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# UPAC NEWS

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Steve Simms, President  
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## PRESIDENT'S COLUMN

The Fall meeting of UPAC will be on October 22 and 23, as detailed by Stan McDonald in the next item of this issue of UPAC News. A few topics for the business meeting are taking shape:

The Utah State Division of Indian Affairs has formed the Native American Remains Review Committee required by the state reburial bill. This committee will form policy for treatment of newly discovered Native American remains. UPAC has contributed a lot toward the legislation and negotiation to support reburial while maintaining the legitimate interests of the scientific community. Thus, we have a deep interest in recommendations about policy. Brooke Arkush (Weber State University), a UPAC member and a member of the reburial committee, will come to the meeting to update us. UPAC will continue to track the issue as an interested party.

There will be a report on the response from the Federal Highway Administration to inquiries from the Utah SHPO, the U.S. Forest Service, and UPAC about cultural resource issues and the Utah Forest Highway 5, Wolf Creek Road. The concerns raised include archaeology outside of the right-of-way, mandated square meters of excavation as a criterion in an RFP, mandated exclusion of volunteer participants. This case should be of concern to everyone who does archaeology with federal agencies, but especially the FHA.

Other reports may include ISTEAs, the fate of the Programmatic Agreement on Section 106 procedures, Antiquities permitting rule change, and Utah Archaeology status and marketing progress. Last, but far from least, we will open nominations for the offices of President, Vice-President for Membership and Ethics, Treasurer, and UPAC News editor. Please identify people to play these roles and convince them to accept a nomination. Then come to the meeting and nominate them.

## ATTEND UPAC FALL MEETING!

UPAC's fall meeting will be held Friday, October 22 and Saturday, October 23 in the northwest conference room of the Division of State History, Old Rio Grande Train Station (300 Rio Grande), Salt Lake City (the usual place). The business meeting will begin at 1 p.m. on Friday.

Saturday's meeting will begin at 9 a.m. and end at 12 p.m. Following tradition, Saturday's session will be devoted to presentations on current archaeological research relevant to Utah archaeology. This session has, in the past, been especially useful in providing the profession with some quick and informative "snapshots" of archaeological work being undertaken within the region. Papers will be limited to 20 minutes. We have room for only eight (8) papers to be presented on Saturday morning.

Please submit a title and brief abstract to: Stan McDonald, Manti-La Sal National Forest, 599 W. Price River Drive, Price, UT 84501 (phone 801 637-2817, FAX 801 637-4940) by October 15. Since there will be a limit on the number of papers presented, the first eight people to submit paper titles will be scheduled for presentation on Saturday.

To allow all of us and especially those who will be traveling some distance to the meetings to get home in a timely fashion, we will strictly adhere to a 20 minute maximum time allocation on presentations. Please be considerate of others' schedules and review your paper prior to the meeting to ensure that it meets the 20 minute time frame.

—Stan McDonald

## INTRIGUE OF THE PAST: ANOTHER SUCCESSFUL YEAR

Utah's Intrigue of the Past Archaeology Education Program has just completed another successful year. Ten teacher workshops, co-facilitated by educators and archaeologists, were conducted this year and over 200 educators received inservice training in archaeology. Dim Dykman, Charmaine Thompson, Bill Fawcett, Everett Bassett, Signa Larralde, and Laurel Casjens co-taught Utah workshops this year.

Additional lessons are being developed for inclusion in the Intrigue program and for use in other venues. Secondary materials are nearing completion and two workshops aimed at upper level teachers have been conducted. Several teachers are currently piloting Intrigue lessons and activities in secondary settings.

The Utah Museum of Natural History is developing an interdisciplinary curriculum on the Great Salt Lake. The

Intrigue coordinators are constructing two lessons on Salt Lake Basin prehistory for inclusion in the new curriculum as well as for use with existing Intrigue materials. Kevin Jones, David Madsen, and Signa Larralde assisted with lesson development. The Great Salt Lake curriculum emphasizes conservation of the natural environment including archaeological sites and will be widely distributed to Wasatch Front school districts.

Intrigue of the Past is the basis of a national BLM program known as Project Archaeology. The new program employs the materials and delivery system through teacher workshops that was developed in Utah. Arizona, Wyoming, California, New Mexico, Alaska, Nevada, Colorado, Montana, and Oregon BLM are currently establishing Project Archaeology. Each state is writing instructional materials specific to the region and planning facilitator training. Educators and archaeologists in the Midwest and East have also expressed interest in sponsoring Project Archaeology.

The participation of Utah's professional archaeologists is critical to the program's success. Thank you for your continued support. Anyone interested in receiving training to become an Intrigue workshop facilitator should contact me at 539-4060.

--Jeanne Moe

## UDOT ISTEA UPDATE

Susan Miller of UDOT reports that 1992-93 ISTEA Enhancement funds have been allocated. None of the funds were allotted to archaeology projects, although historic projects captured approximately 15% of the \$3.4 million available. Sixteen projects were funded, including 9 pedestrian/bike trail projects totalling \$1.5 million, 4 historic projects totalling \$.5 million, and 3 scenic landscape projects totalling \$1 million. UDOT administrative and review costs took up the remainder. The historic project receiving the most funding was a project to mark and interpret the Mormon Trail. Betsy Tipps deserves UPAC's thanks for contributing long hours of service on the ISTEA enhancements application review committee.

Applications are currently being revised and will be available on October 22, 1993. 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.

Susan Miller has offered to provide some advice about applying for ISTEA funds before the next deadline. She can be reached at 965-4157.

## STATE LANDS PROGRAM UPDATE

**New Rules Now in Effect:** Kenny Wintch reports that the State Lands cultural resources rules were advertised in August and no comments were received. The rules are now in effect, much to his relief.

**Results of the Utah Supreme Court Case between the National Parks and Conservation Association and the Board of State Lands:** An opinion filed on June 24, 1993 by the Utah Supreme Court dealt with the NPCA's position that the Division of State Lands and Forestry's decision to exchange a section of state school trust land for lands owned by Garfield County should be rescinded. The County wanted to acquire the land in question so that it could pave part of the Burr Trail to improve public access to the area.

The main issue of interest to UPAC members is the fourth issue considered by the Court: "Should the Board and Division have given priority to scenic, aesthetic, or recreational values over monetary values in approving the exchange?" (p. 3 of the opinion). The opinion of the Court on this issue was as follows:

The Division should recognize that some school lands have unique scenic, paleontological, and archeological values that would have little economic value on the open market. In some cases, it would be unconscionable not to preserve and protect those values. It may be possible for the Division to protect and preserve those values without diminishing the economic value of the land. For example, with appropriate restrictions it may be possible for livestock grazing and perhaps even mineral extraction to occur on a school section without damaging archaeological and paleontological sites. But when economic exploitation of such lands is not compatible with the noneconomic values, the state may have to consider exchanging public trust lands or other state lands for school lands. Indeed, it might be necessary for the state to buy or lease the school lands from the trust so that unique noneconomic values can be preserved and protected and the full economic value of the school trust lands still realized.

In this case, the Division did consider aesthetic and recreational values in deciding to exchange section 16 for Garfield County's lands. NPCA's argument is not that the Division totally failed to consider these values, but that the Division should have given priority to those values over the state's duty to maximize economic return. For the reasons stated above, that position is contrary to the duties imposed on the state and the Division under the school land trust. We hold that the

Board did not breach its trust duties by refusing to give priority to the scenic, aesthetic, and recreational values of section 16 over economic values when it approved the land exchange.

(pp 17 and 18 of the opinion)

Justice Durham concurred with the result, but disagreed "with the suggestion that the state must always give the economic interests of the school trust priority over all other considerations in managing trust lands" (p. 21). She went on to say:

The majority opinion acknowledges that failure to preserve scenic, paleontological, or archaeological values may occasionally be 'unconscionable,' but the alternatives it proposes are inadequate. The majority concludes that in such a situation, the state may have to consider either exchanging other state lands for school trust lands or leasing or buying the lands from the trust. Neither of these options would be satisfactory (p. 25).

She then explains why not.

This Utah Supreme Court decision will have an effect on the way land exchanges are handled in the future and the consideration (or lack of consideration) given to archaeological sites on lands slated for exchange. The file number of the opinion is No. 880022 (June 24, 1993), and the opinion was apparently published in its final form in the Pacific Reporter. Thanks to Jerry Spangler for bringing this important decision to the attention of UPAC News.

## NEW FACES, NEW POSITIONS

**Shelley Smith** is now a BLM national cultural resources program leader. Shelley will continue to work at BLM's Utah State Office, serving as a liaison between the Western states and Washington.

**Garth Portillo**, formerly the district archaeologist of BLM's California Desert District, replaces Shelley as BLM's Utah State cultural program leader. Garth holds a B.S. degree from the University of California, Riverside. He has worked extensively in California and the western Great Basin, predominantly in western Nevada and eastern California, since 1972. His main interests are the archaeology of the Great Basin and cultural resource management. He joined BLM as a temporary employee in 1975, worked on the BLM Desert Planning Staff (1975-76), in the Bakersfield District Office (1977), in the Bishop Resource Area (1982-84), in the Surprise Valley (Cedarville) Resource Area (1982-84), and in the California Desert District as program lead (1984-1993). He is married, has three children, and lives in Sandy, Utah.

**The Arizona Strip BLM** recently underwent reorganization as one of the pilot districts in the BLM. In March most of the district staff were reassigned to one of

the resource areas (Vermillion east of the Hurricane Cliffs and Shivwits west of the Hurricane Cliffs) so that more resources would be available at the field level. **Diana Christensen** became the Vermillion Resource Area archaeologist, replacing Aline LaForge, who transferred to Havasu City last fall.

**John Herron** is the Shivwits Resource Area archaeologist, replacing Rick Malcolmson, who retired last summer. Herron received a B.A. degree in anthropology (major in archaeology and minor in ecology and evolutionary biology) from the University of Arizona at Tucson in 1982. He was relocated from the BLM's San Pedro Riparian National Conservation Area in southeastern Arizona. He had worked out of BLM's Safford District Office for almost seven years as an area archaeologist. Prior to his BLM experience he worked for two years for the Museum of Northern Arizona at Flagstaff. He also previously worked for Pima Community College and the University of Arizona at Tucson. His professional interests are Southwestern prehistoric and historic archaeology.

## ROCKY MOUNTAIN ANTHROPOLOGY CONFERENCE EVENTS

The schedule for the Rocky Mountain Anthropology Conference, to take place in Jackson Hole, Wyoming on September 30-October 2, 1993, will feature symposia of interest to archaeologists throughout the Intermountain West. Symposia topics include a Friday morning plenary session entitled "Human Use of High Altitude Environments" to be chaired by David Madsen, "Geoarchaeology in the Rocky Mountains" to be chaired by William Eckerle, "Fremont in the Great In Between: Regional Context and Association" to be chaired by James Truesdale, "Bringing Rock Art into the Archaeological Mainstream" to be chaired by Clay Johnson and Mike Bies, and several other symposia of interest. The current plan is for the conference to alternate biennially with the Great Basin Conference. Call David Madsen at 533-3500 for registration information and conference details.

## NEW NATIONAL REGISTER BULLETINS AVAILABLE

National Register Bulletins 40, 41, and 42 are now available. The bulletins respectively provide guidelines for identifying, evaluating, and registering historic battlefields, cemeteries and burial places, and historic mining properties. For copies or for more information, contact the National Register of Historic Places, Interagency Resources Division, National Park Service, U.S. Department of the Interior, P.O. Box 37127, Washington, D.C. 20013-7127.

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Editor's note: Steve Simms of the faculty of Utah State University submitted the following editorial addressing the continuing debate on creative mitigation with a note that it is offered as his voice, not as a UPAC position.

### **MITIGATION: ALTERNATIVE, CREATIVE . . . AND OUR FUTURE?**

Upon becoming UPAC president, one of the first issues that came up was the proposed Programmatic Agreement (PA) to streamline section 106 review (see UPAC News for past two years). The draft PA seemed like a basis for discussion on what has come to be called "alternative," or "creative" mitigation. Signa Larralde was instrumental in opening this issue to UPAC membership and solicited viewpoints for publication in the UPAC News (Metcalf, Madsen, Schroedl and Tipps, December 1992 UPAC News; Bassett in the February 1993 issue). Discussion took place at UPAC meetings as well. Given the existence of the controversial draft PA, it was probably no surprise that much of the discussion about streamlining, alternatives, and the future was negative. However, as the draft PA was reconsidered in subsequent UPAC meetings, approval was repeatedly turned down with the recommendation to work on it and bring it back to us. Regardless of the hint of UPAC arrogance, and the failure to recognize that UPAC must be an active party of change, comment was at times passionate. This suggests the importance of the issue, either as the philosophical basis for potentially significant, but dimly perceived changes in the future, or as an immediate expression of self-interest. It was clear there was wide opinion with UPAC constituencies and that the perceived impacts of change were at once welcomed and abhorred, appreciated and feared.

My rationale for maintaining a dialogue on the issue was thus. Everyone who works in archaeology knows, as Schroedl and Tipps put it, "there is tremendous room for improvement in the assessment of site significance, the evaluation criteria applied to significant sites, the development and implementation of research designs, and critical analysis and interpretation" (UPAC News, December 1992). We also know archaeology is but one interest competing for public funds (whether those funds are routed through developers or government programs) and as archaeology has become more visible, it has become subject to greater scrutiny. Similarly, the calls over the years to "educate the public" have had impacts in a double-bladed sense. People know more about what archaeologists do and see value in it, although public and professional perceptions about archaeological values are not necessarily the same. Public recreation increasingly features a desire for educational experiences, including archaeology. On the other hand, education grants people a basis for critical analysis and an educated public is capable of scrutinizing whether archaeology is useful, wasteful, self-serving and "justified," relative to other societal needs. Given the above points, one of the worst things archaeologists can do is stay conservative, hold to the status quo, or simply react to external pressures. Such a stance nearly guarantees a negative tone to dialogues, as in the case of reaction to the draft PA. I too found flaw in the draft, but in the wake of our dismissal I still find the UPAC dialogue has failed to construct what it is we do want - other than the status quo. The only thing this stance will do is buy a little time. Since I was UPAC president and sought the dialogue on "creative mitigation," I can take the blame for not redirecting discussion along more constructive lines. As I near the end of my time as president, I can only urge that we continue to air

scenarios and desires for our future, try to organize toward such an end, and make a few observations to stir the pot a bit.

Archaeology (CRM or whatever) must be wary of cost, efficiency, and prioritization of funds. In this sense the draft PA was on target. But a tremendously conservatizing influence is the fact that any change will affect someone and any efficiency measures or reallocations will cut into someone's budget. Nevertheless, streamlining the 106 process and the broader notion of creative mitigation should be pursued if for nothing else than to improve cost-benefit ratios. The time of agency archaeologists would be better utilized and contractors would lose some work, but some of the most pointless "work" would be eliminated. One might counter as did a participant at the Spring UPAC meeting in Cedar City, "Archaeological sites do not reproduce, once we allow them to be destroyed that's it." This is a seductive comment amenable to sloganeering, but is flawed. In fact, what all archaeology does every day is eliminate sites. We collect them, we test excavate a few, we excavate a very few "completely," we always sample, and often we write them off without any investigation beyond a visit and a form-filling ritual. In other words, the practice of management guarantees that sites are destroyed. This argument misses the point that the issue is not preservation in an absolute sense, but preservation in light of knowledge gained. This leads to my second point.

Archaeology strikes me as highly vulnerable because we have developed a complex and subjective management bureaucracy to a point where we are running like rats on a treadmill "managing," but often have difficulty in perceiving just what the hell it is we are managing for. The means have become the end in much of archaeology and the public can easily perceive such behavior as self-serving. One example of this is the relegation of the word, "research" to a merely rhetorical level - a word used for effect, holding little meaning, but readily spoken. There is also the relegation of the concept of research to a place of residual afterthought in management. As a cultural resources bureaucrat (not a member of UPAC) told me just a few weeks ago, "but research is not relevant to our need to meet the management goals of cultural resources law." Of course I disagreed in a legalistic sense (given criterion d in the National Register process), but since I have heard versions of this line increasingly in recent years, or seen behavior that implies adherence to this view, I must disagree in a more fundamental sense as well. "Research" is the process of questioning, study and inquiry on virtually any level from the elementary to the cutting edge. It has no necessary association with the esoteric, although today's esoteric has traditionally proven to be tomorrow's understanding. Research then, is absolutely essential to learning about the past. Learning about the past is the original and ultimate reason for any legislation to preserve cultural resources. The most frequently cited National Register criterion for assessing significance is the value of a site for gaining knowledge, yet beyond filling files, this category seems to have little impact on management. This is dangerous because as soon as learning about the past is no longer the central concern of management, we lose all reason to support an expensive management system. I disagree with the reasoning seemingly popular among some recreation bureaucrats that only preservation per se is paramount because people want to use the past for tourism, vision questing, live-like-Indians fantasies, etc., regardless of what knowledge content there might be. I do not deny the importance of archaeology in recreation planning, but argue that a disconnection of the research process from the recreational process ultimately leaves the latter conceptually empty. Related to this point, I also disagree with the postmodern semantic boondoggle that the past constructed

