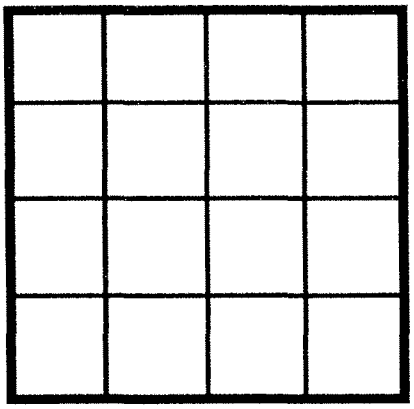

ARCHEOLOGICAL ASSISTANCE PROGRAM
Technical Brief No. 6, October 1989 (Revised 1991)

THE KENTUCKY ARCHAEOLOGICAL REGISTRY:

Landowner Participation in Site Preservation

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U.S. DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE

Laws directed at protecting archeological sites frequently target those located on State or federally owned property, but many sites are located on private property. These sites represent a significant portion of the identified sites in many States, meaning that large numbers of our nation's archeological resources are not protected.

The Kentucky Archaeological Registry was created to address this problem. Modeled on The Nature Conservancy's nationally successful program for protecting privately owned natural areas, the Registry represents a way to involve private landowners in the protection of Kentucky's significant archeological sites. Landowners are asked to make a commitment to preserve and protect their sites and are presented awards in recognition of these commitments. In addition, they are educated about their sites' significance, provided management assistance, and informed about stronger preservation options available to them.

Following the introduction, this publication describes the objectives of the Kentucky Archaeological Registry, how a landowner can participate in the program, and the steps in the landowner contact/site registration process. Next, the results of the Kentucky Archaeological Registry's first two years of operation are discussed, and the Registry's successes are evaluated. Finally, the role landowner contact/site registration can play as part of a broader site protection and preservation program is discussed.

Introduction

Concern for the protection and preservation of archeological sites has been voiced for about as long as their destruction has occurred. The passage of the Antiquities Act of 1906, the National Historic Preservation Act of 1966, the Archaeological Resources Protection Act of 1979, and subsequent laws and regulations, as well as State antiquities laws and regulations, have made the protection and preservation of archeological sites a matter of public policy. Yet for the most part, these laws are directed at protecting sites located on Federal, State, county, and municipal property, or those sites threatened by destruction from State or federally licensed or permitted projects. Generally, archeological sites located on private land have not benefited from any programmatic site protection policy. The protection and preservation of these archeological sites rests almost entirely in the hands of private landowners.

One way to ensure that these sites are preserved and protected is for the lands on which they are located to be brought into public ownership or to be acquired "in fee" by preservation groups. That is, all rights to such property are acquired (Ford 1983; Hoose 1981:26-27). While site acquisition may afford the best protection in most cases, it is not always the most feasible approach. The limitations inherent in acquiring land, i.e., the large investments of time and money required, restrict the use of acquisition as a primary method of site protection and preservation to only a few sites.

The Nature Conservancy (TNC), an organization created to find, protect, and maintain the best examples of natural communities, ecosystems, and endangered species (The Nature Conservancy 1988:3), uses a number of techniques, in addition to land acquisition, in its successful efforts to preserve natural diversity. These techniques differ in the speed in which they are used, their cost, the strength of the protection they offer, the duration of the protection they offer, and the degree to which they restrict a deed (Hoose 1981:29). They include such techniques as arranging renewable management agreements or leases and negotiating conservation easements and deed restrictions. By using a variety of techniques, TNC has been able to accomplish its goal of natural areas protection, even when acquisition was not feasible. This has led to the protection and preservation of larger areas and more species than would have been possible through acquisition alone.

Landowner contact/site registration represents one of these techniques. It involves a fairly simple, straightforward approach to natural areas protection, predicated on the assumption that the landowner has an interest in the resource and will not purposely destroy it, and that the landowner will act as the resource's steward by virtue of the preservation commitment he or she is asked to make. Hoose (1981:35-68) describes this approach as "all carrot and no stick."

On the face of it, landowner contact/site registration appears to provide virtually no protection for the resource. In actuality, few cases of breach of commitment have occurred in the more established natural areas registries (Paul Carmony, personal communication 1987), and the species for

which the properties were registered have remained undisturbed. In addition, landowner contact/site registration has created opportunities, in many cases, to negotiate stronger protection for registered areas at a later date. Given the track record of the natural areas registries, it can be stated unequivocally that landowner contact/site registration is a successful preservation strategy that has led to the protection of many species that might otherwise have been destroyed (Carmony 1982, 1987, personal communication 1987).

Because of the proven effectiveness of landowner contact/site registration as a protection tool for natural areas, it seems likely that this technique also holds enormous potential for the protection and preservation of significant archeological sites. This seems especially true when one considers that the bottom line for both natural areas conservation and archeological site preservation is the same: preservation of the land.[1]

The Kentucky Archaeological Registry

The Kentucky Archaeological Registry (Registry), a program that involves landowners in the preservation and protection of Kentucky's significant archeological sites, was developed and implemented in 1987. The preservation of sites on private property was especially targeted during the Registry's first two years of operation due to the lack of legal protection available for such sites.

The purpose of the Registry is to secure the protection of land that contains important archeological sites. Each landowner is informed and educated about the significance of the archeological site he or she owns, and the landowner's aid is enlisted in the site's protection and preservation. The goal is to encourage the landowner to make a conscious, voluntary commitment to protect his or her site, which leads to voluntary stewardship of the site.

The Registry was created as the result of a unique cooperative effort between two State agencies. The Kentucky Heritage Council (KHC), which serves as the State Historic Preservation Office (SHPO), had sought to develop a program of long-term site protection for Kentucky's significant archeological sites, but lacked the requisite expertise. The Kentucky State Nature Preserves Commission (KSNPC), the agency responsible for administration and management of State nature preserves, had developed this expertise within the context of its comprehensive program of land preservation. This program consists of the Kentucky Natural Areas Registry, an array of land preservation tools and legal options, and the stewardship and management of acquired properties.

At KHC's request, KSNPC agreed to develop and implement a site protection strategy for significant archeological sites modeled on the Kentucky Natural Areas Registry (Henderson 1988b:11-14). Funding for the Registry's first two years was provided by Federal Historic Preservation Fund survey and planning grants. The Registry was developed and administered during that time by an archeologist hired by KSNPC. With the title of Registry Coordinator (Coordinator), this archeologist worked closely with the staff of KHC. Personnel for the program included primarily the Coordinator and a part-time secretary. The costs for developing and implementing the Registry for the two years included $36,127 for personnel and $7,378 for operations, prorated for the actual time spent on activities. The average cost per year was calculated at $21,753. This was less than Hoose's (1984:5-6) estimate of $35,000 per year for a full-time Coordinator once program initiation had been completed.

After the first two years of operation and at the conclusion of the grants, the Registry program was transferred to KHC and became a permanent element of the archeological site protection program. Administrative duties, secretarial services, and the job of Coordinator are now conducted by KHC personnel in addition to their other responsibilities. The costs of the Registry have been absorbed by KHC into its existing budget, and no new expenditures have been made.

Person-to-person contact and the development of a relationship between the Coordinator and the landowner, based upon mutual respect and trust, are major elements of the Registry program. This personalized contact solidifies the landowner's commitment to protect the land. Careful planning and the development of information that thoroughly documents the site are also elements of the program. This ensures that only the most significant and most worthy sites are considered, thereby conferring a high degree of integrity on the program.

Objectives in registering archeological sites are the same as those of the natural areas registry programs. These can be summarized by paraphrasing the objectives outlined in the TNC Midwest Regional Office *Guidelines for Registry Workers* (The Nature Conservancy, Midwest Regional Office 1985:2).

- To provide landowners information that prevents the unintentional or accidental destruction of archeological sites, including educating landowners about the significance of their sites and the lifeways of the people who once lived there;
- To understand landowners' attitudes toward their properties and the sites found thereon;
- To instill landowners with a sense that their land is special, and that they are special people for taking care of these sites;
- To acknowledge that in many cases--when most of the surrounding sites have been destroyed or degraded--their sites remain only because they have taken deliberate protective measures;
- To instill landowners with a sense of responsibility, at least for monitoring their sites; and
- To establish a cordial, personal relationship between each landowner and the Coordinator that will insure that archeological sites are protected in private ownership.

The foundation for preservation and protection provided by the Registry is the preservation commitment made by each landowner. Participants are asked to honor three requests:

1. To preserve and protect their sites to the best of their abilities;

2. To notify KHC of any threats to the site such as looting, vandalism, proposed construction, excavation, or any other ground disturbing activities; and

3. To notify KHC of any intent to sell or transfer ownership.

Because the preservation commitment is made only between the current owner and KHC, it does not "run with the land." The preservation agreement must be negotiated anew when the property is sold and a new landowner controls the site. This is the reason why the landowner is requested to provide new information when the property is sold or when ownership is transferred.

KHC for its part, agrees to the following:

1. To provide site management assistance; and

2. To provide, upon request, aid to the landowner in selecting the most appropriate tools for stronger site protection.

A landowner can participate in the Registry in one of two ways: by verbally agreeing to protect the site, or by signing a non-binding Registry Agreement (Figure 1). The landowner's preservation commitment is recognized through the presentation of awards, commensurate with his or her level of participation. A certificate (Figure 2), signed by the Governor of Kentucky and the Chairman of KHC is presented for a verbal agreement. A certificate and a plaque (Figure 3) are presented when a Registry Agreement is signed. In both cases, the sites are designated Kentucky Archaeological Landmarks. A landowner's name also is added to the KHC's mailing list, and every two months he or she receives KHC's preservation newsletter, which includes a section about the Registry. The landowner also receives copies of the Registry newsletter, prepared annually by the Coordinator, and the *Kentucky Archaeological Newsletter*, prepared three times a year by the Program for Cultural Assessment at the University of Kentucky in Lexington.

This is to certify that

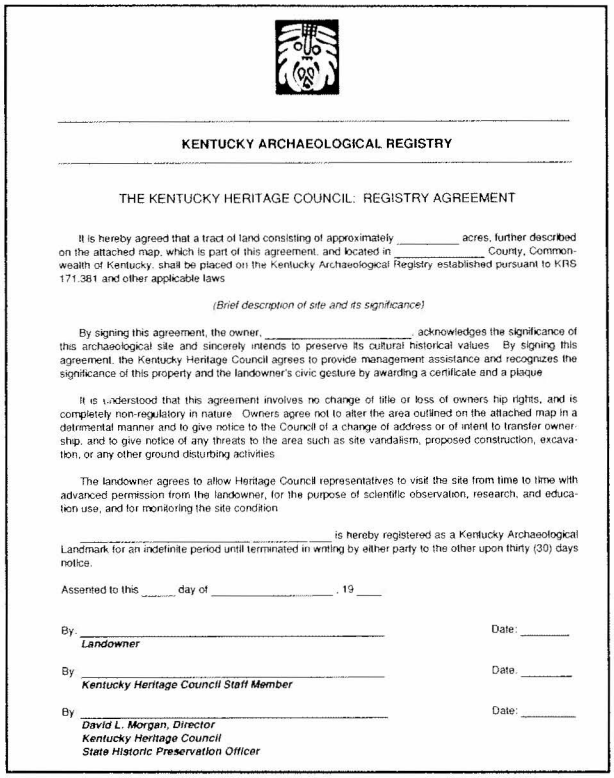
owned by

is a registered

Kentucky Archaeological Landmark

This owner is preserving this site as a significant part of Kentucky's cultural heritage

Figure 2. Kentucky Archaeological Registry Certificate. (Courtesy of the Registry)



KENTUCKY ARCHAEOLOGICAL REGISTRY

THE KENTUCKY HERITAGE COUNCIL: REGISTRY AGREEMENT

It is hereby agreed that a tract of land consisting of approximately _____ acres, further described on the attached map, which is part of this agreement, and located in _____ County, Commonwealth of Kentucky, shall be placed on the Kentucky Archaeological Registry established pursuant to KRS 171.381 and other applicable laws.

(Brief description of site and its significance)

By signing this agreement, the owner, _____, acknowledges the significance of this archaeological site and sincerely intends to preserve its cultural historical values. By signing this agreement, the Kentucky Heritage Council agrees to provide management assistance and recognizes the significance of this property and the landowner's civic gesture by awarding a certificate and a plaque.

It is understood that this agreement involves no change of title or loss of owners hip rights, and is completely non-regulatory in nature. Owners agree not to alter the area outlined on the attached map in a detrimental manner and to give notice to the Council of a change of address or of intent to transfer ownership, and to give notice of any threats to the area such as site vandalism, proposed construction, excavation, or any other ground disturbing activities.

The landowner agrees to allow Heritage Council representatives to visit the site from time to time with advanced permission from the landowner, for the purpose of scientific observation, research, and education use, and for monitoring the site condition.

_____ is hereby registered as a Kentucky Archaeological Landmark for an indefinite period until terminated in writing by either party to the other upon thirty (30) days notice.

Assented to this _____ day of _____, 19____

By: _____ Date: _____
Landowner

By _____ Date: _____
Kentucky Heritage Council Staff Member

By _____ Date: _____
David L. Morgan, Director
Kentucky Heritage Council
State Historic Preservation Officer

Figure 1. Fascimile of the Registry Agreement.

Figure 3. Mrs. Nita M. Cropper, Registry landowner, holding a Registry Plaque. (Photo courtesy of David Pollack)

Steps in the Registration Process

The process of landowner contact/site registration follows a series of prescribed steps designed to collect all pertinent information about the site, the property, and its owner before the landowner is contacted, and to accurately document the results of any contacts and communication. Henderson (1988a, 1988b) discusses the development and implementation of the Registry in more detail, with example handouts, forms, awards, and letters provided in appendices. Figure 4 depicts graphically the steps in the landowner contact/site registration process.

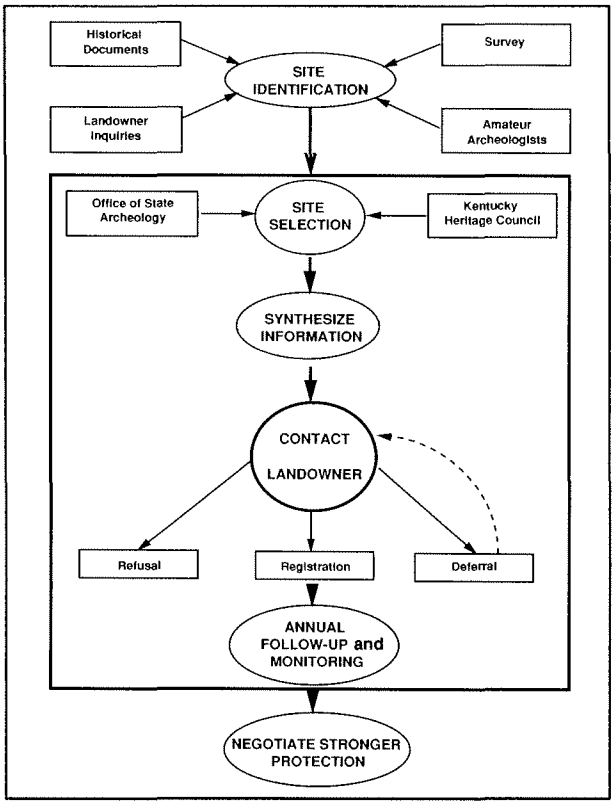


Figure 4. Flow chart of landowner contact/site registration activities. (Courtesy of the Registry)

Site Selection

The integrity of any landowner contact/registry program, and therefore its effectiveness as a preservation tool, is directly related to the integrity of the sites selected for preservation (Carmony 1982:4; Hoose 1981:59). Therefore, before a site is considered for registration, it must have been identified, located, recorded, and evaluated for its significance.

To be considered for registration, a site should be clearly significant. A site's significance is most commonly evaluated according to the criteria for listing in the National Register of Historic Places, which includes examination of site integrity and potential to address important research questions. Other factors, in addition to those based upon National Register criteria, can and should be considered when selecting a site for registration. These include, for example, the site's cultural affiliation, physiographic setting, or the potential for threats to its preservation, as from vandalism, erosion, or development.

The first sites chosen for registration were selected from a master list of potential sites compiled from suggestions by Kentucky's archeological community-at-large (Henderson 1988b:21-25). Registry site candidates, selected from this master list by KHC and the Coordinator, met two general significance criteria:

1. They had contributed to or had the potential to contribute to an understanding of Kentucky's prehistoric and/or historic past; and

2. They were in a good state of preservation.

Pre-Initial Visit Activities

These activities consist of creating Registry Site Files (Site Files), initiating contact with landowners, and developing the Landowner Site Packet. Development of the Site Files includes collecting and synthesizing information about each site and its landowner. This includes gathering information about the environmental and archeological aspects of the site, the site's significance, known threats, current information about the landowner and the property on which the site is located, and landowner attitudes concerning the site and its preservation. This is accomplished by reviewing all available printed matter regarding the site, such as reports and papers, as well as previous correspondence, such as letters from landowners, newspaper clippings, and compliance review letters. Information about the site and its landowner is solicited from individuals who may have opinions about the site's preservation, protection, and management needs, and who may know the landowner or something about his or her attitudes toward preservation. These people include avocational and professional archeologists and adjacent landowners. The archeologist who has been most involved in research at the site, referred to as the Archaeologist of Record (AOR), may be the single most helpful source of information about the site. The AOR has the advantage of knowing the landowner, the site, and their common histories in more detail than most other informants.

Rosters of all Registry contacts with the landowner are kept in the Site Files, one for each landowner/site combination. The Site File contains copies of all correspondence, telephone notes, and other information. Specific management and stewardship considerations for the site outlined prior to the Initial Visit are included in the file.

The Landowner Site Packet, which is left with the landowner at the end of the Initial Visit, is an individualized collection of information. It contains general information about the program, specific information about the site and, where warranted, information about other archeological topics. It also contains the Registry Agreement (Figure 1). This agreement consists of a topographic map with the site boundaries and the landowner boundaries outlined on it, a cover page that briefly describes the site, its significance, and the preservation commitment the landowner is being asked to

make. The Landowner Site Packet is used to illustrate and clarify aspects about the Registry program. It functions to educate the landowner about the site and its significance.

The landowner is contacted twice before the Initial Visit takes place. The first contact is by mail. A brief descriptive statement about the program is included in the letter, accompanied by brochures that summarize the Registry program and outline Kentucky prehistory. Next, the landowner is contacted by telephone to set up an appointment for the Initial Visit.

The Initial Visit

The Initial Visit is the focal point of the landowner contact/ site registration process. During this visit, the Registry program is explained in detail within the context of discussing the site and its importance. Stewardship activities the landowner may have undertaken in the past, as well as the appropriate activities the landowner should continue to follow, are discussed.

During the Initial Visit, the foundation is laid for establishing the landowner's preservation commitment and his or her long-term relationship with the Registry. One of the purposes of the Registry is to educate the landowner about his or her site: how old it is; who were its inhabitants, what they wore, and how they lived; identification of artifacts and their methods of manufacture; and its significance. In addition to this site information, the Initial Visit allows the Coordinator to collect information about the landowner and his or her family, the site's history of use, and the types of threats it faced in the past.

Some landowners decide to participate in the program and sign the Registry Agreement during the Initial Visit. Others wish to think it over and discuss it with family members.[2] The Coordinator determines whether a verbal registration has been secured. In most cases, the landowner will not promise to preserve and protect the site in those exact words. But if the landowner is sincere and interested, then a verbal registration is considered to have been secured.

Post-Initial Visit Activities

Many of the activities that take place after the Initial Visit depend on its results. A few activities, however, take place immediately after each visit irrespective of the landowner's decision regarding site registration. They fall into two categories, recording information and communicating with the landowner.

A number of different kinds of information, recorded and kept on file in the Site File, are collected during the Initial Visit. This information is critically important to future contacts with the landowner because it serves as a baseline from which to monitor the site's condition on subsequent visits and can provide insight into the stronger protection options that might be most appropriate should the landowner request them.

A report of the Initial Visit itself is prepared. This includes a description of activities during the visit, the Coordinator's feelings about the landowner's receptiveness to the program and perspective on site preservation, the results of the visit, and the topics discussed. Facts gathered about the landowner, such as his or her level of education, economic situation, details about his or her life and family, perspectives about the site and site preservation, are summarized in a separate report. Information detailing the condition of the site, including its location and degree of any looting and vandalism or ground disturbance, is noted on the Site Monitoring Record.

As soon as possible after the Initial Visit, a thank-you letter is sent to the landowner regardless of his or her response to the program. If the landowner expressed interest in learning about other protection options this information is included (cf. Milne 1984). If the landowner agreed to participate in the program, the letter mentions the awards the landowner will receive and reiterates the agreement he or she made. A number of additional activities are undertaken. The most important of these is the preparation of the awards. Announcement of the registration in the newspaper or other media depends upon the landowner's permission, the site's history of notoriety, its state of preservation, and threats of looting and vandalism. Press releases are written only with the landowner's permission and only for sites that are not at a high risk of looting and vandalism.

Other tasks are carried out soon after the Initial Visit, especially if the landowner has agreed to participate in the program. His or her name is added to the various mailing lists, the Registry newsletter mailing list, KHC's preservation mailing list, and *Kentucky Archaeological Newsletter* mailing list. A photocopy of the Registry Agreement, if it was signed, is sent to the landowner. About a month later the SHPO/ Director of KHC sends a letter to the landowner in which he or she personally expresses appreciation for the landowner's decision to participate.

If the landowner did not agree to participate during the course of the Initial Visit but wished to think it over, the thank-you letter is followed by a telephone call within a month. If the answer then is "yes," the activities discussed above are carried out. A thank-you letter is sent after the Initial Visit even if the landowner is clearly not interested in participating in the program. Depending on the nature of the landowner's negative response, the immediacy of threats to the site, and the significance of the site, an attempt to contact the landowner again in six months or a year to reconsider the decision may be appropriate.

Registry Maintenance Activities

Upon the designation of an archeological site as a Kentucky Archaeological Landmark, a long-term commitment to the site and its landowner begins. Participation in the Registry provides an opportunity to establish a relationship with the landowner. In the years that follow it is hoped that the landowner's interest in the protection and preservation of the site will grow by virtue of this participation. As a result of this greater interest, opportunities for stronger protection may develop in the future.

Registry follow-up and maintenance activities are critically important to the landowner contact/site registration process (Hoose 1981:56). Landowner contact/site registration can be considered a successful site preservation option only if the relationship with the landowner begun during the Initial Visit is nurtured.

> Without a good follow-up system to remind owners of the importance of their areas (sites) and help them develop a firmer preservation ethic, its (the Registry program's) value could decline rapidly (Carmony 1987:4).

In effect, then, the easy part of landowner contact/site registration is the registration itself. The hardest part is staying in touch with each landowner.

Registry follow-up and maintenance consists of communicating with the landowner, educating him or her about the importance of protecting the site, and monitoring the condition of the site at regular intervals. The goals of follow-up and maintenance activities at registered sites consist of the following:

- Enhancing and continuing to build a relationship with the landowner;
- Educating the landowner about the site and its preservation;
- Providing site management support and site protection information; and
- Monitoring the site for any disturbance or new threats to its protection.

Frequent and personal communication with the landowner throughout the year is the primary way by which the relationship with the landowner is enhanced. This includes sending letters, notes or cards, preparing and sending the Registry newsletter, and visiting the landowner in person. The Registry newsletter is an excellent means of maintaining communication with the participating landowners while simultaneously informing and educating them. Receipt of the newsletter reminds landowners of their participation in the program, the agreement they have made, and the significance of their preservation commitment. It is used to report on recent program accomplishments and announce conferences, meetings, or publications of interest to the landowner. It provides information about prehistory or history, site management, site looting and vandalism, and stronger protection options.

The single most effective follow-up activity, however, is the annual Follow-up Visit. The Follow-up Visit is the way in which landowner communication and education is carried out. The Follow-up Visit provides the Coordinator with an opportunity to discuss site protection and to monitor the site's condition. The same landowner contact procedure for the Initial Visit is followed prior to the Follow-up Visit (Henderson 1988a:3-5). Each landowner is telephoned, and the Follow-up Visit is scheduled. Care is taken to explain the purpose of the Visit to allay any concerns landowners might have that an additional request will be made of them. Prior to the Follow-up Visit, the Coordinator reviews each Site File to be familiar with the important facts. Information still promised to a landowner is prepared. Information still lacking in the Site Files is noted so that it can be collected during the Visit.

Gifts are always brought to the landowner on the Follow-up Visit. These consist of such items as posters, articles, pamphlets, or copies of recent legislation that deals with archeological sites. They serve several functions: (1) they provide an obvious reason for visiting the landowner and not just his or her site; (2) they provide an opportunity to demonstrate once again appreciation for the landowner's preservation commitment; and (3) they represent a way to educate landowners about archeology.

Another important function of the Follow-up Visit, is to provide an opportunity to monitor the site's preservation status. During the Follow-up Visit, questions are always asked about the site, its condition, and any problems with looting and/or vandalism the landowner may have had in the course of the year. If at all possible, the site is visited in the company of the landowner and site stewardship activities are discussed. Information is collected about features of the site locale, locations of current and previous human and natural destruction, and site boundaries.

Activities conducted after the Follow-up Visit resemble those undertaken after the Initial Visit and consist of landowner communication and documentation. A note is sent to the landowner thanking him or her for spending time with the Coordinator. A note also is sent to the AOR, if one exists for the site, informing him or her of the Follow-up Visit and providing updated information about the landowner, his or her family, and the site's condition.

A Follow-up Visit report is prepared, information about each landowner is recorded and, if need be, changed in the Site File, and a Site Monitoring Record Update is completed that includes any changes noted in the site's preservation status. Once sufficient information is collected regarding the site's management needs, and this may have to be collected over the course of several years, a detailed site management plan is prepared for each site and discussed with the landowner (Henderson and Hannan 1988:34-40).

Results of the Kentucky Archaeological Registry To Date

The results of landowner contact/site registration activities undertaken during the Registry's first two years of operation were very positive. A total of 16 landowners out of 30 contacted agreed to participate during Year One. Three landowners declined to participate, eight deferred site registration, and for three landowners site registration activities were incomplete. Two additional landowners were contacted during Year Two and agreed to participate. One of the landowners who deferred in Year One chose to participate during Year Two. This resulted in a combined total of 19 participating landowners out of the 32 who were contacted in

person by the Coordinator during Year One and Year Two. Sixteen landowners agreed to participate by signing a Registry Agreement while the remaining three gave verbal consent to program participation.

The 19 Registry entries represent registration for 19 archeological sites totaling 300 acres. Eighteen sites were registered during Year One, while one new site was registered during Year Two. Registration for 15 of these sites encompasses the entire site area, while four of the registries cover only a portion of the site. These partial registries, in most cases, represent over one-third to three-fourths of the site. Site types registered include earthen enclosures, a ditched enclosure, burial mounds (Figure 5), villages, temple mound and village complexes, a stone alignment, and a rockshelter. Cultural components at these sites include prehistoric sites with either single or multicomponent deposits, as well as one site with an early historic component.

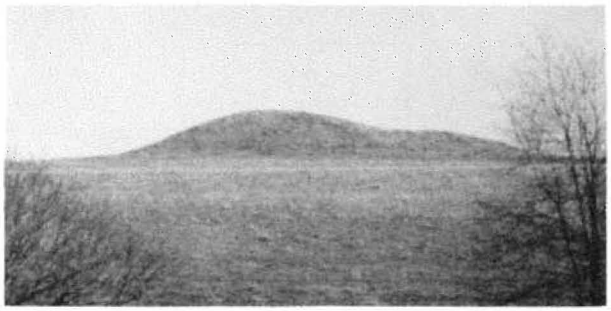


Figure 5. Located on the property of Mrs. Ann H. Gay, this mound is listed in the Registry. (Photo courtesy of David Pollack)

The condition of 16 of the 18 sites registered during the program's first year of operation remained unchanged during the second year of operation. Notable alterations occurred to only two of these sites and to the newly registered site. This resulted in a total of three registered sites at which conditions had changed between the Initial Visit and the Follow-up Visit. Changes at two had occurred due to a change in land use. At one site the land use varied because the property was sold. Timber had been removed in some areas, while in others, the site was disked and sown with grass for pasture. At the other site, a road built to haul timber had been constructed by a third party in the site area, contrary to the landowner's instructions. Disturbance to these two sites was minimal. Changes at the third had occurred as a result of vandalism, which, while substantial, did not significantly alter the site's integrity.

During the Registry's first year of operation, five requests were received for information about stronger site protection, including easements, site donation and purchase, and site management (Henderson 1988a:7-10 and 1988b:57-58). They were solicited by three landowners who decided to participate in the program and by two who deferred. One new request for stronger site protection was received from a participating landowner during the Registry's second year of operation.

In response to these requests, information was prepared and sent to the landowners, the landowners were visited again, and options available to them were discussed. More detailed information about property boundaries also was collected, and the landowners' requests were discussed with KHC as well as with potentially interested third parties such as The Archaeological Conservancy, a private archeological site preservation organization (Ford 1983), and the University of Kentucky. To date, protection beyond site registration has not been negotiated for these sites.

The request for aid in site management, unlike the requests for stronger site protection, was handled in a different manner. Through discussions with the media relations manager of the corporation that owns a registered site, it became clear that the company was interested in receiving information that would help it manage the site more effectively. Serving as a clearinghouse, the Coordinator sought aid from the archeological community in honoring this request. A graduate student at the University of Kentucky volunteered to provide the requested information. The site was mapped, tested, and a detailed management study was prepared (Sanders 1988). As a result of this project, the company was provided with the management assistance it needed.[3]

More in-depth discussion of the program's results, as well as the characteristics of the Registry sites and their landowners, is provided in Henderson (1988a:2-11 and 1988b:43-70).

Program Evaluation

Landowner contact/site registration has been proven to be effective in the protection and preservation of natural areas since 1980 (Hoose 1984:7). The results of the Registry's first two years of operation are comparable to the results of the natural areas registry programs (Carmony 1982, 1987) and demonstrate that the landowner contact/site registration technique can be successfully adapted to the protection of unique and irreplaceable archeological resources. Several factors can be cited as contributing to the success of the program.

One obvious reason is the fact that it is modeled upon TNC's successful registry program. By following this model, which has been field tested in many situations, the Registry placed itself in an excellent position to succeed.

The communication, trust, and rapport that develops between the landowner and the Coordinator is another factor that contributes to the Registry's success. Since the Registry program is personified by the Coordinator, the personality and attitude of the Coordinator can make or break a landowner contact/site registration program (Hoose 1984:6). The Coordinator must be able to communicate effectively with landowners in a non-threatening way about the program and their sites' importance and, therefore, convince them to make the commitment to preserve and protect their sites.

A third factor that contributes to the Registry's success is the existence of an AOR for a site. The concept of the AOR does

not have a counterpart in TNC's landowner contact/site registration formula. It became evident in the early stages of the Registry's development, however, that the chances for registration would be greater for sites at which professional archeologists had worked for many years and developed rapport with the landowners. The AOR often had considerable personal and professional investment in a site, concern for its future, and ideas on ways to preserve it. He or she previously may have discussed site preservation and management with the landowner. Given a role in the registration process, AORs proved to be an important source of support since their understanding and appreciation of the Registry, together with their positive attitude toward it, often helped allay landowners' misgivings.

Summary and Conclusion

The Registry provides a cost-effective, programmatic response to the problem of long-term protection and preservation of significant archeological sites on private property. It encourages the preservation and protection of Kentucky's significant archeological sites by enlisting the aid of landowners in their preservation. Its major functions include the following:

1. To provide low-level site protection;

2. To provide opportunities for regular and systematic monitoring of significant sites; and

3. To provide opportunities to educate participating landowners about the importance and the preservation of their sites.

As a result of the activities undertaken during the first two years of operation, it was demonstrated that the Registry also can serve other purposes. For instance, it can help nurture a constituency concerned about general issues in site protection and preservation. During Year Two, for instance, landowners were informed of looting that had occurred to a site in western Kentucky. They were asked to write to the County Attorney to express their concern about the site's destruction. Many landowners previously had had similar experiences with looting on their sites and had felt powerless to do much about it. It was decided that this incident presented an opportunity for the landowners to do something about their frustration. As owners of Kentucky Archaeological Landmarks, they were in a unique position to tell officials that site looting is not a rare or isolated occurrence in the State. Four of the landowners sent letters.

Another function the Registry can serve is that of renewing or piquing archeologists' interest in studying these important sites. Archeologists were made aware that some sites considered to have been destroyed actually exist in a good state of preservation even after having been forgotten for decades. Some of these archeologists have expressed serious interest in pursuing research activities at Registry sites. When archeologists begin to plan such studies, the Registry will provide them with current site information and suggestions on the kinds of information needed about the site, as well as information about the landowner and the landowner's position regarding conducting research at the site. Archeologists contemplating such work will have to obtain the landowner's permission to conduct any field work.

The Registry can facilitate communication between the landowner and parties interested in negotiating stronger site protection. The Registry program can introduce groups, such as The Archaeological Conservancy, to interested landowners and provide information to these groups that might enhance their opportunity to acquire significant sites (Henderson 1988a:12).

Hoose (1984:1), however, considers a landowner contact/site registration program to be most useful as the primary level within a system of protection tools. In some situations stronger site protection, such as management leases, deed restrictions, conservation easements, or dedications (Henderson 1988b:71-81; Henderson and Hannan 1988) are required to ensure adequate protection of the property. In this case the Registry also serves as a screening device for sites and situations that might combine to produce opportunities for stronger and more enduring site protection. As discussed previously, six such instances of requests for information on stronger site protection and management were encountered during the Registry's first two years of operation.

The site protection provided by landowners who participate in the Registry illustrates the preservation potential that exists in a generally untapped resource: the landowner. Landowners serving as voluntary site stewards will help to ensure that Kentucky's most significant sites will be preserved and protected for the future.

The success of the Registry to date has struck a cord with many of the landowners who have been contacted during its short existence. As a positive approach to site protection, the Registry also has struck a cord with archeologists (Henderson 1988a:13-14). There appears to be an increasing awareness on the part of archeologists of the need to become involved in and develop methods of site protection and preservation in addition to those commonly used in the past. Hand in hand with this growing awareness is the acknowledgment that archeologists must provide the public with better access to information acquired through archeological research. Archeologists see in the Registry a way to respond to both needs in a cost-effective, positive way, and its success should encourage other States to develop registries of their own. The creation of the Registry seems to be riding the crest of a wave in American archeology that recognizes that public involvement in archeology is the best way to ensure there is archeology in our future.

For more information about the Kentucky Archaeological Registry, contact:

Kentucky Heritage Council
677 Comanche Trail
Frankfort, KY 40601
(502) 564-7005.

Copies of *The Kentucky Archaeological Registry: Citizen-based Preservation for Kentucky's Archaeological Sites* and *Results of the Kentucky Archaeological Registry Program's Second Year of Operation* by A. Gwynn Henderson, which describe respectively the Registry's first and second years of operation, are available from KHC at the above address.

Notes

[1] Surprisingly few landowner contact/site registration programs had been incorporated into the archeological community's approach to site preservation prior to the creation of the Registry. None had been patterned on TNC's landowner contact/site registration model.

During development of the Registry, a site protection questionnaire was sent to all 56 SHPOs (Henderson 1988b:22-23). From the 33 responses received, it was learned that 15 States have some form of archeological registry program "on their books." Some States had not implemented their registry programs due to a lack of success in the past or a lack of personnel and funds. Other programs depend on the initiative of the private landowner for site registration. Several mirror the National Register of Historic Places by providing protection under a State "Section 106" compliance process. None of these programs, however, is composed of the same elements embodied within the landowner contact/site registration program that is the Registry.

[2] Many questions were raised about the National Register of Historic Places probably due to the similarity in the names of the two programs. Landowners whose sites were already listed in the National Register were sometimes puzzled when they were requested to participate in the Registry. Similarly, landowners who held misconceptions about the National Register often transferred these misconceptions to the Registry. When this occurred, the Coordinator tried to address these questions by contrasting the two programs. Some of the more important differences include the following:

1. National Register status applies to a site even after ownership changes. In the case of the Kentucky Archaeological Registry, the new landowner has to be contacted and asked to continue the preservation commitment made by the former owner;

2. Frequent personal contact with participating landowners is not an element of the National Register, but it is a major element of the Kentucky Archaeological Registry; and

3. National Register status is an element of Federal historic preservation law. Kentucky Archaeological Landmark status confers no legal protection under State laws.

Other differences between the two programs are discussed in Henderson (1988b:64-65).

Some questions that were occasionally raised dealt with the limitations to land use that participation in the Registry might engender. These included such questions as:

- Will I be able to construct buildings and fences where I choose, or will I have to get permission from KHC?

- Will participation affect my children's inheritance of the property?

- Will I need KHC's permission to sell my land and will KHC have a voice in deciding to whom I may sell?

- Will participation in the Registry affect the property value of my land?

- Will registration lead to increased or required visitation of my site?

Since registration of a site as a Kentucky Archaeological Landmark is completely voluntary, non-regulatory, and not legally binding, no limitations are placed on the landowner's use of the land or children's later use of the property. The request that the landowner notify KHC of an intent to transfer ownership is made simply to facilitate contact with the subsequent landowner to request continuation of the former owner's preservation commitment. It is unclear how registration of a site will affect property values, although the landowner could certainly use it to his or her advantage when negotiating a price for the property. No public visitation of a registered site is required for participation in the program.

Most questions raised by the landowners focused not on the Registry, its limitations, or stipulations, but rather on the site: How old was it? What kinds of people had lived there? Was this the only site like it in the State? The Registry Coordinator also was asked to identify artifacts in landowners' collections, to give names and dates, and to describe how they had been made.

One question never specifically raised was "So, what's in it for me?" In describing the program to the landowner, the Coordinator described benefits in anticipation of this unspoken question. They included some of the following (Henderson 1988b:63-64):

- Registration is a good thing because you get a feeling of personal satisfaction knowing you have preserved the past for the future;

- By registering your site, you receive recognition that you own something special and have done something special to preserve it;

- Registration offers you an opportunity to learn more about your site and your property; and

- Through registration, you gain membership in a select group of Kentucky landowners.

[3] Generally, requests for information about financial assistance, tax benefits, and legal advice have not been made. These kinds of requests might become more common as the Registry becomes established and if participating landowners choose to pursue stronger protection options for their sites.

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