



THE UPAC NEWS

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PANEL DAMAGED

Sometime during the first week of June, 1991, the Big Kachina Panel on the San Juan River seven miles downstream from Bluff, Utah was seriously damaged by vandals. The damage was discovered and reported by commercial river guides employed by Wild River Expeditions of Bluff, Utah. The Bureau of Land Management (BLM), who manages the lands where the panel is located, is investigating the incident.

The panel was damaged at eight places more or less evenly spaced across it's 300 yard length. Damage is in the form of words or phrases that were pounded into the rock face, and destroying some of the prehistoric figures on the panel. The words are up to 10 inches high and as long as five feet. Fortunately, none of the large, well known "kachina" figures received damage.

Plans for restoration of the damage are being formulated by the Monticello office of the BLM. Rock art conservator Kate Hogue of Moab, Utah is

supplying technical assistance. Her recommendations will probably include work to minimize the impact of the damage and provide interpretation concerning the importance of the panel.

An investigation that may lead to criminal charges is also underway. A reward of \$10,000 for information leading to the arrest and conviction of those responsible for the vandalism has been posted. Also, law enforcement officers from several jurisdictions are working on the case.

---Dale Davidson

UPAC MEETING

The next UPAC meeting will be held on October 25 and 26, 1991 at the Division of State History, 300 Rio Grande, Salt Lake City, Utah. Plan to attend.

A joint meeting with the Colorado Council of Professional Archaeologists and UPAC will be held in late March

PRESIDENT'S MESSAGE

Activity in governmental affairs has been high in the last few months. Actions affecting UPAC include the filing of briefs in the State Lands case on the Cottonwood tract near Moab, appealing a state exchange north of Blanding, two meetings of the committee to write new regulations for the Division of State History for antiquities bills passed in the 1990 legislature, and the two final meetings of the committee to draft a bill on Native American remains. In addition, a Public School Trust Lands Task Force created in the last session of the legislature is considering the management and governance of state lands.

All of these activities require effort of UPAC members to insure proper consideration for cultural resources. Fortunately, despite a sudden increase in the cultural workload in the state, members have responded very well to the challenge.

Claudia Berry, working pro bono, has spent considerable time responding to a small mountain of briefs and representations of the State Attorney General's office in behalf of State Lands, including an overnight trip to Moab to plead an appeal before the State Land Board itself. Since the final resolution of this matter may take as long as a year or more -- the courts can't decide who has jurisdiction, her unflagging determination and energy are doubly appreciated.

David Madsen (ex officio), Jim Wilde, Ken Wintch, and recently Betsy Tipps have served on the advisory committee to State History in drafting their new regulations under the 1990 laws.

Steve Simms, Ann Hannibal, and Dave Madsen have served on the committee to draft a bill on disposition of Native American remains. Archaeologists were in the minority making the job one of patient persuasion. The most notable outcome of the committee may be the relationships forged between archaeologists and Native American participants.

Monitoring the school lands task force I have taken on since I am involved with the legislature interim sessions already. However, the meetings are open so let me know if you are interested in attending. The task force is to examine management of state lands to see if there are improprieties, as alleged by the PTA, or if there can be improvements to improve the cash flow to public schools. It might result in a change to the structure of governance such as the creation of a lands commissioner and elimination of the land board (which has obvious and admitted conflicts of interest).

In addition, we have largely resolved our tax-free status as being "professional" rather than "charitable" due to the efforts of Debbie Newman and Lorna Billat. While donations to UPAC are not tax deductible, professional dues may be if they exceed the 2%

Fortunately, we have one of the best data management systems in the nation, largely due to SHPO efforts. They should proceed with this excellent program and look forward to further automation.

2) Next the SHPO should identify and nominate eligible properties to the National Register and administer applications for listing on that register. We receive excellent advice on National Register nominations and the process works well in the state. Our SHPO has also nominated sites and districts to the National Register. We are well served in this area.

3) They should prepare and implement a comprehensive statewide historic preservation plan. We desperately need this in Utah.

Other states have come up with innovative ways to identify, interpret, and evaluate cultural resources. Arizona has several historic contexts developed for specific classes of sites and California has a plan for mitigating lithic scatters so that the Section 106 process is avoided for these common sites.

4) The SHPO administers the state program of federal assistance for historic preservation in the state. From my observation our SHPO is well administered and positively goal oriented.

5) They should advise and assist, as appropriate, federal and state agencies and local governments in carrying out their historic preservation responsibilities. We receive

some excellent advice for archaeological, architectural, and paleontological resources.

What we don't receive is adequate and helpful advice and information on the implementation of and compliance with historic preservation laws, regulations, and mandates.

Archaeologists, other than those in federal agencies, receive little incentive and minimal advice to comply with the National Historic Preservation Act, the National Environmental Policy Act, the American Indian Religious Freedom Act, the Archaeological Resources Protection Act, the Native American Grave and Repatriation Act and numerous other laws and regulations covering their implementation.

Federal agencies complying with historic preservation laws in Utah assume that if they do what the SHPO tells them, then they are complying with the law. Unfortunately, too many times a case taken successfully past the Utah SHPO is stalled at the Advisory Council because of inadequate advice. Famous cases in Utah include the Forest Highway 10 project which put all participating agencies at loggerheads when a more effective SHPO could have helped solve the problems.

Most archaeologists don't receive information that most of these laws even exist and how to comply with them. The Section 106 process, as operational in Utah, is a wasteful exercise in paperwork when it could easily be used to provide excellent information and advice.

7) Don't hesitate to call the Advisory Council or other individual (your agency's historic preservation officer, if you have one) for advice and assistance.

As an organization UPAC might send a letter to the SHPO specifically requesting historic preservation assistance in the form of workshops, more advice on compliance with laws, more information on laws, regulations, and printed material designed to assist in complying with the various laws.

We also must continue to represent UPAC in various statewide committees on cultural resources and insure that this information is relayed back to the executive council and individual members.

--- Diana Christensen

Please see the Deputy SHPOs response to this editorial attached to this newsletter.

NPS AUDIT OF SHPO

In February of this year the National Park Service (NPS) completed an audit of the Utah SHPO. In response to this audit the SHPO made some minor changes in operation and responded to most of the comments.

The following comments on this audit do not reflect the complete comments found in the 44 page document but are only excerpts indicating some of the most positive and negative responses.

If you are interested in seeing the complete document, you may request to see the SHPO copy or contact Diana Christensen.

The Utah SHPO received positive marks in having a better working relationship with Native Americans than many states, having a solid inventory data system, having a good link between survey and National Register programs, having an effective logging and tracking system for handling correspondence, and maintaining an excellent 10-15 day turn-around time.

In addition, the Certified Local Government (CLG) program received high marks with some recommendations for better liaison with professional organizations, particularly for rural CLGs and minor technical suggestions for improvement.

However, the NPS also found no historic contexts developed sufficiently to produce goals and priorities around the state. None of the local contexts generated by the CLGs during reconnaissance level surveys are incorporated into the State Plan. The NPS requested the SHPO to produce a historic context to meet these needs.

The SHPO should be providing guidance to CLGs on how to evaluate and organize their historic contexts and how to begin the preservation planning process.

The NPS identified a need for the SHPO to provide direction and identification of specific archaeological survey objectives to the CLGs and the

to get nationwide input into the management of this area.

Nonetheless, all four Moab BLM archaeologists will participate in the orientation workshop on Intrigue of the Past on August 6 in Moab. We hope that the program will bring meaningful changes to cultural education in southeast Utah schools.

---Bruce Louthan

IMACS MEETING

The next IMACS Council meeting in October of 1991 may be crucial. At the spring meeting, several sweeping changes were proposed. These will be voted on in October.

Some of the proposed changes:

1) a reappraisal of the dues paid by primary council members and the fee for the IMACS guidebook. Now that IMACS is fully operational not as much funding is required on an annual basis. Several options exist such as raising the \$25.00 fee for most users and partially eliminating the perpetual updates given to all IMACS users. Another option is lowering the \$450.00 annual primary users fee and including IMACS user's guides for use by those agencies.

2) A moratorium on annual changes was proposed, initially starting at three years during which no changes could be made to IMACS. This is mostly in response to IMACS software packages such as Archaeocompute which need to be updated whenever IMACS changes. This is expensive and burdensome to users of such packages.

3) Change in IMACS council meetings from twice a year to once a year, especially if a moratorium is placed on annual changes to IMACS.

4) Reevaluating IMACS in light of Geographic Information Systems usage. How will this change the format and content of the IMACS form?

As you can see, major changes are being proposed. If you are interested in these changes, or in any others which will make IMACS more responsive and usable, attend the October meeting.

Also, every IMACS user needs to review the form to see if any absolutely necessary changes need to be made to IMACS before a two-three year moratorium is placed on changes.

For information about the meeting in October or about IMACS, contact Al Lichty at 581-8663.

NEW ARCHAEOLOGISTS

The Fillmore office of the BLM hired Nancy Shearin as a new archaeologist for both resource areas out of that office. She began working for them in June.

Jeanne Moe was recently selected by the Utah State Office of the BLM to assist with the education curriculum and permitting for archaeology. She has already been working on the curriculum for the past year.

The Arizona Strip District of the BLM, with offices in St. George, hired Diana Christensen as district archaeologist. She reports in September.

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Norman H. Bangerter
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May 6, 1991

Diana Christensen
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Dear Diana:

I appreciate the opportunity to respond to your letter and would like to make a number of points.

1996

We have made great strides in achieving success for individuals interested in cultural resources in the state. In 1985 Utah's Historic Preservation Act was passed, which created compatible legislation for the state with the federal government. This, of course, will require the preparation of rules. I have attached to this letter a copy of a recent letter addressed to State Lands from our Governor, which indicates a need to move in that direction. We have also seen the passing of the Archaeological Vandalism Act and the Certified Local Government program embracing archaeological surveys. The CLG program is one of the hearts of our program, and because of this we are putting increased funding into it so that elected officials at the local level will be able to make the decisions. It is at this level of local government management where the best decisions can be made for the cities and counties. I have also attached a letter we send to interested individuals requesting information from our files. The only area of your letter I have questions concerning is the part relating to the services provided to the "we" you mention. Federal agency managers have given us a number of compliments on our cultural resource management role. If we receive direct requests for additional information from federal agencies or federal officials, as per the Cultural Resource Management acts, we would, of course, respond to those requests in a timely manner. If we have been ineffective in providing that service, we would certainly like to hear from those federal agencies and the agency managers so we can correct this problem. We would, however, follow the attached policy in relationship to individual requests we receive from the general public since we are not funded to provide that information. It is clear from the Historic Preservation Act of 1966 and the appropriate code of federal regulations that federal agencies have the responsibility to collect all available information. In the event the state historic preservation office is unable to adequately supply the requested information, federal agencies are directed to collect it from other sources. Since we have not received complaints from federal agency managers, we can only assume the service is being adequately provided.

You also bring up the area of comprehensive planning. This is an area of great misunderstanding and I have attached a copy of the comprehensive plan and our recent federal audit where it relates to the comprehensive plan. You should be aware that the comprehensive planning process continues to undergo changes at

the National Park Service level. Utah has not hastened to follow the National Park Service lead because of our position that it is not appropriate for the State of Utah to undertake a comprehensive management process for federal lands. We further hold the position that the Certified Local Government grant program is the appropriate place for county and local officials to make their preservation priorities known. I have attached a copy of our comprehensive plan and our audit. I should let you know we received high marks in that audit for our comprehensive planning process and we were told we lead the nation in this effort, since we have chosen not to implement the comprehensive central policy of the NPS, but are working towards a strategic planning process., the new National Park Service direction.

We continue to respond to important archeological issues and to have these issues considered in the planning process. Currently we are working on the Native American Burial Act for Utah, which we expect to be considered by the next legislature. Draft copies of this are available if you wish a copy. Furthermore, the Endowment for History was recently passed which allows for the endowment of archaeological sites. I would be glad to provide information to your organization as to how this positive program might work.

We are also concerned about the responsibilities of data coordination. We are continually working to improve that program. We have bought new equipment and are coordinating our efforts with the State's GIS office and have a committee under the Interagency Task Force directly responsible for developing a coordinated policy in relationship to the data. I would be glad to provide your members with a copy of the latest minutes of this task force and also the minutes of the subcommittee of the Interagency Task Force Data Committee.

Also, be aware of the recent efforts in the Four Corner's area to positively promote archaeological resources through the Four Corner's Heritage Commission. I would be glad to provide information to the membership of UPAC on the progress being made in this area and how it will lead to the preservation, protection, management, and promotion of hundreds of archaeological sites.

Achievements we take pride in are: the record of having more CLG's than any other state in the country; having CLG's eligible to receive funding for archaeological projects; the recent passage of several pieces of important legislation in the state of Utah related to archaeology; the Four Corner's Heritage Commission; the development of Native American burial legislation as it relates to archaeology; and our working relationship with managers of federal agencies and private citizens.

Once again, we appreciate the many complimentary remarks you make in your letter and appreciate your helpful advice.

Sincerely,



Wilson G. Martin
Associate Director
and Deputy SHPO

cc: Jim Parker

Attachments: Governor Bangerter Letter to State Lands
Letter to Interested Individuals
Comprehensive Plan
Federal Audit

