



Preservation Hotline #12

South Carolina Department of
Archives & History
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**State Historic
Preservation Office**
<http://shpo.sc.gov/>

Complying with Federal and State Regulations Archaeological Site Identification, Evaluation, & Mitigation

Archaeology, defined as the scientific study of human-related material remains, plays an important role in the environmental review process. While impacts to all historic resources, such as historic buildings and structures, are considered in the environmental review process, this document focuses on the identification and evaluation of archaeological resources. For technical information about performing archaeological compliance work, see the *South Carolina Standards and Guidelines for Archaeological Investigations* available on our website at www.palmettohistory.org/archaeology/arch2.htm.

Q. Why “Do” Archaeology? (The Legal Basis)

A. The South Carolina State Historic Preservation Office (SHPO) conducts review under several federal and state laws. At the federal level, the SHPO carries out reviews under Section 106 of the National Historic Preservation Act (NHPA) and the National Environmental Policy Act (NEPA). At the state level, the SHPO reviews projects under the South Carolina Coastal Zone Management Act, the South Carolina Mining Act, and the State Owned or Leased Historic Properties Law. Although each law is slightly different, they all seek to preserve and protect significant cultural sites.

Prior to any federally licensed, funded, permitted, or assisted project, the SHPO staff must review a project’s potential to impact significant archaeological sites. SHPO staff also reviews this potential for projects being permitted under the state laws cited above. When there are known sites in a project area, the SHPO advises the lead federal or state agency on how the proposed undertaking will affect those sites that are eligible for or listed in the National Register of Historic Places (NRHP).

Q. What Makes a Site Significant?

A. Eligibility for, or listing in, the National Register is the yardstick that is used to gauge site significance. The National Register is the nation’s official list of historic properties that are considered to be significant to the archaeological, historic, architectural, engineering, or cultural heritage of the United States. Archaeological sites that are listed in or determined eligible for listing in the NRHP contain important information about history or prehistory, such as the remains of an early trade settlement where colonists and Native Americans interacted.

Q. How Are Significant Sites Identified?

A. In the majority of cases, no one has studied a project area to identify archaeological sites. In these situations, the SHPO staff often will recommend an archaeological survey, either alone or as a component of a cultural resources survey, within the Area of Potential Effects (APE). A cultural resources survey includes above-ground historic resources

such as buildings, and typically has a larger APE than an archaeological survey. The APE for archaeological surveys is usually the tract footprint or the limits of construction.

The purpose of an archaeological survey is to identify archaeological sites within the APE that are eligible for or may be eligible for listing in the National Register. The most common form of archaeological survey used to comply with federal and state legislation is called an intensive survey. An intensive survey, which must be conducted by **qualified professionals**, includes a number of activities, such as archival research, informant interviews, field survey and analysis. The field survey is a systematic examination of those areas of a tract with a moderate to high probability for archaeological resources. Using a shovel, the archaeologist excavates 12-inch holes at 100-foot intervals to sample the soil and inspect for artifacts that comprise an archaeological site. If artifacts are found, the interval is reduced to define site boundaries and to gather more information about the site.

Once the field survey is complete, the artifacts are processed at the lab, analyzed, and described in an archaeological report. Archaeological reports include sections (for example, environmental setting, historic context, field methods, site description, site significance, and recommendations) that provide context for understanding and evaluating the archaeological resources identified during the field survey. If sites are found, the consultant will make recommendations regarding NRHP eligibility and include those in the report. The report is then submitted to the lead federal or state agency and to the SHPO for review and comments. The SHPO has 30 days to review an archaeological survey report and to

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provide comments to the lead agency. Besides making technical comments, the SHPO will evaluate National Register eligibility recommendations for the archaeological sites identified in the project area.

Q. What Happens after the Identification and Evaluation of Sites?

A. After the initial identification and evaluation phase has been completed, the lead federal or state agency, in consultation with the SHPO, will make a formal finding as to whether historic properties (that is, archaeological sites that are listed in or eligible for the NRHP) may be affected by the project. A finding of “no historic properties affected” is appropriate when no historic properties are present within the project area or when there are historic properties present, but the project will not have any effect upon them. A determination of “no historic properties affected” generally concludes the review process and no further treatment is required. If it is determined that historic properties may be affected by the project, then the lead agency, in consultation with the SHPO, will make an assessment of effects.

If a project is determined to have an “adverse effect” upon a historic property, then the lead agency, the SHPO, and project planners consult with each other to determine the best way to avoid, minimize, or mitigate adverse effects. Once the measures for treating adverse effects upon historic properties have been agreed upon by all parties they are formalized in a legally binding document called a Memorandum of Agreement (MOA).

Q. How are Adverse Effects Treated?

A. Adverse effects upon significant archaeological sites are treated in several ways. Avoidance is one of the best alternatives since this leaves the archaeological site intact. A restrictive covenant or **conservation easement** is usually required in order to preserve the site in perpetuity. When avoidance of an archaeological site is not possible, the most common form of treatment is mitigating the adverse effect through archaeological data recovery. Archaeological data recovery is the most intensive form of archaeological investigation. The purpose of archaeological data recovery is to answer specific research questions through site documentation, excavation, and scientific analysis. Because of the amount of data and sampling needed to fulfill research goals and objectives, data recovery projects can be labor intensive, time-consuming, and expensive. The results of the data recovery excavation are presented in a report to the lead federal or state agency and the SHPO for review and comment prior to construction activities. A public education component is usually required for archaeological sites mitigated through data recovery.

More Questions:

Q. Are there any alternatives to an intensive survey?

A. A Cultural Resources Assessment (CRA) is an option available to applicants who would like to get preliminary information regarding cultural resources within a project area. A CRA is a streamlined process designed to provide the

SHPO and the applicant with the basic information necessary to determine whether a project has the likelihood of affecting significant archaeological sites. **In some cases a CRA will eliminate the need to perform an intensive survey, but often an intensive survey will be needed in at least portions of the project area to carry out responsibilities stipulated by federal and state laws.**

Q. How much does an intensive survey or CRA cost?

A. The cost of archaeological investigations varies widely and is highly dependent on the size and scope of the project. It is recommended that you contact at least three companies to get a cost estimate and a scope-of-work for your proposed project. For more information see **Preservation Hotline # 9** on selecting a consultant and the SHPO’s list of **archaeological consultants**, both available at <http://shpo.sc.gov/programs/professionals/>.

Q. Who pays for cultural resource studies?

A. If a private individual or entity applies for a federal or state permit to undertake a project, then the individual or entity is responsible for paying for cultural resource studies. A federal agency pays for cultural resource studies when the agency is directly responsible for the project. The SHPO does not conduct archaeological surveys.

Q. How long does this process take?

A. The length of time required to complete the review process is dependent on a number of factors such as the size and location of the project area, the availability of consultants, and the level of investigation. It can take several weeks to a year or more. Applicants should contact the federal or state permitting agency and SHPO early in the permitting process in order to gauge the level of effort that will be required.

Q. What are the public benefits of archaeology?

A. Archaeological investigations uncover secrets of our history that cannot be known or fully understood from written records. In addition to the production of full technical reports, most archaeological mitigation projects done today in compliance with federal and state laws include an education component to make sure significant information is conveyed to the public. Educational curricula for school districts can be developed to teach children about local history and culture. Artifacts recovered during an excavation project can be put on display in local museums to teach the general public about a particular facet of history. Significant archaeological sites, such as a Civil War earthwork, can also be preserved through conservation easements held by public or private organizations. The public is able to learn about these sites through interpretive signs, tours, and educational brochures.

If you have questions or need more information, visit our website at <http://shpo.sc.gov/programs/revcomp/pages/default.aspx> and www.palmettohistory.org/archaeology/arch2.htm.