

Chapter 1

INTRODUCTION

A. PROJECT BACKGROUND AND SCOPE-OF-WORK

The following report describes the results of a Phase II archaeological survey carried out at Archaeological Sites 7S-C-100 and 7S-C-102 in connection with the Delaware Department of Transportation's proposed improvement of the intersection of State Route 1 (SR 1) and State Route 30 (SR 30)/Cedar Creek Road in Cedar Creek Hundred, Sussex County, Delaware (Figures 1.1 and 1.2). This work entailed the evaluation of archaeological resources previously identified through two Phase I-level archaeological surveys, and was performed by Hunter Research, Inc. as Task 14 under Agreement 1415 for Cultural Resource Services. Edward Otter, Inc. operated as a subconsultant to Hunter Research in the performance of this work, providing expertise in historical research, site mapping and graphics production.

The project undertaking involves the construction of a new connector road (Ramps A and B), roughly 2,000 feet in length, running east from SR 30/Cedar Creek Road from a point roughly 1,300 feet south of Wilkins Road, joining SR 1 about 1,800 feet south of Cedar Neck Road (Figure 1.3). The new road alignment traverses agricultural land in a flat upland setting near the headwaters of an unnamed tributary of Cedar Creek.

Two earlier Phase I archaeological surveys were carried out for the proposed undertaking. In July 2009 Hunter Research, under contract to the Delaware Department of Transportation (DelDOT), studied the then-proposed alignments of Ramps A and B, finding evidence of prehistoric activity and 18th- and 19th-century domestic occupation. Phase II investigations,

involving additional historical research and fieldwork, were recommended, with a particular emphasis on the western end of the project corridor closest to SR 30 (Hunter Research, Inc. 2010). In November 2009 Edward Otter, Inc., under contract to Cedar Creek DE, LLC, conducted a second Phase I archaeological survey along an alternate alignment for Ramps A and B that ran parallel to and just south of the alignment studied by Hunter Research, Inc. A similar range of archaeological data was recovered, including both prehistoric and 18th- and 19th-century artifacts, and again Phase II-level investigations were recommended (Edward Otter, Inc. 2009). The Phase II archaeological survey that forms the subject of this report sought to evaluate archaeological resources identified in both the Hunter Research and Edward Otter Phase I studies along the current proposed alignment for Ramps A and B (Figure 1.3).

The scope-of-work for these investigations involved supplementary background research, field investigations, analysis of recovered data, National Register of Historic Places eligibility assessment and preparation of this report. Details of these tasks are spelled out in a proposal submitted by Hunter Research on August 18, 2010 (Appendix A). The principal purpose of this Phase II archaeological survey was threefold: 1). to evaluate the National Register of Historic Places eligibility of archaeological resources identified within the project undertaking's Area of Potential Effect (APE); 2). to assess likely project effects on significant archaeological resources considered eligible for inclusion in the National Register of Historic Places; and 3). to make recommendations as to the need for further archaeological studies, avoidance of archaeological resources, or mitigation of the effects of project actions on significant archaeological resources.

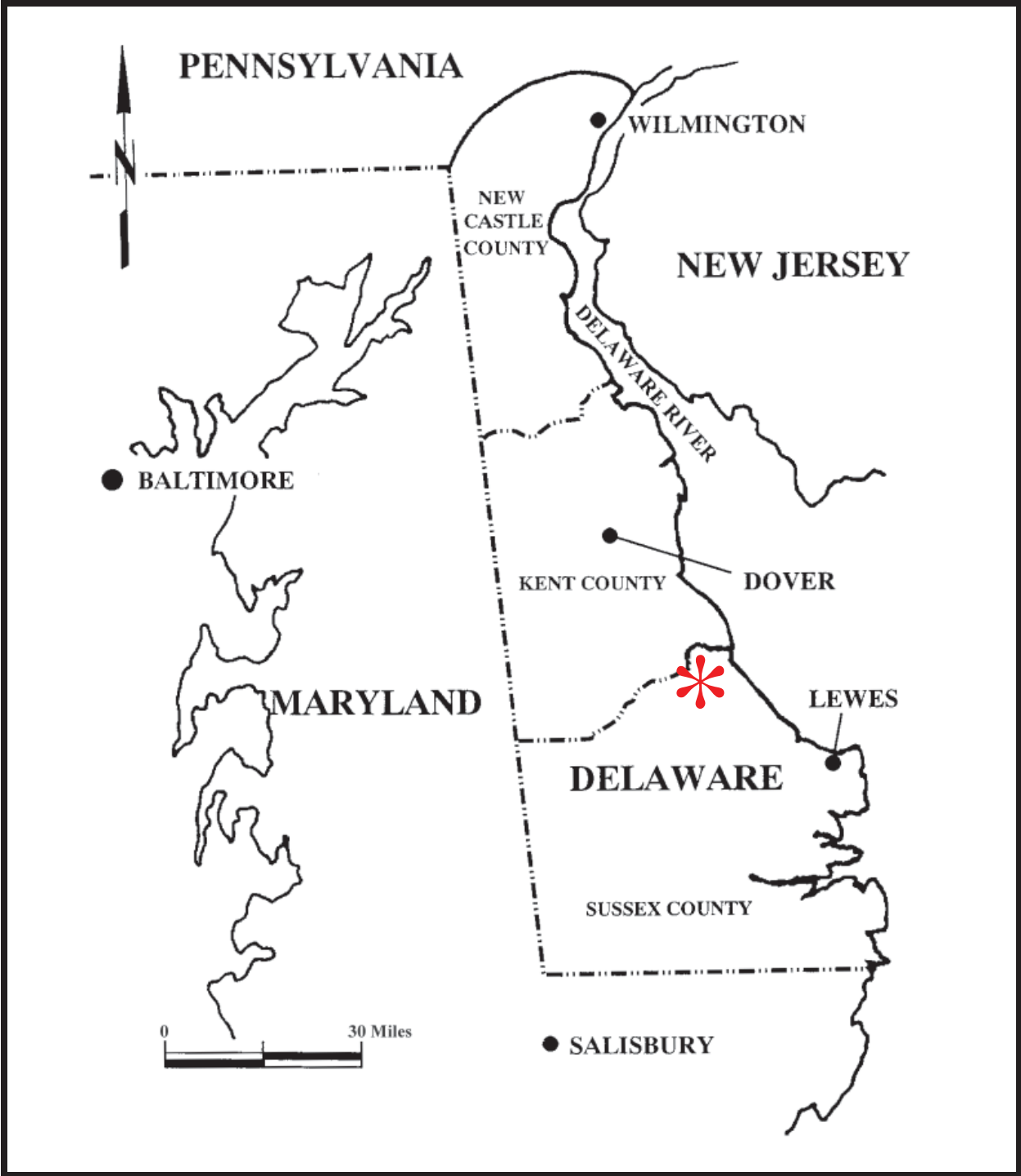


Figure 1.1. General Location of Project Site (starred).

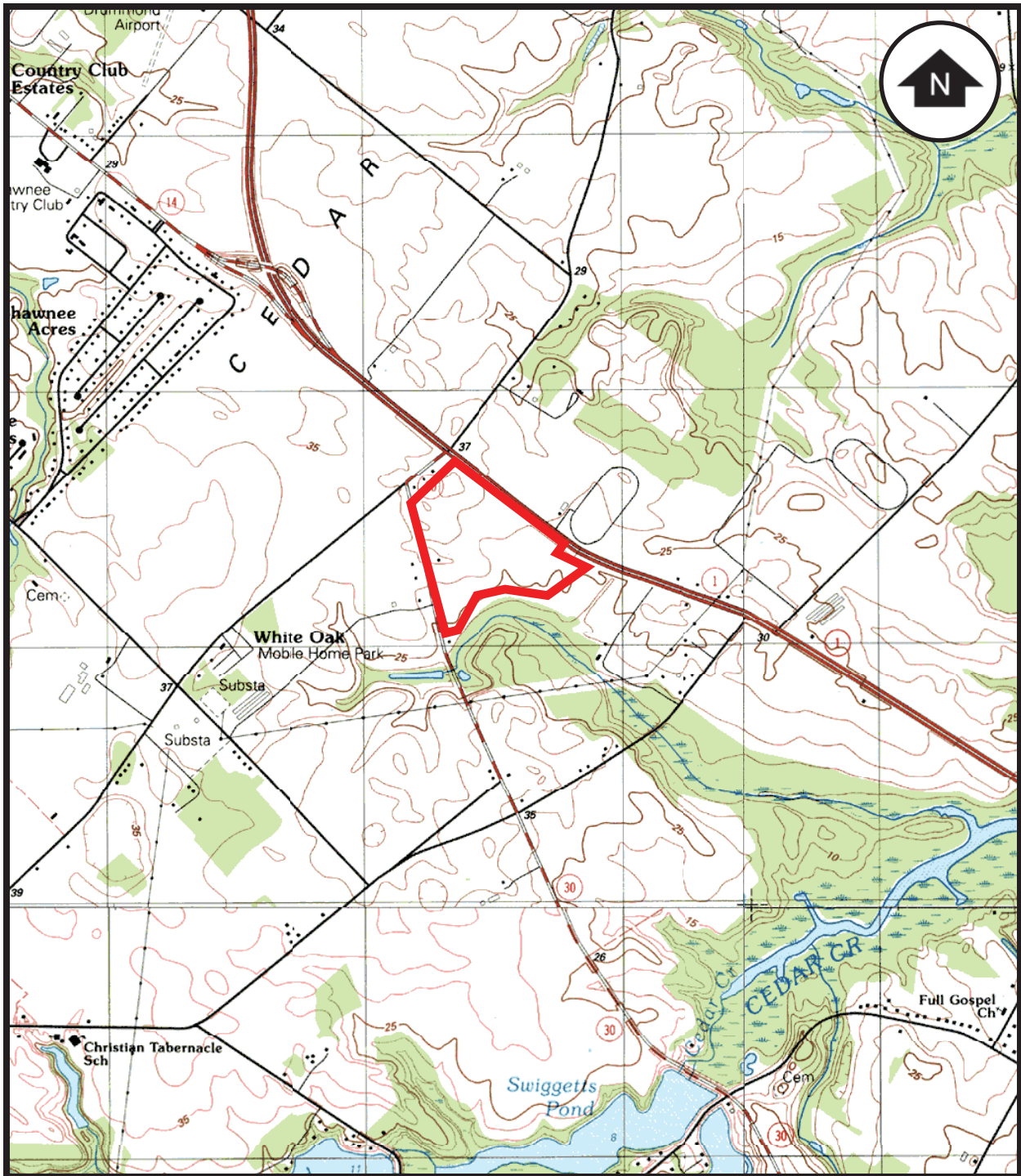


Figure 1.2. Detailed Location of Project Site. Source: USGS 7.5' Topographic Series, Milford, Delaware Quadrangle (1993). Project site outlined. Scale 1 inch = 2,000 feet.

These investigations were conducted in accordance with the instructions and intents of various applicable Federal and State legislation and guidelines governing the evaluation of project impacts on archaeological resources, notably: Section 106 of the National Historic Preservation Act of 1966, as amended; Section 101(b)(4) of the National Environmental Policy Act of 1969; Section 1(3) and 2(b) of Executive Order 11593; the regulations and guidelines for determining cultural resource significance and eligibility for the National Register of Historic Places (36 CFR 60 and 63); the Secretary of the Interior's Standards and Guidelines for Archaeology and Historic Preservation (36 CFR 61); the regulations and guidelines specifying the methods, standards and reporting requirements for the recovery of scientific, prehistoric, historic and archaeological data (36 CFR 66); the regulations and guidelines for the protection of historic properties as published in the Federal Register on May 18, 1999 by the Advisory Council on Historic Preservation (36 CFR 800); and the regulations and guidelines developed for the implementation of Section 4(f) of the Department of Transportation Act of 1966 (23 CFR 771). The National Register of Historic Places eligibility of archaeological resources was considered with reference to the *Guidelines for Evaluating and Registering Archeological Properties* (Little *et al.* 2000), the Delaware Comprehensive Historic Preservation Plan (Ames *et al.* 1989) and relevant management plans and historic contexts developed for cultural resources in the State of Delaware (e.g., Custer 1986, 1987, 1989a; De Cunzo and Catts 1990; De Cunzo and Garcia 1993). The approach to this survey also took into account the *Guidelines for Architectural and Archaeological Surveys in Delaware* (Delaware State Historic Preservation Office 1993).

Senior Hunter Research personnel who were responsible for undertaking these investigations meet the federal standards for qualified professional archaeologists as specified in 36 CFR 66.3(b)(2) and 36 CFR 61. Individual resumes of senior staff are provided

in Appendix B. All documentation and archaeological materials from this study will be stored at the Hunter Research offices in Trenton, New Jersey until the acceptance of the final report by the appropriate agencies. At this point, these materials and data will be dispatched to the Delaware State Museum or other approved repositories for permanent curation.

B. DEFINITION OF AREA OF POTENTIAL EFFECT AND IDENTIFICATION OF POTENTIALLY INTERESTED PARTIES

The project's area of potential effect (APE) for Phase II level study of archaeological resources was determined through consultation between the Delaware Department of Transportation and the Delaware State Historic Preservation Office. The approximate limits of Archaeological Sites 7S-C-100 and 7S-C-102 are shown on Figure 1.3 in relation to the currently proposed alignment for Ramps A and B. Archaeological fieldwork was mostly concentrated within the limits of the proposed right-of-way for Ramps A and B, but in the case of Archaeological Site 7S-C-100 extended beyond these limits to allow for full characterization of the archaeological resource.

As per the recently revised Section 106 regulations (36 CFR 800.3[e-g] and 800.4[a]), Hunter Research, Inc. developed a list of parties potentially interested in the cultural resource review process as it may pertain to the proposed undertaking.

C. CRITERIA OF EVALUATION

The information generated by these investigations was considered in terms of the criteria of evaluation, the guidelines established for making determinations concerning National Register eligibility as outlined by the U.S. Department of the Interior, National Register Program in 36 CFR 60.4:

The quality of significance in American history, architecture, archaeology and culture is present in districts, sites, buildings, structures and objects that possess integrity of location, design, setting, materials, workmanship, feeling and association, and:

A. that are associated with events that have made a significant contribution to the broad patterns of our history; or

B. that are associated with the lives of persons significant in our past; or

C. that embody the distinctive characteristics of a type, period or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or

D. that have yielded, or may be likely to yield information important in prehistory or history.

Properties which qualify for the National Register, must have significance in one or more "Areas of Significance" that are listed in *National Register Bulletin 16A*.

Ordinarily, cemeteries, birthplaces or graves of historical figures, properties owned by religious institutions or used for religious purposes, structures that have been moved from their original locations, reconstructed historic buildings, properties primarily commemorative in nature, and properties that have achieved significance within the past 50 years shall not be considered eligible for the National Register. However, such properties will qualify if they are integral parts of districts that do meet the criteria or if they fall within the following categories:

A. a religious property deriving primary significance from architectural or artistic distinction or historical importance; or

B. a building or structure removed from its original location but which is significant primarily for architectural value, or which is the surviving structure most importantly associated with a historic person or event; or

C. a birthplace or grave of a historical figure of outstanding importance if there is no other appropriate site or building directly associated with his productive life; or

D. a cemetery which derives its primary significance from graves of persons of transcendent importance, from age, from distinctive design features, or from association with historic events; or

E. a reconstructed building when accurately executed in a suitable environment and presented in a dignified manner as part of a restoration master plan, and when no other building or structure with the same association has survived; or

F. a property primarily commemorative in intent if design, age, tradition, or symbolic value has invested it with its own historic significance; or

G. a property achieving significance within the past 50 years if it is of exceptional importance.

D. DEFINITION OF TERMS

The following definitions are from the Department of the Interior, National Register of Historic Places 36 CFR 63 (Federal Register, Vol. 42, No. 183, Wed. Sept. 21, 1977, pp. 47666-67):

1. “site” is the location of a significant event, or prehistoric or historic occupation or activity or a building or structure whether standing, ruined, or vanished where the location itself maintains historical or archaeological value regardless of the value of any existing structures.

2. “building” is a structure created to shelter any form of human activity such as a house, barn, church, hotel or similar structure. “Buildings” may refer to a historically related complex, such as a courthouse and jail or a house and barn.

3. A “structure” is a work made up of interdependent and interrelated parts in a definite pattern or organization. Constructed by man, it is often an engineering project large in scale.

4. An “object” is a material thing of functional, aesthetic, cultural, historical, or scientific value that may be, by nature or design, movable yet related to a specific setting or environment.

E. ASSESSMENT OF ADVERSE EFFECT

Assessments concerning determinations of adverse effect and no adverse effect of specific undertakings are based upon the following process outlined in 36 CFR 800.5:

A. Apply criteria of adverse effect. In consultation with the SHPO/THPO and any Indian tribe or Native Hawaiian organization that attaches religious and cultural significance to identified historic properties, the agency official shall apply the criteria of adverse effect to historic properties within the area of potential effects. The agency official shall consider any views concerning such effects which have been provided by consulting parties and the public.

1. Criteria of adverse effect. An adverse effect is found when an undertaking may alter, directly or indirectly, any of the characteristics of a historic property that qualify the property for inclusion in the National Register in a manner that would diminish the integrity of the property’s location, design, setting, materials, workmanship, feeling, or association. Consideration shall be given to all qualifying characteristics of a historic property, including those that may have been identified subsequent to the original evaluation of the property’s eligibility for the National Register. Adverse effects may include reasonably foreseeable effects caused by the undertaking that may occur later in time, be farther removed in distance or be cumulative.

2. Examples of adverse effects. Adverse effects on historic properties include, but are not limited to:

(i) Physical destruction of or damage to all or part of the property;

(ii) Alteration of a property, including restoration, rehabilitation, repair, maintenance, stabilization, hazardous material remediation, and provision of handicapped access, that is not consistent with the Secretary’s standards for the treatment of historic properties (36 CFR part 68) and applicable guidelines;

(iii) Removal of the property from its historic location;

(iv) Change of the character of the property’s use or of physical features within the property’s setting that contribute to its historic significance;

(v) Introduction of visual, atmospheric or audible elements that diminish the integrity of the property's significant historic features;

(vi) Neglect of a property which causes its deterioration, except where such neglect and deterioration are recognized qualities of a property of religious and cultural significance to an Indian tribe or Native Hawaiian organization; and

(vii) Transfer, lease, or sale of property out of Federal ownership or control without adequate and legally enforceable restrictions or conditions to ensure long-term preservation of the property's historic significance.

3. Phased application of criteria. Where alternatives under consideration consist of corridors or large land areas, or where access to properties is restricted, the agency official may use a phased process in applying the criteria of adverse effect consistent with phased identification and evaluation efforts conducted pursuant to Sec. 800.4(b) (2).

B. Finding of no adverse effect. The agency official, in consultation with the SHPO/THPO, may propose a finding of no adverse effect when the undertaking's effects do not meet the criteria of paragraph (a)(1) of this section or the undertaking is modified or conditions are imposed, such as the subsequent review of plans for rehabilitation by the SHPO/THPO to ensure consistency with the Secretary's standards for the treatment of historic properties (36 CFR part 68) and applicable guidelines, to avoid adverse effects.

F. PREVIOUS RESEARCH AND PRINCIPAL INFORMATION SOURCES

A Phase I archaeological survey was performed by Hunter Research in the spring and summer of 2009 for DeIDOT for the overall intersection improvement project involving SR 1, SR 30 and Cedar Neck Road (Hunter Research, Inc. 2010). Three areas were examined: Area 1 (the intersection of SR 30/Cedar Creek Road and SR 206/Wilkins Road); Area 2 (proposed Ramps A and B connecting SR 1 and SR 30/Cedar Creek Road); and Area 3 (proposed overpass and Ramps C and D connecting SR 1 and SR 206/Cedar Neck Road). Areas 1 and 3 yielded no significant archaeological data and no further investigation was considered necessary for these portions of the project. Study of the proposed alignment of Ramps A and B, however, found traces of Native American occupation and evidence of an 18th- and 19th-century domestic site, possibly associated with the locally prominent Shockley family. These resources were assigned the Delaware State Museum designation 7S-C-100 and the Delaware State Historic Preservation Office CRS # S10315. Phase II-level study of these potentially significant archaeological remains was recommended and forms the basis of the current report. Further detail on the results of the Hunter Research Phase I archaeological survey activity is provided in Chapter 5A.1 below.

A supplementary Phase I archaeological survey was performed by Edward Otter, Inc. in the fall of 2009 for an alternate alignment for Ramps A and B (Edward Otter, Inc. 2009). This study was carried out for a private developer, Cedar Creek De, LLC, on behalf of DeIDOT, in connection with the planned commercial development of land bordering the Ramps A and B connector road. The area investigated consisted of a slightly different proposed road alignment running parallel to and just south of the Ramps A and B alignment studied by Hunter Research. Additional Native American and 18th- and 19th-century artifacts

were recovered, supplementing the materials recovered a few months earlier by Hunter Research. Phase II-level study was recommended for one locus of Native American finds (referred to as Area 1 and separately designated as 7S-C-102 and CRS # S12257) and again for the larger area at the western end of the project alignment where both historic and Native American materials were recovered. This latter area roughly corresponded to the area recommended by Hunter Research for Phase II level (7S-C-100 and CRS # 510315) and is also the subject of the current report. Further detail on the results of the Edward Otter Phase I archaeological survey activity is provided in Chapter 5A.1 below.

More generally, the prehistoric archaeology of the Atlantic Coastal Zone of Delaware Valley has seen a great deal of attention over the past quarter century, beginning with the synthetic work of Jay Custer (1987, 1989a, 1989b, 1994). Several DelDOT-sponsored archaeological studies, conducted in compliance with federal historic preservation law, have also focused on prehistoric sites in the coastal zone and provide valuable context for the current work (e.g., Heite and Blume 1995; Custer *et al.* 1996; Petraglia *et al.* 2002; LeeDecker *et al.* 2005). Also relevant to the current work are various other archaeological survey and testing programs carried out in Delaware's coastal zone (e.g., Custer and Mellin 1987, 1991).

With regard to the land use history of the project vicinity, historic maps (e.g., Price and Rea 1850; Beers 1868; United States Geological Survey 1918), published secondary sources (e.g., Scharf 1888; Conrad 1908) and genealogical texts (e.g. Reamy and Reamy 2007) have supplied useful contextual data. Other historical sources of more specific relevance to the Milford area (notably, Hitchens 1976) have also been consulted, while selected primary archival materials relating to Sussex County, including deeds, probate records, road papers and orphans court dockets, have been examined at the Delaware Public Archives.