

DWSRF Guidance Document Number 17
Archeological and Historic Properties Review

This document provides guidance for the implementation of the Memorandum of Understanding between the Department of Environmental Conservation (Department) and the Vermont State Historic Preservation Officer (VTSHPO). This guidance is keyed to sections of the stipulations contained in that document.

- A. (Cross reference with Section II of the MOU) Currently, the Department has contracted with the Vermont Rural Water Association (Association) to provide archeological review services to small water systems participating in the Drinking Water State Revolving Loan Fund. In turn, the Association has contracted with qualified archeologists to conduct the work specified in Sections (a) through (d) of the stipulation. As time and funding permits the Association may offer the same services to larger systems (Note: Because of the source of funding for this work, systems with >10,000 in population cannot be provided with this service).
- B. (Cross reference with Section II (b) of the MOU) The "project review procedure" mentioned in this section of the MOU is repeated below.

The intent of the hierarchy of work is for the archeologist to pursue the investigation of a project site in a stepped fashion with the goal of establishing the probability of a significant site and of significant damage to that site with the lowest level of effort and expense feasible. An absolute determination of no resources present is not necessary or desired. As soon as it is apparent that a "No Effect" determination is not possible or likely the archeologist must contact the Department, which may consult with the State Archeologist. The water system will be apprised of the situation and options discussed before any further archeological work is conducted.

- C. (Cross reference with Section II (b) 1 of the MOU) The information discussed in this section may be collected by the loan recipient and/or its representative, provided the extent and detail of the information search and collection satisfies the guidelines of VTSHPO. The project archeologist will determine if the information collected is complete and accurate. At a minimum, the recipient, representative, or archeologist will research the files and maps archived by the VTSHPO. For recipients accepting the assistance of the Association, the Association will collect all available data for the contract archeologist.
- D. (Cross reference with Section II (b) 3 of the MOU) If after the field investigation unanswered questions remain, the archeologist may conduct further document and interview research to provide the necessary answers. No field excavations are allowed in this step.
- E. (Cross reference with Section II (b) 4 of the MOU) No "archeological studies" will be eligible under the Fund before the "letter report" is submitted, a determination of the need for further work made, the system consulted and a work plan agreed upon by the system and Department. Redesign of the proposed project will be an option to avoid archeologically sensitive areas.
- F. (Cross reference with Section II (c) of the MOU) The "reporting on archeological studies"

mentioned in this section refers to the report required in Section II (e) when an "archeological study" is required and approved.

- G. (Cross reference with Section II (e) of the MOU) For small water systems realignment or redesign of the project will be preferable to conducting an "archeological study". For large systems the economics of redesign compared to a "study" and the probability of a "treatment" will be weighted by the water system. It is not anticipated that the Association will conduct a "study" for a system.
- H. (Cross reference with Section III (a) of the MOU) The purpose of this section is to identify any structures which will be directly or indirectly affected by the proposed project, to assess those potential effects, and to look for ways to avoid or mitigate those effects.

The identification of 50 year old structures in the project or in the area of the project can be done by the water system or its representative. Actual or potential effects on such structures should be discussed with the Department and VTSHPO. If effects are determined to exist avoidance by relocation or redesign, or mitigation treatment may be agreed upon. For large scale or complicated effects the system owner will have to hire an architectural historian to assess and document structures and effects. The association may hire historians to assist a system but is not required to do so.

- I. (Cross reference with Section IV (c) of the MOU) The purpose of this section is to recognize that projects may have a range of effects on archeological and historic sites, and that specific incremental categories should not prevent intelligent consideration of how best to avoid effects entirely, or minimize unavoidable effects.
- J. (Cross reference with Section V (b) of the MOU) The purpose of returning the project to Stipulation II if unanticipated archeological remains are found, is to cause reconsideration of the project based on the new information. It is not possible to determine, without full reconsideration, how the site should be treated. Avoidance and significance are both immediate considerations. A full archeological study is an option, but may not be the only alternative.
- K. (Cross reference with Section VII (b) of the MOU) The purpose of this section is ensure that the potential effects of water source development on archeological and historic sites are considered, but that when they are not significant because of extent or degree of disturbance unnecessary effort is not expended. Normally a drilled well would not trigger any investigation, but the development or renovation of springs, and dug wells might. Spring and well fields will be considered in their aggregate.

Honorable Jim Douglas, Governor George Crombie, ANR Secretary Laura Pelosi, DEC Commissioner

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