



# THE UPAC NEWS

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Bruce Louthan, President  
Diana Christensen, Editor

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## UPAC SPRING MEETING

The combined meeting of UPAC and the Colorado Council of Professional Archaeologists (CCPA) is not only a milestone, but will offer those who attend much more than a business meeting. The program included in this newsletter shows there will be symposia of substantive content, various opportunities to meet with regional colleagues, and even displays, book sales and other trappings of professional meetings. The CCPA has taken the lead in organizing this meeting. It will certainly be an opportunity for UPAC members as well as something we should support with our attendance. Help the CCPA organizers by participating in advance registration and come represent UPAC.

There will also be a business meeting on Friday, March 27 from 8:30 to 11:30 am. I am organizing the agenda so if you have something you want on the business meeting agenda, either an information or an action item, please contact me

soon. To complete the meeting in a timely manner, the agenda will have to be set beforehand.

---Steve Simms

## STATE HISTORY RULES UPDATE

The UPAC "rules committee" reviewed the rules proposed by the Division of State History (State History) to implement Utah Annotated Code 63-18-25 and 63-18-25.1 and provided comments to State History at both a public hearing (December 13, 1991) and in written format (December 16, 1991). You should have received a copy of our written comments in a special mailing from the UPAC Secretary.

The entire rule is referred to as R224. We provided comments on sections R224-6 and R224-7. You may wish to refer to your copy of that letter as you read this update. State History substantially altered the archaeology rule, R224-4, based, in part, on our comments. The revised rule is

now complete and will soon be published, meaning that the new 30 day public comment period will begin soon. If no comments are received, or State History determines that the comments can be handled through non-substantive changes, the rules will be adopted and implemented. If not, the revision and public comment process will begin again.

While it is not possible to reiterate every detail of State History's 49-page response to our comments here, I will highlight some of the major points that may be of interest to most UPAC members.

UPAC spoke out strongly against the requirement that each permittee post a bond equal to the amount of the estimated archaeological work to assure compliance with the terms of the permit. State History has changed this provision to read "A bond or fee for excavating only shall be paid or posted by each permittee. Qualified state employees are exempt. The bond shall be in the amount of \$250 or a fee of \$50 shall accompany each excavation permit application." No fee is required for survey permits.

UPAC requested that State History issue permits for survey and limited testing. State History agreed to do this and revised their rules accordingly. UPAC requested that proof of a curation agreement be required to obtain an excavation permit. State History added this requirement.

UPAC commented that the rules allowed different levels of protection from vandalism and destruction, and different permitting and advisory procedures for sites on school and institutional trust lands (under the jurisdiction of the Division of State Lands and Forestry) versus other state lands. UPAC requested that the rule be revised to provide consistent protection and treatment for sites on ALL lands owned or controlled by the state. Because there is a difference of opinion on how much authority State History has over school and institutional trust lands, they struck a deal with the Division of State Lands and Forestry (State Lands). State Lands will follow 63-18-37 (the State version of Section 106) and State History permit requirements providing they (State Lands) retain final authority for injury and destruction of archaeological sites on school and institutional trust lands. This issue is also being considered in the current session of the Legislature (see related story).

UPAC commented that alternative mitigation appears to have merit in certain situations but voiced strong concerns about possible ramifications and abuses because the mechanics of the plan are vague and unspecified. State History's response did nothing to allay our fears of possible abuses, nor did it offer any additional information on the mechanics of alternative mitigation (see related article on alternative mitigation). Their response:

"As an agency, we feel that alternative proposals should be considered. We have taken into account the comments received from UPAC and amended R224-4 and 5 by changing it to alternative PROPOSALS (emphasis in original) reading: 'No such proposal shall be accepted unless it maximizes, overall, the amount of scientific, archaeological, anthropological, historic paleontological, or educational information or benefit to be recovered or preserved. The division may impanel a third party professional body to review the alternatives. The results of the review will be reported to the board.' We hope this adequately addresses UPAC's concerns, however, you may wish to comment further."

On January 27, 1992 State History informed us our comments on R224-6 and R224-7 were addressed in non-substantive changes, meaning that they made no changes or only minor changes, and that we have no further opportunity to comment. Rules R224-6 and 7 were adopted by the Board of State History in January and will go into effect this month. Our comments on R224-6 were mainly points of clarification regarding the State and Century registers but our comments regarding R224-7 were an objection to alternative mitigation until addition information is provided on how and when it will be applied. State History's response:

"We are retaining this provision [alternative mitigation] in our rule, because of course this would

have to be conducted under the provision of law. We are currently working on provisions with federal agencies in which creative mitigation may be allowed. We are going to retain this latitude in our rules since it is subject to the provisions of properly executed programmatic agreements with the affected agencies and any "creative solution" will any [sic] have to comply with [the] letter and spirit of federal and state law.

If you have comments on the current version of the rules (copy enclosed), please get them to Duncan Metcalfe, Joel Janetski, or me no later than March 10, 1992 so we will have time to summarize them in a comment letter to State History. You may also contact State History directly with your concerns.

Related to the State History rules, we tried to obtain more information about when and how alternative mitigation will be invoked. We obtained a copy of the draft version of the Management Protocol for a Process to Facilitate Alternative Mitigation from a draft Programmatic Agreement between State History, the Utah Dept. of Transportation, and most of the federal agencies. According to this document, stakeholders--those interested in or affected by the decision--will be identified. Stakeholders may include participants, customers [?], suppliers, implementors, and others. After identifying the needs of the stakeholders, alternatives will be formulated following relevant laws, regulations,

guidelines, etc. These alternatives will be compared and ranked based on advantages. The alternative with the greatest total importance of advantages will be selected, reconsidered, and then implemented. The selected alternative must be acceptable to the federal land managing agency and the company paying for the mitigation, if any. We have been informed that State History will accept public comments on this document at a later date. We will keep you informed.

---Betsy Tipps

#### **STATE LANDS REFUSES TO REVISE RULES**

On November 14, 1991 UPAC attended a public hearing and provided comments on the cultural resource rules proposed by the Division of State Lands and Forestry (State Lands). UPAC identified three major problems with the proposed rules. One was their failure to require a permit from the Division of State History before archaeological surveys and limited test excavations. Also, the rules allowed the State Lands to give permission to injure or destroy cultural resources without an excavation permit. Finally, they mandated three different categories of ownership and curation of specimens recovered from different types of land owned or controlled by the state; artifacts from school and institutional trust lands were to be managed as assets of the trust and presumably could be sold.

UPAC was encouraged by the receptive nature of some State Land board members. They requested we provide specific suggestions and wording for modifications of the rules. Rules committee members Joel Janetski, Duncan Metcalfe, Jim Wilde, and myself spent many hours preparing specific suggestions and proposed wording. These were transmitted to State Lands on December 4, 1991 along with a request that UPAC continue to be involved in the process.

To our dismay, we recently learned State Lands ignored our comments and those of other interested parties at the public hearing and ADOPTED THE ORIGINAL RULES!

All may not be lost, however, Legislation is currently pending (Senate Bill 128) to prohibit the sale of artifacts from school and institutional trust lands. In part, this provision was included because of the strong stance taken by the University of Utah and Utah State University (see article by Duncan Metcalfe). We have also been told State Lands will turn permitting over to State History on a trial basis for 1-2 years. As long as there are no major problems, State History will continue to issue permits. If Senate Bill 128 passes, the Office of Planning and Budget tells us State Lands will be required to revise their rules regarding artifact sales, permitting, and protection of cultural resources. If it does not pass, we will seek other remedies. We are evaluating those now.

---Betsy Tipps

## STATE LANDS

There has been considerable debate on Capitol Hill this past year about if and how archaeological and paleontological resources should be managed on school and institutional trust lands.

These lands were given to Utah when it became a state, and income derived from the sale or use of these lands supports a number of educational and other institutions, referred to as Beneficiaries. State Lands is responsible for managing these lands in a manner consistent with the Utah Enabling Act and Utah Constitution. The Division has interpreted their mandate rather narrowly as requiring that they manage these lands to maximize income. This in turn has led to discussions about whether artifacts and fossils recovered from these lands should be sold for profit or, if not, whether the Division can incur expenses in managing and protecting these non-revenue producing resources.

The University of Utah and Utah State University are both beneficiaries of school and institutional trust lands. We obviously take exception to the Division's narrow interpretation of value and have argued that cultural resources also have educational, scientific, and cultural values. Due primarily to the lobbying efforts of James O'Connell and Steve Simms, Utah State University and the University of Utah have agreed on a policy about the value and management of archaeological

and paleontological resources on state lands. Charles Evans, director of Research Park at the University of Utah, and Margaret Bird, consultant to the Trusts, were both instrumental in gaining the support of public schools. That policy is presented below. Although not legally binding on the Division of State Lands or the Board of State Lands, having the three major beneficiaries of state lands publicly endorse managing and protecting archaeological and paleontological resources for their scientific, educational, and cultural values should go a long way toward undermining efforts to the contrary.

---Duncan Metcalfe

## EDUCATIONAL TRUST STATEMENT

The Educational Trust Beneficiaries of the Utah Trust Lands support the following position with respect to the management of archaeological and paleontological resources on and/or recovered from School and University Trust Lands.

## POSITION

Significant archaeological and critical paleontological resources on Institutional and School Trust Lands in Utah are of great value to the State and Trust Beneficiaries. They are nonrenewable, irreplaceable, and provide critical information about Utah's prehistoric past. As Beneficiaries of the Trust, the University of Utah, Utah State University and the Public Schools have an interest in the management and

protection of these resources for their scientific, educational, and cultural values. These educational benefits should take precedence over economic returns in establishing management procedures dealing with Trust Lands, insofar as legally possible within Trust principles.

#### IMPLICATIONS

1. Management of archaeological resources. The Educational Beneficiaries of the Trusts take the position that archaeological resources on Trust Lands be managed in a manner consistent with Section 106 of the National Historic Preservation Act. This policy will insure that maximum benefit accrues to the Trust Beneficiaries by; a) calling attention to the need for planning with respect to these resources early in the course of any proposed land sale or development, thereby reducing the cost of any necessary mitigation and enhancing its chances for success, and b) facilitating proposed exchanges with federal land management agencies. Failure to observe provisions of Section 106 may inhibit such exchanges, contrary to the best interests of the Trust Beneficiaries.

2. Sale of artifacts. The Beneficiaries take the position that significant archaeological artifacts and critical paleontological resources are assets of the respective Trusts and should not be sold. In the Beneficiaries' view, these resources should be preserved in a manner designed to

stimulate knowledge, train students, and support education and research on Utah's prehistoric past to insure maximum educational benefit to the Trust Beneficiaries.

3. Trust obligation. In adopting this position, the Educational Trust Beneficiaries recognize the unique educational benefits associated with cultural and historic resources. All other Trust assets and resources (e.g., mineral resources, surface uses) should continue to be managed in a manner consistent with Trust obligations to maximize long-term economic benefit to the Beneficiaries.

#### CURRENT LEGISLATION

After State History and State Lands proposed rules for cultural resources last fall, it became evident there were conflicting provisions in the statute that needed to be resolved through legislation. This, UPAC's lawsuits against State Lands, and Governor Bangerter's desire to trade land with the BLM (which requires the state to bring cultural resource procedures up to federal standards) has precipitated an attempt to revise the Utah Antiquities Act.

The proposed bill is the result of several months continuous and time consuming negotiation between State History, State Lands, the Utah Museum of Natural History, the Utah Dept. of Transportation, and UPAC, mediated by John Harja of the Office of Planning and Budget.

The main objective of the legislation was to bring state procedures for cultural resources up to federal standards by establishing parallel permit and curation requirements and Section 106 procedures, and prohibiting artifact sales, among other things. In the process of achieving these goals, numerous alternatives regarding the organizational structure and responsibilities of State History and the Antiquities Section were evaluated. Various options for permitting, such as moving permitting to State Lands or each land managing agency were also examined.

After countless drafts, agreement on a relatively final version was reached in early February. Highlights of the proposed bill (Senate Bill 128) are as follows.

One of the most significant provisions of the bill is clarification of the Legislature's intent regarding cultural resources on school and institutional lands. The Legislature declares the beneficiaries of the school and institutional land grants have an interest in the preservation and protection of the state's archaeological, anthropological, and paleontological resources. This is a significant achievement because in the past State Lands has claimed that the beneficiaries' interest is purely financial.

The Legislature also declares survey and excavation of archaeological and critical paleontological resources, as

well as preservation and curation of specimens from school and institutional trust lands is consistent with school and institutional land grants. State Lands previously claimed they were at odds, and therefore, did not need to consider cultural resources. Finally, the Legislature clearly states artifacts from any state lands may not be sold and sites may only be disposed of after the "appropriate level of data recovery."

For the time being (at least a year), the Antiquities Section will stay at the Division of State History. All archaeological and paleontological work will be carried out under the direction of the State Archaeologist.

The bill provides State Lands with the authority to issue permits for school and institutional trust lands; State History has authority to issue permits for all other lands. However, under a compromise agreement, State History will issue all permits for at least a year. If this arrangement is working (i.e. not impeding the progress of State Lands undertakings), the arrangement will continue indefinitely. If the arrangement is not working, State Lands will invoke their statutory right to issue their permits for work on school and institutional trust lands.

Permit requirements for the two agencies are slightly different. While both require minimum permittee qualifications, proof of

consultation with Native American tribes, if appropriate, and a curation agreement. Excavation permits from State History also require

"...research designs that provide for the recovery of the maximum amount of historic, scientific, archaeological, anthropological, paleontological and educational information, in addition to the physical recovery of specimens and the reporting of archaeological or paleontological information meeting current standards of scientific rigor."

Requirements for excavation permits from State History are more stringent than State Lands, but as noted above, State Lands has agreed to let State History handle all permitting on a trial basis. At least initially, all excavation work will be done under research designs that maximize data recovery.

Utah Annotated Code 63-18-37 will also be amended to more clearly specify state agency responsibilities (the State 106 process). In particular, all agencies, including State Lands, will have to take into account the effect of any undertaking on any district, site, building, structure, or specimen that is included in or eligible for inclusion in the National Register of Historic Places. The agencies will be required to seek comments from the State Historic Preservation Office (SHPO), and the SHPO will be required to include the comments of the Antiquities

Section in all responses. Antiquities Section comments may include advice on ways to maximize the amount of data recovered.

Like any bill, there are shortcomings, things we wish it could have said, and places where we think the wording could have been stronger. But, after working on this bill for several months, and realizing the significant progress made with State Lands, committee members feel it is a significant step in the right direction. State Lands will be required to consider and protect cultural resources in a responsible manner, and artifacts will not be sold. For this reason, we are supporting the bill. We have also been assured by the Office of Planning and Budget that they will entertain requests for revisions next year if it is not proceeding as expected.

#### WHERE THE BILL STANDS TODAY

Last week, we learned SB 128 had been approved by committee, was ready to be introduced, and was expected to pass. The bill was delayed at the last minute because a separate repatriation bill did not have a sponsor and Governor Bangerter wanted to attach it to SB 128. While we have not been able to obtain a copy of the repatriation bill, the Office of Planning and Budget informed us that it is one of the bills proposed by the task force on repatriation. As of Friday afternoon, February 14, the bill's sponsors approved the repatriation bill addition and it is anticipated SB 128 will



be introduced to the full senate on Monday, February 17. The bill is being sponsored by Fred Finlinson and Mike Dmitrich in the Senate. If it passes the Senate, the bill will be considered in the House almost immediately, under the sponsorship of Rob Bishop.

We have come a long way since the October UPAC meeting. Many thanks to all UPAC members who have helped, and especially to Duncan Metcalfe and Joel Janetski for their tireless help in representing UPAC in the negotiations on this legislation.

---Betsy Tipps

#### SCHOLARSHIP FUND

During the joint UPAC/CCPA March meeting in Grand Junction, there will be a used book sale hosted by CCPA's Ward F. Weakly Scholarship Fund. This is a student scholarship fund established by CCPA in memory of its deceased members. In support of this activity, it is requested that meeting attendees bring their old, used books, duplicate books, books they want to get rid of for whatever reason. **YOU PRICE THEM, THE COMMITTEE WILL SELL THEM!** This is a chance to acquire those old, out-of-print treasures that one couldn't afford in grad school - and for a fraction of the original price. Books that don't sell will be (1) returned to the owner, if his name is in them, or (2) donated to the library at Mesa College. Books should be taken to the Thursday night party so that the sale can get

underway. If there are questions about this project, please call Adrienne Anderson (303 969-2875/FTS 327-2875).

---Adrienne Anderson

#### BEAR TRAPS

The Dixie National Forest has been finding log bear traps and wishes to know if any other land managing agency has similar structures. The bear traps appear to be small 3-4' high log cabins made of aspen or spruce logs. The structures have no roofs and are sometimes constructed against living trees. At times they are square with an entryway. Informants suggest that they were in widespread use during the 1920-30s. Please contact Marian Jacklin at (801) 865-3700, if you have similar sites.

#### STATE LANDS JOB

Kenny Wintch was recently selected as the archaeologist for the Utah State Division of Lands and Forestry. He reports to that office on March 8, 1992.

#### EDITOR'S NOTE

With my last UPAC News, I wanted to say how much I have enjoyed compiling and editing the newsletter. It is a tremendous amount of work, as former UPAC News editors can tell you. But it is also rewarding to know you are doing your part to keep UPAC a viable organization.

One effective way all UPAC members can do their part to help UPAC is to get news items to the UPAC News editor.

Approximately 1/2 dozen UPAC members gave me news items in the three years I was editor. This places much greater responsibility and more time on the editor. And it produces a very one-sided newsletter. People such as Steve Simms, Betsy Tipps, Bruce Louthan, Joel Janetski, Julie Howard, and Shelley Smith helped to make the newsletter a little more varied. And I appreciated their information. Steve Simms consistently provided timely and well written information for the newsletter.

As outgoing UPAC News editor I challenge each UPAC member to provide the new editor, Signa, with 2-3 items a year. All of the officers have a duty to do so. But I think all members should consider it a duty as well. In this way, UPAC will become a better organization and the newsletter will express viewpoints from a wider variety of members.

---Diana Christensen

#### NEW OFFICERS

Newly elected officers who will take their positions at the Spring meeting are: Steve Simms, President; Stan McDonald, Vice President for Membership and Ethics; Evelyn Seelinger, Treasurer; and Signa Larralde, UPAC News Editor. Outgoing officers Bruce Louthan, Kevin Jones, Lorna Billat, and Diana Christensen have all contributed many hours service for UPAC.

#### ARCHAEOLOGY JOBS

The Salt Lake District of the Bureau of Land Management will readvertise the Pony Express Resource Area archaeologist position imminently. For information, contact Signa Larralde at (801) 977-4300.

The Manti LaSal National Forest anticipates hiring four temporary archaeologist positions to conduct archaeological survey, evaluate sites, and write reports from June through August, 1992. Two crew leaders with a BA plus field experience will be hired at a GS 7 (\$10.50/hour) level. Two crew members with a BA (experience preferred) will be hired at a GS 4/5 (\$7.57/8.47/hour) level. One of the crews will work out of the Monticello office so Southwestern (Anasazi) experience is desired. The other crew will work out of the Price Office on the Wasatch Plateau and in the LaSal Mountains. Government housing at a nominal cost may be available. For information, contact Stan McDonald at (801) 637-2817.

The Coconino National Forest will advertise 1--2 positions for a permanent archaeologist in the Flagstaff office. For information, contact Peter Pilles at (602) 527-7410.

The Utah Department of Transportation will advertise a replacement for Kenny Wintch. For information, contact Susan Miller at (801) 965-4157.

The Arizona Strip District of the Bureau of Land Management will advertise for a permanent archaeologist in the Shivwits Resource Area sometime in the fall of 1992. For information, contact Diana Christensen at (801) 673-3545.

#### FIELD SCHOOL

Utah State University's archaeological field school will be conducted in the Jarbidge Mountains and at Mt. Irish in Nevada from June 22 through August 5, 1992. This seven week (8 quarter credits + \$250 fee) course is a cooperative agreement with the U.S. Forest Service and the Bureau of Land Management. Students will work at both locations and acquire experience in archaeological survey, excavation, mapping, documentation and the organization of an archaeological project. Training in basic lab procedures includes artifact

processing, inventory and identification. There will be one week of classes and workshops at the USU campus prior to departing for the field for three, 10 day sessions, separated by four day breaks.

Work in the Jarbidge Mountains will focus on survey to locate and record prehistoric and historic sites. We will map and excavate a spectacular, prehistoric/historic deer drive corral and nearby butchering camp. The work at Mt. Irish will focus on mapping and excavation of extensive campsites and refuse areas associated with spectacular petroglyphs.

To receive a flyer, ask questions, or put your name on the applicant list contact:

Dr. Steve Simms  
(801) 750-1277 or  
Dr. William Fawcett  
(801) 750-1496  
Anthropology  
Utah State University  
Logan, UT 84322-0730

## UPCOMING EVENTS

March of 1992 Sixth Annual Navajo Studies Conference in Window Rock, AZ. For information contact Alexa Roberts, Klara Kelley or Richard M. Begay at (602) 871-6437.

March 27 and 28, 1992 UPAC/CCPA combined meeting, Holiday Inn, Grand Junction, Colorado. See information in this newsletter.

April 4 1992 from 10:00 am to 5:00 pm Utah Archaeology Day at the Utah Museum of Natural History.

April 4 - 11, 1992 Utah Archaeology Week, events all around the state.

August of 1992 Pecos Conference, Pecos, New Mexico.

August 30 to September 4, 1992 Ancient Worlds: Night and Day on the San Juan River, Utah Museum of Natural History field trip with David Noble, Seth Jarvis, and Frank DeCourten. For information contact the museum at 581-6297.

September 12-13, 1992 Utah's San Rafael Swell, Utah Museum of Natural History field trip with Sally Cole, Frank DeCourten, and Mike Windham. For info contact the museum at 581-6297.

September 21-24, 1992 The Mystique of Chaco Canyon, Utah Museum of Natural History field trip with David Noble, Simon Ortiz, and Terry Tempest Williams.

October 15-18, 1992 Natural History of the Old Spanish Trail, Utah Museum of Natural History field trip with Frank DeCourten, Ken Sleight, and Steven Madsen.

### UTAH PROFESSIONAL ARCHAEOLOGICAL COUNCIL

**PRESIDENT:** Bruce Louthan, Moab District BLM, 82 East Dogwood, PO Box 970, Moab, UT 84532 (801) 259-6011 **VICE-PRESIDENT FOR MEMBERSHIP AND ETHICS:** Kevin Jones, Division of State History, 300 Rio Grande, Salt Lake City, UT 84101 (801) 533-4563 **VICE-PRESIDENT FOR GOVERNMENTAL AFFAIRS AND RESEARCH:** Betsy Tipps, P-III Associates, 2212 South W. Temple, Suite 21, Salt Lake City, Utah 84115 (801) 467-5446 **SECRETARY:** Julie Howard, Grand Resource Area BLM, Sand Flats Road, PO Box M, Moab, Utah 84532 (801) 259-8193 **TREASURER:** Lorna Billat, Office of Public Archaeology, 105 Allen Hall, Brigham Young University, Provo, UT 84602 (801) 378-4783 **JOURNAL EDITOR:** Joel Janetski, Museum of Peoples and Cultures, Brigham Young University, Provo, UT 84602 (801) 378-5188 **NEWSLETTER EDITOR:** Diana Christensen, 1075 North 1400 West #43, St. George, Utah 84770 (801) 673-3545.

COMBINED UPAC/CCPA MEETING

MARCH 27 AND 28, 1992

HOLIDAY INN, GRAND JUNCTION, COLORADO (303)243-6790

**LOCATION:** The Holiday Inn is located just north of the I-70 and Horizon Drive exit, on Horizon Drive.

**ROOM RESERVATIONS:** The meeting rate is \$42.00 per night per ROOM. In other words, the price is the same no matter the number of occupants. Please make your reservations on the enclosed card, and return to the Holiday Inn. Information about other lodging options will be available at the meeting registration table.

AGENDA

THURSDAY 7:00 pm - ? : Early Bird Party. Refreshments provided by the archaeological contracting community. Holiday Inn, Suite 2132.

FRIDAY 8:30 - 11:30 am: UPAC Business Meeting

9:00 - 11:30 am: CCPA Business Meeting

Luncheon: Combined UPAC/CCPA Board and Officers Meeting and Luncheon. Holiday Inn.

1:00 - 3:30 pm: Education and Archaeology Papers and Panel. Bob Brunswick and Shelley Smith, Chairs.

3:45 - 5:00 pm: Repatriation and Archaeology Papers and Panel. Richard Simms, Chair.

Social Gathering at the St. Regis Restaurant and Bar, downtown Grand Junction. This is an informal social gathering, with dinner at either the St. Regis or at other restaurants in Grand Junction. Directions, a map and list of restaurants will be available at registration.

SATURDAY 9:00 am - 5:00 pm: Hunter-Gatherer Theory and Lithic Scatter Realities. Mike Metcalf, Chair.

A room, adjacent to the meeting rooms, will be available for poster sessions, displays book sales, "data exchanges", job interviews and other forms of visual and verbal information exchange. The room will be secured at night.

COMBINED CCPA/UPAC MEETING

UPAC REGISTRATION FORM

NAME : \_\_\_\_\_

AFFILIATION : \_\_\_\_\_

ADDRESS : \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

Meeting Pre-Registration  
(Members = \$7.50; Students = \$4.00)  
Registration at the meeting = \$10.00

\_\_\_\_\_

UPAC 1992 Dues  
(Voting = \$25.00; Associate/Student = \$15.00;  
Affiliate = \$15.00

\_\_\_\_\_

TOTAL: \_\_\_\_\_

Please make checks payable to : UPAC

Please send CHECK and REGISTRATION form by March 20, 1992 to:

Lorna Billat  
Office of Public Archaeology  
B.Y.U.  
Provo, Ut. 84602

If you choose to stay at the Holiday Inn, please return the  
Registration card to the Hotel.

R224. Community and Economic Development, History.

R224-4. Archaeological Permits.

R224-4-1. Authority.

Sections 63-18-25 and 25.1 provide for the issuing of permits according to rule "adopted by the board for appropriation, exploration, excavation, injury or destruction of specimens."

R224-4-2. Purpose.

The primary purpose of issuing a permit is to:

- A. Ensure that excavation, appropriation, injury or destruction are consistently and reliably executed by qualified personnel;
- B. That exploration or study of specimens maximize educational, scientific, archaeological, anthropological and historical information and that opportunities are seized to develop sites for the public benefit so that the maximum amount of historical, scientific, archaeological, anthropological, and educational information is recovered and preserved, along with the physical recovery of items, and not lost to the people of Utah.

R224-4-3. Scope and Applicability.

This rule applies to state lands and lands owned or controlled by the state or its subdivisions and specimens recovered pursuant to an excavation permit.

R224-4-4. Definitions.

- A. Terms used in this rule are defined in Section 63-18-19 et seq.
- B. In addition:
  1. "board" means the Board of State History;
  2. "division" means the Division of State History;
  3. "director" means the director of the Division of State History;
  4. "state lands" means school and institutional trust lands;
  5. "study" means to permit examination (or observation) of specimens for the purpose of maximizing educational, scientific and historic information for the people of Utah.
  6. "lands owned or controlled by the state or its subdivisions" means lands owned or controlled by the state or subdivisions, including cities and counties but excluding "state lands."
  7. "exploration/excavation/appropriation" means disturbance for the purpose of scientific recovery or study of specimens from sites [and does not include a survey].
  8. "injury or destroying a specimen" from a site on state lands means vandalism as defined in 76-6-902.
  9. "injury or destroying a specimen" on lands owned or controlled by the state means destruction, disturbance or appropriation of specimens without an excavation permit.
  10. "survey" means surface examination or limited disturbance of specimens for the purpose of establishing presence, extent, type, and quality of a site by a qualified archaeologist [or land includes a phase I survey as defined in National Park Service Standards.
  11. "alternative mitigation" means a plan which develops, explores, excavates or appropriates sites not directly affected by the proposed project in

~~view of full excavation of the affected sites, for the purpose of alternative mitigation/exploration/excavation/appropriation includes educational/scientific development of a site or specimens.]~~

10. "alternative proposal" means a plan or program developing, exploring, excavating or appropriating sites or specimens in coordination with the initial proposed permit, site or specimen.

R224-4-5. Permit for Exploration, Excavations, and Appropriations of Archaeological Sites and Resources.

A. The division shall issue a permit within thirty days to individuals wishing to conduct exploration/excavations/appropriation of archaeological sites [or the study of permit-recovered specimens] and specimens who demonstrate that they meet the following requirements:

1. Provide written permission of the land owner or owner of specimen(s) to conduct exploration/excavation/appropriation or study.

2. Demonstrate ability to conduct the proposed excavations/appropriation/exploration in a manner consistent with current professional practice, including access to proper equipment and facilities, and with qualified personnel;

3. Submit excavation/appropriation plan which shall: (a) explicitly state the questions to be addressed; (b) the reasons for conducting the work; (c) defines the methods to be used; (d) describes the kinds of analysis that will be performed; (e) outlines the expected results and the plans for reporting; (f) evaluates expected contributions of the proposed archaeological work to archaeological science and the field of anthropology; [and] (g) projects expected costs if permit is for excavation and; (h) an appropriate repository/curation agreement. Repository will be sent a copy of excavation permit.

4. The applicant's plan demonstrates that an appropriate professional [standard] amount of recovery of the educational, scientific and historic information will be obtained from [the] sites or specimens.

5. Submit written evidence, in the case of excavation, that the applicant has considered alternative proposals, [which are in the interest of science or public education or benefit, such as off-site or alternative mitigation in accordance with R224-4-6] and] No such proposal shall be accepted unless it maximizes, overall, the amount of historic, scientific, archaeological, anthropological, paleontological, or educational information or benefit to be recovered or preserved. The division may impane a third party professional body to review the alternatives. The results of the review will be reported to the board.

6. Certify by submitting resumes and vitas that the principal investigator and/or field supervisors for excavations shall meet the minimum standards set by federal regulation for education and experience. Federal regulations 36 CFR 61 Appendix A (1990 Edition) are incorporated by reference.

B. Permittees shall produce timely reports meeting generally accepted professional standards documenting the results of the work and deliver relevant records, collections, site forms, and reports to the division and to appropriate repository. All archaeological permittees shall adhere to generally accepted standards for quality of work.

C. If permittee fails to comply with the terms and conditions of the

