

# VAS newsletter....

A PUBLICATION OF THE VERMONT ARCHAEOLOGICAL SOCIETY, INC.

The 1979 Annual Fall Meeting of the Vermont Archaeological Society will be held on Saturday, October 20, at the South Burlington Holiday Inn. Details on the meeting, as well as a preregistration form and Board of Trustees ballot, will be published in the September NEWSLETTER.

## MIDDLE WOODLAND SUBSISTENCE AND SETTLEMENT: A PRELIMINARY MODEL

By Marjory Power

Continuing analysis of data from the Winooski site has been integrated with recent research by James Petersen (n.d.) and the contract activities of Dr. Peter Thomas and others (Thomas and Bayreuther n.d.; Thomas and Bourassa 1978; Thomas and Robinson 1979) in order to offer a test case for a proposed model which may be useful for the Middle Woodland period in the Champlain Valley. Because the model reflects the status of investigations to date, it should be considered as tentative and will undoubtedly be refined in the course of future investigations.

A summary of work at the Winooski site by Frank Cowan, which appeared in the February, 1979 issue of the VAS NEWSLETTER (26:3-5), included a discussion of diet, seasonal occupation and estimated dates for the "early-late" occupational episodes. The latter have recently been confirmed by two radiocarbon dates received from Geochron Labs. A sample in association with early pseudo scallop shell pottery was dated at  $1780 \pm 155$  B.P. (GX-6042) or a.d. 170 (a.d. 15-325). The later occupation is indicated by the second sample, recovered from a hearth containing Jack's Reef and triangular projectile points, and dentate stamped and cord impressed pottery:  $1200 \pm 130$  B.P. (GX-6040) or a.d. 750 (a.d. 620-880). Additional information on plant utilization at the site has been provided by Amy Pool and Laurey Collins, who have worked under the supervision of Dr. Hubert Vogelmann, Department of Botany, UVM, during the past several months.

The limited reconstruction of diet and some suggestion of seasonality during primarily the late Middle Woodland period have been derived from flotation of hearth remains. However, because of acidic soils, organic remains are generally poorly preserved. Of the calcined

## A VIEW FROM THE PAVILION -News from the State Archeologist

I have wanted to write a column for the Newsletter ever since I started working as State Archeologist in 1976. Ideas, unfortunately, being more plentiful than time, it remained just an idea until our present Newsletter editor, Bill Bayreuther, made the idea real by committing me to the task. This is long overdue, and I hope to have some news or information in frequent future issues.

Because the VAS is continually getting new members, and since I have not had the opportunity to personally visit with many of you, this first article is thus an overview of and introduction to aspects of the State's historic and archeological preservation program as well as a report of past and current activities. Several pivotal State and Federal laws serve as the framework for this overview since our State preservation program is guided by these State and Federally mandated responsibilities. I should say right off that there is barely time in the day to carry out the basic functions, much less some of the broader and every bit as critical tasks that relate to planning, long-term research and public education.

The Division for Historic Preservation, within the Agency of Development and Community Affairs, has responsibility for the enhancement and protection of Vermont's historic and prehistoric resources. This responsibility is set forth in the 1975 Vermont Historic Preservation Act which outlines the duties of the Division, the State Advisory Council on Historic Preservation and the State's participation in the Federal historic preservation program through the appointment of a State Historic Preservation Officer (SHPO) and by authorizing the Division to enter into contracts with and accept grant funds from the Federal government. The 1975 Act also created the position of State Archeologist; it directed that the Director of the Division employ a State Archeologist to coordinate the identification, preservation and protection of the archeological resources in Vermont. The full text of the 1975 Act and its

## Vermont's HISTORIC PRESERVATION ACT of 1975, with additions and deletions, begins on p. 5

vation Act which outlines the duties of the Division, the State Advisory Council on Historic Preservation and the State's participation in the Federal historic preservation program through the appointment of a State Historic Preservation Officer (SHPO) and by authorizing the Division to enter into contracts with and accept grant funds from the Federal government. The 1975 Act also created the position of State Archeologist; it directed that the Director of the Division employ a State Archeologist to coordinate the identification, preservation and protection of the archeological resources in Vermont. The full text of the 1975 Act and its



# 1 ▷ NEWS FROM THE STATE ARCHEOLOGIST

1979 amendments are reprinted in this News-letter.

**F**ormal concern with Vermont's historic heritage, however, was evident as early as 1947 when Act No. 53 of the Public Acts of 1947 established the Historic Sites Commission to designate, acquire, manage and develop properties of historical significance to Vermont. The Commission's title was subsequently changed to the Board of Historic Sites; in 1968, William B. Pinney was hired as Director of the Division of Historic Sites, and shortly thereafter, appointed State Historic Preservation Officer. In 1975, with the passage of the new act, he was appointed Director of the Division for Historic Preservation.

The 1975 Vermont Historic Preservation Act also served as the tool by which Vermont legally tied itself into the Federal historic preservation program. This State-Federal partnership was established by the 1966 National Historic Preservation Act (P.L. 89-665), the most significant piece of Federal preservation legislation, and is operated in conjunction with the Heritage Conservation and Recreation Service of the United States Department of the Interior. The 1966 Act authorized the Secretary of the Interior to: 1) expand and maintain a National Register of districts, sites, buildings, and structures significant to local, regional or national history, architecture, archeology and culture; 2) grant funds to the states for the purpose of preparing comprehensive statewide historic and archeological surveys and plans; and 3) establish a program of matching grants-in-aid to the states for projects which promote and assure the preservation, for public benefit, of historic, architectural or archeological properties listed on the National Register of Historic Places. The 1966 National Historic Preservation Act and subsequent amendments also directed that all Federal agencies consider the effect of any Federally funded, assisted, licensed or permitted projects on properties included in or eligible for inclusion in the National Register. Implementation of this particular section, Section 106, of the 1966 Act is outlined in the Code of Federal Regulations (C.F.R.), specifically 36 C.F.R. 800. Assisting the Federal agencies in complying with Section 106 of the 1966 National Historic Preservation Act constitutes a significant aspect of the Division's daily functions. A streamlined discussion of this process is consequently important, not only because it is poorly understood but also because it touches upon many basic components and priorities of our preservation program such as the importance of a good partnership with the many Federal agencies and project applicants; high quality surveys and inventory data; constant evaluation and updating of information in hand; and good planning.

**I**n order for a Federal agency to consider the potential impacts of a project on properties included in or eligible for inclusion in the National Register, it must first know if any such properties exist within the project area. Identification of these properties is obviously the first crucial step in the process. As part of the identification process, Federal regulations require that all Federal agencies, at the earliest planning stages of a project, consult with the State Historic Preservation Officer (SHPO). The SHPO and his staff in the Division thus review all Federally funded, licensed or permitted projects for impact on properties included in or eligible for inclusion in the National Register and assist the Federal agencies in carrying out their responsibilities. Federal agency consultation with the SHPO is most frequently conducted through what is known as the A-95 process. This is a system by which Federal agencies (or applicants for the Federal monies, licenses or permits) notify all interested or required parties of proposed undertakings by submitting project descriptions, maps and plans to the A-95 Clearinghouse (in Vermont, the State Planning Office). The Clearinghouse in turn sends copies of these notices to the Division (and to all other relevant State, regional and municipal or other local agencies) for review and comment. At the Division level, Charles Ashton, the staff Architectural Historian, reviews each project for its potential impact on standing properties of historic or architectural significance; I review them for potential impacts on archeological properties. Donna Jerry assists both of us by obtaining additional background information as necessary and by checking both the State Register, for standing structures of historic and architectural significance, and the archeological site inventory. Because nearly three-quarters of the State has been surveyed for the purpose of identifying significant standing historic/architectural properties, reviewing potential project impacts on these is a fairly straightforward process of determining whether or not properties listed in or eligible for inclusion in the National Register are within the project's area of potential environmental impact. The Federal agency is then notified of the findings, usually through the A-95 Clearinghouse. On the other hand, because of the nature of archeological resources, particularly prehistoric sites, reviewing potential project impacts on these properties is rarely a black and white matter. We first determine if there are any known sites within a project's area of impact. Brief background checks are made into town histories, historic maps and other pertinent documentation, and the State inventory of archeological properties is consulted. This is housed within, maintained, and updated by the Division and presently numbers approximately 650 prehistoric and historic archeological sites. Local historical societies and collectors or informants are also sometimes contacted



## A GOOD INVENTORY IS CRITICAL TO GOOD PRESERVATION

In general, however, because of the limited size of the State inventory and the limited nature of the archeological surveys conducted to date, it is fairly uncommon to identify a known archeological site within a project area, particularly outside of the Champlain Valley (the only area where substantial surveys and data collecting activities have been conducted to date). It is apparent from this discussion that a good inventory is critical to good preservation and that systematic survey and data collecting activities are of the highest priority.

Fortunately, Federal law states that Federal agency responsibility for considering potential project impacts is not limited to known archeological properties but also requires consideration of properties that may be within the project's area of impact but are as yet unidentified. Therefore, in contrast to reviewing potential project effects on standing properties (which either are or are not within the project area), review of potential project effects on archeological properties most often consists of determining the likelihood that as yet unknown archeological sites may be affected.

Determining the likelihood that a site may or may not be in a particular area is based on the assumption that human behavior is not random, but rather there is a pattern in where people choose to live or camp or fish or procure their raw materials for tools. Consequently, by looking at the known sites, we should be able to predict where other sites should be. Although there are local and regional differences (i.e., cultural patterns in the Connecticut River Valley may not duplicate patterns in the Champlain Lowlands), sites of similar function tend to be found in particular environmental settings, tend to be underlain by particular soil types, and tend to be found in particular kinds of topographic situations. It is obvious that a quarry site, where quartzite for tools was obtained, may not necessarily be located in a similar environmental setting as a fishing site. Although our present sample of known sites is exceedingly small and for the most part has not been systematically obtained and although we can only infrequently assess site function and age, we can already begin to make some preliminary predictive assessments of where sites should be. It clearly will take many years to refine our predictive ability and this will only be possible through major survey activity geared to the understanding of patterns of subsistence and settlement through time.

Our review of potential project impacts on archaeological properties is thus most frequently a matter of determining, as best as possible, the likelihood that sites may be affected based on available information about the project and the project area. Several basic questions are asked of each project: what

is the environmental setting of the project area; what are the underlying soil types and the local topography; are there known sites in the vicinity and what are their characteristics; what is the magnitude of the project (i.e., a 500' by 5' sewer line or a 20-acre housing development); and what is the extent of previous disturbance (i.e., was the area severely damaged by previous roadwork, by grading or filling, by other sewer lines?). If necessary, I visit the project area. The Federal agency is then notified of our findings, most frequently, that there is or is not a likelihood that the project may affect archeological properties. If the potential for affecting as yet unidentified archeological resources exists, the SHPO recommends to the Federal agency that an archeological survey be undertaken to identify any such properties. It is then the responsibility of the Federal agency, sometimes transferred to the applicant of the Federal money, license or permit, to contract with a qualified archeologist to conduct an archeological survey of the project area. While this discussion provides only an abbreviated version of the review and compliance process mandated by Federal law, I hope it has helped to illustrate some aspects of our daily operation and decision making.

Although the above discussion has focused on aspects of our review process for Federally funded or assisted projects, the Division also has review responsibility for all State funded projects, for privately funded projects that require an Act 250 permit under Vermont's Land Use and Development Law, and for utility related projects that require a permit under Section 248 of the Public Service Board. The in-office mechanics for reviewing these projects are identical to those used in reviewing potential impacts by Federally funded or assisted projects. In contrast, however, the burden of proof is with the Division. This generally means that unless I conduct the field surveys myself, they don't get done. Time limitations preclude field surveys of everything but the most highly sensitive project areas. Under these circumstances of limited time and staff, it is particularly evident that a good inventory of known sites is paramount. We cannot protect and preserve a site unless we know that it is there.

The majority of our research-oriented activities, therefore, have been and will continue to be directed towards site identification and evaluation and towards increasing our predictive ability to identify sites on the basis of what is known. In 1977, an extensive survey was undertaken in six townships in Chittenden County. The combination of field work (including extensive sub-surface testing), literature and informant work added twenty-nine (29) previously unidentified sites to the inventory. This project also identified problems inherent to field surveys in an area of many small private landholdings. While sites and



sensitivity areas were identified, the limited amount of subsurface testing precluded evaluation of site size and data content. Based on this experience, future survey priorities will focus initially on informant and collector data since the bulk of site information was obtained from these sources. The completion report on the Chittenden County survey is long overdue, and although I'm very hesitant to say when it will be ready, it's next on my agenda of unfinished symphonies. Jim Petersen, formerly with the University of Vermont and presently working for Montana State University, published a summary of the project in the Fall, 1977 Newsletter.

Because of the importance of collector and informant data, we hired Stephen Loring (University of Massachusetts, Amherst) for four months in the fall of 1978 to identify major artifact collectors in Vermont and to evaluate as many collections as possible in terms of data potential. With the assistance of Donna Jerry, Stephen identified twenty-five (25) major collections whose provenience ranged from Lake Memphremagog to the Battenkill River. In most cases, the collections were photographed and described and site locations were pinpointed on maps and sometimes in the field as well. Fifty-three (53) new prehistoric sites were identified in this manner. This particular project made us painfully aware of the lack of adequate data storage and exhibition facilities in Vermont. Although many collectors are cognizant of the scientific and archeological value of their collections, wish to maintain them intact, and are concerned for their future welfare, it is difficult to discuss, much less to plan for, the future of their collections when at present there are no satisfactory facilities that can curate and store them in a suitable manner. Developing such a curation, storage and exhibition place accessible both for public education purposes and to interested scholars is critical and a goal towards which we must all work.

Several of our past research projects have focused on topics that were either of particular public concern or were necessary for ensuring protection of archeological data.

In 1977, we undertook a study of Vermont's stone chambers which have been pivotal to theories relating to ancient European settlement of Vermont and New England. This project consumed an incredible amount of time, particularly in the writing stages. The results of the study have at long last been published in the Spring, 1979 *Vermont History* (vol. 47, no. 2, pp. 77-146). We concluded that all of Vermont's stone chambers date from the historic period; most were built as cellars for the storage of roots and other foodstuffs for both livestock and family consumption; others were built for chimney supports, burial vaults, and other purposes. We plan to nominate a representative sample of the stone chambers to the National Register of Historic Places because they are both significant examples of a special

kind of locally isolated nineteenth century rural architecture and poorly understood components of Vermont's agricultural history.

In 1978, Beth Bower, historic archeologist with the Preservation Partnership, Natick, Massachusetts, was hired to undertake extensive testing around the Selleck Cabin foundation at the Hubbardton Battlefield site. The basic purpose of the project was to identify and recover significant archaeological data that might otherwise be destroyed in the course of proposed foundation wall stabilization work. The research also addressed whether or not the structure had been occupied during the July, 1776 Battle of Hubbardton. On the basis of her excavations, it appears that the structure postdated 1776. Bower's final report describes the project methodology, provides all relevant historic background material to the structure and analyzes the artifacts and features uncovered. A limited number of copies are available from the Division for Historic Preservation for \$1. (Beth Ann Bower, *Excavations at the Selleck Cabin Site, Hubbardton Battlefield, East Hubbardton, Vermont, Vt-RU-39, 1978*).

Although the Division was only peripherally involved in the Fort Dummer excavation project, which was planned and carried out in October 1976 by a number of dedicated Brattleboro citizens, we felt obligated to follow through on the large amount of artifactual material that was originally sent to the Anthropology Department, University of Vermont, for cataloging and analysis. Martha Pinello, historical archaeologist, was hired in March, 1979 to complete the analysis of the materials and prepare a final report including a description of the data and a summary of her analyses. The artifactual material will be photographed this summer and then the data will be stored in an as yet undetermined locale for future study by others. When completed, several copies of the report will be sent to the Brattleboro library. Copies will be available from the Division.

Research activities in 1978 and 1979 have also included work on identifying underwater historic archaeological properties in Lake Champlain. Under the 1975 Vermont Historic Preservation Act, the State claims ownership to all historic underwater archaeological properties under State waters and the Division has responsibility for their protection and preservation. Developing a workable permit system has been a major undertaking this past winter. Because preservation of underwater archaeological sites is becoming an increasingly important facet of the State's archeological program, I will focus on this topic in my next write-up for the Newsletter.

Work priorities over this summer include drafting up rules and regulations for underwater archeological investigations and data recovery, nominating several archeological properties to the National Register and preparing a preliminary predictive model of site locations. These particular projects will be discussed in detail in future Newsletters.

-Giovanna Neudorfer-



VERMONT  
HISTORIC PRESERVATION

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Including changes and additions passed by  
the Legislature in 1979 and effective July  
1, 1979

NOTE: Deletions are placed in brackets;  
Additions are underlined.

NO. 109. AN ACT TO AMEND 3 V.S.A. §§ 2402(a) (3) AND  
2473; TO ADD 13 V.S.A. § 2023; 22 V.S.A. CHAPTER 14 AND  
TO REPEAL 22 V.S.A. §§ 341-349 RELATING TO THE  
CREATION OF THE DIVISION FOR HISTORIC PRESER-  
VATION.

(H. 279)

*It is hereby enacted by the General Assembly of the State of  
Vermont:*

Sec. 1. 3 V.S.A. § 2402(a) (3) is amended to read:

(3) The division for historic preservation.

Sec. 2. 3 V.S.A. § 2473 is amended to read:

§ 2473. Division for historic preservation

The division for historic preservation is created within the  
agency of development and community affairs as the successor to  
and the continuation of the board of historic sites and the division  
of historic sites.

Sec. 3. 13 V.S.A. § 2023 is added to read:

§ 2023. Simulating objects of antiquity or rarity

A person who, with the purpose of defrauding anyone or with  
the knowledge that he is facilitating a fraud to be perpetrated by  
anyone, makes, or alters any object so that it appears to have value  
because of antiquity, rarity, source or authorship which it does not  
possess shall be imprisoned for not more than one year or fined not  
more than \$1,000.00 or both.

Sec. 4. 22 V.S.A. chapter 14 is added to read:

*Chapter 14. Historic Preservation*

*Subchapter 1. General Provisions*

§ 701. Definitions

For the purposes of this chapter:

(1) "Council" means the Vermont advisory council on historic  
preservation.

(2) "Director" means the director of the division for historic  
preservation.

(3) "Division" means the division for historic preservation.

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(4) "Field investigations" means the study of the traces of  
human culture at any land or water site by means of surveying,  
digging, sampling, excavating, or removing surface or subsurface  
objects, or going on a site with that intent.

(5) "Historic preservation" means the research, protection, res-  
toration and rehabilitation of buildings, structures, objects, dis-  
tricts, areas, and sites significant in the history, architecture,  
archeology or culture of this state, its communities or the nation.

(6) "Historic property" or "resource" means any building, struc-  
ture, object, district, area or site that is significant in the history,  
architecture, archeology or culture of this state, its communities or  
the nation.

(7) "Secretary" means the secretary of the agency of development and community affairs.

(8) "Site" means any aboriginal mound, fort, earthwork, village location, burial ground, historic or prehistoric ruin, mine, cave, or other location which is or may be the source of important archeological data.

(9) "Specimen" means a relic, artifact, remain, object or any other evidence of a historical, prehistorical, archeological, or anthropological nature, which may be found on or below the surface of the earth, and which has scientific or historical value as an object of antiquity, as an aboriginal relic or as an archeological sample.

(10) "Underwater historic property" means any shipwreck, vessel, cargo, tackle or underwater archeological specimen, including any found at refuse sites or submerged sites of former habitation, that has remained unclaimed for more than ten years on the bottoms of any waters.

### *Subchapter 3. Division For Historic Preservation*

#### **§ 721. Creation of division**

There is created a division for historic preservation to coordinate historic preservation activities on behalf of the state.

#### **§ 722. Division director**

The secretary shall appoint a director through the classified service and the governor shall designate (the director as the) a state historic preservation officer with the advice and consent of the senate and he shall act in that capacity for the conduct of relations with the federal government and the states

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concerning matters of historic preservation. The director may employ such professional and secretarial staff as is necessary to carry out the duties of the division. The director shall employ a state archeologist who shall coordinate the preservation and protection of the archeological resources of the state.

#### **§ 723. Duties and powers of division**

(a) The division shall (b), and where required by section 742 of this title, with the approval of the advisory council on historic preservation:

(1) Undertake a statewide survey to identify and document historic properties and sites yielding or likely to yield archeological and anthropological information;

(2) Adopt standards for the listing of an historic property on the state register consistent with the standards of the National Register and the relevant federal standards of preservation and

care;

(3) Prepare and maintain a state register of historic properties;

(4) Prepare a state historic preservation plan and review and revise that plan annually;

(5) Cooperate with federal, state and local government agencies in the planning and conduct of specific undertakings affecting historic properties and preservation objectives and in the implementation of federal and state laws pertaining to local and regional planning and development, land use planning and environmental protection;

(6) Establish standards and criteria for the acquisition of historic properties and for the preservation, restoration, maintenance and operation of properties under the control of the division;

(7) Provide technical and financial assistance to others involved in historic preservation activities in accord with the preservation criteria of the division and preservation priorities outlined in the historic preservation plan;

(8) Develop a continuing program of historical, architectural, and archeological research and development to include surveys, excavation, scientific recording, interpretation and publication of the historical, architectural, archeological, and cultural resources of the state;

(9) Maintain, develop and interpret state-owned historic properties; and

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(10) Adopt rules under the provisions of chapter 25 of Title 3 to carry out the purposes of this chapter.

(b) The division may:

(1) For the purpose of protecting or preserving any historic property, acquire, preserve, restore, hold, maintain, operate or dispose of such properties, together with such adjacent or associated lands as may be necessary for their protection, preservation, maintenance or operation. The property may be real or personal in nature, and in the case of real property, the acquisition may include the fee or any lesser interest therein. Property may be acquired by gift, grant, bequest, devise, lease, purchase or otherwise. Property may be acquired by the division using such funds as may be appropriated for the purpose or moneys available to it from any other source.

(2) In the case of real property, the interest acquired shall be limited to that estate, agency, interest or term deemed by the division to be necessary for the continued protection or preservation of the property. The division may acquire the fee simple title, but where it finds that a lesser interest, including any development right, negative or affirmative easement in gross or



appurtenant covenant, lease or other contractual right of or to any real property to be the most practical and economical method of protecting and preserving historical property, the lesser interest may be acquired. Any historic property acquired, whether in fee or otherwise, may be used, maintained, improved, restored or operated by the division consistent with the purpose of the continued preservation of the property.

(3) Acquire or dispose of the fee or lesser interest to any historic property, including adjacent and associated lands, for the specific purpose of conveying or leasing the property back to its original owner or to any such other person, firm, association, corporation or other organization under such covenants, deed restrictions, lease or other contractual arrangements as will limit the future use of the property in such a way as to insure its preservation. In all cases where property is conveyed, it shall be subjected by covenant or otherwise to such rights of access, public visitation and other conditions or restrictions of operation, maintenance, restoration and repair as the division may prescribe, or to such conditions as may be agreed upon between the division and the grantee or lessee to accomplish the purposes of this section.

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(4) Enter into and carry out contracts with the federal government or any agency thereof under which the government or agency grants financial or other assistance to the division to further the purposes of this chapter. The division may agree to and comply with any reasonable conditions not inconsistent with state law which are imposed on those grants. The grant funds or other assistance may be accepted from a federal government or agency and expended whether or not pursuant to a contract. The division may further enter into and carry out contracts with municipalities and with any other person to further the purposes of this chapter.

#### *Subchapter 5. Advisory Council on Historic Preservation*

#### § 741. Creation of advisory council

(a) There is established a Vermont advisory council on historic preservation. The council shall consist of seven members, (constituted as follows:

(1) The governor, or his designee.

(2) The director.

(3) Five members to be appointed by the governor three of whom shall each have professional training in one or more of the following fields: archeology; architecture; architectural history; social history; or historic preservation. ) appointed by the governor at least four of whom shall fulfill the professional requirements of the National Historic Preservation Act.

(b) The members shall serve for terms of three years or until their successors are appointed.

#### § 742. Duties and powers of the council

(a) The council shall:

(1) Approve nominations to the state and national registers of historic places;

(2) Review and approve the state survey of historic properties undertaken in accordance with the provisions of this chapter;

(3) Review and approve the content of the state preservation plan developed in accordance with the provisions of this chapter.

(4) Approve the removal of properties from the state register;

(5) Recommend the removal of properties from the National Register;

(6) Review and approve projects to receive federal and state grants-in-aid for historic preservation;

(7) Provide an advisory and coordinative mechanism by which state undertakings of every kind which are potentially deleterious

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to historic preservation may be discussed, and, where possible, resolved, giving due consideration to the competing public interests which may be involved. The head of any state agency or department having direct or indirect jurisdiction over a proposed state or state-assisted undertaking, or independent agency having authority to build, construct, license, permit, authorize or approve any undertaking, shall prior to the approval of the state funds for the undertaking, or prior to any approval, license, permit or authorization as the case may be, take into account the effect of the undertaking on any historic property that is included in the state register of historic places. Where, in the judgment of the council such undertaking will have an adverse effect upon any listed district, area, site, building, structure or object, the head of the state agency or department shall afford the council reasonable opportunity to comment with regard to the undertaking.

(8) Advise on any participation in the review of federal, federally assisted, and federally licensed undertakings that may affect historic properties and sites; and approve any participation in the review of nonfederal undertakings, including, but not limited to proceedings under the stated land use and development act (10 V.S.A. chapter 151).

(b) The council may:

(1) Provide testimony relating to the historical, architectural, archeological significance of state register and national register sites.



#### § 743. Cooperation of agencies

An agency, department, division or commission shall:

(1) Consult the Vermont advisory council on historic preservation before demolishing, altering or transferring any property that is potentially of historical, architectural, archeological or cultural significance, including any property listed on the state register. An agency, department, division or commission shall submit its annual capital improvement plan to the council.

(2) Initiate measures and procedures to provide for the maintenance, through preservation, rehabilitation or restoration, of properties under its ownership that are listed on the state or National Register; the measures and procedures shall comply with applicable standards prescribed by the state historic preservation division.

(3) Develop plans for the maintenance, through preservation, rehabilitation or restoration, of historic properties under their ownership in a manner compatible with preservation objectives and which does not result in an unreasonable economic burden to public interest.

(4) Institute procedures to assure that its plans, programs, codes and regulations contribute to the preservation and enhancement of

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sites, structures and objects of historical, architectural, archeological or cultural significance.

#### *Subchapter 7. Protection of Archeological Information*

#### § 761. State archeologist; survey

The state archeologist shall conduct and maintain a survey of sites of archeological and anthropological specimens located within the state. The state archeologist shall make the survey available to agencies of the state government that, in his opinion, may conduct activities which may affect these archeological or anthropological sites.

#### § 762. Field investigation

The state reserves to itself the exclusive right of field investigation on sites owned or controlled by the state in order to protect and preserve archeological and scientific information, matter and objects. All information and objects deriving from state lands shall remain the property of the state and be utilized for scientific or public educational purposes.

#### § 763. Designation of archeological sites

The state archeologist may publicly designate an archeological site of significance to the scientific study or public representation of the state's historical, prehistorical or aboriginal past as a "state archeological landmark." All state agencies administering state-

owned lands containing state archeological landmarks shall cooperate to insure the protection of these landmarks. State archeological landmarks located on privately-owned land shall not be designated without the written consent of the owner. Upon designation of an archeological site the private owner or affected state agency shall be given written notice of the designation by the state archeologist. Once so designated, no person may conduct field activities without first securing a permit from the director and complying with the provisions of section 762 of this title.

#### § 764. Permits for exploration

The director, with the advice of the state archeologist, may issue permits for exploration and field investigations to be undertaken on state lands or within the boundaries of designated state archeological landmarks to an amateur or professional whom the director deems properly qualified to conduct the activity, subject

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to such rules and regulations as the division may prescribe, with a view toward disseminating the knowledge gained through their activities; and, provided that a summary report of the undertakings, containing relevant maps, documents, drawings and photographs be submitted to the division; and, provided further, that all specimens so collected under permit shall be the permanent property of the state and that the state archeologist shall make prior arrangements for the disposition of specimens derived from the activities in an appropriate institution of the state or for the loan of the specimens to qualified institutions in or out of the state.

#### § 765. Transfer of state property

When transferring real property under its jurisdiction that contains significant archeological, aboriginal or other anthropological resources, the state, may, upon the recommendation of the state archeologist condition the transfer upon such covenants, deed restrictions or other contractual arrangements as will limit the future use of the property in such a way as will protect those resources.

#### § 766. Reservation of lands to be sold

Upon written notice to the head of a state agency administering state lands, given by the state archeologist, the agency head shall reserve from sale any state lands, including lands forfeited to the state for nonpayment of taxes, on which sites or artifacts are located or may be found, as designated by the state archeologist, provided, however, that the reservation of the lands from sale may be confined to the actual location of the site or artifacts. When the sites or artifacts have been explored, excavated or otherwise examined to the extent desired by the state archeologist, he shall then file with the agency head a statement releasing the lands and



permitting their sale.

#### § 767. Cooperation between agencies

All state agencies, departments, institutions and commissions, as well as all municipalities, shall cooperate fully with the state archeologist in the preservation, protection, excavation, and evaluation of specimens and sites; and to that end:

(1) When any state, regional or municipal agency finds or is made aware by an appropriate historical or archeological authority that its operation in connection with any state, state assisted, state

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licensed, or contracted project, activity, or program adversely affects or may adversely affect scientific, historical, or archeological data, the agency shall notify the state archeologist and shall provide him with information concerning the project, program, or activity. The provisions of this chapter shall be made known to contractors by the state agencies doing the contracting;

(2) The state archeologist, upon notification or determination that scientific, historical, or archeological data including specimens, is or may be adversely affected, shall, after reasonable notice to the responsible agency, conduct or cause to be conducted a survey and other investigations to recover and preserve or otherwise protect such data, including analysis and publication, which in its opinion should be recovered in the public interest;

(3) The division shall initiate actions within 60 days of notification under division (1) of this subsection and within such time as agreed upon in other cases. The responsible agency is authorized and directed to expend agency funds for the purpose of recovering the data, including analysis and publications, and the costs shall be included as part of the contractor's costs if the adverse effect is caused by work being done under contract to a state agency.

#### *Subchapter 9. Underwater Historic Properties*

#### § 781. Rules and regulations

The custodian of underwater historic properties shall be the division which shall administer the preservation and protection of these properties in accordance with this chapter. The division may prescribe such rules and regulations as are necessary to preserve, protect and recover any or all underwater historic properties.

#### § 782. Issuance of permits

Any qualified person desiring to conduct any type of exploration or recovery operations, in the course of which any underwater historic property or part thereof may be removed, displaced or destroyed, shall first make application to the director for a permit to conduct the operations. The director, with the advice of the state archeologist, may grant the applicant a permit for such a period of

time and under such conditions as he may deem to be in the best interest of the state. The permit may provide for the fair compensation to the permittee in terms of a percentage of the reasonable cash value of the objects recovered or a fair share of the objects

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recovered, the fair compensation or share to be determined by the state archeologist. Superior title to all objects recovered shall be retained by the state unless or until they are released to the permittee by the state archeologist. All exploration and recovery operations undertaken under a permit issued under this section shall be carried out under the general supervision of the state archeologist and in such manner that the maximum amount of historic, scientific, archeological and educational information may be recovered and preserved in addition to the physical recovery of items. Permits may be renewed upon or prior to expiration. Holders of permits shall be responsible for obtaining permission of any federal agencies having jurisdiction prior to conducting any recovery operations.

#### *Subchapter 11. Prohibited Acts*

#### § 791. Penalty

A person who conducts field investigation activities on or under any land owned or controlled by the state or within the boundaries of any designated state archeological landmark, without first obtaining a permit therefor from the director or any person who appropriates, defaces, destroys, or otherwise alters any archeological site or specimen located on or under state lands or within the boundaries of a designated state archeological landmark, except in the course of activities pursued under the authority of a permit granted by the director, shall be fined not more than \$1,000.00 or imprisoned for not more than six months or both, and in addition, shall forfeit to the state all specimens, objects, and materials collected or excavated, together with all photographs and records relating to that material.

#### Sec. 5. Initial appointments

In making the initial appointments to the council on historic preservation, the governor shall appoint one person for one year, two persons for two years and two persons for three years.

#### Sec. 6. 22 V.S.A. §§ 341-349 are repealed.

This act shall take effect July 1, 1979, but shall not be applied to reduce the term of any member of the Vermont advisory council on historic preservation currently in office on the effective date.

Sec. 7. This act shall be known and may be cited as "the Vermont Historic Preservation Act."

Approved: April 30, 1975.



## 1 ♦ MIDDLE WOODLAND SUBSISTENCE AND SETTLEMENT

bone specimens recovered, all but a few are too badly fragmented to permit identification. The total faunal inventory thus far consists of fragments of mammalian long bones, 1 fragment of a freshwater mussel, 1 beaver incisor, a metapodial of white-tailed deer, and an unspecified fish vertebra. Botanical specimens consist of carbonized nutshell fragments and seeds from features located throughout the site. Among the floral remains analyzed, Butternuts (*Juglans cinerea* L.) were most abundant and occurred in all samples that contained nuts. Two other nut species have also been identified--several specimens of Hickory (*Carya* Nutt), probably Shagbark, and 1 possible specimen of Black Walnut (*Juglans nigra* L.). Analysis of remains from earlier testing and VAS excavations suggest that Butternuts were also ubiquitous during the earlier period. More variability occurs among the identifiable seeds. Those representing potential food resources include, in order of frequency, Goosefoot (*Chenopodium album* or *hybridum* L.); *Rubus* spp. (Blackberry or Raspberry); Hog Peanut (*Amphicarpa bracteata* L.); and less commonly, Staghorn Sumac (*Rhus typhina* L.) and Elderberry (*Sambucus canadensis*).

**B**utternuts are extremely rich in nutrients, particularly protein and fats, and represent a high yield resource as well. Good yields can be expected every two to three years, with constant but lesser yields in the off-years. In addition to nutmeats, other potential products of the tree include syrup from boiled sap, a yellow-orange dye produced from green husks, and, for medicinal use, inner bark of roots (Harlow and Harrar 1968:243-45). Many of the other plant species identified may also have been used for purposes other than as food resources. Those known ethnographically (Vogel 1970; Vogelmann 1977; Yarnell 1964) in a variety of medicinal forms include Sumac, Blackberries and Raspberries, Elderberry and Hog Peanut. Sumac was also reportedly (Yarnell 1964: 180) used as a smoking material and dyestuff, and the wood of hickory was a favored material for aboriginal bows. One other plant, identified as *Scirpus* spp.--Bullrush or Chair-maker's Rush--could have been utilized in the manufacture of containers.

Taken together, plant remains suggest a midsummer through late fall exploitation pattern. In Vermont, Sumac and Hog Peanut are available from the end of July through mid-September; *Chenopodium* from mid-August through mid-September, *Rubus* from August through early September, and Elderberry, August and September. Butternuts ripen as early as September, but occur through late October (Seymour 1969). While a specific seasonal occupation is proposed, other interpretations of these data are possible and will be explored following completion of analysis.

Some potentially relevant insights on subsistence and settlement can be obtained by examination of descriptions of the Western Abenaki seasonal round in the early seventeenth century as reconstructed by Day (1978:153-54) and Haviland (n.d.). In general, large villages were located near alluvial meadows suitable for corn agriculture. During the coldest part of the winter, the macroband lived in the village. Mississquoi, an historically known village, housed approximately 300 people. Around February, the main hunting season began and family bands left for the upland hunting territories. In Spring, the primary food resources were passenger pigeons and anadromous fish, speared or netted in rapids. Women gathered maple sap and early wild plant foods. Summers were spent in the main villages, although those who were able often moved to camps on the shores of lakes and inland ponds to escape mosquitoes and blackflies in their fishing activities. Women tended gardens and gathered fruits and berries as they ripened. Medicinal plants, thought to be at the height of their power in summer, were also gathered by women, dried and stored. The main agricultural harvest occurred in September, when corn was dried and stored in pits. As nuts ripened, they too, were gathered by women and either eaten or dried and stored. Butternuts and chestnuts were preferred. In late fall to early winter, family groups returned to their upland hunting territories to hunt moose and deer, and to trap fur-bearing animals for their prime pelts. In the dead of winter, they once again returned to the villages, thus completing the cycle.

**T**he Winooski site appears to conform most closely with the Abenaki summer-fall village occupation. With the exception of horticulture, parallels include site location; the intensive nature of the occupation, particularly during the late period; harvesting of Butternuts, a primary and multipurpose resource that was a preferred crop historically; gathering of fruits and berries as they ripened; and perhaps the collection of medicinal plants at the height of their power in late summer. It is assumed, on the basis of location rather than from organic evidence, that fishing was also of major importance, with hunting, as in the Abenaki case, providing supplements to the diet. It is therefore hypothesized that Middle Woodland villages will be situated in similar ecological habitats to permit intensive summer-fall exploitation of nuts and fish, as well as a wide variety of readily available food resources. The location in the lower reaches of a major waterway within easy access to lake, marsh, marsh-fringelands and uplands offers the greatest potential for supporting the possible macroband indicated at the Winooski site. Such favored locations may have been occupied by small groups on a sporadic basis during at least the early Middle Woodland period, with later populations increasing in size through time and exhibiting a more intensive pattern of local resource utilization.



Principally through recent research (Petersen n.d.) and contract work (Thomas and Bourassa 1978; Thomas and Robinson 1979; Thomas and Bayreuther n.d.) 14 Middle Woodland sites in the Lake Champlain drainage of Vermont are now known. Many are unexcavated and have been identified through ceramic collections. They occur in either the lower reaches of the major rivers--Winooski, Missisquoi, Lamoille and Otter Creek--on small tributary streams, or on inland ponds. Two single-component early sites are represented--one on the Intervale and the other on an Otter Creek tributary. Possible multi-component occupations are suggested by six sites--the Winooski and Donovan sites, on the Winooski River and Otter Creek, a site near the Falls of the Winooski, two sites on inland ponds and one on a tributary of Otter Creek. Five single-component late Middle Woodland sites (or series of sites) are confined to the lower reaches of the major rivers. The final site, in the lower Winooski, is indeterminate Middle Woodland.

This highly sketchy distribution pattern raises numerous questions that might be addressed. Among them: do the sites that occur near the mouths of the rivers represent intensive seasonal occupations and thus conform to the proposed Winooski site model? Are the inland pond sites contemporaneous with large villages, as might be suggested by the Abenaki practice of leaving the village to escape insects and engage in fishing activities? Are sites located on tributary streams indicative of seasonal food resource exploitation patterns? Is the early-late dichotomy an artificial construct? It is hoped that such problems will be resolved through further investigations. Considering the amount of information known about this prehistoric period scarcely two years ago, current work has at least identified possible avenues of inquiry that may prove fruitful in future attempts to reconstruct the Middle Woodland way of life in the Champlain Valley.

NOTE: Portions of this article were excerpted from a paper presented at the annual meeting of the Society for American Archaeology, Vancouver, on April 26, 1979.

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#### BI-MONTHLY SEMINARS

The next two series events will be a lithic workshop organized by University of Vermont staff and students at 10 AM, on Saturday, September 8 at the Anthropology Laboratory, Fifth Floor, Williams Science Hall, UVM, Burlington -- and a presentation by Louise Bassa entitled "Excavations at the Boucher Burial Site, Highgate, Vermont," at 7 PM, on Thursday, September 27, at the Rutland Free Library.



## BOOK REVIEW

Wood, Robert D. A Travel Guide to Archaeological Mexico. Hastings House, New York (\$9.95 cloth; \$6.95, paper).

By Susan Smith

This interested amateur could certainly be sparked to a do-it-yourself archaeological tour of Mexico by the discovery of A Travel Guide to Archaeological Mexico. Routes, sites, areas, they are all here in a handy little volume that will fit into the glove compartment of a car when the planning phase moves into actuality. Author Robert D. Wood, now a professor of Cultural Anthropology and Latin American History at St. Mary's University in San Antonio, Texas, lived in Peru for fourteen years and was the founder of the Institute of Pre-Columbian Studies there. But Mexico is closer to home and more easily accessible to the archaeology "buff". Dr. Wood's book gives a concise picture of the archaeological history of Mexico and where to see its traces.

The volume is divided into five parts. Part I, "Twelve Travel Routes," covers the Mexican highway system--all 115,625 miles of it--spotting sites, encouraging the motorist where he can safely leave the beaten track, warning about certain "shortcuts" the motorist may be directed to, and, where necessary, identifying routes by the turn-left-at-the-yellow-church-with-red-and-blue-trim technique. The text includes distance in kilometers as well as miles,

and specific directions to small museums and local sites known primarily by the natives and serious archaeologists.

Part II is an alphabetical listing of archaeological sites, cross referenced to the previously described routes. Each site merits at least one paragraph. In many instances there is a longer description with site maps and names and dates for work done at the site. Bibliographical references are sometimes included for the person who wants homework ahead of tripping.

Part III contains an overview of "General Archaeological Regions of Mexico"; Part IV lists information on "Mexico's Early Cultures" with Part V giving "Travel Information and Useful Hints."

While A Travel Guide to Archaeological Mexico does not supplant the AAA guide to Mexico for over-all planning, it is a handy and worthwhile supplement to the travel library, pinpointing interesting sounding sites overlooked in official guide books.

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