AMONG
THE U.S. ARMY CORPS OF ENGINEERS, LOUISVILLE DISTRICT;
THE INDIANA STATE HISTORIC PRESERVATION OFFICER;
AND
THE ADVISORY COUNCIL ON HISTORIC PRESERVATION
REGARDING
ROUTINE OPERATIONS AND MAINTENANCE UNDERTAKINGS THAT HAVE THE
POTENTIAL TO AFFECT HISTORIC PROPERTIES AT FLOOD CONTROL
PROJECTS**

Signed by hand written signature or electronically:

**SIGNATORY: UNITED STATES
DEPARTMENT OF THE ARMY, UNITED
STATES ARMY ENGINEER DISTRICT,
LOUISVILLE**

BY: _____

Eric D. Crispino
Colonel, U.S. Army
District Commander

DATE IF SIGNED BY HAND WRITTEN SIGNATURE:
_____, 2022

**PROGRAMMATIC AGREEMENT
AMONG
THE U.S. ARMY CORPS OF ENGINEERS, LOUISVILLE DISTRICT;
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AND
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ROUTINE OPERATIONS AND MAINTENANCE UNDERTAKINGS THAT HAVE THE
POTENTIAL TO AFFECT HISTORIC PROPERTIES AT FLOOD CONTROL
PROJECTS**

Signed by hand written signature or electronically:

**SIGNATORY: INDIANA STATE HISTORIC
PRESERVATION OFFICER**

BY: _____

Beth K. McCord,
Deputy Indiana State Historic Preservation Officer

DATE IF SIGNED BY HAND WRITTEN SIGNATURE:
_____, 2022

**PROGRAMMATIC AGREEMENT
AMONG
THE U.S. ARMY CORPS OF ENGINEERS, LOUISVILLE DISTRICT;
THE INDIANA STATE HISTORIC PRESERVATION OFFICER;
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POTENTIAL TO AFFECT HISTORIC PROPERTIES AT FLOOD CONTROL
PROJECTS**

Signed by hand written signature or electronically:

**SIGNATORY: ADVISORY COUNCIL ON
HISTORIC PRESERVATION**

BY: _____

Jordan E. Tannenbaum,
Vice Charmin

DATE IF SIGNED BY HAND WRITTEN SIGNATURE:
_____, 2022

SIGNATURE PAGE

PROGRAMMATIC AGREEMENT

AMONG

THE U.S. ARMY CORPS OF ENGINEERS, LOUISVILLE DISTRICT;

THE INDIANA STATE HISTORIC PRESERVATION OFFICER;

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THE ADVISORY COUNCIL ON HISTORIC PRESERVATION

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ROUTINE OPERATIONS AND MAINTENANCE UNDERTAKINGS THAT HAVE THE

POTENTIAL TO AFFECT HISTORIC PROPERTIES AT FLOOD CONTROL

PROJECTS

Signed by hand written signature or electronically:

**INVITED SIGNATORY: MIAMI TRIBE OF
OKLAHOMA**

BY: _____

Douglas Lankford,
Chief

DATE IF SIGNED BY HAND WRITTEN SIGNATURE:

_____, 2022

SIGNATURE PAGE

**PROGRAMMATIC AGREEMENT
AMONG
THE U.S. ARMY CORPS OF ENGINEERS, LOUISVILLE DISTRICT;
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POTENTIAL TO AFFECT HISTORIC PROPERTIES AT FLOOD CONTROL
PROJECTS**

Signed by hand written signature or electronically:

INVITED SIGNATORY: SHAWNEE TRIBE

BY: _____

Ben Barnes,
Chief

DATE IF SIGNED BY HAND WRITTEN SIGNATURE:
_____, 2022

SIGNATURE PAGE

**PROGRAMMATIC AGREEMENT
AMONG
THE U.S. ARMY CORPS OF ENGINEERS, LOUISVILLE DISTRICT;
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POTENTIAL TO AFFECT HISTORIC PROPERTIES AT FLOOD CONTROL
PROJECTS**

Signed by hand written signature or electronically:

INVITED SIGNATORY: OSAGE NATION

BY: _____

Geoffrey Standing Bear,
Principal Chief

DATE IF SIGNED BY HAND WRITTEN SIGNATURE:
_____, 2022

SIGNATURE PAGE

PROGRAMMATIC AGREEMENT

AMONG

THE U.S. ARMY CORPS OF ENGINEERS, LOUISVILLE DISTRICT;

THE INDIANA STATE HISTORIC PRESERVATION OFFICER;

AND

THE ADVISORY COUNCIL ON HISTORIC PRESERVATION

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ROUTINE OPERATIONS AND MAINTENANCE UNDERTAKINGS THAT HAVE THE

POTENTIAL TO AFFECT HISTORIC PROPERTIES AT FLOOD CONTROL

PROJECTS

Signed by hand written signature or electronically:

**INVITED SIGNATORY: DELEWARE
NATION**

BY: _____

Deborah Dotson,
President

DATE IF SIGNED BY HAND WRITTEN SIGNATURE:

_____, 2022

SIGNATURE PAGE

**PROGRAMMATIC AGREEMENT
AMONG
THE U.S. ARMY CORPS OF ENGINEERS, LOUISVILLE DISTRICT;
THE INDIANA STATE HISTORIC PRESERVATION OFFICER;
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POTENTIAL TO AFFECT HISTORIC PROPERTIES AT FLOOD CONTROL
PROJECTS**

Signed by hand written signature or electronically:

**INVITED SIGNATORY: POKAGON BAND
OF POTAWATOMI**

BY: _____
Rebecca Richards,
Chair

DATE IF SIGNED BY HAND WRITTEN SIGNATURE:
_____, 2022

SIGNATURE PAGE

**PROGRAMMATIC AGREEMENT
AMONG
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POTENTIAL TO AFFECT HISTORIC PROPERTIES AT FLOOD CONTROL
PROJECTS**

Signed by hand written signature or electronically:

**CONCURRING PARTY: INDIANA
DEPARTMENT OF NATURAL
RESOURCES**

BY: _____
Daniel W. Bortner,
Director

DATE IF SIGNED BY HAND WRITTEN SIGNATURE:
_____, 2021

SIGNATURE PAGE

**PROGRAMMATIC AGREEMENT
AMONG
THE U.S. ARMY CORPS OF ENGINEERS, LOUISVILLE DISTRICT;
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AND
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ROUTINE OPERATIONS AND MAINTENANCE UNDERTAKINGS THAT HAVE THE
POTENTIAL TO AFFECT HISTORIC PROPERTIES AT FLOOD CONTROL
PROJECTS**

Signed by hand written signature or electronically:

**CONCURRING PARTY: MATCH-E-BE-
NASH-SHE-WISH BAND OF
POTAWATOMI INDIANS OF MICHIGAN**

BY: _____
Bob Peters,
Tribal Chairman

DATE IF SIGNED BY HAND WRITTEN SIGNATURE:
_____, 2021

SIGNATURE PAGE

PROGRAMMATIC AGREEMENT

AMONG

THE U.S. ARMY CORPS OF ENGINEERS, LOUISVILLE DISTRICT;

THE INDIANA STATE HISTORIC PRESERVATION OFFICER;

AND

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REGARDING

ROUTINE OPERATIONS AND MAINTENANCE UNDERTAKINGS THAT HAVE THE

POTENTIAL TO AFFECT HISTORIC PROPERTIES AT FLOOD CONTROL

PROJECTS

Signed by hand written signature or electronically:

**CONCURRING PARTY: PRAIRIE BAND
POTAWATOMI NATION**

BY: _____

Joseph Rupnick,
Chair Person

DATE IF SIGNED BY HAND WRITTEN SIGNATURE:

_____, 2021

SIGNATURE PAGE

**PROGRAMMATIC AGREEMENT
AMONG
THE U.S. ARMY CORPS OF ENGINEERS, LOUISVILLE DISTRICT;
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POTENTIAL TO AFFECT HISTORIC PROPERTIES AT FLOOD CONTROL
PROJECTS**

Signed by hand written signature or electronically:

**CONCURRING PARTY: FOND DU LAC
BAND OF LAKE SUPERIOR CHIPPEWA**

BY: _____
Kevin DuPuis,
Chairman

DATE IF SIGNED BY HAND WRITTEN SIGNATURE:
_____, 2021

APPENDIX A

ACTIVITIES EXCLUDED FROM CONSULTATION

Certain classes of actions or treatments have predictable effects with little potential to affect historic properties or will result in no adverse effect when done with proper conditions and are excluded from further review and/or consultation under the terms of this PA. A Professional Archaeologist and an Architectural Historian/Historic Preservation Planner, as defined in Stipulation III. of this PA, shall conduct a review of each excluded activity prior to implementation of the action. If the Professional Archaeologist or the Architectural Historian/Historic Preservation Planner finds the proposed undertaking meets the criteria outlined in this Appendix, then the Corps is not required to notify or consult with the SHPO, Indian tribes, or other parties regarding the undertaking, unless the Professional Archaeologist or Architectural Historian/Historic Preservation Planner has reason to believe that a specific undertaking may affect historic properties.

A. ADMINISTRATIVE ACTIONS

1. Permits, easement, rights-of-way, grants, licenses and leases, including renewals and amendments of such, that do not authorize surface disturbance or have the potential to affect historic structures or traditional cultural properties.
2. Easement acquisitions and relinquishments that do not authorize surface disturbance or have the potential to affect historic structures or traditional cultural properties.
3. Land acquisitions that do not authorize surface disturbance or have the potential to affect historic structures or traditional cultural properties.
4. Administrative changes in reservoir storage allotments that do not affect the overall reservoir storage elevation.
5. Exchanges, sales, or disposals of excess real property, not including land, that is/are less than 45 years old that do not meet criteria consideration exceptions under 36 CFR 60.4.
6. Boundary line agreements and surveys, including maintenance, repair, and/or minor modifications to existing fence lines that do not require disturbance beyond placement of posts and hand removal of vegetation, and the action will not result in concentrations of animals or creation of two track trails from vehicles.
7. Release of deed restrictions to cure encroachments.

8. Transfer of real estate from a Lead Federal Agency to another Federal agency with equal responsibility for compliance and that has a Professional Archaeologist that meets the Secretary of the Interior's standards.

B. GENERAL EXCLUSIONS

1. Activities where previous natural and human disturbance has modified the landscape so extensively that the likelihood of finding historic properties is negligible (e.g. activities within the footprint of the construction embankments and seepage control features at the dam).
2. Activities that involve less than one square meter (10.76 square feet) of total ground disturbance (not cumulative) and less than 0.91 meters (3 feet) in depth of excavation, unless within known sites.
3. Activities limited to within stream channels, not including terraces, cutbanks, or other undisturbed ground adjacent to the stream channel.
4. Removal of Japanese honeysuckle or other invasive species by hand or with hand tools, and involving no surface disturbance, except within known sites.
5. Blading, ground clearing, or excavation that occurs entirely within fill, and the fill itself does not contribute to the historic significance of a property.

C. TRANSPORTATION, UTILITIES, STRUCTURES, AND OTHER INFRASTRUCTURE

1. Maintenance, repair, and replacement of existing structural features and their appurtenant components, that are not within or contributing to a historic district, are less than 50 years of age, or determined with SHPO and Indian tribes concurrence not to be eligible for NRHP listing, that do not involve ground disturbance including but not limited to: roofs, docks, buoys, gates, fences, signs, fixtures, windows, doors, HVAC and electrical components, pavilions, and vault toilets (if replaced in the exact same location).
2. Maintenance of historic buildings including routine maintenance and repair of historic buildings for which SHPO and Indian tribes consultation on eligibility has been completed entailing no structural change or any substantial change of color, form, function, or materials. Acceptable activities include painting of previously painted surfaces; window and door repair (except replacement); glass replacement; cleaning; repair and/or limited in-kind replacement of wall and siding material, trim, fascia, posts and porch components; repair of minor roof and wall leaks; air sealing of the building including caulking and weather-stripping; repair or in-kind replacement of roof cladding and sheeting, flashing, gutters, and downspouts with no change in roof pitch, configuration or material; replacement or repair of bulkhead doors, steps, sidewalks, and wheelchair ramps.

3. Repair, replacement, or removal of elements that have previously been determined, with agreement of applicable Signatories, not to be character-defining features, including equipment or material not original to a historic structure. Lists of character-defining features and non-defining features must be appended to this document by mutual agreement of applicable Signatories in order for this exclusion to take effect.
4. Repair or in-kind replacement of components within historic structures in locations or spaces that are entirely hidden from view (including but not limited to locations within or behind walls; beneath floors; within existing conduit, access tunnels, pipes, elevator shafts, or ductwork) provided that historic materials/ finishes are not damaged, altered, or removed to gain access.
5. Pesticide and vegetation control spray projects that do not involve any ground disturbance greater than six inches in depth
6. Installation of sign posts and monuments, including but not limited to trail orientation signs and markers, carsonite markers, cadastral survey monuments, street signs, safety and regulatory signs and markers, traffic signs, where ground disturbance would amount to one square meter (10.76 square feet) or less per sign, and where such sign posts or monuments would not exceed 10 feet in height or four feet in width, unless within known sites or historic districts directly impacting the viewshed of a historic district. Single posts taller than 10 feet are permissible for posts, nesting boxes, or perches to promote bird habitat, where ground disturbance would amount to one square meter (10.76 square feet) or less per post unless within known sites or historic districts or directly impacting the viewshed of a historic district. The Corps will define viewsheds for historic districts by polygons, which will be approved by applicable Signatories and appended to this document by mutual agreement of applicable Signatories.
7. Alteration of structures less than 45 years old that do not meet criteria consideration exceptions under 36 CFR 60.4.
8. Excavations for maintaining, removing, or replacing drain tiles and ditches when the property or items are less than 50 years in age or have been determined “not eligible” in consultation with the SHPO and Indian tribes, where they are not within or part of a historic property, and where excavations, including heavy equipment operation, occur within the demonstrated vertical and horizontal limits of previous construction, and within previously surveyed areas.
9. Rewiring of overhead electrical power lines. If within known sites, the Corps stipulates that the work would not involve driving vehicles off existing roads.
10. Repair or replacement of existing utility poles where the new or repaired pole would be placed in the same location as the replaced pole, where ground disturbance would

amount to one square meter (10.76 square feet) or less per post unless known sites or historic districts or directly impacting the viewshed of a historic district.

11. Repair or replacement of existing paved roads and parking lots as long as repair or replacement does not extend horizontally or vertically beyond the footprint of the existing road or parking lot and would include sealing cracks, fog coating, milling, recompaction, overlay, and filling potholes where staging of vehicles and materials will occur on previously disturbed areas, unless within a historic district.
12. Repair or replacement of existing paved roads and parking lots within a historic district, which includes sealing cracks, fog coating, milling, recompaction, overlay, and filling potholes where staging of vehicles and materials will occur on previously disturbed areas, not to include total resurfacing, recurbing, or alignment change.
13. Maintenance of existing authorized gravel roads, including associated drainage features, and parking lots which includes grading and adding gravel, unless within or immediately adjacent to known sites, unless within a historic district.
14. Maintenance of existing authorized gravel roads within a historic district, including associated drainage features, and parking lots which includes grading and adding in-kind or compatible gravel (exhibiting similar color, visual, and textural characteristics), unless within or immediately adjacent to known sites, and not including total resurfacing, recurbing, or alignment change.
15. Repair or replacement of existing underground utilities of the same size and footprint that does not involve new ground disturbance exceeding the original footprint or is within or immediately adjacent to known sites.
16. Installation and repair of guard rails within the existing disturbance footprint of an existing asphalt or engineered gravel road unless within known sites or historic districts.
17. Installation of traffic counters on existing asphalt or authorized gravel roads.
18. Placement of material during construction at a permeant disposal, access and staging areas less than one acre in size that have been previously authorized for that purpose and material.

D. RECREATION AREAS

1. Excavations for maintaining, removing, or replacing foot and bike trails, ditches, signs, or gates when the property or items are less than 50 years in age or have been determined “not eligible” in consultation with the SHPO and Indian tribes, where they are not within or part of a historic property, and where excavations, including heavy equipment operation, occur within the demonstrated vertical and horizontal limits of previous construction, and within previously surveyed areas.

2. Routine maintenance of existing trails, walks, paths, foot and bike trails, sidewalks, and associated signage, and work is conducted within the demonstrated vertical and horizontal limits of previous construction or disturbance, and no known historic properties or known sites are within the work area.
3. Seasonal installation and removal of floating docks.
4. Installation and removal of buoys.
5. Installation and removal of concrete anchors if they rest on bottom of lake floor and do not require any drilling or ground disturbance.
6. Temporary boat ramp extensions during period of low water that occur in areas where the boat ramp has previously been extended or that does not occur within known sites.
7. Repair or replacement of existing boat ramp surfaces which includes sealing cracks, fog coating, milling, recompaction, overlay, and filling potholes where staging of vehicles and materials will occur on previously disturbed areas, unless within a historic district.
8. Minor routine vegetation management including mowing, pruning/trimming, planting of new vegetation and removal of dead or dying vegetation within a developed or landscaped area that is not a contributing element to a historic district.
9. Rodent or pest control that does not involve ground disturbance less than 1 meter squared (10.76 square feet) or does not involve the movement, removal or alteration of rock.
10. Removal or replacement of existing recreation facilities and equipment (including but not limited to vault toilets, playground equipment, picnic shelters, picnic tables, shower buildings, marina facilities) of the same size and footprint that does not involve new ground disturbance, known sites, or viewshed impacts, unless the facilities are greater than 50 years of age or listed as contributing elements to a historic district.
11. Areas identified for development under an existing lease for facilities (including but not limited to marinas, campgrounds) where the area has been previously disturbed from on site development and past construction activities associated with roadways, utility easements, construction of facilities, and access points where no items are less than 50 years in age or have been determined “not eligible” in consultation with the SHPO and Indian tribes, where they are not within or part of a historic property, and where excavations, including heavy equipment operation, occur within the demonstrated vertical and horizontal limits of previous on site and construction developments, and within previously surveyed areas.

E. OPERATIONS AND MAINTENANCE FISH AND WILDLIFE AREAS

1. Placement or installation of fish habitat that will rest on bottom of lake floor and does not require any drilling or ground disturbance.
2. Dredging of sediment within an existing pond not to exceed its same size and footprint. When it does not involve new ground disturbance outside the original footprint or is within or immediately adjacent to known sites.
3. Habitat management and agricultural activities such as disking, planting, plowing, burning or other similar practices for the purpose of creating, managing, or improving wildlife habitat so long as those practices do not extend deeper than the plowzone (not to exceed 1 foot [12 inches] in depth) and that no previously recorded cultural resources will be impacted.

F. DAM AND LEVEE MAINTENANCE

1. Dewatering and dredging of the stilling basin below the outlet works of a dam for the purposes of inspection.
2. Removal of debris from the trash rack of a dam.
3. Dredging of sediment from the intake structure of a dam.
4. Routine installation, maintenance, and repair of monitoring equipment within the embankment of the dam such as piezometers, slope indicators, pressure pipes, settlement plates, and pressure relief wells.
5. Installation and upkeep of stationing markers of the dam and levee crest.
6. Routine and preventative maintenance actions performed frequently on functioning elements of the dam, including but not limited to: cleaning of drains, greasing of components, changing of fluids, replacement of disposable components such as filters, light bulbs and seals, repair and replacement of mechanical components such as valves and packing glands, in-kind touch up of paint and epoxy on operating portions of the dam to prevent corrosion and water damage.
7. Repair, using in kind or compatible materials (exhibiting similar color, visual and textural characteristics), of areas of spalling, cracking, crazing, and/or pop-outs on the concrete surface of the dams and spillways.
8. Replacement and repair of rip-rap on the embankment of the dam using in kind or substantially similar materials to include color, size, and distribution.

9. Repair or replacement of existing mechanical and electrical components integral to dam operating functions (such as electrical, hydraulic lines, ventilation ducting/fans, crane parts, sump pumps, hydraulic motors and associated parts, high water alarms).
10. Repair or replacement of components in locations or spaces that are entirely or largely hidden from view (including but not limited to locations within or behind walls; beneath floors; within existing conduit, access tunnels, pipes, or ductwork).

G. RESERVOIR MANAGEMENT AND FLOOD RESPONSE

1. Storage or release of flood flows within established flood control pool elevation.
2. Debris removal from the reservoir pool and from the dams, levees, and their appurtenant structures.
3. Replacement or restoration of existing rip rap within the demonstrated vertical and horizontal limits of previous construction of disturbance.
4. Deviation requests that do not require ground disturbance and occur within either the normal operating pool level or releases at the reservoir.

APPENDIX B

Indiana Division of Historic Preservation and Archaeology Standards for Archaeological Surveys and Built Structures

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GUIDEBOOK FOR INDIANA HISTORIC SITES AND STRUCTURES INVENTORY - ARCHAEOLOGICAL SITES

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INTRODUCTION

The location, identification, evaluation, protection, and preservation of archaeological sites is an integral part of the state preservation process. There is a longstanding federal, state, and public concern with the protection of these non-renewable resources¹ and Indiana state laws and rules² strongly reflect these concerns as well. Indeed, Indiana Code (IC) 14-21-1-31 (b) (3) explicitly mentions "the value of history and archaeology as a guide to human activity."

Rules defining archaeological standards, plans, and permits³ have been established under IC 14-21-1⁴ and IC 14-29-1-8 to permit the Indiana Department of Natural Resources (IDNR) and the Division of Historic Preservation and Archaeology (DHPA) to operate a technically accurate and professionally consistent archaeological review and compliance program. Authorized by 312 IAC 21, this Guidebook includes guidelines for archaeological projects to ensure that the products of compliance-related archaeological investigations will lead to the location, identification, evaluation, and protection of archaeological sites. The full text of the Indiana laws and rules regarding archaeological resources can be found at <http://www.in.gov/legislative/ic/code/>⁵ and http://iac.iga.in.gov/iac/iac_title.

These guidelines have been developed to update and clarify standards for archaeological investigations in Indiana. They have also been developed to assist the archaeologist in identifying the nature and extent of archaeological sites in Indiana, and to define the expectations for the location, identification, and evaluation of archaeological sites. Included are guidelines for records checks/literature reviews; field methodologies for Phase Ia, Phase Ib, and Phase Ic reconnaissance projects; Phase II and Phase III investigations; analyses; and report format.

¹ See 54 U.S.C. § 300101 *et seq.*; 36 CFR Part 800; and 48 FR 44716 for federal laws related to the protection of cultural resources.

² Such as Indiana Code 14-21-1; 312 IAC 21; 312 IAC 22; IC 14-29; 312 IAC 6; IC 14-34; 312 IAC 25; IC 14-22-10-1.

³ 312 IAC 21; 312 IAC 22; 312 IAC 6.

⁴ Indiana Code (IC) 14-21-1. Referred to in some places in this document as the "state statute."

⁵ Please be sure that you are referencing the most up to date legislation, as this link changes annually.



ARCHAEOLOGICAL RESOURCES AND DEFINITIONS

Archaeological investigations in Indiana are conducted under several federal and state statutes. Primary examples include Section 106⁶ of the National Historic Preservation Act,⁷ its implementing regulations ("Protection of Historic Properties"⁸), and the Indiana Historic Preservation and Archeology law.⁹

For the purposes of IC 14-21-1 and 312 IAC 21, "important archaeological sites" will include the definitions of "Historic property," "Historic site," and "Site" as defined respectively in IC 14-8-2-124, IC 14-8-2-125, and IC 14-8-2-258, and in 36 CFR Part 60 (as authorized by 16 U.S.C. 470 et seq.). Note that, per the state definition, a site can include a location that contains or did contain a structure (IC 14-8-2-258). Under the federal definition, a site can also be "the location of . . . a building or structure, whether standing, ruined, or vanished, where the location itself maintains historic or archaeological value regardless of the value of any existing structure" (36 CFR 60.3). The presence of sites may be indicated through the use of directly recorded information (e.g., structure locations recorded on Sanborn Fire Insurance maps). A list of possible research sources may be found in National Register Bulletin 39.¹⁰

In the field, sites are recognized by the presence of one or more artifacts and/or features. Per the National Register Bulletin 36,¹¹ " . . . the National Register defines an archeological property as the place or places where the remnants of a past culture survive in a physical context that allows for the interpretation of these remains." Physical evidence or archaeological remains usually take the form of artifacts, features, and ecological evidence ("ecofacts"¹²). Once physical evidence of a site is found, an archaeological site number will be assigned.

An archaeological site is any precontact, proto-historic, or historical resource or portion of the resource containing one or more artifact or feature. Examples of archaeological site types can include, but are not limited to, the following: isolated find, artifact scatter, mound, earthwork, camp, village, burial ground/cemetery, ruin, farmstead, school, industrial or commercial use, lime kiln, mine, cave, battleground, shipwreck, dump, linear resources (such as canals, trails, roads, interurban, railroads, etc.) or other similar locations on land, under water, or locations that contain or once contained a structure and associated features.

The Principal Investigator (PI) should consider various factors (i.e., topography, site distance, site type, site elements, etc.) when considering a site's boundaries. Investigations of precontact or historical linear resources (i.e., trails, traces, canals, roads, drainage/sewage systems, railroads/railways, interurban system, etc.), and contiguous portions of a resource in that same county should be assigned the same archaeological site number (See Appendix A). Although historical records may identify a potential resource within the project area, the resource must be investigated in person to record the physical evidence of archaeological material.

See Appendix B for additional information regarding site definitions and site eligibility.

⁶ 54 USC 306108. See <http://ncshpo.org/resources/national-historic-preservation-act-of-1966/> and <https://www.achp.gov/protecting-historic-properties/section-106-process/introduction-section-106> for detailed information.

⁷ 54 USC 300101, et seq. See <https://www.achp.gov/sites/default/files/2018-06/nhpa.pdf> for detailed information.

⁸ 36 CFR Part 800. See <https://www.achp.gov/sites/default/files/regulations/2017-02/regs-rev04.pdf> for detailed information.

⁹ Indiana Code (IC) 14-21-1.

¹⁰ "Researching a Historic Property," National Register Bulletin 39, National Park Service.

<https://www.nps.gov/subjects/nationalregister/upload/NRB39-Complete.pdf>.

¹¹ "Guidelines for Evaluating and Registering Archeological Properties," National Register Bulletin 36, National Park Service. <https://www.nps.gov/subjects/nationalregister/upload/NRB36-Complete.pdf>.

¹² <https://www.saa.org/about-archaeology/what-is-archaeology>

Qualifications

Records checks/literature reviews, fieldwork, and analyses are conducted by professionals meeting the archaeological qualification standards established by the *Secretary of the Interior's Professional Qualification Standards*¹³ and/or the state standards set forth in IC 14-21-1 and 312 IAC 21 and 22 (See Appendix C).

The DHPA reviews the credentials of individuals intending to conduct archaeological investigations in the state of Indiana. Individuals working under the direct supervision of a qualified professional, such as crew chiefs, field personnel, field or laboratory technicians, students, avocational archaeologists, and other support staff, may assist in archaeological investigations and reports of those investigations. The Principal Investigator is responsible for the final work product. Projects not conducted under state statute (for example, archaeology required under Section 106 of the National Historic Preservation Act), require a Principal Investigator meeting the archaeological qualification standards in 36 CFR Part 61. Projects conducted under state statute call for additional qualification requirements for personnel, which may be found in 312 IAC 21-3-4 (See Appendix C). Questions concerning the differences in management roles of PIs under state and federal statute should be directed to DHPA.

In order to be recognized as a qualified professional archaeologist in the state of Indiana, the Application for Federal Professional Qualifications Documentation for Archaeology¹⁴ must be submitted with information broken down in terms of weeks (a week is defined as 40 hours) or days (a day is defined as 8 hours) of experience where applicable. A Master's degree in Anthropology, Archaeology, or closely related field is required under state and federal laws for Principal Investigator. (See Appendix C).

It is the intent of the DHPA to respond within 30 days after the credentials are submitted. The qualified professional is responsible for notifying the DHPA of any updates or changes to their Qualified Professional file.

Qualified professionals are expected to adhere to the highest ethical and professional standards, such as those adhered to by members of the SAA, SHA, AIA, AAA, RPA¹⁵ and others, for conducting archaeological investigations and projects in Indiana. Consultants can be removed from the state Qualified Professionals Roster either at their request or where the person fails to substantially comply with this document. Inclusion in the Roster is terminated, suspended, or conditioned through the process outlined in IC 4-21.5-3-8 (Natural Resources Commission; 312 IAC 21-3-4: 24 IR 3019).

Regarding a Principal Investigator's qualified professional file, the DHPA will record the following types of problems/deficiencies, including but not limited to:

- Archaeological fieldwork conducted without an approved plan under state statute, where required per 312 IAC 22-2-3 (a) and IC 14-21-1-16. For example, archaeological investigation on state property without an approved plan.
- Failure to submit a plan more than 30 days prior to commencement of the fieldwork (312 IAC 22-2-3 (b) (2)).
- Use of archaeological methodologies deviating from the plan/research design without prior consultation with the DHPA.
- Violation of ethical or professional archaeological standards.

¹³ Standards- 36 CFR Part 61; Guidelines- *Federal Register*, Vol. 48, No. 190 – September 29, 1983, Pt. IV.

¹⁴ State Form 52779 (R/5-11)

¹⁵ Society for American Archaeology, Society for Historical Archaeology, Archaeological Institute of America, American Anthropological Association, and Register of Professional Archaeologists, respectively.

- Conducting archaeological fieldwork prior to completing the archaeological records check.
- Failure to submit required archaeological report and site forms, where relevant, within the required time frames.
- Sharing SHAARD username and password with unqualified individuals.

Problems/deficiencies will reflect on the Principal Investigator, and the noted problems/deficiencies will be placed in the Principal Investigator's qualified professional file at the DHPA. This documentation may be used by the Division Director as part of a complaint with the Natural Resources Commission under IC 4-21.5-3-8.

Records Check/Literature Review

Archaeological records checks and literature reviews are carried out by professional archaeologists to identify and assess relevant information to determine the known and expected archaeological resources for a particular project location. Archaeologists must review the existing archaeological studies and reports, archaeological site files, documents relevant to establishing the environmental setting (available through the DHPA managed database, the State Historic Architectural and Archaeological Research Database (SHAARD), the SHAARD Archaeology and Structures Map Web App, and DHPA files), and where possible, interview professional and avocational archaeologists and artifact collectors to formulate recommendations for field investigations in the project area. Therefore, the literature review must be conducted prior to the start of fieldwork.

Records checks/literature reviews should include pertinent information on the following aspects of the project area (as available):

- Known archaeological sites
- Previous investigations
- Burial areas, including those listed in the DHPA Cemetery Registry or other files
- Known culture histories
- Current land use
- Previous disturbances
- Geomorphology
- Soils
- Geology
- Fauna
- Flora
- Climate
- Hydrology
- Any additional information the investigator feels is relevant to the project

Cultural and specific project area history can be gathered from:

- Current references/reports and projects in the region
- Site records
- Early photographs and lithographs
- Court records (deeds, mortgages, etc.)
- Real property records
- Transportation records
- Wills and probate inventories
- Census data



- Plat and other types of maps

Historical maps and documents may be found at/in:

- County seats
- Historical societies
- Libraries
- Universities and colleges
- County histories and atlases
- Site and structure inventories
- Avocational/informant interviews
- Other collections, public and private
- Indiana State Archives

Please note: The State Historic Architectural and Archaeological Research Database (SHAARD) is the most comprehensive tool available to access the information housed at the DHPA and must always be consulted for archaeological records checks (<https://www.in.gov/dnr/historic-preservation/>).

As the goal of records checks/literature reviews is to determine whether a project area contains or is likely to contain archaeological resources, the report will reflect the sources used and the results of the research. Qualified professional archaeologists should recognize that archaeological site locations have been reported with variable degrees of accuracy over time, resulting in variable accuracy in the depiction of the site locations on the SHAARD Archaeology and Structures Map Web App. In addition, many of the sites are only represented as a point and may be much larger than depicted. Location information for sites near the project area must be compared to the original documentation (available in SHAARD, within the files at the DHPA, or with the investigating institution). In light of previously inconsistent survey methods and changes in archaeological standards over time, old surveys may not meet current federal review standards. It is the Principal Investigator's responsibility to ensure that the records check is as accurate as possible. The date of the records check and name of the person conducting the records check will be included in the report.

Please note: Past archaeological reports and site forms may, or may not, have addressed site eligibility in regard to the National Register of Historic Places and/or Indiana Register of Historic Sites and Structures. Currently, archaeologists must make eligibility recommendations in both the report and all relevant site forms. During the records check, the site forms must be reviewed as well as reports.

Also note: Figures in records check/literature review documents must include all previously known sites in the project area and area immediately adjacent to the project area. Other previously known sites identified in the records check study area which are not within or immediately adjacent to the project area should be identified in the text of the report, but not shown on maps.

The scope and content of the Records Check/Literature Review will be appropriate and specific to the project and immediate vicinity. The nature of the project area, the area of potential effects, previous work done in the area, and even sites immediately adjacent to the project area should be used to determine the scope of the records check. Culture Histories must be relevant to the project area and up to date with current archaeological research. The detail of the Culture History should be project specific and may vary according to the project requirements and the amount of previous archaeological research that has been conducted in the immediate vicinity and the region. Based on the findings of the records check/literature review, recommendations for field investigations or no further archaeological assessment will be included in the project report.

FIELD SURVEY

Phase I Reconnaissance

Archaeological field surveys are systematic, detailed field inspections which seek to locate, identify, and evaluate cultural resources within a project area. Sites may be identified through a combination of documentary research, informant interviews, surface reconnaissance, and subsurface investigations. Field surveys are supervised by a professional archaeologist who meets federal and/or state standards (See Appendix C). Field surveys are generally grouped into three different levels of effort (Phase Ia, Ib, Ic; see below) in order to identify and provide preliminary evaluation of archaeological resources.

- Phase Ia - surface survey and visual inspection of the soil when ground surface visibility and survey conditions are adequate, or when surface visibility or survey conditions are not adequate, the use of shovel probes, cores, and/or augering techniques to discover site evidence at or near the surface of the site.
- Phase Ib - intensive survey with the use of controlled surface collections, piece plotting, or subsurface sampling.
- Phase Ic - subsurface reconnaissance to locate buried archaeological sites in alluvial, colluvial, or aeolian landforms.

All phases of field survey may include the use of remote sensing and other techniques/equipment including, but not limited to: global positioning system (GPS); total stations; aerial imagery; ground penetrating radar (GPR); magnetometry; gradiometry; electrical resistivity; metal detector equipment; LiDAR; and other scientific techniques as they become available.

Landowner permission is required for all field investigations. It is the responsibility of the supervising archaeologist to contact the landowner, appropriate agency, authority, or consulting firm to confirm permission has been granted. Additionally, the archaeologist needs to work with the relevant property manager regarding any investigations on state-owned or leased property. A written curation agreement, or a written release of interest in the artifacts, with the current legal landowner must be obtained regarding any artifacts recovered during fieldwork. This can be critical in case of possible future legal disputes regarding ownership of artifacts.

Per 312 IAC 22-2-3 (b), an application to conduct an investigation or a scientific investigation will be filed by the PI at least thirty (30) days before the commencement of the project. Plans submitted for review under state statute will be reviewed by the DHPA within 60 days of receipt (per IC 14-21-1-25).

An archaeological plan will include the following at a minimum:

1. A summary of previous archaeological research in the project area, at the site, and at other associated or nearby sites.
2. A detailed description of proposed research and analytical methodologies including:
 - a) Establishment of site boundaries.
 - b) Surface collection
 - c) Hand excavation and coring/augering methodology
 - d) Mechanical soil removal procedure
 - e) Feature excavation methodology
 - f) Artifact collection sampling procedures



g) Analytical procedures

3. Release of interest in artifacts by landowner, unless landowner wishes to retain artifacts.
4. Curation agreement or name and address of landowner to whom the artifacts will be returned, if applicable.
5. A proposed timeline.
6. A plan for what will happen if human remains are encountered.
7. Copy of signed landowner permission. Written landowner permission is required for all field investigations, and field crews should carry copies of all documentation authorizing the work.

See Appendix B for additional information regarding archaeological investigation and plan requirements under state and federal statutes, and recording archaeological resources.

If any human remains dating on or before December 31, 1939 are encountered, the discovery must be reported to the IDNR within two (2) business days. The discovery must be treated in accordance with IC 14-21-1 and 312 IAC 22. In that event, please call (317) 232-1646. Any *in situ* human remains and associated artifacts will be left in place and remain unexcavated. If human remains are accidentally discovered during field investigations or related laboratory analyses, and would be subject to the Native American Graves Protection and Repatriation Act (NAGPRA), the investigating or curation facility shall assure NAGPRA reporting and compliance. If the scope of work necessitates, or if avoidance is not feasible, then the excavation of human remains is possible with an approved plan under state statute.

All archaeological investigations must be guided by a research design, and all qualified professional archaeologists conducting archaeological investigations in the state are expected to keep current on archaeological research and information generated in Indiana, and current methods, techniques, and theories in the discipline. An adequate research design identifies legitimate research problems, specifies the objectives for the current study, presents a discussion of any background literature relevant to the problem and its development, addresses the formulation of hypotheses, if applicable, and outlines the level of field and laboratory analysis that will be necessary to address the research problem. The research design needs to ensure that the analytical framework is appropriate to the level of the investigation and that problems addressed are relevant to the temporal period, size of the project, and geographical location. For smaller projects, it is understood that development of testable models is limited; however, attempts must be made to integrate the growing number of surveys into a wider regional research context. Research designs may deviate from the standard guidelines to address the needs of a particular investigation, with consultation from the DHPA.

Phase Ia (Field Reconnaissance)

Phase Ia field reconnaissance projects, including underwater/nautical archaeology projects, will be systematic and guided by a research design which outlines the logical integration of goals and objectives with field and laboratory methods (312 IAC 21-3-3). Phase Ia field reconnaissance projects will adhere to the stipulations of these guidelines. The Principal Investigator is responsible for consulting with the DHPA regarding any proposed changes to the plan/research design prior to implementation in the field or laboratory.

Description(s) of the project area(s) must be recorded in field notes and through photographs. Areas investigated by different field methods (surface reconnaissance, shovel testing, augering, etc.) must be recorded and shown on relevant maps/figures in the report. Relevant information to be documented includes variables related to surface visibility, surface conditions, erosion, geomorphology, soils, standing water or saturated soils, prior disturbance, etc.

If a site is encountered outside of the project or survey area, documenting the resource as an archaeological site is encouraged by the DHPA. However, documenting sites located outside of a project area is not a requirement under Section 106 of the National Historic Preservation Act or the Indiana Historic Preservation and Archeology law. If the archaeologist wishes to investigate the site, then landowner permission is necessary.

SURFACE SURVEY

A visual surface survey is to be conducted when overall ground surface visibility is greater than or equal to 30% and survey conditions are adequate for detecting archaeological sites. Surface visibility should reflect the average visibility throughout the project area being evaluated. Snow cover, frozen soils, lawns, woods, no-till fields, and freshly tilled fields that have not been rain-washed are not acceptable surface survey conditions.

Additionally, if there is a portion of a field or area that does not have at least 30% surface visibility, even though the average visibility of the area is greater than or equal to 30% (such as grass covered lawns, woods, dense vegetation, etc.), these areas must be shovel tested.

A visual surface survey must conform to the following conditions:

- Standard systematic interval spacing for thorough visual inspection is 10 meters. When artifacts are found, and in areas of previously known or reported sites, spacing is to be reduced to a maximum of 5 meters.
- Where relevant, limited probing, shovel testing, coring or augering will be used to confirm alluvial soils, depth of plowzone, and potential deposits. The location of such probes within an archaeological site must be indicated on a map.
- The excavation of one or more shovel probes must be conducted within the boundaries of a site. The number of shovel tests should be consistent with site size and landform type in order to document the potential for subsurface deposits.

In areas that have been previously cultivated, plowing and discing are permitted to improve ground surface visibility. Plowing will not exceed the existing depth of the plow zone determined through shovel probing or augering. Following the plowing and/or discing of the project area, the surface must be rain-washed prior to surface collection. Rakebacks of surface vegetation are not sufficient for adequate Phase I survey.

Controlled surface collection blocks may be used in lieu of survey transects to facilitate the identification of artifact densities across the site. The collection unit size and methods of collection must be presented in the report.

The areas surrounding extant historical structures, ruins, and demolished historical structures must be investigated to identify any associated archaeological resources. If resources are present, a site map of visible surface features, subsurface features, if present, and extant structures must be recorded and assigned an archaeological site number.

SHOVEL PROBING

Where ground surface visibility is less than 30% (such as grass covered lawns, woods, dense vegetation, etc.) and with a surface slope of less than 20%, a shovel probing methodology is required. If snow is present, shovel testing is allowable provided that there is no more than two inches of snow cover. This will ensure possible surface features or foundations may be identified. Frozen soils are not acceptable survey conditions. Systematic shovel probes will be excavated in transects not to exceed 15 meter intervals. Shovel probes will be a minimum of 30 cm in diameter and extend into sterile soils, or to a minimum depth of 50 cm. The soil excavated from shovel probes will be screened through ¼" or smaller wire mesh. All shovel probes must be backfilled. If there seems a strong probability of discovering sites at less than 15 meter intervals, a shorter



distance (5 or 10 meters) between probes should be used, such as in the case of areas where the presence of a site has been indicated through the use of directly recorded information (e.g., structure locations recorded on Sanborn Fire Insurance maps).

Once artifacts are recovered, or if on a known site, spacing to define site limits along site margins is reduced to 5 meters and continued until two sequential negative probes are excavated. Internal radial shovel tests or close-interval shovel tests are appropriate and necessary in certain situations. These circumstances include but are not limited to cases such as: the archaeologist cannot evaluate the potential eligibility of the site and needs a larger sample; complex stratigraphy is encountered and more shovel tests are necessary for interpretation; or artifact concentrations are encountered and need to be better delineated.

- Exceptions/Special Cases:
 1. McGregor,¹⁶ General Land Office [GLO], and collector reported sites do not need to be investigated at a reduced interval (5m) until cultural material is identified. In good practice, at least one shovel probe should be placed within the boundary of the site.
 2. Shovel test intervals may be increased in areas of suspected disturbance with no potential for *in situ* archaeological sites; such as graded areas, borrowed fields, wetlands, or areas of severe erosion. Systematic examination of the disturbed area at the increased interval should continue until the end of the disturbance is located, where the 15 meter interval shall resume. Sediments from disturbed context need not be screened. The disturbance must be documented and mapped. Be aware that fill is not considered to be a disturbance. Shovel tests are expected to be excavated through shallow fill (less than 50 cm deep) into the intact soils below. It is not necessary to shovel test areas of extended disturbance if adequate justification can be provided.
 3. Large areas of suspected disturbance should be shovel tested to depths of 50 cm or greater periodically to confirm that no undisturbed deposits exist below the zone of disturbance. Alternative methods, such as augers or mechanical equipment, should be used to investigate areas of deep fill (greater than 50 cm). See Phase 1c guidance.
 4. If a site has already been determined by the DHPA to not be eligible for the State or National Registers, then no further investigation may be needed.

Additionally:

- Field maps showing transect locations and shovel probe locations (both positive and negative) must be produced.
- Site plans must include locations of shovel tests within the site.
- Artifacts are to be collected and bagged by shovel probe and placed in appropriately identified bags.
- Soil profile information and depth of deposits from shovel tests must be noted and representative profiles described in the report.
- Shovel testing in rockshelters must be minimized to avoid damaging and potentially compromising fragile deposits. If cultural materials are absent on the surface or immediately adjacent to the shelter, then shovel probing or augering to define the presence or absence of archaeological deposits may proceed. However, once the presence of archaeological deposits has been identified, the shovel probing (or any other ground disturbing activity) must stop.

¹⁶ Historical industrial locations that were recorded by John R. McGregor, Professor of Geography, Indiana State University.



- Shovel testing in known or suspected mounds and earthworks should not be performed. These resources are unique and potentially eligible on their own merit and will be recommended for additional investigation or avoidance. An approved plan must be obtained from DHPA prior to additional archaeological investigations if these are deemed necessary.

WALKOVER

Areas with slopes greater than 20% will be subject to walkover at 30 meter intervals, including areas conducive for the presence of rockshelters, rock ledges, historical sites, dumping deposits, chert outcrops or other resources, or caves that may contain archaeological resources.

ARTIFACT COLLECTIONS

All precontact artifacts found within individual transects and shovel probes will be collected, with the exception of fire cracked rock (FCR). If not collected, counts, estimated densities, and/or weights of FCR must be recorded and included in the report. Concentrations and relative densities of all artifacts must be recorded.

All historical artifacts found within individual transects and shovel probes will be collected with the following exceptions:

- Artifacts such as bricks, concrete blocks, and other construction debris do not need to be collected (although they must be noted and described, and densities estimated, counted, and/or weighed), unless there is something diagnostic (e.g., manufacturer's mark, name or place stamped on an artifact, artifact has relevant functional information, etc.) about the artifact or if the research design delineates such methodology for a specific study (e.g., early 19th century brick manufacturing).
- If the Qualified Professional in the field (the Field Supervisor or Principal Investigator) meets the state qualification standards in Midwestern historical archaeology (312 IAC 21-3-4 (b) or (c)) and is thoroughly familiar with the ages and functions of historical artifacts, then thorough collections of artifacts of recent origin (Appendix B) need not be made. A decision not to collect all of the artifacts must be justified in the report and a description of the artifacts (e.g., type, number and location) not collected will be included. If a historical isolate that is of recent origin is not collected, and it lacks integrity and context then the artifact will be noted in the report, but not recorded as a site. [Normally isolated finds are recorded as sites]. Collections should be made for identification purposes if there is any doubt as to the depositional context, function, or information potential of artifacts.

In all cases, areas of artifact concentrations and surface features should be mapped spatially and recorded by provenience, with the artifacts collected and bagged separately from other site materials. Collected materials are to be bagged by site and placed in appropriately identified bags. Observations related to artifact concentrations, FCR concentrations, and environmental variables will be recorded and included in the field notes and the report.

RECORDING FIELDWORK RESULTS

Appropriate field documentation (field notes) for sites identified during a Phase Ia investigation will include: location and type of deposits, features, and subsurface deposits (if detectable from subsurface probing), how sites were discovered, how sites were explored and data recovered, surface visibility, factors affecting visibility, site dimensions and how determined, method of recovery, areas of artifact concentrations, site maps, structures, site integrity, location, and physical environment. The location of all sites will be recorded by GPS. The state standard for UTM's is NAD 83.



All sites encountered must be given a state archaeological site number from the DHPA office. If the site is a cemetery, a Cemetery Registry¹⁷ form must also be completed. A state archaeological site form for each site discovered or reinvestigated must be completed and submitted electronically to the SHAARD database at the Division of Historic Preservation and Archaeology. See the SHAARD Userguide (<https://www.in.gov/dnr/historic-preservation/>) for detailed instructions on how to submit a site into SHAARD. These instructions explain the type of information that should be included for each field and can be referenced when completing an archaeological site form.

All previously known and reported sites within a project area must be revisited if not already determined not eligible for the State and National Registers, information on them must be updated in SHAARD, and their data included in the analysis and interpretation. To this end, the original site form(s) and report of investigations should be examined to ensure the actual site location and size is known prior to fieldwork.

If a previously recorded site is resurveyed and not found, a new site form must be completed in SHAARD indicating that no evidence of the site was found. The Indiana Archaeological Short Report ("Short Report")¹⁸ is acceptable for projects involving reinvestigation of previously recorded sites where the current investigation did not identify artifacts and/or features.

For projects requiring an approved plan under state statute, a Principal Investigator must place material collections in a facility that is secure, but accessible to other professionals. This will include artifacts (if applicable), field notes, records, documentation, and completed reports.¹⁹

Phase Ib (Intensive Survey)

This level of survey effort is designed to build upon the reconnaissance and may involve the use of controlled surface collections, piece plotting, or subsurface sampling. This is done to assist in the assessment of the site and to guide areas for Phase II testing. Phase Ib can be used when the level of data is not sufficient to determine its characteristics, nature, or potential eligibility; however, it should not be used if standard Phase Ia methodology has the ability to produce an adequate level of information. If the site appears to be potentially eligible for the National Register of Historic Places, a permanent site datum will need to be established.

Phase Ib surveys may be combined with Phase II investigations if they are included in the Phase II work plan. Prior to the initiation of Phase Ib field investigation, a plan must be submitted to the DHPA for approval.²⁰

Phase Ic (Subsurface Reconnaissance)

Subsurface reconnaissance (Phase Ic) is required in areas where archaeological remains are likely to be buried in alluvial, colluvial, and aeolian landforms, or historical fill. This level of reconnaissance may require the use of small excavations, including trenches, to discover, define and assess the nature of buried deposits. Such excavation projects must conform to current U.S. Department of Labor's Occupational Safety and Health Administration (OSHA) standards and guidelines.²¹ The subsurface reconnaissance attempts to find sites in

¹⁷ State Form 50091 (R/4-02)

¹⁸ State Form 54566 (1-11)

¹⁹ 312 IAC 21-3-7 (a)

²⁰ 312 IAC 22-2-3 (b)

²¹ <https://www.osha.gov/>



both their vertical and horizontal exposures. Prior to the initiation of a subsurface reconnaissance, a plan must be submitted to the DHPA for approval.²² The plan must include proposed intervals and placement of trenches. Further, in extremely complex depositional situations, such as the large floodplains of the Ohio, Wabash, or White rivers, or alluvial/colluvial fans, the work should be conducted by a qualified professional with prior experience in identifying and interpreting complex buried soil horizons and landforms.

Areas recommended for subsurface investigation should be supported from field data gathered at the Phase Ia level such as shovel testing, cores, and/or bucket augers, or a desktop assessment based on a geomorphic analysis of unconsolidated deposits. The proposal should demonstrate an understanding of the geomorphic setting and potential depth of deposits to justify the designed methods. A subsurface reconnaissance must include an adequate sample (no less than 1%, but no more than 5%, in order to maintain site integrity) of the land surfaces with the potential for buried archaeological deposits. If trenching is not a feasible method, augering or coring may be used and spaced at an interval that is appropriate for the landform and setting.

For large or geomorphically complex settings, a staged approach is recommended to refine and clarify areas for subsurface investigation. Systematic geotechnical cores or augers that would sample all landforms within a project area are one approach to reconstruct the geomorphic setting. The data collected would assist in targeting those landforms with the potential for buried deposits for subsurface investigations through subsequent backhoe trenching or mechanical excavation. Alternative methodologies can be developed in consultation with the DHPA prior to submission of the work plan. The plan must clearly define the strategy regarding placement of cores and trenches.

Note the following requirements for an adequate Phase Ic subsurface investigation:

- The backhoe trenches and activities need to be continuously monitored by an archaeologist during operation.
- Backdirt needs to be inspected for artifacts, ecofacts, and evidence of features as it is excavated. Loose backdirt needs to be kept away from the edges of trenches.
- Cores should be split longitudinally and described in a moist condition.
- Trenches must be hand scraped to identify cultural deposits and related stratigraphy.
- Documentation of trench walls must be completed as soon after excavation as possible. Only excavate as many trenches as can be excavated and documented in a timely manner.
- Detailed soil descriptions, following standard USDA terminology, including the nature of any cultural inclusions, texture, Munsell color, evidence of pedogenesis, bioturbation, and other disturbance must be presented for each identifiable strata and keyed to a trench profile map.
- Materials recovered from subsurface investigations need to be bagged by core/trench/unit as well as stratum/level and other relevant provenience. Any cultural material identified must be keyed to material inventoried either in the report or described with the profile map.
- Carbon, organic matter, or macrobotanicals must be retained and processed as appropriate.
- Ten liter flotation samples, if possible, must be collected from each discrete feature identified.
- GPS coordinates are required for all core and trench locations, and must be shown on maps.
- If buried deposits are encountered, a permanent site datum must be established and also shown on maps.
- Upon completion of excavations, the Principal Investigator is responsible for ensuring that all excavated areas are properly backfilled.

²² 312 IAC 22-2-3 (b)



The depth of a trench must include all potentially buried resources, or alternative methodologies should be provided. Depending on environmental factors, the water table may be encountered during archaeological investigations. Archaeological deposits may exist at deeper levels below the water table, and all buried cultural layers need to be assessed and documented. Water may be removed by using well points or pumps, or additional investigations may be conducted at a later time with more favorable conditions.

If mechanical equipment is used to excavate trenches, it must be equipped with a smooth-edged bucket and the excavation must take place in a controlled manner (ca. 10-15 cm layers) in order to avoid damage to potential cultural resources. This may require initial excavation of shallower trenches before stepping back (to comply with OSHA guidelines) and then re-inspection of the trench surfaces as safety factors dictate. If archaeological deposits are present, then the trench floor must be hand scraped in order to determine the nature and extent of the deposits. At least one wall of the trench should be troweled and profiled. All walls with features present must be profiled. All artifacts observed must be flagged, plotted in the profile drawing, and recovered after documentation. In circumstances where the presence or absence of cultural deposits cannot be determined based on macroscopic or field evidence, adequate standard volume sample columns should be taken and screened and floated (graduated screens are recommended).

All features exposed in the plan view of a trench or unit must be excavated. This may involve expanding the original trench/unit to recover the feature if assessment of the anomaly was not possible during the initial excavation. Features found in trench or unit profiles must be assessed for type, nature, and content if documentation was not possible in the base of the trench. All features must be mapped and photographed. All artifacts must be bagged and recorded by feature. Selected sampling of screened columns should be employed in cases where midden deposits are encountered, or to assist in the determination of cultural affiliation. If possible, carbon samples for radiocarbon dating, as well as appropriate samples for other dating methods (e.g., OCR [oxidizable carbon ratio], bulk soil, etc.), must be properly recovered and an appropriate sample analyzed. Intermediate trenching or augering may be required in order to accurately define site boundaries.

In cases where there is a possibility for buried deposits underlying potentially significant deposits, the Phase Ic subsurface reconnaissance of the lower levels must be coordinated with the Phase II investigations of the upper cultural deposits.

Phase II (Testing)

The goal of Phase II testing is to provide additional information on an archaeological site to establish the National Register eligibility of the site. The significance of an archaeological site cannot always be determined from a reconnaissance level survey. Exceptions may occur when a site contains above-ground features such as mounds or other earthworks, or a historic site with extant structures and identifiable features. Even in those examples, additional investigations involving geophysical surveys, mapping, and sample excavations would be necessary to establish site contexts and provide data to guide Phase III mitigation, if necessary.

Archaeological sites are subject to Phase II testing after they have been located by a reconnaissance level (Phase I) survey and determined to potentially retain archaeological significance and integrity. Sites are tested to find out what cultural material exists below the ground surface or beneath disturbed levels; to determine the nature, extent and context of the archaeological deposits; to evaluate the extent of disturbance; and to gather adequate information to develop a mitigation plan if necessary.

In the absence of above-ground archaeological resources (e.g., mounds) that establish site significance, sufficient investigations must be completed to establish the integrity of deposits that could be used to



formulate and answer research questions. A significant site is defined as one that meets the criteria of eligibility for the Indiana Register of Historic Sites and Structures (312 IAC 20-5-2) and/or the National Register of Historic Places (36 CFR Part 60).

Phase II investigations will take place under the field and laboratory supervision of a qualified professional archaeologist meeting the federal archaeological qualification standards established by the *Secretary of the Interior's Professional Qualification Standards*²³ and/or the state standards set forth in IC 14-21-1 and 312 IAC 21 and 22. Written landowner permission is required for all field investigations, and field crews should carry copies of all documentation authorizing the work.

A detailed Phase II plan will be submitted to the Division of Historic Preservation and Archaeology for review and approval prior to initiating Phase II investigations. Please keep in mind that plans must be submitted to the DHPA at least thirty (30) days in advance of fieldwork. Plans submitted for review under state statute will be reviewed by the DHPA within 60 days of receipt (per IC 14-21-1-25). All site-testing project plans will attempt to address historical contexts, and all sites designated for testing are considered potentially eligible for listing on the Indiana Register of Historic Sites and Structures and the National Register of Historic Places. The project plan shall include a detailed summary of the site being tested, the results of the Phase I investigation, and a plan for identifying and evaluating potentially significant deposits and the rationale for recommending Phase II investigations.

Sampling during site testing should be of sufficient extent to evaluate the site's integrity and significance (no less than 10%, but no more than 15%), but without unnecessarily damaging site data. Phase II testing must provide an explicitly justified representative sample of deposits to allow prediction of the density, distribution, and nature of the deposits to formulate the effective development of a Phase III data recovery plan, should mitigation of the project effects be required. In some circumstances, Phase II investigations can be combined with Phase III investigations. This rationale should be supported in the project plan. However, if the project is a federal undertaking pursuant to Section 106 of the National Historic Preservation Act (NHPA), coordination with the federal agency and a signed Memorandum of Agreement (MOA) are necessary prior to Phase III archaeological investigations.

ARCHIVAL AND BACKGROUND RESEARCH

The purpose of Phase II archival and background research is to supplement the existing information on a previously identified archaeological site. This additional information is meant to add to the body of knowledge regarding the site and ultimately should assist in determining whether the site meets the criteria for the Indiana Register of Historic Sites and Structures or the National Register of Historic Places. Investigators should carry out documentary research, informant interviews, and/or collection studies, as appropriate, to achieve these objectives.

Precontact site background research should involve the review of current archaeological sources regarding the appropriate precontact components. The various components of Phase II archival and background research should lead to the refinement of the historical contexts particular to that archaeological resource.

FIELD METHODOLOGY

The DHPA recognizes that not all field and site conditions may be anticipated in this Guidebook or in archaeological plans. If, in the field, it becomes evident that the methodology (including sample size) needs to deviate significantly from what was agreed upon in the approved plan or in these guidelines, then the

²³ Standards- 36 CFR Part 61; Guidelines- *Federal Register*, Vol. 48, No. 190 – September 29, 1983, Pt. IV.



alternative methodology must be discussed with and approved by the DHPA prior to implementation in the field.

The Principal Investigator will develop and maintain a system for identification and recording of artifacts and their provenience (in both horizontal and vertical context). All tested sites that have revealed contextual deposits must be marked with at least two permanent datums that should be easily marked for relocation and are clearly identified on the site map. These datums will be georeferenced, and all excavations will be tied to these datums.

The Principal Investigator will ensure that the planned amount of work relates to the question(s) defined in the research design. An adequate sample (as defined in the approved research design) of the surface and plowzone deposits must be investigated to determine the nature and extent of the archaeological materials present. Phase I archaeological reconnaissance may aid in the placement of excavation units (hand and mechanical). Excavations must provide a representative sample of no less than 10%, but no more than 15%, of each total site area. Power machinery may be used to expose cultural deposits as long as the Principal Investigator has determined through sufficient and prior hand excavations that no buried features or intact cultural deposits will be adversely affected by its use. Prior to mechanical stripping, at least 1% of the area to be investigated must be hand excavated to provide small (1m x 1m or 50cm x 50cm) representative "guide units" to better determine the depth and character of the ground to be mechanically stripped. Other techniques, such as controlled surface collection, shovel testing, coring, and geophysical techniques, may be used as supplemental methodology to hand and mechanical excavation.

All excavation units/trenches must be clearly troweled under moist soil conditions to allow accurate identification and mapping of strata and features both in plan and profile views. Screens with ¼ inch mesh will be used to recover specimens from excavated soils; however, project objectives may require the use of finer screening.

All exposed cultural features within the boundaries of the excavation unit/trench must be excavated. If intact archaeological features and/or midden are encountered within the scraped area of the site, 100% of those intact deposits must be excavated by hand, unless a sampling strategy has been approved by the DHPA. If an unusually large or extensive range of features are encountered during the field investigation, an approved representative sampling strategy may be developed. If features extend into the wall of the originally placed test units/trenches and the nature and function of the feature cannot be determined, the unit must be extended to excavate the entire feature encountered.

All precontact artifacts will be collected. Fire cracked rock (FCR) may be exempt from collection if not part of the research design, but the amount and distribution must be recorded in the field. On historical (post-contact) sites, an attempt should be made to recover 100% of all exposed artifacts, with the exception of construction debris, which may be representatively sampled after documentation. All features should be documented on a field map of the site. Also, if particularly dense concentrations of artifacts or features are encountered, an acceptable sampling strategy must be coordinated with the DHPA.

All artifacts and special samples (e.g., soil, pollen, plant, coprolitic, phytoliths, and those necessary for archaeomagnetic, radiocarbon, dendrochronological, and thermoluminescent dating) must be carefully packaged and preserved in the field to ensure that provenience and physical data are not lost. The preservation of these data must be ensured through all phases of analysis and curation.



GEOPHYSICAL TECHNIQUES

Non-invasive geophysical techniques should be considered in addition to excavation and can be used to guide shovel tests or test unit placement. Remote sensing alone is not sufficient documentation for a Phase II investigation, and the areas selected for excavation cannot be based solely upon geophysical data.

SHOVEL TESTS AND CORES

Screened shovel tests or augers may be used to define the depth of disturbance and overburden and whether undisturbed cultural deposits exist. Shovel testing and augers, in the absence of a controlled surface collection, can provide a representative sample of artifacts. If implemented, shovel testing procedures shall follow those outlined within the Phase I guidelines, unless the Principal Investigator deems an alternate shovel testing program is necessary.

A soil core auger, bucket auger, or post-hole digger can probe deeper than a shovel and should be employed if deeply buried deposits are suspected or present below the level of the known cultural deposits subjected to Phase II testing. Spacing should be sufficient to determine the depth and horizontal extent of deposits as appropriate.

TEST UNITS

If the site is identified in a cultivated or previously cultivated setting and the geomorphic setting indicates that features are only anticipated at the base of the plow zone, a representative sample of units should be placed in the plowzone, hand excavated, and screened in order to define the nature of deposits. Units must be excavated at a minimum of 10 cm levels, or by natural or cultural depositional layers, whichever method best suits the recovery of data.

Test units should minimally provide information on stratigraphy, depths of deposits, range of material culture, and the potential presence of cultural features. Units should extend at least 10 centimeters into culturally sterile soils. Soil cores at the lowest excavated level can be used to determine the presence or absence of cultural deposits. All areas of the site and associated landforms should be sampled through hand-excavated units prior to the implementation of mechanical soil stripping, although a justified biasing of the sample towards areas of artifact concentrations may be warranted.

MECHANICAL EXCAVATION

Mechanical stripping is an effective method for removing plow zone, to expose features at the base of the plow zone, and to access deeply buried deposits. When employing heavy machinery on archaeological sites, the topographic setting should be taken into consideration to determine appropriate machinery. When using a backhoe, a smooth-edge or toothless (mud) bucket must be used. Mechanical soil removal must always be carefully and continuously monitored by at least one archaeologist who has the authority to stop the machinery should deposits be revealed and/or to control the depth of soil removal with each pass of the machine. The amount of information likely to be revealed by the use of power machinery must be weighed against its impact (e.g., compaction, tire cuts) on the cultural deposits. Data recording procedures following mechanical stripping and testing should follow the Phase Ic guidelines above.

All landforms within the site area with the potential for cultural deposits must be sampled. The excavation of all trenches must continue to the depth of the water table, culturally sterile deposits, or the maximum extent of the backhoe, whichever comes first. If there is the potential for archaeological deposits below the water table, all buried cultural layers need to be assessed and documented. Water may be removed by using well points or pumps, or additional investigations may be conducted at a later time with more favorable conditions.



At least one wall of each subsurface trench should be profiled and mapped. For hand excavated units and stripped area excavations, one N-S and one E-W profile will be drawn. Any walls with features in them will also be profiled.

ANALYSES

All information, artifacts, and samples recovered during test excavations must be subjected to analyses within the relevant regional and local historical contexts, so that the research design and questions may be addressed, the site interpreted, and the site evaluated for inclusion in the Indiana Register of Historic Sites and Structures and the National Register of Historic Places.

All artifacts collected during Phase II testing should be analyzed and reported following standard procedures. In addition, samples of ecofacts (e.g., paleobotanical and faunal remains) should be analyzed by appropriate specialists and any additional specialized analyses (e.g., chert type studies and microwear analyses) necessary to answer questions outlined in the research design should be conducted by experienced and qualified individuals. If intact deposits are encountered, radiocarbon (or other chronometric) analyses should be conducted, if appropriate, and the results presented in the report.

Phase III (Data Recovery/Mitigation)

Phase III investigations are undertaken when a site has been determined eligible for listing on the Indiana Register of Historic Sites and Structures or National Register of Historic Places (or both), and adverse effects require mitigation. The goal of data recovery investigations is to recover, analyze, and disseminate data gained at an intensive level of investigation. Phase III plans should be developed in consultation with the Division of Historic Preservation and Archaeology. Plans must be submitted to DNR (DHPA) for review and approval prior to initiating data recovery efforts. Please keep in mind that plans must be submitted to the DHPA at least thirty (30) days in advance of fieldwork. However, if the project is a federal undertaking pursuant to Section 106 of the NHPA, coordination with the applicable federal agency and a signed Memorandum of Agreement (MOA) from the federal agency are necessary prior to Phase III archaeological investigations.

Given the wide diversity of sites examined in Phase III investigations, the DHPA expects considerable variation in the strategy to address data recovery goals. Generally, Phase III investigations involve such endeavors as block excavation units, additional archaeological test units, site mapping, feature recording, mechanical stripping, trenching, remote sensing, and artifact analysis, among other possible techniques. It is important, at the mitigation phase of investigations, that the plan include appropriate current professional archaeological research questions and historical contexts for the archaeological sites and cultural affiliations/time periods, in a regional context. Each Phase III plan must be customized to each particular site, and at a minimum must incorporate a discussion of previous investigations, records and archival research, and explicit research problems regarding the cultural components and historical contexts of the sites. Please keep in mind that a minimum 25% sample of the entire archaeological site within the project area must be investigated at a Phase III level. This is in addition to what has previously been investigated.

Investigators must clearly present the Phase III excavation strategy in the final archaeological report that is submitted to the Division.

Written landowner permission is required for all field investigations, and field crews should carry copies of all documentation authorizing the work. Phase III investigations will take place under the field and laboratory supervision of the federal archaeological qualification standards established by the *"Secretary of the Interior's*

*Professional Qualification Standards*²⁴ and/or the state standards set forth in IC 14-21-1 and 312 IAC 21 and 22.

Identification, interpretation, and Analyses

Artifacts recovered during archaeological investigations must be identified, classified, and analyzed according to current standards of archaeological documentation. Classification schemes should be provided in the report. Identification, tabulation, and interpretation of artifacts are the primary concerns of analysis and should be conducted by a professional qualified in lithic analysis, ceramic analysis, historical artifact analysis, floral analysis, faunal analysis and osteology, as appropriate. The individual conducting each particular analysis must be identified in the report.

In general, artifacts must be identified and classified into defined categories to be used in an artifact analysis. Raw materials, technical/functional type, and alterations must be included. In addition, summary tables tabulating artifacts by count (including percentages), and/or weight need to be included in the report. Whenever possible, cultural/chronological types, metric data, and named material types for lithic artifacts should be used. When in doubt, be less specific, for an unambiguous general label is preferable to an unsupported or questionable specific label. Photographs and/or illustrations must be provided for all diagnostic, unique, or unusual artifacts, and artifacts which may be identifiable, but the researcher cannot identify.

For historical artifacts, analysis will specify and tabulate: ceramics by type, ware, decoration, and manufacturer, if possible; metal by type and manufacturing technique; and glass by color, type, and manufacturer. Whenever possible, date ranges will be determined and stated in the report. Representative samples of diagnostic, unique and unusual, and artifacts which may be identifiable, but which the researcher cannot identify, must be photographed and/or illustrated.

Floral and faunal material will be identified and tabulated by taxon, provenience, weight, and size of sample(s) analyzed.

Human remains identified in the laboratory phase of work are to be: 1) analyzed by a qualified osteologist, physical anthropologist, or forensic anthropologist; 2) summarized by individuals for location, deposition, position, orientation, depth, stature, sex, age at death, pathologies, etc., as appropriate; and 3) treated according to IC 14-21-1 and its rules. If human remains are subject to the Native American Graves Protection and Repatriation Act (NAGPRA), the investigating or curation facility shall assure NAGPRA reporting and compliance.

Non-curation greatly limits the information potential and future evaluation of artifacts and sites. All artifacts not curated (e.g., returned to the landowner) must be thoroughly documented and subjected to detailed recording and analyses prior to return, including, but not limited to:

- Classification of all artifacts.
- Analysis of each individual artifact type to determine if it is chronologically and/or culturally diagnostic.
- Standard measurements of attributes of all diagnostic artifacts.

²⁴ Standards- 36 CFR Part 61; Guidelines- *Federal Register*, Vol. 48, No. 190 – September 29, 1983, Pt. IV.

- Identification of raw materials, including a description of all chert types recovered, relevant references, and source areas. It is better to identify a chert type as unknown than to mis-identify the type.
- Minimum taxonomic identification, when possible, of all faunal remains from an archaeological site.
- Scaled photographs of all diagnostic, unique, and unidentifiable artifacts and relative samples of artifacts recovered from each site recorded from the study.
- Include an artifact inventory in an appendix to the report. Tables need to be provided detailing artifacts by provenience, giving the sample number, method of recovery, material categories and descriptions, raw materials, counts, plate or illustration number, and any other pertinent information. Items returned to the landowner(s) must be identified in the report.
- Individual photographs and/or illustrations and measurements of all lithic tools (i.e., standard measurements of projectile points, use wear, any organic materials present).
- Classification, photographs and/or illustrations, measurements, and morphology for precontact pottery.
- Individual photographs and/or illustrations and measurements of representative specimens of other diagnostic historical artifacts.

NOTE- If the Principal Investigator wishes to propose non-curation of certain parts of a collection, they must consult with the DHPA and the curation facility regarding that type of proposed action. In that type of situation, any portion of the collection that is not curated must be thoroughly documented and subjected to detailed recording and analyses, as referenced above. The report must identify which artifacts are being curated and those which are not. Final disposition of artifacts not being curated will not occur until after report approval by the DHPA.

Regarding projects where parts of a collection will be curated at the Indiana State Museum (ISM), and parts of the collection will be culled (following the current ISM culling guidelines, <https://www.indianamuseum.org/curation/>), the archaeological report must identify which artifacts will be culled and which will not. Please note that the ISM culling guidelines do not impact the artifact collection methodology outlined earlier.

Report format

A report must be written and supplied to the appropriate agency and the DHPA. The minimum requirements for a report are detailed in this document and in 312 IAC 21-3-8 for projects conducted under state statute. Copies of all publications, including reports, journal articles, manuscripts, theses and dissertations resulting from excavations within the state of Indiana should be provided to the DHPA and digital versions uploaded to SHAAARD. Please note that the DHPA requires that archaeological reports be separate documents from historic structures reports which may be submitted to the DHPA for relevant reviews.

Reports must be submitted within one year after the completion of fieldwork unless otherwise specified by an approved plan or other arrangements are made with the DHPA. The Principal Investigator or Field Supervisor(s) who conducted the fieldwork and project should prepare the report. Projects may be approved prior to the receipt of needed report corrections based upon the degree of importance and need for that information to make an accurate determination of a site's nature and register eligibility. The DHPA retains the right to require additional necessary information to make such an assessment prior to approval. If a report does not characterize all relevant aspects of the project, it will need to be revised.



For investigations which identify archaeological sites, the following report format should be used. The Short Report form is available for Phase Ia projects that do not locate archaeological resources (<https://www.in.gov/dnr/historic-preservation/>). If a new site(s) is encountered, do not use the Short Report. Projects which are only for archaeological records checks may take the form of a standard report, or the Short Report may be utilized. Site numbers in report contexts will be written as in the following examples: 12W54, 12PR592.

The Principal Investigator is responsible for assuring that all of the contents of the report and accompanying site forms are a true representation to the best of his or her knowledge and ability.

A. Title Page

1. Title of the report, including project name, township, and county.
2. Author(s), Principal Investigator, company/organization/institution, address, e-mail address, and telephone numbers.
3. Client for whom report is prepared, address, and telephone number.
4. Lead public agency if applicable.
5. Date of report.
6. Approved plan number if applicable and conducted under state statute (IC 14-21-1). Projects conducted under an approved plan under state statute require the signature of the Principal Investigator.

B. Abstract/Management Summary

1. Summary of location (including Section/Township/Range and U.S.G.S 7.5' topographic map), nature of the project, project goals, scope of work, personnel conducting the project, methods, findings, and recommendations.
2. Statement of the project size, the area surveyed (in acres and hectares), new and previously recorded sites investigated, and which site(s) were recommended for further work.
3. Approved plan number if applicable and conducted under state statute.

C. Front Matter - Small projects finding few or no sites or artifacts do not need this front matter.

1. Table of Contents – topical headings with corresponding page numbers.
2. Lists of figures, plates and tables with corresponding page numbers.

D. Introduction

1. Discuss thoroughly the purpose, goals, and circumstances of the contracted services, including but not limited to: description of the project, location (including PLSS coordinates) and size (in acres and hectares) of project, areas surveyed, scope of work, dates and types of field work and analyses, project administration and personnel for each portion of the project, sites found, summary of nature and characteristics of sites, constraints, areas surveyed, and recommendations. All submitted reports must clearly state who conducted the survey and laboratory work, their capacity, exactly when the survey was conducted, and what task(s) were completed. For larger, extended surveys, this information should be included in tabular form in an appendix.



E. Research Design

1. All archaeological investigations are guided by a research design. The research design identifies legitimate research problems, specifies the objectives, and outlines the field and laboratory analysis that will be necessary. The research design should be appropriate to the level of investigation.

F. Background Research

1. Precontact
 - a. Documentary research on environment may include local physiography, topography, geomorphology, soils, hydrology, flora, fauna, climate, and geology relevant to the project.
 - b. Provide a review of relevant culture histories specific to the region or cite a relevant culture history. The information can include previous research including chronology, settlement and subsistence patterns, site types, and any other available data which may be important for determining what types of cultural resources are likely to be present, how these may be recognized, and which methods will be effective in their location, identification and evaluation.
 - c. Identify known and reported archaeological resources utilizing the site files of the DHPA and other institutions, colleges and universities, and informant, artifact collector, avocational archaeologist, and landowner interviews. Include date of records check and/or interview.
 - d. If possible, record interviews with informants providing names and date of interview, general inventories of reliable collections as well as illustrations of any representative material remains.
 - e. Discuss the regional settlement patterns, if available.
 - f. Special attention should be paid to archaeological sites located within or adjacent to a project area.
2. Historical/Urban/Industrial
In addition to a-f above, provide -
 - a. Information regarding the history of land-use since European settlement and settlement history.
 - b. Research including state and county histories, previous survey reports, historic property registers, historical maps, atlases, photographs, etc. Appropriate primary and secondary documents should be consulted as necessary to identify potentially significant historical events, activities, occupations, sites, etc., in the project area, as well as to plan for field survey investigations.

G. Field Methods and Techniques

1. Describe and justify data collecting techniques, sampling, horizontal and vertical controls, size of intervals, grid, and units, and artifact retrieval procedures. Datum used and permanent datum must be indicated on a site or project map. If probability zones are established, they should be illustrated on a project map (U.S.G.S. 7.5' topographic map, including scale and name of map). Grid, probe, unit, trench, feature, provenience, etc., designations must be described. Screen size and method of screening must be described.
2. Describe environmental (weather and surface) conditions during the survey and their effects on survey results. Be sure to include any variability in surface visibility, and any known areas of previous ground disturbance.



H. Results of Investigations

1. Written site descriptions of all sites investigated to be included in the report will include at a minimum:
 - a. Resource type
 - b. Cultural affiliation
 - c. Topographic setting
 - d. Size
 - e. Elevation
 - f. Location
 - g. Diagnostic artifacts
 - h. Features
 - i. Recommendations
 - j. Discussion of the resource and supporting information for recommendations.
 - k. Associated structures and their significance to archaeology should be discussed in the project report.

I. Analyses

1. Specify counts of materials recovered, provenience, and associations. Provide tabulations of all artifacts, with descriptions of the criteria used to define the artifact categories or types. Include any specialized analyses conducted, such as lithic or ceramics studies.
2. Identify cultural affiliations with classification type names and the references used for the identification.
3. All artifacts to be returned to a landowner must be thoroughly documented and subjected to detailed recording and analyses prior to the return, as specified in the "Identification, Interpretation, and Analyses" section of this document.

J. Curation

1. All artifacts not returned to the landowner or culled, copies of field and laboratory records and documentation, maps, photographs, samples recovered or taken, notes, site forms, site and project report(s), other relevant records, documentation, etc. must be curated at a qualified curation facility within six month after the approval of the report. For projects conducted under state statute, please see the requirements for curation as specified in 312 IAC 21-3-7.
2. The report must identify which artifacts are being curated and those which are not. Regarding projects where parts of a collection will be curated at the Indiana State Museum (ISM), and parts of the collection will be culled (following the current ISM culling guidelines, <https://www.indianamuseum.org/curation/>), the archaeological report must identify which artifacts will be culled and which will not.

K. Eligibility Assessments

1. Recommendations and justifications must be presented for each site to be evaluated for its potential significance and eligibility for nomination to the Indiana Register of Historic Sites and Structures and the National Register of Historic Places. The investigator must detail the justification for each site's assessment and recommendations for further investigations. For larger projects with numerous sites, the recommendations must be summarized in a table.



L. Interpretations of the Findings into a Regional Context

1. The investigator must use the data gathered to form new or reaffirm previously determined concepts on the use of landscape, cultural chronologies, etc. Provide a synthesis of the information and data gained by the project.

M. Advanced (Phase Ic, II, and III) Field Investigations

In addition to the relevant information listed above, the following must be included in the report for advanced field investigations, so that the interpretation and evaluation of the site may be addressed according to the research design and questions, historical, local, and regional contexts:

1. Describe, define, and document the methodology used for intensive survey and for establishing units and/or trenches. A composite map depicting all cores, probes, trenches, units, features, and artifact concentrations must be included. A map showing locations of all exposed surface features and artifact concentrations must also be included. Site datums and standard north arrow, scale, and legend(s) must be presented, as well as site boundaries as defined during intensive investigations if different from the Phase I study. The size of excavation units and method(s) of excavation (stratigraphy, levels, treatment of features, etc.) must be included. Sampling strategies, if used, must be clearly defined and described.
2. Descriptions and interpretations of all units and trenches excavated, as well as all features, artifacts, and proveniences must be included. Representative graphics and/or photographs must be included. Tables indicating artifacts from each unit, feature, or area must be included, by strata and level, if appropriate.

N. Conclusions

A concise summary and conclusions section must present clear recommendations as to whether each site investigated is considered eligible for the Indiana Register of Historic Sites and Structures and the National Register of Historic Places. In addition, a brief synthesis of the information gathered from each site needs to be presented with potential research problems or questions that could be addressed in future investigations, if appropriate. An evaluation of how well the investigation met the goals of the original research design also needs to be included.

O. Bibliography/References Cited

1. Must be complete, consistent, and follow *American Antiquity* style guidelines.

P. Graphics and Illustrations

1. A U.S.G.S. 7.5' quadrangle map, with the quadrangle(s) identified, locating the project area(s) produced at 1:24,000 scale.
2. A map locating the project area(s) in the region and state.
3. Color photographs of project area, including representative photos of field conditions and visibility.
4. An aerial map or U.S.G.S. 7.5' quadrangle map of field investigations and survey coverage methods as appropriate (e.g., locations of surface survey and shovel probe coverage; locations of grids, units, trenches, artifact concentration, activity areas, features, disturbances, slope, surface visibility, etc.). Positive and negative shovel probe locations within and adjacent to archaeological site boundaries will be shown.
 - All previously known sites in the project area and area immediately adjacent to the project area.



- Other previously known sites identified in the records check study area which are not within or immediately adjacent to the project area should be identified in the text of the report, but not shown on the map.
 - Previously disturbed areas.
 - Areas of differential or varied surface visibility and areas of slope 20% or greater.
 - All newly recorded sites.
5. Representative profiles of the stratigraphy of the project area and site(s). Profiles of all trenches with cultural deposits. The walls of trenches placed within site areas must have the entire wall segments drawn in profile showing soil strata, cultural deposits, and the extent of the area excavated by the backhoe.
 6. Photos, plan views, and profiles of all features discovered and investigated.
 7. Representative, all diagnostic, and unidentified artifacts which may be identifiable must be photographed and/or illustrated with a scale. A digital CD of photographs of all images may be supplied.
 8. Scale, north arrow or stated direction of photograph, and pertinent legends will accompany all graphics and illustrations.

Q. Appendices

1. Include all relevant materials, summary tables, specialized analyses, etc.
2. Important or relevant correspondence pertinent to the project should be included in an appendix.

R. Addenda

Addenda to previously-submitted and approved site/survey reports are discouraged. They may be acceptable in situations such as where a parcel of property was not accessible during the original survey or there are minor changes in the boundaries of the project area. However, to be considered, they must meet the following stipulations:

1. The original site/survey report must not be over two years old. Records checks must be updated with current information.
2. The addendum must be written by at least one of the original report authors.
3. The area incorporated in the addendum may not exceed forty (40) acres.
4. Approval for the use of an addendum must be obtained from the DHPA prior to the submission of the addendum report.



Appendix A – Recording Linear resources

If remnants of precontact or historical linear resources (e.g., trails, traces, canals, roads, drainage/ sewage systems, railroads/railways, interurban system, etc.) are identified by archaeological field investigations, they are archaeological features. These resources may be part of above-ground or subsurface, in use, linear systems. However, in use, modern (less than 50 years old) linear elements would not need to be recorded as an archaeological site, unless they exhibit unique characteristics. (For projects conducted under Section 106, and for archaeological investigations conducted on state property, see *Bulletin for Evaluating and Nominating Properties that have Achieved Significance within the Past Fifty Years*, at <https://www.nps.gov/subjects/nationalregister/upload/NRB22-Complete.pdf>, for cases where resources less than 50 years old may have achieved significance.)

Examples:

1. A rail line that is in use, installed in 1980, and has no elements older than 50 years, would not be considered an archaeological site.
2. A wood plank road dating from 1849 would be recorded as an archaeological site.

Archaeological sites will be documented (including assigning an archaeological site number) and evaluated for National Register of Historic Places and/or Indiana Register of Historic Sites and Structures eligibility.

Contiguous portions of an archaeological resource, within the same county, will be assigned the same archaeological site number.

Examples:

1. If physical evidence of a portion of the Wabash and Erie Canal is encountered in Carroll County, a site number is assigned to that portion of the canal. If the archaeological survey, and the evidence of the canal, continues into a neighboring county, a site number for that portion of the linear archaeological resource would be assigned for the relevant neighboring county.
2. If non-contiguous portions of the canal in Carroll County are investigated, the individual segments of the resource which were archaeologically investigated will be assigned separate site numbers.



Appendix B – Archaeological Investigations and Recording archaeological resources

Qualified professional archaeologists need to know the following:

Definition of Site:

Federal- 36 CFR 60.3- A site is the location of a significant event, a prehistoric or historic occupation or activity, or a building or structure, whether standing, ruined, or vanished, where the location itself possesses historic, cultural, or archeological value regardless of the value of any existing structure.

State- IC 14-8-2-258 "Site"

Sec. 258. "Site", for purposes of IC 14-21, includes the following:

- (1) An aboriginal mound, a fort, an earthwork, a village location, a burial ground, a ruin, a mine, a cave, a battleground, a shipwreck, or other similar location on land or under water.
- (2) A location that contains or did contain a structure.

[Pre-1995 Recodification Citations: 14-3-3.3-1(p); 14-3-3.4-1 part.]

As added by P.L.1-1995, SEC.1. Amended by P.L.167-2011, SEC.10.

Other Important Definitions:

IC 14-21-1-2 "Artifact" defined

Sec. 2. As used in this chapter, "artifact" means:

- (1) a feature that is:
 - (A) nonportable evidence of past human behavior or activity;
 - (B) found on or in the ground, including structural remains; and
 - (C) formed before December 31, 1870; or
- (2) an object made, modified, or used before December 31, 1870.

[Pre-1995 Recodification Citation: 14-3-3.4-1 part.]

As added by P.L.1-1995, SEC.14. Amended by P.L.26-2008, SEC.2.

IC 14-8-2-124 "Historic property"

Sec. 124. "Historic property", for purposes of IC 14-21-1, means:

- (1) a historic site;
- (2) a historic structure; or
- (3) other personal or real property located on or in a historic site or historic structure.

[Pre-1995 Recodification Citations: 14-3-3.3-1(g); 14-3-3.4-1 part.]



As added by P.L.1-1995, SEC.1. Amended by P.L.167-2011, SEC.5.

IC 14-8-2-125 "Historic site"

Sec. 125. "Historic site" has the following meanings:

- (1) For purposes of IC 14-21-1, means a site that is important to the general, archeological, agricultural, economic, social, political, architectural, industrial, or cultural history of Indiana. The term includes adjacent property that is necessary for the preservation or restoration of the site.
- (2) For purposes of IC 14-22-6, the meaning set forth in IC 4-37-1-7.

[Pre-1995 Recodification Citations: 14-3-3.3-1(h); 14-3-3.4-1 part.]

As added by P.L.1-1995, SEC.1. Amended by P.L.167-2011, SEC.6; P.L.111-2016, SEC.5.

IC 14-8-2-126 "Historic structure"

Sec. 126. "Historic structure", for purposes of IC 14-21-1, means a structure that is important to the general, archeological, agricultural, economic, social, political, architectural, industrial, or cultural history of Indiana. The term includes adjacent property that is necessary for the preservation or restoration of the structure.

[Pre-1995 Recodification Citations: 14-3-3.3-1(i); 14-3-3.4-1 part.]

As added by P.L.1-1995, SEC.1. Amended by P.L.167-2011, SEC.7.

Eligibility:

Federal- National Historic Preservation Act:

§ 300308. Historic property. In this division, the term "historic property" means any prehistoric or historic district, site, building, structure, or object included on, or eligible for inclusion on, the National Register, including artifacts, records, and material remains relating to the district, site, building, structure, or object.

- As a general guideline, to be considered for listing in the National Register of Historic Places, a resource should be at least 50 years old. See *Bulletin for Evaluating and Nominating Properties that have Achieved Significance within the Past Fifty Years*, at <https://www.nps.gov/subjects/nationalregister/upload/NRB22-Complete.pdf>, for cases where resources less than 50 years old may have achieved significance.

State- 312 IAC 20-4-7 Evaluation of a historic site

Authority: IC 14-10-2-4; IC 14-21-1-25; IC 14-21-1-31 Affected: IC 14-9; IC 14-21-1 Sec. 7.

In evaluating whether a site is a historic site, the division shall take into account what is important to the: (1) general; (2) archaeological; (3) agricultural; (4) economic; (5) social; (6) political; (7) architectural; (8) industrial; or (9) cultural; history of Indiana.

In evaluating impacts on a historic site, the division shall also consider adjacent property that is necessary for the preservation or restoration of the site. To assist in an evaluation, reference shall be made to the definitions of a "site" or a "district" set forth by the National Park Service (36 CFR 60.3 (July 1, 2009)) and to the definitions for "historic designed landscape" and "historic vernacular landscape" in "The Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for the Treatment of Cultural Landscapes"



(U.S. Department of the Interior, National Park Service, Washington, D.C., 1996, page five (5)). (Natural Resources Commission; 312 IAC 20-4-7; filed Dec 10, 2010, 10:40 a.m.: 20110105-IR312100042FRA; readopted filed Sep 19, 2013, 10:16 a.m.: 20131016-IR-312130184RFA)

312 IAC 20-4-8 Evaluation of a historic structure

Authority: IC 14-10-2-4; IC 14-21-1-31

Affected: IC 14-9; IC 14-21-1

Sec. 8. In evaluating whether a structure is a historic structure, the division shall take into account what is important to the:

- (1) general;
- (2) archaeological;
- (3) agricultural;
- (4) economic;
- (5) social;
- (6) political;
- (7) architectural;
- (8) industrial; or
- (9) cultural;

history of Indiana. In evaluating impacts on a historic structure, the division shall also consider adjacent property that is necessary for the preservation or restoration of the structure. To assist in an evaluation, reference shall be made to the definitions of a building, structure, or object set forth by the National Park Service at 36 CFR60.3 (July 1, 2009). (Natural Resources Commission; 312 IAC 20-4-8; filed Dec 10, 2010, 10:40 a.m.: 20110105-IR-312100042FRA; readopted filed Sep 19, 2013, 10:16 a.m.: 20131016-IR-312130184RFA)

Investigations conducted under Section 106 of the National Historic Preservation Act:

1. Section 106 Phase Ia investigation-

- Private property- Does not need an approved archaeology plan from the DNR/DHPA.
- Federal property- requires coordination with the federal agency and the manager of the federal land. The relevant regulations (e.g. ARPA, NAGPRA) would need to be adhered to. Does not need an approved plan from the DNR/DHPA, unless also leased to the state.
- State Owned or Leased Property- ~~Does~~ need an approved archaeology plan (IC 14-21-1-16).

2. Section 106 investigation other than a Phase 1a- Archaeology plan should be submitted to the DHPA/SHPO and the federal agency as a necessary part of Section 106 consultation and compliance. This applies to private property, federal property, and state property (IC 14-21-1-16).

Note- Sites 50 years or older will be taken into consideration.

Investigations conducted under state statute (Indiana Code [IC] 14-21-1):

Sites containing artifacts and features dating before Dec. 31, 1870- Except for Phase 1a, a plan approved by the DNR/DHPA (IC 14-21-1-26) is needed to conduct archaeological investigation at those sites. However, any field investigation on state property requires an approved plan under IC 14-21-1-16. Note that archaeology conducted under state statute requires a Principal Investigator and/or Field Supervisor meeting the requirements in 312 IAC 21 (see Appendix C).



Note-

- Artifacts and features dating before Dec. 31, 1870 on private property are recorded as sites. However, for research projects, many archaeologists, depending upon the research design, will record artifacts and features dating after Dec. 31, 1870 as archaeological sites.
- On state owned or leased property - the definitions of historic site, historic structure, and historic property do not include the Dec. 31, 1870 date; so, in practice, sites 50 years or older are taken into consideration.

Some examples-

- Archaeological excavation on private property, at a site dating before Dec. 31, 1870, requires an approved plan (IC 14-21-1-26) from the DNR/DHPA.
- Excavation for an archaeological field school at a site dating after Dec. 30, 1870, and on private property, doesn't require an approved plan. However, if the project is using state funds, and conducting archaeological investigation at a site or structure listed on the state or national register, the project must be submitted for review to the DNR/DHPA under IC 14-21-1-18.



Appendix C – Qualification Requirements for Principal Investigator

See also: Application for Federal Professional Qualifications Documentation for Archaeology²⁵

Federal: "Secretary of the Interior's Professional Qualification Standards," (36 CFR Part 61); *Federal Register*, Vol. 48, No. 190- September 29, 1983, Pt. IV.

The minimum professional qualifications in archaeology are a graduate degree in archaeology, anthropology, or a closely related field plus:

1. At least one (1) year of full-time professional experience or equivalent specialized training in archaeological research, administration, or management.
2. At least four (4) months of supervised field and analytic experience in general North American archaeology; and
3. Demonstrated ability to carry research to completion.

In addition to these minimum qualifications, a professional in prehistoric archaeology must have at least one (1) year of full-time professional experience at a supervisory level in the study of archaeological resources of the prehistoric period. A professional in historic archaeology must have at least one (1) year of full-time professional experience at a supervisory level in the study of archaeological resources of the historic period.

State: Indiana Code (IC) 14-21-1 and 312 IAC 21.

312 IAC 21-3-4 Personnel qualifications

Authority: IC 14-21-1-31; IC 14-34-4-10

Affected: IC 4-21.5-3-8; IC 14

Sec. 4. (a) An individual who wishes to conduct an investigation under this article must submit a curriculum vitae to the division to satisfy the qualification standards of this section.

(b) A principal investigator must have the following:

- (1) A graduate degree in anthropology or a closely related field with a specialization in archaeology at the graduate level.
- (2) Three (3) years of experience in anthropology or a related field, consisting of at least two (2) years as a supervisor in archaeological survey and excavation and one (1) year of laboratory cataloging and analysis and the preparation of a research-oriented monograph, thesis, or dissertation.
- (3) Graduate course work, training, and experience in archaeology, including theory, methods, techniques, cultural areas, and field and laboratory techniques, under the direction of a qualified professional archaeologist.
- (4) In addition to the requirements contained in subdivisions (1) through (3), the following requirements apply to a project in the areas specified:

(A) For a prehistory project, two (2) years of supervisory experience and research in Midwestern archaeology.

²⁵ State Form 52779 (R/5-11)



(B) For a history project, two (2) years of supervisory experience in Midwestern historic archaeology and archival research.

(C) For a marine project, two (2) years of supervisory experience in underwater archaeological techniques and research. Diving certification is also required from a recognized certifying organization (examples: NAUI, PADI, Red Cross, YMCA, and United States Navy).



APPENDIX C

Procedures for the Unanticipated Discovery of Human Remains

1. If human remains are inadvertently encountered on Fee Title lands, the U.S. Army Corps of Engineers, Louisville District (Corps) Lake Project Manager shall:

- a) Stop all work activities immediately in the area of the discovery; and,
- b) Inspect the location of the discovery to determine its extent; and,
- c) Establish a 300 foot radius around the discovery; and
- d) Surround the discovery with fencing and cover the remains to protect them from the elements
- e) Secure and monitor the location to prevent any looting or vandalism, and
- f) Notify the local law enforcement, the local coroner, and the Corps archaeologist (if not already contacted) by phone.

2. Photography shall be limited to those required for forensic examination and criminal investigations and the resultant photographs shall be kept secure.

3. If the site of the discovery is known to be a location of a known prehistoric archaeological site, or materials are found at the site of the discovery that suggest this affiliation, then the Corps archaeologist will share this information with the local coroner and law enforcement, and notify the State Historic Preservation Officer (SHPO) and federally recognized Native American tribes by phone and then in writing via U.S. mail or electronic mail within 48 hours of the discovery. This notification will include pertinent information regarding human remains, funerary objects, sacred objects, or items of cultural patrimony discovered inadvertently or in areas of prior disturbance, their condition, and the circumstances of the discovery.

3. Within 72 hours of this notification, the Corps archaeologist shall also:

- a) Secure the remains and any associated funerary objects in a manner that is satisfactory to federally-recognized Native American tribes; and
- b) Re-inspect the location of the discovery and establish its limits, and
- c) Discern whether the remains were discovered on Federal, state, or private lands; and
- d) Clearly mark a 300 foot radius buffer zone and ensure that construction related activities are halted within this zone; and
- e) Implement measures, as appropriate, to protect and stabilize the discovery from further damage; and

4. In coordination with federally recognized Indian tribes and SHPO, the Corps archaeologist will assist local law enforcement in its investigation of the discovery, as needed. No intentional excavation, public access, publicity, or analysis of human remains, funerary objects, sacred objects, items of cultural patrimony, or burial furniture suspected of being Native American in origin, will be conducted by the Corps archaeologist or any other professional without first consulting with the federally-recognized Native American tribes and securing their permission.

No photographs will be taken during the archaeological examination and identification process. If any photographs or sketches are collected of Native American human remains or funerary objects, disposition of all images (including electronic and physical copies) will be subject to consultation with Indian tribes and any digital files will be destroyed.

5. In coordination with federally recognized Native American tribes and SHPO, the Corps archaeologist and/or the local coroner will complete a physical, noninvasive examination of the remains to discern their potential age, cultural affiliation, and identity, if possible. If the local Coroner determines they need a second opinion to verify their examinations, they will consult with the Corps archaeologist first to inform them about seeking the second opinion. If this investigation determines that the remains are not part of a crime, a missing person's case, an unmarked cemetery, or part of a historic cemetery and the examination of the remains suggest that they are potentially Native American in origin, then the Corps will assume jurisdiction over the remains. The Corps will initiate consultation under the Native American Graves Protection Repatriation Act (NAGPRA) and follow the procedures outlined in 43 CFR § 10.4 and 10.5 "Inadvertent Discoveries" and notify the SHPO and federally-recognized Native American tribes of these results by phone and then in writing via U.S. mail or electronic mail within three (3) working days.

6. If upon further examination by the local corner, the human remains are determined to not be Native American, then the Corps will follow state and local laws regarding the treatment of human remains.

APPENDIX D

Procedures for the Accidental or Inadvertent Discovery of Cultural Resources

1. If cultural resources are inadvertently discovered on Fee Title lands, the U.S. Army Corps of Engineers, Louisville District (Corps) Lake Project Manager shall immediately stop all work activities within a 200 foot radius of the discovery and immediately contact the Corps archaeologist about the discovery.
2. The Corps archaeologist will notify the State Historic Preservation Officer (SHPO) and Federally-recognized Tribes of the discovery within 48 hours and implement interim measures including actively monitoring the site and temporarily covering the discovery to protect the site from looting, vandalism, and inclement weather until the discovery can be investigated by an archaeologist.
3. Within 48 hours of the receipt of this notification of the discovery, the Corps archaeologist shall:
 - a) Inspect the project site to determine the extent of the discovery and ensure that work activities are halted within a 200 foot radius buffer zone; and
 - b) Record extent of discovery with either handheld GPS equipment or create a field map depicting extent of discovery; and
 - c) Implement additional measures, as appropriate, to protect the discovery from vandalism and stabilize the site; and
 - d) Notify other consulting parties, if applicable, of the discovery.
4. The Corps archaeologist will provide a written assessment of the discovery and site's eligibility for listing to the National Register of Historic Places (NRHP), based on preliminary information, to the SHPO and Federally-recognized Tribes within seven (7) working days of the discovery. The assessment shall include a written description of the discovery; including how it was found and how it was investigated. It will also include any figures, photographs, and tables that may be required for the document.
5. The SHPO and Federally-recognized Tribes will have seven (7) working days following the receipt of this assessment to support, disagree or request additional information on the Corps' NRHP eligibility statement of the site. Construction on or continuation of the project may continue outside the 200 foot radius buffer zone upon receipt of these responses.
6. If the site is considered to be potentially eligible for the NRHP, the Corps will consult with the SHPO and Federally-recognized Tribes regarding the appropriate measures for site treatment pursuant to 36 CFR § 800.6(a). These measures may include:
 - a) Site visits with the SHPO and Federally recognized Tribes; and/or
 - b) The exploration of alternatives to avoid, minimize, or mitigate effects to the site; and/or

- c) The development and implementation of a mitigation plan by the Corps archaeologist to evaluate the NRHP eligibility of the site
- 7. If the Corps, in consultation with the SHPO and the Federally-recognized Tribes, determines the site is not eligible for the NRHP, or will not be further disturbed by future construction activities, the project construction may resume within the 200 foot radius buffer zone.
- 8. A report of findings, describing the background history leading to and a statement on the site's NRHP eligibility, will be prepared. This report must meet the Secretary of the Interior's Standards and Guidelines for Archeology and Historic Preservation (49 FR 44716) guidelines as well as state requirement of the discovery. Each report will be distributed to the SHPO and federally recognized Native American tribes for consultation and their comments.

APPENDIX E

DEFINITIONS

The following definitions apply to this PA:

- A. “100% or Complete Inventory” is a comprehensive, systematic, intensive examination of an area designed to gather information about the number, location, condition, and distribution of historic properties within the entire area of an undertaking’s APE.
- B. “Archaeological Site” or “site” is a location where there exists material evidence of the past life culture of human beings dating to an age or likely age of greater than 50 years, and containing one (1) or more artifacts, or a feature or features greater than 50 years of age.
- C. “Area of Potential Effects” (APE) 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 (36 CFR 800.16[d])
- D. “Building”, as defined in 36 CFR 60.3(a), is a structure created to shelter any form of human activity, such as a house, barn, church, hotel, or similar structure. Building may refer to a historically related complex such as a courthouse and jail or a house and barn.
- E. “Disturbance” is any physical modification to the ground surface or subsurface, including but not limited to removal, reworking, redeposition, redistribution, compaction, burial, or thermal alteration of surface or subsurface sediments or deposits.
- F. “Easement Relinquishment” refers to the Corps giving up its rights to use land owned by another entity, resulting in no change to the ownership or use rights held by the landowner or any other party. In these cases, resources on lands under the easement would experience no change in protection as a result of the relinquishment.
- G. “Effect” means alteration to the characteristics of a historic property qualifying it for inclusion in or eligibility for the National Register (36 CFR 800.16[i]).

- H. “Eligible for inclusion in the National Register” includes both properties formally determined as such in accordance with regulations of the Secretary of the Interior and all other properties that meet the National Register criteria (36 CFR 800.16(l)[2]).
- I. “Emergency Undertaking” is an undertaking proposed by the Corps as an essential and immediate response to a disaster or emergency declared by the President or the Governor of a State or another immediate threat to life or property (36 CFR 800.12).
- J. “Exclusions” includes those undertakings, which because of their nature and scope, have predictable effects and a very low likelihood of affecting historic properties. These classes of undertakings shall be excluded from further Section 106 review and consultation under this PA (Appendix A).
- K. “Flood Control Project”, referred to in the document as a “Project”, is a dam built, operated, and maintained by the US Army Corps of Engineers for the primary purpose of flood control. A Corps Project is different from an undertaking (see definition in T. below), which is also referred to as a “project” or “activity”.
- L. “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 (NRHP) 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 (36 CFR 800.16(l)[1]).
- M. “Land acquisition” means a change in land ownership status where the Corps becomes the owner of a piece of land. This definition solely refers to the change in land status and does not include any changes in land use or management decisions, which may constitute undertakings under Section 106.
- N. “Maintenance” refers to small-scale and routine activities implemented for the ongoing upkeep of real property in order to prevent or limit deterioration and to maintain functioning systems. Examples of maintenance activities include but are not limited to cleaning, painting, and repairs to structure or utilities.
- O. “Indian tribe” means only federally recognized Indian tribe, band, nation, or other organized group or community, including a native village, regional corporation or village corporation, as those terms are defined in section 3 of the Laska Native Claims Settlement Act (43 U.S.C. 1602), which is recognized as eligible for the

special programs and services provided by the United States to Indians because of their status as Indians (36 CFR 800.16[m]).

- P. “Sample Inventory” is designed to estimate characteristics, density and/or distribution of the population of sites or historic properties in an area based on a sample.
- Q. “Standard Review Process” is the Section 106 review process as defined in 36 CFR 800 Subpart B.
- R. “Standard Treatments” are standard treatments, mitigation measures, and/or protocols for specific types of historic properties or actions, which may be developed in consultation with the SHPO and Indian tribes.
- S. “Structure”, as defined in 36 CFR 60.3(p), is a work made up of interdependent and interrelated parts in a definite pattern of organization. Constructed by man, it is often an engineering project large in scale.
- T. “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 the agency; those carried out with the Federal financial assistance, and those requiring a Federal permit, license, or approval (36 CFR 800.16[y]).

APPENDIX F

LIST OF CONSULTED PARTIES

I. Consulted Indian tribes

Name
Absentee Shawnee Tribe of Indians
Eastern Shawnee
Shawnee Tribe of Oklahoma
Saginaw Chippewa Indian Tribe of Michigan
Delaware Nation
Delaware Tribe of Indians Oklahoma
Miami Tribe of Oklahoma
Peoria Tribe of Oklahoma
Osage Nation
Wyandotte Nation of Oklahoma
Bad River Band of Lake Superior Chippewa
Citizen Pottawatomi Nation
Pokagon Band of Pottawatomi
Nottawaseppi Huron Band of Potawatomi
Forest County Potawatomi
Hannahville Indian Community
Kickapoo Tribe of Kansas
Kickapoo Tribe of Oklahoma
Kickapoo Traditional Tribe of Texas
Prairie Band of Potawatomi
Bois Forte Band of Chippewa
Grand Portage Band of Lake Superior of Chippewa
Fond du lac Band of Lake Superior
Grand Traverse Band of Ottawa and Chippewa
Sokaogon Chippewa
Turtle Mountain Band of Chippewa Indians
Lac du Flambeau Band of Lake Superior Chippewa Indians
Lac Courte Oreilles Band of Lake Superior Chippewa
Leech Lake Band of Ojibwe
Mille Lacs Band of Ojibwe
Little River Band of Ottawa
Ottawa Tribe of Oklahoma
Little Traverse Bay Band of Odawa
Red Lake Chippewa
Red Cliff Band of Lake Superior Chippewa
St. Croix Chippewa Indians of Wisconsin
Sault Ste Marie Tribe of Chippewa Indians
Quapaw
Match-E-Be-Nash-She-Wish Band of Pottawatomi Indians
Sac and Fox Tribe of the Mississippi in Iowa
Sac and Fox Nation of Missouri in Kansas and Nebraska
Sac and Fox Nation of Oklahoma

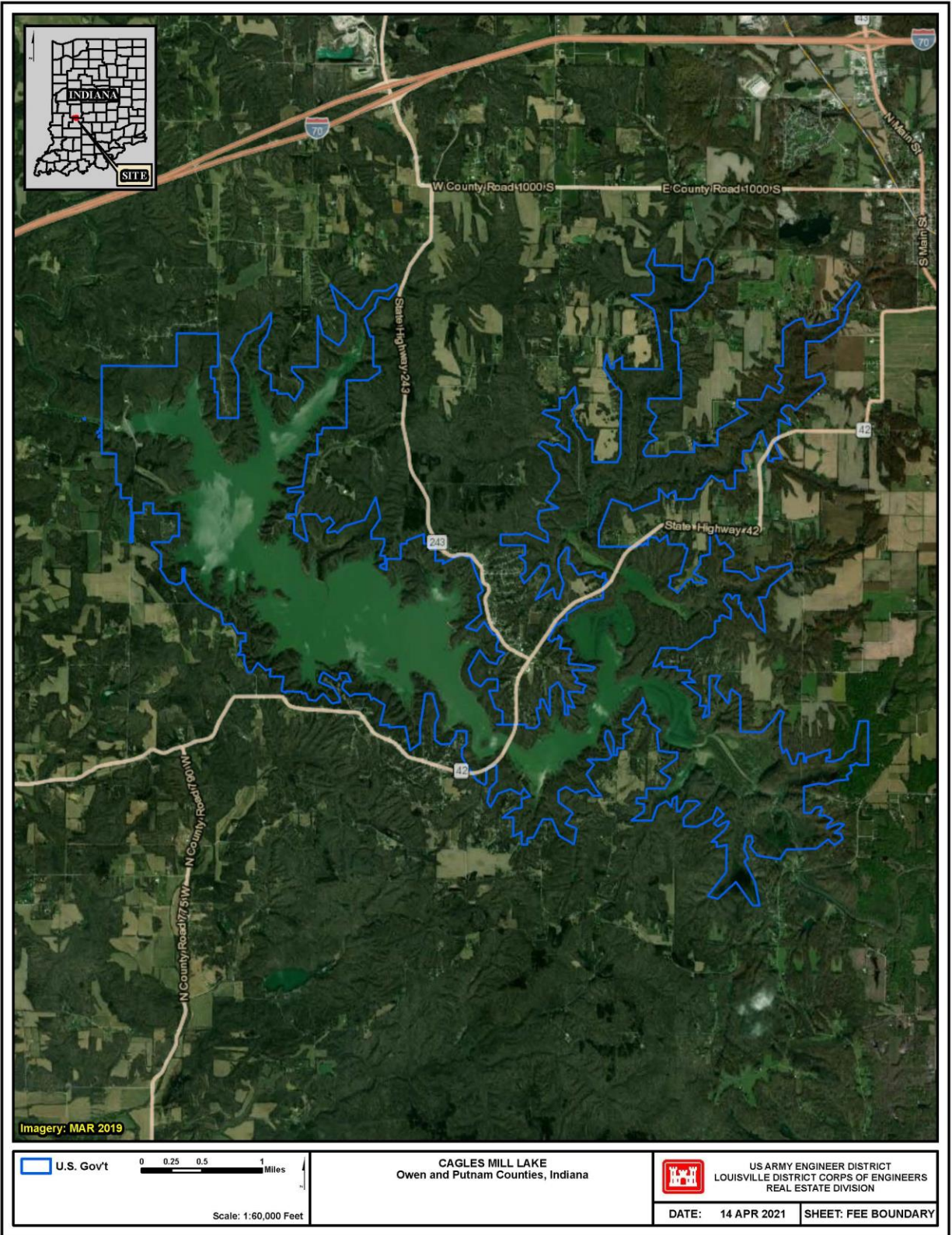
II. Other Consulted Parties

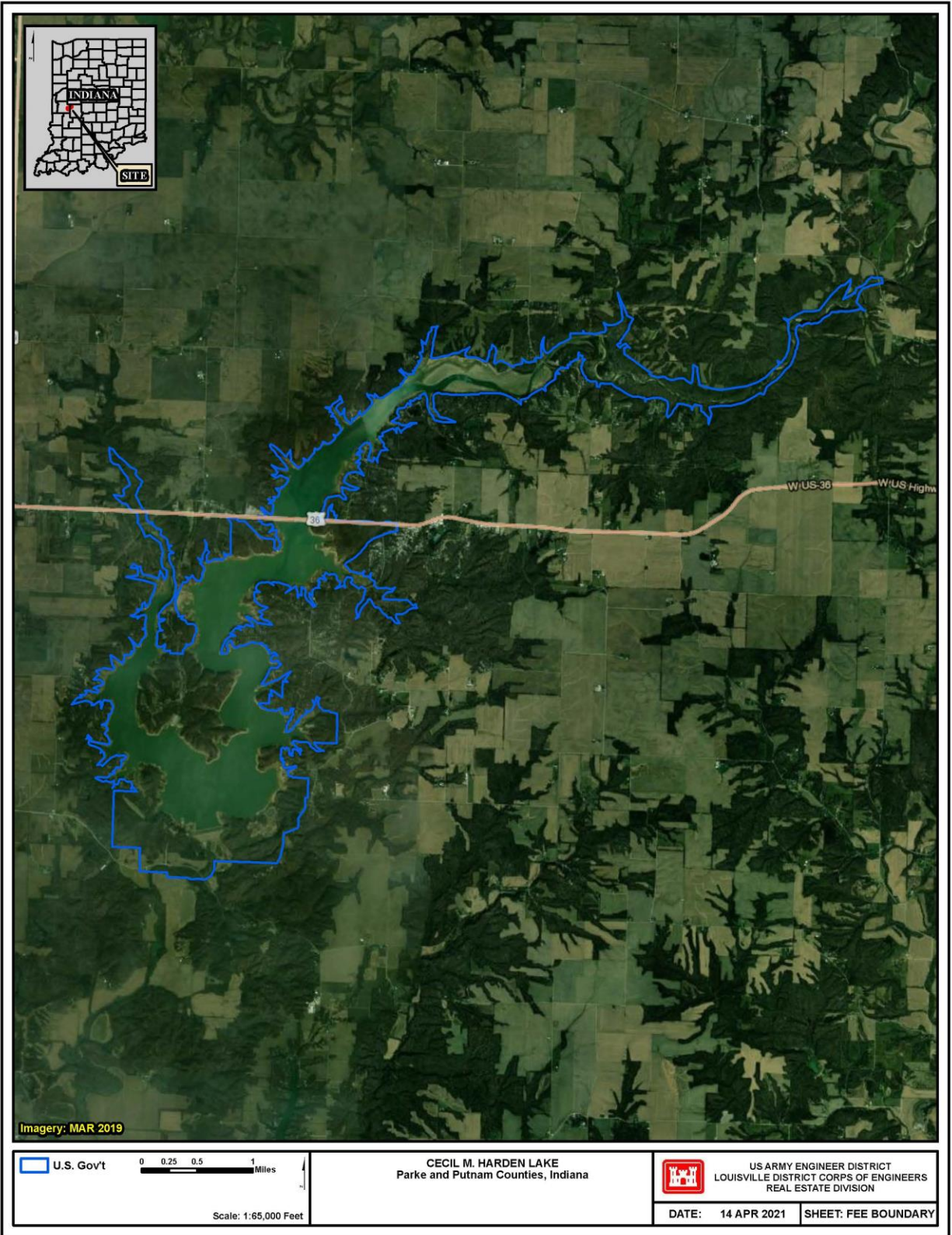
Indiana Archaeology Council (all lakes)
Indiana Landmarks (all lakes)
Indiana Parks Alliance (all lakes)
Friends of Lake Monroe (Lake Monroe)
Friends of Lieber SRA (Cagles Mill Lake)
U.S. Forest Service Hoosier National Forest (Lake Monroe and Patoka Lake)
Monroe County Board of Commissioners (Lake Monroe)
Brown County Board of Commissioners (Lake Monroe)
DuBois County Board of Commissioners (Patoka Lake)
Hoosier Hills Marina (Patoka Lake)
Patoka Lake Regional Water and Sewer District (Patoka Lake)
Ransburg Scout Reservation (Boy Scouts) (Lake Monroe)
Amy Weingartner Branigin Peninsula Preserve (Lake Monroe)
Fourwinds Lakeside Inn and Marina (Lake Monroe)
Lake Monroe Sailing Association (Lake Monroe)
Owen County Board of Commissioners (Cagles Mill Lake)
Putnam County Board of Commissioners (Cagles Mill Lake and Cecil M. Harden Lake)
Parke County Board of Commissioners (Cecil M. Harden Lake)
Parke County Historical Society (Cecil M. Harden Lake)
Heritage Preservation Society of Putnam County (Cagles Mill Lake aCecil M. Harden Lake)
Owen County Heritage Museum (Cagles Mill Lake)
Owen County Historical & Genealogical Society (Cagles Mill Lake)
Monroe County History Center (Lake Monroe)
Brown County Historical Society, Inc. (Lake Monroe)
Brown County History Center (Lake Monroe)
DuBois County Museum, Inc. (Patoka Lake)
DuBois County Historical Society (Patoka Lake)
Orange County Board of Commissioners (Patoka Lake)
Orange County Historic Museum (Patoka Lake)
Orange County Historical Society (Patoka Lake)
Crawford County Board of Commissioners (Patoka Lake)
Crawford County Historical and Genealogical Society (Patoka Lake)
Franklin County Board of Commissioners (Brookeville Lake)
Franklin County Historical Society (Brookville Lake)
Union County Board of Commissioners (Brookville Lake)
Union County Historical Society (Brookville Lake)
Treaty Line Pioneer Village, Inc. (Brookville Lake)
City of Bloomington Utilities (Monroe Lake)
Parke County Emergency Management and Planning (Cecil M. Harden Lake)
D&M Harbison Farms (Cecil M. Harden Lake)
Patoka 4 Seasons Resort (Patoka Lake)

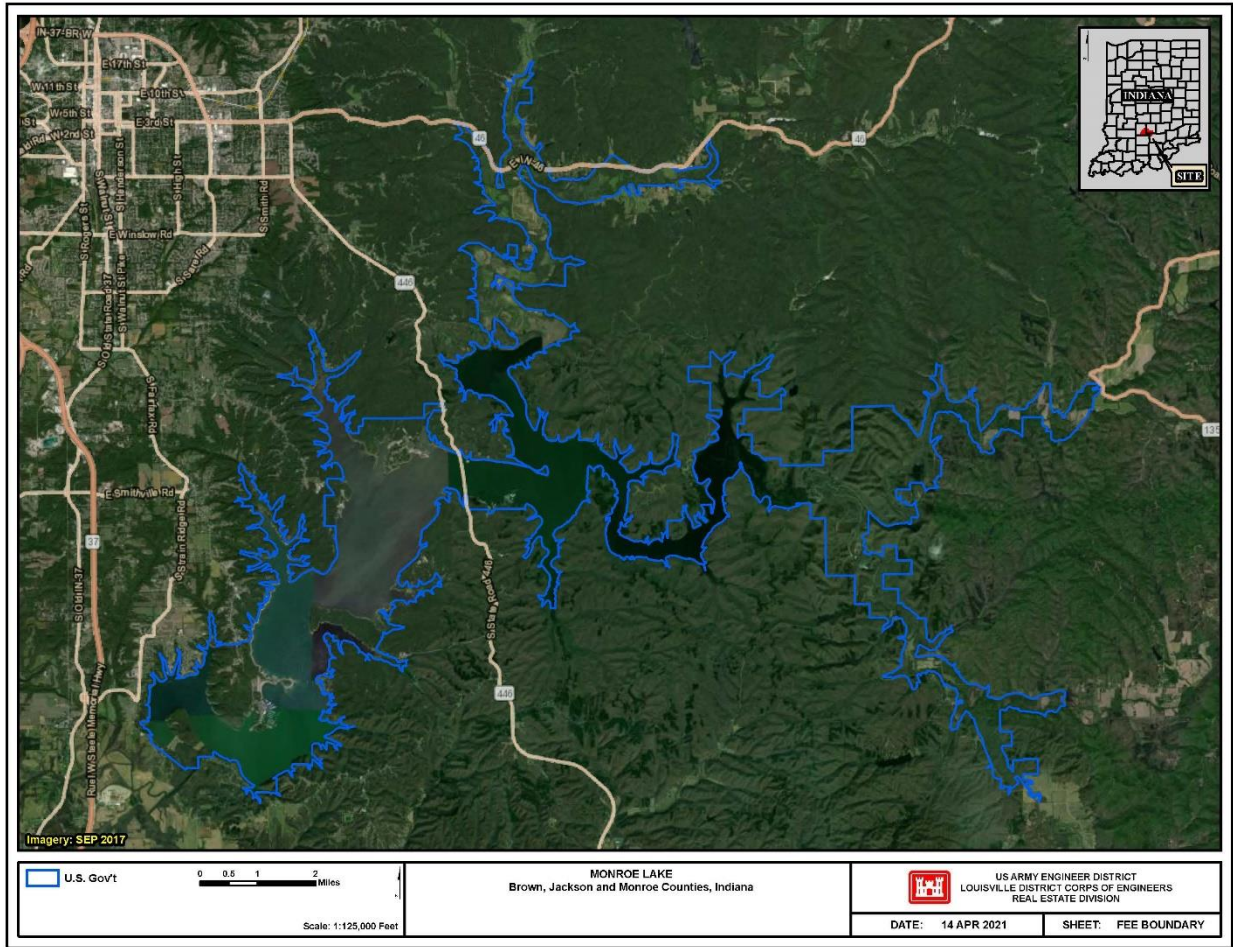
APPENDIX G

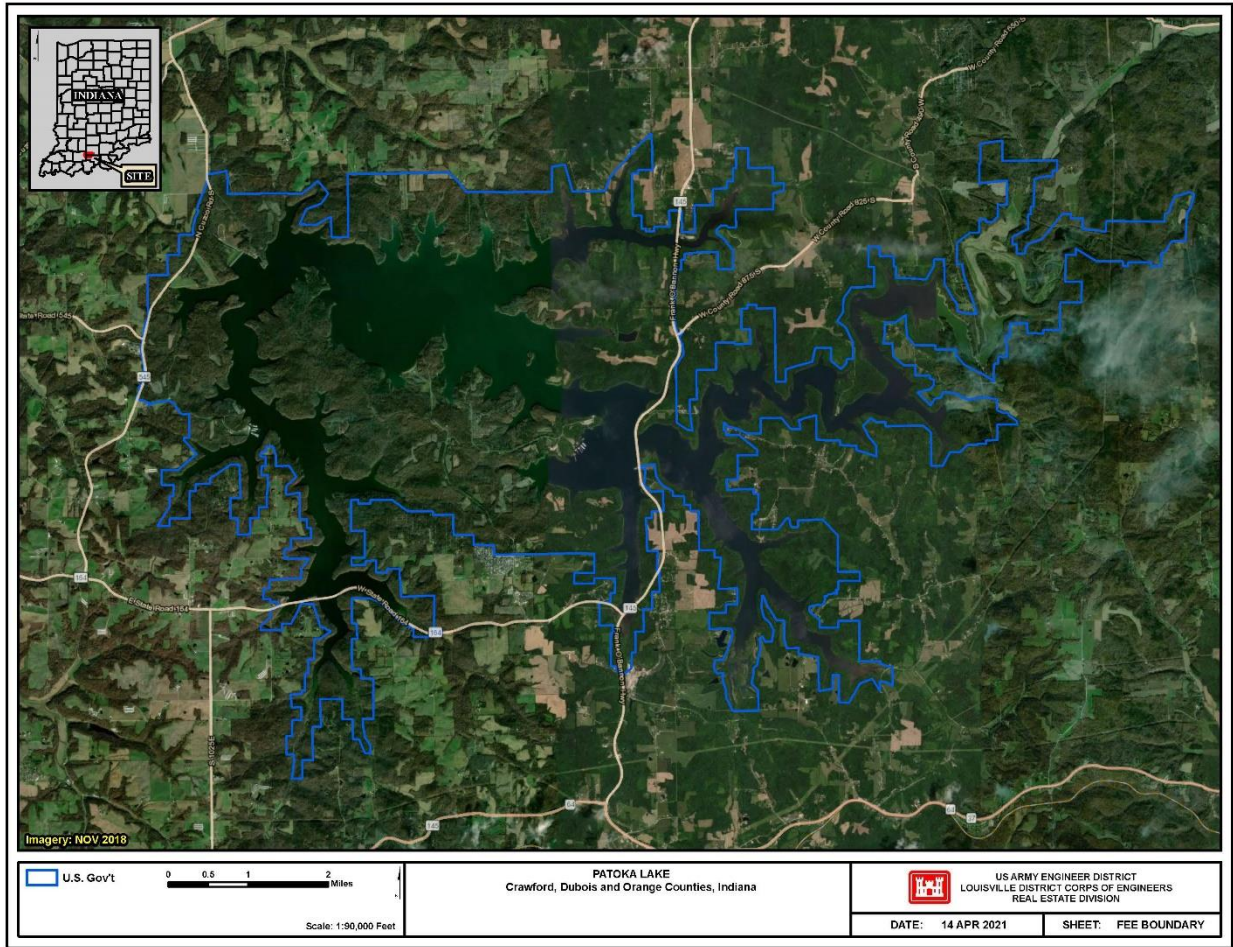
MAP OF EACH PROJECT

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Process Flowchart Under the Programmatic Agreement

