

**CONCURRENT RESOLUTION ENCOURAGING PROTECTION  
OF ARCHAEOLOGICAL SITES**

2022 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Karen Kwan**

Senate Sponsor: David P. Hinkins

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**LONG TITLE**

**General Description:**

This concurrent resolution addresses the protection of archaeological sites.

**Highlighted Provisions:**

This resolution:

- ▶ describes the significance of archaeological sites in Utah;
- ▶ provides examples of laws that address the protection of archaeological sites;
- ▶ encourages law enforcement to enforce existing laws to protect Utah's archaeological sites;
- ▶ encourages the federal government to protect archaeologically significant sites within its jurisdiction;
- ▶ encourages the Department of Cultural and Community Engagement working with other government agencies to protect archaeological sites on state lands; and
- ▶ encourages education of the public.

**Special Clauses:**

None

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*Be it resolved by the Legislature of the state of Utah, the Governor concurring therein:*

WHEREAS, Utah has over 100,000 known archaeological sites with over 13,000 years of human history represented in all 29 counties and all land jurisdictions;



28 WHEREAS, in Utah Code Section 9-8-401 the Legislature determines and declares  
29 "that the public has a vital interest in all antiquities, historic and prehistoric ruins, and historic  
30 sites, buildings, and objects which, when neglected, desecrated, destroyed or diminished in  
31 aesthetic value, result in an irreplaceable loss to the people of this state";

32 WHEREAS, in Utah Code Section 9-8-301 the Legislature declares "that the general  
33 public and the beneficiaries of the school and institutional land grants have an interest in the  
34 preservation and protection of the state's archaeological and anthropological resources and a  
35 right to the knowledge derived and gained from scientific study of those resources";

36 WHEREAS, the state of Utah's Resource Management Plan celebrates the significance  
37 of archaeological and historical values within Utah's communities, finds these values benefit  
38 the quality of life in Utah, and establishes an objective to partner with federal agencies for  
39 archaeological site protections;

40 WHEREAS, recreational activities and visitation on Utah's public lands and school and  
41 institutional trust lands is increasing at an exponential rate;

42 WHEREAS, in recent years there have been multiple, publicized acts of vandalism on  
43 Utah's irreplaceable cultural resources from defacement and theft of cultural patrimony;

44 WHEREAS, laws exist to provide for the prosecution of vandalism and looting of  
45 archaeological sites;

46 WHEREAS, Utah Code, Title 76, Chapter 6, Part 9, Cultural Sites Protection, which  
47 applies to state and private lands in the state, makes it unlawful for a person to intentionally  
48 alter, remove, injure, or destroy antiquities without the landowner's consent;

49 WHEREAS, Utah has provisions protecting ancient Native American human remains  
50 from abuse or desecration from grave-robbing or disturbance;

51 WHEREAS, the United States federal government has laws protecting archaeological  
52 resources such as the Archeological Resources Protection Act, which provides for the  
53 prosecution of unauthorized excavation, removal, alteration, or defacement of archaeological  
54 resources;

55 WHEREAS, many archaeological resources have ongoing historical, traditional, or  
56 cultural importance central to some or all of Utah's eight federally recognized Indian Tribes,  
57 and executive agencies, with the assistance of the Division of Indian Affairs when needed, are  
58 directed to consult with Indian Tribes when engaging in a state action with tribal implications;

59 and

60 WHEREAS, Indian Tribes, visitors and tourists, all Utahns, and descendant  
61 communities have a stake in the preservation and protection of the legacy of previous  
62 generations who called what is now known as Utah home:

63 NOW, THEREFORE, BE IT RESOLVED that the Legislature of the state of Utah, the  
64 Governor concurring therein, encourages law enforcement to enforce existing laws to protect  
65 Utah's archaeological sites.

66 BE IT FURTHER RESOLVED that the Legislature and Governor encourage the federal  
67 government to protect archaeologically significant sites within the jurisdiction of the federal  
68 government.

69 BE IT FURTHER RESOLVED that the Legislature and Governor encourage the  
70 Department of Cultural and Community Engagement, working with other government  
71 agencies, to protect archaeological sites on state lands.

72 BE IT FURTHER RESOLVED that the Legislature and Governor encourage efforts to  
73 educate the public, especially the youth, on the importance of protecting cultural heritage and  
74 archaeological sites, including education efforts by the Department of Cultural and Community  
75 Engagement, other government agencies, non-profits, and other interested parties.

76 BE IT FURTHER RESOLVED that a copy of this resolution be sent to the Department  
77 of Cultural and Community Engagement, the Public Lands Policy Coordinating Office, the  
78 Office of Economic Opportunity, Utah's Office of Tourism, School and Institutional Trust  
79 Lands Administration, Utah's congressional delegation, the United States Secretary of the  
80 Interior, the director of the United States Department of the Interior Bureau of Land  
81 Management, the Bureau of Indian Affairs, the United States Secretary of Agriculture, and the  
82 chief of the United States Department of Agriculture Forest Service.