

THE UPAC NEWS

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Steve Simms, President
Signa Larralde, Editor

FALL UPAC MEETING

The Fall UPAC business meeting will be held November 6 and 7 at the Utah Division of State History - Old Rio Grande Train Station, 300 Rio Grande in Salt Lake City. The meeting has typically been held in the northwest meeting room on the first floor.

The Friday business meeting will begin at 1 PM. An evening social activity is planned, with details provided at the meeting.

The Saturday morning session will begin at 9 AM and is reserved for reports of current archaeological research. If you have been in the field since last Fall, I urge you to present a paper describing what you have been doing and to encourage others to do so as well. These talks are meant to be the informal, "here's the archaeology I have been doing" kind of presentation. This activity has always been a big part of UPAC and is usually fun, so plan to contribute, disseminate your findings, and impress your colleagues. Papers will be limited to 20 minutes.

Please submit a brief abstract to Stan MacDonald at Manti-La Sal National Forest, 599 W. Price River Drive, Price, UT 84501, phone (801) 637-2817, by October 14.

--Steve Simms

PRESIDENT'S MESSAGE

The fall meeting has historically been the time when most UPAC business

is conducted so plan to attend.

This year, the Saturday session will focus on informal reports of current research. Plan to contribute with a brief description of your favorite recent fieldwork.

Current plans are for the 1993 spring meeting to be held in St. George with the Saturday session reserved for a symposium on Virgin Anasazi, so the Fall 92 meeting is the time to share your current research stuff.

The Friday afternoon (1PM) business meeting will pursue several of the topics identified in the May 1992 UPAC News. Topics include:

PA STATUS REPORT AND DISCUSSION:

There will be a report and dialogue on the Programmatic Agreement (PA) among federal and state agencies to streamline aspects of the Section 106 process.

This is the issue that introduced the subject of what has unfortunately come to be called "alternative mitigation." After the spring 1992 meeting, UPAC opposed the PA and I wrote a letter to the Advisory Council with copies to agency representatives. A copy of that letter is appended to this newsletter.

At the Fall meeting, we will update you on this subject and seek comment from UPAC members. This meeting is the time to come prepared to let the UPAC Executive Committee know your philosophy and/or comments on the draft PA circulated at the Spring

UPAC meeting, or on UPAC's response. The issue is not likely to go away and I will urge the Executive Committee to develop a "UPAC position" sometime after we hear from members at the Fall meeting. If you have comments on this subject, but cannot attend the meeting, write or call me.

ANTIQUITIES PROTECTION TASK FORCE: A State Antiquities Protection Task Force has been formed and by the time of the UPAC meeting will have convened three times. This group will make recommendations to the Board of State History regarding policies in light of the new Utah Antiquities Protection Act which went into effect this year.

The group includes about 15 people, of which about 5 are archaeologists. Also represented are UDOT, the Department of Natural Resources, the Utah Museum of Natural History, the Board of State History, the Department of Community and Economic Development, the Division of Indian Affairs and the Utah League of Cities and Towns.

The task force has been discussing everything from the permitting process, to artifact curation, to the role and organization of the Antiquities Section and archaeology in other state agencies including UDOT and State Lands. The report at the UPAC business meeting about this task force will be structured to solicit comments from UPAC members regarding some of the policies under consideration. Plan to make your voice heard.

STATE LANDS UPDATE: As most of you know, the Utah Division of State Lands now has an archaeologist (Ken Wintch) and has been in the process of writing rules. A draft of the rules is published in this newsletter and Ken will attend the UPAC business meeting to discuss the draft, answer questions, and solicit comments. If you want to comment but cannot be at the meeting, send written comments directly to Ken at the Utah Division of State Lands and Forestry, 3 Triad Center, Suite 400, Salt Lake City 84180-1204 or call him at 801 538-5508. An update on Ken's work at State Lands is also included in this newsletter. Our goal at the meeting

will be to provide Ken with feedback and ideas and if possible, advocate a set of draft rules that UPAC can support.

ABSTRACTING CRM REPORTS: Discussion/action is planned on a proposal to abstract some fraction of CRM reports each year in Utah Archaeology to help keep people up to date about projects and the CRM literature.

STUDENT MEMBERSHIP: Discussion/action is planned on by-law adjustments to enable a student membership category which includes the journal, Utah Archaeology, as well as the UPAC News.

SPRING 1993 MEETING: Plans for the spring meeting in St. George will be discussed, along with plans for a symposium on Virgin Anasazi, a topic long ignored by UPAC.

MARKETING UTAH ARCHAEOLOGY: Help will be solicited to direct-market our journal, something that will increase the stature of the journal and generate a bit of extra revenue for UPAC.

EDITOR CHANGE IN UTAH ARCHAEOLOGY: A change in editor for Utah Archaeology will be announced, and nominations will be opened for journal editor.

CURRICULUM DIRECTOR: Nominations will possibly be opened for the office of "Curriculum Director." What? You haven't heard of this office? Me neither, but it has been in the by-laws for at least 2 years so come find out how our interactions with avocationists might be improved.

Other exciting topics surely will come up. If there is something you wish to have on the agenda for the business meeting, please call me before the meeting. This will ensure you get on the agenda, but also helps structure the meeting so we can conclude at a reasonable hour.

--Steven Simms
(801 750-1277)

CHANGE IN EDITOR FOR UTAH ARCHAEOLOGY

After five years, Joel Janetski will pass the baton of journal editor to someone else. Utah Archaeology has

been a real success. It is peer-reviewed, has managed to blend the interests and perspectives of both avocationists and professionals, features quality articles superior to some other journals of similar scope, and is handsomely produced.

Holding the job of editor must be a daunting task, probably understood only by those who have done it. On top of that, Joel holds the distinction of "founding editor."

The journal, produced jointly with the generous support of the Utah Statewide Archaeological Society, is surely one of the most significant projects UPAC has participated in. We owe Joel Janetski and his staff sincere thanks.

It is the duty of the executive committee (UPAC officers) to appoint an interim journal editor and to open nominations for election of a new journal editor. Nominations will be solicited at the Fall business meeting with a mail ballot shortly thereafter.

I am pleased to report that Kevin Jones has accepted the appointment of interim journal editor. Speaking from personal experience, I know Kevin not only exhibits exceptional editorial skills, including command of the English language, but he has a personality capable of mediating the competing interests journal editors sometimes encounter.

Nevertheless, I will be sending him a case of Roloids to help him through his time.

--Steven Simms

UPAC AT GBAC

To solicit members and to increase journal sales and subscriptions, UPAC will staff a table at the Great Basin Anthropological Conference in Boise, October 8-10. We will have back issues of the journal, some complimentary copies of the UPAC News, and membership forms. We need some volunteers to help staff the table. How about donating an hour or two on one of the days of the meetings? If I don't hear from you before the meetings, UPAC officers will draft people in Boise. See you there.

--Steve Simms

STATE LANDS UPDATE

The Division of State Lands and Forestry is in the process of formalizing its cultural resources program. An interim process for compliance with section 9-8-404 of the new state antiquities act is in place and is working smoothly so far.

A number of inventories have been conducted on proposed sale, lease or easement parcels this field season, either by myself with USAS help or by contractors working either directly for the Division or for the project proponent.

New rules. The Division is currently working under the cultural resource rules that UPAC commented on late last year, and which went into effect on January 30, 1992. A new set of rules is in preparation; a draft of these new rules is appended to this newsletter. State Lands would like to provide UPAC members an opportunity to review and comment on the new draft rules. Additional distribution to USAS, state and federal agencies, research institutions and other interested parties is also taking place. (A set of rules for paleontological resources is also anticipated at a later time.)

The intent is to give everyone the month of October to review and comment on the proposed rules before submitting what we hope would be a consensus draft to the Board of State Lands and Forestry for approval. The Division would then submit the approved draft to the Division of Administrative Rules for the formal public comment process.

Please take some time to digest the appended proposed rules and come to the business meeting on November 6 ready to provide your input. I would hope that UPAC, as a group, could come together in support of these rules at the end of the business meeting. Of course, individual comments outside the UPAC forum are welcome and appreciated.

Three other issues. In addition to the effort to draft new rules, there are three other issues that I would like to make the membership aware of. These issues apply directly to

permitted researchers and consultants/contractors.

The first issue regards permits. As you know, the new state antiquities act gives State Lands the responsibility for issuing archaeological and paleontological permits for these activities on state trust and sovereign lands. We have informally delegated our permit authority to the Antiquities Section and, in accordance with provisions of the new state act, hope to do so formally in the proposed new rules.

The second issue regards permission to enter state trust and sovereign lands for archaeological investigations. Permission to enter trust or sovereign lands is not automatically granted by Antiquities' issuance of a permit. Investigators should also notify State Lands of their intent to conduct a survey on trust or sovereign lands prior to initiation of the survey. The key word here - at least for surveys - is notify.

I am currently working on a form which folks can simply fill out and submit to me. However, in the meantime, investigators should send me a simple letter with an attached map showing the state lands to be investigated. The letter should specify whether the investigation is compliance-related and, if so, for whom it is being conducted (i.e., Mountain Fuel, etc.). For project tracking purposes the Antiquities project number should also be given.

We at State Lands want to know what is happening on Trust and Sovereign Lands independent of normal project compliance channels, but we also want this process to be as simple as possible.

In the case of excavations, the new state act requires written permission from State Lands as a condition of permit issuance. A related yet fairly complex issue is right-of-entry, which may involve payment of a fee for non-recreational use of Trust Land.

The third issue is paleontological consideration as part of the state compliance process. Due to changes in the state act,

consultants/contractors conducting compliance-related surveys on or across state lands should integrate paleontological resource consideration into the inventory process.

This means that at the minimum a paleontological records search should be requested of the Antiquities Section for the state lands within a given project area, and the results of the search explained in the inventory report. Critical paleontological resources (which are defined in the new state act) or other significant paleontological resources should be handled the same as significant cultural resources in the recommendations section of the inventory report.

That's it for now. I will try to keep UPAC members abreast of State Lands business, as appropriate. If anyone needs additional information about any of the above topics, or has questions about anything else, then please give me a call at 538-5489 (my direct line) or 538-5508 (to leave a message at the reception desk). I keep an open door and would love to hear from you.

--Ken Wintch

ARPA NEWS IN UTAH AND NEARBY

UTAH'S FIRST ARPA CONVICTION:

Two Escalante, Utah men have pleaded guilty to raiding an Anasazi site. These were the first convictions in Utah under the Archeological Resources Protection Act, according to federal prosecutors. David Jordan, U.S. attorney for Utah, said the prosecution of David Woolsey and Jim Barney "represents a stepping up in the level of enforcement we intend to make of archaeological crimes."

Both men pleaded guilty to a single felony in exchange for prosecutors dismissing a second count. They will appear next month before U.S. District Judge J. Thomas Greene, who Jordan said is expected to impose stiff fines but no significant jail time. The men face maximum penalties of two years in prison and a fine of up to \$250,000.

The men, both employees at an Escalante sawmill, were photographed while digging at the site near

Boulder Creek in May 1991, by a group of hikers from Salt Lake. The hikers also took pictures of all-terrain vehicles registered to the men. Wayne Dance, assistant U.S. District Attorney, said the men have agreed to forfeit the ATVs they drove to the site.

These men are not professional pot hunters or hardened criminals, Jordan said, but he added that weekend diggers are causing great damage to Utah's archaeological resources. Noting that raiders are plundering hundreds of the estimated 100,000 sites in Utah, he stated, "People who do it almost as a recreational activity or a weekend hobby are doing the most damage."

ARPA ROCK ART VANDALISM CONVICTION:

United States Attorney David J. Jordan recently announced the successful conclusion of the National Park Service investigation of vandalism at a world-class rock art site in Canyonlands National Park on April 25, 1992.

Two male juveniles, residents of Rexburg, Idaho, ages 17 and 15, pleaded guilty in federal court to injuring and defacing an archaeological resource within a National Park, to wit, a series of rock art panels at Alcove Site, Horseshoe Canyon, Canyonlands National Park, which are listed on the National Register of Historic Places.

The vandalism consisted of nine separate graffiti inscriptions (names and symbols) on the rock walls in and near the Alcove Site. The inscriptions were made by scratching and charcoal application.

The juveniles were hiking with their father when they inflicted the graffiti damage to Alcove Site. The investigation disclosed that the father of the juveniles failed to intervene in his sons' destructive and illegal behavior.

The two juveniles appeared before United States Magistrate Judge Ronald N. Boyce in United States District Court and pleaded guilty to a violation of Title 36, Code of Federal Regulations, part II, Section 2.1: Injuring and Defacing

Archaeological Resources within a National Park.

The older juvenile, who caused most of the damage, was fined \$600; his younger brother was fined \$300. In addition, as part of an agreement between the family and the United States Attorney's Office, the father of the juveniles agreed to pay a civil penalty under ARPA in the amount of \$1,364.61. This was the cost incurred by Canyonlands National Park in assessing the vandalism damage and doing conservation work in an attempt to mitigate the damage to the Alcove Site.

The civil penalty and the fines were paid to the Financial Litigation Unit of the United States Attorney's Office.

--Nancy Coulam

CALIFORNIA MAN FINED \$250 FOR COLLECTING SURFACE ARTIFACTS:

A California man and his wife were fined \$250 for collecting surface artifacts on a Bureau of Land Management - administered archaeological site.

The citation was issued to Forrest Carbaugh of Aromas, California by BLM Arizona Strip District Ranger Ken Armstrong.

On May 1, two BLM archaeologists and two Arizona site stewards were working on an inventory project in House Rock Valley near Marble Canyon, Arizona, when they observed a vehicle parked in an area of high site density.

While the archaeologist, Aline LaForge, interviewed the couple, who admitted picking up artifacts on a Virgin Anasazi Pueblo II site, the steward observed and photographed shovels at their campsite.

--Diana Christensen

MORE ROCK ART VANDALISM:

On May 3, the name and date "H. J. Hogan 4-30-92" were discovered chiseled into the face of a rock art panel known as the Rainbow Pictograph in Horseshoe Canyon outside Canyonlands National Park on BLM land.

More than \$1500 in reward money has been raised for information leading

to the arrest and conviction of the vandal.

Anyone with information or a photograph should contact Bruce Louthan at (801) 259-2154 or BLM investigator Bart Fitzgerald at 1-800-722-3998.

VANDALISM PREVENTED AT FLOATING ISLAND CAVE:

Recently David Madsen and Kevin Jones of the Antiquities Section revisited Floating Island Cave in the West Desert, nearly a year after they had capped the remaining intact cultural deposits in the cave with two layers of chain link fence, two layers of large rocks, and a surface of dirt.

Someone had meanwhile attempted to dig into the capped deposit, but had given up after encountering the second layer of chain link fencing. This successful effort at protecting the increasingly rare intact deposits in cave sites in the West Desert was co-sponsored by the Division of State History, the Division of Water Resources, and BLM.

ARPA COURSE IN ST. GEORGE: The Federal Law Enforcement Training Course on the Archaeological Resources Protection Act (40 hours) may be held in St. George in the winter or spring of 1993. This course has been rated as excellent by those who have taken it. Anyone interested in attending the course should contact Diana Christensen at (801) 673-3545.

NAGPRA UPDATE

The first meeting of the NAGPRA Review Committee was convened in Washington on April 29-May 1, 1992. Two major issues dominated the meeting. The first concerned draft regulations developed by an Interagency Working Group to implement provisions of the statute. Several sections of the current draft (Draft Three) were discussed. The Committee was charged with submitting additional comments to the NAGPRA Program Leader over the next month. Copies of Draft Three are available for comment from the NAGPRA Program Leader, Archeological Assistance Division, National Park Service, P.O. Box 13721, Washington, DC 20013-3721; phone (202) 343-4101.

The second issue was developing a list of nominations for a seventh member of the committee. A list of five individuals consented to by all current Review Committee members has been sent to Secretary of the Interior Manuel Lujan Jr., who will select the seventh Review Committee member from this list.

On the next Review Committee meeting, to be scheduled after the appointment of the seventh member, a chairman will be elected and draft regulations will be reviewed prior to their submission to the Federal Register as Proposed Regulations.

The above NAGPRA Update was abstracted from the Federal Archeology Report, Volume 5, No. 2, June 1992. Appended to this issue of the UPAC Newsletter is a proposal by Shelley Smith to form a consortium for the purpose of laying the groundwork for NAGPRA consultation. Please read over Shelley's proposal; it will be an agenda item at the fall UPAC business meeting.

UPAC 1993 SPRING MEETING

Pending UPAC approval to hold the spring meeting in St. George in the latter part of February 1993, plans are being made to organize a Saturday symposium on the Virgin Anasazi in honor of Dr. Richard Thompson's contributions to this area.

Anyone interested in participating in the symposium should contact Diana Christensen at (801) 673-3545.

USAS ADVISOR NEEDED

A professional advisor is needed for the Alkidaa Chapter of the Utah Statewide Archaeological Society.

Each chapter should have access to a professional archaeologist to assist them in selecting projects, getting access to educational and entertaining materials, advise them on archaeological matters, answer questions, and help them keep abreast of current news from the field.

The Alkidaa chapter, which meets in the Manti-Gunnison area, has gone over a year without an advisor and badly needs one.

If you live in central Utah (or visit there often), want to have some fun with a great group of avocational archaeologists, and want to contribute to the betterment of Utah archaeology, please contact Corinne Clark at 528-3448. Join the dozen or so Utah archaeologists who are reaping the benefits of being an advisor to USAS.

New advisors and instructors for the certification courses (which pays) are always needed in all areas of the state. Please contact Kevin Jones at 533-4563 for more information.

LECTURE SERIES: 500 YEARS AT THE EDGE

The Utah Museum of Natural History and the University of Utah Anthropology Department are co-sponsoring a lecture series this fall and winter that will highlight changes that have occurred on this continent since 1492.

The Leigh Lecture (to be delivered Monday, November 9 at 7:30 p.m. at the Behavioral Sciences Auditorium, U of U) will introduce the series. The lecturer will be Dr. Ann Ramenofsky of the University of New Mexico, who will address the consequences of infectious European diseases among Native Americans since the arrival of Columbus in a free lecture entitled "Dreadful Ravages Among Them."

The winter 1993 lectures will focus on what has happened in our region, at the edge of the Great Salt Lake, the Great Basin, and the Rocky Mountains, in the last 500 years. This series will explore Fremont culture and wilderness in 1492, changes in plant communities, alternative views on range management, and sustainability into the next 500 years.

Speakers include Steven Simms, Garry Rogers (author of Then and Now), Allan Savory (Director, Center for Holistic Resource Management), and William Kittredge (author of Hole in the Sky).

Detailed information regarding topics, dates, location, and fees will be available from the Utah Museum of Natural History in November 1992.

GOVERNOR'S CONFERENCE ON HISTORY AND HERITAGE

The Utah State Historical Society is coordinating the first annual Governor's Conference on History and Heritage, to be held at the University Park Hotel in Salt Lake City on Friday, November 20, 8:00 a.m. - 9:00 p.m. and Saturday, November 21, 8:00 a.m. - 2:00 p.m.

The conference will offer sessions, workshops, keynote address, exhibits, activities, and opportunities on the how-to of doing history and heritage related programs and projects to a largely non-professional audience.

Archaeologists may benefit from the historical focus and grass roots emphasis of the conference program.

Registration is \$60 per person after October 1. For more information, contact Debbie Dahl at the Utah State Historical Society, phone 533-5755.

UNIVERSITY OF NEVADA AT RENO ANNOUNCES 1993 CRM CLASSES

The 1992-93 schedule of cultural resource management classes at the University of Nevada at Reno has been released. Class titles include "From the Field to the Printed Page: A Writing and Critical-Thinking Workshop for Archaeologists," "Current Archaeology: An Overview," "Hunters and Gatherers," "What is the Question? Archaeological Research Design in Cultural Resource Management," "Advanced Seminar on Preparing Agreement Documents under Section 106 of the Natural Historic Preservation Act," "Keeping the Courts Out of Land Managing," and "Archaeology for Managers."

Instructors include such luminaries as Richard Wertime (senior contributing editor of Archaeology magazine), Don Fowler, Robert Bettinger, Robert Elston, Thomas King, The Honorable Sherry Hutt, Thomas Green, and many others. For more information about these short courses and a schedule of the dates they are offered, contact CRM, Division of Continuing Education/048, University of Nevada, Reno, NV 89557-0024.

SYMPOSIUM ON ANASAZI AGRICULTURE

The New Mexico Archaeological Council will sponsor a symposium entitled "Recent Work, New Findings, and Traditional Practices in the Agriculture of the Northern Southwest" on October 2-4, 1992, in Santa Fe.

Four broad topics will be covered, "Agriculture Fields and Systems," "Water Control," "Anasazi Agriculture and Diet," and "Traditional Agricultural Practices."

Several people who are practicing traditional crop production have been invited to share their results as well as to offer their perspective on archaeological findings about field and irrigation systems and prehistoric crops.

Although this newsletter will undoubtedly arrive too late for you to attend the symposium, NMAC plans to offer the papers in a packet to symposium registrants. For more information, contact the New Mexico Archaeological Council, P.O. Box 1023, Albuquerque, NM 87103, or telephone Wolky Toll at (505) 877-6343.

NMAC PUBLISHES VOLUME ON LATE PREHISTORIC AND EARLY HISTORIC NEW MEXICO

The New Mexico Archaeological Council has published the first in a series of special publications on a topic of relevance to research in southern and central Utah: Puebloan, Spanish, and Athabaskan research on the late prehistoric, proto-historic and early historic period in New Mexico. Eighteen papers are presented, with a discussant paper following each of the three sections.

For a copy of the volume, which sells for approximately \$45, write to NMAC at the above address or call Wolky Toll.

CURRENT RESEARCH

FREMONT BURIAL DNA RESEARCH: Steven Simms, Utah State University, excavated a burial near West Warren

along the Great Salt Lake in May. This brings the total number of burials from this project area to 76.

The complete skeleton is a young adult male, laid on the side and facing east. The burial is likely Fremont, but is in the vicinity of a large multi-component Fremont/Late Prehistoric site.

Work is proceeding on the Great Salt Lake wetlands project including successful extraction of DNA and PCR amplification of bone from several skeletons as a preliminary test of DNA recovery. This work is being done under the direction of Dr. Dennis O'Rourke, Laboratory of Biological Anthropology, University of Utah.

In addition to molecular weights typical of prehistoric samples (50-300 base pairs), some of the samples contain high molecular weights of DNA, exceeding 750 base pairs.

The goals of the analysis is to compare DNA from Fremont and Late Prehistoric skeletons to better investigate the model of "Numic expansion."

DEER TRAP: Other work includes archaeological survey and test excavations in the Jarbidge Mountains in northern Nevada. A prehistoric-historic deer corral located at 7,600 feet on steep talus was mapped and tested.

The corral consists of an L-shaped fence of mountain mahogany and pine poles (up to 2.5 meters in height) anchored by a rock wall. Large quantities of lithic debris surround the area as well as several campsites.

In addition to the exceptional preservation of the fence, the site is accompanied by a diary account describing the use of the facility in 1894, making the site useful in an "ethnoarchaeological" sense.

Unfortunately, test excavation indicates that bone preservation in the sediments near the site is extremely poor. Additional work may be conducted in 1993 and a slide report about the work will be given at the Fall UPAC meeting.

be conducted in 1993 and a slide report about the work will be given at the Fall UPAC meeting.

Over fifty other sites were found in the Jarbidge area including other game drives, blinds, lithic procurement and biface production sites, windbreaks, spectacular historic cabins and a prehistoric, circular rock structure tested by Bill Fawcett.

ARCHAEOLOGICAL FIELD SCHOOL FINDS ANASAZI PUEBLOS: Twenty-three newly discovered Anasazi pueblos were recorded by a new archaeological field school on BLM's Arizona Strip District. The pueblos ranged from Basketmaker II through Pueblo III time periods and all were substantial.

Roane State Community College of Harriman, Tennessee initiated the new field school to train students in archaeology this summer.

This first summer was devoted to archaeological inventory only and was conducted for three weeks. Three hundred acres were surveyed and the 23 Virgin Anasazi pueblos were recorded by the 18 students, volunteers and their leaders. In future years, the field school will conduct more inventory and begin an excavation of the Uinkaret Pueblo, one of the Arizona Strip's public use cultural sites.

SURVEY IN NORTHWESTERN UTAH: With the help of three student interns, JoAnn Vosskuhler of BLM's Salt Lake District completed the survey of over a section of land in the vicinity of Swallow Shelter in northwestern Utah. Site density was extremely high; numerous lithic scatters were recorded. The present condition of Swallow Shelter was documented, and another rockshelter on the same cliff face was recorded.

Signa Larralde supervised the testing of three sites immediately south of the survey area. All had high surface densities of lithics, including a variety of obsidians. All three were also notable for the presence of numerous blade flakes, similar to those observed by the excavators of Swallow Shelter. One site is a possible wikiup site.

A TIMELY DONNER PARTY EVENT!

146 years later: A documentary about the Donner Party will be broadcasted on KUED on the evening of October 28, brought to you by the same folks who gave you the Civil War documentary.

For a grisly Halloween outing, join the Wasatch Mountain Club in hiking the last dozen miles of the Donner Trail in Utah across the Salt Lake Desert. Meet at 8 a.m. at Tooele I-80 McDonald's (22 miles west of SLC). Trailhead is 130 miles further west, so the group will try to carpool, with an effort to take into account your evening plans. WMC will stage cars north of Wendover and hike only one way, west from Silver Island Mt. pass to the spring at Pilot Peak. Straggling will be avoided by hiking the pace of the slowest person. Please, no repeats of history, only an appreciation of it.

Expect hike to be about four hours with an hour for lunch. Hike will end about 5 PM. Call Frank Atwood at 299-8264 for more details. Prospective WMC members are welcome on this activity.

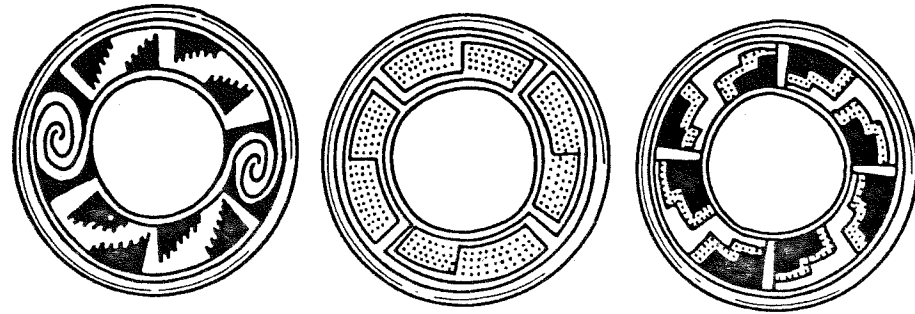
--Wasatch Mtn. Club Rambler

CALENDAR

Oct. 6-9 Issues in the Public Interpretation of Archeological Materials and Sites course, Colorado Museum of History and Denver Museum of Natural History, Denver, CO. Send non-NPS applications to Dave Dahlen, Stephen T. Mather Employee Development Center, P.O. Box 77, Harper's Ferry, WV 25425 (304 535-6371).

Oct. 8-10 Great Basin Anthropological Conference, Owyhee Plaza Hotel, Boise, Idaho. Contact: Tom Green or Max Pavesic, Idaho State Historical Society, 210 Main St., Boise, Idaho 83702 (208 334-2682).

Oct. 26-30 Archaeological Curation and Collection Management course, Western Archeological and Conservation Center, Tucson, AZ. Contact: Center for Career Education and Workshops, George Washington University, 2020 K St NW, Suite B-100, Washington, DC 20052.



Oct. 28 Donner Party documentary
airs on KUED, see evening TV
schedule.

Oct. 31 Wasatch Mountain Club Donner
Trail Desert Hike, contact Frank
Atwood, 299-8264.

Nov. 6-7 UPAC Fall Meeting,
Rio Grande Building, 300 West 300
South, Salt Lake City.
Business meeting begins at 1 PM
Friday. Symposium on current
research in Utah begins at 9 AM on
Saturday. Send Stan MacDonald
(Manti-La Sal National Forest, 599 W.
Price River Drive, Price, UT 84501,
phone 801-637-2817) an abstract of
your Saturday presentation by October
14.

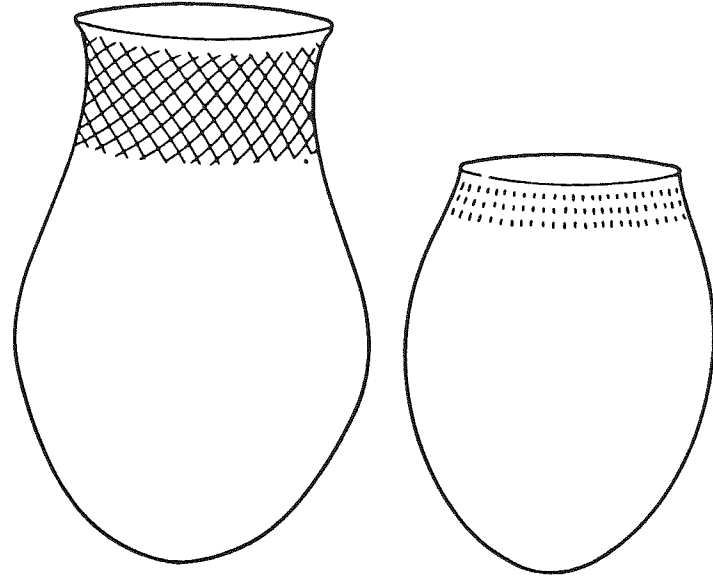
Nov. 9 Leigh Lecture, University of
Utah, Dr. Ann Ramenofsky on "Dreadful
Ravages Among Them," epidemics in
Columbian North America, 7:30 PM,
Behavioral Sciences Auditorium, U of
U, free admission.

Nov. 11-14 50th Plains
Anthropological Conference, Lincoln
Hilton, Lincoln, Nebraska. Contact:
F.A. Calabrese, National Park
Service, Midwest Archaeological
Center, Federal Building, Room 474,
100 Centennial Mall North, Lincoln,
NE 68505 (402 437-5392).

ARCHAEOLOGY JOBS

BLM's Arizona Strip District is
advertising an archaeologist position
which closes October 2. For
information, contact Diana
Christensen at (801) 673-3545.

BLM requests applications for the
position of Pony Express Resource
Area Archaeologist under the
Outstanding Scholars Program.
Applicants must have a B.A. in
Anthropology and an overall
undergraduate GPA of 3.5 or above.
If you fit the description and are
interested in this job, please
contact Signa Larralde at (801) 977-
4357 for instructions on how to
apply.



UTAH PROFESSIONAL ARCHAEOLOGICAL
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26 May 1992

Claudia Nissley
Advisory Council
730 Simms St. Rm. 401
Golden, CO 80401

Dear Ms. Nissley:

The Utah Professional Archaeological Council (UPAC) has been asked by state and
federal agencies to comment on the Programmatic Agreement (PA) titled, *Regarding
Compliance with Section 106 of the National Historic Preservation Act and Other
Historic Preservation Authorities in the State of Utah.*

UPAC supports efforts to streamline the Section 106 process as described in the
draft PA. Any increase in the efficiency of management of cultural resources is in
the long term, best interests of archaeology. In addition to procedural streamlining,
the more difficult concept of "alternative mitigation," or "alternative proposals," that
has been included to varying degrees in different drafts should continue to be
considered.

On a philosophical level, the concept of alternative mitigation could be very good
for the pursuit of knowledge about the past - ostensibly the reason for the existence
of cultural resource management laws and the attendant preoccupation with
"preservation." CRM is well known as a difficult medium to increase knowledge about
the past due to the constraints placed on the research process by the bounds of
proposed impact areas, the 106 process, etc. Often the information gained from these
settings holds potential that is unrealized unless it is explicitly linked with larger
context. Yet few mechanisms are available to provide this context, leaving much of
the "knowledge" generated by CRM archaeology in a virtually useless state. At first
glance, alternative mitigation holds the potential to alleviate this problem
significant to the accountability of CRM. UPAC feels the concept is worth
pursuing.

Having said this, it must be pointed out that there are too many problems with the
way cultural resources have been handled in Utah to enter into such an agreement at
this time. We note the widespread lack of trust in the Utah SHPO among the
professional community, the possibility of flux in the structure of the Utah Division
of State History which houses the SHPO, and the existence of multiple federal and
state levels that *different versions* of the PA seem to be proceeding along.

More specifically, the draft PA contains no specification as to how resources are
to be "reallocated." Page 6 of our version of the draft refers to the purposes of the
agreement and states, "and (3) to facilitate the reallocation of resources saved by a
simplified process to meet the requirements of section 110 of the National Historic
Preservation Act to address the problems of neglect and cumulative effect on historic
properties." The subject of "reallocation" is not touched upon again in the document
and raises at least three questions: 1. How will the SHPO or federal managers behave?
2. What process will be used to decide "reallocation of resources"? 3. What role will
the archaeologists actually working on particular projects have in determining
reallocation or is this solely under the domain of government personnel
(archaeologists or otherwise)? Regardless of whether the "management protocols"
shown as appendices in some drafts are discarded, the above problem occurs in the
body of the draft PA and is a significant obstacle.

Looking to the future, one recommendation UPAC can make pertains to the role of
the practicing archaeologist in determining how resources are reallocated. Any
reallocation of funds gained from streamlining or alternative mitigation would be
more likely to benefit the pursuit of knowledge about the past if those archaeologists
closest to the actual research have a significant role in determining how funds for
alternative mitigation are allocated. After all, it is the practicing archaeologist who
writes the research designs and is forced to massage as much knowledge as possible
from projects within the constraints of the "regulated science" atmosphere that is
characteristic of CRM. It is this reason why practicing archaeologists see the PA as
having a significant impact on archaeology, and is the reason UPAC urges a role for
those archaeologists in deciding how "reallocation" will be accomplished.

UPAC looks forward to continued interaction with agencies as the PA evolves. We
also invite clarification of elements of the PA that we may misunderstand.

Sincerely,

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cc. Max Evans, Utah SHPO
David Madsen, Utah State Archaeologist
Shelley Smith, Bureau of Land Management, Utah State Office
Jerry Wylie, U. S. Forest Service, Intermountain Region

A PROPOSAL FOR ADDRESSING THE NATIVE AMERICAN GRAVES PROTECTION AND REPATRIATION ACT IN UTAH

Shelley J. Smith, BLM

The Native American Graves Protection and Repatriation Act (NAGPRA) passed into law
November 16, 1990. It stipulates deadlines for two types of inventories of federal collections:

Nov. 16, 1993:

Section 6 (a) "In General -- Each Federal agency or museum which has
possession or control over holdings or collections of Native American
unassociated funerary objects, sacred objects, or objects of cultural patrimony
shall provide a written summary of such objects based on available information
held by such agency or museum. The summary shall describe the scope of the
collection, kinds of objects included, reference to geographical location, means
and period of acquisition and cultural affiliation, where readily ascertainable."

Nov. 16, 1995:

Section 5(a) "In General -- Each Federal agency and each museum which has
possession or control over holdings or collections of Native American human
remains and associated funerary objects shall compile an inventory of such
items and, to the extent possible based on information possessed by such
museum or Federal agency, identify the geographical and cultural affiliation of
such item."

The regulations implementing NAGPRA have not been issued; preliminary draft regulations are
lengthy and can be obtained by contacting the Native American Graves Protection and
Repatriation Act Program Leader, Archaeological Assistance Division, National Park Service,
P.O. Box 37127, Washington, D.C. 20013-7127. The regulations almost certainly will not
be finalized until the first inventory deadline is imminent, if not past.

NAGPRA is an unusually vague law. Responsibility for inventories is ambiguously assigned.
Claimants can show lineal descent or cultural affiliation based on folklore and oral tradition,
information classes not normally considered judicial evidence. Determining cultural affiliation
and lineal descent for claims of human remains and objects will likely be problematic in many
cases. The proposed means to resolve disputes and competing claims is vague. In short,
NAGPRA presents federal agencies and repositories holding federal collections with an
administrative nightmare. It is probably a safe assumption that Tribes are comparably
concerned.

Until the regulations are finalized, it is premature to begin applying lineal descent and cultural
affiliation determinations. However, I think that it would be prudent for concerned parties in
Utah to begin laying the groundwork for NAGPRA consultation. I propose we form a
consortium.

The consortium would consist of representatives from federal agencies, repositories holding
federal collections, and concerned Tribes. An advantage of this approach is that we avoid the
need for each agency and each repository to approach each tribe with the same questions.
I think we can avert some chaos and inconsistency through mutual consultation.

The ultimate purpose of this consortium would be to come to a resolution about applying
NAGPRA procedures, both for the required consultation and for determining right of
possession. The resolution should address existing collections and future situations where
NAGPRA would apply.

This proposal will be an agenda item for discussion at the fall UPAC meeting. I look forward
to hearing your thoughts and any suggestions for alternative ways to address NAGPRA.

6. The division may require other provisions as necessary.
R640-60-500. Delegation of Permit Authority. (new date)

Authority for permitting cultural resources work under R640-60-300 is hereby delegated to the Division of State History. The Division of State History's rules for archaeological permits shall be used for as long as this delegation of authority is in effect. At its discretion, the Board of State Lands and Forestry may rescind this delegation. If delegation is rescinded, the division shall issue permits in accordance with R640-60-400. In either case, one set of rules or the other shall be in effect at any given time.

R640-60-600. Determination of an Undertaking. (new date)

The division shall determine whether a proposed trust land use or other land use constitutes an undertaking. The division may categorically exclude some trust land uses and other land uses as not being undertakings in consultation with the State Historic Preservation Officer (SHPO).

R640-60-700. Identifying Historic Properties. (1/30/92) (new date)

1. The division shall make a good faith effort to identify historic properties that might be affected by an undertaking. The division shall utilize the Secretary of the Interior's Standards and Guidelines for Archeology and Historic Preservation (48 FR 44716), incorporated by reference, in making this effort.

2. Subsequent to the division's determination that a proposed trust land use or other land use is an undertaking the division may seek information from the SHPO, interested parties, local governments, Native American Tribes or Nations, state or federal agencies or other parties likely to have knowledge or concerns about cultural resources in the area. The division may delegate this collection of information to the applicant for use or sale of state land or some other appropriate party designated by the division.

3. The division shall determine whether a survey of the undertaking's area of potential effects will be required. The division shall notify the SHPO if a survey will not be required, or if the proposed survey is less than a Class III Cultural Resource Survey as defined in R640-1.

4. The division's archaeological staff may conduct surveys on school and institutional trust lands in the order of priority determined by the division. In determining priority the division shall give preference to surveys for state actions which in the opinion of the division have greater relative potential for commercial gain.

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R640-60-900. Assessing Effects. (1/30/92) (new date)

1. The division shall assess the effect of a proposed trust land use or other land use on historic properties by applying the Criteria of Effect. The division shall consider the views, if any, of interested persons in assessing the effect to historic properties. Based on this assessment, the division shall make a finding of effect.

2. The division shall consult the SHPO regarding the finding of effect. If the SHPO does not provide the division with comment within 30 days, then the SHPO is presumed to agree with the division's finding of effect.

3. If the division and the SHPO cannot agree regarding the finding of effect, then this dispute shall be referred to the Executive Directors of the Department of Natural Resources and the Department of Community and Economic Development for resolution.

4. If the division finds that the criteria of effect are not met for any historic properties within the area of potential effects, then the division shall make a finding of No Effect. If the SHPO agrees with this finding, then the division is required to take no further action in regard to Section 9-8-404. Subsequently, this finding shall be referenced in writing when approving the proposed trust land use or other land use.

5. If the division finds that the criteria of effect are met for any historic property within the area of potential effects, then the division shall make a finding of Adverse Effect.

(a) If the SHPO agrees with this finding, then the division shall consult the SHPO to seek ways to avoid or reduce the adverse effect. This consultation may result in execution of a mitigation plan specifying the actions to be taken to reduce the adverse effect.

(b) The division may, at its discretion, require that a mitigation plan be prepared by the applicant for the affected cultural resources.

(c) The director shall approve all mitigation plans and assure their implementation.

R640-60-1000. Planning for Discoveries. (new date)

1. The division shall require as part of every permit, lease or approval of trust land use or other land use except public sale of trust land a clause requiring work stoppage in the vicinity of a discovery property, until such time as the discovery property has been evaluated and treated to the satisfaction of the division.

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5. School and institutional trust land applicants may conduct surveys at their own expense in order to expedite processing of their application for trust land use.

6. Sovereign land applicants shall be required to conduct surveys at their own expense if the division determines that a survey will be required. The division may, however, opt to conduct the survey with its own archaeological staff, if the division so decides.

R640-60-800. Evaluating Significance. (1/30/92) (new date)

1. The division shall make a determination of the eligibility for the State Register or the National Register of Historic Places for any district, site, building, structure or specimen identified within the undertaking's area of potential effect.

(a) The division shall follow the Secretary's Standards and Guidelines for Evaluation in applying the National Register Criteria to any potential historic properties that may be affected by the undertaking.

(b) The passage of time or changing perceptions of significance may justify re-evaluation of cultural resources that were previously determined to be eligible or ineligible.

2. The division shall consult the SHPO regarding the division's determination of eligibility. If the SHPO does not provide views, then the SHPO is presumed to agree with the division's determination of eligibility.

3. If the division and the SHPO cannot agree about the eligibility of any district, site, building, structure or specimen, then relevant documentation for the entity in question will be referred to the Cultural Sites Review Committee for determination of eligibility.

4. If the division and the SHPO agree that the criteria for eligibility are met, or the Cultural Sites Review Committee determines that a disputed entity is eligible, then the historic property will be assessed for effect in accordance with R640-60-900.

5. If either no cultural resources are present or the criteria for eligibility are not met for any identified cultural resources, then the division shall make a finding of No Historic Properties. If the SHPO agrees with this finding, then the division is required to take no further action in regard to Section 9-8-404. Subsequently, this finding will be referenced in writing when approving the proposed trust land use or other land use.

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2. All costs resulting from adherence to the clause for discovery shall be the responsibility of the applicant. However, the division shall not require a clause for discovery without expending all other reasonable options to identify and evaluate cultural resources prior to issuance of the permit, lease or approval of trust or sovereign land use.

R640-60-1100. Emergency undertakings. (new date)

The division may waive cultural resource management considerations when responding to wildland fires, flood control and other emergency actions.

R640-60-1200. Programmatic Agreements. (new date)

The division may enter into programmatic agreements with the SHPO or with other state or federal agencies for compliance with Section 9-8-404 or other pertinent state or federal statutes. The division may also cooperate with federal agencies in federal programmatic agreements where practicable and appropriate.

R640-60-1300. Records. (1/30/92)

1. The division shall submit one copy each of all site forms, survey and mitigation reports prepared by the division to the Division of State History. All similar data prepared by permittees conducting work in accordance with R640-60-400 shall be required to furnish one copy of the results of their investigations to the Division of State History.

2. All records and data obtained through either surveys or mitigation work shall be classified in a manner consistent with applicable laws to prevent disclosure of site location information.

R640-60-1400. Ownership and Management of Specimens. (1/30/92)

1. Specimens recovered from sovereign lands shall be owned by the state and managed pursuant to state law.

2. Specimens recovered from school and institutional trust lands are the property of the respective trust, and shall be managed according to state law and the rules of the Utah Museum of Natural History.

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