

1 07 NCAC 04R .0203 -.0204; 07 NCAC 04R .0702 -.0718; 07 NCAC 04R .0801 -.0808; 07 NCAC 04R .1002 -.1013 are
2 proposed for repeal as follows:

3
4
5 **07 NCAC 04R .0203 ARCHAEOLOGICAL REVIEW**

6 ~~(a) Projects are reviewed for archaeological concerns whenever ground-disturbing activity is involved. Examples of ground~~
7 ~~disturbance include, but are not limited to, construction of dikes, clearing and grubbing of forests, subsurface alterations~~
8 ~~around standing structures, borrow pits, trenching for water and sewer lines, utility line construction or improvements~~
9 ~~requiring excavation; construction, widening or improvements of highways; and airport expansions, bridge replacements,~~
10 ~~housing developments, boat basins and channels, and placement of fill or spoil dirt.~~

11 ~~(b) Evaluation of potential effects on archaeological resources is made by staff archaeologists, taking into consideration~~
12 ~~known site locations, historical maps and documents, results of previous surveys in the area or similar areas, past and present~~
13 ~~land uses, the area's topography and hydrology, predictive models of archaeological site locations, and type and extent of~~
14 ~~proposed land modification activities.~~

15 ~~(c) After staff evaluation, recommendations are made by the SHPO within the state or federally mandated deadline for~~
16 ~~review comments:~~

17 ~~(1) — Clearance. If it is determined that the project area is unlikely to contain significant archaeological~~
18 ~~remains, the written response is no comment.~~

19 ~~(2) — Archaeological Survey Recommended. If it is determined that the project area is likely to contain~~
20 ~~significant archaeological sites and there is no record of systematic archaeological surveys in the project~~
21 ~~area, an archaeological survey is recommended prior to any ground-disturbing activity to determine the~~
22 ~~presence and significance of archaeological sites that may be damaged or destroyed by the proposed~~
23 ~~action.~~

24 ~~(3) — Testing Recommended. If a known site is within the project boundaries, archaeological testing is~~
25 ~~recommended to determine its significance.~~

26 ~~(4) — Survey and Testing Recommended. If a project area contains known sites but has not been completely~~
27 ~~surveyed, testing of the sites and a survey of the remaining project area are recommended.~~

28 ~~(5) — Avoidance. If archaeological sites listed in or determined eligible for inclusion in the National Register of~~
29 ~~Historic Places are located in the project area, avoidance by adjustment of the project plans is~~
30 ~~recommended. New project locations are subject to the review process.~~

31 ~~(d) All archaeological reports submitted to the SHPO in compliance with federal and state historic preservation legislation~~
32 ~~are reviewed by the Archaeology Branch using standards established by the Department of Cultural Resources outlined in~~
33 ~~"Guidelines for the Preparation of Reports of Archaeological Surveys and Evaluations". The guidelines:~~

34 ~~(1) — ensure compliance with pertinent legislation;~~

35 ~~(2) — ensure fulfillment of contract sponsor needs with regard to archaeology; and~~

36 ~~(3) — permit the effective and speedy review of compliance surveys and evaluation reports.~~

37 ~~Reports submitted for review which do not satisfy the requirements defined in the guidelines are considered incomplete and~~
38 ~~returned for revision and resubmission. Copies of the guidelines are available from the Archaeology and Historic~~
39 ~~Preservation Section.~~

40 ~~(e) When an archaeological survey report indicates that a site within a project's area of environmental impact is eligible for~~
41 ~~inclusion in the National Register of Historic Places, the procedures outlined at 36 CFR 800.5-6 (regulations of the Advisory~~
42 ~~Council on Historic Preservation) are followed.~~

43

44 *History Note: Authority G.S. 113-229(e); 113A-4(2); 113A-107(d); 121-4(13); 121-12(a); 136-42.1;*
45 *143B-62(1)f,(3); Executive Order XVI (1976); 16 U.S.C. 470; 16 U.S.C. 1451 et. seq.;*
46 *42 U.S.C. 4321; 15 C.F.R. 923; 36 C.F.R. 69; 36 C.F.R. 800;*
47 *Eff. February 1, 1985;*
48 *Amended Eff. June 1, 1989.*

49

50

51

52 **07 NCAC 04R .0204 UNDERWATER ARCHAEOLOGICAL REVIEW**

53 ~~(a) Water related construction activities are defined as major or minor according to the extent of bottom disturbance. Major~~
54 ~~bottom disturbing activities include, but are not limited to, new or maintenance dredging, extensive bulkheading, jetty or~~
55 ~~mooring construction, subaqueous power and water line installation, bridge construction, and the dredging of temporary~~
56 ~~channels. Minor bottom disturbing activities include, but are not limited to, construction of private piers, bulkheads, and~~
57 ~~docks, and minor dredging.~~

58 ~~(b) Prospective construction projects affecting submerged lands are reviewed by the Underwater Archaeology Unit taking~~
59 ~~into consideration the project area's potential for submerged cultural resources and whether major or minor bottom~~
60 ~~disturbance is planned.~~

61 ~~(c) After staff review, recommendations are made by the SHPO in terms of the bottom disturbance involved and the project~~
62 ~~area's potential for submerged cultural resources.~~

63 ~~(1) If major bottom disturbance is to take place in a project area with high or moderate potential, project~~
64 ~~specific documentary research followed by appropriate archaeological investigation is recommended prior~~
65 ~~to project construction.~~

66 ~~(2) If major bottom disturbance is to take place in an area with low potential, no documentary or~~
67 ~~archaeological investigation is required. It is recommended that the SHPO be notified should submerged~~
68 ~~cultural resources be encountered during construction.~~

69 ~~(3) If minor bottom disturbance is to take place, documentary and archaeological investigation is only~~
70 ~~recommended in areas with a high potential for any known submerged cultural resources.~~

71 ~~(d) Maps and research files enable the Underwater Archaeology Unit to determine the potential for submerged cultural~~
72 ~~resources within a project area. Criteria used to establish high, moderate, and low potential areas are as follows:~~

- 73 (1) ~~"High potential area" means:~~
74 (A) ~~A known archaeological site or charted wreck of historic age is present; or~~
75 (B) ~~Historical research indicates the project lies in an area with an active maritime history,~~
76 ~~documented vessel losses or known hazards to navigation. Harbors, major shipping lanes, inlets~~
77 ~~and shoals are examples of high potential areas.~~
- 78 (2) ~~"Moderate potential area" means:~~
79 (A) ~~No known archaeological sites or charted wrecks are present and documentary research~~
80 ~~indicates that only marginal maritime activities have taken place; or~~
81 (B) ~~Bottom lands have been partially disturbed, lessening the likelihood that significant cultural~~
82 ~~resources exist.~~
- 83 (3) ~~"Low potential area" means:~~
84 (A) ~~No known archaeological site or charted wrecks are present and documentary research indicates~~
85 ~~that little or no maritime activities have taken place historically; or~~
86 (B) ~~Bottom lands have been previously disturbed to the extent that no intact significant cultural~~
87 ~~resources are likely to exist.~~
- 88 (e) ~~Reports of documentary research or archaeological investigations are reviewed under the requirements as established by~~
89 ~~the Department of Cultural Resources defined in "Guidelines for the Preparation of Reports of Archaeological Surveys and~~
90 ~~Evaluations," available from the Archaeology and Historic Preservation Section. Reports submitted for review which do not~~
91 ~~satisfy the requirements are considered incomplete and returned for revision and resubmission.~~

92

93 *History Note: Authority G.S. 121-22 through 121-28; 143B-62(2)g; 16 U.S.C. 470; 36 C.F.R. 800;*

94 *Eff. February 1, 1985;*

95 *Amended Eff. June 1, 1989.*

96

97

98 **07 NCAC 04R .0702 DEFINITIONS**

99 ~~The definitions of G.S. 70-12 apply in this Section. In addition the following terms are defined:~~

- 100 (1) ~~"Emergency archaeological investigation" means any surface collection, subsurface test, excavation, or~~
101 ~~other activity that results in the disturbance or removal of archaeological resources undertaken because of:~~
102 (a) ~~the accidental discovery of archaeological resources during construction or other ground~~
103 ~~disturbing activities; or~~
104 (b) ~~immediate danger of damage or destruction to archaeological resources due to vandalism,~~
105 ~~erosion, or other causes.~~
- 106 (2) ~~"Interim progress report" means a brief summary of archaeological work accomplished during the~~
107 ~~reporting period.~~
- 108 (3) ~~"Land controlling agency" means the state agency with management responsibilities for state land.~~

- 109 ~~(4) "Permit" means authorization under law to conduct archaeological investigation on state lands.~~
- 110 ~~(5) "Preliminary field report" means a brief summary of the results of the fieldwork undertaken during the~~
- 111 ~~permit period, including, but not limited to:~~
- 112 ~~(a) a map showing the area of the permit location;~~
- 113 ~~(b) a brief summary of the purpose, methods, and results; and~~
- 114 ~~(c) recommendations concerning future work at the site or sites.~~
- 115 ~~(6) "Report" means a formal written account of the goals, methods, and results of archaeological~~
- 116 ~~investigations conducted under the terms of a permit.~~
- 117 ~~(a) A draft report is subject to review and comment by the Secretary of the Department of~~
- 118 ~~Administration or his designee, the Secretary of the Department of Cultural Resources or his~~
- 119 ~~designee, and the head of the land-controlling agency or his designee.~~
- 120 ~~(b) A final report is complete and incorporates the comments resulting from review of the draft.~~
- 121 ~~(7) "Risk of harm" means any disclosure of the nature or location of any archaeological resource that results,~~
- 122 ~~or may result, in the loss or destruction of archaeological context, or archaeological information.~~

123

124 *History Note: Authority G.S. 70-12; 70-14;*

125 *Eff. February 1, 1985;*

126 *Amended Eff. June 1, 1989.*

127

128

129

130 **07 NCAC 04R .0703 ARCHAEOLOGICAL INVESTIGATIONS ON STATE LANDS**

131 ~~(a) Permits are required for persons wishing to conduct archeological investigations on state lands. Permits are issued by the~~

132 ~~Secretary of the Department of Administration or his designee. The mailing address is:~~

133 ~~Department of Administration~~

134 ~~Administration Building~~

135 ~~116 West Jones Street~~

136 ~~Raleigh, N. C. 27611~~

137 ~~(b) Two types of permits shall be issued:~~

- 138 ~~(1) General Permits shall be issued to those land-controlling agencies that employ qualified archaeologists on~~
- 139 ~~a full-time permanent basis to conduct archaeological investigations on state lands directly under the~~
- 140 ~~agency's control.~~
- 141 ~~(2) All other permits shall be Specific Permits.~~

142

143 *History Note: Authority G.S. 70-13; 70-15(a);*

144 *Eff. February 1, 1985;*

Amended Eff. June 1, 1989.

07 NCAC 04R .0704 EMERGENCY ARCHAEOLOGICAL INVESTIGATIONS

~~(a) A Specific Permit is not required for emergency archaeological investigations on state lands if the person conducting the investigation meets the minimum qualifications stated in Rule .0706 of this Section and the land controlling agency has notified the Secretary of the Department of Administration or his designee and the Secretary of the Department of Cultural Resources or his designee. Reporting requirements for emergency archaeological investigations are the same as those specified in Rule .0712 of this Section unless the investigations are conducted under a General Permit. General Permit reporting requirements are specified in Rule .0713 of this Section.~~

~~(b) A permittee may conduct emergency archaeological investigations beyond the terms of an existing Specific Permit. However, terms of the Specific Permit shall remain in effect, including those terms pertaining to reporting schedules.~~

~~(c) A General Permit allows emergency archaeological investigations to be conducted by the principal investigator in whose name it was issued, and only on those state lands directly under the control of the land controlling agency by whom the principal investigator is employed. Terms of the General Permit will remain in effect, including terms pertaining to reporting schedules.~~

*History Note: Authority G.S. 70-14;
Eff. February 1, 1985;
Amended Eff. June 1, 1989.*

07 NCAC 04R .0705 APPLICATION FOR ARCHAEOLOGICAL PERMITS

~~(a) Persons wishing to apply for a permit to conduct archaeological investigations on state lands shall obtain application forms from the office of the Secretary of the Department of Administration and submit completed permit applications to the same office. After receiving an application, that office will forward copies to the State Property Office, Department of Administration; the Secretary of the Department of Cultural Resources or his designee; and the appropriate land controlling agency.~~

~~(b) Applications for Specific Permits must be submitted to the Secretary of the Department of Administration or his designee at least 30 days prior to the proposed starting date of the archaeological investigations. Each Specific Permit application shall include:~~

- ~~(1) — a written description of the location of the proposed investigations, including the county and township;~~
- ~~(2) — a 1: 24,000 or larger scale map clearly depicting the location of the proposed investigations;~~
- ~~(3) — a description of the exact nature, objectives and scope of the proposed investigations, including the methods to be employed and the requirements for vegetation clearing;~~

- 180 (4) ~~the schedule for the investigations, including hours of the day and days of the week, as well as beginning~~
181 ~~and completion dates. The schedule shall include 60 days for review and comment of the draft report by~~
182 ~~the Secretary of the Department of Cultural Resources or his designee and the land controlling agency and~~
183 ~~a maximum of 30 days for response, revisions and submittal of the final report by the applicant;~~
184 (5) ~~the name, address, telephone number, institutional affiliation, if any, and qualifications of the principal~~
185 ~~investigator;~~
186 (6) ~~the name, address, telephone number, and qualifications of the field director, if different from the principal~~
187 ~~investigator;~~
188 (7) ~~the approximate number of people proposed to carry out the investigations;~~
189 (8) ~~evidence of the applicant's capability to initiate, conduct and complete the proposed investigations;~~
190 (9) ~~written criteria for evaluation of requests for access to records and artifacts at the facility where the~~
191 ~~records and artifacts are to be curated;~~
192 (10) ~~the location proposed for curation of all artifacts, records, data, photographs, and other documents or~~
193 ~~information resulting from the investigations;~~
194 (11) ~~written concurrence from the land controlling agency regarding the applicant's proposed curatorial~~
195 ~~arrangements;~~
196 (12) ~~facilities and plans for stabilization and preservation of perishable or unstable artifacts;~~
197 (13) ~~the person or position in the institution or agency with responsibility for curation of artifacts, records, and~~
198 ~~other documentation or information who will determine access to this material;~~
199 (14) ~~a description of the type and timing of all access needs on state property, vehicular or otherwise, required~~
200 ~~to conduct the investigations;~~
201 (15) ~~a description of how the project will be coordinated with the site specific land manager, including the~~
202 ~~applicant's documentation that initial contact has been made and the name of the specific person~~
203 ~~contacted;~~
204 (16) ~~a description of the provisions to be made to secure the permit area to assure the safety of incidental~~
205 ~~non project personnel who may visit the permit area during and after project hours;~~
206 (17) ~~an indication of the length of time each excavation unit will be open and a description of a schedule for~~
207 ~~reclaiming all areas disturbed by any aspect of the archaeological investigations; and~~
208 (18) ~~the applicant's plans, if any, for dissemination of the results of the investigations in addition to the~~
209 ~~reporting requirements noted in Rule .0712 of this Section.~~

210 If additional information is required from the applicant by the land controlling agency during review of the Specific Permit
211 application, the land controlling agency will contact the applicant directly. The information obtained will be added to the
212 application or permit file.

213 (e) ~~A land controlling agency may be issued a General Permit to conduct archaeological investigations and emergency~~
214 ~~archeological investigations on land directly controlled by that agency. Each General Permit application for a land~~
215 ~~controlling agency shall include:~~

- 216 (1) ~~_____ a written description of the lands controlled by the agency, including the county and township;~~
217 (2) ~~_____ a general description of the nature and objectives of potential investigations;~~
218 (3) ~~_____ the name, address, telephone number, and qualifications of the principal investigator;~~
219 (4) ~~_____ evidence that the requirements of Rule .0706 of this Section are met;~~
220 (5) ~~_____ written criteria for evaluation of requests for access to records and artifacts at the facility where the~~
221 ~~records and artifacts are to be curated;~~
222 (6) ~~_____ the location proposed for curation of all artifacts, records, data, photographs, and other documents or~~
223 ~~information resulting from the investigations;~~
224 (7) ~~_____ facilities and plans for stabilization and preservation of perishable or unstable artifacts;~~
225 (8) ~~_____ the person or position in the institution or agency with responsibility for curation of artifacts, records, and~~
226 ~~other documentation or information who will determine access to this material; and~~
227 (9) ~~_____ The principal investigator's plans, if any, for dissemination of the results of the investigation in addition to~~
228 ~~the reporting requirements in Rule .0713 of this Section.~~

229
230 *History Note:* Authority G.S. 70-13(a),(b); 70-14;
231 Eff. February 1, 1985;
232 Amended Eff. June 1, 1989.
233
234
235

236 **07 NCAC 04R .0706 QUALIFICATIONS FOR PERMITS**

237 ~~Applicants for Specific or General Permits to conduct archaeological investigations must be qualified, as evidenced by~~
238 ~~training, education and experience, possess demonstrable competence in theoretical and methodological design, and in~~
239 ~~collecting, handling, analyzing, evaluating, and reporting archaeological data, relative to the type and scope of the~~
240 ~~investigations proposed, and meet the following minimum qualifications:~~

- 241 (1) ~~_____ Have a postgraduate degree, or equivalent training and experience, in archaeology, anthropology, history~~
242 ~~or another related field with a specialization in archaeology; and~~
243 (2) ~~_____ Have a minimum of one year's experience in conducting basic archaeological field research.~~

244
245 *History Note:* Authority G.S. 70-13(b); 70-14;
246 Eff. February 1, 1985;
247 Amended Eff. June 1, 1989.
248
249

250
251 **07 NCAC 04R .0707 ISSUANCE OF PERMITS**

252 ~~(a) The Secretary of the Department of Administration or his designee, after consultation with the Secretary of the~~
253 ~~Department of Cultural Resources or his designee and the land controlling agency, has decision making authority concerning~~
254 ~~the issuance of a Specific Permit. The Specific Permit will be issued or denied within 30 days after submission of the~~
255 ~~completed application.~~

256 ~~(b) Specific Permits will not be issued to persons who have conducted emergency archaeological investigations until receipt~~
257 ~~and acceptance of a final report pursuant to Rules .0712 and .0714 of this Section.~~

258 ~~(c) General Permits will be issued to a land controlling agency within 30 days following submission of the completed~~
259 ~~application provided the terms and requirements of these rules pertaining to General Permits are fulfilled.~~

260

261 *History Note: Authority G.S. 70-13(b); 70-14;*

262 *Eff. February 1, 1985;*

263 *Amended Eff. June 1, 1989.*

264

265

266

267 **07 NCAC 04R .0708 TIME LIMITS OF PERMITS**

268 ~~(a) The Secretary of the Department of Administration or his designee will issue General Permits for five years from the date~~
269 ~~of issuance. Specific Permits shall be for an appropriate period not to exceed three years.~~

270 ~~(b) A permittee may apply for permit renewal by following procedures under Rule .0705 of this Section.~~

271 ~~(c) The Secretary of the Department of Administration or his designee, after consultation with the Secretary of the~~
272 ~~Department of Cultural Resources or his designee, and the head of the land controlling agency or his designee, may extend~~
273 ~~Specific Permits for up to six months, renew Specific Permits for up to three additional years, or renew General Permits for a~~
274 ~~period of five years, after review of extension requests or renewal applications and evaluation of past performance of the~~
275 ~~applicant.~~

276 ~~(d) The Secretary of the Department of Administration or his designee may extend a Specific Permit only once, but may~~
277 ~~renew a Specific Permit any number of times.~~

278 ~~(e) The Secretary of the Department of Administration or his designee, in consultation with the Secretary of the Department~~
279 ~~of Cultural Resources or his designee and the land controlling agency, shall review, at least annually, the permittee's~~
280 ~~performance under any permit issued for a period greater than one year:~~

281 ~~(1) For Specific Permits, the review is made through interim reports submitted by the permittee or through~~
282 ~~inspections at the locations of the investigations.~~

283 ~~(2) For General Permits, the review is made through annual reports prepared by the land controlling agency's~~
284 ~~principal investigator.~~

285

286 *History Note: Authority G.S. 70-14;*

287 *Eff. February 1, 1985;*

288
289
290
291
292
293
294
295
296
297
298
299
300
301
302
303
304
305
306
307
308
309
310
311
312
313
314
315
316
317
318
319
320
321
322
323

07 NCAC 04R .0709 TERMS AND CONDITIONS OF PERMITS

- ~~(a) In all permits, the Secretary of the Department of Administration or his designee shall specify:
 - (1) — the exact nature and extent of the investigations allowed under the permit, including the time, duration, scope, location, and purpose of the investigations;
 - (2) — the name of the individual responsible for conducting the investigations and, if different, the name of the individual responsible for carrying out the terms and conditions of the permit;
 - (3) — the name of the land controlling agency, university, museum or other scientific or educational institution in which any collected materials and data will be deposited; and
 - (4) — the reporting requirements and schedule according to Rules .0712 or .0713 of this Section.~~
- ~~(b) The Secretary of the Department of Administration or his designee may specify terms and conditions necessary to ensure public safety and to protect other resources, both natural and cultural, to safeguard other legitimate land uses, and to limit activities incidental to investigations authorized under a permit.~~
- ~~(c) State officials from the Department of Administration, Department of Cultural Resources, the land controlling agency and any other agencies involved in consultation or approval of a permit may make inspections at the permit location as necessary to ensure that the terms and conditions of the permit are being fulfilled.~~
- ~~(d) After receipt of an approved permit, the permittee must notify the Secretary of the Department of Administration or his designee in writing within 15 days of his acceptance of the terms and conditions of the permit.~~
- ~~(e) The permittee will be responsible for securing the project area and will hold the Department of Administration, the Department of Cultural Resources and the land controlling agency harmless for any and all claims arising out of the project.~~
- ~~(f) The Department of Administration, the Department of Cultural Resources, and the land controlling agency will be held harmless for any trespass of or damage to adjacent private property caused by the permittee under the permit.~~
- ~~(g) The permittee shall sign a waiver of all claims against the Department of Administration, the Department of Cultural Resources, and the land controlling agency.~~
- ~~(h) The permittee will be held responsible for any damage to state property resulting from the permitted investigations.~~
- ~~(i) The permittee shall submit evidence of liability insurance upon acceptance of the terms and conditions of a permit.~~
- ~~(j) Archaeological investigations conducted under the auspices of a permit shall comply with all applicable state, federal, or local regulations and the rules and regulations of the land controlling agency. All such investigations shall conform with the management plans and operation practices of the land controlling agency.~~
- ~~(k) All physical access to state owned lands during permitted investigations shall be controlled by and coordinated with the land controlling agency and the site specific land manager.~~
- ~~(l) All project lands will be restored to their pre project condition by the permittee by the conclusion of the field investigations.~~

324 ~~(m) The land controlling agency shall report simultaneously in writing to the Secretary of the Department of Administration~~
325 ~~and the Secretary of the Department of Cultural Resources any change in the status of either the principal investigator or the~~
326 ~~field director for which a General Permit was issued within ten days of that change.~~

327

328 *History Note:* Authority G.S. 70-13(c); 70-14;

329 Eff. February 1, 1985;

330 Amended Eff. June 1, 1989.

331

332 **07 NCAC 04R .0710 PERMIT DENIAL: SUSPENSION AND REVOCATION**

333 ~~(a) A permit shall be denied if the Department of Administration, in consultation with the Department of Cultural Resources~~
334 ~~and the land controlling agency, finds that:~~

335 ~~(1) the proposed investigations would represent a significant adverse effect to a unique or fragile natural~~
336 ~~resource;~~

337 ~~(2) the proposed investigations would interfere with the operation and management of an area;~~

338 ~~(3) the proposed investigations would pose a threat to the safety of visitors to an area;~~

339 ~~(4) the criteria set forth in G.S. 70-13(b)(1) through G.S. 70-13(b)(7) have not been met by the applicant;~~

340 ~~(5) the applicant, pursuant to a previous permit, has not met the purposes of the law as set forth in G.S.~~
341 ~~70-11(b) or G.S. 70-18; or~~

342 ~~(6) the applicant has not completed the terms and conditions of a previous permit.~~

343 ~~(b) A permit may be suspended or revoked if the Department of Administration, in consultation with the Department of~~
344 ~~Cultural Resources and the land controlling agency, finds that:~~

345 ~~(1) the terms and conditions of the permit have been or are being violated; or~~

346 ~~(2) the confidentiality of information relating to the nature and location of the archaeological resources is not~~
347 ~~maintained in accordance with the provisions of G.S. 70-18.~~

348

349 *History Note:* Authority G.S. 70-13(b),(e); 70-14;

350 Eff. February 1, 1985;

351 Amended Eff. June 1, 1989.

352

353

354

355 **07 NCAC 04R .0711 APPEALS RELATING TO PERMITS**

356 ~~Any person may appeal permit issuance, denial, suspension or revocation through appeals procedures established in Article 3~~
357 ~~of G.S. 150B.~~

358

359 *History Note:* Authority G.S. 70-14; 150B-23 through 150B-37;

Eff. February 1, 1985;
Amended Eff. June 1, 1989.

07 NCAC 04R .0712 REPORTING REQUIREMENTS FOR SPECIFIC PERMITS

~~(a) Reports are required for all archaeological investigations conducted under Specific Permits. All reports are to be submitted simultaneously to the Secretary of the Department of Administration, the Secretary of the Department of Cultural Resources and the head of the land-controlling agency.~~

~~(b) The permittee must submit a preliminary field report within 60 days after completion of the on-site archaeological investigation. Preliminary field reports resulting from emergency archaeological investigations shall specify a date for submission of the draft report.~~

~~(c) The permittee must submit draft reports according to the schedule established in the permit or, in the case of emergency archaeological investigations, by the date specified in the preliminary field report. Draft reports submitted for emergency archaeological investigations shall include, but not be limited to, information on storage and curation of artifacts, records and other data in accordance with the specifications in Rule .0705(b)(9) (13) of this Section.~~

~~(d) The permittee must submit final reports no later than 90 days after submission of the draft report.~~

~~(e) If the specified submission date for a draft report resulting from emergency archaeological investigations extends beyond one year from the date of submission of the preliminary field report, interim progress reports shall be submitted at least annually.~~

~~(f) Upon request, the permittee or the principal investigator, in the case of emergency archaeological investigations, shall provide in the final report information concerning:~~

~~(1) the permanent physical location of artifacts, records, and all other documentation;~~

~~(2) an itemized list of all recovered archaeological resources by type, variety, material or other appropriate description, and a list of accession numbers or other permanent identifiers applied to the recovered resources; and~~

~~(3) an itemized list of records, photographs and other documents, and a list of accession numbers or other permanent identifiers applied to the records and data.~~

History Note: Authority G.S. 70-13(c); 70-14;
Eff. February 1, 1985;
Amended Eff. June 1, 1989.

07 NCAC 04R .0713 REPORTING REQUIREMENTS FOR GENERAL PERMITS

394 ~~(a) Reports of archaeological investigations conducted under the terms of a General Permit shall be submitted~~
395 ~~simultaneously to the Secretary of the Department of Administration and the Secretary of the Department of Cultural~~
396 ~~Resources.~~

397 ~~(b) The principal investigator will submit a summary of the results of all archaeological investigations as part of the annual~~
398 ~~report required under the terms of Rule .0708(e)(2) of this Section.~~

399 ~~(c) Final reports concerning archaeological investigations and emergency archaeological investigations shall be submitted by~~
400 ~~the end of the calendar year that immediately follows the year in which the archaeological investigations were conducted.~~

401 ~~(d) The principal investigator, in consultation with the Secretary of the Department of Administration or his designee and the~~
402 ~~Secretary of the Department of Cultural Resources or his designee, may delay the submission of a final report until an agreed~~
403 ~~upon date.~~

404 ~~(e) The principal investigator shall:~~

405 ~~(1) provide information concerning the permanent physical location of artifacts, records, and all other~~
406 ~~documentation for all archaeological investigations;~~

407 ~~(2) maintain an itemized list of all recovered archaeological resources by type, variety, material or other~~
408 ~~appropriate description, and a list of accession numbers or other permanent identifiers applied to the~~
409 ~~recovered resources; and~~

410 ~~(3) maintain an itemized list of records, photographs and other documents, and a list of accession numbers or~~
411 ~~other permanent identifiers applied to the records and data.~~

412 ~~(f) As a condition of renewing a General Permit, the Secretary of the Department of Cultural Resources or his designee may~~
413 ~~require an inspection of the record and resource repository or management system.~~

414

415 *History Note: Authority G.S. 70-13(c); 70-14;*

416 *Eff. February 1, 1985;*

417 *Amended Eff. June 1, 1989.*

418

419

420

421 **07 NCAC 04R .0714 REPORT REVIEW FOR SPECIFIC PERMITS**

422 ~~(a) The Secretary of the Department of Cultural Resources or his designee and the land controlling agency shall review all~~
423 ~~draft and final reports for Specific Permits to ensure that the investigations serve the public interest and the reports meet~~
424 ~~professional standards. The Secretary of the Department of Cultural Resources or his designee may request revisions of the~~
425 ~~draft or final reports. Terms and conditions of a Specific Permit are considered satisfied only after revisions have been~~
426 ~~completed and the report accepted.~~

427 ~~(b) The Secretary of the Department of Cultural Resources or his designee and the land controlling agency have 60 days~~
428 ~~after receipt to review and comment on draft reports and return written comments to the Secretary of the Department of~~
429 ~~Administration or his designee and the permittee.~~

430 ~~(c) The permittee has 30 days to revise the draft report before submission of the final report.~~

431

432 *History Note: Authority G.S. 70-13(c); 70-14;*

433 *Eff. February 1, 1985;*

434 *Amended Eff. June 1, 1989.*

435

436

437

438 **07 NCAC 04R .0715 REPORT REVIEW FOR GENERAL PERMITS**

439 ~~(a) The Secretary of the Department of Cultural Resources or his designee shall review the final reports for General Permits~~
440 ~~to ensure that the reports meet professional standards. The Secretary of the Department of Cultural Resources or his~~
441 ~~designee may request revisions of the final report to ensure professional standards are maintained.~~

442 ~~(b) The Secretary of the Department of Cultural Resources or his designee has 30 days after receipt to review and comment~~
443 ~~on reports and return written comments to the Secretary of the Department of Administration or his designee, the land~~
444 ~~controlling agency and the principal investigator.~~

445 ~~(c) The principal investigator has 30 days to revise the final report.~~

446

447 *History Note: Authority G.S. 70-13(c); 70-14;*

448 *Eff. February 1, 1985;*

449 *Amended Eff. June 1, 1989.*

450

451

452

453 **07 NCAC 04R .0716 CUSTODY OF RESOURCES UNDER THE TERMS OF A SPECIFIC PERMIT**

454 ~~(a) The archaeological resources and associated records and data which are collected, excavated or removed from state lands~~
455 ~~under the terms of a Specific Permit shall remain the property of the State of North Carolina. The location of all records,~~
456 ~~artifacts, or other materials cannot be changed from that approved in the permit without prior approval of the Secretary of the~~
457 ~~Department of Cultural Resources or his designee and the land controlling agency. This restriction does not apply to~~
458 ~~temporary removal and relocation of artifacts or records for the purposes of scientific, historical, or educational research, nor~~
459 ~~for purposes of public display or education, so long as the artifacts or records remain under the direct control of and within~~
460 ~~the physical boundaries of the museum, university, or scientific or educational institution approved in the permittee's~~
461 ~~application.~~

462 ~~(b) All records and artifacts must be accessible for scientific, historical, or educational research, if access does not~~
463 ~~compromise the confidentiality of the nature and location of any archaeological resources or pose a risk of harm to the~~
464 ~~resources or site. Access shall be determined by that person identified in Rule .0705(b)(13) of this Section.~~

465 ~~(c) Transfers or loans of records and artifacts between universities, museums, and scientific or educational institutions must~~
466 ~~be approved by the Secretary of the Department of Cultural Resources or his designee and the land controlling agency and~~
467 ~~must be preceded by demonstration that the receiving institution conforms to the conditions in this Rule. In addition, the~~
468 ~~Secretary must have been provided the information outlined in Rule .0712(f) of this Section.~~

469
470 *History Note: Authority G.S. 70-14;*
471 *Eff. February 1, 1985;*
472 *Amended Eff. June 1, 1989.*

473
474
475

476 **07 NCAC 04R .0717 CUSTODY/ARCHAEOLOGICAL RESOURCES UNDER/TERMS: GENERAL**
477 **PERMIT**

478 (a) ~~Under the terms of a General Permit, the location of all records, artifacts or other materials cannot be changed from that~~
479 ~~approved in the permit without prior approval of the Secretary of the Department of Cultural Resources or his designee. This~~
480 ~~restriction does not apply to temporary removal and relocation of artifacts and records for the purposes of scientific,~~
481 ~~historical, or educational research, nor for purposes of public display or education, so long as the artifacts or records remain~~
482 ~~under the direct control of the principal investigator or the land controlling agency.~~

483 (b) ~~All records and artifacts must be accessible for scientific, historical, or educational research, if access does not~~
484 ~~compromise the confidentiality of the nature and location of any archaeological resources or pose a risk of harm to the~~
485 ~~resources or site. Access shall be determined by that person identified in Rule .0705(c)(8) of this Section.~~

486 (c) ~~Transfers or loans of records and artifacts between land controlling agencies, universities, museums, and scientific or~~
487 ~~educational institutions must be approved by the Secretary of the Department of Cultural Resources or his designee and must~~
488 ~~be preceded by demonstration that the receiving institution conforms to the conditions in this Rule. In addition, the Secretary~~
489 ~~must have been provided the information outlined in Rule .0713(e) of this Section. This condition does not apply to the~~
490 ~~movement of artifacts within a land controlling agency, as long the artifacts remain under the direct control of the principal~~
491 ~~investigator and the land controlling agency.~~

492

493 *History Note: Authority G.S. 70-14;*
494 *Eff. February 1, 1985;*
495 *Amended Eff. June 1, 1989.*

496
497
498

499 **07 NCAC 04R .0718 CONFIDENTIALITY**

500 ~~Information concerning archaeological resources that is maintained by the Department of Cultural Resources has restricted~~
501 ~~distribution. Access to records, artifacts, or other materials may be denied if it is determined that access constitutes a risk of~~
502 ~~harm.~~

503
504 *History Note: Authority G.S. 70-14; 70-18;*
505 *Eff. February 1, 1985.*

506 507 **SECTION .0800 – ARCHAEOLOGY SERVICES**

508 509 **07 NCAC 04R .0801 OPERATING HOURS**

510 ~~The Office of State Archaeology, or OSA offices, as well as any regional offices and facilities, are open between 8:00 a.m.~~
511 ~~and 5:00 p.m., Monday through Friday, except on state holidays. These hours may be extended to accommodate public~~
512 ~~education programs. Visitors under the age of 12 must be accompanied by an adult unless prior arrangements have been~~
513 ~~made. Pets are not allowed in the facilities. Visitors are not allowed in the offices after hours unless accompanied by, or~~
514 ~~arrangements have been made with, a member of the staff. Access to areas may be restricted for reasons of safety and~~
515 ~~security.~~

516
517 *History Note: Authority G.S. 121-5(b); 121-8(b),(f);*
518 *Eff. February 1, 1985;*
519 *Amended Eff. April 1, 2001.*

520 521 **07 NCAC 04R .0802 LOAN OF ARTIFACTS**

522 ~~(a) Artifacts possessed by the Division of Archives and History shall not be loaned for uses other than museum purposes,~~
523 ~~research purposes, or non-museum public display by local, state, or federal agencies or institutions where the use is intended~~
524 ~~for public education.~~

525 ~~(b) Loaned artifacts, specimens, documents, and records shall remain in the condition in which they were delivered. The~~
526 ~~borrower shall insure the articles against loss or damage. The artifacts must be protectively packaged. The artifacts remain~~
527 ~~the property of the Division of Archives and History and can be withdrawn with 15 days notice upon presentation of a written~~
528 ~~communication by the lender or its duly authorized representative.~~

529 ~~(c) Written authorization must be issued by the Office of State Archaeology to permit photography or duplication of any~~
530 ~~artifact of any kind. An acknowledgment credit shall identify each artifact image with the Office of State Archaeology, North~~
531 ~~Carolina Division of Archives and History.~~

532 ~~(d) All requests for loans of artifacts shall be submitted in writing to the State Archaeologist at least 30 days in advance of~~
533 ~~the requested loan period.~~

534 ~~(e) A written contract between the borrower and the Division of Archives and History containing the period and conditions~~
535 ~~of the loan shall be signed prior to the lending of any artifact.~~

536
537
538
539
540
541
542
543
544
545
546
547
548
549
550
551
552
553
554
555
556
557
558
559
560
561
562
563
564
565
566
567
568
569
570
571

History Note: Authority G.S. 121-2(8); 121-5(d);
Eff. February 1, 1985;
Amended Eff. April 1, 2001; June 1, 1989.

07 NCAC 04R .0803 CURATION OF ARCHAEOLOGICAL COLLECTIONS

- ~~(a) All requests to temporarily or permanently store collections at OSA curation facilities shall be submitted in writing to the State Archaeologist.~~
- ~~(b) Decisions on the acceptance of collections will be made in writing by the State Archaeologist, in consultation with the division director and other division staff members.~~
- ~~(c) Requests may be approved or denied, depending on available storage space, condition of the materials, and payment of applicable fees.~~
- ~~(d) Fees may be charged for curation and conservation services in the amount of two hundred dollars (\$200.00) per cubic foot of materials, and the revenue arising from these services shall be used to support the activities of the OSA's curation facilities. Fees may be increased on a biennial basis, adjusted pursuant to the rate of inflation established by the Consumer Price Index.~~
- ~~(e) Charges for the conservation, stabilization, analysis, inventory, repackaging, or other treatment of materials may be negotiated on a case by case basis, and set forth in service contracts mutually agreed upon between the OSA and a requesting party, if materials exceed the two hundred dollar (\$200.00) per cubic foot curation fee.~~

History Note: Authority G.S. 121-4(14); 121-8(b),(f);
Eff. February 1, 1985;
Amended Eff. April 1, 2001; June 1, 1989.

07 NCAC 04R .0804 DEACCESSIONS

- ~~(a) An accessioned archaeological artifact owned by the Division of Archives and History may not be deaccessioned until it has been certified to have no further value for scientific research and reference purposes by the North Carolina Historical Commission.~~
- ~~(b) For an artifact to be deaccessioned, an Artifact Disposal Form giving artifact provenance, condition, and reason for disposal must be approved by the Director, Division of Archives and History, the State Archaeologist, and the Historical Commission.~~

History Note: Authority G.S. 121-8(b),(f); 132-1(a); 132-3(a);
Eff. February 1, 1985;
Amended Eff. April 1, 2001; June 1, 1989.

572 **07 NCAC 04R .0805 ACCESS TO ARCHAEOLOGICAL COLLECTIONS**

573 ~~Collections of artifacts, photographs, field notes, records, or other data are accessible for examination and study during~~
574 ~~regular business hours, Tuesday through Thursday. Requests for access should be made in writing to the State Archaeologist~~
575 ~~at least two weeks in advance, stating as specifically as possible which portions of the collections are to be studied. Unless~~
576 ~~such access would create a risk of harm to such resources or to the site at which the resources are located, collections shall be~~
577 ~~examined within branch facilities.~~

578

579 *History Note: Authority G.S. 70-18; 121-8(b),(f); 132-1(a); 132-2; 132-9;*

580 *Eff. February 1, 1985;*

581 *Amended Eff. April 1, 2001; June 1, 1989.*

582

583 **07 NCAC 04R .0806 ARCHAEOLOGICAL SITE FILES**

584 ~~(a) Access to archaeological site files and other information relating to the location or nature of archaeological resources~~
585 ~~shall be granted to persons in the following categories:~~

586 ~~(1) qualified archaeologists who are conducting scientific research or compiling information for use in~~
587 ~~preservation and planning studies. Qualified archaeologist means a person with:~~

588 ~~(A) a postgraduate degree, or equivalent training and experience, in archaeology, anthropology,~~
589 ~~history or another related field with a specialization in archaeology;~~

590 ~~(B) a minimum of one year's experience in conducting basic archaeological field research; and~~

591 ~~(C) demonstrable competence in theoretical and methodological design and in collecting, handling,~~
592 ~~analyzing, evaluating, and reporting archaeological data.~~

593 ~~(2) authorized representatives of federal, state, or local agencies or institutions which make planning~~
594 ~~decisions regarding archaeological resources.~~

595 ~~(b) Persons having access to the archaeological site files must give written assurance that the confidentiality of the~~
596 ~~information shall be maintained.~~

597 ~~(c) Persons desiring to review site files shall give at least 24 hours advance notice to the State Archaeologist.~~

598

599 *History Note: Authority G.S. 70-18; 121-8(b),(d),(e),(f); 132-1(a); 132-2; 132-9;*

600 *Eff. February 1, 1985;*

601 *Amended Eff. April 1, 2001; June 1, 1989.*

602

603 **07 NCAC 04R .0807 PUBLIC ACCESS TO EXCAVATIONS**

604 ~~The public is welcome to visit excavations and at times may participate, but these visitation times as well as access to~~
605 ~~specific areas on sites must be regulated. Such restrictions shall be posted on the site.~~

606

607 *History Note: Authority G.S. 121-4(9); 143B-62(2)d;*

608 *Eff. February 1, 1985;*
609 *Amended Eff. June 1, 1989.*

610

611 **07 NCAC 04R .0808 ARCHAEOLOGICAL SURVEY AND EVALUATION REPORT GUIDELINES**

612 ~~Guidelines established for the evaluation of archaeological survey reports resulting from investigations conducted in~~
613 ~~compliance with state and federal regulations are available free of charge from:~~

614 Chief Archaeologist
615 Archaeology and Historic Preservation Section
616 Division of Archives and History
617 109 East Jones Street
618 Raleigh, North Carolina 27611

619

620 *History Note: Authority G.S. 143B-62(2)(g);*
621 *Eff. February 1, 1985.*

622

623 *Repealed Eff. June 1, 1989.*

624

625 **07 NCAC 04R .1002 DEFINITIONS**

626 ~~(a) "Abandoned shipwrecks" shall mean sunken ships, boats, and watercraft and their associated cargoes, tackle, and~~
627 ~~materials.~~

628 ~~(b) "Underwater archaeological artifacts" shall mean those materials showing human workmanship or modification or having~~
629 ~~been used or intended to be used or consumed by humans, including relics, monuments, tools and fittings, utensils,~~
630 ~~instruments, weapons, ammunition, and treasure trove and precious materials including gold, silver, bullion, jewelry, pottery,~~
631 ~~ceramic, and similar or related materials.~~

632

633 *History Note: Authority G.S. 121-22; 121-23; 121-25;*
634 *Eff. February 1, 1985;*
635 *Amended Eff. June 1, 1989.*

636

637

638

639 **07 NCAC 04R .1003 DEPARTMENT AUTHORIZED TO GRANT PERMITS AND LICENSES**

640 ~~(a) The Department of Cultural Resources may grant permits for the exploration, recovery or salvage of abandoned~~
641 ~~shipwrecks and of underwater archaeological artifacts in given areas of state owned bottoms of navigable waters. No~~
642 ~~exploration, recovery, or salvage operation on state owned bottoms of navigable waters during which abandoned shipwrecks~~
643 ~~or underwater archaeological artifacts may be removed, displaced, or destroyed shall be conducted by any person, firm,~~

644 ~~corporation, institution or agency without having first received the appropriate permit or license from the Department. After~~
645 ~~issuance no permit, or any part thereof, shall be assigned or sublet.~~

646 ~~(b) Obtain application forms from and submit completed permit applications to:~~

647 ~~Underwater Archaeology Unit~~
648 ~~Division of Archives and History~~
649 ~~P.O. Box 58~~
650 ~~Kure Beach, North Carolina 28449~~

651

652 *History Note: Authority G.S. 121-23; 121-25;*

653 *Eff. February 1, 1985;*

654 *Amended Eff. June 1, 1989.*

655

656 **07 NCAC 04R .1004 EXCEPTIONS**

657 ~~No permit is required for employees of the Department of Cultural Resources for exploration, recovery or salvage operations~~
658 ~~being conducted as part of the official responsibilities of the Department.~~

659

660 *History Note: Authority G.S. 121-24;*

661 *Eff. February 1, 1985.*

662

663

664

665 **07 NCAC 04R .1005 PERMIT FOR EXPLORATION: RECOVERY OR SALVAGE**

666 ~~(a) An exploration, recovery or salvage permit will be issued providing:~~

667 ~~(1) the applicant has adequate funds, equipment, and facilities to undertake and complete the operation, is~~
668 ~~capable of providing supervision of all phases of the operation and has demonstrated the ability to carry~~
669 ~~out acceptable exploration, recovery or salvage projects;~~

670 ~~(2) the proposed activity is undertaken for the purpose of furthering archaeological knowledge in the public~~
671 ~~interest;~~

672 ~~(3) the proposed activity employs accepted techniques of survey, excavation, recovery, recording,~~
673 ~~preservation, and analysis used in exploration, recovery and salvage projects; and~~

674 ~~(4) the underwater archaeological artifacts recovered during the proposed project will be properly conserved~~
675 ~~and these artifacts and copies of associated archaeological records and data will be curated in an~~
676 ~~acceptable manner.~~

677 ~~(b) The Department of Cultural Resources shall have decision making authority concerning the issuance of a permit. A~~

678 ~~permit shall be issued or denied within 30 days of the acceptance by the Department of a completed application. Major~~

679 ~~inadequacies, such as unacceptable goals, objectives, methodologies or techniques, or the lack of sufficient funding or~~
680 ~~professional staff, shall be reasons for permit denial and will be clearly spelled out in the denial notice.~~

681

682 *History Note: Authority G.S. 121-23; 121-25;*

683 *Eff. February 1, 1985;*

684 *Amended Eff. June 1, 1989.*

685

686

687

688 **07 NCAC 04R .1006 TERMS AND CONDITIONS OF PERMITS**

689 ~~(a) An underwater archaeological permit will contain all conditions governing that particular exploration, recovery or~~
690 ~~salvage project. Should these conditions conflict with the terms of the application, these permit conditions shall take~~
691 ~~precedence.~~

692 ~~(b) A permit will normally be granted for a period of one year and may be renewed after review of an extension request~~
693 ~~and evaluation of past performance.~~

694 ~~(c) The permittee agrees to submit for review to the department a draft report, detailing project activities and results within~~
695 ~~120 days after completion of the fieldwork, and a final report 60 days after department approval of the draft.~~

696 ~~(d) The permittee agrees to keep a daily log of all project activities including the types of equipment used, site conditions,~~
697 ~~and other project specific data and to provide copies to the Department upon request.~~

698 ~~(e) The permittee is responsible to the Department for accuracy and validity of the data contained in the final report~~
699 ~~submitted to the Department. The report and copies of requested data will become part of the permanent data on file with~~
700 ~~the Department.~~

701 ~~(f) The Department reserves the right to have a designated agent present during activities carried out under the terms of~~
702 ~~the permit.~~

703 ~~(g) The Department is not liable or responsible for any accident or injury to any person or the loss or damage to any~~
704 ~~equipment connected with the permit.~~

705 ~~(h) Failure to diligently pursue the work after it has been started, or to comply with any of the provisions of the permit or~~
706 ~~of these requirements, may result in revocation of the permit.~~

707

708 *History Note: Authority G.S. 121-23; 121-25;*

709 *Eff. February 1, 1985;*

710 *Amended Eff. June 1, 1989.*

711

712

713

714 **07 NCAC 04R .1007 APPEALS RELATING TO PERMITS**

715 ~~Any person may appeal permit issuance, denial, suspension or revocation through appeals procedures established in Article 3~~
716 ~~of G.S. 150B.~~

717

718 *History Note: Authority G.S. 121-23; 121-25; 150B;*

719 *Eff. February 1, 1985;*

720 *Amended Eff. June 1, 1989.*

721

722

723

724 **07 NCAC 04R .1008 OWNERSHIP AND DIVISION OF RECOVERED ITEMS**

725 ~~All abandoned shipwrecks and underwater archaeological artifacts recovered in the waters of the State of North Carolina~~
726 ~~shall belong to the State of North Carolina. Such underwater archaeological artifacts as are recovered under proper permit~~
727 ~~may be granted, in whole or in part, to the permittee as proper compensation for his efforts in recovering such objects and the~~
728 ~~title to and ownership of these objects then is transferred to that permittee. Determination of which of the recovered objects~~
729 ~~will be granted to the permittee will be made by the Department acting in the best interests of the state and giving due~~
730 ~~consideration to the fair treatment of the permittee. The terms of the division are to be expressed as a percentage, and the~~
731 ~~percentage of the state's share and the percentage of permittee's share shall be stated on the permit at the time of its issuance.~~
732 ~~All recovered artifacts shall be placed and retained in safekeeping. The place or places of safekeeping shall be approved by~~
733 ~~the secretary or a duly authorized agent of the Department. At the time of the division of items that have been recovered by~~
734 ~~those having permits for salvage with the Department there shall be present such member or members of the staff of the~~
735 ~~Department of Cultural Resources as the Secretary of the Department of Cultural Resources shall deem necessary and~~
736 ~~appropriate.~~

737

738 *History Note: Authority G.S. 121-23; 121-25;*

739 *Eff. February 1, 1985;*

740 *Amended Eff. June 1, 1989.*

741

742

743

744 **07 NCAC 04R .1009 PROTECTED AREAS**

745 ~~The Department may designate certain abandoned shipwrecks or underwater archaeological artifacts as areas of primary~~
746 ~~scientific, archaeological or historical value. No permit for recovery or salvage of these abandoned shipwrecks or~~
747 ~~underwater archaeological artifacts will be issued unless the proposed project is consistent with the Department's~~
748 ~~management plan for these areas and unless all recovered artifacts are kept as an intact collection in an appropriate~~
749 ~~repository.~~

750

751 *History Note: Authority G.S. 121-23; 121-25;*
752 *Eff. February 1, 1985;*
753 *Amended Eff. June 1, 1989.*

754

755 **07 NCAC 04R .1010 SPECIAL AREAS FOR SPORT AND HOBBY OPERATIONS**

756 ~~The Department may designate certain limited areas of state-owned bottoms for the exclusive purpose of sport and hobby~~
757 ~~exploration and recovery under a short term sport and hobby permit if it deems this to be in the best interest of the state.~~
758 ~~Short term sport and hobby permits may be issued only for those abandoned shipwrecks and underwater archaeological~~
759 ~~artifacts which are specified in writing by the Secretary of the Department of Cultural Resources. Commercial salvagers,~~
760 ~~firms, corporations, and individuals seeking to recover and sell underwater archaeological materials, or otherwise make~~
761 ~~monetary profit with them, shall not be issued a short term sport and hobby permit. All or any part of the materials recovered~~
762 ~~under the short term sport and hobby permit may be awarded by the Department to the finder after inspection and study by~~
763 ~~the Archaeology Branch.~~

764

765 *History Note: Authority G.S. 121-23; 121-25;*
766 *Eff. February 1, 1985;*
767 *Amended Eff. June 1, 1989.*

768

769 **07 NCAC 04R .1011 REPORTING REQUIREMENTS**

770 ~~These guidelines for exploration, recovery and salvage projects ensure thorough and consistent data collection and reporting~~
771 ~~for projects conducted on the state's abandoned shipwrecks and underwater archaeological artifacts. Submission of a draft~~
772 ~~report for the Department's review and comment enables the permittee to foresee and correct inadequacies prior to the~~
773 ~~completion of the final report. The permittee shall address the following areas to assure final acceptance:~~

- 774 (1) ~~— a concise description of goals of the study and general approach of the investigation;~~
- 775 (2) ~~— an overview of the prehistory and history of the general area of the project and specific information~~
776 ~~relative to the designated project area;~~
- 777 (3) ~~— a concise and specific location of the project area, to include maps that accurately indicate the boundaries~~
778 ~~of the area identifying nearby landmarks and permanent benchmarks employed in establishing positioning~~
779 ~~and survey data;~~
- 780 (4) ~~— a brief and concise description of the project area to include environmental information such as water~~
781 ~~depth, visibility currents, bottom composition and contours, and vegetation;~~
- 782 (5) ~~— a complete description of the work conducted including exploration or recovery projects (research~~
783 ~~methods, data collection techniques, etc.) and a complete description of the equipment utilized to conduct~~
784 ~~the investigation;~~
- 785 (6) ~~— a description of the findings, observations and data generated by project activities;~~

- 786 ~~(7) a detailed description of all archaeological resources within the boundaries of the project area. The~~
787 ~~archaeological resources shall be precisely located on maps to be submitted to the Department with the~~
788 ~~draft report;~~
789 ~~(8) a comprehensive statement detailing the conclusions drawn from observations, findings and data~~
790 ~~generated by project activities;~~
791 ~~(9) a statement of recommendations with regard to continued investigation and management of archaeological~~
792 ~~resources.~~

793

794 *History Note: Authority G.S. 121-23; 121-25;*
795 *Eff. February 1, 1985;*
796 *Amended Eff. June 1, 1989.*

797

798 **07 NCAC 04R .1012 REPORT REVIEW**

799 ~~(a) The Department shall review all draft and final reports resulting from underwater archaeological permit activities. The~~
800 ~~Department may request revisions of the draft or final reports. Terms and conditions of the permit are considered satisfied~~
801 ~~only after revisions have been completed and the final report accepted.~~

802 ~~(b) The Department has 60 days after receipt to review and comment on all reports and return written comments to the~~
803 ~~permittee.~~

804

805 *History Note: Authority G.S. 121-23; 121-25;*
806 *Eff. February 1, 1985;*
807 *Amended Eff. June 1, 1989.*

808

809 **07 NCAC 04R .1013 TERMINATION OF PERMIT**

810 ~~Notification of permit termination will be sent to the permittee upon acceptable completion of all terms of the permit or upon~~
811 ~~permit expiration.~~

812

813 *History Note: Authority G.S. 121-23; 121-25;*
814 *Eff. February 1, 1985.*

815

816