

# THE UPAC NEWS

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Steve Simms, President  
Signa Larralde, Editor

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## PRESIDENT'S MESSAGE

**Fall Meeting Notes:** The fall business meeting of UPAC (November 6) had its moments of both passion and boredom, but a number of issues were discussed and/or acted upon.

The Saturday current research slide shows included more presentations than usual, as well as some new players. Thanks to Stan MacDonald for organizing the current research session and thanks especially to the people who presented for the first time.

Since only a few weeks have passed since the meeting, I can only mention some of the action taken and indicate a few areas in which I hope discussion can continue at the next UPAC meeting to be held in Cedar City on March 12-13, 1993 (Yes, March - the date has been pushed back by popular demand).

**State Lands Rules:** UPAC members agreed to support the proposed rules for the Utah Division of State Lands (these rules were printed in the Sept. 1992 issue of the UPAC News). Members also desired some comment on the rules to identify certain passages that remain subject to interpretation and will be worthy of monitoring by UPAC. I will write a letter to the Division in support of the rules and include the additional comments desired.

**Student Members:** A motion was passed to put the question of whether to provide full voting benefits to student members on the ballot. Balloting is necessary because this

action will modify the bylaws. The change would enable student members to receive both the journal and UPAC News for \$12,00/year. This would apply to everyone currently registered as a student, whether located in Utah or elsewhere.

A ballot for all voting members is enclosed this issue. Please vote on the bylaw change, as well as for two UPAC officers, and return your ballot to Julie Howard by January 15.

**New Fellow:** Dr. Richard Thompson was unanimously voted as a UPAC Fellow, joining a small list of archaeologists of notorious service to Utah archaeology. A letter will be going out, and there will be a biography of Dr. Thompson in an upcoming issue of the News.

**Interim Editor:** Kevin Jones will be the interim editor for the journal, Utah Archaeology, through the publication of the 1993 issue. The membership voted that we would defer nomination and election of a new editor until the Fall 1993 meeting to ensure that there is smooth production of the next issue and to allow time for individuals interested in the nomination for editor to inquire about the necessary support required to edit the journal.

**CRM Abstracts:** A decision was made to include a new section in Utah Archaeology devoted to abstracts of cultural resource management reports that would be of interest to a wider audience of archaeologists and perhaps the public. This seems like one small way UPAC can join the national effort to make it easier to

find out about some of the excellent archaeology that receives limited distribution and citation in bibliographies.

Future issues of the UPAC News will solicit abstracts for the 1993 issue, and some selection criteria may need to be devised if the number becomes great. Consider writing an abstract of a significant CRM report you have done and provide information on how the report can be obtained. Send these to Kevin Jones or wait for further details, probably by Spring, 1993.

**Creative Mitigation:** There was an interesting and at times, a lively discussion on the topic of "creative mitigation." This is one of those philosophical issues that may or may not be transformed into action, but is one that makes us think about the condition and future of archaeology as it has evolved since the 1970s. These kinds of issues are good to keep on the table in an organization like UPAC, because they maintain thought and dialogue about the future of our profession.

Therefore, I would like to continue this discussion at the meeting in St. George by having a few people with deeply held positions or experience in "creative mitigation" deliver brief statements of position or perspective.

I will be calling a few people to do this and will be seeking diverse views. If you wish to present a position statement, give me a call.

After the position papers are presented, the discussion can be opened to the membership, who will then have several viewpoints serving as points of departure for discussion. [See also position papers presented in this issue and the February issue of UPAC News.]

**Antiquities Task Force:** There was considerable discussion about the Antiquities Task Force within the Utah Division of State History. The questions under consideration are shown on the memorandum from Wilson Martin included in the back of this issue of the News.

The next meeting of the task force is

on December 11, so if you have any opinions, call me, Betsy Tipps, David Madsen or Sue Miller. These are UPAC members who sit on the task force representing various interests, but any of them could inform you of what has gone on and can listen to archaeologists who call about the work of the task force.

**Spring Meeting:** Plan to attend the March 12-13 meeting in Cedar City.  
--Steven Simms

### **FALL MEETING MINUTES**

Highlights of the fall meeting are described in the President's Message. For a copy of the full text of the fall meeting minutes, please contact UPAC Secretary Julie Howard at (801) 259-8193. A fall treasurer's report as submitted by Evie Seelinger is appended to this issue.

### **SPRING MEETING PLANS**

The UPAC Spring meeting will be held on the Southern Utah University campus in Cedar City (not St. George as previous planned), on Friday March 12 and Saturday, March 13, 1993.

The business meeting will be held on Friday afternoon beginning at 1 p.m. and a symposium on the Virgin (Western) Anasazi will be held Saturday morning beginning at 8 a.m. We are also trying to arrange a dinner Friday night and field trip Saturday afternoon after the symposium.

The symposium will be held in honor of Dr. Richard Thompson's work in the Western Anasazi area. Symposium participants thus far scheduled are Dick Ambler, Gardiner Dalley, Bob Euler, Joel Janetski, Margaret Lyneis, Doug McFadden, Barb Walling, and Karen Wise. Anyone wishing to participate in the symposium should contact Diana Christensen at (801) 673-3545. More details and a sign-up sheet will be included in the next newsletter.

### **PAY 1993 UPAC DUES!**

It's that time of the year again. Please send 1993 UPAC dues of \$25 for voting members and \$12 for student members to treasurer Evie Seelinger.

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**THREE VIEWPOINTS ON ALTERNATIVE MITIGATION**

[Editors note: Duncan Metcalfe, Alan Schroedl, and David Madsen were asked to write viewpoints on alternative mitigation for this issue of UPAC News. Everett Bassett's viewpoint will appear in the February 1993 issue, along with a viewpoint from a federal archaeologist. If you would like to contribute a viewpoint or to respond to the ones below, please send your text to the editor.]  
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**Duncan Metcalfe, University of Utah Anthropology faculty:**

I've been asked to express my views on the concept of alternative mitigation. This is a difficult task because very little has been presented in writing about the concept by its various proponents. What is available comes from early drafts of the Division of State History's proposed rules and an early draft of the Programmatic Agreement (PA) between the Division and several federal land managing agencies. Most of what's in the rumor mill is insubstantial and provides no firm basis on which to build or evaluate policy.

From the 1991 version of the proposed rules for the Division of State History, alternative mitigation is defined as:

a plan which develops, explores, excavates or appropriates sites not directly affected by the proposed project in lieu of full excavation of the affected sites. For the purposes of alternative mitigation, exploration/excavation/appropriation includes educational/scientific development of a site or specimens."

More information is provided later in the draft in a section titled "Alternative Mitigation/Excavation."

An alternative excavation/mitigation plan may be authorized if the division [of State History] finds the following:

1. The alternative plan generates greater scientific or educational benefit in comparison to the standard exploration/excavation/appropriation of the original affected site.
2. The overall costs of the plan are comparable to costs of the standard exploration/excavation/appropriation.
3. The division may impanel a third party professional body to review the plan. The results of the review will be reported to the board [of State History].

The only other written source of information I've been able to track down is Appendix VI of the draft PA between the Division of State History and several federal agencies, distributed at the Spring 1992 UPAC meeting. Titled "Management Protocol for a Process to Facilitate Alternative Mitigation," the only statements of substance are in a section called "Standards and Guidelines," which states:

1. Choose a decision making system, or use the system outlined above. If there is need for formal facilitation/mediation, an outside facilitator/mediator should be used to develop alternative mitigation plans.
2. The selected alternative must be acceptable to the federal land managing agency and the company paying the mitigation (if any).

These statements are clearly very broad, and correspondingly uninformative. In the absence of a well-articulated, written statement about alternative mitigation that specifically outlines its goals and implementation, illustrated by specific examples, it's hard to tell what the concept implies.

In the best of all possible worlds, alternative mitigation might allow

archaeologists faced with a narrow corridor of direct disturbance running through an unproductive section of a site to expend some of their efforts outside of the corridor, core a nearby bog to reconstruct the past environment, and conduct a survey to locate the lithic sources utilized by the inhabitants of the site. I suspect all would agree that greater flexibility in developing and executing research designs is beneficial.

On the other hand, I can also imagine a much darker, more disturbing scenario. Suppose the next Director of the Division of State History has little interest and no sympathy for archaeological research, but is eager to develop the Division's missions related to education and public outreach. As a consequence, whenever two or more alternatives for mitigation are proposed, the Director's staff invariably chooses the alternative that includes the most significant investment in education or museum development, irrespective of its scientific merit and regardless of its implications for the archaeological record. Obviously a fictitious example, but a possible one given the broad and vague statements currently available concerning alternative mitigation.

The Division is asking members of the local professional community for comment, if not agreement on an incompletely articulated policy, the implications of which are a matter of speculation and controversy. The Division (and relevant federal agencies) can take an important step toward improving the situation by offering a full statement including its goals, implementation, and safeguards. Ideally the statement would include examples illustrating the range of implications flowing from the adoption of alternative mitigation. Such a statement would also be a significant step toward ending the vitriolic and inflammatory rumors which have abounded over the past year. Absent such a statement, the local professional community might well be justified in maintaining its increasingly skeptical perspective about the Division's goals, policy and commitment to its basic mission.

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**David Madsen, Antiquities Section, Division of State History:**

To start with the obvious, there is no "right" way to excavate an archaeological site. There are an infinite number of approaches which can be employed, and which vary depending on the nature of the questions asked. At any particular site some questions are certainly more appropriate than others but many questions, while markedly different, may be of relatively equal utility. Not all of these questions can be addressed in a single project. Indeed, many are contradictory and in addressing one, others may be excluded. That is, there are viable "alternatives" to every project, and, in our view, what Alternative Mitigation is all about is being able to compare and evaluate these viable alternatives and select the one which may be most appropriate to the site(s) at hand.

Note that in my view of Alternative Mitigation, the alternatives to be evaluated are those most appropriate to the site, not those that may be most viable for any particular set of regulatory rules. That is, evaluations must be based on archaeological parameters, not on developmental parameters. That, in turn, necessarily means that mitigation projects must be directed at a site as a whole, not just that portion of a site within a construction zone or a right-of-way. The "area of potential effect" is just that; it is the area potentially affected, not merely the limits of a pipeline trench or a road construction zone. What is affected is the site; when a site's integrity is disturbed or destroyed the entire site is affected.

In my view there is no essential difference between a mitigation project and a research project. The design and evaluation of the project should, above all, consider the site as a whole, with little or no consideration for such arbitrary boundaries as the limits of construction zones. Put another way, Alternative Mitigation will allow archaeological recovery projects to treat sites as if the impending highway or transmission line did not exist. The treatment would be the

same as that used when approaching the site from a research standpoint. To employ a current example, should a highway project endanger a site with Clovis points on the north side of the right-of-way, other tools and lithic debris within the ROW, and an associated bog to the south of the ROW, an appropriate research/ mitigation design would include an investigation of the points and the bog rather than just the ROW lithic material alone.

By focusing on sites holistically, by remembering that the APE is the area of the site that is affected, and by recalling that sites may be investigated in a number of different, often competing, manners, we can begin to be much more effective with our cultural resource management programs. To understand how this might work, consider, for example, a couple of alternative treatments for the often large, but also common, surface lithic scatter. One might be the traditional treatment which involves the surface mapping of all the larger items and the excavation of a variety of test units to determine if there are any subsurface features. Another might involve an investigation of site structure based on the differential distribution of larger and smaller elements. Yet a third might focus on lithic technology and on-site work limited to collecting a sample of tools, flakes, and shatter, but including an additional sample of materials from the quarry the toolstone was taken from. In other words, there are a number of alternatives, including off-site work, that should be competitively evaluated. The most viable alternative can then be selected.

Alternative Mitigation, in the sense I use the term here, carries with it a number of potential problems. Not the least of these is that if mitigation designs and research designs are essentially the same thing, then CRM projects must be able to compete with designs that are funded by granting institutions such as NSF. Many commonly used mitigation plans are essentially ways of collecting and cataloging information [e.g., Problem Domain I - Chronology; Problem Domain IV - Subsistence], and do not consist of testable ideas derived from higher order theory. As such, they would have trouble competing with normal research designs, and there may be some concern that competing on this level will entail a lot more work. There may also be the fear that competing proposals will be evaluated by some deranged kook in the Antiquities Section and would not receive a fair reading. We cannot provide a solution to the former concern; in evaluating and selecting competing alternatives, one will always be selected over another. We can, however, ensure that the evaluation and selection process is a fair one. There is no reason that UPAC must leave the development of a selection process to government agencies. UPAC can develop a process which involves UPAC members on an evaluation team, and can insist that management and permitting agencies adopt it. There is no reason to oppose adoption of alternative mitigation programs because of the fear that some off-the-wall archaeologist will be the final arbiter. UPAC can structure a process it feels comfortable with.

There is also the fear that non-archaeological management concerns may begin to drive the selection of mitigation alternatives; that a tourism oriented manager will decide that the money to be spent on an archaeological recovery operation could be better spent on a museum exhibit. However, the fear of a rogue manager choosing a favored idea is much like the fear of an off-the-wall archaeologist selecting the appropriate alternative. UPAC merely has to create a selection process that will prevent that from happening. UPAC can make Alternative Mitigation work; the real question is does it want to.

Cookbook archaeology is easy. A contractor [or the management agency for that matter] knows exactly what has to be done, how long it will take to do it, how many people the job will take, and how much it will cost. Unfortunately, they also know exactly what the results will be. Given a good site description, I can produce the results of the average mitigation project in my office without ever going into the field. I can describe the lithic tools, the subsistence remains, the chronology, with a relatively high degree of accuracy. There may be an occasional surprise, but not enough to warrant the expenditure of millions of dollars of both public and private funds annually. We already know that Rose Springs points are common at Fremont sites, and that Fremont folks ate rabbits

and deer and corn and chenopods. Why is it important that we spent \$100,000 on a site investigating "Problem Domain IV - Subsistence," when we already have a very good idea what the results will be?

How can we continue to justify the expenditure of vast amounts of money when we continue to produce the same kinds of results over and over again? I am constantly asked, in both private and public forums, "when will you [meaning archaeologists in general] have enough?" I used to be able to say that all sites are different and that we learn different things by investigating each of the sites that are being destroyed. I can no longer effectively make that case. If I and others like me cannot, if we can no longer justify the expense of archaeological recovery work to the public, it will not be long before recovery work is no longer required.

I get the feeling that the principal concern with alternative mitigation may not be the fear of arbitrary management decisions. Such a fear is really more of an excuse, since appropriate safeguards are easily constructed. The real concern may be that competing in the realm of ideas is a lot more work than simply producing rote archaeological products. Such a concern is a legitimate one -- being creative is not easy. But that should not be our chief concern, because if we do not begin producing more innovative results, we will soon be producing nothing at all.

In short, I think alternative mitigation is simply a way to do better archaeology. It is a way to free cultural resource management from the arbitrary strictures of engineering designs. If properly monitored it can produce important new insights into why people behave as they do; and that, after all is why we do what we do and why the public gives us so much money to do it. I also think that better archaeology is actually cheaper than bad archaeology and that, in the long run, alternative mitigation will not only provide better results, but will also prove to be less expensive than current approaches. In the future, whether or not you have to stop at a ROW line when you are half way through a pit house, is largely up to you.

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**Alan R. Schroedl and Betsy L. Tipps, P III Associates:**

We have been asked to discuss our views on alternative, off-site, or creative mitigation. To our knowledge, no formal document has been written explicitly defining what is meant by alternative mitigation and how, exactly, it will work-- this is essential before we can rationally debate the merits and weaknesses of the concept in any sort of concrete way. This is also essential because various proponents of the concept appear to have different visions about its underlying goals and uses, and the procedures that will be used to implement it. However, in the interest of stimulating discussion, we will present our views on the concept, as we understand it, based on the limited information currently available in draft rules, programmatic agreements, and other documents provided at UPAC meetings, and recent discussions at Antiquities Task Force meetings.

As we understand it, the goals of alternative mitigation are "better archaeology" and "better public products." It is envisioned that these goals will be achieved by promoting data recovery on sites or portions of sites outside of direct construction zones, by developing museums and interpretive sites, and by other actions, all funded by reducing the amount of work at significant sites in direct impact zones.

We think most archaeologists would agree that there are instances when it would be desirable to investigate portions of sites extending outside of a direct impact area, or sites entirely outside of an impact area because they have greater potential to address significant research questions than the portions of sites that happen to fall within a construction corridor. There are also cases when it would be helpful to conduct ancillary work outside of a construction corridor, for example, analyzing alluvial chronology, pack rat middens, and

pollen samples to help reconstruct paleoenvironment, and locating and collecting lithic or ceramic raw materials, etc.). While doing such work is normally beneficial to archeology, it has been our experience that, with the exception of working on sites totally outside of the right-of-way, these types of investigations can already be funded and conducted under current laws and rules. Therefore, the potential benefits of alternative mitigation in this area are limited.

In contrast, the potential drawbacks of alternative mitigation are significant. For example, one can easily visualize a situation where Murphy's law is at work. The "good sites" are always outside the direct impact area. So a hypothetical archeologist goes to the developer and explains that if he is given funds to excavate important sites outside the project area, the developer will be allowed to impact significant sites in the development area without additional cost or delay.

We see a great deal of confusion arising from this situation. Already, the entire 106 compliance process for cultural resources is confusing, particularly to developers who are not interested in understanding the complexities of the laws and procedures, or funding archeology in the first place. We see an extremely difficult situation in attempting to explain to a developer that sites within his project area are significant and must therefore be mitigated, but that he can bulldoze away these significant sites with little or no work if he provides the funds to excavate other sites outside the project area. We don't see how a developer could help but wonder if the significant sites in his right-of-way are truly significant, or just being used as a means of getting money to conduct archeological investigations on interesting sites.

Such situations have the strong potential to leave developers feeling that their projects are being held up for ransom and that they were being blackmailed into paying for archeological research. A document passed out at the Spring '92 UPAC meetings states that alternative mitigation cannot blackmail developers into supporting archeological research or public education. This is true because the developer does not have to agree to the alternative plan, but still, what will the developer think after being told that the sites are significant and must be mitigated, and then offered the option to mitigate some other sites instead? How much hostility can archaeologists afford to generate before the developers have had enough and lobby to change the laws?

Regardless of whether a developer feels that he is being blackmailed, it is obvious that some developers would enter into an alternative mitigation plan because of a major benefit--time savings. If a developer could see measurable time scheduling gains by opting for alternative mitigation, it would be in his interest to support and promote it. The CRM review and data recovery process is lengthy and often causes development delays. If a developer can avoid these delays by paying for off-site or alternative mitigation, he would be asking where to send the check. While the archeologist is slowly and carefully excavating his alternative site outside the impact area, the developer is happily and expeditiously bulldozing away sites in his project area.

But what happens when the best sites happen to be in the right-of-way, the developer wants alternative, off-site mitigation for scheduling reasons, and demands it because he has used it on the last five projects? After he is told no, he goes to Washington and a mandate is applied from above simply because the escape clause of alternative mitigation exists?

Also, what happens when developers perceive the opportunity to maintain a construction and production schedule by "buying" alternative sites outside their construction area? It does not take a rocket scientist to recognize that, if developers can "buy off" archaeologists during the construction phase of the projects to save time, then why not buy off archaeologists prior to any construction at all by contributing to an archeological superfund instead. This may sound like an unrealistic possibility, but we have already been approached with such an idea by developers tired of jumping through CRM hoops. Were this

to happen, developers, having paid their dues, would simply go ahead with their construction work in whatever fashion they please. It would be the responsibility of the archeological community to insure that any significant sites within the proposed development were somehow identified and mitigated prior to construction. At this point, there would no longer be a direct link between a particular site being damaged and a developer expending funds for archeology. This is worrisome because it is this direct link which triggers the laws requiring funds to be expended on data recovery at significant sites that will be impacted. It would just be a matter of time before the developers mounted a major lobbying effort to change the laws and end archeology on public lands as we know it today.

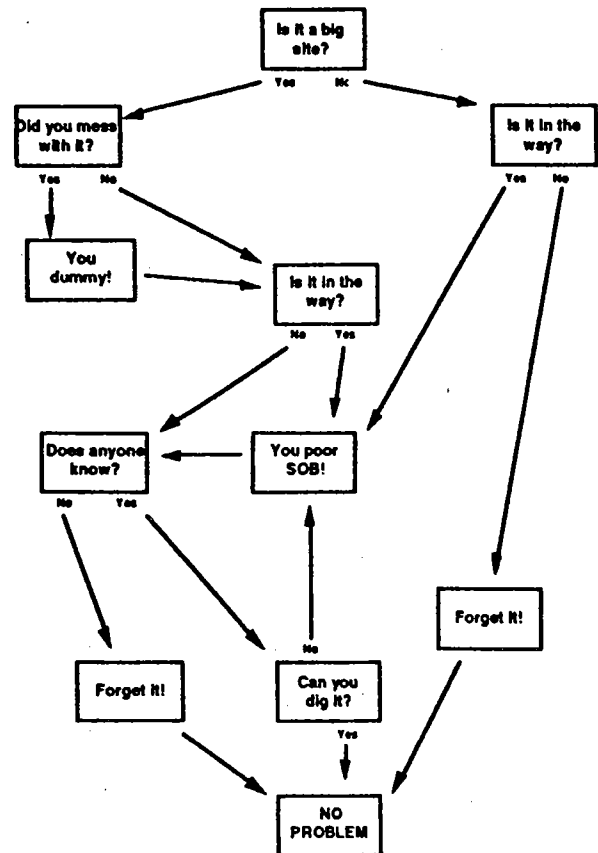
Finally, while we think that archaeologists have an obligation to involve the public in as many facets of archeological investigation as possible, and interpret sites for public appreciation, we are very concerned about the possibility of alternative mitigation being used as a means of getting money to build museums, fund public education, or develop interpretive sites in lieu of conducting data recovery at significant sites in project right-of-ways. At a recent Antiquities Task Force meeting, Mr. Max Wilson stated that his division has insufficient funds to carry out its mandated task of developing interpretive sites. He went on to say that we need alternative mitigation as a means of getting money to develop interpretive sites; this will be done as an alternative for and replacement to conducting data recovery at significant sites that will be damaged by development. Sacrificing data recovery at sites to get money for interpretation assumes that we know all there is to know about the past. Also, how long before the developers become hostile that supposedly significant sites in their right-of-way are being used to generate money for the state to carry out its legally mandated tasks?

We recognize that 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. But if we cannot solve these issues within the current framework and structure of federal preservation laws, it is doubtful that we can solve these problems by developing museums and interpretive sites, or excavating sites outside of the area of direct impact. Our relationship with developers paying for archeology is already more fragile than most archaeologists realize. We believe that implementation of alternative mitigation, as we currently understand it, is misguided, could backfire on the archeological community, and have highly undesirable consequences. Alternative mitigation is not an alternative for professional archeology.

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 [Editor's note: Perhaps the following comment on the 106 process is appropriate here, from the NM Archaeological Council newsletter:]

**NHPA Section 106  
 Compliance Flow Chart**





## UDOT'S ISTEA ENHANCEMENT PROGRAM

A major transportation bill entitled the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA) provides significant funding for a broad spectrum of environmental Transportation Enhancement activities. ISTEA is in effect until 1997, when the legislation must be renewed or rejected by Congress.

Title I is the Surface Transportation Program or the STP. It is a block grant type program that States and localities may use for any Federal-aid roads that are not classified as local or rural minor collectors. Out of these funds, 10% must be utilized by the state on so-called Transportation Enhancements on an exclusive range of environmental related activities.

No moneys were appropriated by Congress in 1991, but in FY 92 the Enhancement apportionment was about 3.8 million dollars for Utah. Utah's Transportation Enhancement apportionment of STP funds in the current FY 93 is just over 3 million dollars, and projected Enhancement funding levels for FY 94 through FY 97 total about 3.6 million dollars each year.

Transportation Enhancement funds are "use it or lose it," and although they may not be used for any other activity, unused appropriations may roll over into next year's fund, up until 1997. No Transportation Enhancement projects have been funded as yet in Utah, since the UDOT is still developing the Program.

What are Transportation enhancements, and how can you apply for funding? There are 10 exclusive environmental activities that were established by the ISTEA legislation as eligible for Transportation Enhancement funding. These are:

1. bicycle and pedestrian facilities;
2. acquisition of scenic easements and scenic or historic sites;
3. historic preservation;
4. scenic or historic highway programs;
5. landscaping;
6. rehabilitation and operation of historic transportation buildings,

structures, or facilities;

7. preservation of abandoned transportation corridors, as in rails to trails programs;

8. archaeological planning and research;

9. control and removal of outdoor advertising;

10. mitigation of water pollution due to highway run-off.

The Utah Transportation Commission recently adopted a Policy on Enhancements, which has established an Enhancement Advisory Committee who will recommend policy, and an annual program to the Commission to implement the ISTEA Enhancements Program. Advisory Committee memberships include two appointees representative of historic and archaeological preservation interests, chosen by the Transportation Commission. The Commission is currently accepting letters of recommendation with resumes until December 31 of this year; appointees shall initially serve a one-year term, expanded to two years thereafter. The UPAC membership is encouraged to submit nominations to the following address:

Doug Anderson, P.E.  
UDOT Engineer for  
Transportation Planning  
4501 South 2700 West  
Salt Lake City, UT 84119

The UDOT Policy requires that private groups find an appropriate public agency as their sponsor, and that applications for projects in urban areas be processed through a Metropolitan Planning Organization. A given Project Sponsor must be a public agency, and will commit a minimum of 20% project costs in a hard match. Hard matches may be cash or real estate.

The Enhancement Advisory Committee will develop a specific application form to be completed by a given Sponsor. The Planning section of UDOT shall accept and review submittals for basic acceptability.

Successful Transportation Enhancements will likely benefit a relatively large area of the region of State's population, enhance travel and tourism efforts in Utah, and contribute to a wide geographic

dispersion of Enhancement funds within the State. Projects which are supported by other local governments in the project vicinity will be weighed more favorably.

Other important factors include support of public or not-for-profit organizations of statewide or regional scope, extra efforts or contributions above minimum matching requirements, and those projects which coordinate more than one eligible Enhancement activity into a single endeavor.

It is anticipated the Committee will be convened in January, after the Transportation Commission has selected appointees. Hopefully, the UDOT will be able to accept applications by late February or early March. The Transportation Commission will review the Enhancement Advisory Committee's recommended program and will decide which projects will be included in the annual statewide program. Once a project has received State and Federal approval, the project sponsor will work with UDOT to prepare plans and construct the project.

I am very excited about the emphasis on historic preservation and archaeological research in the Enhancement legislation, and I encourage the membership to propose projects. If you would like additional information about the program, contact me at 965-4157.

--Susan Miller  
UDOT Archaeologist

#### **VOTE FOR VP AND SECRETARY**

A ballot for voting members is included at the back of this newsletter. Nominations for Vice-President for Government Affairs are Duncan Metcalfe, Bill Fawcett, and Charmaine Thompson. Nominations for Secretary are Everett Bassett and Dennis Weder. The ballot includes a vote to change the bylaws on student membership. Ballots are due back to Julie Howard by January 15.

#### **PAPERS FOR UTAH ARCHAEOLOGY SOLICITED**

Please submit complete, high quality papers to editor Kevin Jones for the

1993 issue of Utah Archaeology. Further details about 1993 submissions will be printed in the February UPAC News. Call Kevin if you wish to help with the various tasks related to journal production.

#### **ARPA NEWS**

##### **Judge Hands Out Disappointing Sentence in Escalante ARPA Case**

A federal judge in Salt Lake City slapped two Escalante men on the wrist on October 6 for illegally digging artifacts on federal land in Garfield County.

Judge J. Thomas Greene placed David Woolsey and Jim Barney on probation and ordered them to perform 1,000 hours of community service for their felony convictions. There was no fine or restitution ordered for the \$6,650 damage that prosecutors say was done at an archaeological site near Boulder Creek in May 1991.

The U.S. attorney's office sought to make an example of the two to draw attention to destruction of sensitive [archaeological sites] in Utah by amateurs and professional excavators working for the black market.

But the judge suggested prosecutors picked the wrong case.

"There was no evidence of repeated acts over a period of time," Judge Greene said. "There was evidence that the damage that was done was not done entirely by these defendants."

The judge noted that a search warrant executed at the home of one of the men yielded little in the way of illegally dug remnants.

The U.S. attorney's office - which held a news conference in August to spotlight the case, but displayed artifacts from other investigations for cameras - had no comment on the sentence.

"[This case] will send a message to the amateurs, but I doubt it will send a message to the professionals because [commercial pothunting is] too lucrative," said defense attorney Ed Brass.

Woolsey, 25, a truck driver, and Barney, 32, a lumber-mill hand, each could have received six months in jail as well as fines.

They were arrested after a group of Salt Lake City hikers on an outing noticed them digging with a shovel and hoe. One hiker photographed their ATV registrations and notified federal investigators.

Their convictions are the first in Utah under the 1979 U.S. Archaeological Resources Protection Act. U.S. Attorney David Jordan said in August that several other cases, apparently unrelated to the Woolsey-Barney incident, are under investigation.

--Ted Cilwick  
Salt Lake Tribune  
October 7, 1992

#### **ARPA Course in St. George**

The 40-hour Archaeological Resources Protection Act training course conducted by the Federal Law Enforcement Training Center (FLETC) of Glynco, GA will be held in St. George, Utah from March 22 through 26, 1993. This excellent course is targeted toward law enforcement officials and archaeologists and is some of the best training available. It is taught by Woody Jones of FLETC, an assistant U.S. attorney and an archaeologist, all familiar with ARPA cases.

The course is normally held in Marana, Arizona, Artesia, New Mexico, or Glynco, Georgia. The \$175 tuition charge may be waived for local law enforcement officials.

If you are interested in attending the course, contact Diana Christensen at (801) 673-3545. Federal agency folks wishing to attend must be nominated and selected by their agency representative to FLETC. They will need to insure their own nominations.

#### **Vandalism Monograph Published**

The Southwest Region of the U.S. Forest Service announces the publication of a new monograph, *Pothunting in Central Arizona: The Perry Mesa Archaeological Site Vandalism Study*, by Richard Alstrom,

Malcom Adair, R. Thomas Euler, and Robert Euler.

The monograph, published as Cultural Resource Management Report Number 13, is available from the Cultural Resources Section, USDA Forest Service, 517 Gold SW, Albuquerque, NM 87102.

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#### **ZINJ MAGAZINE: IT'S OLD. IT'S NEW. IT'S THE COOLEST THING TO DO.**

The Interagency Task Force on Cultural Resources announces the upcoming publication of its way cool magazine about archaeology and paleontology for children (although you will probably want to read it, too) at the incredible bargain price of \$6 per year. Buttons and T-shirts with eye-boggling graphics are also available. An order form is included with this issue of UPAC News.

#### **NATIVE PLANT STUDY FUNDING AVAILABLE**

The Utah Native Plant Society will have funding available in 1993 for study, education or conservation of native plants. Please submit proposals to UNPS, P.O. Box 520041, Salt Lake City, UT 84152-0041.

#### **"SEEDS OF CHANGE" EXHIBIT**

The Salt Lake City Public Library was chosen as one of only sixty sites in the United States to hold the national traveling exhibit "Seeds of Change: 500 Years of Encounter and Exchange." The exhibit is based on a major exhibition at the Smithsonian's National Museum of Natural History in Washington, D. C. It will be on display at the Main Library from January 30 through February 28, 1993.

"Seeds of Change" visually examines the global and irreversible changes put into motion when Columbus set sail from Spain in 1492. Five key "seeds" - corn, potatoes, diseases, horses, and sugar - form the core of this exhibition which presents the significance of the 500 years of their exchange between the Old and New Worlds and the impact upon history.

