



Ohio Administrative Code

Rule 149-1-02 Guidelines for archaeological investigations on public land, archaeological preserves, and sites listed in the state registry of archaeological landmarks.

Effective: November 1, 1983

(A) Definitions

- (1) "Public land" is land that is owned, controlled, or administered by the state of Ohio or by any political subdivision of the state.
- (2) "Archaeological preserve" is a property upon which significant archaeological sites are located and for which the Ohio historical society has accepted articles of dedication pursuant to section 149.52 of the Revised Code.
- (3) "State registry of archaeological landmarks" is a registry of Ohio's significant archaeological sites that is maintained by the Ohio historical society pursuant to section 149.51 of the Revised Code.
- (4) "Historic properties" are sites, structures, buildings, places, objects, and districts that meet the criteria of the state registry of archaeological landmarks, the definition of archaeological sites as written in section 149.52 of the Revised Code, the state registry of historic landmarks or the national register and which possess archaeological data.
- (5) "State registry of historic landmarks" is a registry of Ohio's significant historic and/or architectural buildings, structures, places, and districts that is maintained by the Ohio historical society pursuant to section 149.55 of the Revised Code.
- (6) "National register" means the national register of historic places, which is a register of districts, sites, buildings, structures, and objects significant in American history, architecture, archaeology, engineering and culture maintained by the secretary of the interior.
- (7) "History" comprises the events, patterns, and processes of the human past, including those that have affected literate societies and those that have affected preliterate or nonliterate groups, whose



history is sometimes referred to as prehistory.

(8) "Significant data" are data that can be used to answer research questions, including questions of present importance to scholars and questions that may be posed in the future.

(9) "Archaeological data" are embodied in material remains (artifacts, structures, refuse, etc.) produced purposely or accidentally by human beings, and in the spatial relationships among such remains.

(10) "Historical data" are data useful to the study and understanding of human life during the period since the advent of written records in the area of concern. The date of inception of the historic period varies within the United States.

(11) "Prehistoric data" are data useful to the study and understanding of human life during the prehistoric period, i.e., all time periods prior to substantial contact between the native people of the United States and literate societies. The end point of the prehistoric period varies from area to area within the United States.

(12) "Scientific data" are data provided by disciplines other than archaeology, history, and architecture, that are relevant to an understanding of human life during either historic or prehistoric periods. Ethnographic, biological, geological, ecological, geophysical, and paleontological data, among others, are often important to the understanding of the human past.

(13) "Location and assessment studies" are studies necessary to locate and to evaluate historic properties. All require literary research; if existing data do not permit the adequate location and assessment of historic properties, field inspection will likely be necessary.

(14) "State historic preservation officer" means the person authorized by the governor of Ohio at the request of the secretary of the interior for purposes of implementing the National Historic Preservation Act of 1966, Public Law 89-655.

(15) "Data recovery" is the systematic retrieval of the scientific, prehistoric, historic, and/or archaeological information that provides an historic property with its research value. Data recovery



may include preliminary survey of the affected historic property or properties for purposes of the development of specific plans for research activities, excavation, relocation, preparation of notes and records, and other forms of physical removal of data and the material that contains data, protection of such data and material, analysis of such data and material, preparation of reports on such data and material, and dissemination of reports and other products of the research. Examples of data recovery include archaeological research producing monographs, descriptive and theoretical articles, study collections of artifacts and other materials; architectural or engineering studies resulting in measured drawings, photogrammetry and photography, historic and anthropological studies of recent or living human populations relevant to the understanding of historic properties, and relocation of properties whose data value can best be preserved by so doing.

(16) "Material" means actual objects retrieved from an historic property as part of a data recovery program, including, but not limited to, artifacts, byproducts of human activity such as flakes of stone, fragments of bone, and organic waste of various kinds, architectural materials and details, soil samples, pollen samples, skeletal material, and works of art.

(17) "Principal investigator" means the contractor or person directly responsible for a location and identification, assessment, or data recovery project.

(18) "Research design" is a plan outlining the proposed approach to a location, identification, or data recovery project. Minimally, the design shall spell out relevant research problems, research methods, and some predicted results of the study. Research designs may be modified as the course of research yields new findings.

(19) "Research methods" are procedures and techniques used to record, recover, and/or analyze a body of data such that conclusions may be drawn concerning research problems.

(20) "Research problems" are important questions relevant to anthropology, sociology, geography, history, architectural history, art history, and other disciplines of the sciences and humanities that can potentially be answered by studying historic properties. Scientific, prehistoric, historic and archaeological data are valuable insofar as they apply to the investigation of research problems. Research problems are typically posed as questions about human behavior, thought, or history. Potential answers to such questions, and the ways in which such answers may be contained in the



data from specific historic properties are often spelled out in research designs as hypotheses.

(21) "Ohio Archaeological Council" is a private, non-profit organization of professionally competent archaeologists which provides archaeological consultation, aid, and service to citizens and state and federal agencies.

(B) Guidelines for the investigation of archaeological properties (modified after 36 Code of Federal Regulations, Part 66).

(1) General conduct of location and assessment studies

The requirements of section 149.54 of the Revised Code and of this rule shall not apply to any department, agency, unit, instrumentality, or political subdivision of the state. Although the specific activities necessary for the identification of historic properties may vary, the following steps will generally be included.

(a) Background research and evaluation of existing data

(i) Since few areas of the state have yet been adequately surveyed for historic properties, current lists of such properties seldom provide information sufficient for location and assessment studies. Documentary research is the starting place for any location study. Systematic study and evaluation of data may permit predictions about the kinds of historic properties that may be encountered in the area and about their possible distributions. Such study may also make it possible to develop a broad evaluatory framework within which the significance of particular properties can be judged. Finally, background research may pinpoint some properties that are already adequately documented, or properties that are known but need further study to obtain full documentation. In undertaking background research, answers to the following questions should be sought:

(a) Are there known historic properties in the area?

(b) Is knowledge about the presence or absence of historic properties based on a survey or surveys carried out according to the standards set forth herein?



(c) To what extent are survey data lacking?

(d) If the area has not been systematically surveyed, what predictions can be made about the location or kinds of historic properties expected, based on data from already surveyed areas, from the known history of the area, from the constraints imposed by the natural environment, etc.?

(e) Given the known history and prehistory of the region, the social and cultural concerns of its people, and pertinent state, local, and regional plans, what preservation and/or research priorities appear to be appropriate, and what kinds of historic properties might be important to the satisfaction of these priorities?

(ii) The person undertaking a location and assessment study should be vigorous in searching out useful sources of data, and should encourage innovative approaches in their use to predict the locations of properties and to develop evaluatory frameworks. It must be recognized, however, that some institutions and organizations that maintain lists, files, or other bodies of unpublished data are legitimately concerned about the integrity of these documents and/or about the cost involved in permitting their use; these concerns should be ascertained and, if legitimate, honored. At least the following sources of background data should be consulted:

(a) The state historic preservation plan maintained by the state historic preservation officer, to obtain such data as:

(i) Information on properties listed in, nominated to, or determined eligible for listing in the national register, properties on the state registry of archaeological landmarks and state registry of historic landmarks, properties in the Ohio historic and archaeological inventories, and properties on which the state has evaluated and unevaluated survey data;

(ii) Information on predictive data regarding potential properties in the area;

(iii) Recommendations as to the need for surveys in the area;

(iv) Recommendations concerning methods that should be used in conducting such surveys and possible sources of professional expertise;



(v) Results of any previous surveys in the area and the state historic preservation officer's comments thereon; and

(vi) Recommendations concerning pertinent state or local laws and policies concerning historic properties.

(b) Basic published and unpublished sources on local history, prehistory, anthropology, ethnohistory, and ecology should be studied to obtain an overview of the region's potential historic property distributions and research or preservation values.

(c) The national register and other lists or files of data on historic properties should be consulted. A list of properties added to the national register each year is published annually in the "Federal Register."

National register listings are also accompanied by a list of properties of federal and nonfederal ownership which have been determined to be eligible for inclusion in the national register as well as a list of pending nominations. The catalogs of the historic American buildings survey and the historic American engineering record maintained by the national park service, and any similar surveys and published reports should be utilized. State, university, or professional society historians, architects, architectural historians, archaeologists, and local organizations may also have registers, inventories, catalogs, or other lists of sites or areas with known or presumed historic values.

(d) Persons with first-hand knowledge of historic properties and/or their historic values should be interviewed where feasible and appropriate. Such interviews, and a proper respect for the opinions expressed by those interviewed, are of particular importance where properties of cultural importance to local communities or social groups may be involved.

(iii) Background research should be undertaken by or under the supervision of professional historians, architectural historians, historical architects, and/or archaeologists. It will often be necessary to draw upon the services of specialists such as ethnohistorians, anthropologists, sociologists, and cultural geographers to make adequate use of available documentary data.



(b) Field inspection. If review and evaluation of existing information yields incomplete data based upon prior professional examination of the area, then the background research should be supplemented by direct examination of the area subjected to environmental impact.

Field inspection must be performed by qualified, competent historians, archaeologists, architectural historians and/or historical architects and such other specialists as local circumstances dictate.

The nature of the area will also affect the kinds of methods that must be employed to identify and record historic properties. Terrain, vegetation, land ownership and other factors will also affect the time required to conduct an inspection and the kinds of techniques that will be required to complete it.

Adequate records must be kept of all inspections to indicate clearly what lands were inspected, the degree of intensity with which they were inspected, the kinds of historic properties sought, all historic properties recorded, and any factors that may have affected the quality of the observations.

(2) Special considerations with respect to submerged lands

For submerged lands documentary research by qualified researchers may serve to indicate the need for, and recommended location of, physical and/or electronic surveys for submerged archaeological sites and sunken vessels.

(3) Documenting location and assessment studies

The nature and level of specificity required in documenting a location and assessment study may vary with the scope and kind of project for which the study is conducted, the kinds of information available about the area studied, and other factors. In general, it is necessary to document the methods used in conducting the study, the assumptions that guided the application of the methods, the results of applying the methods, and any deficiencies in these results that may have arisen from the application or misapplication of the methods. The report of a location and assessment study should contain the types of information detailed in paragraph (C) of this rule.

(4) Data recovery operations



Data recovery program operations carried out under the provisions of section 149.54 of the Revised Code should meet at least the minimum standards detailed in paragraph (C) of this rule. All operations are to be conducted under the supervision of appropriately qualified professionals. Qualifications required for professionals are set forth in paragraph (D) of this rule.

(5) Protection of data and materials

Data recovery programs result in notes, photographs, drawings, plans, computer output, and other forms of information. They also may result in the acquisition of architectural elements, artifacts, soil, bone, modified stones, pollen, charcoal, and other physical materials subject to analysis, interpretation, and/or display.

Data and material resulting from a data recovery program should be in the custody of a qualified institution. A "qualified institution" is one equipped with space, facilities, and personnel adequate to curate, store, and maintain the recovered data and material. The exact nature of the requisite space, facilities, and personnel will depend on the kinds of data and material recovered.

(6) Provision of reports

Pursuant to section 149.54 of the Revised Code, any person performing a location survey, assessment survey, or excavation under the provisions of this rule shall provide the director of the Ohio historical society with two quality copies of reports conforming to the specifications listed in paragraph (C) of this rule.

(C) Specifications for reports of archaeological services

These specifications for reports of archaeological services were established by the "Ohio Archaeological Council" and adopted for use as review criteria by the Ohio historical society.

Archaeological services report. The report shall, in form and substance, conform to recognized professional standards applicable to archaeological reports. The report is designed to provide the director of the Ohio historical society with the inventory, statements of archaeological significance, and a means for the management of archaeological resources. The report is also designed to provide



a systematic body of data for future evaluation and research. The specifications are not designed to exclude categories of information not listed nor to offer a rigid format for the final report. The reports should consist of the appropriate sections for the type of archaeological services being conducted. Sections applicable to specific types of research are outlined in paragraph (C)(2) of this rule.

(1) Report categories

(a) Introductory statements

(i) Title page.

(a) Title, author, principal investigator, date of submission.

(b) Consulting firm/archaeologist, address.

(c) Client for whom report is prepared, address.

(d) Lead federal agency or state agency, if applicable.

(ii) Table of contents arranged in accordance with the sequence of topical headings with corresponding page numbers.

(iii) Abstract (suitable for publication) to include a resource management summary which summarizes the research strategy, results, suggestions, and recommendations.

(iv) Introductory statements

(a) A statement as to the purpose and circumstances of the contracted archaeological services.

(b) General description of the project and project area with appropriate mapping.

(b) The setting/environmental background. This shall be a detailed description not only of the



physiographic province, but also of the project area with attention given to flora, fauna, geology, soils and climatic history, and historic patterns of land use. Site potential shall be discussed, e.g., chance of deeply buried sites on a flood plain. The environmental background shall be described in a way to provide information on resource utilization potential, e.g., soils favorable for cultivation, availability of raw lithic resources.

(c) Previous research and literature search. This shall be a comprehensive and detailed review of past and current archaeological and historic investigations of the project area and surrounding region, including but not limited to, the following:

(i) Names of investigators or institutions.

(ii) Dates, extent, results, and adequacy of previous research as it reflects on the interpretation of what might be found in the project area.

(iii) Location and nature of field notes, unpublished manuscripts, and collected materials.

(iv) Statement that a check has been made of the national register, the state registry, the Ohio archaeological inventory, regional archaeological files (universities, museums, regional preservation offices, societies), and appropriate state, county, and local histories.

(d) Cultural development/archaeological background. The project area shall be placed in its regional setting with respect to the known cultural history. This shall include a description of the major outlines of prehistoric and historic cultures of the project area, including chronology, settlement and subsistence patterns, and any other significant data available.

(e) Field methods and techniques

(i) Sampling strategy. Description and justification;

(ii) Field techniques:

(a) A description and justification of the field techniques employed.



- (b) Environmental conditions during the survey and their effects upon the survey results.
 - (c) A description of data collecting techniques, and types of data collected (e.g., artifacts and cultural debris as well as spatial relationships between them), sampling techniques (complete, systematic, or specific form of random sampling), and artifact-retrieval procedures.
 - (d) Procedures used to locate landowners, collectors, and others knowledgeable in the archaeological resources.
 - (e) Controls, if utilized, for personal bias.
- (iii) Data recording requirements:
- (a) Dates of fieldwork.
 - (b) Measuring devices and circumstances when used and not used.
 - (c) Graphic as well as written summary descriptions of all surface and subsurface collection units, including any limitations of access. The description of the survey route should include spacing and number of traverses. Descriptions of test units employed, including graphic locations at appropriate scale, should be included.
 - (d) When cultural materials are encountered, the following information is required:
 - (i) Surface survey. Indicate methods utilized to determine density and extent of recovered materials.
 - (ii) Subsurface survey. Information on each of the test units should minimally include:
 - (A) The location and size of each unit within the site.
 - (B) The types of levels excavated (natural, cultural or arbitrary) and the justification for such techniques.



(C) A description of all natural and/or cultural material observed and/or collected within the test units including soil descriptions and the description, dimensions and interpretation of any features encountered. Graphic representations of all test pit locations, profiles and features should be included.

(f) Description of analytical techniques. Laboratory and analytic methods should be summarized so that they are clear to other researchers, minimally including:

(i) Classificatory scheme (typology) or schemes used in artifact description and analysis. If using a scheme developed by another archaeologist, give full reference.

(ii) Method of chronological determination (typological, radiometric, etc.).

(iii) Other special analytical methods and techniques (e.g., predictive models).

(iv) The curation location of all artifacts and research data (including field notes) must be specified. This curation must be open to inspection by the director of the Ohio historical society or the director's duly authorized representatives. The final disposition of all data must be acceptable to the director of the Ohio historical society.

(g) Site descriptions. This section shall include the following information:

(i) A completed Ohio archaeological inventory form which must be referenced here but may be appended.

(ii) A general description of the site location.

(iii) The environmental setting including topography, proximity to water, soils, and elevation.

(iv) Dimensions and boundaries of the site.

(v) The nature and amount of previous disturbance.



(vi) The materials recovered, including a description of the assemblage or assemblages with illustrations and distribution tables. Illustrations of the materials collected should include photographs and/or line drawings of all diagnostic artifacts when reasonable or should, in case of a large quantity of recovered material, include representative examples of those materials.

(vii) The cultural/temporal affiliation(s), if known.

(viii) A discussion of the potential impact of the project on the site, if applicable.

(ix) A statement of significance and recommendations for further work. Statements of significance for each site located are determined by historic, scientific, and social values. Such statements will consider, but not be limited to, the following definitions:

(a) Historical value of cultural resources depends on the potential for identification and reconstruction of specific cultures, periods, lifeways, processes, and events. Cultural resources are historically significant if they provide a typical or well-preserved example of a prehistoric or historic tribe or society, period of time, or category of human activity. Archaeological remains are also historically significant if they can be associated with an identifiable individual, event, or aspect of history.

(b) "Scientific value" is the potential for using cultural resources to establish reliable generalizations concerning past societies and cultures and deriving explanations for the differences and similarities between them and for their development through time. Much of the same data is used for both scientific purposes and historic studies, but the treatment and scope of the information differ. Generalizations and explanations require controlled comparison of statistically representative samples of all types of data relevant to past human life. Samples include artifacts, settlements, dietary remains and evidence of past environments. Scientific significance depends on the degree to which archaeological resources in the project or program area constitute a representative sample of data which can be used in comparative studies. The value of these data is determined in the regional context of the project or program area and in relation to general anthropological or historical problems.



The scientific significance of cultural remains is assessed by consideration of a variety of factors, including:

- (i) The relative abundance of the resources.
 - (ii) The degree to which specific resources and situations are confined to a given area.
 - (iii) The quality of preservation conditions as it relates to the potential for future research.
 - (iv) The cultural and environmental relationships of the archaeology of a given area to the surrounding province or provinces.
 - (v) The variety of evidence for human activities and their environmental surroundings that is contained within a given area.
 - (vi) The range of research topics to which the resources may contribute.
 - (vii) Special deficiencies in current knowledge that the study of these resources may elucidate.
- (c) Social value consists of direct and indirect ways by which society at large benefits from study and preservation of cultural resources, including:
- (i) The acquisition of knowledge concerning man's past.
 - (ii) Indirect benefits received by educational and research institutions and their communities, including opportunities for professional training.
 - (iii) The acquisition and preservation of objects and structures for public exhibit and enjoyment.
 - (iv) Educational and economic benefits from tourism attracted by archaeological and historical exhibits.
 - (v) The practical application of scientific findings acquired in archaeological and historical research.



(vi) The preservation of areas significant for ethnic groups.

(h) Eligibility assessment. When sufficient information is available, each site shall be evaluated in terms of its eligibility for listing on the national register of historic places and the state registry of archaeological landmarks. The investigator must state the justification for considering any resource eligible for these registries.

(i) In such a consideration, the following national register criteria will apply to all cultural properties possessing historical, architectural, archaeological, or cultural value located within the area of the actual or proposed project's potential environmental impact. "National register criteria" means the following criteria established by the secretary of the interior for use in evaluating and determining the eligibility of properties for the national register. The quality of significance in American history, architecture, archaeology, engineering, and culture is present in districts, sites, buildings, structures, and objects of national, state and local importance 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.

Ordinarily historic 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 fifty years shall not be considered eligible for the national register.



(ii) An archaeological property, prehistoric or historic, is eligible for listing in the state registry of archaeological landmarks if it:

(a) Possesses integrity of location, context, or materials; and

(b) Has yielded, or may be likely to yield, information important in furthering the understanding of prehistory or history.

An archaeological property can include, but is not limited to, any village, earthwork, mound, burial, campsite, quarry, prehistoric or historic ruin, or other location which is or may be the source of important archaeological data.

(iii) In addition to these basic statements of national register and state registry criteria, the following twenty categories of archaeological information taken singly or in any combination, are regarded as elements of significance:

(a) Chronology;

(b) Stratigraphic sequence;

(c) Short time period (single component site);

(d) Long time period (multiple component site);

(e) Extreme antiquity;

(f) Historic contact;

(g) Ethnic identity;

(h) Geographic distribution;



- (i) Culture contact;
 - (j) Culture history;
 - (k) Socio-cultural processes;
 - (l) Uniqueness of cultural expression;
 - (m) Rich assemblage;
 - (n) Replication of pattern evidence;
 - (o) Potential for testing techniques;
 - (p) Degree of disturbance;
 - (q) Place in history of archaeology;
 - (r) Potential for public interpretation;
 - (s) Potential for training professional archaeologists;
 - (t) Potential for interpreting a particular prehistoric culture.
- (i) Summary and recommendations. The summary section should discuss the following items:
- (i) Methodology.
 - (ii) Findings.
 - (iii) Evaluation of findings including:
 - (a) The theoretical orientation of the principal investigator and/or author's bias and assumptions shall



be explicitly stated as they pertain to this cultural resource.

(b) The significance of each site in terms of its scientific, archaeological, historical or cultural value. If the examination did not offer an opportunity to gain data sufficient to arrive at a satisfactory conclusion, offer recommendations for further research.

(c) Primary impact.

(d) Secondary impact.

(iv) When applicable, the principal investigator shall consider mitigation possibilities and evaluate the most appropriate and feasible alternative for sites within the project area. This section of the report should offer suggestions for:

(a) Protecting any portion(s) of the site, or sites, that will remain after examination from damage or destruction.

(b) Protecting any site, sites, or portions of a site that are proven or suspected to be either directly or indirectly affiliated (e.g., culturally, spatially, etc.) with the site or sites under investigation.

(c) Interpreting the site or sites for public information and educational programs.

(j) Required appendices:

(i) Bibliography and field contacts (names and addresses).

(ii) United States geological survey seven-and one-half-inch quadrangle map showing project and site locations to scale.

(iii) Ohio archaeological inventory forms.

(iv) Survey permits, if applicable.



(v) Archaeological services proposal (budget and curriculum vitae of principal investigator may be omitted).

(2) Final report. The following is a list of the report categories in paragraph (C)(1) of this rule, required for the type of research being conducted. Since literary research, location, eligibility assessment and excavation are frequently sequential activities for the same project, report categories previously published may be referenced.

(a) Literature research:

(i) No sites. Paragraphs (C)(1)(a), (C)(1)(b), (C)(1)(c), (C)(1)(d), and (C)(1)(j) of this rule.

(ii) Known or suspected sites within project area. Paragraphs (C)(1)(a), (C)(1)(b), (C)(1)(c), (C)(1)(d), (C)(1)(f), (C)(1)(g), and (C)(1)(h) of this rule if applicable.

(b) Location:

(i) No sites. Paragraphs (C)(1)(a), (C)(1)(b), (C)(1)(c), (C)(1)(d), (C)(1)(e), and (C)(1)(f) of this rule if applicable; and paragraphs (C)(1)(i) and (C)(1)(j) of this rule.

(ii) Known sites. Paragraphs (C)(1)(a), (C)(1)(b), (C)(1)(c), (C)(1)(d), (C)(1)(e), (C)(1)(f), (C)(1)(g), and (C)(1)(h) of this rule if applicable; and paragraphs (C)(1)(i) and (C)(1)(j) of this rule.

(c) Eligibility assessment. All report categories are applicable.

(d) Excavation. All report categories are applicable.

(D) Personnel qualifications

(1) Paragraph (D)(3) of this rule describes the evaluation criteria prescribing minimum education, training and experience requirements for persons in charge of or otherwise engaging in public archaeology in Ohio. These criteria, developed by the "Ohio Archaeological Council," will be used by the director of the Ohio historical society and his staff archaeologists to evaluate the competence



of applicants that apply for permission to conduct archaeological investigations on public land, archaeological preserves, and sites listed on the state registry of archaeological landmarks.

(2) Four phases of archaeological investigation with corresponding personnel qualifications have been identified for the purposes of this rule. They are:

(a) Phase one: literature research. The purposes are to locate existing information from published literature and unpublished documents or other sources regarding known or suspected archaeological resources (including sites and site collections) in an area, and to summarize these data for effective use in managing those resources. Phase one is a preliminary step in cultural resource management which will not usually satisfy the data requirements of environmental impact statements or other evaluations of a project's impact on archaeological resources.

(b) Phase two: location. The location phase accommodates a broad spectrum of archaeological survey with the common objective of locating archaeological resources in an area of proposed impact as an in-the-field activity. Location studies may be conducted on several levels consistent both with federal regulations (36 Code of Federal Regulations, Part 66) and with the nature and objectives of specific projects.

At one end of this spectrum is low-intensity reconnaissance of an area's archaeological resources and potential data yield. In addition to identifying obvious or well-known sites, the existence of sites in suspected locations represented in the literature or by informant interview may be determined and an impression gained of the topographic settings in which sites are likely to occur. Such a survey may provide planning guidance during the early stages of a project to aid in selecting the specific area(s) to be directly impacted. Predictive data on the nature and distribution of archaeological sites and archaeologically sensitive areas may also be derived before developing more detailed survey strategies.

More comprehensive approaches to archaeological survey commonly include sampling designs and subsurface testing which may not result in the identification of all existing archaeological resources in the area to be affected. Sampling may involve varying degrees of random or selected procedures, including systematic designs representing statistically valid samples providing detailed and meaningful predictive models for the entire area. Testing is commonly coordinated with or



incorporated into a sampling strategy and is undertaken in an effort to identify sites whose superficial indications are obscured and/or to clarify or amplify relevant data. Deriving from these activities should be at least limited justification for protective stipulations for certain sites identified. Information gained is therefore evaluated, but not necessarily to determine the eligibility of specific sites for inclusion in the national register of historic places or the Ohio state registry of archaeological landmarks.

(c) Phase three: eligibility assessment. The purpose of this activity is to collect and evaluate adequate data from a known site or sites and/or from one or more areas known or suspected to be archaeologically sensitive specifically to serve as the basis for determining eligibility for inclusion in the national register of historic places or the Ohio state registry of archaeological landmarks. The eligibility assessment is usually conducted in the specific area that will be impacted and is commonly preceded by a systematic effort to identify all existing sites in that area. Research designs consistent with the objective of this phase should include the preconceived development of explicit, systematic sampling and subsurface testing strategies, the classification and analysis of resulting data and materials appropriate to a responsible evaluation of the local, state or national significance of the site(s)/area(s), and detailed justifications for protective stipulations. Specific recommendations for the future disposition of all identified sites/areas should be offered, particularly those believed to be eligible for registry inclusion and/or those which it is believed should be excavated if their avoidance is not a feasible alternative, along with sufficient information about them upon which to base such decisions.

(d) Phase four: excavation. The purpose of this activity is to mitigate the adverse effects of proposed projects on the archaeological resources of an area by recovery and analysis of data and material remains through excavation that is either total or at least more intensive in scope than the sub-surface investigation that was accomplished in phase three. Phase four is applicable in those cases where it is agreed that avoidance is not feasible.

(3) Personnel qualifications. Four levels of evaluation criteria are hereby created which correspond with each of the four phases of archaeological work described in paragraph (D)(2) of this rule. The evaluation criteria for each of these levels are as follows:

(a) Level one. Literature research:



(i) Education. Successful completion of a baccalaureate degree with specific course work in archaeology and/or local prehistory; and/or

(ii) Experience. A demonstrated capacity to conduct quality library/archival research as evidenced by archaeological reports, papers, publications or bibliographies. Archaeological field experience is highly desirable but is not requisite.

(b) Level two. Location:

(i) Education. Successful completion of a baccalaureate degree in anthropology, archaeology, or related discipline with specific course work in archaeology, or, its equivalent as evidenced by significant letters of recommendation/reference, published reports, or other documentary evidence. In addition, postgraduate work in archaeology and specific familiarity with Ohio's archaeological resources are highly recommended; and

(ii) Experience. Satisfactory completion of at least sixteen weeks of field experience including survey work, at least eight weeks of which must have been in some field assistant or other supervisory capacity. This field experience must have included at least one continuous experience of no less than four weeks' duration. In addition, the archaeologist must possess the skills and competence necessary to plan and execute archaeological survey work, perform relevant laboratory research and analysis of recovered materials, and possess the ability and discipline to complete an appropriate report of all field and laboratory findings.

(c) Level three. Eligibility assessment:

(i) Education. Successful completion of at least one academic year of graduate studies in anthropology, archaeology, or a related discipline with specific graduate course work in archaeology, or, its equivalent as evidenced by significant letters of recommendation/reference, published reports, or other documentary evidence. Specific familiarity with Ohio's archaeological resources is requisite; and

(ii) Experience. Satisfactory completion of at least eighteen weeks of field experience including



both survey and excavation, at least twelve weeks of which must have been in some field assistant or other supervisory capacity. In addition, the ability to plan and administer archaeological research projects, including the conception and execution of appropriate sampling designs, laboratory analysis, and final report preparation must be demonstrated.

(d) Level four. Excavation:

(i) Education. Successful completion of a postgraduate degree in anthropology, archaeology, or related discipline with a specialization in archaeology, or, a demonstrated equivalency, such as admission to Ph.D. candidacy; and

(ii) Experience. Satisfactory completion of at least thirty-six weeks of field and laboratory experience including significant proportions of survey, excavation, and laboratory analysis. At least half of this experience must have been in a directly supervisory capacity, or twenty-four weeks of such field and laboratory analysis, at least sixteen weeks of which must have been in a directly supervisory capacity. In direct compliance with 36 Code of Federal Regulations, Part 66, the archaeologist must have completed at least sixteen months of professional experience and/or specialized training in archaeological field, laboratory or library research, administration, or management, including at least four months experience and/or specialized training in the kind of activity (North American archaeology) the individual proposes to practice; and

(iii) Scholarship. The archaeologist must demonstrate competence in archaeological scholarship by having published an academically acceptable article, report, or monograph, or have authored such a report; and

(iv) Administration and planning. The archaeologist must demonstrate the ability to successfully plan and administer an archaeological excavation project, including research design, sampling design, budgetary responsibility, logistics, and personnel deployment.

(E) Permit to conduct archaeological investigations

(1) A permit to conduct archaeological investigations on public land, archaeological preserves and registered archaeological landmarks must be obtained from the director of the Ohio historical



society. Permit application forms are available upon request from the "Ohio Historical Society, Historic Preservation Division, I-71 and 17th Avenue, Columbus, Ohio 43211."

(2) The director of the Ohio historical society may grant a permit to applicants who:

(a) Have the qualifications appropriate for the phase of archaeological investigation proposed; and

(b) Agree to conduct such activities in accordance with the provisions of this rule.

Under ordinary circumstances a permit shall be granted to the applicant within thirty days of the submission of a complete permit application form. A permit constitutes authorization by the director to the applicant to engage in archaeological survey or salvage work on the location(s) described in the application in accordance with the representations made in the application and the provisions of this rule.

The permit is contingent upon the applicant's procurement of permission to conduct the proposed archaeological investigation from the property owner(s) of the location(s) described in the application. A permit may be extended or amended upon written approval from the director. The applicant must submit a written request to the director to extend or amend the provisions of a permit. If archaeological survey or salvage work is conducted by applicant which is contrary to the representations made in the application or the provisions of this rule, the permit may be revoked by the director upon written notice to the applicant and such activity shall be considered unauthorized and the applicant will be subject to prosecution under section 149.54 of the Revised Code, for engaging in archaeological survey or salvage work without a written permit.

(3) The director of the Ohio historical society may deny the applicant permission to engage in archaeological investigations at the proposed locations if the applicant's proposed undertaking will not comply with the provisions of this rule. However, the director of the Ohio historical society shall first notify the applicant in writing of what is necessary to effect compliance with this rule. If such notice proves unavailing in bringing the applicant's proposed undertaking into compliance with this rule and at least thirty days have elapsed since it was sent, the director of the Ohio historical society shall comply with the provisions of Chapter 119. of the Revised Code prior to the issuance of an order denying the applicant permission to proceed with the proposed undertaking, including the



following:

- (a) Notice shall be given to the applicant by registered mail, of his right to a hearing on the question of whether or not a permit is granted.
 - (b) The notice shall include the reason(s) for such proposed action, the law or rule directly involved, and a statement informing the applicant he is entitled to the hearing, if he requests it, within thirty days of the time of mailing the notice.
 - (c) The notice shall also inform the applicant that he may appear in person or by his attorney, or may present his position, arguments, or contentions in writing, and that at the hearing he may present evidence and examine witnesses.
 - (d) If the applicant requests a hearing, the director of the Ohio historical society shall set the time, date and place for such hearing and notify the applicant thereof. The date of the hearing shall be within fifteen days, but not earlier than seven days, after the applicant has requested the hearing, unless otherwise agreed to by the parties.
 - (e) Any party adversely affected by any order of the director of the Ohio historical society issued pursuant to an adjudication denying an applicant permission to engage in archaeological activities on public land, archaeological preserves or on registered archaeological landmarks, may appeal to the court of common pleas of the county in which the place of business of the applicant is located or the county in which the applicant is a resident. If any such party is not a resident of and has no place of business in Ohio, he may appeal to the court of common pleas of Franklin county.
- (4) Whoever violates section 149.54 of the Revised Code is guilty of a misdemeanor of the second degree. Whoever violates or threatens to violate section 149.54 of the Revised Code may be enjoined from violation.