

## **Comments on the Portsmouth “Indian Head” Rock**

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I am prepared to testify that as staff archeologist for the Huntington District Corps of Engineers, I worked with Steven R. Shaffer on locating and preserving the Portsmouth Indian Head Rock from 1999 until my retirement in May of 2004.

In 1999 Steve Shaffer approached the Corps of Engineers (COE) about assistance in locating the Portsmouth Indian Head Rock (PIHR) and making a movie on petroglyphs. The COE agreed to help locate the (PIHR) and arrange to have it moved to Portsmouth. On March 11, 2002, the COE attempted to locate the (PIHR) using its side scan sonar and located two rocks in 17.52 feet of water. Steven Shaffer’s divers checked the rocks and determined that neither was the (PIHR). The divers found and photographed the Indian’s Head Rock on September 7, 2002.

Shortly after the discovery, I discussed the project with David Pollack of the Kentucky Heritage Council. We agreed that its significance and history was connected with the city of Portsmouth. We also agreed that if the COE continued its involvement in the project, one approach would be to recover the rock and have the state of Kentucky negotiate a permanent loan agreement with the Portsmouth Museum for its continued preservation and display. Nothing was ever done before I retired in 2004 because the river conditions were never good enough for a recovery effort.

According to correspondence from the city of Portsmouth, October 21 and October 28, 2002, the COE plan was to put the PIHR at the Scioto County Welcome Center. The allegations that this was a conspiracy involving the Mayor of Portsmouth are absolutely false. The Kentucky Heritage Council was informed of the plan and never objected to it.

The COE was in the process of preparing an operational EIS for the Ohio River. After the PIHR was located, I recommended to the Huntington Chief of Environmental Planning that the inundation of the petroglyphs by the Ohio River Lock & Dam System should be addressed in the Operational EIS to comply with section 110 of the National Historic Preservation Act. The recommendation was rejected. I supplied the Pittsburgh District COE with a list of references to inundated petroglyphs in the Pittsburgh District and as far as I know the petroglyphs have never been located or evaluated in terms of Section 110 of the National Historic Preservation Act.

**IS THE ROCK AN “OBJECT OF ANTIQUITY”?**

The PIHR is an eight ton boulder with graffiti inscribed on it by the residents of Portsmouth. There is no evidence that anything on the rock was carved by Indians. The PIHR was never evaluated in terms of significance. It was first recorded as an Ohio archeological site (33SC1) by Dr. James Swauger, a zoologist from Carnegie Museum in Pittsburgh who had never seen the rock. The rock was never viewed by a professional archeologist until it was removed from the river. In 1986 it was given a Kentucky site number 15GP173 based on erroneous and exaggerated accounts.

The official Kentucky Archaeological Site Survey Form (15GP173) states under ownership "Said to have been in the river which makes it, I suppose, the property of the United States of America." Under Temporal-Cultural Affiliations the form states "Unassigned". Under Archaeological Cultures Represented it says "Unassigned". Under Site Condition it says "disturbed, % unknown". It became an "Object of Antiquity" when Kentucky decided to file a lawsuit against Steven Shaffer. Kentucky has failed to produce any evidence to support its claim that the rock is an "Object of Antiquity" and that it has significance to the state of Kentucky.

If the PIHR does have historic significance, that significance would reside with the city and residents of Portsmouth, Ohio. The PIHR was created by the people of Portsmouth, Ohio. It was used as a low water mark during the steamboat era and was made into a major tourist attraction for Portsmouth. Its entire history was connected to Portsmouth.

### **Context**

It has been argued by some that when Steven Shaffer removed the PIHR from the River, the rock was taken out of its context and that it should be dumped back into the river. When you look at the original context of the PIHR it was first used as a low watermark. That context was destroyed when the COE built the lock and dam system and it is now impractical to restore the PIHR to its original context as a low water mark.

The second context was the PIHR was used as a major tourist attraction for the city of Portsmouth. That context was also destroyed when the COE built its lock and dam system. In this case, however, that context can be restored by returning the PIHR to the city of Portsmouth for development as a tourist attraction. It was the intent of the COE to work with Steven Shaffer and the city of Portsmouth to restore the PIHR to this historic context. After I retired, the COE decided not to pursue the preservation of the PIHR because that would bring public attention to their obligation to comply with Section 110 of the National Historic Preservation Act.

### **Stewardship**

The plan was to put the PIHR at the Scioto County Welcome Center according to correspondence from the City of Portsmouth, October 21 and October 28, 2002. The

allegations made in federal court that this was a conspiracy involving the Mayor of Portsmouth are absolutely ridiculous and the Corps should set the record straight on this matter. The Corps should also let the City of Portsmouth proceed with moving the PIHR to the visitors center since there is little merit to the arguments that it may be damaged in transport. I doubt that the curation measures at the City Garage are better than the Visitor's Center.

One concern about the preservation of the petroglyph was dredging and barge traffic. When barges are working on construction projects on the river they are stabilized by sinking pilings into the riverbed. If one of these pilings hits a petroglyph it will be destroyed. The Ceredo Petroglyph was accidentally dredged from the Ohio River and would have been destroyed if the people involved had failed to recognize it as a petroglyph.

In your letter to Mr. Shaffer you mention the Corps obligations under Section 106 of the National Historic Preservation Act and Section 110(k). It is my understanding that since the Corps has inundated many of the petroglyphs on the Ohio and Kanawha rivers and keeps them inundated, it is obligated under section 110 of the National Historic Preservation Act to locate and evaluate the effect of inundation on these petroglyphs. At present we do not know if these petroglyphs have been destroyed or where they are located.

The COE planned to have the PIHR determined eligible for the National Register of Historic Places by a Consensus Determination of Eligibility and initiate Section 106 consultation since the Corps was responsible for inundating it and the other petroglyphs on the Ohio and Kanawha rivers. While the Locks and Dams were constructed before Section 106, the COE was periodically required to do an operational EIS on the Ohio River and consistently refused to locate and evaluate the effects of continued inundation of the Ohio and Kanawha river petroglyphs. The recovery of the Indian's Head would have been viewed and a step toward compliance with existing historic preservation legislation.

King, Thomas F.

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