Suggested additional CR Language for

Preservation of Ceremonial Stone Landscapes

Rattlesnake Gutter Trust (RGT) holds two Conservation Restrictions that protect the Indigenous American ceremonial stone landscape (CSL) features. In addition, it has one fee property with a CR held by the Franklin Land Trust that also contains this language and we are working on CRs on other fee properties that will also protect CSL features. The language below has been approved by the State and is included in these CRs.

**I. PURPOSES**

* Protection of Historic and Tribal/Native American Ceremonial Landscape Features.The Premises has a long land-use history including many stone structures of both historic and indigenous ceremonial origin.

**II.** **PROHIBITED ACTS AND USES, EXCEPTIONS THERETO, AND PERMITTED USES**

A. Prohibited Acts and Uses

* The disruption, removal, or destruction of the stone walls or fence posts, stone rows, stone alignments, stone groupings and stone cairns, stone enclosures, standing stones, stone arrangements in geometric or animal form, or any stone structures consisting of stones or boulders of any quantity other than by natural occurrences on the Premises;

B. Reserved Rights and Exceptions to Otherwise Prohibited Acts and Uses

* Forestry and Vegetation Management .....Forest Cutting Practices Act under M.G.L. Chapter 132 (or successor statute) prepared by a Massachusetts licensed professional forester, and designed to protect the conservation values of the Premises, including, without limitation, water quality, water features, scenic views, historical and indigenous ceremonial landscape features and wildlife habitat. All permitted cutting plans and designated access routes shall avoid the buffer area around ceremonial landscape features/stone structures or traditional cultural properties (as shown in Exhibit B of the baseline documentation as well as additional future identified features as documented in yearly monitoring reports) and shall be reasonably required to prevent any damage thereto. Pruning or/or cutting to is permitted in order to preserve ceremonial landscape features and/or to provide lines of sight for astronomical events, if desired;
* Agriculture …. All permitted agricultural use shall avoid any historical or ceremonial landscape features/stone structures or traditional cultural properties and shall be reasonably required to prevent any damage thereto;
* Archaeological Investigations. The conducting of non-destructive field investigations or surveys for historic, Tribal/Native American and/or archaeological resource management, conservation of historic, Tribal/Native American and/or archaeological resources, research and/or planning undertaken in accordance with a research design and methodology permitted and approved by the Massachusetts State Archaeologist or successor official under an Archeological Field Investigation Permit issued by the State Archeologist pursuant to G. L. Chapter 9, Section 26A and pertinent regulations. Any permitted activities involving Native American ceremonial features, artifacts, sites of known habitation, ceremonial sites and/or ceremonial landscapes or continued use sites shall be conducted under the direct supervision of one or more regional federally recognized of the Tribal Historic Preservation Offices;
* Subsurface Disturbance. In the event there shall be any permitted use of the Premises that entails digging, excavation, or any other activity that entails or may cause sub-surface soil or surficial rock disturbance, in order to ensure that no evidence of previous Tribal/Native American ceremonial activity or other archeological sites in the subject area may be compromised, with prior notification to the Grantee, an appropriate archaeological survey, and subsequent test excavation(s) if indicated by a negative surface survey, shall be conducted, following the submission of an archaeological field investigation plan by the Grantor, or its successor and its approval in writing by the State Archaeologist of the Massachusetts Historical Commission or appropriate successor official (M.G.L. Ch. 9, Section 27C, 950 CMR 70.00). Further, any such survey and subsequent test excavation(s), if any, shall be conducted under the direct supervision of one or more of the regional federally recognized Tribal Historic Preservation Offices, unless those offices decline to participate or fail to respond within 60 days. In the event evidence shall, at any point, be found of Tribal/Native American activity, it shall be in the sole discretion of the said Tribal Historical Preservation Officer(s) or his/her representative(s) whether the said permitted activity may continue;

For additional information, please feel free to contact RGT Trustee Eva Gibavic at rattlesnakeguttertrust@gmail.com or at 413-374-1739.