

**LDIR#053**

**HISTORIC**

**PRESERVATION**

**1969-1970**

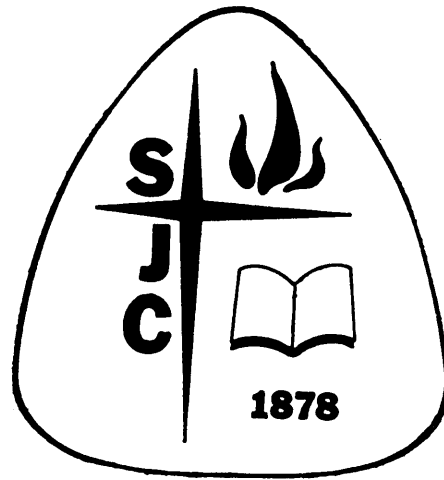
ANNUAL MEETING  
OF THE  
ALASKA HISTORIC SOCIETY



Sitka, Alaska

November 6-7-8, 1970

SHELDON JACKSON MUSEUM  
Sitka, Alaska  
(Established in 1888 by Sheldon Jackson)



Sheldon Jackson Museum grew out of Dr. Sheldon Jackson's realization of the importance of saving articles of early history, native culture, and natural history for the benefit of future generations. In his travels about the area, much of the time on the U.S. Revenue Cutter "Bear," he had an opportunity to collect many articles of interest and to transport them to Sitka. The first museum on the site was established in 1888. The present museum -- the first cement building in Alaska -- was built in 1895 to provide a fireproof home for the treasures of many expeditions. Many people contributed to the collection to form what was, at that time, the largest collection in existence.

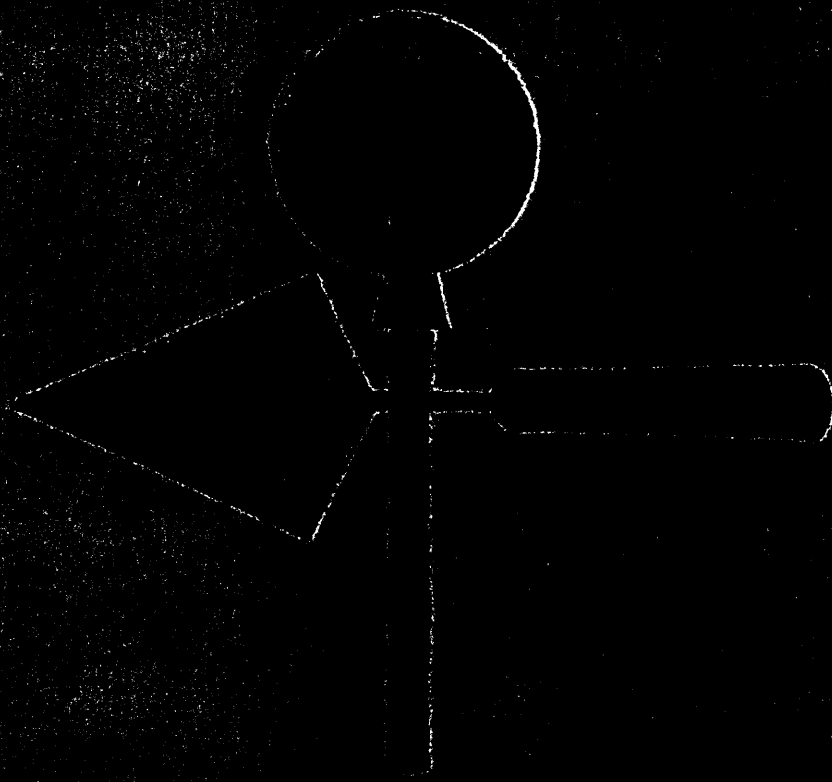


**an appeal  
for  
Historic St. Michael's Cathedral**

Sitka, Alaska, 1970



THE  
ANTIQUITIES CODE  
OF TEXAS



# The Archaeology of the State of Hawaii

Uniform Rules and Regulations

DEPARTMENT OF LAND AND  
NATURAL RESOURCES

DIVISION OF STATE PARKS

# STATE OF MINNESOTA

SIXTY-FOURTH  
SESSION }

H. F.

No. 1713

Introduced and Read First Time Apr. 14, 1965, by Messrs. Hegstrom,  
Fitzsimons, Mahowald, Barr, and DuBois.

Referred to Committee on Recreation and Water Resources.

Reported Back May 4, 1965, to Pass as Amended.

Read Second Time May 4, 1965.

Matter in italics is new; matter in capitals when in ( ) is old law to be omitted.

A BILL for an Act Providing for the Preservation of Historic Sites, Structures, and Antiquities of State and National Significance.

*Be it enacted by the Legislature of the State of Minnesota:*

Section 1. [POLICY.] It is in the public interest to provide for the preservation of historic sites, buildings, structures, and antiquities of state and national significance for the inspiration, use, and benefit of the people of the state.

Sec. 2. [DEFINITIONS.] Subdivision 1. Land or water areas containing historic or archeological value for the purposes of this act are designated as "state historic sites." A "state historic site" is also an area designated by the Minnesota Historical Society as a site possessing historical value of state or national significance. The term "state historic site" includes the items defined in this section.

Subd. 2. A "state historical marker" is a plaque, sign, or marker authorized by the Minnesota Historical Society and the Minnesota Historic Sites and Markers Commission, and includes roadside markers maintained by the department of highways, the department of conservation, or other departments or agencies of the state and its governmental subdivisions.

Subd. 3. A "state historic monument" is an area so designated by statute as a state monument marked by a stone shaft or other memorial marker, and includes contiguous lands owned by the state or any of its governmental subdivisions.

Subd. 4. A "state archeological site" is an area, primarily relating to prehistoric man, designated by the Minnesota Historical Society and the state archeologist as possessing state or national significance.



(House Bill No. 1475. By Representatives Mackie, Caywood, Bain, Bastien, Black, Cresswell, Frank, Gollob, Gossard, Grace, Grimshaw, Grove, Haskell, Jackson, Knox, Koster, Lamm, Lowery, McCormick, Safran, Strahle, Strickland, and Wilder; also Senators Kemp, Dines, Rockwell, and Bermingham.)

CONCERNING HISTORICAL, PREHISTORICAL, AND ARCHAEOLOGICAL RESOURCES OF THE STATE OF COLORADO.

*Be it enacted by the General Assembly of the State of Colorado:*

**Section 1. Title to historical, prehistorical, and archaeological resources.**

—(1) The state of Colorado reserves to itself title to all historical, prehistorical, and archaeological resources in all lands, rivers, lakes, reservoirs, and other areas owned by the state. Historical, prehistorical, and archaeological resources shall include all deposits, structures, or objects which provide information pertaining to the historical or prehistorical culture of people within the boundaries of the state of Colorado, as well as fossils and other remains of animals, plants, insects, and other objects of natural history within such boundaries.

(2) For the purposes of this act, historical, prehistorical, and archaeological resources shall include, in addition to the specific site or deposit, rights-of-way access on state-owned land from a maintained public road for the exploration, protection, preservation, interpretation, and enhancement of the site or deposit proper.

**Section 2. Powers.**—(1) (a) In addition to any other powers conferred by law, the state historical society of Colorado, hereinafter referred to as the "society", shall have power to:

(b) Issue or deny permits for the investigation, excavation, gathering, or removal from the natural state, of any historical, prehistorical, and archaeological resources within the state, and to determine whether or not the applicants for such permits are duly qualified to conduct investigations in the field for which the permit is requested.

(c) Enter into agreements with the state department of highways, the federal bureau of public roads, or other agencies, private corporations, or individuals controlling highway and other construction activities which might, in any way, involve historical, prehistorical, and archaeological resources of the state of Colorado.

<p align="center">U. S. DEPARTMENT OF COMMERCE Bureau of Public Roads</p>	<p align="center">POLICY AND PROCEDURE MEMORANDUM 20-7 Date of issuance: August 24, 1959</p>
<p align="center">PROGRAM AND PROJECT PROCEDURES</p> <p>SUBJECT: ARCHEOLOGICAL AND PALEONTOLOGICAL SALVAGE</p>	
<p>Supersedes: Policy and Procedure Memorandum 20-7, dated October 19, 1956</p>	

#### 1. PURPOSE

The purpose of this memorandum is to set forth the procedures for implementing the provisions of section 305 of title 23 USC covering the use of Federal highway funds in archeological and paleontological salvage in Federal and Federal-aid highway construction.

#### 2. POLICY

It is the national policy to have preserved for public use historical and prehistorical sites, buildings, and objects of national significance for the inspiration and benefit of the people of the United States. Indian ruins come within this policy. It is a Federal crime to injure or destroy any historical or prehistorical ruin or any object of antiquity, on Government lands without permission of the head of the department having jurisdiction over such lands (16 USC 433). Several of the States have somewhat similar statutes.

#### 3. DEFINITIONS OF TERMS USED

a. The term "historical objects" as used in this memorandum means archeological and paleontological objects, including all ruins, sites, buildings, artifacts, fossils, or other objects of antiquity that have national significance from a historical or scientific standpoint for the inspiration and benefit of the people of the United States.

b. The term "salvage" as used in this memorandum shall mean the salvage of historical objects.

c. The term "appropriate authority" as used in this memorandum shall mean the Federal or State authorities concerned with the preservation and study of historical objects.

#### 4. NOTIFICATION OF APPROPRIATE AUTHORITY

a. Historical objects should not be needlessly destroyed or if such destruction cannot be avoided, reasonable action should be taken to obtain all desired information concerning such objects prior to destruction. When a road location or improvement is in an area where it is anticipated that historical objects may be encountered, the appropriate authority should be advised as early as possible of the proposed location of the road to enable such authority to determine the likelihood of the highway destroying historical objects. If it should appear that the proposed road construction will result in the destruction of the historical objects and it is determined by the appropriate authority that such objects cannot reasonably be removed or otherwise preserved, consideration should be given to possible alternate locations of the highway.

b. If, during the course of construction, historical objects are encountered, the appropriate authority should be notified immediately and steps taken to excavate and preserve the objects if practicable, or if preservation is impracticable, to permit the appropriate authority to obtain and record data relative thereto.

#### 5. ELIGIBILITY FOR FEDERAL-AID PARTICIPATION

a. Federal-aid funds may participate in archeological and paleontological salvage as provided in section 305 of title 23 USC to the extent that State laws are applicable and to the extent approved as necessary by the State highway department. The initiative for the application of this provision rests with the States.

b. Section 305 permits the use of Federal-aid highway funds for such salvage costs as are clearly attributable to highway projects, including survey costs incurred in advance of construction as the State may determine to be necessary to preserve historical objects which might otherwise be adversely affected by highway construction, or to avoid increased salvage costs as might otherwise occur during highway construction. Federal-aid highway funds are not available for use in connection with any salvage costs which would have been incurred had the highway project not been undertaken.

#### 6. ARCHEOLOGICAL SURVEYS

Any archeological surveys deemed necessary will normally be handled as a part of preliminary engineering in determining the route location and will be eligible for Federal-aid reimbursement in the

See Florida bill - antiquities - art -  
South Carolina

STATE OF WISCONSIN

DEC 9 1965

Assembly Bill 565

424

Effective

CHAPTER \_\_\_\_\_, LAWS OF 1965

AN ACT to repeal and recreate 27.012 of the statutes, relating to field archaeology and and providing penalties.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 27.012 of the statutes is repealed and recreated to read:

27.012 FIELD ARCHAEOLOGY. The state of Wisconsin reserves to itself the exclusive right and privilege of field archaeology on state sites, in order to protect and preserve archaeological and scientific information, matter and objects. It is a declaration of legislative intent that persons practicing field archaeology on privately owned land are encouraged to pursue their field archaeology in accordance with this section, and that the looting of all archaeological remains be strongly discouraged. Persons having knowledge of the location of archaeological sites are encouraged to communicate such information to the state archaeologist. This section is not intended to burden persons who wish to use state property for recreational and other lawful purposes or to unnecessarily restrict the use of state property.

(1) DEFINITIONS. As used in this section:

(a) "Archaeological methods" means scientific procedures used in field archaeology by recognized professional authorities on archaeology.

(b) "Data" means field notes, photographs, maps and other records relating to field archaeology.

(c) "Director" means the director of the historical society.

(d) "Field archaeology" means the study of the traces of human culture at any state-owned land or water site by means of surveying, digging, sampling, excavating or removing objects.

(e) "Historical society" means the state historical society of Wisconsin.

(f) "Object" means a man-made article, implement or other item of archaeological interest.

(g) "Scientific institutions" means museums, historical societies, foundations for archaeological study, state agencies and scholarly groups with professional standing and physical facilities for the display, study and preservation of objects of archaeological interest.

(h) "State site" or "state archaeological site" means a land or water area, owned by this state, where there are objects or other evidence of archaeological interest. This term includes all aboriginal mounds and earthworks, ancient burial grounds, prehistoric and historical ruins, Indian mounds and objects and other archaeological and historical features on state land.

(2) UNLICENSED FIELD ARCHAEOLOGY PROHIBITED. No person other than the state archaeologist and individuals licensed by the director shall engage in any field archaeology on any state site.

See history of the Wis. St. Hist. Soc. by Clifford L. ...  
See article in Life re. antiquities  
in March

(To be made one and ten copies)

HOUSE OF REPRESENTATIVES  
FIFTH LEGISLATURE, 19<sup>69</sup>  
STATE OF HAWAII

H. B. NO. 185  
H. D. 1

# A BILL FOR AN ACT

RELATING TO THE PRESERVATION AND PROTECTION OF PREHISTORIC AND  
HISTORIC SITES AND ARCHEOLOGICAL REMAINS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Chapter 9 of the Revised Laws of Hawaii 1955 is  
2 amended by adding a new section to read as follows:

3 "Sec. 9- . Archeological investigation, recording and  
4 salvage; appropriations. Whenever any public construction or  
5 improvement of any nature whatsoever is undertaken by any government  
6 agency on lands which are controlled or owned by the State or by  
7 any county and which are sites of historic or prehistoric interest  
8 and value, or locations of prehistoric or historic remains, one  
9 per cent of the appropriations for such public construction or  
10 improvement, or so much thereof as may be necessary, shall be  
11 expended by the department of land and natural resources for the  
12 archeological investigation, recording and salvage of such sites  
13 or remains when it is deemed necessary by the department."  
14  
15

16 SECTION 2. Section 14-8 of the Revised Laws of Hawaii 1955  
17 is amended to read as follows:

18 "Sec. 14-8. Prehistoric and historic sites and remains.

19 (a) The department of land and natural resources shall locate,

# A BILL FOR AN ACT

RELATING TO THE ESTABLISHMENT OF A NON-PROFIT CORPORATE FOUNDATION  
ENABLING ACCEPTANCE OF FUNDS AND GIFTS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1           SECTION 1. Statement of Purpose. The purpose of this Act is  
2 to create a non-profit corporation for historic preservation,  
3 restoration, presentation, museum activities, and support programs;  
4 and in cooperation with and in assistance to the department of land  
5 and natural resources and other state agencies to receive sites,  
6 buildings, and objects significant in Hawaii's history and culture,  
7 to preserve and administer them for public benefit; to accept,  
8 hold, and administer gifts, securities, grants, scholarships,  
9 endowments, private bequests or other property of whatsoever  
10 character for a comprehensive historical preservation and/or  
11 museum's program.

12           This agency shall be the depository of all resources which  
13 are made available or offered of desirable land, historical  
14 collections, and donations made by groups and persons as gifts to  
15 the state to help insure the Hawaiian heritage.

16           SECTION 2. Establishment of the Hawaii Foundation for History  
17 and the Humanities; board of trustees. There is hereby created an  
18 educational, non-profit corporation to be known as the Hawaii  
19 Foundation for History and the Humanities which shall be headed by

# STATE OF MINNESOTA

SIXTY-THIRD  
SESSION

}

H. F.

No. 70

Introduced and Read First Time Jan. 22, 1963, by Messrs. Fitzsimons,  
Klaus, House, Barr and Kirchner.

Referred to Committee on General Legislation.

Reported Back Jan. 30, 1963, to Pass as Amended.

Read Second Time Jan. 30, 1963.

Matter in italics is new; matter in capitals when in ( ) is old law to be omitted.

A BILL for an Act Relating to Field Archaeology and Providing Penalties for Violations Thereof;  
Repealing Minnesota Statutes 1961, Sections 84.37 to 84.41.

*Be it enacted by the Legislature of the State of Minnesota:*

Section 1. [DEFINITIONS.] Subdivision 1. As used in sections 1 to 13, the terms defined in  
2 this section have the meanings given them.

3 Subd. 2. "State site" or "state archaeological site" means a land or water area, owned by or sub-  
4 ject to the paramount right of the state, county, township, or municipality where there are objects or  
5 other evidence of archaeological interest. This term includes all aboriginal mounds and earthworks,  
6 ancient burial grounds, prehistoric ruins, and other archaeological features on state land or on land  
7 subject to the paramount rights of the state.

8 Subd. 3. "Site" or "archaeological site" has the same meaning as "state site" or "state archaeo-  
9 logical site."

10 Subd. 4. "Object" means a natural or man made article, implement, skeleton, bone, or other item  
11 of archaeological interest.

12 Sub. 5. "Field archaeology" means the study of the traces of human culture at any land or water  
13 site by means of surveying, digging, sampling, excavating, or removing objects, or going on a site with  
14 that intent.

15 Subd. 6. "Director of the historical society" means the director of the Minnesota historical so-  
16 ciety.

## PRESERVATION OF HISTORIC SITES

69-10-00

This proposal is based on North Carolina legislation creating a State Department of Archives and History to administer historic State properties.

The Department is authorized to purchase, preserve and restore historic properties. The draft creates an Historic Sites Advisory Committee to evaluate potential acquisitions and to make recommendations to the Department and the legislature relating to the historical significance, financing, and maintenance of the proposed acquisition. The Department must consider the committee's recommendation before taking action.

A limited power of condemnation is granted the Department, to be exercised, upon approval of Governor, when destruction or serious impairment of historic property is imminent. The Department is funded from State appropriations.

Suggested Legislation

(Title, enacting clause, etc.)

Section 1. Creation

1           There shall be a State Department of Archives and History.  
2           (hereafter referred to as "Department")

Section 2. Powers and Duties

1           The Department shall have the following powers and duties:

2           (1) To adopt a seal for official use.

3           (2) To report to the Governor on its activities and needs, in-  
4           cluding recommendations for improving services to the State.

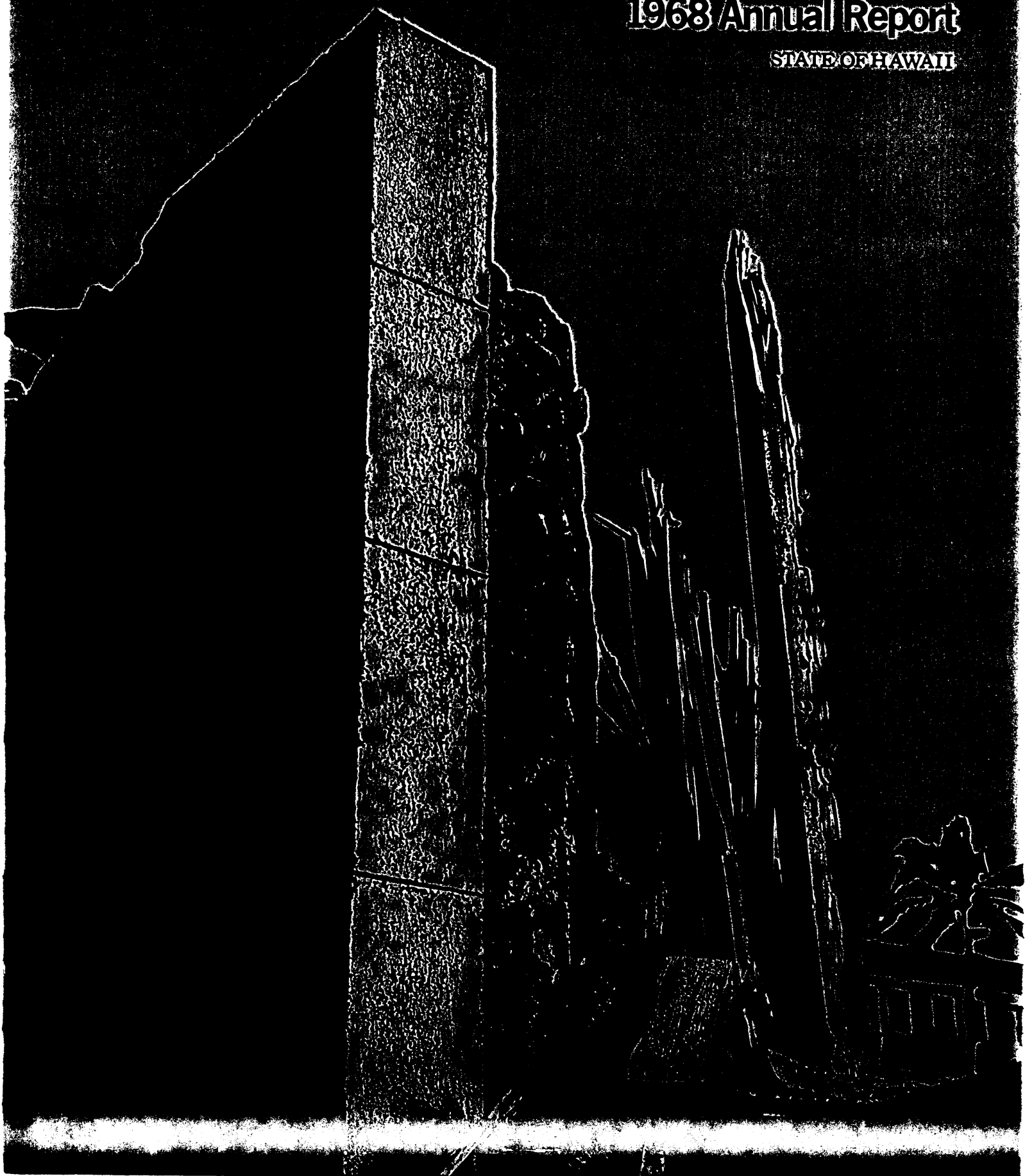
5           (3) To accept gifts, bequests, and endowments for purposes which  
6           fall within the general legal powers and duties of the Department.

7           (4) To preserve and administer public archives as are transferred  
8           to its custody, and to collect, preserve and administer private and  
9           unofficial historical records and relics relating to the history of  
10          (    ).

11          (4.1) To conduct a records management program, including the  
12          operation of a records center or centers and centralized microfilming,  
13          program, for the benefit of all State agencies.

**HISTORIC PRESERVATION**  
**1968 Annual Report**

**STATE OF HAWAII**



## STATE ARCHEOLOGIST

### I. Rationale for establishing the position.

#### A. State and Federal Laws and Regulations.

State Statutes 38.25 and 38.12 establish a basis for protection of historic and prehistoric sites within the State. However, there is presently no machinery within the State to uphold these laws and regulations nor is there adequate administration to coordinate and oversee the proper granting of excavation permits on State-controlled lands.

A weaker, but still valid, argument for the position is the lack of control of digging (pot-hunting) on Federal lands within the State. The nearest Federal office with jurisdiction over these matters is in San Francisco.

#### B. Construction work.

The present situation of burgeoning construction within the State is creating an intolerable situation. Sites are being bulldozed under in many parts of the State. Much of this construction is concerned with road building but all other types of construction are also responsible for the destruction of valuable sites. Some 10-20% of the proposed TAPS pipeline will be on State owned or controlled lands. Absolutely nothing has been done about the sites to be destroyed by this work. This situation could be avoided by the creation of a State Archeologist.

#### C. Precedent set by other states.

Almost every other state in the Union has such a position; either as a separate office or subsumed within a state historical office or an archeological survey. These have provided a great deal of information about their respective state histories, preserving their heritage not only for the scientific community but for all residents of the state and tourists, as well. It is instructive to see how many people utilize the museum at the University of Alaska. Saving historical and archeological sites is a worthwhile endeavor.

From: Bill Kelso,  
Archaeologist -  
Ga Hist Comm  
116 Mitchell St  
Atlanta 30303

PREAMBLE

WHEREAS, the citizens of Georgia have an interest in the preservation of historic and prehistoric sites, ruins, artifacts, and other places and things for their scientific and historical information and value; and, the citizens of Georgia have a right to the knowledge to be derived and gained from the scientific study of these materials; and, without proper protection these places have been neglected, desecrated, or otherwise destroyed or these materials have been removed without regard to adequate records with a resulting loss to our citizens of knowledge concerning their heritage; and, historic and prehistoric sites, ruins and objects of antiquity and rightfully and properly the subject of coordinated and organized activities exercised on behalf of the general welfare of the public as a whole in order that they may be preserved, studied, evaluated, and exhibited; the following Bill is proposed:

A BILL  
TO BE ENTITLED

An Act to provide for the protection, preservation, and investigation of archaeological sites, antiquities and artifacts on State properties; to provide for all procedures, requirements and other matters in connection with the foregoing; to provide for penalties; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

Section 1. The State of Georgia, acting through the Georgia Historical Commission, reserves to itself the exclusive right and privilege of exploring, excavating, or surveying through its authorized officers and employees all archaeological and historic sites, ruins, artifacts, treasure trove, ancient and abandoned ships and other similar