

# TOPICS



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## Archaeological Requirements in Cass County

Is Cass County, Minnesota, at the forefront of a new movement to address archaeological concerns? Can developers prevent project delays by being proactive? What are the implications for projects outside of Cass County? These questions, and others, have been prompted by novel archaeological requirements recently enacted by the County.

Across the state, Environmental Assessment Worksheets and the Shoreland Management Program require the identification of known cultural resources (including archaeological sites and historic buildings) within a project area. The increased potential for cultural resources in shoreland areas, along with the archaeological requirements of county shoreland ordinances, already mean that developers can reduce liability by conducting cultural resource investigations. Cass County, however, has taken this one step further. Effective November 2006, the County adopted numerous revisions to their Subdivision and Platting Ordinance. Among the changes is a requirement to determine the existence of archaeological remains in project areas. If artifacts are present, they must be identified and assessed prior to plat approval.



Why the change? According to the Cass County Planning Department, it resulted from lawsuits involving a number of unaddressed environmental concerns from the State Historic Preservation Office and the former State Archaeologist. At high cost, the County was ordered by a federal judge to complete environmental and archaeological studies for a proposed development. The County's recently adopted ordinance revisions place the responsibility for archaeological investigations on the developer. While other counties have had similar issues in the past, few have addressed them by passing ordinances.

One of the biggest changes in Cass County is a requirement for a Reconnaissance, or "Phase I," Survey. The survey, which results in an Archaeological Report, is used to determine if cultural sites exist in a project area. The work includes background research and field testing, which can be labor intensive and time consuming. To ensure the survey fits into a project's schedule, it is important to identify possible "red flags" early in the development process.

It appears that Cass County is leading renewed efforts to preserve Minnesota's history while protecting new projects from unexpected delays. Whether other counties respond with similar regulations is yet to be seen. In the meantime, proactive cultural resource management is still the best option for preventing delays due to archaeological issues on a project.



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