



# A PRACTICAL GUIDE TO PRESERVATION

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## What do I do if I find an archaeological resource?



### Step 1: Avoid Touching

- Do not attempt to move or collect the artifact
- Removing an artifact is illegal under several state and federal laws
- Be careful where you step in the area around the artifact(s)



### Step 2: Document

- Take a photo(s) of the whole artifact
- Include a common object for scale and size comparison in the photo



### Step 3: Note the Location

- Determine and document the general location of the artifact
- Include the **large-scale associations**: county, nearest city/town, major geographic features like rivers
- Make a note of **other information** like directions, address, GPS coordinates, etc.
- If possible, do not share this information with others to help protect it from looters



### Step 4: Contact

- As soon as possible, contact the State Historic Preservation Office
  - email [arch.permits@oregon.gov](mailto:arch.permits@oregon.gov)
  - call (503) 986-0690
- Make sure to provide the photo(s) and location information you collected [1]



### Some Considerations

- **Be sure to know where you are!** It is important to know what kind of land you are on as federal, state, and local preservation laws are in place to protect archaeological resources on all types of land
- **Always be careful about buying (or selling) artifacts!** Federal, state, and local preservation laws apply to both buyers and sellers

## Why is preservation important?

Several federal, state, and local laws exist to protect the archaeological record. The archaeological record is our primary means of interpreting the past. It is a nonrenewable resource; once a site has been destroyed or an object has been removed from its context, the information it could provide is (mostly) lost. Damaging, destroying, stealing, and selling archaeological resources harms everyone: you, your community, Indigenous peoples, and all Oregonians. It takes away a piece of our shared heritage and collective histories.

**You can play an integral role in keeping archaeological sites and objects in place and intact!** If you ever find (or suspect you have found) an archaeological resource on federal, state, or private land, use the information in this guide to protect it from harm (and yourself from legal trouble).

### More considerations

- **The definition of an artifact varies, especially in regards to age!** Something may be an artifact by the state definition but not by the federal definition. This is another reason it is important to know what type of land you're on.
- In some cases it is legal to collect, own, and sell artifacts and arrowheads. However, please **consider if it is appropriate for you to possess these items.**
- **Buying and selling artifacts can be tricky.** Laws apply to both the buyer and seller. If you do buy or sell an artifact, please be sure it has the proper documentation with all of the important information about when and where it was collected and if it legally belongs to the person selling it.

## What do I do if I (might) have an archaeological resource at home?

### Note where you got it from

- Did you inherit it from a family member? Where did they get it from?
- Did you find it? If so, where?
- Did you buy it? Does it have a certificate of origin?

### Note when it may have been collected

- This can help determine the age of the object
- In some cases, it may be legal to own if it was collected before a certain law was enacted
- It's okay if you don't know the details!

### Seek out a professional

- An archaeologist (or curator, etc.) can help you figure out if it's an archaeological resource or object as defined by federal and state laws
- They can also tell you what it is, how old it may be, what culture it may belong to, etc.

### Don't worry!

- Even if you have an artifact, you won't automatically get in legal trouble
- Talk to a professional (an archaeologist, a lawyer, the State Historic Preservation Office, etc.) to see what your options are
- Don't try to sell it or give it away
- Consider donating it to a museum or to the appropriate Tribe

# Preservation Laws on Federal Land

## What is federal land?

- **Definition:** land that is owned or managed by the U.S. government and subject to federal laws only (not state laws)
- **Examples:** national parks, national forests, national wildlife refuges, national monuments, national conservation areas, national historic sites, national memorials, national trails, national seashores and lakeshores, wilderness, and wild and scenic rivers and more [2]

## What is an "archaeological resource"?

- Any material remain of past human life or activities that is over 100 years old
- Examples include: whole or pieces of pottery, basketry, bottles, weapons, tools, structures, paintings, carvings, graves, human remains, and more
- If it's found on federal land, it's federal property [3]

## Is it legal to take an archaeological resource from federal land?

No. In general, it is illegal to:

- excavate, remove, damage, alter, or deface any archaeological resource on federal land [4]
- sell, buy, exchange, transport, or receive an archaeological resource if it came from federal land [5]. (Taking an archaeological resource across state lines or national borders is also illegal under several local and state laws as well [6])

\*Violating these provisions can carry \$10,000+ fines and/or jail time [7]

**Quick tip:** you can receive up to a **\$500 reward** for providing information about someone breaking the law if it leads to a finding or conviction of a civil violation! [8]

## There are some exceptions!

- If an archaeological resource was collected from federal land before October 31, 1979 (the date the law was enacted), then it is not subject to the law and is legal to own [9].
- You can remove and possess arrowheads from the ground surface (but **if you had to dig for it, it's illegal**) [10]

# Preservation Laws in Oregon

## What is state land?

- **Definition:** state land is also public land, but it managed by the state government and subject to state laws
- **Examples:** state parks, state monuments, state game and fish lands, county and municipal properties (parks, open spaces, right of ways), land owned by public schools and state colleges. (Places like city parks are subject to state laws as well, though they will also be subject to city ordinances) [11]

## What is an "archaeological object" in Oregon?

An archaeological object is:

- Any material remains of past human life or activities
- At least 75 years old
  - Also includes: monuments, tools, technological and dietary byproducts, symbols, facilities, lithic quarries and scatters, pit houses, burials, homesteads, towns and camps, and shipwrecks
- Part of the physical record that represents an indigenous or other culture
- Found in the state of Oregon or in state waters
  - This makes it property of the State of Oregon! [12]



## Is it legal to take an archaeological object from state land in Oregon?

**Also no.** In general, it is illegal to:

- excavate, destroy, alter, or remove an archaeological object on state land without a permit [13]
- sell, buy, or trade an archaeological object that was removed from state land [14]

If you're caught possessing an archaeological object or even a tool that you intend to use to remove an archaeological object, you can be charged with a Class B misdemeanor [13] [15].

## There are some exceptions!

- Just like on federal land, it is legal to collect an arrowhead from the ground's surface as long as you don't need to use a tool to collect it from the ground [13].
- If the object was collected before October 15, 1983 (the day the law was enacted), it is legal to possess and sell [16].

For the legal sale of an archaeological object, the seller must provide a **certificate of origin** with the following information:

1. a statement that the object was originally collected before October 15, 1983;
2. the location where it was collected;
3. a description of how it came to the possession of the current owner;
4. a statement that the object is not human remains, a funerary object, a sacred object, or an object of cultural patrimony [16].

**\*Please do not buy an archaeological object if it does not have the proper documentation!**



## Is it legal to take an archeological object from private land in Oregon?

**Yes and no.** In general, it is illegal to:

- excavate, destroy, alter, or remove an archaeological object on private land in Oregon without a permit. **You also need to have the landowner's written permission to excavate a site** [17].
- sell, buy, or trade an archaeological object that was removed from private land **without the landowner's written permission** [14].

**\*You can be charged with a Class B misdemeanor for violating any part of this law [15].**





## Does a landowner own archaeological objects on their land?

**Yes.** A landowner owns almost every archaeological object (with the exception of human remains; see below) on their land and can sell anything they own. However, a landowner cannot excavate or remove an archaeological object on their own. The landowner will need to hire a qualified archaeologist to obtain a permit and excavate a site.

For the legal sale of an archaeological object, the seller must provide a notarized certificate of origin with the following information:

1. a statement that the object is not human remains, a funerary object, a sacred object, or an object of cultural patrimony;
2. a copy of the written permission of the landowner to acquire the object [16].

## Some notes on human remains

On state and private land in Oregon, it is illegal to:

- intentionally remove, mutilate, deface, or destroy Native American human remains, burials, cairns (i.e. a grave marker), or funerary objects, sacred objects, or objects of cultural patrimony [18].
  - If this occurs on accident, the person responsible for the damage will pay for the reinterment under the supervision of the appropriate Tribe.
- possess, display, or sell Native American human remains, funerary objects, sacred objects, and objects of cultural patrimony that have been taken from a burial or a cairn (unless you have permission from the appropriate Tribe) [19].

If you think you have discovered Native American human remains, report it to the state police, the State Historic Preservation Office, and the Commission on Indian Services (who can also help to find the appropriate Tribe to contact) [20].

## Contacts

### State Historic Preservation Office

- (503) 986-0690
- [oregon.heritage@oregon.gov](mailto:oregon.heritage@oregon.gov)

### Legislative Commission on Indian Services

- (503) 986-1067
- [lcis@oregonlegislature.gov](mailto:lcis@oregonlegislature.gov)

### Oregon State Police

- For non-emergencies, dial \*677 from a mobile phone
- Alternatively, call (800) 442-0776 or (800) 442-2068
- [ask.osp@osp.oregon.gov](mailto:ask.osp@osp.oregon.gov)

You can also consider directly contacting the federal or state agency who manages the land where you may have found an archaeological resource or object

### Sources:

- [1] Archaeological Investigations. [Oregon Parks and Recreation: Archaeological Investigations: Oregon Heritage: State of Oregon](#)
- [2] Parris, A. (2018, November 12). [Your Guide to Understanding Public Lands. REI Co-op Journal.](#)
- [3] 16 U.S.C. 470bb Section 3 (1)
- [4] 16 U.S.C. 470ee Section 6 (a)
- [5] 16 U.S.C. 470ee Section 6 (b)
- [6] 16 U.S.C. 470ee(c)
- [7] 16 U.S.C. 470ee(d)

- [8] 16 U.S.C 470gg Section 8 (a)
- [9] 16 U.S.C. 470ee(f)
- [10] 16 U.S.C. 470ee(g)
- [11] [State Land Definition. Law Insider.](#)
- [12] ORS 358.905
- [13] ORS 358.920 (1)
- [14] ORS 358.920 (2)
- [15] ORS 358.920 (8)
- [16] ORS 358.920 (3)
- [17] ORS 358.920 (5)
- [18] ORS 97.745 (1)
- [19] ORS 97.745 (2)
- [20] ORS 358.920 (6)