

The Board of Trustees
of the
School and Institutional Trust Lands Administration

New Policy

Amends Policy No.

Repeals Policy No.

Policy Statement No. 2010-01

Subject: Management of Archaeological and
Historic Resources on School and Institutional
Trust Lands

The Board of Trustees of the School and Institutional Trust lands Administration met in open, public session on January 7, 2010, and by majority vote declares the following to be an official policy of the Board:

WHEREAS, the Utah Legislature, in UCA § 9-8-301(1), has declared that the general public and the beneficiaries of the school and institutional land grants have an interest in the preservation and protection of the state's archaeological and anthropological ("cultural") resources and a right to the knowledge gained from the scientific study of those resources; and

WHEREAS, in UCA § 9-8-301(2), the Legislature finds that policies allowing for the investigation of cultural resources on school and institutional trust lands and the preservation and development of sites on school and institutional trust lands for scientific and educational purposes are consistent with the trust land grants, so long as primary consideration is given to the support of the trust land grant beneficiaries; and

WHEREAS, the Utah Legislature, in UCA § 9-8-404, has directed all state agencies to "take into account the effect" of each undertaking on significant historic and archaeological resources and to provide the state historic preservation officer with a reasonable opportunity to comment thereon; and

WHEREAS, every dollar spent by the Trust Lands Administration on compliance with the above two statute represents a dollar that does not go toward supporting the trust land beneficiaries; and

WHEREAS, the Trust Lands Administration has successfully balanced the requirements of UCS Title 9, Chapter 8 with its mandate of optimizing revenue generation on behalf of the trust beneficiaries for nearly 18 years' time now; and

WHEREAS, UCA § 53C-1-201(5) directs the School and Institutional Trust Lands Board of Trustees to provide policies for the management of all trust land assets and for treatment of Native American human remains discovered on or excavated from school and institutional trust lands.

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NOW, THEREFORE, the School and Institutional Trust Lands Administration's Board of Trustees (the "Board"), having met in open, public session on January 7, 2010, and by majority vote has declared the following to be official policy of the Board:

- * Cultural resources on school and institutional trust lands are assets that should be managed prudently, profitably, and for the benefit of the trust lands beneficiaries.
- * The value of the Trust's cultural resource assets lie in the scientific and educational benefit recognized by the Utah Legislature. This value is lost when cultural resources are disturbed or destroyed without benefit of scientific investigation.
- * Compliance with § 9-8-404 often requires scientific investigation and, at a minimum, requires retention of staff to manage the compliance process on behalf of the agency. These costs represent an expenditure of financial resources that would otherwise go toward financial support of the Trust beneficiaries.
- * Given all of the above, we believe that the expenditure of financial resources necessary to comply with § 9-8-404 represents an appropriate cost of doing business for the Trust Lands Administration.
- * However, as with any cost of doing business, the Board directs the Trust Lands Administration to minimize the cost of § 9-8-404 compliance as much as possible, while still protecting the scientific and educational value of the Trust's cultural resource assets and, most importantly, protecting the agency's ability to manage all other trust lands assets as prudently and profitably as possible on behalf of the trust lands beneficiaries.
- * In summary, the Board directs the Trust Lands Administration to continue to vigilantly seek and find the optimum balance in § 9-8-404 compliance while ever remembering the Legislature's directive in § 9-8-301(2) to ensure that primary consideration is always given to the support of the trust land grant beneficiaries.