



Summer 2005

# KENTUCKY ARCHAEOLOGY

The Newsletter of the Kentucky Organization of Professional Archaeologists

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## PRESIDENT'S CORNER

*Darlene Applegate*

In my first column as KyOPA president, I will outline the issues that require and deserve our attention over the next few years. But first, it is important to thank KyOPA members for their support in electing me to this post. I will endeavor to advance the mission of the organization, and I look forward to working with all of you to this end. I also express my sincere gratitude to outgoing president Michael French, who worked tirelessly for the organization. My job will be much easier because of the solid foundation developed during his tenure. It was a pleasure to serve as president-elect with the dedicated officers and Board members of KyOPA – Kelli Carmean, Berle Clay, George Crothers, Grant Day, Gwynn Henderson, Don Linebaugh, Phil Logsdon, Susan Neumeyer, and Tanya Peres.

I expect an eventful term as KyOPA president. As I indicated at our annual business meeting in February, KyOPA is headed in a good direction so I plan to focus my efforts on activities initiated under previous leadership. Cultural resource legislation and protection, consultation, public outreach and education, and archaeological research are some of the interrelated issues the organization will address.

One matter that already has garnered a great deal of our attention this year, and promises not to go away, is proposed revision or adoption of **cultural resource legislation** at the state and federal levels. During recent state legislative sessions, bills have been introduced that would increase the penalties for desecration of burials, require permits for excavation below the plow zone on private property, require inventory of Native American remains held by state agencies, create a state-wide cemetery cleanup week, and require a "human remains outcome review" as part of the building permit application process. Proposed amendments to the National Historic Preservation Act would drastically alter the Section 106 process, requiring that adverse effects of federal undertakings only be considered for cultural resources listed on the National Register of Historic Places [see **Feature Topic**, pg. 4]. The preceding is but a sampling of the many legislative matters that the KyOPA Preservation Action Committee will monitor in the coming months. While KyOPA will continue to present responses to legislative proposals on behalf of the organization's members, voicing support or concern as appropriate, it is absolutely critical that individual archaeologists make their opinions known to their state and federal representatives. Please don't let our calls to action go unanswered; we all have a huge stake in these legislative matters.

A related issue of great importance is **cultural resource protection**. KyOPA must continue to actively promote the protection of archaeological resources in the Commonwealth. For instance, members of the Red River Gorge Limits of Acceptable Change (RRG LAC) Committee are working closely with the U.S. Forest Service to develop a management plan for the Gorge that balances increasing recreational demands with resource protection needs [see the related article by Michael French, pg. 10]. The recent involvement of other KyOPA members in this process is noteworthy; kudos to those members who have completed training and will assist with site assessments and site monitoring in the Gorge this summer and fall. This year has seen the first successful pros-

ecution of violators of the Violating Graves Law (KRS 525.115), which was enacted in 1992 [see announcement by Randy Boedy, pg. 12]. However, our resource protection work will not end there, as plans unfold to nominate the Gorge as a World Heritage Site, as construction continues at the Transpark in Warren County outside of the Section 106 process, and as relic collectors continue to use state parks as venues for artifact trade shows.

Over the past several years KyOPA has become increasingly concerned with addressing our ethical responsibilities to our constituents, a development that I enthusiastically applaud. There are two major issues at play here – consultation and public education/outreach. Regarding **consultation**, which is tied directly to cultural resource protection and education, in addition to the aforementioned consultation role played by the RRG LAC Committee, members of the Native American Consultation Committee effectively represented KyOPA as a consulting party on several federal undertakings in the Louisville area. We will continue to do so in the future, but we need the assistance of KyOPA members in identifying projects around the Commonwealth that require our attention. Development and adoption of an organizational position statement on the treatment of human remains will greatly improve our effectiveness in future consultations that concern burial sites. Further, members of the Native American Consultation Committee initiated contacts with the Eastern Band of the Cherokee Indians with the express goals of opening a dialog, identifying matters of mutual concern, and exchanging information about Kentucky's prehistoric and historic native inhabitants. A second visit with the EBCI is scheduled for this summer. We plan to expand such contacts to other federally recognized tribes with ties to Kentucky.

Regarding **public education and outreach**, the Education Committee has made significant progress on a number of fronts including the "Find and Archy" and "Topic of the Month" initiatives. Continued progress, however, will require active and sustained participation by other members of

the organization. Committee members also are working on programs and activities through which KyOPA members can improve their training in archaeology education. The Education Committee previously had investigated the issue of amateur certification, but this matter has been remanded to the ad hoc Avocational Accreditation Committee, which will assess the feasibility and appropriateness of developing an accreditation program for amateurs in the Commonwealth and, if deemed feasible and appropriate, will develop an accreditation program in field methods, lab methods, curation, and/or dissemination.

A final major issue of import to KyOPA is **archaeological research**, which includes several things. First, in our continuing efforts to financially support research, guidelines for the KyOPA Archaeological Research Grant have been formalized [see the related article by George Crothers, pg. X]. We encourage more members to apply for these small grants for radiocarbon dating and other analytical procedures. The Board appropriates funding for the grant each year, but contributions to the account also may be made when renewing one's membership. Second, KyOPA is providing support for the annual archaeological research conference sponsored by the Kentucky Heritage Council (KHC). Besides offering a venue for our annual business meeting, the conference provides an excellent opportunity for sharing current research and for networking with colleagues. Third, as I indicated in my presidential candidacy statement several years ago, I would like to see KyOPA investigate ways in which it can assist the KHC with editing and publishing the proceedings of the annual research conference. Archaeologists in Kentucky are doing important and fascinating work, and it is essential that this research be shared with others.

There are other issues you will read about in this and future newsletters. The Board recently approved an **awards program** through which the lifetime and special achievements of professional archaeologists, amateur archaeologists, archaeology students, and others may be recognized.

The Board also approved the creation of an **organizational historian** position, and Eric Schlarb has agreed to serve in this capacity. Please send Eric any photographs, documents, and other materials that chronicle the history of KyOPA. Materials will be curated at the William S. Webb Museum of Anthropology at the University of Kentucky. The Membership Committee is reviewing the **membership** categories, qualifications, and application process for the organization. Committee members also are tasked with expanding membership in the organization, but this is something with which all members can assist. Lastly, we are working on getting the organization **web site** up-and-running, and we encourage all members to subscribe to the organization **list serve**. Directions for the latter are included in this newsletter issue, on page 14.

In conclusion, I am excited to assume the reins of leadership, and I look forward to the challenges and rewards the next two years are sure to bring. I hope you agree that KyOPA is doing good work and that each of you will consider ways in which you can help to advance the goals of the organization. Please contact me, another officer, or a Board member if you are interested in serving on a committee or working on a particular project. I also welcome your continued suggestions and feedback about KyOPA initiatives. ✕

### 2005/2006 CALENDAR

#### September 2005

23-24 Archaeology Weekend

#### November 2005

2-6 62nd Annual Meeting of the Southeastern Archaeological Conference, Columbia, SC

#### January 2006

11-15 2006 Society for Historical Archaeology meetings, Sacramento, CA

#### April 2006

26-30 71st Annual Meeting of the Society for American Archaeology, San Juan, Puerto Rico

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## FEATURE TOPIC

### PROPOSED AMENDMENTS TO THE NATIONAL HISTORIC PRESERVATION ACT

As many of you know, a hot topic of discussion among archaeologists and preservationists has been the proposed amendments to the National Historic Preservation Act, thus these proposed changes will be the focus of the Feature Topic for this issue of *Kentucky Archaeology*. KyOPA members received word of these proposed amendments, how prominent archaeologists were interpreting these proposed changes, and what we, as a group and as individuals, could do to make our voices heard, via the KyOPA list-serv in April. The Preservation Action Committee drafted a letter, approved by the KyOPA Board Members, to be faxed to the appropriate members of the House of Representatives Subcommittee on National Parks. Many other KyOPA members also faxed their own letters the night before the subcommittee hearing, which deserves a big "Thank You!" The column begins with an open letter written by KyOPA member Chuck Niquette, followed by the summary of the hearing held by the sub-committee on April 21, 2005.

So, where do we stand now? A bill is expected to be introduced by Congressman Richard Pombo (R—California) that resembles the discussion draft that went to the subcommittee. The timing of this is unknown, and there will likely be little or no advanced warning. The national archaeology organizations (SAA, SHA, ACRA, and AIA) as well as historic preservation groups are urging their members to contact their Representative and voice their opposition to these proposed changes. Expect further announcements to be made via the KyOPA list-serv. If you have not already joined the list-serv, please do so. Instructions can be found on page 14 of this issue.

Letter from Charles M. Niquette, RPA,  
President, Cultural Resources Analysts, Inc.

April 18, 2005

Dear Chairman Nunes and Honorable Members of the Subcommittee on National Parks, Recreation and Public Lands:

I write today in protest of the changes proposed in the discussion draft of "National Historic Preservation Act Amendments of 2005." I am concerned that the proposed amendments will have unintended consequences. Not only are the proposed amendments anti-development but they fly in the face of the federal government's attempt to streamline all manner of regulatory requirements. If adopted as written, the proposed amendments will lead to undue bureaucratic delays, shift local concerns and decision-making authority to Washington, and will lead to unwarranted destruction of this Nation's cultural heritage.

#### Discussion draft of NHPA 2005 amendments will:

- **Complicate, not simplify, Federal preservation regulations at the expense of the citizen.**
- **Shift preservation decision making for historic properties from the local scene to Washington making the process less responsive to citizen input and local preservation needs.**
- **Endanger the preservation of our National Heritage in future actions.**

The momentum behind these proposed changes to the NHPA appears to focus on an ill-conceived "fix" to a constituent who was prevented from doing something, or required to do something, because his property was found eligible through a consensus determination of eligibility (DOE). As you know a DOE is an agreement regarding site significance (eligibility for inclusion in the Na-

tional Register) between the lead federal agency and the State Historic Preservation Officer (SHPO). In this instance the local government had done what all SHPOs and the National Trust for Historic Preservation tell local governments never to do — they had tied local ordinance restrictions to National Register eligibility rather than to actual listing of historic properties. Because owners can opt out of listing but not out of having their property be found eligible, there is a due process problem with that kind of ordinance. Sections 2 and 3 of the draft appear to be aimed at fixing this problem.

Section 2 deals with cases where a property owner (or majority of property owners) objects to a National Register or National Historic Landmark nomination. It would eliminate the current practice in which the Keeper of the National Register reviews the nomination and determines whether the property is eligible, even though it cannot be listed on the Register or designated as an NHL because of the property owner objection.

**Section 2 of the discussion draft proposes to:**

- **Limit the ability of the Keeper of the National Register to identify significant properties in the preservation planning process.**
- **This will mean that the National Register can potentially become frozen as an incomplete expression of the range of significant historic properties in our heritage. As result, it will become increasingly less useful to as a preservation tool.**

Section 3 would require that certified local governments which intend to use National Register eligibility (as opposed to listing) as the trigger for requirements under a local ordinance must provide specific “due process” hearings for property owners. As this proposed amendment indicates, the problem lies not with National Register eligi-

bility per se, but with inappropriate use of eligibility determinations as a trigger for local regulatory requirements.

**Section 3 of the discussion draft proposes to:**

- **Incorrectly amend NHPA to correct an error in use of National Register designation which has occurred at the state level.**
- **This will burden the Federal preservation process at the expense of the citizen and the local community, not protect property rights, an issue which should be handled by changes in state-level legislation.**

Section 4 would eliminate the current practice whereby Federal agencies rely on “consensus” determinations of eligibility reached through consultation between the agency and the SHPO or Tribal Historic Preservation Officer (THPO) to evaluate historic properties for the purposes of Section 106 of the NHPA. Instead, all determinations of eligibility for Section 106 undertakings would have to be made by the Keeper of the National Register. Under the current process, the people of the state have a strong voice in what is considered eligible to the NRHP for the purposes of Section 106 undertakings, given the requirement for SHPO concurrence. Likewise on tribal land, the people of the tribe have a strong voice in what is considered eligible for the purposes of Section 106 undertakings because of the requirement for THPO concurrence in determinations of eligibility. The proposed amendment to Section 106 would shift all decision-making to Washington, and although there would undoubtedly be opportunities for input from the state or tribe, that’s not the same as having the authority to concur or not concur.

**Section 4 of the discussion draft proposes to:**

- **Eliminate “consensus” determinations of eligibility at the local level, transferring those decisions to the Keeper of the Register in Washington.**
- **Will eliminate the strong voice of the local citizens in preservation decisions, a voice which, it has been demonstrated, is essential in maintaining the preservation program focused on local needs. In addition, in unduly burdening the Keeper, it will produce a monumental slow down in the preservation process.**

If consensus determinations of eligibility were eliminated there would be a substantial increase in the cost to federal agencies and the private sector for evaluating site significance. The level of detail and documentation accepted by agencies and SHPOs/THPOs for the purpose of consensus determinations is generally substantially less than the level of detail and documentation required by the National Register for a formal determination of eligibility. The National Register staff is too small to handle the workload generated by the proposed amendments and would not be able to respond in a timely fashion. It is easy to predict what such delays would cause to our clients construction schedules. Every year, tens of thousands of sites are at risk from federal undertakings and their significance must be assessed. The National Register staff simply can't do this. Currently, thousands of Federal undertakings move quickly through the Section 106 review process every year. The combination of greatly increased documentation requirements and enormous backlogs of requests for determinations from the National Register would bring the process to a near standstill for highways, mining projects, oil and gas development, and nearly every other category of Federally funded or approved project. Under the current practice of consensus determinations of eligibility, Federal agencies and Indian tribes have considerable flexibility when the agency is evaluating the eligibility of historic properties of traditional cultural and religious significance. A requirement for formal determinations of eligibility for Section 106 properties would significantly expand the need for dis-

closure and dissemination of highly sensitive information about traditional cultural properties. This proposal to eliminate consensus determinations of eligibility and require formal determinations from the National Register for all Section 106 undertakings would be a reversal of the current trend toward streamlining of environmental compliance. It would provide no additional protection to our nation's historic heritage while placing a huge burden of costs and delays on Federal agencies and private industry.

It is important for the Subcommittee members to know that only a small fraction of the properties that are now considered significant in our history and therefore eligible for nomination to the National Register are on the National Register, most are not. For example, less than 5% of terrestrial Ohio (does not include the underwater portion of Lake Erie) has been surveyed for archaeological sites. Approximately 40,000 sites are in the Ohio Archaeological Inventory. Estimates are that 2 million prehistoric “sites” once existed in Ohio, not to mention the equal or greater number of historical archaeological sites. Outside of the monumental earthworks associated with Ohio Hopewell, we know very little about prehistoric cultures and lifeways. The situation in Iowa is similar to that described for Ohio. In Iowa, only 22,000+/- archaeological sites have been recorded and approximately 2 percent of the surface has been examined by historic preservation professionals to inventory those that may be present. This is to say nothing about very significant archaeological sites that are located in buried contexts.

Significant historic buildings, landscapes and archaeological sites do not have the ability to waive their hands and say, “Hey, I'm worthy of nomination to the National Register!” They must be discovered and evaluated in an objective, scientific manner. The proposed amendments will mean that most of these unlisted properties will no longer be considered for protection against federal actions. The NHPA was initially passed in the mid-1960s when reservoirs and interstate highway projects were taking a huge toll on significant portions of

our cultural heritage, so much so that the public and Congress reacted by saying enough is enough and the NHPA was passed. Why would we at this time want to return to an era of such wanton destruction?

No state has been able to find all or even most of the important properties within its borders and place them on the National Register due to the extensive areas involved and the attendant costs. No State Historic Preservation Office has ever been funded by Congress to conduct surveys to find all the important properties in each state. Despite this, the language of the proposed amendments suggests just the opposite.

Many, and probably most of the important properties listed on the National Register were listed because of Section 106. For example, in 1997 the New York SHPO reviewed approximately 2500 new projects per year. Last year, the same office reviewed over 6600 new projects, in addition to the ongoing projects from previous years. The staff includes three archaeological reviewers and one archaeologist that does initial review for sensitivity, prior disturbance, maintains their state-wide GIS database, etc. Many of the projects reviewed by the NY SHPO did not require on the ground survey. Approximately 950 archaeological reports were submitted last year that identified over 400 new sites. Of these, only 25% were given further consideration (i.e., recommended for further work to assess their eligibility for inclusion in the National Register). In addition, the NY SHPO worked with a variety of federal agencies to develop guidance that provides many more exclusions for projects that did not require review by the SHPO staff. It is also important to keep in mind that in NY, the SHPO is responsible not only for 106 review, but also for the Section 14.09 review of the State Historic Preservation Act - which parallels 106, and for providing comments to localities regarding archaeology under the State Environmental Quality Review Act (SEQRA).

Some entire categories of properties were dis-

covered and brought to public attention by Section 106, including African-American archaeology, working class neighborhoods, important industrial sites like Savannah River, etc. These properties are important to local people, voters, and the NHPA gave these people and these sites more appreciation of their history and their place in our history, instilling pride and community identity. If these sites are ignored by the federal government there will be a backlash such as the African-American Burial Ground and Port Angeles where Section 106 was not followed properly, and where proper completion of Section 106 could have alleviated many of the problems, delays and costs. The amendments will not stop local communities from taking action when they see that their heritage is being destroyed, which will really cause delays, even if the amendments are followed to the letter. Similarly, many communities have been relying on the protection of eligibility to save money and effort. If that protection is lifted the costs to these communities to list these sites and in the loss of sites that may not be listed in time will be enormous.

Here in Kentucky, my firm routinely completes surveys pursuant to Section 106 of the NHPA to identify historic properties (above and below ground), National Register evaluations, and mitigation projects where adverse effects cannot be avoided through project redesign. In the past 20 plus years of engaging in this kind of work we have documented a whole range of very significant historic properties that span the past 12,500 years of human history in the state. As recently as last week we found a previously undocumented Civil War site as part of a highway construction project that was in pristine condition. We were instrumental in documenting Kentucky's "Cradle of Industry" - a collection of late 18<sup>th</sup> and 19<sup>th</sup> century mills, distilleries and home sites located across the Kentucky River from Daniel Boone's famed Fort Boonesboro. The area is now under local control of the Clark County Fiscal Court and is used as a Heritage Park by nearby residents and local, state, regional and national scholars who

are interested in the research period represented. West Virginia's Coal Heritage tourism initiative would not be possible without efforts to identify and evaluate significant sites and efforts to insure that they were incorporated into master planning decisions and properly managed.

Chairman Nunes and other members of the Subcommittee, I beg you to re-think the proposed changes to the NHPA for the reasons outlined. Section 106 of the NHPA and its attendant regulations, 36 CFR Part 800, do not mandate preservation of anything, no matter how important it may be. It represents a process whereby federal agencies need to consider the impact of their undertakings on significant historic properties and consult with those stakeholders who have the most to lose. If the proposed changes are enacted into law, it is all Americans who have the most to lose. Thank you for your time and cooperation.

Sincerely,  
Charles M. Niquette, RPA

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**SUMMARY OF THE OVERSIGHT  
HEARING ON THE NATIONAL  
HISTORIC PRESERVATION ACT  
BEFORE THE HOUSE OF  
REPRESENTATIVES  
SUBCOMMITTEE ON  
NATIONAL PARKS  
- From the NCSHPO List-Serve**

April 21, 2005

Witnesses

Mr. Peter F. Blackman, Property Owner, Louisa Virginia

Mr. James Martin, Executive Director, United South and Eastern Tribes Inc.

Mr. Michael Altschul, Senior Vice President and

General Counsel, CTIA The Wireless Association

Ms. Emily Wadhams, Vice President for Public Policy, National Trust for Historic Preservation

Ms. Janet Snyder Matthews, Associate Director for Cultural Resources, National Park Service

Mr. John Nau, Chairman, Advisory Council on Historic Preservation

Summary of Points Made by Subcommittee Members and Witnesses

Devin Nunes (R-CA)

- The last hearing on this issue was held in 2003 and since that time, the Subcommittee has taken a closer look at the National Historic Preservation Act.
- Is concerned about why there are so many resources determined eligible for the National Register through the Section 106 process, but so few actually listed.

Donna Christensen (D-VI), Ranking Member

- The National Historic Preservation Act has a forty-year legacy of protecting historic resources and the proposed changes may undermine the efficacy of the Act.
- The notion that everything that has historic and cultural value is on the National Register is unreasonable. Federal agencies are and still should be required to look for historic properties before they undertake a project.
- The Act should not be amended without sound evidence that changes are needed – the Subcommittee cannot assent to industry complaints because these complaints can be handled through administrative procedures. The protection afforded by Section 106 has been constant, whereas people come and go and their agendas change.

Representative Dale Kildee (D-MI)

- He has strong concerns about section 4 of the discussion draft and believes that this section

violates the spirit of numerous previous laws that deal with Native Americans.

- Questioned whether the Act needs to be changed to afford Native Americans a greater voice in the Section 106 process.

#### Representative George Radanovich (R-CA)

- The discussion draft was prompted as a means to protect private property owners from the abuses of National Register listing, citing the Lincoln Park example in California.

#### Representative John Duncan (R-TN)

- Respects historic preservation and was instrumental in the restoration of a Tennessee theater.
- Is concerned that over 30% of land is owned by the federal government and about 20% is owned by state and local governments – private property rights are important to our Nation's prosperity and freedom.
- National Register eligibility has gone to far – anything over 50 years of age can be considered.

#### Peter Blackman

- He currently owns property in the Green Spring Historic District (on which the National Park Service holds an easement) and believes he has been denied the right to make changes to his property. The National Register was intended to protect from federal undertakings, not to run roughshod over property owners' rights.
- If section 2 of the discussion draft is implemented, it will return important property rights protection to the property owner.
- Section 2 does not go far enough, however – a property owner needs to be able to opt out of the National Register at any time.

#### James Martin

- If section 4 of the discussion draft is implemented, Native Americans will be effectively excluded from the Section 106 process. The current Section 106 process is relied upon by the tribes to “give them a place at the table”. Section 4 is a “draconian measure” that will

strike at the heart of tribal identity and represents the single worst piece of legislation against tribes since 1877.

- The National Register is not a comprehensive list of historic properties and due to looting and desecration of tribal sites, many tribes do not pursue National Register listing.
- Solutions, especially those crafted to appease industry, should not jeopardize tribal rights.
- Agrees that the Act could be amended to afford Native Americans a greater voice in the Section 106 process.

#### Michael Altschul

- The Federal Communications Commission has taken the position that the siting of communications towers is an undertaking. If towers are not erected, customers are “deprived of their rights to make and receive wireless calls.”
- The definition National Register eligible of confusing and unreasonable – technically anything that is 50 years of age or older is considered eligible.
- The Federal Communications Commission wants a clear path of defining what is eligible thus enabling industry to carry out their objectives.
- The Federal Communications Commission is willing to work with Native Americans to ensure that their concerns about eligible historic resources are addressed.

#### Emily Wadhams

- The problems that resulted in section 4 of the discussion draft can be handled through administrative procedures as other federal agencies have done. In addition, increased funding to State Historic Preservation Offices could improve the Section 106 process because states would be able to undertake more survey work.
- Changes to Section 106 would have devastating effects on historic resources yet to be discovered. The impact on Native Americans and resources they deem to be historic would be significant.
- Section 106 is a dynamic public engagement

process, citing the World Trade Center site as an example.

- Owner objection to National Register listing are rare – only 15 objections have been noted in the last 2 years. Private property rights do not supercede the rights of the Nation.

Janet Synder Matthews

- Many historic properties have yet to be discovered and we rely on Section 106 to do so.
- Section 106 allows everyone to have a voice in the process.

John Nau

- Stated that he is a Texas businessman who favors property rights, but section 4 of the discussion draft does not work. The language in the discussion draft regarding Section 106 needs to be removed. The Advisory Council on Historic Preservation has many tools i.e. program comment and programmatic agreements to address the concerns of federal agencies. Changes to Section 106 can be accommodated administratively, but should not be done legislatively.
- Static listing (limiting the scope of Section 106 to properties listed on the National Register) is simply not feasible, citing the World Trade Center site as well as archaeological and tribal sites as examples. It is fundamental to the protection of historic resources that we have a mechanism that is flexible – allowing resources to be discovered at any time.
- The Lincoln Park example in California was a problem, but H.R. 3223 addressed that problem – when a property owner objects to National Register listing, the nomination process concludes; and National Register listing should not be tied to any local regulations.
- The reason why there are so many resources determined eligible for the National Register through the Section 106 process, but so few actually listed is due to a lack of funding and staff in State Historic Preservation Offices – it costs money and takes staff time to complete the nomination process and with other feder-

ally-mandated programs also requiring attention, National Register nominations are not a priority. ❖

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## COMMITTEE REPORTS

### KYOPA VOLUNTEERS TO HELP MONITOR ARCHAEOLOGICAL SITES IN THE RED RIVER GORGE

*Michael French*

KyOPA's efforts to help with the Daniel Boone National Forest's Limits of Acceptable Change (LAC) process in the Red River Gorge continues and organizers are planning a number of volunteer monitoring trips this summer. The LAC is a management plan in which the Forest Service will examine the impacts of recreational activities to natural and cultural resources and identify "opportunity zones" where certain activities are allowed and certain activities are limited or restricted altogether. Currently, the forest service is endeavoring to monitor the types of recreational activities and impacts that are occurring throughout the Gorge. This is a daunting task. As with all Federal agencies, the man-power and budget resources to monitor endangered plant species, National Register eligible archaeological sites, and other critical resources are limited. To assist with the LAC process KyOPA has committed to send volunteers to 95 rockshelters in the gorge that contain significant archaeological sites that are at high risk of being disturbed or destroyed by recreational activities. KyOPA volunteers will monitor conditions and document disturbances and then post signs that inform people of the need to preserve and protect rockshelters. On May 14, 2005 more than a dozen KyOPA volunteers attended an LAC training session at the Gladie Visitors Center in the Red River Gorge and monitored and posted signs at the first site of the season. We hope to send volunteer teams to the other 94 sites by the end of summer.

In addition to the 95 sites that will have posted signs there are hundreds more potentially significant sites that should be monitored. The Forest Service has also expressed an interest in working with KyOPA to organize volunteer surveys in the Gorge to identify previously unrecorded archaeological sites. So if you cannot allocate the time this summer to help out, there will be plenty of opportunities in the future. Prior to volunteering you will need to fill out some volunteer information forms and attend a brief training session. If you are interested in helping with the LAC process this summer or would like more information please contact Susan Neumeyer at (502) 315-6681, Michael French at (502) 267-0700, or Melissa Twaroski at (859) 745-3138. ❖

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### **KYOPA ARCHAEOLOGICAL RESEARCH GRANT**

*George Crothers*

KyOPA will accept research proposals for the purpose of obtaining radiocarbon dates or other analytical techniques that require contract services with a private laboratory or research institution. Other analytical services, for example, could include thermoluminescence dating, thin-sectioning, scanning electron microscopy, and trace element analysis. Submission of proposals is open-ended and awards will be made up to \$500 on an annual basis. Proposals should concisely describe the research question, how the proposed analysis will help answer the question, and a cost estimate on the analytical procedure. The KyOPA research grant program is intended for students and others conducting independent research that contributes to a thesis, dissertation, or other publishable manuscript. Submit proposals to George Crothers (William S. Webb Museum of Anthropology, 211 Lafferty Hall, University of Kentucky, Lexington, KY 40506; gmcrot2@uky.edu; 859-257-8208) for review by the KyOPA Board of Directors. It is highly recommended that you contact George Crothers prior to submitting a full proposal to discuss the suitability of the proposed research to the KyOPA grant program. ❖

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## **CURRENT RESEARCH**

### **STATE-WIDE PALEOINDIAN SURVEY**

*J. Scott Jones*

With assistance from the Kentucky Archaeological Survey, J. Scott Jones, doctoral student at the University of Kentucky, is initiating a state-wide Paleoindian survey. The goal of the survey is to expand the database of Paleoindian sites in Kentucky through interaction and correspondence between professional/avocational organizations and individuals. Whenever possible morphometric data on Paleoindian projectile points and other artifacts in museum and private collections will be collected; (2) provenience information will be recorded on at least a county basis for Paleoindian projectile points and artifacts; and (3) previously undocumented Paleoindian sites throughout Kentucky will be recorded and added to the Office of State Archaeological Site Inventory.

Similar studies have been conducted in other states, with much of the data produced from these surveys compiled by Dr. David G. Anderson and Dr. Michael K. Faught (see Paleoindian Database of the Americas: <http://pidba.utk.edu>). However, Kentucky is conspicuously absent in this database. With this in mind, data derived from this study will be added to the Paleoindian Database of the Americas. If you know of any undocumented Paleoindian materials/sites or individuals who may have collections that need to be documented please notify J. Scott Jones at [paleojones@earthlink.net](mailto:paleojones@earthlink.net). Also feel free to let other archaeologists, both professional and avocational, know about this study. Should you have any questions please feel free to contact J. Scott Jones. Thanks in advance for your assistance. ❖

#### **National Register of Historic Places Listings for Kentucky**

January-May 2005

Jefferson County  
St. Columba Catholic Campus  
3514 W. Market, Louisville, 05000143,  
LISTED, 04/05/05

## UNIVERSITY OF KENTUCKY'S PROGRAM FOR ARCHAEOLOGICAL RESEARCH

*Pat Trader*

The University of Kentucky's Program for Archaeological Research (UK-PAR) recently completed archaeological investigations at the Fitchburg Furnace in Estill County, Kentucky. The investigations were conducted in cooperation with the University's Center for Historic Architecture and Preservation (CHAP). The remnant of the 136-year old furnace stands some 60 ft. tall (see photo). UK-PAR conducted investigations to assess the potential for intact archaeological deposits associated with the furnace. Mr. David McBride directed field efforts for UK-PAR.

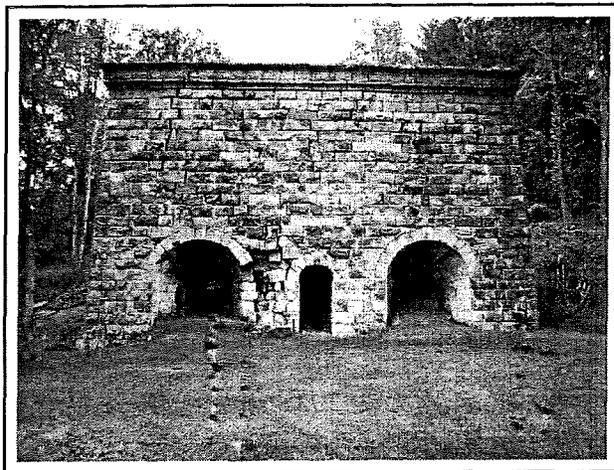
Recently, UK-PAR completed Phase II testing of Site 15FA279 as part of the Blue Grass Airport's Runway 4-22 Safety Improvement Project. Phase II testing included a combination of close-interval shovel test and test unit excavations. Investigations were conducted around two standing tenant houses. No intact archaeological deposits were identified. Excavations indicated that substantial disturbance caused by runway-related construction impacted the site during the 1960s. Mr. David McBride directed field efforts for UK-PAR.

Myrissa Byrd, UK-PAR archaeologist, conducted monitoring activities in Mammoth Cave between February and May 2005. Archaeological monitoring was conducted during the installation of electric cables for the Mammoth Cave Electric Rehabilitation Project. ✕

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### RESEARCH FELLOWSHIP POSITION AWARDED

Dr. Ken Carstens has been awarded a research fellowship position to Oxford University, Oxford, England. He will spend the first week of his stay at the Bodleian Library at Oxford, then move his



*Fitchburg Furnace, Estill County, Kentucky.*

studies during the second week to the Public Records Office in Kew, England. While in England, Dr. Carstens will be examining 18th century records pertaining to George Rogers Clark, in particular, Fort Jefferson, but also forts Patrick Henry, Clark, Bowman, and Nelson. Later this fall, Dr. Carstens will be conducting backhoe trenching at the suspected site of Clark's Fort Jefferson, approximately 5 miles south of Wickliffe, Ky. This study is being conducted as a follow up to remote sensing studies conducted by Dr. R. Berle Clay in that same area in 2004. ✕

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## NEWS & ANNOUNCEMENTS

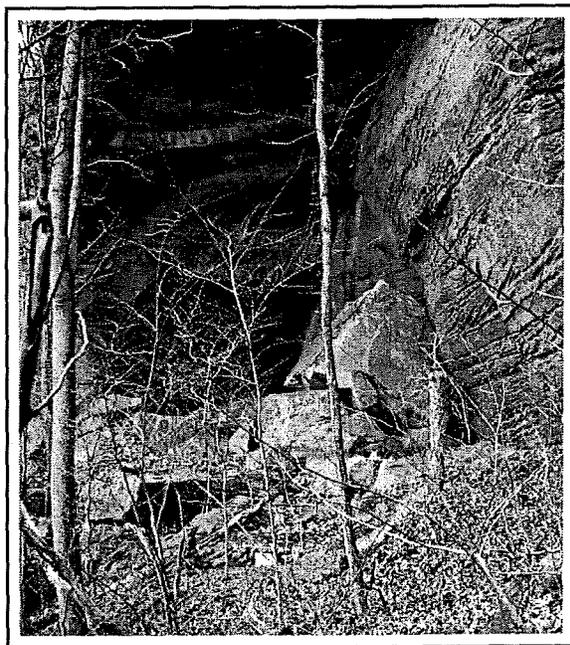
### LOOTERS PLEAD GUILTY TO DISTURBING BURIAL SITE

*Randy Boedy*

Two McCreary County men pleaded guilty to disturbing a human burial on private land. On Dec. 28, 2004 Circuit Judge Jerry Winchester sentenced Michael Kidd, 46, and Clint Keeton, 44, both of Whitley City, with Violating Graves, a Class D Felony. In a plea agreement, Kidd and Keeton accepted a pretrial diversion for 5 years. The judge ordered the two men to split the cost of \$6,850 in restitution. The restitution will be placed in escrow for the Kentucky Archaeological Survey to provide educational programs for school children in south-central Kentucky.

In February 2004, the men were arrested for illegally digging a cliff rockshelter containing a human burial. Law Enforcement Officers (LEO) on Somerset Ranger District were en route to check an unmanned camera when they discovered the suspects parked in the area. The surveillance camera had been deployed in a rockshelter that had been recently dug for artifacts. The LEO waited for the suspects to return to their vehicle. The suspects were questioned about their activity. After advising the suspects of the surveillance camera, the suspects began to freely talk about their operation. After receiving statements from the two suspects, the officers retrieved the surveillance camera only to discover that a rodent had chewed the wires causing the camera to malfunction.

Referred to as the Dry Fork Shelter (15McY1213), the site is located on private land in northwest McCreary County. The case originated as an ARPA violation. The bluffline outside the rockshelter was marked with boundary trees indicating the interior was National Forest land and outside the cliffline was private land; however, deed records eventually indicated private property actually extended to the base of the cliff (i.e., back



*Dry Fork Shelter, west view from outside.*

of rockshelter). As a result, the case was transferred to state law enforcement.

The Zone Archaeologist was initially called in to exam the looted rockshelter. Upon examination of the site, numerous artifacts (points, bifaces, pottery, animal bone and mussel shell) dating between 7,000 B.C. and A.D. 1000 were found strewn about the surface of the site, as well eleven skeletal bone fragments looted from the grave of a young adult female. Dr. Lee Meadows Jantz of the Forensic Anthropology Center at the University of Tennessee provided analysis and identification of the human bones.

Redware sherds were recovered in association with evidence of an early nineteenth century niter mine. Archaeological damage assessment exceeded \$19,600.00 for the illegal excavations. The final deposition of human remains will be made following consultation of interested parties.

The Dry Fork case represents the first test of the Violating Graves Law (KRS 525.115), which came into effect after extensive looting on Slack Farm in Union County, Kentucky, in 1987. Public protest led to new state legislation in Kentucky that makes it a felony to desecrate a human grave, regardless of race or antiquity of the person buried. ❖

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## CRAI OPENS NEW OFFICE

Cultural Resource Analysts, Inc., is pleased to announce the opening of a new office in Longmont, Colorado. Ted Hoeffler, III will serve as Vice President of Operations - Rocky Mountain West. CRAI's new office will service clients in various sectors of Colorado, Wyoming, and Utah. The firm is currently engaged in an inventory-level survey of 16,500 acre in the Big Horn River Valley in Wyoming. ❖



# KENTUCKY ORGANIZATION OF PROFESSIONAL ARCHAEOLOGISTS

## Standing and Ad Hoc Committees

In addition to serving as an officer or a member of the Board of Directors, full and associate KyOPA members can participate in a number of standing and ad hoc committees that address specific issues. The objective of each committee and the current members are listed below. Committees are chaired by an officer or a member of the Board of Directors. Members interested in joining a committee should contact an officer, a member of the Board of Directors, or a member of the committee.

### STANDING COMMITTEES

#### Education Committee

**Mission:** The Education Committee is tasked with spearheading KyOPA's efforts at public outreach and education. The committee works with amateur archaeological organizations to help educate the public about Kentucky's rich cultural history and to instill a sense of stewardship and responsibility in the lay community. The committee maintains the "Topic of the Month" and "Find an Archy" pages on the organization's website and keeps a list of upcoming archaeological events across the Commonwealth. The committee continues to seek innovative and effective ways to reach out to the general public.

**Members:** *Gwynn Henderson (Chair), Anne Bader, Jeannine Kreinbrink, Phil Logsdon, Sarah Miller, Eric Schlarb, Lori Stahlgren, Jay Stottman*

#### Native American Consultation Committee

**Mission:** The Native American Consultation Committee is tasked with the responsibility of building a better, more constructive relationship with contemporary Native American tribal groups who have historic roots in Kentucky. Members of the committee work with these groups to identify areas of common concern and ways in which Kentucky's archaeologists can "give back" to native communities.

**Members:** *Kelli Carmean (Chair), Darlene Applegate, George Crothers, Michael French, Henry McKelway, Vera Morgan*

### KENTUCKY ORGANIZATION OF PROFESSIONAL ARCHAEOLOGISTS

#### Listserves Information

Title of Listserve:	KyOPA	
Server/Host:	Yahoo	
Description:	Formed as a means of disseminating information concerning archaeology in Kentucky. Unmoderated.	
Start Date:	March 2001	
Keywords:	North American Archaeology, United States	
Restrictions:	Archives restricted to subscribers	
To Post Message:	<a href="mailto:KyOPA@yahoogroups.com">KyOPA@yahoogroups.com</a>	
To Subscribe:	<a href="mailto:KyOPA-subscribe@yahoogroups.com">KyOPA-subscribe@yahoogroups.com</a>	[send blank message]
To Unsubscribe:	<a href="mailto:KyOPA-unsubscribe@yahoogroups.com">KyOPA-unsubscribe@yahoogroups.com</a>	[send blank message]
List Owner:	<a href="mailto:KyOPA-owner@yahoogroups.com">KyOPA-owner@yahoogroups.com</a>	

### **Preservation Action Committee**

Mission: The Preservation Action Committee is tasked with keeping abreast of issues that might affect archaeological and other cultural resources in the state. The committee maintains a comprehensive list of state laws and regulations related to archaeological sites and other cultural resources. It also maintains a comprehensive list of state historic/cultural preservation organizations and is seeking ways to work with other civic groups involved in historic preservation. The committee makes recommendations concerning KyOPA responses to state and federal historic preservation legislation.

*Members: Darlene Applegate (Chair), R. Berle Clay, Michael French, Richard Jefferies, Lori Stahlgren, Pat Trader*

### **Archaeological Research Grant Committee**

Mission: The Archaeological Research Grant Committee, which is composed of the current members of the Board of Directors, is tasked with reviewing proposals and awarding small grants to full and associate members of KyOPA. Grants can be awarded for radiocarbon dates and other analytical procedures that may expand our knowledge of Kentucky archaeology. The amount and numbers of grants awarded are based on the funds available, the merit of each application, and the number of applications.

*Members: George Crothers (Chair), Kelli Carmean, R. Berle Clay, Gwynn Henderson, Henry McKelway*

### **Membership Committee**

Mission: The Membership Committee, which is headed by the president-elect, is tasked with assisting the secretary/treasurer with maintaining and expanding KyOPA membership, collecting dues, and updating membership rosters.

*Members: Susan Neumeyer (Chair), Melinda King, Tanya Peres*

## **AD HOC COMMITTEES**

### **Red River Gorge Limits of Acceptable Change (LAC) Committee**

Mission: The Red River Gorge Limits of Acceptable Change (LAC) Committee is tasked with representing KyOPA in consultations with the Forest Service regarding the Limits of Acceptable Change process for the Red River Gorge in eastern Kentucky. The committee provides feedback on the impact of human recreational activities on archaeological resources in the Gorge. Committee members attend meetings to assist with developing a management plan that designates "opportunity zones" of appropriate recreational activities within the Gorge while protecting and conserving archaeological resources.

*Members: Susan Neumeyer (Chair), Anne Bader, Michael French, Cecil Ison, Andrew Martin, Wayna Roach, Bill Sharp, Sandy Stevens*

### **Avocational Accreditation Committee**

Mission: The Avocational Accreditation Committee is tasked with assessing the feasibility and appropriateness of developing an accreditation program for avocational archaeologists in the Commonwealth. If deemed feasible and appropriate, the committee is tasked with developing a program for accrediting avocational archaeologists in archaeological lab methods, archaeological field methods, archaeological curation, and/or dissemination.

*Members: R. Berle Clay (Chair), Anne Bader, Michael French*

# KENTUCKY ORGANIZATION OF PROFESSIONAL ARCHAEOLOGISTS

## Awards Program

*The KyOPA Awards Program was established in 2004 to recognize the achievements of individuals in Kentucky archaeology. The awards are not necessarily intended to be annual awards but rather to recognize significant contributions as necessary. Nomination forms must be submitted online by January 1 for consideration of achievements in the previous calendar year. Nominations are evaluated by the KyOPA Board of Directors. Awards are presented at the annual KyOPA business meeting in the spring.*

### **Lifetime Achievement Award in Professional Archaeology**

This award recognizes the lifetime achievements of a professional archaeologist from academia or cultural resource management. The nominee will have made significant contributions to the understanding of Kentucky history and/or prehistory through archaeology. *Selection criteria are (1) length of professional activity, (2) nature of professional accomplishments, (3) significance of professional accomplishments, and (4) impact on Kentucky archaeology.*

### **Lifetime Achievement Award in Avocational Archaeology**

This award recognizes the lifetime achievements of an avocational archaeologist. The nominee will have made significant contributions to the understanding of Kentucky history and/or prehistory through archaeology. *Selection criteria are (1) length of avocational activity, (2) nature of avocational accomplishments, (3) significance of avocational accomplishments, and (4) impact on Kentucky archaeology.*

### **Lifetime Achievement Award in Historic Preservation or Public Archaeology**

This award recognizes the lifetime achievements of a professional archaeologist, an avocational archaeologist, or a citizen. The nominee will have made significant contributions to the preservation of cultural resources in the Commonwealth and/or to public understanding of Kentucky history and/or prehistory through archaeology. *Selection criteria are (1) length of service in historic preservation or public archaeology, (2) nature of accomplishments in historic preservation or public archaeology, (3) significance of accomplishments in historic preservation or public archaeology, (4) use of innovative approaches in historic preservation and public archaeology, and (5) impact on Kentucky archaeology.*

### **Special Achievement Award in Archaeology**

This award recognizes the special achievement of a professional archaeologist, an avocational archaeologist, or a citizen over the previous calendar year. Through the special achievement, the nominee will have made a significant contribution to the understanding of Kentucky history and/or prehistory through archaeology, the preservation of cultural resources in the Commonwealth, public understanding of Kentucky history and/or prehistory through archaeology, or another area related to archaeology. *Selection criteria are (1) nature of special accomplishment, (2) significance of special accomplishment, (3) use of innovative approaches, and (4) impact on Kentucky archaeology.*

### **Outstanding Thesis/Dissertation on Kentucky Archaeology**

This award recognizes the outstanding thesis or dissertation related to some topic on Kentucky archaeology. The thesis or dissertation will have been completed over the previous calendar year but need not have been authored by a student at a Kentucky university. *Selection criteria are (1) nature of thesis/dissertation, (2) significance of thesis/dissertation, and (3) impact on Kentucky archaeology.*

# KENTUCKY ORGANIZATION OF PROFESSIONAL ARCHAEOLOGISTS

## Awards Program Nomination Form

*The KyOPA Awards Program was established in 2004 to recognize the achievements of individuals in Kentucky archaeology. The awards are not necessarily intended to be annual awards but rather to recognize significant contributions as necessary. Nomination forms must be submitted online by January 1 for consideration of achievements in the previous calendar year. Nominations are evaluated by the KyOPA Board of Directors. Awards are presented at the annual KyOPA business meeting in the spring.*

### Award (check one)

- Lifetime Achievement Award in Professional Archaeology
- Lifetime Achievement Award in Avocational Archaeology
- Lifetime Achievement Award in Historic Preservation or Public Archaeology
- Special Achievement Award in Archaeology
- Outstanding Thesis/Dissertation on Kentucky Archaeology

### Nominator

Name \_\_\_\_\_ Date \_\_\_\_\_

Email \_\_\_\_\_

### Nominee

Name \_\_\_\_\_ Email \_\_\_\_\_

Affiliation \_\_\_\_\_ Phone \_\_\_\_\_

Address \_\_\_\_\_

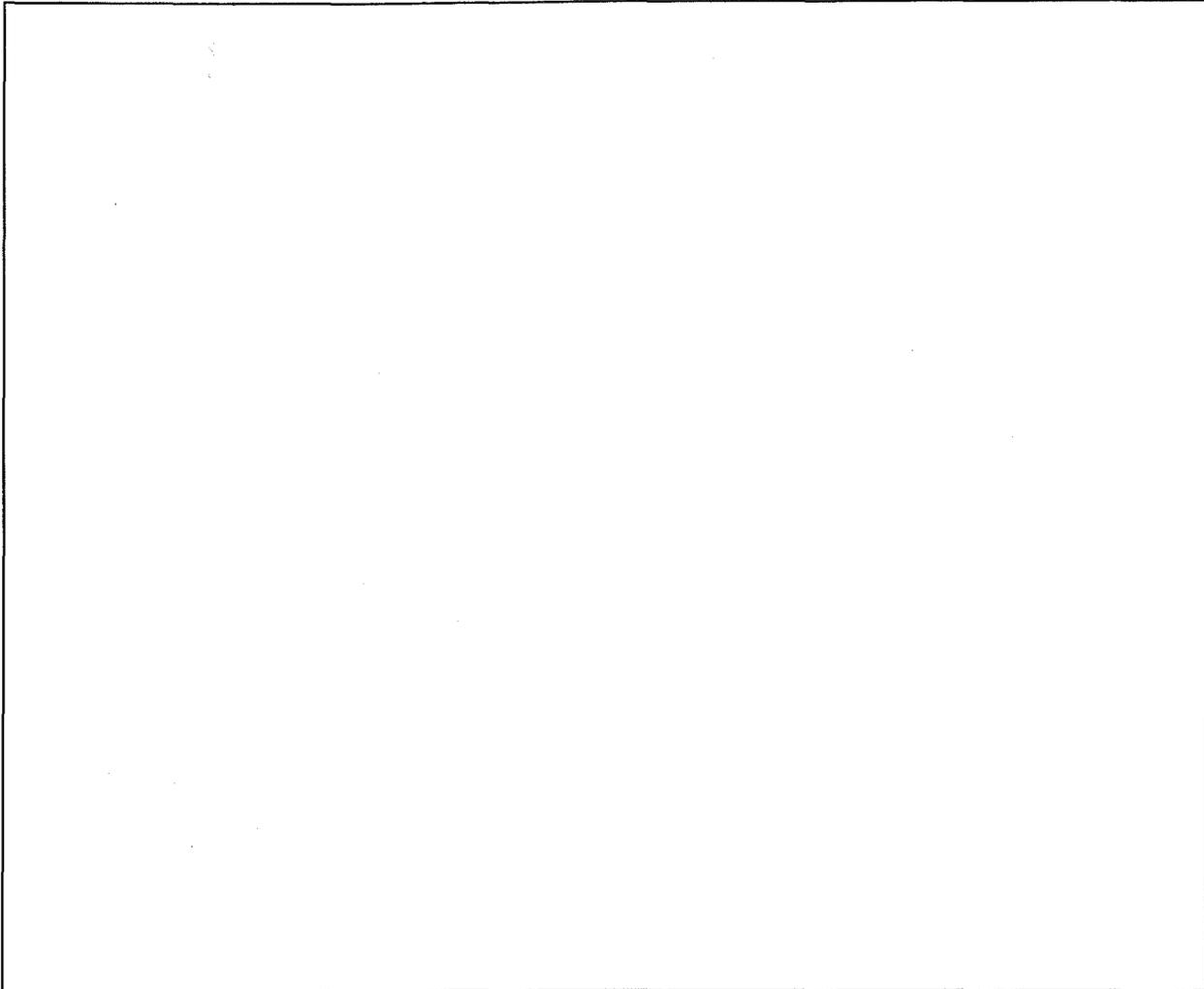
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*(continued on back)*

## **Description**

*Provide a brief narrative description of the project(s) or achievement(s) for which the nominee is to be recognized. Relate the description to the criteria for the appropriate award. A separate document describing the projects may be attached instead.*



## **Supporting Documentation**

*Attach any documentation (e.g., article abstracts, book tables of contents, newspaper articles, photographs in jpeg or gif format, letters of support, curriculum vita) to support the nomination.*

- Supporting documentation attached
- No supporting documentation attached

*Kentucky Archaeology* is a publication of the Kentucky Organization of Professional Archaeologists and is issued twice a year in the Summer and Winter. The deadline for submitting announcements, short news items, queries, call for papers, book reviews, current research, and other materials is **May 15** for the **Summer** issue and **November 15** for the **Winter** issue. Please send materials to Tanya M. Peres, KyOPA Editor, Program for Archaeological Research, University of Kentucky, 1020A Export St., Lexington, KY 40506; phone: 859-257-1944, fax: 859-323-1968; e-mail: tmpere2@uky.edu. Submissions should be sent in either Word or Word Perfect files on disk or via email attachments. Please note the software and version in your cover letter.

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**Moving?** If you have a change of address for the mailing of *Kentucky Archaeology*, please let us know. To avoid missing any newsletter, send address changes to the KyOPA Secretary-Treasurer, Melinda King, AMEC Earth & Environmental, 690 Commonwealth Center, 11003 Bluegrass Parkway, Louisville, KY 40213.

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