



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

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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.

**Project Description.** Include a complete and specific project description identifying purpose, acreage, location, construction methods, construction phasing (if any), and the elements of project construction, such as pipelines, roads, housing, etc., that have potential to affect historic properties. Such elements may include the portions of the project that will be altered and the parts that will remain unchanged, the visual impact of the project's various components, and the location and depth of ground disturbance that will occur as a result of the project's implementation.

**Define Undertaking.** Issuance of the permit is the undertaking. 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, and therefore, is seeking a permit from the U.S. Army Corps of Engineers, Sacramento District".

**Area of Potential Effect (APE).** Define the APE only after discussion with the Regulatory Project Manager for the project, as this is entirely dependent upon the Corps determination. Include discussion on viewshed for the built environment, when appropriate. A viewshed APE may be different than a geographic APE and will require photographs looking toward and looking from the affected structure(s) as well as an analysis of how the viewshed APE was determined.

**Field Methodology.**

Provide a detailed narrative on the field methodology, including field dates, the number and/or the names of the people on the survey, as well as the qualifications

of the crew chief, and the field conditions. Also include the rationale for how the field methodology is appropriate relative to both the project's potential effects on historic properties and the field conditions at the time of the inventory.

Identify whether the entire APE was subject to a uniform field methodology, and, if not, describe where and how variations to the primary field methodology occurred.

Specifically address both surface and subsurface identification efforts. Reference any applicable 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, and if necessary rerecorded, to determine site integrity and project effect.

Describe potential for subsurface archeological remains. Include statement on how that determination was made, i.e., soils maps, field observation, geotechnical explorations, etc.

**Maps.** A vicinity map, a page-size U.S.G.S map, and a high quality large-scale map (1 inch = 200 feet) showing the project development, wetland delineation, and cultural resource locations overlain must be included. Cultural resource locations and boundaries on the large-scale map are to be drawn to scale and not represented as symbols.

**Photographs.** Include high quality photographs of each cultural resource identified and also photographs showing the environmental setting where appropriate.

**Literature review.** Include a records check from the appropriate records repository that is not over one year old, as well as review of other pertinent material including, but not limited to gray literature, Sanborn maps, or other sources outside the records check. Include sources for submerged resources, when appropriate.

**Native American consultation.** Mandatory in most instances and must be current. Documentation of contacts must be included. Letters to tribes, both those with and without Federal recognition, or interested Native American individuals must be followed by telephone/email or other reasonable attempts to engage responses. Lack

of response must also be noted. Federally Recognized Tribes are sovereign nations and may require more formal government-to-government consultation if they so wish. The Corps will direct such consultation.

**Determination of Eligibility of a property to the National Register of Historic Places (NRHP).** Unless otherwise determined, consultation with the State Historic Preservation Officer (SHPO) and the Advisory Council on Historic Preservation (ACHP) is the sole responsibility of the Corps. Consultation with the SHPO towards compliance with Section 106 should begin early in the process. Normally, the SHPO makes the final decision on eligibility, thus the consultant must be clear whether that has occurred in the past (provide date of SHPO concurrence letter) or whether it is the consultant's proposed determination.

Determinations of eligibility:

Must be completed for each prehistoric or historic site, district, building, structure, or object found within the APE; and

Must include an historic context statement in accordance with National Park Service, National Register Bulletin 15, and other appropriate National Register bulletins; and

Must address whether a cultural resource is or is not eligible for the NRHP under all four of the criteria, and must consider the issue of integrity of each resource. A concise, rational argument for, or against eligibility must accompany each determination recommendation.

**Determination of Effect of the project on cultural resources identified as historic properties.**

For each cultural resource identified as an historic property, the consultant must discuss the specific project impacts and define the effect within the Advisory Council on Historic Preservation framework at 36 CFR § 800.4(d), and, where appropriate, 36 CFR § 800.5. Describe how much of the site would be affected.

**Professional Qualifications.** Principal Investigators must meet the Secretary of the Interior's Standards for Professional Qualifications (48 FR 44738-44739) in the discipline germane to a particular resource type. For example, prehistoric archeologists should not identify and evaluate built environment resources without the oversight of an historian or architectural historian, nor should the reverse occur. Provide the

identification and qualifications for those participating in the survey and evaluation of resources.

**Report Format.** Include a table of contents and section headings that identify project purpose, project description, literature review, field methodology, and the remaining categories identified in the paragraphs above, in addition to background statements and any other information the consultant believes will aid in the identification, evaluation, and effect determination of the project on historic properties. Section headings are very important as they assist the reader in locating the appropriate subjects. Two complete copies of each report must be submitted.

**Adversely Affected Historic Properties.** A treatment plan and Memorandum of Agreement will be required for adversely affected historic properties. These are sometimes combined as a second step in the Section 106 process, subject to advance SHPO approval. These will be developed by the applicant or consultant and are submitted through the Corps to the SHPO. Such documents should be provided on CDs and should be capable of being edited and not overly formatted.

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\*These are suggested to assist applicants, their consultants, and the Corps in minimizing time and effort for preparing submittals to the State Historic Preservation Officer. Reports not meeting the above minimum guidelines will be returned to the applicant or consultant for revision.