

Message From the President

By Mike Polk

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The halfway point has passed in my term as president of ACRA. I would like to report to the membership our achievements over the last six months, our activities, and where I see the organization moving into the future. We are still a young organization, and still stretching our boundaries and trying to find where we, as an organization, can be most effective for you, the members of ACRA and cultural resource professionals. In some ways the last year has been a relief for all of us. Congress backed off of its stringent budgetary agenda and we have not had to test the limits of our resources in a crisis mode of lobbying our congressional members, the President, and other ranking members of congress. This is not to say that ACRA is not staying vigilant or that there are not issues that are being pursued, but the pressure is not as intense as last year. Lobbying activities remain one of our top priorities and your dues help support that effort through the continuing work of Loretta Neumann and her company CEHP Inc.

Our lobbying focus in the fall centered around responding to an almost unbelievable number of regulatory changes that were proposed by the National Park Service (NPS), the Bureau of Land Management (BLM), and the Advisory Council on Historic Preservation (ACHP). Responses were made to proposed changes for Section 106, Section 110, the Secretary of the Interior's Standards and Qualifications, BLM's proposed Nationwide Programmatic Agreement, NPS's Strategic Plan, and others. We responded to all of these proposals in a way which we felt was in the best interests of the membership. The proposal to alter portions of Section 106 of the National Historic Preservation Act, has

been debated for quite some time and ACRA provided the ACHP with a very pointed response. ACHP then asked ACRA to join representatives of the Society for American Archaeology (SAA) and the Society of Professional Archaeologists (SOPA) to meet with them concerning portions of the proposed changes dealing specifically with archaeology. Three ACRA board members attended the meeting in Washington D.C., representing, not only archaeology, but also architectural history and history. Though we don't yet know the effects that our presence at the Washington D.C. meeting had on the ACHP's proposed changes, we did provide them with ACRA's view point.

ACRA has also been very active in other issues over the last six months. Our Labor Relations Committee has been continuing its work to achieve fair and reasonable wage determinations for archaeological technicians. Some success in this effort has just occurred in the form of a 3-tiered system of wage determinations published by the Department of Labor. See the ACRA webpage for more details at <http://www.mindspring.com/~wheaton/ACRA.html>. ACRA has been monitoring how Electronic Data Information (EDI) and Value Added Networks (VAL) are changing the way we do business with the government. This is an important issue that all members should pay attention to. We will be providing updated information as this issue contin-

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President's Message..

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ues to evolve. The Occupational Safety and Health Administration (OSHA) has become more and more important to our business, though many may not realize it. Violations of OSHA regulations can be extremely expensive. ACRA has been researching and presenting information about this topic to the membership. We intend to continue this work and to sponsor classes on this important topic. ACRA has also been active in educating the government and consulting communities about business practices. After a successful session of "The Archaeology of Business" took place last year in Ohio, venues in other states have been sought to continue this work. This education process can continue to improve the level of professionalism in CRM.

ACRA has been pursuing many other issues as well including internship programs, professional liability insurance benefits, and increasing the effectiveness of our annual meetings. We continue to pursue these and many other issues of importance in our industry.

In the next few years I see ACRA becoming an even more important force in the CRM industry. I believe that one of the most important issues that we, as a profession, need to address is that of finding common ground with the industries with whom we work. In fact, that is the theme of our upcoming annual meeting. Too long our work has been reluctantly or even hostilely tolerated by oil and gas utilities, mining, and highway interests, to name a few. I believe much of the blame for this situation, comes back to a lack of education about the value of our work to the communities, states, and the nation within which we work. Part of that blame goes to the agencies, but we must share much of that blame, for we are the ones most intimately in contact with our clients, and we should be justifying our existence and the value of the work that we perform. Too long we have been at each others throats, jockeying for position, and price cutting to stay alive. Perhaps some of that was justified when we were a very young profession, with an uncertain future. Our industry has matured,

evidenced in part by a new generation of professionals who are entering the field. We need to do the things necessary to help our field professionalize itself further, become less like starry eyed avocationalists that we are sometimes viewed as and more like the CRM industry professional that we view ourselves as.

As a means of furthering that goal, the movement toward a more professional demeanor as archaeologists, as architectural historians, as historians, as planners, I challenge all of you to come to our annual meeting in St. Louis, September 19-21, 1997, and to provide you input into what needs to be done towards finding that "common ground" with our clients industries. I challenge you to share your ideas about what needs to be done towards more effective communication with them, to get the message out to them that we are not the enemy, that we offer something important and valuable to society. Will they listen? Some will, many will not. We need ideas, we need effective strategies about what to do to make them listen and understand. I look forward to sharing these and other thoughts with you in a few months.

!! Awards Reminder !!

To date no nomination have been received by the Awards Committee for the 1997 ACRA Awards. Therefore, the committee has extended the deadline from June 6, 1997 to July 4, 1997, but please try to get nominations in as soon as possible. For further information consult the April and May issues of ACRA Edition, or contact Adrian S. White, ACRA Awards Committee Chair, Soil Systems, Inc., 1121 North Second Street, Phenix, AZ 85004; 602-253-4938; FAX 602-253-0107; E-mail CORBRDSSI@AOL.COM.

Legislative Update

ACRA/SOPA Weekly On-Line News

June 13, 1997

Interior \$ Markup Set for June

The House Interior Appropriations Subcommittee is still set to begin work on the fiscal 1998 funding bill, on Tuesday, June 17. Subcommittee Chairman Ralph Regula (R-OH) has been meeting with other subcommittee members this week to discuss their interests and concerns. Still no word on what the draft will contain, but the staff are encouraging about the possible funding levels for historic preservation. Trouble may be ahead for the National Endowments for the Arts and Humanities, however, which have not been reauthorized and which have been targeted for elimination by conservative Republicans.

World Heritage and Antiquities Act Bills May Move

At the hearing this week on H.R. 901, the bill to require an Act of Congress for designations of World Heritage Sites and Biosphere Reserves, Resources Committee Chairman Don Young (R-AK) reportedly said he wants to move the bill soon. Committee staff has indicated that he wants to take it to the floor by the July 4 recess; the next scheduled markup in the full committee is June 25. On that day the committee may also try again to mark up H.R. 1127, a bill by Rep. James Hansen (R-UT) to limit the President's use of the Antiquities Act of 1906. A previous attempt to mark up the bill was halted on May 28 after Resources Committee members proposed exempting some states entirely from the law.

According to one witness, the hearing on H.R. 901 was a "zoo," with only two pro-conservation groups testifying — US/ICOMOS (the U.S. Committee of the International Council on Monuments and Sites) and the National Parks and Conservation Association. Administration witnesses from the Interior and State departments

said the bill, if passed, would be vetoed by the President.

Chenoweth Bill to Curb Heritage Rivers

Property rights groups are opposing the President's American Heritage Rivers Initiative. Their champion is Rep. Helen Chenoweth, (R-ID), who introduced this week H.R. 1842, a bill to terminate further development and implementation of the initiative. The was cosponsored by several conservative Republican Members of Congress: Richard Pombo (CA), John Doolittle (CA), Bob Smith (OR), George Radanovich (CA), Bob Schaffer (CO), James Gibbons (NV), Wally Herger (CA), Van Hilleary (TN), Richard Hastings (WA), Lamar Smith (TX), Jack Metcalf (WA). The bill was referred to the House Committee on Resources which now plans to hold a hearing on the matter on June 26. The Council on Environmental Quality is expected to testify, along with representatives of as yet unnamed other federal agencies.

Congress Begins Tax

The House Ways and Means Committee and Senate Finance Committee have begun their work on the new tax legislation. Yesterday the House committee met and, among other things, talked about the 20 percent historic homeownership tax credits, but it was not offered as an amendment nor was it voted on. Rep. Clay Shaw (R-FL), the original House sponsor for the bill, said that he was unable to find an "offset" for the revenues that would be lost to the Federal treasury as a result of the credit.

The Senate does not appear more promising. Members and staff of the Finance Committee began meeting behind closed doors yesterday to discuss what will be in the legislative package. Sen. John Chafee (R-RI), the prime sponsor of the homeownership tax bill in the Senate,

apparently raised the issue, and there was support expressed. It does not appear, however, that Committee Chairman William Roth (R-DE) is supportive, which is critical given his leadership in crafting the overall tax bill. He is expected to unveil the draft package, starting with issues relating to Medicare and Welfare on Tuesday, June 17. Committee staff now say that the tax legislation markup probably won't start until Thursday, June 19.

BLM Nomination to Senate

This week, the nomination was sent to the Senate for confirmation of Pat Shea for director of the Bureau of Land Management (BLM). Mr. Shea is, according to a BLM release, "a prominent Utah lawyer, educator, and businessman. Along with practicing law in Salt Lake City and the District of Columbia, he is an Adjunct Professor of political science at the Brigham Young University Law School." Shea also worked as Counsel to the U.S. Senate Foreign Relations Committee from 1979 to 1980. He is president of the City Creek Canyon Park, a natural history park in downtown Salt Lake City, and serves as trustee of the Nature Conservancy's Utah chapter, native of Salt Lake City, Utah, Shea earned a law degree from Harvard University in 1975, Rhodes Scholar 1970-72, master's degree from Oxford University in 1972, and bachelor's degree from Stanford University in 1970.

As of yet, still no word on when the nominations will be sent forward for the Director of the National Park Service (now subject for the first time for Senate confirmation) and the Assistant Secretary for Fish, Wildlife and Parks, both in the Department of the Interior.

STRAIGHT FROM THE T-SQUARE

Contributing Editor
Donald M. Durst

“Hiring Your Local ‘State-Employed’ Architect”

AFTER CAREFUL EVALUATION OF ALL PROPOSALS RECEIVED, WE HAVE DECIDED TO AWARD THE CONTRACT TO... *OURSELVES*. THANK YOU FOR YOUR INTEREST IN THE PROJECT.

SINCERELY,
STATE OF CALIFORNIA

Say what? The State of California is finalizing a constitutional amendment that would end contracting for public architectural services. Public design projects such as schools and libraries would be completed by the state agency's in-house staff. California's constitutional amendment has two significant provisions. The first provision requires that a cost analysis between public and private architects be conducted to determine who could perform the services cheaper. The second provision requires that any outside architecture-engineering services be awarded through a competitive (i.e. "low") bid format instead of a qualifications based selection (QBS).

California's initiative was started by the Professional Engineers in California Government (PECG), which is a state employees' union. PECG believes government-subsidized architects and engineers are cheaper than private sector professionals. PECG's analyses of private sector costs included all salary, overhead, expenses, and administrative costs; however, government costs *exclude* all expenses except staff salary.

Am I imagining something here, or did PECG leave out a few details? Somehow, PECG has rationalized that state agencies do not have to pay utilities, buy office

supplies, or, heaven forbid, pay rent! Gee, how convenient.

Again, so what! This issue only concerns architects and engineers. Wrong. I believe this shift from the QBS to a lowest bid process is the continuation of a much larger trend in the way all government agencies are procuring any *professional services*. Other states are carefully watching California's initiative to see if they can apply it in their states. Government agencies feel professional services should be *bought* at the lowest price. This is becoming a national issue that organizations such as AIA and ACRA must stand up and address.

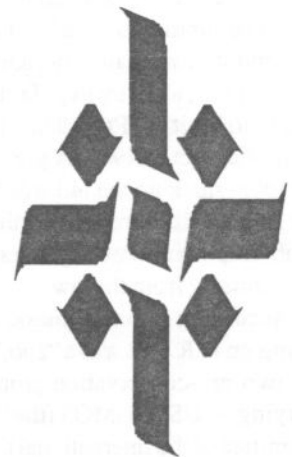
The AIA has already begun a fundraising campaign to defeat the amendment on election day. On our end, it is vital that we begin to educate our clients and constituents that professional services, whether for architecture or archaeology, is not something to be *bought* like toilet paper. Professional services are tasks performed by highly-trained personnel who have both the education and experience to complete all tasks in an aesthetic, efficient, and safe manner. Professional services selection should not be treated like a quick trip to the local grocery store!

News From ACRA-L

Recently, I received a notice in the mail that all companies, whether they use EC (Electronic Commerce) or not, must be registered with the CCR (Central Contractor Register) by September 30 or they will not be allowed to do work with the federal government on future projects. You can register via fax, the web, by mail, etc.

ACRA has provided a link to more information (including application forms and instructions) at our website at <http://www.mindspring.com/~wheaton/ACRA.html>. Just click on the EC/EDI button for a description of EC/EDI and to learn how to register. If you already have a VAN (Value Added Network) account, you are probably already registered. Check with your VAN to be sure.

Tom Wheaton



A Summary of ACRA's Involvement in the Archaeological Technician Position Descriptions and Wage Determination Issue

June 16, 1997

At the 7-8 October 1995, ACRA Board meeting in Washington, D.C., the Labor Relations Committee was charged with investigating issues of member concern associated with the McNamara-O'Hara Service Contract Act of 1965 (SCA). Many of the federal procurements and contracts for CRM services are prepared under the SCA. For non-exempt technical employees in specific job classifications (e.g., Cartographic Technician, Archaeological Technician), the SCA contains a provision for wage determinations that are based on the prevailing wage for each job classification in a particular locality.

The Department of Labor (DOL) is supposed to use market data to determine the prevailing wage. In the absence of market data the DOL uses a process called "slotting" to establish a prevailing wage. In this process, the DOL finds a job classification which appears analogous to the one in question and creates a new wage slot based on the former classification. The DOL appears to have slotted Archaeological Technician wage rates based on those established for Cartographic Technicians and Civil Engineering Technicians, thus causing wage determination rates for Archaeological Technicians to be substantially higher than prevailing wages paid by the industry and the federal government. Furthermore, the position description used by the DOL to define the tasks and responsibilities of the Archaeological Technician was inconsistent with the Technician's actual role in

CRM. These include professional responsibilities as well as technical duties.

ACRA had four concerns: 1) that the Archaeological Technician position description published in the SCA Directory of Occupations was inconsistent with the actual duties of Archaeological Technicians in the CRM industry; 2) that most of the wage determinations that have been issued for Archaeological Technician establish minimum wages and fringe benefits considerably higher than those actually prevailing; 3) that there was great variability in wage determination rates from state

to state and even from county to county; and 4) that ACRA wanted to provide the DOL with information sources which reflected wages prevailing in the CRM industry.

In March 1996, ACRA met with representatives of the U.S. Forest Service (USFS), the National Park Service (NPS), the Bureau of Land Management (BLM), and the U.S. Army Corps of Engineers (COE) to try and resolve some of these issues. The USFS took the lead in this endeavor, supported by input from

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ACRA Honors Leroy Irwin with Governmental Award



On May 9, 1997, Leroy Irwin of the Florida Department of Transportation, received ACRA's Governmental Award at an awards ceremony sponsored by the Florida Anthropological Society, which was held on Virginia Key.

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Wage Determination ..

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other federal agencies and ACRA. In May 1996, representatives of the USFS met with the DOL to present revised position descriptions for Archaeological Technician. These descriptions were developed by the USFS based upon the agency's in-house descriptions. A letter was issued by the DOL in June 1996 in which they stated their agreement in principle with a three-tiered position description. Nevertheless, DOL requested further modification of the description to more clearly distinguish between the various levels. Although they contained some ambiguity, ACRA felt that the revised USFS classifications better reflected the tasks and responsibilities typical for Archaeological Technicians in the CRM industry and supported the effort. In August 1996, the USFS (with the support of the COE, BLM, and NPS) submitted revised position descriptions to the DOL.

The August 1996 position descriptions recognized three levels of Archaeological Technician. The descriptions reflected greater variation in the levels of responsibility through the grades. The USFS also attached, and the DOL accepted, federal wage grade equivalents to each of the position descriptions ranging from GS-4 to GS-6/7.

Prior to issuing the revised position descriptions, the DOL advised the USFS that they needed to take into account concerns expressed by the United Archaeological Field Technicians (UAFT). On 21 February 1997, two meetings were held at the U.S. Corps of Engineers, Office of General Counsel, Washington D.C. Participants included USFS, COE, UAFT, and ACRA. The first meeting took place

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between representatives of UAFT and the federal agencies. According to agency representatives present at the meeting UAFT expressed its position that the proposed 3-tiered structure should be collapsed into 2 tiers (expressed as a GS-5 and GS-7, respectively). ACRA also understands that the UAFT conceded that the current wage determinations were untenable and that they would not press to hold the new wage determinations at artificially inflated levels. At the second meeting, attended by ACRA and federal agency representatives, ACRA reaffirmed support for agency efforts to resolve the problem and for the 3-tiered job description structure. The agency representatives indicated that the DOL had set a deadline of 1 March 1997 for the USFS and UAFT to come to an agreement. Ultimately the USFS and other federal agencies recommended that the DOL publish the 3-tiered descriptions.

The recent publication of the 3-tiered Archaeological Technician position description by DOL is a compromise effort. The position descriptions are imperfect and do not fully reflect specific language suggested by ACRA. However, the revisions more clearly distinguish between technical and professional duties. Furthermore, the revisions greatly improve the ability of all government agencies to procure cultural resource work at cost-effective rates which more accurately reflect prevailing practices. At this time ACRA is aware of only one federal solicitation that references the new position descriptions, but more solicitations are anticipated now that the inflated costs of the inaccurate job descriptions have been modified.

Kevin Pape, Chair Labor Relation Committee



The Grapevine Newsletter



The Newsletter for Cultural Resources Management

The Grapevine is a monthly newsletter designed specifically to address the concerns of the Cultural Resources community and provides a forum for sharing the kinds of information that can benefit everyone involved in CRM. Topics include:

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ACRA Webpage Update

ACRA's webpage at <http://www.mindspring.com/~wheaton/ACRA.html> has links to the Department of Labor (DoL) wage rates and job descriptions. It also has links to the new Central Contractor Register (CCR) sign-up requirements for federal contracts and a place to check your status, plus many, many more.

ACRA tries to maintain up-to-date links to important sites for the business of CRM, and our website should be added to your list of bookmarks if you need info on business issues, etc. If you feel that a new link should be added to our site, please contact Tom Wheaton at E-mail tomwheaton@aol.com.

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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. Please address comments to:

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