

NAPA

Nebraska Association of Professional Archeologists

Vol. 10 (2) & 11(1)

NEWSLETTER

Fall 1996/Spring 1997

NAPA BUSINESS

Dues Reminder!

Membership dues for 1997 are now due! The Board of Directors decided not to raise dues at the present time, so they remain at \$15.00 for Regular Members and \$10.00 for Student, Subscribing, and Institutional members, as well as members affiliated with other regional or state archeological societies. Renew now and receive both the next issue of *Central Plains Archeology* and the special publication! Checks should be made payable to NAPA and sent to:

Ms. Dawn R. Bringelson
800 South 31st Street
Lincoln, Nebraska 68510

Forthcoming NAPA Publications

Two NAPA publications are scheduled for printing in 1997. One will be a special publication entitled *A Look Around the Boundary: Archeological Inventory of the Dyck and Other Properties Adjacent to the Little Bighorn Battlefield National Monument*, by members Douglas D. Scott and Peter Bleed. This details the results of a metal detector inventory conducted adjacent to the Little Bighorn Battlefield National Monument in 1994.

Volume 5, No. 1 of *Central Plains Archeology* will also be issued in 1997. It will contain papers from a recent Plains Anthropological Conference symposium on the topic of marine shell ornaments on the Plains:

- *Introduction to the Symposium*, by Kerry Lippincott
- *Faces of Shell: Two Marine Shell Mask Gorgets from South Dakota*, by Michael Fosha
- *Marine Shell Gorgets in Montana*, by Stanley James
- *Mussels, Mussel Shell Tools and Mussel and Marine Shell Ornaments from the Missouri River Trench in South Dakota*, by Kerry Lippincott
- *The Marine Shell Artifacts of Kansas*, by Donald J. Blakeslee

- *A Preliminary Survey of Marine Shell Artifacts from Prehistoric Archaeological Sites in Nebraska*, by Gayle F. Carlson
- *Whorls and Valves: Marine Shell Artifacts from North Dakota*, by Paul R. Picha and Fern E. Swenson
- *Shell from the Plains: A Southeastern Perspective*, by Marvin T. Smith

Call for Newsletter Information

The next NAPA newsletter will feature information on upcoming excavations, fieldwork, and current research projects. **Deadline: April 1, 1997.** Details and/or highlights of your endeavors should be sent to:

Amy Koch, Archeology Division
Nebraska State Historical Society
P.O. Box 82554, Lincoln, Nebraska 68501
Phone: 402-471-6288 Fax: 402-471-3314

OBITUARIES

Waldo R. Wedel, 1908-1996

Plains archeology lost one of its foremost practitioners with the death of Dr. Waldo R. Wedel on August 27, 1996. Dr. Wedel, a native of Newton, Kansas, and long affiliated with the Smithsonian Institution, conducted archeological research in the Great Plains region for more than 50 years. Much of his pioneering research focused on the Central Plains, where his studies of the relationship between native cultures and their physical environment were a hallmark of his scholarship. He received many honors during his lifetime, including bestowal of NAPA's first William Duncan Strong Memorial Award in 1994. David M. Gradwohl's review of his career and many research contributions appears in the *Plains Anthropologist*, volume 41, number 158, pages 317-332.

ANNOUNCEMENTS

Flint Hills Conference

The 19th Annual Flint Hills Conference will be held in Manhattan, Kansas, on March 28 and 29, 1997. Hosted by the Kansas State University, the conference will convene in Room 231, Waters Hall, on the KSU campus. The Flint Hills Conference focuses on the archeology of the central and southern Plains. Highlights include an interdisciplinary symposium reporting recent work on Fort Riley as well as a lithic raw material exchange. Student paper submissions are encouraged. Registration and parking are free. Papers are limited to 20 minutes or less. Titles and abstracts of 250 words or less should be submitted to: Dr. Donna C. Roper, Conference Chair, 1924 Bluehills Road, Manhattan, Kansas 66502-4503 (phone and FAX: 913-776-3772 (notify to activate fax); e-mail address: droper@ksu.ksu.edu). **The deadline for abstracts is March 15, 1997.** Note: Pre-registration is required for the lithic raw material exchange. If you plan to participate, please contact the organizer: Janice McLean, 1934^{1/2} Naismith Drive, Lawrence, Kansas 66046 (phone: 913-841-2798; e-mail address: jamclean@eagle.cc.ukans.dcu).

Anthropology Section of the Nebraska Academy of Science

The Anthropology Section of the Nebraska Academy of Science will meet on April 25 and 26, 1997 in Olin Hall on the Nebraska Wesleyan University campus. Further information regarding the meeting can be obtained from Jean Nelson (phone: 402-472-2662).

Archeology Bill Introduced in the Legislature

In January, Lincoln Senator Don Wesely introduced to the 1997 session of the Nebraska Legislature a bill entitled the Nebraska Archeological Resources Protection Act. The bill has four purposes: 1) to establish criteria for the identification of significant archeological sites within the state; 2) to establish legal protection for significant archeological sites in public ownership; 3) to encourage preservation of significant sites on private lands; and 3) to establish a public archeology program within the state. The primary way in which these goals would be accomplished would be through the creation of a state archeology program within the Nebraska State Historical Society, headed by a state archeologist. This official would promulgate regulations for the implementation of specific requirements of the Act, and would perform a wide range of functions listed in Section 5 of the bill. Many states have long had similar state archeologist programs, although the specific functions and authorities of state archeologist offices vary somewhat from state to state. A copy of the bill is included in this newsletter.

We believe this bill, if enacted into law, will benefit archeological preservation and public education efforts in Nebraska for generations to come. The bill will be heard before the Government, Military, and Veterans Affairs Committee, although a date for the hearing has not yet been set. We urge you to contact the members of this Committee, as well as your own legislative representatives, and urge their support of LB778. Committee members are:

- Senator Bud Robinson (Chair; District 16; 471-2728)
- Senator Jim Cudaback (District 36; 471-2642)
- Senator Ray Janssen (District 15; 471-2625)
- Senator DiAnna Schimek (District 27; 471-2632)
- Senator Jerry Schmitt (District 41; 471-2631)
- Senator Elaine Stuhr (District 24; 471-2756)
- Senator Gene Tyson (District 19; 471-2929)
- Senator Floyd Vrtiska (District 1; 471-2733)

These Senators or their staff can be contacted through the above telephone numbers or by writing to them at the State Capitol Building, Lincoln, Nebraska 68509. Be sure to include their district number in the address.

Annual Meeting

The annual meeting of NAPA members will be held in the auditorium of the Nebraska State Historical Society Museum in Lincoln, Nebraska at 1:00pm on April 19, 1997. NAPA business will be discussed including the progress of LB778 as well as nominations for new Board members. Please plan to attend this important meeting.

LEGISLATION

Legislative Bill 778

Introduced by Wesely, District 26

Read first time January 22, 1997

Committee: Government, Military and Veterans Affairs

A BILL

FOR AN ACT relating to archaeological resource preservation; to adopt the **Nebraska Archeological Resources Preservation Act**; to provide penalties; and to provide for a property tax exemption.

Be it enacted by the people of the State of Nebraska, printed with soy ink on recycled paper

Section 1. This act shall be known as and may be cited as the Nebraska Archeological Resources Preservation Act.

Sec. 2. The Legislature hereby finds and declares that:

- (1) Archaeological sites represent an important public resource embodying the record of our state's cultural heritage;
- (2) Many archaeological sites embody sacred and cultural patrimonial values important to the American Indian community;
- (3) Preservation of the heritage that archaeological sites represent is in the best interests of the public;
- (4) The resource base of archaeological sites is being threatened at an increasing rate by agricultural, urban, commercial, transportation, governmental, and industrial development; and

(5) Current law and other remedies are inadequate to preserve archaeological resources.

Sec. 3. The purposes of the Nebraska Archaeological Resources Preservation Act are to:

- (1) Establish criteria for identifying significant archaeological sites deserving protection;
- (2) Establish legal protection for significant archaeological sites in the public domain;
- (3) Encourage preservation of significant archaeological sites on private lands; and
- (4) Establish a public archaeology program to work closely with educational, cultural, and avocational organizations.

Sec. 4. For purposes of the Nebraska Archaeological Resources Preservation Act:

- (1) Archaeologist means a professional with a graduate degree in archaeology or anthropology, plus (a) at least one year of full-time professional experience or equivalent specialized training in archaeological research, administration, or management,
 - (b) at least four months of supervised field and analytic experience in general North American archaeology, and
 - (c) demonstrated ability to carry research to completion. A professional in prehistoric archaeology shall have at least one year of full-time professional experience at a supervisory level in the study of archaeological resources of the prehistoric period. A professional in historic archaeology shall have at least one year of full-time professional experience at a supervisory level in the study of archaeological resources of the historic period;
- (2) Archaeological resource means any material remains of past human life or activities that are of archaeological interest, as determined under rules and regulations adopted and promulgated pursuant to the act. Such material remains include, but are not limited to, pottery, basketry, bottles, weapons, tools, structures or portions of structures, dwellings, rock paintings, rock carvings, intaglios, graves, human skeletal materials, or any portion or piece of any of the foregoing items. Nonfossilized and fossilized paleontological specimens, or any portion or piece thereof, shall not be considered archaeological resources under the act, unless found in an archaeological context. No item shall be treated as an archaeological resource under this subdivision unless such item is determined to be at least fifty years of age;
- (3) Archaeological site means a place or location where archaeological resources are found;
- (4) Master archaeological site file means the records inventory of all known Nebraska archaeological sites maintained by the Nebraska State Historical Society;
- (5) National Register of Historic Places means the register of districts, sites, buildings, structures, and objects significant in American history, architecture, archaeology, and culture, maintained by the Secretary of the Interior under the authority of section 2(b) of the federal Historic Sites Act of 1935, 16 U.S.C. 461, and section 101(a)(1) of the National Historic Preservation Act, 16 U.S.C. 470;
- (6) Public agency means all state agencies and all other organizations receiving state tax funding or regulated by state licenses or permits;
- (7) State archaeology office means the office created within the Nebraska State Historical Society and headed by the State Archaeologist;
- (8) Undertaking means a project, activity, or program funded in whole or in part under the direct or indirect jurisdiction of a public agency, including those carried out by or on behalf of the agency, those carried out with state financial assistance, those requiring a state permit, license, or approval, and those subject to local regulation administered pursuant to a delegation or approval by a state agency; and
- (9) Conservation easement means a right or interest in real property that is appropriate to retaining the structural integrity or physical appearance of sites or properties of archaeological or cultural significance or maintaining existing land uses.

Sec. 5. There is hereby established the State Archaeology Office which shall be a division within the Nebraska State Historical Society. The

purpose of the State Archaeology Office shall be to coordinate, encourage, preserve, and adopt and promulgate rules and regulations to meet the requirements of the Nebraska Archaeological Resources Preservation Act. The State Archaeology Office shall be headed by the State Archaeologist. The State Archaeologist shall be a graduate of a recognized college or university with a graduate degree in archaeology or anthropology and shall have sufficient practical experience and knowledge of Great Plains archaeology to qualify for the purposes of the act. The State Archaeology Office shall:

- (1) Adopt and promulgate rules and regulations to carry out the act and review the results of archaeological research resulting from the act;
- (2) Promote development of archaeological resources for educational, cultural, tourism, and scientific purposes;
- (3) Support popular and avocational interest in archaeological resources through field trips, demonstrations, seminars, and excavations throughout the state;
- (4) Conduct a program of locating, identifying, quantifying, and assessing the significance of the state's archaeological resources;
- (5) Maintain master archaeological site files;
- (6) Advise state agencies, nongovernmental organizations, commercial and business interests, landowners, individuals, and others as to the provisions and requirements of the act;
- (7) Serve as the liaison office in transactions dealing with archaeological resources between state agencies and between the state and the federal government;
- (8) Cooperate with state agencies and others in overseeing the execution of archaeological undertakings required by the act;
- (9) Serve as the liaison office between state agencies and Indian tribes, the Commission on Indian Affairs, or other constituent groups culturally affiliated with archaeological sites involved in undertakings;
- (10) Maintain a list of archaeologists qualified to conduct research projects required by the act;
- (11) Maintain a permanent repository and electronic database of published and unpublished sources on the archaeological resources of the state;
- (12) Prepare, publish, and distribute for professional use and public education reports, bulletins, pamphlets, maps, and other products necessary to achieve the purposes of the act;
- (13) Implement a program of emergency salvage archaeology, which includes surveys and either salvage or preservation of archaeological resources imperiled by development activities or natural forces;
- (14) Administer and manage grants, tax incentives, acquisitions, and easements of property to the state for the purposes of preserving archaeological sites and resources; and
- (15) Ensure the long-term curation and management of collections and records resulting from archaeological undertakings within the state.

Sec. 6. The head of any public agency having direct or indirect jurisdiction over a proposed state or state-assisted undertaking, which has potential to affect archaeological resources or sites, shall, prior to the approval of the expenditure of any state funds on the undertaking or prior to the issuance of any license, as the case may be, notify the State Archaeology Office of the undertaking and cooperate with the State Archaeology Office to identify and develop measures to mitigate the effect of the undertaking on any archaeological site or object that is included in or eligible for inclusion in the National Register of Historic Places.

Sec. 7. The State Archaeology Office, through the Department of Administrative Services, may accept, use, disburse, and administer all funds or other property, services, and money allotted to it for purposes of the Nebraska Archaeological Resources Preservation Act, and to prescribe, by rule and regulation not inconsistent with the laws of this state, the conditions under which such funds, property, services, or money shall be accepted and administered. On behalf of the state, the Nebraska State Historical Society is empowered to make such agreements with the approval of the Attorney General, not inconsistent with the laws of this state, as may be required as a condition precedent to receiving such funds or other assistance.

Sec. 8. (1) Any person who knowingly and willfully appropriates, excavates, injures, or destroys any archaeological resource on public land and lands with conservation easements without a valid permit from the State Archaeology Office is guilty of a Class I misdemeanor. All articles and materials illegally taken and all money and materials derived from the sale or trade of the same shall be forfeited to the state.

(2) When the State Archaeology Office has cause to believe that a person has engaged in or is engaging in any unlawful conduct as defined in this section, it may apply for and obtain, in an action in the appropriate district court of this state, a temporary restraining order or injunction, or both, pursuant to the Nebraska rules of civil procedure prohibiting such person from continuing such practices, or engaging therein, or doing any act in furtherance thereof.

Sec. 9. No person, not being the owner thereof or without the consent of the owner, proprietor, lessee, or person in charge thereof, shall enter or attempt to enter upon the lands of another and intentionally injure, disfigure, remove, excavate, damage, take, dig into, or destroy any historical monument, marker, medallion, or artifact, or any archaeological site located in, on, or under any private lands within the State of Nebraska. Any person committing such act is guilty of a Class I misdemeanor. All articles and material illegally taken and all money and materials derived from the sale or trade of the same shall be forfeited to the landowner.

Sec. 10. (1) The State Archaeology Office is empowered to enter into conservation easements and such conservation easements:

(a) Shall be developed under the Conservation and Preservation Easements Act;

(b) May be acquired by the State Archaeology Office or any governmental body or agency or by a charitable corporation or trust, on behalf of the State Archaeology Office, whose purposes include the conservation of sites or properties of archaeological or cultural significance;

(c) Are perpetual, undivided interests in property and may be created or stated in the form of a restriction, easement, covenant, or condition

in any deed, will, or other instrument executed by or on behalf of the owner of the property, or in any order of taking. Such easements may be acquired in the same manner as other interests in property are acquired, except by condemnation or by other exercise of the power of eminent domain, and shall not be unassignable to other governmental bodies or agencies, charitable organizations, or trusts authorized to acquire such easements, for lack of benefit to a dominant estate; and

(d) Shall run with the land and be binding on all subsequent owners of the servient estate. No conservation easements shall be unenforceable on account of lack of privity of contract or lack of benefit to particular land or on account of the benefit being assignable. Conservation easements may be enforced by injunction or proceedings in equity or at law, and shall entitle the holder to enter the land in a reasonable manner and at reasonable times to assure compliance. A conservation easement may be released by the holder of the easement to the holder of the fee even though the holder of the fee may not be a governmental body or a charitable corporation or trust.

(2) All conservation easements shall be recorded and indexed in the same manner as any other instrument affecting the title to real property.

(3) This section shall not be construed to imply that any restriction, easement, covenant, or condition which does not have the benefit of this section shall, on account of any provision hereof, be unenforceable.

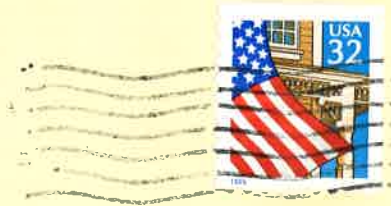
Sec. 11. The State Archeology Office may acquire funding for purchase and maintenance of National Register of Historic Places properties that are endangered and cannot be protected under section 10 of this act.

NAPA Newsletter

Published bi-annually as a service to members of the Nebraska Association of Professional Archeologists. Comments concerning the newsletter should be sent to the attention of the editor.

Editors: Tom Thiessen, Amy Koch
Production: Deb Brownson

Archeology Department
Museum of Nebraska History
131 Centennial Mall North
Lincoln, Nebraska 68508



Roper, Donna C.
1924 Bluehills Road
Manhattan KS 66502