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ACRA Board of Directors Spring Meeting, Dallas, Texas March 4-5, 2000

by Terry Klein, Secretary

The ACRA Board of Director's Spring 2000 meeting was held in Dallas, Texas. Duane Peter of Geo-Marine, Inc., handled all local arrangements, including the hotel and meeting room. The Board was extremely thankful for the Texan hospitality shown by Duane and Geo-Marine, Inc., staff.

The main topics discussed at the board meeting included ACRA finances, the annual meeting to be held in Phoenix, ACRA members meeting with the National Park Service in Denver, promotion of ACRA and member firms, the packaging of "Business 101," and key issues to be addressed by our organization. ACRA's meeting with the National Park Service, promotion of ACRA and member firms, and the packaging of "Business 101" are discussed in Kevin Pape's article in this newsletter (see Page 4).

ACRA is doing well financially, and has a balanced budget (see Treasurer's Report on Page 7). We are also on track in terms of collecting member fees that were anticipated for this part of the year, based on a preliminary Year 2000 budget.

Cory Breternitz of Soils Systems, Inc., will be hosting the 2000 annual meeting in Phoenix. The conference dates are November 2 - 5, 2000. A fixed rate of \$109 per night has been negotiated with the conference hotel, which is in downtown Phoenix. This rate will be held for three days prior and after the meeting. Possible workshops during the conference may include the following.

- Panel discussion on technical writing, report production, etc.
- The creation of websites
- Succession planning
- Company policy statements
- How to contact legislators

Unlike previous conferences, Friday's program will serve as a one-day event in order to get new firms to participate in and experience an ACRA event. There will be a single day charge for participation in the one-day program.

The Board spent a lot of time discussing the key issues faced by our business, and came up with an issues priority list. The issues with the highest priority will be the focus of our organization's efforts during the remainder of the year. These issues can be assigned to one or more of ACRA's goals, as presented in our Missions Statement. These goals are to:

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MESA TECHNICAL

HABS/HAER Large Format Photography
Archaeological Soil Science

David G. De Vries

principal

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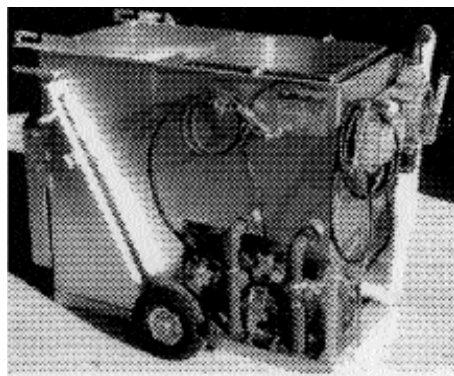
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Section 106

in the new regulatory
environment

*an on-site workshop designed
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This one-day workshop covers Section 106 fundamentals, important changes in the regulations, and potentially costly pitfalls and ways to avoid them. The workshop handbook contains copies of the law, the revised regulation, a plain-English translation of the regulation, and other useful information.

Save time and money by bringing the training to your staff, your clients, and other preservation partners!

Lynne Sebastian, Ph.D.
Cultural Resource Consulting
Preservation Planning, Training, and Problem solving
e-mail: lynnesebastian@mindspring.com

Spring Board Meeting..

continued on Page 3

- Promote and support the business needs of cultural resources practitioners,
- Promote professionalism of the cultural resources industry,
- Promote and provide education and training opportunities for the cultural resource industry,
- Promote and influence public policy, and
- Promote public awareness of cultural resources and its diverse fields.

The issues with the highest priority, at this time, which fall under the goals of supporting our business needs and influencing public policy, are:

- Improvement of salaries, wages, and benefits,
- Native American consultation,
- Meeting with agencies at a national level on CRM and Section 106 issues,
- Traditional cultural properties, and
- The US Army Corps of Engineers CRM policies and actions.

The board will be developing the framework for addressing these key issues, and will present this framework, and its implementation, to the membership on the MembersOnly site.

Another important topic of discussion during the board meeting was the need to involve more of the membership in the operation of ACRA's committees. It is only through an expanded involvement of the membership that the diverse needs of ACRA members can be addressed and shared with the CRM community.

Related to this topic, there is the need for new blood on the Board of Directors. Terms for several board members will expire in November: Patrick O'Bannon, Mike Polk, Chuck Niquette, Cory Breternitz, Tom Wheaton, Don Weir, and Duane Peter. In order to maintain balanced representation on the board, we will need representatives from both small and large firms. Board members will be soliciting the membership for candidates, so expect a phone call. ACRA will only be as good as the level to which members actively participate. Remember, it is our businesses that we are promoting and supporting, so please get involved!

MESSAGE FROM THE PRESIDENT

Kevin Pape, President

One of ACRA's values to its members derives from the organization's ability to understand issues that concern members, collect relevant data on a national basis, and disseminate information that can be used by members to better run their businesses. At the recent meeting of the Board of Directors (held 4-5 March in Dallas) significant time was spent discussing how the organization can do this job more effectively. In this column I will begin to outline a few of the issues and discuss what steps ACRA is taking to address them.

Packaging "Business 101"

ACRA is constantly gathering information using our collective experience and knowledge that would be of benefit to the membership at large. For example, read the recent "Business 101" articles in the ACRA Edition (December and February) about billable hours, overhead and contracts, and payroll taxes. Other sources of information include meetings between ACRA and federal agencies like the NPS. The problem is how to share this information with our members. The Board has decided that the best way to organize and share this information is through a MembersOnly section of the ACRA web site. Information will be organized according to the five goals of the organization: (1) promote and support business needs of cultural resources practitioners; (2) promote professionalism of the cultural resources industry; (3) promote and provide education and training opportunities for the cultural resources industry; (4) promote and influence public policy; and (5) promote public awareness of cultural resources and its diverse fields. This structure will be used as an alternative to archiving the newsletters but information from other sources will appear there as well. The Newsletter Committee will be responsible for "mining" past newsletters and taking relevant topics into this structure.

Promoting ACRA and its Member Firms

One of the things ACRA can do as a trade organization is to market the value of hiring an ACRA firm. Our members represent a group of high-quality CRM professionals and it's important that our clients understand the nature of this

value: technical expertise and solid business practices. To get this message across ACRA has invested in a traveling display (designed by Dana McGowan) that will be taken to national venues to advertise why industries should use ACRA firms. Suggested venues include annual meetings of the National Association of Environmental Planners (NAEP), the Edison Electric Institute (EEI), Association of Highway and Transportation Officials (ASSHTO), etc. ACRA will compile a list of clients' national meetings and distribute the list to the membership on MembersOnly and encourage attendance at these meetings.

Meeting with National Park Service on Best Practices in CRM

Many of our constituents have current or former contracts with the National Park Service and other federal agencies. Many questions and issues have been raised and discussed about the contracting process with the Federal Government. In order to resolve some of these issues, there has been a growing interest in ACRA for opening communication with NPS due to the fact that NPS has such a topical and geographic spread across the country, probably larger than any other agency involved with cultural resources work. For its part, NPS recognizes that ACRA represents CRM on a national scope, and has suggested meeting with our organization to discuss areas of mutual concern. In initial correspondence ACRA has expressed our interest in working with NPS to improve working relationships between the Park Service and the private sector. We intend to pursue a mutual identification of important issues related to contracting CRM services. These issues would then set the agenda for subsequent meetings when we can explore specific topics at greater length and, hopefully, begin to resolve some of them through a collaborative effort. ACRA also will be represented at the NPS meeting on Improving Archaeological Practices. These discussions will serve as models to use with other agencies and private industries. ACRA will continue to represent CRM in many venues, agencies, and industries.

GOVERNMENT RELATIONS COMMITTEE

Susan Chandler, Chair

ACRA's Government Relations Committee member Kathleen Schamel prepared written testimony for ACRA to the House Interior Appropriations Subcommittee regarding funds for cultural resource management and historic preservation (see below).

The Government Relations Committee is monitoring the lawsuit filed in February by the National Mining Association (NMA). NMA is suing the Advisory Council on Historic Preservation (ACHP), stating that the ACHP's May 18, 1999, Final Rule on a Section 106 case involving mining "significantly and adversely affected" NMA's members. NMA charges, in part, that the Final Rule (1) unlawfully exceeds the purely advisory role assigned to the Council by Section 106 and purports to empower the Council with substantive regulatory authority over other federal agencies and parties; (2) unlawfully expands and complicates the consultation and comment process allowed for by Section 106; (3) unlawfully expands the scope of the activities and properties reached by Section 106; and (4) unlawfully intrudes upon the role reserved to the Secretary of the Interior and other agencies under provisions of NHPA. ACRA members can receive an electronic copy of the lawsuit by contacting Susan Chandler (lpine@AlpineArchaeology.com).

The Honorable Ralph Regula, Chairman
House Interior Appropriations Subcommittee
308B Rayburn House Office Building
Washington, DC 20515-6023

Dear Chairman Regula:

The American Cultural Resources Association (ACRA) appreciates this opportunity to submit the following statement regarding the fiscal year 2001 appropriations for the Department of the Interior and Related Agencies.

ACRA serves the needs of the cultural resources industry - over 500 firms employing over 10,000 people working in a wide variety of fields, including historic preservation, history, archaeology, architectural history, historical architecture, and landscape architecture. Our mission is to promote the professional, ethical and business practices of the cultural resources industry 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.

ACRA would like to bring the following programs to your attention.

HISTORIC PRESERVATION FUND

ACRA is pleased to join others in the historic preservation community in supporting full funding for the Historic Preservation Fund at the \$150 million authorized level.

The HPF has accomplished significant preservation initiatives in every state across the country. The program is cost effective and unites the States, local governments, tribes, Historically Black Colleges and Save America's Treasures in a partnership to maintain and protect our nation's patrimony. Current funding levels have sustained the program but have only protected the tip of the iceberg of important historic buildings, landmarks and archaeological resources needing attention.

Since its beginning, the HPF has never been fully funded despite its matching leverage ability. For a short time, appropriations included matching grants for bricks and mortar to be distributed by the States. During that period, it was learned that small federal grants are catalysts for the raising of matching funds to stabilize landmarks and important buildings within communities of all sizes. To reinstate a matching grants program for rehabilitation and stabilization will buoy up declining historic neighborhoods and insure that their landmarks would once again become symbols of pride within the community. It would allow archaeological research beyond that required for government-funded projects. Such funding is not a federal giveaway but the federal government partnering with state and local governments and the private sector to recapture the vitality and quality of life which historic structures and objects have contributed to their communities over many decades. These same grants used to revitalize urban historic neighborhoods have a direct effect on reversing suburban flight and stemming urban sprawl.

In requesting full funding, ACRA supports at least \$75 million going to the States for administration of National Park Service pass-through responsibilities, grants to certified local governments,

monies for archaeological research, support for cultural resources maintenance and the reestablishment of matching grants for bricks and mortar projects. The remainder should adequately support the tribes, Historically Black Colleges, Save America's Treasures and new programs to assist endangered National Historic Landmarks.

BUREAU OF LAND MANAGEMENT

ACRA supports the FY 2001 Budget Request for the cultural resource management program of \$18,053,000 and 152 FTE, an increase of \$4,265,000 and 14 FTE.

The BLM manages the largest, most diverse and scientifically most important body of cultural resources of any Federal land managing agency. These resources span virtually the entire spectrum of human experiences since people first set foot on the North American continent more than 12,000 years ago. To date, almost 228,000 archaeological and historical resources have been recorded on the roughly 13.9 million acres of public lands that have been inventoried, roughly 5 percent of all of BLM's lands. These sites range from 12,000-year-old mammoth kill sites associated with Paleoindian hunters, to prehistoric complexes of Anasazi pueblos and cliff dwellings, through Spanish and Russian period exploration and settlement sites, to Western frontier forts, Gold Rush-era cabins, and more recent historic sites documenting westward migration, mining, ranching, railroading, and even WWII and Cold War military sites. These resources and others are all at risk to a greater or lesser extent. Looting and vandalism have greatly impacted many of the sites on BLM lands. Other threats to archaeological and historical sites include increasing recreational activities, urban sprawl, overuse and natural erosion.

While BLM cultural resource staff specialists continue to spend between 70 and 99 percent of their time on section 106 compliance work, they also have been given additional responsibilities for museum collections management, NAGPRA, paleontology, and tribal coordination and consultation.

BLM has been criticized for its failure to prioritize and conduct non-Section 106 cultural inventories (i.e., "ARPA inventory," Section 110 inventory) on public lands deemed to have a high potential for important cultural resources.

- **Public Land Treasures:** ACRA supports funding of the entire \$16 million proposed increase for the Public Land Treasures initiative. Some 3,870 special areas have been Congressionally or administratively designated on the BLM public lands. These areas comprise approximately 85.5 million acres. The entire \$4.195 million proposed increase in the

cultural resource management program related to this theme will specifically be used to address management, protection, stabilization, and inventory needs in BLM National Monuments, National Conservation Areas, along one Wild & Scenic River, and along the Lewis & Clark Trail.

- **Public Pressures on Public Lands:** An increase of \$70K will be used to address needs at some of the BLM's listed and eligible National Register of Historic Places properties which create outstanding opportunities to improve the quality of life for people living in and visiting the west by offering unique recreational and educational opportunities.

- **Millennium Grant Funding:** For the last two fiscal years, the Interior and Related Appropriations bill has included funding under the National Park Service's Historic Preservation Fund for Millennium Grants to Save America's Treasures. In FY 1999, the BLM successfully competed for four grants for a total of approximately \$380,000; the FY 2000 review process is currently on going, although the Bureau hopes to again compete successfully for some of the \$15 million in grant money. While the FY 2000 Appropriations specifically states that this is the second and last year for such funding, we would hope that Congress would reconsider its position relative to continue funding this initiative.

FISH AND WILDLIFE SERVICE

ACRA continues to urge Congress to establish a cultural resources line item in the Fish and Wildlife Service's budget. The agency manages over 92 million acres of land and has identified tens of thousands of archaeological and historic sites. A fully developed cultural resources program with sufficient funding (comparable to those budgets of the BLM or Forest Service) is necessary in order for FWS to fulfill its cultural resources mandates under NHPA Section 110, ARPA, and NAGPRA, as well as to continue to identify sites under NHPA Section 106.

FOREST SERVICE

ACRA urges the Committee to carefully review the heritage budget for the US Forest Service. The program has received \$13.05 million for at least the last three years. The agency had requested \$27 million for heritage due to increased legislative mandates, especially dramatic increases in tribal consultation established by the new Section 106 regulations. Since the program funding has been flat for several years, the specialists are playing "catch up" with the day to day site identification and assessments, as well as facing a huge backlog of deferred maintenance and conditions assessments on

historic structures.

The increased funds would be directed for these backlogs. In addition, it will allow the agency to continue to respond to tribal concerns and requests for more ethnographic studies as they relate to Traditional Cultural Properties. Due to the new Section 106 regulations, the heritage staff have seen their operating levels increase dramatically. Since most of the heritage staff have been assigned additional responsibilities due to downsizing, the increased funding would allow them to focus more of their time on the resources they were hired to care for.

CONCLUSION

ACRA appreciates the continued support to cultural resources provided by you and the Committee members. We understand the difficult situation you are in with so many conflicting requests for funding, but we truly believe that supporting historic preservation and cultural resources is good business. Communities benefit, agencies benefit, individuals benefit, corporations benefit, and the irreplaceable history of our country benefits.

Thank you,

Kevin Pape
President

TREASURER'S REPORT MARCH 2, 2000

Don Weir, Treasurer

Tax Status

No taxes were due. On January 27, 2000, ACRA filed amended IRS tax forms for the year 1995, 1996, and 1997. We have requested a refund of \$5,077 and expect to hear from the IRS on this matter within six weeks. The 1999 non-profit Tax Form 990-EZ was filed with the IRS on March 2, 2000.

Financials

Dues collected for 1999 were \$48,974. The 1999 budget estimate was \$48,000. Total income for 1999 was \$59,314.32. Expenses for 1999 total \$59,296.91. We have a budget surplus of \$17.41.

Cash

Bank balance for ACRA's Business Account, as of December 31, 1999, was \$34,238.38. ACRA has one outstanding payable in the amount of \$2,737.67 at the end of 1999. Current bank balance as of January 30, 2000, is \$33,342.79.

Legal Fund

For 1999 ACRA received \$920.00 in donations to the Legal Fund. During 1999 ACRA expended \$0.00 in legal expenses. The fund balance as of December 31, 1999, was \$2,266.61. There are no outstanding legal bills at this time. The Legal Fund will remain separate from the general fund. If the Board decides to eliminate this fund they will return it on a prorated basis to the donors. The current balance as of February 15, 2000, is \$2,534.51.

AWARDS COMMITTEE

Charissa Wang, Chair

Dear ACRA Member:

The deadline for submission of nominations for the 2000 ACRA awards is July 11, 2000. Awards will be presented at the 2000 ACRA Annual Meeting in Phoenix. The 2000 categories are:

Government Award

Awarded to a SHPO, employee of a SHPO, government agency (federal, state, county, or municipal), or employee of a government agency that has worked with a CRM company or companies in a cooperative and supportive way in protecting cultural resources. This category also includes a Senator or Representative who supports existing legislation and/or is influential in proposing new legislation that protects irreplaceable cultural resources.

Industry Award

An award presented to a client company (mining, energy, transportation, etc.) that has shown a commitment to the preservation of cultural resources. This could be a single project, or recognition of on-going commitment.

Public Service Award

Recognition of an ACRA company or an employee of an ACRA company that has made a long-term contribution to the study, management, and/or protection of cultural

resources or has contributed volunteer efforts and resources for the betterment of their immediate community, county, state, etc. These include efforts toward training students for CRM careers, internships, etc., and school programs, environmental programs, preservation programs, and interpretive programs.

Quality Product Award

Recognition of a high-quality product produced by an ACRA member company. The product can be in the form of innovative or long-term research, preservation of a cultural resource for future generations (such as a building or archaeological site), or an outstanding report, book, brochure, etc.

PLEASE NOTE:

- This year, the anonymity requirement has been waived.
- The Awards Committee requests that three (3) copies of the nominations for the 2000 ACRA Awards, along with supporting documentation, be submitted to facilitate reviews.
- Please direct questions to Charissa Wang, ACRA Awards Chair, at 614-784-8733.

AWARDS SUBMISSION REQUIREMENTS

1. Who Can Enter

Architects, archaeologists, historians, students, and professionals working in the cultural resources management field in the United States, either in the public or private sector, may submit a nomination for any of the 4 categories. For projects, nominations must have been directed and substantially executed in the United States not more than 5 years ago. Nominations for the following categories must have been executed by an ACRA member in good standing:

- Public Service Award
- Quality Product Award

2. Providing Additional Material and Publication

If the nomination should win, the entrant agrees to make available further information and graphic material as needed by ACRA. *ACRA Edition* is granted the first opportunity for publication of the award announcement and supporting information about the project or work.

3. Projects Fact Page

To ensure the jury's clear understanding, each entry must contain a single page that lists, in English, the nomination's facts under the following headings:

- Award Category
- Name of Nominee
- Basis of Eligibility

In addition, for the Quality Product Award, you must augment your submission with the following information:

- Start and Finish Dates
- Client or Source of Funding
- Project Budget
- Name and Location of Client
- Form of Final Products

4. Narrative

Nominations must contain a one-page synopsis that explains how the nominee meets the submission requirements. You may submit copies of reports or examples of the product, but items must be accompanied by the one-page synopsis.

5. Graphic Materials

Please submit one copy of graphic material in 8-1/2"x11" format. This requirement is mandatory for project entries only. However, non-project entrants also are encouraged to submit applicable supplementary material (newspaper clippings, etc.) in a bound 8-1/2"x11" format.

6. Entry Forms

Each nomination must be accompanied by a signed entry form. Reproductions of the form are acceptable.

7. Submission Format

All required pages of each entry shall be firmly bound in binders. No slides, original drawings, videos, or unbound materials will be reviewed. Materials not in 8-1/2"x11" format will not be reviewed.

8. Return of Entries

All entries become the property of ACRA and will not be returned. ACRA reserves the right to distribute, publish, or otherwise utilize the materials in the entry as part of its program and mission. Please do not submit your originals.

9. Entry Deadline

Deadlines for receipt of entries is July 11, 2000. All entries must show a postage mark as evidence of being in the carrier's hands by that date. Hand-delivered entries must arrive at ACRA's Award Chair office by 5:00 pm on July 11. To ensure timely arrival, ACRA recommends using a carrier that guarantees delivery within a specified number of days.

Address Entries to:

ACRA AWARDS CHAIR
c/o Hardlines Design Company
4608 Indianola Avenue
Columbus, OH 43214

ACRA LIAISON COMMITTEE CHARGE

[Approved by the Board of Directors 3/4/2000]

The ACRA Liaison Committee's responsibility is to relay information and facilitate communication between related cultural resources organizations and the ACRA Board of Directors, as well as the ACRA membership as a whole. The organizations with which the committee will be responsible to communicate will vary from year to year, depending upon the availability of ACRA members active in related interest groups as well as the perceived need by the President or the Board of Directors. Minimally, liaison always will be maintained with the Society for American Archaeology (SAA), the National Council on Public History (NCPH), the Society for Historical Archaeology (SHA), and the American Institute of Architects (AIA).

This committee exists both to help the Board of Directors be aware of issues and interests of other organizations as well as to keep other groups aware of ACRA's activities and outreach interests. This flow of information helps ACRA make its agenda known to an ever larger number of cultural resources organizations and individuals as well as to increase its visibility among the wider cultural resources community. At the same time, it helps ACRA stay aware of issues and interests of our increasingly diverse field.

Specific duties for the Liaison Committee include:

1. Maintaining current and active members of the committee to cover the particular organizations identified for liaison communication. Though one committee member may be the liaison for more than one outside organization, the ideal is to have each member charged with communication with no more than one.

2. Maintaining regular contact with the Board and Newsletter Editor. This contact is critical in providing timely, accurate, and relevant information for the entire membership through publication in the newsletter and on the MembersOnly discussion list.

3. Regularly publishing, in the newsletter and on the website, a list of organizations with which ACRA maintains liaison along with the name of the committee chairperson and the committee members responsible for liaison with each organization.

4. Providing regular informative reports to the membership in the newsletter and through the MembersOnly discussion list. These reports should focus on issues of mutual concern and interest between both ACRA and related organizations.

5. Prepare a formal report and submit it to the President and Board of Directors each year on the activities, goals, and achievements of the committee.

The Liaison chairperson will be appointed by the current ACRA President at the beginning of his or her term as President. The chairperson is directed to solicit the help of others from the membership of ACRA to be a part of and help in the carrying out of the tasks charged to this committee. The numbers and persons chosen to be a part of the committee is the responsibility of the chairperson of the Liaison committee, but the President reserves the right to appoint others to the committee, as necessary.

MEMBERS ONLY

Cultural Heritage Research Services, Inc.

Cultural Heritage Research Services, Inc. (North Wales, Pennsylvania), is pleased to announce the February 2000 release of the video documentary *Silver Cinders: The Legacy of Coal and Coke in Southwestern Pennsylvania*. This hour-long program tells the dramatic story of two famously married industries—bituminous coal mining and coke production—which dominated southwestern Pennsylvania's economic and cultural landscape for a remarkable century beginning in the mid-1800s. CHRS and Branch Valley Video Productions created the video documentary in cooperation with the Pennsylvania Historical and Museum Commission (PHMC) to satisfy mitigation requirements under Section 106 of the National Historic Preservation Act. Production of the video was made possible through funding from the United States Department of the Interior, Office of Surface Mining Reclamation and Enforcement (OSM) through the Pennsylvania Department of Environmental Protection's Bureau of Abandoned Mine Reclamation.

The program weaves together historic still and motion picture photography, maps, illustrations, first-person accounts, contemporary footage, expert witnesses, and regional commentators to describe and illustrate the extraordinary rise and devastating decline of coal mining and coke production in and around the famed Connellsville Coking District of Fayette and Westmoreland counties. In telling this story, the program touches upon such topics as the advent of beehive coking, the expansion of the region's steel industry, the turn-of-the-century deluge of eastern and southern European immigrants, patch town life, labor struggles, advances in mining and coke production technology, environmental devastation, and modern reclamation efforts.

In addition to providing information about the historical importance of the coal and coke industries, *Silver Cinders* demonstrates how creative mitigation efforts, when well

planned, can result in a product with high appeal to the local community. In this case, challenges involved coming up with a product or products that would incorporate (not duplicate) earlier research efforts and also be of interest to the area's residents. Individual histories had already been written for many of the region's mines and mining communities, thus making individual histories or even a compilation of them redundant. To satisfy the mitigation requirements of the project, CHRS recommended a video documentary which would look at the overall industry and its impact to the region, using information on individual resources as evidence for a larger story. CHRS staff also made use of probably the most valuable resource in the region: its residents. Numerous individuals who had direct and indirect contact with the mining industry were interviewed; their stories, as told on the video, enliven the photographic and documentary evidence and help viewers get an idea what this industry meant historically to the region's occupants.

In the few weeks since its release, *Silver Cinders* has been enthusiastically received by coal-and-coke experts and laypersons alike. Terming the program "excellent," the PHMC has recommended it be distributed "as widely as possible." Eminent coal-and-coke authority John Aubrey Enman has called the work "a fascinating documentary that well and succinctly explains the development and decline of beehive coking." Representatives of the Coal and Coke Heritage Center on Penn State's Fayette campus, characterizing the program as "beautiful" and "wonderful," have already organized a series of public showings, and they are awaiting the opportunity to distribute retail copies of the program in VHS format. The sponsoring Department of Environmental Protection has made the video available to the public by streaming it over the Greenworkschannel website (you can view it at http://www.greenworkschannel.org/individual_family/silver_cinders.htm).

legislative update

FEBRUARY 2000

by Nellie L. Longworth

The week of March 26, 2000, Preservation Action and the National Conference of SHPOs held their annual meetings and lobbying day in Washington, D.C. There were several sessions of interest, particularly the panel on which Capitol Hill staffers spoke on the legislative bills before Congress. While the general tone was one of cautious optimism, the obstacles to enactment are particularly onerous during an election year. All of the staffers complimented the preservation community for its active lobbying on the Historic Homeownership Assistance Act, the OCS permanent funding bills and the reauthorization of the Historic Preservation Fund, noting that all had very high numbers of co-sponsors in the House. All stated that there should be no let-up in this effort as decisions will be made in the next month as to what goes forward and what does not.

Historic Preservation Fund Reauthorization Reported out of Senate Committee, Floor Action Needed

The Senate Energy and Natural Resources Committee has reported HR 834 - the Reauthorization of the Historic Preservation Fund - to the Senate floor for action. The bill is "an amendment in the nature of a substitute" that includes the substance of all sections of the House bill except the provision defining the boundaries of the Capitol, Supreme Court and White House. This reflected committee concurrence with an Advisory Council report that Section 106 does not apply to the Architect of the Capitol because it is not a federal agency as described in the law. The Senate bill includes a number of technical corrections (punctuation/numbering) to the Historic Preservation Act.

The bill is now awaiting Senate floor action. One of the lobbying efforts of those who participated in the Lobbying Day activities was a call for senators to request Majority Leader Trent Lott (R-MS) to schedule a vote. There is nothing controversial in the measure and the House has already shown a willingness to accept the Senate version in conference. Failure to move the measure would mean another year in which the receipts from the Outer Continental Shelf drilling would not be credited to the Historic Preservation Fund in the amount of \$150 million. Although the backlog of monies credited to the Fund but not appropriated over the years is over \$2 billion, it is a crime to lose the annual \$150 million due to congressional lethargy.

House Committee Chair Warns Babbitt Against Further Monument Designations

In mid-March, the Western Caucus started flexing its muscle to fight further monument designation by the Administration. The group has been upset since President Clinton created the Grand Staircase Escalante National Monument in Utah four years ago and followed that with three additional designations in Arizona and California this year. Using the Antiquities Act, the Administration has bypassed Congress on these measures and the 56 members of the Western Caucus gave notice that they are ready to play "hard ball" if such designations continue.

The threat was not park related but focuses on the Caucus's ability to be a voting block against the Administration's desire to normalize trade between the US and China which should come to the House floor in June. While some caucus members admitted that there are a number of members who do not feel strongly about a permanent trade relationship between the US and China, they would rally together to send the Administration a strong message that monument designation without congressional participation is no longer acceptable to western legislators.

Interior Secretary Babbitt noted that the designations this year were made to protect areas in the path of development, including the growing city of Phoenix. He noted that Congress has shown little interest in monument designation through their own channels although two members, Reps. Kolbe (R-AZ) and Bobo (R-CA) have introduced bills that recommend conservation area development in their states. Babbitt responded that while these are good starting measures, they need strengthening, especially in areas of water rights, interim management language, and property rights. Babbitt noted that the Kolbe bill (HR 2941) - related to the Las Cienegas National Conservation Area - includes only public land and would allow the government to purchase conservation easements on private land but would not allow private homeowners to sell their land to the government. Babbitt did, however, express his willingness to work with the members and the Resources Committee and noted that he had not recommended further monument designation to the Administration at this time.

Furthermore, on March 28, 2000, Rep. Radanovich (R-CA), Dooley (R-CA), and Thomas (R-CA) introduced the "Giant Sequoia Groves and Management Act of 2000." This

act is in response to their concerns that President Clinton will designate a Sequoia national monument on Earth Day, April 22. The bill provides for a study on managing the giant sequoias and authorizes \$200,000 for the National Academy of Science to conduct the 18-month study.

The Administration has been looking at an area of up to 400,000 acres for monument designation to preserve these unique groves. The Congress, on the other hand, is becoming paranoid over the use of the Antiquities Act of 1906 for monument designation which allows the President to name national monuments without any input from Congress. It is already clear that should HR 4021 move quickly through Congress, the President would veto it.

Support for Permanent Funding for Historic Preservation

A number of bills are now working their way through the legislative process that would provide permanent and increased funding for historic preservation. These bills build on the 35-year old Land and Water Conservation Fund Act which requires that a portion of Outer Continental Shelf oil and gas lease revenues be used to protect other non-renewable resources including historic resources, public lands, parks, marine and coastal resources, and fish and wildlife. H.R. 701, the Conservation and Reinvestment Act of 1999, which currently has over 300 co-sponsors, earmarks \$100 million for the Historic Preservation Fund. On February 16 the House Resources Committee in House Report 106-499, Part 1 recommended -- in a vote of 37 to 12 -- this bill for floor action. The House Resources Committee has referred the bill to the House Agriculture and Budget Committees, with March deadlines for their consideration. Thus H.R. 701 will not be brought to the floor for a vote before April.

On the Senate side, a number of bills have been introduced that deal with historic and natural resources funding. On September 9 Senator Joe Lieberman (D-CT) introduced S. 1573, the Natural Resources and Reinvestment Act of 1999 that provides for full and permanent funding for the Historic Preservation Fund. On February 29, Senator Mary Landrieu (D-LA) introduced S. 2123, the Conservation and Reinvestment Act, which is a parallel bill to H.R. 701. Landrieu stressed the many hours of bipartisan work that had gone into arriving at what she considered the balanced compromises in H.R. 701. She said that she was introducing the House bill to move the process along for she asserted that it would be irresponsible for the Congress not to pass legislation to ensure that a portion of the proceeds from oil and gas are used for these conservation and enhancement purposes.

On March 6 Senator Jeff Bingaman introduced S. 2181, the Conservation and Stewardship Act. Bingaman's bill focuses on the need to provide permanent funding for conservation and historic preservation programs at the authorized levels. He notes that the appropriations from the Historic Preservation Fund have lagged far behind the \$150 million that is annually credited to the fund. His bill, like the Lieberman bill, requires that the authorized amount of \$150 million be appropriated each year. Bingaman's bill specifies that of the \$150 million that half be available to States, tribes, and local governments to allow them to better carry out their responsibilities under the National Historic Preservation Act. S.2181 also includes a provision to provide \$15 million per year for the American Battlefield Protection Program and \$150 million annually for a new National Park System Resource Protection Fund to help the National Park System deal with the significant threats to its natural, cultural and historic resources.

American Heritage River (AHR) Wins in Supreme Court

On Monday, March 6, The Supreme Court rejected an appeal by four congressional Republicans contesting that President Clinton did not have the authority to provide federal assistance for preservation of some rivers and riverside communities. The justices stated that the legislators did not have the legal standing to challenge an executive order which they believed exceeded the authority of the President.

Reps. Helen Chenoweth (R-ID), Bob Schaffer (R-CO), Don Young (R-AL), and Richard Pombo (R-CA) had contended that "the president may not adopt a new federal program by means of an executive order because Congress has not delegated the requisite authority to do so."

President Clinton established the American Heritage Rivers Initiative in 1997 noting that federal agencies could provide support for local efforts to save rivers and riverside communities. Chenoweth, Schaffer, and Pombo introduced a bill in Congress to terminate further development and implementation of the initiatives. The bill was never acted upon.

Last summer the congressional members sued the president in the US Circuit Court of Appeals in DC. They were barred by judges who stated that individual members of Congress lacked the legal standing to challenge the line item veto. The appeals court noted that "the representatives do not allege that the necessary majorities in Congress voted to block the AHR. They cannot claim their votes were effectively nullified by the machinations of the executive." (Information from the Washington Post.)

Congressional Calendar for the Year 2000**Second Session of the 106th Congress**

This calendar is designed to assist the planning of visits to Capitol Hill during 2000.

January 24	House and Senate Reconvenes
January 27	State of the Union Address
February 12 - 22	SENATE in recess
February 12	Lincoln's Birthday
February 21	President's Day
February 21 - 25	HOUSE President's Day District Work Period
March 11 - 20	SENATE in recess
April 15 - 25	SENATE in recess
April 17 - 28	HOUSE Spring District Work Period
April 20	Passover
April 23	Easter
May 14	Mother's Day
May 29	Memorial Day
May 27 - June 4	SENATE in recess
May 29 - June 2	HOUSE Memorial Day District Work Period
June 14	Flag Day
June 18	Father's Day
July 1 - 10	SENATE in recess
July 3 - 7	HOUSE Independence Day District Work Period
July 4	Independence Day
July 29 - Sept 5	SENATE in recess
July 31 - Sept 5	HOUSE Summer District Work Period
Sept 4	Labor Day
Sept 29 - Oct 2	SENATE in recess
September 30	Rosh Hashanna
OCTOBER 6	TARGET FOR ADJOURNMENT

The Latest on Pye vs. U.S. Army Corps of Engineers

by Lee Pye

Remember the story about the historic property in South Carolina threatened by Charleston County's proposed development in the Parker's Ferry community? Among the sites threatened was an African American cemetery known as the King Cemetery and, although the County's consultants found some 150 graves, further research found that perhaps as many as 800-1000 graves exist at that location!

The County eventually reported that it had dropped its plans for the development of the southern portion of the site that may have adversely impacted the historic sites after the consultants recommended the area be considered eligible for listing with the National Register of Historic Places (NRHP) as a rural historic landscape district. However this was not before another legal battle ensued.

The cemetery was determined eligible, individually, and efforts continued as the nomination process began to nominate the cemetery to the National Register. Five years to the day after the cemetery was located in the woods, the state's Historic Preservation Office State Review Board unani- mously approved the nomination be forwarded to NRHP.

Happy ending, right? Wrong! In what has become a bittersweet turn of events, an adjacent property owner, after an almost three-year dispute with the Pyes over a trespass incident, filed paperwork in the Circuit court three days before the State review Board met, alleging that they have lost title to their historic property by a claim of adverse possession! In talking with others in the historic preservation field, it would seem that this is the first time anyone has known of another attempting to lay claim to property after learning of its past historic use! (Refer to Motion to Amend filed by defense counsel March 14, 2000 in Case #97-CP-10-4371- Charleston County Court of Common Pleas, Charleston, SC.)

What began some five years ago as perhaps just another "Not-In-My-Backyard" issue has evolved into what may be considered threats to constitutional issues of due process as well as property rights.

[The history of this case can be reviewed at the National Trust for Historic Preservation's website:

<http://www.nthp.org/main/abouttrust/ldf_yir99.htm.20000202155724_old>.]

Sixth Annual ACRA Conference

November 2-5, 2000

Phoenix, Arizona

The 2000 ACRA Conference will be held at the historic San Carlos Hotel, located in downtown Phoenix, Arizona. This year's conference will be hosted by Cory Breternitz, Past President, and his staff at Soil System, Inc. We anticipate having the final schedule for all conference activities prepared by June. The basic schedule for this year's conference is as follows:

November 2	Annual Board Meeting
November 3	Workshops Past Presidents Luncheon
November 4	Conference Awards Ceremony
November 5	Annual Members Meeting

Awards

This year the Awards Ceremony has been moved from Sunday morning to Saturday. (See the announcement on Page 8 for awards details.)

Tours

The weather in November will make for great touring of the area. This year the goal is to offer something for everyone. Among the tours already lined up are ones focusing on prehistoric archaeology, the historic districts, neighborhoods, and buildings.

We also want to help attendees to plan trips outside of the Phoenix area before and after the conference. There are many things to see in Arizona from archaeology, to history, to the Big Ditch up North.

Accommodations

San Carlos Hotel is an eclectic 132-room boutique hotel with the ambiance of the Italian Renaissance. This hotel was the first high-rise elevator hotel built in Phoenix. A staff with over 60 combined years of experience at exceeding guests' expectations awaits you. The hotel is located in the very heart of downtown Phoenix's vibrant financial, government, entertainment and sporting districts and is steps from the Phoenix Convention Center, America West Arena, Bank One ballpark, Symphony Hall, Herberger Theater, and a host of over 30 restaurants and shopping options.



Host

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April 2000

ACRA

EDITION

1 3 1 8 M a i n S t r e e t , C i n c i n n a t i , O h i o 4 5 2 1 0

ACRA's Members-Only Listserv

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

To subscribe to the list, a member must contact ACRA's Executive Director, Tom Wheaton. Once you have supplied Tom with your e-mail address, he will subscribe you to this list. Contact Tom at 770-498-5159 or e-mail: tomwheaton@newsouthassoc.com.

2000 ACRA EDITION SCHEDULE

DEADLINE	PRODUCTION
February 7	February 18
April 3	April 14
June 5	June 16
August 7	August 18
October 2	October 13
December 4	December 15

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?

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1/4 page (3.5"x 4.75")	\$200.00	\$350.00
1/2 page (7.0"x 4.75")	\$300.00	\$525.00

* Business cards can be scanned.

ACRA Edition

is a bi-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.

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2000 ACRA AWARDS
Nomination Form
Deadline for Submission: JULY 11, 2000
ENTRY FORM

Please complete each section and submit with the required documentation.

Category: 1 Government Award
 2 Industry Award
 3 Public Service Award
 4 Quality Product Award

Nominee: _____
 Name of firm, agency, or individual(s) being nominated

Project: _____
 Name of associated project (if applicable)

Entered By _____
 Name of firm or individual(s) submitting the nomination

 Address

 Telephone Number

 Fax Number

 E-Mail Address

I certify that the nominated individual, agency, project, or firm meets all eligibility requirements. I understand that any entry that fails to meet the submission requirements may be disqualified.

Signature: _____

Name (typed or printed): _____