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REMINDER

ACRA dues are payable by February, 2009. As noted in the HQ update, 65 companies paid their dues prior to January 1. This is a reminder to the rest of you guys-it's time to pay up!

After you read the articles in this newsletter, particularly Mike Polk's President's column, Joe Joseph's article on our response to potential infrastructure spending and Chuck Niquette's article on the Free Choice Act, it should be clear to all of our members that this is one of those years when being an ACRA member is going to be vitally important-particularly in the areas of lobbying and partnerships with other member firms.

So please pay your dues-they help support our lobbying efforts as well as our consultants' database. They also allow you access to the Business Toolkit on the web site and to MembersOnly.

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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PRESIDENT'S CORNER

By Michael R. Polk

As I write this message to you, I am attending the Society for Historical Archaeology meeting in Toronto, Canada. This conference is always in the first week of the year, which can be dicey or pretty nice, depending upon where it is held. There are two things which make this a great time to meet. One is that this week has the most inexpensive hotel rates of the entire year. Secondly, it provides perfect timing to take the pulse of the CRM (or, in Canada, Heritage Management) profession as we are set to begin a new year, and a rather scary one for many. Nevertheless, there are more than 800 attendees here, most from the US. The bookroom has many vendors and exhibitors, including ACRA with it's newly refurbished display.

These days, the economy is on many people's minds and we are all awaiting the beginning of the new administration of Barack Obama. In anticipation of this event and with the hope that the new President and the new

Congress will provide significant stimulus to the economy to turn things around, our Government Relations Consultant, Nellie Longworth, set up a meeting with Reid Nelson, the incoming Advisory Council Director of the Office of Federal Agency Programs-the office that deals primarily with the Section 106 process of the federal preservation program. He replaces Don Klima who is retiring after working 30 years at the ACHP. Joining me at this meeting in the SHA President's Suite were three ACRA members, Don Weir (CCRG), Joe Joseph (New South) and Dan Roberts (JMA). Also present were Matt Russell, Chair of Advisory Council on Underwater Archaeology, Judy Bense, Archaeologist and now President of the University of West Florida, Bill Lees, Director of the Florida Archaeological Network, LuAnn DeCunzo, SHA President, and Nellie.

It was a very good meeting, with many topics discussed concerning the new administration and what changes may be anticipated with new staff at agencies and new committee staff within the Congress. Reid Nelson has worked at the ACHP for the past two years as an assistant director in the Office of Federal Agency Programs, in charge of the Federal Property Management section. He came to the ACHP with extensive experience in historic preservation after working with the Navajo Nation in its Archaeology and Historic Preservation Departments for 18 years, the last nine of which were as a program manager for the Navajo Nation Historic Preservation Department.



Don Weir at the 2009 Society for Historical Archaeology, showing off our new display.

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As we began discussions on a variety of issues, Mr. Nelson noted that the article that Joe Joseph prepared for the *ACRA Edition* [see page 9 of this issue] covered all of the points that he would bring up to talk about concerning the ACHP's position and understanding of the proposed stimulus package that is being discussed in advance of the new President taking office. I will highlight some of the points of the discussion which could bear directly upon the health of our CRM businesses.

1. There was certainly agreement that we will need to retool our contacts within both the Congress and key agencies. A new Congress and President mean that congressional committees will be reorganized with many new chairs and members. It also means that agencies could be changing high level staff significantly, and the direction of existing policies is likely to change as well. We need to follow the changes and take advantage of all opportunities to make our own representatives aware of the importance of heritage to the nation and individual communities, and to make agencies aware of how important it is to support existing protective legislation and regulation.
2. It is anticipated that the first wave of projects to be funded through the stimulus package (whatever that may look like), will be for shovel-ready projects, i.e. those projects which have been cleared for environmental and Section 106 purposes, but have not yet had funding to begin. The second wave should be those which will include NEPA and NHPA treatment, should they be subject to Federal law.

A quite important point to be made here is that the CRM profession will need to become creative in its approach to completing these projects. One reason may be that projects resulting from the stimulus package may enter the economy at a very fast pace and in large numbers. We will need to help insure that money is reaching the economy in a timely manner and in sufficient quantities. One of the ironies of the push by ACRA and the CRM profession over the last 20 years or so has been that we have captured much of the market for this work

(ACRA and non-ACRA companies). Should we fail to deliver on time and quality products when the country desperately needs jobs and infusion of capital, shame on us. One consequence of failure may be finding the work rapidly removed from our grasp. Should the magnitude of the work be as Joe Joseph describes in his article in this issue, we will need to find unprecedented ways of completing it, from training programs, to teaming arrangements to creative ways of streamlining fieldwork, lab work and report writing.

I emphasize the significance of this for more reasons than that we will need to be anticipating the need to gear up and be creative. While I was writing this piece, Nellie Longworth sent me a news release regarding a letter sent by California's governor, Arnold Schwarzenegger, to President-Elect Barack Obama. In this letter, Schwarzenegger requests that the President Elect, once he becomes President, "temporarily" ease restrictions on the need for select projects to undergo NEPA and Section 106 review. This is asked for in order to expedite infusion of funds into the desperate California economy. This is quite a disturbing situation, having potentially disastrous effects upon cultural resources as well as the livelihoods of our member firms and those potential members in our country. Unfortunately, it appears that Schwarzenegger also implies that he plans to suspend California's Environmental Quality Act (CEQA) as well, a law that, among other things, protects cultural resources sites and, through the work that it generates, supports hundreds of small CRM firms in California, a number of which are ACRA members.

Be assured that the ACRA Government Relations Committee, Board and Officers will be watching this situation carefully and will be informing you of steps that ACRA will be taking to help better understand the implications of this and any other threats to cultural resources that we perceive. As always, and particularly now because of how fast this situation is changing, we ask you to send information to Jeanne Ward, Vice President for Government Relations, regarding the stimulus package in regard to cultural resources or threats to Section 106 or state laws protecting cultural resources in your part of the country. Her email address is jeanneward@hotmail.com.

UPDATE FROM ACRA HEADQUARTERS

By CJ Summers, Associate Director

ACRA's CRM Day at Capitol Hill March 26, 2009 Washington, DC

In our role as the 2009 cultural resources management companies sentinels, we urge you to join us at CRM Day, ACRA's inaugural legislative fly-in. The event will take place March 25 - 26, 2009.

Your visit to the members of Congress for your state will impact the success of the cultural resources management profession's advocacy efforts in the 111th Congress. We are looking for all CRM executives to visit your members of Congress and share your views on important industry issues like historic preservation.

Do not underestimate your importance or the importance of this event; your participation could be the voice that convinces an important member of Congress to stand with the CRM companies on a vital management or preservation issue. For example, your member of Congress could be the supporter or voter who passes the Small Business CHOICE Act, which would help stop drastic premium increases for ACRA's small business members as well as allow them to provide affordable health insurance to their employees.

You, as a demonstrated supporter of our profession, are the backbone that makes this event successful. You can help pass important legislation while preventing harmful legislation that negatively impacts CRM companies by taking the following actions:

- Register to attend CRM Day 2009
- Invite coworkers or colleagues to attend with you or, if you cannot attend, for you.

Once again, please join us at CRM Day 2009. Together, we can make a difference for all CRM companies to allow us to carry out our vital missions for our country. For more information, contact CJ Summers at 410-933-3459.

Wednesday, March 25th

6:00 pm

Informational Meeting and Capitol Hill
Appointment Scheduling with Nellie Longworth

Thursday, March 26th

Lobby Day at Capitol Hill

Hotel Information:

The Conference Center at the Maritime Institute
692 Maritime Boulevard
Linthicum Heights, MD 21090
www.ccmiit.org

Please call (410) 859-5700 to reserve your room. The ACRA group rate is \$139/per night. For double occupancy, the rate is \$189/per night.

Your room rate includes a breakfast and dinner buffet for each night of your stay. These rates do not include state or local taxes.

Transportation:

You will want to fly in to Baltimore Washington International Airport (airport code= BWI). The Maritime Institute provides complimentary shuttle service to and from the hotel.

Please reply to CJ Summers via email to confirm your attendance at this meeting at cjsummers@clemonsmgmt.com.

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Mark Your Calendar for ACRA's 14th Annual Conference

September 17 - 20, 2009
Renaissance Providence Hotel
Providence, Rhode Island

Membership Dues

Thank you to over 65 members who renewed their membership with ACRA by January 1. Please contact Miranda Coles at 410-933-3451 if you have not received your invoice or if you have questions. If you have not paid yet, please do so by February.

ACRA Consultant Database

Do you need to update your online profile? Please contact John Conway at ACRA Headquarters with any revisions to your company profile in the Consultants Database and he will update your listing. Please let ACRA know how the website can best serve you. Send any comments or suggestions to CJ Summers at ACRA Headquarters.

ACRA E-News

Don't forget to send us emails for anyone in your company who would like to receive the new communication tool, "ACRA E-News." It keeps you up to date on meeting information, ACRA news and member updates.

ACRA Headquarters

We are your ACRA Headquarters. If we can be of assistance to you throughout the year, please contact us. Here's your ACRA staff listing:

- **Crista LeGrand**, Executive Director
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A VISIT TO LISBON, PORTUGAL

By Michael R. Polk, President

In August 2008, I received an invitation to attend a quite unique conference in Lisbon, Portugal. Miguel Lago, owner of ERA, the largest commercial archaeology firm in the country (www.era-arqueologia.pt), along with five other firms, put together what they referred to as the Primeiro Congresso Portugueses Arqueologia Empresarial (First Congress of Portuguese Archaeological Entrepreneurs). This small country has, perhaps, 50 commercial archaeology firms (as they refer to their profession). Many are small, with a few people, but others are substantial. Miguel's firm has 35 to 50 people, depending upon the project needs at any particular time. The work is almost entirely archaeological, ranging from Paleolithic to Roman to 20th Century. I was told that the commercial sector does 90 percent of the archaeology in Portugal.

The rise of commercial archaeology in Portugal appears to have begun largely as a result of Portugal entering the European Union (EU) in 1992. Over the last several years the Portuguese have changed currency to the Euro and obtained massive infusions of capital for development of infrastructure such as roads and bridges. Part of this support is even funding development of a high speed railway planned from Lisbon to Madrid. That much of the archaeology work being carried out in the country is due to the infusion of money from other EU countries is quite true. However, not all countries choose to allow such entrepreneurial operation of archaeological consulting; Portugal does.

An enormous number of archaeological projects have been funded over the last 10 years, about the length of time that Miguel indicates that the profession of commercial archaeology has been

in existence in Portugal. Attempts were made a few years ago to bring this congress together, but it wasn't until 2008 that they were able to make it a reality. The primary purpose of the congress was to share information, methods and approaches to the profession. There also appears to have been hopes similar to what eventually led to the creation of ACRA, 13 years ago. That is, a desire to raise the bar on the quality of work being done in archaeology and, perhaps, spark a desire among enough companies for them to understand that there is a need for development of a trade association for the commercial sector of archaeology.

The Congress took place November 20 and 21, 2008, at the Calouste Gulbenkian Museum in Lisbon, a quite impressive facility built for the people of Portugal by an Armenian benefactor. While much of the Congress involved sessions of papers concerning a wide variety of archaeological projects, one session was set aside for the presentation of



Congress attendees in the museum where the event was held during a break between sessions

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Poster at Primeiro Congresso Portugues Arqueologia Empresarial (First Congress of Portugese Archaeological Entrepreneurs)

how commercial archaeology is carried out in other countries. Aside from myself, the Congress also invited Peter Hinton, Executive Director of the Institute for Field Archaeologists (IFA) in Great Britain (he also joined me for the WAC session in Dublin in July). Terry Waite, a contract archaeologist in England, who is President of the IFA, accompanied him. Also present was a French archaeologist who provided information about how their system of government and private sector archaeology operates. It was a well attended session. I believe that there were about 40 to 50 in the audience, a good number since our session was opposite another one on methodology. Total attendance at the Congress was about 200.

I spent a few additional days around the Congress and got a much better feel for the city, countryside and the people and the profession of archaeology. Much of the information that I received, as well as the touring, was courtesy of my friend Dr. Antonio Valera, Director of Research at ERA. Antonio was incredibly gracious in driving me around Lisbon, to the coast and to see some of the most important monuments in Lisbon. (Go to the ERA website--<http://www.nia-era.org/>, click on the purple box and then the picture of a man with glasses [Antonio]. It is a "You Tube" video in which Antonio speaks about one of their excavations). One of these was the Torre de Bele'm, a castle-like structure built in 1517 near the mouth of the Tagus River. It was built to ward off pirates and Moors. It also served as the embarkation point for explorers during the "Age of Discovery" in the 16th Century. We also visited a mountain range near Lisbon which contains a National Park as well as a substantial Moorish castle, which served as a largely impregnable base of operations during the 6th to 8th centuries when the Moors controlled the area now known as Portugal.

During these tours I was able to better understand how the commercial archaeology business operates in Portugal and received descriptions of many of ERA's and others' projects. They are not unlike us, with feuds between companies and individuals and between the commercial sector and academia. I did, however, get a distinct sense that these archaeologists are on the edge of beginning a more cooperative effort to help guide and enhance their profession. They were very interested in how ACRA is structured and how we have overcome so many problems that they perceive as so difficult (like "unfair" competition, low ballers, poor products, etc.). I left them, promising to provide more information on ACRA and to continue to dialog about prospects for a trade association and how ACRA and these companies (and an eventual trade association) may be able to cooperate on projects of various kinds to a mutually beneficial end.

CRM AND THE ECONOMIC STIMULUS BILL

By J. W. Joseph, New South Associates

There is good news and bad news for the Cultural Resource Management Economy.

The good news? Congress is poised to pass a massive economic stimulus infrastructure spending bill early in 2009.

The bad news? Congress is poised to pass a massive economic stimulus infrastructure spending bill early in 2009.

While the final price tag and scope of the infrastructure and public works spending bill being developed in Congress as part of the economic stimulus is unknown (projections are between \$550 billion and \$1 trillion for the economic stimulus bill as a whole), analysts are saying it will be the largest infrastructure spending package in a half century or more. The American Association of State Highway and Transportation Officers (ASHTO) is working with the Obama administration to promote infrastructure spending on transportation (www.transportation.org/?siteid=99). States are already gearing up to raise money for their matching contributions to federal funding. Georgia Governor Sonny Perdue is proposing an "aggressive" bond package to provide the state with money to support infrastructure spending. Georgia DOT Commissioner Gena Evans has stated that the state could have \$1 billion in construction projects ready to contract in 180

days "as long as the federal government could waive some regulatory requirements...." While not specified, Evans is likely talking about environmental regulations, including cultural resource management studies, which transportation engineers routinely cite for delays in project construction.

The 111th Congress is unlikely to waive or relax environmental regulations as part of the economic stimulus action. However, if the Environmental and CRM communities are not able to deploy the effort needed to get a greater volume of studies done quickly and efficiently, then there is a threat of regulatory adjustment down the road, particularly if the recession continues long-term, which most economists project. The effects of the public works bill funding on the CRM industry are difficult to gauge, but all point to a sharp increase in the volume of infrastructure projects from state and federal agencies, particularly DOTs. While state DOTs will almost certainly fund projects that are ready for construction, they will likely also expedite multiple new projects into design in order to have large numbers of construction projects in development within the next two years. At the same time, the Corps of Engineers, BLM, NPS, USFWS, GSA and other federal agencies will likely also see public works funding

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in the stimulus package, all of which will require some level of CRM study.

The CRM Industry thus has a challenge - a large volume of work that will benefit our economies but that brings the potential for regulatory revision, and its economic consequences, if we can't keep pace with the volume of work. The following are recommendations for ACRA's and the CRM community's consideration, to make certain that public works projects do not overwhelm our industry and that our industry meets its responsibilities to move the infrastructure spending projects to construction as quickly as possible, aiding the economic recovery.

1) **Develop Teaming Partnerships with other CRM Firms.**

The CRM industry can be divided into two classes of businesses: those who work routinely for State and Federal customers and those who prefer work for private developers and businesses. Firms whose work comes from the developer market are already feeling the effects of the recession. Firms who work for State and Federal agencies, often through ID/IQ contracts, are encouraged to develop partnerships with other businesses to insure that they have the capacity through their contracts to meet the anticipated increased volume of projects.

Potential partners need to be prepared to meet agency requirements for cost accounting, health and safety, project management, etc. The ACRA Business Tool

Kit provides useful resources to help developer-oriented businesses prepare for the transition to agency work.

2) **Promote and Employ Streamlining in Projects.**

Various State DOTs have developed streamlining processes, most notably the use of short reports for projects with negative/minimal findings. CRM firms working in states that are not using short reports and other streamlining techniques should make their clients aware of these and their benefits in an effort to get projects completed and reviewed as efficiently as possible. Other streamlining efforts to consider include the use of programmatic agreements, etc.

3) **Use GIS and Predictive Modeling to Accomplish Large Scale Surveys Cost and Time Efficiently.**

While the acceptance of GIS and probability survey methods varies from state to state, GIS and predictive modeling can be used to prioritize survey efforts and time and should be promoted by CRM firms whenever there is the potential to save time on large field surveys.

4) **Develop Training Programs and Hire Unemployed Workers for Archaeological Crews.**

One of the greatest challenges for the CRM industry in meeting public works project demands may be the availability of

Archaeological Field Technicians. However, the construction industry has been hardest hit by the recession, with estimates that more than 10 percent of construction workers are unemployed. Drawing field assistance from State Unemployment Offices to complete field crews will help the recession and provide income to unemployed construction workers. Short-course, certificate training classes in field archaeology could be offered by firms in various states to create a trained work force that can support the CRM industry.

5) **Promote the Use of Creative Mitigation.**

Getting projects accomplished and out of the field quickly will be key to facilitating project construction schedules, and archaeological data recovery mitigations will likely be the sticking point in making this happen, since they are time intensive and occur late in the environmental review cycle. CRM firms and DOTs are encouraged to use creative mitigation techniques that de-emphasize fieldwork through the use of other elements to mitigate adverse effects, whenever possible. For example, for the mitigation of a Woodland Period site, a creative mitigation might involve less intensive sampling of the site coupled with the creation of an archaeological context on Woodland Period archaeology in the state as a mitigation benefit. The development of historic contexts has been noted as a national need in discussions by the TRB ADC 50

Committee on Archaeology and Historic Preservation, and offers an excellent form of creative mitigation for future projects.

6) **Write Concise, Clear Reports, Maximize Consultation and Compress Project Phasing.**

The volume of reports the public works bill will generate will challenge SHPO, DOT and other agency review archaeologists. Writing clear, concise, well-edited reports will help to facilitate their reviews. Project consultation meetings should also be used to present project results and findings when further work is recommended (eg. recommendations for Phase II testing at the completion of a Phase I survey) and phases should be rolled together whenever possible to compress the time needed for report review and project phasing.

7) **Involve the Public.**

State Archaeological Societies offer potential personnel to support archaeological excavations and should be considered as a resource in project planning. All mitigation projects should seek public outreach that will help citizens connect with regional heritage and emphasize the beneficial attention that state and federal agencies give to the cultural environment.

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8) **Be Well Trained.**

The pace of work will require cultural resource specialists to make well-informed decisions quickly. Having the most current training in Section 106, the NHPA and NEPA will help insure that those decisions are the right ones.

9) **Be Prepared to Offer Guidance on Revisions to Federal Regulations.**

If Congress sees the need to consider regulatory revision to expedite project implementation, ACRA should be prepared to offer support. A proactive assessment of how cultural resource consultation could be improved should be developed so that if regulatory changes are needed, informed guidance can be promptly offered.

10) **Start Thinking Outside the Box.**

The project demand and schedules of the economic stimulus bill will likely transform how

cultural resource management is conducted. CRM firms need to be ready to adapt to change, and ACRA should collaborate with our preservation partners at the National Trust, the Advisory Council on Historic Preservation, the National Council of State Historic Preservation Officers, the Society for American Archaeology, the Society for Historical Archaeology and others to provide effective guidance on ways to streamline the Section 106 process, and not just projects.

Judy Bense, Lu Ann De Cunzo, Eric Duff, Terry Klein, Bill Lees, Nellie Longworth, Chuck Niquette, Mike Polk, Dan Roberts, Lucy Wayne and Don Weir are thanked for their advice and comments.

J. W. Joseph, New South Associates, Stone Mountain, GA

UPCOMING CONFERENCES OF INTEREST TO ACRA MEMBERS

Society of Architectural Historians (www.sah.org)
Pasadena, CA-April 1-5, 2009

National Council on Public History (www.ncph.org)
Providence, RI-April 2-5, 2009

Society for American Archaeology (www.saa.org)
Atlanta, GA-April 22-26, 2009

American Planning Association (www.planning.org)
Minneapolis, MN-April 25, 2009

National Association of Environmental Professionals
(www.naep.org)
Scottsdale, AZ-May 2-6, 2009

Society for Industrial Archeology (www.sia-web.org)
Pittsburgh, PA-May 29-31, 2009

Vernacular Architecture Forum (www.vafweb.org)
Butte, MT-June 10-13, 2009

If an organization which you or your firm is involved in is not listed here, please send information on upcoming activities, awards, announcements or other news items to the ACRA Edition Coordinator, Lucy Wayne at lucy@southarc.com. I'll see that it gets put in the next Edition and/or on MembersOnly and that it is passed on to the Chair of the Liaison Committee, Elizabeth Jacox.

GRASSROOTS LESSONS IN THE STIMULUS BILL

WEEKLY LEGISLATIVE UPDATE FOR PRESERVATION ACTION MEMBERS (REPRINTED COURTESY OF PRESERVATION ACTION)

President-elect Barack Obama will have a lot on his plate very early. Obama's platform, Blueprint for Change, featured job creation -- specifically creation of "green" jobs. His agenda included federal investment in alternative and renewable energy sources, economic revitalization of cities, infrastructural improvements, and homeowners' assistance. All of these ideas are coming together very quickly in an economic stimulus bill. The Obama campaign's popularity and methods - using technology and social networks to build self-maintained grassroots support for subsets of broader agenda items -- helped bring brighter light to ideas that have been circulating through Congress over the past two years since the democrats won majority leadership of Congress in 2006. Given the stimulus bill's pace however, grassroots opportunities for participation has been generalized through organizations and "grasstops" experts, such as mayors and governors. Congressional staff have received countless requests for ideas. The full House Appropriations Committee has solicited insights from state governments and the nonprofit sector to better understand how they will prioritize these ideas. Congress's focus has been jobs, infrastructural improvements, increased support for proven state/federal partnerships, and helping those who are least able to help themselves, specifically related to housing.

Preservation interests have recommended a range of ideas that fit in with these priorities, including: funding for jobs creation to be distributed through State Historic Preservation Offices (SHPO); disaster relief for

Iowa and Texas; and an increase in the 20% tax credit to 40% for projects with qualified rehab expenses under \$2 million.

The stimulus package will move quickly, and there may be more than one. During what is generally the slowest time of the year on the Hill, staff are working around the clock. The Senate is scheduled to resume on January 6, the House will reconvene on January 3. Given the work necessary for a bill that may represent as much as a trillion dollars, Congress and staff will be hitting the ground running in early January to complete the bill in time for Presidential signature only weeks into the new year.

The grassroots will learn a lot about the new Congress and the Obama Administration in this process.

Funding

Will Congress respond to our request for additional SHPO funding? Core preservation programs funded through the Historic Preservation Fund (HPF) flatlined for much of the Bush Administration. In the first year of the 110th Congress, SHPO funding increased by about \$4 million. The stimulus package request for additional SHPO funding focuses on jobs creation, disaster response, and expedited Section 106 reviews. The SHPOs proved invaluable partners in Gulf Coast disaster response - this role, and their potential role as

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administrators of a preservation-centered jobs program - would increase visibility and support for increased SHPO funding. Pairing SHPOs with jobs would help expand preservation's grassroots base. As a point of comparison, the Community Development Block Grant program's role in distributing disaster aid within the Gulf helped boost its Congressional support and demonstrated its value generally.

An additional \$30 million has been requested for the Save America's Treasures program to support construction jobs. This program's value is generally associated with the recipients - National Historic Landmarks and nationally significant National Register properties. If this program can be associated with workers, labor, and jobs, SAT funding will no doubt have a much greater chance of increasing in the future. With a jobs-based message, SAT's base of support might expand outside of traditional preservation.

Tax Incentives

How will Congress respond to the stimulus request to increase the 20% credit to 40% for rehabilitation tax credit projects under \$2 million? Known as the Main Street provision, this has been included within the Community Restoration and Revitalization Act (H.R.1043/S.584) since that bill was first introduced in 2004. Of that bill's many provisions, the credit increase for smaller projects is arguably the most grassroots-friendly. The Main Street provision has received resounding support from the grassroots. But will Congress seriously consider it? If they do, how much do they think the credit increase will cost the federal government?

This year, the Federal Rehabilitation Tax Credit was improved for the first time in 30 years. Now, the FRTC can be counted toward the Alternative Minimum Tax - this issue has been a huge hindrance. The credit is now more supportive of tax-exempt use in FRTC

projects. Most of the Community Restoration and Revitalization Act's ideas were not included within tax legislation.

The Main Street provision was discussed as a potential disaster-recovery tool for Midwest communities responding to summer storms. Advocates pointed to the precedent for the credit's temporary increase in the Gulf Opportunity Zone. Cedar Rapids, IA, with a substantial number of buildings potentially eligible for National Register Historic District status, would have benefited from any boost. But in spite of significant need, no increase in the credit was included in the last disaster bill.

Obama's call to refocus on Main Street sparked consideration of the provision again, as a means of stimulating local economies generally, with or without precipitating disasters. Congressional treatment of the idea will help the grassroots' understand how we might better advocate the improvement -- regardless of its success in the upcoming stimulus package. If Congress attaches a price tag to the idea, the Main Street provision will be a lot further along than it's ever been. This information can be used by the grassroots when subsequent packages or tax vehicles come along, as can insights gained from any deliberated "no".

Save the Date!

Lobby Day 2009 | March 9 - 10 , 2009 | Washington, DC

Preservation Action | 401 F Street NW Room 324 |
Washington, DC 20001 | tel: 202-637-7873 |
fax: 202-637-7874

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LEGISLATIVE UPDATE
JANUARY 2009
BETTER TIMES AHEAD, WE HOPE

By Nellie Longworth, Government Affairs Consultant

President-Elect Barack Obama arrived in the nation's Capitol two weeks before his Inauguration to meet with the leadership of Congress as a first step to addressing the crises facing our nation. He is dedicated to the return of financial stability and putting people back to work. He would like to have a stimulus package ready for his signature on Inauguration Day. While this may not happen, it is clear that he is serious and willing to work with the Congress to make it happen. And, while the current 111th Congress has an increase in Democrats in both House and Senate, they do not have a majority that is veto-proof. The GOP leadership has further made it clear that they have a serious disagreement with the President-Elect on the financing of the stimulus program.

We all know that the stimulus package will include a jobs program that will be directed toward our nation's crumbling infrastructure. This program - plus the squeeze on money - are issues the CRM community must watch very carefully. Many states have infrastructure projects ready to go, including highways, bridges, and schools. The concern is that, in the haste of getting projects underway, some may call for a diminution of environmental requirements. While Washington-

watchers do not see an immediate effort to make major changes in environmental requirements, we know from experience that Section 106 and Section 4f are always possible areas for change.

Congress will take a month to settle the placement of members on committees and subcommittees. As these are announced, your Government Affairs Committee will analyze the situation and develop the needs to be addressed. There will be an ACRA Lobby Day on March 26, in coordination with the ACRA Board Meeting in Baltimore. Jeanne Ward and Nellie Longworth will prepare a "lobbying schedule" that includes visits to members in the House and Senate, and, of course, a visit to your own member of Congress. We will lobby for adequate appropriations to the SHPOs and Tribes, and, if necessary, will support no change in Section 106 and Section 4f.

Three years ago, the ACRA Lobby Day rallied to save Section 106 from an amendment to the Historic Preservation law introduced by House Resources Committee Chairman Richard Pombo. He proposed to limit Section 106 to only those properties already listed on the National Register. The lobbying was fun, important, and very successful!

NATIONAL TRUST FOR HISTORIC PRESERVATION ECONOMIC STIMULUS PROPOSALS

In response to President-Elect Obama's and Congress's emphasis on quickly developing an economic stimulus plan, the National Trust for Historic Preservation has released its own recommendations for economic stimulus which focuses on preservation issues. Most of their recommendations focus on the idea that preservation, rehabilitation, maintenance and retrofitting are labor intensive, thus creating more jobs. The complete article is available at www.preservationnation.org/take-action/advocacy-center/platform/economic-stimulus.html. The following briefly summarizes their recommendations:

1. Federal Building Improvements. This recommendation focuses on the need for rehabilitation, reinvestment and deferred maintenance on buildings such as courthouses, post offices and transportation facilities. The Trust recommends establishing a grant program for these buildings and their infrastructure.
2. Main Street Reinvestment Grants for Strengthening Communities. This part of their recommendations reiterates support for the Trust's ongoing Main Street programs, specifically citing Community Development Block Grants as a model.
3. Historic Tax Credit Improvements for Jobs, Housing and Investment. The Trust proposes increasing the tax credit for small projects from 20 % to 40 % and expanding the 10 % portion of the credit for housing. They also advocate increasing the credit within Qualified Census Tracts and Difficult to Develop Areas nationwide. Other recommendations focus on the role of non-profits and recapture relief for corporate capital investment.
4. Historic Preservation Fund Emergency Jobs Program. This recommendation refers to the FY'83 Emergency Jobs Act which allocated \$25 million dollars through the Historic Preservation Fund (HPF) for jobs. The Trust recommends using the HPF to provide state grants to historic sites for business planning,

rehabilitation, maintenance, retrofitting for energy efficiency and site investment. It also advocates grants for Home Energy Assistance to increase energy efficiency. They argue that since rehabilitation and retrofitting are generally labor intensive, this will provide more jobs. The Trust advocates increasing Save America's Treasures funds since this is a bricks-and-mortar and capital projects endeavor which would also create jobs. Finally, in order to expedite Section 106 and other preservation reviews, the Trust recommends additional funding to SHPOs and THPOs to increase their capacity to handle reviews.

5. Federal Incentive Funding for State Rehab Tax Credit Programs. This recommendation is designed to support state tax credit programs, many of which have been cut back or put on hold due to state budget problems.
6. Disaster Assistance for Iowa and Texas. This recommendation advocates duplicating programs provided to Louisiana, Mississippi and Alabama after Katrina.
7. Public Land Investments for Jobs, Energy Delivery and Revitalization. This portion of the Trust's recommendations supports increased funding to the Bureau of Land Management, US Forest Service and National Park Service to support preservation-related activities, including surveys, deferred maintenance, energy efficient retrofits, rehabilitation and collections improvements. They note that each agency should also be allowed to use a percentage of the funds for administration and reviews.

It should be noted that at the end of the article, the Trust provides a form for submitting comments, so please review the complete article and let them know what you think.

(The National Trust article was brought to ACRA's attention by Marion Almy of Archaeological Consultants, Inc. in Sarasota, FL.)

EMPLOYEES FREE CHOICE ACT

By Charles M. Niquette, Cultural Resource Analysts, Inc.

For nearly a half century, unions have gained access to the workplace primarily via a secret ballot vote that follows an organizing campaign, all refereed by the National Labor Relations Board (NLRB). However, this Fall's elections, particularly in the U.S. Senate, may now fundamentally alter that process.

A bill entitled the Employee Free Choice Act (EFCA), which passed the House earlier this year and had at least one Republican Senator as a co-sponsor in the Senate, would allow unions to bypass the ballot box and achieve NLRB certification by collecting signature cards from a simple majority of an employer's workforce (in an appropriate voting unit). The bill provides that once a sufficient number of cards supporting a union are collected and filed with the NLRB, and the union is certified by the NLRB, negotiations for a first contract are to begin within 10 days of the union's written request to the employer.

EFCA also provides, in the event a newly formed union and management cannot reach agreement on a first contract after four months of bargaining, that an arbitrator is to be appointed who will set the terms of the new labor contract, which could be binding for up to two years.

EFCA is supported by President-Elect Barack Obama, who relied greatly upon union support in the general election. With the conclusion of the run-off election in Georgia, in

which the incumbent Republican Senator won, the Republicans have 41 members in the Senate, with one race left to be decided (Minnesota). Even with 58 votes in the Senate, Democrats may well be able to pick up at least two Republicans who will give it the 60 or more votes needed to end debate and obtain an up or down vote on the proposed legislation.

It is clear EFCA, if passed in its present form, would allow for a radical departure from the present procedure for union organizational activity. Secret balloting conducted under the watchful eye of an NLRB official would become a thing of the past, as would the typical campaign leading up to a union vote. At present, employers and union officials are, subject to certain rules and restrictions to protect the integrity of the process, able to discuss the pros and cons of union formation with employees in the weeks leading up to an election. However, if EFCA becomes law, union officials could achieve certification simply by obtaining signature cards from one over half of the employees in an employer's workforce, without any notice to the employer and presumably without notice to a significant portion of the workforce itself.

See this article for more information:

http://www.nytimes.com/2009/01/09/us/09labor.html?_r=1&th&emc=th

MEET ACRA BOARD MEMBERS

Charissa W. Durst - Large Firm Member President - Hardlines Design Company, Columbus, OH



Charissa W. Durst (formerly Charissa Y. Wang) is the President of Hardlines Design Company (HDC), a full-service cultural resources management firm located in Columbus, Ohio. Charissa is a registered architect with a B.S. in Architecture from the University of Maryland and a Master of Architecture from The Ohio State University. Charissa founded HDC in 1990 with partner Donald Durst, a fellow

architecture student. The country was still in a recession, and no one was hiring new graduate architects. So, the pair started freelancing by completing Ohio Historic Inventory forms, which they had learned to do in a graduate level preservation class. When they saw a federal advertisement for a Historic Structures Report, they borrowed a book from the library literally titled "How to Write a Proposal," sent one in, and were awarded the project!

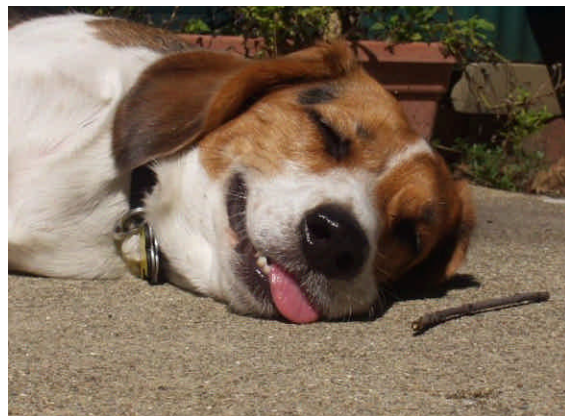
After over 10 years, Charissa bought out Don's interest in the firm, and Don went to work for the state government in a "real" job. They were thus able to get married in 2005 without fear of having to see each other 24 hours a day, 7 days a week.

HDC started as a two-person company that specialized in historic building surveys and assessments. HDC attended the initial ACRA meeting just to see who else was out there, and was amazed to find a whole range of firms engaged in similar work! HDC became a founding member of ACRA, and Charissa served as one of the original board members. She has been off the board for several years, but has served as Chair of the Awards

Committee since 1998, as well as Keeper of the ACRA Archives. HDC hosted the 1996 ACRA conference, and Charissa has attended every conference ACRA has ever held, only missing the 2008 Tucson event due to a family emergency in China.

HDC has partnered with many ACRA firms, and over the years has grown into an 18-person "medium" sized company that includes architects, archaeologists, planners and historians. HDC also has two office beagles, Donut (belonging to Charissa) and Karly (belonging to the senior historian). Beagle pictures and a beagle video are available on HDC's website www.hardlinesdesign.com. The firm has worked on interesting cultural resources projects across the country for the U.S. Navy, U.S. Air Force, National Park Service and other federal and state agencies. In addition, HDC has rehabilitated really cool National Register-listed buildings such as theatres, railroad stations and schools.

Charissa looks forward to being actively involved in ACRA board matters again, especially working with the new management team and the new approaches to reaching out to the membership.



Donut, HDC mascot and confidante.

**Kimberly Redman -
Board Member, Large Firm Member
Alpine Archaeological Consultants, Inc.,
Montrose, CO**

I was born in Landstuhl, Germany; as a first-born "Air Force brat" born abroad, I traveled quite a bit in Europe as a young child (and managed to remember none of it). Unlike many Air Force families, we only relocated three times [Florida (where my brother was born), Missouri, and finally Kentucky]. Although I did most of my growing up in Kentucky, I managed to avoid the identifiable accent! In those years my father transferred to the Air National Guard and became a commercial airline pilot. This resulted in a tremendous amount of traveling; I saw a lot of the United States, many different cultures, visited every National Park and a lot of cultural museums. That, in combination with the release of Indiana Jones, convinced me that I needed to be an archaeologist - keep in mind, I was in the 6th grade and thought I would be cavorting around Egypt finding golden idols! My stubbornness and the support of my parents resulted in that interest never really going away. The summer after my sophomore year in high school, I attended two field schools and didn't look back.

I am one of those strange people that managed to decide what they were going to be when they were young, and stuck to it! Other than short stints working for H&R Block and as a product demonstrator (handing out free samples), I have only worked as an archaeologist. Since the age of 15, every summer I worked was doing archaeology - scary! I earned my B.A. at Indiana University-Bloomington, where I worked at the Glenn Black Laboratory for Archaeology during the school year. I continued my education at Washington State University, where I earned my M.A. in 1998. I left there thinking that I would analyze debitage every day until I retired - and I was excited about it ... I am coming to the realization that I am very strange!

Just before completing my Masters, I was hired by Alpine Archaeological Consultants in Montrose, Colorado. I was hired as a research assistant for a prehistoric context and as a debitage analyst. I loved the challenges that being something other than a shovelbum brought, and I loved working for a company that found ways to do CRM and conduct meaningful research while making me feel like I was part of a team. After four years working in Montrose, I followed my partner Amy to Phoenix, where I worked for another ACRA firm and then served three years as the Archaeological Officer for the Salt River Pima-Maricopa Indian Community. Ultimately, we were drawn back to Colorado and a company I truly loved working for - eleven years after being hired as a debitage analyst, I have been the General Manager of Alpine for the past five years. This year we welcomed a new member to our family (Sara, now 4 months old) - she was born the week before the ACRA conference, or I would have been there!

Alpine (www.alpinearchaeology.com) works throughout the Rocky Mountain West, Plains, Great Basin and Southwestern states, and employs 20 full-time archaeologists and a small clerical staff. Our staff includes specialists in artifact analyses, GIS, faunal analysis, ethnobotany, historical archaeology and prehistoric archaeology. Lately our work has focused on transmission lines and natural gas pipelines. Although I no longer get to search for those golden idols (there might be some in northwestern Colorado, you never know), I continue to enjoy the challenges that being a CRM archaeologist and a manager brings. If answering the cell phone at any ridiculous hour for "archo-mergencies" counts as a hobby, then that is my most active hobby...in case that is not a recognized hobby, I also count stained glass, reading and occasionally skiing as hobbies. I look forward to serving on the ACRA board and will see you all at the next conference!

MEET AN ACRA OFFICER

Jeanne A. Ward, ACRA Vice President for Governmental Affairs President, Applied Archaeology and History Associates, Inc., Annapolis, MD

At the ACRA conference in Tucson last Fall one of the presenters referred to most of us in the audience as "The Great Die Off." While this was in relation to the anticipated retirement of substantial numbers of Federal employees in the next ten years, it felt personal. I've been at this for more than 30 years. I guess I have 20 more to go so I'm on the downhill slide to retirement but I still have vivid memories of field school and I blame it all on organic chemistry.

In my first semester at the University of Georgia I was a botany major. Happily, I had some real difficulty with organic chemistry and that intro course in Anthropology I took during the summer at Georgia Southwestern College had really caught my interest. So I changed majors just in time to go to field school in the Lake Oconee (Wallace Reservoir) basin - piles of people living in an old house in a small town and digging fantastic prehistoric and historic archaeological sites. I was so hooked.

I graduated in 1978, then spent the next year dig bumming around the southeast. I did time in the Russell Reservoir and on the Tennessee Tombigbee Waterway. Then it was off to graduate school at the University of Tennessee Knoxville. I happened to get there at about the time Charles Faulkner first started doing historical archaeology, so my natural leaning in that direction was

encouraged, even though I had side jobs analyzing Protohistoric Cherokee ceramics and sorting faunal remains from Pleistocene-era fine-screened gravel. I finished my course work and hit the dig bum circuit again - bouncing back to the Russell Reservoir then to Kings Bay Naval Submarine Base. Eventually, not knowing if I would have a job the next week got to me, and I threw up my hands and got a "real" job as a receptionist/secretary/editorial assistant. Bored out of my skull, I decided to finish my thesis and wade back in to archaeology.

I waded back in with a job as a technician at Addison Plantation with John Milner Associates in 1986. Working for Milner was great. The work was interesting, the company was really good to their employees and I loved Maryland and Pennsylvania. During that period I got married, had a baby and got laid off during the last serious recession.

Because I was tied to the area and there were no other jobs I started my own company, Jeanne A. Ward, Inc. I worked mostly for private developers who were required to do archaeology in order to get sewer permits, a program that was abolished a number of years later under pressure from the Home Builders Association. I enjoyed being my own boss and was able to juggle having a second baby with work. So you may ask why I left Pennsylvania for Minnesota? In part it was because the Home Builders got their way and in part it was jobs for both my husband and me at IMA Consulting. It was an interesting period. I got to work in Minnesota, Michigan and North Dakota

but it was a little frustrating for someone more interested in the 17th and 18th centuries than the late 19th - not that there is anything wrong with later historic sites!

We moved back to the Mid-Atlantic in 1989, where I established Applied Archaeology and History Associates, Inc. (AAHA), a small cultural resources consulting firm in Annapolis. My work here, again, is primarily for developers who are required to consider cultural resources under two separate local ordinances. Working in such a small geographic area - two counties - has allowed me to delve much more deeply into specific resources than I had ever been able to previously. We have identified significant sites in areas I might not have considered before. I will never again discount those two 17th or 18th-century sherds in the middle of that plowed field!

I joined ACRA soon after I started AAHA. I was a board member, representing small-sized firms, for six years. I am currently Vice President for Government Affairs. I also try to keep my hand in organizations that promote the dissemination of information to both professional and avocational archaeologists, so I currently belong to the Council for Maryland Archaeology. I was Secretary from 2000 to 2004 and am currently a member of the Education Committee and Field Strategies Committee. I also belong to the Archaeological Society of Maryland, the Society for Pennsylvania Archaeology, the Council for Northeast Historical Archaeology and the Society for Historical Archaeology. I am a Registered Professional Archaeologist.

Southwestern Archaeology Making the News A Service of the Center for Desert Archaeology

John Fowler Announces Online Publication of Free Guide to Tribal
Consultation in the Section 106 Process

I am delighted to announce the release of an exciting new publication, *Consultation with Indian Tribes in the Section 106 Process: A Handbook*. This handbook is a landmark guide to the federal responsibility for tribal consultation in the Section 106 review process. In an easy-to-follow question-and-answer format, the handbook clearly outlines the parameters of tribal consultation both for projects located both off-and on-tribal lands. The handbook provides valuable and insightful tools and tips that will greatly increase the effectiveness of federal consultation with Indian tribes. The primary target audience is federal agencies but the handbook will be of great use to all Section 106 participants. The handbook is available to download for free at the link below.

<http://www.achp.gov/regs-tribes2008.pdf>



EDITION

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ACRA's Members-Only Listserver

MembersOnly is a private email forum intended to promote dialogue between ACRA members, and to provide a venue for the membership and the board of directors to share information, and to post queries and comments for discussion. To participate in MembersOnly, visit www.acra-crm.org and click on the link under ACRA forums.

2008-2009 ACRA EDITION SCHEDULE

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ACRA Edition

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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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