

(CR) Legislation, Standards, and Guidelines for Cultural Resource Reviews – State

STATE HISTORIC PRESERVATION OFFICER'S STANDARDS FOR ARCHAEOLOGICAL WORK IN MAINE

SUMMARY:

These rules and regulations contain the composition and functions of the Archaeological Advisory Committee, the credentials requirements for persons on the Commission's approved lists of prehistoric archaeologists and historic archaeologists, procedure for review of credentials, procedure for removal from approved lists, method for applying for survey grants, participation in environmental impact projects, and guidelines for research and reporting.

1. GENERAL RULES AND DEFINITIONS

A. Definitions

Commission. "Commission" shall mean the Maine Historic Preservation Commission.

Historic Archaeologist. "Historic Archaeologist" shall mean a professional archaeologist who conducts research on sites in which human beings have left traces of their activities on or under the landscape since the arrival of Europeans to North America.

Incompetent. "Incompetent" shall mean fieldwork which fails to meet the standards of current scientific methods and which results in damage or destruction of archaeological deposits without adequate data recovery.

Prehistoric Archaeologist. "Prehistoric Archaeologist" shall mean a professional archaeologist who conducts research on sites in which Native Americans have left traces of their activities on or under the landscape both before and after the arrival of Europeans to North America.

Principal Investigator. "Principal Investigator" shall mean the person directing a project and responsible for its conduct.

Professional Archaeologist. "Professional Archaeologist" shall mean a person who has the credentials listed in Section 3 of these rules and regulations.

Public Benefit. "Public Benefit" shall mean the dissemination of data by any or all means stipulated under "Timely Release of Results".

State Historic Preservation Officer (SHPO). "State Historic Preservation Officer" shall mean the Director of the Maine Historic Preservation Commission.

Supervisory Experience. "Supervisory Experience" shall mean occasions in which a person has functioned as Principal Investigator or supervisor of a field crew.

Timely Release of Results. “Timely Release of Results” shall mean dissemination of data to professional and/or lay audiences by means of exhibits, publications, reports, lectures, and/or films within two (2) years of the completion of a project.

Unethical Professional Behavior. “Unethical Professional Behavior” shall mean sale of artifacts or deliberate misrepresentation of data for personal gain or any activity defined as illegal by the State of Maine.

B. Intent

The intent of the State Historic Preservation Officer’s Standards for Archaeological Work in Maine is to ensure that Maine’s archaeological sites and their contents are identified, evaluated, and protected in ways which are least damaging to a non-renewable and vulnerable resource.

2. ARCHAEOLOGICAL ADVISORY COMMITTEE

A. The Archaeological Advisory Committee (AAC) is composed of the following persons:

- a) Commission staff prehistoric archaeologist;
- b) Commission staff historical archaeologist;
- c) Commission member for prehistoric archaeology;
- d) Commission member for historical archaeology;
- e) All professional archaeologists on either or both of the Commission’s approved lists with full-time faculty appointments in the Maine State University system, or permanent, full-time positions in Maine State Government.
- f) Any four additional professional archaeologists appointed by the SHPO for two-year terms of an unlimited number.

B. The AAC is subdivided into two sub-committees, one for prehistoric archaeology and one for historical archaeology. Members of the AAC are assigned by the State Historic Preservation Officer to one of the sub-committees based on the sub-discipline which is the focus of their work.

C. The AAC advises the SHPO on the following:

1. Eligibility of persons who have applied for listing in one or more approved lists;
2. The possible suspension or revocation of a person’s eligibility for listing;
3. Review of all Commission guidelines and plans relating to any aspect of archaeology;
4. Any other matters at the request of the SHPO.

3. CREDENTIALS.

The SHPO recognizes that archaeological work can require a range of training and experience from modest levels to advanced levels. Persons meeting the requirements of advanced experience and training shall be eligible for both the Level 1 approved list and the Level 2 approved list. Those persons meeting only the criteria of moderate training and experience shall be eligible for the Level 1 approved list. Persons listed on the Level 1 approved list shall be recommended by the Maine Historic Preservation

Commission for Phase I archaeological survey work, archaeological site location, survey and data synthesis work for municipal planning, and reconnaissance-level state survey grants available in years where there is excess programmatic match provided by state and non-state funds. Persons listed on the Level 2 approved list shall be recommended for all types of work and grants available including Phase II and Phase III cultural resource management jobs, and they will be eligible to direct state and federally-funded survey grants, and state and federally-funded development grants. In addition, the Level 1 and Level 2 approved lists will be subdivided by specialty either in historic archaeology or prehistoric archaeology. A person may be listed on more than one approved list.

A. Credentials for listing on the Level 1 approved list. Minimum requirements for listing on the Level 1 approved list shall include:

1. A Bachelor's degree in archaeology, anthropology, history, or similar field related to and concerned with the practice of field archaeology; and
2. At least one year of professional experience or equivalent specialized training in archaeological research and administration or management; and
3. Demonstrated ability to carry research to written completion; and
4. A minimum of one year's professional supervisory experience in prehistoric and/or historic archaeology fieldwork in northern New England within the previous ten (10) years; and
5. No record of illegal, unethical, and/or incompetent professional behavior; and
6. A letter of recommendation from one or more persons listed on the Level 2 MHPC approved list stating that the person is capable of completing Phase 1 archaeological survey or municipal planning archaeological tasks, and that the person has an adequate knowledge of northern New England historic and/or prehistoric archaeology to complete the task.

B. Credentials for listing on the Level 2 approved list. Requirements for listing on the Level 2 approved list shall include:

1. A graduate degree in archaeology, anthropology, or a closely related field; and
2. At least two years of full-time professional experience or equivalent specialized training in archaeological resource research, administration, or management; and
3. At least two years of supervisory field and analytical experience in general North American archaeology; and
4. A demonstrated ability to carry research to completion; and
5. At least one year of full-time professional experience at the supervisory level in the study of archaeological resources of the prehistoric and/or historic periods for, respectively, professionals in historic or prehistoric archaeology; and
6. A minimum of one year's professional supervisory experience in prehistoric and/or historic archaeology field work in northern New England; and
7. A record of timely release of results for public benefit; and
8. No record of illegal, unethical and/or incompetent professional behavior; and

9. A letter of recommendation from one person on the Level 2 approved list stating that the applicant has sufficient training and experience to complete the full range of tasks outlined above satisfactorily; and
10. Persons listed on the Maine Historic Preservation Commission's existing approved lists for historic and prehistoric archaeology at the adoption of these rules shall automatically be listed in the equivalent Level 2 list.

C. Application for Listing.

Persons wishing to be listed in the Level 1 and/or Level 2 lists for either prehistoric and/or historic archaeology shall submit to the SHPO a complete and current resume, one or more letters of recommendation and such other information as the SHPO may require. The SHPO shall submit completed applications to either or both of the ACC subcommittees, as appropriate. The subcommittee(s) shall then advise the SHPO as to whether in its opinion the applicant meets the criteria for eligibility set forth in subsection A or B, as applicable. The determination of the applicant's eligibility shall lie in the sole discretion of the SHPO. The SHPO may:

1. grant eligibility;
2. grant eligibility for a limited period of time subject to conditions;
3. request additional information before acting on an application;
4. pursuant to the Maine Administrative Procedure Act, 5 MRSA section 8001 et seq., issue a notice of opportunity for hearing or a notice of hearing; or
5. deny eligibility

D. Revocation or Suspension of Eligibility

Eligibility may be suspended or revoked for one or more of the following reasons:

1. an eligible person has failed to conduct professional work in northern New England for a period of ten years;
2. an eligible person has failed to maintain a record of timely release of results for public benefit;
3. an eligible person has engaged in unethical or incompetent activities in connection with the practice of archaeology.

The SHPO may investigate any incident or circumstances which may constitute a basis for suspension or revocation of eligibility under this subsection. The SHPO may also seek the advice and assistance of the Archaeological Advisory Committee. Any action by the SHPO to revoke or suspend eligibility shall be brought by the SHPO pursuant to the Maine Administrative Procedure Act, 5 MRSA section 8001 et seq. The determination of the appropriate course of action shall lie in the sole discretion of the SHPO.

4. APPLICATION FOR SURVEY GRANTS

Agencies and institutions employing or proposing to hire persons meeting federal credential requirements and listed on a Commission approved list are eligible for matching federal and state survey grants for archaeological survey and planning. They

must submit a proposal detailing scope-of-work, schedule, artifact and records curation, along with a budget with breakdown showing proposed use of federal or state funds and the non-federal matching share of the total project cost. The SHPO provides copies of proposals to the relevant professional staff member, who then advises the SHPO as to whether funds should be awarded. If so, the SHPO then decides whether the Commission's level of survey funding will allow full or partial award of a grant, advised in turn by the Executive Committee and the full Commission. The applicant institution or agency is then advised in writing of the decision, coupled with special conditions, if any.

5. ENVIRONMENTAL IMPACT PROJECTS.

When a government agency or private party (contracting party) is required by law to conduct pre-construction archaeological survey or mitigation, the following procedural steps are taken:

- A. The contracting party ascertains from the SHPO that fieldwork is needed.
- B. The SHPO sends the contracting party the applicable approved lists of archaeologists and a generic scope-of-work based upon the nature of the project. These are accompanied by a recommendation that approved archaeologist(s) be hired to direct the project.
- C. The contracting party seeks proposal(s) from any or all of the persons on the supplied approved lists.
- D. The contracting party sends the proposal(s) to the SHPO for comment on the scope-of-work and methodology, omitting any budgetary information, unless the contracting party specifically requests in writing that this be included in the review. Should such a request for SHPO comment on budgetary information be made, the SHPO will consult with the bidder(s) about their proposed budget(s) before commenting to the contracting party.
- E. The SHPO, advised by the relevant Commission staff member(s), comments on the proposals in writing to the contracting party, who then negotiates with the potential contractor(s) for necessary modifications.
- F. An agreement is reached between the SHPO and the contracting party on the scope of work and methodology.
- G. Once the fieldwork is completed, a report is prepared by the contractor and submitted to the contracting party.
- H. The contracting party sends the report to the SHPO for comment.
- I. The SHPO sends the contracting party a written statement clearly describing the report's problems, if any, and what measures are necessary to rectify them.
- J. The contracting party passes these comments on to the contractor, who makes changes as necessary, re-submits the report to the contracting party, who re-submits it to the SHPO for approval.

K. The SHPO approves the report and so notifies the contracting party.

6. GUIDELINES FOR RESEARCH AND REPORTING.

- A. Phase I (reconnaissance-level) survey involves initial search for and location of all potentially significant archaeological sites within a specified area, or gathering enough data for statistical assurance that no such sites exist. This work includes a search of existing archaeological data for the area, including field notes and reports on file in the Commission offices and other relevant data repositories; communication with local collectors and review of their artifact collections and provenience, where appropriate; field research as appropriate, including walk-over and/or subsurface testing, with suitable sampling strategy; and, for historic archaeological survey, a review of relevant primary documentary sources.
- B. Phase I reports will include, at a minimum, discussion of the items on the attached "Report Form for Small-Scale Survey", although it is not necessary to follow the exact format or order of items. Graphics will be clean and clearly reproducible. Photographs will be black and white, minimum 5" x 7" format, and of good quality, unless an alternate format has been approved by this Commission. Either representative examples or complete test unit soils and content records will be appended. All test units must be located on maps, or other such information provided to allow for assessment of testing intensity.
- C. Phase II (intensive-level) survey consists of testing a site, determining its size and contents, developing enough data to decide whether or not the site is eligible for the National Register of Historic Places and to plan full mitigation, if applicable. Phase II survey will often involve research as a continuation of Phase I, but it is focused on specific site(s) rather than areas. Phase II survey must provide enough data for determination of National Register-eligibility and production of a nomination, if necessary.
- D. Phase II reports will contain, at a minimum, the same types of information noted above for Phase I reports, but will be focused on specific site(s). Enough test unit information will be included to allow independent assessment of site boundaries. For sites that may be eligible for nomination to the National Register, information necessary for completion of a nomination form will be included. Recommendations concerning National Register eligibility should refer to federal criteria ("Guidelines for Completing National Register of Historic Places Forms") and any current Commission guidelines.
- E. Phase III (mitigation or development) represents excavation of a site for data recovery either for pure scientific research or in cases where construction cannot be designed to avoid adverse impact to all or part of a National Register-listed or Register-eligible site. Phase III excavation will follow a scientific research proposal designed to maximize data recovery, under the principal that excavation destroys a site. The goal of Phase III data recovery projects is not necessarily to prove a particular theoretical point, or recover data addressing just one category of inquiry. The Principal Investigator must demonstrate awareness of a broad range of research goals and problems that can be addressed by the data preserved in the site. The data recovery techniques proposed must be sufficient to do the best currently possible job recovering as much potential data as

possible from the ground for the widest range of research goals. Laboratory analysis and reportage must focus on a wide range of currently standard research topics, but the storage of artifacts and samples for the future should be cognizant of the possibility of future analyses. When there is a conflict between the goals of two different data recovery techniques, a compromise would be best.

- F. Phase III excavation reports will constitute a site report of great detail, including relevant laboratory analyses. Written language, graphics, and photographs will be substantially in publishable form.

STATUTORY AUTHORITY: 27 MRSA S. 509
16 USC S.470a(b)
36 CFR 61.4(b)

EFFECTIVE DATE: March 26, 1990

BASIS STATEMENT:

Because of the vulnerability of archaeological sites to unprofessional excavation and because of the need to ensure that surveys to identify and evaluate archaeological sites are conducted properly, this rule establishes minimum credentials requirements for archaeologists seeking Commission grant support or Commission recommendation for projects funded by other parties. This rule also outlines archaeological survey reporting requirements. This final rule differs from the draft rule on the basis of a comment at the public hearing that the definition of "Prehistoric" was inaccurate. It was decided at the hearing to eliminate "Historic" and "Prehistoric" from the definitions and replace them with "Historic Archaeologist" and "Prehistoric Archaeologist". The State Historic Preservation Officer finds that this non-substantive change leads to more consistent definitions.

REPORT FORM FOR PHASE I SURVEY

1. PROJECT NAME: _____
2. LOCATION: CITY/COUNTY: _____
USGS QUADRANGE: _____
UTM COORDINATES: _____
OTHER LOCATION REFERENCES: _____
3. TYPE OF INVESTIGATION: _____
4. PRINCIPAL INVESTIGATOR: _____
5. REPORTER: _____
6. DID SURVEY COVER ENTIRE AREA OF DIRECT AND INDIRECT ENVIRONMENTAL IMPACT OF PROJECT? ___ YES ___ NO. IF "NO", ATTACH EXPLANATION.
7. DATES OF FIELDWORK: _____
8. ATTACH MAP(S) OF AREA(S) SURVEYED
9. ATTACH LIST OF PERSONNEL ON SURVEY TEAM.
10. REPOSITORY FOR NOTES: _____
11. REPOSITORY FOR ARTIFACTS: _____
12. ENVIRONMENT:
 - (A) ATTACH DESCRIPTION OF CONTEMPORARY ENVIRONMENT (CA. 1PG.)
 - (B) ATTACH DESCRIPTION OF LIKELY RELEVANT PREHISTORIC AND/OR HISTORIC ENVIRONMENTS, WITH BASES FOR RECONSTRUCTION (CA. 1-2 PG)
13. RESEARCH TOPICS: ATTACH DESCRIPTION OF RESEARCH TOPICS THAT INFLUENCED DECISION-MAKING ABOUT SURVEY DESIGN AND/OR SIGNIFICANCE OF PROPERTIES.
14. BACKGROUND RESEARCH:
 - (A) ATTACH LIST OF SOURCES CONSULTED (INCLUDE INFORMANTS)
 - (B) ATTACH BRIEF DESCRIPTION OF RESULTS (PREDICTION OF HISTORIC PROPERTY LOCATIONS, IDENTIFICATION OF GROUPS USING THE AREA, ETC.)
15. FIELD RESEARCH:
 - (A) ATTACH DESCRIPTION OF SURFACE INSPECTION METHODS (CA. 1PG).
 - (B) ATTACH DESCRIPTION OF SUBSURFACE TESTING METHODS (IF USED).
 - (C) ATTACH DESCRIPTION OF OTHER METHODS AND TECHNIQUES IF USED (I.E., REMOTE SENSING)
 - (D) ATTACH DESCRIPTION OF ANY CONSTRAINTS ON THE VALIDITY OF FIELD OBSERVATIONS (I.E., ADVERSE WEATHER CONDITIONS, OBSCURED VISIBILITY, ETC.)
 - (E) ATTACH DESCRIPTION OF ANY METHODS USED TO CONTROL BIAS IN OBSERVATION AND REPORTING
 - (F) ATTACH DESCRIPTION OF ANY ADJUSTMENTS MADE IN FIELD METHODS DURING SURVEY
16. ATTACH DESCRIPTION OF ANALYTIC PROCEDURES USED.
17. HISTORIC PROPERTIES IDENTIFIED (IF ANY). ATTACH STANDARD STATE INVENTORY FORMS.
18. ATTACH EVALUATION OF WORK REPORTED (CA. 1PG).
19. ATTACH RESEARCH-RELATED CONCLUSIONS, IF ANY.