

April 2006

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Annapolis, Maryland

Lucy B. Wayne *SouthArc, Inc.*
Gainesville, Florida

(Officers are listed on Page 2)



ACRA Board at 2006 Meeting in Raleigh, North Carolina: Front row: Denise DeJoseph, Nancy Ferrell, Terry Majewski, Steve Dasovich, Laura Black, Brian Thomas, Ian Burrow, (Past President), Karen Hartgen (President and Board Member), Lucy Wayne (Vice President for Government Affairs), Nurit Finn, Joan Deming, Joe Schuldenrien. Back Row: Bill Self, Kurt Schweigert, Scott Stull (Executive Secretary), Mike Polk (President Elect), Sarah Herr, Jeanne Ward, Ellen Turco, Cinder Miller, Chad Moffett (Secretary). James Karbula.

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ACRA's Mission

Our mission is to promote the professional, ethical, and business practices of the cultural resources industry, including all of its affiliated disciplines, for the benefit of the resources, the public, and the members of the association by:

- promoting and supporting the business needs of cultural resources practitioners;
- promoting professionalism in the cultural resources industry;
- promoting and providing educational and training opportunities for the cultural resources industry; and
- promoting public awareness of cultural resources and its diverse fields.

A basic tenet of ACRA's philosophy is the cost efficiency of private-sector firms in meeting the need for expertise in cultural resource management. ACRA is strongly opposed to unfair competition from tax-supported contracting programs. We believe that a greater benefit to society, and to the resources, derives from the existence of a healthy community of tax-paying, job-generating, private-sector CRM businesses.

ACRA OFFICERS

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Karen Hartgen, *Hartgen Archaeological Associates, Inc.*

President Elect

Michael R. Polk, *Sagebrush Consultants L.L.C.*

Past President

Ian Burrow, *Hunter Research, Inc.*

Vice President

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If your CRM firm needs specialized expertise or temporary assistance, CHRS can provide you with:

- historic, urban, or industrial archaeology
- professional research and oral history
- HABS/HAER large-format photo-documentation
- video documentaries, illustrated books and booklets, brochures and pamphlets, posters, interpretive panels, displays and exhibits, and historical markers
- a wide variety of environmental policy-compliance and planning-related activities and documentation

Contact Nadine Miller Peterson
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ACRA Lapel Pins

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MESSAGE FROM EXECUTIVE SECRETARY

By Scott Stull

The Spring Board Meeting has come and gone. Thanks to Ellen Turco and Circa Inc. for hosting the board meeting. Plans for the fall annual conference are well underway, and the board is energized to make ACRA better than ever. One of the long-sought goals of the board is the Business of CRM workshop that will be held at the fall conference in September. This is one of the reasons ACRA exists, to provide unique support for CRM firms. The workshop should be very helpful for long-established firms and newcomers alike.

Other activity at the board meeting included identifying a group to look at the web site and improve its use for both ACRA members and for those looking

for a consultant. There is a lot to do there, but look for improvements in the coming months. The conference display, brochure and other communication items will all be reviewed by the board to ensure that the message ACRA wants to send is clear, consistent, and up to date.

The Strategic Planning Committee is actively looking at where ACRA will go and what structure will be used to get it there. With Tom retiring as the only Executive Director ACRA has ever had, it means that everything is new territory, and we all need to determine the best course to follow to make sure ACRA can achieve its goals of serving the CRM industry. Currently, the leadership structure consists of the President, the Board, and the Executive Secretary. An obvious question arises: what does the Executive Secretary do?

THE BUSINESS OF CRM: CONTRACTING AND PROJECT MANAGEMENT

**A SRI Foundation and Mead & Hunt Workshop,
Sponsored by the American Cultural Resource Association**

Having difficulties developing proposals and negotiating contracts that are to your firm's best advantage? Struggling to keep your projects within budget? Looking for ways to improve the quality of your work? Then this workshop is for you! We will provide you with tools and strategies that can improve the way you do business in terms of contracting and project management. Nothing theoretical here! These are tools and strategies proven to work well in the often challenging world of CRM.

This one-day workshop is taught by Terry Klein, Executive Director of the SRI Foundation, and Amy Squitieri, Vice President of Mead & Hunt, Inc. With a combined 40 years of experience, Terry and Amy have successfully managed projects large and small for local, state, federal, and private clients across the country.



Board members Ellen Turco, Nurit Finn, Ian Burrow and Jeanne Ward at Spring board meeting.

..continued on Page 4



Karen Hartgen and Scott Stull at Spring Board Meeting

When Karen Hartgen's term as President ends, Mike Polk will select an Executive Secretary for his term as President.

This year, ACRA will hold a meet-and-greet session at the SAA meetings in San Juan, as it has done for the last several years. I will be there with the ACRA display, and I'd love to have ACRA members drop in, say hello, and take a look at the display. I'll pass comments on the display on to the review committee. The session is Thursday, April 27, from 4-5 p.m. Afterwards, from 5-7, ACRA is co-hosting a Happy Hour with the Consulting Archaeology Committee of SAA. There will be no Job Fair this year due to the logistical difficulty in bringing displays to Puerto Rico, so drop in on the Happy Hour instead!

The Executive Secretary, first and foremost, assists the President and the Board in the smooth functioning of ACRA. The Executive Secretary takes care of the mundane tasks of collecting the mail, moderating Members Only and ACRA-L. He (or she) also holds onto the conference display and carries or sends it to conferences. The Executive Secretary is also the point of contact for members and the public. I handle simple things, such as answering questions on how to get into the members section of the web site or directing people to the information about ACRA for which they are looking. Anything of substance gets sent along to the appropriate person, whether that is the President, a committee chair, the Board, or one or more of the officers. What the Executive Secretary does not do is make decisions for ACRA. All decisions are made by the President, the Executive Committee, and the Board. Under the current structure, the Executive Secretary is an assistant first to the President and then to the board.



Board Members Enjoy Dinner at Cafe Luna.

WE NEED YOU TO RUN FOR THE ACRA BOARD!

By Ian Burrow, Nominations Committee Chair

The 2006 the Nominations Committee is seeking to fill board positions for the following:

- ✍ **Two Firms in the Small Category**
- ✍ **Two Firms in the Medium Category**
- ✍ **One firm in the Large Category**
- ✍ **Vice-President for Government Affairs** (This individual works closely with our Government Affairs consultant, who is based in D.C. The Vice President also chairs the Government Affairs Committee. In the present political climate this is an important and stimulating position.)

The Committee has begun assembling a list of potential candidates. Our intention is to finalize the list of candidates by May 15, with at least two candidates for each seat if possible. The plan is to finalize the slate by June 15. Voting will be electronic.

If you haven't been on the board before, or if you'd like to come back, please think about it now. You will get to meet and work with a great group of people from all over the country who oversee ACRA's operations and set policy.

We are particularly looking for individuals who have:

- ✍ A strong commitment to ACRA and its goals
- ✍ Key, Management, or Ownership positions in their companies
- ✍ Some previous experience on committees or boards
- ✍ Connections and links to other organizations relevant to ACRA's mission

Expectations are:

1. Attend two board meetings (spring and fall) per year at your own/your company's expense. The spring meeting is just a board meeting, the fall board meeting usually takes place the day before the annual meeting.
2. Take an active role in the board, and serve on at least one committee.
3. Participate in the board and committees through email throughout the year. The board has numerous committees whose briefs can be viewed on the ACRA website.
4. Be prepared to take part in occasional board meetings held as conference calls at irregular intervals.
5. Serve a three-year term.

Please let Ian Burrow (ianbacra@msn.com) know by the **end of April** if you are willing to be a candidate, or if you can suggest other individuals the committee can contact.

REPRESENTATIVE BRAD MILLER MEETS WITH ACRA BOARD

By Ellen Turco



Rep. Brad Miller chats with Ellen Turco and Lucy Wayne.

The Board of Directors had a productive breakfast meeting with Congressman Brad Miller (D-NC), during the Midyear Board meeting on April 8th in Raleigh, North Carolina. Miller is Co-Chair of the Congressional Historic Preservation Caucus along with Michael Turner, (R-OH). The caucus is a bipartisan group that supports preservation as national policy. This was ACRA's second meeting with Miller in a year. An ACRA contingent met with Miller during our visit to Capitol Hill in November during the annual conference.

The purpose of our visit was to continue ACRA's relationship with an ally of the CRM industry. Miller agreed to "keep an ear out" for future legislative proposals that would impact our work and threaten the Nation's cultural resources. He suggested that ACRA cultivate relationships with Senate members as well as those in the House.

Thanks to Representative Miller and his staff for fitting us in to his very busy schedule.



ACRA Board at breakfast meeting with Congressman Brad Miller (D-NC).

THE 2006 ACRA CONFERENCE IN COLUMBUS, OHIO

FIVE GREAT REASONS TO ATTEND

By Charissa Wang Durst, Conference Coordinator

Some of you (OK, a lot of you) may be wondering what on earth could possibly tempt you to come to Columbus, Ohio, for a conference?

Here are five great reasons to attend the ACRA conference this year:

1. THE BUSINESS OF CRM: CONTRACTING AND PROJECT MANAGEMENT

You've been hearing about it for years, and finally, here's your chance to see what it's all about! This all-day workshop will be offered both Thursday and Friday, and be limited to a class of 25 each.

Having difficulties developing proposals and negotiating contracts that are to your firm's best advantage? Struggling to keep your projects within budget? Looking for ways to improve the quality of your work? Then this workshop is for you! We will provide you with tools and strategies that can improve the way you do business in terms of contracting and project management. Nothing theoretical here! These are tools and strategies proven to work well in the often challenging world of CRM.

This one-day workshop is taught by Terry Klein, Executive Director of the SRI Foundation, and Amy Squitieri, Vice President of Mead & Hunt, Inc. With a combined 40 years of experience, Terry and Amy have successfully managed projects large and small for local, state, federal, and private clients across the country.

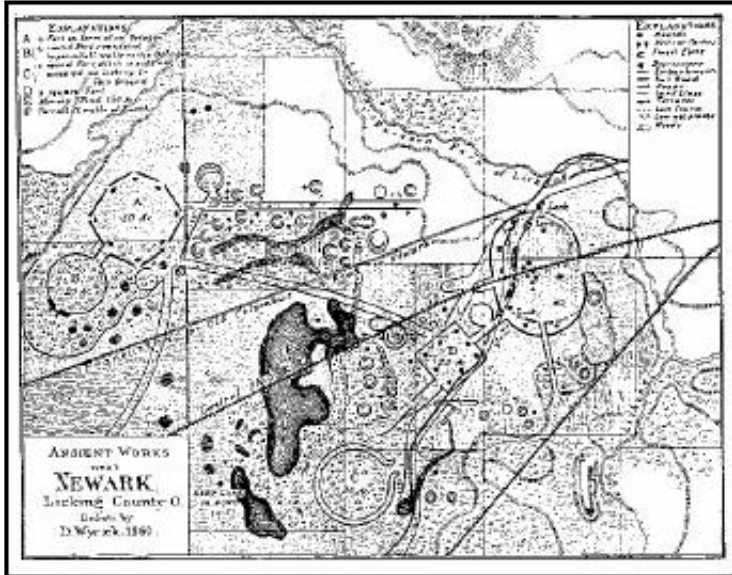
2. USEFUL GRIPE (I MEAN CONFERENCE) SESSIONS

Last year we heard from firm owners who talked about what they think a firm needs to offer to attract and retain good employees. This year, let's hear from actual employees on what they like and don't like. If you don't like what you hear in this session, just hop on over to the one where we talk about "How to Terminate!" We may try to get the larger firms together again for a networking session on how they subcontract to smaller firms. And if this all works out, you can then check out the session on "How to Hire the Right Employee" when it's time to expand your business.

ACRA's 11th Annual Conference

Columbus Ohio, September 7-10, 2006
at the [Westin Great Southern Hotel](#)

The ACRA conference rate at the Westin is \$125/night. This rate will be valid until September 1, 2006, but rooms are limited. Be sure to say you are reserving a room for the ACRA conference.



Historic map of the earthworks

3. FABULOUS FRIDAY TOUR OF THE NEWARK EARTHWORKS: ONE OF THE 70 WONDERS OF THE ANCIENT WORLD

This National Historic Landmark is one of only three sites in North America included as one of the 70 wonders of the ancient world by Oxford University archaeologist Christopher Scarre; the other two being Cahokia and Chaco Canyon. The largest geometric earthwork complex in the world, it originally encompassed more than four square miles in area. Built as a lunar observatory, calendar, and ceremonial center nearly 2,000 years ago, today this spectacular Ohio Hopewell site is a contested landscape. Its gigantic earthen circles and octagon are privately owned by the Ohio Historical Society, who leases the lunar observatory portion to Moundbuilders Country Club, who maintains the site as a private golf course, restricting public access.

The tour begins with a pre-tour program on the international significance of the site by Ohio Historical Society Curator of Archaeology Dr. Bradley Lepper. Dr. Richard Shiels, Professor of History and Director of the Newark Earthworks Center at The Ohio State University-Newark, will address efforts to enhance our understanding of, and increase public access to, this sacred site and contested landscape. A tour of the main components of the site, the Octagon Earthworks and adjacent Observatory Circle, and the Great Circle, will conclude the tour.

At the end of the earthworks tour, we will stop at the Davis-Shai House in Heath, a historic 1860s Gothic Revival cottage renovated by host firm Hardlines Design Company into a community center. We will have lunch (alfresco if the weather holds!) at the house and have an opportunity to tour the house and grounds. And, we will get back to downtown Columbus in time for interested parties to get a backstage tour of the historic Southern Theatre.



Davis-Shai House

4. GREAT HISTORIC HOTEL

Yes, we do have historic buildings in Columbus! The conference will be held in the Westin Great Southern Hotel. Since its grand beginnings in 1897, the city's most-renowned hotel has offered guests the utmost in gracious service and luxurious surroundings, a historic landmark elegantly styled for the 21st century traveler. The Westin Great Southern Columbus continues the tradition of excellence to this day.



Lobby view



Exterior view of hotel

From exquisite architectural detailing and Queen Anne-style furnishings to original stained-glass windows and beautiful chandeliers, special touches throughout remind guests that history itself provided the inspiration for this stately hotel.

Ideally situated in the heart of the downtown business district, the AAA Four Diamond award-winning Westin Columbus is within walking distance of the convention center, sporting and cultural venues, some of the city's finest shopping and attractions, including the State Capitol, Arena District, City Center Mall, Brewery District, German Village, Ohio's Center of Science & Industry, and the Short North Area.

If you haven't signed up for the workshop or the tours, just walk to the Brewery District and spend your time sampling the beer!



Historic photo of Kelton House

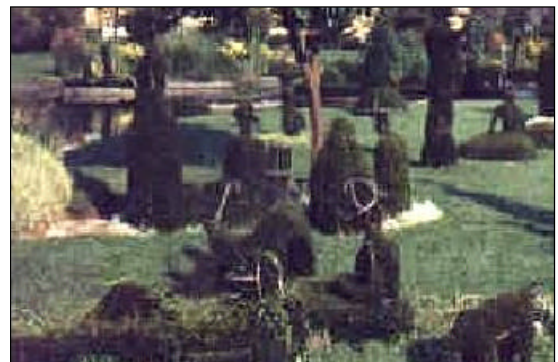
5. SATURDAY NIGHT GALA

We have a multitude of interesting possibilities for our Saturday night dinner. One option is the historic Kelton House Museum and Garden, a treasure trove of Victoriana, containing everything from lavishly embellished Victorian silverware to more obscure items such as the woven-hair brooch worn by Sophia Kelton. The house is beautifully furnished with period antiques, with an exhibit that documents the period when the house was a station on the Underground Railroad.



The painting

Guests can also take a short walk to the Topiary Garden, the site of a unique arts project. Georges Seurat's famous post-impressionist painting, *A Sunday On The Island Of La Grande Jatte*, is created in topiary. It is the only topiary interpretation of a painting in existence. This "landscape of a painting of a landscape" consists of 54 topiary people, eight boats, three dogs, a monkey, a cat and a real pond. The largest figure is 12' tall.



The topiary

Other options we are looking into include the North Bank Pavillion, which has a great view of the river; Schmidt's Sausage Haus, a Columbus institution in historic German Village, and possibly a location in the Short North (where the art galleries are) or the Arena District (where the professional hockey team plays), both located near a lot of bars!



North Bank Pavilion



View of the Short North



Max & Erma's - A German Village Pub

CONNECTIONS

ACRA LIAISON COMMITTEE UPDATE

Submitted By Laura Black, Liaison Committee Chair

This column highlights items of interest to the CRM industry and provides updates on related and client organizations as reported by members of the ACRA Liaison Committee.

SOCIETY FOR AMERICAN ARCHAEOLOGY

The 71st Annual Meeting of the Society for American Archaeology (SAA) will be held April 26 – April 30, 2006 in San Juan, Puerto Rico. The Board of Directors of SAA chose San Juan as a meeting venue to increase the participation of Latin American archaeologists in the annual meeting and to bring North American archaeologists into Latin America.

The SAA Ethics Committee is preparing for the Third Annual Ethics Bowl, to be held in Puerto Rico. The Ethics Bowl is a debate-style competition in which teams of students come together to argue ethical responses to hypothetical cases. The University of Arizona Team won the 2005 Ethics Bowl.

The January 2006 issue of the SAA Archaeological Record (Volume 6, Number 1) contains a article by Lawrence E. Moore entitled “Insights: CRM: Beyond Its Peak” that may be of interest to ACRA members. In this article Moore argues that the CRM cycle is in a decline phase.

Donald J. Weir, RPA, Commonwealth Cultural Resources Group, Inc.
ACRA Liaison to SAA

OHIO ARCHAEOLOGICAL COUNCIL

In 2005, the Ohio Archaeological Council (OAC) continued to be proactively engaged in the areas of public education and government affairs in Ohio and the nation. We obtained an Ohio Humanities Council grant for Ohio’s Ancient Earthworks: A Public Symposium, which was attended by 225 people. This program was one of the public programs held as part of Ohio Archaeology Month, which the OAC coordinates. In 2005, the OAC was honored by resolution of the Ohio Senate for exemplary achievement in educating Ohioans about Ohio’s rich heritage. We funded a number of research grants in 2005, and during the year our membership grew to over 130, the largest in our 30-year history and our financial status has never been stronger.

Earlier this year, we redesigned our website www.ohioarchaeology.org, and participated in Ohio’s first Statehood Day (March 1), where we joined with representatives from Ohio’s history community in a day of educating our state legislators about how history (and archaeology) contributes to Ohio’s economy and Ohioan’s quality of life. We continue to be a member organization of the Ohio Environmental Council, our government watchdog at the statehouse. Through this relationship we monitor and submit comments to state legislators and committees on pending state legislation affecting archaeological resources. In 2005, we submitted an amicus curiae brief in support of defendant Bureau of Land Management in the Spirit Cave Man case, as we had done in 2003 on behalf of the plaintiff scientists in the Kennewick Man case.

The OAC continues to be a consulting party in a number of federal undertakings pursuant to Section 106 of

the National Historic Preservation Act. We submitted comments to the Advisory Council on Historic Preservation concerning proposed draft revisions to their principles on the treatment of human remains and grave goods, and to the Heritage Education Services Division of the National Park Service concerning their request for comments on how they can improve their educational programs.

Al Tonetti, ASC Group, Inc.
Trustee, Ohio Archaeological Council and Chair,
Government Affairs Committee, OAC
ACRA Liaison to OAC

REGISTER OF PROFESSIONAL ARCHAEOLOGISTS

Membership: RPA has 1479 RPA's paid for 2006 and 324 are still outstanding. It is estimated that we will have between 1,800 and 2,000 by the end of 2006.

Financial Condition: RPA is in excellent financial condition and experienced a budget surplus for the twelve month period ending December 31, 2005.

Awards: Charles R. "Chip" McGimsey will be presented with a Special Achievement Award for his valuable work on a particularly troublesome and contentious grievance case. Chip's work involved not simply the disposition of the case, but also being deposed as a witness in subsequent litigation. His work and that of the other standards board members helped establish RPA's position as the arbiter of professional conduct in the eyes of archaeologists and the public. William D. Lipe will be awarded the McGimsey-Davis Distinguished Service Award for his life-long commitment to public archaeology. Bill's actions and words have changed the landscape of American archaeology. His deeds have been particularly influential in defining the responsibilities of professional archaeologists in relation to the archaeological record, to their peers, and to the public. The award ceremony will be held at the SAA annual meeting on Saturday, March 28th, between 4-5:30 PM in the Presidential Suite (Tower Building, Room 2069).

Other Issues:

- A number of state organizations have inquired about making RPA a condition of state permits (AZ, CA, TX, and MD). RPA has weighed in on the ACHP Archaeology Initiative, the Corps of Engineers' Missouri River Main Stem System PA, and HR 139 in Utah.
- In 2006, RPA completed a needs assessment. The executive summary is on our website. The RPA board has directed the president to develop three task forces to implement portions of the needs assessment. Task forces are in the areas of recruitment, communications, and continuing professional education.

Goals for 2006: Redesign the website, cease publishing RPA notes, increase communications via direct emails and website postings as well as articles in sponsoring organization newsletters, establish CPE standards and mechanisms for certification of CPE courses, focused recruitment on academics working in foreign countries and foreign archaeologists.

Jeffrey H. Altschul, Ph.D., RPA, Statistical Research, Inc.
ACRA Liaison to RPA

AMERICAN INSTITUTE OF ARCHITECTS (AIA)

The following are preservation-related events sponsored by the AIA that will occur in the next three months:

- April 5-9, 2006. The AIA Historic Resources Committee (HRC) will have events at the Traditional Building Exhibition and Conference in Chicago, Illinois. Topics include: Preservation Roundtable; Preservation Breakfast with speaker Tim Samuelson, cultural historian for the Chicago Department of Cultural Affairs; Tour of the Glessner House; and HRC Spring Business Meeting.

- June 8-10, 2006. The AIA HRC will have events at the AIA National Convention in Los Angeles, California. Topics include: Conducting a Historic Structure Assessment; Certifying Federal Historic Tax Credit Projects; Conducting a Historic Landscape Assessment; HRC Preservation Breakfast and Lecture; and HABS Charles E. Peterson Prize Exhibit.
- June 15-18, 2006. The 2006 Association of Collegiate Schools of Architecture (ACSA) and the AIA Teachers Seminar is holding a session titled Time Matters: Exploring Preservation values in Architectural Education will be held at the Cranbrook Academy of Art, Bloomfield Hills, Michigan.

Charissa Wang Durst, AIA, Hardlines Design Company
ACRA Liaison to AIA

VERNACULAR ARCHITECTURE FORUM

The big upcoming Vernacular Architecture Forum event is the annual meeting in New York City, June 14 through 17, 2006.

CRM consultants are urged to get more involved in the VAF. The VAF website, with information on the organization and the conference, is <http://www.vernaculararchitectureforum.org/>. The quarterly Vernacular Architecture Newsletter (Marvin Brown, editor) runs a feature in each issue that is perfect for CRM consultants. An upcoming article with an archaeological focus is derived from a Section 106 project. Similar sorts of articles are welcome.

Marvin Brown, URS
ACRA Liaison to VAF

SOCIETY FOR HISTORICAL ARCHAEOLOGY

The Society for Historical Archaeology (SHA) recently held its annual meeting in early January in Sacramento, California. The meeting was well attended for a conference on the West Coast (850 or so). Next year's conference will be in January at Williamsburg, Virginia, celebrating the 500th birthday of the founding of Jamestown. Among a myriad of other things, SHA supports preservation causes and supports a legislative coordinator to pursue its interests in Federal and on selected state legislative issues. In fact, ACRA and SHA share the same legislative coordinator, Nellie Longworth. There will likely be many opportunities in the coming years for us to join forces, as we have in the past, to help support preservation causes.

Mike Polk, Sagebrush Consultants, LLC
ACRA Liaison to SHA

SOCIETY FOR AMERICAN ARCHAEOLOGY (SAA) CONSULTING ARCHAEOLOGY COMMITTEE

The SAA's Consulting Archaeology Committee and ACRA are co-sponsoring a happy hour cash bar for consulting archaeologists and friends at the annual meeting in San Juan, Puerto Rico, on April 27, from 5 to 7 pm in the Las Olas Room at the Caribe Hilton. Since we know how CRM archaeologists like to network and market, one 6 foot table is available for brochures or small promotional materials. Thank you to Rain Shadow Research, Inc. and Archaeological & Environmental Consultants, LLC for making this possible.

The Consulting Archaeology Committee is also sponsoring a Saturday morning session on "Compliance Archaeology in Pursuit of the Caribbean's Past: How Are We Doing and What Do We Have to Show?" organized by Peter Siegel of John Milner Associates.

The CRM Expo will resume again in Austin, Texas in 2007.

Sarah Herr, Desert Archaeology, Inc.
Liaison to SAA Consulting Archaeology Committee

AMERICAN ASSOCIATION FOR STATE AND LOCAL HISTORY

The American Association for State and Local History (AASLH) will be hosting their next Annual Meeting in Phoenix, Arizona, September 13-16, 2006. "History's Enduring Voices" is the theme of the meeting, with a wide variety of sessions and workshops covering topics as diverse as oral history and disaster planning.

Phil Ruth, Cultural Heritage Research Services, Inc.
ACRA Liaison to AASLH

TRANSPORTATION RESEARCH BOARD

The Committee on Historic and Archaeological Preservation in Transportation (ADC50) of the Transportation Research Board of the National Academies invites you to attend their summer meeting, July 23-26, 2006 in Williamsburg, Virginia. The meeting, hosted by the Virginia Department of Transportation (VDOT), includes presentations on topics of critical interest in historic preservation and transportation. Additional information on the meeting is available on the ADC50 committee website at <http://itre.ncsu.edu/adc50/06summermeeting.htm>.

Hope Luhman, The Louis Berger Group, Inc.
ACRA Liaison to TRB-ADC50

NATIONAL COUNCIL ON PUBLIC HISTORY

The 28th Annual Meeting of the National Council on Public History (NCPH) will be held jointly with the Organization of American Historians in Washington, DC, April 19-22, 2006. Many sessions, workshops, and events are geared towards public historians. Topics related to CRM include architectural history, historic preservation, transportation history, and transportation and public policy, as well as numerous contextual subjects.

In February 2006, NCPH submitted a comment letter to the National Park Service (NPS) in response to proposed 2006 Draft Management Policies for the NPS. The focus of these comments are concerns regarding professional education opportunities for NPS historians and cultural resource managers. The letter can be read in full at:

<http://ncph.org/PDFS/NPSmanagementpoliciesletterFeb06.pdf>

NCPH has a new Executive Director, John Dichtl. He can be reached at jdichtl@iupui.edu.

Laura S. Black, Cultural Heritage Research Services, Inc.
ACRA Liaison to NCPH

Please feel free to inform the committee of any thoughts, issues, news, or announcements that may be of interest to ACRA and a liaison organization.

If you would like to become involved in the development and operation of the committee, and/or if you are involved with CRM industry or client-related organizations and would like to be an ACRA liaison, please contact Laura Black at lblack@chrsinc.com.

DANGEROUS CHANGES IN A CULTURALLY RICH STATE: AN UPDATE ON UTAH'S HOUSE BILL 139 AND A WARNING BEYOND THE BORDERS

Submitted By Michael Polk, Sagebrush Consultants, L.L.C.

The Utah Legislature's 2006 session was short, as it usually is - 60 days. During that time, however, both houses took up discussion of House Bill 139, which was introduced during the 2006 session to modify the existing Antiquities law in a number of ways. Exactly what prompted the proposed changes is not clear, though the accelerated development in the oil and gas industry, and housing and commercial development may have contributed to the effort to change the law. For a state which, in recognition of the importance of its cultural heritage, only recently increased its requirements for issuance of permits by requiring membership in RPA, this is a sad situation. Nevertheless, House Sponsor Bradley Johnson introduced the bill as an important measure that he says would speed up permitting processes on projects and "save the state a lot of money." How this will happen is yet to be explained.

The bill was ultimately approved by an overwhelming majority in the House as well as the Senate. For those interested, audio feeds of the brief discussions of this bill in both houses is available on the internet at:

<http://www.le.state.ut.us/jsp/jdisplay/billaudio.jsp?sess=2006GS&bill=hb0139s01&Headers=true>

These audio recordings are particularly instructive for any who are involved in cultural resources work. ACRA members should pay attention particularly to the House recording where



indirect reference is made to the letter sent by President Karen Hartgen supporting the status quo. These recordings provide some glimpse into how a body of lawmakers tries to make sense of a

field that is quite foreign to them. They also suggest how easy it is for a lawmaker, anywhere, to push through significant changes or removal of laws protecting antiquities that belong to all citizens of this country. Ignorance and rash decisions are not limited to particular parts of the country.

The bill was signed into law by the governor on March 17, 2006. At a recent Utah Professional Archaeology Council (UPAC) meeting, John Harja, Director of the Public Lands Policy Coordinating Office (PLPCO), was present to discuss this law and provide insight into what changes can be expected and how it will work. It should be noted that this meeting took place even before the governor signed the bill and he indicated that it was a done deal, an indication that the governor was supportive of it and probably helped it pass the houses by such large margins.

A little background on to the current situation will help in understanding the changes proposed. Currently, anyone wanting to carry out cultural resource investigations on state lands needs to possess an annually renewable permit that is processed through the State Archaeologist's Office. For each individual project carried out, a number is requested and it follows the project through to the end. In order to obtain a permit, one must be a Registered Professional Archaeologist (RPA) and have a set amount of work experience within Utah or parts of adjoining states. In fact, Utah is currently the only state requiring RPA status in order to hold a cultural resource permit. The person holding the permit is designated as the principal investigator. Other archaeologists may work under this permit, but must also be RPAs or have been grandfathered onto permits before 2005 as MA degreed professionals.

While the law has been passed, regulations governing the law have not, or at least they have not been made public, so information about how the new

law will work is based upon what has been stated by Mr. Harja and what is actually in the law itself. It appears that RPA requirements for permit holding have been eliminated. In fact, it is still uncertain if a master's degree will be required to hold a permit. In addition, a new level of bureaucracy has been introduced into the permitting and compliance process: PLPCO. This office will oversee all compliance decisions of the SHPO. This body will also issue permits to individuals wishing to conduct work in the state, each permit only being useful for a single project. While currently, after obtaining a permit, all that is needed to conduct a project is a project number, the new system will require submitting a request for each project and waiting at least 30 days for approval of the permit request. In addition, it has been stated that the approving body will consist of the PLPCO, several members of UPAC and, possibly State Antiquities and others (?). Other questions that come to mind concerning this new law concern how it may affect review and implementation of federal projects, how federal agencies will interface with it and how it will mesh with Section 106 procedures.

There are other provisions within the law that will change the way business has been done in cultural resources within the state, but the effects of any of these provisions has yet to be felt. I will provide further information about the changes as they take effect.

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GOVERNMENT AFFAIRS COMMITTEE REPORT SPRING 2006

Submitted By Lucy B. Wayne, Vice President, Government Affairs

At the moment, things are relatively quiet on Capitol Hill for cultural resources, but as always that could change at any moment—particularly with Representative Pombo chairing the House Resources Committee (R-CA).

In the past year, this committee has provided letters of support for two state-level issues:

1. There was a threat to the Alabama Historical Commission—which houses the SHPO, etc. At the request of Alabama members we sent a letter of support for maintaining the Commission. At the moment, it remains intact, but will be audited again by the Sunset Committee later this year.
2. In Utah, a bill was submitted which would change the existing state Antiquities law in several ways, including reducing the qualifications required for archaeologists working on state-owned lands. The bill also introduces another layer of review into the compliance process by establishing an office which will oversee all compliance decisions of the SHPO. Although ACRA sent a support letter and state professionals actively opposed the bill, it was passed by an overwhelming majority and signed by the governor.
3. We have been following a legal fight over repatriation of materials from a Walmart site in Honolulu, but on the advice of Hawaii's ACRA members, we have stayed out of this issue.

At the Federal level, a number of things have been accomplished:

1. Past President Ian Burrow attended a Corps of Engineers (COE) focus group on Section 404 and Appendix C. ACRA previously submitted comments to the COE supporting proposed changes in which the COE will substitute 36CFR800 for Appendix C for compliance projects.
2. Government Relations Committee member Joe Trnka provided a careful analysis and extensive comments on the Pombo-proposed changes to the National Environmental Policy Act. Our government relations consultant, Nellie Longworth, saw that these comments were placed in the right hands by the comment deadline. Like Pombo's other actions, the proposed changes will weaken environmental regulations. This could impact ACRA members since many of us complete projects as part of Environmental Assessments and Environmental Impact Statements.
3. Things are quiet as far as the proposed NHPA changes are concerned, but Nellie reports that the new head of the National Parks subcommittee appears to be firmly following Pombo's (and previous subcommittee chair, Rep. Nunez) lead on this issue. According to Nellie, no one thinks this attempt to gut NHPA is dead—in fact, it may be next on the list after NEPA. While it is questionable whether

Pombo can get enough votes to support his proposed changes, there is always a possibility that it could be attached as a rider to a bill which is more certain of passing, or it could be introduced at a time when few representatives are available to vote. ACRA is still strongly supporting the “clean” bills introduced by Rep. Rahall and Sen. Talent, but neither has come up for vote yet.

4. The National Park Service recently issued a proposed Programmatic Agreement which may allow them to exempt more NPS projects from environmental/cultural resource studies. No word yet on whether this has been accepted.
5. Nellie, Ian Burrow and Kevin Pape (Gray & Pape) attended Preservation Day and met with Rep. Turner (R-Ohio), who heads the House Preservation Caucus. Rep. Turner is a close friend of Rep. Pearce, and strongly supports the “clean” bill for NHPA.
6. In the cell tower world, the Nationwide Programmatic Agreement is still being fine-tuned by the FCC. The FCC has also advertised for a Cultural Resource Specialist to replace Amos Loveday. The CTIA, a trade association for the wireless industry, has filed suit against the FCC claiming NHPA does not apply to cell tower construction (and by extension to the antennas). No decision yet.

At the moment, the item which needs the most immediate attention is the Advisory Council for Historic Preservation’s request for comments on proposed changes to their Burial Policy. The comment deadline is June 28. Basically, the proposed changes are designed to bring the policy into line with NAGPRA. ACRA will be providing comments, but if you are interested in commenting yourself, please check the following links and send in your comments by June 28:

http://a257.g.akamaitech.net/7/257/2422/01jan20061800/edocket.access.gpo.gov/2006/06-23_90.htm

Or PDF:

<http://a257.g.akamaitech.net/7/257/2422/01jan20061800/edocket.access.gpo.gov/2006/pdf/06-2390.pdf>

Lucy B. Wayne, Ph.D., RPA
Vice President, Government Affairs

LEGISLATIVE UPDATE

THE MONTH OF MARCH IN WASHINGTON DC

By Nellie Longworth, Consultant to Government Affairs Committee

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- 150 GRASSROOTS PRESERVATIONISTS LOBBYING THEIR STATE DELEGATIONS FOR HISTORIC PRESERVATION FUNDING;
- LOBBY DAY LUNCHEON SPEAKER NATIONAL PARKS SUBCOMMITTEE CHAIR STEVE PEARCE (R-NM);
- AN ACRA SECTION 106 MEETING WITH CO-CHAIR OF THE HISTORIC PRESERVATION CAUCUS MIKE TURNER (R-OH);
- AN APPROPRIATION OF \$3 MILLION FOR SHPOS IN GULF STATES.

LOBBY DAY

Over 150 members of Preservation Action, the National Conference of State Historic Preservation Officers, and the National Trust made visits to members in both House and Senate to seek an increase in funding for the Historic Preservation Fund above the President's Budget request. The request included \$50 million for the SHPOs, \$12 million for tribes, and \$30 million for grants – Save America's Treasures and Preserve America. The group spent one day of briefing before heading to Capitol Hill.

LUNCHEON SPEAKER REP. STEVE PEARCE (R-NM), CHAIR OF THE HOUSE NATIONAL PARKS SUBCOMMITTEE

Rep. Steve Pearce (R-NM), Chair of the National Parks Subcommittee of the House Resources Committee, accepted the invitation to speak at the Lobby Day luncheon. His appointment to the subcommittee chairmanship came after the introduction of and hearing on the Discussion Draft last year. The discussion draft proposed the reauthorization of both the Historic Preservation Fund and the Advisory Council on Historic Preservation but also included language limiting Section 106 review to properties listed on the National Register or determined eligible by the Keeper, changes that have been strongly opposed by ACRA.

While all applauded Mr. Pearce for taking the time to speak to the group, his words were not encouraging. He said that the discussion draft was dead but that they were looking for other ways to limit the universe of historic properties to be reviewed. He emphasized that we must find a more expedient means of reviewing federal undertakings particularly in the case of cell towers and pipelines. He did express a desire to discuss this with various groups.

His words and unfamiliarity with Section 106 are of concern as he emphasized the committee's desire to change a number of protective laws including NEPA, the Endangered Species Act and Historic Preservation Section 106. The timing of his remarks took place as the Senate marked up S. 1378, the "clean" reauthorization bill that should pass the full Senate this spring. Activity on the reauthorization in the House will heat up when the Senate bill arrives for its consideration.

MEETING WITH REP. TURNER (R-OH)

Concern about all this led to a meeting with Rep. Mike Turner (R-OH), Chair of the Historic Preservation Caucus. Mr. Turner, the former mayor of Dayton, is a strong and vocal proponent of historic preservation. Meeting with Mr. Turner were ACRA members Ian Burrow, Kevin Pape and Nellie Longworth. Mr. Turner strongly supports a "clean" reauthorization measure without the Section 106 language and is certain that support for change to Section 106 does not have the 218 votes needed to prevail in a House floor vote. He noted that he was a close friend of Rep. Pearce and suggested that ACRA send a delegation to speak to him this spring.

HISTORIC PRESERVATION CAUCUS "DEAR COLLEAGUE" LETTER IS SIGNED BY 67 HOUSE MEMBERS

The House Historic Preservation Caucus, co-chaired by Rep. Mike Turner (R-OH) and Brad Miller (D-NC), authored a letter to the Interior Subcommittee of the House Appropriations Committee requesting an increase in funding for the National Historic Preservation Fund over the President's Budget request. The request is for \$50 million for the States, \$12 million for the Tribes, and \$30 million for the grants programs, the Save America's Treasures Program and Preserve America. 68 House members co-signed the letter.

A \$3 MILLION REQUEST FOR SHPOS ASSISTANCE IN KATRINA RECOVERY SURVIVES REMOVAL ATTEMPT

On Thursday, March 16th, The Hurricane Recovery bill – HR 4939 – went to the floor of the House. Written in February, it included \$3 million for the SHPOs in Louisiana, Mississippi, Texas and Alabama to support project review in hurricane-affected areas. Rep. Phil Gingery (R-GA) sought removal of this section on the basis that SHPO work does not constitute emergency spending. Rep. Charles Taylor (R-NC), Chair of the House Interior Appropriations Subcommittee, and Rep. Mike Turner (R-OH) spoke against the removal and the Gingery proposal was defeated.

The SHPOs in the affected States have been receiving kudos for their work in determining those historic buildings that can be saved and those that cannot. It was helpful for the whole House of Representatives to hear support for the \$3 million and to illustrate how historic preservation leadership can contribute to the Katrina Recovery.

ACRA

EDITION

1744 Washington Ave Ext, Rensselaer, NY 12144

ACRA's Members-Only Listserv

ACRA now has an online discussion group just for members. "MembersOnly" is a listserv that operates much the same way as ACRA-L, with the exception that it is only available to ACRA members. Its purpose is to offer the board, members, and the executive director a venue to share the latest news from ACRA; promote dialogue between members on current issues; and enable members to post announcements or inquiries.

To subscribe to the list, a member must contact ACRA's Executive Secretary, Scott Stull. Once you have supplied Scott with your e-mail address, he will subscribe you to this list. Contact Scott e-mail: scott@hartgen.com.

2005-2006 ACRA EDITION SCHEDULE

| DEADLINE | PRODUCTION |
|------------|-------------|
| June 5 | June 16 |
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| October 7 | October 13 |
| December 4 | December 14 |

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This publication's purpose is to provide members with the latest information on the association's activities and to provide up-to-date information on federal and state legislative activities. All comments are welcome.

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