



THE UPAC NEWS

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James D. Wilde, President
Betsy L. Tipps, Editor

ANTIQUITIES ADVISORY COMMITTEE FINALIZES LEGISLATION

In the spring of 1988, Max Evans, Director of the Utah Division of State History, created the Utah State Antiquities Advisory Committee (AAC) to advise the Division about the management and protection of Utah's archeological and paleontological resources. The Advisory Committee is composed of representatives from federal and state land management agencies; professional archeologists, paleontologists and curators; and avocational archeologists.

A subcommittee was formed to review and recommend revisions in the state's laws dealing with antiquities, specifically HB 63-18, in response to a resolution passed last year by an interim committee of the state legislature. HB 63-18 was first enacted in 1973 and has been substantially amended several times since then. The general consensus among members of the Advisory Committee was that the repeated amendments to the state's antiquities laws over the past decade resulted in a set of statutes that had lost much of their original coherence and that a substantial redraft of the existing law was necessary to redress this issue.

Over the past several months, the Legislative Subcommittee of the state's AAC has labored countless hours to draft new and stronger antiquities legislation (to replace HB 63-18) to present to the Utah Legislature during the upcoming session. The Subcommittee was chaired by Ann Hanniball (Utah Museum of Natural History) and included Duncan Metcalf (University of Utah), David Madsen (Antiquities Section), Tom Scott (USFS) and Paul Pratt (attorney for Northwest Pipeline). The AAC is also indebted to John Fellows of the Office of Legislative Research who guided us through the drafting process and who formatted the bill for presentation to the Legislature. This

work is being done at the request of Max Evans, the director of the Division of State History who, in turn, is responding to the State and Local Affairs Committee, a joint committee of the legislature. The goals of this new legislation are listed below as articulated by Ann Hanniball:

Primary

1. To create the position of State Archeologist in the law and define the professional qualifications for the position.
2. To explicitly indicate that the State Archeologist creates and supervises the staff of an Office of Antiquities.
3. To centralize the responsibility for the management and protection of Utah's antiquities within the Office of Antiquities, including
 - a. Antiquities on lands under the jurisdiction of the state and its political subdivisions;
 - b. Antiquities on federal lands when federal law or regulation provides for state involvement.
4. To create an Antiquities Advisory Committee representing professional and avocational interests in archeology and paleontology to advise the Office of Antiquities.

Secondary

5. To bring the level of protection and management of archeological resources on state lands to federal standards.

6. To develop protection for significant paleontological localities at the state level.
7. To provide for the adequate curation of state archeological and paleontological collections.
8. To provide for the protection of significant sites and localities located on private lands by developing tax incentives for easements associated with State Antiquities landmarks.
9. To stem the tide of site destruction by strengthening the laws dealing with the sale of artifacts and creating more meaningful penalties for looting and vandalism.

The work of the Subcommittee is now complete and the bill has been forwarded to Mr. Evans. The bill went through a number of drafts and was mailed out to nearly 400 reviewers nationwide. This final version benefitted greatly from reviewer comments.

Despite this effort, there is still a considerable distance to go before this legislation becomes law. During the drafting of the AAC bill, the Division of State History began drafting its own legislation to include what it considers important concerns not addressed in the AAC bill. These include achieving through the language of the bill a better balance within the Division between history and antiquities, broadening the constituency of the State Board of History to assure the inclusion of archeologists and paleontologists, shifting the language of the state's antiquities legislation to more closely parallel the federal law, and shifting the burden of permitting for antiquities research from the Antiquities Section to land management agencies, e.g., Utah Department of Transportation, Natural Resources, etc. Although portions of the Division's bill are appealing to the members of the AAC, a number of issues remain to be worked out. The goal of the AAC and the Division is a compromise bill which comes close to accomplishing the goals of both parties.

-Joel C. Janetski

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The *UPAC News* is distributed free to all members of the Utah Professional Archeological Council. UPAC accepts contributions towards the publication of the newsletter at any time. Correspondence relating to subscriptions, memberships or address change as well as information for publication in the newsletter should be addressed to Betsy L. Tipps, Editor, *UPAC News*, c/o P-III Associates, 2212 South West Temple, #21, Salt Lake City, Utah 84115, (801) 467-5446. Material for the next issue should be submitted by February 1, 1989.

WINTER UPAC MEETINGS SCHEDULED FOR DECEMBER 9 AND 10 IN SALT LAKE CITY

The winter meetings of the Utah Professional Archeological Council will be held on December 9 and 10, 1988, at the Utah State Historical Society, 300 Rio Grande, Salt Lake City. The business meeting will be held on Friday, December 9, and begin at 1:30 p.m. The tentative schedule is as follows:

Opening Statements
Summer Meeting Minutes
Treasurer/Financial Report

Old Business

- Membership Drive/UPAC Alert - Chas Cartwright/ Betsy Tipps
- Tax Free Status - Steve Manning
- Bylaws
- Utah Archaeology* - Joel Janetski
- Antiquities Advisory Committee - Joel Janetski
- Other Business

New Business

- Nominations: Vice President for Research, Editor and Secretary
- UPAC Editorial Committee
- San Juan County ARPA Convictions
- Sierra Club Native American Sites Committee
- Proposals and Contract Work - Steve Simms
- UDOT Report - Kenny Wintch
- BLM Report - Craig Harmon
- Wyoming Baroil and BLM - John Senulis/Bruce Louthan
- Antiquities Section Report - Dave Madsen
- Forest Service Report - Jerry Wylie
- Meeting Schedule
- Other Business

The winter symposium will be held at the Utah State Historical Society at 7:30 p.m. on the evening of December 9. The symposium, which will focus on Proboscidian Remains from Central Utah, is being organized by Forest Service Archeologist Jerry Wylie and State Archeologist David Madsen. State Archeologist Dave Madsen and State Paleontologist Dave Gillette will speak on the Manti Mammoth. Wade Miller, a researcher from Brigham Young University, will speak on mastodons from the same area. The symposium will be informal and include a "show and tell" session with some of the faunal remains being processed and studied at the Historical Society.

MESSAGE FROM THE PRESIDENT

During this incredibly busy summer in this incredibly busy year, I begin my tenure as UPAC president. Doesn't it seem that every year you have more to do and less time to do it? So it goes. I'm not complaining, it seems to be happening to all of us!

UPAC continues to grow: we now have 76 paid members. Our membership drive after the summer meetings resulted in 21 additional paid-up members. A major challenge for my administration is to increase membership. Publication of *Utah Archaeology, 1988*, may give us a boost, sparking interests and encouraging membership. I think, though, that we need to actively pursue new members, especially within the Utah Statewide Archaeological Society. Possibly more important though is the need to encourage past members to renew and maintain their association. How do we do this, you ask? In other words, "what's in it for me?"

I think the primary reason to belong to and support UPAC is to show a commitment to Utah antiquities and the field we all serve, but which also serves us. That is, if you are a professional archeologist in (or interested in) the state, you should be a paid-up member of UPAC. There are no excuses. Archeology, antiquities and the research, preservation and abuse thereof are *your/our* responsibilities. UPAC has been, and will continue to be, an effective advocate for Utah archeology. Witness, for example, the role UPAC played in convincing the Utah Department of Transportation to reinstate and make full time their archeological position. Or the role that UPAC recently played in establishing an Antiquities Advisory Committee (AAC) in the Division of State History. The Utah Professional Archeological Council is a potent voice in the state. It could be even more effective, and that is where you come in. United, as they say, we stand. The more people represented by UPAC, the stronger our voice. It is as simple as that.

One more thing: one of the most important challenges UPAC and Utah antiquities will face is coming up in the near future. The legislative subcommittee of the AAC recently completed draft legislation to replace and update existing laws. We have sponsors in the legislature, and the bill will be presented to the State and Local Affairs Interim Committee at 2:00 p.m. on November 16 in Room 405 in the State Capitol Building. This bill or a slightly revised version of this bill will be presented to the full legislature early next year. An effective lobbying effort, spearheaded by UPAC and USAS, will be needed at that time. We will be successful if all of you rise up and support the bill with timely and reasoned letters at that time. We will supply names and addresses of appropriate legislative members. Remember, we are the professionals; we have the most to gain, *and the most to lose*, if we ignore the politics of antiquities in this state.

-James D. Wilde

Summaries of current research will begin at 9:00 a.m. on Saturday, December 10. A slide projector and screen will be available for use. If you wish to make a current research presentation or discuss some other issue at the business meeting, contact UPAC President Jim Wilde as soon as possible at (801) 378-7123.

-James D. Wilde, UPAC President
-Betsy L. Tipps, UPAC Editor

FIRST ISSUE OF JOINT UPAC/USAS JOURNAL NOW COMPLETE

After the summer meetings, the joint Utah Professional Archeological Council (UPAC)/Utah Statewide Archaeological Society (USAS) journal was

finally named *Utah Archaeology, 1988*. The title will change annually to reflect the year of publication. *Utah Archaeology, 1989*, etc. Following the format of the *Journal of California and Great Basin Anthropology*, the cover illustration will change with every volume and be taken from an article appearing in the issue.

The first volume went to press in October and was available to interested parties at the Great Basin Anthropological Conference in Park City, Utah. Copies of the journal have now been mailed to all voting members who were current on their dues as of November 9, 1988. If you are a Voting Member and have paid your dues for 1988 (\$25) but not received a copy of the journal, contact Jim Wilde at (801) 378-7123. The journal editors, Joel C. Janetski and Steven J. Manning, have done an excellent job and deserve a note of thanks for all of their work and effort.

1989 DUES PAYABLE AT THE WINTER UPAC MEETINGS

Shortly after this summer's UPAC meetings, the newsletter editor sent out alerts urging members and nonmembers to pay their 1988 dues if they wanted to continue receiving the newsletter. The response to these alerts was good and membership is back up. We appreciate the support people have shown in UPAC.

As the winter meetings draw near, we want to remind everyone that their 1989 *dues* will soon be *due*. We strongly encourage people to pay the \$25 and become voting members so they can reap the benefits of full membership. Voting members will receive the newsletter and the journal and also have a direct say in what UPAC does as an organization. So please bring your checks to the winter meetings or send them directly to Nancy J. Coulam, UPAC Treasurer, 3486 Honeycutt Road, Salt Lake City, Utah 84106.

If you know of anyone interested in joining UPAC, please have them contact Chas Cartwright at Box 555, Moab, Utah 84532. We encourage all professional archeologists in the area to become involved in UPAC. It is important to remember our goals, which include:

1. Establishing and promoting high standards of archeological research, reporting and management.
2. Establishing and promoting a mechanism to represent professional archeological interests in political and public forums.
3. Establishing and promoting a mechanism for communication within the archeological community.
4. Establishing and promoting a mechanism for arbitrating disputes within the archeological community.
5. Promoting public education and interest in the fields of archeology and cultural resource management.
6. Providing advice to the State, Federal and other regulatory agency archeologists upon request or as deemed appropriate.
7. Concern with the archeology of Utah.

We need a strong organization if we are to accomplish these goals. An active membership is the KEY, so join now!

-Chas Cartwright, UPAC Vice President for Membership and Ethics

TREASURER'S REPORT OR "WHY WAS MY CHECK NOT CASHED SOONER?"

Upon receipt of the UPAC financial documents in June, my first plan as treasurer was to close out the UPAC account at a savings and loan and move it to an FDIC-insured bank. This plan failed. I was told by the FDIC bank that Utah banking laws require all profit and nonprofit organizations be registered with the state. Clearly, our previous FSLIC-insured bank was negligent in accepting our account in the first place. Therefore, in June, I drew up Utah State nonprofit articles of incorporation and mailed them to the president and secretary for notarized signatures. I received the amended articles and the signatures in August, filed a DBA statement under U.P.A.C. and registered the Utah Professional Archeological Council as a nonprofit corporation with the state of Utah. Upon returning to the bank with our new official status and paperwork. I was then informed that we have to have a federal tax-free number or else we will be treated as a profit-making corporation, with all of the paperwork and taxes attached to corporate status. I then checked with the IRS about tax status (present and past) and was informed that it is only a matter of time until the state rejects our filing pending determination of status from the federal government. On August 10, I gave up and returned to the original savings and loan, reopened the UPAC account and deposited all membership checks.

The lesson learned from this adventure in banking and business is this: (1) the UPAC funds are presently in an unstable savings and loan bank; (2) as long as our account was under \$2500, the bank did not have to issue year-end tax documents and UPAC did not have to file taxes, so we were legal up till last year when our balance exceeded \$2500; (3) it is presently illegal for nonprofit corporations to receive any interest from a federally insured bank; thus the interest we have been collecting from our savings and loan is of questionable legality; (4) we are liable for filing back taxes, business profit documents, etc., on last year's account and on this year's account; and (5) while I seem to have a better grip on the legal requirements (thanks to having our account rejected at FDIC-insured banks and having spent a day at the state corporation offices and IRS) than former UPAC treasurers, I have neither the expertise, the time, nor the inclination to deal with the paperwork and legwork required by the state and the feds. CONCLUSION: We currently have over \$2500 in our account. This is over the allowable tax-free amount for nonprofit corporations and I move that UPAC hire a CPA to get up to date on back taxes, necessary federal paperwork and any additional state paperwork.

-Nancy J. Coulam, UPAC Treasurer

UTAH SHPO CORNER

Reorganization of the Utah SHPO

On July 1, 1988, Max J. Evans, Utah State Historical Preservation Office (SHPO), rehired Wilson G. Martin to head the Preservation and Antiquities sections of the Utah SHPO. Wilson formerly worked as head of the Preservation Section at the Utah SHPO before going to England in 1986 to pursue his M.Phil. and start a successful business.

The major change thus far has been the melding of Antiquities and Preservation under one section, Preservation. The duties for review and compliance under the National Historic Preservation Act of 1966, as amended, formerly conducted entirely the Preservation Section, will now be conducted by all staff. This means that the Antiquities Section will be reviewing federal as well as state cases. All cases requiring regulation assistance, such as those for Section 106 purposes, will be routed by the Regulation Assistant Coordinator to the appropriate professional for review. Archeological cases will be reviewed by the archeologists and historical cases will be reviewed by historians. If an architectural property is determined eligible to the National Register, then the Architecture and Community Services group will assist in applying the Secretary of Interior's Standards to the case. If you need technical assistance on archeology, history or architecture, notify the appropriate professional. If you need information on regulation requirements or specific cases the Utah SHPO has handled or is currently handling, call the Regulation Assistance Coordinator.

Projects formerly managed and reviewed by the Antiquities Section, such as the annual permitting and project and site numbering systems, will continue as they have in the past. For the immediate future (until an archeological data manager is hired), the Regulation Assistance Coordinator will issue project and site numbers. Excavation permits will continue to be provided by the Assistant State Archeologist.

The Preservation Staff and responsibilities are

Preservation Section (801-533-7039 or 533-6017)

Wilson G. Martin, Program Manager
Support Staff: Lee Bird, Accounting; Renae Weder, Antiquities Secretary; Janice Reed-Campbell, Preservation Secretary; and Joseph Stohel, Preservation Assistant.

Antiquities (Archeology, Paleontology, Research and Education) (801-533-4563)

David B. Madsen, Coordinator Archeology Programs and State Archeologist
Open Position, Assistant State Archeologist
David D. Gillette, State Paleontologist
Martha C. Hayden, Paleontology Assistant
Jim Kirkman, Archeologist, half-time
Open Position, Archeologist-Data Manager

Historic Research and Education (801-533-7039 or 533-6017)

A. Kent Powell, Historic Coordinator and State Historian
David L. Schirer, Historian
Thomas Carter, Architectural Historian, half-time

Regulation Assistance (Federal and State) (801-533-7039 or 533-6017)

Diana Christensen, Regulation Assistance Coordinator

Architecture and Community Services (801-533-7039 or 533-6017)

Charles M. Shepherd, Architecture and Community Services Coordinator and Preservation Specialist (Architect)
Barbara Murphy, Preservation Planner (Grants Management)
Roger Roper, Historian and Preservation Specialist (CLG program)

The Utah SHPO will release more information on procedures to assist you in your historic preservation work in Utah. We also plan to hold workshops on major historic preservation programs in the near future. Two Section 106 workshops have been scheduled for December of this year (see Announcements, below). If there is any particular aspect of historic preservation that you, your company or agency wishes further education on or as a subject of a future workshop, please let us know. We welcome any suggestions you may have on how we may better serve you in the future.

Certified Local Government Program in Utah

A discussion on the use of Certified Local Government (CLG) funds for archeological research was held during the summer UPAC meetings in Vernal. The following information on the program is to educate archeologists in Utah about the CLG program. The National Historic Preservation Act of 1966, as amended, provides an opportunity for Certified Local Governments to participate in the historic preservation program. This includes surveys, National Register nominations and any other aspect of the historic preservation program that exists on the national level. It also includes provisions for the CLGs to receive part of the federal historic preservation funds in the form of grants. These grants are given on a matching basis with the CLG providing labor or other forms of matching support for the federal contribution. Grants are received following the completion of the CLG project.

The state of Utah currently has 26 cities and 8 counties (Cache, Duchesne, Emery, Grand, Morgan, San Juan, Tooele and Uintah) with CLG programs. Most of these CLG programs focus on history of the local community, but some have conducted archeological projects in the past. In fact, the Grand County CLG

