

**Document:** Proposed Rule

**Source:** March 1, 2001, Indiana Register, Volume 24, Number 6

**Disclaimer:** These documents were created from the files used to produce the official (printed) Indiana Register, however, these documents are unofficial.

**TITLE 312 NATURAL RESOURCES COMMISSION**

**Proposed Rule**

LSA Document #00-178

**DIGEST**

Adds 312 IAC 21 to provide standards for archaeological review and recovery. Incorporates statutory changes made to the enabling legislation made since the adoption of 310 IAC 19. Requires a principal investigator to be qualified by training and experience to coordinate, develop, and complete an archaeological project. Requires a field or laboratory supervisor to be qualified by training and experience to perform these supervisory functions. Clarifies ethical standards. Repeals 310 IAC 19. Effective 30 days after filing with the secretary of state.

**310 IAC 19**

**312 IAC 21**

SECTION 1. 312 IAC 21 IS ADDED TO READ AS FOLLOWS:

**ARTICLE 21. ARCHAEOLOGICAL REVIEW AND RECOVERY**

**Rule 1. Definitions**

**312 IAC 21-1-1 Application**

**Authority:** IC 14-21-1-31; IC 14-34-4-10

**Affected:** IC 14

**Sec. 1. The definitions in this rule apply throughout this article and are in addition to those set forth in 312 IAC 1.** *(Natural Resources Commission; 312 IAC 21-1-1)*

**312 IAC 21-1-2 “Division” defined**

**Authority:** IC 14-21-1-31; IC 14-34-4-10

**Affected:** IC 14-9-4-1; IC 14-21-1-6

**Sec. 2. “Division” refers to the division of historic preservation and archaeology established under IC 14-21-1-6.** *(Natural Resources Commission; 312 IAC 21-1-2)*

**312 IAC 21-1-3 “Guidebook” defined**

**Authority:** IC 14-21-1-31; IC 14-34-4-10

**Affected:** IC 14

**Sec. 3. “Guidebook” refers to the Guidebook for Indiana Historic Sites and Structures Inventory and Archaeological Sites (1989 edition) as prepared by the division.** *(Natural Resources Commission; 312 IAC 21-1-3)*

**312 IAC 21-1-4 “Principal investigator” defined**

**Authority:** IC 14-21-1-31; IC 14-34-4-10

**Affected:** IC 14

**Sec. 4. “Principal investigator” means the individual who is responsible for coordinating, developing, and completing an archaeological project under this article.** *(Natural Resources Commission; 312 IAC 21-1-4)*

**312 IAC 21-1-5 “Related field” defined**

**Authority:** IC 14-21-1-31; IC 14-34-4-10

**Affected:** IC 14

**Sec. 5. “Related field” means history, cultural geography, folklore, historical architecture, paleontology, or another discipline similar to anthropology, where archaeological course work and fieldwork are part of background and research. (Natural Resources Commission; 312 IAC 21-1-5)**

**312 IAC 21-1-6 “Review board” defined**

**Authority:** IC 14-21-1-31; IC 14-34-4-10

**Affected:** IC 14-21-1-20

**Sec. 6. “Review board” refers to the historic preservation review board established under IC 14-21-1-20. (Natural Resources Commission; 312 IAC 21-1-6)**

**Rule 2. Administration**

**312 IAC 21-2-1 Application**

**Authority:** IC 14-21-1-31; IC 14-34-4-10

**Affected:** IC 14

**Sec. 1. (a) This article establishes standards applicable to archaeological investigations conducted to meet state and federal historic preservation compliance requirements.**

**(b) A person must satisfy this article where:**

**(1) an archaeological investigation is required; and**

**(2) 36 CFR 800 and 48 FR 44716 through 48 FR 44742 (Secretary of the Interior’s Standards and Guidelines for Archeology and Historic Preservation) are not suitable guidelines for the exercise of authority by the department.**

**(c) A person must either satisfy this article or federal standards established at 16 U.S.C. 470, et seq. and 48 FR 44716 through 48 FR 44742 if an archaeological investigation is required but the requirement does not specify the standard for compliance.**

**(d) This article does not apply where 16 U.S.C. 470, et seq. and 36 CFR 800 and 48 FR 44716 must be satisfied. (Natural Resources Commission; 312 IAC 21-2-1)**

**312 IAC 21-2-2 Administration**

**Authority:** IC 14-21-1-31; IC 14-34-4-10

**Affected:** IC 14

**Sec. 2. (a) The commission is the ultimate authority for the department under this article.**

**(b) The division shall conduct the technical and professional review functions for the department under this article. (Natural Resources Commission; 312 IAC 21-2-2)**

**Rule 3. Qualification Standards**

**312 IAC 21-3-1 Application**

**Authority:** IC 14-21-1-31; IC 14-34-4-10

**Affected:** IC 14

**Sec. 1. This rule establishes the standards applicable to participation, personnel, project facilities, analysis, curation, project documentation, and reporting under this article. (Natural Resources Commission; 312 IAC 21-3-1)**

**312 IAC 21-3-2 Participation**

**Authority:** IC 14-21-1-31; IC 14-34-4-10

**Affected:** IC 14

**Sec. 2. (a)** An archaeological investigation under this article must be carried out under the direction of a principal investigator.

**(b)** A project plan shall consider the appropriate use of other professionals in the fields of social, physical, medical, biological, and life sciences.

**(c)** An archaeological plan must consider the appropriate use of avocational or amateur archaeologists.

**(d)** A participant in a project who has a supervisory or decision making responsibility must satisfy section 4(b) or 4(c) of this rule. *(Natural Resources Commission; 312 IAC 21-3-2)*

### **312 IAC 21-3-3 Archaeological project plans**

**Authority:** IC 14-21-1-31; IC 14-34-4-10

**Affected:** IC 14

**Sec. 3. (a)** An archaeological plan must be adopted for any project under this article. The plan must represent a coherent approach to the type of project, the environmental and cultural setting, and the type of archaeological resources known to exist or yet unidentified in the project area. A project plan must consider the need to complete the project in a competent and timely fashion.

**(b)** A project plan must include the following:

**(1)** Background information that consists of the following:

**(A)** A physical description of the project area.

**(B)** Known archaeological resources in the project area.

**(C)** A history of recent impacts to the area.

**(D)** A summary of previous archaeological activities in the area.

**(E)** A description of the construction or other activity that results in a need for the project.

**(F)** Events leading to the planned project.

**(2)** Justification for the project supported by previous knowledge and probabilities determined from related studies.

**(3)** Objectives of the project that consist of the following:

**(A)** The reasons for undertaking the archaeological investigations.

**(B)** The kinds of information expected to be found.

**(C)** The focus of the project.

**(D)** The questions to be answered.

**(E)** The anticipated results.

**(4)** Project methods that consist of the following:

**(A)** Descriptions of field and laboratory activities.

**(B)** The range of alternate methods for different aspects or information sets.

**(C)** Kinds of analyses.

**(D)** Sampling strategies.

**(E)** Statistical strategies.

**(F)** Any other specialized technology planned for the project.

**(5)** Project scheduling that consists of the following:

**(A)** Expected preparation time.

**(B)** Field person days.

**(C)** Analysis time.

**(D)** Curation.

**(E)** Report writing.

**(F)** When the final report will be submitted.

**(6)** The location of facilities that will be used for the processing, analysis, and curation of recovered archaeological materials.

(c) Except as provided in subsections (d) through (e), a project plan must be submitted to the division subsequent to an undertaking as part of the project completion report.

(d) A project plan must be submitted to the division for review in advance of an undertaking only for projects that:

- (1) are found by the division to require special treatment to satisfy review compliance; or
- (2) provide for test excavations or data recovery.

(e) An Indiana college or university that has a standing regional research program covering the project area may, if appropriate to the program, relate the investigation to that program. A reference in the project completion report to the regional research program may be used to satisfy the standards set forth in this section to the extent that the regional research program addresses those standards. (*Natural Resources Commission; 312 IAC 21-3-3*)

### **312 IAC 21-3-4 Personnel qualifications**

Authority: IC 14-21-1-31; IC 14-34-4-10

Affected: IC 4-21.5-3-8; IC 14

Sec. 4. (a) An individual who wishes to conduct an investigation under this article must submit a curriculum vitae to the division to satisfy the qualification standards of this section.

(b) A principal investigator must have the following:

- (1) A graduate degree in anthropology or a closely related field with a specialization in archaeology at the graduate level.
- (2) Three (3) years of experience in anthropology or a related field, consisting of at least two (2) years as a supervisor in archaeological survey and excavation and one (1) year of laboratory cataloging and analysis and the preparation of a research-oriented monograph, thesis, or dissertation.
- (3) Graduate course work, training, and experience in archaeology, including theory, methods, techniques, cultural areas, and field and laboratory techniques, under the direction of a qualified professional archaeologist.
- (4) In addition to the requirements contained in subdivisions (1) through (3), the following requirements apply to a project in the areas specified:
  - (A) For a prehistory project, two (2) years of supervisory experience and research in Midwestern archaeology.
  - (B) For a history project, two (2) years of supervisory experience in Midwestern historic archaeology and archival research.
  - (C) For a marine project, two (2) years of supervisory experience in underwater archaeological techniques and research. Diving certification is also required from a recognized certifying organization (examples: NAUI, PADI, Red Cross, YMCA, and United States Navy).

(c) A field or laboratory supervisor, who is eligible to submit draft and final reports for field projects, must have the following:

- (1) A master's degree in anthropology or a related field and one (1) year of supervisory experience in survey, excavation, or laboratory techniques.
- (2) Instead of the requirements under subdivision (1), experience and training under a person who would qualify as a principal investigator and satisfaction of the qualifying examinations required toward a doctor of philosophy degree.
- (3) Graduate course work, training, and experience in archaeology, including theory, methods, techniques, cultural areas, and field and laboratory techniques, under the direction of a qualified professional archaeologist.
- (4) In addition to the requirements contained in subdivisions (1) or (2) and (3), the following requirements apply to a project in the specified areas:
  - (A) For a prehistory project, one (1) year of experience at the master's degree level in Midwestern prehistoric archaeological research.
  - (B) For a history project, one (1) year of experience at the master's degree level in Midwestern historic archaeological and archival research.
  - (C) For a marine project, one (1) year of experience in marine archaeology and underwater archaeological techniques and research. Diving certification is also required from a recognized certification organization (examples: NAUI, PADI, Red Cross, YMCA, and United States Navy).
  - (D) For a laboratory project, one (1) year of supervisory experience at a master's degree level in collections research, artifact analysis, curation, and artifact cataloging and classification. Depending upon the nature of the project, experience with prehistoric or historic artifacts is required.

(d) A field or laboratory technician is an assistant supervisor or field-crew member with experience in archaeological field techniques and methodologies. A laboratory technician must be experienced in all varieties of laboratory analysis and techniques and must hold a bachelor's degree in anthropology or a closely related field, with a specialization and course work in archaeology, or possess equivalent background, with one (1) year of field survey, excavation, or laboratory techniques experience under the direction of a qualified professional archaeologist. In addition, the following requirements apply to a project in the specified areas:

- (1) For a prehistory project, one (1) year of experience in Midwestern prehistoric archaeological fieldwork.
- (2) For a history project, one (1) year of experience in historic archaeology fieldwork.
- (3) For a marine project, one (1) year of experience in classifying, cataloging, analyzing, data recording, and curation of artifacts.

(e) A fieldworker is a survey or excavation worker who:

- (1) has completed one (1) archaeological field school;
- (2) has field experience equivalent to one (1) archaeological field school; or
- (3) has received or is receiving training in archaeological field, laboratory, or research methods under the direction of a qualified professional archaeologist.

(f) An avocational or amateur archaeologist is an individual who has or is currently receiving field, laboratory, or research experience under the supervision of a qualified professional archaeologist and who adheres to the preservation ethics of this article.

(g) A curriculum vitae with a transcript of any archaeological courses taken at the undergraduate and graduate levels, submitted to the division to satisfy the qualification standards of this section, must include detailed documentation and breakdown by weeks or days for amounts, separately, of the following:

- (1) Supervisory and nonsupervisory experience in archaeological survey, excavation, and laboratory cataloging and analysis.
- (2) Supervisory and nonsupervisory experience and research in Midwestern prehistoric archaeology, Midwestern historic archaeology, historic archaeology, archival research, and underwater archaeological techniques and research.
- (3) Archaeological field schools taken.

(h) A person who participates in an investigation or a scientific investigation under 312 IAC 22 must comply with the applicable codes of ethics and professional standards for participating in archaeology as set forth in the guidebook.

(i) The division shall maintain a roster of persons who have qualified under this section. The roster shall be available for public inspection.

(j) The division director may file a complaint with the commission under IC 4-21.5-3-8 to terminate, suspend, or condition the qualification of a person included in the roster described in subsection (i), where the person fails to substantially comply with the guidebook as described in subsection (h). A final order for a sanction under this subsection may be dissolved or modified by agreement of the parties or for just cause as determined by the commission. (*Natural Resources Commission; 312 IAC 21-3-4*)

### **312 IAC 21-3-5 Project facilities**

**Authority:** IC 14-21-1-31; IC 14-34-4-10

**Affected:** IC 14

Sec. 5. (a) A person who wishes to perform a project under this article must demonstrate adequate facilities and equipment to conduct nonfield portions of the archaeological investigation, including those needed for cleaning, cataloging, analysis, and preservation of archaeological specimens.

(b) In addition to the requirements under subsection (a), there must be arrangements for any special or technical analyses, including palynology, ethnobotany, zooarchaeology, pedology, radiometric analyses, and photography. (*Natural Resources Commission; 312 IAC 21-3-5*)

### **312 IAC 21-3-6 Analysis**

**Authority:** IC 14-21-1-31; IC 14-34-4-10

**Affected:** IC 14

**Sec. 6. (a)** Before beginning an archaeological investigation, the principal investigator must ensure that personnel are available to properly analyze project information as required in a project plan. The analysis of project information shall be based on logical rigor and adequate data, with an underlying rationale, and shall be replicable.

**(b)** Special collections or materials that require special analysis (including soil, pollen, plant and animal remains, carbon sources, flotation materials, and skeletal remains) must be prepared or stabilized, processed, and documented immediately upon return from the field. Records of materials requiring special analysis (including field notes, maps, and photographs) must be available for analysis. Photographs must be processed while in the field. (*Natural Resources Commission; 312 IAC 21-3-6*)

### **312 IAC 21-3-7 Curation**

**Authority:** IC 14-21-1-31; IC 14-34-4-10

**Affected:** IC 14

**Sec. 7. (a)** A principal investigator must place in a facility that is secure, but accessible to other professionals, the materials, records, documentation, and reports produced under this article. A principal investigator must ensure that adequate methods are applied to catalog, clean, preserve, and curate collections and their documentation. Curation must provide proper packaging, cataloging, storage, treatment, preservation, transportation, and protection of archaeological materials in the field, the laboratory, and during the curation process.

**(b)** A curation facility must be staffed with personnel trained in the long term preservation and protection of archaeological collections. The chief curator of materials recovered under this article must have a master's degree or two (2) years of supervisory experience in collection management, maintenance, classification, cataloging, and conservation. The curator also must be experienced in museology and in educational and public programs. The curation facility must use an accession system to coordinate access to artifacts, specimens, documents, and other curated products. The facility must demonstrate environmentally sound storage areas and adequate security against theft.

**(c)** This section does not apply unless the owner of an artifact or other material removed during an archaeological investigation consents, in writing, to the curation of the artifact or other material.

**(d)** As used in this section, "material" does not include human remains. Ownership to an artifact rests with the landowner unless transferred, in writing, to another person. (*Natural Resources Commission; 312 IAC 21-3-7*)

### **312 IAC 21-3-8 Project documentation and reporting**

**Authority:** IC 14-21-1-31; IC 14-34-4-10

**Affected:** IC 14

**Sec. 8. (a)** A principal investigator must ensure that project documentation is integrated into a project completion report. This report provides the results of archaeological investigations, including recommendations for further archaeological work. A project completion report must also provide the division with technical findings from which cultural resource management and compliance decisions can be made, which will protect important archaeological sites.

**(b)** A project completion report is required for an investigation under this article. The principal investigator shall submit a draft of the report through the person who is required to complete a project (or, if the state is the contractor, directly) to the division for review and approval. After a report is approved, the principal investigator shall submit a final copy to the division, to the agency that requires a project to be completed under this article, and to the person who is required to complete the project under this article.

**(c)** The size and content of a project completion report shall reflect the size and complexity of the project and the project plan. The report shall use standard quality paper on white bond, eight and one-half (8½) inches wide and eleven (11) inches long, and must include the following:

**(1)** A title page with the following:

- (A) The project title.
- (B) The project sponsor.
- (C) The project number.
- (D) The principal investigator.
- (E) The agency or institutional affiliation.
- (F) Any coauthors.
- (G) The date of issuance.
- (2) Tables that include the following:
  - (A) Contents.
  - (B) Figures.
  - (C) Maps.
  - (D) Any appendices.
- (3) A management summary that provides a project report abstract summarizing who, what, how, when, and where.
- (4) Any acknowledgments.
- (5) Introduction.
- (6) Archaeological and historical background of the project area.
- (7) Natural physical description of the project area.
- (8) Project plan.
- (9) Methods.
- (10) Data analyses.
- (11) Results of the investigations.
- (12) Conclusions and recommendations.
- (13) Bibliographic references.
- (14) Appendices as needed to account for the proper definition or justification of the report findings. Included shall be any seven and five-tenths (7.5) minute United States Geological Survey quadrangle maps for the project area, with identified and updated sites clearly marked in permanent black ink. A site record report must accompany the project completion report for any site located or investigated.

(d) An abbreviated project completion report may be prepared where the archaeological investigation does not produce evidence for archaeological resources or where alteration or disturbance precludes the survival of any archaeological sites. A report prepared under this subsection must satisfy subsection (c)(1) and must provide adequate additional documentation under subsection (c) to inform the division of any potential project effect on archaeological sites.

(e) A project that consists of a records check or literature search shall minimally address subsection (c)(1), (c)(3), and (c)(5) through (c)(14). The focus of a project under this subsection is normally on the range of site forms and historical and archaeological documentation addressed by the investigation, where the information is housed or curated, the author's conclusion as to whether potentially important archaeological sites are affected, and recommendations to the applicant for additional investigations. The project shall also contain bibliographic references, maps that adequately portray the location of archaeological sites discovered by the investigation, and copies of completed site forms under subsection (c)(14). (*Natural Resources Commission; 312 IAC 21-3-8*)

SECTION 2. 310 IAC 19 IS REPEALED.

### ***Notice of Public Hearing***

*Under IC 4-22-2-24, notice is hereby given that on March 23, 2001 at 2:00 p.m., at the Indiana Government Center-South, 402 West Washington Street, Room W272, Indianapolis, Indiana the Natural Resources Commission will hold a public hearing on proposed new rules to provide standards for archaeological review and recovery, incorporate statutory changes made to the enabling legislation made since the adoption of 310 IAC 19, require a principal investigator to be qualified by training and experience to coordinate, develop, and complete an archaeological project, require a field or laboratory supervisor to be qualified by training and experience to perform these supervisory functions, and clarify ethical standards. Copies of these rules are now on file at the Indiana Government Center-South, 402 West Washington Street, Room W272 and Legislative Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana and are open for public inspection.*

Michael Kiley

Chairman  
Natural Resources Commission