

Digest of Archaeological Surveys in Utah

Legislators have been concerned that the Division of History requires state agencies to do more archaeology than is necessary and, as a result, the cost of state road and building projects has increased. In addition, concerns have been raised about the division's tendency to act as a regulator to state agencies rather than as an advisor. In fact, some archaeologists complained that division staff have threatened to revoke their archaeology permits if they did not follow the division's advice while conducting field surveys.

Archaeological Surveys Rarely Cause Delays to Construction Projects. We found that archaeological surveys have not caused a significant increase in the cost or time to complete state projects. The Division of History examines about 1728 projects a year and of those, only about 22 projects a year have an adverse effect on cultural resources. We found it to be extremely rare that a construction project is delayed or the costs increased because of the need to complete the archaeology survey on the site.

H.B. 139 Addressed Most Concerns. House Bill 139 passed during the 2006 Legislative Session, provides two remedies to address the Division of State History's conflicting roles as advisor and regulator. First, the new law authorizes the governor's Public Lands Policy Coordinating Office (PLPCO) to review the comments made by the State Historic Preservation Officer (SHPO) and mediate any disputes between the SHPO and a state agency. Second, the new law removes the division's authority to issue archaeology permits and refocuses the division on its advisory role.

Additional Police Guidance Needed. Several policy issues still need to be resolved by the PLPCO, the Division of State History, and state agencies. Clarification of previous guidelines is necessary to resolve disagreement between the Division of State History and site archaeologists of user agencies regarding certain aspects of survey methodology. One of the disagreements involves the issue of whether the principal investigator must always be on site to directly supervise field workers. Policy guidance is also needed for the practice of off-site

A limited review of case files suggests the division's "advice" sometimes takes a regulatory tone.

Internal policies by land-managing state agencies would help streamline projects involving cultural resource management.

mitigation. There is a potential that off-site mitigation could be misused and that organizations may be tempted to pay for off-site archaeological work in order to avoid their obligation to preserve the resources directly affected by the agency's undertaking.

The three primary state agencies that have land managing responsibilities are: 1) the Department of Transportation, 2) the School and Institutional Trust Lands Administration, and 3) the Department of Natural Resources. In our view, if each agency had its own internal policies for the conduct of archaeological surveys, they could be more effective in addressing their cultural resource responsibilities and would also be less likely to have cultural resource issues adversely effect their project schedules and budgets. Prior to adoption, the new rules should be reviewed by the Public Lands Policy Coordinating Office and the State Historic Preservation Officer.

The audit contains the following recommendations:

1. We recommend that state agencies with regular undertakings that impact public lands develop a set of internal policies and guidelines describing how they will carry out their responsibility to account for a project's impact on cultural resources.
2. We recommend that the Division of State History, the Public Lands Policy Coordinating Office, and state land managing agencies work together to develop policies and guidelines governing the use of off-site mitigation.