

STATE ARCHEOLOGICAL LANDMARK DESIGNATION

A User's Guide

Texas' archeological legacy is threatened. But there is something we can do about it.

The legacy began at least 13,000 years ago in the campgrounds and hunting sites of some of the earliest Native American inhabitants of North America, and it continued in missions, battlegrounds, forts, cattle trails, and early settlements of immigrants from all over the world.

These and other kinds of archeological sites are disappearing fast, at an estimated rate of 5,000 a year—and that is in Texas alone. The inevitable expansion of people and industry across the landscape is responsible for much of the damage, but looters and vandals destroy numerous archeological sites, especially rock shelters in the Lower Pecos region, burned rock middens in Central Texas, and prehistoric cemeteries in the eastern part of the state.



COURTESY TEXAS PARKS AND WILDLIFE DEPARTMENT

General William T. Sherman once called Fort McKavett the "prettiest post in Texas." The fort was designated a State Archeological Landmark in 1983.

How can we slow the loss of these sites? One important tool is the State Archeological Landmark (SAL) designation, administered by the Texas Historical Commission (THC).

The rock art in Seminole Canyon State Park and Historic Site, including this bird-human figure painted on the wall of Panther Cave, is protected by State Archeological Landmark designation.



COURTESY ROCK ART FOUNDATION

WHAT IS A STATE ARCHEOLOGICAL LANDMARK?

The SAL designation, included in the 1969 Antiquities Code of Texas, was created specifically to protect archeological sites. The code states that "it is the public policy and in the public interest of the State of Texas to . . . protect and preserve all sites, objects, buildings, pre-twentieth-century shipwrecks, and locations of historical, archeological, educational, or scientific interest."

Since 1969 more than 3,000 sites located on public lands have been designated as SALs, including the wreck of the steamboat *Black Cloud* in Liberty County, rock art sites in Hueco Tanks State Park in El Paso County, the Caddoan village at the George C. Davis site in Cherokee County, and the Lake Theo Paleoindian site in Briscoe County. More than 100 sites on private lands also have been designated as SALs.

To qualify for SAL designation, an archeological site must meet at least one of the following criteria:

- Have the potential to contribute to a better understanding of the prehistory or history of Texas by the addition of new and important information.
- Contain archeological deposits and artifacts that are preserved and intact, thereby supporting the research potential or preservation interests of the site.
- Possess unique or rare attributes related to Texas prehistory or history.
- Offer archeologists a unique opportunity to test theories and methods of preservation, thereby contributing to new scientific knowledge.
- Be the target of vandalism or relic collecting, or be highly likely to be targeted in the future, and official landmark designation is needed to ensure maximum legal protection. If the site cannot be protected, further investigations are needed to mitigate the effects of vandalism and relic collecting.

SAL designation indicates that the site is an important part of our state's historical legacy. Under the Antiquities Code, a designated SAL is placed in a statewide inventory of significant sites, ensuring long-term protection. It cannot be removed, altered, damaged, salvaged, or excavated without a permit from the THC. Designation also gives the owner of the property an additional avenue to prosecute persons who vandalize the site. An SAL on private land is recorded in the deed records of the county where it is located and is conveyed with the property when it is sold.

HOW A SITE BECOMES A STATE ARCHEOLOGICAL LANDMARK

The steps for designation of an SAL are quite simple, beginning with completion of a nomination form, which is available online at www.thc.state.tx.us and may also be obtained by calling or writing the THC Archeology Division.

If the archeological site is on non-federal public lands, either the public agency that owns it or the THC staff can nominate it for designation as an SAL. If a citizen or private group desires to nominate a site owned by a political subdivision, they must give notice of the nomination at their own expense in a newspaper of general circulation published in the city, town, or county in which the building or site is located. If no newspaper of general circulation is published in the city, town, or county, the notice must be published in a newspaper of general circulation published in an adjoining or neighboring county that is circulated in the county of the applicant's residence. The notice must be printed in 12-point boldface type and include the exact location of the building or site and the name of the group or individual nominating the building or site. An original copy of the notice and an affidavit of publication signed by the newspaper's publisher must be submitted to the commission with the application for nomination.

If a site is on private land, the THC will send the landowner a copy of the SAL form for signature. The site *cannot* be nominated or designated without the owner's signature.

The application for State Archeological Landmark nomination is simple to complete and available on the THC website.

The following information must be submitted with the nomination form: a plotting of the site on a U.S. Geological Survey topographical map, a site data record, and any other pertinent details. The staff will review the nomination, consult with the applicant and, if necessary, arrange a site visit. The site nomination will then be sent for review to the Antiquities Advisory Board, a committee of experts in Texas archeology, history, and architecture. The board will make a formal recommendation to the THC, and the site will be nominated at the next scheduled meeting of the THC commissioners. If accepted for nomination, the commissioners will vote on official designation at the following meeting.

LANDOWNER RIGHTS

Designation of SALs on private property is a *voluntary* process that can proceed only with the written permission of the landowner. Federal and state laws do not compel private owners to have their sites designated. *Only* the landowners can make that decision. Designation does not require an owner to provide public access to the site, maintain the property, or relinquish title of the land. Landowners who have questions about the SAL designation may find it helpful to speak with one of the THC's archeologists.

WHAT CAN YOU DO?

Although thousands of archeological sites are now SALs, many significant sites remain undesignated. If you know of a site that merits designation, consider completing the steps for SAL nomination, or ask the property owner to contact the Archeology Division as shown below. For more information contact:

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 or Marine.Archeology@thc.state.tx.us

Website: www.thc.state.tx.us



TEXAS HISTORICAL COMMISSION
real places telling real stories

www.thc.state.tx.us