



**US Army Corps
of Engineers®**

**SACRAMENTO DISTRICT REGULATORY BRANCH
GUIDELINES* FOR COMPLIANCE WITH
SECTION 106 OF THE
NATIONAL HISTORIC PRESERVATION ACT
OF 1966, AS AMENDED**

In addition to standard professional reporting requirements, consultants should address the following elements in the preparation of cultural resources reports submitted to the Corps of Engineers Regulatory Branch for compliance with Section 106. It is important that the cultural resources consultant establish a working relationship with the Regulatory Project Manager, and/or District Archeologist prior to preparing a cultural resources report. The cultural resources report must be a stand-alone document and not dependent on other reports associated with a project.

1. Include a project description identifying purpose, acreage, and location. Include a statement that since the project would affect waters of the United States, the project proponent must meet requirements of Section 404 of the Clean Water Act (or the appropriate authority) and therefore is seeking a permit from the U. S. Army Corps of Engineers, Sacramento District.
2. Professional qualifications. Principal investigators must meet the Secretary of the Interior's Standards for Professional Qualifications (48 FR 44738-44739). Provide the identification and qualifications for those participating in the survey and/or evaluation of resources.
3. For each state in which a proposed project occurs, reporting requirements as determined by the SHPO for that state must be followed and identified in the report.
4. A literature review must include a recent (not more than 1 year old) records check, as well as examination of other pertinent material.
5. The description of the field inventory must include the field methodology and a reference to the state and/or Federal standards under which the survey was conducted. Resources identified in field inventories completed more than 2 years old must be re-examined to determine site integrity and project effect.
6. Native American consultation is mandatory in most instances and must be current. Documentation of contacts must be included. Letters to tribes or interested Native American individuals are adequate for the initial contact, but must be followed by telephone/e-mail or other reasonable and appropriate attempts to engage responses. These must be included in the report and the response or lack of response noted. Federally-recognized tribes are considered sovereign nations and may require more formal consultation if they so wish.
7. A determination of eligibility and effect in accordance with 36 CFR Part 63, and Sec. 800.5, respectively, should be completed for those sites within the Corps Area of Potential Effect (APE), which is dependent upon the permit area. The determination of eligibility requires SHPO concurrence, however, in some instances and through informal consultation with the SHPO, the consultant and Corps may assume that the sites are eligible. In any case, the consultant must provide a well-presented rationale for the findings.

8. U.S.G.S. maps should be included with the report, however, for purposes of determining the Corps APE, a good quality large-scale map showing the project development, wetland delineation and site locations overlain must also be included. Site locations are to be drawn to scale and not represented as symbols.

9. In area where there are numerous sites clustered that may represent an archeological or historic district, and where one or more of these sites is within the APE, the archeologist or other cultural resources professional should address the cumulative impact that the project within the Corps APE will have on those resources.

10. For those adversely impacted historic properties, a treatment plan and Memorandum of Agreement are sometimes combined as a second step in the Section 106 process, subject to SHPO approval in advance. These will be developed by the consultant and are submitted through the Corps to the SHPO.

*These are suggested to assist both consultants and the Corps in minimizing time and effort for preparing submittals to the State Historic Preservation Officer. Reports not meeting the above guidelines may be returned to the consultant for revision.