While some museums also serve as curatorial repositories, the bulk of archeological collections are maintained in facilities that either lack or have limited space for public display and interpretation. Nonetheless, these repositories serve a major public benefit as the collections they house are available for study and can continue to contribute to our knowledge of the past long after the dust of archeological investigations has settled and as analytical techniques continue to improve.

FOR ADDITIONAL INFORMATION

If you need archeological assistance, contact:

Texas Historical Commission
Archeology Division
P.O. Box 12276, Austin TX 78711-2276
Phone: 512-463-6096
Email: archeology@thc.texas.gov or marine.archeology@thc.texas.gov
Website: thc.texas.gov

TEXAS HISTORICAL COMMISSION
REAL PLACES TELLING REAL STORIES

5/21

ARTIFACT COLLECTING IN TEXAS

What should I do if I find an artifact? It's a simple question that should be carefully considered whenever pieces of Texas' past are found, such as ancient stone tools, pottery fragments, or remnants of early homesteads and historic shipwrecks. Before you collect any artifact, it is important to realize these materials represent our only source of knowledge for the thousands of years prehistoric groups lived on the land we now call Texas. Written documents record only the past 500 years of history, starting with the arrival of the earliest European explorers. It is through the study of artifacts and other cultural remains at archeological sites that we are able to piece together a more complete story of Texas' recent and distant past.

FIRST THINGS FIRST: WHO OWNS THE LAND?

It is crucial to know who owns the property before any artifacts are collected. Land ownership dictates whether surface collecting of artifacts may legally take place.

Collecting on Public Property

Less than five percent of the surface area of Texas is in public ownership. Public land includes properties owned by federal agencies (such as areas surrounding U.S. Army Corps of Engineers lakes) and by the state of Texas and any of its political subdivisions. State property is land owned by counties, municipalities, river authorities, water districts, and public school districts.

The territorial waters of Texas, accounting for nearly 5,200 square miles, are also considered state lands.

Federal and state laws are designed to protect archeological sites on public land and generally forbid casual artifact collecting. Artifact collecting should not be undertaken on public property unless legally permitted. The following list summarizes the laws that relate to the protection of archeological sites.

- The Antiquities Act of 1906 (34 Stat. 225, 16 U.S.C. 431-433, as amended) prohibits the excavation or disturbance of "any object of antiquity" that is situated on lands owned or controlled by the federal government.
- Protections for archeological sites on federal properties were strengthened with the passage of the Archeological Resources Protection Act of 1979 (Public Law 96–95, 16 U.S.C. 470aa–mm, as amended). The collection of artifacts or digging on archeological sites is illegal without a permit. Only qualified professional archeologists are eligible to receive these permits.
- The principal goal of the Native American Graves Protection and Repatriation Act of 1990 (Public Law 101-601, 25 U.S.C. 3001 et seq., as amended) is to return human remains and the artifacts found with them to the appropriate Indian tribes. Trafficking in Native American human remains and cultural items obtained in violation of this act also is prohibited.
- The Antiquities Code of Texas (Natural Resources Code, Title 9, Chapter 191, as amended), passed in 1969, forbids the collection or excavation of artifacts on state and political subdivision lands without a permit. Permits are issued only to qualified professional archeologists. This law also contains provisions for the protection of designated State Archeological Landmarks on private property.

The proper authorities should be notified about any archeological finds or evidence of looting on public property. Such information is useful to land managers since the identification and documentation of archeological sites on public property is far from complete. Site vandalism should also be reported. If you are uncertain about the proper course of action to take, the Texas Historical Commission's archeologists are available to provide assistance. Regional contact information is included in this brochure.

Collecting on Private Property

It is a common misconception that collecting from or otherwise damaging **any** archeological site on private property is illegal. Actually, no laws protecting **all** archeological sites on privately owned property presently exist in Texas. With the vast majority of Texas land in private ownership, most cultural resources are located on private property. These sites remain under the stewardship of individual landowners.

The presence of one or more archeological sites does not restrict the property rights of the landowner. In fact, **these sites and their contents belong to property owners to manage as they choose**. Property owners may elect to procure legal protection for significant sites through State Archeological Landmark designations and conservation easements. Several landowners have taken steps to preserve important sites in this manner with the assistance of the Texas Historical Commission.

The artifacts found on private property rightfully belong to the landowner, and they alone can determine their ultimate disposition. It is important to remember, though, uncontrolled artifact collecting destroys information. Also, the presence or discovery of a cemetery or human grave is subject to the provisions of Chapter 711 of the Health and Safety Code.

Looters, also known as pothunters or vandals, trespass onto private (and public) properties to collect or dig for artifacts to add to their personal collections or to sell or trade. Some of these individuals attempt to elude detection by conducting their activities after dark. Unethical antiquities dealers and collectors hire laborers to dig in sites they believe are likely to contain marketable artifacts. Unauthorized and uncontrolled actions such as these not only destroy opportunities for reconstructing the lifeways of past peoples, they damage property, frequently leaving gaping holes and uprooted trees.

In contrast, careful artifact collection and preservation by archeologists results in well-documented collections that can reveal useful information. Artifact collectors can and have worked legally on private property **if they are granted permission from the owner.**

WHAT HAPPENS TO LEGALLY COLLECTED ARTIFACTS?

Typically, artifacts collected or excavated by professional archeologists come from public lands or result from projects mandated by law. These materials follow a clear path from recovery to analysis and reporting and then to permanent storage at a **curatorial repository**. Such facilities permanently store artifacts and other types of important archeological information, including photographs, original field notes, analysis records, and final reports. These materials make up evidence about the past and are maintained in secure, controlled conditions where they are available to scholars in perpetuity. Curatorial repositories also may accept artifacts and associated records legally obtained from privately owned sites.