

**Representative Phil Lyman** proposes the following substitute bill:

**CONCURRENT RESOLUTION CALLING FOR 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;
  - ▶ calls for the federal government to responsibly fund the protection of archaeologically significant sites on lands managed by the federal government;
  - ▶ calls for the Department of Cultural and Community Engagement working with other government agencies to responsibly protect archaeological sites on state lands;
- and
- ▶ calls for 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



26 of human history represented in all 29 counties and all land jurisdictions;

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

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

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

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

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

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

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

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

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

54 WHEREAS, many archaeological resources have ongoing historical, traditional, or  
55 cultural importance central to some or all of Utah's eight federally recognized Indian Tribes,  
56 and executive agencies, with the assistance of the Division of Indian Affairs when needed, are

57 directed to consult with Indian Tribes when engaging in a state action with tribal implications;  
58 and

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

62 NOW, THEREFORE, BE IT RESOLVED that the Legislature of the state of Utah, the  
63 Governor concurring therein, calls for the federal government to responsibly fund the  
64 protection of archaeologically significant sites on lands managed by of the federal government.

65 BE IT FURTHER RESOLVED that the Legislature and Governor call for the  
66 Department of Cultural and Community Engagement, working with other government  
67 agencies, to responsibly protect archaeological sites on state lands.

68 BE IT FURTHER RESOLVED that the Legislature and Governor call for efforts to  
69 educate the public, especially the youth, on the importance of protecting cultural heritage and  
70 archaeological sites, including education efforts by the Department of Cultural and Community  
71 Engagement, other government agencies, non-profits, and other interested parties.

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