

Spring 95

From Your PREZ:

Since last Fall's meeting, several issues have arisen. The BLM/SHPO/ACHP PA has created quite a stir and has become controversial. Many of you have been appraised of new changes. The best seemed to be less waiting around for Ok's on routine projects; the worst is that there's damn little of a proactive management nature in the document at all! Those in Cheyenne should shame themselves for this latter condition. The PA is an important agenda item for the Spring meeting. Bring aspirins!!

Subsequent to state and national elections, folks unfriendly to archaeology are in many positions of power and influence. This is a time to be active in all our historic preservation efforts with letters on issues either expressing out personal views, or from WAPA, when the issues are deemed significant enough. Please simply let me know if you have a problem and we'll use our organization for comment. SHPO in Cheyenne is fragile right now; I suggest it's not a time to engage in SHPO bashing, but in working together to get through the next few years. Budgets everywhere are being cut; reorganization is frequently used as a way to install unfriendlies in position of power. We need to be alert to changes that adversely affect the resource.

Fred Chapman now has a new BLM counterpart. Tim Nowak has been ordained as BLM's Native American coordinator/NAGPRA guru in Cheyenne. No decentralizing here! Congratulations Tim. More on the NAGPRA issue at the Spring meeting.

The Southwestern Wyoming synthesis, after a great start in Jackson, seems bogged down. I am as guilty of this as anyone. But, the RMAC meeting in Steamboat and Plains in Laramie should provide a springboard for more scholarly writing. If you feel you were overlooked last Fall or simply missed the session (e.g. Billy C.), I suggest you prepare a paper for either meeting and we can include your synthetic efforts in with everyone else's. All are invited to participate. Enough sermonizing ... see Ya at the Hobo Pool!!

Dave Vlcek

**SECOND ANNUAL ROCK ART RECORDING WEEKEND WITH THE NATURE CONSERVANCY!!!!**

**TENTATIVELY SCHEDULED FOR JUNE 16-18, 1995.**

**MIKE BIES IS MAKING ALL THE ARRANGEMENTS WHICH WILL PROBABLY BE SIMILAR TO LAST SUMMER. THINGS ARE GETTING BOOKED QUICKLY FOR THE SUMMER AT THE TEN SLEEP PRESERVE; IF THIS IS A PROBLEM WEEKEND WE CAN DISCUSS IT AT THE SPRING MEETING.**

**LET'S ALL COME AND MAKE THIS ANOTHER SUCCESSFUL SEASON!**

**IF THE WEATHER IS GOOD, THE FISHING SHOULD BE ALSO!!!**



"WATCH YOURSELVES... I ONCE HAD A CONTRACT WITH AMERICA MYSELF"

The following letter was addressed to John Keck, SHPO, from the WAPA Linear Sites Committee on 27 February 1995. It is included here to let the membership know the conclusions and suggestions made by the committee on the draft proposal from SHPO entitled "How to Document and Record Linear Sites."

Dear John:

The WAPA Linear Sites Committee has reviewed the draft SHPO document regarding documentation and treatment of linear sites and IMACS exclusions. We appreciate the opportunity to comment and to provide input. We support the goal of formalizing these guidelines. We do have several comments and have also prepared a short context and justification for the exclusion of many modern linear features from evaluation under Section 106 (attached).

With regard to the "How to Document and Record Linear Sites", committee members felt the document to be confusing, and we were not sure what its purpose was intended to be. The guidelines seem to suggest that documentary research is required to determine if a resource is over 50 years old; often this is not the case. The committee also noted that these guidelines may be inconsistent with the guidance for the programmatic agreement between BLM, SHPO, and the Advisory Council on Historic Preservation. When the exclusion policy is also considered, one wonders why this document is necessary at all.

In general, we agree with the exclusion list; the committee feels that several other types of modern linear features can be added (see attached). The committee noted that the requirement to record and evaluate any of the excluded sites "if they are associated with any NRHP eligible site or district" is far too broad and may not reflect the intent of the statement. Documentation of such mundane features is probably only necessary if they can be considered a contributing element within an NRHP eligible site or a contributing site within an NRHP district. Consultants should also not be required to justify why something of this nature was not recorded; the justification is that it is on the exclusion list. Instead justification for documentation and NRHP evaluation should be required.

We strongly feel that the exclusion of irrigation ditches of less than 7 cfs, only one appropriator, and not the oldest in an area is far too narrow. These are comparatively small ditches and do not necessarily reflect a realistic view of the data currently available on irrigation systems.

This guideline cannot be used in the field; field personnel need to be able to determine immediately whether they will need to record and evaluate a resource when they encounter it during the survey, not after they have found a small ditch, returned to the office and checked the State Engineer's records, only to determine that a second trip to the project must be made.

The committee feels that, unless an architectural feature of an irrigation ditch will be affected or the consultant encounters an extremely old ditch or one that is no longer functional, IMACS documentation and NRHP evaluation of all ditches is unnecessary. Architectural features should be assigned a separate Smithsonian number and evaluated under criterion c. There is no need to worry about the entire extent of the canal system. The general significance of irrigation systems is self-evident. However, they are quite likely the most heavily modified and maintained of most modern features. The attached document provides some justification for this statement. Enlargements, routine replacement of structural features and routine realignment have all compromised the historic integrity of irrigation features. None of these modifications meet the Secretary of Interior's standards for rehabilitation. In all likelihood, there will be very few ditches and canals which meet the criteria for inclusion on the NRHP. Given the excellent documentation of these features in state, federal, and private irrigation district records, there is little justification for treating irrigation canals as cultural resources.

The recommendation that architectural features over 50 years old be given IMACS site numbers and evaluated under criterion c is consistent with current accepted treatment for highway bridges and other architectural features and features associated with other types of linear sites. SHPO policy should be consistent for all types of linear resources. As proposed by SHPO, documentation and evaluation of irrigation ditches is much different than that for other linear features.

We appreciate the opportunity to comment and will be happy to work with you to develop guidelines for irrigation canals which will be realistic. We would certainly like to discuss these issues before your office finalizes guidelines. If you need any further information, please do not hesitate to contact me.

Sincerely,  
(signed)  
Rick Bryant, Chair

Attachment to John Keck letter:

The modern landscape contains many different types of currently used linear features that have antecedents over 50 years of age. Many of these features are also extensively documented in federal, state, and corporate records. For example, the Wyoming State Engineer's Office keeps records and maps of all adjudicated water rights since Territorial Days. The Bureau of Reclamation has records for the public works reclamation projects found throughout the state. The Wyoming Department of Transportation maintain "as constructed" plans for all road construction since the founding of WYDOT in 1917. U.S.G.S. maps already contain the locational data for most of these features; that is, we already know where they are.

No one argues that these types of features are not "significant" in that they have made some contribution to themes important in the development of Wyoming's history and modern economy. However, these are mundane and commonplace items. Their physical remains do not yield historical information that is not available elsewhere. Their engineering is generally unimpressive and commonplace, and many lack architectural features. It is also widely recognized that, even though they may be in the same location, these modern features no longer retain integrity of original design, materials, or workmanship. Given the modern population growth, many of these features no longer retain integrity of setting, as well.

There is also the factor of continued use. There are very few undertakings which change the current use of these features. If an action crosses or interrupts a currently used feature, that action must include restoration of that feature to its current use. In other words, if a pipeline crosses a U.S. or State highway, the road must be rebuilt back to current standards. If an access road crosses an irrigation ditch, the ditch must be restored so that it carries water to the designated fields. Thus, there are very few actions which threaten to destroy, alter the current use, or otherwise threaten any of these modern features.

Given the criteria of current and continued use, lack of integrity, and extensive documentation in state and federal agencies, several classes of modern linear features can be excluded from field documentation and consultation under Section 106 of the National Historic Preservation Act, unless a compelling case can be made for significance and integrity, upon approval of the federal managing agency. Features which occur in a project area, which are not readily apparent from USGS maps and for which some references were checked should be noted in the file search or background section of the report, i.e. "a CIG pipeline runs parallel to the access road" or "a small irrigation ditch leading to pastures along the creek crosses the road." The following classes of linear features do not require formal IMACS documentation:

1. Modern highways, county roads, designated BLM and USFS roads, and two-tracks (excluding historically documented trails). Where historic trail have been truncated and completely destroyed by modern highway or gravel road construction, do not evaluate the segment of the modern road coinciding with the previous trail route as a non-contributing portion of the trail. The original wagon road or stage line has been destroyed and no longer exists in the area.

2. Pipelines
3. Railroads
4. Utility lines, e.g. power, telephone, gas, television, etc.
5. Fences
6. Irrigation ditches, excluding canals or ditches which have obviously not been used in the last 50 years or are incapable of carrying water (i.e. they have been truncated by other landscape modifications such as roads, etc.), and architectural or engineering features over 50 years old.

Irrigation systems are among the best documented modern phenomena by virtue of records at the Bureau of Reclamation, the Wyoming State Engineer's Office, and individual irrigation district offices. They are also the most heavily maintained and altered features by virtue of yearly cycles of clean-out, improvement, replacement of architectural features, and maintenance. Thus, the integrity of any currently used ditch is severely compromised. As an example, most main canals have been enlarged since their original construction. The Big Horn Canal has been enlarged six times, most recently in 1984. The Upper Hanover canal has been enlarged numerous times, such that its capacity is now twice the original (Rich Adams, personal communication, 2/95). Increasing the capacity necessitates replacement of structural features, headgates, and often requires excavating an entirely new channel. An increase of 10% in the cfs requires construction of a new channel, according to UW Civil Engineering professor Mohan Reddy (personal communication to Rich Adams, 2/95). Irrigation districts routinely apply for state loans and other funding to complete maintenance and upgrading, and most irrigation district routinely check each segment of a canal system, as often as once every five years, and replace structural features and repair channels as needed. Summer thunderstorms and flash flooding cause blowouts and subsequent realignments on a yearly basis. None of these modifications, which have been on-going since the ditch system was first used, have ever met the Secretary of Interior's Standards for Rehabilitation. Thus, it will be virtually impossible for any ditch system to have sufficient integrity to actually qualify for inclusion on the National Register of Historic Places.

## MINUTES FALL 1994 MEETING

The meeting was called to order and announcements concerning the Saturday slide session in Worland were made. It was decided to cancel the trip to the Worland Museum and hold the slide session at the hotel in Thermoplis.

A motion was made, seconded, and passed unanimously to approve the minutes from the Spring 1994 meeting as written in the newsletter.

The treasury report was submitted and summarized by Julie Francis. Arrangements were made with Putnam Investment Services of Laramie to invest \$1000.00 in a Mutual Fund and \$2000.00 in a Money Market Certificate. The interest from the Mutual Fund will be reinvested in the fund. Checks can be written against the Money Market Certificate. Any dues owed for 1993 or 1994 are payable at this time.

A motion was made, seconded, and passed to accept the treasurer's report.

## AGENCY UPDATES

A letter was read from the State Archaeologist Office which discussed the upcoming 53rd Plains Conference to be held in Laramie October 18-21, 1995. The organizing group is meeting every two weeks at this time. An interagency agreement between the State and the Feds has been negotiated for the UW Repository to conduct a NAGPRA inventory and create collections management goals including a detailed inventory and security system.

**BLM** A letter from Jerry Clark was read discussing the upcoming Southwest Wyoming Context meeting and an update on the PA. The SW WY context meeting will be held at the Teton Science Camp in Jackson Hole November 14-18, 1994. Mary Lou Larson is doing the organizing and the BLM will pick up the tab - thanks to Jerry Clark! Training sessions for details on how the agency will implement the new PA will be held this spring before the next field season. It was asked how the new CFR800 regs will affect the PA. Any conflicts will be ammended in the PA.

The Platte River Resource Area had nothing to update.

Mike Bies stated the rock art recording project in July was a great success. One locality was fully recorded - art and archaeology. There are seven localities remaining to be recorded. Working with the Nature Conservancy was great. The following participants were given a hearty thanks: Chris Arthur, Mike Bies, Julie Coleman-Fike, Will Husted, and Lynn Bama.

In the Pinedale Resource Area the burial from the LaBarge area is the biggest news. Enron has agreed to fund a magnetometer survey in the Green River Bend Unit. Lew Summers of San Francisco will do six blocks of mag survey, 16 readings/square meter, in areas proposed for disturbance, so there will be follow-up on all the data gathered. Bill Current got the project

started and will have more information. Field work will be conducted November 7-14, 1994.

**USFS** Jamie Schoen had nothing new to report at this time. They are, however, looking into doing a mag survey to find Ft. Piney on USFS land possibly an adjacent State section.

**SHPO** Mary Hopkins provided an update on the database project. The local network is now installed. Tapes are being made and the BLM is getting this info loaded into their system. Rawlins will be the first to try the system. The goal is to get the File Search information available on screen for the BLM archaeologists at the district level. The Records office is being restructured internally to be ready to convert to the new data system.

File search requests will be handled a little differently: if faxed, no hard copy will be sent; faxed requests are more efficient for the records office; plotting all existing sites in the area will be helpful; file searches will be good for 60 days after November 1, 1994; and the fee structure will change.

An RFP for a Systems Analyst has been put out. Hopefully some one will be hired by January. The final report on the survey will be out in mid-November for review. An internal meeting was held to compose guidelines on how to record linear resources. A letter will be sent out for comment in the near future. Also comments will be solicited on new guidelines for exclusion of certain sites from IMACS recordation. Right now things under consideration include recording 10 or fewer non-diagnostic lithics in a 30 X 30 m area with no deposition as an isolate; cairns as IF's; prospect pits; etc. Comments will be solicited on the draft.

## OLD BUSINESS

Julie Francis presented copies of a draft paper entitled "Historic Context and Evaluatin of Automobile Roads in Wyoming" and asked for comments to be sent to her. She led a lengthy discussion on recording extensive linear features, especially ditches. The basic premis presented in her draft paper on highways is applicable to other linear features. These features are extensively documented through construction records and continual annual maintenance and appear on all maps. Maintenance and upgrading activities destroy their physical integrity since the original features are no longer present. It was generally agreed that we do not need to record the heck out of every road and ditch.

The end result will probably be a PA which will be incorporated into the existing SHPO transportation context.

Mike Beis discussed the status of Altamont. The rehearing request was denied. The Independent Petroleum Producers and the Wyoming Outdoor Council are filing an appeal with regard to the EIS. The deadline for appeals is 2 December 1994. No action will be taken until then.

A break was taken to count ballots. Election results are as follows:

Chris Arthur- Past President  
Dave Vlcek- President  
Rick Bryant- Vice President  
Beth Porter- Secretary  
Julie Francis-Treasurer  
Scotty McKern- Member at Large

#### NEW BUSINESS

A general discussion was held on signing ballots. It was decided that all ballots will be sent to the past president since that individual will not be running for an office. A Motion was made, seconded and passed to no longer sign the ballots.

A new site definition was discussed, but not formalized. SHPO will write up the site definitions and those items that will be excluded from IMACS recordation. This will be sent out for comments and suggestions.

Gary Demarcay discussed the Windmill Project in the Rawlins District between Arlington and Medicine Bow on Simpson Ridge. Mariah and Associates did the Class III inventory. 600+ stone features were recorded. Sherry Deaver is doing the Ethnohistory report. The EIS is in the works and a record of decision will be made hopefully by April. Haman Wise, representative for the Eastern Shoshone, felt that the project should not be built there. This is an area of significant spirituality. This is a migration route. Haman was also upset that several of what were labeled as rock features were excavated. He referred to these features as alters and they should not be disturbed. Haman feels we, as archaeologists have been callous and all we want is to record these things and forget them. We do not understand the spirituality and how the Indians feel about these things. Gary is hoping to have the EIS by the first of the year. The BLM is the only Federal agency involved with the state and private entities. It was mentioned that the electricity to be generated will not be used in Wyoming which spawned a general discussion on why it needs to be in Wyoming since it will not benefit Wyoming. Dave Vlcek emphasized that we as an organization need to try to be more sensitive to the Native American needs and concerns and to do everything we can to work together on this.

Archaeo-tourism seems to be developing into a potential problem. BJ Earle stated that she had been contacted by an archaeologist from another Federal agency (not BLM) to do tourism type inventory which is not project related. This individual wanted to do this for profit. People would pay him for the privilege of doing archaeological inventory. The discussion which followed centered on the ethics of such activities. Several questions were brought up including the need for a specific research design; what would happen to the site data; what about protection; how do you keep people from going back later and collecting? BJ would like to

have WAPA take a position on this issue. A motion was made, seconded, and unanimously passed to send a letter to the Casper District asking to be party to analysis of all requests for archaeo-tourism. Dave Vlcek will draft the letter. A position paper will then be compiled.

Archaeology Week will be 18-25 February 1995. Mary Hopkins asked for volunteers. Julie Francis is coordinating publicity. The Humanities Council grant must be applied for by 15 December 1994. Speaker suggestions included Larry Lowendorf, Sherry Deaver, and Vance Hanes. A motion was made, seconded, and passed unanimously to have WAPA donate \$200.00 for the Archaeology Week poster which will be the mural by the Green River Valley Museum.

Judy Wolf brought up the need for saving historic properties in Grand Teton Park. Mike Johnson, of Grand Teton Park, is asking for support from the archaeology community to salvage the Old Leeds Lodge in the Park. \$200,000.000 will be needed to restore the lodge which is listed on the National Register. The Park wants to turn it into an archaeology museum. It was suggested that plans and concrete ideas be brought to the spring meeting to give the membership a better idea of what they need and how we can help. Dave Vlcek will contact Mike Johnson to find out what type of letter of support he needs from WAPA. Dave will send this letter.

Comments concerning the new 800 Regs are due by 1 December 1994. Everyone was encouraged to comment. There will be three major areas of change. In general they are: 1) more advanced input from Native Americans; 2) The timing aspect of how NEPA is approached will change; the 106 process must be done very early and detailed; 3) The Council is the watchdog agency. All violations will be issued by the Council against the Federal agency.

The time frames put forth could be a problem for the clients. Haman Wise felt that these regs will give Native Americans input well enough in advance to make major projects start off smoothly. It was noted that these regs seem to be contrary to Clinton's idea of streamlining government. In general it was felt that the regs complicate the process to the point of removing the archaeologist from the protection of the cultural resource.

IMACS forms were brought up. It was asked if we need to continue filling out encoding sheets. Mary Hopkins stated that some have been inputted and for now we should continue the practice. The entire form may be eliminated in the future.

Lynn Harrel brought up the subject of Federal undertakings within other jurisdictions and the concept of protective covenants. An example was the Chrisman Land Exchange in Pinedale along the New Fork River. This appears to be a politically motivated project. The protective covenant is very thin and there are lots of significant sites in the area. WAPA needs to write a letter of interest to see a copy of the EA and be informed of the process.

Covenants are difficult to track and there is generally no money to provide inspection. An EA will be prepared for public comment, but that does not mean the comments will be taken seriously. A motion was made, seconded, and unanimously passed to have the Executive Committee compose a letter to the BLM to be involved in the NEPA process.

#### ANNOUNCEMENTS

An RFP letter was received from a private land owner in Arizona concerning mitigation of a site in the Coconino National Forest for a land exchange. It was generally agreed that it was out of the territory for most of us.

The Spring meeting will be in Saratoga in conjunction with WAS April 21-23, 1995. It was proposed that the Saturday session be a forum on computer mail and info sharing systems.

Chris Arthur would like to encourage everyone with a PC to get hooked up to an on-line service to network our membership. Delphi seems to be cheapest. It would facilitate passing information around the membership. The newsletter and meeting minutes could be on-line. Lots of potential.

A motion was made, seconded, and passed unanimously to adjourn the meeting at approximately 5:00 p.m.

Respectfully submitted, Beth S. Porter

#### USFS UPDATE - Jamie Schoen

The Wyoming SHPO and the National Forests in Wyoming are working on a Memorandum of Understanding to address potential effects to cultural resources due to the reissuance of grazing permits on National Forest System lands. These grazing permits are usually issued on a ten year term, and by December 31, 1995, approximately 4300 permits nation wide will expire. Due to recent lawsuits in California and Montana, the Forest Service is re-evaluating our NEPA process to insure that adequate documentation is provided which addresses the environmental effects of grazing.

The Washington Office of the Forest Service will develop a Programmatic Agreement which recognizes that the reissuance of grazing permits is an undertaking which has the potential to effect cultural resources, and individual MOU's will be developed at the State level to address specific details.

Under the terms of the MOU, all range improvements, such as water pit developments, fence construction, and any ground disturbing activities, will require a Class III inventory. The remainder of the grazing allotments will then be analyzed and ranked using the criteria of their susceptibility to impact due to livestock grazing (waterways riparian areas, stock driveways, flat grasslands) and their potential to yield cultural remains (ecotonal boundaries, slopes of less than 15%, areas within 1/4 mile of permanent water). A ten year survey schedule will then be developed and surveys will be conducted in those areas where the two perimeters overlap.

Under the terms of the MOU, the cultural resource surveys need not agree with the actual schedule of permit reissuance. In addition, grazing allotments will usually be grouped into ecosystem units, thereby reducing the need for multiple reports. The Forest Service and SHPO will also review the implementation of the survey schedule on an annual basis to determine if revisions to the MOU are needed.

Needless to say, this is going to keep some of us extremely busy over the next few years. It is difficult to say how many grazing permits will be reissued in Wyoming over the next two years, but easily there are tens of thousands of acres involved.