COPING WITH SITE LOOTING
SOUTHEASTERN PERSPECTIVES

Essays in Archeological Resource Protection

Edited by
John E. Ehrenhard
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JOHN E. EHRENHARD

Interagency Archeological Services Division
Southeast Region
National Park Service
Atlanta, Georgia

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PREFACE

The commercialization of the record of human history in the United States has reached epidemic proportions—nothing is sacred, no place is immune. I believe we all see this destruction as one of the major challenges confronting the archeological community in the coming decade. An opportunity to inform and rally archeologists to this challenge came during the 54th Annual Meeting of the Society for American Archaeology held in Atlanta, Georgia, this past April. In a plenary session entitled "Our Vanishing Past—The Willful Destruction of a Nation's Heritage," noted scholars, politicians, professional archeologists, and concerned individuals from varied walks of life discussed the extent and impact of looting and vandalism and how we might combat the problem through more effective law enforcement, legislation, training, and education.

To augment the plenary session, Dr. Kent Schneider, Regional Archeologist, U.S. Forest Service, and I agreed to organize and chair a symposium which focused attention on vandalism occurring at archeological sites throughout the Southeast. Our symposium, "Coping with Site Looting: Southeastern Perspectives," considered ways and exchanged views on how the professional community and the American public are coming to terms with one another to protect, preserve, and use the region's diminishing cultural heritage.

The symposium drew a large and enthusiastic audience. In the course of conversations after the session, the possibility of publishing the presented papers was musingly discussed. A quick canvassing of symposium participants and the general audience revealed overwhelming support for such an idea. Because archeological resource crime is a crisis we cannot afford to ignore, I offered to work with the authors to publish and distribute the symposium proceedings through the auspices of the National Park Service.

My small contribution to the consequential volume has been largely clerical, and even then, I am most thankful to Ms. Patricia Landers and Ms. Jean Godbee who actually typed the final drafts. Their patience and cooperation are appreciated. Finally, but foremost, it is with sincere appreciation that I thank the authors for their cooperation and generous expenditure of time in an already full schedule of regular duties.

Our hope is that this collection of papers will serve to disseminate information and generate discussion which will lead to more effective strategies for protecting archeological sites and to a lessening in archeological resource crime. We must educate ourselves on the issues and reach out and combat the problem at a grassroots level. It is our responsibility to educate the general public—young people in particular—about the loss of our cultural legacy. Should we fail through our own complacency to stimulate interest in and appreciation of this Nation's rich history, we will have no one to blame but ourselves.
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Dade County is one of Florida's largest counties of which about 50 percent is within Everglades National Park and Everglades Conservation Areas 2 and 3. The rest of the county is largely situated eastward along the Atlantic Coastal Ridge which supports the sprawling urban development of Miami and the numerous satellite and suburban communities that have grown there since the turn of the last century.

Miami's rapid development provided little opportunity for professional archeological investigations prior to the inception of the Metro-Dade Historic Preservation Division in 1978. Work by John Goggin in the area ceased by the mid 1950s and no professional archeological investigations occurred there for almost 20 years after his departure from south Florida. As recently as the early 1970s, all archeological work was being conducted by several avocational archeologists and up to three active archeological societies representing approximately 100 members in total. In addition to amateur archeological investigations that represented a range of work quality varying from fair to terrible, numerous individuals actively dug sites. Many were self-proclaimed archeologists and the others accurately described themselves as treasure hunters or collectors.

I am aware of at least ten individuals who were digging sites exclusively for the purpose of collecting artifacts during the early to mid 1970s. These individuals recovered materials from some of the largest and best known sites in Dade County, and in at least one case, made a serious impact on a regionally significant site (8DA45) by disturbing a human cemetery and destroying an adjacent burial mound. One of the most common rationalizations given by these collectors for their actions was that "if they did not remove these artifacts, they soon would be destroyed by developers." By the mid 1970s, collecting activities were so serious that every extant recorded site in Metropolitan Dade County had been dug in.
In 1982, Metro-Dade County passed county ordinance No. 81-13 (Appendix), the first in the state of Florida that allowed for the designation of archeological sites and provided penalties for anyone excavating or removing materials from a designated site without a permit. Designations are allowed under the ordinance on both publicly and privately owned properties.

In the seven years since the inception of this "historic" preservation ordinance, independent archeological society digging has ceased in the county. Now they only conduct field work under the supervision of the county archeologist. In this time span, only four known cases of collector related infractions have occurred in Metropolitan Dade County. These four cases include vandalism at the Cutler Fossil site (8DA2001) by an avocational paleontologist and his family; the theft of a human mandible from an uncovered grave at the Atlantis site (8DA1082), allegedly by a construction worker; unconfirmed excavations of an east Everglades black dirt midden by two unknown individuals; and most recently, a metal detecting foray onto the Stadium site (8DA411) by an unknown individual after the site was publicized in the local media. Only the first action at the Cutler Fossil site led to legal actions resulting in the return of all materials to avoid prosecution. The other looters have never been identified.

In addition to these four cases, I am aware of three other individuals who conducted metal detecting in the city of Miami parks encompassing archeological sites. All three ceased activities when confronted and "donated" all recovered artifacts to the Historic Museum of South Florida, and subsequently moved their metal detecting activities away from these parks.

These several cases represent a dramatic decline in the collecting and site vandalism typical of the collector "range wars" that swept southeast Florida in the 1970s. Reasons for the decline are not absolutely clear but several explanations are possible. First, the Dade County ordinance does protect sites and it does have teeth. The ordinance created a position for a county archeologist. The staff archeologist reviews and inspects sites throughout the year and conducts salvage excavations when necessary. This county-supported archeological program largely weakens the rationalization of some collectors that the developers are going to destroy these sites if they don't get there first. In fact, since 1982, over 20 archeological sites and archeological zones have been designated throughout the county, and 14 salvage excavations have been conducted.

A second explanation for this decline in vandalism might be related to the shifting demography in the Miami area. There has been a substantial Anglo exodus during the last 20 years as the Hispanic segment of the population continues to increase. All of the artifact collectors known to me during the 1970s were Anglos. In fact, I am aware of only one Hispanic collector in my many years of residence in Miami. Of the ten hardcore collectors mentioned earlier, one is deceased, five no longer actively collect in Dade County because of the ordinance, and the remaining four have since moved to other parts of Florida and apparently continue to dig in those areas. However, if they had stayed, I believe the new ordinance would have discouraged their activities here; several have indicated this to be the case.
A third explanation is that the county archeologist maintains open communication and friendly relations with the community's avocational archeologists and collectors. This leads to a good information exchange and further supports the perception that the county archeologist is doing something to preserve and investigate the county's sites.

In summary, the decline of site vandalism in Dade County is due largely to the inception of a county ordinance with sufficient sanctions; this has discouraged many old time and potential new artifact collectors. A secondary reason is that the county archeologist maintains good communications with local collectors and amateur archeologists. A final consideration is the migration in the last decade of a number of hardcore collectors out of Dade County to more rural parts of central and northern Florida.

It has been my experience that the inception of a well implemented local ordinance has more impact on urban site looting than state and federal laws. A combination of laws that provides for jurisdiction of public and private properties will construct a preservation net that can implement effective sanctions to protect archeological resources on a local and regional basis.
VANDALISM BEHAVIOR IN THE SOUTHEAST NATIONAL PARKS:
DIAGNOSES AND TREATMENT

THOMAS DESJEAN and ROBERT WILSON

ABSTRACT

Over the past several years, the Southeast Archeological Center has been collecting data on vandalism of archeological resources within the Southeastern National Parks. A major monitoring program at the Big South Fork National River and Recreation Area, funded by the Nashville District, U.S. Army Corps of Engineers (COE), has resulted in identifying a number of behavioral characteristics of vandals for this area. This study along with the need to monitor and record site conditions in the parks, has resulted in the development of several pilot training programs and park archeological resources protection plans.

INTRODUCTION

For many years we have heard reports of vandalism to archeological resources worldwide. There are reports of looting in the Southwest, in the Northwest, and other parts of the United States. However, only recently has there been any outcry from the Southeast. With the passage of the Archaeological Resources Protection Act of 1979 (ARPA), many archeologists felt that the rate of vandalism and the destruction of our nation’s non-renewable archeological resources had decreased. This apparently has not been the case. However, one of the results of the passage of ARPA has been the increased awareness of law enforcement officers to this type of offense. For the National Park Service in the Southeast, this has resulted in the reporting of vandalism by park rangers, the development of several training programs, the development of a number of park archeological resources protection plans, and the draft report for the Southeast parks entitled Guidelines for Monitoring Archeological Resources.

SYMPTOMS

Since the establishment of ARPA, the Southeast Archeological Center has received sporadic Case Incident Records dealing with vandalism from a number of parks in this region. Those parks reporting vandalism are:

- Big Cypress National Preserve (Florida)
- Biscayne National Park (Florida)
- Big South Fork National River and Recreation Area (Tennessee and Kentucky)
These reports range from a Natchez Trace ranger observing a SCUBA diver in the Tennessee River working on an area of a submerged Indian mound and village and later removing artifacts from the diver’s boat, to another ranger at Stones River observing two individuals, one with a pick axe, the other with a metal detector who, upon being questioned, stated that they were not aware that they were on federal property and that they were in the field looking for golf balls. The individual with the metal detector added that he did not want to leave it behind in the car. Other reports deal with people on Cumberland Island digging in historic dumps for bottles; people sawing up wood from an exposed shipwreck on the beach at Cape Hatteras; and rangers pursuing two individuals at Cumberland Gap who dropped their backpacks which, besides clothing, contained notes about digging and Civil War artifacts.

Out of the 62 incidents reported to the center, only nine (14 percent) occurred prior to 1986. For many years the Center staff had recognized that vandalism was a problem in the Southeast. For example: Tesar (1973a and 1973b) reported vandalism at Gulf Island National Seashore; Wilson and Finch (1980) and Ferguson et al. (1986) reported evidence of vandalism at the Big South Fork National River and Recreation Area; Griffin (1988), Ehrenhard et al. (1978, 1979, 1980, and 1982), Taylor and Komara (1983), and Taylor (1984 and 1985) reported evidence of vandalism at Big Cypress National Preserve and Everglades National Park; and Carstens and Jenings (1977), Watson and Carstens (1982), and Prentice (Personal Communication 1989) have reported vandalism at Mammoth Cave National Park. The first question is, How do we know the extent and frequency of vandalism that is currently taking place within the National Parks of the Southeast Region? The second question is, What can be done to decrease or stop the vandalism?

In an effort to help train park staff in recognizing and in reporting vandalism of archeological resources, the Southeast Archeological Center, in 1986, began to implement a Park Technical Assistance Program (PTA) in archeology. In 1986, the Center’s Chief, Richard Faust, addressed the status of the archeological resources at the Big South Fork National River and Recreation Area (BISO) and outlined the various programs needed for resource preservation and protection (Faust 1986). One program outlined in this status report was the development of an archeological resources monitoring program. Later in 1986, at a meeting at BISO with park staff, Nashville District COE, and representatives from the State Historic Preservation Offices of Tennessee and Kentucky, the concerns on vandalism along the trail system at BISO were addressed. At this meeting the Center proposed to develop a monitoring program that would:
1. Identify zones that receive adverse impacts;
2. Identify types of impacts that occur;
3. Identify types of visitors to the recreation area that adversely impact the cultural resources;
4. Identify when (the time of year) the resources are being adversely affected;
5. Increase the scientific knowledge concerning the archeological resources;
6. Increase public awareness concerning these non-renewable resources.

This monitoring program was agreed upon at the meeting. Center and park staff developed a project statement and cost estimate for this monitoring program to be included in the park's revised Resources Management Plan. The Nashville District COE provided two years of funding for this pilot project, and an archeologist was hired to develop the monitoring program (DesJean 1986 and 1988).

**DIAGNOSES**

Monitoring archeological site impacts at the Big South Fork was initially conducted on three stratified zones defined by accessibility. These zones included site locations on trails; site locations within 100 meters on either side of horse or jeep trails; and remote sites hundreds of meters from any access. However, early on in the project, the monitoring program recognized that sites located at some distance from a jeep or horse trail are not afforded any protection from vandalism. A point also observed in a vandalism study in northeastern Kentucky (Ison et al. 1981:29). Most archeological sites here were vandalized regardless of their location. It was also observed that sites that are easily accessed, highly visible, and already exhibit a lot of looting, suffer a higher frequency of vandalism.

Impacts take the form of limited scratching and small shallow holes; deeply dug unsifted craters; trenching and sifting; and mining for artifacts, even to the extent of moving large boulders and roof fall in rockshelter sites. The character of the vandals may correspond to the types of impacts observed. For example, hunters, groups, or families may account for the scratching or opportunistic digging (one family even sent us a complimentary vacation video which included scenes of them scratching around for relics in a rockshelter along one of the trails). The other pre-meditated types of digging and sifting are probably associated with rabid relic collecting and commercial looting. This same pattern of opportunists, rabid relic hunters and commercial looters, has been described in other studies (Ison et al. 1981:29; Rippeteau 1979:90). Discussion with approximately 24 individuals indicates that about 80 percent (or more) of observed vandalism is directly related to the latter two types of collecting.

Monitoring vandalism has resulted in the determination that there is a seasonal pattern to looting activity. The greatest percentage of vandalism (45 percent) occurs during the hunting season which is from late November until the end of February. The first and last weeks of this time period are when the real impacts are occurring.
TREATMENTS

Based upon the results of this monitoring program, park and Center staff developed a three-year Archeological Resources Protection Plan (DesJean and Wilson, 1988). The purpose of this plan was to provide management with an integrated approach towards archeological resources protection involving all divisions of park operation (i.e. Resource Management, Law Enforcement, Interpretation, and Maintenance). This plan addressed issues outlined in the park’s Long Term Management Objectives, its Statement for Management, the first three cultural resource priorities of the Resource Management Plan, and the current "Take Pride in America" Programs.

The plan calls for the park to:

1. Continue the archeological resources monitoring program;
2. Monitor sensitive archeological resources;
3. Provide electronic surveillance of sensitive archeological resources;
4. Increase patrolling for ARPA enforcement;
5. Continue to provide training and assistance from regional and Service specialists in resource protection;
6. Restrict access routes;
7. Reroute trails;
8. Develop interpretation and education programs;
9. Develop film series on the Native Americans in Eastern Tennessee;
10. Conduct further archeological survey and evaluation;
11. Provide for proper curation of collections.

CONCLUSIONS

The results of the Archeological Resources Protection Plan have been rewarding, informative, and perhaps precedent-setting. The results also illustrate the value and necessity of such programs throughout the National Park Service and in other federal land management agencies charged with cultural resources management. The Big South Fork staff is continuing the monitoring program with refined goals and measures to gauge the effectiveness of various educational and enforcement solutions. The identification of sensitive archeological sites, the installation of electronic surveillance at selected sites, and increased ARPA patrolling have all recently come to fruition. The use of results from the monitoring program has been effective for enforcement activities. In particular, one site and the pattern of seasonality defined by monitoring activities were instrumental in the placement of a remote, ferrous metal detector. This surveillance technique led to the arrest of three vandals illegally excavating a rockshelter site. The road above this site had also been signed with an ARPA notice. This case will be the first brought to trial under the new ARPA amendments.

The use of remote sensing equipment is necessary due to staff limitations and the 103,000 acre size of the Recreation Area. The 40-hour Federal Law Enforcement Training Center’s (FLETC)
Archeological Resources Protection Training Program was conducted in the summer of 1988 at Big South Fork. That and other regional training and assistance programs throughout the year enabled the Enforcement Division to acquire and modify the remote sensing equipment and to conduct operations with a view towards a possible ARPA prosecution.

Educational programs were mandated in the recent October 1988 amendments to the ARPA legislation. Big South Fork has had public outreach programs in place for the past year as a secondary objective to the monitoring program. These educational efforts include a "hands on" archeology dig box experience for visitors, "chalk and talk" and slide programs at local schools, activity handouts and puzzles relating to cultural resources, an artifact touch table, and a self-guided or ranger tour incorporating a severely looted rockshelter site as its focus.

Other attempts to protect archeological resources include rerouting trails and restricting access. Both of these measures have been tried and found to work. However, the numerous (4,000 estimated) visible rockshelter sites in this area and the cost of rerouting trails do not ensure protection. Closing many of the jeep trails throughout the area will do much more but may create many political problems. It has been determined that "difficulty of access is not a deterrent to a serious collector, pothunter, or commercial scavenger unless restrictions of motorized vehicles can be enforced" (Lyneis et al. 1980:152). Attempts to educate the public about cultural resources laws have been made by placing on roads and jeep trails throughout the area, weatherproof signs identifying the protection afforded archeological sites and the penalties of violation.

Monitoring for archeological site impacts is an, "ad infinitum" process which may be conducted with less frequency if public awareness measures are successful. Currently though, many sectors of the public still need to be educated, especially U.S. attorneys, federal judges, and other law enforcement professionals. The final success or failure of our efforts to educate the public may come back to haunt us in the form of uninformed jurors. One way to begin changing perceptions is to develop grade school and high school programs which re-direct interests in prehistory into suitable channels at an early age.

Other educational programs involve cooperative projects and programs with junior colleges, community colleges, and universities. These types of activities allow the park unit to gain from low-cost individual research studies or grant topics. Currently, a prehistoric Native American video or film series, tailored to this area of the Upper Cumberland Plateau, is being developed through a humanities grant at Roane State Community College. Public education and awareness will help eliminate the uninformed visitor who inadvertently degrades or vandalizes cultural resources. It will also help educate the public who will be sitting as jurors in future ARPA cases. This will help make enforcement of and prosecution under ARPA more effective.
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A ROLE FOR THE AMATEUR ARCHEOLOGIST
ALLIED IN DECREASING SITE LOOTING

JULIA O. ELMENDORF

ABSTRACT

Amateurs in the Southeast have long played an important role in archeological research. The current relationship between amateurs and professional archeologists is not very good in many cases. This is unfortunate because amateurs should be seen as allies in our efforts to control site looting. Various groups have had success in using amateurs to prevent site destruction. A clear role for amateurs should be developed by the profession that assures them the recognition and respect they want.

One of the purposes of the Archaeological Resources Protection Act of 1979 (ARPA) was to encourage cooperation between professional archeologists and those outside the profession with strong interest in archeology and ancient material culture to further the protection of archeological sites. One of the effects of the passage of ARPA has been to increase the animosities between these two groups. Many avocational archeologists accustomed to collecting sites on federal land, particularly those exposed in the drawdown zones of federal artificial lakes, are angry at being told that this activity is no longer permitted. Although ARPA specifically states that there is to be no penalty for the collection of arrowheads from the surface of the ground, generalized collecting of sites can be prohibited. A segment of the archeological profession advocates enforcing ARPA so as to prevent any collecting. Clearly, polarization of this sort does not increase the protection of sites. It leaves archeologists, most of whom are dependent—directly or indirectly—on public money, without a constituency to help further the cause of archeology before Congress and state legislatures. How can we use amateurs to help us protect archeological sites as was intended by ARPA? Let us look at the use of amateurs to protect sites from two aspects. First, amateurs with an expressed interest in archeology can be used to monitor sites in the field; second, non-archeological professionals, particularly in the media, can help develop programs to increase public awareness of the problem of site looting and the legal prohibitions against it.

Most archeologists recognize in themselves or their colleagues, strong emotions of possessiveness and territoriality regarding the archeological sites and materials they study. These emotions are no less strong among amateurs. In many cases, amateurs visit "their" sites on a regular basis. Thus, they are ideally suited to be monitors of site damage. Of course, these are often the same people who are angry that they are being told they can no longer collect "their" sites. The Tennessee Valley Authority (TVA) has developed a program to try to soothe
some of this anger and rebuild the partnership between professional and amateur archeologists. With the University of Alabama, Office of Archaeological Research (OAR), we have developed an Archaeological Associates Program. Through this program, interested amateurs, by invitation only, are provided training in proper field techniques and site recording; they then participate in survey work on TVA land under an ARPA permit issued for this purpose to OAR.

The first stage of this project has been very successful as reported by both OAR and the amateurs involved. We are now proposing to use these associates for monitoring the physical condition of known sites, as well as to continue to use them for surveys. However, where site looting is a problem, difficulties can arise with the use of amateurs in this way.

In the Tennessee Valley at least, the people who actually dig sites, as opposed to surface collectors and "scratchers", have the reputation of carrying guns and threatening people who try to stop them from looting. Clearly TVA cannot sanction volunteers confronting such people. We also have a responsibility to protect from threats volunteers who may observe violations and be called upon to testify in court. In the absence of any efficient way of protecting people, we have to ask them to be totally non-confrontational. Possessiveness towards sites can easily engender outrage at their being looted, so the issue of safety is one that must be repeatedly stressed. We request that descriptions of individuals, location of observed violations, date and time of day, license plate numbers, and photos of activities or of recent excavations be gathered only when these activities do not endanger the volunteer.

The issue of respect for the volunteers deserves discussion. Most amateur archeologists are proud of their knowledge. No good is done to the relationship between amateurs and professionals in injuring the pride of the amateurs by suggesting that they have no right to collect at sites they have been collecting for years. Professional archeologists must keep in mind the valuable help that amateurs have rendered in the past. One of the ways TVA is trying to show respect for responsible amateurs is to allow the selected volunteers in the OAR program to "borrow back" some of the artifacts they collect on TVA land so that they may study them and also use them in talks with school children and other educational endeavors. This is controversial but the following is our rationale for it.

The amateurs are on the sites more frequently than the agency professionals could ever be and so find more things. If we insist upon confiscating their finds, we will simply never see these finds. If we request that significant finds be reported to us and recorded, but allow the amateur who found a given item to retain it for a period of time, we are showing respect for his integrity and making it more likely that amateurs will report finds. The arrangement needs to be clearly structured with good record keeping and accountability, and government ownership must be emphasized. If a find is very significant or very fragile, we feel the proper approach is to explain the importance of the item and try to retain it for curation in a museum setting. We also feel that it is proper to offer nonprovenienced material from curated collections for short term loan to individuals participating in this program.

One of the most common ways that amateurs have worked with professionals in the past has been in excavating sites. We feel that because of the relatively few sites left and the enormous
backlog of unstudied (often even unacccessioned) materials in our repositories, excavation is not appropriate except where sites would be unavoidably impacted. Thus, we seek to interest amateurs in helping with analysis and curation. This is difficult because the lure of collecting is, in large part, a love of being outdoors and active. Archeological analysis does not involve either of these. Nevertheless, if we can offer to selected amateurs the benefit of being allowed to participate in legal archeological survey, then we can make participation in the subsequent analysis a concomitant responsibility.

Our second proposal for the use of amateurs concerns the use of nonarcheologically involved professionals, particularly in the media, to aid archeology. Many people who are interested in archeology have skills of use to archeologists in protecting sites. Photography, film making, drawing, the ability to fly a plane, publicity and promotion are just a few useful talents. People who are not actively interested in archeology may be amenable to volunteering their skills to archeologists either to have an opportunity to display their talents or because they need topics for their newspaper columns, TV or radio shows. Sometimes students in media will be willing to do a public education piece on archeology for a school project, especially if the archeologists can get them public exposure for their work. For example, a local TV station in Knoxville proposed an excellent video* designed to discourage looting. The station has regular four-minute segments on Appalachian culture, The Heartland Series, that runs three times a day in connection with their news program. Each week, two new segments are shown so the producers are always looking for new material. The TVA’s anti-pothunting piece, which was aired on this series, used local Native Americans who volunteered their time and expertise because they felt the topic was important. We strongly recommend that American Indians be considered for help.

Briefly, the piece, at no cost to TVA, was shot on an undeveloped island in the Tennessee River. An Archaic period burial with a small family group interring a female relation was staged. In the voiceover, aspects of the woman’s life, what she died from, and the artifacts with which she was buried—a conch-dipper and a shell necklace—were explained. She was wrapped in a dog-fur blanket from her own making and sprinkled with red ocher. This sad but gentle scene suddenly shifts to a scene of large potholes. The voiceover explains how pothunters probe for burial pits, dig them out strewing the bones, and then sell the items found, such as shell necklaces. Next, the Heartland Series narrator and a TVA archeologist are shown walking through a landscape filled with potholes (none of these had to be staged) discussing how many people participate in this destruction without fully realizing that they are robbing graves. The conclusion of the film is text referring to laws against pothunting and grave looting. It is much better to watch than hear about. Our approach underplayed the legal aspects and emphasized the moral aspects of pothunting. This seemed the best way to make our message appropriate for television without hopelessly twisting it. Our intentions were good and all feedback from the local viewing public indicated that our point was made—Don’t dig archeological sites.

* The video is not available commercially, however, TVA can make a limited number available. If you are interested, contact Ms. Julia O. Elmendorf at Tennessee Valley Authority, Natural Resources Building, Norris, Tennessee 37828.
CO-MANAGEMENT OF VANDALIZED SITES:
OPPORTUNITIES AND PROBLEMS

JOHN H. JAMESON, JR.

ABSTRACT

In this paper I examine the concept of interagency co-management, with special emphasis on the problems and opportunities associated with archeological site protection and vandalism. I explain and discuss examples of several differing co-management scenarios. I conclude that at least three conditions are necessary for success in preserving archeological sites and combating vandalism in co-management: (1) that the active land manager be provided a strong, enforceable protection statute at the state level that is consistent with the federal Archaeological Resources Protection Act (ARPA); (2) that the land manager be provided adequate numbers of trained and motivated law enforcement personnel; and (3) that local field supervisors and staff are "on board" in their awareness, appreciation, and motivation to protect the resource. I emphasize the point that little is accomplished in discouraging or correcting the problem of looting without local cooperation and support.

INTRODUCTION

When asked to write on the topic of co-management, and specifically on co-management of vandalized sites, I agreed with the intention of drawing on my own limited experiences, and also soliciting comments from my colleagues and co-workers in government. It should not be difficult, I surmised, to formulate a few generalizations on the topic since some common denominators in the decision-making processes and compliance processes do exist among many government agencies, at least at federal and state levels. What I have discovered, however, is that while there are many similarities among agencies within the legally mandated fabric of government compliance (i.e., similar laws and regulations among various federal and state agencies), there are infinite variations on how this fabric is cut and tailored to fit the local circumstances. The ramifications of this variability have created a broad spectrum of political backdrops for the many differing scenarios of co-management.

Although my illustrations and photos are restricted to depictions of management problems and vandalism in Georgia, much of my discussion of co-management is relevant to the broader topic of site management or site protection at regional and national levels.
DEFINITION OF CO-MANAGEMENT

The term "co-management" as used here is a bit of bureaucratic jargon that refers to the involvement of two separate land managing agencies that have agreed, in writing by interagency cooperative agreement, to allow or permit certain prescribed and mutually beneficial land use activities. The term is sometimes used in the United States among land management agencies that have parallel public land management missions.

The spelling of the term "co-management" implies a joint management venture with a comparable or equal commitment by the participating agencies. The term is perhaps a misnomer, since rarely are the commitments of time and resources by the participating agencies on a truly equal footing.

EXAMPLES OF CO-MANAGEMENT

A common illustration of co-management in the Southeast, and I suspect in many regions of the U.S., is the cooperative co-management relationships that exist between land managing agencies at federal and state levels. This occurs most often among agencies with similar or overlapping mandates for the management of recreational, wildlife, or cultural resources. Examples from the state of Georgia would include the co-management agreements regularly established between the U.S. Army Corps of Engineers (COE) and the Georgia Department of Natural Resources (DNR) for joint management of a defined geographic area. In Georgia, there are two major co-management circumstances: management of Wildlife Management Areas and management of state parks.

After conducting some informal canvassing of various agencies at the federal and state levels in several southeastern states, I have observed that, in most current co-management situations between federal and state authorities, the most common mechanism for co-management has been the leasing or licensing of federal lands by the states for specific resource management purposes. From my brief conversations with federal and state agency personnel, I have discerned three general political scenarios that exist in co-management situations and affect decision making within land managing agencies.

In the first scenario, which pertains to the political situation in only a small number of states, recent efforts to co-manage archeological resources have been, for the most part, very effective. In these states, represented in my canvassing by situations in North Carolina and Florida, a relatively strong and enforceable state statute comparable to ARPA has been enacted for the protection and enhancement of the state's cultural resources. In these states, which are not without their own problems in protecting certain sites, considerable resources and manpower are concentrated on enforcement of the statute, i.e., adequately trained and motivated law enforcement personnel with the power of arrest are available to confront the looters.

In North Carolina, for example, lands administered by the COE are often leased and actively managed by the state for a variety of purposes. On these public lands, when site looting or
other management problems occur, the Corps can generally count on state law enforcement personnel to step in and take corrective action. Officials in North Carolina have also apparently been successful in achieving site protection through leasing and licensing of private lands. Also, private non-profit organizations have, on occasion, donated or leased properties to the state for the purpose of protecting historic and prehistoric sites. In North Carolina, once a state "interest" in the property is established (by lease, easement, or some other land-use instrument), the state can and usually does step in and enforce the state statute.

In the second political scenario, represented by the situation in the state of Texas, a fairly strong historic preservation statute is in place, but enforcement of the law is less rigorously pursued. In circumstances of federal/state co-management, federal officials apparently cannot typically rely on the state for help in protecting sites or discouraging vandalism, even when the state interest has been established through leasing or licensing of the property.

A third political scenario appears, unfortunately, to reflect the condition of the majority of states and is represented by the situation in the states of Alabama, Georgia, and South Carolina. Here, where the legal mandate for the protection of cultural resources is weak or nonexistent, the effective co-management of archeological sites is most difficult to achieve.

In all three political scenarios, canvassed officials have been quick to point out that the success of any site protection program has depended ultimately on the attitude of the local field office, be it state or federal. The importance of the willingness of local officials to invest the appropriate levels of funding and staff time to enforce site protection statutes or to enforce protection stipulations within leasing or licensing agreements cannot be overemphasized.

### Vandalism at the Anthony Shoals Site

A case in point for the third scenario is the co-management situation at the Anthony Shoals Archeological Site (state site number 9WS51). Situated within the Corps-administered Broad River Wildlife Management Area in southeast Georgia, the site is located on J. Strom Thurmond Lake (formerly Clarks Hill Lake). Here, the COE has granted a 47-year lease to the Georgia DNR, Game and Fish Division, primarily for fish and wildlife management purposes. The lease is a blanket agreement that covers five separate wildlife management areas on the lake.

For the wildlife management areas leased to the state, it is my impression that the COE has assumed that the state is the active land manager (or lead agency), and that the Corps’ role is (or should be) a passive one. (Examples can no doubt be cited from other areas and states where these roles are reversed.) At Anthony Shoals, the Corps has assumed that the lease conditions are incident to the privileges for land use granted by the lease agreement. This assumption applies to the management of cultural as well as natural resources. In fact, specific language contained in the terms of the lease includes a condition that calls for the protection of known and newly discovered cultural resource sites. To the continuing lament of the Corps, the Game and Fish Division has done little more than "shrug their shoulders" when confronted by the reality of rampant vandalism at the site (Figures 1, 2 and 3).
Figure 1. View of "potholes" in severely looted site area near access road.

Figure 2. View of site area destroyed by looters.
The site is a large, multi-component prehistoric occupation that has been subjected to severe unauthorized digging and removal of artifacts. It is located on a river bottom which is subject to periodic flooding. Easily accessed from a county maintained dirt road (Figure 4), the site, on the south bank of Broad River, can also be reached by water.

Through a Corps-sponsored contract with Southeastern Archeological Services of Athens, Georgia, a program of testing and evaluation of the site was performed in 1987. A report of findings (Wood and Smith 1988) described the nature, limits, and extent of vandalism. Results of this work verified that the site occupies an area of at least 2.4 hectares (6 acres), and that surface and subsurface looting to a one-meter depth and greater has destroyed about 30 percent of the site (Figures 5 and 6).

Exposed artifacts and features included lithic tools and projectile points, flakes, fire-effected rock, fire pits, storage pits, shells, and pottery. Some observed artifacts, especially pottery, indicate that certain components at the site date from the Late Archaic Period (c. 2000 B.C.) to Late Mississippian times (A.D. 1500 and later) (Figures 7, 8 and 9).
Figure 4. Sign at the access road entrance.

Figure 5. Profile of contractor’s test excavation at Anthony Shoals. (Courtesy of Southeastern Archeological Services, Inc.)
Figure 6. Exposed stone hearth feature at Anthony Shoals test excavation. (Courtesy of Southeastern Archeological Services, Inc.)

Figure 7. Stone tool artifacts recovered during testing by contractor. (Courtesy of Southeastern Archeological Services, Inc.)
Figure 8. Ceramic artifacts recovered during testing by contractor. (Courtesy of Southeastern Archeological Services, Inc.)

Figure 9. Other prehistoric ceramics recovered during testing. (Courtesy of Southeastern Archeological Services, Inc.)
CO-MANAGEMENT AT ANTHONY SHOALS

Let us focus on the federal/state co-management relationships at the Anthony Shoals site and on what actions have actually been taken there.

It was stipulated in the testing and evaluation contract that the recommendations for protection of the site should take into account the distinctive co-management roles of the COE and the Georgia DNR. The report (Wood and Smith 1988) has recommended a three-pronged approach to the long-range management of the site: stepped up site monitoring, data recovery in a small portion of the site that is exposed on the surface, and restoration of looted areas to their original contours. Though the report specifies that the monitoring should be a joint cooperative effort between the Corps and the Game and Fish Division, it does not specify or recommend who should pay for or perform the data recovery and restoration, leaving the most difficult questions of management responsibilities largely unanswered.

Efforts by the Corps to curb the rate of vandalism have included the closing of access roads, signing, and some increased monitoring of the site by Corps rangers (Figure 10). These efforts have had limited success because the area remains accessible by boat, and the determined pothunter will not likely be thwarted by mere roadblocks. Nonetheless, at least the rate of destruction at the site seems to have been abated in recent months.

Figure 10. COE sign at Anthony Shoals explaining the value of the resource and warning of penalties under ARPA.
As previously mentioned, the Georgia Game and Fish Division has taken no appreciable action to protect the site and has continued to "shrug its shoulders" when confronted with the wording of the lease condition alluded to above. Although I have been assured by certain state officials that the upper echelons in the Georgia DNR are genuinely interested in cooperating to protect the site, the failure of the local DNR field office to take action is, I contend, symptomatic and perhaps typical of the general attitude of local supervisors and public land managers in Georgia.

Another example of co-management in the area is the situation at Bobby Brown State Park, also on Thurmond Lake, where the site of a significant early 19th-century town and trade depot, Petersburg, is located (Figures 11 and 12).

![Figure 11. View of the site of the early 19th-century town of Petersburg at the junction of the Broad and Savannah Rivers.](image)

Again, the state, in this case the Parks Department, has a long-term lease on the property. The site is being severely eroded and cases of unauthorized removal of artifacts have been reported to the Corps. The establishment of a hiking trail leading to the site has increased the potential for vandalism. Though no looting on the scale noted at Anthony Shoals is known to have occurred, the COE may once again find itself the only active manager for the site.

In both sites at Thurmond Lake, the primary activities allowed by the lease agreement (i.e., wildlife management at Anthony Shoals and recreation at the Petersburg site) may actually be causing or contributing to the vandalism of materials. At Anthony Shoals, the "casual use" by
recreationalists and hunters was documented in the testing and evaluation report as another major cause of damage to the resource.

It seems reasonable to assume that once an area such as the wildlife management area at Anthony Shoals is opened up and made accessible to the public under the conditions and purposes of the lease, it is the lessee’s responsibility, in exercising its governmental functions and privileges granted by the lease agreement, to monitor the area and to enforce the conditions of the co-management contract. In this case, it is incumbent upon the state to take a more active role.

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**Figure 12.** View of structural remains at the Petersburg site.

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**Observations and Conclusions**

What has our information canvassed from several states and the experience at Anthony Shoals taught us? I think we can identify at least three basic criteria or factors concerning co-management and the prospects for success in preserving archeological sites and combating vandalism.

In all cases, the active manager or lead agency (whoever in reality that turns out to be, be it federal or state, owner/administrator, or lessee) must:
(1) be provided a strong, enforceable protection statute at the state level that is a counterpart to and consistent with the federal ARPA in order to ensure local and legal credibility—ARPA isn’t enough, especially on state-controlled or leased lands or in states such as Georgia with a weak or nonexistent statute; local magistrates will be more likely to enforce ARPA if there is a state counterpart;

(2) have adequate numbers of trained and motivated law enforcement personnel in the local field offices of both state and federal agencies available to arrest violators and assist in the monitoring and patrolling of threatened sites; and

(3) ensure that local field supervisors and staff, at both federal and state levels, are "on board" in their awareness, appreciation, and motivation to protect the resource.

When one or more of these three factors is missing from the co-management scenario, the business of effectively managing and protecting a threatened archeological site becomes very difficult. In the case at Anthony Shoals, the absence of all three factors has created a management nightmare, at least from the perspective of the COE.

In states such as North Carolina and Florida, where the first criterion—an effective state statute—and the second criterion—trained law enforcement personnel—are in place, the task of effective management is much easier, but still may not be effective if the third criterion—a cadre of trained and cooperative local officials—is not also present.

In summary, it appears that regardless of how strong the legal mandate at federal and state levels, or how great the effort in enforcing these mandates, little is accomplished in discouraging or correcting the problem of looting without local cooperation and support.

REFERENCES CITED

ABSTRACT

This paper discusses recent changes in the Tennessee state cemetery law which accord prehistoric graves the same legal protection as historic interments. Under the new law, looting of Indian graves and the destruction of prehistoric cemeteries are now illegal. "Termination of land use as cemetery" procedures are used to excavate and relocate prehistoric graves prior to site destruction. One unfortunate consequence of this statute has been an excessive loss of valuable non-mortuary archeological information.

INTRODUCTION

Tennessee residents have been curious about prehistoric Indian sites ever since the state was first settled in the 18th century. For the public, one of the more fascinating aspects of Native life has been the ways in which they buried their dead. Unfortunately, such interest lies not with the burial ceremonies or methods of interment, but rather the exotic grave associations often found with the skeletal remains. The acquisition of these artifacts by amateur collectors and professional relic dealers has contributed to the destruction of numerous sites across Tennessee.

For many years the looting of Indian graves was widely promoted as a hobby or profitable business venture. Fortunately, recent changes in the state cemetery law provide prehistoric graves the same legal protection as historic interments.

THE STATE CEMETERY LAW IN TENNESSEE

The inclusion of prehistoric graves under the state cemetery law follows a national trend of increased sensitivity toward the rights and feelings of Native Americans with respect to their ancestors. It is unfortunate that even as late as 1983, the Tennessee Attorney General's office interpreted the state cemetery law to exclude prehistoric graves on the basis that the original lawmakers had intended the statute to cover only historic remains. The Attorney General's opinion was that if a grave robbing case involving prehistoric burials was brought to court, the presiding judge would have no precedent to guide his/her decision.
This opinion changed in 1984 when the cemetery vandalism law (Tennessee Code Annotated 39-3-1327) was passed in reaction to recent episodes of destruction in historic graveyards. The sponsor of this bill, in reply to questions during the legislative debate, stated that this law would also cover prehistoric Indian graves. This response established the legislative intent of the cemetery law to protect all human burials in Tennessee from vandalism, whether they be prehistoric or historic.

Although the protection of prehistoric remains was now mandated by law, it soon became apparent that additional guidelines were needed for those cases where the removal of prehistoric graves was imminent. In 1986, these guidelines were formulated in response to events surrounding the development of a major prehistoric site in middle Tennessee.

To briefly describe these events, in 1985 a Nashville developer announced plans to build a subdivision in an area which included the Gordontown site (40DV6), a significant Mississippian period village. The developer entered into a unique agreement with the Tennessee Division of Archaeology to record as much information as possible prior to site destruction. From fall of 1985 through spring of 1986, each proposed house lot was uncovered and examined for archeological features prior to development. As anticipated, the most numerous feature class recorded by these investigations was human burials.

During the Gordontown project, a meeting between the Division of Archaeology, the Tennessee Commission on Indian Affairs, the State Attorney General, and the State Archaeological Advisory Council was held to discuss the cemetery law and the excavation of human remains at Gordontown. These agencies determined that the removal procedures used at Gordontown should continue as scheduled, but that all future projects which involved the disturbance and/or removal of Indian graves would have to go through the "termination of land use as cemetery" process (Tennessee Code Annotated 46-4-101, et seq.), the same statute through which historic cemetery removals are handled. With this action, the state established formal procedures for the removal and reburial of prehistoric graves.

PROCEDURES FOR IMPLEMENTING AND ENFORCING THE CEMETERY STATUTE FOR PREHISTORIC SITES

Since 1986, the enforcement of the cemetery law for prehistoric graves has become a relatively standard set of procedures. The process is initiated with the exposure of human graves and subsequent landowner decision for dealing with them. Generally, when known or suspected human burials are encountered, the state archeologist’s office is to be notified and requested to examine the remains. Other qualified archeologists (approved by the state archeologist) may also be asked to inspect suspected burials. If inspection determines the skeletal material is indeed human and of prehistoric origin, then the state archeologist’s office retains jurisdiction over the case.

Once the presence of prehistoric human graves has been documented, all activity in the known or suspected cemetery areas is postponed immediately. Two alternatives are then available to
the landowner. He/she may choose to permanently discontinue the activity that exposed the burials, at which time the remains are covered over and the case closed. If the landowner wishes to continue land altering activities within the cemetery area, the statute protecting human remains is enforced.

Once a landowner decides to continue any destructive activity (such as bulldozing or trenching) in the cemetery area, he/she must petition the county chancery court to terminate the use of the area as a cemetery. By order from the chancery court, burials in an existing cemetery can be removed and transferred to another cemetery.

The primary components of a termination petition for prehistoric sites include the petitioner’s name and address, a legal description of the project property, a summary of events which led to the exposure of human remains, a formal request to remove and relocate the remains, and a listing of conditions and procedures by which the removal will be performed. An affidavit from a professional archeologist (usually the state archeologist) may also be submitted with the petition, indicating that, among other things, the graves are indeed prehistoric in nature and their expedient recovery is necessary to protect them from vandalism and relic collectors. Once the court order is signed, a consulting archeologist is hired by the landowner to remove the burials (at the landowner’s expense) using standards archeological methods and techniques. The Tennessee Division of Archaeology supervises, but does not actively participate in the removal unless specifically requested by the landowner.

A statement about historic graves may be appropriate at this time. Should the exposed burials be identified as historic (generally 18th to 20th century), the state archeologist does not retain control over the case. Exceptions to this policy may include graves from contact period or Civil War sites, those on state- and federally-owned lands, or those cases when the landowner has specifically asked the state archeologist to investigate.

After excavation of the prehistoric graves is completed, the state archeologist prepares an affidavit stating all human burials within the proposed project area have been removed. The landowner may then proceed with construction plans as originally scheduled. Concurrently, the consulting archeologist prepares a summary report on the cemetery removal for the state archeologist. This report includes (but is not limited to) a discussion of the project background, field methodology, burial analysis, identification of artifacts recovered, and project results. Upon completion of the report, the consultant turns over all recovered burials, artifacts, and records to the Tennessee Division of Archaeology for curation. At that time, the burials are sent to the University of Tennessee, Department of Anthropology in Knoxville, for a detailed osteological analysis. The Department conducts these studies under contract with the Division. After the analysis is completed, the remains are returned to the Division of Archaeology for subsequent reburial at a designated state facility.
THE CEMETERY LAW IN ACTION

The most recent case involving the cemetery law took place in November of 1988 when earth-moving activities for a water supply facility disturbed several Mississippian period stone-box graves. The site occurs in Montgomery County (north-central Tennessee) on a high ridge top which overlooks the Cumberland River. After recognizing that human graves had been disturbed, the contractor informed the landowner (in this case a local utility district), who in turn contacted the Division of Archaeology. Division personnel visited the site area and determined that approximately ten stone boxes had been exposed, and that there was a high probability for the discovery of additional graves.

At that time, representatives of the utility district were informed of the laws and guidelines which pertain to the disturbance and removal of prehistoric Indian graves. Accordingly, the utility district obtained a court order from the Montgomery County Chancery Court to terminate the area as a cemetery.

A consulting archeologist was immediately hired upon issuance of the court order to remove all graves within the proposed project area. Those burials initially uncovered by construction were exhumed first. The project area was then mechanically stripped to locate and record any previously unexposed burials. Fifty-seven individuals from fifty stone boxes were eventually removed from the site. When the project report is complete, all skeletal remains, artifactual material, and field records will be transferred to the Division of Archaeology. As stated earlier, the skeletal remains will then be sent to the University of Tennessee, Department of Anthropology for detailed analysis, after which the remains will be returned to the Division for reburial.

To date, a total of 180 prehistoric burials from seven sites have been removed under the cemetery law. However, none of these burials have been reinterred since the first skeletal sample has yet to be returned to the Division of Archaeology. At this time, the Division is continuing its search for an appropriate burial facility to transfer all prehistoric skeletal remains removed under the cemetery law; however, Pinson Mounds State Archaeological Area in west Tennessee has been mentioned as a possible location. Alternative methods for reburying the remains are also being considered.

A topic of concern to archeologists and other groups is the disposition of grave goods associated with the removed individuals. In Tennessee, all artifactual material is considered property of the state and will not be reburied with the skeletal remains. Rather, these artifacts are curated at the Division of Archaeology and are available for scientific study and public education.

THE CEMETERY STATUTE AND ITS EFFECT UPON PREHISTORIC SITES

Without question the cemetery law provides important protective measures against the looting and disturbance of prehistoric Native remains. However, the authorized relocation of prehistoric cemeteries often adversely impacts previously undisturbed archeological resources associated
with the graves. The potential for destroying more archeological information than is gained from the relocation process provides an interesting background in which to briefly review the law's strengths and weaknesses.

For many years prehistoric graves uncovered during construction-related activities were viewed as a nuisance to be covered over as quickly as possible. In contrast, relic collectors saw these exposures as a great opportunity to acquire valuable artifacts. Fortunately, these formerly commonplace events are illegal under recent interpretations of the cemetery law. The statute now requires all landowners to protect prehistoric human burials on their property. Any artifacts associated with the skeletal remains are considered to be part of the burial and are also protected from vandalism.

Prehistoric graves removed in accordance with the cemetery law represent a significant pool of information for archeologists. Supervised excavations using standard archeological techniques record details which otherwise may be destroyed by conventional funeral home methods. Archeologically recovered burials can yield important comparative data on such topics as mortuary patterns, social status, diet, and pathologies. However, studies that utilize this information should take into account the fact that these burials may not be a representative sample of the mortuary population at the site. The cemetery law requires the relocation of only those particular graves which occur within the specific project area.

Probably the most significant drawback to the law is the lack of attention other archeological resources within the cemetery area receive during the removal process. The cemetery law is not a cultural resource protection law (such as Section 106 of the National Historic Preservation Act of 1966), and court orders issued for the relocation of prehistoric burials do not require an assessment of non-burial features which occur in the cemetery area. Several relocation cases in the middle Tennessee area have uncovered intact village areas with such habitation features as structures, trash pits, and hearths. Most developers operate on a tight timetable and are reluctant to authorize any more work than is absolutely necessary for grave removal. As a result, consulting archeologists can commit little time toward the investigation of non-cemetery features uncovered during the relocation process. An excessive amount of valuable archeological information is being lost as a result of enforcing the cemetery law.

**CONCLUDING REMARKS**

Most people can recall an occasion when a prehistoric cemetery was uncovered and subsequently destroyed by a construction project. Requests to postpone development in these cemetery areas long enough to record the available site information were at times met with less than enthusiastic responses. Some landowners (although possibly interested in Indian culture) viewed these salvage requests as an unacceptable loss of project time and money, whereas others were just not sympathetic to the goals of archeology. In this light, the protection of prehistoric sites under the cemetery law can be considered a victory for those persons who helplessly observed such destruction in the past.
In contrast, the supervised removal of prehistoric burials contributes to the destruction of other archeological resources which occur in the cemetery area. Procedural changes should be forthcoming which allow consulting archeologists to thoroughly investigate site features uncovered by removal-related activities. During a recent prehistoric cemetery relocation in the Nashville area, the Tennessee Division of Archaeology provided staff personnel to investigate structures and other features uncovered during the search for graves. However, the Division cannot guarantee that personnel will be available for other cemetery removals. Solutions to this consequence of the removal process need to be proposed and implemented in the near future to stop this unfortunate loss of cultural information.
ARCHEOLOGICAL VANDALISM
IN THE SOUTHEASTERN NATIONAL FORESTS

RODNEY J. SNEDEKER AND MICHAEL A. HARMON

ABSTRACT

The looting of archeological sites in the southeastern United States is on the increase. Looters will not trade monetary rewards for a preserved non-renewable resource. Data from the Southern Region of the U.S. Forest Service has been analyzed in an attempt to identify the best way to stop vandalism. Some trends were identified, their causes discussed, and necessary cures prescribed.

Vandals have been destroying cultural resources in the Southeast for many years. Most archeologists can relate incidents of looters working alongside their own investigations. Although allowances for such destruction were made in order to preserve some scientific data, over the years apathy has grown on the part of professional archeologists and land managers. A large population of archeological sites looters with extensive networks has resulted. Artifact trading companies have sprung up as everyday businesses, along with equipment merchants. Metal detector advertisements are found in many magazines with wide circulation; newspaper articles promoting their "recreational" use can be read almost weekly throughout the Southeast. Neither the advertisements nor articles, except for a few, make reference to the importance of cultural resources and the potential damage caused by detectors, or the need for permission from land owners or managers.

The looting and vandalism of sites in the Southeast is now making headlines. The recent Slack Farm case in Kentucky has been well publicized. The March 1989 issue of National Geographic includes an article on Slack Farm and archeological vandalism. Increased public education on the importance of archeological sites and the destruction caused by looting is making it harder for the looters to continue. Changing land ownership is forcing looters off previously heavily potted sites; they are looking elsewhere and willing to go to less accessible places.

In the Southeast these trends are readily evident on National Forest Service managed lands. The looting on these lands has increased dramatically in the past five years and reached a point in the last two years whereby it has consumed a substantial amount of the time and budget of the Forest Service staff. The increase is accelerating at a rate equal to, if not greater than, that in other parts of the country. Vandalism in the Ocala National Forest illustrates that National Forest shoreline sites in Florida are being heavily looted (Figure 1). Pressures from private landowners and developers have pushed looters to these preserved sites which often contain artifacts not preserved under others conditions.
A parallel situation exists in the Daniel Boone National Forest in Kentucky (Figure 2). Here the most frequently looted sites are the dry rockshelters that also contain well preserved artifacts not found at other sites. Historic sites as well as prehistoric are being vandalized and looted. A Cherokee grave in the Nantahala National Forest, the historic grave of Cherokee Chief Kiesee on the Pisgh National Forest (Figure 3), the pre-Civil War Whitehead Cemetery in the Croatan National Forest, and the Union Fort Cannady on the Croatan National Forest—all in North Carolina—have recently been vandalized and looted.

In response to the increasing destruction of archeological sites, The Society for American Archaeology initiated the anti-looting project *Saving the Past for the Future* in July 1988. The goal is to develop strategies to protect archeological sites and to minimize vandalism and looting. The project "Background" states "numerous reports have documented an alarming and rapid increase in the looting of sites on public, private and Indian lands."

The Forest Service manages more than 13 million acres in its Southern Region, including land in 13 states and Puerto Rico. More than 1.2 million acres, about 10 percent of this landbase,
Figure 2. Vandalized rockshelter, Daniel Boone National Forest, Kentucky.
Figure 3. Looted burial site of Cherokee Chief Kiesee, Pisgah National Forest, North Carolina.
has been inventoried for cultural resources. Almost 14 thousand sites have been recorded. The following data on vandalism has been compiled from the Forest Service’s Southern Region 1989 report for the Department of the Interior’s annual ARPA report:

- Prior to October 1987, only 25 documented cases of site looting were reported on Forest Service managed lands; since then, 116 documented cases have been reported. Apathy on the part of Forest Service personnel may account for part of this increase. Only five of the recent cases have resulted in arrests or citations.

- It is estimated that more than four million dollars is required for restoration of these sites; 15,000 dollars has already been spent just to document and temporarily stabilize these sites.

- One site requiring immediate attention following vandalism reports, was a late historic Creek hamlet (1MC81) in the Tuskegee National Forest, Macon County, Alabama. Approximately 35 percent of this National Register eligible site was impacted by looters, and data had to be retrieved for there was no way to be sure the vandals would not return.

- An additional thirty-five thousand dollars was spent on law enforcement efforts against site vandalism, primarily for surveillance and signing. Twenty-seven Forest Service employees (archeologists and law enforcement officers) received ARPA training in 1989.

Sites on National Forest lands have historically been less accessible than others. For this reason, many of the sites were relatively untouched by looters. Continued Forest Service management activities, coupled with adjacent private development and easier modes of access (off-road vehicles) have made many sites more accessible. Private development and changing ownership of land, much of which is being subdivided, are forcing looters to find new sites.

Looting condoned by private landowners of sites partially on Forest Service land does not make protection and enforcement an easy job. Looters recently encountered on a privately owned portion of a site, had a bright orange rope marking off "their area" (Figure 4). Although sites on Forest Service lands may now have easier access, looters have the luxury of surrounding vegetation and infrequent surveillance.

The Uwharrie National Forest in the Piedmont of North Carolina is one of four National Forests in the state. Occupying only 47,000 of the 1.2 million acres of Forest Service land in North Carolina, the Uwharrie contains 750 of the 1,686 recorded sites on Forest Service lands in the state. The Uwharrie is in an area that figures prominently in Southeastern archeology. Of Hardaway, Doerschuk, Morrow Mountain, Town Creek and Talbert, two sites—Doerschuk and Talbert (31MG22)—are partially located in the Forest.

Price lists for artifacts from this area are readily available (Figure 5). One from High Point, North Carolina in 1984, is broken down by projectile point types and by county; the latter probably due to the presence of these well known sites. A handful of projectile points is easily recovered from sites in the Uwharrie. More than ten projectile points "found in about thirty minutes" of digging were shown by looters who were really only interested in Paleoindian and Early Archaic sites, and wanted to know other locations of these site types in the Forest.
Figure 4. Looters at the Talbert site claimed lack of archeological investigation as justification for their illegal actions.

Artifacts have been collected from Hardaway and Doerschuk sites for years, especially since the publication of excavation results. Doerschuk was posted by the Forest Service and Office of State Archeology last year. Looting at Talbert and Doerschuk, as well as other sites in the area, has resulted in a bomb-crater effect on many significant archeological sites. Rare artifacts (soapstone bowl fragments for example) are often recovered from looter's backfill but now with a complete loss of provenience.

Hardaway, Doerschuk, and Talbert are on private lands owned by the Alcoa Power Company but now under lease to the state of North Carolina and subject to state antiquities laws. The adjacent Forest Service portions of Doerschuk and Talbert are subject to federal laws and access to both sites is across Forest Service land. The cooperative efforts of Alcoa, the state and the Forest Service, have made it much easier to conduct surveillance and protect Doerschuk and Talbert. However, these efforts have also caused the looters to move to other sites on the Uwharrie. The Wolf Den Quarry site (31MG744) was "hit hard" then abandoned by looters,
We want to thank you for requesting this list. You will notice most of this material is from North Carolina. If you have a particular interest, please let us know and we will try to help you find what you want.

**NORTH CAROLINA PROJECTILE POINTS**

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<td>2. Kirk Cornernotched, 1 3/4&quot;</td>
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Figure 5. Adapted from List No. 2 of the Amos Trading Company, 1984.
probably because the cores, primary flakes, preforms, etc., were not priced high enough or easily shown off as Indian relics. The short duration of vandal activity has badly disturbed the previously intact activity areas of this shallow site.

Site 31MG745, also called Doerschuk II because of its location and the presence of ceramics, was recorded in 1985 and is considered to be one of the best preserved sites in the Forest. It is one of the most important given that it contains early deposits (Early Archaic) through later Woodland deposits with good stratigraphy evident. This site is also one of only 17 sites recorded in the Forest that contain prehistoric ceramics. The site is just upstream from Doerschuk on the same side of the river but in a topographic situation (knolltop) similar to the Hardaway site which is upstream across the Yadkin River. Doerschuk is in an alluvial situation.

Doerschuk II can be accessed by boat or on foot (while only 1.5 miles round trip on foot, the return demands a steep climb). However, illegal off-road vehicle use makes the site easily accessible. When the site was revisited in 1987, it was found to be "shovel tested" by looters, but only slightly disturbed. This was around the time when the Forest Service and State Office of Archeology began to more actively and aggressively address the looting problem.

Doerschuk II was revisited in 1988 because of the increase in vandalism at the nearby Doerschuk and Talbert sites and the increased illegal off-road vehicle impacts evident in the Forest. The vandalism at Doerschuk II had also increased and large potholes engulfed earlier "shovel tests" (Figure 6). A hidden screen (Figure 7) was found along with a bucket, pick head, trowel and caches of non-saleable artifacts (Figure 8). Even a previously photographed anvil stone was gone! Signs were posted at this time because it was obvious the looters were familiar with the location (Figure 9). No signs were posted earlier to avoid calling the site to the attention of off-road vehicle riders and hunters. Signing is one way to strengthen a court case against looters.

Although vandalism continues, it is now on a smaller scale at these sites in the Uwharrie National Forest. The vegetation is coming back as we continue our surveillance. However, several areas have recently been discovered where looters have covered up their diggings with brush. Two people were caught leaving the site and convicted of a misdemeanor. They paid their fines without any hesitation. At least the word has gotten out among collectors that efforts are being stepped up to protect sites.

Looting was reported at another site partially on Forest Service land by the adjacent private landowner in an effort to preserve it. Here, we found another equipment cache. Cooperation between the Forest Service and landowner and the involvement of the State Office of Archeology has stopped vandalism here and permitted the recovery of valuable data. Public involvement and coordination by the Forest Service and state has created some useful allies. Adjacent landowners are reporting looters as well as asking for professional investigation of their lands before initiating their own activities.
Figure 6. Vandalism at Doerschuk II, Uwharrie National Forest, North Carolina.
Figure 7. Hidden screen found at Doerschuk II, Uwharrie National Forest, North Carolina.
Figure 8. Looters' "rejects" found at Doerschuk II, Uwharrie National Forest, North Carolina.
Figure 9. "Protected Area" notice posted at Doerschuk II, Uwharrie National Forest, North Carolina.
CONCLUSION

The looting of archeological sites has increased dramatically on Forest Service managed lands in the Southeast. We cannot wait any longer to control or stop the vandalism. Apathy will no longer suffice. Public education plays a vital part in curbing archeological vandalism, but is not the sole answer. Increased law enforcement by all agencies, training of land managers, and aggressive prosecution of looters must all happen. Most important, federal and state agencies, and other landowners must cooperate with each other and coordinate their actions.

In April 1988, the U.S. Forest Service, National Park Service, and the Bureau of Land Management in Utah, along with the state and the University of Utah, developed the San Juan County Pilot Project. A Geographic Information System was used to identify vulnerable areas basically using site types and accessibility and assigned and weighted values. Such an assessment is a must if we want to stop the looting of archeological sites.

We cannot wait for violations to happen or be reported. We must identify the susceptible sites and the vandals before damage is incurred. More intensive archeological inventories should be conducted. Quality data must be collected during these surveys from those sites that are most susceptible to vandalism. Risk analyses should be done by all land managing agencies. It is also time to emphasize indirect effects—increased road building, for example—and take them into account when determining necessary protection or mitigation of sites.

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PRESERVATION IS A USE: SITES CAN BE PROTECTED

ROBERT THORNE

ABSTRACT

Archeological sites may be protected and preserved through a variety of techniques. In this light, these techniques may be considered a viable management tool. Specific cases of site protection and stabilization are discussed to support the value of this approach.

Loss of archeological data is an ongoing problem that we must come to terms with. Natural erosion, culturally stimulated erosion from agriculture, agricultural practices themselves, construction practices, and looting and vandalism are a few of the forces that have caught our attention. We have identified ways to deal with some kinds of site loss, while other kinds have been more difficult to cope with. Even though excavation and data recovery has been the most frequently used means of data protection, site protection has an almost equally long history.

Thomas Jefferson began organized excavations in 1784. Four years later the Ohio Land Company was moving to stabilize a mound and earthworks at Marietta, Ohio. In 1887, Professor Frederic Ward Putnam of Harvard University was successful in having state-level legislation passed to protect the Serpent Mound complex in Adam County, Ohio from taxation. Congress enacted legislation in 1890 to protect the archeological site at Casa Grande, and in 1916 the Organic Act was passed establishing the National Park Service (NPS). The legislative charge to the NPS reads in part "to conserve...historic object(s)...." More recent protectionist directives may be found in Corps of Engineers Regulation ER1130-2-438, 33CFR305 Section 6e (April 1978), and the NPS Management Policy (1988: chapter 5, page 5). While these various documents address preservation and stabilization, 33CFR305-6e specifically sets preservation as the preferred management approach.

In 1983, the Cultural Resources Program of the Tennessee Valley Authority (TVA) and the Center for Archaeological Research at the University of Mississippi began an experimental program of site stabilization in the TVA service area. In 1987, as a result of these earlier efforts, the National Clearinghouse for Archaeological Site Stabilization was created through a three-way cooperative agreement between the University, the TVA, and the office of the Consulting Archeologist of the National Park Service. Part of the agreement requires that appropriate stabilization techniques be identified and that technical briefs describing these techniques be prepared and distributed. The Clearinghouse, with its headquarters at the University of Mississippi, also serves as a source for technical information in the design of archeological site stabilization projects. It does not deal with standing structures, although some
bibliographic data is available. This division of responsibility is by design since the collection of data for both subject areas would be an overwhelming task.

The initial work completed by the University and the TVA addressed a fairly broad range of site loss mechanisms including riverine and lacustrine erosion, as well as vandalism and looting. A basic assumption on which we have always operated is that lands in the public sector will provide the best and most appropriate setting for the preservation and protection of archeological resources, affording the broadest possible range of sites types, ages and data classes. Consequently, directed work completed by the Center has principally been on publicly held lands. Both natural and synthetic materials have been tested, austere warning signs have been placed at some sites, and a small interpretive park displaying information-bearing signs has been developed.

*Figure 1* shows an expandable honey combed plastic material (sold under the trade name Geoweb) that we have successfully used to help stabilize small islands in Tellico Lake, Tennessee. This material is made of recycled plastic and was originally designed as a roadbase containment on beaches and in other sandy areas. We had hoped that by pinning sections of this material to the submerged portions of several islands in Tellico Lake, we would create a depositional environment that would enhance the growth of aquatic grass. This material appears to have worked well in some settings and poorly or not at all in others. Areas sheltered from wind and strong wave activity had better protection records than test areas exposed to such forces.

*Figure 1.* Geoweb in place at Tellico Lake, Tennessee.
The Sanders site near Kentucky Dam, Tennessee is a badly looted Mississippian period stonebox cemetery. The treatment selected for its protection was to convert it to an interpretive park. Mock-ups of the subsurface graves were constructed above ground, landscaping timbers were laid around the perimeter of the cemetery, and the burial area was overplanted with *Vinca minor* (periwinkle). The park is served by a paved trail, and small interpretive signs have been strategically placed to explain the prehistoric use of the site. Warning signs indicating that the site is protected under federal statute have also been posted.

As professional archeologists, we all agree on the immorality of site looting, but this is not a broad-based publicly held view. When the attitudes of archeologists and those of the general public come into conflict, we (archeologists) must carefully guard against losing touch with the reality of the world as other people see it. Since the beginning of the experimental program, I have had the opportunity to work with both the public and private sector on site protection and stabilization projects. On the basis of this experience, I offer the following observations that may be of some use in solving problems of looting, vandalism, and general site loss. Some of these are based on first contact with land managers at the initiation of stabilization efforts. Some are based on experiences with law enforcement officers who have had unpleasant dealings with archeologists in the past, and whose consequent attitudes toward archeology have made my job harder.

(1) **Never yell at the people who are charged with site protection and tell them that an archeological site is the most important thing in the world.** Do not tell them that they are not doing their job; they may not know that site protection is one of their responsibilities. They will not like being yelled at; will not believe you about the value of cultural resources; and most firmly believe that they are doing a good job, at least by the definition that counts—their own.

(2) **The "good old boy" system is out there and it works.** Take time to find out the interests of the people on whom you will count for support and talk with them about what matters to them. This is particularly important with people in the local community. Be honest with them about why you believe archeological resources are important; as uneducated as they might appear, they frequently will understand. Even non-college trained people understand systems theory—just not in those terms.

(3) **Be observant of the physiographic and topographic setting of problem areas and design your "erosion of looting" solutions to emulate nearby areas where problems do not exist.** This may require that some knowledge beyond archeology be acquired in a hurry so that you can find the right person to cooperate with you, and help put your ideas and design into place. The more a protectionist effort looks like it belongs, the more widespread its acceptance. If it will protect or enhance other aspects of the environment while protecting a cultural resource, all the better.

(4) **Be innovative in creating ways to protect sites and if your suggestions fail to meet ASTM or other engineering standards, do not give up.** Look for ways to help make your suggestions fit the needs of the resource. Our training dictates that we repeatedly ask
why of our interpretive data bases; politely ask engineers and planners to explain why your ideas will not work and why theirs are better. In the final analysis, you probably will not design anything new but, rather, simply adapt a technique that is already used for something else.

(5) **Continue to work toward protection of sites by trying to have looters and vandals arrested and convicted for destroying our national heritage.** After an arrest is made, try to get a restraining order, an injunctive relief, or both until the case can be developed and brought to trail. If you have a restraining order and the looter or vandal persists, at least they can be cited for contempt of court.

As a final note, I think one major hurdle that must be overcome if we are going to protect our cultural resources, lies in how we, as Americans, perceive archeological sites. Sites and artifacts do not seem to be viewed as a part of a broader heritage package that belongs to everyone equally, regardless of where or how these remains are scattered. Unlike our sister countries in Middle America, we have no national patrimony, in part because we have ceased to teach this concept in the public school systems.

If we are to have pride in and take a protectionist view of our heritage, we must begin to instill this concept in our children. Such an educational approach must begin at the elementary school level and be continually reinforced throughout the succeeding school years. This means archeologists need to be on textbook review panels, and schools of higher education should either require or encourage their students to take coursework in anthropology/archeology. Even if such programs were initiated today, several generations of looters and vandals would continue to be active until they are replaced by a more appreciative population. This, of course, means that we cannot relax our vigil. If every member of the Society for American Archaeology would work to save two significant sites on a yearly basis, consider the impact this would have on our national data reserve. I encourage you to be persistent. Sites and concomitant data can be protected and preserved.
AN APPROACH TO VANDALISM OF ARCHEOLOGICAL RESOURCES

RAY A. WILLIAMSON AND FRED M. BLACKBURN

ABSTRACT

This paper examines the role of public education in archeological sites. In particular, it explores the part avocational archeologists and other interested laymen can play in protecting and preserving cultural resources. These individuals, many of whom are located near the archeological resources, constitute a small but highly influential subgroup of the public. They form the core of the non-professional public that is knowledgeable about archeological preservation. Although our experiences relate particularly to the Southwest, the lessons they provide for educating the public apply to any geographical region.

Despite a variety of laws designed to prevent the loss of U.S. cultural resources from theft, including the Archaeological Resource Protection Act of 1979 (16 U.S.C. 470aa et seq.) and its associated regulations, vandalism and pothunting are taking an increasing toll on archeological resources, especially in the Southwest (Bassett 1986; Goodwin 1986; Hill 1986). In parts of the Southwest, depressed economic conditions and the high values collectors place on prehistoric pottery, projectile points, and other artifacts have contributed to the losses already suffered each year as a result of energy and housing development, road construction, erosion, and neglect (Wildesen, 1982). Indiscriminate, deliberate destruction of sites has also become a problem as increasing numbers of people have mobile access to previously inaccessible areas. The impacts on public lands are particularly acute.

What can be done to prevent or inhibit the ravaging of archeological sites? In its study of the role of technology in archeology and historic preservation, the Office of Technology Assessment (OTA) (1986:101-104) examined a number of methods for protecting cultural resources from deliberate destruction (Table 1).

Although such preventative methods are more or less successful, depending strongly on funding and the availability of personnel, OTA found that public education was among the most effective methods for prevention (OTA 1986:ch.6) because only education can alter the climate of public opinion that exists in and near the communities where vandalism occurs most frequently.

THE PRESERVATION MESSAGE AND THE PUBLIC

Concern for the preservation of cultural resources must come from a variety of directions—from
public officials and the law enforcement community to just plain folk. Table 2 enumerates groups with a potential interest in preserving U.S. cultural resources. They constitute the public that archeologists must reach in order to improve the nation's ability to preserve cultural resources for the future.

### Table 1

**TECHNOLOGIES AND METHODS FOR PROTECTING SITES FROM DELIBERATE DESTRUCTION**

- Use of protective barriers to restrict entry (fences, gates and boulders)
- Use of interpretive signs
- Permanently affixing large historic artifacts or monuments
- Use of informants and secret witnesses
- Use of unarmed rangers
- Use of electronic monitoring devices
- Use of alarm system

The educational task facing archeologists and other professionals involved in preserving our cultural heritage is to change public attitudes toward our cultural resources, whether historic or prehistoric. Each of these "publics" requires a different approach, yet the message is the same—looting and vandalism of archeological sites impoverish us all. Such activities rob us of scientific information about past cultures and of part of America's heritage. In short, losing cultural resources through vandalism and looting severely diminishes our quality of life.

Archeologists face three main tasks. They must:

1) educate people to understand the nature of fragile cultural resources and the rate and extent of losses;
2) help the public develop a stake in solving the problem;
3) encourage the public to become active in protecting cultural resources.

Because changing people's attitudes involves social change, and social change is by its nature generally slow, each group must be approached in a distinctive way. We believe that for avocational archeologists and educated lay persons, the most effective way to approach these tasks is by helping them experience archeological sites and artifacts directly in the original environmental setting. To that end, we have experimented with integrating an informal program of education about cultural resources protection into our research programs. As will become clear herein, involving our research participants in the preservation of cultural resources develops as a by-product of our research and generally is a matter of self-discovery.
TABLE 2

COMPONENTS OF THE PUBLIC

- **Avocational archaeologists**, many of whom are members of state and local archeological societies, have a clear interest but they may need a focused high-level program to maintain it.
- **Local civic associations** provide a forum for the preservation message as well as a target audience.
- **Collectors of artifacts** are an important segment of the public that needs to understand and appreciate archeological methods and the context for the items they collect.
- **Educated lay people**, often energetic and intellectually curious, are potential avocational archeologists; more important, they are enthusiastic couriers of the conservation message.
- **Historic preservation associations** provide a forum for historic preservation programs and outreach to a broader public.
- **Legal professionals**—judges and law enforcement officials—need to understand the legal basis of, as well as the need for cultural resources protection.
- **Park (federal, state, local) visitors**, many of whom are predisposed to hear a conservation message, can be educated to think about conservation in a wider context than a particular park or region.
- **Professional archeologists**, surprisingly many of whom are unaware of the extent of looting and vandalism, obviously have a major stake in reducing loss of archeological resources.
- **Public officials** are particularly important as they make decisions every day that affect the protection of archeological resources.
- **School children**—millions of children—visit archeological sites each year; the messages they receive at the site, in school, and in the media will form their attitudes toward cultural resources and archeology later in life.
- **Urban public**, to whom the proximity of archeological sites causes special concern, have many avenues open to them for education about archeology and conservation.
EXPERIENCES IN THE "OUTDOOR MUSEUM"

During the past ten years, we have collaborated on programs of research and education in the Four Corners area where Arizona, Colorado, New Mexico and Utah meet (Williamson and Blackburn 1985). Williamson's research interests have focused primarily on Anasazi and Navajo astronomy (Williamson 1987). Blackburn has pursued a long-term "reserve archeology" project to recover the provenience of thousands of artifacts taken from southeast Utah's Grand Gulch in the late 19th and early 20th centuries, now housed in collections throughout the United States and in other countries (Blackburn 1988).

Both of us have a keen interest in exploring and preserving the myriad cultural resources of the Four Corners and introducing interested lay people to the natural and cultural resources of the "outdoor museum." As we use it, the term outdoor museum has three levels of meaning. It refers geographically to a place or region, but it also refers to an environmental setting and a state of mind. The outdoor museum in which we have worked is the vast open lands in the Four Corners region. Participants in the outdoor museum experience the total archeological environment, which includes the natural surroundings as well as sites and artifacts. Instead of passively reading captions in a contrived exhibit, visitors to the outdoor museum become actively involved in the discovery process. Their ability to see, touch, or smell artifacts in their natural setting draws them into the excitement of learning about past cultures.

The nature of our research demands a large degree of survey, measurement, and documentation. A typical project lasts approximately five days, and involves from 12 to 18 individuals. Participants, especially those who are new to the region, generally spend the first two days learning to "read" the landscape for clues for cultural remains, and building a group identity that sustains them for the remainder of the project. By then, most participants are able to contribute to the project by keeping field notes, drawing sites, or making maps. We place strong emphasis on observation and recordation. Mapping is especially important. As they work, participants observe and begin to ask questions.

Although our primary focus in these programs is on a specific research topic such as the detailed examination and documentation of a basketmaker cave in Grand Gulch or the astronomical survey of a group of Anasazi dwellings, we place considerable stress on exploring the effects of natural and human agents on the sites we study. We attempt to involve participants in a dialogue about the relationship of different cultures to the land, and how these cultures have changed it over time.

For example, one of the southeast Utah sites we have documented in the course of other work is a cave that was first occupied by Anasazi, who seem to have used it as a temporary shelter when hunting game or gathering seeds. Centuries later it was discovered by cowboys who made it a regular campsite. These cultural groups apparently recognized the relative comfort this cave
afforded both summer and winter. That two such disparate groups, separated in time by hundreds of years, found the same site attractive, intrigued our participants and sparked a lively discussion about the natural resources available locally. It also engendered a spirited debate over the removal of historic artifacts. To several of the participants these seemed of less importance than the Anasazi remains. Others argued that the historic remains might even be more vital because they were an important record of cowboy life 80 to 90 years ago. Finally, the group reached the conclusion on its own that all the artifacts should remain in place.

Although we enter into these discussions for the sake of educating our research participants, we observe a strict code of conduct while in the outdoor museum. No artifact, no matter how unusual or valuable, is removed from the site. To archeologists this may seem obvious, yet some newcomers to the cultural riches of the Four Corners have a difficult time observing this rule, despite the strictures of federal law. For people used to pocketing small objects of interest, the collecting instinct dies hard. We use discussion and questioning to help participants draw their own conclusions concerning preservation.

Occasionally, participants may find an object of great artistic or archeological value. We examine, photograph, and measure the object, and then replace it as close to where it was found as possible. In some cases, it is necessary to make a special effort to hide the artifact. In all cases, we leave a note with the artifact explaining that it was deliberately left in place. The task of replacing artifacts always generates discussion. What should we do with such finds? Won't they be safer in a museum where someone can care for them?

The answers to these and other questions are sometimes difficult to reach, especially if the artifact is particularly unusual or valuable. Nevertheless, in some ten years of educational projects, we have only removed two or three items to a museum setting, and then only after it became clear that they might be threatened by acquisitive travelers in the outdoor museum.

Because most of these projects require several days in the field far from urban amenities, participants have lots of time to discuss the questions posed by the outdoor museum. We make a special point of bringing up these topics around the campfire after dinner. Short readings, stories, and discussion raise additional questions about the sites.

**Effects on Participants**

As a result of potential participants' vacation schedules, most of our research excursions take place throughout the summer months. Not everyone finds the experience of hiking through the canyons on a hot summer day, confronting clouds of "no-see-ums," and still trying to document a site, fulfilling. Yet most do and come away from the experience with a new sense of themselves and a better understanding of the fragility of the archeological resources.
Participants in our research seminars often proceed through three states of discovery with respect to their own attitudes toward cultural remains. First, they discover for themselves, in the setting of the outdoor museum, that a serious problem exists. After several days of observation, discussion, and documentation, they see that archeological sites are disappearing fast, many as a result of pothunting, malicious vandalism, intense visitation, or just plain thoughtless collecting. Second, after investing several days in documenting the condition of the sites, they become personally involved. They are well aware that by assisting in the documentation of the sites and adding to the database about them, they are already participating in the preservation process.

Finally, they begin to ask how they can become more involved. Many participants answer their own question by taking part in other archeological programs, perhaps those involving excavation. For a few, it may even mean going back to school. More than one individual has found direction for choosing a university program by participating in one of our research projects. We urge participants to take the preservation message back to their own communities and to become involved in historic preservation where they live.

**EFFECTS ON LOCAL COMMUNITY**

Changing the attitudes of the local community is an extremely important component in the drive to improve the climate for preservation of our national patrimony. As Nickens et al. (1981) noted in their study of attitudes about looting and vandalism of archeological sites, local people can be fiercely protective if they feel they have something important to lose from their communities.

The effects of these research projects on the local community are more subtle and difficult to identify clearly. Although we draw some participants from the region, most are from the urban centers, drawn to the experience as a change from urban life. Therefore, we directly affect the opinions of relatively few local inhabitants.

Perhaps the strongest effects derive from articles in the local newspapers about our research and from public lectures that we give in the local community. In addition, the participants spend time in the small towns surrounding the sites before and after their research experience. They contribute to the local economy and often explain to the shopkeepers and motel operators why they are in town. Finally, in planning and stocking our expeditions, we make a point of using local suppliers who gain financially from the influx of new business. This "trickle-down" effect is sometimes troublesome because local people tend to be suspicious of outsiders, especially those who might be seen as trying to give them advice. Nevertheless, in our experience, the purely economic benefits are beginning to be appreciated and have an effect on changing local attitudes toward the value of preservation.
CONCLUSIONS

The United States is in a crisis situation with respect to maintaining our cultural heritage. The primary task we face as individuals concerned about the protection and preservation of cultural resources is to change public attitudes about what is there to be preserved. Affecting people’s attitudes and habits is difficult and takes a long time. Yet, our experiences have convinced us that this is one of the most effective ways to tackle the problem, especially in communities where sites on public lands are relatively easy to reach.

Our program demonstrates that serious problems with looting, vandalism, and general neglect exists. Participants cannot ignore them because the effects of looting and vandalism are obvious, pervasive parts of the landscape. Second, participants develop a natural stake in preservation through participation. They have assisted in documenting and interpreting the sites we visit, and they are mentioned in our published papers. Finally, people often ask what they can do. As noted above, we encourage them to become involved and to share their experiences with others from the local community and in their own communities at home. Many of them do.

Our efforts are only a small part of what can be done. Other educational programs, some focused on more traditional archeological approaches, make their own contribution to altering local values. We are all learning to be more effective as we proceed. As we look to the future, it will be important to relate programs in local areas to the broader regional, national, and international context. We also need to reach a broader group of participants. Finally, our work has focused on public lands. Although vandalism and looting of public lands has received most of the attention in the Southwest, archeological sites on private lands are just as important. Better education should protect them as well.

RECOMMENDATIONS

1) More archeologists should become involved in educational programs that reach the various publics. This can take a variety of forms, from giving public lectures to writing for popular journals. The story of archeology fascinates and finds a ready audience.

2) Archeologists should involve more of the public in their research. This takes considerable effort as willing but untrained amateurs can inflict substantial harm on a site. Nevertheless, amateurs have a lot to offer in labor and even insights on the research problems at hand. In our research, we have developed a strong respect for the amateur and what he or she can provide.
3) Archeologists should especially involve local avocational individuals and groups. Avocational archeologists can make substantial contributions to a research project. Involving local individuals helps to promote local pride in local sites.

4) Archeologists should make a special effort to educate local, state and federal public officials, including law enforcement agents, about the nature of archeological research. It should be possible to arrange a series of short educational trips that would bring these officials into contact with cultural resources. Archeologists need to become more politically astute.

5) Traditional indoor museums should help sensitize museum visitors to the concerns of preservation in the outdoor museum. Museums reach a lot of people, yet the preservation message is seldom dealt with; it is as though they have no stake in the problem.

This paper derives in part from the OTA report "Technologies for Prehistoric and Historic Preservation." However, the views expressed herein are the authors' own and do not necessarily represent the view of the Office of Technology Assessment, the Technology Assessment Board, or the Congress of the United States.
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APPENDIX

ORDINANCE NO. 81-13

ORDINANCE ESTABLISHING AN HISTORIC PRESERVATION BOARD FOR THE PURPOSE OF PROTECTING AND PERPETUATING PROPERTIES WORTHY OF HISTORIC PRESERVATION; PROVIDING FOR RULES OF PROCEDURE; PROVIDING FOR DESIGNATION OF PROPERTIES AS INDIVIDUAL SITES, DISTRICTS OR ARCHEOLOGICAL ZONES AND FOR REGULATION OF SAME THROUGH ISSUANCE OF CERTIFICATES OF APPROPRIATENESS AND CERTIFICATES TO DIG; PROVIDING FOR ELIGIBILITY FOR FINANCIAL ASSISTANCE; PROVIDING FOR PENALTIES AND APPEALS; PROVIDING FOR SEVERABILITY, INCLUSION IN THE CODE AND AN EFFECTIVE DATE.

WHEREAS, Dade County has a rich history embodied in its buildings, structures and archeological sites; and

WHEREAS, fewer than twenty-five (25) buildings and structures constructed before the incorporation of the City of Miami (1896) still exist; and

WHEREAS, many significant and varied aspects of the history of Dade County are concentrated in the first quarter of the twentieth century; and

WHEREAS, this variety has been manifested in a unique architectural response to the area's climate, history of tourism, rapid growth, and national stylistic trends; and

WHEREAS, a number of archeological sites remain that have yielded and are likely to yield a great amount of information on the history and prehistory of this region; and

WHEREAS, the preservation of these buildings, structures and archeological sites are in the best interest and public welfare of Dade County and its citizens; and

WHEREAS, the preservation of these resources will expand the educational and cultural opportunities of Dade County and its citizens,

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF DADE COUNTY, FLORIDA:

Section 1. Short Title.

This Chapter shall be known and may be cited as the "Metropolitan Dade County Historic Preservation Ordinance."
Section 2. Declaration of Legislative Intent.

It is hereby declared as a matter of public policy that the protection, enhancement and perpetuation of properties of historical, cultural, archeological, aesthetic and architectural merit are in the interest of the health, prosperity and welfare of the people of Dade County. Therefore, this ordinance is intended to:

1. Effect and accomplish the protection, enhancement and perpetuation of buildings, structures, improvements, landscape features and archeological resources of sites and districts which represent distinctive elements of the County's cultural, social, economic, political, scientific, religious, prehistoric and architectural history;

2. Safeguard the County's historical, cultural, archeological and architectural heritage, as embodied and reflected in such individual sites, districts and archeological zones;

3. Foster civic pride in the accomplishments of the past;

4. Protect and enhance the County's attraction to visitors and the support and stimulus to the economy thereby provided; and

5. Promote the use of individual sites and districts for the education, pleasure and welfare of the people of Dade County.

Section 3. Scope of Regulations.

1. This Chapter is intent to and shall govern and be applicable to all property located in Unincorporated Dade County, Florida. Nothing contained herein shall be deemed to supersede or conflict with applicable building and zoning codes. Provisions contained herein shall be cumulative and read in conjunction with other provisions of the Dade County Code. All municipalities within Dade County shall have up to and including July 1, 1982 to adopt local ordinances with respect to districts, individual sites, and archeological zones. Adherence with this Chapter by municipalities shall be deemed accomplished by the filing of each municipality's respective ordinance with the Clerk of the Dade County Board of County Commissioners.

2. Before a municipal Historic Preservation Ordinance shall be filed it shall address the following sections: the establishment of an Historic Preservation Board with powers and duties; the creation of a process to designate the individual sites, districts and archeological zones; a process of review for Certificates of Appropriateness and Certificates to Dig; and an appeal process. Municipalities shall also submit the proposed ordinance to the National Register of Historic Places for certification by the National Register to be eligible for the 1976 Tax Act. Although municipalities are not restricted from implementing the ordinance prior to National Register certification the municipality must obtain certification as expeditiously as reasonably possible.

3. Should any municipality fail to adopt an ordinance regulating Historic Preservation prior to July 1, 1982, this Chapter shall govern.
Section 4. Definitions.

(1) **Archeological zone** - An area designated by this ordinance which is likely to yield information on the history and prehistory of Dade County based on prehistoric settlement patterns in Dade County as determined by the results of the Dade County Historic Survey. These zones will tend to conform to natural physiographic features which were the focal points for prehistoric and historic activities.

(2) **Certificates of Appropriateness** - A certificate issued by the Board permitting certain alternations or improvements to a designated property.
   
   (A) **Regular Certificate of Appropriateness** - A Regular Certificate of Appropriateness shall be issued by the staff of the Preservation Board, based on the guidelines for preservation approved by the Board.
   
   (B) **Special Certificate of Appropriateness** - For all applications for a Special Certificate of Appropriateness involving the demolition, removal, reconstruction or new construction at an individual site or in a district a Special Certificate of Appropriateness is required that is issued directly by the Board.

(3) **Certificate to Dig** - A certificate that gives the Board's permission for certain digging projects that may involve the discovery of as yet unknown or known archeological sites in an archeological zone. This certificate is issued by staff of the Board based on the guidelines for preservation approved by the Board.

(4) **Certificate of Recognition** - A certificate issued by the Board recognizing properties designated pursuant to this ordinance.

(5) **Demolition** - The complete constructive removal of a building on any site.

(6) **Districts** - A collection of archeological sites, buildings, structures, landscape features or other improvements that are concentrated in the same area and have been designated as a district pursuant to this ordinance.

(7) **Exterior** - All outside surfaces of a building or structure.

(8) **Guidelines for Preservation** - Criteria established by the Preservation Board to be used by staff in determining the validity of applications for a Regular Certificate of Appropriateness and any Certificate to Dig and to establish a set of guidelines for the preservation of buildings in South Florida.

(9) **Historic Preservation Board** - A board of citizens created by this ordinance as described in Sections 5 through 9.

(10) **Historic Survey** - A comprehensive survey compiled by the Historic Preservation Division of the Dade County Office of Community and Economic Development involving the identification, research and documentation of buildings, sites and structures of any historical, cultural, archeological or architectural importance in Dade County, Florida.

(11) **Individual Site** - An archeological site, building, structure, place or other improvement that has been designated as an individual site pursuant to this
ordinance. Under the provisions of this ordinance interior spaces may be regulated only where a building or structure is a designated individual site.

(12) National Register of Historic Places - A federal listing maintained by the U.S. Department of the Interior of buildings, sites, structures and districts that have attained a quality of significance as determined by the Historic Preservation Act of 1966 as amended.

(13) Ordinary Repairs or Maintenance - Work done to prevent deterioration of a building or structure or decay of or damage to a building or structure or any part thereof by restoring the building or structure as nearly as practicable to its condition prior to such deterioration, decay or damage.

(14) Owner of a Designated Property - As reflected on the current Metropolitan Dade County tax rolls or current title holder.

(15) Undue Economic Hardship - Failure to issue a certificate would place an onerous and excessive financial burden upon the owner that would amount to the taking of the owner’s property without just compensation.

(16) Landscape Feature - Any improvement or vegetation including, but not limited to outbuildings, walls, courtyards, fences, shrubbery, trees, sidewalks, planters, plantings, gates, street furniture and exterior lighting.

Section 5. Historic Preservation Board: Created and Established.

There is hereby created an Historic Preservation Board, ("the Board"), as a governmental agency of the County government in and for Dade County, Florida. The Board is hereby vested with the power, authority, and jurisdiction to designate, regulate and administer historical, cultural, archeological and architectural resources in Dade County, Florida, as prescribed by this Chapter under the direct jurisdiction and legislative control of the Board of County Commissioners.

Section 6. Members

The Board shall consist of nine (9) members appointed by the Board of County Commissioners. Each member of the Board shall be, and shall hold office only so long as he or she is a resident and registered voter of Dade County, Florida. Appointments shall be made on the basis of civic pride, integrity, experience and interest in the field of historic preservation. The Board of County Commissioners should attempt to appoint architects, realtors, archeologists, historians, art historians, lawyers or other individuals from the business, financial and other segments of the community who, by virtue of their profession or business, have demonstrated concerns for historic preservation. The term of office of membership shall be one (1) year for one (1) member, two (2) years for two (2) members, three (3) years for three (3) members and four (4) years for three (3) members, with appointments thereafter to be for a term of four (4) years for each member. Any vacancy occurring on the Board shall be filled by the County Commission for the remainder of the unexpired term, at the earliest possible date. Members shall be eligible for reappointment, and shall hold office until their successors have been duly appointed and qualified. Members of the Board shall serve without compensation but
shall be reimbursed for necessary expenses incurred in the performance of their official
duties, as shall be determined and approved by the County Commission. Before entering
upon the duties of office, each member shall file written acceptance of appointment and
take and subscribe to the oath of office prescribed by law, which shall be filed in the
office of the Clerk of the County Commission. A member of the Board may be removed
from office only by a two-thirds (2/3) vote of the entire membership of the County
Commission; however, whenever a member of the Board shall fail to attend three (3)
consecutive meetings, the chairman shall certify the same to the County Commission.
Upon such certification the member shall be deemed to have been removed and the
County Commission shall fill the vacancy by appointment.

Section 7. Organization.

The members of the Board shall select a chairman who shall serve at the pleasure of the
Board and such others officers as may be deemed necessary or desirable. The County
Manager shall provide adequate personnel for the Board including but not limited to
representatives from the Departments of Community and Economic Development,
Building and Zoning and Planning which shall be deemed the staff of the Board.
Minutes of each board meeting shall be kept and prepared under the supervision and
direction of the Board, and copies of such minutes shall be filed with the Clerk of the
County Commission.

Section 8. Rules and Regulations.

The Board shall make and prescribe such rules and regulations reasonably necessary and
appropriate for the proper administration and enforcement of the provisions of this
Chapter. Such rules and regulations shall conform to the provisions of this Chapter and
shall not conflict with the Constitution and general laws of the State of Florida, and shall
govern and control procedures, hearings and actions of the Board. No such rules and
regulations shall become effective until a public hearing has been held upon the proposed
rules and regulations, and any amendments or modifications thereto, and the same have
been approved by the County Commission and filed with the Clerk of the Commission.
Upon approval by the Commission, such rules and regulations shall have the force and
effect of law within Dade County, Florida. The Board shall prescribe forms for use by
applicants in compliance with the provisions of this Chapter. The Board may authorize
any one of its members to administer oaths and certify to official acts.

Section 9. Powers and Duties.

The Historical Preservation Board shall have the following enumerated powers and
duties:

(1) Adopt or amend rules of procedure.
(2) Designate individual sites, districts and archeological zones.
(3) Issue or deny Certificates of Appropriateness and Certificates to Dig.
(4) Approve historical markers and issue certificates of recognition for individual
sites and designated properties in a district.
(5) Recommend zoning and building code amendments to the proper authorities.

(6) Establish Guidelines for Preservation and criteria for issuance by staff or Regular Certificates of Appropriateness.

(7) Promote the awareness of historic preservation and its community benefits.

(8) No actions of this Board will supersede or be construed as superseding the authority of the Board of County Commissioners.

(9) Review and update the Historic Survey for its quality and professional merit, and validate the findings of the survey as bona fide and sincere.

(10) Implement the authority of this Chapter and fulfill the tasks set forth for this Board by the County Commissioners in this and other ordinances.

(11) Record and maintain records of the Board’s actions and decisions.

(12) Follow and abide by the laws of the United States of America, the State of Florida and Dade County.

(13) Provide an annual report to the Board of County Commissioners.

**Section 10. Designation Process and Procedure.**

I. The Board shall have the authority to designate areas, places, buildings, structures, landscape features, archeological sites and other improvements or physical features, as individual sites, districts, or archeological zones that are significant in Dade County’s history, architecture, archeology, or culture and possesses an integrity of location, design, settings, materials, workmanship or association, or:

(A) Are associated with distinctive elements of the cultural, social, political, economic, scientific, religious, prehistoric and architectural history that have contributed to the pattern of history in the community, Dade County, South Florida, the state or the nation; or

(B) Are associated with the lives of persons significant in our past; or

(C) Embody the distinctive characteristics of a type, period, style or method of construction or work of a master; or that possess high artistic values; or that represent a distinguishable entity whose components may lack individual distinction; or

(D) Have yielded, or are likely to yield information in history or prehistory; or

(E) Are listed in the National Register of Historic Places.

II. Certain properties which include cemeteries, birthplaces, properties owned by religious institutions or used for religious purposes, structures that have been moved from their original locations, properties commemorative in nature and properties that have achieved significance within the last fifty years, will not normally be considered for designation. However, such properties will qualify
if they are integral parts of districts that meet the criteria, or if they fall within the following categories:

(A) A religious property deriving primary significance from architectural or artistic distinction of historical importance.

(B) A building or structure removed from its location but which is primarily significant for architectural values, or is the surviving structure most importantly associated with an historic event or person.

(C) A birthplace or grave of an historical figure of outstanding importance if there is no other appropriate site or building directly associated with his/her productive life.

(D) A cemetery which derives its primary significance from graves of persons of transcendent importance, from age, distinctive design features, or from association with historic events.

(E) A property primarily commemorative in intent if design, age, tradition, or symbolic values has invested it with its own historical significance.

(F) A property or district achieving significance within the past fifty years if it is of exceptional importance.

III. Prior to the designation of an individual site, a district, or an archeological zone, an investigation and designation report must be filed with the Board. The format of these reports may vary according to the type of designation, however all reports must address the following: The historical, cultural, architectural, and archeological significance of the property or properties being recommended for designation; a recommendation of boundaries for districts and archeological zones and identification of boundaries of individual sites being designated; a recommendation of standards to be adopted by the Board in carrying out its regulatory function under this ordinance with respect to Certificates of Appropriateness and Certificates to Dig. Where a report is filed recommending designation of a district, the report must identify those properties, if any, within the district which are not historically or architecturally compatible with structures in the district. The standards for regulating such non-conforming properties shall provide that a Certificate of Appropriateness may be required only for new construction of such properties. All reports shall take into consideration projected, proposed or existing public improvements and developmental or renewal plans.

IV. Procedure

(A) Petition of the Owner - the owner(s) of any property in unincorporated Dade County may petition this Board for designation of their property as an individual site, district or archeological zone provided that they appear before the Board with sufficient information to warrant the investigation of the property for future designation and the Board finds that the property may be worthy of designation. The Board shall, based on its findings,
either direct the staff to begin the designation process or deny the petition. Nothing in this subsection shall be deemed to restrict the power of the Board to initiate the designation process pursuant to this section.

(B) **Directive of the Board** - The Board shall, upon recommendations from staff and the acceptance of petitions pursuant to Part IV, Section A of this section, direct staff to begin the designation process by preparing a designation report, pursuant to Part III of this section and any other standards the Board may deem necessary, and submitting this report according to the procedures described herein.

(C) **Notification of Owner** - For each proposed designation of an individual site, district, or archeological zone the Board is encouraged to obtain the permission of the property owner(s) within the designated area, and is responsible for mailing a copy of the designation report to the owner(s) as notification of the intent of the Board to consider designation of the property at least 15 days prior to filing of a designation report with the Board.

(D) **Notification of Government Agencies** - Upon filing of a designation report, the Secretary of the Board shall immediately notify the appropriate Building and Zoning Department, the appropriate Public Works Department and any other County or Municipal Agency, including agencies with demolition powers, that may be affected by said filing.

(E) **Notification of a Public Hearing** - For each individual site, district or archeological zone proposed for designation a public hearing must be held no sooner than 15 days and within 60 days from the date a designation report has been filed with the Board. Owners of record or other parties having an interest in the proposed designated properties, if known, shall be notified of the public hearing by certified mail to the last known address of the party being served; however, failure to receive notice shall not invalidate the same as such notice shall also be perfected by publishing a copy thereof in a newspaper of general circulation at least ten (10) days prior to the hearing. Owners shall be given an opportunity at the public hearing to object to the proposed designation.

(F) **Requirement of Prompt Decision and Notification** - Within 7 days of a public hearing on a proposed individual site, district, or archeological zone the Board shall reduce to writing its decision to approve, deny, or amend the proposed designation and direct the Secretary of the Board to notify the following of its sanctions within a copy of the official minutes of the meeting, and a summary statement of the effects of this action.

(1) The appropriate Building and Zoning Department,

(2) The County Clerk,

(3) The appropriate Municipal Clerk when necessary,

(4) Owner(s) of the affected property and other parties having an interest in the property, if known,
(5) The appropriate Planning Department,
(6) The appropriate Public Works Department, and
(7) Any other County or Municipal Agency, including agencies with
demolition powers, that may be affected by this action.

(G) The Board may amend or rescind any designation provided it complies
with the same manners and procedures used in the original designation.

(H) Moratorium - Upon the filing of a designation report by the staff, the
owner(s) of the real property which is the subject matter of the designation
report shall not:

(1) Erect any structure on the subject property.
(2) Alter, restore, renovate, move or demolish any structure on the
subject property, until such time as final administrative action, as
provided by this Chapter, is completed.

Section 11. Application for Certificate of Appropriateness.

I. No building, structure, improvement, landscape feature or archeological site
within Dade County which is designated pursuant to Section 10 of this Chapter
shall be erected, altered, restored, renovated, excavated, moved or demolished
until an application for a Certificate of Appropriateness regarding any
architectural features, landscape features or site improvements has been submitted
to and approved pursuant to the procedures in this section. Architectural features
shall include, but not be limited to, the architectural style, scale, massing, setting,
general design and general arrangement of the exterior of the building or
structure, including the type, style and color of roofs, windows, doors and
appurtenances. Architectural features shall include, when applicable, interior
spaces where interior designation has been given pursuant to Section 10 of this
Chapter. Landscape features and site improvements shall include, but are not
limited to, site regarding subsurface alternations, fill deposition, paving,
landscaping, walls, fences, courtyards, signs and exterior lighting. No Certificate
of Appropriateness shall be approved unless the architectural plans for said
construction, alteration, excavation, restoration, renovation, relocation or
demolition is approved by the Board.

II. The Board shall develop procedures for making application for both a Regular
and Special Certificate of Appropriateness.

III. The Board shall adopt and may from time to time amend the standards by which
applications for any Certificate of Appropriateness are to be measured and
evaluated. In adopting these guidelines, it is the intent of the Board to promote
maintenance, restoration, adaptive reuses appropriate to the property, and
compatible contemporary designs which are harmonious with the exterior
architectural and landscape features of neighboring buildings, sites and
streetscapes. These guidelines shall also serve as criteria for staff to make
decisions regarding applications for Regular Certificates of Appropriateness.
IV. Regular Certificates of Appropriateness - Based on the guidelines for preservation, the designation report, a complete application for Regular Certificate of Appropriateness, any additional plans, drawings or photographs to fully describe the proposed alteration and any other guidelines the Board may deem necessary, the staff of the Board shall, within ten (10) days from the date a complete application has been filed, approve or deny the application for a Regular Certificate of Appropriateness by the owner(s) of a designated individual site, or property within a designated district. The findings of the staff shall be mailed to the applicant within three (3) days of staff decision accompanied by a statement in full regarding the staff's decision. The applicant shall have an opportunity to challenge the staff decision by applying for a Special Certificate of Appropriateness within thirty (30) days of the staff's findings.

V. Special Certificates of Appropriateness

A. An applicant for a Special Certificate of Appropriateness shall submit his application to the Board pursuant to Section 10 of this Chapter and accompany such application to the Board with full plans and specifications, site plan, and samples of materials as deemed appropriate by the Board to fully describe the proposed appearance, color, texture or materials, and architectural design of the building and any outbuilding, wall, courtyard, fence, landscape features, paving, signage and exterior lighting. The applicant shall provide adequate information to enable the Board to visualize the effect of the proposed action the applicant's building and its adjacent buildings and streetscapes. If such application involves a designated archeological site the applicant shall provide full plans and specifications of work that may affect the surface and subsurface of the archeological site.

B. The Board shall hold a public hearing upon an application for a Special Certificate of Appropriateness affecting property under its control. In such instances, notice and procedure of the public hearing shall be given to the property owner(s) by certified mail and to other interested parties by an advertisement in a newspaper of general circulation at least ten (10) days prior to the hearing.

C. The Board shall act upon an application within sixty (60) days of receipt of application materials adequately describing the proposed action. The Board shall approve, deny, approve in modified form an application, subject to the acceptance of the modification by the applicant, or suspend action on the application for a period not to exceed thirty (30) days in order to seek technical advice from outside its members or to meet further with the applicant to revise or modify the application.

D. The decision of the Board shall be issued in writing. Evidence of approval of the application shall be by Certificate of Appropriateness issued by the Board or the Board’s designated staff representative to the applicant, and whatever its decision, notice in writing shall be given to the applicant and the director of the Building and Zoning Department. When
an application is denied, the Board’s notice shall provide an adequate written explanation of its decision to disapprove the application. The Board shall keep a record if its actions under this ordinance.

VI. Demolition

A. Demolition of a designated building, structure, improvement or site may occur pursuant to an order of a government agency or a court of competent jurisdiction or pursuant to an application by the owner for a Special Certificate of Appropriateness.

B. Government agencies having the authority to demolish unsafe structures shall receive notice of designation of individual sites, districts or archeological zones pursuant to Section 10 of this Chapter. The Board shall be deemed an interested party and shall be entitled to receive notice of any public hearings conducted by said government agency regarding demolition of any designated property. The Board may make recommendations and suggestions to the government agency and the owner(s) relative to the feasibility of and the public interest in preserving the designated property.

C. No permit for voluntary demolition of a designated building, structure, improvement or site shall be issued to the owner(s) thereof until an application for a Special Certificate of Appropriateness has been submitted and approved pursuant to the procedures in this Section. Refusal by the Board to grant a Special Certificate of Appropriateness shall be evidenced by written order detailing the public interest which is sought to be preserved. The Board shall be guided by the criteria contained in subsection VI, D, herein. The Board may grant a Special Certificate of Appropriateness which may provide for a delayed effective date of up to six (6) months. The effective date shall be determined by the Board based on the relative significance of the structure and the probable time required to arrange a possible alternative to demolition. During the demolition delay period, the Board may take such steps as it deems necessary to preserve the structure concerned, in accordance with the purposes of this ordinance. Such steps may include, but shall not be limited to, consultation with civic groups, public agencies and interested citizens, recommendations for acquisition of property by public or private bodies or agencies, and exploration of the possibility of moving one or more structures or other features.

D. In addition to all other provisions of this ordinance, the Board shall consider the following criteria in evaluating applications for a Special Certificate of Appropriateness for demolition of designated properties:

(a) Is the structure of such interest or quality that it would reasonably meet national, state or local criteria for designation as an historic or architectural landmark?
(b) Is the structure of such design, craftsmanship, or material that it could be reproduced only with great difficulty and/or expense?

(c) Is the structure one of the last remaining examples of its kind in the neighborhood, the County, or the region?

(d) Does the structure contribute significantly to the historic character of a designated district?

(e) Would retention of the structure promote the general welfare of the County by providing an opportunity for study of local history, architecture, and design or by developing an understanding of the importance and value of a particular culture and heritage?

(f) Are there definite plans for reuse of the property if the proposed demolition is carried out, and what will be the effect of those plans on the character of the surrounding area?

VII. Where, by reason of particular site conditions and restraints, or because of unusual circumstances applicable solely to the particular applicant, strict enforcement of the provisions of this ordinance would result in serious undue economic hardship to the applicant, the Board shall have the power to vary or modify adherence to this ordinance; provided always that its requirements ensure harmony with the general purposes hereof and will not adversely affect Dade County. Guidelines for the application of this section may be developed by the Board.

VIII. No Building Permit shall be issued by the Director of the Building and Zoning Department which affects any designated property in Dade County without a Certificate of Appropriateness.

IX. All work performed pursuant to the issuance of any Certificate of Appropriateness shall conform to the requirements of the Certificate. The County Manager shall designate an appropriate official to assist the Board by making necessary inspections in connection with enforcement of this ordinance and shall be empowered to issue a stop work order if performance is not in accordance with the issued certificate. No work shall proceed as long as a stop work order continues in effect. Copies of inspection reports shall be furnished to the Board and copies of any stop work orders both to the Board and the applicant. The Building Zoning Director or appropriate official and staff for the Board shall be responsible for ensuring that any work not in accordance with an issued Certificate of Appropriateness shall be corrected to comply with the Certificate of Appropriateness prior to withdrawing the stop work order.

X. For the purpose of remedying emergency conditions determined to be dangerous to life, health or property, nothing contained herein shall prevent the making of any temporary construction, reconstruction or other repairs to a building or site in Dade County, pursuant to an order of a government agency or a court of
competent jurisdiction. The owner of a building damaged by fire or natural calamity shall be permitted to stabilize the building immediately without Board approval, and to rehabilitate it later under the normal review procedures of this ordinance.

XI. If no action upon an application is taken within sixty (60) days from the date of application, such application shall be deemed to have been approved and no other evidence of approval shall be needed. This time limit may be waived by mutual written consent of the applicant and the Board.

XII. The Board shall have the authority to review applications for Certificate of Appropriateness for all property in Dade County, however owned, by either private or public parties. The purposes of this ordinance shall apply equally to plans, projects or work executed or assisted by any private party, governmental body or agency, department, authority or board of the city, county or state.

Section 12. Maintenance of Designated Properties.

Nothing in this ordinance shall be construed to prevent the ordinary maintenance or repair of any exterior elements of any building or structure which does not involve a change of design, appearance or material, and which does not require a building permit.

Section 13. Certificates to Dig.

I. Within an archeological zone, new construction, filling, digging, the removal of trees, or any other activity that may alter or reveal an interred archeological site shall be prohibited without a Certificate to Dig. All applications to all appropriate municipal or county agencies involving new construction, large scale digging, the removal of trees or any other activity that may reveal or disturb an interred archeological site, in an archeological zone shall require a Certificate to Dig before approval. Based on the designation report for the archeological zone, a complete application for a Certificate to Dig and any additional guidelines the Board may deem necessary, the staff of the Board shall, within ten days from the date the completed application has been filed, approve the application for a Certificate to Dig by the owners of a property in a designated archeological zone. The Certificate to Dig may be made subject to specified conditions, including but not limited to, conditions regarding site excavation. In order to comply with the site excavation requirements of the Certificate to Dig, the applicant may agree to permit the County Archeologist to conduct excavation from the time of the approval of the Certificate to Dig until the effective date thereof. The findings of the staff shall be mailed to the applicant by registered mail promptly. The applicant shall have the opportunity to challenge the staff decision or any conditions attached to the Certificate to Dig by requesting a meeting of the Board. The Board shall convene within 35 days after such a request and shall make every effort to review and reconsider the original staff decision to arrive at an equitable
decision. The decision of the Board shall be reduced to writing within seven days from the date of the meeting.

II. Approved Certificates to Dig - Approved Certificates to Dig shall contain an effective date not to exceed sixty (60) days at which time the proposed activity may begin, unless the Board decides to designate the site in question as an individual site or district pursuant to Section 10 of this ordinance in which all the rules and regulations pertaining to the designation process shall apply from the date the designation report has been filed.

III. All work performed pursuant to the issuance of a Certificate to Dig shall conform to the requirements of such certificate. It shall be the duty of the appropriate government agencies and the staff of the Board to inspect from time to time any work pursuant to such certificate to assure compliance. In the event work is performed not in accordance with such certificate, the official designated by the County Manager pursuant to Section 11(IX) shall be empowered to issue a stop work order and all work shall cease. No person, firm or corporation shall undertake any work on such projects as long as such stop work order shall continue in effect.

Section 14. Appeals.

Within twenty (20) days of the written decision of the Board, an aggrieved party may appeal the decision by filing a written notice of appeal with the Clerk of the Board of County Commissioners. The notice of appeal shall state the decision which is being appealed, the ground for the appeal, and a brief summary of the relief which is sought. Within sixty (60) days of the filing of the appeal or the first regular county commission meeting which is scheduled, whichever is later in time, the County Commission shall conduct a public hearing at which time they may affirm, modify or reverse the decision of the Board. Nothing contained herein shall preclude the County Commission from seeking additional information prior to rendering a final decision. The decision of the County Commission shall be in writing and a copy of the decision shall be forwarded to the Board and the appealing party.

Within the time prescribed by the appropriate Florida Rules of Appellate Procedure, a party aggrieved by a decision of the County Commission may appeal an adverse decision to the Circuit Court in and for Dade County, Florida. The party taking the appeal shall be required to pay the Clerk of the Board the sum of One Hundred Dollars ($100.00) to defray the costs of preparing the record on appeal.

Section 15. Penalties.

Failure by an owner of record to comply with any provision of this ordinance shall constitute a violation hereof and shall be punishable by the Board by civil or criminal penalties including a fine of not more than $500.00 per day for each day the violation continues. In addition, the Board may require that any work performed contrary to this
ordinance must be removed and the property returned to its condition prior to commencement of said action.

Section 16. Incentives.
All properties designated as individual sites or as designated properties within a district shall be eligible, upon application by the owner(s), for any available financial assistance set aside for historic preservation by Metropolitan Dade County contingent on the availability of funds and the scope of the project as described in the application.

Section 17.
If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

Section 18.
It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance shall become and be made a part of the Code of Metropolitan Dade County, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section", "article", or other appropriate word.

Section 19.
This ordinance shall become effective ten (10) days after the date of its enactment.

PASSED AND ADOPTED: