July 1997

Vol. 3:07

Call For Nominations to ACRA Board

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I am the chairperson for the Nominations Committee for the ACRA Board of Directors. As part of the duties of committee chair, I am required to notify the membership about the nomination process.

According to the by-laws, the maximum number of board positions available is 21 (no less than 11, no more than 21). Currently, we have 18. These are split equally with 6 small, 6 medium, and 6 large firms represented. Prior to ACRA's 1997 conference in St. Louis, we would like to fill the three vacant positions with a vote by the membership. Therefore, we need nominations for board positions, one from each size category. The list provided in the insert to this newsletter includes all ACRA members in good standing who may be considered for nomination (the list excludes current board members). The membership is invited to review the list provided and to submit nominations to Charles M. Niquette no later than August 10. Nominations may be submitted by letter, fax, or E-mail at the following address:

Charles M. Niquette, President Cultural Resource Analysts, Inc. 143 Walton Ave. Lexington, KY 40508 Phone 606-252-4737 Fax 606-254-3747 CMNiquette@AOL.com

In making your recommendations it is important to consider those people who will contribute their drive, energy, intellect, and other resources to the benefit of our organization.

Once the call for nominations closes, as Chair of the Nominations Committee I will call those folks who have been nominated to determine whether or not they would be willing to serve if elected. Hopefully this process will be completed in a week. Once I have prepared the slate, I will be sending out ballots for the vote. Thank you in advance for your attention to this important decision.

Charles M. Niquette Nominations Chair

(See insert for list of members)

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ACRA Conference Update

ACRA members know that ACRA's annual conference is one of the highlights of the year, a chance to talk frankly with other CRM business people from around the country, share experiences, discuss problems, and discover new solutions to nagging problems. The annual conference is a place to meet possible joint venturing partners, subcontractors with that special skill, and clients who might need your regional or disciplinary expertise. The annual conference is also a time to take a breather, put aside the day-to-day problems of contracts and payrolls, and look around the industry and country as a whole. How has CRM fared this year? How have legislative actions affected our businesses? How can we improve our business knowledge and plan for the future? What's the market doing in other parts of the country?

The last few years have seen some important changes in the regulatory climate, and thus, how we conduct our businesses. After the 1994 elections. we were able to hold off some of the attacks on Section 106 and the Advisory Council. However, the budget cutting, anti-regulatory mood in the House and the country is finally beginning to be felt in some agencies and areas of the country. It is more important than ever that we work closely with our clients and the regulatory agencies to make sure that what we do is relevant to our clients and the public. Two years ago Carol Schul (Keeper of the Register) told the staffs of 25 SHPOs that in the future, buildings and sites had better be pretty significant to be considered eligible. She was not taken too seriously. Today, these same staff members are talking about cutting back on survey intensity and only mitigating buildings and sites if they are unique and truly exceptional.

To help us better understand this new climate and our clients' needs, our plenary session this year will be a panel of CRM clients from the private, semipublic, and public sectors who will present their views of CRM and contracting. This should be a very provocative and informative session and will help attendees approach the future with a deeper understanding of the issues and how they will affect business.

We also have a session on what to do with the mounds of artifacts and archives that CRM has collected over the past 20 years. This is a growing problem that will soon affect all of us and taxpayers as well, and we need to have input into this process rather than simply reacting to a fait accompli.

Another session will be a panel of SHPOs and SHPO staff who deal with contractors on a daily basis. These are the people caught between the budget cutters and the preservationists, who are and will continue to make decisions affecting what we do and how. Needless to say, many have strong opinons about contracting firms.

We have planned three workshops for Friday. One is a training session intended to explain the benefits and techniques of GIS to our members. Another is a symposium on several aspects of business practices that most of us somehow missed in school. The third is on traditional cultural properties (TCPs) (They are not just in the southwest anymore). All three sessions are well worth their low registration fees.

Sunday morning will continue our traditional networking/gripe session, where we can share ideas, involving the entire membership in a give and take session that will help the board guide activities in the coming year. Please plan to attend. Everyone who says it was the best part of the conference.

Please set aside the weekend of September 19-21 and plan to attend. You won't regret it. Hope to see you there.

Thomas R. Wheaton Executive Director

ACRA Awards:

The ACRA Awards Committee has received six nominations for six different awards. Although this presents the same dilemma as last year where we had a situation of no competition within any single award category, this year each award nominee will be reviewed on their applicability for the award. I will send copies of the award nominations to each member of the Awards Committee and each committee member will evaluate the nominations independently. I received a single nomination for each of the following categories; Government, Research, Industry, Appreciation, Quality Product, and Public Service Award.

Adrian S. White Chair ACRA Awards Committee

"The Business of Doing Archaeology Workshop" A Review by the Ohio Historic Preservation Office

The American Cultural Resources Association (ACRA) and the Ohio Historic Preservation Office (OHPO) cohosted a workshop to consider business concerns for cultural resource management las October 15, 1996, at the Ohio Historical Center in Columbus, Ohio. The workshop brought together 35 participants for a one-day program that included three presentations in the morning and two discussion sessions in the afternoon. The attendants primarily represented archaeological consulting groups, but also there was significant representation from federal and state agencies. The workshop was successful in promoting a dialogue among the parties participating in cultural resource managements decisions and was useful in establishing an understanding of fundamental business concerns. From my point of view, especially useful was the clarity brought to common, and sometime taken for granted, business terms. In the following paragraphs I summarize the key points from the morning presentation of the workshop.

In today's competitive business climate, getting contracts and staying in business requires detailed record keeping and a methodical approach to contracts. Patrick O'Bannon (Kise Franks & Straw) focused on budget factors in his presentation on "Developing Appropriate Cost Proposals." Emphasis was given to careful record keeping which tracks all of the hours and costs involved in completing a project. Too often businesses over spend the contract money and then donate the time and supplies needed to complete the contract. Salaries and wages comprise the major portion of business costs for most consulting firms so it is essential to keep careful records on the time spent on each project. How many hours were budgeted? How many hours were actually required? Successful businesses get better at accurately budgeting hours with each contract. In addition to the hours directly stemming

from investigations and report preparation, it is important to remember that there will be costs which are part of the wage and salary structure that are not billable to any one project. Examples of non-billable hours include time for holidays, vacation leave, sick leave and personal time, benefits, project development, company development and promotion, and time between projects. Budgets need to be developed from sound accounting principals to accurately reflect the total costs of projects and include a reasonable profit factor. Successful businesses focus on their special capabilities and make sure that the bid will cover the total fixed operating costs, wages, salaries, and overhead. The profit margin provides some flexibility for negotiation provided that operating costs are met.

According to Janet Friedman (Dames and Moore), attention to detail is essential in preparing scopes of work. Often agencies and applicants rely on consultants to assist in preparing these. In addition, consultants must pay careful attention to the details of a scope of work in preparing cost proposals. In writing a scope of work, each step must be carefully thought out and each task carefully defined. The preparer needs to have a clear understanding of the construction process; often this includes an ability to read and understand construction plans. The beginning point is to ask the questions: What is the project? How will the construction on the project be done? Why is cultural resources coordination necessary? What are the standards and guidelines that are to be met? In defining the tasks, it is essential to understand how each task is to be done, who will do the task, and how long it will take to complete the task. If the task is shovel testing during an identification level survey, it is important to have accurate information on the area to be surveyed and the number of shovel tests to be excavated. The most important point to remember in developing a scope of work is to have a clear understanding of what is needed. For example, if the scope of work specifies field work but does not require a report of findings and recommendations, the client may find that the completed contract will not provide enough information to complete the review process.

Jan Ferguson and Carol Young (Wright-Patterson Air Force Base) presented a detailed discussion of the federal contract process. With applicability beyond federal contracts, they emphasized that it is crucial to read and understand all of the parts of a request for proposal (RFP). In responding to an RFP, you should make sure that your proposal specifies all of the required deliverables, that the budget is within the parameters given, and that all of the required attachments are enclosed. The agency/client may often have rules stipulating the order of material and it is important to see that this order is exactly followed. If there is a period during which additional information can be requested, you should make sure that you get answers to any questions during this time. Too often, the agency/client is required to reject a proposal because it fails to address the conditions set forth in the RFP. In addition, it is important to remember that there are different kinds of contracts that can have important implications for the information you are required to provide and how payments are to be made.

The afternoon discussion sessions provided opportunities to consider (1) How To Improve Products And Control Costs, and (2) Limits of Competition. The primary goal of the afternoon sessions was to brainstorm ideas to create a starting point for future development. We found that we ran out of time long before we ran out of ideas.

(...continued on Page 5)

STRAIGHT FROM THE T-SQUARE

Contributing Editor, Donald M. Durst

"Developing Our Young: Sowing Our Seeds" Part 1 of 3

Students, apprentices, field technicians, and interns--what do these people mean to you? A source of cheap labor? Do you feel these people are seeds for future labor union problems? I would argue "no." I believe interns, whether in archaeology or architecture, are our industry's future leaders. For the next three articles of "Straight from the T-Square" I am going to explore how the architectural profession struggles with the issue of developing their young.

The most significant step the architectural profession took in assisting interns to grow was the creation of the Intern Development Program (IDP). The American Institute of Architects (AIA), the American Institute of Architecture Students (AIAS), the Association of Collegiate Schools of Architecture (ACSA), and the National Council of Architectural Registration Boards (NCARB) worked together to develop this program. IDP is intended to provide a formatted environment from which graduates can make the transition from the academic to the working world.

This first article addresses problems facing architectural graduates as they enter the work place and how IDP is meant to help with this transition. Next month's article will incorporate comments and opinions of architects and interns who have dealt with or who are working with the IDP. The final article in the series will feature William Wilcox, Executive Direct-or for the State Board of Examiners of Architects in Ohio, who will offer his views on internships program for architects.

The format of this column will not allow for a thorough discussion of all the problems facing architect interns. However, I believe some of the most giaring difficulties facing architectinterns are compensation, task assignment, and recognition of work. These are the same issues that archaeology field technicians have been facing for some time. Still, even with some of the most insensitive of management practices, the relationship between interns and architects has never deteriorated to the point where the interns have threatened to unionized their work force.

The greatest atrocity that occurred in some architectural offices was that firms hired interns without pay. There were probably several reasons for this practice--the sentimental belief of architects as artists, unscrupulous management, and arrogance of the law. A more common situation was to hire an intern at minimum wage but not pay for overtime work. This policy was, and is, a flagrant violation of the Federal Fair Labor Standards Act.

Assignments given to interns were sometimes diminutive in nature and did not provide an opportunity for professional growth. Architect interns were being assigned to repetitive tasks. Some firms viewed interns as away to form an "assembly line" in the production of construction drawings. This methodology left an individual doing the same task over and over and never gave them the opportunity to experience other aspects of the profession.

Contributions made by interns to a project team were not always recognized by the architectural firm. However, when given the opportunity, interns can play important roles in a project's development. The treatment of architect interns was considered part of a tradition of a young architect's "training." However, this training was not always very educational. Some architectural firms chose not to pay their interns because they claimed interns are "apprentices." However, apprentices are workers who are employed to learn a skilled trade. Federal regulations state that architecture and all other office occupations are not a skilled trade. Apprenticeship without

pay in an architectural firm or any professional office setting is illegal.

An opposite approach to the pay issue was that interns were not paid overtime because some architectural firms believed they were professionals and therefore exempt from extra compensation. The Federal Fair Labor Standards Act states that professionals are people who work without supervision and use independent judgement. Although most architect interns will strongly believe they are qualified to design the next great building or solve the most difficult program requirement--the truth is they are not. This statement is supported by the fact that approximately only one out of five interns pass the Architect Registration Exam on the first try!

On the other hand, some firms see interns as a source of cheap labor which should only be used for mass production. Often times, there would be no formal setting in which an intern could be exposed to all stages encountered in designing a building. This management strategy limits the growth potential of the intern.

IDP was created to provide interns with a structured transition between their formal education and when they become licensed architects. IDP specifically requires interns to gain a broad base of experience in all aspects of architecture. This experience includes the traditional practice of producing construction documents, but it also requires exposure to areas of the profession that had previously been shut off to interns. Interns are now required to have experience in several areas including client contact, job bidding, contract negotiations, site analysis, and office management.

Each intern is required to maintain a detailed record of activities. This record serves as a planning tool for the intern to chart the areas of experience that they need to gain prior to taking the state exam. The state registration boards use

the records to verify that the intern has indeed fulfilled all requirements. To help with record keeping, the IDP requires the intern to obtain a sponsor and an advisor.

The sponsor is typically the employer and the advisor is a mentor. The mentor is typically another architect, preferably one who does not work at the same firm as the intern but who is willing to assist with the professional growth of the intern. The IDP process adds more people to the intern's training program. This gives the intern multiple sources to talk to and to seek advice about their daily experience.

IDP, now required in 42 states, has improved the training of interns by requiring greater diversity of experience; however, it remains to be seen if it is helping interns receive a fair wage or proper compensation for overtime work. As a result, AIA and NCARB are beginning to turn to their written Code of Ethics to combat the manipulation interns face.

The AIA's Code of Ethics specifically states that members shall not conduct their professional practice in any way that knowingly violates the law. It also clearly states that employees should be compensated fairly. If architects are found guilty they can lose their membership in AIA. NCARB also maintains a code of conduct to govern professional practice. If NCARB finds an architect guilty of violating its code, they have the ability to suspend, fine, or even revoke an architect's license. In addition to the private penalties, the Department of Labor and the Internal Revenue Service have the option of initiating an audit of a company's employment and pay records, which could lead to significant fines against anyone found in violation of the labor and wage laws.

The treatment of architectural interns as raw material is a long-standing tradition that the profession is working to change. However, I am afraid the cultural resource industry is developing a similar legacy. It is time for representatives from the business community, the academic community, the field technicians union, and all other interested parties to take a critical look at how we are preparing, training, and educating our future leaders. The creation of the United Archaeological Field Technicians in response to conditions that were being offered by some firms was probably one of the saddest days in CRM history. However, in some ways, we sowed our own seeds and now the harvest moon is rising.

Workshop ..

.. continued from Page 3

The following table lists the ideas proposed for things to do to improve product quality.

The Following Ideas Were Rated Highest:

- Improve communication among all parties
- Raise SHPO review and compliance standards
- · Emphasize planning
- Copy review letters to consultants or author/PI
- Require PI to meet Secretary of the Interior's Standards for Professional Qualifications
- SHPO provide guidance on appropriate methodology for variety of project types (scope) (also for cost cutting)
- Improve communication and education among applicants
- Use management summaries for public education
- Provide a description of SHPO's role to applicants/all players (local 5-min. look at 106)
- Clean up consultants list -- get inactive ones off
- Stricter qualifications for all involved in process
- Training programs for applicants/agency, emphasize scope writing

The Following Ideas Were Also Identified:

- · Less text, more references in reports
- More education on planning from research
- Do workshops on Section 106 for communities
- · Better coordination, review time
- Better internal communication (avoid need for rework)
- Look to Section 106 as upfront cost (education)
- Better communication: make regulations less scary
- · Fund research: flexibility, 1% tax
- Reviewers provide critique of reports to author/PI
- Ensure reviewers meet Secretary of the Interior's Standards
- Need quality control on field work, reports
- Agency education for applicants

The following table lists ideas proposed to control costs.

The Following Ideas Were Rated Highest:

- · Presentation of clear standards
- · Better communication: What are the

goals?

- · Avoid unnecessary survey/studies
- · Streamline cultural overview in reports
- Develop statewide background that can be referenced and focus overview on local background
- Streamline report format and requirements, especially for small reports
- Checklist for applicants -- How to write a request for proposal
- Address (find solutions for) curation problems
- · Synthesize data already on hand
- · Streamline reports

The Following Ideas Were Also / Identified:

- · Contract resource specialists
- · Make appropriate use of volunteers
- · Clearer contexts
- · Better coordination among clients
- · Emphasize planning and context
- Applicants should provide better information to SHPO
- · Agencies following steps in process
- · Do homework -- background research
- Management summaries for small projects
- · Eliminate rush jobs
- · No collection policies
- Less detail on schematic maps (e.g., placement of every shovel test)
- Standardized cultural and environmental settings
- SHPO enforce Section 110 regulations
- Make federal job proposals easier to complete
- · No more nit-picking by SHPO
- Eliminate duplicate report submission with curation
- · Collection strategy refinement

Finally, in considering the limits of competition, many participants commented that the emphasis needs to be focused on quality control and setting basic standards.

Currently, OHPO is developing additional documentation to assist clients in preparing basic descriptions of scopes of work and in hiring archaeological consultants. The workshop offered some concrete suggestions and, perhaps more importantly, provided a solid foundation for ongoing coordination as we continue to work on cultural resources management issues.

David Snyder Archaeological Reviews Manager Ohio Historic Preservation Office Columbus, Ohio

Legislative Update

ACRA/SOPA Weekly On-Line News July 11, 1997

Capitol Comments:

Congress is back and the summer looks very hot for a number of issues. Note in this weekly report the items on the Interior Appropriations, which includes a victory for the National Endowment for the Arts but a threat to the National Endowment for the Humanities and World Heritage program. Also note the continuing assault on the President's American Heritage Rivers Initiative. These do need and deserve your attention.

Loretta Neumann

CONSERVATION TAX INCENTIVES

A House-Senate Conference Committee began meeting this week to iron out the differences in H.R. 2015, the Budget Reconciliation Act. No resolution was made, however, on Section 403(c), which is in the Senate version but not the House-passed bill. Section 403(c) is a modified version of the American Farm and Ranch Protection Act that would exempt from federal estate taxes up to 40% of the value of land placed under a permanent conservation easement. (The land must be within 25 miles of a metropolitan area, national park or wilderness).

Unfortunately, neither the House nor the Senate included the historic homeownership tax credit provisions, so that issue is dead for the moment since the conferees can only consider provisions that were in one of the two versions of the bill.

RIVERS INITIATIVE HEARING JULY 15

On Tuesday, July 15, the House Resources Committee held a hearing on the President's American Heritage

Rivers Initiative. Rep. Helen Chenoweth introduced H.R. 1842, a bill to terminate further development and implementation of the initiative. The National Trust for Historic Preservation plans to send Members of the Resources Committee a letter, which ACRA and other preservation groups from around the country have also signed, to support the American Heritage Rivers Initiative and oppose H.R. 1842. It's also critical that other Members of Congress, especially in the House, hear from their own constituents. If you have not done so, you can write to yours at the House of Representatives, Washington DC 20515. Send a copy to the Council on Environmental Quality, 722 Jackson Place NW, Washington DC 20502. Further information, including the updated Federal Register notice of June 20, 1997, is available on the Internet at: www.epa. gov/OWOW/ heritage/whthouse.html or call CEQ, 202-395-5750.

NAGPRA UPDATE

(A) Civil Penalties: According to staff at the National Park Service, they are finishing the preamble to accompany the final regulations on civil penalties under the Native American Graves Protection and Repatriation Act (NAGPRA) and expect the final to be published by the end of the summer. Of course, this timing is dependant on how quickly the regulations move through the Interior Department for the Assistant Secretary's signature. Since NPS received only 24 comments on the draft, they don't expect the final regulation to cause much trouble. Many of those who commented cited the penalties in the draft regs as too low.

(B) Future Applicability: NPS staff are also working on a proposed rule for future applicability of NAGPRA. These apply to new collections, museums receiving federal funding for the first time, and

newly federally recognized tribes. The NAGPRA Review Committee has reviewed the draft but it must make its way through all the departmental approvals before publication. This could take quite a while. The general regulations took over a year to obtain required signatures.

HEARINGS ON BLM & NPS DIRECTORS

The Senate Energy and Natural Resources Committee is holding hearings next week on the nominations of Robert Stanton for director of the National Park Service (NPS) and Pat Shea for director of the Bureau of Land Management (BLM). Mr. Shea is a lawyer, educator, and businessman from the state of Utah. Mr. Stanton, a long-time career employee of the NPS, retired last year as the director of the Park Service's National Capital Region. Note that C-SPAN is expected to cover the hearings for cable television.

HEARING ON OKLAHOMA CITY MEMORIAL

The Senate Energy Committee's National Parks Subcommittee held a hearing on Thursday, July 17, on S. 871, by Senators Don Nickles and James Inhofe (both R-OK) to establish the Oklahoma City National Memorial as a unit of the National Park System. The memorial would be at the site where, on April 19, 1995, 168 Americans lost their lives as the result of a bombing. Both Park Service and non-Park Service personnel would staff the memorial grounds and interpretive center on the site. A separate Memorial Trust, comprised of nine unpaid trustees, would administer the operation, maintenance. management, and interpretation of the memorial.

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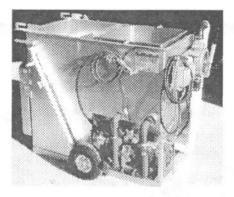
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ACRA Edition is a monthly publication of the American Cultural Resources Association. Our mission is to promote the professional, ethical, and business practices of the cultural resources industry, including all of its affiliated disciplines, for the 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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> > or

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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ACRA Membership List By Company Size

First	Last	Company	City	State	Size
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Lesley	Drucker	AF Consultants	Columbia	SC	Small
Ray	Dausman	R.J. Dausman Technical Services	Jackson	WI	Small
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Roberta	Greenwood	Greenwood and Associates	Pacific Palisades	CA	Small
William	Self	William Self Associates, Inc.	Orinda	CA	Small
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Philip	Thomason	Thomason and Associates	Nashville	TN	Small
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Loretta	Lautzenheiser	는 경우는 전 시간 전 전 전 전 경우를 받아 보고 있다면 하는 사람들이 되었다. 그런 사람들이 보고 있는 경우를 받는 것이다. 그런 것은 사람들이 다른 경우를 받는 것이다. 그런 것은 모든 기계를 받는 것이다.	Carbondale	IL	Small
		Coastal Carolina Research, Inc.	Tarboro	NC	Small
Lynn	Larson	Larson Anthro. Archaeological	Seattle	WA	Small
Timothy	Klinger	Historic Preservation Associates	Fayetteville	AR	Small
Robert	Johnson	Florida Archeological Services, Inc.	Jacksonville	FL	Small
Thomas	Gresham	Southeastern Archaeological Service	Athens	GA	Small
James	Cleland	KEA Environmental	San Diego	CA	Medium
Robert	Jackson	Pacific Legacy, Inc.	Woodland	CA	Medium
Jan	Campbell	Prentice Thomas Associates	Fort Walton Beach	FL	Medium
Terry	Klein	Greiner, Inc.	Florence	NJ	Medium
David	Stanley	Bear Creek Archeology, Inc.	Cresco	IA	Medium
Elton	Prewitt	Prewitt and Associates, Inc.	Austin	TX	Medium
Karen	Hartgen	Hartgen Arch. Associates, Inc.	Troy	NY	Medium
Clark	Dobbs	IMA Consulting, Inc.	Minneapolis	MN	Medium
John	Cook	ASM Affiliates, Inc.	Encinitas	CA	Medium
Susan	Chandler	Alpine Arch. Consultants, Inc.	Montrose	CO	Medium
Marion	Almy	Archaeological Consultants, Inc.	Sarasota	FL	Medium
Paul	Brockington	Brockington and Associates, Inc.	Norcross	GA	Largo
Tim	Mistovich	Panamerican Consultants Inc.	Tuscaloosa	AL	Large
Kenneth	Basalick	CHRS, Inc.	North Wales		Large
Amy	Gilreath	Farwestern Anthro. Res. Group, Inc.		PA	Large
Conran	Hay	Archaeol. & Historical Consultants	Davis	CA	Large
Jo	Reese	Archaeological Invest. NW, Inc.	Centre Hall	PA	Large
Jeff	Altschul		Portland	OR	Large
	Hardin	Statistical Research, Inc.	Tuscon	AZ	Large
Kenneth	Skinner	Janus Research	St. Petersburg	FL	Large
Shaune		ACS Group, Inc.	Columbus	OH	Large
Mike	Moratto	Applied EarthWorks, Inc.	Fresno	CA	Large
Shelley	Bookspan	PHR Environ. Consultants, Inc.	Santa Barbara	CA	Large
John	Hotopp	Louis Berger & Associates	East Orange	NJ	Large