

Project Classes. There are three classes of projects which include Minor and Major Archaeological Historic Clearance Authorization for work requiring a City permit within Salem’s Cultural Resources Protection Zone.

- A. Class 1 Minor Archaeological Historic Clearance Review. Class 1 Minor Historic Clearance Review is for ground disturbing activity requiring a permit within the Historic and Cultural Resources Protection zone where documentary study alone demonstrates that there is no known significant archaeological site, feature or object within the proposed ground disturbance area and that the proposed ground disturbing activity will not impact native, undisturbed soil from the historic or pre-historic period.
- B. Class 2 Minor Archaeological Historic Clearance Review. Class 2 Minor Historic Clearance Review is for ground disturbing activity requiring a City permit within the Historic and Cultural Resources Protection zone where documentary study concludes that potentially significant archaeological resources may be present on the project site and that the project may have an impact on these resources, and therefore field testing shall be required. The purpose of the testing shall be to determine whether the site actually contains significant archeological resources.
- C. Class 3 Major Archaeological Historic Clearance Review. Class 3 Major Historic Clearance Review is for ground disturbing activity requiring a City permit within Historic and Cultural Resources Protection zone where documentary study and field testing have confirmed that significant archaeological resources are present within the project site.

Submittal Process.

Submittal Requirements.

The following information may be required prior to obtaining authorization to proceed with projects within the Historic and Cultural Resources Protection Zone:

- A. Archaeological Documentary Study. The initial documentary study shall be prepared by a qualified archaeologist or other appropriate professional and shall provide an overview of all historic and archaeological records associated with the land proposed for development, including relevant property documentation, maps and other pertinent literature related to the history and development of the site.

On the basis of this initial review, a preliminary recommendation shall be made regarding the assessment of whether archaeological resources are likely to be present within the proposed project area. The findings and analysis provide a basis for deciding whether archaeological field work is

needed. To conclude the review process and obtain historic clearance review approval the documentary study alone shall demonstrate that there is no known archaeological site, feature or object within the proposed ground disturbance area and that the proposed ground disturbing activity will not impact native, undisturbed soil from the historic or pre-historic period.

The following submittal requirements may be required, dependent on the scope of the project. Please consult the HPO prior to submittal.

- B. Documentation of site surface. This shall include a visual inspection of the surface of the site, including photographs; topographic maps, historic and aerial maps and site plans.
- C. Archaeological Field-Testing Proposal. The proposal shall include the methodology for field testing and for documentation of the subsurface soils throughout the site including the nature and distribution of the soil. Subsurface investigation shall be completed by a qualified archaeologist and shall comply with the most recent field guidelines published by the Oregon SHPO (i.e. *Guidelines for Conducting Field Archaeology in Oregon*). Subsurface investigation shall include an adequate number of subsurface probes in order for an archaeologist to provide adequate analysis of the soil stratigraphy including the location and depth of fill and the location and depth of natural soil. No artifacts shall be collected as part of this preliminary assessment should any be uncovered. In order to conclude the review process and obtain historic clearance review approval the documentary study and field testing shall demonstrate that there is no known archaeological site, feature or object within the proposed ground disturbance area and that the proposed ground disturbing activity will not impact native, undisturbed soil from the historic or pre-historic period. (Class 2-Class 3)
- D. Preliminary Assessment Report. A report completed by an archaeologist including a specific determination regarding the probability of the existence of an archaeological site within the disturbance area (Class 1-Class 3). Recommendations shall include (but not be limited to) whether any of the following actions are recommended: additional archaeological survey/testing; archaeological Monitoring during ground disturbing activity.
- E. Inadvertent Discovery Plan (Class 1-Class 3). An inadvertent discovery plan shall be developed on forms provided by the Historic Preservation Officer.
- F. Treatment Plan. A treatment plan (Plan) shall be proposed if the documentary study and field testing have determined that the ground disturbing activity will place significant archaeological resources at risk.

The priority of the Plan shall be the preservation of the significant archaeological resources in situ if feasible. Therefore, the Plan must include the following:

1. *Alternatives to Avoid Impact.* The Treatment Plan shall include alternatives considered and recommendations for project redesign to avoid impacting the artifacts or features through the ground disturbing activity associated with the redevelopment of the site.
 2. *Infilling.* Alternatives shall be considered to retain the significant archaeological resources in situ by covering them with additional earth or other fill material so that they will not be disturbed by the proposed ground disturbing activity.
- G. Mitigation and Data Recovery Plan (Class 3). A mitigation and data recovery plan shall be developed when documentary study and field testing have confirmed that archaeological resources are present within the project site, adverse effects cannot be avoided, and data recovery and mitigation is required. This plan shall also include a public education component and additional funds donated to the City's Historic Preservation Trust Fund as required.

Review Process.

- A. Request for Comment and Notice.
1. **SHPO Notification.** The City of Salem HPO shall request comments from the SHPO regarding all Class 2 and 3 Clearance Reviews. The Oregon State Historic Preservation Office (SHPO) shall be notified of the Historic Preservation Officer's Finding of Effect. The SHPO shall have thirty (30) days to review and comment on the proposal, Finding of Effect and mitigation plan.
 2. **Tribal Notification.** The City of Salem HPO shall request comments from each THPO regarding all Class 2 and 3 Clearance Reviews. The appropriate Tribes as identified by the Legislative Commission on Indian Services (LCIS) shall be notified regarding the Historic Preservation Officer's Finding of Effect. Each THPO shall have thirty (30) days to review and comment on the proposal and Finding of Effect and mitigation plan.
 3. **Internal City Staff Notification.** The HPO shall request comments from the appropriate City Departments and Divisions, including the Planning Division, Building and Safety Division, Facilities Division; Public Works Department and the Parks Division. Staff shall have 14 days to review and comment on the proposal.

7. Criteria for Authorization - Archaeological Historic Clearance Review.

The Historic Preservation Officer is authorized to issue a Certificate of Clearance (archaeological historic clearance review approval) once the applicable approval criteria have been met for Class 1, Class 2 and Class 3 Clearance Review proposals. The Historic Preservation Officer is authorized to issue a Certificate of Mitigation once the applicable criteria have been met for Mitigation.

The HPO shall issue authorization to proceed provided the following criteria have been met:

- A. Class 1 and Class 2 Archaeological Historic Clearance Review Approval Criteria. Approval shall be granted for Class 1 and Class 2 Clearance Review provided the documentary study and necessary field testing demonstrate that the following criteria have been met:
1. The proposed ground disturbing activity will not impact native, undisturbed soil from the historic or pre-historic archaeological period;
 2. No known significant archaeological site, feature or object exists within the proposed ground disturbance area;
 3. An Inadvertent Discovery Plan (IDP) has been developed for the proposed ground disturbance project;
 4. The SHPO and the appropriate Tribes have been notified of the Historic Preservation Officer's Finding of Effect and concur there will be No Effect to archaeological resources, have no response or have no objection.
- B. Class 3 Historic Clearance Approval Criteria. If the documentary study and field testing have determined that the ground disturbing activity will place significant archaeological resources at risk, a treatment plan is required. Class 3 Historic Clearance Review approval shall be granted if the following criteria have been met:
1. The proposed ground disturbing activity will not impact the known archaeological feature or objects because the project has been redesigned to avoid the significant archaeological resource; or
 2. The Treatment Plan demonstrates that the proposed ground disturbing activity will not impact the known significant archaeological resource because the archaeological resource has been capped by fill or some other method of infill, allowing the archaeological resource to remain intact, undisturbed in situ; and
 3. An Inadvertent Discovery Plan (IDP) has been developed for the proposed ground disturbance project; and
 4. The SHPO and the appropriate Tribes have been notified of the Historic Preservation Officer's Finding of Effect, the proposal has been presented, reviewed and discussed at the City of Salem's monthly Historic and Cultural Resource Compliance Coordination Meeting and

- the Tribes and SHPO concur there will be No Effect to archaeological resources; or they have no response or have no objection; or
5. An approved mitigation plan

Adverse Effect and Mitigation.

Projects that are determined to result an adverse effect to an archaeological resource will be required to mitigate that effect, pursuant to a mitigation plan that is approved by the HPO, subject to the approval criteria below.

Any proposed ground disturbing activity that will have an adverse effect to the archaeological historic resource shall be classified as to the level of effect, as set forth in the table below. The level of effect is based on the scale of work and its impact to the resource.

Impacts to resources eligible for the National Register of Historic Places, shall have a higher effect than an archaeological resource of local or statewide significance. Even if a resource has been determined ineligible for the National Register, should a majority of this resource be impacted it shall be documented prior to removal.

If the site boundary cannot be defined or the significance confirmed, and the resources are diagnostic and 75 years old or older, these resources shall be treated as eligible and locally significant and the appropriate level of effect shall be applied.

Public Archaeological Resource Mitigation - Level of Effect				
Activity Proposed	Resource Type- NR Eligible- Significant	Level of Effect	Resource Type- Local/State Significance	Level of Effect
Demolition--Entire resource affected	Adverse Effect	Level Three	Adverse Effect	Level Two
Utility Trenching; Less than 1/2 resource impacted	Adverse Effect	Level One	No Adverse Effect	None
Utility Trenching; More than 1/2 resource impacted	Adverse Effect	Level Two	Adverse Effect	Level One
Seismic Retrofit/ Foundations; Less than 1/2 resource impacted	Adverse Effect	Level One	No Adverse Effect	None

Public Archaeological Resource Mitigation - Level of Effect				
Activity Proposed	Resource Type- NR Eligible- Significant	Level of Effect	Resource Type- Local/State Significance	Level of Effect
Seismic Retrofit/ Foundations More than 1/2 resource impacted	Adverse Effect	Level Two	Adverse Effect	Level One
Grading/Site scraping Less than 1/2 resource impacted	Adverse Effect	Level One	No Adverse Effect	None
Grading/Site scraping More than 1/2 resource impacted	Adverse Effect	Level Two	Adverse Effect	Level One
Other ground disturbing activity Less than 1/2 resource impacted	Adverse Effect	Level One	No Adverse Effect	None
Other ground disturbing activity More than 1/2 resource impacted	Adverse Effect	Level Two	No Adverse Effect	None

- A. Mitigation required. Mitigation shall be commensurate with the level, as set forth in this subsection.

Level One: minor adverse effect. Work involves some loss of site artifacts or minor alterations to archaeological resources. Mitigation shall include georeferenced mapping and photo documentation of original feature or features prior to removal and an intensive level documentation of the archaeological resource. The archaeological resource shall be documented utilizing the standards for photographing and documenting historic resources established by the SHPO.

Level Two: moderate adverse effect. Work involves major alterations to the resource, and more than half of the site will be impacted. Mitigation shall include data recovery from a minimum of five 1 meter by 1 meter units and three shovel tests per impacted acre of the site to standards meeting applicable Guidelines for Conducting Field Archaeology in Oregon; georeferenced mapping and photo documentation of original

feature or features prior to removal; intensive level documentation of the historic resource; and the development of both on-site and stand-alone educational materials which will meaningfully educate the public about the historic resource. Examples include, but are not limited to, public archaeology open house during on-site excavation, informational websites/ pamphlets, and a public display of recovered artifacts. On-site materials include, but are not limited to, informational kiosks, utility wraps or panels containing historical photos and information and maps relating to the archaeological resource and site that are installed on the site of the historic resource.

Level Three: major adverse effect. Work results in demolition of the archaeological site and associated artifacts. Mitigation shall include ten 1 meter by 1 meter units and six shovel tests per impacted acre of the site; georeferenced mapping and photo documentation of original feature or features prior to removal and commencement of demolition; intensive level documentation of the archaeological resource; the development of both on-site and stand-alone educational materials which will meaningfully educate the public about the archaeological resource as defined above; and a donation of 0.1 percent of the project cost to the City's Historic Preservation Trust Fund.

B. Mitigation Plan Approval Criterion.

If the documentary study and field testing have determined that the ground disturbing activity will place significant archaeological resources at risk, a Certificate of Mitigation shall be granted in lieu of the Historic Clearance Review Approval provided the following criteria have been met prior to issuance of a permit authorizing the ground disturbing activity:

1. The Data Recovery Plan includes a methodology for artifact recovery, treatment, curation and documentation of artifacts and features meeting applicable standards within the Oregon State Historic Preservation Office's *Guidelines for Conducting Field Archaeology in Oregon*; and
2. The Mitigation Plan includes a public educational component which provides both on site and standalone education about the archaeological resources that will be impacted by the development; and
3. Mitigation funds in the amount of .1% of the value of the development project are committed and will be placed in the City's Historic Preservation Trust Fund prior to the issuance of the permit authorizing the redevelopment; and
4. The appropriate City staff have been notified and been provided an opportunity to comment on the proposal; and

The SHPO and the appropriate Tribes have been notified of the Historic Preservation Officer's Finding of Effect and have been provided the Data Recovery and Mitigation Plan, the proposal has been presented, reviewed and discussed at the City of Salem's monthly Historic and Cultural Resource Compliance Coordination Meeting and the Tribes and SHPO have been given the opportunity to comment on the proposed Mitigation Plan and have no response or no objection