

## Summary of ACRA Board Meeting

March 1-2 1997  
Cincinnati, Ohio

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ACRA President Michael Polk presided over the March ACRA board meeting. Board Members in attendance were Tom Wheaton, Dana McGowan, Don Weir, Charissa Wang, Kevin Pape, Ann Hubber, Lorretta Neumann, Cory Breternitz, Chuck Niquette, Patrick O'Bannon, Tom Lennon, Dan Roberts, and Duane Peter. Non-Board Members in attendance were: Marcy Gray and E.J. Harris.

#### Minutes of Previous Board Meetings

The Board reviewed the minutes from the Baltimore and Sacramento Board Meetings. Minutes from the Baltimore Meeting were approved. Minutes from the Sacramento Meeting will require an updated memorandum from the Labor Relations Committee.

#### Treasurers Report

Balance Statement was approved as presented. Treasurer Charissa Wang pointed out that ACRA is still not listed as a non-profit corporation. ACRA accounting is on the accrual basis. ACRA did not make a profit in 1996 so there is no tax liability despite status as a "for profit corporation."

ACRA has not been billed by our Legal Advisor since last September. Kevin Pape will talk with Baskin so that Legal Fund balance is known.

#### Video Fund

The video that ACRA and some ACRA members have contributed to has been produced and ACRA has received a review copy; \$500 in video fund is ACRA's portion of the contributions.

#### Brochures

Tom Wheaton passed out new brochure holders to all Board Members. ACRA has 250 of these and has printed additional brochures. The

Board discussed the need to make the brochures visible at regional and local meetings.

#### Budget for 1997

The budget projected at Sacramento, based on paid members in 1997 was discussed. To date we have 71 paid members; 87 members still owe 1997 dues!

#### General Liability

It has been suggested by ACRA's Insurance Agent that liability insurance for meetings would protect the organization. Presently ACRA has insurance for Board Member liability; however, this policy does not cover potential liability at meetings, conferences, workshops, etc.

The Board requested that we get more accurate information concerning liability insurance costs, and that if the annual costs are less than \$ 500.00 the Executive Committee would obtain the insurance.

#### Committee Reports

See committee reports elsewhere in this issue.

ALSO: See list of current ACRA committees, and committee Chairs and members in this issue. Several ACRA Committees have been disbanded.

#### OSHA Workshop

Little interest has been demonstrated in this Workshop scheduled for Seattle. (At present only two persons have expressed an interest!) It was recommended that these persons be contacted and notified that fees need to be submitted by March 7; otherwise, the workshop will not be presented.

There was extensive discussion of why

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## Board Of Directors

**Cory D. Breternitz**  
Soil Systems, Inc.

**Lee Cox**  
Dolan Research, Inc.

**David Heisler**  
Calverton, MD

**Ann Hubber**  
HRA, Inc.

**Dale Jaeger**  
The Jaeger Company

**David Ketz**  
The 106 Group Ltd.

**Thomas Lennon**  
Western Cultural  
Resource Management, Inc.

**Dana McGowan**  
Jones & Stokes Associates, Inc.

**Loretta Neumann**  
CEHP, Incorporated

**Charles Niquette**  
Cultural Resource Analysts, Inc.

**Patrick O'Bannon**  
Kise Franks & Straw

**W. Kevin Pape**  
Gray & Pape, Inc.

**Duane Peter**  
Geo-Marine, Inc.

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

**Daniel Roberts**  
John Milner Associates, Inc.

**Kathryn Toepel**  
Heritage Research Associates, Inc.

**Charissa Wang**  
Hardlines: Design & Delineation

**Donald J. Weir**  
CCRG, Inc.

**Thomas Wheaton**  
New South Associates, Inc.

## March Board Meeting..

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the ACRA/OSHA Workshop has not generated more interest. The general feeling was that there is confusion concerning OSHA guidelines related to Archaeology/Historic **Architecture and HAZWOP courses** - There appears to be a lack of perceived need for training on part of membership and the perceived cost. Potential solutions suggested included: partnering with agencies, education of the membership, and the preparation of an outline of a safety plan to help educate the membership of the benefits of attending the workshop.

### ACHP Report

On February 4, 1997, Dan Roberts, Patrick O'Bannon, and Charissa Wang represented ACRA and met with the ACHP and other entities in Washington D.C. to discuss the draft regulations for Section 106. ACHP wanted to discuss the problems related to standard treatments of archaeological resources. The archaeological community feels that present standard treatments relegate the archaeological resources to second class treatment. NO CONSENSUS was reached at this meeting. The ACHP indicated that ACRA's concerns would be transferred to a Task Force. The ACHP intends to publish new regulations on 1 September 1997.

### 1997 Conference

The afternoon session of the Board Meeting opened with a presentation by the ASC Group, Inc., for hosting the ACRA Annual Meeting in 1997 in Columbus, Ohio (September 18-21, 1997). The Board then considered the two proposals and referred questions to the Conference Committee to seek clarification on both proposals; ASC Group, Inc., and Markman & Associates, Inc., of St. Louis. Duane Peter was elected Program Chair for 1997 ACRA meeting.

Tom Lennon, WCRM, Inc., proposed to host 1998 meeting in Denver, CO. The Board accepted WCRM's proposal to host the fall 1998 meeting in Denver.

The Board established a Conference

Committee consisting of Dana McGowan, Tom Lennon, Loretta Neumann, and Marcy Gray. The Committee is to be chaired by Duane Peter. The function of this committee will be to provide experience to future conference organizers, search out new locations, and provide focus to plenary sessions.

### Legislative Update

Loretta Neumann provided the Board with a brief overview of the current Washington scene:

**NCSHPO**- still pushing for the reauthorization of NHPA --don't feel that this is necessary, merely opening NHPA up for examination.

**NAGPRA amendments**- SAA is presently tracking this important issue and Loretta feels that we should allow SAA to continue to take the lead.

**ISTEA**- appropriations are in jeopardy!

**Homeowner's Tax Trust**- Nellie Longworth has taken the lead on this issue; ACRA should just piggyback on her efforts.

### Issue of Setting Policies

Lengthy discussion on how we determine ACRA policy took place. There was a general consensus that the Executive Committee needs to make decisions concerning necessary action related to specific issues and that the Executive Director would e-mail the Executive Committee to gain consensus opinion on important issues that need immediate ACRA response.

It was suggested that ACRA publish a policy statement concerning issues that ACRA has prioritized as areas of concern. The Executive Committee will draft a statement concerning this issue. A motion was passed that the Executive Committee evaluate requests for support from other entities and pass those requests considered to be of importance to ACRA (within the goals of ACRA) to specific Committee or Task Force for implementation or resolution. The Executive Committee will also publish a definition of "Process in Relation to Policies" to be distributed to the membership.

The Board also passed a motion; that

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# ACRA Committee Reports

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## ACRA Awards Committee Report

By Adrian White, Chair

The ACRA Awards Committee plans to solicit nominations for ACRA Awards in the April and May issues of the ACRA Edition. The awards categories were determined in consultation with the Board of Directors in the fall of 1996. These award categories, and the nomination procedures will be followed for the 1997 ACRA Awards. The Awards Committee Chair, Adrian White, will receive all nominations for the various ACRA Awards categories in June and distribute the nomination materials submitted by the nominators to the members of the Awards Committee. The Awards Committee will have June and July to review these materials and make recommendations to the Committee Chair. In August, the Awards Committee Chair will provide the Executive Director with the categories and names of the winners to be recognized at the Annual Meeting. The Awards Committee Chair and the Executive Director will have September and October to contact the winners, assemble the awards, and schedule the awards ceremony prior to the Annual Meeting.

This year, there should be ample time to coordinate the various aspects of the ACRA Awards process, and hopefully we will be able to present more awards, have a more comprehensive process, and have more than single nominations in one or two categories.

## Competitive Practices Committee Report

By Patrick O'Bannon, Chair

The Competitive Practices Committee has monitored discussions on ACRA-L related to the issue of "unfair competition" from nonprofit organizations and tax-supported institutions, such as universities. The discussion has been heated and ongoing. The complexity of this issue, and its connections to other complex issues such as the quality of university training and professionalization of the industry, mitigates against simple solutions, since those supposed solutions could produce unanticipated and undesired consequences in other areas.

ACRA needs to develop accurate information regarding the costs of doing business as a nonprofit, a tax-supported institution, and a for-profit. The discussion on ACRA-L has been short on facts and long on unsupported blanket statements. Until we have come up with evidence, it is impossible to refute nonprofits who claim that the playing field is already level.

Even if we can establish that the playing field is indeed not level, we will have to grapple with the intangibles associated with this issue. These include the training and professionalization issues, as well as basic strategic questions.

## Labor Relations Committee Status Report

By Kevin Pape, Chair

Representatives of ACRA's Labor Relations Committee attended a meeting on 21 February 1997, held at the Corps of Engineers, Office of General Counsel, Washington D.C. Participants included Carol Holtz (USFS), Rudy Watley (USFS), Greg Noonan (COE), Paul Rubenstein (COE), Maury Baskin (ACRA), Don Weir (ACRA), Kevin Pape (ACRA), and Len Winter (Gray & Pape).

Ours was the second of two meetings held that day with federal agencies interested in the revised Archaeological Technician position descriptions proposed for publication by the Department of Labor. The first meeting of the day was attended by Mr. Edgington (Business Manager of the International Brotherhood of Operating Engineers), Brian West (President, UAFT), Chris Williams (Secretary, UAFT), Chris Espenshade (TRC-Garrow), and George Germane (Co-owner, Anaconda Archaeological Services). [Before we launched into discussion we pointed out that Anaconda was owned in part by UAFT President Brian West and that the firm could not be considered an impartial representative of CRM industry interests. The agency representatives were surprised to learn this.] Agency representatives told us that persons attending the first meeting advocated the UAFT position that a two-tiered Archaeo-

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## Labor Relations..

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logical Technician structure was preferable to the three-tiered structure supported by ACRA and the agencies.

Our meeting with the agencies began with an introduction from Maury Baskin (ACRA's attorney) in which he reaffirmed ACRA's support for agency efforts to resolve this problem and for the three-tiered job description structure. The agency reps responded that they appreciated our support and that they were extremely frustrated that the problem still has not been resolved. They also reiterated that the DOL had set a deadline of 1 March 1997 for the agencies and UAFT to come to an agreement over the revised position descriptions. At this point we requested to know what the UAFT's position was and if there were issues to which we needed to respond.

Noonan informed us that the UAFT had come to the meeting with a document they had received recently from Nila Stovall. This document apparently contained the three-tiered position descriptions which the DOL intended to publish after 1 March. Apparently the UAFT's major concern was that the proposed three-tiered structure should be collapsed into two tiers such that the lower tiers are combined into a GS Level 5 and the upper tier be defined as a GS Level 7. Their point was that with a three-tiered system, companies would hire Techs at the lowest rate and then put them to work doing tasks which would fall under the middle rate. When Holtz asked if a GS4 could change to a GS5 during a project we responded that this was possible. However, everyone agreed that this scenario represented a compliance issue which we all live with now and that companies would be bound to pay for the level of work conducted by temporary employees. Holtz also

asked if, outside the wage determination issue, the three-tiered structure reflected the hierarchy of archaeological field crews. We responded in the affirmative. Finally, Rubenstein asked if there was a class of Archaeological Technicians who typically "do not move up" to positions of higher responsibility. Again, we answered in the affirmative. He responded that this fact alone highlighted the need for a three-tiered system. This discussion ended with general agreement that everyone (i.e., the agencies and ACRA) supported the three-tiered system.

The agency reps indicated that the UAFT did not stress the monetary value attached to the two-tiered system other than to suggest a GS 5/7 dichotomy. However, most importantly to us, the UAFT conceded that the current wage determinations were untenable and that they would not fight to hold the new wage determinations at an artificially inflated level!

It was the understanding of everyone at the meeting that the DOL intended to publish the three-tiered descriptions after the 1 March drop dead date. Noonan indicated that Stovall had told him there were several new position descriptions waiting to be published in the revised Directory and that all were being held awaiting resolution of the Archaeological Technician problem. The UAFT seems adamant that they want a two-tiered system and are going to request that the DOL defer publication of the pending three-tiered descriptions. To underline their position Edgington stated that if the three-tiered system is published, UAFT would appeal to the labor board, thus throwing everything into disarray. Everyone agreed the three-tiered system was best; the agencies recognized that if modifications were made to the current descriptions we would all face months of delay working the revi-

sions back through the system.

If UAFT appeals a three-tiered system to the labor board, Baskin says the appeal process could take a year, during which time the three-tiered system would remain in effect. With this scenario we would not need to consider or negotiate a two-tiered system unless and until UAFT decides to appeal.

As of 19 March 1997, Nila Stovall (DOL) had told Carol Holtz (USFS) that the Archaeological Technician revised position descriptions were in the process of being published.

## ACRA Conference Schedule

The 1997 ACRA Conference and Annual Members Meeting will be held next fall in St. Louis, MO. The conference will be hosted by Markman & Associates, Inc., and Charles Markman will serve as conference coordinator. Dates and hotel information will be provided as soon as they are available. To date, a Cahokia Mounds tour has been suggested as a possible excursion.

The 1998 ACRA Conference and Annual Members Meeting will be held in the Denver, Colorado area in the fall of 1998. The conference will be hosted by Western Cultural Resource Management and Thomas Lennon will serve as conference coordinator. Details for the 1998 conference are still in the planning stage.



# Charge to the Government Relations Committee

By Mike Polk, President

It is understood that laws in the United States created by Congress, by state legislative bodies, and by local governments and regulations created by government agencies of various types are of critical importance to the member companies and practitioners of the cultural resources field. These laws and regulations form the whole basis of our existence as an industry. With this in mind, it is necessary for ACRA to maintain a standing committee devoted to this subject. As such, a committee is hereby created called The Government Relations Committee (GRC) of the American Cultural Resources Association (ACRA). This committee shall be a standing committee composed of no less than three (3) members, all being ACRA members in good standing, appointed by the President. The chairperson of this committee shall be the ACRA Vice-President for Governmental Affairs. The President shall be an ex-officio member of the committee. The committee's responsibilities will include, but not be limited to, the following:

1. Monitoring Congressional and Executive actions in Washington, D.C. as they relate to the cultural resources field. This "monitoring" activity means staying abreast of major bills and activities that may have a positive or negative effect upon the members of ACRA and their businesses. Regular reports shall be issued to the board and to the membership keeping them appraised of proposed changes that could affect them. It is understood that these tasks will largely be carried out by ACRA's lobbyist. However, should that position not be funded or not be filled for any reason, the committee will carry out those duties as best it can.
2. Monitoring state and local legislative and regulatory changes as they affect the cultural resources field. This

work of the committee will largely consist of being a "clearinghouse" of information for members of the Association. As information is forwarded to the committee from members and as information is obtained from other sources, those items that are deemed important should be reported to the membership and the board. Action on items should be recommended by the committee.

3. For both #1 and #2, if action needs to be taken quickly, the Executive Board (consisting of the President, Past President, President Elect, Vice Presidents, Secretary and Treasurer) should be notified and consensus sought for action. If there is not time for even that consensus action, the committee is charged to act with measures that appear most appropriate and in the best interests of ACRA and its members. Items that are not so time sensitive should be brought before the board for discussion and a vote.

4. Oversight of lobbying activities carried out by CEHP Inc., or other entities for ACRA. This "oversight" responsibility will include giving the lobbyist direction in what ACRA sees as the most important issues to pursue in Congressional and Executive lawmaking activities and in the creation of regulations. Each year (or more frequently as necessary), the committee should, in collaboration with the lobbyist, prepare a plan for the year and present it to the board at its mid-year meeting (if such is held) or through e-mail and other communications. If possible, the board should be given the opportunity to approve the plan at the Annual Meeting in October/November or the midyear meeting in the winter/spring, but the committee is given authority to move on its own recommendations without board approval as long as the board is kept fully informed of the decisions being made.

## ACRA Poster Displays Available

ACRA has recently obtained new ACRA poster displays/brochure holders to be used at regional professional meetings, trade shows, historic preservation awareness events, etc. This colorful 12" X 18" tabletop display has a pocket that will hold ACRA's informative brochures. ACRA encourages members planning to attend regional or local meetings to contact Executive Director Tom Wheaton to obtain a display and copies of the brochure.

Thomas Wheaton, Executive Director  
c/o New South Associates, Inc.  
6150 Ponce de Leon Avenue  
Stone Mountain, GA 30083  
770-498-5159

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information be gathered concerning the regions and disciplines that should be targeted for an ACRA membership drive, and that proposals be submitted no later than 15 April to target conferences for the remainder of 1997.

### ACRA Elections and Potential Officers

It is time for nominations for: two Presidents (President and President-Elect), two Vice Presidents, Secretary, Treasurer, and two Board Members

### Attendance of Board Members

It was suggested that we write to those Board Members that have not attended Board Meetings recently and seek a commitment from them; otherwise they will be replaced.

# Legislative Update

ACRA/SOPA Weekly On-Line News

March 24, 1997

Congress begins its Easter Recess this Friday. The Senate reconvenes on Monday, April 7; the House on Tuesday, April 8. This period is a good time for preservationists to contact Senators and Representatives at their local offices to discuss issues of concern to the Association. Since Congress will not be in session next week, our next update will be the week of April 7.

## 1. National Monument Fairness Act Introduced

On Wednesday, March 19, Rep. Jim Hansen (R-UT), chairman of the House Resource Subcommittee on National Parks and Public Lands, introduced H.R. 1127, the National Monument Fairness Act. It would allow the President to designate national monuments of 5,000 acres or less by simple Presidential proclamation. For areas greater than 5,000 acres, the President would be required to get the consent of Congress and consult with the governor of the affected state. According to Rep. Hansen's press release, H.R. 1127 is in response to the September 1996 designation of the Grand Staircase-Escalante National Monument in Utah. Since Rep. Hansen chairs the subcommittee with jurisdiction over the bill, he is planning a hearing in late April.

## 2. Historic Homeowners Tax Credit

The eagerly awaited Historic Homeowners Tax Credits bill was finally introduced yesterday, March 19, by Rep. Clay Shaw (R-FL). Reps. Nancy Johnson (R-CT), Barbara Kennelly (D-CT) and John Lewis (D-GA) took a major role in getting the bill drafted and are joined by 23 original cosponsors. H.R. 1134 would allow a 20 percent credit on qualified rehabilitation costs against a homeowner's federal income tax liability. The

credit amount would be capped at \$50,000. It would be available to individuals regardless of income, but the property must be used as the taxpayer's principal residence. The property must be listed individually on the National Register of Historic Places or a state or local historic register, (or be in or contributing to a national, state or local historic district). If a taxpayer does not have sufficient tax liability to use the credit, he or she may opt for a mortgage credit certificate to lower its interest rate. If a property is sold within five years, recapture rules apply. It was referred to the House Ways and Means Committee which has not scheduled hearings.

## 3. Commercial Revitalization Tax Credits

Two other tax bills should be noted. Rep. Phil English (R-PA) introduced H.R. 465, The Commercial Revitalization Tax Act (CRTA) in the House and Sen. Kay Bailey Hutchinson offered S. 411. The CRTA amends the Internal Revenue Code to allow an investment tax credit equal to a percentage of expenditures for depreciable property in connection with the rehabilitation or reconstruction of a nonresidential building. The building must be located in: (1) an empowerment zone or enterprise community; (2) an area established pursuant to a consolidated planning process for the use of Federal housing and community development funds; or (3) a low income commercial revitalization district specially designated by a State or local government which is not primarily a nonresidential central business district. Expenditures must exceed 25 percent of the fair market value of the building before rehabilitation.

Many preservation groups have expressed concerns about the CRTA for various reasons including the fact that

the bills do not require that the Secretary of Interior's Standards be applied during rehabilitation of historic structures, thus undercutting use of the current historic rehabilitation tax credits. Sources report that Rep. English felt that it would be more difficult to get the bill through hearings with preservation requirements and that he plans to address it when and if the bill gets to subcommittee mark up. Neither bill has hearings scheduled yet but supporters of the House bill are hoping that the issue may be tied to a potential hearing on community revitalization that is being planned for the near future in the House.

## 4. World Heritage List Threatened

Rep. Don Young (R-AK), along with 70 cosponsors, introduced H.R. 901, the American Lands Sovereignty Protection Act. The bill would prohibit the Secretary of Interior from nominating lands owned by the United States for inclusion on the World Heritage List unless specifically authorized by law. This is the same bill that Resource Committee Chairman Young introduced last year (H.R. 3752). The preservation community opposed the effort and the bill ultimately failed to pass when brought to the House floor by a vote of 246-175. This year the bill is being handled on the full committee level and while no hearings are scheduled so far, staff does expect some action fairly soon. According to staff, Rep. Young is determined to move this bill and believes that a majority of House members support him.

## 5. ISTEA: The Next Generation - NEXTEA

President Clinton released his long awaited Intermodal Surface Transportation Efficiency Act (ISTEA) reauthorization proposal March 12. The proposal, the National Economy Crossroads Transportation Efficiency Act

# History News

Contributing Editor

Carol Mehls

(NEXTEA), is a \$175 billion reauthorization plan that renews the basic elements of ISTEA. It includes increasing the transportation enhancements program by \$80 million. The Congestion Mitigation and Air Quality Improvement Program - one of the primary targets of the Congressional leadership highway funding bills - would be increased by \$1.3 billion. NEXTEA also would increase surface transportation spending by \$17 billion. Scenic Byways would receive an additional \$10 million but recreational trails would be cut significantly from \$180 million to \$42 million.

The House and Senate House Transportation Committee staff reported that they were waiting to see the Administration's ISTEA reauthorization proposal before proceeding with drafting a reauthorization bill. The Committees have been holding a series of oversight hearings to gather information to help formulate the reauthorization.

By Loretta Neumann, CEHP Incorporated

One of the interesting careers to develop in the last 20 years is that of the "futurist." As opposed to historians, futurists would appear to have endless career opportunities predicting the future for anyone that might be interested. One of the important ideas to many futurists is the demand for professional standards and changes in those standards. Accompanying those changes is the need for life long learning. The ability to spread learning and education efficiently and widely is certainly one of the challenges of the future.

Listening to the futurists, it would seem that continuing education is necessary for an individual to retain one's viability and productivity within the community and the economy.

How will this apparent need for ongoing education impact cultural resources management, and especially our business practices? Can

we simply afford to ignore it all and go on with "business as usual"? After recognizing the need for continued, lifelong education a corollary challenge is to figure out what types of education and for whom? Should we, as company managers, begin programs to further educate our staffs with the attendant costs and charges to overhead? Can we require employees to take classes or do other things to improve their skills?

If your answer is yes, or even maybe, to one of these questions, then take a moment and reflect on your educational needs. Would the ACRA/OSHA training seminar benefit you or your supervisory staff? Do you need more knowledge about insurance options? Do you need to utilize a computer program more efficiently? Could you use help preparing a sound, realizable business plan? What about cross-training between jobs in your company? Clearly the types of training and education available are varied, running from Tom King's basics of 106 to something like accounting for non-accountants. Choose wisely and the tremendous amounts of information available in our world today will benefit you. Choose poorly and you may need to enroll in a career change seminar. Perhaps you need to practice asking, "And would you like fries with that?"

There are only 168 hours in the week. Most of us can not work MORE hours. The need is to work smarter. Education is the key. Historians often find comfort in the past, but we also need to consider the future. Consider your future.

## Advertising Space Available

ACRA Edition offers advertising space to our members. Does your company have a special product, service, or publication that would be of interest to some aspect of the CRM community? Why not consider placing an ad in ACRA Edition?

Advertising Rates:	Per <u>6 Months</u>	Per <u>Year</u>
Business Card size (3.5"x2")*	\$100.00	\$175.00
1/4 page (3.5"x4.75")	\$200.00	\$350.00
1/2 page (7.0"x4.75")	\$300.00	\$525.00

\* Business cards can be scanned.

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*ACRA Edition* is a monthly publication of the American Cultural Resources Association. 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.

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. Please address comments to:

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