

VIRGINIA DEPARTMENT OF TRANSPORTATION

ENVIRONMENTAL DIVISION

INSTRUCTIONAL AND INFORMATIONAL MEMORANDUM

<p>DIRECTED TO: Central Office Cultural Resource Practitioners Central Office NEPA Staff District Resident Administrator Environmental Contract Administrators Regional Cultural Resource Practitioners</p>	<p>AUTHORITY: Secretary of the Interior, “Standards and Guidelines for Archaeology and Historic Preservation,” <i>Federal Register</i> 48, no. 190 (September 29, 1983):44722</p>
<p>GENERAL SUBJECT: Cultural Resources</p>	<p>NUMBER: IIM-ED-500.1</p>
<p>SPECIFIC SUBJECT: Expectations and Standard Products for Cultural Resource Surveys</p>	<p>DATE: 03/29/2023</p>
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<p>APPROVED: <div style="text-align: center;"> Christopher J Swanson For Public Distribution 2023.03.31 07:21:05-04'00'</div> </p>	

Changes are shaded.

BACKGROUND

Standard cultural resource surveys are conducted as part of the environmental review process for VDOT’s transportation projects subject to Section 106 of the National Historic Preservation Act ([54 U. S. C. 306108, 36 C. F. R. Part 800](#)). These “intensive” surveys, as defined in the federal standards [Secretary of the Interior, “Standards and Guidelines for Archaeology and Historic Preservation,” [Federal Register 48, no. 190](#) (September 29, 1983):44722], employ a consistent, systematic survey methodology and establish precisely what historic properties exist in a given area. This document addresses “Phase I” surveys, one of the two levels of intensive survey defined by the

Virginia Department of Historic Resources (VDHR) in its [Guidelines for Conducting Historic Resources Survey in Virginia](#) (September 2017) (hereinafter, “*VDHR Guidelines*”).

Cultural resource surveys for projects administered by VDOT shall meet the requirements for Phase I surveys described in the most recent *VDHR Guidelines*. Some exceptions to these requirements are allowed for VDOT-administered projects under the terms of the 2016 programmatic agreement (PA) executed by the Federal Highway Administration, the U.S. Army Corps of Engineers, Norfolk District, the Tennessee Valley Authority, the Virginia State Historic Preservation Officer (the director of the VDHR), the Advisory Council on Historic Preservation, and VDOT (2016 Federal Programmatic Agreement ((PA)) (Appendix A). Exceptions to the VDHR requirements are also allowed for VDOT-administered, State-funded projects with no federal involvement under the terms of the *Programmatic Agreement Between the Virginia Departments of Transportation and Historic Resources Concerning Interagency Project Coordination* (1999 State PA) (Appendix B). This memorandum describes the exceptions in these programmatic agreements and details specific VDOT requirements for cultural resource surveys that are not included among the requirements contained in the *VDHR Guidelines*.

PURPOSE

This memorandum provides direction on the Virginia Department of Transportation’s (VDOT) requirements for cultural resource field studies conducted under contract to VDOT to identify historic properties within a defined survey area.

SCOPE & APPLICABILITY

The requirements described in this memorandum apply only to cultural resource surveys conducted by consultants under contract to VDOT’s Environmental Division. Adherence to this memorandum (or subsequent revisions or replacements) is required under the terms of the Division’s non-professional services contracts and university agreements for Statewide Cultural Resource Consulting Services. Adherence to this memorandum shall also be required under VDOT-authorized, project-specific scopes of work developed for Task Orders issued under the Division’s professional services contracts for Location Studies and NEPA Documentation.

REQUIREMENTS

1.0 BACKGROUND RESEARCH

Prior to conducting field surveys, consultants shall review the following resources to establish the types of cultural resources that are known to exist or have the potential to exist within the survey area. A list of maps, photographs, and other documentation examined as background research are required to be included in the survey report.

- VDHR Site and Structure Inventories
These records, most of which are accessible through the VDHR's Virginia Cultural Resources Information System (VCRIS), shall be examined to identify any previously recorded sites, buildings, structures, districts, or objects. Archaeological surveyors should be familiar with the architectural records for an area, and architectural surveyors should be familiar with the archaeological records for an area.
- Historic Maps and Aerial Photographs
These resources include historic county and regional maps, Civil War-period maps, Sanborn insurance maps, early soil survey and USGS topographic maps, and early Soil Conservation Service aerial photographs from 1936/1937 and 1952 flights. [A list of local historical societies](#) with links to related web sites is available on the Library of Virginia's website. Addresses and contact information for county courthouses in Virginia is available on its judicial system [website](#).
- Civil War Battlefield Studies
These resources include USGS topographic maps on file at the VDHR, as well as the GIS component in VCRIS, that depict the Core, Study, and Potential National Register areas, as defined by the American Battlefield Protection Program (ABPP), associated with the 123 battlefield sites identified in the [Civil War Sites Advisory Commission Report on the Nation's Civil War Battlefields](#) (1993) and the 15 battlefield sites identified in the National Park Services' [Study of Civil War Sites in the Shenandoah Valley of Virginia](#) (1992). See also the ABPP's *Update to the Civil War Site Advisory Commission Report: Commonwealth of Virginia (July 2009)*. Please consult with VDOT staff to determine if VDOT holds more recent updates to ABPP battlefield mapping.
- Revolutionary War and War of 1812
Review the ABPP's report on significant battlefields and other properties associated with these two wars.
- Tax Records
Review local tax records to determine construction dates for any structures within the survey area.
- Federal Agency Records
If the survey area includes property owned or under the management of a federal agency, such as the US Forest Service, the Tennessee Valley Authority, or the National Park Service, the cultural resource records of these agencies shall be reviewed.
- Established Historic Contexts
Review and reference established historic contexts, such as those prepared by VDHR under its cost-share or other preservation planning programs. This level of review is appropriate if the Consultant recommends a site, building, structure, district, or object is eligible for listing on the National Register of Historic Places or

if the Consultant recommends that further investigations should be conducted to determine conclusively the National Register of Historic Places eligibility of the resource.

2.0 NOTIFICATION PRIOR TO INITIATING FIELD STUDIES

Unless agreed upon in advance, VDOT shall provide all Right-of-Entry (ROE) notification to property owners requesting access to their property pursuant to [§33.2-1011 of the Code of Virginia](#). The Consultant shall not initiate any field investigations related to a task order until notified by VDOT that the ROE requirements for property owner notification are met.

The Consultant shall also notify the VDOT Cultural Resources Project Manager (or the Location Study Project Manager, as appropriate) prior to the initiation of any fieldwork related to a Task Order. Notification shall be made in a single email addressed to the Cultural Resources Project Manager (or the Location Study Project Manager, as appropriate). The Consultant shall include the following information and requests in the notification email:

- A working schedule for the proposed study;
- The number and composition of field staff to be employed on the project;
- The types of vehicles involved in the study;
- The name of the project manager or principal investigator, and how and where the project manager or principal investigator can be reached during the course of the study; and
- A request that the VDOT Cultural Resources Project Manager and Resident Administrator/Engineer or designee inform the Consultant of any property owner issues of concern.

Regardless of the written notification provided to property owners pursuant to §33.2- 1011 of the *Code of Virginia*, when conducting field investigations the Consultant shall knock on doors of residences, businesses, and other structures within the study area and make a reasonable and good faith effort to notify and inform property owners and leaseholders in person prior to entering the property. When permission to access a property is denied, the Consultant shall document any interactions with the property owner or tenants, document the property as best as can be achieved without entering on the property, and, prior to completing field investigations within the study area, report the denial of permission to the VDOT Cultural Resources Project Manager. VDOT shall work further with the property owner to facilitate access to the property by the Consultant.

The VDOT Cultural Resource Project Manager shall provide the Consultant a letter of introduction/authorization for display on the windshield of survey vehicles and distribution to property owners upon request.

3. SURVEY

What to Survey – Qualifying Properties

Unless otherwise specified, cultural resource surveys conducted for VDOT shall identify all historic properties within a given area, usually the Area of Potential Effects for direct and/or indirect effects. All sites, buildings, structures, districts, and objects that will be 50 years of age or older by the planned advertisement date for the project (or other date specified by VDOT), as well as any properties that reasonably could meet National Register of Historic Places Criteria Consideration G (properties that have achieved significance within the past 50 years), shall be considered. An "archaeological survey" should identify all archaeological sites and districts, some types of objects, and any cemeteries, marked or unmarked. An "architectural survey" should identify any buildings, structures, marked cemeteries, some types of objects, and non- archaeological districts, including battlefields and historic landscapes. Consult with the VDOT Cultural Resource Project Manager for guidance on how to address the Core, Study, and Potential National Register areas of Civil War battlefields defined by the American Battlefield Protection Program.

As stated in the *VDHR Guidelines*, VDHR “generally relies on the accuracy of survey data on specific resources for no more than five years, due to possible changes to resources that may occur over the passage of time, advancements in scholarship, and rapid development that affects many parts of the state.” Unless otherwise indicated by the VDOT Cultural Resource Project Manager, if an architectural resource has been previously recorded in VCRIS, but the existing survey data is five years of age or older, the resource must be resurveyed and photographed again, and the VCRIS form must be updated.

Survey Methodology

The methodologies employed in all architectural and archaeological surveys conducted for VDOT must conform to the *VDHR Guidelines*. Stipulation 8 of the 1999 State PA allows VDOT to employ a 75-foot shovel test interval as a standard on state-funded projects not subject to Section 106; however, effective February 5, 2016, shovel test intervals employed for all archaeological surveys conducted for VDOT must conform to the *VDHR Guidelines*, which read:

“As a general rule shovel tests are to be excavated at intervals no greater than 50 feet and will continue to sterile subsoil, if possible. Different site types, as well as soils and topography, may justify a larger shovel test interval. Justification for a shovel test interval greater than 50 feet shall be clearly presented in the report.” (Page 45)

Property owner notification of proposed entry for the purpose of determining a property’s suitability for transportation purposes covers the entirety of a property, not just the proposed right of way limits associated with a transportation improvement. As

stated in the *VDHR Guidelines*, when an archaeological site is encountered during a survey, efforts must be made to estimate the overall site boundaries, beyond the defined Area of Potential Effects for direct effects, through either visual inspection (if appropriate) or the excavation of shovel tests in a cruciform pattern or at radial transects. Architectural surveyors should take full advantage of this access to examine the exterior of buildings or structures and photo-document them at close range.

Artifact Collection/Curation

All artifacts considered sufficiently important to save for permanent curation, whether recovered from sites or as “isolated finds” or “locations,” should be forwarded to VDHR or another VDOT-approved facility for curation. No artifacts should be forwarded to VDOT district staff for curation unless specifically requested by VDOT.

On VDOT projects, the only “isolated finds” or artifacts from “locations” which should be saved for permanent curation are those prehistoric-period specimens considered culturally or chronologically diagnostic. Other artifacts recovered as “isolated finds” or “locations” should be discarded after recordation. All modern (less than 50 years of age) artifacts, whether recovered as “isolated finds,” “locations,” or as a part of a site collection, should also be discarded (preferably in the field) after appropriate recordation.

If a property owner requests that collections recovered from his property be returned, note the survey units affected and the property owner's name, street address, mailing address, email address, and telephone number. Explain to the property owner that VDOT will contact them to arrange the return of the collection after the artifacts have been properly recorded and analyzed and the survey completed. Upon conclusion of the fieldwork conducted for the survey, Consultants should forward the property owner's request, the list of the affected survey units, and contact information for the property owner to the VDOT Cultural Resources Project Manager.

PROCEDURES/REPORTING

1.0 VCRIS FORMS FOR ARCHAEOLOGICAL SITES

VCRIS forms for archaeological sites **shall** be submitted to VDHR for Final quality control (QC) prior to review and approval by VDOT staff.

The Consultant shall phrase all opinions on the National Register of Historic Places eligibility of resources entered into VCRIS forms as recommendations. The Consultant shall not include its own opinions on project effects on historic properties, or on mitigation, on VCRIS forms.

For the purpose of enhancing the accuracy of mapping within the VCRIS, VDOT requires that Consultants submit GIS shapefiles directly to VDHR when recording the

boundaries of new archaeological sites or modifying the boundaries of existing sites. VDHR advises that, upon requesting a new site number, Consultants submit their shapefiles and metadata as a zipped folder along with a printable USGS topographic map showing the shape and location of the site.

2.0 VCRIS Forms for Architectural Resources

Consultants shall not submit VCRIS forms for architectural properties to the VDHR for Final QC without prior review and approval of the draft forms by VDOT Staff.

Prior to submitting the draft documentation to VDOT, the Consultant shall have obtained state architectural inventory numbers directly from the VDHR for use on the draft inventory forms and associated documentation. For the purpose of enhancing the accuracy of mapping within the VCRIS, VDOT requires that Consultants submit GIS shapefiles directly to VDHR. These files should record boundaries for new architectural properties or the modified boundaries of existing ones. VDHR advises that, upon requesting a new structure number, Consultants submit their shapefiles and metadata as a zipped folder along with a printable USGS topographic map showing the shape and location of the property boundary.

The Consultant shall phrase all opinions on the National Register of Historic Places eligibility of resources entered into VCRIS forms as recommendations. The Consultant shall not include its own opinions on project effects on historic properties, or on mitigation, on VCRIS forms.

3.0 Reports

The Consultant shall phrase all opinions on the National Register of Historic Places eligibility of resources, whether appearing in management summaries or formal reports, in the form of recommendations. The Consultant shall not include its own opinions on project effects on historic properties, or on mitigation, in management summaries or reports.

Only certain specific terminology should be employed in the title or text of reports when referring to surveys conducted for VDOT. The term "survey" shall be used without the modifiers "Phase I" or "identification." Thus, there are three types of surveys that might be reported on:

- **Archaeological Surveys:** management summary or report covers the results of a Phase I archaeological survey;
- **Architectural Surveys:** management summary or report covers the results of a Phase I survey of non-archaeological resources; and
- **Cultural Resource Surveys:** the results of both archaeological and architectural Phase I surveys are contained in the management summary or report.

The content and formatting of reports shall conform to the VDHR's Guidelines except as noted below:

- **All Surveys**

In addition to the information required by VDHR as specified in its Guidelines, all reports shall have a title page that includes the VDOT Project Number (e.g., 0265-071-104, N501, R201) and the UPC, or CSC Number (e.g., iPM 79398).

- **Archaeological Surveys**

- No Sites Found: If the survey identifies no archaeological sites, the draft documentation submitted to VDOT should consist of a management summary (see Paragraph 5 of Attachment A to the 2016 Federal PA). This summary must contain a copy of a USGS topographic map showing the survey limits, list the resources consulted as background research for the survey, describe the methodology employed in the survey, and briefly summarize the survey results, including the number of acres surveyed. The suggested length is about two pages.
- Sites Found: If the survey identifies archaeological sites, the results should be conveyed in a formal report in one of the abbreviated formats described in Paragraph 3 of Appendix A to the 2016 Federal PA and Stipulation 11 of the 1999 State PA, as appropriate. Note that these abbreviated report formats do not include a chapter devoted to background research. This efficiency was intended to eliminate "boilerplate" cultural history narratives found in many cultural resource management and technical reports submitted to VDOT. Instead, reports prepared for VDOT should include a list of resources consulted as background research for the survey. Copies of any relevant historic maps or plats should be included as figures in the report. The Consultant should also conduct background research, as needed, in order to develop the historic context by which the significance of particular resources can be evaluated. This information should be incorporated into the body of the section of the report in which the National Register of Historic Places eligibility of identified resources is assessed.

- **Architectural Surveys**

- No Resources Found: If the survey identifies no buildings, structures, or non-archaeological districts, sites, or objects meeting the defined age criterion, the draft documentation submitted to VDOT should consist of a management summary (see Paragraph 6 of Attachment A to the 2016 Federal PA). The summary should contain a copy of a USGS topographic map showing the survey limits, list the resources consulted as background research for the survey, describe the methodology employed in the survey, and briefly summarize the survey results, including the number of acres surveyed. The suggested length is about two pages.
- Resources Found: If the survey identifies buildings, structures, or non-archaeological districts, sites, or objects meeting the age criterion defined

for the project, the results of the survey should be reported in a management summary that describes the methods employed in the survey and summarizes the findings (see Paragraph 5 of Attachment A to the 2016 Federal PA and Stipulation 12 in the 1999 State PA). The management summary shall include a list of the sources consulted as background research for the survey and a table that includes the following information for each resource within the survey area:

- 1) The VDHR inventory number;
- 2) The name of the resource;
- 3) A brief description;
- 4) The Consultant's recommendation on the National Register of Historic Places eligibility of the resource; and
- 5) Any previous determinations of eligibility by VDHR or the Keeper of the National Register of Historic Places.

Finally, the management summary shall include a copy of a USGS topographic map showing the survey limits and the locations of all architectural resources identified by their VDHR inventory numbers.

Archaeological Survey Area Documentation

In addition to a management summary or formal report, the Consultant shall submit to the Cultural Resource Project Manager Archaeological Survey Area Documentation for each archaeological survey conducted. This documentation shall consist of an electronic copy of the project plans (if provided by VDOT), in PDF format, showing the limits of the survey area and the locations of all shovel test pits, areas surface-collected, and areas which were not tested because they were determined to be too wet, too sloped, previously disturbed, etc. This submittal **should** be an electronic scan of a paper copy used in the field, if legible. If project plans were not provided by VDOT, the requested information should be depicted on a base layer of aerial photography of the project area. The purpose of this submittal is to assist VDOT in determining additional survey needs should plans for the project change in the future. The Consultant shall submit the Archaeological Survey Area Documentation to the VDOT Cultural Resource Project Manager when submitting the draft management summary or formal report on the survey.

3.1 Draft Report Submittals

The Consultant shall ensure that submittals of draft deliverables to the VDOT Cultural Resource Project Manager are complete, presented in the appropriate format, and free of spelling and typographic errors.

All draft submittals must be labeled "DRAFT."

Unless otherwise requested by the VDOT Cultural Resources Project Manager, the Consultant must submit one (1) electronic copy of the draft management summary or report in either Microsoft Word or Adobe Portable Document Format (PDF), with Optical Character Recognition (OCR) enabled, in accordance with the Task Order schedule. The VDOT Cultural Resources Project Manager will indicate the preferred electronic format.

When submitting the draft management summary or report for an archaeological survey the Consultant shall also submit the Archaeological Survey Area Documentation described above. When the draft management summary for an architectural survey is submitted to VDOT, the Consultant shall also provide (1) electronic copy of each draft VCRIS form accompanied by a copy of the appropriate USGS topographic map showing the location of the resource, the site plan for the resource, and the photographic documentation. Architectural inventory forms should not be submitted to the VDHR for Final QC prior to the review and approval by VDOT staff.

3.2 Final Report Submittals

Final reports shall be submitted to the VDOT Cultural Resources Project Manager after the Consultant has revised the draft documentation in accordance with any comments received from VDOT staff. Final documentation shall be submitted to VDOT in accordance with the timetable established in the Consultant's contract, or as stipulated by the task order for a particular investigation.

Whether the results of an archaeological survey require that a formal report be prepared, or the results require only the preparation of a management summary, the Consultant shall confer with the VDOT Cultural Resources Project Manager to determine the number and format (paper copy or electronic copy) of the final deliverables. VDOT may request additional copies of the report as needed.

Electronic copies of the final management summary or formal report shall be in PDF format, with OCR enabled. The Consultant shall also include GIS shapefiles and associated metadata defining the boundaries of the archaeological survey area examined and the boundaries of each individual archaeological site examined during the survey.

For architectural surveys, the VDOT Cultural Resources Project Manager shall provide the quantity of the final management summary needed for submittal. The format for the final management summary shall include paper copies and copies in PDF, with OCR enabled, on compact discs. The Consultant shall provide shapefiles and associated metadata defining the boundaries of the survey area examined and the boundaries of each individual architectural resource examined during the survey. In addition, the Consultant shall provide PDF copies of the VCRIS form for each resource, a USGS topographic map showing the location of the resource, the site plan, and the photographic documentation. Architectural surveys also require submittal of one paper copy of each VCRIS form and site plan, one set each of associated

photographic images in digital format (uncompressed JPEG files) and photographic prints created, named/labeled, and packaged according to VDHR's specific requirements (see VDHR Guidelines, pp. 32-35).

COORDINATION

Revisions to this memorandum require the prior approval of the Central Office (CO) Environmental Division's Cultural Resource Program Manager. When this memorandum is revised or updated, the CO Cultural Resources Program Manager (or designee) shall notify the Regional Cultural Resource Practitioners, Central Office NEPA Staff, Environmental Contract Administrators, and Consultants then under contract for statewide cultural resource services.

OTHER INFORMATION

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