



Appendix M: Archaeological and Cultural Information



ARCHAEOLOGY BULLETIN

RECOMMENDATIONS FROM THE OREGON STATE HISTORIC PRESERVATION OFFICE

1

ARCHAEOLOGICAL SITES ON PRIVATE LANDS

SEPT 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 private landowners, to provide assistance with understanding state laws, what to do if you have an archaeological site on your property, your property rights, and how you can actively preserve and protect archaeological sites on your property.

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

Oregon laws protect significant archaeological sites on non-federal public (e.g., state, county, city) and private lands.

Private Land Rights:

Archaeological sites on private land are owned by the landowner. However, only professional qualified archaeologists can collect or excavate a site on private lands with a state archaeological permit. In the event of an archaeological excavation the landowner has the right to retain the artifacts, or donate to a tribe or museum, except for Native American human remains, burials, associated funerary objects, sacred objects, and objects of cultural patrimony (ORS97.740). No one is allowed on private land without owner consent, regardless of the presence of an archaeological site. If an archaeological excavation is proposed on private property, landowners have the authority to request conditions or object to the permit before it is issued. The landowner is the steward. The state encourages landowners to avoid impacting archaeological sites by simply avoiding

them. Some activities that may already be occurring on your land (i.e. plowing, grazing) can continue. Unless the site contains human remains, burials, sacred objects, objects of cultural patrimony, and associated funerary objects.

Project Planning:

Oregon SHPO recommends avoidance, 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

Oregon SHPO recommends avoidance, if possible, for projects

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 comply with ar-

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 on your property:

Oregon state law protects the sharing of location information for archaeological sites [ORS 192.501(11)]. However, a person cannot protect or manage a site on their property that they 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.

SHPO Archaeology Staff

*John Pouley, Assistant State Archaeologist / John.Pouley@oregon.gov
 Jamie French, GIS Archaeologist / Jamie.French@oregon.gov*



ARCHAEOLOGY BULLETIN

RECOMMENDATIONS FROM THE OREGON STATE HISTORIC PRESERVATION OFFICE

3

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

In Oregon, an archaeological site is any location with physical remains of past human activity that is at least 75 years old

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

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

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:

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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:

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HIRING AN ARCHAEOLOGIST

NOVEMBER 2019

Professional archaeologists have access to restricted information about archaeological sites and are trained to identify, analyze, and document these resources. You may need to hire an archaeologist to help comply with state and federal laws, see Archaeology Bulletin 1 and 3 for additional information. This bulletin provides guidance on how to hire a professional archaeologist.

What should I expect an archaeologist to do?

- Research—They have experience conducting background research including access to confidential archaeological site records, obtaining Tribal information, and assessing the likelihood of undocumented sites.
- Field work—Skilled at identifying sites through a variety of techniques (e.g., survey, excavation, monitoring, remote sensing), are able to hold archaeological permits, and can properly document archaeological sites.
- Report—They write reports detailing their archaeological work.
- Recommendations—They provide recommendations for how a project can proceed while complying with state and federal laws. They can also provide recommendations on best management practices.

What should I not expect an archaeologist to do?

- Tribal consultation—Archaeologists should consult with tribes as part of their work however, such consultation is often inadequate to address all of the concerns that may be relevant to the entity or project they work for. We recommend cities and counties form strong relationships with their local tribes and keep them informed of future projects. The Legislative Commission on Indian Services can assist local governments and private landowners in determining appropriate tribes.
- Provide project approval – Archaeologists are not able to clear projects, determine site significance, or determine a project’s effect without consultation with SHPO, tribes and federal agencies (if involved). They provide **recommendations** but the project proponent must still seek concurrence from SHPO. For projects with a federal nexus, work should be submitted to the federal agency for review prior to submittal to SHPO and Tribes.

*We recommend cities
and counties form
strong relationships
with their local tribes*

Where do I find an archaeologist?

The Association of Oregon Archaeologists (AOA) maintains a list of archaeological contractors www.oregonarchaeologists.com. Each of the listed firms has a qualified archaeologist able to complete all phases of archaeological research. SHPO and AOA are not able to endorse any particular firm. You may also search for similar lists in nearby states, or you may choose to do a search of professional archaeological firms.

How do I decide which archaeologist to hire?

SHPO recommends contacting at least three firms to compare experience, cost, and services before making a decision. The right archaeological firm for your project may not be the most or least expensive choice, and choosing a contractor based on cost alone may result in additional costs or project delay. Provide each firm with a clear description of the work you need accomplished, a schedule for when you want the work done, the full project area, and detailed plans.

choosing a contractor based on cost alone may result in additional costs or project delay

Questions to ask an archaeological contractor include:

- What is your experience doing archaeological survey and excavation?
- What is your experience working in my specific region of Oregon?
- Are you qualified to apply for a state or federal archaeological permit?
- Have you applied for an archaeological permit in the state of Oregon?
- What is your experience in Oregon with prehistoric and historic archaeological sites?
- What is your experience and expertise in working with state archaeological and burial laws?
- How would you characterize your relationship with Tribes in the area of the project?
- How familiar are you with the SHPO Guidelines?
- How often do your projects come out over or under budget?
- Will I be provided with a Scope of Work (SOW)?
- Will all needed investigation be contained in the SOW? What things may be added to it?
- How much will the work cost? (Best and worst case scenarios)

We recommend asking the contractor for references from people with similar projects and asking those references their experience working with the archaeologist.

SHPO Archaeology Staff

John Pouley, Assistant State Archaeologist / John.Pouley@oregon.gov

Jamie French, GIS Archaeologist / Jamie.French@oregon.gov



What should I expect in a Scope of Work?

The archaeologist you hire should provide you with a SOW. For small projects it may not be necessary but we recommend getting a summary of what they will do in writing. The SOW should lay out work that the archaeologist will do to address your project's archaeological issues and it should include a plan for any reasonably anticipated contingency that may arise. Look for the following steps to be built into the document, although your SOW may not include all of these and may not be in this order:

- Schedule of work
- Applying for archaeological permits
- Records search
- Consultation with Tribes and other entities (e.g., historical societies, black pioneers)
- Plan map of the project
- Field reconnaissance including pedestrian survey
- Remote sensing
- Subsurface exploratory probing
- Subsurface testing
- Recording and/or updating any sites and isolates found and submitting them through the State of Oregon archaeological site form system
- Recommendations of Eligibility for all sites and isolates
- Monitoring of construction-related activities
- Damage assessment plan
- Inadvertent discovery plan
- Contingency plans
- Final Archaeological Investigation Report
- Curation

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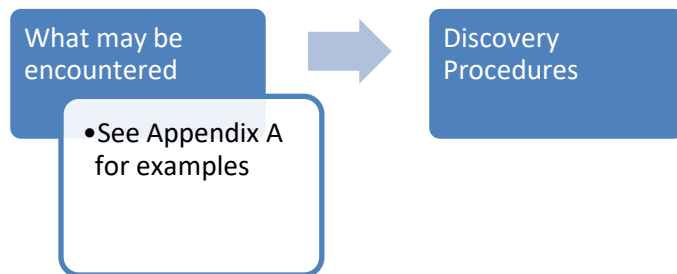


ARCHAEOLOGICAL INADVERTENT DISCOVERY PLAN (IDP)

Oregon Department of Fish & Wildlife (ODFW)



HOW TO USE THIS DOCUMENT



Archaeology consists of the physical remains of the activities of people in the past. This IDP should be followed if any archaeological sites, objects, or human remains are found. These are protected under Federal and State laws and their disturbance can result in criminal penalties.

This document pertains to ODFW staff and volunteers as well as the work of contractors, including any and all individuals, organizations, or associated companies performing work under the direction of ODFW.

WHAT MAY BE ENCOUNTERED

Archaeology can be found during any ground-disturbing activity. If encountered all excavation and work in the area **MUST STOP**. Archaeological objects vary and can include evidence or remnants of historic-era and precontact activities by humans. Archaeological objects can include but are not limited to:

- **Stone flakes, arrowheads, stone tools, bone or wooden tools, baskets, beads.**
- Historic building materials such as **nails, glass, metal** such as cans, barrel rings, farm implements, **ceramics, bottles, marbles, beads, and milled wood**
- Layers of **discolored earth** resulting from hearth fire
- Structural remains such as **foundations**
- **Shell Middens and Fish Weirs**
- **Human skeletal remains** and/or **bone fragments** which may be whole or fragmented.

For photographic examples of artifacts, please see Appendix A.

If there is an inadvertent discovery of any archaeological objects see procedures below.

If in doubt call it in.

DISCOVERY PROCEDURES: WHAT TO DO IF YOU FIND SOMETHING

1. Stop ALL work in the vicinity of the find. **Do not collect or move artifacts.**
2. Secure and protect area of inadvertent discovery with 30 meter/100 foot buffer—work may continue outside of this buffer
3. Notify Project Manager, Agency Official, and Agency Archaeologist
4. Agency Archaeologist will need to assess the find.
5. If archaeologist determines the find is an archaeological site or object, contact SHPO. If it is determined to *not* be archaeological, you may continue work.

HUMAN REMAINS PROCEDURES

1. If it is believed the find may be human remains, stop ALL work.
2. Secure and protect area of inadvertent discovery with 30 meter/100 foot buffer, then work may continue outside of this buffer with caution.
3. Cover remains from view and protect them from damage or exposure, restrict access, and leave in place until directed otherwise. **Do not take photographs. Do not speak to the media. Do not call 911.**
4. Notify Project Manager, Agency Official, and Agency Archaeologist, and Oregon State Police
5. The Agency Archaeologist or Agency Official will immediately notify the Oregon State Police, SHPO, LCIS, and appropriate Native American Tribes.
6. If the site is determined not to be a crime scene by the Oregon State Police, do not move anything! The remains will continue to be *secured in place* along with any associated funerary objects, and protected from weather, water runoff, and shielded from view.
7. Do not resume any work in the buffered area until a plan is developed and carried out between the State Police, SHPO, LCIS, and appropriate Native American Tribes and you are directed that work may proceed.

CONFIDENTIALITY

Employees and contractors shall make their best efforts, in accordance with federal and state law, to keep the discovery confidential. The media, or any third-party member or members of the public are not to be contacted or have information regarding the discovery, and any public or media inquiry is to be reported to the Agency Archaeologist. Prior to any release, the responsible agencies and Tribes shall concur on the amount of information, if any, to be released to the public.

To protect fragile, vulnerable, or threatened sites, the National Historic Preservation Act, as amended (Section 304 [16 U.S.C. 470s-3]), and Oregon State law (ORS 192.501(11)) establishes that the location of archaeological sites, both on land and underwater, shall be confidential.

CONTACT INFORMATION

- Project Manager, _____ [Name]: _____ [Number]
- Agency Official, _____ [Name]: _____ [Number]
- Agency Archaeologist, Daniel Pettit: 971-600-5857; Justin Hopt 503-947-6273
- Oregon State Police, Lt. Craig Heuberger: 503-508-0779, cheuber@osp.oregon.gov
- Oregon State Historic Preservation Office (SHPO),
 - State Archaeologist, John Pouley: 503-480-9164
 - Asst. State Archaeologist, Jamie French: 503-979-7580
- Legislative Commission on Indian Services (LCIS)
 - State Physical Anthropologist, Elissa Bullion: 971-707-1372; 503-986-1067
- All appropriate Native American Tribes provided by LCIS
 - Burns Paiute Tribe
 - Diane Teeman, (541) 413-1190 / (541) 573-1375
 - Confederated Tribes of Coos, Lower Umpqua and Siuslaw Indians
 - Courtney Krossman, (541) 297-5543 / (541) 888-7513
 - Jesse Beers, (541) 888-1319
 - Confederated Tribes of Grand Ronde
 - Briece Edwards, (503) 879-2084
 - Confederated Tribes of Siletz Indians
 - Peter Sv-gvs (Black Bear) Hatch, (541) 444-8319
 - Confederated Tribes of the Umatilla Indian Reservation
 - Teara Farrow Ferman, (541) 276-3447
 - Bambi Rodriguez, (541) 429-7203
 - Confederated Tribes of the Warm Springs Reservation
 - Bobby Brunoe, (541) 553-2026
 - Mars Galloway, (541) 553-3583
 - Coquille Indian Tribe
 - Sara E. Palmer, (541) 808-5554
 - Marsha Frost, marshafrost@coquille.org
 - Cow Creek Band of Umpqua Tribe of Indians
 - Mark Durante, (541) 672-9405 ext. 5287
 - Ben Steward, bsteward@cowcreek-nsn.gov
 - Klamath Tribes
 - Christina L. Rubidoux, (541) 783-2764 Ext. 107 / (541) 891-1650
 - Clarence Henthorne, (541) 783-2764 ext. 102 / (541) 363-144

Appendix A

Visual Reference Guide to Encountering Archaeology

Lithics



Stone Flakes



Stone Tool Fragments:
Bifaces, projectile points,
Edge modified flakes, and cores



Rock Features



Ground stone Mortar and Pestle



Ground stone

Image courtesy of Catherine Dickson



Rock Wall

Rock Features (Continued)



Placed Rock

Linear Alignment



Image courtesy of Catherine Dickson



Rock Cairn/Possible Oven

Marine



Shell Midden



Cordage



Image courtesy of Catherine Dickson



18th Century
Shipwreck

Marine



Image courtesy of Cassandra Rippee

Fish Weirs



Image courtesy of Cassandra Rippee

Historic Artifacts



Glass Artifacts



Soldered Top Can

Image courtesy of Catherine Dickson



Metal Artifacts



Historic Structures

Foundations



Collapsed Cabin

Culturally Modified Trees



Directional Trees



Peeled Tree (Left) and Bowstave Juniper Tree (Right)

