

IDAHO STATE HISTORICAL SOCIETY

REFERENCE SERIES

HUNTING FOR ARROWHEADS AND OTHER INDIAN ARTIFACTS

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Since 1906, the Federal Government has recognized the need to protect Indian sites on federal land for scientific research.

Idaho adopted a similar protective system in 1963 for state lands. Most forest and range land is federal land, and much of the rest is state owned. These regulations do not apply to privately-owned land. As administered by the Departments of Interior and Agriculture, the federal act prohibits the collecting, digging, or screening of any Indian arrowheads, pots, scrapers, or other relics. Both state and federal acts prohibit any digging in Indian sites. Here are the texts of both acts:

An Act for the Preservation of American Antiquities

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, that any person who shall appropriate, excavate, injure or destroy any historic or prehistoric ruin or monument, or any object of antiquity, situated on lands owned or controlled by the Government of the United States, without the permission of the Secretary of the Department of the Government having jurisdiction over the lands on which said antiquities are situated, shall, upon conviction, be fined in a sum of not more than five hundred dollars or be imprisoned for a period of not more than ninety days, or shall suffer both fine and imprisonment, in the discretion of the court.

Sec. 2. That the President of the United States is hereby authorized, in his discretion, to declare by public proclamation historic landmarks, historic and prehistoric structures, and other objects of historic and prehistoric structures, and other objects of historic and scientific interest that are situated upon the lands owned or controlled by the Government of the United States to be national monuments, and may reserve as a part thereof parcels of land, the limits of which in all cases shall be confined to the smallest area compatible with the proper care and management of the objects protected: Provided, That when such objects are situated upon a tract, covered by a bona fide unperfected claim or held in private ownership, the tract, or so much thereof as may be necessary for the proper care and management of the object, may be relinquished to the Government,

and the Secretary of the Interior is hereby authorized to accept the relinquishment of such tracts in behalf of the Government of the United States.

Sec. 3. That permits for the examination of ruins, the excavation of archaeological sites, and the gathering of objects of antiquity upon the lands upon their respective jurisdictions may be granted by the Secretaries of the Interior, Agriculture, and War to institutions which they may deem properly qualified to conduct such examination, excavation, or gathering, subject to such rules and regulations as they may prescribe: Provided, That the examinations, excavations, and gatherings are undertaken for the benefit of reputable museums, universities, colleges, or other recognized scientific or educational institutions, with a view to increasing the knowledge of such objects, and that the gatherings shall be made for permanent preservation in public museums.

Sec. 4. That the Secretaries of the Departments aforesaid shall make and publish from time to time uniform rules and regulations for the purpose of carrying out the provisions of this Act.

Approved June 8, 1906

Idaho Code, Chapter 41 - State Historical Society

67-4102. Duties of society.

Cross ref. Historic and archaeological sites, signs and markers, providing and approving Sec. 67-4116, 67-4117.

67-4114. Purpose--Preservation of historical sites and monuments--The purpose of this Act is to identify, to preserve, and to protect those sites, monuments, and points of interest within the state of Idaho which by reason of their connection with the history and development of the state merit preservation and protection, for the better appreciation of the historical heritage of this commonwealth by the people of this state and their posterity. [1957, ch. 142, Sec. 1, p. 233.]

Compiler's note. The words "this act" refer to S. L. 1957, ch. 142, compiled herein as Sec. 67-4114--67-4118.

67-4115. Designation--The governor of this state is hereby authorized, in his discretion, upon the advice and recommendation of the Idaho State Historical Society, to designate, establish, and declare any historic or archaeological site, monument, or point of interest in this state as an Idaho state historic site provided however, that if the historic or archaeological site be so designated or selected is situate upon privately owned land, or upon the land owned by other than the state of Idaho, the site

shall not be so designated without the permission and consent of the owner thereof. [1957, ch. 142, Sec. 2, p. 233.]

67-4116. Marking and maintenance--The Idaho State Historical Society shall provide signs or markers for Idaho state historic sites. Said markers, if located upon land owned by the state of Idaho, shall be maintained by the department of the state having charge of the administration of said land. If located upon private land, said markers shall be maintained by agreement or arrangement between the Idaho State Historical Society and any local historical organization where said historic site is located or, and with the consent of, the landowner. [1957, ch. 142, Sec. 3, p. 233.]

67-4117. Approval of markers, monuments and signs--No marker, monument, nor sign referring to or memorializing any historic event shall be placed on or adjacent to any highway of the state of Idaho on land owned by the state of Idaho, or over which the state of Idaho has an easement, without the consent and approval of the department of the state having charge of the administration of said land, and the approval by the Idaho State Historical Society of the form and character of the marker, monument, or sign, and of the language used thereon. [1957, ch. 142, Sec. 4, p. 233.]

67-4118. Penalty for damage, injury, molestation, or destruction of an archaeological or historical site, or marker--Any person who shall in any way wilfully, intentionally, or recklessly damage, molest, disturb, destroy, or harm any archaeological or any historic site, or who shall remove, destroy, obliterate, or in any way damage any sign, marker, or monument thereon or adjacent thereto, referring to any such historic site, shall be guilty of a misdemeanor and shall also be liable civilly to the state of Idaho by way of penalty in a sum equal to triple the amount of the cost and expense of repairing, replacing, and reconstructing said site or the property or markers, signs, or monuments thereon, or existing in connection therewith to their condition prior to such damage, injury, molestation, or destruction. At each archaeological or historic site designated as herein provided, appropriate notice shall be posted of the purport of this section and of the penalties and liability prescribed. [1957, ch. 142, Sec. 5, p. 233.]

67-4119. Purpose--Protection of archaeological and vertebrate paleontological sites and resources--The purpose of this act is to protect archaeological and vertebrate paleontological sites and resources on public lands in the state of Idaho and to ensure their safety and availability for scientific research. [1963, ch. 181, Sec. 1, p. 539.]

Compiler's note. The words "this act" refer to S. L.

1963, ch. 181 compiled herein as Sec. 67-4119--67-4122.

67-4120. Permits for excavation--A permit shall first be obtained from the board of trustees of the Idaho State Historical Society before any excavation in or on any prehistoric site, ruins, pictographs, petroglyphs, or any other ancient marking or writing, or in or on any archaeological or vertebrate paleontological deposit or site on any public lands in Idaho. Such permits shall be issued only to applicants who are qualified by experience or professional training to conduct such excavations in an approved scientific manner. Said trustees may appoint any such professionally qualified advisors as, in their opinion, may be needed to advise them upon the granting of said permits. [1963, ch. 181, Sec. 2, p. 539.]

67-4121. Regulations--The board of trustees of the Idaho State Historical Society is hereby authorized and empowered to promulgate and to enforce such regulations as it may deem needful to protect the prehistoric ruins and relics and archaeological and vertebrate paleontological sites and deposits on any public land in Idaho. No person shall remove from the state of Idaho any part of any such ruins, pictographs, petroglyphs, relics, deposits, objects, specimens, or artifacts recovered from any such archaeological or vertebrate paleontological site or deposit without first obtaining the consent of the board of trustees of the Idaho State Historical Society. Said board of trustees may require, as a condition to such consent, that such portion of such relics, ruins, pictographs, petroglyphs, objects, specimens, artifacts, or deposits as said board of trustees shall require, shall become or remain the property of the state of Idaho. Nothing in this section shall be construed to interfere with the administrative management of relics, ruins, pictographs, petroglyphs, objects, deposits, specimens, or artifacts which have been recovered from any such sites or deposits and which are the property of any agency or institution of the government of the state of Idaho. [1963, ch. 181, Sec. 3, p. 539.]

67-4122. Penalties--Any person violating this act shall be guilty of a misdemeanor and, upon conviction thereof, shall, in addition to any other penalties imposed, forfeit to the state of Idaho all articles and materials he acquired from or discovered on such archaeological or vertebrate paleontological sites. [1963, ch. 181, Sec. 4, p. 539.]

Compiler's note. For words "this act" See compiler's note, Sec. 67-4119.

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