



# THE UPAC NEWS

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## NEW RULES FOR STATE HISTORY AND STATE LANDS

A "rules committee" was formed at the last UPAC meeting to scrutinize new rules proposed by the Division of State History and State Lands and Forestry. The committee consists of UPAC Vice President for Governmental Affairs, Betsy Tipps, along with Joel Janetski, Duncan Metcalf, Jim Wilde, and Jerry Wylie. Since the UPAC meeting, the committee has met one to two times per week to review the rules and prepare UPAC's comments. Other UPAC members participating in varying degrees are Claudia Berry, Kevin Jones, David Madsen, Steve Simms, and Shelley Smith. USAS member David Clark has also assisted.

Copies of two sets of proposed rules were passed out at the most recent UPAC meetings. One set of rules proposed by the Division of State History (State History) to implement Utah Annotated Code 63-18-25 and 63-18-25.1. The other proposed by the Division of State Lands and Forestry (State Lands) outlines the manner in which State Lands will treat

cultural resources (a state Section 106 and 36CFR800 version). Members of the professional community who are familiar with both sets of rules identified several major problems with the proposed rules and recommended that UPAC closely scrutinize each set of rules and provide comments to the respective divisions. UPAC requested, and was granted, an extension of the public comment period by State Lands. Comments on the State Lands rules are due December 11, 1991. Comments to State History are due December 16, 1991. Our request for an extension is pending.

Where we stand - November 18, 1991

Thanks to quick action by Claudia Berry, the Board of State Lands and Forestry scheduled a public hearing on November 14, 1991, which provided UPAC an opportunity to voice our concerns about the proposed State Lands rules. The hearing went well and UPAC members were well received.

The board asked UPAC for help drafting rules that will allow them to protect cultural resources while still meeting their congressional mandate to generate revenue for the schools. Although State Lands is still talking about selling artifacts, we have made great progress considering where we were only one year ago. The UPAC committee is currently drafting a revised set of rules based on the federal framework. These rules will be presented to State Lands for consideration on November 22, 1991. We believe we will be able to work with State Lands on a continuing basis, at least until the December 11 deadline.

UPAC has prepared detailed comments on the State History rules and formally requested a public hearing to voice our concerns in front of the Board of State History. We hope that our request for a hearing will be considered on November 22, 1991.

The status of the committee's work is very dynamic and changing almost on a daily basis. As of today, we are uncertain what help we will need from individual UPAC members. If letters or phone calls are needed, you will receive a special mailing. If you receive such a mailing, PLEASE take the time to review it and take the requested action within the specified time frame. There is a lot at stake and it would be a shame to lose in the final hours due to lack of participation. UPAC members should understand that both sets of rules will change the manner in which archaeology is conducted in Utah for a long time. And they could affect

the cost of doing archaeology as well.

Due to the length and detailed nature of the rules and UPAC's proposed comments, and the very dynamic nature of the process, it will not be possible to summarize all of the problems the committee has identified in the two sets of rules, nor UPAC's proposed solutions in this article--more information will be provided at a later date. Anyone interested in additional information at the present time can contact one of the committee members.

Copies of both proposed sets of rules are attached to this newsletter for your information.

---Betsy Tipps

#### UPAC SPRING MEETING

Reserve March 27 and 28, 1992 for the joint Colorado Council of Professional Archaeologists and UPAC meeting in Grand Junction, Colorado. This promises to be an especially informative meeting and an opportunity to relate with our professional counterparts in Colorado.

#### GOVERNOR'S NATIVE AMERICAN BURIAL COMMITTEE

The governor's committee completed its role as defined in 1990 by Utah Senate Bill 214. A complete text of the draft legislation dating to June 20, 1991 after the termination of the committee at Window Rock, AZ on June 7, 1991 is printed in this newsletter. This version does not address private land. A second version

submitted to the governor addresses private land. Given that legislation affecting private land will likely be even less suitable to legislators than the first version, I only include the first one here.

The proposed Utah bill has intentionally strong parallels to the federal bill printed in the February 1991 issue of the UPAC News. In some places it is more favorable than the federal bill because it attempts to omit "unassociated funerary and sacred objects." In one way, the proposed Utah bill is worse than the federal bill because it proposes a strong Native American bias on the review committee. This committee will oversee the museum inventory, determination of ownership, claim, and repatriation process.

The proposed bill is by no means static. The governor may alter it before sending it to the legislature and the legislative process itself will result in changes difficult to foresee at this time. Since we all are concerned with this bill, I will not attempt to summarize all of my concerns here. Instead, let me report on UPAC efforts in recent months and indicate the future to the degree possible at this time.

I met with Ms. Enid Green, a staff assistant to Governor Bangerter, in early October. We discussed two central concerns with the bill that I thought had some chance of gaining a hearing. These were taken from among a variety of concerns that I tried unsuccessfully to raise at the

last meeting of the committee. Certainly there are other concerns among the UPAC membership and I have others as well. However, the two discussed with Ms. Green would bring the state law more into line with the federal law (a political reality we are simply going to have to adapt to) and gain a more balanced consideration of scientific interests. The proposals follow below.

Ms. Green was quite receptive, but the bill remains in limbo. A sponsor has to be found. Two legislative committees have already refused to consider the bill. The governor wants this bill considered during the 1992 legislature thus he may attempt to push it a bit. The State Division of Indian Affairs may also attempt to find a sponsor. Thus, until a committee is assigned, probably in December, UPAC members should digest the text, and be prepared to respond to a request to act should the need arise. When the process goes forward, and it looks like UPAC input might be useful, I will notify UPAC members as to where to direct your input.

As I have said for the past year and a half, you may contact me with your concerns. I do note the time is past for many concerns that surely continue to exist among archaeologists to be effectively addressed within the structure of the burial committee. If you have concerns that I cannot help with, you will have to direct them to the legislative arena.

---Steve Simms

## ARCHAEOLOGY EDUCATION REPORT

### Workshop for Archaeologists

A workshop for archaeologists who are interested in participating in Intrigue of the Past teacher inservice workshops has been scheduled. It will begin at 8:30 am at the Salt Lake District BLM Office (2370 South 2300 West, Salt Lake City, Utah) on Tuesday, December 3, 1991. If you are interested in attending, contact Jeanne Moe at (801) 539-4060 by November 25, 1991.

### Secondary Curriculum

Work on a secondary curriculum has begun. We are interested in obtaining activities for teaching archaeology and research projects that might be applicable for secondary education. If you would like to share your ideas and/or research project materials, call Jeanne Moe at (801) 539-4060.

### KANE COUNTY CHAINING

In March of 1991, the Soil Conservation Service (SCS) released a draft Environmental Assessment (EA) summarizing their strategy to reduce erosion and sedimentation, and improve water quality, wildlife habitat, and livestock forage in the Muddy Creek-Orderville Watershed in Kane County, Utah. The EA proposed implementation of the National Economic Development alternative which includes disking and reseedling 1390 acres, double chaining 6730 acres, burning 25 acres, chemical treatment on 620 acres, and reseedling 1070 acres.

UPAC sent a letter to the SCS voicing our concerns about the project and its effects on cultural resources. The letter identified several problem areas. For example, the EA stated that sites would be protected by avoidance. UPAC noted that islanding can have a detrimental effect on sites because the unchained islands serve as flags in alerting pothunters and vandals to their exact locations. UPAC also noted that trampling by livestock, which damages surface artifacts, becomes concentrated on sites as livestock seek shade shelter in the islands of unchained pinyon and juniper.

The EA asserted that a reconnaissance level survey would be conducted by SCS personnel prior to the chaining. UPAC requested an intensive inventory by fully trained professional archaeologists as defined by the Secretary of Interior Standards and Guidelines found in Appendix A of 36CFR61. UPAC also noted that the chemicals proposed for treating brush could hamper or eliminate future scientific analyses such as blood residue, radiocarbon, etc. In addition, the EA boldly stated that there are no areas of Native American religious concern in the project area but provided no supporting documentation. UPAC requested documentation that Native American concerns had been adequately addressed.

Based on the letter from UPAC and numerous others, the SCS is now preparing a full Environmental Impact Statement. A public hearing was held in

Kanab to identify important issues. To their credit, the SCS recognized that many interested members of the public, including UPAC, were unable to attend the scoping meeting in Kanab, and invited UPAC representatives to a one-on-one meeting to express their concerns. The meeting was held on November 15, 1991, and was attended by two UPAC officers, Kevin Jones, Vice President for Membership and Ethics, and Betsy Tipps, Vice President for Government Affairs. UPAC explained the cultural resource compliance process to the SCS representatives, and reiterated the concerns identified in the original letter, as well as several others.

The SCS was very cooperative and receptive to our concerns. Among other things, they have agreed to do an intensive pedestrian inventory using qualified archaeologists and contact all potentially interested Native American groups. They have promised to investigate the effects of the proposed chemicals, especially those that effect the rate of moisture absorption--such chemicals have the potential to speed up or slow down rind formation on obsidian artifacts. Instead of avoiding sites by leaving unchained islands, sites will now be avoided by leaving large unchained strips or peninsulas that extend across the project area in a mosaic pattern. Vegetation on sites that cannot be incorporated into an unchained strip or peninsula and must be left as islands will be hand cut so that sites are not flagged for pothunters

or damaged by livestock seeking shade.

It appears the SCS is making a genuine effort to protect cultural resources on this project. We will monitor their activities and provide UPAC input as needed. The next chaining project is proposed for the Montezuma Creek area in southeastern Utah. If anyone has concerns about either project, they should contact Betsy Tipps at (801) 467-5446.

---Betsy Tipps

#### UTAH SHPO EDITORIAL

Overwhelming response to last issue's editorial on the Utah SHPO indicates that I must have hit some nerves. I have never before been contacted by any UPAC member about any other item in the newsletter and to hear directly from more than half of the membership indicates professional archaeologists working in the state feel a strong need for redirection in the Utah SHPO.

The Utah SHPO, however, needs to hear these thoughts from you. In order to sway that office into the direction most professional archaeologists in the state think it needs to be directed, I ask each of the UPAC members who contacted me to put those thoughts on paper and direct them to the Utah SHPO. In this way, that office will be informed and might rethink some policies and directions to be more responsive to archaeological issues and problems.

---Diana Christensen

## USU ANTHRO MAJOR

In April of 1991 the Utah State Board of Regents approved a proposal from Utah State University for an anthropology major offering the B.A. and B.S. degrees. USU joins the University of Utah and Brigham Young University as anthropology degree-granting institutions in Utah. The curriculum stresses a comprehensive background in anthropology as necessary to any specialized pursuit such as archaeology. There are five anthropologists in the department offering courses in the four fields of anthropology. Faculty in other departments add opportunities in linguistics, African ethnology, and the nationally recognized program in folklore. The strengths within anthropology lie in international development, human osteology, and archaeology with two faculty members offering opportunities in Great Basin archaeology. The new major officially began Fall quarter 1991 and about 30 majors have already signed up. For information about archaeology at USU contact Dr. Steve Simms, Anthropology, Utah State University, Logan UT 84322-0730.

## FALL UPAC MEETING MINUTES

The fall 1991 meetings of the Utah Professional Archeological Council (UPAC), were held on October 25 and 26, 1991 at the Division of State History in Salt Lake City and were called to order at 1:15 pm by President Bruce Louthan. Thirty-three members were in attendance. Wilson Martin,

Associate Director of the Historical Society, welcomed UPAC members to the Division of State History. Wilson summarized State History's initiatives and accomplishments of the last few years and emphasized a dramatic shift toward commitment to archeology.

## Old Business

John Senulis made a motion to approve the minutes of the Spring meeting as published in the UPAC newsletter. Steve Simms seconded the motion which passed unanimously.

Debbie Wilde presented the Treasurer's report for Lorna Billat. As of October 25, 1991 the UPAC treasury has a balance of \$4384.57. UPAC has 97 current members, 75 voting.

Kevin Jones, Vice-President for Membership and Ethics, reminded all members to pay their 1992 dues. Voting members dues are 25.00 and associate dues are 12.50. Renewals should be sent to Lorna Billat at 105 Allen-BYU, Provo, Utah 84602. New members can send applications and dues to Kevin Jones at the Division of State History, 300 Rio Grande, SLC, UT 84101.

The terms of four offices expire at the spring meeting and nominations for their replacements were conducted by Julie Howard. Nominations were taken for the offices of President, Vice-President for Membership and Ethics, Treasurer, and Editor. For the position of President Charmaine Thompson and Steve Simms were nominated. Stan McDonald, Don Southworth and Bill Fawcett were nominated for Vice-

