



FACT SHEET #12: EVALUATING POST-CONTACT ARCHEOLOGICAL SITES FOR NATIONAL REGISTER ELIGIBILITY UNDER SECTION 106

INTRODUCTION

As part of the State Historic Preservation Office's (SHPO) ongoing efforts to assist federal agencies and their applicants/designees in the Section 106 (National Historic Preservation Act) review process, we provide the following guidance concerning the documentation and evaluation of Historic Period archeological sites for their National Register of Historic Places eligibility. Historic Period archeological sites are often inadequately documented or ignored altogether during field investigations for proposed federal undertakings. The following information will help ensure that these significant resources receive appropriate consideration during project planning. For logistical and budgetary reasons, the SHPO and the Oklahoma Archeological Survey (OAS) work together in the identification and evaluation of archeological resources and in the assessment of effects of federal undertakings on those sites listed in or eligible for the National Register of Historic Places (National Register).

HOW DO WE DEFINE PREHISTORIC AND HISTORIC ARCHEOLOGICAL SITES?

Archeological sites are categorized by their age and are generally defined as Pre-Contact (prehistoric) or Post-Contact (historic) sites. The chronological limits for the Historic Period varies across the nation. For Oklahoma the span is less than 300 years and the beginning date is somewhat difficult to define archeologically. We consider that Oklahoma's Historic Period archeological sites date from La Harpe's 1719 ventures into the Arkansas River Valley of Northeastern Oklahoma through 1945, or the end of World War II. Per the cooperative agreement cited above, the SHPO provides opinions to federal agencies or their applicants/designees on archeological sites of this period.

(Note: The OAS provides the opinions for Prehistoric Period sites.)

For Oklahoma the transition between prehistoric and historic times is known as the Proto-Historic Period. Both the SHPO and the OAS may become involved in assessing eligibility of sites falling within this timeframe (A.D. 1500 to A.D. 1700). Sites dating from this period of time may on superficial examination appear to date from prehistoric times. An example would be sites dating from the earliest recorded intrusion into the region by Coronado in 1541. Sites dating from this period may only be confirmed through radiocarbon dates, not by recovered trade goods. Over time, there is an increase in the acquisition of historic trade goods. It is the recovery of trade goods that clearly separates sites dating to the Historic Period from those assigned to earlier prehistoric times.



Governor William W. Jenkins Homestead Site, Kay County



Caddo County Medicine Creek Archaeological District

WHAT IS THE MINIMUM AGE OF A SIGNIFICANT SITE?

The National Register of Historic Places established by the National Historic Preservation Act of 1966 as amended (NHPA) and the Archeological Resources Protection Act of 1979 (ARPA) use different age criteria for assessment of site significance. To be eligible for the National Register, a site must generally be at least fifty (50) years old. However, there are exceptions to the rule. If the site has an association with an exceptionally significant event or person or possesses exceptional architectural merit, etc. (e.g. criterion consideration “g”), the site may be eligible for the National Register even though it is less than fifty (50) years in age. ARPA only applies to archeological sites on federal and Native American lands and only considers significant those resources that are at least 100 years in age. It is important to note when planning federal undertakings that Section 106 of the NHPA supersedes ARPA. For a detailed discussion of significant archeological sites in Oklahoma from the Historic Period, you should consult an overview titled *Historical Archaeology in Oklahoma* by Marshall Gettys (1995). The publication is available at www.okhistory.org/shpo/histcons.htm or in hard copy from the SHPO upon request.

HOW IS SITE ELIGIBILITY ASSESSED?

Sites dating from the 1820s through 1880s, although occurring statewide, are more concentrated in eastern Oklahoma. For sites dating from this period, site integrity will likely be the most important factor in assessing National Register eligibility. Does the location retain the level of preservation necessary to answer an array of questions using the archeological record? If so, then the site should be considered eligible for listing in the National Register. The SHPO does not maintain a list of questions to be addressed when assessing eligibility. We encourage consultation with our office about the formulation of research questions as appropriate. Is the site multi-component and/or does it demonstrate long-term use? If so, then this complicates the issue. There needs to be a level of integrity that permits isolation or separation of the various site components. The majority of historic sites across Oklahoma date from 1889 or thereafter. To determine which of these relatively abundant late-1800 through early-1900 sites are eligible for the National Register, consultants will most likely need to do research beyond a site visit. The National Register criteria does not dismiss resources as insignificant simply because there are numerous examples of the type.

WHAT FACTORS DETERMINE SITE INTEGRITY AND SIGNIFICANCE?

National Register eligibility for any property, including Historic Period archeological sites, depends on integrity and significance. It is the federal agency's responsibility to identify the resources within the area of potential effect (APE) of a federal undertaking and to formulate opinions about their National Register eligibility. The federal agency must provide the SHPO with adequate documentation for review which includes information used in the assessment of both integrity and significance.

Integrity for a Historic Period archeological site is based on the presence of features and whether or not they can tell us something about the location. For instance, if the site has evidence of footings or foundations, a sunken depression (which could be a cellar or some other feature such as a well or cistern) and a surface scatter of historic artifacts, it probably has "integrity." Integrity alone, however, does not automatically mean that the site is eligible for the National Register.



34JF109, Jefferson County

The potential for invisible, sub-surface cultural features must also be considered. For instance, a surface scatter of artifacts in a plowed setting could be a sign of agricultural activities dispersing the upper reaches of trash-filled, subsurface features. Some degree of subsurface testing may be necessary before site integrity can be assessed.

For a site to possess significance, it must meet at least one of the four National Register criteria. The site may be associated with broad patterns of events (Criterion A), such as settlement of a community; it may be associated with an important person (Criterion B); the site may be significant for its design or other physical characteristics (Criterion C), including the existence of identifiable features that are unusual or unique, or a once common type of site may over the years become uncommon due to land use practices destroying much of the resource base; and, finally, sites that may yield information (Criterion D) not well documented in archival sources may also be eligible for the National Register. The site's significance may be at the local, state, or national level.

If the site is of an uncommon age or type, such as a farmstead dating from prior to 1890, or an early-1900 industrial location such as a brick kiln or blacksmith shop, or a location associated with functions of an unusual nature, then it may be eligible for the National Register even though little or nothing is known about the people associated with the property. However, for certain sites, an association with a person or persons of significance in history or having an uncommon ethnic affiliation may be the reason it qualifies for the National Register.

WHY CONSIDER SITE HISTORY AND ETHNIC ASSOCIATION?

Before we can agree with a determination that late-1800/early-1900 period resources (such as homesteads or farmsteads) with demonstrated integrity or content and identified primarily as "archeological sites" are or are not eligible for the National Register, the site description must address

who founded the site or who resided at that location. In other words, is this location associated with a person or family “important” in national, state, or local history? Is the ethnic association definable and if so, was it a factor in the determination of eligibility?

Not all Native Americans approached acculturation in the same way. With the many federally recognized tribes currently residing in Oklahoma, this is an issue that must be addressed in the determination.

WHAT SOURCES SHOULD I USE FOR GATHERING INFORMATION?

When assessing archeological sites dating from the Historic Period, examine available historic records and incorporate that level of information into the opinion on site eligibility. The individual conducting the research determines how information concerning site occupants and tribal or ethnic affiliation is gathered and presented. Research should include use of courthouse deed records and federal tract books to establish who initially filed a claim on the property or was awarded an allotment for the tract and also how long they retained the rights to the property. Federal tract records are available either as microfilm or photocopied versions at various locations (e.g. Oklahoma Historical Society and Oklahoma Department of Libraries). Similar information can be found in the County Clerk’s office, deed records.

Certain counties maintain tax records for longer periods of time than others. Determining if the owner of record was also the site occupant may be established by examination of such records. Determining who may have resided at the site might also be confirmed by examination of U.S. Census data or by interviewing local informants.

Determining when and for how long the site was occupied might be established by examining early aerial photographs, 1920s and 1930s soil survey manuals, early edition USGS topographic maps, 1870s-1890s GLO maps and other source materials.

WHAT IF THERE ARE NO EXISTING HISTORIC RECORDS?

It is possible that all of the historic records may have been destroyed or discarded over the years. If this proves to be the case, then it will be more difficult to establish a clear understanding of the location’s potential for addressing significant issues. An absence of historic records might simply enhance the importance of the archeological values of the location (National Register Criterion D).

WHEN IS IT NECESSARY TO COMPLETE AN ARCHEOLOGICAL SITE FORM?

All archeological sites in Oklahoma (including the ruins of buildings and structures) should be documented on Oklahoma Archeological Site Survey Forms (site forms). The OAS assigns site numbers and maintains the State Site Files. Site forms can be downloaded at www.ou.edu/content/archsurvey/cultural-resource-management/forms.html. Completed site forms should be submitted to the OAS for assignment of archeological site numbers. This applies to prehistoric and historic archeological sites.

To record single finds or limited quantities of debris dating from prehistoric times, complete the Oklahoma Archeological Survey Isolated Find Record also available at www.ou.edu/content/archsurvey/cultural-resource-management/forms.html.

Site forms are not required but may be completed for locations that contain both standing structures and evidence of earlier use, particularly if the initial occupation pre-dates 1890. If in doubt, consult the SHPO or OAS. Furthermore, use and abandonment of a location during recent times does not negate the need to complete a site form if the location was in use at least fifty (50) years ago.

WHAT FORM IS USED FOR HISTORIC BUILDINGS OR STRUCTURES?

Historic structures such as bridges, culverts, dams, etc. are not assigned archeological site numbers. Treat these “locations” as isolated finds. Do discuss each feature or structure in your assessment and provide photographs if necessary to support your conclusions. For large or complex bridges, we suggest that you record the resource on the Oklahoma Department of Transportation’s (ODOT) Historic Bridge Assessment Form which you can request from the SHPO.

Commercial buildings, houses, barns, industrial buildings, schools, etc. that are 45 years old or older must be recorded on the SHPO’s “Historic Preservation Resource Identification Form” available at www.okhistory.org/shpo/shpofrms.htm or from the SHPO.

WHO SHOULD DOCUMENT AND EVALUATE HISTORIC ARCHEOLOGICAL RESOURCES?

The Advisory Council on Historic Preservation’s regulations implementing the Section 106 process (36 CFR Part 800) stipulate that Federal agencies are responsible for ensuring that the *Secretary of the Interior’s Standards and Guidelines for Archeology and Historic Preservation* are met in the identification and evaluation of archeological and historic resources that their undertakings may effect. These standards include professional qualifications, and the federal agency is responsible for ensuring that the appropriate professionals are involved. The Secretary of the Interior has established these standards for the fields of prehistoric archeology, historic archeology, history, architectural history, and architecture (see websites cited in the section below). For example, unless the individual recording and evaluating early 20th century archeological resources meets the professional qualification standards for historic archeology, they may not possess the educational background or experience to adequately complete the work. A familiarity with standard historical research methods and information sources is critical in dealing with historic archeological sites, and the federal agency or its applicants/designees should carefully consider the qualifications and experience of those they employ to gather and assess information on historic archeological sites. This does not mean that both a prehistoric and a historical archeologist must be employed for every project. It does mean that the federal agency must consider the types of resources most likely to occur in the area of potential effect when retaining consultant services and be aware that there are circumstances that may require the retention of professionals other than those already under contract for a project to assess a resource’s National Register eligibility.

WHERE CAN I GET ADDITIONAL INFORMATION ABOUT HISTORIC PERIOD ARCHEOLOGICAL SITES, THE NATIONAL REGISTER, AND THE SECTION 106 REVIEW PROCESS?

For additional information on these topics, contact the Historic Archeologist, State Historic Preservation Office, at 405-521-6381. Detailed guidance is also available on the SHPO's website at www.okhistory.org/shpo/shpom.htm, including links to related websites such as the Advisory Council on Historic Preservation (www.achp.gov/) and the National Park Service (www.nps.gov/index.htm) [especially note NPS Bulletins concerning the general application of the National Register criteria (Bulletin #15) and others on specific resource types, including historic archeological resources (Bulletin #36) and properties associated with significant persons (Bulletin #32) at www.nps.gov/nr/publications/].