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DOE G 450.1-3
9-22-04

Environmental Guidelines for Development of Cultural Resource Management Plans—Update

[This Guide describes suggested nonmandatory approaches for meeting requirements. Guides are not requirements documents and are not to be construed as requirements in any audit or appraisal for compliance with the parent Policy, Order, Notice, or Manual.]



U.S. Department of Energy
Washington, D.C. 20585

CONTENTS*

FOREWORD	xi
PREFACE	xiii
ACRONYMS	xv
<i>OVERVIEW OF DOE CRM PROGRAM AND GUIDELINES</i>	1
<i>DOE CRM PROGRAM OBJECTIVES</i>	1
<i>CRM STATUTORY AUTHORITIES</i>	3
<i>DOE CRM PLAN GUIDELINES</i>	4
<i>Planning Responsibilities</i>	5
<i>Plan Objectives</i>	5
<i>Administrative Responsibilities</i>	6
<i>DOE CRMP Review</i>	9
<i>CRMP Format and Content</i>	9
<i>DESCRIPTION OF PART 1 OF THE CRMP</i>	
EXECUTIVE SUMMARY	13
1. INTRODUCTION	13
<i>DESCRIPTION OF PART 2 OF THE CRMP</i>	
2. CRM GOALS	15
2.1 Short-Term Goals	15
2.2 Long-Term Goals	16
<i>DESCRIPTION OF PART 3 OF THE CRMP</i>	
3. EXISTING CONDITIONS	17
3.1 Facility or Program Descriptions	17
3.1.1 Current Physical Setting	17
3.1.2 Current Operational Context	17
3.1.3 Potential Impacts to Cultural Resources	17
3.1.3.1 Past Practices	18
3.1.3.2 Planned Activities	18

*Headings that should be included in individual CRM plans are shown in standard type. Headings that introduce CRM plan sections are shown in italics.

CONTENTS (continued)

3.1.4	Summary of Current Planning Procedure	18
3.1.5	Funding	18
3.2	Cultural and Historical Setting	19
3.2.1	Historic and Prehistoric Environments	19
3.2.2	Prehistory and History	19
3.2.3	Traditional Lands and Resource Uses	19
3.2.4	Treaties, Executive Orders, and Land Grants	19
3.2.5	Recent Scientific Significance	19
3.3	Known Cultural Resources	20
3.3.1	Prehistoric Properties	20
3.3.1.1	Districts, Sites, and Structures	21
3.3.1.2	Objects	21
3.3.1.3	Other Important Properties	21
3.3.2	Historic Properties	21
3.3.2.1	Districts, Sites, Buildings, and Structures	21
3.3.2.2	Objects	21
3.3.2.3	Other Important Properties	21
3.3.2.4	Other Resources of Ethnic Importance	22
3.3.3	Resources of Native American Cultural Significance	22
3.3.3.1	Sacred Sites	22
3.3.3.2	Traditional-Use Resources	22
3.3.3.3	Native American Cultural Items	22
3.3.3.4	Other Resources of Native American Cultural Significance	23
3.3.4	Properties of Recent Scientific Significance	23
3.3.4.1	Districts, Sites, Buildings, Structures, and Other Facilities	23
3.3.4.2	Objects	23
3.3.4.3	Other Properties	23
3.4	CRM Accomplishments	23
3.4.1	Cultural Resource Records and Reports	24
3.4.1.1	Cultural Resource Site Records	24
3.4.1.2	Cultural Resource Project Records	24
3.4.1.3	Other Cultural Resource Records	24
3.4.1.4	Cultural Resource Reports	24
3.4.2	Inventory	25
3.4.2.1	Archival Searches	25

CONTENTS (continued)

3.4.2.2	Ethnographic Fieldwork	25
3.4.2.3	Structure and Facility Surveys	25
3.4.2.4	Structure and Facility Survey Status	26
3.4.2.5	Archeological Surveys	26
3.4.2.6	Archeological Survey Status	26
3.4.2.7	Other Inventory Activities	26
3.4.3	Excavation	26
3.4.3.1	Test Excavations	27
3.4.3.2	Large-Scale Excavations	27
3.4.3.3	Excavation Status	27
3.4.4	Structure and Facility Management	27
3.4.4.1	Documentation	27
3.4.4.2	Maintenance	27
3.4.4.3	Mitigation	28
3.4.4.4	Management Status	28
3.4.5	Laboratory Treatment	28
3.4.5.1	Processing	28
3.4.5.2	Analysis	28
3.4.5.3	Laboratory Treatment Status	28
3.4.6	Curation	28
3.4.6.1	Curation Facilities and Procedures	29
3.4.6.2	Curation Status	29
3.4.7	Preservation	29
3.4.7.1	Protection from Natural Forces	29
3.4.7.2	Protection from Human Forces	29
3.4.7.3	Preservation Status	30
3.4.8	Research	30
3.4.9	Outreach	30
3.4.9.1	Activities on the DOE Site	30
3.4.9.2	Activities not on the DOE Site	30
3.4.9.3	Outreach Status	30
3.4.10	Other CRM Accomplishments	31
3.5	Legal Compliance Accomplishments	31
3.5.1	NHPA and 36 CFR Part 800	31
3.5.1.1	NHPA Sections 106 and 110(f)	31
3.5.1.2	NHPA Sections 110(a)–(e) and (g)–(j)	31

CONTENTS (continued)

3.5.2	AIRFA.....	31
3.5.3	ARPA.....	32
	3.5.3.1 ARPA Section 10(c).....	32
	3.5.3.2 ARPA Section 14.....	32
3.5.4	NAGPRA.....	32
	3.5.4.1 NAGPRA Section 5.....	32
	3.5.4.2 NAGPRA Section 6.....	32
	3.5.4.3 NAGPRA Section 7.....	32
3.5.5	36 CFR Part 79.....	32
3.5.6	E.O. 13007.....	33
3.5.7	E.O. 13287.....	33

DESCRIPTION OF PART 4 OF THE CRMP

4.	CRM METHODS.....	35
4.1	Records and Reports.....	35
	4.1.1 Cultural Resource Site Records.....	35
	4.1.2 Cultural Resource Project Records.....	35
	4.1.3 Other Cultural Resource Records.....	35
	4.1.4 Cultural Resource Reports.....	36
	4.1.4.1 Standardized Report Outlines.....	36
	4.1.4.2 Report Library.....	36
4.2	Inventory.....	36
	4.2.1 Archival Searches.....	36
	4.2.2 Ethnographic Fieldwork.....	36
	4.2.3 Structure and Facility Surveys.....	37
	4.2.4 Archeological Surveys.....	37
4.3	Excavation.....	37
	4.3.1 Test Excavations.....	38
	4.3.2 Large-Scale Excavations.....	38
4.4	Structure and Facility Management.....	38
	4.4.1 Documentation.....	38
	4.4.2 Maintenance.....	38
	4.4.3 Mitigation.....	38

CONTENTS (continued)

4.5 Laboratory Treatment38
 4.5.1 Processing39
 4.5.2 Analysis39
4.6 Curation39
 4.6.1 Preservation39
 4.6.2 Inventorying, Accessioning, Labeling, and Cataloging.....39
 4.6.3 Identification, Evaluation, and Documentation40
 4.6.4 Storage and Maintenance.....40
 4.6.5 Periodic Inspection and Remedial Preservation40
 4.6.6 Study40
4.7 In-Situ Preservation40
 4.7.1 Natural Forces.....40
 4.7.2 Human Forces40
 4.7.2.1 Authorized Actions40
 4.7.2.2 Illegal Acts.....41
4.8 Outreach.....41
 4.8.1 Activities on the DOE Site.....41
 4.8.2 Activities not on the DOE Site41
4.9 Interagency Information Exchange.....41

DESCRIPTION OF PART 5 OF THE CRMP

5. CRM PROCEDURES AND ADMINISTRATION43
 5.1 Procedures for NHPA Sections 106 And 110(f) Compliance43
 5.1.1 Initiate the Section 106 Process43
 5.1.1.1 Preconstruction Project Planning and Evaluation.....44
 5.1.1.2 Establishing That an Undertaking May Affect
 Cultural Resources44
 5.1.1.3 Notifying CRM Staff44
 5.1.1.4 Consulting to Assess Information Needs.....44
 5.1.1.5 Authorizing, Funding, Planning, and Scheduling
 Archeological Surveys and Other Field Studies44
 5.1.1.6 Determining No Undertaking or No Potential to
 Cause Effects45
 5.1.2 Identify Cultural Resources That May Be Affected45

CONTENTS (continued)

5.1.2.1	Area of Potential Effects and Known Cultural Resources.....	45
5.1.2.2	Surveys and Other Field Studies.....	45
5.1.2.3	Report Preparation and Review	45
5.1.3	Evaluate Identified Cultural Resources	46
5.1.3.1	Evaluation	46
5.1.3.2	Consultation	46
5.1.4	Consultation When No Cultural Resources Are Affected	46
5.1.5	Assess and Resolve Adverse Effects on Cultural Resources.....	46
5.1.5.1	Assess Adverse Effects	47
5.1.5.2	Resolve Adverse Effects	47
5.1.5.3	Consultation and Documentation.....	47
5.1.6	Post-Review Discoveries of Cultural Resources	47
5.1.7	Coordination with NEPA.....	47
5.1.8	Emergency Situations	48
5.2	Procedures for Listing Properties on the National Register or as National Historic Landmarks	48
5.2.1	Location, Inventory, Evaluation, and Nomination of Cultural Resources to the National Register	48
5.2.2	Designation and Recognition of National Historic Landmarks.....	48
5.3	ARPA Compliance Procedures.....	48
5.3.1	Increasing Public Awareness	49
5.3.2	Planning and Scheduling Archeological Surveys.....	49
5.3.3	Reporting Suspected Violations.....	49
5.4	AIRFA Compliance Procedures	49
5.5	NAGPRA Compliance Procedures.....	50
5.5.1	Intentional Excavation and Removal of Native American Cultural Items	50
5.5.1.1	Consultation or Consent.....	50
5.5.1.2	Ownership and Right of Control.....	51
5.5.2	Inadvertent Discovery of Native American Cultural Items	51
5.5.2.1	Inadvertent Discovery	51
5.5.2.2	Disposition and Control	51
5.5.3	Inventory of Native American Human Remains and Associated Funerary Objects	51

CONTENTS (continued)

5.5.3.1	Inventory Compilation	52
5.5.3.2	Consultation	52
5.5.3.3	Supplemental Documentation	52
5.5.3.4	Notification	52
5.5.4	Summary of Native American Unassociated Funerary Objects, Sacred Objects, and Objects of Cultural Patrimony	52
5.5.4.1	Preparation of Summary	52
5.5.4.2	Consultation	53
5.5.4.3	Access	53
5.5.5	Repatriation of Native American Cultural Items	53
5.5.5.1	Repatriation of Culturally Affiliated Native American Human Remains and Associated Funerary Objects	53
5.5.5.2	Repatriation of Culturally Affiliated Native American Unassociated Funerary Objects, Sacred Objects, or Objects of Cultural Patrimony	53
5.5.5.3	Repatriation of Culturally Unaffiliated or Uninventoried Native American Human Remains and Funerary Objects	54
5.5.5.4	Sharing Information	54
5.6	36 CFR Part 79 Compliance Procedures	54
5.6.1	Management and Preservation of Collections	54
5.6.1.1	Preexisting Collections	54
5.6.1.2	New Collections	55
5.6.1.3	Administrative Records	55
5.6.2	Methods to Secure Curatorial Services	55
5.6.3	Methods to Fund Curatorial Services	55
5.6.4	Terms and Conditions of Contracts, Memoranda, and Agreements for Curatorial Services	55
5.6.5	Repository Standards	55
5.6.6	Use of Collections	56
5.6.6.1	Scientific and Educational Uses	56
5.6.6.2	Religious Uses	56
5.6.6.3	Terms and Conditions of Uses	56
5.6.6.4	Written Agreements for Use	56
5.6.7	Conduct of Inspections and Inventories	56
5.7	Protection Procedures	56

CONTENTS (continued)

5.7.1	Natural Forces	57
	5.7.1.1 Monitoring	57
	5.7.1.2 Consultation	57
	5.7.1.3 Restoration and Repair.....	57
5.7.2	Authorized Actions	57
	5.7.2.1 Screening and Tracking	57
	5.7.2.2 Monitoring	58
	5.7.2.3 Consultation	58
	5.7.2.4 Restoration and Repair.....	58
5.7.3	Illegal Acts	58
	5.7.3.1 Detection	58
	5.7.3.2 Investigation.....	58
	5.7.3.3 Prosecution.....	59
	5.7.3.4 Consultation	59
	5.7.3.5 Restoration and Repair.....	59
	5.7.3.6 Prevention	59
5.8	Relations with Native American Governments, Including Treaty Compliance.....	59
	5.8.1 Technical Actions	59
	5.8.2 Regulatory Compliance	60
	5.8.3 Administrative Procedures.....	60
5.9	CRM Administration	61
	5.9.1 Staffing and Contracting.....	61
	5.9.2 Training.....	61
	5.9.3 Permitting.....	62
	5.9.4 CRM Facilities	62
	5.9.5 Curation	62
	5.9.6 Consultation on Administration.....	62
	5.9.7 Other Administrative Activities.....	62
	5.9.8 Quality Assurance.....	63
<i>DESCRIPTION OF PART 6 OF THE CRMP</i>		
6.	SUPPORTING DOCUMENTS	65
APPENDIX A.	GLOSSARY	A-1

CONTENTS (continued)

APPENDIX B. LEGISLATION, EXECUTIVE ORDERS, AND REGULATIONS GOVERNING THE MANAGEMENT OF CULTURAL RESOURCESB-1

APPENDIX C. CRM DOCUMENTS OF DOE AND OTHER FEDERAL AGENCIESC-1

TABLES

1. Statutory and Executive Order Basis for a CRM Program: Statutes and Executive Orders without Implementing Regulations7

2. Statutory and Regulatory Basis for a CRM Program: Statutes with Implementing Regulations8

FOREWORD

This Department of Energy (DOE) Guide is approved by the Office of Environment, Safety and Health and is available for use by all DOE elements, including National Nuclear Security Administration elements, and their contractors.

Questions or suggestions for improving this Guide are welcome and should be sent to—

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DOE Guides are part of the DOE Directives System and are issued to provide supplemental information regarding the Department's expectations of its requirements as contained in rules, Orders, Manuals, Notices, and regulatory standards. Guides are used to identify Government and non-Government standards and methods that DOE finds acceptable for implementing its requirements. Guides are not substitutes for requirements, nor do they replace technical standards that are used to describe established practices and procedures for implementing requirements.

PREFACE

Preservation and protection of America's cultural heritage are important functions and responsibilities of the Federal government for properties under its control or jurisdiction. The U.S. Department of Energy (DOE) recognizes its stewardship responsibilities for managing the cultural resources on DOE-owned and other lands that are impacted by DOE programs. Concern for this public trust has prompted the development of a DOE-wide cultural resource management (CRM) program for all DOE facilities and programs. The goal of the program is to identify and consolidate compliance actions associated with a number of statutory and regulatory requirements and to reflect DOE's commitment to meet not only the letter but also the spirit of these laws, Executive orders, and regulations. One component of this program is the development of guidance documents that assist the field in meeting the policy goals for the agency.

DOE P 141.1, *Management of Cultural Resources*, dated 5-2-01, establishes a DOE commitment for DOE programs, including the National Nuclear Security Administration (NNSA), and field elements to integrate cultural resources management into their missions and activities and raises the level of awareness and accountability among DOE (including NNSA) contractors concerning the importance of the Department's cultural resource-related legal and trust responsibilities. This policy helps ensure that DOE maintains a program that reflects the spirit and intent of the legislative and other mandates.

DOE O 450.1, *Environmental Protection Program*, dated 1-15-03, requires implementation of sound stewardship practices that are protective of the air, water, land, cultural, and ecological resources impacted by DOE operations and allow DOE to meet or exceed compliance with applicable environmental, public health, and resource protection laws, regulations, and DOE requirements in a cost-effective way. This objective is to be accomplished by implementing Environmental Management Systems (EMSs) as part of existing Integrated Safety Management Systems (ISMSs) that are established by DOE facilities to comply with DOE P 450.4, *Safety Management System Policy*, dated 10-15-96. EMSs must include policies, procedures, and training to—

- identify activities with significant environmental impacts;
- manage, control, and mitigate the impacts of these activities; and
- assess performance and implement corrective actions where needed.

The Order specifically notes that the protection of cultural resources should be considered in EMSs [DOE O 450.1, paragraph 4b(1)(f)] and is the Department's directive under which the policies established in DOE P 141.1 should be implemented.

DOE P 454.1, *Use of Institutional Controls*, dated 4-9-03, delineates how DOE will use institutional controls to manage its resources, facilities, and properties. Institutional controls may include administrative or legal controls, physical barriers or markers, and methods to

preserve information and data. The policy specifically notes that DOE uses a wide range of such controls to manage and protect the cultural resources under its jurisdiction.

DOE O 430.1B, *Real Property Asset Management*, dated 9-24-03, describes DOE's system for establishing a corporate, holistic, and performance-based approach to real property life-cycle asset management that links planning, programming, budgeting, and evaluation to program mission projection and performance outcomes. It requires cultural asset management and historic preservation to be considered in land use and disposition plans [e.g., see DOE O 430.1B, paragraph 4b(3); paragraph 4e(2)(b); and Attachment 2, paragraph 6c(2)].

On March 3, 2003, Executive Order (E.O.) 13287, *Preserve America*, was issued. Its purpose is to encourage public-private historic preservation partnerships, improve Federal agency planning and accountability, enhance Federal stewardship of historic properties, promote the benefits of historic preservation, foster recognition of historic properties as assets with economic as well as intrinsic value, and support preservation through heritage tourism. Under this Executive order, Federal agencies such as DOE shall maximize their efforts to integrate the policies, procedures, and practices of the National Historic Preservation Act (NHPA) and this order into their program activities to advance historic preservation objectives while pursuing their missions efficiently and effectively.

This Guide—*Environmental Guidelines for Development of Cultural Resource Management Plans—Update*—has been developed and updated by the Office of Air, Water and Radiation Protection Policy and Guidance under the Assistant Secretary for Environment, Safety and Health. This guide imposes no requirements. Its purpose is to provide guidelines to the DOE field managers who are responsible for development of an individual Cultural Resource Management Plan (CRMP) for each DOE facility and program. Implementation of this Guide is intended to ensure that each DOE facility and program complies with the requirements set forth in the various Executive orders, statutes, implementing regulations, and DOE directives governing the management of cultural resources. Thus, it provides recommendations, alternatives, and approaches for implementing those requirements. As with all guidance, each site should consider its individual needs and tailor its CRMP to the unique conditions and requirements present at its site.

ACRONYMS

ACHP	Advisory Council on Historic Preservation
AIRFA	American Indian Religious Freedom Act
ARPA	Archeological Resources Protection Act
CERCLA	Comprehensive Environmental Response, Compensation, and Liability Act
CFR	Code of Federal Regulations
CRM	Cultural Resource Management
CRMP	Cultural Resource Management Plan
DOE	Department of Energy
EH	Office of Environment, Safety and Health
EMS	Environmental Management System
E.O.	Executive Order
FPO	Federal Preservation Officer
GIS	Geographic Information System
ISMS	Integrated Safety Management System
LPSO	Lead Program Secretarial Officer
NAGPRA	Native American Graves Protection and Repatriation Act
NEPA	National Environmental Policy Act
NHPA	National Historic Preservation Act
NNSA	National Nuclear Security Administration
NPS	National Park Service
PA	Programmatic Agreement
RCRA	Resource Conservation and Recovery Act
SHPO	State Historic Preservation Officer
THPO	Tribal Historic Preservation Officer

OVERVIEW OF DOE CRM PROGRAM AND GUIDELINES

DOE CRM PROGRAM OBJECTIVES

DOE recognizes its stewardship responsibilities for managing cultural resources on DOE-owned and other lands that are impacted by DOE programs.¹ Concern for this public trust has prompted the development of a comprehensive cultural resources policy, DOE P 141.1, *Department of Energy Management of Cultural Resources*, that requires implementation and maintenance of a Cultural Resource Management (CRM) program for all DOE facilities and programs. There are statutory and regulatory bases for this program and an Agency commitment to meet not only the letter but also the spirit of these laws and regulations. In addition, other DOE directives (e.g., DOE O 450.1, *Environmental Protection Program*; DOE P 454.1, *Use of Institutional Controls*) guide DOE's management and protection of cultural resources. Thus, this Guide provides recommendations, alternatives, and approaches for implementing all those requirements.

Recognizing this concern for the public trust and to implement DOE's cultural resources policy, the Office of Air, Water and Radiation Protection Policy and Guidance, under the Assistant Secretary for Environment, Safety and Health, has developed a comprehensive CRM program for all DOE facilities or programs. The program is designed to raise the level of awareness of DOE personnel with respect to the statutory and regulatory bases for, and the Department's commitment to, cultural resource management.

The cultural resource planning process must be integrated into compliance actions driven by other environmental statutes such as the National Environmental Policy Act (NEPA); the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA); and the Resource Conservation and Recovery Act (RCRA). The DOE CRM program structure encompasses—

- policy and guidance,
- planning,
- implementation,
- training and outreach,
- quality assurance, and
- technical mission/environmental coordination.

This program encourages a proactive approach by DOE managers and their recognition of the cultural and scientific value of the resources that are under their jurisdiction.

The DOE historian is the Department's Federal Preservation Officer (FPO). The Deputy Assistant Secretary for Environment has responsibility for developing DOE-wide guidance for compliance with the various cultural resource statutes. In addition, the Office of Air, Water and

¹Stewardship in the context of DOE's CRM program means the faithful management of cultural resources as assets that must be turned over to the next generation.

Radiation Protection Policy and Guidance and the DOE FPO coordinate CRM activities and standards for implementing DOE's CRM program, including activities that affect Native American² and other cultural resource sites and items.

Comprehensive planning is especially important for DOE because it owns and potentially affects large land areas and because its lands and projects are distributed across a diverse geographic area. Plans will improve the understanding of prehistoric, historic, and ethnic life and environments on DOE lands and ensure that DOE's cultural resource policy is implemented appropriately. Plans should also include studies of the technological histories of DOE facilities and programs and those of their predecessor agencies and include strategies for the preservation of representative properties, archives, and objects.

The Office of Environment, Safety and Health guidance memorandum³ of February 23, 1990, addresses the need for developing cultural resource management plans (CRMPs) to ensure compliance with a number of CRM statutes and Executive orders. As discussed in that memorandum, the development of a CRMP is required under Section 110(a)(2) of the National Historic Preservation Act (NHPA)⁴. DOE P 430.1, *Land and Facility Use Planning*, dated 7-9-96, defines the Department's intent to manage all of its land and facilities as valuable national resources. Thus, DOE sites are to implement a comprehensive land use planning process that complements, utilizes, links, supports, and fully integrates the processes required by NHPA and related historic and cultural preservation laws, regulations, and Executive orders.

These guidelines will assist managers in—

- taking a proactive role in managing the cultural resources under DOE's responsibility;
- ensuring and documenting compliance with applicable cultural resource laws, regulations, Executive orders (e.g., E.O. 13287, *Preserve America*), and DOE directives;
- identifying and selecting qualified technical staff with regional expertise to prepare and implement the plan (e.g., archaeologists, ethnohistorians, historians, cultural anthropologists, architectural historians that meet appropriate Federal and professional academic standards);
- establishing historic preservation as an integral part of DOE's environmental mission;
- ensuring consistency in the cultural resource planning process among the facilities or programs;

²The term used throughout this document when referring to the indigenous people of America. (See Appendix A, Glossary.)

³*Management of Cultural Resources at Department of Energy Facilities*, U.S. Department of Energy Guidance Memorandum, Raymond F. Pelletier, Director, Environmental Guidance Division (Feb. 23, 1990).

⁴At the time the memorandum was written, that requirement was in Section 101(f) of the NHPA. It was moved to Section 110(a) by the 1992 amendments to the NHPA.

- enhancing contractor, facility, and program recognition of the cultural and scientific value of the resources that may exist on properties under DOE management;
- establishing government-to-government relationships and consultations with Native Americans who may be impacted by DOE activities, in accordance with DOE O 1230.2, *American Indian Tribal Government Policy*, dated 4-8-92, and E.O. 13175, *Consultation and Coordination with Indian Tribal Governments*, dated 11-6-00;⁵
- identifying and selecting appropriate technical experts following consultation with the affected tribal government, who may include tribal elders; and
- improving consultations, interactions, outreach, and partnerships with municipal, county, state, and tribal governments; other Federal agencies; and interested persons.

This Guide provides a format for the preparation of CRMPs. Use of this format is voluntary; but it gives a means for structuring the CRMP review process. As with all guidance, each site should consider its individual needs and tailor its CRMP to its unique conditions and requirements. While some facilities already have cultural resource programs in place and others have unique land or project requirements, every effort should be made to prepare as complete a CRMP as possible or to demonstrate that responsibilities for the management of cultural resources are being carried out under another agreement.

This Guide is a planning vehicle for ensuring that all compliance activities are being met and that interests of local, state, and tribal governments and other Federal agencies are part of this planning process. Implementation of this Guide for specific land units supports the broader Department policy (see DOE P 141.1, *Department of Energy Management of Cultural Resources*) that forms the basis for developing a comprehensive CRM program for all DOE facilities and programs.

CRM STATUTORY AUTHORITIES

The principal Federal CRM statutes that apply to DOE actions on Federal, Indian, and tribal lands are—

- the Antiquities Act of 1906;
- the Historic Sites Act of 1935;
- the NHPA of 1966, as amended;
- the Archeological and Historic Preservation Act of 1974 (AHPA);
- the American Indian Religious Freedom Act of 1978 (AIRFA);
- the Archeological Resources Protection Act of 1979, as amended (ARPA); and
- the Native American Graves Protection and Repatriation Act of 1990 (NAGPRA).

⁵Model protocols for consultation may be developed between DOE and Native American tribal governments on issues of mutual concern.

The principal Federal CRM statutes that apply to DOE-funded or -authorized actions on other non-DOE lands are NHPA, AHPA, AIRFA, and NAGPRA. These four statutes would apply, for example, to DOE-funded research or restoration activities.

Cultural resource statutes, regulations, and Executive orders that may directly affect DOE facilities or projects are listed in Appendix B. From a compliance perspective the combined effect of these Federal laws, Executive orders, and regulations and their implementing guidance appear to be complex. However, with a sound CRMP in use objectives consistent with the facility or program mission can be efficiently met. These laws establish a framework and delineate responsibilities for managing historic properties on Federal lands. Taken together, these laws require Federal agencies to manage and protect what are defined in the legislation as historic properties, also commonly called “cultural resources.” For purposes of this Guide cultural resources include, but are not limited to, the following broad range of items and locations:

- archeological materials (artifacts), ethnographic resources, and prehistoric and historic sites currently located on the ground surface or buried beneath it;
- standing structures that are more than 50 years old or, if younger, are important because they represent a major historical theme or era;
- cultural and natural places, select natural resources, and sacred objects important to Native Americans;
- American folk life traditions and arts; and
- places significant to the facility’s history.

Paleontological specimens (i.e., fossils) are not considered to be cultural resources; however, they are protected by the Antiquities Act and, if found in association with archeological resources, by ARPA. Protection of paleontological specimens should be addressed, as appropriate, in the ARPA-related preservation aspects of the planning process.

A matrix (see Tables 1 and 2) has been developed that illustrates the statutory and regulatory basis for a DOE CRM program. In these tables specific components of the CRM program are correlated with the specific laws and regulations to clearly define the regulatory basis for the DOE CRMP guidelines.

DOE CRM PLAN GUIDELINES

DOE operations office managers, field office managers, service center managers, project office managers, and lead program secretarial officers (LPSOs) (including those of NNSA) have primary responsibility for implementing DOE’s cultural resources policy (DOE P 141.1, *Department of Energy Management of Cultural Resources*; and DOE O 450.1, *Environmental Protection Program*). Thus, they must ensure that the responsible DOE managers, including those in NNSA, develop, fully implement, and periodically review the CRMP at all DOE facilities and Government-owned, contractor-operated facilities, as needed.

Planning Responsibilities

Federal CRM statutes contain jurisdictional elements that establish where and when they apply. When the lands or operations of a DOE facility or program meet any of these jurisdictional elements, a CRMP should be prepared for that facility or program. Facilities or programs that manage very small amounts of land or have little potential for effecting cultural resources might have correspondingly less detailed CRMPs, but they would be in the same format as those of facilities or programs that manage large amounts of land with a greater potential to impact known and unidentified cultural resources.

Alternative documentation may be prepared in lieu of a CRMP. This documentation must address the elements and requirements of DOE's CRM policy and DOE O 450.1, *Environmental Protection Program*. The CRM program manager has the responsibility for determining the adequacy of the alternative documentation and for ensuring that the alternative documentation is appropriately integrated into EMS and EMS review.

If the lands or operations of a DOE facility or program are not under the jurisdiction of any of the Federal CRM statutes, preparation of a CRMP is not required. Facilities or programs that are not required to prepare a CRMP should document the absence of Federal jurisdiction and should be prepared to provide such documentation when requested to do so.

In situations where all lands have been surveyed and no sites have been found to be eligible for nomination to the National Register of Historic Places (the National Register), this finding should be reflected in the sections of the plan that deal with survey methods and the related aspects of compliance with the NHPA. A similar process should be developed for addressing the absence of places of religious and traditional importance to Native Americans. Documentation of the State or Tribal Historic Preservation Officer's (SHPO's or THPO's) concurrence with these findings should be provided as an attachment to the plan or be readily available as supporting documents. (See Section 6 of this guidance.) A CRMP is still necessary in these situations because unanticipated discoveries of cultural resources not located in the initial surveys may require compliance with NHPA. (See Section 5.1.6 of this guidance.) In addition, ARPA, AIRFA, NAGPRA, and 36 Code of Federal Regulations (CFR) Part 79, *Curation of Federally-Owned and Administered Archaeological Collections*, place CRM requirements on facilities and programs beyond compliance with NHPA.

Plan Objectives

The objective of the CRMP is to ensure that cultural resources are managed effectively. To do that, the CRM program manager must be aware of all ongoing or planned activities at the facility that may affect cultural resources. In accordance with DOE P 141.1, *Department of Energy Management of Cultural Resources*, the CRM program manager must ensure that cultural resources are addressed early in the planning process and that the proper coordination exists among all appropriate line and staff functions. CRMPs are intended to serve as management tools for DOE managers with environmental compliance, contract management, and budgetary responsibilities. This plan documents that the DOE manager is aware of all activities that may affect cultural resources and effectively ensures proper coordination by all appropriate line and

staff functions, beginning with program or project inception. Several other DOE orders and policies, as described below, also relate to the objective of the CRMP.

DOE O 430.1B, *Real Property Asset Management*, describes the DOE system for establishing a corporate, holistic, and performance-based approach to real property life-cycle asset management that links planning, programming, budgeting, and evaluation to program mission projection and performance outcomes. It requires cultural asset management and historic preservation to be considered in land use and disposition plans [e.g., see DOE O 430.1B, paragraph 4b(3); paragraph 4e(2)(b); and Attachment 2, paragraph 6c(2)]. It is essential to identify the points where the CRM program can be integrated into the overall DOE real property asset management process.

DOE O 450.1, *Environmental Protection Program*, requires implementation of sound stewardship practices that are protective of the cultural and historical resources impacted by DOE operations and allow DOE to meet or exceed compliance with applicable cultural resource protection laws, regulations, and DOE requirements in a cost-effective way. This objective is accomplished by implementing Environmental Management Systems (EMSs) as part of existing Integrated Safety Management Systems (ISMSs). DOE G 450.1-2, *Implementation Guide for Integrating Environmental Management Systems into Integrated Safety Management Systems*, dated 08-20-04, provides discretionary guidance for fulfilling the requirements of that order. Chapter I, *Phase I—Planning and Aspects Identification*, of that document provides guidance on how to identify “environmental aspects” associated with site activities, products, and services and how to determine the significance of impacts associated with those aspects. The “environmental aspect” of an activity, product, or service, as defined in that guidance, is that part of it that creates a possibility for an environmental impact or change, whether adverse or beneficial. For example, constructing or modifying facilities, processes, or equipment; conducting open burning; or constructing or modifying aboveground and underground storage tanks could be determined to be environmental aspects as they could cause impacts by disturbing cultural and historic resources. DOE sites that have implemented ISMS/EMSs have already identified their various activities, products, and services and the environmental aspects associated with them.

Administrative Responsibilities

Administrative responsibilities for managing facility or program cultural resource program activities and implementing procedures should be specified in the CRMP. The responsible managers in the contractor organization and DOE area and field offices must be identified. These managers should develop a specific administrative structure and procedures for ensuring that coordination takes place among all project and program activities on lands to which the CRMP applies. The systems approach of the ISMS/EMS can help integrate administrative structures and procedures.

Table 1. Statutory and Executive Order Basis for a CRM Program: Statutes and Executive Orders without Implementing Regulations

CRM REQUIREMENTS	STATUTES				EXECUTIVE ORDERS		
	<i>Antiquities Act 1906</i>	<i>Historic Sites Act 1935</i>	<i>Archeological Recovery Act 1960</i>	<i>American Indian Religious Freedom Act 1978</i>	<i>E.O. 13007: Indian Sacred Sites 1996</i>	<i>E.O. 13175: Consultation and Coordination with Indian Tribal Governments 2000</i>	<i>E.O. 13287: Preserve America 2003</i>
Planning							X
Consultation				X	X	X	X
Inventory		X	X				X
Excavation	X	X	X				
Laboratory Treatment Under directive of examining, excavating, and gathering site information	X						
Under directive of securing, collating, and preserving site information		X	X				
Curation (of materials)	X ^a	X	X				
Preservation/Protection of Sites	X	X	X	X	X		X
Research	X		X				
Outreach		X					X

^aMuseum collection.

Table 2. Statutory and Regulatory Basis for a CRM Program: Statutes with Implementing Regulations

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CRM REQUIREMENTS	STATUTES WITH REGULATIONS									
	<i>NHPA 1966 (as amended)</i>	<i>36 CFR Part 60 (National Register)</i>	<i>36 CFR Part 63 (Eligibility)</i>	<i>36 CFR Part 65 (Landmarks)</i>	<i>36 CFR Part 79 (Curation)</i>	<i>36 CFR Part 800 (Protection)</i>	<i>ARPA 1979</i>	<i>43 CFR Part 7 (Protection)</i>	<i>NAGPRA 1990</i>	<i>43 CFR Part 10 (Protection and repatriation)</i>
Planning	X						X			
Consultation	X	X	X ^a	X	X	X	X	X	X	X
Inventory	X	X	X	X		X	X	X	X ^b	X
Excavation	X		X ^a			X ^c	X	X	X	X
Laboratory Treatment Under directive of examining, excavating, and gathering site information										X
Under directive of securing, collating, and preserving site information	X				X		X	X		
Curation (of materials)	X				X		X	X	X	X
Preservation/Protection of Sites	X ^d	X		X provide advice on standards		X ^d	X	X	X	X
Research	X				X		X	X	X	X
Outreach	X			Display commemorative plaque	X		X	X		

^aIn accord with 36 CFR Part 800.

^bMuseum collection.

^cIf necessary.

^dIf site is listed in or eligible for listing in the National Register of Historic Places.

The designated managers should also develop a mechanism for integrating CRMP goals and administrative procedures into broader plans and procedures that control the implementation of site development planning; restoration actions; and compliance with health, safety, and environmental statutes, Executive orders, and DOE directives (e.g., DOE P 454.1, *Use of Institutional Controls*). Referencing the CRMP in other documents to be used for conducting internal audits and establishing quality control systems is an appropriate way to comply with the DOE cultural resources policy (DOE P 141.1). DOE O 450.1, *Environmental Protection Program*, states that part of integrating EMS into site ISMS is considering protection of cultural resources.

As part of the CRMP, an internal quality assurance mechanism can form the basis for cooperative agreements with states, tribes, and other Federal agencies. This quality assurance system is to be used for the internal management of contractors and technical individuals implementing the CRM programs at a DOE facility. DOE G 450.1-2, *Implementation Guide for Integrating Environmental Management Systems into Integrated Safety Management System*, dated 08-20-04, provides guidance on developing and maintaining procedures to monitor and measure progress of the ISMS/EMS. This process, commonly referred to as “checking and corrective action,” provides a systems approach to continuous improvement.

Facility- or program-specific CRMPs should be developed and implemented to meet the objective of DOE’s CRM program as described in this Guide. Plan requirements at the facility or program level are intended to facilitate flexibility in the planning and development of detailed implementation procedures that suit the size and function of specific land holdings. These plans should ensure that DOE managers consider, to the extent possible, both known and potential future cultural resource sites and items that may be impacted by daily operations, new construction, and remedial actions at DOE facilities or programs.

DOE CRMP Review

The plan review process is intended to meet, in part, the quality assurance objectives of the DOE comprehensive CRM program. CRMPs are subject to DOE’s guidelines implementing the information dissemination quality guidelines of the Office of Management and Budget (<http://cio.doe.gov/informationquality/>). To ensure that the CRMPs remain useful to DOE managers and continue to be integrated into the long-term planning for facility or program operations, CRMPs should be reviewed and updated periodically, as appropriate, but at least every 5 years. The cultural resource manager has the responsibility for developing measures for evaluating the success of the CRMP. The Office of Environment, Safety and Health should be notified of updated plans, and an electronic version should be provided for posting on the cultural resource section of the office Web site.

CRMP Format and Content

Existing CRMPs and related documents prepared or executed by the facility or program may fulfill some or all of the CRMP guidelines. In this case the pertinent section of the existing plan or document should be cross-referenced at the corresponding numerical designation and heading in the CRMP prepared by the facility or program in accordance with these guidelines. In cases

where large site and survey files have been compiled in separate documents, these large files may also be cross-referenced, and only summary tables provided in the appropriate sections.

Parts 1 through 6 of this Guide provide the headings to be used for the development of DOE-site-specific facility or program CRMPs. They also explain the kinds of information and administrative procedures that should be in place for the effective and efficient management of individual cultural resources. The prescribed outline format is annotated to encourage consistency in the scope and content of the individual CRMPs.

To the extent possible, CRMPs should follow the format and use the headings and subheadings presented in Parts 1 through 6. The content of each of the six parts of the CRMP should be as follows.

- Part 1 consists of the executive summary and introduction.
- Part 2 includes a discussion of short- and long-term goals.
- Part 3 provides an overview of existing conditions and past CRM accomplishments.
- Part 4 discusses the technical requirements for complying with current cultural resource laws, regulations, and Executive orders and addresses current CRM goals, methods, and procedures for the ongoing management of facility- and program-impacted cultural resources.
- Part 5 identifies administrative requirements for managing facility and program CRM activities to comply with specific executive, statutory, and regulatory authorities.
- Part 6 contains or references supporting documents such as—
 - cultural resource site, project, or other forms;
 - report outlines and bibliographies;
 - permits;
 - contracts, memoranda, and agreements for curatorial services;
 - agreement forms for using collections;
 - documentation for NAGPRA summaries;
 - treaties and cultural resource management cooperative agreements with tribal governments; and
 - Programmatic Agreements (PAs) with the Advisory Council on Historic Preservation (ACHP) and the SHPO or THPO.

Appendix A of this Guide contains a glossary of terms relevant to cultural resource management and protection. Appendix B lists laws, regulations, and Executive orders governing the management of cultural resources. Appendix C references documents that will assist DOE facility managers and contractors in meeting their CRM compliance responsibilities.

CRMP FORMAT AND CONTENT

DESCRIPTION OF PART 1 OF THE CRMP⁶

The CRMP should begin with an executive summary and an introduction. The prescribed format and content of this preliminary information are as follows.

EXECUTIVE SUMMARY

The CRMP should include an executive summary that identifies the authorities under which the plan was prepared and provides a synopsis of the plan's six major parts.

1. INTRODUCTION

The introduction should include, at a minimum, a statement of purpose and reference to the organization of Parts 2 through 6 of the plan. The introduction should provide a brief overview of the short- and long-term CRM goals (Part 2); the history, status, and direction of the CRM program (Part 3); how the program is technically structured to achieve CRM goals (Part 4); and how program managers will administratively meet future CRM goals (Part 5). The introduction should mention any supporting documents that are part of the plan and that are essential to its development or implementation (Part 6).

⁶Headings that should be included in individual CRM plans are shown in standard type. Headings that introduce CRM Plan sections are shown in italics.

DESCRIPTION OF PART 2 OF THE CRMP

Each CRMP should have a statement of CRM goals. The prescribed format and content of the headings follow and should reflect the outline shown below.

2. CRM GOALS

This section should describe and discuss the goals of the DOE facility or program that is establishing a proactive CRM program. General goals should reflect a clear intent to—

- achieve compliance with laws, regulations, Executive orders, and DOE directives related to cultural resources;
- ensure that DOE stewardship responsibilities are being met;
- enhance DOE managers' awareness of and appreciation for cultural resource preservation and improve the effectiveness of their decision making;
- promote outreach with traditional people who are the stakeholders in the local, natural and cultural resources and ensure their access to these resources; and
- adopt an approach to protection of archeological resources that is consistent with the Department of the Interior's *National Strategy for Federal Archeology* (<http://www.cr.nps.gov/aad/TOOLS/NATlstrg.htm>).

DOE O 450.1, *Environmental Protection Program*, requires that ISMS/EMS include measurable environmental goals, objectives, and targets that are reviewed annually and updated when appropriate. Goals established as part of a proactive CRM program may be used to satisfy this requirement.

Other facility or program goals should focus on maximizing the cultural and scientific value of the resources that remain on DOE-owned lands or on non-DOE-owned lands that may be affected either directly or indirectly by DOE actions. Resources, however small and apparently insignificant, should be viewed as having the potential to contribute information to old and new questions being asked by the academic community, Native Americans, local historical organizations, and interested persons.

This section should reflect the cultural and environmental baseline information provided in Part 3 of the plan. Specific short- and long-term goals should be defined, and the rationale for their selection discussed. Goals should be technical and administrative in nature.

2.1 SHORT-TERM GOALS

Identify short-term management goals for both known and unidentified cultural resources located on the individual facility or program lands. These goals should reflect current issues, problems, and deficiencies identified through an environmental aspects/impacts analysis (see DOE G 450.1-2, *Implementation Guide for Integrating Environmental Management Systems into*

Integrated Safety Management System, dated 08-20-04) that are in need of immediate attention. Short-term goals should be prioritized to reflect such issues as immediate stabilization and protection needs; determination of the locations of existing collections and records; consultation with Native American tribal governments, local historical organizations, local governments, the SHPO or THPO, and interested persons; and the development of administrative procedures to ensure that the site-specific goals are implemented. Protocols for consultation may be developed between DOE and Native American governments on issues of mutual concern.

Assessments should be performed by technical experts with demonstrated regional expertise.⁷ If not already completed, development of a cultural resource research design that identifies key questions concerning the occupation and use of the facility or program area during the prehistoric and historic periods should be an important short-term goal. Other suggested topics include, but are not limited to, improvements in compliance procedures for a new construction project, automation of site and survey data/record management, identification of sensitive areas for Native American groups, stabilization of a particular site or structure, implementation of a new analytical procedure, location for the designated repository, and completion of cultural resource surveys for facility or program land holdings.

2.2 LONG-TERM GOALS

Identify long-term goals that reflect how facility or program managers will meet their stewardship responsibilities and recognize the cultural and scientific values of the resources under their individual jurisdictions. One important long-term goal should be evaluation and refinement of the existing facility or program cultural resource research design to ensure that it continues to be a coherent and defensible set of research questions.

Particular attention should be given to the cultural items/sites, themes, and research topics identified by the SHPO or THPO, local historical organizations, experts in local academic institutions, and interested persons. Interests and concerns of Native American tribal governments and traditional leaders should be considered throughout the cultural resource planning process. In addition, ethnic groups with interests in and concerns about the area of the DOE facility should be considered during the cultural resource planning process. DOE's policy on *Use of Institutional Controls* (DOE P 454.1) delineates how DOE will use such controls to manage resources, facilities, and properties under its control. The policy addresses DOE's responsibilities related to its role as a steward of Federal lands and properties including protecting cultural resources.

⁷Information on how to select an appropriate technical expert can be found in National Park Service (NPS) documents. (See <http://www.cr.nps.gov/linkpubs.htm>.)

DESCRIPTION OF PART 3 OF THE CRMP

The CRMP should provide an overview of accomplishments and existing conditions. The prescribed format and content of the headings and subheadings under this part follow and should reflect the numerical outline shown below. In cases where large site and survey files and maps have been compiled in separate documents, these documents may be cross-referenced, and only summary information provided in this section.

3. EXISTING CONDITIONS

3.1 FACILITY OR PROGRAM DESCRIPTIONS

3.1.1 Current Physical Setting

Provide a description of the physical setting of the facility or program, including its size. Briefly describe the current natural environment at the facility or program area, addressing topics such as topography, geology, soils, vegetation, fauna, and climate. Include environmental base maps, as appropriate, including information obtained using Geographic Information Systems (GIS). Identify areas where the predevelopment natural environment remains intact. Include maps of past and current land use, buildings, utilities, and roads.

This description should be as comprehensive as possible and should indicate whether adequate information exists. In cases where large site and survey files have been compiled in separate documents, these documents may be cross-referenced, and only summary information provided in this section.

3.1.2 Current Operational Context

Briefly characterize the operational context of the facility or program and describe current activities. Identify areas, buildings, and structures associated with specialized functions. As part of the ISMS/EMS, this would be the environmental aspects identification.

3.1.3 Potential Impacts to Cultural Resources

This section should be divided into two subsections: past practices and planned activities. It should explain the kinds of operational and remedial activities that potentially could disturb or destroy cultural resources that remain on the ground surface or buried beneath it. An environmental aspect/impacts analysis as part of an ISMS/EMS process identifies significant aspects at a site (i.e., interactions with the environment). DOE G 450.1-2, *Implementation Guide for Integrating Environmental Management Systems into Integrated Safety Management System* dated 08-20-04, provides guidance on determining the significance of an environmental aspect. There is no scientific test for determining significance; however, activities with regulatory implications are usually deemed significant.

3.1.3.1 Past Practices

This section should focus on geographic areas of the facility, program, or lands that have been used by a program and that have experienced previous ground-disturbing activities (e.g., grading, filling, tree planting, building demolition). Describe in detail—

- locations by disturbance type,
- current use of the disturbed lands, and
- information management tools for overall facility or program management (e.g., data compilations, computer databases, GIS).

Describe, in general terms, the impact that past practices have had upon cultural resources.

3.1.3.2 Planned Activities

This section should provide an overview of planned activities, including the following activities: operational repairs and improvements, new construction, emergency repairs, remedial actions, and land transfers.

Briefly identify and describe scheduled short- and long-term projects and their proposed locations. Project schedules should include sufficient lead times to accommodate CRM planning and implementation activities in concert with overall project schedule requirements. This section of the plan should be updated annually.

3.1.4 Summary of Current Planning Procedure

This section should provide a brief summary of the facility's or the program's CRM program. An explanation should be provided if a CRM program does not exist.

The CRMP should reflect coordinated management of cultural resources if multiple administrative organizations use a specified land unit. However, DOE projects and programs that have responsibilities involving complex land units in a wide variety of geographic areas may elect to prepare a programmatic CRMP to track the preparation of their input into facility-specific CRMPs and ensure that their administrative responsibilities are being adequately carried out.

3.1.5 Funding

Funding for cultural resource management planning and program implementation should be integrated into the normal operational budgeting process. In some cases the availability of funding may make it necessary to produce the CRMP in stages. Individual compliance projects may be funded in various ways. [For example, see Section 7(a) of the Archaeological Recovery Act of 1960 for budgetary guidance for construction projects.]

3.2 CULTURAL AND HISTORICAL SETTING

Each facility or program has a cultural and historical context created by human use of its physical location and natural resources. Various cultural resources produced by this use are still extant today. These resources may meet legal significance criteria that affect their management, and some resources may be important to Native Americans or ethnic groups. Include any pertinent introductory comments concerning the facility's or the program's cultural and historical setting. Where appropriate, describe historic properties, particularly standing structures of architectural or scientific significance. Emphasize properties related to the historic development of DOE. DOE's History Division can provide information and assistance.

3.2.1 Historic and Prehistoric Environments

Summarize available information on historic and prehistoric environments of the facility or program area (e.g., existing environmental reconstructions based on macrobotanical, paleoecological, or faunal data).

3.2.2 Prehistory and History

Summarize available information on the prehistory and history of the location of the facility or program. Currently accepted classification systems and chronologies for the geographic region of the facility or program should be used in describing this information. Examples of relevant topics are chronological periods, major events and dates, ethnic or cultural groups, group behavioral patterns, subsistence-settlement systems, technologies, and historically significant people.

3.2.3 Traditional Lands and Resource Uses

Summarize available information on traditional land and resource uses by Native Americans or ethnic groups in the facility or program area. Examples of traditional land uses include religious usage areas, such as mountains used for vision quests, and locations with indigenous plants and animals that may be integral to religions, cemeteries, or burials.

3.2.4 Treaties, Executive Orders, and Land Grants

Provide an overview of current government-to-government relations with Native Americans who retain legal rights to the geographical area where a facility or program is located. Identify known treaties, Executive orders, and land grants that control these relations.

3.2.5 Recent Scientific Significance

Briefly describe the recent scientific significance of the facility or program. Identify facility mission, major scientific achievements, important events, dates, and people associated with these accomplishments. The DOE historian may be an important source of information on the recent scientific significance. Information provided by the Departmental History Program may be used in the preparation of this section and in the analysis of historical comments, official project and

departmental records, and oral histories. (See EH-232 Information Brief, *Historic Preservation and the DOE Historian*.)

3.3 KNOWN CULTURAL RESOURCES

If cultural resources are known to exist at the facility or program area, this section should present information on their kind, number, and distribution. Provide specific information on known cultural resources in the four subsections that follow. (See Appendix A, Glossary, for definitions of the terms used for the general and specific types of cultural resources in the following subsections.) The information on known cultural resources presented here should summarize the information contained in the facility or program cultural resource site records and in other sources (e.g., the National Register of Historic Places; state historic places registers; state, county, and local cultural resource site inventory files). If the site has large land holdings and/or numerous resources and maintains an electronic database with GPS capabilities, indicate where and how this information is stored.

The DOE Historic Preservation Officer (or designated review team) can perform an audit of the facility databases to determine whether a database can produce information necessary to support a request for a Section 106 review; maps showing surveyed and unsurveyed areas and distribution and density of sites by types; and a predictive model of likely site locations. If cultural resources have not been recorded for the area in question, provide a statement about the probability of finding previously unidentified cultural resources that may remain on the ground surface or buried beneath it. Describe evidence to support this conclusion.

When large numbers of cultural resource sites are documented, lists, tables, or databases should be prepared to summarize this information. Site data should be keyed to the site designation number and should specify, at a minimum, the site type, age or period (if known), and National Register status (if applicable). If lists, tables, or databases are used, individual descriptions also may be appropriate for special examples of a particular site type or for other important resource types not identified as sites. Lists, tables, or databases should summarize the full cultural resource site records that are on file at the DOE facility or program area.

The Archeological Resources Protection Act (ARPA) precludes public access to maps or other information concerning the nature and location of cultural resources under the Freedom of Information Act Title 5 United States Code (U.S.C.), Chapter 5, Subchapter II, or under any other provision of law unless certain conditions specified in the Act are met. Sections of the CRMP that contain maps or other information of this type should be considered sensitive, and distribution should be restricted appropriately.

3.3.1 Prehistoric Properties

Topics to be addressed include districts, sites, structures, objects, and other important prehistoric properties that are known to exist at the facility or program area.

3.3.1.1 Districts, Sites, and Structures

Describe or list known prehistoric districts, sites, and structures at the facility or program area. Provide or indicate sources for a map or maps of the facility or program area that show the location of those properties or reference databases where that information is available. (See ARPA statement in Section 3.3, *Known Cultural Resources*.)

3.3.1.2 Objects

Describe or list any isolated or special prehistoric objects or object types recovered from or known to be present at the facility or program area. Provide current locational information for these properties. (See ARPA statement in Section 3.3.)

3.3.1.3 Other Important Properties

Describe or list any other special prehistoric properties recovered from or known to be present at the facility or program area. Examples of properties in this category are isolated features and important or unusual paleoenvironmental specimens. Provide current locational information for these properties. (See ARPA statement in Section 3.3.)

3.3.2 Historic Properties

Topics to be addressed include historic districts, sites, buildings, structures, objects, other important historic resources that are known to exist at the facility or program area, and other resources of ethnic importance.

3.3.2.1 Districts, Sites, Buildings, and Structures

Describe or list known historic and protohistoric districts, sites, buildings, and structures at the facility or program area. Provide or indicate sources for a map or maps of the facility or program area that show the location of those properties or reference databases where that information is available. (See ARPA statement in Section 3.3.)

3.3.2.2 Objects

Describe or list any isolated or special historic and protohistoric objects or object types recovered from or known to be present at the facility or program area. Provide current locational information for these properties. (See ARPA statement in Section 3.3.)

3.3.2.3 Other Important Properties

Describe or list any other special historic and protohistoric property types recovered from or known to be present at the facility or program area. Examples of properties in this category are isolated features or objects and important or unusual environmental specimens. Provide locational information for these properties. (See ARPA statement in Section 3.3.)

3.3.2.4 Other Resources of Ethnic Importance

Describe or list any other traditional resources of ethnic importance recovered from or known to be present at the facility or program area. Provide locational information for these resources. (See ARPA statement in Section 3.3.)

3.3.3 Resources of Native American Cultural Significance

Topics to be addressed include sacred sites, traditional-use resources, Native American cultural items, and other resources of Native American cultural significance that are known to exist at the facility or program area. Restrictions on publicizing site descriptions and locations are also discussed. Protocols for consultation may be developed between DOE and Native American governments at the decision-maker, policy, or technical levels on issues of mutual concern. (See EH-41 Information Brief, *Native American Consultation*.)

3.3.3.1 Sacred Sites

Following consultation with Native American tribes, it may be appropriate to describe or list known sacred sites at the facility or program area. There may be Native American tribes that will not release descriptions, lists, or maps of known sacred sites at any facility or program area. Therefore, it is important for DOE to consult with individual tribal governments on a case-by-case basis before each project commences. The consultation process will determine the preferred strategy for managing sacred sites and the information that might be restricted, recorded, and published on each sacred site.

When identifying and describing the locations and structures of sacred sites, exercise sensitivity to Native Americans' concerns. Descriptions of sacred sites and any maps showing the locations of these sites should be considered sensitive information and should not be included with any versions of the CRMP to which access is not appropriately restricted in accordance with legal requirements and agreements with Native Americans.

3.3.3.2 Traditional-Use Resources

Describe or list known traditional-use resources at the facility or program area. Provide or indicate sources for a map or maps of the facility or program area that show the location of resource areas or reference databases where that information is available. Include references to appropriate treaty rights regarding specific resources (e.g., plants, animals, minerals, natural features). (See ARPA statement in Section 3.3.)

3.3.3.3 Native American Cultural Items

Describe or list any Native American cultural items recovered from or known to be present at the facility or program area. Describe categories of items and provide locational information for these items. Discuss current procedures for consulting with Native American tribes to manage cultural items that remain in situ at the facility or program area.

3.3.3.4 Other Resources of Native American Cultural Significance

Describe or list any other traditional resources of Native American cultural significance recovered from or known to be present at the facility or program area. Provide locational information for these resources. (See ARPA statement in Section 3.3.)

3.3.4 Properties of Recent Scientific Significance

Topics to be addressed include districts, sites, buildings, structures, other facilities, objects, and other properties at the facility or program area that are associated with scientific, engineering, and other technological themes of historical significance.

3.3.4.1 Districts, Sites, Buildings, Structures, and Other Facilities

Describe or list the structures and other facilities of recent scientific significance at the facility or program area. Provide or indicate sources for a map or maps of the facility or program area that show the location of those properties or reference databases where that information is available. (See ARPA statement in Section 3.3.)

3.3.4.2 Objects

Describe or list any objects of recent scientific significance at the facility or program area. Examples of objects in this category include major pieces of equipment or apparatus. Provide locational information for these objects. (See ARPA statement in Section 3.3.)

3.3.4.3 Other Properties

Describe or list any other properties that have recent scientific significance at the facility or program area. Provide locational information for these other properties. (See ARPA statement in Section 3.3.)

3.4 CRM ACCOMPLISHMENTS

This section of the CRMP should address past accomplishments in the management of the cultural resources present at the facility or program area. Accomplishments (i.e., achievements, deliverables) may exist in the areas of records and reports, inventory, excavation, laboratory treatment, curation, preservation, research, outreach, and other CRM accomplishments. Present any pertinent introductory information concerning the facility's or the program's CRM accomplishments. Provide specific information concerning these accomplishments in the subsections that follow. (See Appendix A, Glossary, for definitions of the terms used for general and specific types of CRM activities.)

When large numbers of CRM accomplishments are documented, use lists, tables, or databases to summarize projects by number (if assigned). At a minimum the following information should be provided: the type of activity, the activity dates, the methods used, and relevant findings or other results. One master list can be prepared for all accomplishments (except for recordkeeping and

reporting). If lists, tables, or databases are used, individual descriptions of accomplishments may also be appropriate for special examples of the activity.

ARPA precludes public access to maps or other information concerning the nature and location of cultural resources under the Freedom of Information Act (5 U.S.C., Chapter 5, Subchapter II) or under any other provision of law unless certain conditions specified in the Act are met. Sections of the CRMP that contain maps or other information of this type should be considered sensitive, and distribution should be restricted appropriately.

3.4.1 Cultural Resource Records and Reports

Topics to be addressed include up-to-date facility or program accomplishments in compiling cultural resource records and reports.

3.4.1.1 Cultural Resource Site Records

Describe the cultural resource site record system used by the facility or program. Include the cultural resource site form; site numbering system; site record cataloging system; site location mapping; and site record storage, access, and security. Indicate in Part 6 of the CRMP how to obtain copies of completed cultural resource site forms. (See ARPA statement in Section 3.4, *CRM Accomplishments*.)

3.4.1.2 Cultural Resource Project Records

Describe the cultural resource project record system used by the facility or program. Include the cultural resource project form; project numbering system; project record cataloging system; project location mapping; and project record storage, access, and security. Indicate in Part 6 of the CRMP how to obtain copies of completed cultural resource project forms. (See ARPA statement in Section 3.4.)

3.4.1.3 Other Cultural Resource Records

Describe any additional record systems used by the facility or program for inventory, excavation, laboratory treatment, curation, preservation, research, outreach, legal compliance, or other CRM activities. Include record categories such as notes, inventories of environmental samples, forms, photographs, drawings, and maps; the format of each record category; record cataloging systems; and record storage, access, and security. Indicate in Part 6 of the CRMP how to obtain copies of any completed records used by the facility or program. (See ARPA statement in Section 3.4.)

3.4.1.4 Cultural Resource Reports

3.4.1.4.1 Standardized Report Outlines. Briefly describe any standardized format and content outlines that the facility or program uses to prepare internal reports on CRM activities such as inventories or excavations. Indicate in Part 6 of the CRMP how to obtain copies of any report outlines used by the facility or program.

3.4.1.4.2 Report Library. Describe the system used for acquiring, storing, and accessing copies of reports and other written documents dealing with cultural resources at the facility program area. In Part 6 of the CRMP, include a bibliography of the cultural reports and documents or sources for that data. This bibliography should include archival records that have been compiled (e.g., historic agricultural and population censuses, land ownership records, genealogies).

3.4.2 Inventory

Topics to be addressed include up-to-date accomplishments in archival searches, ethnographic fieldwork, structure and facility surveys, archeological surveys, and other inventory activities that have been carried out at the facility or program area. Include pre- and post-facility or program inventory records (e.g., photographs, land transactions). This section should summarize existing inventory information, including that obtained using GIS. In cases where large site and survey files and maps have been compiled in separate documents, these documents may be cross-referenced, and only summary information provided.

3.4.2.1 Archival Searches

Describe or list any archival searches carried out to locate and retrieve information from archival records relating to the facility or program area. Provide or indicate sources for a map or maps of the facility or program area that show the location of each cultural resource site for which archival information has been obtained. (See ARPA statement in Section 3.4.)

3.4.2.2 Ethnographic Fieldwork

Describe or list any ethnographic fieldwork projects conducted to identify and document resources of ethnic importance at the facility or program area. Provide or indicate sources for a map or maps of the facility or program area that show the location of each cultural resource documented through ethnographic fieldwork. (See ARPA statement in Section 3.4.)

Identify tribal governments that have been contacted as part of these projects, and briefly describe the scope and content of the consultations that have taken place. Describe the strategy for involving tribal elders, traditional leaders, and other technical experts in ethnographic projects. Protocols for consultation may be developed between DOE and Native American governments at the decision-maker, policy, or technical levels on issues of mutual concern.

3.4.2.3 Structure and Facility Surveys

Describe or list any structure or facility surveys carried out to document buildings or other structures or facilities at the facility or program area. Provide or indicate sources for a map or maps of the facility or program area that show the location and type of each structure or facility survey that has been conducted at the facility or program area. (See ARPA statement in Section 3.4.)

3.4.2.4 Structure and Facility Survey Status

Assess the current structure and facility survey status at the facility or program area. Discuss the effectiveness of the survey techniques used to identify buildings and other structures and facilities of historic or recent scientific significance. Provide or indicate sources for a map or maps of the facility or program area that show unsurveyed areas. (See ARPA statement in Section 3.4.) Also, summarize any currently existing plans for future large-scale survey projects.

3.4.2.5 Archeological Surveys

Describe or list any archeological surveys carried out to locate and record cultural resources at the facility or program area. Specify the size of each archeological survey project. Provide or indicate sources for a map or maps of the facility or program area that show the location and type of each archeological survey that has been conducted at the facility or program area, whether or not cultural resources have been located. (See ARPA statement in Section 3.4.)

3.4.2.6 Archeological Survey Status

Assess the current archeological survey status of the facility or program area, specifying the size and percentage of surveyed and unsurveyed areas. Distinguish between levels of survey coverage based on sampling intervals. Discuss the effectiveness of various survey intervals for identifying cultural resource sites of different types, sizes, and artifact densities. Identify any presently unsurveyed areas that may not need to be surveyed, and present the rationale for this finding (e.g., landscaped and constructed areas where soils that could contain cultural resources have been removed). Also, identify any unsurveyed areas that could contain cultural materials and features. Provide or indicate sources for a map or maps of the facility or program area that show unsurveyed areas, keyed to indicate those areas that will and will not require future surveys. (See ARPA statement in Section 3.4.) Also, summarize any currently existing plans for future large-scale survey projects.

3.4.2.7 Other Inventory Activities

Describe or list any other cultural resource inventory activities carried out to date at the facility or program area. Provide locational information for these activities. (See ARPA statement in Section 3.4.)

3.4.3 Excavation

This section should address the results of current and past archaeological excavations that have been carried out at the facility or program area. Topics to be discussed include accomplishments to date involving test excavations and large-scale excavations of cultural resources. Use charts and tables to summarize large data sets. In cases where large site and survey files and maps have been compiled in separate documents, these documents may be cross-referenced, and only summary information provided.

3.4.3.1 Test Excavations

Describe or list any test excavations carried out at cultural resource sites at the facility or program area. Describe the purpose or objectives of the excavation and the methods selected. Provide or indicate sources for a map or maps of the facility or program area showing the location of each site at which test excavations have been conducted. (See ARPA statement in Section 3.4.)

3.4.3.2 Large-Scale Excavations

Describe or list any large-scale excavations carried out at cultural resource sites at the facility or program area. Describe the purpose or objectives of the excavation and the methods selected. Provide or indicate sources for a map or maps of the facility or program area showing the location of each site at which large-scale excavations have been conducted. (See ARPA statement in Section 3.4.)

3.4.3.3 Excavation Status

Assess the status of cultural resource excavations at the facility or program area. Specify the number and percentage of known sites at which excavations have occurred versus the number and percentage of unexcavated sites. Provide or indicate sources for a map or maps of the facility or program area showing unexcavated sites. (See ARPA statement in Section 3.4.) Also, summarize any currently existing plans for future large-scale excavation projects, and state the purpose of these activities.

3.4.4 Structure and Facility Management

Topics to be addressed include accomplishments to date in documentation, maintenance, and mitigation of buildings and other structures and facilities of historic or recent scientific significance. In cases where large site and survey files and maps have been compiled in separate documents, these documents may be cross-referenced, and only summary information provided.

3.4.4.1 Documentation

Describe or list any structure or facility documentation projects carried out at the facility or program area. Discuss the methods used, and identify any Historic American Buildings Survey or Historic American Engineering Record documentation produced. Provide or indicate sources for a map or maps that show the location of each documented building or structure. (See ARPA statement in Section 3.4.)

3.4.4.2 Maintenance

Describe or list any structure or facility maintenance projects carried out at the facility or program area. Discuss the purpose or objectives of the maintenance and the methods used. Provide or indicate sources for a map or maps showing the location of each building or structure at which maintenance has been conducted. (See ARPA statement in Section 3.4.)

3.4.4.3 Mitigation

Describe or list any structure or facility mitigation projects carried out at the facility or program area. Discuss the purpose or objectives of the mitigation actions and the methods selected. Provide or indicate sources for a map or maps showing the location of each building or structure at which mitigation actions have been conducted. (See ARPA statement in Section 3.4.)

3.4.4.4 Management Status

Assess the status of structure and facility management at the facility or program area. Specify the number and percentage of known structures or facilities of historic or recent scientific significance at which management actions have occurred versus the number and percentage of those at which such actions have not occurred. Provide or indicate sources for a map or maps of the facility or program area showing structures and facilities at which management actions have not been carried out. (See ARPA statement in Section 3.4.) Also, summarize any currently existing plans for future large-scale structure and facility management projects, and state the purpose of these activities.

3.4.5 Laboratory Treatment

Topics to be addressed include accomplishments to date in processing and analyzing cultural resources and environmental samples that have been recovered at the facility or program area.

3.4.5.1 Processing

Describe any existing laboratory processing facilities and procedures for cultural resources that have been recovered at the facility or program area. Identify facilities and procedures for internal processing and arrangements for external processing.

3.4.5.2 Analysis

Describe any existing laboratory analysis facilities and procedures for cultural resources that have been recovered at the facility or program area. Identify facilities and procedures for internal analysis and arrangements for external analysis by other institutions. Describe special types of studies that are being used because they are particularly well suited to understanding the kinds of sites and artifacts recovered at a specific facility or program area.

3.4.5.3 Laboratory Treatment Status

Assess the status of laboratory treatment of cultural resources that have been recovered at the facility or program area. As part of the assessment, evaluate the internal or external processing and analysis facilities and procedures utilized. Identify any large, unprocessed or unanalyzed collections of cultural and/or environmental resources.

3.4.6 Curation

Topics to be addressed include accomplishments to date concerning the curation of cultural resources that have been recovered at the facility or program area. Describe the strategy for involving tribal elders, traditional leaders, and other technical experts in curation of cultural

resources. (See 36 CFR Part 79, *Curation of Federally-Owned and Administered Archeological Collections*.)

3.4.6.1 Curation Facilities and Procedures

Describe any existing curation facilities and procedures for cultural resources that have been recovered at the facility or program area. Identify facilities and procedures for internal curation and arrangements for external curation. Ensure that information documenting collection policies, scope of the collection, and collection assessment is available for review, if requested. Indicate its location, if it is available electronically, or identify the individual who can provide copies.

3.4.6.2 Curation Status

Assess the current curation status of cultural resources recovered at the facility or program area. Identify any resources or collections of resources recovered at the facility or program area that are currently inadequately curated.

3.4.7 Preservation

Topics to be addressed include accomplishments to date involving the protection of cultural resources from natural and human forces at the facility or program area.

3.4.7.1 Protection from Natural Forces

Describe or list efforts (e.g., stabilization, special treatment, repairs) to protect cultural resource sites at the facility or program area from the effects of natural forces [e.g., fire (see *DOE's Wildland Fire Management Policy*⁸)]. Provide or indicate sources for a map or maps of the facility or program area showing the location of each site at which such protection measures have been implemented. (See ARPA statement in Section 3.4.)

3.4.7.2 Protection from Human Forces

3.4.7.2.1 Authorized Actions. Describe or list efforts to protect cultural resource sites at the facility or program area from the effects of human forces resulting from authorized actions (e.g., new construction, operational activities, repairs, remedial actions). Examples of these kinds of protection activities are project screening and tracking systems, monitoring plans, site marking, physical protection (e.g., fencing), and CRM training. Provide or indicate sources for a map or maps of the facility or program area showing the location of each site at which such protection measures have been implemented. (See ARPA statement in Section 3.4.)

3.4.7.2.2 Illegal Acts. Describe or list efforts to protect cultural resource sites at the facility or program area from the effects of human forces resulting from illegal acts. Examples of these kinds of protection activities are site signs, site patrols, electronic monitoring, on-site

⁸On February 24, 2003, the Secretary of Energy signed a memo approving the adoption of the *2001 Federal Wildland Fire Management Policy and Implementing Actions* as DOE policy.

surveillance, physical protection (e.g., fencing), and archeological resource protection training. Provide or indicate sources for a map or maps of the facility or program area showing the location of each site at which such protection measures have been implemented. (See ARPA statement in Section 3.4.)

3.4.7.3 Preservation Status

Assess the status of cultural resource preservation at the facility or program area. Specify the number and percentage of known sites where protection measures have been implemented and the number and percentage of those that are unprotected. Provide or indicate sources for a map or maps of the facility or program area showing unprotected sites. (See ARPA statement in Section 3.4.)

3.4.8 Research

Describe or list any prehistoric, historic, or ethnographic research projects dealing with cultural resources at the facility or program area. Discuss the status of facility or program accomplishments in cultural resource research, and identify any major issues that should be the subject of future research efforts. Also, discuss the status of the development of a facility or program cultural resource research design. If this research design already exists, indicate in Part 6 of the CRMP how to obtain a copy of it.

3.4.9 Outreach

Topics to be addressed include accomplishments to date involving outreach activities on and off the DOE site that are related to cultural resources at the facility or program area. To comply with E.O. 13287, *Preserve America*, outreach should include developing public-private partnerships to promote local economic vitality through use of historic properties and cooperating with local communities to increase public benefit from and access to Federal historic properties.

3.4.9.1 Activities on the DOE Site

Describe or list any cultural resource outreach activities that have been carried out on the DOE site at the facility or program area (e.g., the development of museums on the DOE site, publications of institutional histories).

3.4.9.2 Activities not on the DOE Site

Describe or list any cultural resource outreach activities that have been carried out by facility or program staff at locations off the DOE site (e.g., publications by staff members on the prehistory or history of the facility or program in journals or other sources).

3.4.9.3 Outreach Status

Assess the status of facility or program cultural resource outreach activities.

3.4.10 Other CRM Accomplishments

Topics to be addressed include any other CRM accomplishments to date at the facility or program area that were not identified in previous sections of the CRMP.

3.5 LEGAL COMPLIANCE ACCOMPLISHMENTS

General CRM activities at the facility or program area may have been designed to meet legal compliance requirements that apply to these resources under the following authorities: NHPA; 36 CFR Part 800, *Protection of Historic Properties*; 36 CFR Part 79, *Curation of Federally-Owned and Administered Archeological Collections*; AIRFA; ARPA; NAGPRA; 43 CFR Part 10, *Native American Graves Protection and Repatriation Regulations*; and E.O.s 13007 and 13287. In this section present general information on the facility's or program's legal compliance accomplishments. In the following subsections present specific information concerning these accomplishments. (See Appendix A, Glossary, for definitions of the terms related to the legal compliance requirements that apply to cultural resources.)

3.5.1 NHPA and 36 CFR Part 800

Topics to be addressed include Sections 106 and 110(f) of NHPA and 36 CFR Part 800, *Protection of Historic Properties*. Assess the status of facility or program compliance with these legal authorities by providing the information indicated below.

3.5.1.1 NHPA Sections 106 and 110(f)

Discuss existing procedures for taking into account the effects of projects on National Historic Landmarks, National Register properties, and National Register-eligible properties and for affording the Advisory Council the opportunity to comment on these effects. These procedures may be the subject of a PA negotiated by the facility or program with the Advisory Council and the SHPO or THPO following 36 CFR 800.14(b). If so, the terms of the agreement should be summarized here. Indicate in Part 6 of the CRMP how to obtain a copy of the PA.

3.5.1.2 NHPA Sections 110(a)–(e) and (g)–(j)

Address efforts to protect and nominate National Register-eligible resources. When large numbers of cultural resource sites are known to exist at the facility or program area, use a table to present information on their National Register-nomination status. Also, discuss other steps taken to comply with these sections of the law.

3.5.2 AIRFA

Assess the status of facility or program efforts to implement AIRFA. Discuss steps carried out to evaluate facility or program policies and procedures. Provide information documenting consultation with Native American tribal and traditional leaders to determine appropriate changes necessary to access, protect, and preserve Native American religious cultural rights and practices. Describe the steps taken to identify treaty tribes that may no longer reside in the

facility or program area. Protocols for consultation may be developed between DOE and Native American governments on issues of mutual concern.

3.5.3 ARPA

Topics to be emphasized here are Sections 10(c) and 14 of ARPA. Assess the status of facility or program compliance with these sections of the law by providing the information indicated.

3.5.3.1 ARPA Section 10(c)

Discuss any outreach activities or other efforts designed to increase public awareness of the significance of cultural resources at the facility or program area and the need to protect these resources.

3.5.3.2 ARPA Section 14

Address any steps taken to develop plans and to prioritize schedules for archeological surveys of the lands at the facility or program area. Also, discuss any efforts to create a documentation system for violations of the act.

3.5.4 NAGPRA

Topics to be emphasized here are Sections 5, 6, and 7 of NAGPRA. Assess the status of facility or program compliance with these sections of the law by providing the information indicated below.

3.5.4.1 NAGPRA Section 5

Identify any steps taken to compile an inventory of facility or program holdings or collections of Native American human remains and associated funerary objects.

3.5.4.2 NAGPRA Section 6

Discuss any efforts to develop a written summary of facility or program holdings or collections of Native American unassociated funerary objects, sacred objects, or objects of cultural patrimony.

3.5.4.3 NAGPRA Section 7

Identify any actions taken by the facility or program to repatriate Native American cultural items in accordance with the provisions in Section 7 of NAGPRA.

3.5.5 36 CFR Part 79

Assess the status of facility or program compliance with 36 CFR Part 79, *Curation of Federally-Owned and Administered Archeological Collections*. Discuss any steps carried out to follow the standards, provisions, and guidelines of 36 CFR Part 79 for the preservation of

collections of prehistoric and historic material remains and associated records that have been recovered under the authority of Federal cultural resource permits at the facility or program area.

3.5.6 E.O. 13007

Assess the status of facility or program compliance with E.O. 13007, *Indian Sacred Sites*, dated 5-24-96. Discuss any steps carried out to accommodate access to and ceremonial use of Indian sacred sites in the facility or program area by Indian religious practitioners to avoid adversely affecting the physical integrity of such sites and, where appropriate, to maintain confidentiality of sacred sites.

3.5.7 E.O. 13287

Assess the status of facility or program compliance with E.O. 13287, *Preserve America*, dated 3-3-03. Discuss any steps carried out to advance the protection, enhancement, and contemporary use of historic properties owned by DOE and to promote intergovernmental cooperation and partnerships for the preservation and use of historic properties in the facility or program area. Specifically, discuss any steps taken to improve stewardship of historic properties and to cooperate with local communities to increase opportunities for public benefit from, and access to, DOE-owned historic properties in the facility or program area.

DESCRIPTION OF PART 4 OF THE CRMP

The CRMP should address CRM methods. The prescribed format and content of the headings and subheadings under this part follow and should reflect the numerical outline shown below. In cases where information about CRM methods has been compiled in separate documents, these documents may be cross-referenced, and only summary tables provided in this section.

4. CRM METHODS

There are several accepted, effective methods for developing CRM procedures for the facility or program. Such methods apply to preparing and maintaining records and reports and conducting inventories, excavations, laboratory treatments, curation, preservation, and outreach. In the following subsections, provide specific information concerning facility or program CRM methods. (See Appendix A, Glossary, for definitions of the terms used in relation to CRM methodology.)

4.1 RECORDS AND REPORTS

This section should address methods for preparing and maintaining facility or program cultural resource records and reports. Clearly indicate in Section 4.1.1 whether the existing cultural resource records and reports system described in Section 3.4.1, or some parts of that system, will continue in effect. If not, indicate what parts will be changed and how (e.g., whether a GIS will be implemented).

4.1.1 Cultural Resource Site Records

Describe the system to be used. Address the cultural resource site form; site numbering system; site record cataloging system; site location mapping; and site record storage, access, and security. Indicate in Part 6 of the CRMP how to obtain a copy of the cultural resource site form to be used. Cultural resource site records must be maintained permanently at the DOE site. Indicate how permanent, cumulative maintenance of records will be accomplished.

4.1.2 Cultural Resource Project Records

Describe the system to be used. Address the cultural resource project form; project numbering system; project record cataloging system; project location mapping; and project record storage, access, and security. Indicate in Part 6 of the CRMP how to obtain a copy of the cultural resource project form or permit.

4.1.3 Other Cultural Resource Records

Describe any other recordkeeping systems, in addition to site and project records, to be used. Include record categories (e.g., inventory, excavation, laboratory treatment, curation, preservation, research, outreach, legal compliance, other CRM activities) and the formats of

record categories (e.g., notes, forms, photographs, drawings, and maps; record cataloging systems such as databases; records storage, access, and security). Indicate in Part 6 of the CRMP how to obtain copies of any such forms.

4.1.4 Cultural Resource Reports

4.1.4.1 Standardized Report Outlines

Describe any standardized format and content outlines for reports on facility or program CRM activities such as inventory or excavation. Indicate in Part 6 of the CRMP how to obtain copies of any report outlines to be used.

4.1.4.2 Report Library

Describe the system that will be used for acquiring, storing, protecting, and accessing copies of reports and other written documents dealing with cultural resources at the facility or program area.

4.2 INVENTORY

This section should address methods for cultural resource inventories to be used at the facility or program area. The methods should be appropriate for the specific cultural resource inventory conditions associated with the facility or program area and take into account the recommendations made by consulting tribal governments.

4.2.1 Archival Searches

Describe the methods to be used for locating and retrieving information from archival records relating to cultural resources at the facility or program area. The types of archival records known to exist for the facility or program area will help determine the types of archival search methods that are appropriate and how broad an area must be investigated (e.g., county, municipal, family records).

4.2.2 Ethnographic Fieldwork

Describe the ethnographic fieldwork methods to be used for identifying and documenting resources of ethnic importance at the facility or program area. The usefulness of different ethnographic methods (e.g., observing or interviewing participants) will depend on various characteristics of the groups that may have religious or other affiliations to cultural resources at the facility or program area. For example, local families who have lived in the area for a long time and, thus, have continuity with its history could be identified and contacted even if they have moved out of the area. In addition, treaty tribes and individuals must be included in the study, even tribes that are currently located in other states.

Native American religions are not organized in a bureaucratic structure or hierarchy, such as non-Native American religions that generally have a national or international level of organization. Interaction with Native Americans should take place through their individual tribal governments and the elder, traditionalist, or native practitioner designated by the tribe to address cultural/religious issues. When ethnographic fieldwork involving the traditional lands and resources of several tribes will take place, it may be necessary to contact multiple tribal governments and their cultural/religious representatives.

4.2.3 Structure and Facility Surveys

Describe the survey methods to be used for locating and recording buildings and other structures and facilities of historic or recent scientific significance at the facility or program area. The survey methods used will be determined by the type and integrity of the buildings, structures, or facilities being recorded.

4.2.4 Archeological Surveys

Describe the archeological survey methods to be used for locating and recording cultural resources at the facility or program area. Describe the strategy for involving tribal elders, traditional leaders, and other technical experts recognized by the tribes in designing and implementing archaeological surveys. Conservative approaches that avoid false negative findings and results are recommended. Environmental conditions and cultural resource characteristics are important factors in developing the sampling procedure or selecting an appropriate method. For example, shovel tests or surface stripping may be required to locate certain types of cultural resources at some locations, but not at others.

In addition to addressing the types of archeological surveys that are appropriate at the facility or program area, identify all applicable coverage requirements, such as survey transect intervals and other statistically valid sampling strategies. If shovel test surveys are to be conducted, identify the shovel test intervals to be used and the rationale for selecting each interval in locating previously unidentified sites. If surface walkover is used in an arid environment or if plowing/disking is selected, identify the transect interval to be used and the rationale for selecting each interval in locating previously unidentified sites.

The methods selected for site identification should be conservative and designed to locate the total range of site types and sizes, particularly in areas scheduled for new construction projects. (See Appendix A, Glossary, for terms used to describe archeological survey methods.)

4.3 EXCAVATION

This section should address methods to be used for cultural resource excavations at the facility or program area and take into account the recommendations made by consulting tribal governments. Methods should be appropriate for the specific cultural resource excavation conditions associated with the facility or program area. Methods also should be selected to maximize the kinds and amount of data recovered.

4.3.1 Test Excavations

Describe the methods for conducting test excavations of cultural resources at the facility or program area. Identify any established correlations between site types and the effectiveness of particular survey and test excavation methods. If surface stripping of overburden may be required prior to conducting test excavations, discuss the circumstances under which this method will be used.

4.3.2 Large-Scale Excavations

Describe the methods of conducting large-scale excavations of cultural resources at the facility or program area. Describe the advantages and disadvantages of specific methods that are selectively utilized. If surface stripping of overburden may be required prior to conducting large-scale excavations, discuss the circumstances under which this method will be used.

4.4 STRUCTURE AND FACILITY MANAGEMENT

This section should address the methods to be used for managing buildings and other structures and facilities of historic or recent scientific significance at the facility or program area. Methods should be appropriate for the structure and facility management conditions associated with the facility or program area.

4.4.1 Documentation

Describe the methods to be used for structure and facility documentation. Identify the criteria to be used for selection of full Historic American Buildings Survey or Historic American Engineering Board documentation versus less exhaustive documentation.

4.4.2 Maintenance

Describe the methods to be used for structure and facility maintenance. Maintenance methods should be selected that will most effectively preserve the historic or scientific integrity of the structure or facility.

4.4.3 Mitigation

Describe the methods to be used for structure and facility mitigation. In addition to full Historic American Buildings Survey or Historic American Engineering Board documentation, methods should be identified that may potentially be used to mitigate the unavoidable loss of buildings or other structures or facilities of historic or recent scientific significance. Dismantling and reconstructing a building, structure, or facility at a new location would be one potential mitigation method.

4.5 LABORATORY TREATMENT

This section should address the laboratory treatment methods to be used for processing and analyzing cultural resources recovered at the facility or program area. Methods should be

appropriate for the specific types of cultural resources known to be present at the facility or program area and take into account the recommendations made by consulting tribal governments.

4.5.1 Processing

Describe the methods to be used for laboratory processing of cultural resources recovered at the facility or program area. Identify any known materials that will require special treatment during processing (e.g., carbon and macrobotanical samples from flotation). Discuss any new internal facilities or external arrangements with other institutions that will be necessary to effectively process recovered materials.

4.5.2 Analysis

Describe the methods to be used for laboratory analysis of cultural resources recovered at the facility or program area. Discuss new analytical methods that could help to answer questions about the kind, number, and distribution of site types (e.g., petrographic analysis of ceramics, lithic microwear, blood residues, spectrographic analysis of artifactual source materials). If a particular facility or program has special analytical capabilities in an area that is well suited to cultural resource investigations, specialized research is encouraged in this technical area. Discuss any new internal facilities or external arrangements with other institutions that will be necessary to analyze recovered materials effectively.

4.6 CURATION

This section should address curation methods to be used for cultural resources recovered at the facility or program area. (Cultural resources mean all categories of materials identified in 36 CFR Part 79, *Curation of Federally-Owned and Administered Archeological Collections*, including organic material and environmental and chronometric specimens.) The curation methods must be appropriate for the specific types of cultural resources known to be present at the facility or program area and take into account the recommendations made by consulting tribal governments. It is particularly important to develop a strategy for involving tribal elders, traditional leaders, and other technical experts recognized by the tribes in the curation of items that a tribal government believes are culturally sensitive.

4.6.1 Preservation

Describe the preservation methods to be used for handling, cleaning, stabilizing, and conserving collections of cultural resources recovered at the facility or program area.

4.6.2 Inventorying, Accessioning, Labeling, and Cataloging

Describe the methods to be used for inventorying, accessioning, labeling, and cataloging collections of cultural resources recovered at the facility or program area.

4.6.3 Identification, Evaluation, and Documentation

Describe the methods to be used for identifying, evaluating, and documenting collections of cultural resources recovered at the facility or program area.

4.6.4 Storage and Maintenance

Describe the methods to be used for storing and maintaining collections of cultural resources recovered at the facility or program area, including appropriate containers, environmental conditions, and physical security controls. If this function is provided under a contract with a state or private organization, discuss the quality assurance procedures that will be used by the DOE facility or program area managers.

4.6.5 Periodic Inspection and Remedial Preservation

Describe the schedule, quality assurance plan, and methods to be used for periodic inspection and remedial preservation of collections of cultural resources recovered at the facility or program area.

4.6.6 Study

Describe the methods to be used for providing controlled access and facilities for study of collections of cultural resources recovered at the facility or program area.

4.7 IN-SITU PRESERVATION

This section should address the methods to be used for in-situ preservation of cultural resources discovered in the facility or program area. (Preservation of collections of cultural resources is addressed in Section 4.6.1 of this Guide.) Methods of preservation should be appropriate for the specific conditions associated with the facility or program area and should take into account the recommendations made by consulting tribal governments. Permits may be used in this context. Indicate in Part 6 of the CRMP how to obtain a copy of the relevant permit forms.

4.7.1 Natural Forces

Describe the methods, procedures, and quality assurance systems to be used for protecting cultural resources in-situ at the facility or program area from the effects of natural forces (e.g., fire). Known correlations between the natural forces occurring and the kinds and degrees of cultural resource damage will help determine the most effective physical protection measures. It is noted that some tribal governments believe that there are cultural items that must not be handled but left undisturbed where they are found and allowed to disintegrate into the earth.

4.7.2 Human Forces

4.7.2.1 Authorized Actions

Describe the systems to be used to protect cultural resources at the facility or program area from the effects of human forces resulting from authorized actions. Methods may include physical

measures at or in association with the resources (e.g., more effective site marking or project monitoring) and administrative initiatives (e.g., project planning, tracking, quality assurance).

4.7.2.2 Illegal Acts

Describe the methods to be used for protecting cultural resources at the facility or program area from the effects of human forces resulting from illegal acts. Address prevention, detection, and investigation of the acts as well as prosecution of those responsible.

4.8 OUTREACH

This section should address methods to be used for outreach activities dealing with the cultural resources at the facility or program area. To comply with DOE O 450.1, *Environmental Protection Program*, public participation should include soliciting the views of interested parties when setting goals and objectives for the ISMS/EMS environmental aspects. To comply with E.O. 13287, *Preserve America*, outreach should include developing public-private partnerships to promote local economic vitality through use of historic properties and cooperating with local communities to increase public benefit from and access to Federal historic properties. Methods should be appropriate for the specific types of cultural resources known to be present at the facility or program area and take into account the recommendations made through consultation with tribal governments and other interested parties.

4.8.1 Activities on the DOE Site

Describe the methods and procedures to be used for conducting outreach activities on the DOE site relating to the cultural resources at the facility or program area. Factors that should be discussed include the types, locations, and conditions of cultural resources; national security concerns; and other operational requirements relative to methods used at the DOE site.

4.8.2 Activities not on the DOE Site

Describe the methods and procedures to be used for conducting outreach activities off the DOE site relating to the cultural resources at the facility or program area. The range of outreach methods used off the DOE site will depend on factors such as facility or program staff availability and the nature of outside interest.

4.9 INTERAGENCY INFORMATION EXCHANGE

A consistent data management system would facilitate the interagency exchange of information (e.g., the Department of Interior's annual Federal Archeological Activities Questionnaire). Examples of data management systems can be found on the National Park Service (NPS) Web site at the following URLs: <http://www.cr.nps.gov/aad/TOOLS/nadb.htm>, <http://www.cr.nps.gov/nr/research/nris.htm>, and <http://www.cr.nps.gov/nagpra/ONLINEDB/INDEX.HTM>.

DESCRIPTION OF PART 5 OF THE CRMP

Part 5 should address CRM Procedures and Administration. The prescribed format and content of the headings and subheadings under this part follow and should reflect the numerical outline shown below. In cases where information about CRM procedures and administration has been compiled in separate documents, these documents may be cross-referenced, and only summary tables provided in this section.

5. CRM PROCEDURES AND ADMINISTRATION⁹

5.1 PROCEDURES FOR NHPA SECTIONS 106 AND 110(F) COMPLIANCE

Procedural requirements concerning cultural resources are placed on Federal agencies and federally licensed or assisted activities by E.O. 11593,¹⁰ *Protection and Enhancement of the Cultural Environment*, dated 5-13-71; NHPA Sections 106 and 110(f); and implementing regulations in 36 CFR Part 800, *Protection of Historic Properties*. (See the ACHP Web site, <http://www.achp.gov/regsflow.html>, for a diagram of the Section 106 review process established by 36 CFR Part 800, Subpart B.) These authorities establish requirements pertaining to projects, activities, and programs that may affect cultural resources. (See Section 5.2 of this Guide for discussion of National Register nominations and National Historic Landmarks designation and recognition and Section 5.3 for discussion of compliance with ARPA.)

This section should discuss compliance with the requirements of these legal authorities at the facility or program area. Specific information on compliance procedures should be provided. If the procedures for compliance with Section 106 of NHPA are the subject of a PA, this section of the CRMP should refer to the summary of the agreement presented in Section 3.5.1.1, and Part 6 of the CRMP should indicate how to obtain a copy of the agreement. If the facility or program intends to negotiate a PA for compliance with Section 106 of NHPA, the terms of the proposed agreement should be summarized here.

5.1.1 Initiate the Section 106 Process

This section should address the procedures to be used for preconstruction project planning and evaluation, including identifying undertakings that may affect cultural resources; notifying the CRM staff; consulting to assess information needs; and authorizing, funding, planning, and scheduling archeological surveys and other field studies. These procedures must comply with the requirements of Sections 106 and 110(f) of NHPA and 36 CFR 800.3 and 800.4. [See the ACHP Web site (<http://www.achp.gov/regsflow.html>) for a diagram of the Section 106 review process.]

⁹See Appendix A, Glossary, for definitions of terms.

¹⁰Much of E.O. 11593 was codified and incorporated into NHPA when Section 110 was added to the law in 1980. Section 110 neither replaced nor invalidated E.O. 11593, but rather supplemented it.

5.1.1.1 Preconstruction Project Planning and Evaluation

Describe, in general terms, the procedures for preconstruction project planning and evaluation at the facility or program area. Particularly address any aspects of these procedures that take into account and seek to eliminate potential effects of the undertaking on cultural resources. Identify the staff position that has responsibility for these procedures.

5.1.1.2 Establishing That an Undertaking May Affect Cultural Resources

Describe the procedures that will be used to establish that a proposed project, activity, or program at the facility or program area constitutes an *undertaking* as defined in 36 CFR 800.16(y) and, if so, whether it is a type of activity that may affect cultural resources. Proposed CERCLA- and RCRA-related actions should be carefully assessed to determine if cultural resources could be affected. Any project that is undergoing any level of NEPA review should also be assessed. Assessment will require input from technical specialists. Identify the staff position assigned responsibility for this determination.

5.1.1.3 Notifying CRM Staff

If the CRM staff is not directly involved in the process discussed in Section 5.1.1.2 above, describe the procedures by which the CRM staff will be notified of undertakings that may affect cultural resources. Identify the staff position assigned responsibility for this notification.

5.1.1.4 Consulting to Assess Information Needs

Describe the procedures that will be used to identify and to consult with the appropriate SHPO or THPO on further actions necessary to identify cultural resources that may be affected. Also, describe procedures for consultation with local governments, other Native Americans, and public and private organizations likely to have knowledge of or concerns about cultural resources in the area of the undertaking. The policies, procedures, and technical actions of DOE O 1230.2, *American Indian Tribal Government Policy*, should be followed regarding consultation with Native Americans. Another source of information is *A Guide for DOE Employees: Working with Indian Tribal Nations* from the Office of Environmental Management.

Examples of appropriate points of contact for consultation with Native Americans, in addition to the THPO, include the official tribal governing body, tribal cultural resource office, tribal council cultural issues committees, and district and community residents. Protocols for consultation may be developed between DOE and Native American governments on issues of mutual concern. Identify the staff position assigned responsibility for these consultations.

5.1.1.5 Authorizing, Funding, Planning, and Scheduling Archeological Surveys and Other Field Studies

Describe the procedures to be used for authorizing, funding, planning, and scheduling archeological surveys or other field studies necessary to identify cultural resources that may be

affected by the undertaking. Identify the staff position assigned responsibility for these administrative procedures.

5.1.1.6 Determining No Undertaking or No Potential to Cause Effects

Describe the procedures to be followed when it is determined that there is no undertaking as defined in 36 CFR 800.16(y) or, if there is an undertaking, that it is not the type of activity that has the potential to cause effects on historic properties. (See Section 5.1.6 of this Guide for procedures dealing with unanticipated discoveries of cultural resources during implementation of a project.) Identify the staff position assigned responsibility for preparing and keeping appropriate records of such findings in case questions are raised by members of the public or other parties at a later date.

5.1.2 Identify Cultural Resources That May Be Affected

This section should address the procedures to be used for identifying and gathering information about known and unidentified cultural resources that may be affected by undertakings at the facility or program area. These procedures must comply with the requirements of Sections 106 and, for National Historic Landmarks, 110(f) of NHPA and 36 CFR 800.4.

5.1.2.1 Area of Potential Effects and Known Cultural Resources

Describe the procedures to be used to determine and document the area of potential effects and to identify known cultural resources that may be affected by undertakings. Identify the sources of information, such as SHPOs or THPOs, other Native Americans, ethnic groups, or archival records. Discuss the strategy for involving tribal elders, traditional leaders, and other technical experts recognized by the tribes in the development and implementation of cultural resource identification projects. Identify the staff position assigned responsibility for these determinations.

5.1.2.2 Surveys and Other Field Studies

Describe the procedural steps to be followed to accomplish ethnographic, structure and facility, or archeological surveys and other field studies in areas where there are scheduled undertakings. Address procedures for selection of survey methods; field logistics; preparation and maintenance of survey records; and laboratory treatment, analysis, and curation of resources and recovered data. Describe the steps that will be taken to obtain the advice of appropriate Native American traditional religious leaders to help ensure recognition of sacred resources, such as natural features and plants that might not be identified as cultural resources by standard survey or other field study techniques. Identify the staff position assigned responsibility for these surveys and field studies.

5.1.2.3 Report Preparation and Review

Describe the procedures to be used for preparation and internal review of reports on archeological surveys and other field studies. Address report authorship, legal compliance

documentation and other content standards, completion deadlines, and circulation and review requirements. Identify the staff position assigned responsibility for ensuring that reports are prepared, reviewed, and distributed, as appropriate.

5.1.3 Evaluate Identified Cultural Resources

This section should address procedures to be used for evaluating the historic significance of cultural resources that may be affected by projects or other undertakings and consulting on that evaluation. These procedures must comply with the requirements of Sections 106 and, for National Historic Landmarks, 110(f) of NHPA and 36 CFR 800.4.

5.1.3.1 Evaluation

Describe the procedures to be used to evaluate the National Register-eligibility of cultural resources that may be affected by undertakings. Specify how the views of Native Americans or members of ethnic groups will be obtained when the cultural resource being evaluated has or may have tribal or ethnic importance. Identify the staff position assigned responsibility for preparing and reviewing evaluations.

5.1.3.2 Consultation

Describe the procedures to be used for consulting with the SHPO or THPO and, if necessary, the Keeper of the National Register concerning the evaluation of the National Register-eligibility of cultural resources that may be affected by undertakings. Identify the staff position assigned responsibility for this consultation.

5.1.4 Consultation When No Cultural Resources Are Affected

This section should address the consultation procedures to be used when no cultural resources have been identified that may be affected by undertakings (i.e., either no cultural resources are identified or no effects on cultural resources are found). These procedures must comply with the requirements of Sections 106 and, for National Historic Landmarks, 110(f) of NHPA and 36 CFR 800.4.

Specify how the finding that “no cultural resources are present” will be documented for the SHPO or THPO, how other consulting parties (e.g., Indian tribes, Native Hawaiian organizations) will be notified, and how documentation will be made available to the public. Identify the staff position assigned responsibility for these consultation procedures.

5.1.5 Assess and Resolve Adverse Effects on Cultural Resources

This section should address procedures for assessing the potential adverse effects of undertakings on cultural resources, identifying ways to resolve adverse effects, and completing associated consultation and documentation. These procedures must comply with the requirements of Sections 106 and, for National Historic Landmarks, 110(f) of NHPA and

36 CFR 800.5 through 800.11. They should fully describe the steps that will be taken to involve the SHPO or THPO, other Native Americans, ethnic groups, and other interested parties in the process of assessing and resolving adverse effects.

5.1.5.1 Assess Adverse Effects

Describe the procedures to be used to assess the adverse effects of undertakings on cultural resources. These procedures must be designed to follow 36 CFR 800.5 and should reflect a proactive approach. Identify the staff position assigned responsibility for these assessments.

5.1.5.2 Resolve Adverse Effects

Describe the procedures to be used to resolve adverse effects on cultural resources through avoidance, data recovery, or mitigation. These procedures must be designed to follow 36 CFR 800.6 and should reflect a proactive approach. Describe the procedures to be used when there is a failure to resolve adverse effects. These procedures must be designed to follow 36 CFR 800.7. Identify the staff position assigned responsibility for proposing and implementing these strategies.

5.1.5.3 Consultation and Documentation

Describe the procedures to be used for meeting the consultation and documentation requirements of 36 CFR 800.5 through 800.11 when assessing and resolving adverse effects. (Use of a flowchart to accompany the narrative is recommended.) Identify the staff position assigned responsibility for carrying out the consultation and documentation procedures.

5.1.6 Post-Review Discoveries of Cultural Resources

Describe the procedures to be followed when it is learned that an in-progress undertaking, for which compliance procedures were completed, would adversely affect a previously unidentified cultural resource that may be eligible for inclusion in the National Register or would adversely affect a known cultural resource in an unanticipated manner. These procedures must comply with the requirements of Sections 106 and 110(f) of NHPA and 36 CFR 800.13. Procedures should be designed to ensure coordination between the implementation of Section 106 of NHPA and Section 3(d) of NAGPRA. (See Section 5.5.2 of this Guide.) Identify the staff position assigned responsibility for post-review discovery procedures.

5.1.7 Coordination with NEPA

Describe the procedures to be used to coordinate Section 106 compliance with NEPA compliance. The procedures should comply with 36 CFR 800.8 and DOE's NEPA regulations at 10 CFR Part 1021, *National Environmental Policy Act Implementing Procedures*. Identify the staff position assigned responsibility for ensuring coordination between NEPA and NHPA Section 106.

5.1.8 Emergency Situations

Describe the procedures to be used to comply with Section 106 of NHPA during emergencies (e.g., during fires as required under DOE's *Wildland Fire Management Policy*). The procedures should comply with 36 CFR 800.12. (Note that that Section applies only to undertakings that will be implemented within 30 days after the disaster or emergency has been formally declared by the appropriate authority.) Identify the staff position assigned responsibility for ensuring compliance with NHPA Section 106 during emergencies.

5.2 PROCEDURES FOR LISTING PROPERTIES ON THE NATIONAL REGISTER OR AS NATIONAL HISTORIC LANDMARKS

5.2.1 Location, Inventory, Evaluation, and Nomination of Cultural Resources to the National Register

Describe the procedures to be used to locate, inventory, evaluate, and nominate to the Keeper of the National Register all cultural resources at the facility or program area that appear to qualify for inclusion on the National Register. Describe plans and schedules to carry out broad-scale archival and field surveys to inventory cultural resource sites. Discuss how this information will be used to ensure that the stewardship responsibilities of DOE are being achieved on the individual facility or program lands. These procedures must comply with the requirements of Sections 101 and 110(a)(2) of NHPA; 36 CFR Part 60, *National Register of Historic Places*; and 36 CFR Part 63, *Determinations of Eligibility for Inclusion in the National Register of Historic Places*. Identify the staff position assigned responsibility for location, inventory, evaluation, and nomination procedures.

5.2.2 Designation and Recognition of National Historic Landmarks

Describe the procedures to be used to designate and formally recognize National Historic Landmarks at the facility or program area. These procedures must comply with the requirements of Section 101 of NHPA and 36 CFR Part 65, *National Historic Landmarks Program*. Identify the staff position assigned responsibility for implementing the National Historic Landmarks procedures.

5.3 ARPA COMPLIANCE PROCEDURES

ARPA places certain procedural requirements on Federal agencies.¹¹ These requirements pertain to increasing public awareness, planning and scheduling archeological surveys, and reporting

¹¹As required by Section 10(a) of ARPA, uniform regulations to implement ARPA were developed jointly by the Secretaries of the Interior, Agriculture, and Defense and the Chairman of the Board of the Tennessee Valley Authority. The uniform regulations in 43 CFR Part 7, subpart A are to be followed by all Federal land managers to protect archaeological resources located on public lands. Section 10(b) of ARPA provides that each Federal land manager shall promulgate additional rules and regulations, consistent with the uniform rules and regulations in 43 CFR Part 7, subpart A, as may be necessary for carrying out the purposes of the Act. As of this date, DOE has not promulgated any supplemental regulations.

suspected violations. In this section discuss compliance with the requirements of ARPA at the facility or program area, and provide specific information concerning compliance procedures.

5.3.1 Increasing Public Awareness

Describe the procedures to be used to develop and implement, in compliance with the requirements of Section 10(c) of ARPA, a program to increase public awareness of the significance of cultural resources at the facility or program area and the need to protect them. Identify the staff position assigned responsibility for implementing the public awareness procedures.

5.3.2 Planning and Scheduling Archeological Surveys

State how surveys of archeological resources on lands at the facility or program area will be completed in accord with 43 CFR 7.21(d), that encourages Federal land managing agencies to perform such surveys. Describe the procedures to be used to determine the nature and extent of the archeological resources, beginning with the lands likely to contain those that are most scientifically valuable. Provide a schedule for completing these surveys. Identify the staff position assigned responsibility for the planning and scheduling procedures.

5.3.3 Reporting Suspected Violations

Describe the procedures to be used to document suspected ARPA violations at the facility or program area, in compliance with the requirements of 43 CFR 7.19(c) and 7.21(e). Identify the staff position assigned responsibility for the violation documentation procedures.

5.4 AIRFA COMPLIANCE PROCEDURES

This section should provide procedures for meeting the intent of AIRFA. General procedures should address but may not be limited to—

- identification of Native American tribes that have treaty and traditional interests in the resources known to exist at the facility or program area,
- documentation of tribal interests by resource type and location (as appropriate),
- selection of the principal investigator and staff (that can include Native Americans) to advise managers on where and when AIRFA studies are appropriate and to conduct AIRFA studies,
- determination of where and when AIRFA studies should be scheduled,
- incorporation of governmental as well as traditional groups into the design and assessment phases of AIRFA studies, and
- establishment of facility or program policy and protocol for tribal consultation on development of AIRFA studies as well as ethnohistoric or prehistoric studies carried out under separate legislation. (Protocols for consultation may be developed between DOE and Native American governments on issues of mutual concern.)

AIRFA compliance is likely to require different personnel (e.g., ethnographers, Native Americans) than those involved with the inventory and evaluation of archeological sites and items (e.g., archeologists, historians). Teams of Native American tribal representatives, archeologists, and ethnographers should be coordinated by managers who have environmental responsibilities. Identify who has the overall responsibility for implementing AIRFA procedures.

5.5 NAGPRA COMPLIANCE PROCEDURES

NAGPRA requires protection and repatriation of Native American cultural items found on or taken from Federal or tribal lands according to procedural requirements pertaining to—

- intentional excavation and removal of Native American cultural items;
- inadvertent discovery of Native American cultural items;
- an inventory for Native American human remains and associated funerary objects;
- a summary for Native American unassociated funerary objects, sacred objects, and objects of cultural patrimony; and
- repatriation of Native American cultural items upon request by the appropriate group.

Protecting Native American human remains and cultural items from illegal trafficking is considered an aspect of protecting cultural resources at the facility or program area from illegal acts. (See Section 5.6.3 of this Guide.) This section should provide information concerning procedures for complying with the requirements of NAGPRA and 43 CFR Part 10, *Native American Graves Protection and Repatriation Regulations*, at the facility or program area.

5.5.1 Intentional Excavation and Removal of Native American Cultural Items

This section should address procedures for intentional excavation and removal of Native American cultural items at the facility or program area. Issuance of permits for these activities under ARPA should be discussed as part of Section 5.8.3 of this Guide, Permitting. These procedures must comply with the requirements of NAGPRA Sections 3(a), (b), and (c).

5.5.1.1 Consultation or Consent

Describe the procedures to be followed to consult with or, in the case of tribal lands, obtain the consent of the appropriate Indian tribe or Native Hawaiian organization (if any) before Native American cultural items are excavated or removed. Address how proof of consultation or consent will be demonstrated. Protocols for consultation may be developed between DOE and Native American governments at the decision-maker, policy, or technical levels on issues of mutual concern. Identify the staff position assigned responsibility for these consultation and consent procedures.

5.5.1.2 Ownership and Right of Control

Describe the procedures to be followed to establish ownership and right of control of the disposition of the Native American cultural items that are excavated or removed from the facility or program lands. Identify the staff position assigned responsibility for implementing these ownership and right of control procedures.

5.5.2 Inadvertent Discovery of Native American Cultural Items

This section should address procedures to be used when Native American cultural items are inadvertently discovered at the facility or program area. These procedures must comply with the requirements in Sections 3(a), (b), and (d) of NAGPRA and be coordinated with procedures designed for the implementation of Section 106 of NHPA. (See Section 5.1 of this Guide.)

5.5.2.1 Inadvertent Discovery

Describe the procedures that will be followed upon inadvertent discovery of Native American cultural items as outlined in Section 3(d) of NAGPRA. Address the following:

- notification of the Secretary of Energy through the appropriate established procedures, the DOE FPO, and Native American groups, as required;
- cessation of activities in the area of the discovery;
- protection of the cultural items discovered;
- certification by the Secretary of Energy and Native American groups that notification has been received; and
- resumption of activities after certification.

Identify the staff position assigned responsibility for the procedures relating to such discoveries.

5.5.2.2 Disposition and Control

Describe the procedures to be used for disposition of and control over any Native American cultural items excavated or removed following inadvertent discoveries. Identify the staff position assigned responsibility for these disposition and control procedures.

5.5.3 Inventory of Native American Human Remains and Associated Funerary Objects

This section should address procedures to be used to inventory Native American human remains and associated funerary objects at the facility or program area. These procedures must comply with the requirements in Section 5 of NAGPRA.

5.5.3.1 Inventory Compilation

Describe the procedures to be used to compile an inventory of holdings or collections of Native American human remains and associated funerary objects possessed or controlled by the facility or program. Address how the inventory will identify the geographic and cultural affiliations of such items to the extent possible, based on information possessed by the facility or program. Specify when the inventory will be completed and how it will be made available to the review committee established under Section 8 of NAGPRA, both while being compiled and upon completion. Identify the staff position assigned responsibility for these inventory compilation procedures.

5.5.3.2 Consultation

Describe the procedures to be followed to consult with tribal governments, Native Hawaiian organization officials, and traditional religious leaders in compiling the inventory of holdings or collections of Native American human remains and associated funerary objects. Protocols for consultation may be developed between DOE and Native American governments on issues of mutual concern. Identify the staff position assigned responsibility for these consultation procedures.

5.5.3.3 Supplemental Documentation

Describe the procedures to be used to supply to Indian tribes or Native Hawaiian organizations, upon request, additional available documentation to supplement the information in the inventory of Native American human remains and associated funerary objects. Identify the staff position assigned responsibility for these supplemental documentation procedures.

5.5.3.4 Notification

Describe the procedures to be followed to notify affected Indian tribes or Native Hawaiian organizations if the cultural affiliation of any particular Native American human remains and associated funerary object is determined through the inventory process. Address how the 6-month time limit for notification following the completion of the inventory will be met. Identify the staff position assigned responsibility for these notification procedures.

5.5.4 Summary of Native American Unassociated Funerary Objects, Sacred Objects, and Objects of Cultural Patrimony

This section should address procedures to create a summary of Native American unassociated funerary objects, sacred objects, and objects of cultural patrimony at the facility or program area. These procedures must comply with the requirements in Section 6 of NAGPRA.

5.5.4.1 Preparation of Summary

Describe the procedures to be used to prepare a written summary of holdings or collections of Native American unassociated funerary objects, sacred objects, and objects of cultural patrimony possessed or controlled by the facility or program. Address how the summary will describe the

scope of the collection, kinds of objects included, geographical location, means and period of acquisition, and cultural affiliation, if readily ascertainable. Specify when the summary will be completed, and identify the staff position assigned responsibility for these summary procedures.

5.5.4.2 Consultation

Describe the procedures to be followed to consult with tribal governments, Native Hawaiian organization officials, and traditional religious leaders following the completion of the summary of holdings or collections of Native American unassociated funerary objects, sacred objects, and objects of cultural patrimony. Protocols for consultation may be developed between DOE and Native American governments on issues of mutual concern. Identify the staff position assigned responsibility for these consultation procedures.

5.5.4.3 Access

Describe the procedures to be used for Indian tribes or Native Hawaiian organizations to have access to records, catalogs, relevant studies, or other pertinent data for the purposes of determining the geographic origin, cultural affiliation, and basic facts surrounding acquisition and accession of holdings or collections of Native American unassociated funerary objects, sacred objects, and objects of cultural patrimony. Address the provision of this access in a manner agreed upon by all parties, and identify the staff position assigned responsibility for these access procedures.

5.5.5 Repatriation of Native American Cultural Items

This section should address procedures for repatriation of Native American cultural items from the facility or program area. These procedures must comply with the general intent of NAGPRA Section 7 and the specific requirements of Sections 7(a)(5) and 7(b), (c), and (e).

5.5.5.1 Repatriation of Culturally Affiliated Native American Human Remains and Associated Funerary Objects

Describe the procedures to be used to expeditiously return Native American human remains and associated funerary objects upon the request of a known lineal descendant, when the cultural affiliation of such items with a particular Indian tribe or Native Hawaiian organization is established. Address consultation with the lineal descendant to determine the place and manner of delivery of the items. Identify the staff position assigned responsibility for these repatriation procedures.

5.5.5.2 Repatriation of Culturally Affiliated Native American Unassociated Funerary Objects, Sacred Objects, or Objects of Cultural Patrimony

Describe the procedures to be followed to expeditiously return Native American unassociated funerary objects, sacred objects, or objects of cultural patrimony upon the request of the particular Indian tribe or Native Hawaiian organization with which the cultural affiliation of such items has been established. Address consultation with the tribe or organization to determine the

place and manner of delivery of the items. Identify the staff position assigned responsibility for these repatriation procedures.

5.5.5.3 Repatriation of Culturally Unaffiliated or Uninventoried Native American Human Remains and Funerary Objects

For Native American human remains and funerary objects for which cultural affiliation is not established per Section 5.5.3 or 5.5.4 of this Guide or that are not included in the inventory or summary, describe the procedures to be used to expeditiously return such items. Human remains can be returned upon request from an Indian tribe or Native Hawaiian organization that can show cultural affiliation according to the standards of NAGPRA Section 7(a)(4). Identify the staff position assigned responsibility for these repatriation procedures.

5.5.5.4 Sharing Information

Describe the procedures to be followed to share information the facility or program has on any cultural object with the known lineal descendant, Indian tribe, or Native Hawaiian organization to assist in making a claim for repatriation of the object. Identify the staff position assigned responsibility for these information-sharing procedures.

5.6 36 CFR PART 79 COMPLIANCE PROCEDURES

Requirements for the curation of federally owned and administered archeological collections are described in 36 CFR Part 79, *Curation of Federally-Owned and Administered Archeological Collections*. The requirements pertain to the following areas: management and preservation of collections; methods to secure and fund curatorial services; terms and conditions of contracts, memoranda, and agreements for curatorial services; standards to determine when a repository possesses the capability to provide long-term curatorial services; use of collections; and conduct of inspections and inventories.

In this section present any pertinent introductory comments concerning compliance with the curation requirements by the facility or program. In the following subsections provide specific information on compliance procedures.

5.6.1 Management and Preservation of Collections

This section should address procedures to be used for long-term management and preservation of preexisting and new collections recovered at the facility or program area and for retention and maintenance of administrative records on the disposition of each collection. These procedures must meet the requirements of 36 CFR 79.5.

5.6.1.1 Preexisting Collections

Describe the procedures for ensuring that preexisting collections already in repositories are being properly managed and preserved as described in 36 CFR 79.5(a). Address how the curatorial services currently provided for these collections will be reviewed and evaluated and how any

deficiencies will be remedied. Identify the staff position assigned responsibility for these procedures.

5.6.1.2 New Collections

Describe the procedures for ensuring that new collections from the facility or program area are deposited in a repository meeting the requirements of 36 CFR 79.5(b). Identify the staff position assigned responsibility for these procedures.

5.6.1.3 Administrative Records

Describe the procedures for retention and maintenance of administrative records on the disposition of each collection. These records will include the categories of information specified in 36 CFR 79.5(c). Identify the staff position assigned responsibility for these procedures.

5.6.2 Methods to Secure Curatorial Services

Describe the procedures to be used by the facility or program to secure curatorial services. Address how these procedures incorporate the methods and guidelines in 36 CFR 79.6. Identify the staff position assigned responsibility for these procedures.

5.6.3 Methods to Fund Curatorial Services

Describe the procedures to be followed to ensure that sufficient funds are available for adequate long-term care of facility or program collections. Methods that may be utilized are identified in 36 CFR 79.7. Identify the staff position assigned responsibility for these procedures.

5.6.4 Terms and Conditions of Contracts, Memoranda, and Agreements for Curatorial Services

Describe the procedures to be used by the facility or program to ensure that any contract, memorandum, agreement, or other appropriate written instrument for curatorial services entered into by or on behalf of the responsible facility or program official, the repository official, and any other appropriate party contains the terms and conditions identified in 36 CFR 79.8. In Part 6 of the CRMP indicate where to obtain copies of all existing proposed documents of this type. Identify the staff position assigned responsibility for these procedures.

5.6.5 Repository Standards

Describe the procedures to be followed by the facility or program to determine that a repository has the capability to provide adequate long-term curatorial services. Address how it will be ascertained that the repository meets each of the standards identified in 36 CFR 79.9. Identify the staff position assigned responsibility for these procedures.

5.6.6 Use of Collections

This section should address scientific, educational, and religious uses; terms and conditions; and written agreements. These procedures should describe the steps that will be taken to consult with appropriate Native American groups or ethnic groups concerning scientific, educational, or religious uses of collections.

5.6.6.1 Scientific and Educational Uses

Describe the procedures to be followed to ensure that collections from the facility or program area are made available to qualified professionals for scientific and educational uses. These procedures must comply with the requirements of 36 CFR 79.10(a) and (b). Identify the staff position assigned responsibility for these procedures.

5.6.6.2 Religious Uses

Describe the procedures to be followed to ensure that collections from the facility or program area are made available to appropriate persons for religious uses. These procedures must comply with the requirements of 36 CFR 79.10(a) and (c). Identify the staff position assigned responsibility for these procedures.

5.6.6.3 Terms and Conditions of Uses

Describe the procedures to be followed to ensure that scientific, educational, or religious uses of collections from the facility or program area are in accordance with the terms and conditions identified in 36 CFR 79.10(d). Identify the staff position assigned responsibility for these procedures.

5.6.6.4 Written Agreements for Use

Describe the procedures to be followed to meet the requirements for written agreements for scientific, educational, or religious uses of collections from the facility or program area, as required and specified for such agreements in 36 CFR 79.10(e). Indicate how to obtain copies of any agreement forms for using a collection and any existing, written use agreements. Identify the staff position assigned responsibility for these procedures.

5.6.7 Conduct of Inspections and Inventories

Describe the procedures to be used for inspections and inventories of collections from facility or program areas. The conduct of such inspections and inventories must comply with the requirements of 36 CFR 79.11. Identify the staff position assigned responsibility for these procedures.

5.7 PROTECTION PROCEDURES

Both NHPA and ARPA require protection of cultural resources on Federal lands. NHPA also extends this requirement to cultural resources that might be affected by federally licensed or

assisted projects, activities, or programs. The major factors that may necessitate protective actions by Federal agencies are natural forces, authorized actions, and illegal acts.

In this section present any pertinent introductory comments concerning protection of cultural resources at the facility or program area. In the following subsections provide specific information concerning protection procedures.

5.7.1 Natural Forces

This section should address procedures for monitoring, consulting about, and restoring and repairing the effects of natural forces [e.g., fires (see DOE's *Wildland Fire Management Policy*)] on cultural resources at the facility or program area.

5.7.1.1 Monitoring

Describe the procedures to be used to monitor cultural resources at the facility or program area for the effects of natural forces. Address the following: monitoring strategies (e.g., inspections, instrument metering), the frequency at which potentially affected cultural resources will be monitored, and the staff who will carry out the monitoring and their training in this technical area. Identify the staff position assigned responsibility for the monitoring procedures.

5.7.1.2 Consultation

Describe the procedures to be followed for consultation with the SHPO or THPO, other Native Americans, and other interested parties on the effects of natural forces on cultural resources at the facility or program area. Address how to determine if the effects of natural forces have become severe enough to require the formal legal compliance procedures discussed in Section 5.1 of this Guide. Identify the staff position assigned responsibility for the consultation procedures.

5.7.1.3 Restoration and Repair

Describe the procedures to be used to select and implement appropriate restoration and repair measures for the effects of natural forces on cultural resources at the facility or program area. Address, in general terms, the restoration and repair methods that may be employed. Identify the staff position assigned responsibility for the restoration and repair procedures.

5.7.2 Authorized Actions

This section should address screening and tracking, monitoring, consulting, and restoration and repair procedures for the effects of authorized actions or projects on cultural resources at the facility or program area.

5.7.2.1 Screening and Tracking

Describe the procedures to be used to screen and track authorized projects that could produce unintended effects on cultural resources at the facility or program area. Specify how staff

cultural resource professionals will be notified of these projects. Identify the staff position assigned responsibility for the project screening and tracking procedures.

5.7.2.2 Monitoring

Describe the procedures to be used to monitor authorized projects that could produce unintended effects on cultural resources at the facility or program area. Address monitoring strategies and the frequency at which monitoring will occur. Identify the staff position assigned responsibility for the monitoring procedures.

5.7.2.3 Consultation

Describe the procedures to be followed for consultation with the SHPO or THPO, other Native Americans, and other interested parties concerning unintended effects of authorized projects on cultural resources at the facility or program area. Address how to determine if unintended effects of authorized projects are severe enough to require the formal legal compliance procedures discussed in Section 5.1 above. Identify the staff position assigned responsibility for the consultation procedures.

5.7.2.4 Restoration and Repair

Describe the procedures to be used to select and implement appropriate restoration and repair measures for unintended effects of authorized projects on cultural resources at the facility or program area. Address, in general terms, the restoration and repair methods that may be employed. Identify the staff position assigned responsibility for the restoration and repair procedures.

5.7.3 Illegal Acts

This section should address procedures for detection, investigation, prosecution, consultation, restoration and repair, and prevention of illegal acts affecting cultural resources at the facility or program area.

5.7.3.1 Detection

Describe the procedures to be used to detect illegal acts affecting cultural resources at the facility or program area. Identify who has lead responsibility for the law enforcement aspects of these procedures (e.g., physical and electronic surveillance) and what assistance should be provided by other personnel.

5.7.3.2 Investigation

Describe the procedures to be used to investigate illegal acts affecting cultural resources at the facility or program area, including preparing case reports. Identify who has lead responsibility for these procedures and what assistance should be provided by other personnel. Also, specifically discuss cultural resource damage assessment, and identify the staff position assigned responsibility for this aspect of the overall investigation.

5.7.3.3 Prosecution

Describe the internal procedures to be followed in preparing for the prosecution of cases involving illegal acts affecting cultural resources at the facility or program area. Identify who has lead responsibility for cooperation with the Department of Justice and what assistance should be provided by other personnel.

5.7.3.4 Consultation

Describe the procedures to be followed for consultation with the SHPO or THPO, other Native Americans, and other interested parties concerning the effects of illegal acts on cultural resources at the facility or program area. Address how detection, investigation, and prosecution of these illegal acts, as well as restoration and repair of their effects, will be integrated with the formal legal compliance procedures discussed in Section 5.1 above. Identify the staff position assigned responsibility for the consultation and compliance procedures.

5.7.3.5 Restoration and Repair

Describe the procedures to be used to select and implement appropriate restoration and repair measures for the effects of illegal acts on cultural resources at the facility or program area. Address, in general terms, the restoration and repair methods that may be employed. Identify the staff position assigned responsibility for the restoration and repair procedures.

5.7.3.6 Prevention

Describe the procedures to be used to prevent illegal acts from affecting cultural resources at the facility or program area. Identify which outreach methods discussed in Section 4.8 above will be used in this effort. Also, address how the prevention procedures will be integrated with the public awareness program required by Section 10(c) of ARPA and discussed in Section 5.3.1 above. Identify the staff position assigned responsibility for the prevention procedures.

5.8 RELATIONS WITH NATIVE AMERICAN GOVERNMENTS, INCLUDING TREATY COMPLIANCE

5.8.1 Technical Actions

Describe the procedures to be used to ensure that the following technical actions have taken place:

- A detailed search has been completed to identify the Native Americans with whom DOE managers will consult.
- A thorough search has been completed of Federal Indian law, including applicable treaties, statutes, court rulings, Executive orders, and agreements (formal and operational) between the Indian nations and the Federal government.

- Research to identify Native American tribes and treaties has been carried out by qualified staff who have knowledge of Native American customs and culture, as well as Federal Indian law.
- Research data and results have been shared with tribal officials, and, when available, tribal archival information has received consideration.
- Information on current operations, plans for new programs, long-term stewardship, and construction of new facilities has been shared to the maximum extent feasible with the Indian nations impacted and at the earliest possible time.

Information sources could include *Indian Treaties 1778-1883* (Kappler 1972¹²); Federal, tribal, and state archives; and Web-based sources for Executive orders and enabling legislation. Identify the staff position assigned responsibility for these procedures.

5.8.2 Regulatory Compliance

Describe the procedures to be used to achieve regulatory compliance and ensure that—

- conditions specified in existing treaties, statutes, court rulings, Executive orders, and agreements (formal and operational) between the Indian nations and the Federal government are being met;
- consultation regarding planned projects takes place with appropriate traditional and contemporary tribal officials, both elected and appointed (Protocols for consultation may be developed between DOE and Native American governments on issues of mutual concern.);
- consultation includes consideration of the need to maintain confidentiality of certain types of information, particularly regarding religious activities; and
- sites, objects, resources, and geographic areas will be protected, and information regarding these locations and/or objects will be provided to Native Americans.

Identify the staff position assigned responsibility for these procedures.

5.8.3 Administrative Procedures

Describe the administrative procedures that have been developed to ensure that the Federal trust responsibility arising from the government-to-government relationships with Native American governments is carried out; consultation with Native American governments has been effectively implemented; Native American religious practices remain viable through access to religious and ceremonial sites that are protected from alteration and disturbance; and applicable Federal law regulating sacred objects, funerary items, and human remains is enforced. Protocols for

¹²*Indian Treaties 1778-1883*, compiled and edited by Charles J. Kappler. New York: Interland Publishing, Inc., 1972.

consultation may be developed between DOE and Native American governments on issues of mutual concern. Identify the staff position assigned responsibility for these administrative procedures.

5.9 CRM ADMINISTRATION

Implementation of CRM methods and procedures at the facility or program area requires administrative actions in at least these areas: staffing and contracting, training, permitting, CRM facilities, curation, and consultation on administration. In addition, an independent quality assurance system, as discussed in Section 5.9.8, should be developed and implemented to provide oversight for each of those administrative task areas.

In this section, present any pertinent introductory comments concerning CRM administration at the facility or program area. Discuss the mechanisms to be used to include public participation to solicit the views of interested parties when setting goals and objectives for the ISMS/EMS environmental aspects in compliance with DOE O 450.1, *Environmental Protection Program*. In the following subsections provide specific information concerning the administrative activities.

5.9.1 Staffing and Contracting

Using text and graphics, describe the administrative structure for activating the cultural resource technical staff. Define how cultural resource experts will be incorporated into the environmental management structure that supports activities for facilities or programs (e.g., proposed construction activities, current land use management decisions, long-term operational goals). This section should also address efforts made to use Native Americans in cultural resource staff positions or as contractors. Use of Native Americans in these positions is particularly desirable when cultural resource activities are carried out by DOE programs on tribal lands.

Provide the names of and position descriptions for the designated cultural resource staff, including archeologists, historians, ethnologists, architectural historians, historic planners, and other specialists, as appropriate. The principal investigator and support staff should have advanced academic training as well as demonstrated regional expertise. [Information on how to choose an archeological consultant can be found in various National Park Service (NPS) documents.¹³] Résumés of the principal investigator and key staff specialists should be appended to or referenced in Part 6, Supporting Documents.

5.9.2 Training

Describe the training strategy and schedules for Federal and contract administrative staff with CRM responsibilities. In addition, identify the administrative strategy to be used to enhance the knowledge of the cultural resource technical staff and the incentives to be used to encourage staff professional development. Training is sponsored by other Federal agencies (e.g., ACHP, NPS, Federal Law Enforcement Training Center). Identify the facility or program officer responsible for training.

¹³See NPS Web site at <http://www.cr.nps.gov/linkpubs.htm>.

5.9.3 Permitting

Describe the administrative structure and technical management of the cultural resource permitting system. In this section discuss permitting procedures for—

- internal cultural resource compliance and research actions,
- external investigations of cultural resources located on facility or program lands,
- loans of cultural resource collections and items outside of the designated repository, and
- access for Native Americans or members of other traditional cultures to visit sensitive areas located on lands owned or managed by DOE facilities or programs.

5.9.4 CRM Facilities

Describe the administrative plan and designated responsibilities for operating a CRM facility on DOE-owned or -managed lands. Identify the location of the facilities to be used to support all CRM activities. Include facilities that have short- and long-term uses. Discuss the mechanisms to be used to ensure that cultural resource information and objects are managed cumulatively and not periodically discarded or transferred to locations off the DOE site, such as Federal archival repositories, except in compliance with 36 CFR Part 79, *Curation of Federally-Owned and Administered Archeological Collections*.

5.9.5 Curation

Describe the administrative plans for the curation of all records, artifacts, and samples that have been and will be obtained from cultural resource sites on facility or program properties. Identify the designated repository and designated individual responsible for meeting the curation requirements of 36 CFR Part 79, *Curation of Federally-Owned and Administered Archeological Collections*.

5.9.6 Consultation on Administration

Identify procedures that will be used to meet this administrative goal. Describe the steps that will be taken to improve the effectiveness of CRM program administration by consulting with the ACHP; the SHPO or THPO; other Federal, state, tribal, or local government officials; other Native Americans; ethnic groups; or other interested parties.

5.9.7 Other Administrative Activities

Describe other administrative activities that are an integral part of the facility or program area's CRM program but that are not discussed under the other subtopics in this section. For example, the administration of outreach programs and consultation with Native American tribes could be addressed here.

5.9.8 Quality Assurance

Describe the independent quality assurance system that will be established to provide oversight for each of the administrative task areas. At a minimum this system should address the topics of audits, performance measures, documentation, reporting responsibilities, corrective actions, and consultation with affected Native American governments. This quality assurance system is to be used to assess contractors and technical individuals implementing the CRM programs on DOE facility and program lands. Technical auditors should have no direct or indirect economic, administrative, or regulatory relationships with the cultural resource staff responsible for any of the task areas described in Sections 5.9.1 through 5.9.7.

DESCRIPTION OF PART 6 OF THE CRMP

Include as the final section of the CRMP, Part 6, Supporting Documents.

6. SUPPORTING DOCUMENTS

Supporting documents (e.g., site forms, project record forms, laboratory-processing forms) amplify and explain in more detail the basic text provided in the facility or program plan. Documents other than those specifically identified in these guidelines may also be included. Supporting documents should include the résumés of the plan preparers as well as the principal investigator and other key technical staff specialists who will implement the CRMP.

If supporting documents are readily available electronically, they do not have to be physically attached in hard copy format to the plan. This section should indicate who can provide copies of these documents or, if they are available electronically, where they can be found. It is important that the locations where they are posted be kept up-to-date because Web addresses often change. Identify the staff position assigned responsibility for keeping this information up-to-date.

APPENDIX A

GLOSSARY

APPENDIX A. GLOSSARY¹

Advisory Council on Historic Preservation (ACHP): An independent Federal agency created by Section 106 of the NHPA. Its mission is to promote the preservation, enhancement, and productive use of our Nation's historic resources and to advise the President and Congress on national historic preservation policy. ACHP is the only entity with the legal responsibility to encourage Federal agencies to factor historic preservation into Federal project requirements.

Analysis: Examination and classification of cultural resources or data about them. Important types of analysis are typological (i.e., what a resource is), chronological (i.e., how old it is), technological (i.e., how it was made), functional (i.e., how it was used), and stylistic (i.e., what are important characteristics of its appearance).

Archeological Research: The scientific study of cultural resources through the analysis of prehistoric and historic material remains and data about them recovered during archeological surveys and excavations.

Archeological Resource: "Any material remains of past human life or activities which are of archaeological interest, . . . [including], but not . . . limited to: pottery, basketry, bottles, weapons, weapon projectiles, tools, structures or portions of structures, pit houses, rock paintings, rock carvings, intaglios, graves, human skeletal materials, or any portion or piece of any of the foregoing items. . . . No item shall be treated as an archaeological resource under regulations under this paragraph unless such item is at least 100 years of age." [ARPA, Section 3(1)]

Archeological Survey: The process used to locate and record basic information about prehistoric and historic cultural resources in the field. Archeological survey methods include walking over the project area, walking over and shovel testing the area, and walking over the area following plowing and disking.

Archeological Survey Report: A cultural resource report that documents the methods, findings, and other important information about an archeological survey.

Architectural or Engineering Survey: The process used to produce or collect measured drawings, photographs, and written records that document historic buildings and structures, as well as objects such as equipment and apparatus. The data gathering techniques involved may be required to meet the Historic American Buildings Survey or Historic American Engineering Record standards of the NPS.

Archival Records: Unpublished documentary records of human existence in the past that are deposited in archives. Important types of archival information include historic period

¹For additional CR definitions see U.S. Department of the Interior, NPS. *2001 Management Policies*. Glossary (<http://www.nps.gov/refdesk/mp/index.html>).

chronicles of Native American groups and sites; period descriptions of the construction, occupancy, and use of historic buildings and other structures; and documentary records of properties associated with recent scientific achievements.

Archival Search: The process used to locate and retrieve information relating to cultural resources from archival records.

Area of Potential Effects: “The geographic area or areas within which an undertaking may directly or indirectly cause alterations in the character or use of historic properties, if any such properties exist. The area of potential effects is influenced by the scale and nature of an undertaking and may be different for different kinds of effects caused by the undertaking.” [36 CFR Part 800, *Protection of Historic Properties*, Section 800.16(d)]

Artifact: An object made or modified by humans.

Artifact Type: A class or group of objects in an artifact classification system, defined based on shared physical, measurable, and observable attributes.

Authorized Action: A formally approved project, activity, or other undertaking at the facility or program area.

Avoidance: Modification of a project or other undertaking so that effects on cultural resources that would have resulted from the originally proposed actions do not occur.

Building: “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.” [36 CFR Part 60, *National Register of Historic Places*, Section 60.3(a)]

Collection: “Material remains that are excavated or removed during a survey, excavation, or other study of a prehistoric or historic resource, and associated records that are prepared or assembled in connection with the survey, excavation, or other study.” [36 CFR Part 79, *Curation of Federally-Owned and Administered Archeological Collections*, Section 79.4(a)]

Consultation: “The process of seeking, discussing, and considering the views of other participants, and, where feasible, seeking agreement with them regarding matters arising in the section 106 process. The Secretary’s ‘*Standards and Guidelines for Federal Agency Preservation Programs pursuant to the National Historic Preservation Act*’² provide further guidance on consultation.” [36 CFR Part 800, *Protection of Historic Properties*, Section 800.16(f)]

²The Secretary of the Interior’s *Standards and Guidelines for Federal Agency Historic Preservation Programs pursuant to the National Historic Preservation Act* were published in the *Federal Register* on April 24, 1998 (63 Federal Register 20495).

Context: The locations at which cultural resources, such as sites, artifacts, features, or specimens, occur following the human behavior that produced them. Context is extremely important because most past human behavior is reflected not by material objects themselves, but by how they are situated in relationship to one another.

Cultural Context: An organizational format that groups information about related cultural resources, based on a theme, geographical area or cultural landscape, and chronological period. A cultural context describes one or more aspects of the cultural development of an area and identifies the significant human behavior patterns that individual cultural resources represent.

Cultural Resources:³ “Cultural resources include, but are not limited to, the following broad range of items and locations: (1) archeological materials (artifacts) and sites dating to the prehistoric, historic, and ethnohistoric periods that are currently located on the ground surface or are buried beneath it; (2) standing structures that are over 50 years of age or are important because they represent a major historical theme or era; (3) cultural and natural places, select natural resources, and sacred objects that have importance for [Native Americans and ethnic groups]; and (4) American folk-life traditions and arts.” (DOE Guidance Memorandum, February 23, 1990)

Cultural resources include anything that is an “historic property” as defined in 36 CFR Part 800, *Protection of Historic Properties*, Section 800.16(1)(1); an “archeological resource” as defined in Archeological Resources Protection Act, Section 3(1) and the Act’s Uniform Regulations, 43 CFR Part 7, *Protection of Archaeological Resources*, Section 7.3(a); a Native American “cultural item” as defined in Native American Graves Protection and Repatriation Act, Section 2(3); or part of a “collection” as defined in 36 CFR Part 79, *Curation of Federally-Owned and Administered Archeological Collections*, Section 79.4(a).

Major types of cultural resources referenced in these Guidelines are prehistoric resources, historic resources, resources of ethnic importance, and properties of recent scientific significance. Other specific types referred to include prehistoric, historic, and protohistoric sites, structures, artifacts, specimens, and isolated features; sacred sites, traditional use resources, and Native American cultural items; recent structures, facilities, equipment, and apparatus that have scientific significance; and environmental samples (e.g., carbon and macrobotanical samples from flotations).

Cultural Resource Location Base Map: A map that serves as the permanent record of the locations of known cultural resource sites.

Cultural Resource Management (CRM): Management of the cultural resources at facility or program areas in accordance with applicable laws and regulations, DOE guidance, and

³This definition was developed in 1989 in cooperation with staff from the U.S. Department of the Interior, the ACHP, the National Congress of American Indians, and the Native American Rights Fund. DOE’s policy on *Management of Cultural Resources* (DOE P 141.1, May 2, 2001) reflects this definition.

professional scientific standards. The overall goal of CRM is preservation of cultural resources, either in situ or through appropriate scientific recovery, and curation of the resources themselves or information about them.

Cultural Resource Professional: Individuals who have training and experience qualifying them as professionals in fields related to the study and management of cultural resources, such as archeology (prehistoric and historic), architectural history, conservation, cultural anthropology, curation, engineering, folklore, historic architecture, historic landscape architecture, historic preservation, historic preservation planning, and history. Their training and experience should be appropriate for the area and position in which they work. (62 Federal Register 37707, 6-20-97. Proposed revision. *The Secretary of the Interior's Historic Preservation Professional Qualification Standards*)

Cultural Resource Project Records: The system used to document legal compliance and other CRM activities at facility or program areas.

Cultural Resource Records: Cultural resource site and project records and other forms designed specifically to document and track inventory, excavation, laboratory treatment, curation, preservation, research, outreach, legal compliance, and other CRM activities.

Cultural Resource Reports: Written reports documenting CRM or research activities, such as inventory or excavation.

Cultural Resource Research: Archeological, historic, or ethnographic research on topics such as chronology, environmental reconstruction, settlement pattern and site location models, demography, technology, economic organization, social organization, political organization, religion and ideology, art, language and oral traditions, historical events and people, recent scientific achievements, and CRM methodology.

Cultural Resource Site: A place where cultural resource materials, such as artifacts, features, and specimens, have been deposited following some purposeful human activity.

Cultural Resource Site Form: A form used to record basic, inventory-level information about cultural resources.

Cultural Resource Site Records: The system used to document cultural resources found at the facility or program area. These records include site forms, site catalogs, and site location base maps.

Curation: "The practice of documenting, managing, preserving, and interpreting museum collections according to professional museum and archival practices." (62 Federal Register 33707, 6-20-97. *Secretary of the Interior's Historic Preservation Professional Qualification Standards: Curation*).

Curatorial Services: "Managing and preserving a collection according to professional museum and archival practices, including, but not limited to: (1) Inventorying, accessioning,

labeling and cataloging a collection; (2) Identifying, evaluating and documenting a collection; (3) Storing and maintaining a collection using appropriate methods and containers, and under appropriate environmental conditions and physically secure controls; (4) Periodically inspecting a collection and taking such actions as may be necessary to preserve it; (5) Providing access and facilities to study a collection; and (6) Handling, cleaning, stabilizing and conserving a collection in such a manner to preserve it.” [36 CFR Part 79, *Curation of Federally-Owned and Administered Archeological Collections*, Section 79.4(b)]

Damage Assessment: The procedures carried out by a professional archeologist to identify and document the archeological elements of the damage from a violation of laws or regulations protecting cultural resources; for example, the determination of commercial value, archeological value, and cost of restoration and repair in an ARPA case.

Detection: Discovery of a violation of laws or regulations protecting cultural resources that results in an investigation of the violation and an attempt to prosecute suspected violators.

District: “A geographically definable area, urban or rural, possessing a significant concentration, linkage, or continuity of sites, buildings, structures, or objects united by past events or aesthetically by plan or physical development. A district may also comprise individual elements separated geographically but linked by association or history.” [36 CFR Part 60, *National Register of Historic Places*, Section 60.3(d)]

DOE Site: A geographic entity with a well marked boundary over which DOE controls access. Sites may contain multiple areas and multiple facilities in addition to undeveloped land. Sites include the Hanford Site, Savannah River Site, Brookhaven National Laboratory, Los Alamos National Laboratory, Kansas City Plant, and Pantex Plant.

Effect: “Alteration to the characteristics of a historic property qualifying it for inclusion in or eligibility for the National Register.” [36 CFR Part 800, *Protection of Historic Properties*, Section 800.16(i).] The criteria of adverse effect are identified in 36 CFR 800.5(a)(1); examples of adverse effects are given in 36 CFR 800.5(a)(2).

Environmental aspect: Elements of an organization’s activities, products, or services that can interact with the environment. The environmental aspect of an activity is that part of it that creates a possibility for an environmental impact. As such, it is equivalent to the concept of “hazard” in safety, which is also defined as the mere possibility of a negative event.

Environmental Management System (EMS): “A systematic approach to ensuring that environmental activities are well managed in any organization.” ISO 14001 defines EMS as “that part of the overall management system that includes organizational structure, planning activities, responsibilities, practices, procedures, processes, and resources for developing, implementing, achieving, reviewing, and maintaining the environmental policy.” (See DOE/EH-0573.)

Ethnic Importance: Of religious value or other cultural significance to ethnic groups.

Ethnographic Fieldwork: The process used to identify and document resources of ethnic importance. Important types of ethnographic fieldwork include recording oral histories, interviewing informants, and observing and documenting current uses and practices.

Ethnographic Research: The scientific study of cultural resources through the analysis of data gathered during ethnographic fieldwork.

Ethnohistoric: Pertaining to periods when the history of an ethnic group was maintained and passed on orally rather than by written records.

Evaluation: Application of “. . . the National Register criteria 36 CFR Part 63 to properties identified within the area of potential effects that have not been previously evaluated for National Register eligibility.” [36 CFR Part 800, *Protection of Historic Properties*, Section 800.4(c).] Evaluation can also be defined as “the process of determining whether identified properties meet defined criteria of significance and therefore should be included in an inventory of historic properties determined to meet the criteria. The criteria employed vary depending on the inventory’s use in resource management.” [48 Federal Register 44716, 9-29-83. *Archeology and Historic Preservation; Secretary of the Interior’s Standards and Guidelines, Standards for Evaluation*, 44723; (http://www.cr.nps.gov/local-law/arch_stnds_3.htm)]

Excavation: The controlled exposure of subsurface deposits at prehistoric and historic cultural resource sites to recover archeological materials and data from these sites scientifically. The two basic types of excavations are test excavations and large-scale excavations.

Facilities: “Land, buildings, and other structures, their functional systems and equipment, and other fixed systems and equipment installed therein, including site development features outside the plant, such as landscaping, roads, walks, and parking areas; outside lighting and communication systems; central utility plants; utilities supply and distribution systems; and other physical plant features. These include any of the DOE-owned, -leased, or -controlled facilities, and they may or may not be furnished to a contractor under a contract with DOE.” [DOE O 430.1B, *Real Property Asset Management*, dated 9-24-03, Attachment 3, Definitions. (<http://www.directives.doe.gov>)]

Feature: An object that is not portable, such as a dwelling or storage facility.

Federal Lands: “Any land other than tribal lands which are controlled or owned by the United States, including lands selected by but not yet conveyed to Alaska Native Corporations and groups organized pursuant to the Alaska Native Claims Settlement Act of 1971.” [Native American Graves Protection and Repatriation Act, Section 2(5)]

Federal Preservation Officer: “A qualified official [designated by the head of each Federal agency] who shall be responsible for coordinating that Agency’s activities under [the NHPA].” [National Historic Preservation Act, Section 110(c)]

Geographic Information System (GIS): An organized collection of computer hardware, software, geographic data, and personnel designed to efficiently capture, store, update, manipulate, analyze, and display all forms of geographically referenced information. It incorporates the essential elements of computer cartography and relational databases into one system. The most important characteristic of this system is that every mapped feature is linked to a record in a tabular database and may be related to records in other databases as well. The GIS fully integrates geographic and tabular data.
(http://www.mnmodel.dot.state.mn.us/pages/RD_AppE.html.)

Historic: The period after the advent of written history in a geographic region. For example, the historic period in what is now the southeastern United States began with the arrival of Europeans in that region in the early 1500s.

Historic American Buildings Survey (HABS) and Historic American Engineering Record (HAER): “The national historical architectural and engineering documentation programs of the National Park Service that promote documentation incorporated into the HABS/HAER collections in the Library of Congress . . . HABS/HAER documentation usually consists of measured drawings, photographs and written data that provide a detailed record which reflects a property’s significance.” [48 Federal Register 44716, 9-29-83. *Archeology and Historic Preservation; Secretary of the Interior’s Standards and Guidelines: Guidelines for Architectural and Engineering Documentation*, 44731 (http://www.cr.nps.gov/local-law/arch_stnds_6.htm)]

Historic Context: A particular historic theme that is further delineated by era and a geographic area.

Historic Property: “Any prehistoric or historic district, site, building, structure, or object included in, or eligible for inclusion in, the National Register.” [36 CFR Part 800, *Protection of Historic Properties*, Section 800.16(1)(1)]

Historic Research: The scientific study of cultural resources through the analysis of data gathered from written records, either published sources or archival records.

Historic Resource: A cultural resource dating to the historic period.

Historic Site: A cultural resource site dating to the historic period.

Historic Structure: A building or other constructed facility dating to the historic period.

Human Forces: The results of authorized actions and illegal acts by humans that have the potential to affect cultural resources.

Illegal Acts: Acts that violate ARPA or any of the other laws and regulations protecting cultural resources by causing prohibited types of damage or loss of these resources.

Indian Lands: “Lands of Indian tribes, or Indian individuals, which are either held in trust by the United States or subject to a restriction against alienation imposed by the United States, except for subsurface interests not owned or controlled by an Indian tribe or Indian individual.” [43 CFR Part 7, *Protection of Archaeological Resources*, Section 7.3(e)]

Indian Tribe: “Any tribe, band, nation, or other organized group or community of Indians, including any Alaska Native village (as defined in, or established pursuant to, the Alaska Native Claims Settlement Act), which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.” [Native American Graves Protection and Repatriation Act, Section 2(7)]

In Situ: The condition of objects that are situated in the location in which they were deposited by the people who originally produced or used them.

Integrated Safety Management System (ISMS): A system to integrate safety in management and work practices at all levels (DOE G 450.4-1B, *Integrated Safety Management System Guide Vol. 2*, dated 3-1-01). The system is required by DOE P 450.4, *Safety Management System Policy*, dated 10-15-96; DOE P 450.5, *Line Environment, Safety and Health Oversight*, dated 6-26-97; and DOE P 450.6, *Environment, Safety and Health*, dated 4-14-98 (<http://www.directives.doe.gov>).

Inventory: The process of locating cultural resources and gathering information about them through archeological surveys, ethnographic fieldwork, or archival searches.

Investigation: Collecting evidence and information at crime scenes and elsewhere in an effort to identify and prosecute those responsible for committing illegal acts.

Isolated Feature: Nonportable artifacts that are not formally identified as cultural resource sites or components of such sites.

Known Cultural Resource: A cultural resource that has been identified and formally recorded by archeologists, ethnologists, or other cultural resource professionals or that is known through ethnohistoric traditions or in any other way associated with Native Americans, ethnic groups, or the public.

Laboratory Treatment: Processing or analyzing in a laboratory. The principal goals of laboratory treatment are immediate preservation of the cultural resources and data and recognition of their information value. (Long-term management and preservation of collections of cultural resources and data are accomplished through curatorial services.)

Large-Scale Excavation: Extensive excavation of a cultural resource site, usually involving the exposure of large portions of the site surface or surfaces and the features present. Basic methods include horizontal exposure of the site surface in stratigraphic or arbitrary levels and systematic, controlled excavation of stratigraphic levels working downward.

Lead Program Secretarial Office (LPSO): “A Program Secretarial Office (PSO) that is responsible for implementation of policy promulgated by Headquarters staff and support organizations for a field office. The LPSO owns the site, manages its own program projects, and acts as a host for tenant Cognizant Secretarial Offices/PSOs by providing facility and/or infrastructure support.” [DOE O 430.1B, *Real Property Asset Management*, dated 9-24-03, Attachment 3, Definitions (<http://www.directives.doe.gov>)]

Legal Compliance: The process of meeting legal requirements placed on CRM activities by applicable Federal, state, local, or tribal laws and regulations.

Long-Term Stewardship: “The physical controls, institutions, information and other mechanisms needed to ensure protection of people and the environment at sites where DOE has completed or plans to complete cleanup (e.g., landfill closures, remedial actions, removal actions, and facility stabilization). This concept includes land use controls, monitoring, maintenance, and information management.” [DOE O 430.1B, *Real Property Asset Management*, dated 9-24-03, Attachment 3, Definitions (<http://www.directives.doe.gov>)]

Mitigation: Measures carried out to avoid or reduce the effects of undertakings on cultural resources. These measures may include relocation or other modifications of the undertaking itself or recovery of materials and data from the cultural resource site to be affected.

Monitoring: Periodic inspection of cultural resources to ascertain their condition and assess the effects of natural forces, authorized actions, or illegal acts.

National Historic Landmark: “A district, site, building, structure, or object, in public or private ownership, judged by the Secretary [of the Interior] to possess national significance in American history, archeology, architecture, engineering and culture, and so designated by him.” [36 CFR Part 65, *National Historic Landmarks Program*, Section 65.3(i)]

National Register of Historic Places: A list “composed of districts, sites, buildings, structures, and objects significant in American history, architecture, archeology, engineering, and culture.” Also referred to as “the National Register,” it is maintained by the NPS for the Secretary of the Interior [National Historic Preservation Act, Section 101(a)(1)(A)].

National Register Status: The status of a cultural resource with regard to listing in the National Register of Historic Places. This status will be one of the following: unevaluated for eligibility, determined not eligible for inclusion, determined eligible for inclusion, nominated for inclusion, listed, or designated as a National Historic Landmark.

Native American: “Of, or relating to, a tribe, people, or culture that is indigenous to the United States.” [Native American Graves Protection and Repatriation Act, Section 2(9)]

Native American Cultural Items: Human remains, associated funerary objects, unassociated funerary objects, sacred objects, and objects of cultural patrimony. [Native American Graves Protection and Repatriation Act, Section 2(3)]

Native American Cultural Significance: Of religious value or other cultural significance to Native American tribal governments or members.

Native Hawaiian: “Any individual who is a descendant of the aboriginal people who, prior to 1778, occupied and exercised sovereignty in the area that now constitutes the State of Hawaii.” [Native American Graves Protection and Repatriation Act, Section 2(10); 36 CFR Part 800, *Protection of Historic Properties*, Section 800.16(s)(2)]

Native Hawaiian Organization: “Any organization which (A) serves and represents the interests of Native Hawaiians, (B) has as a primary and stated purpose the provision of services to Native Hawaiians, and (C) has expertise in Native Hawaiian Affairs, and shall include the Office of Hawaiian Affairs and Hui Malama I Na Kupuna O Hawai’i Nei.” [Native American Graves Protection and Repatriation Act, Section 2(11)]

Natural Forces: Forces of nature (e.g., wind and water erosion, wildfire, frost heave) that can affect cultural resources.

No Adverse Effect: The situation in which an undertaking involving a cultural resource will not “alter, directly or indirectly, any of the characteristics of a historic property that qualify the property for inclusion in the National Register.” [36 CFR Part 800, *Protection of Historic Properties*, Section 800.5(a)(1)]

Object: “A material thing of functional, aesthetic, cultural, historical or scientific value that may be, by nature or design, movable yet related to a specific setting or environment.” [36 CFR Part 60, *National Register of Historic Places*, Section 60.3(j)]

Outreach: Activities designed to inform and educate the public about cultural resources and cultural resource management. These activities may be conducted on the DOE site or at locations in the community.

Paleontological Specimen: Fossilized and nonfossilized remains and impressions of prehistoric plant and animal life forms.

Permit: An Agency-issued document authorizing excavation or removal of archaeological resources from lands under the Agency’s jurisdiction. (Archeological Resources Protection Act, Section 4)

Plow and Disk Survey: A type of archeological survey in which cultural resources are located by plowing and disking the surface of the survey area with agricultural implements to expose artifacts and other cultural materials buried beneath recent overburden.

Prehistoric: The period before the advent of written history in a geographic region. The prehistoric period in the various regions of North America is the time before the arrival of Europeans in each of those regions.

Prehistoric Site: A cultural resource site dating to the prehistoric period.

Preservation: Protection of cultural resources from the effects of either natural or human forces, either in situ or in collections.

Prevention: Reduction or elimination of the destructive effects of natural or human forces on cultural resources before these effects occur.

Processing: The initial phase of laboratory treatment of cultural resources or data about them, including sorting, cleaning, numbering, cataloging, photographing, drawing, conserving, or restoring items.

Program: “An organized set of activities directed toward a common purpose or goal undertaken or proposed in support of an assigned mission area. It is characterized by a strategy for accomplishing definite objectives that identify the means of accomplishment, particularly in quantitative terms, with respect to work force, material, and facilities requirements. Programs are typically made up of technology-based activities, projects, and supporting operations.” [DOE G 430.1-1, Cost Estimating Guide, Appendix A, *Dictionary*, dated 3-28-97. (<http://www.directives.doe.gov>)]

Programmatic Agreement: “A document that records the terms and conditions agreed upon to resolve the potential adverse effects of a Federal agency program, complex undertaking or other situation in accordance with §800.14(b).” [36 CFR Part 800, *Protection of Historic Properties*, Section 800.16(t)]

Project: “A unique major effort within a program that has firmly scheduled beginning, intermediate, and ending date milestones; prescribed performance requirements; prescribed costs; and close management, planning, and control. The project is the basic building block in relation to a program that is individually planned, approved, and managed. A project is not constrained to any specific element of the budget structure (e.g., operating expense or plant and capital equipment). Construction, if required, is part of the total project. Authorized, and at least partially appropriated, projects will be divided into three categories: major system acquisitions, major projects, and other projects.” [DOE G 430.1-1, Cost Estimating Guide, Appendix A, *Dictionary*, dated 3-28-97. (<http://www.directives.doe.gov>)]

Protection: Measures carried out to reduce or eliminate the effects of natural or human forces that cause damage or loss of cultural resources. Protection measures for natural and human forces resulting from authorized actions include monitoring, project screening and tracking, and restoration and repair. When human forces result from illegal acts, protection measures include detection, investigation, prosecution, restoration and repair, and prevention.

Protocol: 1. “The etiquette or manners used when conducting Federal-tribal interactions and communications, with particular consideration given to applying an understanding of cultural diversity and awareness and being respectful of sovereignty.” 2. “A document that records mutually agreed-upon principles and procedures for conducting consultation, fulfilling trust responsibilities, and maintaining a government-to-government relationship.” (*Protocol Guidelines: Consulting with Indian Tribal Governments*. Bureau of Reclamation. Native American Affairs Office [revised February 9, 2001])

Protohistoric: The transition period between the prehistoric and historic periods, after the advent of written history in a geographic region, but before all groups entered the historic period.

Recent Scientific Significance: Significance or importance derived from association with recent scientific advancements in the last 50 years (e.g., the development of nuclear-energy technology).

Repository: “A facility such as a museum, archeological center, laboratory or storage facility managed by a university, college, museum, other educational or scientific institution, a Federal, State or local Government agency or Indian tribe that can provide professional, systematic and accountable curatorial services on a long term basis.” [36 CFR Part 79, *Curation of Federally-Owned and Administered Archeological Collections*, Section 79.4(j)]

Research Design: “A statement of proposed identification, documentation, investigation, or other treatment of a historic property that identifies the project’s goals, methods and techniques, expected results, and the relationship of the expected results to other proposed activities or treatments.” [48 Federal Register 44716, 9-29-83. *Archeology and Historic Preservation; Secretary of the Interior’s Standards and Guidelines, Preservation Terminology*, 44739 (http://www.cr.nps.gov/local-law/arch_stnds_10.htm)]

Resources of Ethnic Importance: Cultural resources that have ethnic importance. These include sacred sites, traditional-use resources, Native American cultural items, and any other resources that have ethnic importance.

Restoration: “The act or process of accurately depicting the form, features, and character of a property as it appeared at a particular period of time by means of the removal of features from other periods in its history and reconstruction of missing features from the restoration period. The limited and sensitive upgrading of mechanical, electrical, and plumbing systems and other code-required work to make properties functional is appropriate within a restoration project.” [36 CFR Part 68, *The Secretary of the Interior’s Standards for the Treatment of Historic Properties*, Section 68.2(c)]

Restoration and Repair: Activities including “(1) reconstruction of the archaeological resource; (2) stabilization of the archaeological resource; (3) ground contour reconstruction and surface stabilization; (4) research necessary to carry out reconstruction or stabilization; (5) physical barriers or other protective devices,

necessitated by the disturbance of the archaeological resource, to protect it from further disturbance; (6) examination and analysis of the archaeological resource including recording remaining archaeological information, where necessitated by disturbance, in order to salvage remaining values which cannot be otherwise conserved; (7) reinterment of human remains in accordance with religious custom and State, local, or tribal law, where appropriate, as determined by the Federal land manager; (8) preparation of reports relating to any of the above activities.” [43 CFR Part 7, *Protection of Archaeological Resources*, Section 7.14(c)]

Sacred Site: A place or location associated with the religious beliefs or practices of Native Americans or an ethnic group. In addition to churches and other formal religious or ceremonial sites, these may include natural places or locations used for religious purposes or important in religious beliefs.

Shovel-Test Survey: A type of archeological survey in which buried cultural resources are located by small, shovel-size excavations at regular intervals.

Site: 1. “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 maintains historical or archeological value regardless of the value of any existing structure.” [36 CFR Part 60, *National Register of Historic Places*, Section 60.3(l).] (See also definition of Cultural Resource Site) 2. “A geographic area owned or leased by or for the account of the Federal Government for the performance of DOE program activities. The term includes any extant buildings, infrastructure, and other improvements.” [DOE O 430.1B, *Real Property Asset Management*, dated 9-24-03, Attachment 3, Definitions (<http://www.directives.doe.gov>)]

State Historic Preservation Officer: “The official appointed or designated pursuant to Section 101(b)(1) of the [NHPA] to administer the State historic preservation program or a representative designated to act for the State historic preservation officer.” [36 CFR Part 800, *Protection of Historic Properties*, Section 800.16(v)]

Structure: “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.” [36 CFR Part 60, *National Register of Historic Places*, Section 60.3(p)]

Test Excavation: Excavation of a small portion of a cultural resource site to determine the types and extent of the materials present. Basic test excavation methods include hand excavation of test pits or trenches in a grid and machine excavation of test trenches.

Test Pit: A type of test excavation dug by hand that is usually relatively small. Units one meter square (1 m²) in surface area are commonly used for test pits.

Test Trench: A linear type of test excavation dug by hand or by machine that is designed to transect cultural resource sites or features and expose the vertical faces of the deposits. Backhoes are sometimes used to excavate test trenches.

Tribal Historic Preservation Officer: “The tribal official appointed by the tribe’s chief governing authority or designated by a tribal ordinance or preservation program who has assumed the responsibilities of the SHPO for purposes of Section 106 compliance on tribal lands in accordance with Section 101(d)(2) of the [NHPA].” [36 CFR Part 800, *Protection of Historic Properties*, Section 800.16(w)]

Traditional-Use Resource: Natural resources (e.g., plants, animals, minerals, natural features) traditionally collected or otherwise utilized by Native Americans or ethnic groups.

Treaty: A bilateral agreement between the United States and an Indian Nation that essentially guarantees that tribes will possess in perpetuity sufficient land and resources to continue to be self-sustaining, with the intention that the tribes maintain sovereignty within their homelands and not be subject to incursions by the laws of the states. These agreements also recognize a duty by the Federal government to protect land, rights, and resources, notwithstanding that there is a broad Federal power over Indian affairs. (Congress ended the treaty-making period with enactment of the Appropriations Act of 1871.⁴)

Undertaking: “A project, activity, or program funded in whole or in part under the direct or indirect jurisdiction of a Federal agency.” Undertakings include “those carried out by or on behalf of a Federal agency; those carried out with Federal financial assistance; and those requiring a Federal permit, license or approval.” [36 CFR Part 800, *Protection of Historic Properties*, Section 800.16(y)]

Walkover Survey: A type of archeological survey in which cultural resources are located simply by walking over the existing surface of the ground. In areas with thick vegetation or extensive depositional forces, this method is only effective in locating standing structures.

⁴*Black’s Law Dictionary*, 7th edition. 1999. Bryan A. Garner, editor. West Group.

APPENDIX B

***LEGISLATION, EXECUTIVE ORDERS, AND REGULATIONS GOVERNING
THE MANAGEMENT OF CULTURAL RESOURCES***

***APPENDIX B. LEGISLATION, EXECUTIVE ORDERS, AND REGULATIONS
GOVERNING THE MANAGEMENT OF CULTURAL RESOURCES^{1 2}***

Antiquities Act of 1906

Historic Sites Act of 1935

Archeological Recovery Act of 1960

National Historic Preservation Act of 1966, as amended

National Register of Historic Places (36 CFR Part 60)

Determination of Eligibility for Inclusion in the National Register of Historic Places
(36 CFR Part 63)

National Historic Landmark Program (36 CFR Part 65)

The Secretary of the Interior's Standards for the Treatment of Historic Properties
(36 CFR Part 68)

Waiver of Federal Responsibilities under NHPA (36 CFR Part 78)

Curation of Federally-Owned and Administered Archeological Collections
(36 CFR Part 79)

Protection of Historic Properties (36 CFR Part 800)

National Environmental Policy Act of 1969

Council on Environmental Quality Implementing Regulations (40 CFR Parts 1500–1508)

Department of Energy National Environmental Policy Act Implementing Procedures
(10 CFR Part 1021)

E.O. 11593, *Protection and Enhancement of the Cultural Environment* (1971)³

Archeological and Historic Preservation Act of 1974

American Folklife Preservation Act of 1976

American Indian Religious Freedom Act of 1978

Archeological Resources Protection Act of 1979, as amended

Protection of Archaeological Resources (The following regulations are identical:
43 CFR Part 7, Department of the Interior; 18 CFR Part 1312, Tennessee Valley
Authority; 32 CFR Part 229, Department of Defense; and 36 CFR Part 196, Department
of Agriculture)

¹Many of these laws can be found at <http://www.cr.nps.gov/aad/peoples/mandate.htm>.

²Regulations are listed and indented under the primary law that they implement.

³Much of E.O. 11593 was codified and incorporated into NHPA when Section 110 was added to the law in 1980. Section 110 neither replaced nor invalidated E.O. 11593, but rather supplemented it.

Abandoned Shipwreck Act of 1987

Native American Graves Protection and Repatriation Act of 1990

Native American Graves Protection and Repatriation Regulations (43 CFR Part 10)

Executive Memorandum, Government-to-Government Relations with Native American Tribal Governments (April 29, 1994)

E.O. 13007, *Indian Sacred Sites* (1996)

E.O. 13175, *Consultation and Coordination with Indian Tribal Governments* (2000)

E.O. 13287, *Preserve America* (2003)

APPENDIX C

CRM DOCUMENTS OF DOE AND OTHER FEDERAL AGENCIES

APPENDIX C. CRM DOCUMENTS OF DOE AND OTHER FEDERAL AGENCIES

This appendix lists documents that will be of assistance to DOE facility managers and their contractors in meeting their cultural resource management (CRM) compliance responsibilities. These documents serve several functions. First, they compile appropriate Federal regulatory materials. Second, the documents emphasize reasons for identifying, evaluating, and protecting cultural resources and the importance of consulting with local, state, and Federal agencies and Native Americans when DOE activities might affect cultural resource sites and items. Third, the documents identify the importance of developing written cultural resource management plans, a theme that runs throughout the Federal regulations and guidance [particularly the *Annotated Guidelines for Federal Agency Responsibilities under Section 110* that are authorized by Section 101(g) of the National Historic Preservation Act].

GENERAL DOE CRM DOCUMENTS

Many of the following documents, arranged in reverse chronological order, are available at <http://tis.eh.doe.gov/oepa>. General information about DOE history and DOE's History Division can be found at <http://ma.mbe.doe.gov/execsec/history.htm>.

DOE P 141.1, *Department of Energy Management of Cultural Resources*. Office of Environment, Safety and Health (May 2, 2001).

*A Guide for DOE Employees, Working with Indian Tribal Nations.*¹ Office of Environmental Management, Office of Intergovernmental and Public Accountability (December 2000).

*American Indian and Alaska Native Tribal Government Policy.*² Office of Congressional and Intergovernmental Affairs (October 2000).

Coordination of Responsibilities and Activities for Historic Preservation and Cultural Resources Management. Memorandum of Understanding. Office of Environment, Safety and Health and Office of Management and Administration (March 1, 2000).

National Historic Preservation Act Amendments of 1992—Information. Department of Energy Memorandum. Office of Environmental Guidance (August 26, 1993).

1992 Amendments to the National Historic Preservation Act: Implications for Section 106 Review and Questionnaire Regarding Improvements to the Section 106 Review Process. Department of Energy Memorandum. Office of Environment, Safety and Health, Air, Water and Radiation Division (May 27, 1993).

¹The DOE American Indian Policy included as Appendix 3 in this document is the 1992 Policy that has been replaced by the October 2000 *American Indian and Alaska Native Tribal Government Policy*.

²This policy replaces the 1992 Policy that was Attachment 1 to DOE O 1230.2 of April 8, 1992. That Order itself is still in effect and implements the new policy.

The Native American Graves Protection and Repatriation Act. Department of Energy Guidance Memorandum. Office of Environment, Safety and Health; Air Water and Radiation Division (July 30, 1992).

DOE O 1230.2, *American Indian Tribal Government Policy.*³ Office of Congressional and Intergovernmental Affairs (April 8, 1992).

Management of Cultural Resources at Department of Energy Facilities. Department of Energy Guidance Memorandum. Environmental Guidance Division (February 23, 1990).

DOE CRM INFORMATION BRIEFS

Archaeological Resources Protection Act. EH-232-0004/0193, Office of Environmental Guidance, U.S. Department of Energy, Washington, D.C. (January 1993).

Historic Preservation and the DOE Historian. EH-232-0006/1193, Office of Environmental Guidance, U.S. Department of Energy, Washington, D.C. (November 1993).

Management of Cultural Resources at Department of Energy Facilities. DOE/EH-412/0005r, Office of Environmental Policy and Guidance, U.S. Department of Energy, Washington, D.C. (revised July 2001).

National Historic Preservation Act. DOE/EH-412/0002r, Office of Environmental Policy and Guidance, U.S. Department of Energy, Washington, D.C. (revised August 2002).

Native American Graves Protection and Repatriation Act, EH-232-0003/1092, Office of Environmental Guidance, U.S. Department of Energy, Washington, D.C. (October 1992).

State and Tribal Historic Preservation Officers. DOE/EH-412-0007r, Office of Environmental Policy and Guidance, U.S. Department of Energy, Washington, D.C. (revised August 2002).

BUREAU OF RECLAMATION

Protocol Guidelines: Consulting with Indian Tribal Governments. Bureau of Reclamation. Native American Affairs Office (revised February 9, 2001)

NATIONAL PARK SERVICE (NPS) AND ADVISORY COUNCIL ON HISTORIC PRESERVATION (ACHP)

The NPS in the U.S. Department of the Interior and the ACHP have a number of publications that will be of use to DOE staff implementing CRM programs.

³This order is still in effect. But the Policy that was included as Attachment 1 to it has been replaced by the October 2000 *American Indian and Alaska Native Tribal Government Policy.*

NPS

Local Preservation Reference Shelf. compiled by The National Alliance of Preservation Commissions. 1999. (<http://www2.cr.nps.gov/pad/partnership/RefShelf699.pdf>)

Recommendations Regarding the Disposition of Culturally Unidentifiable Native American Human Remains (65 Federal Register 36462, 6-8-00) (<http://www.cr.nps.gov/nagpra/review/RCNOTICES/rcrec004.pdf>)

The Secretary of the Interior's Standards and Guidelines for Archeology and Historic Preservation (48 Federal Register 44716, 9-29-83) (http://www.cr.nps.gov/local-law/arch_stnds_0.htm)

The Secretary of the Interior's Standards and Guidelines for Federal Agency Historic Preservation Programs Pursuant to the National Historic Preservation Act (63 Federal Register 20495, 4-24-98) (<http://www2.cr.nps.gov/pad/sec110.htm>)

The Secretary of the Interior's Standards for the Treatment of Historic Properties (36 CFR Part 68) (60 Federal Register 35843, 7-12-95) (http://www.cr.nps.gov/local-law/arch_stnds_8_2.htm)

Additional NPS cultural resource publications are listed at <http://www.cr.nps.gov/linkpubs.htm>. Those NPS publications include, among other items, historic buildings preservation briefs, historic preservation guidelines, and National Register bulletins.

Many laws and regulations related to cultural resources can be found at the following NPS Web site: <http://www.cr.nps.gov/aad/peoples/mandate.htm>.

ACHP

Recommended Approach for Consultation on Recovery of Significant Information from Archeological Sites (64 Federal Register 27085, 5-18-99) (<http://www.achp.gov/archguide.html>)

Many additional ACHP publications are available electronically at <http://www.achp.gov/pubs.html>. They provide information on working with the Section 106 regulations, Reports to the President and Congress, and updates on Federal historic preservation case law.