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Telecommunication Working Group's Cell Tower Programmatic Agreement

By Jo Reese

As noted in the last ACRA *Edition* Newsletter (December 2000), in November the ACRA board formed a subcommittee to address concerns related to regulatory compliance by the cellular communications industry. The subcommittee functions under the Government Relations committee, and was established to quickly respond to issues that would concern ACRA members nationwide. Several board members and general members have been included as part of the committee.

The cellular communications industry's proposed facilities are licensed by the Federal Communications Commission (FCC) and the industry, as a whole, has been having difficulty in coming to terms with its responsibilities for compliance with Section 106 of the National Historic Preservation Act (NHPA). The FCC has delegated its authority for compliance with Section 106 and with the National Environmental Policy Act (NEPA) to its licensees. Many ACRA member firms have been working with cellular facilities firms during the past year or two and have had problems related to the FCC's reluctance to perform its responsibilities directly.

The main focus of ACRA's cellular subcommittee has been the work of a Telecommunications Working Group organized by the Advisory Council on Historic Preservation (ACHP). The Working Group was formed during mid-2000 and is composed of many representatives of the cellular industry, the director of the National Conference of State Historic Preservation Officers (NCSHPO), some SHPO representatives, the National Trust for Historic Preservation, tribal representatives, and a few others. With the exception of one or two of the cellular or wireless industry representatives who have experience in Section 106 compliance, cultural resource industry representation has been lacking in the Working Group.

During the fall, the Working Group drafted a programmatic agreement (PA) that it proposed be used to guide compliance with Section 106 for locations where antennas would be placed either on already existing towers and poles or on other structures or buildings. This draft 'co-location PA' was published by the FCC at the end of December (see Page 7), and comments were allowed until January 23, 2001. The FCC is allowing additional time beyond the official close of the comment period for comments to be submitted from tribes. There is no official word on the time frame for adopting this PA, nor whether or not the present administration's suspension of issuance of final rules in the Federal Register will have an effect on issuance of the PA.

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MESA TECHNICAL

HABS/HAER Large Format Photography
Archaeological Soil Science

David G. De Vries
principal

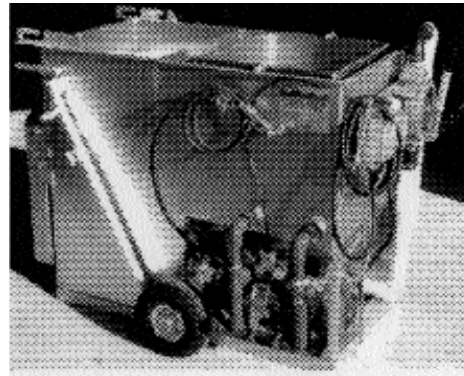
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MESSAGE FROM THE EXECUTIVE DIRECTOR

Tom Wheaton

If one were a pessimist, one might look at the little dip in the stock market this fall that has turned into the beginnings of a recession, coupled with several agencies being very slow about approving and financing projects, the cell tower folks threatening to take the regulation issue to Congress, the two aforementioned presidential nominations, the Supreme Court's recent decision against the Corps permitting issue, and the continuing threat of the National Mining Association, and conclude that we won't get a six-month reprieve like we did with Reagan. The pain seems to have started already. And we haven't even mentioned the energy crisis in California.

If one were an optimist (not an easy thing for me to be right about now), one could point to the nearly even split in Congress and the Senate, the strength of the underlying economy, the fact that the vast majority of the voters, or at least the citizenry, support the environment and preservation, and that a majority did not vote for President Bush, so he will have to act in a moderate and conciliatory way, right? Like I said, it is hard to be an optimist.

In any case, ACRA keeps on truckin'. As reported elsewhere in this issue, ACRA has sent a letter to the FCC and Advisory Council expressing our support for clearer guidance on cell tower work, and our concerns over some of the wording of the new PA on pre-existing tower use. The cell tower regulation issue could be the next big thing. There are rumblings that the cell tower industry will be approaching the new Congress this spring to see about reducing the overwhelming burden of historic building surveys within large (sometimes two-mile radii) study areas. There may be some serious sympathy in Congress for the builders of cell towers that are one and half miles from a historic district which will cost many thousands of dollars to examine and months of work. Is a cell tower on the horizon an adverse impact? Only your SHPO seems to know for sure.

The board will hold its winter meeting in Portland, Oregon, on March 3 hosted by Archaeological Investigations Northwest. If you are in the area, please drop in and give us your two cents worth.

ACRA has received over \$12(!) from our association with Global Travel thanks to the few intrepid members who have made travel reservations from our site. If you have not checked out our site recently, please do so the next time you need to purchase tickets. The prices are about the same as Travelocity, and ACRA gets part of the agent fee. The Global site is a little ragged around the edges though.

I have put together an up-to-date (I hope) list of

committees, members and committee charges. These are published elsewhere in this newsletter and are also available for viewing on the members only area of our website. If you are one of the few who have forgotten the ID and password, please send me an e-mail.

Not too long ago, I announced on MembersOnly that the "ACRA, Business of CRM" session at SAA had been accepted and to stay tuned for further developments. Here are the further developments. In December, President Kay Simpson noted that the Preliminary Schedule showed us meeting at 9:00 a.m. Sunday. Naturally, we were a little upset, and wrote a letter to SAA asking for a different time slot. While this letter was in transit, Susan Chandler pointed out that the ACRA cosponsored workshop (with the University of Maryland) on federal contracts had been placed opposite the ACRA membership meeting on Wednesday. Terry Klein also pointed out that our cosponsorship was not recognized in the program. As a result, ACRA had four activities at the conference, three of which were on Wednesday, one was opposite another, and the session we hoped to use to attract new members was on Sunday morning (in New Orleans, yeah, right). After things settled down, ACRA now has a fifth activity at the conference, a breakfast session with the presidents, president-elects, and executive directors of SAA and ACRA, and ACRA's SAA liaison Jeff Altschul. We are pledging to communicate more openly and more closely in the future, and Jeff is there to insure we do. Thanks Jeff. However, we still have the Sunday meeting, and the Wednesday conflict, and are in discussions with the U of M about why they did not credit us on the workshop. Considering the history CRM has had with the SAA, and the SAA's sometimes awkward attempts at opening up to CRM, this mix-up may have been a blessing in disguise and should lead to better relations in the future. If anyone is interested in being a liaison with a group we currently do not have official relations with, please let me know.

Finally, Jeanne Harris was kind enough to pass on the salary data she collected last fall during the joint Grapevine/ACRA salary survey. Since many people have been asking me for information on average salaries in various regions of the country, I wanted to massage the data a little more. The results are on the members area of our website. One result of this brief analysis was culling out the non-profits and respondents who did not seem to understand topics like overhead and fees. I have also provided some information on overhead and fees, as well as salaries, around the country. You might want to see how you compare.

MEMBERS ONLY

*Jones & Stokes, Inc.***Reviving a Culture While Restoring the Environment**

By Lisa Bihn Pelch

It's natural for roots to search for water. The roots of the Cocopah Indian Tribe are intertwined in what was once a vast and thriving lower Colorado River – a channel they now strive to keep flowing for the benefit of their extended culture and future generations. In the tribe's search for ideas, resources and technical solutions to restore and balance the habitat, they have turned to the environmental consulting firm of Jones & Stokes.

"We want to keep a channel of river flowing," said Paul Soto, resource planner for the tribe, "and we also want to keep the memory flowing. We want to see future generations taking an interest in what the river has to offer, and to see surrounding lands benefit from our efforts."

"Most restoration projects are primarily ecological," explains Michael Langley, manager of Jones & Stokes' Phoenix office. "The cultural aspect is a unique dimension."

Jones & Stokes began work with the tribe more than two years ago, brainstorming and drafting a habitat enhancement concept plan that identified opportunities to enhance native habitats and cultural uses along tribal and adjacent lands of the lower Colorado River. This region below Morales Dam, known as the limitrophe, has the unique ability to naturally regenerate a small portion of the historical habitat conditions along the meandering channel — if adequate water flows can be provided. This promising potential gives hope not only to the Cocopah effort, but also to many other restoration efforts along the broader Colorado River channel. It all comes back to the search for sufficient water. Based on the recommendations of the first concept plan, and the enthusiastic approval of the tribe, Jones & Stokes is now engaged in a hydrologic study to determine just which ideas will be feasible according to how much water is, and will be, available.

"We're looking to Jones & Stokes for the technical expertise that can measure and document, and to gauge what we can expect to achieve," says Soto.

Says Langley, "We're hoping this second phase is going to show there's a lot they can do."

The initial concept plan identified 15 potential sites,

with proposed activities for each, to enhance public use and habitat value. Among the potential public use enhancements: create trails to allow public access and restrict human disturbance, prepare educational signs to interpret natural features, construct an outdoor gathering structure, prepare garden areas for growing traditional crops, and construct parking at selected interpretive locations. Among the potential habitat enhancements: establish native vegetation along the banks of the river, control invasive plants that compete with such native vegetation, and regrade lands to encourage more diverse habitats on the banks and wetlands. "I'm intrigued by the possibilities," Soto says.

The recommendations were based on key needs for reviving cultural relationships to the river by enhancing resource conditions and developing access and use areas for cultural, spiritual and recreational activities by tribal members. Resource enhancement would revive historical tribal activities such as hunting and fishing. Providing access to the river and habitat is particularly critical for Cocopah Tribal Elders, many of whom have physical limitations. Access to people of all cultures and generations would further enable the tribe to keep alive the memory of its original ties to the river.

The Cocopah people were expert navigators of the river and adapted well to its changing conditions. During the flood seasons, they fished; after the floods, they planted corn, squash and beans in saturated soils. Today, dams and water diversions have reduced the Colorado River to minimal flows in this area below Morales Dam. The dependence of the Cocopah upon the river has changed proportionately. Nonetheless, the cultural ties remain strong.

"We have an affinity for the land, and working with it, and allowing it to grow," Soto explains, while emphasizing a realistic view of change.

"I'm not sure how we can recapture the elements that were in place during the time of our elders," he says. "We don't want to be hampered by tradition. We want to be forward-looking. We want to be open to any possibility that presents itself." Thanks to the collaborative effort of many tribal members, numerous specialists on the Jones & Stokes team, and various agencies, there are many possibilities on the table.

Soto and Langley agree that the project's success depends on working hand-in-hand with agencies, including the Bureau of Reclamation and U.S. Army Corps of

Cell Tower PA..

continued from Page 1

Engineers, and in concert with other efforts under way. “We’re really relying on Jones & Stokes to work with the agencies,” Soto says.

At the very beginning, the firm started its efforts with an initial scoping session with federal, state and local agencies to identify potential issues and opportunities. Then came site visits, review of scientific literature on the Cocopah culture, and review and analysis of key issues with agency representatives from Reclamation, Bureau of Land Management, the U.S. International Boundary Water Commission, Arizona Game and Fish Department, and researchers investigating habitat enhancement potential within the lower Colorado River region.

As the hydrologic study comes to a close, Jones & Stokes will continue to work closely with the Cocopah tribe to finalize recommendations, complete a proposal, and secure funding that will enable the project to move toward achievement of their goals.

“From its inception, the Cocopah vision has presented all of us with unique opportunities and challenges,” Langley said. “We hope its success will serve as a significant model for similar projects in the future.”

The web site for the FCC’s draft PA was announced on the MembersOnly list in early January, and comments were solicited by the subcommittee via email. The subcommittee took the few comments received from members and compiled our official review of the draft PA in a letter to the FCC. The letter is presented on Page 6, and our comments focused on a few areas of concern: the cut-off date for existing towers that would allow co-location without further compliance review, issues related to historic districts where antennas are to be placed on buildings, and the mechanics of monitoring or reviewing compliance under the PA.

ACRA has asked the Advisory Council to be represented as part of the Working Group, but there appears to be no desire on the Council’s part for additional voices “at the table.” The Council has said it would allow ACRA representatives to be present at the meetings, but there would be no official representation and there would be no avenue for contributing directly at the meetings. However, Janet Friedman is currently part of the Working Group, and as an ACRA member firm (URS), has offered to represent ACRA and to provide ACRA with information from the Working Group. We are pleased that she will be part of the subcommittee. The next meeting of the Working Group is in late February, with the date to be scheduled sometime soon.

It is important for ACRA members to be kept informed of the Working Group since we are the ones who are providing the cultural resource studies to the industry for their regulatory compliance. ACRA members have a wealth of experience to draw on, and a common sense approach to compliance is desired by all ‘sides’ of the issue.

Additional places for information on issues related to cellular facilities are the following web sites:
www.towerlaw.com and www.perkinscoie.com.

Note from the Editor..

The ACRA Edition encourages all ACRA members to contribute to the MembersOnly forum. We provide this forum for members to inform the membership of announcements, such as recognition awards, contract awards, or company changes. Furthermore, we invite the membership to submit corporate profiles to share with our readers. This is your newsletter, make it work for you.

Subcommittee Chair, **Jo Reese**, Archaeological Investigations Northwest, Inc. (Oregon)

Sucommittee members:

Marion Almy, Archaeological Consultants, Inc. (Florida)
Steve Mehls, Western Historical Studies, Inc. (Colorado)
Lynn Larson, Larson Anthropological Archaeological Services (Washington)
Aaron Smith, Cultural Resource Analysts, Inc. (W. Virginia)
Janet Friedman, URS (Maryland)

January 22, 2000

Joel Taubenblatt
Federal Communications Commission
Wireless Telecommunications Bureau
Commercial Wireless Division
445 Twelfth Street S.W., Room 4A260
Washington, DC 20554

Re: Comments on Draft Programmatic Agreement
Co-Locating Wireless Antennas on Existing Structures
Document #DA 00-2907

Dear Mr. Taubenblatt:

I am providing comments on the Federal Communications Commission's (FCC) draft Programmatic Agreement (PA) regarding co-location of wireless facilities. These comments are on behalf of the American Cultural Resources Association, the national trade association of the cultural resources consulting industry.

We appreciate the opportunity to review and comment on the draft PA.

We applaud the desire of the FCC to provide guidance to all parties involved in siting wireless communications facilities while considering the effects of the undertaking on historic properties. Much of the draft PA will accomplish this. However, we have a few concerns.

First, in Section I., the date of December 31, 2000, for 'grandfathering' of existing towers seems too recent. We assume that this refers to lattice towers and monopoles, many of which have possibly been constructed during the past few years without any consideration of their affect on nearby historic resources. We urge you to reconsider this date, and recommend a January 1, 2000, date instead. In this way, those firms—licensees and tower companies— that have been following the Section 106 procedures will not be penalized for having done so. We believe it is in the best interest of the resources not to use the date offered in the PA.

Section III.A. should be modified to address some language issues with regard to locally designated historic resources and historic districts. A definition of what is meant by "historic district" should be clarified, and it should be made clear that this refers to a district that has been determined eligible for listing, as well as those already listed on the National Register of Historic Places.

Under Section III.B., how will the State Historic Preservation Offices become aware of locations that have an adverse affect when the licensee or tower company has provided no information to the SHPOs? Will the FCC be reviewing these for a determination? There needs to be a mechanism for review, and it is not spelled out in the PA. We recommend that it be included, and that the FCC take on this responsibility, which it has under law. This comment also pertains to Section IV.

I thank you for considering these comments. Please include us in notifications for future historic resources issues.

Sincerely,

Thomas R. Wheaton
Executive Director, ACRA

Public Notice
 Federal Communications Commission
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 Washington, D.C. 20554 DA 00-2907

News media information 202/418-0500 Fax-On-Demand 202/418-2830 Internet: <http://www.fcc.gov> <ftp.fcc.gov>

Released: December 26 , 2000

Wireless Telecommunications Bureau Seeks Comment on a
 Draft Programmatic Agreement with Respect to
 Co-locating Wireless Antennas on Existing Structures

Comment Due Date: January 23, 2001

In this public notice, we request comments on a Nationwide Programmatic Agreement, attached as Appendix A, that would adopt streamlined procedures for review of co-locations of antennas under the National Historic Preservation Act (NHPA), 16 U.S.C. â 470 et seq. This Nationwide Programmatic Agreement is being considered for potential execution by the Federal Communications Commission, the National Conference of State Historic Preservation Officers, and the Advisory Council on Historic Preservation.

APPENDIX A

DRAFT NATIONWIDE PROGRAMMATIC AGREEMENT
 among
 THE FEDERAL COMMUNICATIONS COMMISSION,
 THE NATIONAL CONFERENCE OF STATE HISTORIC PRESERVATION OFFICERS
 and
 THE ADVISORY COUNCIL ON HISTORIC PRESERVATION
 for the
 CO-LOCATION OF ANTENNAS

WHEREAS, the Federal Communications Commission (FCC) establishes rules and procedures for licensing wireless communications systems in the United States and its Possessions and Territories; and,

WHEREAS, the FCC has deregulated the review of applications for the construction of individual wireless communications antennas and, under this framework, licensees are required to prepare an environmental assessment (EA) when the licensee determines that the proposed construction falls within one of certain environmental categories, including situations which may affect historical sites listed or eligible for listing in the National Register; and,

WHEREAS, Section 106 of the National Historic Preservation Act requires federal agencies to take into account the effects of their undertakings on historic properties and to give the Advisory Council on Historic Preservation (Council) a reasonable opportunity to comment; and,

WHEREAS, Section 36 CFR Section 800.14(b) of the Council's regulations, "Protection of Historic Properties" (36 CFR Part 800), allows for programmatic agreements to streamline and tailor the Section 106 review process to particular federal programs; and,

WHEREAS, in August 2000, the Council established a Telecommunications Working Group to provide a forum for the FCC, Industry representatives, State Historic Preservation Officers (SHPOs) and Tribal Historic Preservation Organizations (THPOs), and the Council to discuss improved coordination of Section 106 compliance regarding wireless communications projects involving historic properties; and,

WHEREAS, the FCC, the Council and Working Group have developed this Programmatic Agreement in accordance with 36 CFR Section 800.14(b) to address the Section 106 review process as it applies to the co-location of antennas (i.e., the placement of antennas on existing towers and existing buildings and other non-tower structures); and,

WHEREAS, the FCC encourages licensees to consider co-location of antennas where technically and economically feasible, in order to minimize the need for new tower construction; and,

WHEREAS, the execution of this Nationwide Programmatic Agreement will streamline the Section 106 review of co-location proposals and thereby minimize the need for the construction of new towers, thus limiting potential effects on historic properties resulting from the construction of new towers; and,

WHEREAS, the FCC and the Council have agreed that measures should be incorporated into a Nationwide Programmatic Agreement to better manage the Section 106 consultation process and streamline reviews for co-location of antennas; and,

WHEREAS, the FCC has consulted with the National Conference of State Historic Preservation Officers (NCSHPO) and requested its signature on this Nationwide Programmatic Agreement in accordance with 36 CFR Section 800.14(b)(2)(iii); and,

WHEREAS, the FCC has consulted with Indian Tribes regarding the terms of this Nationwide Programmatic Agreement and clarified that the terms of this Programmatic Agreement do not apply on tribal lands, nor does it preclude Indian tribes or Native Hawaiian Organizations from requesting consultation with the FCC regarding co-location activities; and,

WHEREAS, the execution and implementation of this Nationwide Programmatic Agreement will not preclude members of the public from filing complaints regarding Section 106 with the FCC or the Council regarding the construction of any existing tower or any activity covered under the terms of this Programmatic Agreement.

NOW THEREFORE, the FCC, the Council, and NCSHPO agree that the FCC will meet its Section 106 compliance responsibilities for the co-location of antennas involving historic properties as follows.

STIPULATIONS

The FCC, in coordination with licensees or tower construction companies, will ensure that the following measures are carried out. For the purpose of this Programmatic Agreement, "towers" are defined as structures built for the primary purpose of siting equipment used for radio communications services.

I. CO-LOCATION OF ANTENNAS ON EXISTING TOWERS CONSTRUCTED ON OR BEFORE DECEMBER 31, 2000

A. A licensee or tower construction company may place new antennas on existing towers constructed on or before December 31, 2000, without such undertakings having to be reviewed under the consultation process set forth under Subpart B of 36 CFR Part 800, unless:

1. the mounting of the antenna will result in a substantial increase in the size of the tower as defined in Attachment A; or
2. the construction of the tower has been determined to have an effect on historic properties by the FCC, unless such effect has been avoided, minimized or mitigated through an existing conditional No Adverse Effect determination or Memorandum of Agreement; or
3. the tower is the subject of a pending environmental review or related proceeding before the FCC involving compliance with Section 106 of the National Historic Preservation Act; or
4. the licensee or tower construction company or its authorized representative has received written or electronic notice from any source, which notice can be provided at any time, that the FCC is in receipt of a pending complaint or allegation from a member of the public, a SHPO/THPO or the Council that the co-location has an adverse effect on historic properties.

II. CO-LOCATION OF ANTENNAS ON NEW TOWERS CONSTRUCTED AFTER DECEMBER 31, 2000

A. A licensee or tower construction company may mount antennas on towers constructed after December 31, 2000, without such undertakings having to be reviewed under the consultation process set forth under Subpart B of 36 CFR Part 800, unless:

1. the Section 106 review process for the tower set forth in 36 CFR Part 800 and any associated environmental reviews required by the FCC have not been completed; or
2. the mounting of the new antenna will result in a substantial increase in the size of the tower as defined in Attachment A; or
3. the construction of the tower has been determined to have an effect on historic properties by the FCC, unless such effect has been avoided, minimized or mitigated through a conditional No Adverse Effect determination or execution of a Memorandum of Agreement; or
4. the licensee or tower construction company or its authorized representative has received written or electronic notice from any source, which notice can be provided at any time, that the FCC is in receipt of a pending complaint or allegation from an interested person, a SHPO/THPO or the Council that the co-location has an adverse effect on historic properties.

III. CO-LOCATION OF ANTENNAS ON BUILDINGS AND NON-TOWER STRUCTURES OUTSIDE OF HISTORIC DISTRICTS

A. A licensee may mount antennas on buildings or non-tower structures without such undertakings having to be reviewed under the consultation process set forth under Subpart B of 36 CFR Part 800, unless:

1. the building or structure is over 45 years old; or
2. the building or structure is inside the boundary of a historic district or, if visible from the ground level of the historic district, is within 250 feet of the boundary of the historic district; or
3. the building or non-tower structure is a designated National Historic Landmark, designated as an historic property by the local jurisdiction, listed in the State register of historic properties, or listed in or eligible for listing in the National Register of Historic Places based upon the review of the licensee or tower construction company; or
4. the mounting of the antenna on the non-tower structure or building is the subject of a pending environmental review or related proceeding before the FCC involving compliance with Section 106 of the National Historic Preservation Act; or

5. the licensee or tower construction company or its authorized representative has received written or electronic notice from any source, which notice can be provided at any time, that the FCC is in receipt of a pending complaint or allegation from an interested person, a SHPO/THPO or the Council that the mounting of the antenna on the building or other non-tower structure has an adverse effect on historic properties.

B. Should the SHPO/THPO or Council determine that the co-location of an antenna or its associated equipment installed under the terms of Stipulation III has resulted in an adverse effect on historic properties, the SHPO/THPO or Council shall notify the FCC accordingly. The FCC shall comply with the requirements of Section 106 and 36 CFR Part 800 for this particular undertaking.

IV. MONITORING

A. Licensees and tower construction companies shall retain records of the placement of all their antennas, including co-locations subject to this Nationwide Programmatic Agreement, consistent with FCC rules and procedures.

B. The Council will forward to the FCC any written objections it receives from members of the public regarding a co- location activity or general compliance with the provisions of this Nationwide Programmatic Agreement within thirty (30) days following receipt of the written objection. The FCC will forward a copy of the written objection to the appropriate licensee or tower company.

V. TERMINATION

A. If the FCC determines that it cannot implement the terms of this Nationwide Programmatic Agreement, or if the NCSHPO or Council determines that the Programmatic Agreement is not being properly implemented, the FCC, NCSHPO or Council may propose to other signatories that the Programmatic Agreement be terminated.

B. The party proposing to terminate the Programmatic Agreement shall so notify all signatories in writing, explaining the reasons for the proposed termination and affording them at least thirty (30) days to consult and seek alternatives to termination. Should the consultation fail, the Programmatic Agreement will be terminated.

C. In the event that the Programmatic Agreement is terminated, the FCC shall advise its licensees and tower construction companies of the termination and of the need to comply with Section 106 on a case-by-case basis for co-location activities.

VI. DURATION OF THE PROGRAMMATIC AGREEMENT

A. This Programmatic Agreement for co-location shall remain in force unless the Programmatic Agreement is terminated or superseded by a comprehensive Programmatic Agreement for wireless communications antennas.

Execution of this Nationwide Programmatic Agreement by the FCC, NCSHPO and the Council, and implementation of its terms, evidence that the FCC has afforded the Council an opportunity to comment on the co-location of antennas covered under the FCC's rules, and that the FCC has taken into account the effects of these undertakings on historic properties in accordance with Section 106 of the National Historic Preservation Act and its implementing regulations, 36 CFR Part 800.

Attachment A Definition of "Substantial Increase in the Size of the Tower"

For purposes of this document, the term "substantial increase in the size of the tower" means:

- 1) The mounting of the proposed antenna on the tower would increase the existing height of the tower by more than 10%, or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed twenty feet, whichever is greater; or
- 2) The mounting of the proposed antenna would involve the installation of more than the standard number of new equipment cabinets for the technology involved, not to exceed four, or more than one new equipment shelter; or
- 3) The mounting of the proposed antenna would involve adding an appurtenance to the body of the tower that would protrude from the edge of the tower more than twenty feet, or more than the width of the tower structure at the level of the appurtenance, whichever is greater; or
- 4) The mounting of the proposed antenna would involve excavation outside the current tower site, defined as the current boundaries of the leased or owned property surrounding the tower and any access or utility easements currently related to the site.

ACRA PARTICIPATES IN A NATIONAL PARK SERVICE WORKSHOP ON “EVALUATING AND IMPROVING FEDERAL ARCHEOLOGICAL GUIDANCE”

By Dan Roberts

As previewed in the April 1999 issue of the ACRA Edition, ACRA was invited to participate in a three-day workshop convened by the National Park Service (NPS) on “Evaluating and Improving Federal Archeological Guidance.” Held in Washington, D.C., on June 27-29, 2000, the workshop was co-hosted by the Society for American Archaeology, the NPS, the Advisory Council on Historic Preservation (ACHP), and the National Council of State Historic Preservation Officers (NCSHPO). ACRA was represented at the workshop by Jeff Altschul (Statistical Research, Inc.), Terry Klein (URS Corporation), Dana McGowan (Jones & Stokes, Inc.), Kay Simpson (Louis Berger Group, Inc.), and Dan Roberts (John Milner Associates, Inc.).

The other workshop participants numbered approximately 30 archeologists who represented a cross-section of federal and state agencies, as well as a broad geographic range (although there was a decided emphasis on western federal land-managing agencies). Federal agencies represented included the NPS, ACHP, Corps of Engineers, USDA Forest Service, Bureau of Land Management, Bureau of Reclamation, and the Natural Resources Conservation Service. Also present were archeologists from several State Historic Preservation Offices and one state Department of Transportation. Conspicuously absent were representatives of certain federal agencies such as the Federal Highway Administration and Federal Energy Regulatory Commission, representatives of museums and academic institutions and, perhaps most noticeably, representatives of Tribal Historic Preservation Officers.

The purpose of the workshop was to begin the process of assisting the NPS in improving archeological

practice on a national scale. NPS concern with archeological practice had its genesis at least as early as 1995 when meetings were held within the National Register Program on the “archeological problem.” These meetings were followed in turn by numerous subsequent meetings, discussions, and reports, including the SAA report of the second conference on “Renewing Our National Archeology Program” and several National Register workshops held in conjunction with professional conferences. The NCSHPO also has been addressing the practice of archeology on a national scale over the past several years.

Although several federal agency representatives thought existing guidance documents were satisfactory, the workshop participants generally agreed that federal archeological guidance needed to be revisited. A consensus was then reached that the best way to address this need was to begin the process of recrafting the Secretary of the Interior’s Standards and Guidelines as they pertain to archeology. The ultimate goal of the process begun at the workshop is for the NPS to produce new Secretary’s Standards that will result in more consistent implementation and review of federal undertakings that involve archeological consultation. Participants were each assigned to a sub-group that focused either on identification, evaluation, or treatment of archeological properties. The first day was a general session with all participants voicing their respective concerns with the current Secretary’s Standards and, more importantly, with how the Standards actually are implemented and interpreted “in the trenches.” The second day consisted of the sub-group breakout sessions, and the third day was a recap of each of the sub-group’s

findings and recommendations for the entire group. ACRA was represented by at least one person in each of the three breakout groups.

ACRA's concerns generally focused on several broadly defined issues: 1) emphasizing a "reasonable and good faith effort" to identify, evaluate, and treat eligible archeological properties, 2) emphasizing explicit definitions of the roles of all players in the consultation process (for example, the lead federal agency's legal responsibility for Section 106 compliance as opposed to the SHPO's role to assist the federal agency and comment on its actions), 3) advocating that the new guidance foster the consistent implementation of "sound and reasoned public policy," 4) focusing on "results" rather than "process" when engaging in archeological consultation, and 5) emphasizing that the development of regional contexts is of critical importance in order to make supportable decisions on the appropriate levels of effort for the identification, evaluation, and treatment of archeological properties.

Several surprising and perhaps troubling impressions emerged from the workshop discussions that suggest we still have a long way to go in arriving at a more consistent and predictable national archeological practice: 1) federal land-managing agencies appear to take a stronger role in the Section 106 process than do federal permitting agencies, 2) many SHPOs have assumed a stronger role as "enforcer" in the Section 106 consultation process than have others, resulting in highly variable compliance procedures from state to state, 3) SHPO guidelines for the conduct of archeological investigations in many states appear to have become more important documents than their federal counterparts, while in other states, federal guidance documents, for the most part, have primacy, and 4) some participants in the workshop insisted that sound archeological practice requires that ALL archeological sites be identified and evaluated as part of applicable federal undertakings (in

direct opposition to the letter and intent of federal law, policy, and implementing regulations; a "good faith effort" to take into account the effects of an undertaking on archeological properties; and the practice of "sound and reasoned public policy").

ACRA was viewed by the NPS as a key player at the table, and those representing ACRA at the workshop believe that we just might have made a difference. ACRA's representatives were heavily involved in actually beginning to re-craft the Secretary's Standards. The next step is for NPS to circulate a draft new Secretary's Standards to all participants for review. We will keep you informed as progress is made. In the meantime, we strongly encourage and solicit input from ACRA's membership regarding any of the issues identified above. Please contact any of ACRA's representatives to the workshop with your thoughts and comments. Mailing addresses, phone numbers, and email addresses for each can be found in the Membership List at ACRA's website (www.acra-crm.org).

IF THE STORY'S WRONG, IT IS PROBABLY YOUR FAULT PLANNING AHEAD FOR MEDIA INTERVIEWS

By Andy Bowen, Fletcher Martin Ewing Public Relations

Why is it that the media can't seem to get the story right? We pick up the newspaper the morning after that big interview and read with disbelief words we never said, ideas we never proposed and conclusions we never reached. Radio and television broadcasts are the same. On the air, we don't look or sound the way we had hoped, and we didn't really mean to say all those silly things. What's going on here? Why can't they be more accurate?

Here's some breaking news you might find hard to take—the apparent inaccuracies, unused soundbites and alleged misinterpretations are usually our fault. That's right. We are to blame, not the reporters or editors.

The fact is, in newsrooms across the nation, editors stand ready with the trusty lash to lay across the backs of reporters who get it wrong. Publishers and station managers put editors and news directors on the rack for printing or broadcasting errors in fact. For a journalist, there is no shame equal to having to admit before your peers that you got it wrong. And, the ethical codes of the Society of Professional Journalists demand allegiance to accuracy. So, if they get it backwards, or if they miss our important points, the odds are pretty good we helped them along the way. How? By failing to follow some pretty simple procedures that can ensure both sides are at least comfortable with the outcome of the encounter. Here are a few of those procedures:

Plan your interview. A media interview should be treated just as any critical business initiative that can affect your organization's reputation—or your career. You should have an overall strategy going in, complete with tactics and goals you want to achieve. Put it all in writing, just as you would any other business plan, but prepare to be flexible and adapt to changing situations. Good planning means doing some quality research, of course, by finding out all you can about the story the reporter wants, the likely slant, the reporter's style and the publication or broadcast news program in which you will be quoted. If you can choose the interview location, great. Always set a time limit, and stick to it.

Rehearse. Take the time to role-play with a colleague you can trust to tell you when you are off message, rambling or fidgeting. Ask them to pepper you with likely questions so you can determine if your answers make sense. Practice, practice and practice until you are confident and sincere in your delivery. Work to manage the interview. Be human, but never, ever get comfortable with the reporter.

Develop key points. A media interview is a two-way street. You'll want to answer the reporter's questions honestly, but you will also want to make sure you get in your key message points. Brainstorm and write down three key points you will want to make during the interview and practice them out loud until they come naturally.

Speak to their note-taking speed. You know your material and you are passionate about your business. It shows when you launch into a lengthy speech while the print reporter is furiously scribbling away, trying to get down even a little bit of what you are saying. If you want to be misquoted, this is one of the best ways to do it. Slow down. They'll appreciate it, whether they are print or broadcast reporters.

Repetition. Find ways or create opportunities to mention your key points as often as possible during the interview. One of your several goals should be to increase the chances your key points will become part of the story. Take advantage of reporter silence or dead air to restate a key point.

Speak in soundbites. Broadcast reporters want short, complete sentences that can be easily used. The long, rambling explanation in answer to a question will never make it on the air. Television news now is using soundbites that are three to eight seconds in duration. As a general rule, practice to keep your key soundbites down to 20 words or 10 seconds, which increases the odds you won't be edited. You can speak longer in print interviews, but remember to go s-l-o-w-l-y.

Ask to say it again. There are few reporters who won't let you restate an answer if you fumbled it on the first try. In a print interview, you can simply say, "let me answer that another way that might be clearer." In a taped broadcast interview, just ask if the reporter will restate the question so you can answer it again a little more clearly. They will almost always agree because they, too, are looking for the very best soundbites. A live broadcast interview, obviously, requires you to apply a measure of finesse to restate an answer for clarification or accuracy.

Don't repeat the negative. Obviously, your negative assessment of a situation in response to a reporter's negative suggestion will end up in print or on the air, attributed to you. A recent classic example during a news cycle about a toxic spill went like this: Reporter — "This is pretty scary for the people of the town, isn't it?" Interviewee — "It is a very scary time for them." Guess what the headline was.

Avoid corporate speak and jargon. Unless the interview is with the trade media, the reporter and their audiences will not understand the foreign language you speak daily among your colleagues in your business or organization. Jargon and inside corporate lingo will always get cut from the story. Speak in layman's terms and keep it simple at all times. Consider your audience in your responses. Who are they, what do you want them to remember, and what do you want them to do?

You are never off the record. It is a very simple, very ironclad rule: If you don't want it quoted, don't say it.

Andy Bowen, vice president at Fletcher Martin Ewing Public Relations, was a newspaper reporter, columnist and editor for 15 years. He is founder and instructor at The Message Masters, Fletcher Martin Ewing's training division. bowen@fletchermartin.com

Department of Defense Legacy Program Workshop Report

In June, the DoD Legacy program held a workshop on CRM issues. The workshop report is now available on the web. The attendees were from academia, government, the private sector, etc. Most of the private sector participants were ACRA members.

The report is available at:

<<http://www.denix.osd.mil/denix/Public/ES-Programs/Conservation/Legacy/CRM-Workshop/workshop.html>>

ACRA

EDITION

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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.

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DEADLINE	PRODUCTION
February 5	February 19
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August 6	August 20
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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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