



# UPAC NEWS

NEWSLETTER FOR THE UTAH PROFESSIONAL ARCHAEOLOGICAL COUNCIL

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Stan McDonald, President  
Jerry D. Spangler, Editor

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**SUBMISSIONS:** UPAC News welcomes all submissions by Utah archaeologists and others working in Utah in archaeology or related fields. Issues of relevance to UPAC News readers include ongoing research, education and preservation efforts, ARPA investigations, new hires, conferences and symposia, etc. Please submit to Jerry D. Spangler, 6400 E. Emigration Canyon Road, Salt Lake City, Utah, 84108 (801-582-2900). Whenever possible, please submit in Word Perfect 5.1 format. The deadline for the Spring issue is April 30, 1997.

## PRESIDENT'S MESSAGE:

For the past few months, the executive committee of UPAC has been involved in discussions with the Utah School and Institutional Trust Lands Administration (TLA) and the Utah SHPO's office regarding TLA's proposed changes to Utah's Antiquities Law as it pertains to the sale of state trust lands. Since this is discussed elsewhere in this issue of the UPAC News (see Ken Wintch's update on Trust Lands Administration's proposed legislative changes and the minutes of the fall UPAC meeting), I'll try not to duplicate those discussions here.

The legislative changes, which were to be introduced in the 1998 legislative session, were presented to UPAC members at the fall UPAC business meeting. Not surprisingly, considerable concern was raised by UPAC members to TLA's proposal to exclude School Trust and Institutional Lands land sales from the definition of an undertaking. Even though the conveyance of title would be accompanied by restrictive covenants requiring private owners to assume the State's obligations to inventory, evaluate and protect significant sites, many UPAC members expressed concerns with this approach. Many of those concerns are displayed in the attached minutes of the meeting.

On November 20, former UPAC Vice-President Signa Larralde and I (representing UPAC) and state archaeologist Kevin Jones, deputy Utah SHPO Wilson Martin and State History legal advisor Tom Roberts (representing the Utah SHPO) attended the School Trust and Institutional Land's Board of Trustees meeting.

TLA's proposed legislative change and the rationale behind it were presented to the Board by TLA Director Dave Terry and Assistant Director Kevin Carter. Mr. Terry indicated that the cost of cultural resources survey was a major impediment to proposed land sales. Because impacts to sites are most likely to occur during ground-disturbing activities, TLA felt that sites could be adequately protected after sale

with protective covenants requiring the landowner to notify TLA of proposed land development and to assume the responsibilities for inventory, evaluation and protection. It was suggested that this approach would lower TLA's overall cultural resource costs for land sales. Since the proposed use of deed restrictions would violate the Antiquities Code, Mr. Carter proposed that the statute was in need of amendment. TLA staff indicated that Representative Tom Hatch, R-Panguitch, was willing to sponsor a bill in this year's legislative session to incorporate TLA's proposed changes.

Following the presentation by Messrs. Terry and Carter, there was considerable discussion. Concerns were raised about the financial liabilities and burdens being assumed by land purchasers. For instance, one member of the audience raised concerns regarding how land values could be affected when purchasers assumed financial responsibilities for protection and mitigation of sites whose quantity and character were unknown at the time of sale.

Based on UPAC members input, I presented UPAC's concerns emphasizing that the current legislation provides a well thought-out process with a proven record of success to consider cultural resources for a variety of actions including land sales which might threaten their preservation. While the proposed legislative change would decrease the up-front costs for inventory and evaluation, it would result in financial obligations for the state down the road to monitor the activities of private landowners. In the end, there may be no actual financial savings.

Furthermore, the proposed, we also noted that the legislative changes could create political liabilities for the state to police the activities of private landowners--liabilities which the state might not want to assume given the current political climate. Finally, lacking inventory data on parcels to be sold, the State could waive all rights to study and develop non-threatened cultural resource sites once these parcels were sold.

Kevin Jones, Wilson Martin and Tom Roberts suggested that rather than changing the statute, the concerns of TLA might be best addressed through rules changes or a programmatic agreement with State History. Wilson Martin urged the Board to refrain from tampering with the legislation, suggesting that this was a risky venture and could produce results that none of us could predict and potentially yield unacceptable results once decision-making was put into the legislative arena.

I am pleased to report that in early January, TLA backed off their earlier proposal and chose instead to make only minor changes to the Antiquities Code and to begin developing a programmatic agreement with SHPO for trust lands sales

(see Ken Wintch's article in this issue for the proposed minor statute change and synopsis of the proposed PA). Currently, the PA requests the endorsement of UPAC. After reviewing the proposed changes, interim Vice President John Senulis and I believe the new changes were acceptable to UPAC. We subsequently wrote to TLA and indicated that the proposed minor statute change and the general intent of the PA as presented were acceptable to UPAC.

We think the PA has a ways to go yet. But in comparison to the earlier TLA proposal, the current approach puts archaeologists (at TLA and SHPO) more firmly in position to assess needed inventory and appropriate survey strategies, to evaluate potential effects to sites involved in proposed sales and to agree on needed protection measures. While we may see some sales with deed restrictions enacted (which will require monitoring by UPAC), the current approach is a far sight better than what we could have ended up with.

Without the spirited discussion, participation and careful thoughts and suggestions of UPAC members at the fall meeting, I question if we would have ended up where we are today. Both John Senulis and I were prepared to coordinate a lobbying effort to oppose the original TLA proposal. Fortunately, such an effort is not needed. This underscores the strength of a unified UPAC voice in influencing government decision-making that will affect the fate of Utah's prehistoric and historic heritage.

Stan McDonald  
President

## **CHANGES IN UPAC VICE-PRESIDENT FOR GOVERNMENTAL AFFAIRS AND RESEARCH**

Signa Larralde recently accepted a position with the Bureau of Reclamation in Albuquerque. In the interests of UPAC, Signa chose to resign her position as Vice-President. As accorded by the bylaws, John Senulis was appointed interim Vice President while a special election is being held to fill the Vice President vacancy. The elected Vice President will take office after the close of elections. The newly elected Vice President will serve out the remainder of Signa's term which ends in the spring of 1999.

I'd like to thank both Signa and John on the behalf of UPAC for their work for UPAC. We wish Signa the best of luck with her new job in Albuquerque. --Stan McDonald--

**UPAC SPRING 1998 MEETING  
HURRICANE, UTAH  
APRIL 24-25**

Mark your calendar for the Spring UPAC meeting which will be held this year in the Little Creek Mesa about 12 miles southeast of Hurricane April 24-25. While plans are still being developed, the meeting will be camp out. All USAS members are also invited to attend. A short business meeting and a symposium of current research, including presentations of research being conducted by students and field trips, are being planned. Research by professionals, USAS members and students are encouraged.

Professional research being conducted on the effects of fire and fire treatments are strongly encouraged. Research papers should be no longer than 20 minutes; shorter reports are also invited. Please submit a title and brief abstract to Vice President Nancy Coulam by April 3, sooner if possible. A slide projector and an overhead will be available if you need them. Please let Nancy know if you need or will be using any other special presentation equipment. Please submit agenda items for the business meeting to Stan McDonald.

Further details on the meeting will be mailed out shortly to all UPAC members, universities/colleges and USAS in the near future. Please plan to attend. We could also use UPAC members help with several aspects of the meeting; please give Stan McDonald a call if you can help.

**Student Research Symposium**

The Spring UPAC meeting will feature presentations of student research. We already have expressions of interest from students to present research papers dealing with ceramics and mobility; excavations on the edge of the Great Salt Lake; fire-cracked rock as an indicator of site-use intensity; and Formative adaptations.

A \$100 cash prize will be provided for the best student paper; the paper will also be published in the journal Utah Archaeology. The participation of all archaeology and anthropology students whether presenting a research paper or not is strongly encouraged. Please let students know about the upcoming meeting! For students who would like

to present a paper, please submit a title and brief abstract to Vice President of Membership and Ethics Nancy Coulam by April 3. Papers should be no longer than 20 minutes.

**TRUST LAND NEWS**

At the Fall Business Meeting last November, I indicated that the School and Institutional Trust Lands Administration was considering a substantial set of changes to Utah law during the upcoming legislative session, changes that would allow the Trust Lands Administration ("TLA") to bring parcels of raw, undeveloped land to auction much quicker and with much less compliance effort.

The proposed changes were driven by a desire to spend much less trust money on intensive surveys, testing and data recovery projects conducted to facilitate Antiquities Act compliance for an ever-expanding program of raw land sales. Previous efforts by TLA to get legislative appropriation of either trust funds or general (i.e., general tax) funds had repeatedly met with failure, yet the land grant beneficiaries and the Trust Lands Board of Trustees were directing TLA to sell more and more land each fiscal year in order to reach ever-increasing monetary sales targets for each fiscal year. The trust lands community (i.e., the Board of Trustees, TLA management, the beneficiaries and various elected officials) have gotten very serious the last couple of years about making substantial money from the sale of raw trust land and from the direct agency development of trust lands for commercial, residential and industrial use (in addition to the steady, yet uncontrollable mineral lease revenues). *Much* more serious than a few years ago, when trust land management was still vested in the Department of Natural Resources. But given the current political and taxation climate, this situation is understandable and expected. All this is not necessarily important, except to lend context about the desire for the proposed change.

Concerns presented to TLA and the Board of Trustees by Stan McDonald and by Division of State History staff were taken to heart. To make a long story short, these concerns led to the distillation of the proposed change into a new proposal that involves very minimal, low-risk legislative changes and the creation of a programmatic process that endeavors to minimize risk to archaeological resources within the proposed sale parcels. Currently, the Programmatic Agreement (PA) detailing this process is being negotiated between TLA and State History with close involvement by Stan and the acting VP for Government Affairs, John Senulis.

The cornerstone of the PA is early consultation between SHPO and TLA archaeological staffs regarding the compliance "path" each parcel will take prior to auction. The

remaining building blocks of the PA include various supporting programs (e.g., a reconnaissance survey program, a parcel documentation program, post-sale review and covenant-enforcement programs) that will be used as appropriate to support the various compliance "paths." Execution of the PA is expected to occur within the first half of 1998. TLA's other compliance programs (direct agency developments, mineral lease activities, surface leases and easements) will not be covered by the PA.

While the proposed changes involve some risk to archaeological resources contained within proposed sale parcels, all three parties (TLA, SHPO and UPAC) are working to keep that risk acceptably low. The benefits associated with taking this risk *should* include (1) better preservation of the cultural resources in sale parcels through active, positive involvement of parcel purchasers/owners; (2) greater education of folks in the real estate market about the value of cultural resources and the need to preserve this finite, non-renewable resource; and a greater sense of cooperation and appreciation for the professional archaeological community by the trust lands community. Already since UPAC's Fall Business Meeting, I've noticed a more positive attitude among trust land managers toward cultural resource needs and concerns.

One final note on this subject. The traditional compliance method of clearing sale parcels through intensive inventories and, if necessary, subsequent investigations, will still be an option and will probably still be used when appropriate. Also, parcels which appear to probably contain -- or are found to contain -- substantial or highly significant cultural resources will likely *not* proceed to auction, simply because of the financial considerations and/or the unacceptability of taking risk for those resources. I get the sincere feeling that the trust lands community wants to do the right thing, and I am gratified that UPAC and State History are assisting them in fulfilling that desire.

Last but not least in trust lands news is the hiring of Kristine Curry, a recent graduate of Utah State University's program, to assist TLA's cultural compliance program on a full-time, temporary basis. Kristine will assist with a number of tasks, but primarily with the sales program. --Kenny Wintch--

## HERITAGE GRANTS

The Utah State Historical Society wishes to encourage, support and assist the programs and activities of Utah's history and heritage groups. Therefore, the society's grants and technical assistance program is offering matching grants of up to \$3,000 to eligible groups. These groups include, but

are not limited to, local prehistory and history groups, certified local governments, towns, cities, counties, colleges, universities and statewide heritage organizations. Grant funds are to be used to document, collect, preserve, exhibit and interpret Utah prehistory and history. High priority will be given to projects that build community partnerships or involve the public.

In the past, grant funds have been spent for projects that strengthen local history organizations, like board and staff training; document history, including collecting oral histories, photographs and manuscripts; research and write community histories, guides and brochures; design and install markers that interpret significant events or places; stabilize or conserve monuments; survey archaeological sites, conduct excavations, analyze artifacts and publish results; exhibit and curate museum collections; educate with outreach programs; promote heritage tourism; and stabilize or conserve prehistoric and historic sites.

The application deadline is April 1 for projects beginning July 1, 1998. Heritage grants may run for up to two years from the beginning date. To apply, contact the Grants Program, Utah State Historical Society, 300 Rio Grande Street, Salt Lake City, Utah, 84101-1182, or phone 801-533-3500 (FAX 801-533-3504). Email: ddahl@history.state.ut.us.

## TREASURER'S REPORT

In a nutshell, UPAC is financially stable and more solvent than ever. As the Year-End Financial Statement (attached to the newsletter) shows, UPAC's total monetary worth at the end of 1997 was \$7,145.33 - a whopping \$1,781.08 more than UPAC was at the end of 1996! Things are already even a little better now, thanks to those who have paid their 1998 dues since New Years Day. Speaking of which...

**1998 dues are now due!** The bylaws specify that the new year's dues come due the first of that year. Also specified is the Treasurer's duty during the month of January to inform the membership of their dues coming due. So please pay up! Don't put it off - get out your checkbook and an envelope and send me your 1998 dues before going any further in this newsletter. Remember, UPAC is only as strong and stable as its members make it through their contributions in dues and service.

PLEASE don't send your dues to my office at the Trust Lands Administration! Our receptionists have been trained to mindlessly open all mail and stamp every check therein for deposit in the Trust Lands Administration's bank account.

That makes it impossible for me to deposit that check in UPAC's bank account. I guarantee if you send a check to me at TLA you'll be getting it back with a little note asking for you to send a new check to me at my home address. So please save us both the extra work. (And, of course, make the check out to UPAC, not me...)

Regarding my home address, please be aware that I've moved recently, and my new residence is:

UPAC % Kenny Wintch  
157 East Utopia Avenue  
Salt Lake City, Utah 84115

Remember, voting (or regular) member dues are \$25.00 per year, Associate and Student members are half that, \$12.50 per year. (And you deserving Fellows get your goods *on the house*.) Finally, take a quick look at your mailing label - it shows your current membership status and dues year paid. Thanks very much. If any of you have any questions about your dues or UPAC's financial status please give me a call at either (801) 538-5168 (work) or 486-8115 (home).

Yours,  
Kenny Wintch



**Utah Professional Archaeological Council  
1997 Year-End Financial Statement  
December 31, 1997  
FIN: 870414800**

January 1, 1997 beginning balance: \$5,364.25

Expenses January 1, 1997 to December 31, 1997:

February <i>UPAC News</i> printing cost	\$159.76
February <i>UPAC News</i> mailing cost	\$159.60
Spring Meeting reservation cost	\$50.00
Bank charges	\$3.95
Copying, postage, faxes, mailings	\$476.32
Non-profit Corporation fee	\$15.00
Mailing labels (for October newsletter)	10.60
October <i>UPAC News</i> printing cost	\$137.51
October <i>UPAC News</i> mailing cost	\$51.20
Autumn 1997 business meeting costs	
<b>\$91.83</b>	

**TOTAL EXPENSES \$1,155.77**

Deposits Earned January 1, 1997 to December 31, 1997:

Membership dues deposited	\$2,540.00
Interest earned on checking balances	\$61.96
Interest earned on money market account	\$143.42
Reimbursement from USAS	\$191.47
<b>TOTAL DEPOSITS</b>	<b>\$2,936.85</b>

January 1, 1997 balance:	\$5,364.25
1997 expenses:	\$1,155.77
1997 deposits and interest earned:	<u>\$2,936.85</u>
December 31, 1997 balance:	\$7,145.33



