Title 16: History, Humanities and Arts

Part 3: Historic Preservation Division

Part 3 Chapter 1: Procedures for Implementation of the Antiquities Law of Mississippi
(Adopted by the Board of Trustees on January 15, 2010)

Rule 1.1 The Board of Trustees and Permit Committee. Section 39-7-5 of the Antiquities Law assigns primary responsibility for administration of the Antiquities Law of Mississippi to the Board of Trustees ("Board") of the Mississippi Department of Archives and History (MDAH). The Board meets quarterly and in special meetings as necessary.

In administering the Antiquities Law, the Board of Trustees considers recommendations prepared by the Permit Committee established by the Board.

The Permit Committee is composed of the

A. MDAH director

B. Director of the MDAH Historic Preservation Division

C. Review and Compliance Officer

D. Mississippi Landmark Coordinator

E. Chief Archaeologist

F. Chief Architectural Historian

G. Technical Assistance Coordinator

H. Any other members appointed by the Board.

All members of the Permit Committee are to be confirmed by the Board. The MDAH director serves as chair and presides at Permit Committee meetings. In the absence of the director, the director of the Historic Preservation Division presides. Meetings are conducted in accordance with *Robert's Rules of Order*.

The Permit Committee meets on the second Thursday of each month. Special meetings of the Permit Committee may be called by the chair, in accordance with the Mississippi Open Meetings Act (Section 25-41-1, et. seq.). All Permit Committee meetings are open to the public. Members of the public may be permitted to address the Permit Committee at the invitation of the chair.

All recommendations of the Permit Committee are presented to the Board or to the Executive Committee of the Board for formal ratification. No permits may be issued without Board approval.

Source: *Miss. Code* §§ 25-59-1, 39-7-5, 25-41-1 (1972, as amended).

Rule 1.2 Designation of Mississippi Landmarks. Section 39-7-11 designates publicly owned prehistoric sites as Mississippi Landmarks and authorizes the Board to designate publicly owned sites of historical significance as Mississippi Landmarks with or without the consent of the owner(s). Section 39-7-13 authorizes the Board to designate privately owned sites of historical significance as Mississippi Landmarks with the written consent of the owner(s).

Source: *Miss. Code* §§ 39-7-11, 39-7-13 (1972, as amended).

Rule 1.3 Criteria for Designation. Mississippi Landmarks are recognized as the state's most important historic and cultural resources. They are sites, objects, buildings, artifacts, implements, and locations that possess exceptional value or quality in illustrating or interpreting the heritage of the State of Mississippi.

The Board shall judge the significance of such sites, etc., by these criteria:

The site, object, building, artifact, implement, or location must be:

A. individually listed in the National Register of Historic Places; or

B. listed as a contributing resource in a National Register District, or

C. eligible for listing in the National Register of Historic Places, in accordance with the National Historic Preservation Act; and possess particular historical, architectural, archaeological, cultural or educational value according to these standards, as delineated in Section 39-7-4 of the Mississippi Antiquities Law:

    1. The site, object, building, artifact, implement, or location must possess that quality or qualities associated with events that have made a significant contribution to the broad patterns of state, local or national history, or that quality or qualities associated with the lives of persons significant in local, state or national history; or

    2. The site, object, building, artifact, implement, or location must possess the qualities which embody the distinctive characteristics of type, period, or method of construction, or that represent the work of a master, or that possess high artistic value; or

    3. The site, object, building, artifact, implement, or location must possess the quality or qualities which have yielded, or may be likely to yield, information important in Mississippi prehistory or history.

Source: *Miss. Code* §§ 25-59-1, 39-7-1, 39-7-4 (1972, as amended).

Rule 1.4 Considerations and Designations. When a Landmark designation request is received or, when MDAH is made aware of a potential Landmark that is publicly owned, a member of the Permit Committee shall prepare a significance report at the request of the director of the Historic Preservation Division. The report will indicate whether or not the property is eligible for consideration as a Mississippi Landmark.

The significance report shall be developed in accordance with the standards for preparation of a National Register of Historic Places nomination. The report shall include a written statement on the boundaries of the proposed landmark property and shall list all sites, objects, buildings, artifacts, implements, and/or locations to be included in the proposed landmark property and considered eligible for Landmark designation.

The significance report shall be submitted to Permit Committee members at least one week prior to the date of the Permit Committee meeting at which the report will be presented. Unless otherwise specified by the chair, the preparer of the report will make an oral presentation of the significance report to the Permit Committee. The Permit Committee will use a numerical rating system in the determination of significance, and will by majority vote endorse, or decline to endorse, the significance report.

If the Permit Committee finds that the site is eligible for consideration as a Mississippi Landmark, the chair, in consultation with the director of the Historic Preservation Division, will determine if the site will be placed before the Board of Trustees for consideration. A decision not to place a property before the Board will serve as a *de facto* decision not to landmark the property. This de facto decision may be appealed to the Board of Trustees by the owner of the property or by interested citizens.

If the chair determines that a site will be placed before the Board for consideration, the item will be placed on the agenda of the next quarterly Board meeting. However, if expeditious action is required for contractual, security, or economic reasons, the Executive Committee by unanimous consent may act on the matter prior to the quarterly meeting.

If the Board or Executive Committee places publicly owned properties under consideration for Mississippi Landmark designation, MDAH shall publish a notice soliciting public comment. Public comment will be received for a period of at least twenty-one (21) days from publication.

At the conclusion of the consideration phase, the Board of Trustees will act on the designation of a property at the ensuing quarterly meeting. However, if expeditious action is required for contractual, security, or cost savings reasons, and provided no opposition is expressed during the public comment period, the Executive Committee by unanimous consent may act on the designation prior to the quarterly meeting.

Upon designation as a Mississippi Landmark property, MDAH shall inform the property owners in writing and shall prepare and execute a *Certificate of Designation* to be recorded in the deed records of the county in which the property exists.

Source: *Miss. Code* §§ 25-59-1, 39-7-1 (1972, as amended).

Rule 1.5 Notices of Intent and Permits for Designated Mississippi Landmark Properties.
Restoration, renovation, significant repairs or other alterations of a Mississippi Landmark property may be conducted only pursuant to a permit approved by the Board of Trustees. Work affecting Mississippi Landmark archaeological sites also requires a Mississippi Landmark permit.

For projects involving the demolition or significant alteration of designated Mississippi Landmark properties, the owner(s) must submit a *Notice of Intent* to MDAH and publish a notice soliciting public comment to be submitted to MDAH for a period of at least fourteen (14) days from the date of the *Notice of Intent*. The *Notice of Intent* must be completed and submitted with appropriate supporting documentation, including but not limited to plans and specifications, maps, photographs, etc., at least two (2) weeks prior to the next regularly scheduled Permit Committee meeting. No action on the *Notice of Intent* will be undertaken until proof of publication of the public notice has been received by MDAH, and the period of public comment has closed. Upon receipt of the *Notice of Intent* and following the public comment period, the Permit Committee will make recommendations to the Board. In making recommendations to the Board, the Permit Committee will follow the Secretary of the Interior's *Standards*.

For projects that do not involve demolition or significant alteration of a designated Mississippi Landmark property and consist of routine or minor activities consistent with the Secretary of the Interior's *Standards for Rehabilitation* (outlined below), a public notice is not required. The *Notice of Intent* must be completed and submitted with appropriate supporting documentation, including but not limited to plans and specifications, maps, photographs, etc., at least one (1) week prior to the next regularly scheduled Permit Committee meeting. For these projects, the Permit Committee may proceed with review of the proposed project. Owners of designated Mississippi Landmarks are encouraged to contact the department to determine if a public notice is necessary.

Permits are valid for one (1) year from the issue date of the permit. At the completion of the permitted project, the owner must submit documentation, including photographs, of the permitted activity.

Source: *Miss. Code* §§ 25-59-1, 39-7-1 (1972, as amended).

Rule 1.6 Notices of Intent for Undesignated Public Properties.
Section 39-7-22 requires that a *Notice of Intent* should be submitted "in the early stages of planning and always prior to the letting of bids for public construction, public improvement of any nature, or transfer of public property to private ownership by state agencies," for determination of possible effects to potential Mississippi Landmarks. The *Notice of Intent* must be completed and submitted with appropriate supporting documentation, including but not limited to plans and specifications, maps, photographs, etc., at least one (1) week prior to the next regularly scheduled Permit Committee meeting.

If MDAH staff determines that no potential Mississippi Landmark property will be affected, the chair will be informed in writing of the determination. The chair will either accept the

determination or direct that the property be placed in the consideration process. If the chair accepts the determination, notification will be provided to the applicant stating that no permit will be required. If a property is identified as eligible for Mississippi Landmark designation and placed in the consideration process, the Permit Committee may proceed with review of the proposed project.

In the event that any Native American burials are encountered during a project, a permit is required prior to removal or excavation. If on private property, removal or excavation also requires the written permission of the landowner(s).

Source: *Miss. Code* §§ 25-59-1, 39-7-1, 39-7-22 (1972, as amended).

Rule 1.7 Removal of Designation. Requests for the removal of a Mississippi Landmark designation may be submitted in writing to the Permit Committee by the property owner; or removal of Mississippi Landmark designation may be initiated by MDAH. The owner (or MDAH) shall publish a notice soliciting public comment to be submitted to MDAH for a period of fourteen (14) days from the date of the notice. Proof of publication shall be provided with the request for removal of designation. Based on the information provided and following the public comment period, the Permit Committee will make a recommendation to the Board, and the request will be placed on the agenda of the next quarterly Board meeting.

Source: *Miss. Code* §§ 25-59-1, 39-7-1, 39-7-15 (1972, as amended).

Rule 1.8 Public Comment. Interested citizens may submit written comments to the Board regarding the recommendations of the Permit Committee prior to the Board meeting. Interested citizens may also submit a written request for reconsideration of any action taken by the Board on the Permit Committee's recommendations. The President of the Board of Trustees will determine if the Board will reconsider the action at the Board's next quarterly meeting.

Source: *Miss. Code* §§ 25-59-1, 39-7-1 (1972, as amended).

Rule 1.9 Burial Excavation Permits. No prehistoric or historic American Indian or aboriginal burial excavation permits will be issued unless the excavation is performed by or supervised by a professional archaeologist and a physical anthropologist. If the burial(s) in question are reasonably expected to be of a known, federally recognized tribe, MDAH shall consult with tribal authorities prior to the issuance of a permit.

Permits to excavate burials will not be issued unless there is an immediate threat to the integrity of the burial(s) through vandalism, natural forces, or unavoidable development. A burial is understood to include those items which were interred with the remains.

Source: *Miss. Code* §§ 25-59-1, 39-7-19 (1972, as amended).

Rule 1.10 Temporary Restraining Orders. When MDAH has confirmed that work has been initiated on a designated Mississippi Landmark property, or potentially eligible publicly owned

property, prior to the issuance of a permit, the director of the Historic Preservation Division or his designee shall immediately contact the owner to request that the work is halted until a *Notice of Intent* form is submitted in accordance with the above procedures. If the owner refuses to cease operations or follow the permit process, the MDAH director may seek a temporary restraining order through the Attorney General's Office.

Source: *Miss. Code* §§ 25-59-1, 39-7-1 (1972, as amended).

Rule 1.11 Section 106 of the National Historic Preservation Act and Preservation Tax Incentive Review Procedures. For designated Mississippi Landmarks also under review in accordance with Section 106 of the National Historic Preservation Act, the federal review process will take precedence over the Mississippi Landmark review. However, the President of the Board of Trustees may require a Mississippi Landmark permit in addition to the National Historic Preservation Act review. Mississippi Landmark permits are always required for prehistoric or historic American Indian or aboriginal burials.

For designated Mississippi Landmark properties also under review in accordance with the federal or state preservation tax incentives programs, the tax incentives review process will take precedence over the Mississippi Landmark review. However, the President may require a Mississippi Landmark permit in addition to the tax review.

Source: *Miss. Code* §§ 25-59-1, 39-7-1 (1972, as amended).

Rule 1.12. Routine and/or Minor Activities Consistent with the Secretary of the Interior's *Standards of Rehabilitation*:

A. Appropriate removal of insignificant or incompatible minor additions or alterations;

B. Repair or selective in-kind replacement of siding materials;

C. Repair or in-kind replacement of roofing, coping, gutters and downspouts;

D. Selective in-kind or appropriate replacement of exterior and interior lighting fixtures;

E. Repair or selective in-kind replacement of original and/or appropriate flooring materials;

F. Repair or selective in-kind replacement of interior and exterior finishes, including but not limited to structural finish materials (i.e. stucco, plaster, clapboard, etc.), paint, and/or stain;

G. Repair or selective in-kind replacement of original and/or appropriate windows or doors;

H. Heating Ventilation and Air Conditioning equipment, if suitably screened or unobtrusive to the structures original building materials or its aesthetic surroundings;

I. Plumbing or Exhaust Vents, if suitably screened or unobtrusive to the structures original building materials or its aesthetic surroundings;

J. In-kind repair or replacement of woodwork, metalwork, and other trim;

K. Selective brick pointing and cleaning of building exteriors, except by sandblasting or other abrasive methods;

L. Pruning & maintenance of limbs not more than 6 inches in diameter;

M. Removal of trees not more than 6 inches in diameter;

N. In-kind repair or replacement of sidewalks and parking surfaces;
O. In-kind repair or selective replacement of fencing;

P. Other routine, minor, and compatible work consistent with the above.

Source: *Miss. Code* §§ 25-59-1, 39-7-1 (1972, as amended).

Part 3 Chapter 2: Procedures for Implementation of the State Historical Marker Program
(Adopted by the Board of Trustees on January 15, 2010, Amended July 19, 2013)

Rule 2.1. Any individual, group, or organization may submit an application to MDAH to sponsor a State Historical Marker. In order for a site to qualify for a State Historical Marker, a site must have unique historical significance to the local community, state, or nation. For cemeteries and places of worship, the subject should include unique architectural features or be associated with prominent historical events, personalities, or communities.

Sponsors of State Historical Markers are solely responsible for the cost of the marker(s), and a statement signed by the sponsor(s) attesting to the same must be included with the application. The manufacturer will bill the sponsor directly once the marker has been shipped. MDAH will not accept or process payments on behalf of the sponsor of a privately funded State Historical Marker.

Upon receipt of a State Historical Marker application that includes relevant background information, MDAH staff will research the proposed marker subject in order to verify the historical accuracy of the material submitted. Once sufficient information has been compiled, MDAH staff will prepare a report to be presented at the next quarterly Board of Trustees meeting. The Board of Trustees may accept or reject any application for State Historical Markers.

The text for a State Historical Marker is drafted by MDAH staff in consultation and with consent of the sponsor. However, MDAH reserves the right to approve the final marker text. Once a final text has been approved by the Director, MDAH staff will process the order to the manufacturer.

The purchase of a replacement of a missing or existing state historical marker and/or the repair of an existing State Historical Marker is the sole responsibility of the applicant(s) or sponsoring entities, and a signed statement approving the cost of the replacement or repair must be included with the application. The Board of Trustees may approve public funds for the replacement or repair of a state historical marker provided MDAH staff determine that the historical event or site interpreted by the marker is of national or statewide significance.

Source: *Miss. Code* §§ 25-59-1, 39-7-1 (1972, as amended).

Part 3 Chapter 3: Scope of Work Policy for the Hurricane Relief Grant Program
(Adopted by the Board of Trustees on October 16, 2009)

Introduction. The Scope of Work Policy for rehabilitation projects funded through the Hurricane Relief Grant Program for Historic Preservation (HRG) was developed in an effort to:

A. judiciously administer the limited funding available for restoration of historic buildings damaged by Hurricanes Katrina and Rita and

B. to ensure fairness and uniformity in the treatment of grantees.

It has been refined as the result of experience gained over the course of the grant program.

Rule 3.1 Grant-Refundable Scope of Work Items. Fundable work shall include design, supervision, and execution of repairs and shall be limited to:

A. Storm Damage:

1. Repair of damage caused, directly or indirectly, by Hurricanes Katrina or Rita. Such damage is defined as destruction or deterioration caused:

a. directly by the storm

b. indirectly by the storm, if it exacerbated pre-existing conditions, such as deteriorated foundations, roofs, framing, etc.

c. indirectly by work which was undertaken to repair storm damage but which actually caused additional damage (such as work by untrained volunteers who removed beaded board wall coverings or unscrupulous/ inept contractors who performed substandard work.)

B. Underlying Conditions:

Repair of underlying conditions not caused by the storm, but the repair of which is:

1. necessary in order to repair damage actually caused by the storm, or

2. necessary in order to protect the investment of public funds expended in repairing storm damage

C. Building Fabric:

1. Repair of historic building fabric.

2. Repair of non-historic fabric that was in-place at the time of the storm. Such fabric includes roof coverings, structural systems (framing and foundations), and mechanical or electrical systems (limited to rough-in):

a. Upgrading is allowed when the system at the time of the storm no longer meets code requirements or is no longer readily available.

b. When an existing inappropriate building component has been damaged by the storm, the grant will cover (and require) replacement with a historically appropriate component.

3. Finish of building fabric:

a. Limited to 2 coats of primer on new or repaired wood in order to prevent damage by the elements until the owner can afford to paint. The policy includes interior as well as exterior wood.

i. Priming floor boards is not covered by the grant, although new boards may be sanded to produce an even surface.

Source: *Miss. Code* §§ 25-59-1, 39-7-1 (1972, as amended).

Rule 3.2 Exceptions to Grant-Refundable Scope of Work Items.

Reasoning: Restrictions on the scope of work that can be funded by the HRG sometimes result in leaving the homes of people of very limited financial means in an unoccupiable condition. For instance, the bathroom plumbing is roughed-in, but there are no toilets, tubs, or sinks. The kitchen plumbing might be roughed-in but there is no floor covering and no sink. If such buildings cannot be inhabited, they are likely to deteriorate over time, in which case the HRG grant-supported work would be lost. To avoid that loss, a modification in the sorts of work that are covered by the HRG is proposed, as follows:

Exceptions for:

A. Grantees who own property in an area that serves very low-income residents and who are not financially able to pay for the work necessary to make the buildings habitable.

B. Non-Profit organizations which are not financially able to pay for the work necessary to restore to a state of utility a building being rehabilitated for their own use or other public benefit.

1. Underlying Conditions:

   Repair of underlying conditions not caused by the storm but the repair of which is:

   a. Necessary to make the building habitable and the property owner is not financially able to undertake the work.

2. Building Fabric:

   a. Repair of non-historic fabric:

      i. Including purchase and installation of basic-level built-in kitchen, mechanical and electrical systems and fixtures (not appliances), such as toilets, sinks, wall switches, ceiling light fixtures, switch plates, etc.

   b. Finish of Building Fabric:

      i. Paint on the exterior of the building.

      ii. Floors finished to a point of utility. Finishing may include laying floor coverings in the kitchen or bath and refinishing wood floors with clear varnish or paint.

      iii. Wall and ceiling surfaces made ready for paint or other finish.

Source: *Miss. Code* §§ 25-59-1, 39-7-1 (1972, as amended).

Part 3 Chapter 4: Policy and Standards for Curated Federal Archaeological Collections
(Adopted by the Board of Trustees on October 16, 2009)

Introduction. Curation at the MDAH Curation Facility
The Mississippi Department of Archives and History was established in 1902 and serves as the State Historic Preservation Office (SHPO). In addition, all state owned collections are housed in the MDAH facility in addition to several federal collections, such as the Federal Highway Administration. The facility also houses the state-wide archaeological and architectural survey files, site card files and the National Register of Historic Places files.

The MDAH facility was initially designed for the purpose of curating the state's paper archives. The building design consists of concrete exterior walls, a covered loading dock and a poured concrete floor. The facility is located on the third floor of the Charlotte Capers Building. All artifact collections are curated on this floor. The facility is temperature controlled, virtually fire-

proof, and has seven miles of movable shelving that is capable of storing over 15,000 curation boxes measuring 15 X 12 X 10. The archaeological laboratory is in the basement of the Capers Building and is where the incoming collections are processed before being curated on the 3rd floor. Security measures include controlled access to the collections. All visitors must be logged in before they are given access to the collections. In addition, the Capitol Police patrol inside the building twice a night.

Rule 4.1 Procedures for Curated Collections.

A. A collection must include all data and paperwork generated as a result of a project included but not limited to:

    1. all field notes,

    2. specimens,

    3. records,

    4. photographs,

    5. maps,

    6. computer-generated media,

    7. and all other data.

    All paper documents and photographs must be originals. Two bound copies of the final report and one unbound copy must be included with the collection.

B. All necessary conservation treatment of artifacts or records must be completed prior to arriving at the MDAH facility. We are not responsible for conservation that is the result of conditions existing prior to receipt of the materials. Artifacts which will need future conservation treatments need to be identified and the cost of those treatments will be assessed in addition to the standard curation fee.

C. Any collection, in our opinion, that is infested with vermin will be returned promptly at the expense of the owner.

Source: *Miss. Code* §§ 25-59-1, 39-7-1 (1972, as amended).

Rule 4.2 Standards for Records.

A. All records and notes must be accompanied by a catalog. The catalog must include but is not limited to:

1. project,
2. site,
3. records type,
4. and subject for each document or group of related documents.

All field notes, forms, drawings, catalogues, inventories will be printed or copied onto acid-free paper. All paper records will be placed in acid-free archival folders that are permanently labeled with the pertinent information listed previously.

B. Records with a significant amount of dirt or soil smears will be copied before being submitted for curation. All soiled originals will be curated with the artifacts.

C. A copy of all records must be submitted on acid-free paper. These will be stored separately from the originals as per 36 CFR Part 79.9, 6ii.

D. All computer generated media must be accompanied by a paper copy of the data contained on the cd and a description of the programs used to create the data. If any information was derived by custom computer programming, a description of the file structures must also be included.

E. Records will be re-boxed into standard MDAH record boxes at a cost of $50.00 per linear foot.

Source: *Miss. Code* §§ 25-59-1, 39-7-1 (1972, as amended).

Rule 4.3 Standards for Photographs.

A. Black and white film must be processed to archival standards (See NPS Standards for photographs). All negatives must be stored in 2 1/2” x 11” polyethylene pages. Archival quality folders, pages or envelopes must be used for other photographic materials which will not fit into a standard page size holder.

B. All photographs must be accompanied by the original photo log containing the project name, subject and date.

C. All negatives must be the original film. No copies.

Source: *Miss. Code* §§ 25-59-1, 39-7-1 (1972, as amended).

Rule 4.4 Standards for Artifact Collections.

A. All artifacts must be organized by site and provenience within each site. All materials separated out for photos, etc. should be re-incorporated into their original provenience.

B. All artifacts must be contained in a 4 mil polyethelene "zip lock" type bags with a white panel area for descriptions. Sandwhich bags, freezer bags, paper bags and all other kinds of bags are not appropriate and will not be accepted. All provenience information will be written in the white panel area of the bag in permanent black marker (i.e. sharpie marker/pen). Bags must be punched with a standard hole punch near the top of the bag to allow air/moisture to escape. Faunal remains/human remains can be placed in a paper bag inside a plastic 4 mil polyethelene zip lock bag. Soil samples also need to be placed in 4 mil polyethelene bags but can be secured with string or wire. Fragile items must be packed in acid free paper and placed inside MDAH approved archival boxes.

C. All artifacts and records will be re-packed into the standard MDAH box after they arrive and are assessed. Artifacts and records therefore can be shipped in a manner left up to the submitter. Each box must contain 2 copies of bag by bag inventory of its contents.

Inventory information must include but is not limited to:

1. site number,
2. provenience,
3. type of material and
4. catalog number.

The charge for re-boxing is $50.00.

Source: *Miss. Code* §§ 25-59-1, 39-7-1 (1972, as amended).

Rule 4.5 Fees and Cost Computation. The curation fee for long-term storage and care is $250.00 per cubic foot or fraction thereof. Fees for artifacts and record collections are computed separately. For example, 5.7 cubic feet of specimens accompanied by 2.2 cubic feet of records would be charged as 6 cubic feet of specimens and 2 cubic feet of records. Oversized objects which will not fit into a 15x12x10 inch box will be billed on the basis of the amount of shelf space required for their storage at a rate of $250.00 per linear foot. There is an additional $50.00 charge per box for re-boxing collection in MDAH curation boxes.

All contracts will be re-negotiated after a 5 year period.

Source: *Miss. Code* §§ 25-59-1, 39-7-1 (1972, as amended).

Part 3 Chapter 5: Mississippi's State Historic Preservation Tax Incentives Program
(Adopted by the Board of Trustees on October 16, 2009)

Introduction. In March 2006, Governor Haley Barbour signed Senate Bill 3067, which created the Mississippi state historic preservation tax incentives program to encourage the rehabilitation of historic buildings. The Mississippi Department of Archives and History (MDAH) is responsible for the administration of the program, which provides for a state income tax credit equal to 25% of the qualified expenses of rehabilitating historic structures used for residential or

business purposes. Properties do not need to be income-producing to qualify for the state tax credit; therefore, rehabilitations of owner-occupied residences are eligible. Only expenditures incurred after January 1, 2006, qualify.

Properties qualifying for the 20% federal preservation tax credit will also qualify for the state tax credit. In effect, the combined federal and state credits can reduce the cost of a certified rehabilitation of an income-producing historic structure by 45%.

For additional information about the state and federal tax incentives, and to determine if a property is listed on the National Register of Historic Places or is a Mississippi Landmark, please contact the Department at the address or telephone number listed below. The National Park Service's web site (http://www2.cr.nps.gov/tps) contains additional information about the federal tax program, as well as technical guidance, including the Secretary of the Interior's *Standards for Rehabilitation* and the Preservation Briefs.

An application packet, which includes the State Historic Preservation Certification Application form, instructions, a sample completed application, and a copy of the Secretary of the Interior's *Standards for Rehabilitation* is available for free when requested via hpres@mdah.state.ms.us and sent electronically or for a fee from the following address:

Historic Preservation Division
Mississippi Department of Archives and History
P.O. Box 571
Jackson, MS 39205-0571
601-576-6940

Rule 5.1 Eligible Properties. Properties eligible to receive the credits are those:

A. individually listed in the National Register of Historic Places,

B. contributing to the significance of a National Register historic district, or

C. designated as Mississippi Landmarks.

Source: *Miss. Code* §§ 25-59-1, 39-7-1 (1972, as amended).

Rule 5.2 Eligible Projects.

A. To be eligible, the qualified rehabilitation expenditures must exceed:

1. $5,000 in the case of an owner-occupied dwelling, or

2. 50% of the total basis in the property in the case of all properties other than owner-occupied dwellings. (Generally, "basis" is the purchase price, less the cost of the land, plus any improvements already made to the property, minus the depreciation taken on the property.)

B. All work must meet the Secretary of the Interior's *Standards for Rehabilitation*.

C. Only rehabilitation expenditures incurred after January 1, 2006, qualify.

D. Not-for-profit entities are ineligible to receive the credits.

Source: *Miss. Code* §§ 25-59-1, 39-7-1 (1972, as amended).

Rule 5.3 Application Process. To qualify for the state tax credit, property owners must submit a three-part State Historic Preservation Certification Application, along with photographs, to MDAH. However, for properties that also qualify for the federal credits, the property owner need only submit the federal certification application, along with the one-page form, "Statement of Intent: Mississippi State Historic Preservation Tax Credit."

The three-part application is used to:

A. request certification that the property is eligible to receive the credit;

B. request a determination that the proposed rehabilitation is in compliance with the Secretary of the Interior's *Standards for Rehabilitation*; and

C. request certification that the project, as completed, meets the Standards.

MDAH reviews the entire project, including related demolition and new construction, and certifies the project only if all work meets the Standards. It is **strongly** recommended that the application be submitted for review and approval before starting work so that potential problems in compliance with the Standards, which might jeopardize the tax credit, can be avoided.

Source: *Miss. Code* §§ 25-59-1, 39-7-1 (1972, as amended).

Rule 5.4 Photographs. Along with the Historic Preservation Certification Application, a complete set of color photographs, not smaller than 4"x6" in size and showing both the interior and exterior of the building before the start of the project, must be submitted. Photographs must be clear and of high quality, showing each exterior elevation (front, rear, and both sides) and all major and representative minor interior spaces. In addition, photos of significant features, such as porches, mantelpieces, staircases, ceiling medallions, etc., should be included. No Polaroids, photocopies, photographs sent via e-mail, or photographs on disk, CD, or DVD will be accepted. When the project is completed, a full set of "after rehab" photographs must be submitted with the request for final certification.

Source: *Miss. Code* §§ 25-59-1, 39-7-1 (1972, as amended).

Rule 5.5 Qualified Expenditures. Allowable expenditures include costs associated with the work undertaken on a structural component of a historic building—such as walls, roofs, windows, floors—as well as central air conditioning and heating systems, plumbing and plumbing fixtures,

electrical wiring and lighting fixtures, elevators, and other components related to the operation or maintenance of the building. In addition, there are "soft costs" that qualify, such as architectural and engineering fees, site survey fees, development fees, and other construction-related costs. The tax credit does not apply to such costs as acquiring or furnishing the building, new additions, new building construction, or parking lots, sidewalks, landscaping, or other facilities related to the building. (Qualified rehabilitation expenditures are defined in Section 47(c)(2)(A) of the Internal Revenue Code of 1986, as amended.)

Source: *Miss. Code* §§ 25-59-1, 39-7-1 (1972, as amended).

Rule 5.6 Claiming the Credit. The Department shall issue a certificate verifying the eligible credit, and this certificate shall be attached to all income tax returns on which the credit is claimed. If the amount of the tax credit exceeds the total state income tax liability for the year in which the rehabilitated property is placed in service, the unused tax credit may be carried forward for the ten (10) succeeding tax years.

Source: *Miss. Code* § 25-59-1 (1972, as amended).

Rule 5.7 Processing Fees. Pursuant to requirements of Senate Bill 3067, Laws of Mississippi, 2006, the MDAH Board of Trustees shall establish fees for reviewing applications, based on the cost of the rehabilitation. Fees are charged according to a two-tiered system: a preliminary fee and a final fee. The preliminary fee is $100 for projects estimated to cost less than $100,000 and $250 for projects estimated to cost more than $100,000. This preliminary fee, which is non-refundable, covers MDAH review of proposed rehabilitation work and must be submitted with Part 2 of the certification application, "Description of Rehabilitation." Payment must be by check made payable to the Mississippi Department of Archives and History. When a project has been completed, the property owner should submit Part 3 of the application, "Request for Certification of Completed Work," along with the final fee. The final fee is based on the total amount of rehabilitation expenditures according to the fee schedule below, minus the preliminary fee paid with submission of the Part 2 application. MDAH will not issue a certification decision until payment has been received.

STATE TAX CREDIT FEE SCHEDULE

Cost of Rehabilitation	Total Fee
$5,001 to $9,999	$150
$10,000 to $24,999	$225
$25,000 to $99,999	$300
$100,000 to $499,999	$500
$500,000 to $999,999	$1,500
$1,000,000 or more	$2,000

Please note that property owners who also apply for the federal historic preservation tax credit will be required to pay an additional processing fee to the National Park Service. The federal fee schedule differs from that of the state.

Source: *Miss. Code* §§ 25-59-1, 39-7-1 (1972, as amended).

Part 3 Chapter 6: Criteria for the Certification of Historical Significance of Abandoned Cemeteries under the Provisions of House Bill No. 780 Laws of Mississippi, 1971
(Approved by the Board of Trustees on August 27, 1971; Amended February 15, 2002)

Rule 6.1. The request for a certificate of historical significance must pertain to an "abandoned" cemetery.

A. For the purposes of the implementation of this act, an "abandoned" cemetery shall be construed to be one that is not adequately maintained by its legal owner or owners, whether religious bodies, private individuals, or governmental agencies.

B. An "abandoned" cemetery shall also be interpreted as one in which no burials have been made in the fifty years preceding the date of the official, written request to the Board of Trustees of the Department of Archives and History for a certificate of historical significance with no future planned burials.

C. A single grave, in some instances, may constitute an "abandoned" cemetery.

D. American Indian burial grounds shall be regarded as "abandoned" cemeteries.

Source: *Miss. Code* §§ 25-59-1, 39-7-1 (1972, as amended).

Rule 6.2. In determining whether or not to issue a certificate of historical significance, the Board of Trustees will consider:

A. Cemeteries which contain the graves of persons who have contributed significantly to the history of the nation, the state, or the local region.

B. Cemeteries which are associated with events that have made a significant contribution to the broad patterns of the history of the nation, the state, or the local region.

C. Cemeteries which are associated with properties entered on The National Register of Historic Places.

D. Cemeteries which are associated with "State Archeological Landmarks," as provided for in the Antiquities Law of the State of Mississippi.

E. Cemeteries which are located on land belonging to the State of Mississippi, to a county or municipality, or to any political subdivision of the State.

F. Cemeteries containing the graves of veterans of any of the nation's wars.

G. Cemeteries containing statuary, vaults, markers, and monuments of sufficient architectural and artistic value to merit their protection and preservation.

H. Cemeteries which, by their preservation, would contribute in turn to the preservation of the earlier historical image of a locality.

I. Cemeteries containing 18th century burials.

J. American Indian burial ground, officially identified by professional archaeologists.

Source: *Miss. Code* §§ 25-59-1, 39-7-1 (1972, as amended).

Rule 6.3. Those Cemeteries which have been officially certified by the Board of Trustees shall be inventoried by local persons or groups requesting the certificate, and the inventory shall be deposited with the Department of Archives and History. This procedure will not be necessary if the Department already has the records for that particular cemetery in its collections.

Source: *Miss. Code* §§ 25-59-1, 39-7-1 (1972, as amended).

Part 3 Chapter 7: Policy on Access to Archaeological Site Records
(Adopted by the Board of Trustees on January 17, 1986; Amended October 16, 2009)

Introduction. Because of the Department's responsibility to protect and preserve archaeological resources, it is necessary to restrict access to locational information regarding most archaeological sites.

Unfortunately, earlier reports which were made available to the general public often gave detailed instructions and/or maps on how to find specific sites. Because of an increase in vandalism, grave robbing, and other forms of recreationally-oriented activity, it has been the policy of this Department in recent years to omit site locations from archaeological reports and to maintain a "need-to-know" policy on access to site locations. This policy has legal backing in an exclusion from the state's Open Records Law.

Rule 7.1. Only those who have a legitimate need should be given access to or be supplied with information on site locations unless such locations, as in the case of state parks, etc. are already a matter of public record.

The individuals who qualify for access are:

A. professional archaeologists with a research interest,

B. developers who must know of the existence of a site in order to avoid it,

C. federal, state, county, or municipal officials who must know of locations for management reasons, or

D. landowners who have expressed an interest in the preservation of sites which they own.

Source: *Miss. Code* §§ 25-59-1, 39-7-1 (1972, as amended).

Part 3 Chapter 8: State of Mississippi Procedures for the Certified Local Government Program
(Adopted by the Board of Trustees on February; Amended July 1990, October 20, 2000, and April 21, 2006)

Introduction. Since 1966, when Congress established an historic preservation program for the United States, the National Historic Preservation Program has operated as a decentralized partnership between the federal government and the states. The federal government established a program of identification, evaluation, and protection of historic properties which the states, for the most part, implement. The success of the working relationship between the states and the Department of Interior prompted Congress in 1980 to expand the partnership to provide for participation by local governments. The National Historic Preservation Act, as amended (16 U.S.C. 470 et seq.) contains the statutory basis for the federal-state-local preservation partnership. The federal law directs the State Historic Preservation Officer and the Secretary of the Interior to certify local governments to participate in this partnership and specifies several requirements which the local government must meet. The purpose of this document is to outline how this partnership will be implemented in Mississippi.

Rule 8.1 Definitions.

A. 36 CFR 61: The "Procedures for State, Tribal and Local Government Historic Preservation Programs." 36 CFR 61 incorporates the requirements for state and local historic preservation programs as specified in the National Historic Preservation Act as amended and establishes Federal Regulatory guidance for the process by which eligible and interested local governments will be certified to participate formally in the national Historic Preservation Program.

B. Certified Local Government: As defined by the National Historic Preservation Act, a certified local government is a local government that has been certified to carry out the purposes stated in Section 103 (c) of the National Historic Preservation Act, as amended. Hereinafter referenced "CLG." (alternatively quote Sec 301, 15?)

C. Historic Preservation Planning: A rational systematic process designed to develop, produce, implement, and revise a historic preservation plan. The planning process typically includes such activities as public participation, gathering and analyzing historic resource information, analyzing preservation needs, identifying goals and objectives, determining strategies for and monitoring goal achievement and identifying the need for and carry out plan revision. The primary purpose of historic preservation planning is to ensure the protection and preservation of valued historic and cultural resources for future generations. The major product of the planning process is the historic preservation plan. Preservation planning is carries out by local, state, tribal, and federal government agencies, as well as by private organizations. The Secretary of the Interior's Standards and Guidelines for Preservation Planning provide technical guidance on analyzing historic and cultural resource information for planning purposes.

D. Historic Preservation Plan: A document that reports the findings and conclusions of the planning process, articulates the vision for the future of historic preservation in the planning area, and identifies goals and objectives for achieving that future. The plan is a tool for guiding decision making and action related to the identification, evaluation, registration, treatment, protection, interpretation, research, and management of historic and cultural resources. In local communities, a preservation plan may be incorporated as an element in the comprehensive or master plan, or it may be a stand-alone document. Occasionally, historic district preservation plans may be prepared to outline detailed preservation and management information tailored specifically for the historic resources in each district. The SHPO is required by 101(b)(3)(C) the National Historic Preservation Act to prepare and implement a comprehensive statewide historic preservation plan, and requirements are outlined in Chapter 6, Section G of the *Historic Preservation Fund Grants Manual*.

E. Historic Preservation Fund: A fund created by Congress in Section 108 of the Historic Preservation Act to carry out the purpose of the Historic Preservation Act. The historic preservation fund supports a program of matching grants-in-aid to the states for historic preservation programs, as authorized by Section 101 (e) (1) of the National Historic Preservation Act. Hereinafter referenced "HPF."

F. Historic Preservation Fund Manual: The manual that sets forth National Park Service administrative procedures and guidelines for activities concerning the federally related historic preservation programs of the states and local governments. The manual includes guidelines and procedures for the administration of the historic preservation grant-in-aid.

G. Local Government: A city, county, township, municipality, or any other general purpose political subdivision of Mississippi.

H. Mississippi Department of Archives and History: The Mississippi agency charged with the responsibility of protecting and preserving of the state's historic resources. The Director of the Department is also Mississippi's appointed State Historic Preservation Officer (SHPO). The Department's Historic Preservation Division is the State Historic Preservation Office (also known as the SHPO). For the purposes of these regulations, the role and duties of the MDAH and the SHPO are concurrent, and they shall be identified as one unit and shall be abbreviated as MDAH/SHPO.

I. National Historic Preservation Act of 1966 (as amended (16 U.S.C. et seq.)): This Act authorizes the promulgation of regulations for approving state historic preservation programs, certifying local governments and the processes for administering and allocating grants, conducting performance evaluations and establishing guidelines for use and distribution to local governments. Hereinafter referenced the "National Historic Preservation Act."

J. National Register of Historic Places: The national list of districts, buildings, sites, structures, and objects significant in American history, architecture, archaeology, engineering, and culture, promulgated through the states, and maintained by the Secretary

of the Interior under authorization of Section 101 (a) (1) (A) of the National Historic Preservation Act, as amended. Hereinafter referenced the "National Register."

K. Secretary: The Secretary of the Interior. Unless otherwise stated in law or regulation, the Secretary of the Interior has delegated the authority and responsibility for administering the National Historic Preservation Program to the National Park Service.

L. Secretary of the Interior's *"Standards and Guidelines for Archaeology and Historic Preservation"*: The Secretary of the Interior's *"Standards and Guidelines for Archaeology and Historic Preservation"* are intended to be applied to a wide variety of resources types, including buildings, sites, structures, objects, and districts. The Secretary of the Interior's *"Standards and Guidelines for Archaeology and Historic Preservation*" are not codified as program regulations but may be used as a guide by anyone planning work on historic properties. They establish professional standards and provide advice on the preservation and protection of all cultural resources listed on or eligible for the National Register of Historic Places. Hereinafter referenced the *"Secretary's Standards."*

M. Subgrantee: The agency, institutions, organization, or individual to which a subgrant is made by the MDAH/SHPO and which is accountable to MDAH/SHPO for use of the funds provided.

Source: *Miss. Code* §§ 39-5-1, 25-59-1 (1972, as amended).

Rule 8.2 Description and Statement of Purpose.

A. The Certified Local Government Program is designed to promote the preservation of prehistoric and historic sites, structures, objects, buildings, and historic districts by establishing a partnership between the local government and the Mississippi Department of Archives and the Mississippi State Historic Preservation Office (MDAH/SHPO), which seeks to encourage and expand local involvement in preservation issues. Such partnership will help to assure that:

    1. historic preservation issues are understood ad addressed at the local level and are integrated into the local planning and decision making process at the earliest possible opportunity;

    2. local interest and concerns are integrated into the identification, evaluation, nomination, and protection processes of the MDAH/SHPO;

    3. information concerning local historic preservation issues is provided to the MDAH/SHPO and to the public;

    4. local landmark legislation, including but not limited to a historic preservation ordinance and historic preservation commissions are established in cities where they do not yet exist and are updated, if necessary, in cities where they already exist; and

5. existing Mississippi State Survey File information is made available to the local community to use in identifying and defining community and neighborhood development and conservation areas.

B. By participating in the identification, evaluation, and protection of historic resources within their communities, Certified Local Government (CLGs):

1. assume a leadership role in the preservation of the community's prehistoric and historic resources;

2. have a formal role in the National Register nomination review process;

3. participate in the establishment of regional and state historic preservation objectives; and

4. are eligible to apply for subgrants from a designated CLG fund established annually by the MDAH/SHPO whenever such funds are available.

Source: *Miss. Code* §§ 39-59-1, 25-59-1 (1972, as amended).

Rule 8.3 Requirements for Certification of Local Government Programs in Mississippi. The National Historic Preservation Act, as amended (16 U.S.C. 470 et seq.), which established the Certified Local Government program, contains five broad standards, all of which must be met by a local government before the local government may be certified and maintained to retain certification. The federal standards, where appropriate, are further defined and amplified below.

A. The local government shall enforce appropriate state or local legislation for the designation and protection of historic properties as defined in the State of Mississippi Local Government Historic Preservation Law, Sections 39-13-3, 39-13-5, 39-13-7, and 39-13-9, Mississippi Code of 1972, as amended.

B. The local government shall establish by state or local legislation an adequate and qualified historic preservation review commission (Commission) composed of professional and lay members.

1. The Commission shall exist as authorized under the Mississippi Local Government Historic Preservation Act of 1978 (State of Mississippi Local Government Historic Preservation Law, Sections 39-13-3, 39-13-5, 39-13-7, and 39-13-9, Mississippi Code of 1972, as amended).

2. The State of Mississippi Local Government Historic Preservation Law, Sections 39-13-3, 39-13-5, 39-13-7, and 39-13-9, Mississippi Code of 1972, as amended, requires that the Commission consist of not fewer than five nor more than nine members, who shall be appointed by the governing authority of the county or municipality, or a combination thereof, establishing the commission.

3. All Commission members shall have a demonstrated interest, competence, knowledge, or expertise in historic preservation. To the extent available in the community, the local government shall appoint professional members from the historic preservation related disciplines of architecture, history, architectural history, or archaeology or from such historic preservation related disciplines as urban planning, American studies, American civilization, cultural geography, cultural anthropology, interior design, law, and related fields.

   Since the role of the Commission is vital to the implementation of the CLG program, each local government applying for status as a CLG shall provide the following information indicating good faith effort to locate professionals to serve on the Commission. If a documented good faith effort has been made unsuccessfully by the governing authority to locate residents of the county or municipality to serve on the commission, the governing authority may appoint individuals who own property within the boundary of the county or municipality, or both, or are in the service of an employer located within the boundary of the county or municipality, or both if

   a. The local government shall run at least one public notice in a newspaper in its jurisdiction to solicit responses from citizens who are professionals in the Historic Preservation related fields of architecture, history, architectural history, or archaeology or from historic preservation related disciplines as urban planning, American studies, American Civilization, cultural geography, cultural anthropology, interior design, law, and related fields and who are interested in serving on the Commission. At the same time, the local government may contact such known professionals to invite them to submit their qualification for candidacy to the Commission. If there are no respondents to the public notice or contact by the local government, or if the chosen professional declines the appointment to the Commission, the local government may compose its Commission of lay persons. To be appointed to the Commission, lay members must have a demonstrated interest, competence, knowledge of expertise in historic preservation, which should be identified by information provided to the local government which shall include, but shall not be limited to: educational and volunteer background, attendance at workshops and seminars, and related activities. The local government shall decide, with the assistance of the MDAH/SHPO upon request, which lay persons should be considered for appointment to the Commission.

   b. The local government shall allow three weeks (15 working days) for responses. Any respondents shall provide their professional qualifications as well as information concerning their demonstrated interest, competence, knowledge, or expertise. Such information may include, but is not limited to: education and professional background, volunteer work, attendance at workshops, seminars, and other experience as applicable.

c. When the local government has accrued adequate information concerning the qualifications and expertise of individuals who have expressed interest in being appointed to the Commission, it shall decide, with the assistance of the MDAH/SHPO upon request, which individuals, if any, shall be considered for appointment to the Commission.

d. Resumes for each member of the Historic Preservation Commission, including, where appropriate, credentials or member expertise in fields related to historic preservation. As noted in Rule 8.3 (B) (3), the Commission shall consist of members who have demonstrated special interest, experience, knowledge, or expertise in the primary historic preservation related disciplines of architecture, history, architectural history, or archaeology or from secondary historic preservation related disciplines as urban planning, American studies, American civilization, cultural geography, cultural anthropology, interior design, law, and related fields.

4. The commission shall establish its own regular meeting time; however, the first meeting shall be held within thirty (30) days of the adoption of a local historic preservation ordinance and regular meetings shall be scheduled at least once every three (3) months. The chairman or any two (2) members may call a special meeting to consider an urgent matter.

5. At least one member of the Commission shall attend at least one informational or educational meeting per year. In order to meet this requirement, a meeting shall be recognized by MDAH/SHPO as providing appropriate training pertaining to the work and functions of the Commission or to historic preservation in general. If a commission member(s) attends such meeting as delegated representative(s) of the commission, he shall then present material from the informational or educational meeting at the next regularly scheduled commission meeting.

6. The Commission shall transmit an annual report of its activities to the MDAH/SHPO. Such reports shall include, at a minimum, the number of case reviews, new designations made, progress on survey activities, revised resumes for commission members, attendance records, and documentation for the education and informational meeting referred to in Rule 8.3 (B) (5), above. Reports shall be submitted within sixty days after the end of the fiscal year for the local government. If the Commission has been established during the preceding fiscal year, the report shall reflect that portion of the year in which they were established.

7. The Commission shall monitor and report to the MDAH/SHPO any activity in the community affecting any property listed on the National Register of Historic Places; and

8. Records of proceedings shall be transmitted to the MDAH/SHPO at the same time they are transmitted to the members of the Commission.

C. The local government shall maintain a system for the survey and inventory of historic properties.

1. The local government shall initiate or continue a process for survey and inventory for properties within the local jurisdiction and shall ensure that the process for survey and inventory can be readily integrated into the statewide comprehensive historic preservation planning and other appropriate planning processes. The local government survey and inventory efforts shall be coordinated with and approved by the MDAH/SHPO;

2. All inventory data shall be in a format that is consistent with the statewide comprehensive historic preservation planning and other appropriate planning processes;

3. All inventory material shall be maintained securely and be accessible to the public, and shall be updated periodically to reflect changes, alterations and demolitions; and

4. There shall be a building by building survey and inventory for each historic district and completed survey materials for each landmark site designated by ordinance.

D. The local government shall provide for adequate public participation in the local historic preservation program including the process of recommending properties to the National Register.

1. All meetings of the Commission shall be open to the public;

2. Careful minutes shall be kept of all the decisions and actions of the Commission, including the reasons for making these decisions. The minutes must be kept on file and available to the public in accordance with the provisions of the Public Records Act of the State of Mississippi, Section 25-1-17 (1972); and Section 304 of the National Historic Preservation Act, as amended (16 U.S.C. 470 et seq.)

3. The local government shall strive to promote public participation in the nomination of properties to the National Register. Written information outlining the criteria for eligibility for nomination to the National Register and the National Register nomination process shall be available to the public. All reports submitted by the local government to the MDAH/SHPO regarding the eligibility of properties shall include assurances of public input. The local government shall retain a list of all persons contacted during the evaluation period in addition to comments which they receive. If a public meeting was held regarding the

nomination of properties to the National Register, a list of persons attending shall be included in the report.

E. The local government shall satisfactorily perform the responsibilities (in Rule 8.3 A-D above and those specifically) delegated to it by the MDAH/SHPO.

    1. The local government may assume additional responsibilities as agreed to by the MDAH/SHPO and the local government. This agreement shall be in written form.

    2. The MDAH/SHPO shall have a reasonable opportunity to review all records and materials pertinent to the implementation of this rule.

F. All functions performed by local governments to achieve and maintain certification must be in accord with the responsibilities of the State Historic Preservation Program as implemented by the MDAH/SHPO. These responsibilities are to:

    1. Direct and conduct a comprehensive survey of historic properties and maintain an inventory of such properties.

    2. Identify and nominate eligible properties to the National Register of Historic Places and otherwise administer applications for the National Register.

    3. Prepare and implement a comprehensive statewide historic preservation planning process.

    4. Administer the state program of Federal assistance for historic preservation within the state.

    5. Advise and assist federal, state, and local government agencies in carrying out their historic preservation responsibilities.

    6. Cooperate with the Secretary of the Interior, the Advisory Council on Historic Preservation, and other federal, state, and local government agencies to ensure that historic properties are taken into consideration at all levels of planning and development.

    7. Provide public information, education, training, and technical assistance relating to the National and State Historic Preservation programs; and otherwise fulfill the state's liaison responsibility with the Federal preservation programs, other states, local governments, Indian tribes, private organizations, and individuals.

    8. Cooperate with local governments in the development of local historic preservation programs and assist local governments in becoming certified.

G. The local government agrees to comply with all provisions of the State Antiquities Law (39-7-1, et seq. of the Mississippi Code of 1972, as amended). In the event of any

proposed public actions that may affect designated "Mississippi Landmarks," or properties potentially eligible for "Mississippi Landmark" designation, the local government shall, in writing, seek a permit for such actions from the Mississippi Department of Archives and History prior to undertaking the proposed actions. Furthermore, the local government agrees to comply with the Mississippi Department of Archives and History's recommendations for "Mississippi Landmark" designations, permits, and/or cultural resource survey requirements.

H. The local government agrees to comply with all provisions of Section 106 of the National Historic Preservation Act and 36 CFR 800 regulations and shall, in its comprehensive planning, give due consideration for assisting the State Historic Preservation Office (Mississippi Department of Archives and History) in executing its responsibilities to review the impact of projects involving federal funds or licensing on properties listed on the National Register of Historic Places, or that are determined to be eligible for listing in the National Register. The local government agrees, to the extent possible, to work with local applicants, seeking federal funding, licensing, or assistance in the preparations of necessary documentation requested by the State Historic Preservation Office for its Section 106 and 36 CFR 800 reviews.

   For further information, please refer to the National Historic Preservation Act and the Mississippi State Historic Preservation Office.

Source: *Miss. Code* §§ 39-13-3, 39-13-5, 39-13-7, 39-13-9, 25-1-17, 39-7-1 (1972, as amended).

Rule 8.4 Process for Certifying Local Governments.

A. To initiate the process of Certifying a local government for participation in the CLG program, the chief elected official of the local government shall request recognition as a Certified Local Government from the MDAH/SHPO. The application for certification shall be in the format established by the MDAH/SHPO and shall include the following:

   1. A written assurance by the chief elected official that the local government fulfills the requirements of Rule 8.3 above;

   2. A copy of the local historic preservation ordinance which creates the Historic Preservation Commission, along with resumes for each commission member and confirmation that they have been appointed to the commission;

   3. A list of locally designated landmarks, landmark sites and districts, together with maps indicating their locations and copies of the local ordinance(s) so designating them, if the local government has made such designations prior to certification.

B. The MDAH/SHPO shall respond to the chief elected official within sixty days of receipt of an adequately documented written request. Application for certification shall be reviewed by the SHPO, or designee, and SHPO staff. If the request from the chief elected official is not adequately documented, the MDAH/SHPO shall request the needed

documentation within sixty business days of receipt of the request. If the request from the chief elected official is adequately documented, the SHPO, or designee, and the SHPO staff shall review the application for certification and determine if the local government fulfills the requirements for certification.

C. When a local government application for certification has been approved in accordance with the MDAH/SHPO's approved certification process, the MDAH/SHPO shall prepare a written agreement that lists the specific responsibilities of the local governments when certified.

   This written certification agreement shall include the responsibilities outlined in Rule 8.3 (A), (B), (C), and (D), and additional responsibilities delegated to all CLGs in the state, and any other delegated responsibilities.

   The State Historic Preservation Officer and the Chief elected official shall both sign the written certification agreement.

D. When the MDAH/SHPO determines that the local government fulfills the requirements for certification, the MDAH/SHPO shall forward a copy to the Secretary of the Interior or designee the following items:

   1. a letter from the SHPO requesting certification;

   2. a completed checklist indicating that all requirements have been met; and

   3. a signed copy of the certification agreement.

   If the Secretary of the Interior, or designee, does not take exception to the request for certification within fifteen working days of receipt, the local government shall be regarded as certified, and the MDAH/SHPO shall so notify the local government. The effective date of certification is the date of approval by the Department of the Interior.

E. When a local government application for certification cannot be approved in accordance with the MDAH/SHPO's approved certification process, the MDAH/SHPO shall advise the local government as to how it can meet the requirements of the certification process.

Source: *Miss. Code* §§ 39-13-3, 39-13-5, 39-13-7, 39-13-9, 25-1-17, 39-7-1 (1972, as amended).

Rule 8.5 Process for Monitoring and Decertification of Certified Local Governments in Mississippi.

A. The MDAH/SHPO shall conduct periodic review and monitoring of CLGs no less often than once every four years. The review shall ensure that each CLG is fulfilling its required responsibilities and that the CLG's performance of those responsibilities is consistent and coordinated with the criteria as listed in Rule 8.3 and 8.4 (A) (1-3) above. The MDAH/SHPO may perform its review during an on-site visit.

B. Upon completion of the review, the MDAH/SHPO shall inform the CLG by letter, whether or not the CLG has been evaluated as adequate or inadequate. At this time the MDAH/SHPO may offer opinions and advice on each CLG program. An adequate evaluation by the MDAH/SHPO requires no response from the CLG.

C. If the MDAH/SHPO evaluation indicated that the performance of the CLG is inadequate because the CLG has not maintained the specific criteria as listed in Rule 8.4 (A) (1-5) above, the MDAH/SHPO shall document that assessment and recommend to the CLG when the CLG's performance is inadequate. Generally, the CLG shall have a period of not less than thirty, not more than one hundred and eighty working days to implement improvements. If after this period, the MDAH/SHPO determines through documentation that the CLG has not regained nor cannot be expected to maintain the specific criteria as listed in Rule 8.4 (A) (1-5), the MDAH/SHPO shall place the CLG on suspension. While on suspension the CLG may not apply for or receive CLG grants. If the CLG has not addressed these issues within six months, the MDAH/SHPO shall send the appropriate documents citing specific reasons for the recommendations to decertify to the Secretary of the Interior, or designee. Copies of the correspondence between the MDAH/SHPO and the Secretary of the Interior shall be sent to the CLG. The effective date of decertification will be the date on which the decertification is approved by the Department of the Interior.

D. CLGs may appeal to the National Park Service, or designee, the MDAH/SHPO's decisions to decertify.

E. CLGs may petition the MDAH/SHPO to be decertified voluntarily and without prejudice.

F. In the event that a CLG is voluntarily or involuntarily decertified, the MDAH/SHPO acknowledges its responsibilities to conduct financial assistance close-out procedures as specified in the HPF grants manual.

G. If the CLG wishes to become recertified it must reapply for certification.

Source: *Miss. Code* §§ 39-13-3, 39-13-5, 39-13-7, 39-13-9, 25-1-17, 39-7-1 (1972, as amended).

Rule 8.6 CLG Participation in the National Register Process. The CLG will be involved in the National Register process in the following manner:

A. Unless the CLG itself has initiated the nomination, the MDAH/SHPO will forward a copy of completed National Register nominations to the CLG for all properties within that jurisdiction within sixty (60) days of receipt of the nomination by MDAH.

   The CLG shall submit a statement to the MDAH/SHPO regarding the eligibility of each property or district proposed for nomination to the National Register within its jurisdiction. This statement shall include the recommendation of the Commission and must include the opinion of the chief elected official or governing body. The statement

may be as simple as an affirmation that the property is eligible, or it may be a lengthy research report stating why the property should not be nominated. The statement or report should concentrate on the property's eligibility under the National Register of Historic Places criteria. Guidelines on how to apply these criteria in the evaluation of an individual property will be provided by the MDAH/SHPO. Reference could also be made to the CLG's historic preservation plan or other relevant planning documents. A copy of the report prepared by the CLG for the MDAH/SHPO shall be made available within the local jurisdiction for public inspection.

If the CLG does not provide a statement in a timely fashion, the nomination will be processed. However, frequent failure to submit statements on the eligibility of properties nominated within the jurisdiction of the CLG after the MDAH/SHPO has informed the CLG of a pending nomination will be considered during the next scheduled performance evaluation and may have an effect on the community's continued certification.

B. Within sixty (60) days of the of the date of the nomination is forwarded to the CLG, after providing a reasonable opportunity for public comments, the Commission shall prepare, and the chief elected official or local coordinating official shall transmit to the MDAH/SHPO and the property owner(s), a statement reflecting the CLG's opinion regarding the eligibility of the property. If the Commission and chief elected official or governing body do not agree, both opinions shall be forwarded.

C. If both the Commission and the chief elected official or governing body recommend that a property not be nominated because the property does not meet National Register of Historic Places criteria, the MDAH/SHPO will so inform the property owner(s) and the Mississippi Historic Preservation Professional Review Board (Review Board), and the property will not be nominated unless an appeal is filed within sixty (60) days with the MDAH/SHPO under the regulation established for the appeals process which is outlined in Section 101 (c) (2) of the National Historic Preservation Act (and in the State Program Manual).

D. If either or both the Commission and the chief elected official governing body agree that the property meets National Register of Historic Places eligibility criteria, and when the National Register nomination is professionally and technically sufficient to meet National Register standards as interpreted by the MDAH/SHPO, the nomination will be transmitted for review to the Review Board. The opinion or opinions of the Commission and the chief elected official/governing body will be presented to the Review Board at that time for its consideration.

E. After considering all opinions, the State Review Board shall make its recommendation to the MDAH/SHPO, who will then make a final determination regarding submission of the nomination to the Keeper of the National Register pursuant to Section 101 (a) of the Act and 36 CFR 60.6. The Commission, the chief elected official/governing body, the property owner, or any member of the public may appeal the final SHPO decision directly to the Keeper under the provisions outlined in 36 CFR 60.12

In order to expedite the nomination process, a CLG may elect to send a supporting letter with the nomination when it is first submitted to the MDAH/SHPO. The letter should be signed by both the chief elected official and the authorized representative of the Commission. The letter may be accompanied by a formal report, but should, at the least, clearly state that in their opinion the property is eligible for the National Register.

Upon written agreement between the CLG and the MDAH/SHPO, the CLG may elect to have all National Register nominations within their jurisdiction acted upon locally before being submitted to MDAH. In this case, copies of any nominations received by MDAH without having first been acted upon by the CLG will be provided to the CLG, and no action will be taken by MDAH until the CLG has acted upon the nomination. If the city has not acted upon the nomination within sixty (60) days, the applicant may resubmit it to MDAH for action.

Upon written agreement between the CLG and the MDAH/SHPO, the CLG may elect to assume responsibility for notification of property owners and the public throughout the nomination process. In this case, it will be the responsibility of the CLG to meet the public notice requirements specified by the National Register nomination procedures of the Department of the Interior. In addition to the requirement for public input into the above reporting requirement and notification to property owners regarding the CLG's opinion concerning the National Register eligibility of their property, the CLG will be responsible for notifying property owners, other local government agencies, and county and/or regional planning agencies as appropriate throughout the nomination process and for providing MDAH/SHPO with copies of all notification notices. Unless otherwise stated in the agreement, the MDAH/SHPO will provide notification of nominations to the National Park Service, certified local program organizations, and appropriate federal and state officials.
Participation in the notification procedures throughout the nomination process will provide the CLG with greater opportunity for public input and for resolving local differences of opinion prior to submission of the nomination to the Review Board.

If a CLG assumes the notification responsibilities, the MDAH/SHPO will provide guidelines regarding persons to be contacted and the content and timing of the notification letters. The CLG will maintain on file records documenting the notification actions that are taken.

F. CLG notification procedures do not apply when a Federal agency nominates a property under its ownership or control. CLSs are encouraged to coordinate with Federal agencies to the extent practical, however, in the consideration of such nominations.

Source: *Miss. Code* §§ 39-13-3, 39-13-5, 39-13-7, 39-13-9, 25-1-17, 39-7-1 (1972, as amended).

Rule 8.7 Subgranting of Historic Preservation Funds to Certified Local Governments. In order to be eligible to receive a portion of the local share of the Historic Preservation Fund (HPF) allocation in Mississippi, the Secretary of the Interior requires that each certified local government;

A. Shall maintain adequate financial management systems which:

    1. Shall be in accordance with the standards specified in the Office of Management and Budget (OMB) Circular A-102, attachment G, "Standards for Grantee Financial Management System";

    2. Are auditable in accordance with the OMB circular A-133 "Audit Requirements."

B. Shall adhere to all requirements of the Historic Preservation Grants Manual:

    1. Indirect costs may be charged as part of the CLG grant only if the CLG subgrantee meets the requirements of the Manual.

    2. Unless the CLG has a current indirect cost rate approved by the appropriate Federal agency, only direct costs may be charged.

C. Shall adhere to any requirements mandated by Congress regarding the use of such historic preservation funds.

The MDAH/SHPO is prepared to provide information about and assistance with the financial management systems which meet the requirements listed above.

All CLGs (except those on suspended status during the Federal Fiscal Year the grants are awarded) shall be eligible to receive funds from the HPF grant award, and at least ten percent of the MDAH/SHPO's annual HPF allocation shall be designated for transfer by the MDAH/SHPO to CLGs. In any year in which the annual HPF State grant appropriation exceeds $65,000, one-half of the excess shall also be transferred to CLGs according to procedures to be provided by the Secretary of the Interior.

The MDAH/SHPO is not required to award funds to all governments that are eligible to receive funds.

All SLGs receiving HPF grants from the MDAH/SHPO CLG share shall be considered subgrantee of the State of Mississippi.
The transferred grants to CLGs generally shall not be matched by any other Federal grants.

Each written grant agreement between the MDAH/SHPO and the CLG for the transfer of funds shall specify the requirements to be met by the CLG.

Source: *Miss. Code* §§ 39-13-3, 39-13-5, 39-13-7, 39-13-9, 25-1-17, 39-7-1 (1972, as amended).

Rule 8.8 Funding Priority. In order to promote local preservation activities to the greatest extent possible, the Mississippi Department of Archives and History (MDAH) will seek to ensure that the designated funds are distributed to qualified CLGs without prejudice and shall make

reasonable efforts to distribute the funds among the maximum number of eligible CLGs to the extent that such distribution is consistent with federal regulation. When possible, MDAH shall distribute these funds to create a geographic balance and to ensure a reasonable distribution between Mississippi's urban and rural areas. No CLG shall receive a disproportionate share of the allocation.

The SHPO, or designee, shall review and evaluate each proposal and shall recommend to the Board of Trustees of the MDAH the award of funds on a competitive basis to CLGs based on the following general priorities.

A. Projects that revitalize the community's historic downtown commercial core.

B. Projects that revitalize the community's historic neighborhoods.

C. Projects that conserve historic rural resources, including the farms and plantation settings, and any other historic resources and the completion of survey activities.

D. Projects that emphasize the identification of historic resources and the completion of survey activities.

E. Projects that emphasize the completion of evaluation; i.e. nomination of resources to the National Register.

F. Projects that emphasize the education of the general public about historic preservation.

G. Projects that emphasize the education of the Historic Preservation Commission, including the preparation of guidelines for the Commission.

H. Projects that offer creative, viable ways to implement the preservation of Mississippi's prehistoric and historic resources. MDAH shall ensure that when such proposals are submitted they will be reviewed and evaluated without prejudice.

I. Other priorities set by MDAH.

These funding priorities are subject to change within the evolution of Mississippi's comprehensive historic preservation planning process. If these priorities do change, CLGs will be advised of the new priorities.

Source: *Miss. Code* §§ 39-13-3, 39-13-5, 39-13-7, 39-13-9, 25-1-17, 39-7-1 (1972, as amended).

Rule 8.9 Criteria for Selection. The MDAH/SHPO shall allocate the CLG share of its annual HPF grant to eligible CLGs in the following manner.

A. Each CLG shall submit written proposals for the use of Mississippi's HPF CLG grant share to the MDAH/SHPO.

B. The SHPO, or designee, and the SHPO staff shall review and evaluate these proposals, and recommend grant awards to the Board of Trustees of the MDAH based on the following criteria. The proposal must:

    1. Clearly state specific, tangible goals for the CLG that are realistically attainable within the funding period; i.e., all proposals must show that the amount of funding requested will produce a specific impact, and that the funds awarded will be sufficient to generate a specific, tangible impact, directly as a result of the funds transferred. The requirement for tangible results of these grants may not be waived.

    2. Provide to MDAH assurance of an acceptable non-federal matching share (50%) as required by MDAH.

Source: *Miss. Code* §§ 39-13-3, 39-13-5, 39-13-7, 39-13-9, 25-1-17, 39-7-1 (1972, as amended).

Rule 8.10 The Role of the MDAH/SHPO in the CLG Program. Within the CLG program, the MDAH/SHPO assumes many responsibilities, both to the federal government and to the certified local governments. The responsibilities of the MDAH/SHPO include, but are not limited to, the following:

A. The MDAH/SHPO shall make available to the public, upon request, the rationale for the CLG applicants selected, and the amounts of grants awarded. This information may be provided in written format.

B. The MDAH/SHPO acknowledges that it is responsible, through financial audit, for the proper accounting of HPF CLG share monies in accordance with the Office of Management and Budget Circular A-133 "Audit Requirements."

C. As indicated in Rule 8.4 (A), during its periodic evaluation of CLGs, the MDAH/SHPO shall perform an assessment of the fiscal management of HPF monies.

Source: *Miss. Code* §§ 39-13-3, 39-13-5, 39-13-7, 39-13-9, 25-1-17, 39-7-1 (1972, as amended).

Rule 8.11 Application Timetable.

A. Each year, as the time approaches for the annual appropriation of federal historic preservation funds, MDAH/SHPO will send a letter to CLGs to inform them of the upcoming grant cycle and to request that they submit notices-of-intent for proposed CLG grant projects.

B. After passage of the annual federal Historic Preservation Fund appropriation by Congress, MDAH/SHPO will be notified by the Department of the Interior of the state's projected allocation (planning figure) for that fiscal year. This usually occurs after October 1 each year but varies depending on when Congress and the President finalize the annual Federal budget.

C. MDAH/SHPO then notifies the certified local governments of amount of funds available for the CLG grant program and provides a form for CLGs to use in applying for grant funds.

D. Following a reasonable length of time after notification of the availability of CLG grant funds, MDAH/SHPO receives applications from certified local governments.

E. At the next scheduled quarterly meeting of the Board of Trustees of MDAH, the Board selects the Projects to be funded.

F. After MDAH/SHPO receives formal obligation of federal funds from the Department of the Interior, MDAH/SHPO notifies the local governments of grant awards.

Source: *Miss. Code* §§ 39-13-3, 39-13-5, 39-13-7, 39-13-9, 25-1-17, 39-7-1 (1972, as amended).

Part 3 Chapter 9: Geographic Information System (GIS Fee Schedule)
(Adopted by the Board of Trustees on April 16, 2010)

Rule 9.1. MDAH has been working with the Geospatial Group and ITS to develop the Geographic Information System. This application will move the Archaeological and Architectural data that is currently stored on paper maps into a digital media. This will allow us to combine the spatial data that is on the paper maps with the tabular databases such as the Mississippi Landmarks, the National Register, the Mississippi Archaeological Sites File, and the Archaeological Survey Reports to perform complex queries to learn more from our data. The GIS application will also allow us to get our data out to Federal and State Agency faster in cases of natural disasters. It will also allow persons doing Section 106 compliance work to have access to our data online so they do not have to travel to our office to perform their background research on their Section 106 project area.

Because the locations of most of these sites are restricted from public access, we have designed three levels of access to the public. The first is Public Access. From this level a person would be able to find information about Mississippi Landmarks and National Register Properties. The second (Subscriber 1) would have access to see all the data that was in public as well as important rural architectural properties and have the ability to submit properties to the Historic Resource Inventory Database. The third level (Subscriber 2) would have full access to all the data in the GIS both Archaeological and Architectural and have the ability to submit properties to the Historic Resource Inventory Database. Subscriber 1 and Subscriber 2 users will have to be approved by Historic Preservation staff.

Since the GIS application will be housed at ITS, we need a way to offset the monthly fees that ITS is charging MDAH. In order to do this, we recommend adoption of the following annual access fees for those approved to utilize the GIS application:

Subscriber 1:	$ 100
Subscriber 2	$ 1,300

Source: *Miss. Code* §§ 39-5-1, 25-59-1 (1972, as amended).

Part 3 Chapter 10: Historic Preservation Division Fee Schedule
(Adopted by the Board of Trustees on January 15, 2010)

Rule 10.1.

A. Photocopies: The charge for photocopies is $0.25 per page.

B. Digital Images/Printing (Payment in advance is required):

Type	Cost
300 ppi TIFF(s) on CD-R (scan only)	$7.00 each
5 x 7 print(s) on archival photo paper (scanned and printed)	$8.00 each
8 x 10 print(s) on archival photo paper (scanned and printed)	$9.00 each
5 x 7 print(s) on archival paper from digital image (no scan)	$4.50 each
8 x 10 print(s) on archival paper from digital image (no scan)	$5.50 each

Source: *Miss. Code* §§ 39-5-1, 25-59-1 (1972, as amended).

Part 3 Chapter 11: Guidelines for Archaeological Investigations and Reports in Mississippi.
(Adopted by the Board of Trustees on July 23, 1999; Amended July 20, 2001)

Abstract. The Mississippi Department of Archives and History (MDAH)/Mississippi State Historic Preservation Office (SHPO) has written more comprehensive guidelines to assist archaeologists and other individuals and institutions responsible for Section 106 and Antiquities Law compliance in the state. These guidelines address: professional qualifications, laboratory and curation facilities, treatment of human remains, terrestrial and underwater archaeological research, and report preparation. As cultural resource management laws and regulations, archaeological theory and techniques, and the public's attitude toward cultural resources change, the document itself will evolve to reflect them. For now, however, it is hoped these guidelines will assist archaeologists and agency administrators in developing research designs that will serve to produce sufficient amounts of data to identify and evaluate cultural resources and when needed to develop and implement appropriate mitigation proposals.

Introduction. The purpose of this document is to assist archaeologists, other professionals, and agency administrators involved in cultural resource management (CRM) (as defined by the National Historic Preservation Act of 1966, as amended) with the development and implementation of adequate statements of objectives or research designs for archaeological investigations in Mississippi (see Schiffer and Gumerman 1977:190). MDAH-SHPO will use

these guidelines when reviewing Cultural Resource Management (CRM) reports, and omissions from the procedures recommended herein may be grounds for rejecting reports or requiring further field, laboratory, or background work. However, it must be emphasized that the following guidelines are not intended as a "cookbook" or comprehensive step-by-step instruction manual governing archaeological investigations in the State of Mississippi. A variety of available literature on CRM (e.g., Bense et al. 1986), other states' guidelines (e.g. Alabama Historical Commission 1996; Davis 1982; Georgia State Historic Preservation Office 1993; Harper and Fielder 1995; McGahey n.d.; New Jersey State Historic Preservation Office 1990; Pennsylvania Historical and Museum Commission 1991; South Carolina State Historic Preservation Office n.d.; Tennessee Division of Archaeology 1997; and Texas Historical Commission 1995), and requests for proposals (e.g., Bruce et al. 1998; Carr et al. 1998; Moore 1996a; 1996b) were used to develop this document and should be consulted for additional insights on how to proceed with cultural resource investigations. Other relevant documents include the Secretary of the Interior's "Standards and Guidelines for Archeology and Historic Preservation" and "Standards for Treatment of Archeological Properties," the National Park Service's "Guidelines for Recording Historic Ships," and the Advisory Council on Historic Preservation's "Working with Section 106" series (see Reference Section).
Sections 106 and 110 of the National Historic Preservation Act (NHPA) of 1966, as amended, require federal land management agencies and others receiving federal funds, licenses, or permits for land alteration projects to consider the impact of their agency's actions on cultural resources that are located within their project's area of potential effects. Usually this consists of identifying properties or sites, determining if they are eligible for inclusion in the National Register of Historic Places, as well as assessing the effects of the project, if any, on the resources. How does one go about this task? According to the Section 106 implementing regulations (see 36 CFR 800), there are no specific rules governing the identification and evaluation process, only that agencies exercise a "reasonable and good faith effort" to identify all significant resources (Advisory Council on Historic Preservation 1986:20).

While NHPA is an important management tool, agencies or individuals participating in such projects should also be in compliance with numerous other laws and regulations governing cultural resources. These include, but are not limited to: Executive Order 11593; the National Environmental Policy Act (NEPA) of 1969, as amended; Department of the Interior regulations 36 CFR 60, 36 CFR 63, 36 CFR 66, and 36 CFR 79; Native American Graves Protection and Repatriation Act (NAGPRA), and the Mississippi Antiquities Law (39-7-3 et seq. of the Mississippi Code of 1972), as amended.

This document provides guidance on several topics relevant to the profession, including qualifications, curation of recovered data, treatment of human remains, terrestrial and underwater archaeological fieldwork, and report preparation. However, those required to conduct cultural resource investigations should consider the relevant legislation and scopes of work governing the action as the primary source of information on how to proceed, not this document.

Projects of different levels require differing stages of cultural resource investigation. For our purposes, terrestrial and underwater archaeologists utilize three basic phases of research: Phase I-cultural resources survey; Phase II-site testing and evaluation; and Phase III-mitigation. Each of these phases, primarily Phases II and III, should be approached within the context of a

research design that will contribute to a better knowledge and understanding of Mississippi's past.

During Phase I investigations qualified archaeologists locate archaeological sites through a variety of survey techniques and remote-sensing technologies. For the purposes of these guidelines, archaeological sites are defined as physical locations containing concentrations or spatial clustering of data, such as artifacts, ecofacts, and features, produced or modified by humans (Ashmore and Sharer 1988:219; Thomas 1989:649). These locations may be prehistoric, historic, or both, as well as on land (terrestrial) or underwater. Phase I survey techniques may include visual surface examination, subsurface shovel testing and screening, or a combination of both. The techniques and remote-sensing technologies employed during the survey and the amount of research conducted (sampling) are dependent upon numerous factors (e.g., project size and accessibility, terrestrial or underwater locations). Each factor should receive equal consideration when developing a survey strategy, keeping in mind that each situation is unique, and that the research design should be flexible and adaptable as the situation necessitates.

Once an archaeological site has been located, archaeologists need to define its boundaries, identify the possible effects of the proposed project on the site, and determine whether additional investigations are necessary to determine National Register eligibility. If, as a result of Phase I investigations, a site's eligibility status remains unknown or undetermined and it will be affected, additional investigations will be required. Phase II research then begins to assess the nature and integrity of the cultural deposits. Testing techniques may involve controlled surface collecting, limited underwater diving, the excavation of test units (e.g., 1x1 meter, 2x2 meter), deep soil core sampling, and mechanized trenching, all dependent upon the situation. These techniques should adequately sample the site and generate sufficient data, enabling the archaeologist to determine if the property is eligible for inclusion in the National Register. Sampling strategies and testing techniques employed during this phase of research should consider a variety of factors, such as site size, location, disturbance, accessibility, and artifact density and distribution. Each factor should receive equal consideration when developing a testing strategy, keeping in mind that each situation is unique, and that the research design should be flexible and adaptable as the situation necessitates.

National Register Bulletins 15 (*How to Apply the National Register Criteria for Evaluation*), 16A (*How to Complete the National Register Registration Form*), 20 (*Nominating Historic Vessels and Shipwrecks to the National Register of Historic Places*), and 36 (*Guidelines for Evaluating and Registering Historical Archeological Sites and Districts*) provide additional information to archaeologists and agencies charged with determining site eligibility. Copies of all National Register Bulletins can be obtained by writing the:

National Register of Historic Places
U.S. Department of Interior, National Park Service
P.O. Box 37127, Washington D.C. 20013-7127.

Additionally, archaeologists and agency administrators may also want to consult the 1995 supplement to *CRM*, volume 18, no. 6, that provides several relevant articles on the National Register and archaeology.

The last phase of archaeological research is Phase III-mitigation. Once a property has been determined eligible for the National Register by the archaeologist and SHPO, the archaeologist must make recommendations to the site's management agency or landowner on how to preserve the data contained in the site. The first option should involve redesigning the project in hopes of avoiding the eligible property altogether. However, if project modification is not an option, then the archaeologist will need to create a research design that preserves the significant data through retrieval, reporting, and curation. The archaeological techniques selected for this action are dependent upon numerous factors, including the specifics of what makes the site significant, and should be outlined in a Memorandum of Agreement. The following sections will elaborate on these phases of investigations.

Rule 11.1 Professional Qualifications. MDAH-SHPO requires individuals or groups conducting federally-funded archaeological research, or research as a result of federal or state permits and licenses in the State of Mississippi, to meet the minimum professional qualifications outlined in the Secretary of the Interior's *Standards and Guidelines, Archaeology and Historic Preservation's* "Professional Qualifications Standards" (*Federal Register* vol. 48, no. 190, 9-29-83, Part IV, pg. 44738-44739). Throughout the duration of the archaeological investigation, either the Principal Investigator or Field Director should be present in the field directing and monitoring the activities of the Field Crew. To meet the minimum professional qualifications in archaeology:

A. The *Principal Investigator* must:

    1. have a graduate degree in anthropology, archaeology, or closely related field, plus:

    2. At least one year of full-time professional experience or equivalent specialized training in archaeological research, administration or management;

    3. At least four months of supervised field and analytic experience in general North American archaeology; and

    4. Demonstrated ability to carry research to completion.

    In addition to these minimum qualifications, a Principal Investigator in prehistoric archaeology shall have at least one year of full-time professional experience at a supervisory level in the study of archaeological resources of the prehistoric period. A Principal Investigator in historic archaeology shall have at least one year of full-time professional experience at a supervisory level in the study of archaeological resources of the historic period.

B. The *Field Director/s* should also have a graduate degree in anthropology, archaeology, or closely related field, and have considerable experience and demonstrated ability to successfully function in a supervisory capacity. This person should possess formal training and considerable experience in archaeological theory, methodology, analysis, interpretation, and report preparation, and have demonstrated the ability to recognize and evaluate both historic and prehistoric cultural features.

C. *Field Crew Member/s* should have an undergraduate degree in anthropology, archaeology, or closely related field, or possess considerable experience and have demonstrated the ability to recognize and evaluate both historic and prehistoric cultural features and artifacts.

D. Any archaeologist conducting archaeological research (Phase I, II, and III) should have access to:

    1. adequate field and laboratory equipment to conduct the survey, excavation, or other research; and

    2. adequate facilities to properly treat, analyze, and temporarily curate cultural material obtained as a result of the investigation.

Source: *Miss. Code* §§ 39-7-3, 25-59-1 (1972, as amended).

Rule 11.2 Consultant List. Effective August 1, 2001, MDAH-SHPO will maintain a consultant list comprised solely of archaeologists and companies who meet the Secretary of Interior's minimum Standards for archaeology. Also effective August 1, 2001, MDAH-SHPO will only accept reports (Phases I, II and III) resulting from section 106 or antiquities law projects from individuals or companies who meet these standards. Federal and State archaeologists performing cultural resource work for their respective agencies, however, are exempt from this policy. Furthermore, a policy regarding probationary and permanent removal from the consultant list has also been devised.

A. Removal from List: Each consultant working in Mississippi is responsible for adhering to MDAH-SHPO's "Guidelines for Archaeological Investigations and Reports in Mississippi." When MDAH-SHPO receives a deficient report, the report will be "placed on hold," and the appropriate Federal agency, applicant, or licensee will be notified of its deficiencies. When the deficiencies are corrected, the report will receive clearance.

    If a consultant's CRM reports are placed on hold three (3) times within one year, MDAH-SHPO will notify the consultant in writing and provide the consultant an opportunity for a hearing before the SHPO, Deputy SHPO, Chief Archaeologist, and Review and Compliance Officer before further actions, if necessary, are taken. If, at the conclusion of the hearing, a satisfactory explanation for the deficiencies has not been presented, the consultant's name will be removed from the list, and his/her reports will not be accepted by MDAH-SHPO for one (1) year. At the end of one year, the consultant may submit a written request to MDAH-SHPO to have his/her name reinstated to the list.

B. Permanent Removal from List: Serious ethical and legal violations will result in the permanent removal of a consultant from the list and in the permanent refusal of MDAH-SHPO to accept the consultant's reports. Again, the consultant will be notified of the problem/s in writing and provided an opportunity for a hearing before the SHPO, Deputy SHPO, Chief Archaeologist, and Review and Compliance Officer to appeal the permanent removal.

Source: *Miss. Code* §§ 39-7-3, 25-59-1 (1972, as amended).
Rule 11.3 Laboratory and Curation Guidelines. The following guidelines should be followed when preparing recovered archaeological materials and generated field records for curation:

A. Laboratory Guidelines:

1. Laboratory personnel should have an undergraduate degree in anthropology, archaeology, or closely related field, or possess considerable experience and demonstrated knowledge of standard analytical techniques, existing regional typologies, and the ability to recognize and evaluate both historic and prehistoric artifacts.

2. Standard analytical techniques and existing typologies, as appropriate for Southeastern prehistoric and historic archaeological studies, should be employed.

3. Proper stabilization and conservation techniques should also be employed.

4. All recovered cultural material should be cleaned, labeled, catalogued, and prepared for curation.

B. Curation Guidelines:

1. All cultural material, field notes, project records and photographs should be curated upon completion of the project in accordance with 36 CFR 79 ("Curation of Federally-Owned and Administered Archeological Collections") on acid free paper, as applicable.

2. The archaeological contracting firm should clean, label, and prepare all materials recovered during the study, and arrange for the transfer of recovered materials and records to a suitable Mississippi curation facility, when possible, preferably in the same region where the work was conducted, that meets or exceeds standards set forth in 36 CFR 79.

3. All artifacts recovered through underwater archaeological research should be treated in the field to stabilize and lessen deterioration. Standard cleaning and preservation procedures should be followed once artifacts are taken to the laboratory.

4. Due to additional problems and costs associated with proper artifact stabilization and long-term curation of submerged archaeological resources, these artifact collections should be kept to the absolute minimum necessary to make required assessments and determinations.

Source: *Miss. Code* §§ 39-7-3, 25-59-1 (1972, as amended).

Rule 11.4 Treatment of Human Remains. It is the responsibility of the archaeologist to comply with all state and federal legislation (e.g., Mississippi Antiquities Law, Native American Graves Protection and Repatriation Act) concerning archaeological sites and the treatment of Native American human remains encountered during archaeological investigations. Additionally, some agencies have internal guidelines governing the treatment of human remains (e.g., USDA Forest Service's Human Remains Policy), and these should also be consulted when applicable. If non-Native American human remains are discovered, then the principal investigator should immediately notify the county coroner, sheriff, and/or board of supervisors to begin consultation. Should aboriginal human remains be discovered, archaeological activities (e.g., shovel testing, test excavations, mechanical stripping) should cease in that area. The field archaeologist should contact the governing/contracting agency for further instruction. In the absence of Federal involvement, if Native American burials are encountered on state, county, municipal or private land, the field archaeologist should contact MDAH-SHPO and apply for a burial excavation permit. Burial excavation permits may also be applied for in anticipation of encountering burials. Work may continue in the area once a burial excavation permit has been granted by MDAH-SHPO. Encountered aboriginal human remains shall be recorded, handled, and protected according to the stipulations stated in the permit.

Under the provisions of the State Antiquities Law (39-7-31), the Board of Trustees of MDAH is given the responsibility of considering and permitting, if deemed appropriate, the excavation of prehistoric or historic Indian burials. Specifically, 39-7-31 states:

No person without a permit from the board and without written permission of the landowner, shall intentionally injure, disfigure, remove, excavate, damage, take, dig into, or destroy any prehistoric or historic American Indian or aboriginal burial.

As stated in 39-7-3 (Declaration of Public Policy), it is the policy of the State of Mississippi and in the interest of the State to protect and preserve archaeological sites of every character. Burials in the context of the Antiquities Law are archaeological sites. They are, however, very special kinds of archaeological sites that are given additional legal protection by other laws. For this reason, burials are the only type of site for which MDAH-SHPO has legal authority on private property, except for "Mississippi Landmarks" for which this authority is voluntarily given by the landowner.

In order to prevent confusion and to establish clear directives, the following guidelines are instituted:

A. No permit will be issued unless the excavation is to be performed or supervised by an archaeologist meeting the aforementioned professional qualifications. It is recommended that a physical anthropologist be present during the excavation to ensure the recovery of a maximum amount of pertinent information.

B. A report, following the guidelines established in this document, detailing the findings of the excavation, including photographs and sketches, must be submitted to MDAH-SHPO within one year of completion of the excavation.

C. If the burial/s in question is reasonably expected to be of a known, existing tribe, the written comments of that tribe shall be sought and, if obtained, submitted in written form to MDAH-SHPO when application is made for a permit.

D. The remains are to be curated in a facility that meets or exceeds standards set forth in 36 CFR 79 or reburied after scientific analysis. The decision on whether to require reburial will be determined by MDAH-SHPO after reviewing documentation submitted with the request for a burial excavation permit (see Step 3).

E. Permits to excavate burials will not be issued in most circumstances unless there is a threat to the integrity of the burial/s through vandalism, natural forces (e.g., erosion, inundation), or development that is clearly in the public interest.

F. For purposes of these guidelines, a burial is understood to include the items that are interred with the body/human remains.

G. In the event of the unintended discovery of burials during the course of an excavation, the encountered remains are to be recorded in such a manner as to minimize the loss of scientific data. A burial excavation permit is to be sought, if the archaeologist wishes to continue with the burial excavation/removal.

H. MDAH-SHPO may, as it finds advisable, call for a written proposal from the applicant on the procedure for burial removal and reserves the right to deny the participation of any archaeologist. Such written proposals should address the adequacy of crew size and experience, laboratory and temporary curation facilities, as well as arrangements for long-term curation or reburial of remains.

Source: *Miss. Code* §§ 39-7-3, 39-7-31, 25-59-1 (1972, as amended).

Rule 11.5 Terrestrial Archaeological Research. As previously stated, Sections 106 and 110 of the National Historic Preservation Act (NHPA) of 1966, as amended, require federal land management agencies and others receiving federal funds, licenses, or permits for land alteration projects to consider cultural resources within their project's area of potential effects. Usually this process consists of locating sites, determining if they are eligible for inclusion in the National Register of Historic Places, as well as assessing the effects of the project, if any, on the resources. This does not mean every single site must be found. Instead, it means the responsible agency must make a reasonable and good faith effort to "consider all kinds of historic properties" in the project's area of potential effects (Section 301[7]; King 1998:62, 67). Therefore, research

designs and survey or testing methodologies should reflect this concept of "reasonable and good faith effort" (Advisory Council on Historic Preservation 1986:20).

The following section briefly outlines Phase I, II, and III techniques and guidelines that should assist archaeologists and agency administrators in developing research designs, primarily for Phases II and III, capable of retrieving sufficient amounts of data to identify and evaluate terrestrial cultural resources. Each phase should be approached within the context of a research design with project results contributing to a better knowledge and understanding of Mississippi's past.

Source: *Miss. Code* §§ 39-7-1, 25-59-1 (1972, as amended).

Rule 11.6 Create a Research Design for Terrestrial Cultural Resources.

A. Create a Research Design: An explicit research design should govern all archaeological work, especially Phase II and III investigations. Prior to going into the field, a design or plan should be created addressing the justification and legitimacy of the proposed field work, as well as the techniques to be employed. Furthermore, the research design should reflect the needs of the sponsor, such as "how much area to look at and how much and what kinds of data to record" (Davis 1982:B-5).

   In addition, each archaeologist must submit a scope of work to MDAH-SHPO for comment prior to conducting Phase I cultural resource surveys of 200 hectares (500 acres) or more. Scopes of work must also be submitted to MDAH-SHPO for comment before conducting any Phase II or III investigations. These documents should specify the types of cultural resources known or anticipated to be in the project's area of potential effects, the field and/or archival techniques proposed, the projected number of field personnel required for the project, and the estimated time in the field.

B. Conduct Literature Review/Records Check: Prior to investigations of terrestrial cultural resources, historical and archaeological records, literature, and archival sources should be examined to provide a cultural/historical context for the study area and to identify previously recorded archaeological or historical properties in or near the project area. The following is a brief list of sources maintained by MDAH-SHPO that should be consulted prior to conducting Phase I, II, and III terrestrial cultural resources investigations:

   1. Mississippi Archaeological Site File (contains information on known sites)

   2. Archaeological Maps (15' and 7.5' USGS Topographic Quadrangles) which contain information on known site locations, previous cultural resource surveys, etc.

   3. Cultural Resources Survey reports and other applicable literature, such as the State Historic Context Document, *Mississippi Archaeology, Louisiana*

Archaeology, *Journal of Alabama Archaeology*, *Arkansas Archeologist*, *Tennessee Anthropologist*, *Southeastern Archaeology*, *American Antiquity*, etc.

4. Archaeological Subject File (supplemental data on recorded sites, such as artifact illustrations and photographs, site maps, newspaper articles, correspondence, etc.)

5. Deeds, Historic Maps, Aerial Photographs, and other Remote Sensing Data

6. National Register of Historic Places Files

C. Recordation:

1. Field notes should be maintained during the entire investigation and for all aspects of the project. If possible, all notes should be written or copied onto acid-free paper.

2. Significant archaeological sites and prominent features found should be photographed with color and black and white film. Although most black and white film types are fairly stable, most color films are not. Due to color film dye instability and short life expectancy, archaeologists are strongly encouraged to use Kodachrome slide film when photodocumenting sites for the permanent record. All photographs should be printed with a standard finish, such as matte, glossy, or satin and should be at least 3½ x 5 inches. Each photograph should be labeled with a permanent audio-visual marking pen or pencil. Adhesive labels should not be used on photographs because they can become detached. All original photographs, negatives and transparencies should be included with the curated materials. Digital images, regardless of the media, are not appropriate for the permanent record. For further advice concerning photographing significant archaeological sites refer to *National Register Bulletin 16A: How to Complete the National Register Form* and *National Register Bulletin 23: How to Improve the Quality of Photos for National Register Nominations*.

3. Maps of the project area should be maintained to record all areas investigated and sites located.

D. Phase I:

1. Terrestrial Cultural Resources Survey: The overall goal of a Phase I cultural resources survey is the location and evaluation of archaeological resources within a project's area of potential effects. If sites are found during this phase of research, sufficient information should be recovered to determine whether further investigations are necessary to assess National Register eligibility. Specific objectives of the Phase I cultural resources survey include:

    a. a review of archaeological and historical records pertaining to the general project area;

b. a complete field inspection to determine the presence, nature, and degree of integrity, if possible, of any archaeological remains within the project's area of potential effects; and

c. an evaluation of the potential impact of the project on the identified archaeological resources.

2. Fieldwork Guidelines: The areas surveyed and the methodologies employed should be decided on an individual project basis. The following list, however, provides basic guidelines that should assist the archaeologist in retrieving adequate information:

a. General:

i. The field survey must include a systematic pedestrian surface examination of all exposed ground surfaces, as well as shovel testing and screening of all vegetated ground surfaces in the entire area of potential effects.

ii. If predictive modeling is used during any part of the Phase I cultural resources survey, the model must be verified through field testing.

iii. Written records must be maintained throughout the course of the study.

iv. Photographic documentation of potentially significant archaeological resources identified in the project area should be maintained to record the geographical setting and land use (see Recordation section for information concerning photographs).

v. Representative artifact collections (i.e. all artifact forms, not just diagnostics) must be made from archaeological sites identified within the project area for the purposes of determining the site's temporal and cultural affiliations, as well as the functional and technological aspects of the assemblage.

vi. All previously recorded sites in the project area should be visited, if possible. Information on these sites should be updated in the form of a new site card.

vii. Gathering information from local informants about cultural resources in the project vicinity is encouraged. If possible, view, describe, and photograph private artifact collections obtained in or near the project area.

viii. Past land alterations (e.g., plowing, timber activities, borrow pits, construction activities, erosion) in the project area of potential effects should be recorded.

ix. Every shovel test, auger test, and other ground disturbance should be refilled upon completion of the survey unless consultation with participating agencies and/or landowners has produced an agreement to forego filling.

x. Survey and site/s locations must be depicted on 7.5' USGS topographic maps.

b. Systematic Pedestrian Visual Surface Examination:

i. Ground cover conditions must be described and the techniques of pedestrian survey specified.

ii. A systematic pedestrian visual surface examination must be conducted in those portions of the project area, such as cultivated cropland, possessing good surface visibility.

iii. In areas of good surface visibility, archaeologists should walk transects spaced at 15-30 meter (50-100 feet) intervals maximum. A transect spacing justification (e.g., ground visibility, density of archaeological sites in area, severely disturbed areas, inaccessibility) should be part of the cultural resources survey report.

iv. While a surface collection may help determine horizontal site boundaries, it is not considered an adequate procedure for assessing site nature (i.e., depth, composition, possible integrity, etc.). Therefore, some subsurface investigations should also be conducted at the site.

c. Shovel Tests/Screening:

i. Where the surface cannot be inspected with reasonable thoroughness, sub-surface testing must be conducted in all areas where archaeological sites are likely to occur.

ii. The nature of any sub-surface testing must be discussed with size, depth, and spacing intervals of tests specified.

iii. Shovel tests should be excavated at 30 meter (100 feet) intervals maximum across terrain with poor ground surface visibility.

iv. Each shovel test, approximately 30x30 cm (12x12 inch) in diameter, should be excavated into sterile subsoil, if possible.

v. Excavated soil should be screened through 6.35 mm (¼ inch) or smaller hardware cloth unless soil conditions make such screening impractical. When such soil conditions exist, the archaeologist should identify these conditions in the report and indicate the method of artifact recovery that was used.

vi. When a positive shovel test is excavated, the testing interval should be reduced to 5 to 10 m with shovel testing continuing in a cruciform or grid pattern until two consecutive negative shovel tests are encountered. This method should assist in determining horizontal site dimensions and boundaries.

vii. Records of each positive shovel test should be maintained, including their locations within the project area and the number and types of artifacts recovered from each shovel test. Artifacts encountered exclusively in disturbed zones or at any other depths should be noted. Additionally, it is important to record any negative findings encountered during the survey.

viii. Unvegetated cultivated fields and land forms are not automatically exempt from shovel testing. Therefore, if shovel tests are not excavated, the principal investigator should justify the decision. Plowed fields should be shovel tested under the following conditions: poor artifact visibility (e.g., soil recently plowed, lack of rainfall), when in a dynamic depositional environment (e.g., adjacent to aggrading stream, creek, river), or artifacts observed on the surface.

d. Deep Soil Sampling:

i. Principal investigators should conduct limited deep soil sampling, utilizing cores, augers, backhoes, etc., to locate and delimit cultural deposits deeply buried under alluvium, colluvium, and/or water. Deep soil sampling helps the archaeologist more thoroughly evaluate the project area by gathering site and soils information unobtainable through pedestrian visual surface examination and traditional shovel testing procedures.

ii. Consultation with a geomorphologist or pedologist is encouraged if the principal investigator is not trained in or familiar with the geomorphology of the area.

e. Other Methods: Archaeologists may also incorporate a variety of remote sensing techniques into the survey, such as ground penetrating radar (GPR), gradiometer, resistivity, conductivity, magnetometer, metal detecting, aerial photographs, multispectral imaging, etc. The research design should justify the use of these additional survey techniques.

E. Phase II:

1. Terrestrial Cultural Resources Testing and Evaluation: The primary objective of the Phase II investigation is to determine if the site in question is eligible for inclusion in the National Register of Historic Places. Although archaeological site significance can be documented under National Register Criterion A (events), B (important persons), and C (design, construction, and work of a master), eligibility for most sites will probably be determined under Criterion D (information potential) or a combination of all the above (see National Register Bulletin 36). "In order to determine the significance of a site [under Criterion D], enough subsurface investigation must be done to establish the potential for information that can be used to formulate and answer research questions" in regard to a regional context (Bense et al. 1986:56). Investigation objectives include, but are not limited to, identifying:

    a. the vertical and horizontal extent of intact archaeological deposits within each site;

    b. the density and distribution of the archaeological deposits within each site;

    c. the cultural affiliation of the components represented at each site;

    d. the presence of undisturbed/relatively intact subsurface features or buried stratified deposits at each site;

    e. the classes of archaeological remains retrievable; and

    f. whether the site is eligible for inclusion in the National Register. Phase II investigations should not be initiated without consultation with MDAH-SHPO.

2. Fieldwork Guidelines: The fieldwork methodology and areas to be investigated should be decided on an individual site basis. The selected methodology should focus only on data relative to research questions of potential importance as they pertain to evaluating National Register significance. The following list provides basic guidelines that should assist the archaeologist in retrieving adequate information:

    a. General:

i. Written records and standardized forms should be maintained throughout the course of the study. Test units, features, soil profiles, and other identified anomalies should be photographically recorded.

ii. All field investigations must use a permanent reference grid.

iii. Every test excavation unit, auger test, backhoe trench, or other ground disturbance should be refilled upon completion of the testing project, unless consultation with participating agencies and/or landowners has produced an agreement to forego filling (e.g., preparation for Phase III mitigation).

iv. Provide location of Phase II testing on 7.5' USGS topographic map.

b. Testing:

i. Work conducted during the Phase I cultural resources survey should have identified the archaeological property's boundaries and artifact distribution and/or concentrations. However, if this is not the case, then the archaeologist may need to conduct limited clearing and/or plowing and disking of the site to enhance surface visibility. Some areas, such as forests, may preclude this step. Therefore, it is recommended additional shovel tests and screening be conducted in order to identify site boundaries. Upon completion of this task, the archaeologist should conduct a controlled surface collection utilizing a permanent reference grid. Areas in tree/bush lines may be investigated by excavating test units. Based on the results of the surface collection, shovel testing, and/or previous artifact/feature concentrations encountered during Phase I survey, a limited number of test units (based on site size, artifact distributions, land formations, etc.) should be manually excavated to determine the depth of the plowzone (or A horizon) and nature of subplowzone deposits and subsoil. All land clearing and testing activities should be justified in the report.

ii. Excavated soil should be screened through 6.35 mm (¼ inch) or smaller hardware cloth (e.g., dry shaker screens or water screens). It is advisable to double screen feature fill or other complex deposits through a 1.58 mm (16th inch) fine hardware cloth to ensure retrieval of as much cultural material as possible (e.g., micro-debitage, archaeobotanical and zooarchaeological remains) (see also Flotation Sampling).

iii. If deemed appropriate by the principal investigator, heavy equipment (e.g., backhoe, grader) may be used to remove selected portions of disturbed upper soil zones (e.g., plowzone) to expose possible intact buried deposits. Locations and orientation of trenches, depositional and pedogenic profiles for trenches, and stratigraphic evidence for integrity, or lack thereof, should be included in the report. However, it is important to note, that solely grading a site and looking for features is not considered an appropriate, effective, or scientific means of testing an archaeological site. Justification for conducting all mechanical tests should be included in the report.

iv. Typically, the sampling design should provide adequate sub-surface exposure (i.e., below plowzone or other identified initial soil level) of the site area as defined by surface and subsurface techniques (e.g., surface collections, shovel tests). Each site is different, and the archaeological methods used, the areas of the property tested, and the percentage of the site sampled in order to determine National Register eligibility should be decided on an individual site basis.

v. A justification of test excavation unit spacing and placement (e.g., artifact densities, presence of features) should accompany the Phase II testing report.

vi. Priority should be given to accurately mapping the distribution of subsurface features and deposits that have been revealed through testing (e.g., plan and profile illustrations; artifact piece plotting).

vii. A representative sample of subsurface cultural features and deposits should be excavated to determine temporal and cultural affiliations.

viii. Munsell soil color and texture data should be provided for all excavated units (by level) and features.

c. Deep Soil Sampling: Limited deep soil sampling should be conducted at appropriate locations, if applicable, across the site in order to ensure proper coverage and to detect any deeply buried deposits that may exist.

d. Flotation Sampling: Systematic flotation samples should be taken to provide a sample of artifacts less than 6.35 mm (¼ inch), such as archaeobotanical and zooarchaeological remains. Flotation samples provide an index not only of the presence of remains but also an indication of the density of material. The percentage of site (levels, features) sampled through flotation should be decided on an individual site basis.

e. Chronometric Sampling: Systematic chronometric samples should be taken to provide information on the age of the site. Types of chronometric dating procedures include radiocarbon dating, archaeomagnetic dating, oxidizable carbon ratio, thermoluminescence, etc.

f. Other Methods: Archaeologists may also incorporate a variety of remote sensing techniques into the survey, such as ground penetrating radar (GPR), gradiometer, resistivity, conductivity, magnetometer, metal detecting, aerial photographs, multispectral imaging, etc. The research design should justify using these additional survey techniques.

F. Phase III:

1. Mitigation of Terrestrial Cultural Resources: The mitigation of impacts or effects on a significant (i.e., National Register eligible) property can take several forms. For example, relocating, changing, or modifying the proposed project is one way to avoid impacting an eligible archaeological site. Although the site may not be preserved in the long run, this action can eliminate imminent impacts and adverse effects associated with the original project. This step incorporates the property into the project in a non-destructive manner.

   However, when avoidance of a significant property is impractical and partial or total destruction is unavoidable, an agreement to conduct data recovery (i.e., extensive and in some cases complete site excavation) is usually reached (see Section 110b of NHPA). This plan is usually a continuation and expansion of Phase II activities. The data recovery plan should be detailed, discussing and justifying the design of the investigation which will retrieve the data, what research questions will be addressed, the proposed analysis and the expected results, and a justification for the expenditure of money on the data recovery project should be clearly stated. If the recovery plan is unusually complex, then a Memorandum of Agreement (MOA) between participating agencies should be developed. Mitigation recovery projects may not proceed without consultation with MDAH-SHPO and the development of the appropriate written agreement. Whatever is decided, this plan should be consistent with the principles set forth in "Consulting About Archeology Under Section 106," the "Secretary of the Interior's Standards and Guidelines for Historic Preservation Projects," and the "Participants Desk Reference" issued by the Advisory Council on Historic Preservation in 1995.

2. Underwater Archaeological Research: Mississippi possesses a diverse range of submerged cultural resources, ranging from canoes and pirogues to steamboats, schooners, and ocean-going vessels, as well as prehistoric sites inundated through coastal subsidence. These archaeological sites receive the same level of protection as do terrestrial sites. In addition to the aforementioned laws (e.g., NEPA, NHPA) governing terrestrial site protection and mitigation, additional

legislation, such as the Abandoned Shipwreck Act of 1987, serve to further protect these important resources.

The following section briefly outlines Phase I, II, and III techniques and guidelines that should assist archaeologists and agency administrators in developing research designs capable of retrieving sufficient amounts of data in order to identify and evaluate submerged cultural resources, primarily sunken vessels. Each phase should be approached within the context of a research design with project results contributing to a better knowledge and understanding of Mississippi's past.

Source: *Miss. Code* §§ 39-7-1, 25-59-1 (1972, as amended).

Rule 11.7 Create a Research Design for Submerged Cultural Resources.

A. Create a Research Design: An explicit research design should govern all archaeological work, especially Phase II and III investigations. This design or plan should ask questions regarding the justification and legitimacy of the proposed field work, what is to be gained from this work prior to going into the field, and what techniques will be employed to complete the task. Furthermore, the research design should reflect the needs of the sponsor, such as "how much area to look at and how much and what kinds of data to record" (Davis 1982:B-5).

   In addition, each archaeologist must submit a scope of work to MDAH-SHPO for comment prior to conducting Phase I cultural resource surveys of 200 hectares (500 acres) or more. The proposed scope of work must also be submitted to MDAH-SHPO for comment before conducting any Phase II or III investigations. These documents should specify the types of cultural resources known or anticipated to be in the project's area of potential effects, the field and/or archival techniques proposed, the projected number of field personnel required for the project, and the estimated time in the field.

B. Conduct Literature Review/Records Check: Prior to investigations of submerged cultural resources, historical and archaeological records, literature (e.g., *Ways Packet Directory, 1848-1994*), and archival sources should be examined to provide a cultural/historical context for the study area, and to identify previously recorded archaeological or historical properties in or near the project area. The following is a brief list of sources maintained by MDAH-SHPO that should be consulted prior to conducting Phase I, II, and III submerged cultural resources investigations:

   1. Mississippi Archaeological Site File (contains information on known sites)

   2. Archaeological Maps (15' and 7.5' USGS Topographic Quadrangles), which contain information on known site locations, previous cultural resource surveys, etc.

3. Cultural Resources Survey reports and other applicable literature, such as H.P. Owen's *Steamboats and the Cotton Economy, Mississippi Archaeology, Louisiana Archaeology, Journal of Alabama Archaeology, Tennessee Anthropologist, Southeastern Archaeology, American Antiquity, etc.*

4. Archaeological Subject File (supplemental data to recorded sites, such as artifact illustrations and photographs, site maps, newspaper articles, correspondence, etc.).

5. Deeds, Historic Maps, and Aerial Photographs.

6. National Register of Historic Places Files.

C. Recordation:

1. Field notes should be maintained during the entire investigation and for all aspects of the project. If possible, all notes should be written or copied onto acid-free paper.

2. Significant archaeological sites and prominent features (e.g., shipwrecks, docking facilities) with good visibility (e.g., low tide; clear water) should be photographed with color and black and white film. Although most black and white film types are fairly stable, most color films are not. Due to color film's instability and short life expectancy, archaeologists are strongly encouraged to use Kodachrome film when photodocumenting the site and research for the permanent record. All photographs should be printed with a standard finish, such as matte, glossy, or satin and should be at least 3½ x 5 inches. Each photograph should be labeled with a permanent audio-visual marking pen or pencil. Adhesive labels should not be used on photographs because the labels can become detached. All original photos, negatives, and transparencies should be included with the curated materials. Digital images, regardless of the media, are not appropriate for the permanent record. For further advice concerning photographing significant archaeological sites refer to National Register Bulletin 16A (*How to Complete the National Register Form and National Register*), 20 (*Nominating Historic Vessels and Shipwrecks to the National Register of Historic Places*), 23 (*How to Improve the Quality of Photos for National Register Nominations*).

3. Maps and scaled drawings of the project area and recorded anomalies should be maintained throughout the investigation. This is particularly important since many submerged cultural resources in Mississippi can not be photodocumented due to poor visibility associated with water turbidity.

D. Phase I:

1. Submerged Cultural Resources Survey: The overall goal of a Phase I submerged cultural resources survey is to locate and evaluate archaeological resources within the project's area of potential effects. During this phase of research, archaeologists need to recover sufficient information to determine whether further investigations at the site/s is necessary to address National Register eligibility. Specific objectives of the Phase I submerged cultural resources survey include:

    a. a review and search of the archaeological and historical records pertaining to the general project area;
    b. a field inspection and complete Phase I survey to determine the presence, nature and degree of integrity, if possible, of archaeological remains within the project's area of potential effect; and

    c. an evaluation of the potential impact of the project on the identified archaeological resources.

2. Fieldwork Guidelines: The areas surveyed and the methodologies employed should be decided on an individual project basis. The following list, however, provides basic guidelines that should assist the archaeologist in retrieving adequate information:

    a. General:

        i. Each submerged and visible watercraft, as well as other cultural resources (e.g., bridges, structures) identified in the project's area of potential effects, should be recorded and preliminarily evaluated as to its National Register eligibility.

        ii. Due to varying levels of survey complexity often associated with riverine and marine environments, such as water depths and poor visibility, remote-sensing technologies should be used. Remote-sensing technologies should include, but not be limited to, systematic magnetometer survey, bathymetric or fathometer survey, and side-scan sonar. All instrument data should be recorded in concert with a Differential Global Positioning System (GPS).

        iii. A magnetometer survey will detect most anomalies in the project's area of potential effects. Archaeologists will need to conduct more detailed systematic magnetic surveys for all anomalies thought to be potentially significant. Analyses of the initial and more detailed magnetic surveys should provide the principal investigator with enough information to determine the identity of the anomaly and the potential for further testing.

iv. If it is determined that additional testing of an anomaly is needed/required, then a side-scan sonar should be employed to enable the principal investigator to make a more precise determination regarding the anomaly's National Register potential. Side-scan sonar may be excluded from use when field conditions prohibit or dictate otherwise. In these instances, a justification for not using side-scan sonar must be discussed in the report. It is important that all generated data (side-scan sonar, magnetometer, etc.) be correlated in order to produce as accurate a survey result as possible.

v. Systematic water jet probing from the deck of the survey boat or adjacent banklines should be conducted to determine the location and extent of all identified submerged watercraft and other potentially significant underwater resources.

vi. All exposed watercraft elements should be fully recorded to the extent possible with a detailed discussion provided in the report.

vii. Survey and site/s locations must be depicted on 7.5' USGS topographic maps.

b. Magnetometer, Bathymetric/Fathometer: Magnetometer and Bathymetric/Fathometer are remote sensing instruments that produce survey data capable of being downloaded into a computer database. There are two types of magnetometers currently used in the field of underwater research, a proton precession magnetometer and a cesium magnetometer. The proton precession magnetometer is probably sufficient for the Phase I cultural resource survey. Data collected from the magnetometer survey should be of sufficient precision and quality to allow for interpretations.

c. Side-Scan Sonar:Archaeologists are encouraged to use as high a frequency side-scan sonar as possible, such as 500 kHz. Higher frequencies produce superior resolutions thereby allowing for better identification and interpretation of targets. While lower frequency side-scan sonars, such as 100 kHz, can produce good results, they do not produce the high quality results higher frequency side-scan sonars do. Again, archaeologists are encouraged to utilize a side-scan sonar capable of recording data that can be down loaded into a computer database (note: some side-scan sonars are equipped with video monitors, but are incapable of storing the generated data).

d. Positioning Systems: A positioning system should be incorporated into all submerged cultural resources surveys, so archaeologists can easily map and relocate any targets encountered. To ensure precision during the remote sensing survey a ±5 meter variance in positioning data is

suggested. In order to achieve this accuracy, the archaeologist should use either an on-shore total station or a Differential (or corrected) Global Positioning System (GPS). The on-shore total station may be more practical and feasible if: the survey area is limited in scope, the line of sight between shore and survey vessel is good, and/or there is a single target involved.

e. Remote Sensing Survey:

i. Transect lane spacing should not exceed 30 meters (100 feet).
ii. Positioning control points should be obtained at least every 30 meters (100 feet) along transects.

iii. Background noise for the magnetometer data should not exceed ±3 gammas.

iv. Magnetic data should be recorded on the 100 gamma scale.

v. The magnetometer sensor should be towed a minimum of 2.5 times the length of the boat or projected in front of the survey vessel to avoid vessel noise.

vi. The survey should utilize the Universal Transverse Mercator (UTM) grid system when providing site and feature locations.

vii. Additional, more tightly spaced transects should be run over all potentially significant anomalies.

viii. Differential GPS survey control should be used to determine the exact locations of the magnetic anomalies or exposed watercraft.

f. Survey Intervals:

i. Although interval spacing should be established on a case by case basis, it is recommended that magnetometer spacing not exceed 30 m (100 ft). This spacing increases the possibility of detecting the smallest of targets. A transect spacing justification (e.g., density of archaeological sites in area, inaccessibility) for all forms of remote sensing should accompany the cultural resources survey report.

ii. Any magnetic target that produces an anomaly greater than 20 to 25 gammas, covers an area greater than 15 meters, or produces a complex signature should be viewed a second time. A justification for any subsequent viewing, or a decision not to

reexamine an anomaly such as this, must accompany the survey report.

iii. Additional survey lines (normally perpendicular to the original survey) should be run across targets deemed to be of interest. These supplementary lines provide additional data on the character of the target, as well as aid in the development of magnetic contour maps.

g. Terrestrial Surveys:

i. In some cases, a terrestrial survey of bank lines may provide supplementary data to the information generated during the underwater survey. Examples of such data include the locations of vessels partially covered by bank lines, associated structures such as docking or landing facilities, and sunken vessels abandoned at or near these facilities. In addition, terrestrial surveys provide access to shore lines deemed inaccessible by boat due to heavy vegetation or low water (For information concerning appropriate survey methods see Terrestrial Cultural Resources Survey section).

ii. Archaeologists are also encouraged to use hand-held magnetometers when conducting these bank line and shallow water terrestrial surveys. This is especially true in river settings where magnetic targets are observed trending under the bank.

E. Phase II:

1. Submerged Cultural Resource Testing and Evaluation: The primary objective of the Phase II investigation is to determine if the site in question is eligible for inclusion in the National Register of Historic Places (note: Phase I and II underwater investigations are sometimes combined into a single activity. The governing/contracting agency is responsible for ensuring that a scope of work exists in which the specific tasks are outlined and that the proper officials are notified). Unlike terrestrial archaeological sites, National Register eligibility for most submerged cultural resources will be determined using most of the established Criterion, as opposed to just Criterion D (see National Register Bulletin 36).

However, as with terrestrial sites, “In order to determine the significance of a site [under Criterion D], enough subsurface investigation must be done to establish the potential for information that can be used to formulate and answer research questions” in regard to a regional context (Bense et al. 1986:56). Investigation objectives include, but are not limited to:

a. the vertical and horizontal extent of intact archaeological deposits within each site;

b. the density and distribution of the archaeological deposits within each site;

c. the cultural affiliation of the components represented at each site;

d. the presence of undisturbed submerged features or buried stratified deposits at each site;

e. the classes of archaeological remains retrievable; and

f. whether the site is eligible for inclusion in the National Register. Phase II investigations should not be initiated without consultation with MDAH-SHPO.

2. Fieldwork Guidelines: The fieldwork methodology and areas to be investigated should be decided on an individual project basis. However, the selected methodology should focus only on data relative to research questions of potential importance as they pertain to evaluating National Register significance. The following list, however, provides basic guidelines that should assist the archaeologist in retrieving adequate information:

   a. General:

      i. Since it is practically impossible to adequately identify and assess the significance of submerged cultural resources based solely on the generated remote-sensing data, some form of diving will probably be required during Phase II investigations. Because diver safety is a prime concern, MDAH-SHPO requires that the principal investigator submit an Underwater Dive Safety Plan to the governing/contracting agency for approval prior to any diving activity (For additional information on operating in a safe manner, the principal investigator should become familiar with the 1996 "U.S. Army Corps of Engineers Safety and Health Requirements Manual"). This Plan should address: accident management, hazardous activities analyses, operating procedures, and equipment selection and use. Diver standards should meet or exceed the minimum required by the U.S. Army Corps of Engineers. In addition, the principal investigator/contracting firm will ensure that: divers are medically fit to dive; experienced at diving depths; experienced at tasks to be performed; and experienced with the equipment to be used. All divers, including standby divers, should be qualified divers, as well as

knowledgeable in archaeological methodology for submerged cultural resources. A record of all dives should be kept by a timekeeper.

ii. Written records should be maintained throughout the course of the study. Test units and other identification techniques, as well as identified anomalies should be photographically recorded, if possible.

iii. All field investigations must use a permanent reference grid.

iv. Field methods should employ terrestrial and underwater archaeological methods, as applicable. These methods include, but are not be limited to, remote-sensing surveying, probing, hydroprobing, underwater diving, surface excavation, systematic structural recordation, and the stabilization and conservation of recovered artifacts.

v. All instrument data should be recorded in concert with a Differential Global Positioning System (GPS).

vi. Provide location of Phase II testing on 7.5' USGS topographic map.

b. Testing:

i. Work conducted during the Phase I submerged cultural resources survey should have identified the archaeological property's boundaries and artifact concentrations. However, due to uncontrollable forces (e.g., current, fishing activities) some targets may move, and therefore the re-establishment of the target's location via remote-sensing technologies is suggested.

ii. Physical examination of the target by a diver may be required in certain situations. If the target is buried, examination of the target with a stainless steel probe or a hydraulic probe can provide insights on target dimensions, configuration, depth, condition, etc.

iii. If deemed necessary, excavations should only be to the extent that provides adequate data to make the necessary assessment of the submerged cultural resource. Because underwater investigations can be costly and time-consuming, sampling strategies should be employed, thereby limiting work to the minimum necessary to make the required assessments and determinations. However, each site is different and the archaeological methodology used, the

areas of the property tested, and the percentage of the site sampled should be decided on an individual site basis.

iv. Equipment (e.g., air lift, water jet, hydraulic venturi dredge) needs should be tailored to the specific project with justifications for the selection and utilization of this equipment outlined in the report.

v. Priority should be given to accurately mapping the distribution of submerged resources (e.g., artifact concentrations, vessel features).

vi. Information on site conditions, precise limits, chronological placement, structural integrity, dimensional data, and watercraft type and identity, if possible, should be obtained.

vii. Data recovery techniques should adhere to professional standards. A primary goal is a physical examination and documentation of vessel construction. It is recommended that at least three cross sections of each hull be completely inspected and documented for the purpose of analyzing construction techniques and materials.

viii. Information should be collected regarding historic watercraft known to have traveled the project's area of potential effects and should include, but not be limited to, newspaper accounts, handbills, and enrollment certificates. Typical schematic drawings of watercraft construction plans that are similar to types located in the project area should be included in the report.

ix. A datum must be established at each site and measurements should be controlled and referenced by this point. Probing will be useful in locating hull remains and machinery. Probing by hand or with a water jet will determine the amount of sediment overburden and will aid in optimum placement of excavation units (or trenches).

x. Each excavation unit should be cleared until evidence of hull remains or machinery is encountered. The units should be placed in such a manner as to ensure maximum retrieval of data. The inferred locations of the bow and stern should be examined, if possible, to determine the orientation of the vessel/s. The proper location of these test units should reveal construction details about the ship's hull, deck, and machinery.

xi. A detailed and accurate map of the exposed portions of each hull should be made to determine exact horizontal site limits, detect artifact densities, and assess the relationship between areas. Plan drawings or sketches should be made from test excavations to

illustrate the location of artifacts, structural members, machinery, and hull layouts.

xii. If a vessel type was built for a specific use, its relationship to a specific historical context should be assessed. Documentation of former enrollment records and registries should be researched. The integrity of each vessel needs to be thoroughly documented, discussing original form, materials, workmanship, and changes.

xiii. A detailed and accurate map of the extant portions of each hull should be made to determine exact horizontal site limits, detect artifact densities, and assess the relationship between areas. Plan and profile drawings should be made from test excavations to illustrate the location of artifacts, structural members, machinery, and hull layouts. Historic plans, drawings, and photographs should be reproduced or prepared to visually represent each vessel. Views of deck plans, inboard/outboard profiles, and hull and longitudinal sections should be included. These drawings of existing portions and representative samples of each vessel should be drawn to show methods of construction and individual features. See the National Park Service's *Guidelines for Recording Historic Ships* (1988) for additional information.

F. Phase III:

1. Mitigation of Submerged Cultural Resource: The mitigation of impacts or effects on a significant (i.e., National Register eligible) property can take several forms. For example, relocating, changing, or modifying the proposed project is one way to avoid impacting an eligible archaeological site. Although the site may not be preserved in the long run, this action can eliminate imminent impacts and adverse effects associated with the original project. This step incorporates the property into the project in a non-destructive manner.

   However, when avoidance of a significant property is impractical and partial or total destruction is unavoidable, an agreement to conduct data recovery (i.e., complete site excavation) is usually reached (see Section 110b of NHPA). This plan is usually a continuation and expansion of Phase II activities. The data recovery plan should be detailed, discussing and justifying the design of the investigation which will retrieve the data, what research questions will be addressed, the proposed analysis and the expected results, and a justification for the expenditure of public money on the data recovery project should be clearly stated. If the recovery plan is unusually complex, then a Memorandum of Agreement (MOA) between participating agencies should be used. Mitigation recovery projects may not proceed without consultation with MDAH-SHPO and the development of the appropriate written agreement. Whatever is decided, this plan should be consistent with the principles set forth in "Consulting About Archeology Under Section 106," the "Secretary of the Interior's Standards and

Guidelines for Historic Preservation Projects," and the "Participants Desk Reference" issued by the Advisory Council on Historic Preservation in 1995.

2. Report Guidelines:

   a. All final cultural resources survey (Phase I), testing (Phase II), and mitigation (Phase III) reports should be in narrative form, including a clear and concise presentation of project purposes, methods, results, and recommendations. Phase I cultural resources surveys should discuss positive and negative findings. Phase II archaeological testing reports should address three aspects:

      i. a description of the study and results of fieldwork and laboratory analyses,

      ii. an assessment of the presence and nature of the encountered archaeological deposits, and

      iii. an evaluation of the National Register of Historic Places eligibility of each site in conjunction with recommendations for further work. In addition to the these three aspects, Phase III archaeological mitigation reports should also

      iv. answer in detail all research questions outlined in the data recovery plan and the MOA, if applicable.

   Facsimiles of reports will not be accepted by MDAH-SHPO. In addition, all reports submitted to MDAH-SHPO are subject to peer review prior to approval and clearance. Furthermore, all final reports submitted to MDAH-SHPO for review should adhere to the guidelines listed below or be subject to hold and/or rejection. Whenever it is impossible to follow any guideline, an explanation should be provided in the report.

3. Phase I – Cultural Resources Survey:

   a. Reports must be in narrative form and fully address the questions proposed in the research design.

   b. Reports must be submitted on acid free paper.

   c. Reports must provide survey commencement and termination dates, as well as specify actual number of days in the field.

   d. Reports must provide number of personnel that participated in field work and lab analysis.

e. Reports must provide descriptions of field conditions, such as visibility, for both underwater and terrestrial archaeological investigations.

f. Reports must provide total number of hectares (acres) surveyed.

g. Reports must provide discussion of field methods and results explicitly addressing negative as well as positive findings.

h. Reports must include clear copies of relevant sections of 7.5' USGS topographic quadrangle maps with the precise locations and boundaries of areas surveyed and sites discovered prior to and during the course of the survey indicated thereon. This map must be clearly labeled with the quadrangle name. Any possible pre-World War II standing structures located in the project area during the survey must be reported and their locations indicated on the appropriate 7.5' USGS topographic quadrangles. A completed Historic Resources Inventory (e.g., standing structure, monument, bridge) form, including photograph, for each such resource must be submitted as part of the report. Forms can be obtained by writing the:

Architectural History Section
Mississippi Department of Archives and History
P.O. Box 571
Jackson, Mississippi, 39205-0571
or phoning 601-359-6940.

i. Use assigned state site number/s (trinomials) when referring to archaeological sites in the report. A completed or updated state archaeological site form for each site must be submitted as part of the report. Archaeological site cards can be obtained by writing the:

Archaeology Section
Mississippi Department of Archives and History
P.O. Box 571
Jackson, MS 39205-0571
or phoning 601-359-6940.

Site forms may be submitted to SHPO prior to report preparation for number assignation.

j. Descriptions of archaeological sites must include sufficient information on location, setting, extent (length, width, depth, etc.), regional chronological positions and cultural affiliations (when possible), intact deposits encountered, degree and types of disturbances observed, to evaluate whether additional investigation is warranted to determine their National Register eligibility. A statement should be made on how further

investigations of the site could lead to a better understanding of the area's past.

k. All newly located and previously recorded sites investigated/revisited during the survey, that are recommended for additional investigations should be illustrated in the report by means of a sketch map/plan with northing arrow and scale, showing topographic features and any identifiable permanent landmarks, as well as the spatial relationship to the project. The spacing of transects and shovel tests (both positive and negative) should also be noted on these maps.

l. Reports pertaining to underwater research must also include: a post-plot map illustrating the actual track of the survey vessel; position and contour map of all magnetic targets of interest; examples of pertinent side-scan sonar and bathymetric/fathometer records; and a table providing information on the location and characteristics of each target of interest with recommended treatments.

m. Classify artifactual remains using existing regional typologies as applicable. In addition, the report must include a tabulation of all artifacts and archaeobotanical and zooarchaeological remains collected from the site.

n. Illustrate recovered diagnostic artifacts or an appropriate sample.

o. Archaeologists should express opinions as to the nature of each site—village, quarry, hunting camp, extinct town, etc.,—and how this opinion was formed. If such a determination cannot be made, an explanation for the lack of determination should be included in the report.

p. Archaeologists must evaluate the effects of the project on each site identified.

q. Archaeologists should suggest alternatives or steps to avoid or mitigate effects to any potentially eligible or eligible National Register site/s that will be affected by the project.

r. The report must be signed and should include the addresses (postal and email, if applicable) and telephone numbers of the principal investigator and field director/s.

4. Phase II – Archaeological Testing:

a. Reports should be in narrative form and fully address the questions proposed in the research design.

b. Reports must be submitted on acid free paper.

c. Reports must provide testing commencement and termination dates, as well as specify actual number of days in the field.

d. Reports must provide number of personnel that participated in the field work and lab analysis.

e. Reports must provide the percentage of the archaeological property tested, as well as a justification for the sampling strategy.

f. Reports must provide discussion of field methods and results explicitly addressing negative as well as positive findings.

g. In addition to including 7.5' USGS topographic maps showing location of testing, reports must also include a large scale topographic map of the site with all controlled surface collection, shovel test, excavation unit, backhoe trench, and other investigative method locations portrayed in relation to permanent datum. A variety of other maps may also be required if conducting underwater research (e.g., magnetic).

h. Reports must include plan and profile illustrations for all test excavation units and features encountered.

i. Use assigned state site number/s (trinomials) when referring to archaeological sites in the report.

j. Classify artifactual remains using existing regional typologies as applicable. In addition, the report must include a tabulation (counts and weights, as applicable) of all artifacts and archaeobotanical and zooarchaeological remains collected from the site.

k. Archaeologists should provide detailed information about the nature of the components represented at site—village, quarry, hunting camp, extinct town, etc.,—state how this opinion was formed, and provide regional cultural designations and chronological positions for encountered deposits and the site as a whole.

l. Archaeologists must provide a determination concerning the significance of the site (i.e., is it eligible for the National Register) and whether the site merits preservation. Provide rationale and justification for this determination, as well as explain how the site meets the National Register criteria (e.g. Bulletin 20: *Nominating Historic Vessels and Shipwrecks to the National Register of Historic Places*).

m. Archaeologists must evaluate the effect of the project on each site tested.

n. Archaeologists should justify all suggested mitigation measures. If data recovery investigations are recommended, a research design should be provided detailing specific research questions to be addressed, along with citations of relevant literature supporting the importance of these questions to the current body of anthropological knowledge. However, if the site/s under consideration are determined ineligible, reasons supporting this conclusion should also be included.

o. The report must be signed and should include the addresses (postal and email, if applicable) and telephone numbers of the principal investigator and field director/s.

5. Phase III – Mitigation:

a. Reports must present in detail the investigative methods employed.

b. Reports must be in narrative form and fully address the questions proposed in the research design.

c. Reports must be written on acid free paper

d. Reports must provide mitigation commencement and termination dates, as well as actual days spent in the field.

e. Reports must provide the number of personnel that participated in the field work and lab analysis.

f. Reports must provide the percentage of the archaeological property mitigated, as well as a justification for this percentage (e.g., Was only a section of the site adversely affected?).

g. Reports must provide discussion of field methods and results explicitly addressing negative as well as positive findings.

h. In addition to including 7.5' USGS topographic maps showing location of mitigation, reports must include a large scale topographic (or magnetic, for example, if research pertains to submerged resources) map of the site with all excavation/sampling units portrayed.

i. Use the assigned state site number/s (trinomials) when referring to archaeological sites in the report.

j. Classify artifactual remains using existing regional typologies as applicable. In addition, the report must include a tabulation (counts and weights, as applicable) of all artifacts and archaeobotanical and zooarchaeological remains collected from the site.

k. Archaeologists should provide detailed information about the nature of the site—village, quarry, hunting camp, extinct town, logging schooner, etc.,—state how this opinion was formed and provide regional cultural designations and chronological positions for encountered deposits and the site as a whole.

l. Archaeologists should provide the rationale for the mitigation project. All research questions should be answered in specific detail, along with citations of relevant literature supporting the importance of these questions and their results to the current body of anthropological knowledge.

m. The report must be signed and should include the addresses (postal and email, if applicable) and telephone numbers of the principal investigator and field director/s.

G. Example Report Outline for Phase I, II, and III Investigations:

1. **Title Page** (e.g., title; author/s; organization, agency and/or client; contract number; date of report completion)

2. **Management Summary**

3. **Table of Contents**

4. **Introduction** (e.g., project purpose and goals, such as a summary of the scope of work, including applicable regulations or permits as known; project administration and contracting agency; general description, including location, number of person days in the field, and project conditions or constraints).

5. **Background Research** (e.g., environmental setting; summary of paleoenvironment and present climate and vegetation conditions; past and present land uses and current conditions; overview of prehistoric and historic (including navigation history, if applicable) cultural history, of the local project area, including project specific site; review of known sites, previous investigations and research in the project area and vicinity, and information provided by local collectors; primary documentary research for the project area, including historic maps, deeds, or other pertinent information). This section should provide the context for research questions, survey methods, site evaluations and further recommendations.

6. **Research Design** (e.g., research objectives and theoretical context, using the historic contexts outlined in the State's Historic Contexts Document and other relevant references; specific research problems or questions; methods to be employed to address these research objectives and questions; a discussion of the expected results, including hypotheses to be tested as part of the current investigation).

7. **Methods** (e.g., description of field and laboratory methods employed, including rationale, discussion of biases, problems or obstacles encountered, as applicable; an estimated percentage of total project area investigated, with discussion of sampling design and rationale; discussion of changes made during fieldwork from the stated methods and the rationale for these changes).

8. **Field Results** (e.g., clear description of all areas investigated, including those where resources were not recovered or observed; discussion of soils and stratigraphy, including areas and types of disturbance, if applicable; site topography and stratigraphy, size, noted structures or features, and artifact types and density; maps, figures, and original photographs of test locations, features, and soil profiles, as needed; original photographs of individual standing building and photographs of streetscapes, if applicable).

9. **Artifact Analysis** (e.g., detailed descriptions and results of analyses used; original photographs or drawings of selected or representative artifacts, including scale; a complete inventory of artifacts by provenience and class should be included; tables or other summary information; identification of the final artifact collection and project notes repository).

10. **Interpretations/Conclusions** (e.g., discussion of the results in terms of the background cultural context, research design and goals, and stated research problems; discussion of constraints and reliability of methods; discussion of future potential research problems based on results and conclusions; and assessment on whether further work should be conducted at the site).

11. **Recommendations** (e.g., a statement on whether the site is eligible for inclusion in the National Register of Historic Places?).

Source: *Miss. Code* §§ 39-7-1, 25-59-1 (1972, as amended).

Conclusions: This document provides basic guidelines for conducting and reporting Phase I, II, and III archaeological investigations in Mississippi. However, it is important to remember that this document will be subject to modification as times goes by. As cultural resource management laws and regulations, archaeological theory and techniques, as well as the public's attitude toward cultural resources change, the document itself will evolve to reflect these changes. For now, however, it is hoped these guidelines will assist archaeologists and agency administrators in developing research designs capable of retrieving sufficient amounts of data

that will address the identification and evaluation of cultural resources and the development and implementation of appropriate mitigation proposals.

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