SECTION 106 PROCESS: COORDINATING WITH THE OKLAHOMA ARCHEOLOGICAL SURVEY

Kary Stackelbeck, State Archaeologist
Debra Green, Assistant State Archaeologist

Southern Plains Indian Housing Association
Durant, Oklahoma
July 18, 2018
• Archaeology is the study of the ancient and recent human past through material remains.
• It is a subfield of anthropology, the study of all human culture across all space and time.
OKLAHOMA ARCHAEOLOGY

Calf Creek points from a site in Grant County

Artifacts from a Paleoindian (ca. 11,200 BP) Mammoth kill site in Caddo County

Bison Kill site in Harper County

Rock Art from a cave site in Cimarron County

Log cabin on a historic archaeological site in Coal County
OKLAHOMA ARCHAEOLOGY

Upper Canark Stone slab house, A.D. 1100-1500

Zimms Site house, A.D. 1250-1450

Reconstructed mound and house from Spiro, A.D. 850-1450

http://www.texasbeyondhistory.net/tejas/fundamentals/images/spiro-house.html
CONNECTIONS BETWEEN ARCHAEOLOGICAL SITES AND OTHER HISTORIC RESOURCES

• Archaeological resources: below ground
• BUT may be connected to resources with above-ground components.
• May be the remnants of resource that was once above ground, but is now in ruins or removed.

http://img.groundspeak.com/waymarking/display/c7e6c6c9-6b35-450a-b3f7-1e615b753118.JPG
https://www.roadsideamerica.com/story/29012
OKLAHOMA ARCHEOLOGICAL SURVEY (OAS)

- OAS established in 1970
- Mission:
  - Research Oklahoma’s archaeological record
  - Work with state and federal agencies, and the citizens of Oklahoma to preserve significant archaeological sites
  - Disseminate information about Oklahoma’s cultural heritage through publications and public presentations
OKLAHOMA ARCHEOLOGICAL SURVEY (OAS)

- OAS is state’s repository for archaeological data
- Over 26,500 sites
- Some 20,000 reports
- Archaeological sites represent a wide range of time periods and activities
  - Paleoindian (12,000+-8000 BP)
  - Archaic (8000-2000 BP)
  - Woodland (2000-1200 BP)
  - Villagers (1200-500 BP)
  - Historic Period (500-50 BP)
Number of Archaeological Sites Per County

- 30 - 200
- 201 - 400
- 401 - 600
- 601 - 800
- 801 - 1000
- 1001 - 1200
- 1201 - 1400
- 1401 - 1600

ARCHAEOLOGICAL SURVEYS OF OKLAHOMA

OAS SITE FILE DIGITIZATION AND GIS PROJECT
SECTION 106 REVIEW: OAS’ ROLE

• Entered into cooperative agreement with SHPO in 1976

• OAS’ role in Section 106 review process
  • Review projects for potential impacts to significant archaeological resources
  • Review initial submissions
  • Review archaeological reports
  • Provide comments and recommendations on these and other documents
36 CFR PART 800

- **Initiate** the process
- **Identify** historic properties
- **Assess** adverse effects
- **Resolve** adverse effects – Avoid, minimize or mitigate
OKLAHOMA ARCHEOLOGICAL SURVEY: NEW WEBSITE

http://www.ou.edu/archsurvey
OAS WEBSITE (CON’T.)

- Cultural Resource Management Page

Cultural Resource Management

In cooperation with the State Historic Preservation Office, Oklahoma Historical Society, the Archaeological Survey works to preserve and protect Oklahoma's significant archaeological resources.

State and Federal Laws Pertaining to Archaeology

Through a variety of state and federal laws, the staff of the Survey works to preserve and protect important archaeological resources. Among the most important of these laws are:

Section 106 of the National Historic Preservation Act (NHPA) of 1966, as amended, requires that Federal agencies and their designee/authorized representatives take into account the effects of their Federal undertakings on cultural resources that are listed on or eligible for the National Register of Historic Places (NRHP). The process of complying with Section 106 in Oklahoma provides OAS with a role in commenting specifically on potential impacts to significant archaeological resources. For more on Section 106, visit our Resources Page.

The Oklahoma Antiquities Law (30 Oklahoma Statute § 53.361) protects archaeological sites on the State Register of Historic Places or on property owned by or under the control of the State of Oklahoma or any of its political subdivisions that are subject to taking, excavation, removal, or scientific or educational studies.

- Excavation of such sites must be done by trained researchers who have been issued a permit from the State Archaeologist, Oklahoma Archaeological Survey.
- All artifacts recovered from excavations on state lands must be deposited in an Oklahoma museum or repository. The policy of the State Archaeologist, the State Historic Preservation Officer, and the Sam Noble Oklahoma Museum of Natural History is to make archaeological materials available to qualified researchers for study and to responsible museums for display.
- A provision in the law can also help landowners protect their archaeological sites against unauthorized relic digging.
- Violators of the provisions of this law are guilty of a misdemeanor and, upon conviction, may be fined up to $500 and/or be imprisoned up to 30 days in the county jail.

The Burial Desecration Law (21 Oklahoma Statute § 211.166.D-116b.6) extends protection to human remains and associated burial goods in unmarked graves on both state- and privately-owned land. Among the provisions of this law:

- It is illegal to knowingly disturb, dig up, or remove human skeletal remains or associated items from unmarked graves. Also, these items may not be displayed for profit or in any commercial enterprise.
- People who encounter unmarked graves and their contents should stop any further disturbance activities and report the finds to an appropriate law enforcement officer in the county.
Agencies and Applicants Page

Agencies and Applicants

For agencies and applicants that are directed to coordinate with OAS and seek our consent regarding potential impacts to archaeological resources, please refer to the following guidance on the submission process.

Initial Submission
To ensure timely responses from the OAS and to ensure the OAS's needs to request additional information, submission letters must contain the following information:

- A cover letter that provides:
  - your agency's complete name/address;
  - a detailed description of the proposed project, including what, if any ground disturbing activities are going to occur;
  - who is funding, licensing, or permitting the project;
  - the size of the project area (preferably in acres) and the legal description (quarter section, section, township, and range); city and county; and
- A color map (preferably a portion of a USGS 7.5 minute topographic map) and/or aerial photograph illustrating the exact location of the project area.

For more detailed information about submitting a Section 106 request, please refer to the SHPO's Primer and Compliance Manual (pdf).

These submissions should be sent to the attention of Dr. Kay Blackbeck, State Archaeologist at the following address:

Oklahoma Archeological Survey
University of Oklahoma
111 Chieftain Drive
Norman, OK 73019-5111

We encourage you to review our response letter upon receipt as it may contain a request for further information in the form of additional documentation required to complete our initial review and to recommend that an archaeological survey of the project area be completed.

Archaeological Survey

Upon reviewing a given project, OAS may recommend that an archaeological survey is warranted based on the presence of or potential for significant archaeological sites in the project area. Such surveys must be completed by qualified archaeologists who are certified by the Secretary of the Interior's Professional Qualifications Standards for Archaeology.

Archaeological Report

Upon completion of a survey, the archaeological consultant should provide you with a professional technical report of their investigation, including their findings and recommendations pertaining to any archaeological resources they may have identified. Such reports that are submitted to our office for review and comment shall include a cover letter sent to the attention of Dr. Kay Blackbeck, State Archaeologist at the following address:

Oklahoma Archeological Survey
University of Oklahoma
111 Chieftain Drive
Norman, OK 73019-5111

Contact the Oklahoma Archeological Survey

Hours of Operation: M-F 8:00 am – 5:00 pm, closed for lunch between 12:00-1:00 pm.

Office Phone: 405-325-7171
Office Fax: 405-325-7091
## Common Issues

- Inaccurate location
- Inaccurate County
- Inaccurate ‘legacy’ information from previous versions of letters
- Lack of detail in project description

## Best Practices

- Accurate location
  - Coordinates (latitude/longitude)
  - PLSS Legal description (Section, Township, Range)
  - Physical address
- Legible Map that matches the location description
  - USGS Topographic Quadrangle map
  - Google Earth/Maps
- Specific details in project description

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**Coordination with OAS: Common Issues with Submissions**
June 26, 2018

Kary Stackelbeck
State Archeologist
Oklahoma Archeological Survey
111 E. Chesapeake, Room 102
Norman, OK 73019-5111

Dear Ms. Stackelbeck:

In accordance with Section 106 of the National Historic Preservation Act, the Cherokee Nation Environmental Programs respectfully requests your opinion on the possible impacts/effects of the following project:

PROJECT

The proposed project involves rehabilitation to the interior and exterior of one single-family dwelling (circa 1970). There are currently no other structures on site and none have been removed in the recent past. The proposed project is located in the Vinita, OK USGS quadrangle(s) in Craig County, OK. The physical/legal description is: 407 W. Sequoyah Ave. Vinita, OK 74301 (Lots 3 & 4, Block 43, in the City of Vinita, Oklahoma).

The project described above will be completed with funding provided by the US Department of Housing and Urban Development through the Native American Housing Assistance and Self-Determination Act. A map of the project area is attached. If you have any questions or require further information, please contact my office at (918) 453-5118. Thank you.

Sincerely,

Linda Pence, Environmental Specialist III
Cherokee Nation Environmental Programs
INITIAL SUBMISSIONS: COMMON OAS RESPONSES

- Request more information
- Archaeological survey recommended
- No archaeological field inspection necessary
  - Note: If you have an inadvertent discovery during construction despite receiving this comment, you must stop work and reopen consultation
Agencies and Applicants Page

Agencies and Applicants

For agencies and applicants that are directed to cooperate with OAS and seek our advice regarding potential impacts to archaeological resources, please refer to the following guidance on the submission process.

Initial Submission

To ensure timely responses from the OAS and to reduce the OAS's work to request additional information, submission letters must contain the following information:

- A cover letter that provides:
  - your agency's complete name and address;
  - a data brief description of the proposed project, including what, if any ground disturbing activities are going to occur;
  - the agency that is funding, licensing, or permitting the project;
  - the size of the project area (preferably in acres) and the legal description (quarter section, section, township, and range), city and county; and

- A color map (preferably a portion of a USGS 7.5 quadrangle topographic map) and/or aerial photograph illustrating the exact location of the project area.

For more detailed information on submitting a Section 106 request please refer to the SHPO's Review and Compliance Manual (PDF). These submissions should be sent to the attention of Dr. Kerry Stacklebeck, State Archaeologist at the following address:

Oklahoma Archeological Survey
University of Oklahoma
111 Chesapeake Street
Norman, OK 73019-5111

We encourage you to review our response letter upon receipt as it may contain a request for further information or data in the form of additional documentation required to complete our initial review or to recommend that an archaeological survey of the project area be completed.

Archaeological Survey

Upon reviewing a given project, OAS may recommend that an archaeological survey is warranted based on the presence of or potential for significant archaeological sites in the project area. Such surveys must be completed by qualified archaeologists in accordance with the Secretary of the Interior's Professional Qualifications Standards for Archaeologists.

Archaeological Consultant Contact List (PDF)

Archaeological Report

Upon completion of a survey, the archaeological consultant should provide you with a professional technical report of their investigations, including their findings and recommendations pertaining to any archaeological resources they may have identified. Such reports that are submitted to our office for review and comment shall include a cover letter sent to the attention of Dr. Kerry Stacklebeck, State Archaeologist at the following address:

Oklahoma Archeological Survey
University of Oklahoma
111 Chesapeake Street
Norman, OK 73019-5111

Contact the Oklahoma Archeological Survey

Hours of Operation: M-F 8:00 am - 5:00 pm, closed for lunch between 12:00-1:00 pm.
Location: Oklahoma Archeological Survey
Office Phone: 405-325-7871
Office Fax: 405-325-7872
Archaeological Consultants

OAS maintains the Oklahoma Archaeological Site File Repository and other information that is useful for professionals and archivists creating a background of research in support of development projects. Prior to completing fieldwork, archaeologists examine OAS records to determine if previously identified sites occur within or near the project area and whether the project area has been subjected to previous investigations. These records are maintained within the Community Assistance Program (CAP) office at OAS. Before in-person contact is made, it is recommended that you visit the CAP office to review the site files or when preparing site forms and reports for submission to OAS.

Visiting the CAP Office

Hours of Operation: M-F 8:00 am – 5:00 pm, closed for lunch between 12:00-1:00 pm
Location: Oklahoma Archeological Survey
Office Phone: 405-271-7111
Office Fax: 405-271-7603
E-mail: cap@ou.edu

Coordinating Your Visit: Most of the site files are currently in paper form. We have staff archaeologists who can help answer any questions and navigate you through the process of accessing these records. If you have a particularly large or complex project, it is recommended that you contact our office in advance of your visit to ensure that sufficient staff will be available to assist you with your records search and that adequate workspace is available.

Consultants are required to complete an OAS File Search Request Form (below) to access the records. This may be done in person at the time of your visit or you may download, complete, and print the form in advance. NOTE: this form includes a non-disclosure agreement that must be signed by the Principal Investigator of the project. Upon reviewing the records, you determine if previously identified sites are located in or near your project area, you may request copies of those site forms. The File Search Request Form for the project should be included with the request for site forms and list the relevant site numbers.

A copy is available for use to produce copies or scans of selected paper documents. Photocopies are $0.20 per 8½ x 11” page or $0.30 per 11 x 17” page. CAP staff archaeologists can assist with the use of the copier. All site form requests will incur a fee of $1.00 per form. We are unable to accept payments by credit card or money order.

Other Useful Resources for Background Research

For some other useful resources in conducting background research beyond the OAS site files in the CAP office, please refer to the Resources Page.

Site Form Submission

A site form for each site form must be submitted prior to receiving a site number. These may be submitted either electronically as an attachment to Dr. Debra Green, Assistant Director, Archaeology, or in hard copy form to Dr. Green’s attention at the above address.

Tinumette will be assigned upon initial review of the site form. Typically, within one to two days of the form being completed, all forms are reviewed and assigned tinumette numbers. A final hard copy of each site form must be submitted within 30 days of issuance of the tinumette number on the associated project report.

OAS will request some revisions or changes to the forms based on obvious errors or omissions, such as blanks generally do not prejudice the issuance of a site number, provided the changes are addressed in the final versions of the forms that are submitted.

Common Issues with Site Forms:

- Incomplete sections (e.g., Soil, Faunal/Flora)
- Inadequate legal descriptions
- Incorrect UTM’s (wronging the Northing and Easting coordinates)
- Missing sketch and/or (USGS topographic maps)
OAS WEBSITE (CON’T.)

- Resources Page

Resources

Additional information on cultural resources and historic preservation in Oklahoma can be found below.

Sites in Oklahoma

The following table provides a listing of known prehistoric sites within Oklahoma by county and broad time period. Last updated (2010).

For a more detailed account of known archaeological surveys and sites see the 2009 Sites of Archaeological Sites and Management Activities (pdf).

Search for a County

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<th>County</th>
<th>Paleo</th>
<th>Archaic</th>
<th>Woodland</th>
<th>Plains Village</th>
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<tr>
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</tr>
</tbody>
</table>

Additional Resources for Archaeology in Oklahoma

- State Historic Preservation Office (SHPO)
- Oklahoma's National Register of Historic Places and Oklahoma Landmarks Inventory
- SHPO's Determination of Eligibility Search
- Information on Prehistoric Contexts
- Information on Historic Contexts
- Oklahoma's Statewide Preservation Plan

Additional Resources for Section 106

- 36 CFR Part 820 (pdf)
- SHPO Fact Sheet #10: Frequently Asked Questions about Section 106 Review (pdf)
- SHPO's Section 106 Review and Compliance Manual (pdf)
**ARCHAEOLOGICAL INVESTIGATIONS: COMMON RESULTS & OAS RESPONSES**

- **Archaeological Survey (Phase I) Report:**
  - Request more information
  - No archaeological sites present
  - Archaeological sites present
    - Site(s) is/are not eligible for listing in the National Register of Historic Places (NRHP)
    - Site(s) is/are/may be NRHP-eligible (typically under Criterion D)

- **NRHP Assessment (Phase II testing) and report**
  - Request more information
  - Site(s) is/are not NRHP-eligible
  - Site(s) is/are NRHP-eligible
    - Assess and Resolve adverse effects (avoid, minimize, mitigate)
CHANGES TO YOUR PROJECT OR NEW INFORMATION?

- Re-open consultation
- Make a new submission
- Reference the original project and associated information
  - Original date of submission
  - SHPO # indicated in their response letter
  - Responses from SHPO and OAS (summarized or copies of originals)
- Note the ways in which the project has changed and/or the new information pertaining to historic resources that has come to light since previous correspondence
Riverside Marketplace, Ludlow, Kentucky

• Archaeological survey conducted

• No intact, significant archaeological resources identified

• But, NR-eligible structures
Downtown Scholar House

- Northern section of Old Louisville, KY
- Mid-19th to Mid-20th Century archaeological site
- Remnants of structures, cellars, cisterns, privies and other deposits
- Historic German/German-Jewish immigrant lifeways
- Social, economic issues

Two images from AMEC Earth & Environmental draft mitigation report (Andrews and Schatz 2011)
Estill-Irvine, KY Wastewater Plant

• Wastewater Treatment Facility

• Late Prehistoric Village (~500-1000 years ago)

• Remnants of structures, trash pits, and hearths and a variety of artifacts

• Economy, social organization, diet, technology, ritual activities
IT’S NOT JUST ABOUT COMPLIANCE…
ARCHAEOLOGICAL SITES

• Archaeological sites are unique, non-renewable resources
• Site forms serve as the principal record of an archaeological site, in addition to the associated report(s)
• Baseline data for the site’s current condition
• Will be accessed and used by archaeologists today and for generations to come
• In some instances, these forms and reports are the only information on sites that have since been destroyed
OAS CONTACTS

• Phone: (405)325-7211
• Kary Stackelbeck, State Archaeologist
  • kstackelbeck@ou.edu
• Debra Green, Assistant State Archaeologist
  • dgreen@ou.edu
• (currently vacant), Administrative Assistant
• OAS Community Assistance Program—Graduate Research Assistants
  • oascap@ou.edu