

ARCHAEOLOGY BULLETIN

RECOMMENDATIONS FROM THE OREGON STATE HISTORIC PRESERVATION OFFICE

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ARCHAEOLOGICAL SITES ON PUBLIC LANDS

NOVEMBER 2019

People have lived in Oregon for at least 16,000 years. Evidence of past human occupation exists, in part, within archaeological sites. Archaeological sites may consist of the remains of a 3,500 year-old village, trail ruts from the Oregon Trail or an early 1900s homestead. All archaeological sites contribute to the physical record of the history of Oregon from the earliest inhabitants to the recent past. The following information is for public land managers, to provide assistance with understanding state laws, what to do if an archaeological site is on public lands, and how to preserve and protect archaeological sites. Public land is defined as any lands owned by the State of Oregon, a city, county, district or municipal or public corporation in Oregon; this document does not pertain to federal lands in Oregon.

Definition:

In Oregon, an archaeological site is any location with physical remains of past human activity that is at least 75 years old. Physical remains may include artifacts, such as stone tools (arrowheads, pestles, mortars), chipped stone flakes from a tool stone such as obsidian, peeled trees, rock art, shell heaps or middens, wagon ruts, old cans, bottles, bricks, metal debris, domestic debris and foundations from historic buildings, or shipwrecks. The relationship or context of artifacts within an archaeological site can provide significant information on prehistoric or historic activities. The

Laws:

Oregon laws protect significant archaeological sites on non-federal public (e.g., state, county, city) and private lands. An archaeological site is significant if it is eligible for the National Register of Historic Places. Archaeological sites are considered significant until they can be fully evaluated. Under state law, damage to archaeological sites is a Class B Misdemeanor. Disturbance of Native American human remains or associated funerary objects is a Class C Felony with penalties up to a \$10,000 fine. Oregon Revised Statutes and Administrative Rules that deal with archaeological sites include: ORS 97.740-760, ORS 192.501(12), ORS 358.905-961, ORS

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Stewardship:

Archaeological sites on public land are an intrinsic part of the cultural heritage of the people of Oregon. As such, archaeological sites and their contents located on public land are under the stewardship of the people of Oregon to be protected and managed in perpetuity by the state as a public trust. All artifacts recovered from a site on public lands, except for Native American human remains, burials, associated funerary objects, sacred objects and objects of cultural patrimony are under the stewardship of the state and curated at the University of Oregon Museum of Natural and Cultural History (UOMNCH).

Project Planning:

Oregon SHPO recommends avoidance of archaeological sites, if possible, for projects (e.g., construction [buildings, access routes, irrigation], dumping). If avoidance is not possible archaeological work will need to be undertaken by a professional archaeologist. This may include, pedestrian survey (walking the ground to look) or systematic excavation (digging to collect information about the site). If the site is found and agreed by Oregon SHPO to be not significant no further archaeological work is necessary. If the site is found to be significant, further discussion with Oregon SHPO will need to be had to avoid, minimize, or mitigate effects to the site. Having an archaeological site will not stop projects, it just may take additional steps to

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Help identifying archaeological objects:

If you are not sure if something you have found is an archaeological object you can contact a professional archaeologist for assistance. They can be found at:

- Federal Agencies such as (Bureau of Land Management, Forest Service, Army Corps of Engineers , US Fish and Wildlife)
- State Agencies (SHPO, Oregon Parks and Recreation, Department of Transportation, Department of State Lands, Fish and Wildlife)
- Local Tribes
- Universities with Archaeology, Anthropology, or Classics departments
- U of O Museum of Natural and Cultural History
- Association of Oregon Archaeologists

Learning if there are archaeological sites:

Oregon state law protects the sharing of location information for archaeological sites [ORS 192.501(11)]. However, you cannot protect or manage a site on property that you don't know is there. If a landowner wants to know if a site is known to exist on their property or if any archaeological work has been done before they can contact the Oregon SHPO and request the information. The landowner will need to provide:

1. Evidence of ownership of the property (a copy of the deed)
2. Property address (preferred) or legal description or taxlot
3. A map or aerial photo with the property outlined
4. Name and contact information

Send the information to one of the SHPO Archaeology staff, contact information below.

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