

## A PROPERTY OWNER'S GUIDE TO ARCHEOLOGICAL SITES



A Texas Historical Commission archeological steward (left) records a prehistoric site for a Palo Pinto County landowner (right).

There are currently about 65,000 known archeological sites in Texas, and many times more that number remain unknown and undiscovered. Some of these sites date back at least 13,000 years, while others are just a century old or less. Texas has a wealth of such historic places, from ancient Ice Age hunting camps to World War II military sites—and everything in between. Together, these sites contain artifacts left behind by more than 500 generations of Texans. They are historically and scientifically important to our state because they contain the actual remains of our deep and eventful history.

Sadly—and needlessly—we lose thousands of such places each year due to development, looting, vandalism, and other causes. We hope you will take a moment of your time to consider how you can voluntarily protect these treasures of Texas history.

### OWNERSHIP OF SITES AND LANDOWNER RIGHTS

More than 90 percent of Texas archeological sites are privately owned. Many of them are on rural farms and ranches across the state. By law,

archeological sites and the artifacts within them are the personal property of the landowner. The presence of one or more archeological sites on private property does nothing to curtail or limit the property rights of landowners. In this way, an archeological site is no different from any other resource on private land, such as water, grass, timber, and minerals. In other words, if you are a landowner and have one or more archeological sites on your property, *these sites and their contents are your property, and you can manage them as you wish.* An exception to this statement is the presence or discovery of a cemetery or human grave, which is subject to the provisions of Chapter 711 of the Health and Safety Code.

### OPTIONS AND SERVICES FOR LANDOWNERS

Over the years, we've found that most Texans are deeply interested in the history of their land and are curious to know more about it. We also believe that the more landowners know about the history they own, the better they will protect it. For this reason, Texas Historical Commission (THC) professional archeologists, assisted by trained volunteer stewards, are available to consult with landowners by phone, mail, email, or through visitation to the property.

Our archeologists offer professional assessments of archeological sites, record basic site information, and discuss preservation options with landowners who own sites. We provide this as a confidential service, at no charge, and without obligation of any kind. Landowners interested in this free service can contact our staff using the information provided on the back of this brochure.

### HOW CAN I TELL IF SOMETHING ON MY PROPERTY IS REALLY IMPORTANT?

Some sites are simply more important than others. This has a lot to do with how well sites have been preserved over the centuries. THC archeologists evaluate a number of factors to determine how important a site may be. We look for evidence such as preserved animal bones, campfire features, burned plant fragments, and the like. These materials are very important from a scientific and historical point of view because they provide a good picture of what life was like in the past. In some cases, a site may be associated with an important historic figure or a particularly important event in Texas history. We also evaluate how much damage has been done to a site. All these elements help us make judgments about how important a historic place may be.

### HOW TO PROTECT IMPORTANT SITES

Many protection options are available to landowners who own important archeological sites. In some cases, good fencing and no-trespassing signs may be all that is required. If you are a rural property owner, you may also want to place "no collection" and "no digging" clauses in grazing and hunting leases, so visitors or operators will know

not to destroy the history on your land. For some landowners, neighborhood watch efforts or assistance from local law enforcement (Texas Parks and Wildlife game wardens, or county or municipal police staff) may be desirable, especially if looting or vandalism is taking place.

We have found that the needs of each property owner are unique, just like the sites they own. You are invited to contact our professional staff to discuss specific issues regarding your property.

## DESIGNATION

Sites with great scientific importance can be listed in the National Register of Historic Places, or designated as State Archeological Landmarks. These measures offer additional legal protection that would not otherwise be available. For more information on these options, please refer to our brochure titled *State Archeological Landmark Designation: A User's Guide*, or contact our staff.

## CONSERVATION EASEMENTS

An increasingly popular tool for protecting land from unwanted development—and gaining potentially significant tax benefits—is the conservation easement. A conservation easement is a deed restriction that a landowner puts on his or her own property. Texas landowners solve two problems with conservation easements. First, they permanently prevent land from being developed in unwanted ways, such as suburban housing developments or commercial complexes. Conservation easements restrict what can be done on property, ensuring that unwanted forms of development cannot take place, regardless of who owns the land in the future. Second, by decreasing estate taxes, conservation easements can be the best way to make certain that family land can be inherited by future generations. In some cases, conservation easements have eliminated estate taxes on family lands altogether.

Conservation easements can be used to preserve many ranch or farm resources—topsoil, water, timber, wildlife habitat, and even archeological sites. THC archeologists work with landowners on conservation easement projects that protect important historic places and at the same time help families ensure that their lands remain the way they intend them to be.

## DONATION OR SALE OF SITES TO CARETAKER ORGANIZATIONS

In some cases, landowners may wish to donate or sell an archeological site to a preservation organization. For example, if a parcel of land containing a significant site is being sold, landowners may wish to separate the site from the parcel and deed

it to a caretaker organization. The Archaeological Conservancy, a nonprofit land trust, is one such organization. Government agencies, such as the THC, are another option. Landowners can contact the THC if information and assistance are needed.

## FOR ADDITIONAL INFORMATION

If you need archeological assistance, contact:

### Texas Historical Commission Archeology Division

P.O. Box 12276, Austin TX 78711-2276

Phone: 512.463.6096

Email: [archeology@thc.state.tx.us](mailto:archeology@thc.state.tx.us) or [Marine.Archeology@thc.state.tx.us](mailto:Marine.Archeology@thc.state.tx.us)

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