



UPAC NEWS

NEWSLETTER FOR THE UTAH PROFESSIONAL ARCHAEOLOGICAL COUNCIL

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VOTE FOR UPAC OFFICERS!

Ballots have been enclosed in the newsletters of those who have paid their 1995/96 dues. A list of the candidates is included in the Minutes from the last meeting. The only change is that Signa

Larralde withdrew. Send your ballot to Diana Christensen (UPAC Secretary) by March 1, 1996. If you did not receive a ballot, and believe you should, contact Bill Davis.

EDITORIAL: PUBLICATION & PEER REVIEW OF OVERVIEWS

Recently I saw the overview of the Uinta Basin prepared by Jerry Spangler for the BLM. It represents a tremendous amount of work and a timely synthesis of the available archaeology. Federal, state, and other groups often use such overviews to evaluate the significance of specific sites and to guide the investigation of cultural resources. Considerable time and money are often involved in the preparation of such overviews, and yet the product--a report--seldom receives wide distribution through publication or other means. Many of the documents are useful, but we could improve the quality of the end-product through peer review. Since the overviews are often used to justify management and planning decisions, they should make them available in draft form for comments. Overview and other efforts to synthesize the wealth of data accumulating from individual CRM projects need to be encouraged, and the end projects

Update of Native American remains - Kevin Jones says that the committee finally has a set of rules they can agree on, so the quorum will approve them today and they will be published. Then in 30 days they will be final. This only covers burials on state lands. When a burial is encountered, you notify the police, state Division of history and the Division of Indian Affairs. Only Native American remains fall under the provision of this law. The first job is to determine whether the remains are Native American or not. The new rules reflect this. They have had a hard time getting a quorum together. Tomorrow Brook Arkush can let us know.

Copies of the new certification course proposed by USAS are available. Get them from Diana Christensen (see copy in this newsletter).

Mike Polk discussed on a new organization called the American Cultural Resources Association (ACRA) - put together by people from the East in 1994. They have concerns about a trade association, discount rates for insurance, forum for discussing issues relevant to CRM companies, etc. Most professions have these and CRM does not yet. A lot of interest was shown in Kentucky at the initial meeting. During the SHA meeting in January 1995 another meeting was held and a steering committee was set up. They have found a tremendous amount of interest in this. Historians, architects, landscape architects, etc. and other professions are also involved in this. In Denver a board of 21 people was set up (April) from all across the west. Loretta Newman is on the board (with CEHP) and is their lobbyist. They got sidetracked when Congress made moves to cut funding for historic preservation and the Advisory Council. They began lobbying and found

there is an extremely fast time frame with only several days turn around before committees act in congress. So immediate lobbying efforts are critical. They tried to use EMAIL to get notices to people. They used several lists - HISTARC, etc. with hundreds of people on them. So they reached several thousand people on EMAIL. In California they used Clearinghouses to get information out to CRM folks. They blitzed congressmen so that they were sick of hearing from archaeologists. Congressmen had never heard from this many constituents on any topic before. ACRA really helped preserve the funding for the Advisory Council.

Mike predicted that we will have the same budget fight for the next two years, at least. So we will have to continue to be vigilant. ACRA is not based around lobbying but rather in promoting the private sector, the business aspect of CRM and what we can do for them across the country.

A big issue is wage determinations. The Labor Department has established a wage rate for archaeological technicians (\$16.32/hour in Utah). This rate varies by state and county. ACRA is arguing that this is an outrageous cost that will drive companies out of business. They are looking into exactly how the Labor Dept. came up with these rates from a legal standpoint. Professional liability is another issue ACRA will address. Mike has some materials for those interested (newsletters, brochures on ACRA).

Kenny Wintch talked about Trust Lands. They have a new director, David Terry. And they have new cultural rules as of mid-October. Obtain copies from Kenny. They have turned a corner with their sales policy regarding cultural resources. The previous stance was that they only sold land with no

by UPAC members. The site has a long history of investigation beginning with Marwitt in 1971. At the end of the excavation in 1990, nothing happened. The landowner asked the archaeologists to leave. Julie Howard returned to the site in 1991 and made some notes on what they did that year. Notes exist from multiple people and lots of photo logs, etc. Massive data was deposited at Edge of Cedars Museum in 1993 by Julie Howard. It was never accessioned into the Edge of the Cedar museum collections. Bruce Louthan took collection to try to piece it together. The landowner now wants a report to stop the Creationists from trespassing on his land. Coulam and Schroedl drafted a popular paper at the request of the landowner to piece the investigation together. A copy was sent to Kevin Jones for publishing in **Utah Archaeology**. Julie Howard was angered because her intent had been to prepare the report on the site. Discussion which followed stated that a popular report on the work was all right. It was not a technical report. To get the information out to the public is the appropriate approach. There should be a "statute of limitations" on the ownership of data because so many times, the data is never published. The data was turned over to a public curation facility and it thereby became publicly owned. Discussion ensued on who owns the notes and the intellectual data. The private landowner does not own this information. There is a legal and an ethical issue here. Legally the information is in a public repository and is, therefore, public information. Ethically, you should have the permission of the originator of the data (note writer) to publish the material.

Don Southworth from Utah Dept. of Transportation stated that UDOT is

reorganizing. They have hired two new archaeologists, Reed Soper and Chris Lazotte. They will take over in Ogden and Orem after the first of the year. Susan Miller will be in Richfield beginning on Monday. Don Southworth will remain in Salt Lake City. Road Commission is considering a change in the ISTEAs money to encourage the cities to improve walkways and sidewalks (Bikes and Trikes). So this may cut out funds that would have gone to historic preservation projects. If you want ISTEAs monies to continue to be used in archaeological projects, you need to lobby the Road Commission. There has been a constant fight to include historic preservation projects in ISTEAs grants. These kinds of projects have hitherto been the major source of ISTEAs funds in the past. ISTEAs funds may be cut off in two years. UPAC will send a letter requesting that historic preservation should be considered for ISTEAs funds.

Don Southworth stated that possible historic inscriptions are being erased because it is not felt they are real (Jim Bridger signature, for example). Precedence should not be given to the prehistoric inscriptions over historic inscriptions. Buckhorn Panel had some historic inscriptions removed to which the Utah SHPO objected. Don wanted to make sure it does not happen again.

New officers taking office today: Vice President for Governmental Affairs-- David Madsen, and Secretary-- Diana Christensen

Nominations were taken for new officers: President--

Signa Larralde
Stan McDonald
Michael Polk

Vice President for Membership and Ethics--
Nancy Coulam
Lee Kreutzer

Level 2+ avocational archaeologists. The curriculum will be developed by each directing archaeologist with a statewide outline with written objectives, recommended texts and available resources. Our goal is also to enable all members to receive college credit for each level completion.

Level 2: Methods and Skills

Methods Course description: Overview of Data Recovery Strategies and Site Recording with class instruction, laboratory and fieldwork, objectives and resources will be written for each of the following subsections;

- Overview of data recovery strategies (basic excavation, dating, mapping, lithics, ceramics, floral and faunal remains, ???)
- Site recording and surveying
- Making sense of data: analysis and interpretations

Skills Course Description: 3 skill options will be required to complete Level 2. Class instruction, laboratory and fieldwork, objectives and resources will be written for each of the following skills;

- Basic excavation
- Survey
- Lab work
- Mapping
- Rock Art Recording
- Illustration and photography
- Lithics
- Ceramics
- Faunal remains
- Floral remains
- Historic archaeology
- Site Stewardship (based on Arizona program - Diana Christensen)
- Flintknapping
- Basketry

Note: Skill classes for certification status

are intensive, comprehensive hands on experiences that can be taught by certificate holders directed by professional archaeologists. Written objectives and resources for each skill will be developed on a statewide level. A video series will be produced using the talents and specialization of Utah's professional archaeologists. Certification and level achievement does not necessarily certify any recipient to legally do anything in cultural resource endeavors. It does denote education, skill and experience. Professional archaeologists will benefit from avocational participation with certification skill and status. A certification record will be on file with USAS for professional access. The USAS Education Committee will receive recommendations and make decisions regarding additional skill classes.

Level 3: Projects

Note: Professionals must supervise Level 3 projects. They should give Great flexibility to the types and scope of projects. Basic guides will be developed on a statewide level.

Level four: Publishing of research or project

Note: Professionals may assist in Level 4 projects. Great flexibility should be given to the types and scope of projects and research. Basic guides may be developed on a statewide level. **Utah Archaeology** is in part a USAS publication where members are encouraged to submit work for reporting.

USAS encourages comments and suggestions on this revision. Please direct comments to Jeff Roberts (PO Box 66, Annabella, UT 84711 (801 896-5332) c/o USAS or Diana Christensen (1075 N. 1400 W. #43, St. George, UT 84770 (801) 673-1878).

copy from: Robert Brunwig, Dept of Anthropology, University of N. Colorado, Greeley CO 80639. Make checks for \$17.50 payable to Colo. Council of Professional Archaeologists.

**STATE ARCHAEOLOGY
WEEK/MONTH POSTER CONTEST
FOR 1996 SAA MEETING IN NEW
ORLEANS**

The Archaeology Week & Network Subcommittees of the Public Education Committee, and the Council for Affiliated Societies are organizing Celebrate Archaeology 1995-96, a display of Archaeology Day, Week or Month posters as part of the SAA Annual Meeting Public Session, Apr 13, 1996. Awards will be given for the best posters. Posters should be from events scheduled from June 1995 - May 1996. Please send 3 unmounted posters to Ann Valdo Howard, SHPO, 1300 W Washington, Phoenix AZ 85007 by Mar 1, 1996. If your poster will not be ready by then call Ann at 602/542-7138.

**UTAH PREHISTORY & HERITAGE
WEEK 1996 (MAY 4-11)**

Whether it's prehistoric homesteading, Pleistocene probasideans, or Fremont farmers, it's time to start soliciting speakers projects, and activities. Prehistory and Heritage Week will kick-off Saturday, May 4 with an afternoon celebration at the Division of State History, 300 Rio Grande, in Salt Lake City. If you have any activities in mind or require additional information, contact Renae Weder (801/533-3529) or Dave Schmitt (801/533-3577) at State History.

**NATIVE AMERICAN REMAINS
REVIEW COMMITTEE RULES**
The Native American Remains Review

Committee has approved the rules for compliance with the state Native American Grave Protection and Repatriation Act. The rule (R 230) was published on January 1, 1996, with a thirty day comment period. As of January 31, no comments had been received by the Division of Indian Affairs. Since there were no comments, the rules will take effect within 60 days. The complete text of the rule is attached.

R230-1-6. Duties Upon Discovery of Remains.

1. Remains are to be treated at all times with dignity and respect. Any person who discovers a dead body shall not damage the body and shall not disinter or remove the body without proper authority. Any person who discovers a dead body shall report the discovery to a local law enforcement agency. A violation of these rules may constitute a criminal offense and may subject the offender to criminal sanctions under Section 26-9-704.

2. Any person or entity who discovers Native American remains must cease all activity which might disturb the remains and take reasonable steps to protect the discovered remains. Such steps may include, but are not limited to, restoring the site to its original condition or otherwise securing and protecting the site to prevent any possible desecration or destruction.

1. If it is unclear whether the remains are of Native American origin upon a cursory examination, the agency must take reasonable steps to determine the ethnicity of the remains.

a. The agency may further investigate the ethnicity by retaining the services of a qualified archeologist to conduct a physical examination of the remains.

b. If a physical examination of the remains is not sufficient to determine ethnicity, the agency may seek an excavation permit by the Division of State History pursuant to

Section 9-8-305 in order to conduct limited excavation to search for associated funerary objects.

c. If no other method of investigation is sufficient to determine ethnicity, the agency may allow limited scientific testing on the remains, by the least intrusive and least destructive means possible to determine ethnicity.

4. Any person or entity who discovers Native American remains on state land must promptly notify the Division by telephone. As soon as is reasonably possible, but not later than five business days, written notification of the discovery must also be provided.

a. Written notification shall include a detailed description of what was found, the place where the remains were found, the conditions under which the person discovered the remains and any other facts that may help identify the remains.

b. Written notification shall be provided to:

i. The state agency having management authority over

the land where the remains were discovered.

ii. The Division of Indian Affairs, and

iii. the Division of State History.

R230-1-7. Resumption of Activity.

1. The activity in which the remains were discovered or any further excavation may not resume until a plan for the preservation

1. Lineal descendants or Indian tribes may assert a claim of ownership for the remains by notifying the Division of their claim within sixty days from the date that notification is sent out by the Division.

R230-1-10. Determination of Ownership.

1. When only one claimant has asserted a claim of ownership, the Committee shall require a written petition from the claimant, substantiating the claim. If the claimant makes a substantial showing of lineal descent or cultural affiliation with the remains, the Committee may grant ownership or control of the remains to that claimant.

2. When two or more claims have been submitted, the determination of ownership shall be made in an informal proceeding which shall comply with Section 63-46b-03 et seq., the Utah Administrative Procedures Act.

R230-1-11. Dispute Resolution of Competing Claims.

1. After the expiration of time for claims to be submitted, the Committee shall schedule a time to hear the matter and shall notify the claimants.

2. The Committee shall conduct an informal hearing at which

the competing claimants shall be allowed to testify, present evidence and comment on issues supporting their claim.

a. Lineal descent or cultural affiliation may be established by genealogical records, archaeological records, oral or written history, scientific analysis, relevant tribal records, associated funerary objects and any other supporting material.

b. If the evidence presented at the hearing is not sufficient to resolve the disputed claims or establish the Committee to make a recommendation of ownership upon a majority vote of the Committee, scientific testing may be permitted to determine authenticity.

3. The Committee shall attempt to facilitate a settlement of the dispute and shall grant ownership to the claimant that has shown the closest lineal descent or if none to the tribe that has shown the strongest genetic or cultural relationship with the remains by a preponderance of the evidence.

R230-1-12. Adjudication of Disputed Claims.

1. If competing claimants are unable to resolve their dispute at the informal hearing, the Committee shall issue findings relating to the identity of or the cultural affiliation of the remains and a decision of disposition.

2. A copy of the Committee's findings and decision shall be