

## **Cultural Resource Management and Planning**

### I. LEGAL AND POLICY REQUIREMENTS

#### **National Historic Preservation Act of 1966, as amended:**

*Section 2:* “It shall be the policy of the Federal Government... (a) to provide leadership in the preservation of the prehistoric and historic resources of the United States; (b) administer federally owned, administered, or controlled prehistoric and historic resources in a spirit of stewardship for the inspiration and benefit of present and future generations.”

*Section 106:* “The head of any Federal agency having direct or indirect jurisdiction over a proposed Federal or federally assisted undertaking... shall take into account the effect of the undertaking on any district, site, building, structure, or object that is included in or eligible for inclusion in the National Register.”

*Section 110(a)(2):* “Each Federal agency shall establish... a preservation program for the identification, evaluation, and nomination to the National Register of Historic Places, and protection of historical properties.”

#### **Archaeological Resources Protection Act of 1979, as amended<sup>1</sup>:**

*Section 10:* “Each Federal land manager shall establish a program to increase public awareness of the significance of the archaeological resources located on public lands and Indian lands and the need to protect such resources.”

*Section 14:* “The Secretaries of the Interior, Agriculture, and Defense... shall (a) develop plans for surveying lands under their control to determine the nature and extent of archaeological resources on those lands; (b) prepare a schedule for surveying lands that are likely to contain the most scientifically valuable archaeological resources;”

#### **National Environmental Policy Act of 1969, as amended:**

*Section 101(b):* “...it is the continuing responsibility of the Federal government to use all practicable means... to improve and coordinate Federal plans, functions, programs and resources to the end that the Nation may: (4) preserve important historic, cultural, and natural aspects of our national heritage...”

#### **Alaska National Interest Lands Conservation Act:**

*Section 304(g)(2):* “Before developing a plan for each refuge, the Secretary shall identify and describe... (B) the special values of the refuge, as well as any other archeological, cultural, ecological, geological, historical, paleontological, scenic, or wilderness value of the refuge.”

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<sup>1</sup> ARPA’s definition of public lands includes “lands which are owned and administered by the United States as part of the National Wildlife Refuge System.” (Section 3(3)(A))

**Secretary of the Interior’s Standards and Guidelines for Archeology and Historic Preservation, September 29, 1983:**

Addresses standards for preservation planning and professional qualifications for conducting CRM- related work.

**Executive Order 13007, “Indian Sacred Sites”:**

Requires Federal agencies to accommodate access to and ceremonial use of Indian sacred sites by Indian religious practitioners and avoid adversely affecting the physical integrity of such sacred sites, as permissible by law and not inconsistent with essential agency functions. Early consultation with appropriate Indian tribes during the planning process will be important to identify sacred sites and plan for access on Service lands and facilities.

**Fish and Wildlife Service Manual:**

602 FW 1-3, “Refuge Planning”

614 FW 4.1 (B), “Cultural Resource Management Plans”

II. **PLANNING FOR CULTURAL RESOURCE MANAGEMENT – INTEGRATE AS APPROPRIATE IN A CCP**

**A. Prepare a Cultural Resource Overview to document and characterize information on the prehistory of the refuge and immediate geographic area.**

1. Develop context statement(s) including a summary of the prehistory and history of the area; summary and analysis of important cultural resources issues; and analysis of existing sensitivity models.
2. Consult with and assess the quality of information maintained by FWS offices, State Historic Preservation Officers, National Park Service, other Federal and State agencies, universities, Indian tribes and Native Hawaiian organizations, and other parties. Potential sources include state site databases, the National Archaeological Database; and regional Geographic Information Systems. Review other primary and secondary sources of information such as FWS realty records, local histories, and oral histories to identify potential archaeological resources, historic properties, and sacred sites in refuge.
3. Assess existing threats to known sites (vandalism, erosion, undertakings, overuse, etc.)
4. Review and cross-reference to existing survey reports and plans from the refuge or adjacent lands. Determine applicability to the refuge.
5. Identify and assess gaps in existing information sources.

6. Prepare or revise refuge maps to depict location of known cultural resources and delineate areas that may be potentially significant in terms of unrecorded historic properties and archaeological resources. Develop supporting data such as site records, collections information, etc. While the boundaries of known sacred sites should be noted, maps and associated documentation depicting information on sacred sites is exempt from public disclosure under Section 304 of the National Historic Preservation Act and Section 9 of the Archaeological Resources Preservation Act.
7. Summarize cultural research conducted on refuge or immediate vicinity and pose research questions relevant to the management of the refuge and prehistory of history of the geographical area. Research objectives should reflect the context statements discussed in item #1 above.
8. As appropriate, complete limited reconnaissance survey of the refuge to verify existence and condition of identified and possible sites and accuracy of documented information and develop sensitivity modeling for site distribution.
9. Prepare annotated bibliography.

**B. Integrate into refuge management planning process.** Identify cultural resource management objectives and issues that need to be addressed in the comprehensive management plan.

1. Devise and inventory and evaluation strategy that fulfills requirements of Sections 106 and 110 of the National Historic Preservation Act and Section 14 of the Archaeological Resources Protection Act.
2. Outline alternatives for protecting significant sites threatened by potential adverse effects or conflicts from planned undertakings and activities; natural erosion and damage; vandalism and illegal collecting; overuse or neglect; and emergency situations. Protection alternatives may include avoiding sites through redesign; restricting public access and interpretation; withholding confidential information; monitoring the physical integrity of sites; completing determinations of eligibility or nominations to the National Register of Historic Places; public awareness and interpretation; rehabilitation and maintenance of historic structures; and monitoring planning objectives.
3. Address how consultation under various statutes and Executive Orders will be conducted with the Advisory Council on Historic Preservation, SHPO's, Indian tribes, Native Hawaiians, and other interested parties to identify, avoid adverse effects to, and protect sites. Also, if alternative procedures to the Sections 106 consultation process have been developed, discuss how they affect the overall planning process.
4. Identify research questions that help explain or facilitate our understanding of ecological and cultural processes affecting the refuge and geographic area.

**C. Identify cultural resource management work objectives and priorities.**

1. Identify specific objectives and steps needing action to meet cultural resource inventory, evaluation, and protection requirements.
2. Prepare a schedule for completing the work that sets priorities and established cost estimates.
3. Address how the implementation of the cultural resource management objectives will be monitored and updated to reflect current refuge planning needs. Also, discuss the results of future cultural resource survey, evaluation, and protection work will be integrated into the refuge's cultural resource overview and plan.

**D. Identify the need for step-down plans** for significant cultural resources or conflicts needing further analysis. Step-down plans should be used to address management actions affecting complex or significant cultural resources; projects requiring a long-term, substantial commitment of funding and support; or those generating substantial public interest in support of preserving the cultural resource. (See 602 FW 3 and 614 FW 4.1)