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30 Aug 84

CULTURAL RESOURCE MANAGEMENT PLAN

U.S. Army Corps of Engineers  
Omaha District

U.S. Army Corps of Engineers,  
Omaha District

Cultural Resource Management Plan

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Omaha District

Cultural Resource Management Plan

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Title

Chronologies of Major Past, Present and Projected Cultural Resource  
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APPENDIX B

Title

Table 1, Survey, Mileage and Acreage Data for District Reservoir Projects

DEPARTMENT OF THE ARMY  
Omaha District, Corps of Engineers  
6014 U.S. Post Office and Courthouse  
Omaha, Nebraska 68102

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MROPD

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Planning  
CULTURAL RESOURCE MANAGEMENT PLAN

1. Purpose. This Cultural Resources Management Plan (CRMP) establishes guidance and procedures for the management of cultural resources at all Civil Works Projects in the Omaha District. The purpose of this CRMP is to: (1) Provide management with a comprehensive overview of the obligations and requirements for administering the cultural resources program within the District; (2) Provide managers with a description of the procedures used in identification, evaluation, and for the protection of cultural resources in meeting the goal and tasks of the District's cultural resource program. This pamphlet utilizes pertinent Federal legislation, regulations, state preservation plans and technical reports to establish a more effective means for the management of cultural resources.

2. Applicability. The CRMP will apply to all organizational elements having administrative and management responsibilities for Civil Works Projects.

3. References.

- a. Public Law 59-209, Antiquities Act of 1906, (34 Stat. 225).
- b. Public Law 74-292, Historic Sites Act of 1935 (49 Stat. 666).
- c. Public Law 86-523, Reservoir Salvage Act of 1960, (74 Stat. 220), as amended by P.L. 93-291, Preservation of Historic and Archeological Data (88 Stat. 174).
- d. Public Law 89-665, National Historic Preservation Act of 1966, as amended by P.L. 96-515, National Historic Preservation Act Amendments of 1980 (94 Stat. 2987).
- e. Public Law 91-190, National Environmental Policy Act of 1969 (83 Stat. 852), as amended by P.L. 94-52, Authorizations - Office of Environmental Quality (89 Stat. 258) and P.L. 94-83, National Environmental Policy Act of 1969 Amendments of 1975 (89 Stat. 424).
- f. Public Law 95-341, American Indian Religious Freedom Act of 1978 (92 Stat. 469).
- g. Public Law 96-95, Archeological Resources Protection Act of 1979 (93 Stat. 721).
- h. Executive Order 11593, Protection and Enhancement of the Cultural Environment.

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This pamphlet supersedes MRO Pam 1105-2-1, dated 11 Jun 83.

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- i. 32 CFR 229, Protection of Archaeological Resources: Uniform Regulations.
- j. 36 CFR 60, National Register of Historic Places.
- k. ER 1105-2-50, Chapter 3, Historic Preservation.
- l. ER 1105-2-55, Chapter 3, Historic Preservation.
- m. ER 1110-1-102, Engineering and Design, Design for the Physically Handicapped.
- n. ER 1180-1-1, Part 8, Relocation of Cemeteries.
- o. TM 5-801-1, Historic Preservation, Administrative Procedures.
- p. DM 1130-2-11, Project Operations, Cultural Resources Protection.

4. Policy.

a. It is the policy of the Omaha District to identify, evaluate, and protect cultural resources for the education, benefit and inspiration of the public. This will be accomplished within the scope of federal legislation and regulatory guidelines and consistent with State Historic Preservation Plans for those states or portions thereof included in the Omaha District.

b. Goal and Tasks. It is the goal of the Omaha District to follow the aforesated policy regarding all sites, structures and objects of historical, architectural, archeological, cultural, or scientific significance located on Civil Works Projects. In order to realize this broad goal, ten tasks have been established that can be accomplished through the preservation process set forth in this plan. These tasks are as follows:

(1) Identify and establish an inventory of cultural resources on all lands for every project.

(2) Evaluate the inventory and place each item in one of four Categories of Significance in order to facilitate nomination to the National Register of Historic Places and implementation of modification criteria and appropriate maintenance programs.

(3) Nominate all cultural resources that appear eligible to the National Register.

(4) Protect cultural resources within the framework of Federal legislation and regulation.

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(5) Conserve cultural resources to eliminate, reduce damage, or destruction due to improper maintenance.

(6) Include cultural resources in the program for the preservation of the overall environmental quality of the project.

(7) Find adaptive uses for cultural resources in order to usefully maintain them in the project.

(8) Raise the level of appreciation (public awareness) of cultural resources on projects to reflect the Corps role in history and its continuing concern for the protection of the nation's heritage.

(9) Implement historic preservation projects as an integral part of project maintenance and construction programs.

(10) Establish a specific cultural resource management plan as an integral part of a project's master plan and other long-range maintenance and development schedules.<sup>1</sup>

c. These tasks will be met sequentially or concurrently. Identification and inventory (1) will be followed by evaluation (2). After the evaluation phase, tasks 3 and 5-10 can be accomplished concurrently. Protection (4) begins with the identification phase and continues through each subsequent phase. Meeting any of the tasks is contingent upon the appropriation of funds and manpower capability.

5. Identification and Inventory of Cultural Resources. The Omaha District will identify, establish an inventory, and evaluate cultural resources on all project lands. Certain areas of recent origin (e.g. sandbars) will not require a survey; other flood plain areas can be adequately surveyed if a representative sample of the land surface is investigated. Every cultural resource on the inventory will be periodically evaluated for inclusion in one of four Categories of Significance (paragraph 6, 2.-d.) and possible nomination to the National Register of Historic Places.

a. Identification. Each project will be investigated for cultural resources unless the area has been adequately documented from earlier research. The types of cultural resource investigations that will be undertaken are cultural resources assessment, cultural resources reconnaissance and cultural resources survey.

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<sup>1</sup> TM 5-801-1, Historic Preservation, Administrative Procedures, was used as the basis for designing the CRMP. The goal and objectives in Section 1, evaluation process and procedures in Section 2, modification limitations, review procedures, mitigative measure and adaptive use in Section 3 were excerpted in part and modified to various degrees to fit this CRMP.

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(1) Cultural Resources Assessment (Class I Inventory) is a literature search and records review, coupled with local interviews as appropriate, undertaken to determine what resources are known, or considered likely by informed sources, to be located within the planning area and to assess the type, extent, and validity of any cultural resource investigations already accomplished.

(2) A Cultural Resources Reconnaissance (Class II Inventory) incorporates Class I documentary and interviewing methodology plus a field examination of a representative portion of the planning area (which may be coupled with aerial, subsurface or waterborne remote sensing applications as appropriate), adequate to assess in general terms, the numbers, locations, affiliations, component(s), spatial distribution, data potential and other salient characteristics of cultural resources. For reconnaissance surveys, test excavations may be required at some sites so that the above may be adequately accomplished. This level of investigation is appropriate to preliminary planning decisions and will be of assistance in determining viable alternative plans in feasibility studies. Normally, a reconnaissance level investigation will not yield information of adequate scope to serve as the basis for requesting determinations of eligibility for the National Register of Historic Places. Should such determinations be deemed necessary, they should be sought from the Keeper of the National Register after consultation with the State Historic Preservation Officer.

(3) Cultural Resources Survey (Class III Inventory) will consist of a comprehensive, systematic, and detailed physical examination of the area as may be needed to evaluate National Register eligibility of identified resources.<sup>2</sup>

(4) In areas already investigated, periodic surveys should be conducted to obtain information on buried sites uncovered by erosion, collectors or some other land altering activity. For example, one circuit of each reservoir should be made by the Field and/or District archeologists every 5 to 10 years. Yearly checks should be made by the same personnel and trained archeologists in areas known to be rapidly impacted by adverse conditions. It will be necessary to send the archeologists to projects where no archeologists are assigned.

(5) Non-archeologists at the project level will be made aware of significant sites that are endangered by erosion, vandalism and collecting. The Field or District Archeologists will educate the personnel and on what to look for where such sites are located.

b. Inventory. In conjunction with the identification of cultural resources, an inventory of sites will be made and periodically revised. This will provide an efficient method for making management decisions regarding cultural resources.

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<sup>2</sup> ER 1105-2-50, Chapter 3, Historic Preservation was used to define the three levels of cultural resource investigations.

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(1) An inventory of sites will be maintained on computer and conventional files for each civil works project. The inventory will include all known sites greater than 50 years old in each civil works project. This period of time is consistent with the criteria considerations in 36 CFR 60.6 to evaluate sites for nomination to the National Register of Historic Places.

(2) Information obtained from cultural resource investigations, for each site, will be maintained on modified state site forms. This form will contain information on the identity and location of the site, ownership, physical environment, physical and cultural properties of the site, identity and location of artifacts recovered from the site, previous work, impacts, management and significance statements.

(3) Access to most of the information on the inventory will be available to Corps personnel. Access to all locational information will be restricted to the archaeological staff. Project specific master plans and operational management plans will incorporate some of the information in order to develop and guide the management of cultural resources at each civil works project.

6. Evaluation of Cultural Resources. The evaluation process involves determining the degree of significance of each identified cultural resource according to criteria established for four categories of significance. The purpose of the evaluation categories is to rank the cultural resources according to their significance, establish priorities for preservation activities, and undertake additional investigations to re-evaluate sites. The categories are defined below.

a. Category I. Cultural resources of great importance which contribute significantly to the national, state or local cultural heritage or that of the project and its environs, and which must be preserved.<sup>3, 4</sup> This category will consist of sites eligible for or listed on the National Register of Historic Places.

b. Category II. Cultural resources of importance which contribute significantly to the cultural heritage and interest of the state, region or the project and which should be preserved. These sites will be made up of

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<sup>3</sup> Carol J. Galbreath, "Criteria for Defining the Historic and Cultural Landscape" in Selected Papers, Conference on Conserving the Historic and Cultural Landscape (Washington, D.C.: The Preservation Press, 1975) pp. 1-9.

<sup>4</sup> William H. Tishler, "Applying the Natural Resources Process to the Historic and Cultural Landscape: Part I," in Selected Papers, Conference on Conserving the Historic and Cultural Landscape (Washington, D.C.: The Preservation Press, 1975) pp. 27-35.

sites in the process of nomination to the National Register and those important in a State's preservation plan. Research shall be undertaken where additional information may be necessary to evaluate the site. If the research substantially alters the initial basis for evaluation, the site shall be re-evaluated. In addition, further research may be important for the proper interpretation of a site on project lands and to satisfactorily choose an adaptive use.

c. Category III. Any cultural resource that has been identified and inventoried but does not qualify in one of the above categories at this time is placed in a Category III, indicating little known value at this time. These resources remain on the inventory in order to facilitate subsequent review and possible re-evaluation of their significance.

d. Category IV. Any identified and inventoried site that does not and will never be of value archeologically. These sites have demonstrated that they do not possess information to satisfactorily answer valid and explicit research questions.

e. Evaluation Procedures. Each property shall be evaluated according to the preceding Criteria for Evaluation Categories I-IV and 36 CFR Part 60.4, National Register Criteria for Evaluation. Properties added to the inventory or for which there is additional information shall be evaluated or re-evaluated periodically. Any properties for which additional information is needed in order to be evaluated, shall not be modified until evaluated, or until Federal review procedures are complied with to determine whether it is eligible for nomination to the National Register. All property that meets the nomination criteria for the National Register will be nominated. In addition, a site can be nominated that is partially on land administered by the Corps and private land with approval from the landowner on to whose land the site may extend. If the landowner objects, a determination of eligibility can still be made.<sup>5</sup>

f. Determining Significance. The general criteria used for determining eligibility of a cultural resource for nomination to the National Register shall be those set forth in 36 CFR Part 60.4. Before determining significance it is imperative that the context of the site be specified in terms of time, space, culture and function before the criteria can be adequately applied. Additional support for determining potential eligibility will also come from the appropriate consideration of the subjects outlined below.

(1) It should also be understood that significance will change as archeology, economics, and public interests change. As research questions in archeology change, different types of sites will become important. Although certain sites are common to a region and therefore considered not important for nomination; this will not be the case with such sites in the future.

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<sup>5</sup> 36 CFR 60, National Register of Historic Places. (See 60.6 n and s).

Many will be lost as a result of different human and natural causes. These sites should be evaluated in the same manner as any site. The amount of funding that is made available will determine when and which sites are protected, rehabilitated, reconstructed, or excavated. As the public becomes aware of the importance of cultural resources, the District will remain sensitive to management practices.<sup>6,7</sup>

(2) Significance can also be determined by asking and answering questions concerning investigative potential, public appreciation, and integrity. Some examples would be:

(a) Investigative Potential - How can the site be utilized with respect to current methodologies and theory building, or as to an insightful future purpose?<sup>8,9,10,11</sup>

(b) Public Appreciation - Does the site have potential as an exhibit to inform and instruct the public on dramatic or subtle historic and cultural changes? Does it represent diverse modes of behavior? Is there sentimental or nostalgic value? How are different racial and ethnic groups represented or how important do they consider the site to be?<sup>12, 13, 14</sup>

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<sup>6</sup> Michael B. Schiffer and George J. Gumerman, eds., Conservation Archeology (New York: Academic Press, Inc. 1977).

<sup>7</sup> Michael J. Moratto and Roger E. Kelly, "Optimizing Strategies for Evaluating Archeological Significance" in Advances in Archeological Method and Theory, Vol 1, ed., Michael B. Schiffer (New York: Academic Press, Inc., 1978) pp. 1-30.

<sup>8</sup> Schiffer and Gumerman, eds.

<sup>9</sup> Thomas F. King, Patricia Parker Hickman, and Gary Berg, Anthropology in Historic Preservation (New York: Academic Press, Inc., 1977) pp. 95-104.

<sup>10</sup> Charles R. McGimsey, III and Hester A. Davis, eds., The Management of Archeological Resources: The Airlie House Report, (Society for American Archaeology, 1977).

<sup>11</sup> Moratto and Kelly, pp. 1-30.

<sup>12</sup> Schiffer and Gumerman, eds.

<sup>13</sup> McGimsey and Davis, eds., pp. 33-34.

<sup>14</sup> Moratto and Kelly, pp. 1-30.

(c) Integrity - What sort of alterations have occurred and how extensive has it been altered since its formation?<sup>15, 16, 17</sup> Although this criterion is found in 36 CFR 60.4, it must be reaffirmed that it will be recognized on an equal basis as the other four criteria found in that regulation.

7. Protection of Cultural Resources. The District will use the necessary means to protect known and potentially significant cultural resources. It will conserve them so as to eliminate or reduce damage or destruction due to improper operation, maintenance, vandalism, and collecting. Standards shall be applied which limit modifications to significant cultural resources while taking into consideration the energy conservation needs and the economic and technical feasibility of each project. However, the treatment must be consistent with the prehistoric and historic character of a site and, where appropriate, with the project in which it is located.<sup>18</sup>

a. Modification Limitations. The purpose of establishing Modification Criteria is to provide guidelines for the type of maintenance, alterations, and other preservation activities that may be undertaken on sites in Categories I-III or on their setting or environment. Cultural resources in Category IV are not affected by the modification limitations. By the use of Modification Criteria, procedures are established to: (1) protect significant cultural resources, (2) comply with the required review procedures contained in 36 CFR 800 for significant cultural resources and (3) take into consideration state historic preservation plans. The following paragraphs present general modification limitations for categories I through III for historic and archeological sites. Modification limitations will also be designed for specific sites.

b. Category I Cultural Resources. This category will be all sites nominated to, eligible for, or listed on the National Register. Specific standards and guidelines for applying the following will be found in 36 CFR Part 68.4 and the Secretary of the Interior's Standards for Historic Preservation Projects.<sup>19</sup>

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<sup>15</sup> Schiffer and Gumerman, eds.

<sup>16</sup> King, Hickman, and Berg.

<sup>17</sup> McGimsey and Davis, eds., p. 33.

<sup>18</sup> 36 CFR 68, the Secretary of the Interior's Standards for Historic Preservation Projects. See 68-3, General Standards for Historic Preservation Projects.

<sup>19</sup> W. Morton Brown, III and Gary L. Hume, The Secretary of the Interior's Standards for Historic Preservation Projects with Guidelines for Applying the Standards, (Washington, D.C.: U.S. Department of the Interior, 1979).

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(1) Historic and Archeological Sites - Every reasonable effort shall be made to provide a compatible use for a property that requires minimal alteration of the building, structure, or site and its environment, or to use a property for its originally intended purpose.

(2) The distinguishing original qualities or character of a building, structure, or site and its environment shall not be destroyed. The removal or alteration of any historic material or distinctive architectural features should be avoided when possible.

(3) All buildings, structures, and sites shall be recognized as products of their own time. Alterations which have no historical basis and which seek to create an appropriate appearance shall be discouraged.

(4) Changes which may have taken place in the course of time are evidence of the history and development of a building, structure, or site and its environment. These changes may have acquired significance in their own right, and this significance shall be recognized and respected.

(5) Distinctive stylistic features or examples of skilled craftsmanship which characterize a building, structure, or site, shall be treated with sensitivity.

(6) Deteriorated architectural features shall be repaired rather than replaced, wherever possible. In the event replacement is necessary, the new material should match the material being replaced in composition, design, color, texture, and other visual qualities. Repair or replacement of missing architectural features should be based on accurate duplications of features, substantiated by historical, physical, or pictorial evidence rather than on conjectural designs or the availability of different architectural elements from other buildings or structures.

(7) The surface cleaning of structures shall be undertaken with the gentlest means possible. Sandblasting and other cleaning methods that will damage the building materials shall not be undertaken.

(8) Every reasonable effort shall be made to protect and preserve archeological resources affected by, or adjacent to, any transfer, lease, acquisition, protection, stabilization, preservation, rehabilitation, restoration, or reconstruction project.<sup>20</sup>

c. Category II Cultural Resources. Category II cultural resources are very significant to the history of the state, region or project and may be eligible for nomination to the National Register. For those nominated to the National Register, the limitations for Category I apply.

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<sup>20</sup> 36 CFR 68.

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(1) Historic Sites. The limitations for modifications to sites not eligible for the National Register, but important to the state, region, or project are as follows:

(a) May not be demolished or destroyed without the approval of the Chief of Planning Division.

(b) Interior spaces or features that contribute to the evaluated significance of the site may not be altered.

(c) Exterior areas and features may receive regular maintenance. Activities d-m may be undertaken only with the approval of the Chief of Planning Division.

(d) There shall be no change in the color of the brick or stone. This includes painting or cleaning with acids or dry sand blasting and water-proofing with materials that create surface films.

(e) There shall be no substitution of one material for another, for example, brick for stone.

(f) Changing the color of the mortar or form of the joints is prohibited.

(g) There shall be no change to the design and placement of windows (fenestration). For example, windows to doors and vice-versa.

(h) Changing structure, configuration, or visual appearance of roof is prohibited.

(i) There shall be no construction additions, wings, or appurtenances that destroy or interlock with existing construction.

(j) Removal of shutters, porches, columns, or exterior architectural detailing is prohibited.

(k) There shall be no removal of trees or major plant material.

(l) Alteration of sidewalks or location of new structure near or adjacent to the historic property is prohibited.

(m) Changes may not be made to industrial structures involving alteration of the architectural or engineering design or the structure or the machinery attached to or associated with the structure.

(2) Archeological Sites. Category II sites should not be archeologically excavated needlessly. Limitation modifications must be directed at insuring that the future maintenance, utilization, transfer, or sale of these sites do not significantly alter them. All modifications require that permission must be granted before any of the following work may be undertaken on a Category II archeological site:

(a) Disturbance of topsoil or subsoil for any maintenance activity, such as sewers, gas lines, underground cables installation of patio walls, paths, driveways, etc.

(b) Construction of any additions to adjacent historic structures associated with the site.

d. Category III Cultural Resources. It is important to ensure that no maintenance is undertaken that destroys the particular quality of the historic property that is essential to the history of the nation, state, region, project or the historic character or setting to which it contributes.

(1) Historic Sites. In most cases, protection should be provided to the exterior visual appearance of the property. The following limitations shall apply to Category III historic site.

(a) The site may not be demolished or moved without review by Chief, Planning Division and State Historic Preservation Officer (SHPO).

(b) It may not be altered to such an extent that the quality of the property is lost. This would be a downgrading in status from Category III to IV.

(2) Archeological Sites. Category III archeological sites have little significance in regard to the present methodological and theoretical expertise in archeology, but should be identified. A Category III archeological site may not be destroyed by construction methods or physical or chemical erosion prior to review and approval of the undertaking by the Chief, Planning Division and the SHPO.

e. Category IV Cultural Resources. Historic and Archeological Sites in Category IV do not have modification limitations. However, these sites must not be destroyed without review and approval of the undertaking by Chief, Planning Division and the SHPO.

f. Adaptive Use. The assignment of a new use to a site may achieve both the preservation of the site and the efficient utilization of it by the project. Such a new use is called "Adaptive Use" and refers to any use for the site. The following guidelines should be followed in choosing an adaptive use for cultural resources. No adaptive use will be assigned to Category IV cultural resources.

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(1) Category I Cultural Resources. Any change in the use of Category I sites shall be reviewed by Chief, Planning Division, the SHPO and the Advisory Council. The review should consider the following items:

(a) The new use should enhance the historic significance of the site.

(b) The new use should require a minimum of alterations, additions, or other changes, other than restoration, to be made to the site. Any changes must follow Modification Limitations for Category I.

(c) The new use should be considered a permanent use.

(2) Category II Cultural Resources. All changes of use of Category II sites shall be reviewed by Chief, Planning Division, and SHPO. The changes should be considered within the following guidelines.

(a) The change should not alter the significance of the site.

(b) The new use should require a minimum of alterations, additions, or other changes to the site. Any changes shall be compatible with the appropriate style and/or period.

(c) The new use should be planned to utilize the site for at least five years, unless it is a temporary use requiring no changes to be made to the existing historic property. A yearly maintenance program will be required by those persons or institutions in charge of the operations conducted within a structure or upon a site.

(3) Category III Cultural Resources. An altogether new use for cultural resources evaluated at Category III sites may contribute to the significance of the area, project, region, state or nation. Uses may be varied since in many cases a Category III site may be altered. Adaptive uses for Category III should be selected in such a way that:

(a) The new use does not contribute to an increase in the deterioration of the site.

(b) Alterations, additions, and other modifications necessary for housing the adaptive use of the site do not alter its significance.

g. Procedures for Review of Proposed Modifications. All proposed modifications to sites nominated, eligible to, or listed in the National Register (Category I) shall be reviewed in accordance with 36 CFR 800, "Procedures for the Protection of Historic and Cultural Properties." Modifications proposed for Categories II through IV sites shall be reviewed and approved by Chief, Planning Division and SHPO.

h. Mitigative Measures. All Civil Works activities which adversely affect Category I sites shall require efforts to halt or mitigate the impacts. The District Commander will consult the SHPO and the Advisory Council on Historic Preservation to formulate plans for the appropriate level of protection of sites per 36CFR800. A separate plan will be developed for each Category I site affected by Civil Works activities.

i. Procedures for Obtaining Antiquities Permits. Planning Division, in coordination with Real Estate Division, will refer all requests to explore, gather, and excavate cultural resources to the Federal land manager (District Commander) or Secretary of the Interior. Permits issued by the District Commander will be in accordance with the conditions and terms set forth in the Antiquities Act of 1906, the Archeological Resources Protection Act of 1979,<sup>21</sup> and 32 CFR 229.

j. Procedures for Notification of Archeological Discoveries. Inadvertent discovery of cultural resources will be reported to the Project Engineer, manager or their representatives. The Project Office will notify the Field archeologists or District archeologists as appropriate. The archeologists will in turn notify the Chiefs, Planning and Operations Division concurrently if additional action is warranted. Depending upon the location of the site, Planning Division or the Field Archeologists will inform the State Historic Preservation Office of the existence of any archeological discovery. This will be done in a timely manner. Support documentation will not be necessary unless the area is on project land and has not been previously investigated or there is a likelihood that land alteration activity will occur.

k. Reporting Graves or Cemetery Discoveries and Their Disposition. Planning Division will be notified and coordinate plans with Real Estate Division for any necessary excavation, relocation or reburial. If possible, direct descendents should be contacted to determine their wishes for any final disposition for the following situations.<sup>22</sup> Direct descendents are considered to be those individuals or groups having direct kinship affiliation with the deceased. This will usually include the family or a legally recognized tribal or ethnic group to which an affinity can be assigned. Documentation of kinship will be established through records and professional evaluation of the remains. If direct descendents are not interested or cannot be found Chief, Planning Division in coordination with Chief, Real Estate Division will determine the disposition of the remains. Disposition of unclaimed or unidentified remains will be made on a case by case basis to consider using a repository with limited access or reburial.

(1) Burials that can be associated or identified with extant vital records or markers will be reported to the Chief, Real Estate Division, in narrative form, including an appropriate project map with the site indicated

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<sup>21</sup> DM 1130-2-11, Project Operations, Cultural Resources Protection, p. 5.

<sup>22</sup> McGimsey and Davis, eds., p. 96.

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thereon and photographs of the individual graves identified with numbered stakes. Discoveries requiring immediate protection will be reported by telephone followed with a written synopsis reflecting action taken and pertinent documentary evidence.

(2) The Chief, Planning Division, will determine the procedures for excavation, stabilization, analysis and disposition of burials that can be associated or identified with a prehistoric or historic cultural group (pre AD 1880). These burials must lack any specific affiliation to kin through vital records or markers.

1. Curation of Artifacts and Records. Archeological material recovered from project lands are the property of the United States Government. The repository (a public museum or public institution) is responsible for the artifacts and records in their care. The repository must protect and maintain them for some period of time.<sup>23, 24</sup> The repository should only accept cleaned and stabilized artifacts that have been accessioned and catalogued by a contractor or Corps personnel according to state requirements. The collections will not be disposed of in any manner without written approval of the District Commander. This includes transfer, exchange, sale, gifts, loan, or destruction of any or part of a collection. Records should be legible, cross referenced, with duplicate copies maintained in separate locations. Specific site locations will not be released to the general public, except in those cases where a site will be used for educating the public. Unless otherwise agreed to, all repositories maintaining public collections must accept an entire collection acquired as a result of cultural resource investigations.<sup>25</sup>

(1) Collections should only be placed in repositories which are adequate to properly maintain them. To maintain the collections the contractor should allow for curatorial and maintenance costs in any contract budget.<sup>26</sup> An up-to-date inventory of public collections will be kept by the repository and copies of inventory records furnished to Chief, Planning Division.

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<sup>23</sup> Ralph H. Lewis, Manual for Museums, (Washington, D.C.: National Park Service, 1976). This text may be used for guidance.

<sup>24</sup> Michael Weichman, Guidelines for Contract Cultural Resource Survey Reports and Professional Qualifications, (Jefferson City: Missouri Department of Natural Resources, 1978), pp. 17-19.

<sup>25</sup> Alexander J. Lindsay, The Curation and Management of Archeological Collections: A Pilot Study, (Washington, D.C.: Heritage Conservation and Recreation Service, 1980), p. 95.

<sup>26</sup> Lindsay, p. 103.

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(2) Collections maintained by repositories will make them permanently available to qualified individuals and institutions for research and educational purposes.<sup>27</sup> Collections may be used by the holding institution if not otherwise needed by the District for informing and benefiting the public at project offices, visitor centers or other appropriate locations. They will not be made available to institutions or individuals that have acquired illegally excavated artifacts,<sup>28</sup> or do not have curatorial staff or facilities to safely maintain the collection in the same condition in which they were received. Recent American remains of all races (excluding skeletons) and religious paraphernalia sacred to them must not be put on public display unless consent is given from the direct descendents or recognized practicing clergy. If the direct descendents are not known to exist, then they may be displayed in a manner showing respect.<sup>29, 30</sup> Human skeletal remains will not be put on public display.<sup>31</sup>

m. Vandalism/Collecting. Destruction, injury, defacement, removal, or any alteration of public property, including but not limited to constructed facilities, natural formations, historical and archeological features, and vegetative growth, is prohibited without the written permission of the District Commander. This includes paleontological remains, coins, bullets, unworked minerals and rocks. These objects are still considered public property under Title 36, Part 327 and will therefore remain protected. All articles lost since lands were acquired for each civil works project are exempt. Any such destruction, removal, or alteration of public property shall be in accordance with the conditions of any permission granted.<sup>32</sup>

(1) Field personnel with citation authority are charged with the responsibility for protecting cultural resources on land administered by the Corps by making observations during routine duties, issuing citations, recovering illegally appropriated artifacts, photographically recording the implements used to obtain the artifacts and the collector.

(2) The project offices are also responsible for educating their personnel and the public concerning the regulations and penalties for violations and on the value of archeological resources through public affairs programs, eco-meets, posting warning signs, distributing brochures, issuing press releases, and displays.

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<sup>27</sup> Lindsay, p. 108.

<sup>28</sup> McGimsey and Davis, eds., The Management of . . ., p. 96.

<sup>29</sup> McGimsey and Davis, eds., p. 95-96.

<sup>30</sup> Lindsay, p. 103.

<sup>31</sup> ER 1105-2-50, Chapter 3, Historic Preservation, p. 3-3.

n. Enforcement.

(1) Enforce Existing Laws: Project Engineers and Rangers will implement a surveillance program to monitor the unauthorized use of cultural resources. The purpose of surveillance is to observe activities and conditions within the project area and to apply the citation authority to control unlawful collecting. Guidance for implementation of the citation authority is provided in ER 1130-2-420, Visitor Assistance Program and DM 1130-2-11, Cultural Resources Protection. Maximum use of oral and written warning citations will be used for minor infractions. Written citations directing appearance before a U.S. Magistrate will be issued, as warranted. The individual issuing citations should attempt to photograph the collector(s), the artifacts, and implements used to obtain them. Uncooperative individuals will be investigated in accordance with the citation authority in the above ER. Personnel issuing the citation will recover the artifacts. Any implements used to obtain the artifacts found in the possession of violators can be confiscated by proper authorities at the direction of the U.S. Magistrate. Planning Division, with staff archeologists or through the field archeologists, will provide training for field personnel at a level of expertise needed to carry out routine surveillance and monitoring of vandalism and collecting activities of cultural resources.

(2) Post Warning Signs: Recreation areas and other areas of concern as determined by the District or Area Archeologist and Project Engineer or manager shall be posted with information and warning signs. Signs will warn the public that cultural resources on public lands are protected by Federal legislation and agency regulations and that there are penalties for collecting, excavating, removing or disturbing cultural resources on Federal lands under jurisdiction of the Corps. Signs will be posted in a manner to insure visibility from any approach to a site or recreation area.

8. The Public.

a. The management of cultural resources has to consider the public in order to be effective. It must take into account the public's concerns regarding its racial and ethnic heritage, religious views, awareness of the past, economy and quality of life to instill a sense of responsibility and stewardship towards cultural resources that will be most beneficial to all Americans in the future.

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<sup>32</sup> Title 36 - Parks, Forests, and Public Property, Chapter III - U.S. Army Corps of Engineers, Part 32F - Rules and Regulations Governing Public Use of Water Resource Development Projects Administered by the Chief of Engineers. See 32F 14, Public Property.

b. Education. By far, the most effective means to protect cultural resources is to educate the public. Making the public aware and knowledgeable of cultural resources encourages public support.<sup>33</sup> The key to this support is to establish a societal value for cultural resources.<sup>34</sup> People are inherently interested in the past and look for group identity and pride in past accomplishments in collections found in museums or structures preserved as they once appeared in another era. Public awareness of the importance for protecting these non-renewable resources will encourage public involvement to report vandalism or activities that threaten sites, and help to identify and report unknown sites.

(1) The most effective way to educate the public is by the mass media (newspapers, magazines, radio and television). The media can enlighten people about the value of conserving cultural resources and help distribute useful information. By reminding the public that knowledge of past events makes predicting the pattern of future events easier, support can be gained for protecting sites on lands administered by the Corps. The public will learn how pillage by untrained excavators and private collectors misappropriates invaluable scientific and historic knowledge as well as public property. That when a site has been disturbed by an inexperienced and unlicensed excavator, data pertaining to customs, past abstract thoughts, climate, evolution, geology, etc., will be lost. An effective means for channelling the interests of such persons is through state and local historical societies.

(2) The media can be used to popularize regulations and penalties concerning archeological sites. The role of the Federal government in archeology should also be presented. This education process can also be achieved by brochures, lectures, school curricula, and activities of local historical societies. Sites easily accessible and useful for educating the public about the past should be developed. Any development of a site will be carefully examined so that measures may be taken with minimal effect upon the character and value of the site for access by the physically handicapped. Archeological investigations and interpretive developments should involve and utilize suggestions and assistance of different ethnic and racial groups. These groups may have access to sites as well as the use of curated sacred objects to worship in a manner exercised by their traditional religions. Access will be granted to sites of demonstrated religious use, or so designated through mutual agreement between the groups and the Corps. The District and project offices will utilize these various means of communication to educate the public.

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<sup>33</sup> J. C. Harrington, Archeology and the Historical Society, (Nashville: American Association for State and Local History, 1976), p. 31.

<sup>34</sup> Elner H. Thompson and Arthur Desonia, Montana Historic Preservation Plan with Historic Sites Compendium, and ed., 3 Vols., (Montana Fish and Game Commission, 1975), p. 62.

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(3) In such settings outlined above, it would tend to cause people to reflect on the many changes human life has made upon the earth and how their lives developed.<sup>35, 36</sup> Additionally, promoting site development could assist in bringing people and industry into an area which demonstrates a respect for their past as well as a sense of permanence.<sup>37</sup> The quality of life is enhanced when an educated public can understand and appreciate our heritage, and with such awareness the spirit of humanity is raised.<sup>38, 39</sup>

9. Contract Requirements and Standards. Any work contracted out by the Omaha District will be guided by ER 1105-2-50, draft 36 CFR 66 App B, and the Advisory Council's Treatment of Archeological Properties: A Handbook.

a. The types of surveys, reports and their contents will be found in ER 1105-2-50 and the Handbook.

b. Contractor qualifications and responsibilities are located in 36 CFR 61, Appendix A, ER 1105-2-50, 36 CFR 61.5(a)-(e), and the Handbook.

c. Research designs and recovery plans will be consistent with the Handbook.

d. Contacting the correct people or agencies for permission, informing or soliciting participation is discussed in ER 1105-2-50, and the Handbook.

e. Curation agreements and standards are found in Section III of the CRMP, ER 1105-2-50, and the Handbook.

f. Distribution of any data is outlined in ER 1105-2-50, and the Handbook.

10. Implementation of the Cultural Resource Management Plan. A three phase program has been implemented to meet the management tasks and goal. The different phases will be accomplished to meet our compliance requirements. Appendix A outlines major activities undertaken and proposed of each reservoir. The proposed cultural resource investigations are to be used in implementing the following phases.

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<sup>35</sup> Nebraska State Historical Society, Historic Preservation in Nebraska, (Lincoln: Nebraska State Historical Society, 1971), p. 101.

<sup>36</sup> Thompson and Desonia.

<sup>37</sup> Nebraska State Historical Society, p. 101.

<sup>38</sup> Thompson and Desonia, p. 17.

<sup>39</sup> Nebraska State Historical Society, p. 101.

a. Phase I. Archeological investigations of the Omaha District's 15 reservoir projects will initially consist of identification and inventory of cultural resources. Phase I for each project will be terminated as the surveys are completed.

b. Phase II. Sites identified from Phase I will be tested to evaluate their significance for nomination to the National Register. Mitigation of National Register sites would be undertaken during this phase and the next if they were in danger of being altered or destroyed by natural or human causes.

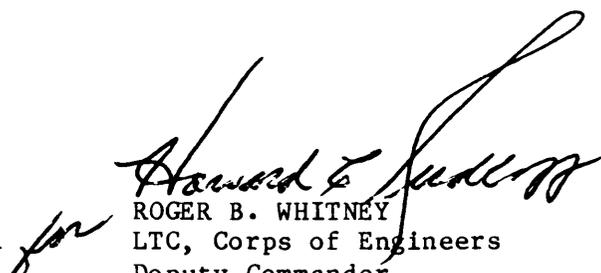
c. Phase III. Shoreline surveys will be scheduled periodically to check impacts on all sites. These shoreline surveys should be conducted by District and/or Field archeologists on an annual, or as needed, basis. Every 5 to 10 years a complete circuit of each project shoreline should be made to maintain a record of eroding or newly exposed sites so they can be managed in an appropriate manner. During this phase, project specific management plans will also be completed. Phases II and III will be on-going processes whose level of activity will decrease as the initial identification and evaluatory phases are accomplished.

d. Project specific management plans will be formulated for each reservoir as the cultural resources are identified, inventoried and evaluated. These plans will be incorporated into the Master Plan for each reservoir. They will minimally include a description of the number and types of sites found in a project area and identify those eligible for or listed on the National Register. Each site will be described as to its most recently observed state of preservation. It will also be evaluated according to significance or a priority scale for preservation, possible interpretative and potential research value. The plans will be periodically reviewed and modified as conditions warrant. Implementation of each plan is contingent upon the availability of funds and manpower capability.

e. Table 1 (Appendix B) presents the 15 project areas under the jurisdiction of the Omaha District. The table presents survey, acreage, and mileage data for each project. The current investigative phase and percent surveyed are current for the last calendar year. The land area includes all land owned in fee by the Corps; it excludes flowage easements. The total project area is the sum of land and lake surface acres. Total shoreline miles is self-explanatory.

FOR THE COMMANDER:

Appendices  
APP A - Chronology of Cultural  
Resource Investigation and  
Bibliography  
APP B - Table of Acreage Data  
for District Reservoir Projects

  
ROGER B. WHITNEY  
LTC, Corps of Engineers  
Deputy Commander

DISTRIBUTION:

A  
B  
A-MRD

APPENDIX A  
Chronologies of Major Past, Present and Projected  
Cultural Resource Investigations for  
the Omaha District

1. Cold Brook Lake:  
1976, Surveyed to identify and evaluate cultural resources (Haug).  
1982, Evaluate sites for possible nomination to the National Register  
(Weston et al 1983).  
1984-85, Complete CRMP for the project.
2. Cottonwood Springs Lake:  
1967, Reconnaissance and test excavations (Mallory).  
1976, Surveyed to identify and evaluate cultural resources (Haug).  
1982, Evaluate sites for possible nomination to the National Register  
(Weston et al 1983).  
1984-85, Complete CRMP for the project.
3. Papillion Watershed:  
1967-70, Surveyed to identify and evaluate cultural resources (Krause  
1972).  
1981, Damsites 18 and 20 were sample surveyed to identify and evaluate  
cultural resources (Peterson and Pepperl).  
1982, 1984-85, Reconnaissance survey to identify cultural  
resources.  
1986-87, Complete CRMP for the project.
4. Bear Creek Lake  
1980, Surveyed to identify and evaluate cultural resources (Bordeau and  
Geister).  
1984-85, Complete CRMP for project.
5. Cherry Creek Lake:  
1948, Reconnaissance and test excavations (Kivett).  
1979, Evaluation of Twelve Mile House (Tate).  
1982, Reconnaissance survey to identify cultural resources (Brodnicki).  
1984-85, Complete CRMP for the project.
6. Chatfield Lake:  
1968, Reconnaissance Survey to identify cultural resources (Withers,  
1972).  
1975, Reconnaissance and test excavations (Nelson, 1979).  
1985-86, Complete CRMP for the project.

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7. Bowman-Haley Reservoir:
  - 1976, Reconnaissance Survey to identify and evaluate cultural resources (Dill, 1977).
  - 1979, Reconnaissance survey to identify sites (Robson, 1982).
  - 1985, Evaluate and nominate sites to the National Register.
  - 1980's - To be turned over to U.S. Fish and Wildlife Service.
  
8. Pipestem Reservoir:
  - 1966, Reconnaissance Survey to identify sites (Mallory).
  - 1977, Excavation of human remains (Fox and Pearson).
  - 1979, Reconnaissance Survey to identify sites (Good).
  - 1983-85, Survey to identify, evaluate, and nominate sites to the National Register.
  - 1986-87, Complete CRMP for the project.
  
9. Salt Creek Watershed:
  - No previous work known.
  - 1982-85, Reconnaissance Survey to identify sites.
  - 1984, Cultural Resource Assessment of watershed (Brodnicki).
  - 1986-88, Evaluate and nominate sites to the National Register.
  - 1988-89, Complete CRMP for the project.
  
10. Gavins Point Dam/Lewis and Clark Lake:
  - 1951, Reconnaissance Survey of previously recorded sites (Fenenga, 1953).
  - 1952-53, Surveyed to identify historic sites (Mattison, 1953).
  - 1963-64, Reconnaissance and test excavations. (Howard and Gant, 1966).
  - 1982, Reconnaissance survey to identify cultural resources (Blakeslee and O'Shea, 1983).
  - 1983, 1986-88, Evaluate and nominate sites to the National Register.
  - 1988-89, Complete CRMP for the project.
  
11. Ft. Randall Dam/Lake Francis Case:
  - 1946-47, Surveyed to identify historic sites (Mattes 1948).
  - 1947-48, 50-53, Reconnaissance Survey to identify and test sites (Cumming, 1953).
  - 1973, Reconnaissance Survey of previously recorded site and identify cultural resources (Kay).
  - 1978-79, Left bank surveyed to identify and evaluate cultural resources (Olson and Zimmerman, 1979).
  - 1982, NAER documentation of Ft. Randall Chapel; bank slope protection of Crow Creek.
  - 1983, Right bank Reconnaissance Survey to identify sites.
  - 1983-85, Evaluate and nominate sites to the National Register.
  - 1983, Ft. Randall Chapel stabilized.
  - 1988-89, Complete CRMP for the project.

12. Big Bend Dam/Lake Sharpe:
  - 1955, Surveyed to identify historic sites (Mattison, 1962).
  - 1956-57, Surveyed to identify and test sites (Huscher and McNutt, 1958).
  - 1978-79, 1983, Left and right bank survey to identify, evaluate and nominate sites to the National Register 1980; (Toom et al, 1979; Toom and Steinacher; Toom and Picha, 1984).
  - 1986, Evaluate sites for possible nomination to the National Register; Mitigation of Whistling Elk and Little Pumpkin Sites.
  - 1987-88, Complete CRMP for the project.
13. Oahe Dam/Lake Oahe:
  - 1946-51, Surveyed to identify historic sites (Mattison, 1953).
  - 1948-52, Surveyed to identify and test sites (Cooper, 1953).
  - 1979, Left bank in South Dakota surveyed to identify, evaluate and nominate sites to the National Register (Falk, n.d.).
  - 1982, Reconnaissance of recreation areas in North Dakota to identify sites (Larson et al, 1983). Evaluate sites in South Dakota recreation areas for possible nomination to the National Register (Winham, 1983).
  - 1983, North Dakota reconnaissance of left bank to identify sites.
  - 1984, Bank slope protection of Walth Bay Site, North Dakota Reconnaissance of right bank to identify sites; South Dakota Reconnaissance of right bank in portions of Stanley County.
  - 1985-86, Reconnaissance of right bank in South Dakota to identify sites.
  - 1986-88, Evaluate sites for possible nomination to the National Register.
  - 1984-89, Complete CRMP for the project.
14. Garrison Dam/Lake Sakakawea:
  - 1947, 1949, 1950-51, Surveyed to identify historic sites (Mattison, 1951).
  - 1948, 1950-52, Surveyed to identify and test sites (Metcalf and White, 1953).
  - 1964, Surveyed to identify sites (St. Paul Science Museum, 1969).
  - 1974, Surveyed to identify and test sites (Haberman and Schneider, 1975).
  - 1975, Surveyed to identify and test sites (Leaf, 1976).
  - 1981, Reconnaissance survey of recreation areas to identify sites (SAI and OAI, 1982).
  - 1982, Evaluate and nominate sites to the National Register.
  - 1983, Survey of Williams and McKenzie Counties, OA, n.d.
  - 1983-86, Reconnaissance survey of remaining areas to identify, evaluate and nominate sites to the National Register.
  - 1987-91, Complete CRMP for the project.
15. Ft. Peck Lake:
  - 1962-63, Recreation areas surveyed to identify sites (Taylor, 1964).
  - 1985-88, Survey to identify, evaluate and nominate sites to the National Register.
  - 1988-89, Complete CRMP for the project.

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APPENDIX B  
TABLE I  
Survey, Mileage, Data and Acreage  
for District Reservoir Projects

<u>Project</u>	<u>Current Investigative Phase</u>	<u>Percent Surveyed</u>	<u>Land Area</u>	<u>Lake Surface</u>	<u>*Total Project Area</u>	<u>Total Shoreline Miles</u>
Cold Brook	III	100%	448	36	484	1
Cottonwood	III	100%	566	42	608	1
Bear Creek	III	40% (60% disturbed)	3,059	110	3,169	2.2
Papillion						
11		0	1,067	392	1,459	5
16		0	396	135	531	5
18	I-II	51.4%	798	255	1,022	5.5
20	I-II	60.4%	941	245	1,186	5
Pipestem	I-II	100%	3,316	892	4,208	15
Cherry Creek	III	50%	4,496	852	5,348	8
Bowman-Haley	I-II	50%	4,950	1,770	6,720	17
Chatfield	III	100%	5,248	1,479	6,727	12
Salt Creek						
2		0	439	174	613	5
4		0	491	315	806	10
8		0	730	303	1,033	5
9		0	411	196	607	5
10 (Yankee Hill)	I	100%	734	208	942	5
12 (Conestoga Lake)	I	100%	481	230	711	5
13 (Twin Lakes)	I	100%	967	255	1,222	7
14 (Pawnee Lake)	I	100%	1,210	728	1,938	9
17 (Holmes Lake)	I	100%	455	100	555	4
18		0	3,980	1,780	5,760	16
Gavins Pt.	II-III	91%	14,837	29,019	43,856	90
Big Bend	II-III	100%	21,638	57,000	78,638	200

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TABLE I (Cont'd)  
 Survey, Mileage, Data and Acreage  
 for District Reservoir Projects

<u>Project</u>	<u>Current Investigative Phase</u>	<u>Percent Surveyed</u>	<u>Land Area</u>	<u>Lake Surface</u>	<u>*Total Project Area</u>	<u>Total Shoreline Miles</u>
Ft. Randall	II	99%	52,873	80,000	132,873	540
Oahe	I-II	37.3%	161,084	313,000	474,084	2,250
Garrison	I-II	27%	173,988	315,000	488,988	1,340
Ft. Peck	I	<u>5%</u>	<u>387,207</u>	<u>212,310</u>	<u>599,517</u>	<u>1,520</u>
		27.9% (234,081)	848,495	1,014,601	1,863,096	6,087.7

\*This does not include flowage easements