## OHIO COASTAL MANAGEMENT PROGRAM POLICY 26 – PRESERVATION OF CULTURAL RESOURCES

IT IS THE POLICY OF THE STATE OF OHIO TO PROVIDE FOR THE PRESERVATION OF CULTURAL RESOURCES TO ENSURE THAT THE KNOW-LEDGE OF OHIO'S HISTORY AND PRE-HISTORY IS MADE AVAILABLE TO THE PUBLIC AND IS NOT WILLFULLY OR UNNECESSARILY DESTROYED OR LOST, BY:

- A. PROTECTION OF CULTURAL RESOURCES ON OR ELIGIBLE FOR STATE AND NATIONAL REGISTERS OF HISTORIC PLACES (O.R.C. 149.51 THROUGH 149.55);
- B: <u>REGULATING RECOVERY OF SUBMERGED ABANDONED PROPERTY</u> THROUGH PERMITS (O.R.C. 1506.32); AND
- C. ESTABLISHING AND ENFORCING LAKE ERIE SUBMERGED LANDS PRE-SERVES (O.R.C. 1506.31).

## **Authorities and Administration**

A. The State of Ohio, to protect its cultural resources, identifies, evaluates, designates and preserves significant resources and provides for consideration of cultural resources endangered by public and private development. The state accomplishes these goals through the following activities.

National Register of Historic Places – In accordance with the provisions of the National Historic Preservation Act of 1966, the Ohio Historic Preservation Office (OHPO) within the Ohio Historical Society (OHS) reviews nominations for placement of properties on the National Register. The 17-member Ohio Historic Site Preservation Advisory Board (OHSPAB) advises the OHPO as to whether National Register criteria are met. If the nominated site meets the criteria, the nomination is forwarded to the National Register, where the final decision is made.

State Registries of Archaeological and Historic Landmarks – The OHS has the authority to develop and maintain a State Registry of Archaeological Landmarks pursuant to O.R.C. 149.51 and a Registry of Historic Landmarks pursuant to O.R.C. 149.55. OHS places land on these registries only after obtaining a written agreement with the landowner that subjects the property to the provisions of the Revised Code. Within any land placed on either registry, no person or governmental entity may alter or disturb the cultural resources located there without first notifying the Director of OHS, allowing inspection by his or her representatives and providing information on findings of archaeological or historical significance. In addition, sale and possession of objects removed from such sites without privilege to do so is prohibited (O.R.C. 149.51 and 149.55). The owner may not engage in or authorize any archaeological

survey or salvage work within lands registered as Archaeological Landmarks without a permit issued under O.R.C. 149.54.

Archaeological Preserves – OHS may accept articles dedicating as preserves real property upon which significant archaeological sites are located, if funds and services are available for their preservation and protection. Whenever possible and consistent with such purposes, the articles are to provide for public access (O.R.C. 149.52).

State Memorials – OHS is authorized to create, supervise, operate, protect, maintain and promote for public use a system of state memorials in Ohio (O.R.C. 149.30(A)).

Agency Coordination – All departments, agencies and political subdivisions of the State of Ohio must cooperate with the OHS and OHSPAB in the preservation of historic sites and in the recovery of the scientific information from such sites (O.R.C. 149.53). Section 106 of the National Historic Preservation Act of 1966, requires federal agencies to consider the effects of "undertakings" they fund or license in Ohio. "Undertakings" include a broad range of federal activities, including construction, rehabilitation and repair projects, demolition, licenses, permits, loans, loan guarantees, grants, federal property transfers and many other types of federal involvement. The OHPO reviews more than 6,000 federally assisted undertakings each year to see that alternatives are considered in any action that would damage or destroy properties listed on, or eligible for, the National Register. If after consultation with the state, there is no reasonable alternative, the state and the federal Advisory Council on Historic Preservation may agree to the loss of a significant property if steps adequate to mitigate the impact of its loss are taken.

The following are nonenforceable enhancement activities that contribute to carrying out the above-mentioned enforceable protections.

Certified Local Governments – Communities can participate more actively in the state historic preservation program by becoming Certified Local Governments, as provided for by the National Historic Preservation Amendments Act of 1980 (16 U.S.C. 470). To become certified, a unit of local government must have an approved program for recognizing and protecting its historic, architectural and archaeological resources. The OHPO helps local governments establish certifiable preservation programs, offering advice on identifying historic, architectural and archaeological resources; developing a preservation plan; nominating eligible properties to the National Register of Historic Places; and protecting local resources. Certified Local Governments can apply for matching grants awarded by the OHPO to help fund projects like these and others.

Ohio Historic Inventory and Ohio Archaeological Inventory – The Ohio Historic Inventory (OHI) records places of historic or architectural merit. The Ohio Archaeological Inventory (OAI) records prehistoric and historic archaeological sites. Records describing more than

130,000 properties in all parts of the state are kept at the Ohio Historic Preservation Office in Columbus.

Rehabilitation Investment Tax Credits – Owners who rehabilitate income-producing properties listed on the National Register of Historic Places are eligible to apply for federal investment tax credits on qualified expenses. Work must be certified as conforming to the Secretary of the Interior's "Standards for Rehabilitation." OHPO counsels owners about how to apply for certification and conducts preliminary meetings, site visits and project assessments as needed to help them qualify for the tax credit.

Ohio Historic Preservation Plan – OHPO has, with public input, prepared a comprehensive statewide historic preservation plan. The plan organized existing information about the state's historic, architectural and archaeological resources so that it can be used to set future priorities for the identification, evaluation and protection of Ohio's historic resources. The goal of the plan is to identify and publicize the critical, pressing issues that face preservation of Ohio's historic architectural and archaeological properties. The plan is composed of broad-based goals and objectives that will provide guidance and direction for state and local organizations to take in preserving Ohio's historic properties over the next five years.

Technical Advice and Educational Programs – Technical advice is available from OHPO staff, and periodic workshops and other educational programs help inform Ohioans about historic preservation. Services include a preservation research library, Building Doctor clinics, preservation conferences, an awards program and publications.

Grants – When federal funds are available, the OHPO can make direct matching grants-in-aid to individuals, organizations and agencies for projects that help OHPO carry out the survey and planning responsibilities as defined by the National Historic Preservation Act of 1966, 26 U.S.C. 470 et seq. The OHPO also administers historic preservation matching development grants, also when available, for properties listed in the National Register of Historic Places. Matching grants of up to 50 percent of the cost of stabilization, preservation, restoration and rehabilitation of properties listed in the National Register of Historic Places are available to both owners and tenants of National Register-listed properties through OHPO. (Such funds are not available currently).

B. The State of Ohio has ownership and title to submerged abandoned property in Lake Erie in trust for the benefit of the people of the state. Any person who wishes to recover, alter, salvage or destroy any abandoned property located on, in or in the immediate vicinity of and associated with a submerged watercraft or aircraft in Lake Erie must obtain a permit from the Director of ODNR (O.R.C. 1506.32). Permits are issued only with the approval of the Director of OHS. If the Director of OHS determines that the property has historical significance, the permit may be conditioned or denied (O.R.C. 1506.32(D)). If the Director of ODNR determines that the property has substantial recreational, ecological, environmental, scenic or scientific value, the director may deny or condition the permit (O.R.C. 1506.32(E)). No permit shall be approved

within any submerged land preserve unless the operation is for historical or scientific purposes or will not adversely affect the historical, cultural, recreational or ecological integrity of the preserve as a whole (O.R.C. 1506.32(I)). O.R.C. Chapter 1506 is contained in Appendix C.

C. To provide special protection for abandoned property and features and formations in Lake Erie having historical, archaeological, recreational, ecological, geological, environmental, educational, scenic or scientific value, the Director of ODNR with approval of the Director of OHS may adopt rules to establish Lake Erie submerged lands preserves (O.R.C. 1506.31).

A preserve may be established for any area of submerged lands that contains a single watercraft or aircraft of historical value, two or more watercraft or aircraft constituting abandoned property, or other features of archaeological, historical, recreational, ecological, environmental, educational, scenic, scientific, or geological value other than sand, gravel, stone, and other minerals and substances authorized to be taken and removed in accordance with O.R.C.  $\ni$  1505.07. Each preserve established shall include the designated area and extend upward to include the water surface. When establishing preserves, the directors must consider:

- 1. Whether it is necessary to protect either abandoned property or significant underwater features possessing historical, archaeological, recreational, geological, ecological, environmental, educational, scenic or scientific value;
- 2. The extent of local public and private support for creation of the preserve;
- 3. If the purpose of the preserve is to be recreational, the extent to which preserve support facilities have been developed in or are planned for the coastal area nearest the proposed preserve;
- 4. Whether creating the preserve will conflict with existing or potential authorized removals of sand, gravel, stone or other minerals or substances.

The directors may establish rules regarding access to and use of such preserves. Access shall be limited or prohibited if the site is biologically or ecologically sensitive or is hazardous, or if historically valuable property is fragile or suffering extensive deterioration due to unregulated access (O.R.C. 1506.31(C)). O.R.C. Chapter 1506 is contained in Appendix C.