

Protection of Archaeological and Cultural Resources



State of Oregon
Department of
Environmental
Quality

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Background

Native American people have lived in Oregon for thousands of years. They lived off the land by fishing, hunting and gathering food, fibers, and medicines. They also used the land to worship and bury their dead. Daily tools, sacred objects, places and remains of village and home sites are still here today. Where these are found are considered Native American archeological or cultural sites.

At the turn of the 19th century, Euro-Americans began settling in Oregon. Like the Native Americans who already called Oregon home, settlers lived off the land, worshiped special places, established homesteads and towns, and buried their dead. These places are considered historical or cultural sites.

These sites are the legacy of our country and the heritage of all people. Once removed or damaged, they cannot be restored. The relationship or context between artifacts and their surroundings is as important as the artifacts themselves. The artifacts should be left undisturbed.

The Oregon Department of Environmental Quality recognizes the significance of archaeological, historic and cultural resources and is committed to the principle that management of cleanup sites is undertaken in compliance with all applicable state and federal laws protecting these resources.

Laws and Requirements

Oregon state law prohibits the removal, excavation or destruction of any cultural resource sites and artifacts on public and private lands. Illegal activities include:

- Using a tool (even a stick) to remove an artifact from the ground
- Digging or probing the ground for the presence of historic or Native American Artifacts
- Vandalizing homestead sites or other old buildings
- Digging for bottles or other historic artifacts
- Defacing a pictograph or petroglyph
- Disturbing burial sites
- Removing any artifacts

Inadvertent Discovery: It is not uncommon for construction or ground disturbing activities to reveal unidentified artifacts or cultural sites.

Inadvertent discoveries can occur anywhere in Oregon. An inadvertent discovery plan should be prepared and kept onsite at all project sites that disturb the ground. A template can be found at: <http://www.oregon.gov/oprd/HCD/ARCH/pages/index.aspx>.

Artifacts: In general, if artifacts are encountered during construction:

- Work must stop at that location and the area must be protected and blocked off. The Oregon State Historic Preservation Office should be contacted for further instructions.
- Work should not resume until the site has been evaluated.

Bones: Consider that bones may be human—either native American, early Euro-American, or even from a more recent tragedy or crime. Oregon has an important protocol to follow if you suspect you have found bone material that could be Native American human remains (ORS 97.745 and ORS 97.750). The protocol asks that the following are contacted:

- Oregon State Police 1-800-450-7888
- State Historic Preservation Office 503-986-1067, www.oregon.gov/oprd/HCD/SHPO/Pages/index.aspx
- Legislative Commission on Indian Services 503-986-1067, <https://www.oregonlegislature.gov/cis>
- Appropriate Indian Tribe(s) – The Legislative Commission on Indian Services will provide the appropriate contact numbers

State laws protecting cultural resources apply at all cleanup sites in Oregon. Federal protection laws may also apply if a federal agency is involved in the project. Federal involvement may include:

- Work at National Priority List Superfund sites

- Work on land owned by the federal government
- Clean up actions where a federal agency is the responsible party
- Work that is paid for with federal funds
- Clean up activity that requires a federal permit (e.g., wetlands disturbance)

Laws that may apply to a cleanup project include:

- Protections for Native American burial sites and objects (Oregon Revised Statute 97.740 et seq.)
- Protections for archaeological objects and sites (ORS 358.905 et seq.), permit requirements for site alteration (ORS 390.325 et seq.), and permit requirements for state public and private land (Oregon Administrative Rule 736-051-0080 to 0090)
- National Historic Preservation Act of 1966 (16 United States Code 470 et seq.)
- Archaeological Resources Protection Act of 1979 (16 USC 470 et seq.)
- Native American Graves Protection and Repatriation Act of 1990 (25 USC 3001 et seq.)

Activities Affecting Cultural or Archaeological Resources

Any type of ground-disturbing work, (such as installation of monitoring wells, test pits or soil removals) could impact a cultural or archaeological resource. This could occur during various phases of the cleanup process including site assessment, remedial investigation, and remedial or removal actions.

At sites where a responsible party is conducting an investigation or cleanup, the party is responsible for complying with all applicable laws.

Assessing the Need for a Survey

DEQ recommends that responsible parties contact the State Historic Preservation Office and the appropriate tribal governments before any ground disturbing work begins to determine whether cultural or historic resources are likely to exist at the site, and to determine whether an archaeological resources survey is needed before beginning ground-disturbing work. The Oregon Legislative Commission on Indian Services can advise on which tribal governments to contact. Taking the time, before a project starts, to identify the possibility that cultural resources exist at the site may reduce the potential for costly delays if artifacts are inadvertently discovered.

For more information please contact:

Christine Svetkovich, Liaison to Tribal Nations, at 503-229-6991 or svetkovich.christine@deq.oregon.gov.

For information about the National Historic Preservation Act, visit the Advisory Council on Historic Preservation Web page: <https://www.achp.gov/digital-library-section-106-landing/national-historic-preservation-act>.

Alternative formats

Documents can be provided upon request in an alternate format for individuals with disabilities or in a language other than English for people with limited English skills. To request a document in another format or language, call DEQ in Portland at 503-229-5696, or toll-free in Oregon at 1-800-452-4011, ext. 5696; or email deqinfo@deq.oregon.gov.