



UPAC NEWS

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Steve Simms, President
Signa Larralde, Editor

FALL MEETING HIGHLIGHTS

Several topics were discussed at the Fall business meeting of UPAC on October 22.

■ **Wilson Martin** of the Division of State History reported on recent events concerning archaeology in Utah, to wit:

The Native American Remains Review Committee has commenced working on implementation rules, and the burial vault at Pioneer State Park was consecrated on October 22.

More money will be available for archaeological projects requested by Certified Local Governments.

The National Park Service is working on a new policy which will make funds available for scientific excavations after listing on the National Register of Historic Places; the old policy allowed funds to be used for excavation only to determine eligibility.

■ **Highway 5:** The Utah SHPO, the U. S. Forest Service, and UPAC have made inquiries to the Federal Highway Administration about cultural resource issues on Utah Forest Highway 5, the Wolf Creek Road. Jim Dykman reported that the Federal Highway Administration stipulations allow work only within the specific right-of-way, no assistance from amateurs, specific excavation yardage required, in general a 1950s approach to archaeology. SHPO will continue to fight this attitude.

■ **Native American Remains Review Committee:** Brooke Arkush reported that the committee has met only two times and is just beginning to grapple with the many sensitive issues which need resolution. The committee will meet every month for the first year. Brooke has been elected vice-chairman. An all day working session is scheduled for early January, during which the committee will begin to draft rules. Brooke will summarize the results of this meeting in the next issue of UPAC News. For more information, contact Brooke at 626-7202.

Kevin Jones noted that remains at the Pioneer Trail State Park burial vaults may be accessible for scientific study with proper approval. However, no mechanics have been established yet to resolve claim disputes, according to Brooke Arkush. Wil Numkena stated at the Review Committee meeting that scientific

study of remains may be necessary in order to determine lineal descent and to resolve competing claims.

■ The Utah Archaeology journal marketing effort is going well. Information has been sent to Utah small town libraries and major western states university libraries. UPAC needs a volunteer to help process subscription requests.

Kevin Jones noted that USAS is a major subscriber, but their dues structure does not include enough to pay the actual cost; without their support, however, the journal would go under. A motion passed to authorize the Executive Board to subsidize Utah Archaeology up to \$500. The money would be used to increase the press run; in effect this would be an investment in extra journal issues; any resulting profits would go into the journal's account. Past production costs have run from \$7.75 to \$8.90 per issue.

Kevin Jones mentioned that the Colorado Conference of Professional Archaeologists would like to do a joint publication of the Rocky Mountain Conference papers. It was suggested that Wyoming be included. Kevin will pursue the possibility of a special issue of Utah Archaeology for this purpose.

Kevin has received only three project abstracts since they were suggested at the spring UPAC meeting. If he doesn't get more, he may drop the effort to include them in the journal.

■ **IMACS database access problems:** Everett Bassett, in coordination with Steve Simms, will write a letter supporting the renewed availability of the IMACS database, which is presently down.

■ **UPAC Elections:** Steve Simms and Kenny Wintch moved for a change in the bylaws to revise the nomination process. A nomination committee would prepare the ballot after consulting with potential nominees, but nominations from the floor or by mail or telephone could also be made. The proposed bylaw change is on the ballot enclosed with this issue of UPAC News. Also on the ballot is a slate of nominees for Treasurer, Newsletter Editor, and Vice President for Membership and Ethics.

■ **Parting thoughts from the president:** UPAC needs to communicate more with SAA and other national organizations to get local views expressed at the

national level, because the SAA is not aware of local opinions. More editorials in the UPAC News will stoke this process. Steve suggested a seminar at the spring meeting with position papers on policy issues.

STATE LANDS UPDATE

As I mentioned at the last business meeting, a lot is happening with the Division of State Lands and Forestry. For now I would just like to highlight a couple of issues for your digestion.

New rules in place. As noted previously in UPAC News, the proposed revision to State Lands and Forestry's cultural resource rule (R640-60) has been finalized. State Lands now has a set of rules that are effectively the same as 36 CFR 800 and some other federal regulations. A copy of the new rules can be obtained by giving me a call at the number below.

I'd like to point out one particular portion of the new rule with which everyone doing archaeology in Utah should be familiar. Part 300 of the new rule clearly states that an archaeological permit is required for compliance-related surveys and all excavations on trust and sovereign lands. Explicit permission, rather than a survey permit, is required for non-compliance (e.g., pure research) surveys on these lands. And no requirement is made for non-documentary, non-disturbing, recreational visits of sites on these lands. (By the way, we intend to continue having permits for work on trust and sovereign lands issued by the Antiquities Section.)

Short-list bid system. As I mentioned at the last business meeting, I will soon be devising a short-listing system for obtaining telephone bids for surveys of proposed sale parcels. I am not yet quite sure how this will work, but I can offer the following hypothetical example. Every consultant (or contract firm) on the Antiquities Section's annual permit list will be eligible to submit a "statement of interest" (or some similarly titled package) to State Lands, who will then objectively divide and narrow the field down to just a few firms per State Lands area (a series of divisions not unlike the BLM's five districts). The few firms in a particular area would then be eligible to give telephone bids, if and when the need arises to have a parcel of land in that area intensively surveyed. The lowest of the (few) bidders who could meet the report delivery date would be awarded the survey project. The whole process would start with my sending out a "request for statements of interest" to everyone on the current permit list.

There would be no need for a formal "retainer" contract (like UDOT's previous district consultant or current region

consultant contracts) for either time or money. The purpose of the system is simply to allow State Lands to quickly and easily obtain consultant services for survey projects, yet still comply with state procurement laws.

If anyone has questions about this or any other matter, please give me a call at 538-5489.

-Kenny Wintch

UDOT ISTE A UPDATE

Susan Miller of UDOT reports that applications are due by February 4, 1994 for Fiscal Year 1994 funds. Please contact John Quick, UDOT Statewide Planning Engineer at 965-4808 for program information and application guidelines. FY 94 applications will be accepted for projects with total budgets between \$50,000 and \$500,000.

The Enhancements Advisory Committee will hold a workshop on December 9 from 10 a.m. to 1 p.m. at the Ogden Union Station, 2501 Wall Avenue in Ogden, to review the application process and discuss concerns and individual projects. In addition, Susan Miller has offered to provide some advice about applying for ISTE A funds before the next deadline. She can be reached at 965-4157.

NEW FACES, NEW POSITIONS

Julie Howard has been named Area Manager for BLM's San Luis Resource Area in Alamosa, Colorado, which is part of the Canyon City District. Julie reports to her new job on December 13 and can be reached after that date at the San Luis Resource Area Office, 1921 State St., Alamosa, CO 81101. Congratulations go to Julie, along with our hope that as archaeologists infiltrate the ranks of federal agency management, cultural resources will have a louder voice in agency policy.

VOTE!

A ballot is enclosed with this issue of UPAC News. Please take the time to vote for new officers and a change in the bylaws affecting officer nomination procedures.

The pre-addressed ballot should be cast, folded, stapled, and returned to Secretary Dennis Weder by January 15, 1994.



Editor's note: Garth Portillo, Cultural Resources Program Leader for BLM in Utah, responds to Steve Simms in the following editorial.

RESPONSE TO SIMMS:

When I was first given the opportunity to respond to the editorial by Steve Simms in the September issue of UPAC News, I found myself in a quandary. I was faced with two problems. First, I agree with much of what Steve had to say, although on a less emotional plane. Second, I must be one of those "entitled bureaucrats" alluded to by Steve. As such, I do not know what I am entitled to, other than a somewhat regular paycheck and a series of unrelenting headaches. Some sort of sally from the ranks of bureaucrats is called for, but it is difficult to know how to start.

I will begin with a brief discussion of Cultural Resource Management (CRM) and just what is it that we bureaucrats are supposed to do. On a formal level, Federal agency archaeologists are usually staff advisors to a line manager. The manager makes the decisions as to how resources will be preserved, conserved, or used, and as to how conflicts between competing resources and resource uses will be resolved. Staff advice is normally predicated on a combination of statute, Federal regulation, and agency policy, in order. Work priorities for the agency archaeologist are set by the manager; while statute, regulation and policy are major factors in determining work assignments, the very real specter of outside pressure cannot be discounted. After all, as public servants, we are required to serve the public interest and need.

In the real world, the agency archaeologist is performing a multiplicity of tasks, most of which are not learned in an academic setting. Despite the huge workload many agency archaeologists carry in terms of Section 106 for projects (this workload ranges from doing projects in-house to reviewing the work of agency contractors and third party contractors), Section 106, in fact "doing archaeology" at any level, occupies only a portion of the staffer's time. There are paleontological resources to manage, cultural and paleo permits to process, law enforcement cases to pursue, public contact and education efforts, site protection efforts, Native American coordination, land use planning and cultural resource management planning efforts, new laws and regulations rolling out of Washington D.C. on a daily basis (and we must be familiar with them all, including Section 110, ARPA, FLPMA, NEPA, and AIRFA), and an endless stream of requests form somewhere higher in the bureaucratic food chain for reports and data. Coordinating cultural resource issues with other programs, including but not limited to lands, minerals, wildlife, wilderness and recreation, is a major work component.

The agency archaeologist is by necessity a generalist, with few opporutnities to specialize in anything they did not learn before they entered Federal service. The archaeologist, for good or bad, is usually the sole authority on "cultural issues" in her or his unit, and is expected to have the answers to any questions posed by management or the outside world. Public demand and workload constraints seldom allow adequate time for the development of innovative or

imaginative responses to problems. Federal mandates do not allow the luxury of doing a great job obeying the law on a few projects while the rest are ignored . . . the law requires the impacts of all projects on cultural resources to be considered in accordance with the rules. These constraints also come to bear on the private contractor, the State Historic Preservation Officer (SHPO), and the Advisory Council on Historic Preservation (ACHP).

It should be no surprise to any participant in the process, that like flowing water, the cultural resources compliance process (Section 106) follows the path of least resistance. Time is not to be wasted chasing in new, unproven directions when there is a system with a predictable end product. The result is a process oriented system which hopes for good work and accepts mediocre work. Money spent on projects is balanced against time saved, and not against the quality of the end product. **We must keep in mind that we, as archaeologists, are the ones concerned with the quality of the work in terms of its being good science. The other players in the system, from project proponents to many managers, are most concerned with meeting (not exceeding) a legal requirement and with getting projects built.** Occasionally, outside parties, especially the project proponents who fund these compliance efforts, use "quality" as a tool to aid their assault on the cultural resources protective legislation. While we must be able to respond to these attacks, we should keep in mind that "good science" is not what the special interest groups care about.

All of this, as a preamble, brings us to the issues pointed out by Steve in his editorial. There are grand exceptions where we proudly point to exemplary work done under the auspices of public archaeology. As Steve vigorously notes, however, much of the work done as CRM is at best mediocre, and often rather poor. To a certain extent, the system is at fault, but as a discipline we will face bad work regardless of the system in place.

I see no conspiracy on the part of Federal archaeologists, the SHPO, or the ACHP to perpetuate a flawed status quo. There is, however, a great reluctance to give up a system which works, however badly (remember that the measure of success may not include the quality of the science). By pursuing the statewide interagency programmatic agreement during the past few years, SHPO and Federal agencies have shown some willingness to try something new. The Advisory Council, despite vehement rejection of the Utah proposal, has participated in the development of several innovative approaches to cultural resources management and Section 106 in recent years (in other places). The trick is to keep trying, and to find the formula which does the most good without killing the sacred cow, so to speak.

We will continue to pursue a mechanism to streamline the Section 106 process. Eventually, we will find the formula. This formula alone will not guarantee any improvement in the quality of work. Improving the quality of archaeological work must also remain the responsibility of each of us who claims the discipline as their own. Recognizing the problem is the first step. Recognizing our limitations as individuals is the next step. No matter how good we think we are, we can all learn something. Each of us can do a little more to improve the quality of our work.

Steve Simms rightfully decries the lack of scientific peer review in our discipline. Meaningful research cannot be developed in a vacuum, unless it is research best conducted in outer space. So far, archaeology is practiced on Earth, in a rich environment of people, natural and cultural resources, and our growing knowledge of these things.

Jim Dykman of the Division of State History, announced at the October UPAC meeting, his desire to institute a system of peer review into the Section 106 process. I hope all Utah State and Federal agencies, as well as contractors, will work with the Division of State History in developing a formal peer review system for projects "coming through the system." The National Historic Preservation Act (as amended) now requires the Section 106 process to be open to all interested parties. As archaeologists in Utah, we have the opportunity to become involved in the formal process. At the same time, each of us can participate informally by sharing data, sharing ideas, and asking for the opinions of others at each level in the process. While there is an obvious focal point on research design and the ensuing (hopefully) analytical reports, everything from design of field inventory and analytical strategies to evaluations of significance will profit from the wider perspective provided by collaboration.

--Garth Portillo

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The Editor's Opinion: CREATIVE MITIGATION, CONFUSION, AND HAIR SHIRTS

Two kinds of responses have been presented in the UPAC News debate on creative mitigation. Some writers responded directly to a vague (and, to me, disturbing) proposal to divert compliance funding away from mitigation of sites that are going to be destroyed and towards other ends. Others sidestepped the PA proposal while making an impassioned plea for change in the status quo of Utah archaeology.

Many thought the debate was about the proposed PA. Hence the confusion. Perhaps the topic should have been "What (if anything) is wrong with Utah archaeology in the broadest of terms, not just in a regulatory or compliance sense, and what can we do about it?" rather than "Do we support this muddled version of the creative mitigation PA?"

Meanwhile, let me suggest a 12-step recovery program for us bureaucrats: If only we would just

1. admit we are powerless over the 106 process--that our bureaucracy has become unmanageable.
2. come to believe that a Power greater than ourselves can restore us to sanity.
3. make a decision to turn our budgets and our procedures over to the care of Scientists, as we understand Them.
4. make a searching and fearless moral inventory of our contract reports.
5. admit to Scientists, to ourselves, and to another bureaucrat the exact nature of our data base of small redundant sites.
6. be entirely ready to have Scientists remove all our dollars.

7. humbly ask Them to remove our dollars.
8. make a list of all regulations and statues we have upheld, and become willing to ignore them all.
9. make direct amends to Unfunded Scientists wherever possible, except when to do so would cut more prestigious research funding.
10. continue to take cultural resources inventory and when the best sites are outside the right-of-way, promptly admit it.
11. seek through contract negotiations and SAA meetings to improve our conscious contact with Scientists as we understand Them, praying only for knowledge of Their will for us and the power to carry that out.
12. have a Scientific awakening as the result of these steps, and try to carry this message to unenlightened bureaucrats and to practice these principles in all our RFPs.

OK, we'll briefly consider wearing hair shirts. It is, however, too easy to attack the government, and too hard to actually make changes or even figure out what needs to be changed.

The vehemence of the response at previous UPAC meetings suggests that these issues, whether creative mitigation or the morbidity of Utah archaeology, struck nerves all the way around, and consequently we should continue to discuss them. UPAC might pay some attention to the rules at 12-step meetings in our own discussions: each person gets to have a say, everybody listens compassionately and without interrupting, and nobody tries to impose their own agenda on the group, even people who are sure they know best. The creative mitigation debate will benefit from a clear statement of the topic being debated and a willingness to really listen to different points of view. Of course, to get to a clear statement, we have to be willing to listen to each other.

--Signa Larralde

BLM PLANS FOR NINE MILE CANYON

BLM has issued a special draft recreation and cultural management plan for Nine Mile Canyon that calls for trail improvements, parking, picnic areas, visitor center and interpretive signs at more popular sites.

Randy Russell, economic development director for Carbon County, says county officials recognize the canyon's attraction and archaeological value and admits the potential for damage by large numbers of visitors. "We are actively working with the BLM to understand what visitor pressures might do to these resources," he said. "Visitation will continue to increase and it's critical we come to an agreement on how to manage that increased traffic and do it in a way that it becomes an educational tool to acquaint people with just how important the area is."

Carbon County officials have proposed building a staging station and picnic facility in the upper portion of the canyon. Mr. Russell said they would be the first public facilities in the canyon. "As it now stands, it is 70 miles from Wellington to Myton without public restroom facilities."

BLM Price area manager, Mark Bailey, said the plan was drafted with input from government and the public. "This plan represents BLM's best effort to guide recreational and cultural development of the area for the next 10 years," he said.

The plan's coordinator, Jaynee Levy, said the plan calls for parking facilities and turnouts, pathways, fences, boardwalks, interpretive signs and siting tubes at 13 selected points in the canyon. The plan also calls for the BLM to investigate the possibility of developing a trail running from the eastern end of the existing dirt road to the Green River.

