



SOCIETY FOR AMERICAN ARCHAEOLOGY

January 31, 2006

The Honorable Jon Huntsman, Jr.
Governor
Utah State Capitol Complex
East Office Building, Suite E220
Salt Lake City, UT 84114
Via FAX: 801-538-1528

Dear Governor Huntsman:

The Society for American Archaeology (SAA) would like to express its opinions regarding two bills pending before the Utah House of Representatives that would greatly impact the state's archaeological record.

SAA is an international organization that, since its founding in 1934, has been dedicated to the research, interpretation, and protection of the archaeological heritage of the Americas. With more than 6,900 members, the Society represents professional archaeologists in colleges and universities, museums, government agencies, and the private sector. SAA has members in all 50 states as well as many other nations around the world.

SAA supports H.B. 311 (Cultural Sites Protection Amendments). It would close a gap in the legal framework protecting antiquities on land placed under restrictive deed covenants by the School and Institutional Trust Lands Administration. H.B. 311 is a much-needed clarification of law that will enhance the protection of Utah's cultural resources. SAA urges its passage.

However, we have serious concerns with H.B. 139. The legislation would eliminate the position of State Archaeologist, and shift the Antiquities Section's excavation permitting authority to the Public Lands Policy Coordinating Office (PLPCO). The Antiquities Section's role would be reduced to an advisory nature. SAA believes such a change would result in the under-utilization or outright loss of the substantial expertise and institutional memory the staff of the Antiquities Section possesses, to the detriment of the state's historic resources. PLPCO does not have the in-house scientific knowledge to conduct the reviews of archaeological permit applications and excavation reports that the bill requires it to do. Under H.B. 139, it is not clear that PLPCO would have a qualified archaeologist on staff at all.

The bill could also seriously weaken the professional qualifications required to conduct and perform archaeological fieldwork. It would void the high standards called for in the current Administrative Rules, including the requirement that permit applicants be listed in the Register

of Professional Archaeologists (RPA), an organization recognized as setting the highest professional standards in archaeology. Instead, H.B. 139 would have PLPCO draft an entirely new set of standards, based on a set of vague guidelines listed in the bill, without being required to take the advice of the Antiquities Section experts into account. It would eliminate the requirement that permit applicants consult with the appropriate Native American tribes, if necessary. Finally, in creating new guidelines for analyzing the effects of undertakings on historic properties, the legislation seems to make the cost of data recovery from affected sites the determinative factor, rather than the cost of the loss of scientific information that would result from the destruction of the site, in deciding whether or not to excavate.

SAA believes that all of these changes will result in a lower level of quality in the research and protection of the state's archaeological record, and fails to see the cause or necessity for the bill's drastic modifications of existing law. If there are inefficiencies that require legislative solutions, SAA urges the legislature to work with historic preservation experts within and outside of the state government to draft language that solves such problems without undermining vital cultural resource protection programs. H.B. 139 would endanger progress on historic preservation that has taken decades to build.

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Kenneth M. Ames". The signature is fluid and cursive, with a long horizontal stroke at the end.

Kenneth M. Ames
President
Society for American Archaeology