

Archaeology Best Practices and Procedures

A Guide for Maine Land Conservation Organizations

We acknowledge that all lands and waters in what we now know as Maine are the homelands of the Wabanaki Nations. Often, archaeological sites found on conservation lands are associated with members of the Federally-recognized Wabanaki Nations in Maine (Maliseet, Mi'kmaq, Passamaquoddy, Penobscot) and Abenaki peoples, who have been caretakers of their homelands since time immemorial.

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Introduction

In 2025, land conservation organizations working in Wabanaki¹ homelands (in what we now call Maine) identified a long-standing issue with land management: conservation lands and waters newly and previously acquired by land conservation organizations may contain Wabanaki archaeological and affiliated cultural sites that require specialized knowledge and skills to steward appropriately. Currently, most land conservation organizations are ill-equipped to steward archaeological resources due in part to a lack of knowledge around heritage management and non-existent relationships with descendants of such sites.

Conventional conservation practices suppress Indigenous knowledge and authority, which has detrimental effects on both Indigenous communities and land conservation communities². The result is a neglect of Indigenous knowledge and relationships with the land that could otherwise enhance the overall mission of land conservation organizations and Tribal Nations relative to protection of lands, waters, and heritage. Research has shown that when Indigenous communities have increased decision-making authority, access to cultural lands and waters, and inclusion in all phases of stewardship, conservation efforts result in stronger, more vibrant human and natural communities^{3,4}.

To address the complexities of conserving and stewarding ancestral Wabanaki sites, Maine Coast Heritage Trust (MCHT) formed a state-wide working group to build relationships between Tribal Historic Preservation Officers, archaeologists, and land conservation professionals. In convening this group, our goal became to collaboratively develop guidance to assist Maine land conservation organizations in creating best practices for stewarding Wabanaki archaeological and cultural sites. This document was created in 2025-26; the working group includes the senior archaeologist at the Maine Historic Preservation Commission (MHPC), Wabanaki Tribal Historic

¹ "The Panawahpskek (Penobscot) Nation, Peskotomuhkati (Passamaquoddy) Tribe, Mi'kmaq Nation, (Wolastoqiyik) Houlton Band of Maliseet Indians, and Abenaki have lived for thousands of years in the land we now call Maine...They are known collectively as the Wabanaki, "People of the Dawnland." Despite colonization and attempted genocide...the Wabanaki Nations have endured as sovereign and self-determining peoples, with distinct and diverse languages, cultures, governments, and economic structures. Each community maintains its own tribal government, community schools, cultural center and each manages its respective lands and natural resources." From the Maine Department of Education Wabanaki Studies,

<https://www.maine.gov/doe/innovation/wabanakistudies>

² dawnlandreturn.org/first-light/resources#resource-type-14

³ Greenlaw, Suzanne. 2023. Mobilizing Indigenous Research Methodologies and Wabanaki Knowledge in Biophysical Research to Restore Wabanaki Sweetgrass Harvesting in Acadia National Park and Identify Basket Quality Black Ash Habitat for Emerald Ash Borer (*Agrilus planipennis*) Preparedness. PhD dissertation, School of Forest Resources, University of Maine, Orono.

⁴ umaine.edu/apcaw/

Preservation Officers⁵ (THPOs), University of Maine (UM) archaeologists, Acadia National Park (ANP) archaeologists, with input provided by land conservation professionals from MCHT, The Nature Conservancy (TNC), and the Forest Society of Maine (FSM).

This pilot document of archaeological best practices will serve as a living, evergreen document to explore a stronger collaboration between archaeologists, THPOs and land conservation organizations in Maine. The document will be shared through the Maine Land Trust Network and THPOs to promote increased collaboration, better conservation, and future co-stewardship of cultural and archaeological sites on conservation lands and waters. Our working group will meet yearly in the future to evaluate our collaboration and review and revise this document as needed.

The intersection of archaeological interests and land/water conservation presents unique challenges and opportunities for land conservation organizations. As land conservation organizations who care about Wabanaki access and return of cultural sites, we acknowledge the importance of protecting archaeological sites with associated heritage materials, ancestral belongings/ artifacts, ecofacts⁶, and archaeological samples and data. Land conservation organizations have a responsibility to foster stronger connections between contemporary Wabanaki peoples and their archaeological heritage to better realize co-stewardship and other opportunities for access. We must accept this responsibility in accordance with the United Nations Declaration on the Rights of Indigenous Peoples: Indigenous peoples have the right to maintain, control, protect, and develop their intellectual property over their cultural heritage, traditional knowledge, and traditional cultural expressions⁷.

⁵ Tribal Historic Preservation Officers are officially designated by a federally-recognized Indian Tribe to direct a program approved by the National Park Service (NPS). The THPO assumes some or all of the functions of State Historic Preservation Officers (SHPO) on Tribal lands. This program is made possible by the provisions of Section 101(d)(2) of the [National Historic Preservation Act](#) (NHPA). Before a Tribe may assume the functions of a SHPO, the NHPA requires Tribes to submit a formal plan to the NPS describing how the proposed THPO functions will be carried out. THPO plans emphasize the importance of the oral tradition, as well as consulting Tribal elders and spiritual leaders with special knowledge of the Tribe's traditions. For examples of what THPOs do in their communities: nathpo.org/what-is-a-thpo/

⁶ A biological artifact not altered by humans, but which may be indicative of human occupation, including but not limited to plants, seeds, pollen, animal bones, insects, fish bones and mollusks. From Kipfer, Barbara Ann. 2021. *Encyclopedic Dictionary of Archaeology*. Netherlands: Springer.

⁷ un.org/development/desa/indigenouspeoples/wp-content/uploads/sites/19/2018/11/UNDRIP_E_web.pdf

Purpose

The purpose of this archaeology best practices document is to provide informed guidance to effectively conserve, protect, and steward cultural landscapes under conservation ownership or easement. This includes archaeological sites, traditional cultural properties^{8,9}, and all associated heritage materials. We seek to protect and preserve these cultural sites in place for the benefit of future generations and to care for them with the goal of future co-stewardship. We acknowledge the need to follow state and federal laws pertaining to archaeological protections while honoring the rights and traditions of Wabanaki peoples.

This document is guided by four main principles:

- To share current realities regarding the archaeological heritage associated with the lands and waters we now call Maine, bringing attention to the rapid erosion of coastal and other water-affiliated sites due to the accelerating impacts of climate change.
- To establish relationships with Wabanaki communities, acknowledge Indigenous sovereignty and governance of intellectual and cultural properties, focusing on inclusivity, sustainability, and transparency using the six R¹⁰ of Indigenous Research.
- To identify and provide best practices guided by archaeological expertise and the cultural values and goals of Wabanaki Nations for the purpose of protecting sites and preserving archaeological information for future generations.
- To create opportunities for Indigenous communities to access and connect¹¹ with archaeological sites, objects, and available records in ways that align with confidentiality laws and site protection goals, involving Wabanaki communities in the possibility of co-stewardship of archaeological sites, objects, and records.

In addition to these principles, present and future concerns over the loss of archaeological heritage in Maine inspire our approach to best practices:

- Archaeological sites across Wabanaki homeland are vulnerable to threats from climate change impacts such as erosion and inundation, human disturbance, and lack of

⁸ "A traditional cultural place is a building, structure, object, site, or district that may be listed or eligible for listing in the National Register of Historic Places for its significance to a living community because of its association with cultural beliefs, customs, or practices that are rooted in the community's history and that are important in maintaining the community's cultural identity." National Park Service. 2024. *National Register Bulletin: Identifying, Evaluating, and Documenting Traditional Cultural Places*.

⁹ THPOs give emphasis to the importance of protecting "traditional cultural places"

¹⁰ tribalcollegejournal.org/the-six-rs-of-indigenous-research/

¹¹ nativelandconservancy.org/cultural-respect-easements

documentation. A lack of baseline information exists among land stewards because there are areas where archaeological survey has not occurred.

- All along the coast, many shell bearing sites are eroding quickly due to sea level rise and storm action.
- Wabanaki THPOs are underfunded, and their offices may lack capacity for additional work.
- Tribal and state-wide curation and repository capacity is limited for material culture collections from archaeological excavations and/or shoreline recovery.
- Basic archaeological training is needed for good monitoring and management of archaeological sites.

Approach

An important approach to protecting archaeological sites is to encourage relationship building, consultation, and the development and implementation of co-stewardship between Wabanaki communities and land conservation organizations. Archaeological and cultural sites will be better served by sharing the care and monitoring of sites with THPOs, MHPC and professional archaeologists. This relationship building could also lead to future return of specific cultural sites.

Currently under Maine law, artifacts, specimens, and materials located on conservation lands are the property of the land owner; as a result, land conservation organizations are legally responsible for the care and preservation of both Indigenous and non-Indigenous archaeological materials. Many land conservation organizations include cultural sites in their mission statements, but few have considered Wabanaki Nations as partners in caring for these cultural landscapes. As caretakers, land conservation organizations should consult and establish relationships with Wabanaki THPOs, the senior archeologist at MHPC, as well as professional archaeologists who work in Maine to implement consultation and collaborative decision-making capacities for stewardship of affected cultural resources.

Wabanaki people have lived sustainably in what is now called the State of Maine for over 12,000 years. The historic and modern practices of land conservation have suppressed Indigenous access, knowledge and authority with detrimental effects on Wabanaki communities because they did not have a seat at the table. Many land conservation preserves have rich Wabanaki histories. By building a more reciprocal relationship with Wabanaki, we are learning a fuller story and history of the land. An understanding of this fuller history can restore Wabanaki

histories, connections, and relationships to the lands and waters cared for by land conservation organizations and provide opportunities to enhance stewardship of these places.

Co-Stewardship

The principles of co-stewardship recognizes Indigenous Peoples' cultural, property, and treaty rights and provides the chance for land conservation organizations to build trusting relationships, acknowledge past wrongs and embrace a path of healing based on action. Co-stewardship can foster partnerships that respect cultural heritage and increase involvement in decision-making processes regarding archaeological and cultural sites, such as joint management planning memoranda of understanding (MOU), cultural use agreements and site monitoring. These collaborations open the door for Wabanaki people(s) to visit and restore relationships to a cultural site and participate in its care¹².

Cultural Access

Land conservation organizations should develop and implement policies that give special consideration to access requests by Wabanaki people. Wabanaki people may have the need for time to develop trusting relationships with land conservation organizations. Developing trusting relationships may lead towards co-stewardship and new partnerships when writing management plans and developing agreements.

Archaeological Training

We recognize that in order to achieve success, land conservation organizations and interested Wabanaki people involved in archaeological activities should have one or more personnel trained in good consultation practices, basic archaeological principles, legal requirements, and Indigenous cultural sensitivity. Archaeological training, to be developed, will include identification of archaeological sites and assessment of their present condition. Methods and protocols will be identified to protect cultural resources and support opportunities for co-stewardship with Wabanaki entities. This would include Indigenous archaeology approaches. Simple monitoring protocols for archaeological sites will be part of the training, as well as appropriate collection and curation methods for caring for recovered material culture.

Training for monitoring eroding archaeological sites and care of artifacts, ecofacts, and materials which may be found out of context due to erosion will be planned, with the understanding that ongoing climate change impacts on archaeological sites require flexible practices in response to

¹² dawnlandreturn.org/first-light/resources/invitations-cultural-easements-cultural-use-agreements-and-permits

rapidly changing conditions over time^{13,14}. Training in archaeological methods will illustrate the responsibility that land conservation organizations need to adopt in caring for these important cultural places.

Land conservation organizations could also consider working with Midden Minders¹⁵ through the University of Maine, Orono, to train and engage local community science volunteers in regularly monitoring archaeological sites.

Land Management Best Practices

The following guidance for archaeological documentation and site management is designed to ensure high standards of stewardship based on sound professional standards¹⁶ and appropriate cultural protocols. Each land conservation organization and land parcel is unique; therefore, this document is intended to guide conservation stewards on how to determine the best possible preservation strategy for their specific situation.

Land Acquisition

We encourage land conservation organizations to prioritize land/water acquisitions that include/protect archaeological and cultural sites, and to consult with Wabanaki Nations, THPOs, and the senior archaeologist at MHPC on such acquisitions. Ideally, this will require a combination of review of existing information, predictive modeling of site locations, a process for including Indigenous knowledge, and archaeological survey in collaboration with the senior archaeologist at MHPC and Wabanaki THPOs. Consultation may include re-assessing previously conserved lands with this lens. MOUs may be developed with Tribal THPOs and other Tribal organizations to clarify and lay out agreements between land conservation organizations and Tribal entities.

Vulnerable Archaeological Sites

Archaeological and cultural sites should be protected in place whenever possible - recognizing that some sites are currently at high risk of loss and destruction. In those cases, consultation with THPOs and the senior archaeologist at MHPC will help to identify and implement triage actions, possibly including archaeological excavation or monitoring. Consultation with Wabanaki

¹³ Acadia National Park. 2023. *Resource Stewardship Strategy Summary*.

¹⁴ National Park Service. 2016. [Cultural Resources Climate Change Strategy](#).

¹⁵ <https://umaine.edu/middenminders/>

¹⁶ Society for American Archaeology Principles of Archaeological Ethics

THPOs, the senior archaeologist at MHPC, and regional Indigenous and non-Indigenous archaeologists is essential to identify knowledge sharing and co-stewardship opportunities¹⁷.

Rapidly eroding shell heap sites along the Maine coast are an invaluable record of both Wabanaki cultural history and material culture, and are records of environmental change over millennia. These pH-neutralizing shell bearing sites preserve bone tools and animal bones. Combined with analyses of charcoal, pollen, and other environmental data preserved in these site layers, careful archaeological work can reconstruct local, seasonal Wabanaki economic patterns, relationships to place, the seasonal presence and relative abundance of animal and plant species, and even reconstructions of local water temperature, storm frequency, and past marine environments. Identifying sites eroding rapidly due to sea level rise and recovering and archiving Maine coastal shell heap samples will allow some Wabanaki and environmental coastal history to survive for future consideration. These sites may require more frequent monitoring and flexible stewardship practices.

Project Management, Site Planning, and Development

Each land conservation organization should identify the location and cultural affiliation (i.e. indigenous or colonial) of all known archaeological and cultural sites within their land/water holdings and add this information to their management plans or baseline documentation reports in the case of projects conserved with conservation easements. Obtaining this information early in the acquisition and conservation planning process will help ensure effective management decisions.

The MHPC maintains a comprehensive geospatial database of known site locations and can provide information on location and cultural associations of sites for which the organization has management responsibility. A conservation organization should submit a shapefile or other map indicating area of interest for collective organizational holdings or for individual properties prior to/or after acquisition (fee or CE). Depending on record status, resulting data may indicate relative vulnerability and monitoring priority, helping conservation organizations allocate stewardship efforts responsibly.

Site Documentation

Best practices can include using your existing management planning and monitoring protocols. A cultural resources management plan is recommended if you have a property with numerous cultural sites. Each land conservation organization could develop a plan that outlines the

¹⁷ mecep.org/maines-economy/sovereignty-starts-here/

organization's plans for stewardship of archaeological sites and traditional cultural places. (see references for examples)

Any new or undocumented sites require consultation with the senior archaeologist at MHPC and THPOs so they can be evaluated, protected and prioritized appropriately to determine site significance and the most effective management strategy. Reach out to your supervisor or one of the conservation representatives listed later in this document for guidance.

With any site, protection should be prioritized and the land conservation organization is responsible for maintaining site location confidentiality¹⁸. Archaeological site information, location, and condition should be documented in land management plans, baseline documentation reports, and databases to ensure staff are aware of the sites' status.

Archaeological site information and documentation should include:

- Site name, description, and location
- Current condition (MHPC)
- Previous research on the site (available from MHPC)
- A description and/or map which includes the known or possible site extent. (MHPC)
- General site maintenance needed such as re-vegetation, mowing or removal of above-ground plant material.
- A simple yearly monitoring plan to document erosion, looting, or other causes of context-specific damage, such as tree throws or storm damage.
- Some sites may need monitoring more frequently because of storm events or erosion concerns.

A cultural resources management plan should include all known archaeological and cultural sites and should stress the importance of confidentiality and include language that addresses who is authorized to have access and control over site-related information (e.g. location, age, contents) This involves recognizing each Wabanaki Nation's inherent right to have full authority and control over their cultural heritage and for their heritage to be protected according to the norms of each Nation. This includes the right to maintain, control, protect, and develop their intellectual property over their cultural heritage, traditional knowledge, and traditional cultural expressions¹⁹. Consultation with the senior archaeologist at MHPC and THPOs is important until Wabanaki data sovereignty protocols are established.

¹⁸ <https://legislature.maine.gov/legis/statutes/27/title27ch13sec0.html>

¹⁹ [United Nations Declaration on the Rights of Indigenous People](#)

Archaeological Site Monitoring

Land conservation organizations should provide the senior archaeologist at MHPC and the Wabanaki THPOs with a monitoring report (Appendix B.). The report should document site condition, erosion, or other major changes in the site using photographs, should list and document associated artifacts recovered through erosion or other means (e.g. land owner or user collection), and include any other concerns about the site.

Some archaeological sites may have THPO/tribal significance and need monitoring from that perspective. Not all sites require annual monitoring. These monitoring priorities are determined by the senior archaeologist at MHPC.

Protection and Public Interpretation of Sites

Land conservation organization staff should avoid any ground disturbing activities in or near documented archaeological sites unless part of an approved research plan. Trails, signage, and other infrastructure development should occur away from such sites, or a mitigation plan could be developed in consultation with Wabanaki THPOs and MHPC.

Public interpretative signage and education can be an effective method for site protection and public stewardship support (see something; say something) through thoughtful collaboration with Wabanaki entities, THPOs and the senior archaeologist at MHPC. However, there is a delicate balance between public education and maintaining site confidentiality²⁰ and all public education initiatives associated with archaeological sites, traditional cultural places²¹, or other heritage sites need to ensure that their public education efforts do not jeopardize sites or put them at risk for looting.

Designing any public education initiative with Wabanaki input helps confront the impacts of historic and on-going erasure and supports Wabanaki reconnections to places of cultural significance²².

²⁰ <https://legislature.maine.gov/legis/statutes/27/title27ch13sec0.html>

²¹ "A traditional cultural place (TCP) is a building, structure, object, site, or district that may be listed or eligible for listing in the National Register of Historic Places for its significance to a living community because of its association with cultural beliefs, customs, or practices that are rooted in the community's history and that are important in maintaining the community's cultural identity." National Park Service. 2024. *National Register Bulletin: Identifying, Evaluating, and Documenting Traditional Cultural Places*.

²² <https://dawnlandreturn.org/first-light/resources/signage-considerations>

Archaeological Site Maintenance

Eroding archaeological sites may be better protected by implementing erosion-resistant management strategies such as re-vegetation, mowing, or other nature-based solutions for shoreline management.²³

Requests for Archaeological Research

When archaeological research is requested on conservation lands which involve Indigenous cultural heritage, a rigorous standard of practice should be required which includes that **those organizing and requesting archaeological activities consult with Wabanaki THPOs and the senior archaeologist at MHPC to obtain their approval before commencing.** A mechanism to return recovered and held archaeological materials to Wabanaki Nations should be established.

Any research requests involving the proposed excavations of known Indigenous funerary features should be denied.

A request for archaeological research entails the proposed excavation or testing of a site or research on archaeological collections derived from conservation land/waters. These sites often contain materials left by the Ancestors of present-day Wabanaki communities. When a site is located fully or partially on conserved property, it is the responsibility of the land conservation organization to ensure that archaeological research is conducted with approval through proper channels. Consultation with the senior archaeologist at MHPC and the Wabanaki THPOs is essential before allowing research. Consideration should be given to research practices designed using Indigenous archaeology conventions with and for Indigenous peoples²⁴.

Archaeological sites are best preserved in place by virtue of the fact that materials and their contexts are displaced during excavation, destroying the site in the process. Sites are non-renewable heritage resources. Therefore, decisions about excavation should align with philosophies that preserve sites in place for future generations. When making decisions relative to excavation, land conservation organization personnel should follow the lead of Wabanaki THPOs and the senior archaeologist at MHPC.

The State of Maine requires that researchers meet proper credentialing and requirements to conduct archaeological work in Maine²⁵. All excavation plans should include a strategy to

²³ <https://www.maine.gov/dep/land/ourshore/index.html>

²⁴ Atalay, Sonya. 2016. Indigenous archaeology as decolonizing practice. In *Indigenous Archaeologies* (pp. 79-85). Routledge.

²⁵ maine.gov/mhpc/sites/maine.gov/mhpc/files/inline-files/Chapter%20812%20Archaeology%20Standards.pdf

preserve a portion of the site in place for future generations as advances in science and relationships with descendant communities will improve the archaeological research process.

However, there are two different scenarios that need special consideration. First, actively eroding archaeological sites may require evaluation to determine if excavation for data recovery (triage) is warranted. This evaluation will require consultation with the senior archaeologist at MHPC and THPOs. Second, archaeological field schools for students have a role to play in training the next generation of heritage stewards and provide added capacity for archaeological site management. It is best practice to contact the senior archaeologist at MHPC to confirm that the requesting researcher has contacted their office about their excavation plans to determine if the proposed research is acceptable under Maine guidelines and to determine if the researcher meets the proper credentialing and experience requirements.

If the proposed research site is associated with Indigenous people, THPOs must be contacted to obtain consent BEFORE a research plan is approved. Preferably, THPOs will be directly involved with the research proposed, if desired. No resulting publications, data or intellectual property may be shared without Wabanaki notification and consultation. Due to the current lack of appropriate places to curate and/or display items excavated in Maine, we feel that for now, **the best practice is to preserve sites in the ground for future generations.**

A research proposal should be submitted in the form of a formal request to the land conservation organization, and should be reviewed by the senior archaeologist at MHPC and THPOs, and should include:

- A detailed research plan including:
 - Research agenda
 - Background of prior research and existing knowledge relevant to the proposal
 - Extent of any previous archaeological surveys of the site
 - Site location
 - Excavation plan
 - A plan for collection analyses, cataloguing and curation
 - A plan for storing the artifacts before they are returned to the landowner. Artifacts should not be permitted to leave the state.
 - A plan for any non-artifact analysis, such as those involving soil sampling, faunal remains or any destructive analyses
 - The methods which will be used for interpretation after consultation
- An endorsement of the research by the institution or organization employing and/or funding the investigator
- An endorsement of the research by the appropriate THPOs and the senior archaeologist at the MHPC

A report of the findings, to be shared with the landowner/land conservation organization, the THPOs, and the senior archaeologist at MHPC. A short field season report should be provided within one month of completion of the field season and a detailed report provided within one year.

Exceptional Situations

Encountering Human Remains

Uncovering human remains require immediate action and will involve legal authorities:

If human remains are found, immediately halt any activity that could further disturb the remains and leave the area untouched. Ensure that visitors are kept away from the area and establish a perimeter to protect the site from further disturbance. Contact the state police who will contact the medical examiner to determine if the human remains are modern or Ancestral. If Ancestral, THPOs should be contacted, who will determine the next best steps.

Encountering Many Artifacts

Ground disturbance which exposes many artifacts requires securing the area and consultation:

There is always the potential that finding many artifacts together could indicate the presence of an archaeological site. Record the precise artifact locations using GPS and note landscape context and the reason for disturbance. Take photographs of the artifacts in place with an object to provide scale, and of the overall area. Once documented, contact the senior archaeologist at MHPC and Wabanaki THPOs to determine next steps.

Finding a Lone Artifact

Not all artifacts need to be immediately reported. If an artifact is found, and believed to be in its original place, do not move or disturb it. Its context can provide invaluable information. Photograph the artifact with an object for scale, note landscape context and GPS the site location. This information can be added to a yearly monitoring report.

If an artifact is found by a property visitor and reported to the land conservation organization, get as much information from them as possible such as their name, contact information, the location of the artifact where they encountered it, photos they took of the context, and the date. The object can be returned to its original location or placed into culturally appropriate storage. Ask visitors to not remove artifacts.

Culturally Appropriate Artifact Storage

If an object cannot be left in place and needs to be stored, handle artifacts as little as possible to avoid physical damage. For temporary storage, paper bags or cardboard boxes are ideal for dry and stable objects. Do not label or mark individual artifacts. Keep artifacts from the same location store together. Label the container with the artifact's description, date of recovery, and notes indicating any written, photographic or location descriptions such as a yearly monitoring report or research report.

Returning Artifacts to Their Communities

A land conservation organization should consult with THPOs for repatriation of stored artifacts to a Tribal Nation or THPO if requested.

Conclusion: Looking Forward

Land conservation organizations in Maine have focused on natural resource management to the detriment of cultural resources generally, and Indigenous heritage sites in particular. This lack of attention, knowledge, and care for cultural heritage landscapes and resources directly diminishes how land is stewarded and directly impacts the well-being of Wabanaki communities in whose homelands we work. By acknowledging that sites associated with Wabanaki Ancestors are located on conservation lands, we can then move towards embracing the responsibilities of what it means to care for cultural places in addition to natural resources. In the context of climate change, the need for collaborative culturally appropriate care becomes ever more necessary, so as not to accidentally repeat the past harms of our land conservation and archaeology predecessors on Indigenous peoples.

The group that wrote this evergreen document worked to build relationships and establish trust, collaborating to develop the initial guidance of what we consider to be best practices to care for these irreplaceable sites. In developing relationships of your own with Wabanaki THPOs and state archaeologists, pathways to co-stewardship of archaeological sites can begin to emerge. By contributing your effort to care for archaeological sites, you will extend the reach of land conservation into innovative realms and supporting Wabanaki self-determination in the place we all know as home.

We thank you for engaging in this new journey alongside us.

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Appendix A. Ethical and Legal Considerations

We invite all land conservation organizations to respect and uphold human rights standards including the UN Declaration on the Rights of Indigenous Peoples and appropriately support the governance, knowledge systems and self-determined sustainable visions of current and future generations of Indigenous Peoples and local communities.

The United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP)

Article 31

1. Indigenous peoples have the right to maintain, control, protect and develop their cultural heritage, traditional knowledge and traditional cultural expressions, as well as the manifestations of their sciences, technologies and cultures, including human and genetic resources, seeds, medicines, knowledge of the properties of fauna and flora, oral traditions, literatures, designs, sports and traditional games and visual and performing arts. They also have the **right to maintain, control, protect and develop their intellectual property over such cultural heritage**, traditional knowledge, and traditional cultural expressions.

Article 11

1. Indigenous peoples have the right to practice and revitalize their cultural traditions and customs. This includes the right to maintain, protect and develop the past, present and future manifestations of their cultures, **such as archaeological and historical sites**, artefacts, designs, ceremonies, technologies and visual and performing arts and literature.

Article 12

1. Indigenous peoples have the right to manifest, practice, develop and teach their spiritual and religious traditions, customs and ceremonies; the **right to maintain, protect, and have access in privacy to their religious and cultural sites**; the right to the use and control of their ceremonial objects; and the right to the repatriation of their human remains.

Maine State Statutes, Laws and Acts

All land conservation organization actions should comply with local, state, and relevant federal laws regarding cultural artifacts, specimens and materials.

Title 27, Chapter 13: Archaeology; Subchapter 2: State Owned Objects and Specimens

Covers legislative intent, unlawful excavation, antiquities recovered from protected sites, protection of site location information, and emergency designation as a protected site. Designates the State Museum to hold title to and act as trustee for all archaeological objects found on, in or beneath state-controlled lands. Sec 376(4) specifies ownership of archaeological material from private lands rests with the landowner. Describes consultation with Maine Federally recognized tribes concerning curation of archaeological materials excavated from protected sites. Describes permits for excavation and penalties for excavation on protected sites..

Title 22, 2842-B: Native American human remains and Amendment “A” to H.P. 1443, L.D. 1940, Bill: Sec. 1. 22 MRSA 2842-B “An Act Regarding the Repatriation of Native American Remains”

“...a person or entity who possesses any human remains identified as Native American human remains shall transfer the remains to the intertribal repatriation organization... [this] does not apply to any human remains or any person or entity subject to [NAGPRA]”

Title 22, Chap 711, Section: 3025 Medical Examiner Act

Title 22, Chap 711, Section 3026: Reports of Death

The Code of Maine Rules contain two chapters that regulate professional archaeological work in Maine: **Chapters 100 and 812**

94-089 HISTORIC PRESERVATION COMMISSION AND MAINE STATE MUSEUM

Chapter 100: RULES FOR IMPLEMENTING AN ACT TO PRESERVE MAINE'S ARCHAEOLOGICAL HERITAGE

Sets forth the standards and procedures for access to archaeological site records in the possession of the Maine Historic Preservation Commission, the State Museum Bureau, the Bureau of Parks and Recreation and other State agencies or the University of Maine.

Chapter 812: STATE HISTORIC PRESERVATION OFFICER'S STANDARDS FOR ARCHAEOLOGICAL WORK IN MAINE

Contains the composition and functions of the Archaeological Advisory Committee, the credentials requirements from persons on the Commission's approved lists of archaeologists, procedure for review of credentials, procedure for removal from approved lists, method for applying for survey grants, participation in environmental impact projects, and guidelines for research and reporting.

For Federal Statutes, Laws and Acts, please reference [this document](#).

Appendix B. Site Monitoring Form

In development, to be added at a later date.