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(Officers and staff are listed on Page 2)

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ACRA's Mission

"...to promote the professional, ethical, and business practices of the cultural resources consulting industry."

ACRA's Vision

ACRA: The voice of cultural resources management

ACRA's Values

- Integrity
- Professionalism
- Collaboration
- Leadership
- Success

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Collections Management and Curation - Ralph Bailey, Brockington and Associates, Inc.

Conference - Kerri Barile, Dovetail Cultural Resource Group

Education Committee Liaison - TBD

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Best Practices Subcommittee - Robert Heckman, Statistical Research, Inc.

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Membership - Ellen Turco, New South Associates, Inc.

Newsletter - Duane Peter, Versar, Inc.

Nominating - Teresita Majewski, Statistical Research, Inc.

Salary Survey/CRM Survey - Donn R. Grenda, Statistical Research, Inc.

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Bylaws and Policy Task Force - Mike Polk, Sagebrush Consultants, L.L.C.

Worker Health and Safety - Keith Seramur, Seramur and Associates, PC

THE PRESIDENT'S CORNER

By Duane E. Peter



Happy New Year! I hope that you are surviving the bitter cold that has gripped much of the nation in recent weeks. As president of ACRA, I am excited about our new initiatives as the year begins. The board has committed to a new direction that is necessary for ACRA to continue to grow and truly be the “voice of the CRM industry.” We have enlisted Cultural Heritage

Partners to aid us in strategic planning and membership and partnership initiatives. Marion Werkheiser now serves as the Director of Strategic Initiatives.

I am particularly excited about our Strategic Planning Initiative, which is designed to re-evaluate our mission statement and objectives. The objective is to design a plan that stimulates membership growth and provides value to members regardless of size. The committee, consisting of the Executive Board and selected past presidents (Patrick O'Bannon, Kevin Pape, Charles Niquette, Mike Polk, Kay Simpson, Terry Majewski, Lucy Wayne, Ian Burrow, and Corey Breternitz) met recently to kick off this effort.

Your opinions and suggestions are important to the success of this effort. We are asking our members to complete a survey (www.surveymonkey.com/s/HF5GNSK) to help guide our efforts. Please take the time to share this survey with your senior management personnel – the more responses the better. The board will meet in early March to consider your recommendations and to adopt a new strategic plan with clear objectives and measureable outcomes.

We are continuing the effort to be more visible with our historic preservation colleagues and allied industries. A presentation by Wade Catts and Kevin Pape entitled, “Cultural Resource Management: The Business of Historic Preservation,” at the National Trust meetings in Savannah, Georgia, highlighted the CRM industry and its importance to historic preservation (see ACRA website for presentation). The presentation was well received by National Trust organizers and attendees.

Wade Catts, Don Weir, and Terry Majewski were instrumental in ensuring that there would be an ACRA presence at the SHA meeting in Seattle this past week. Several ACRA members helped out by staffing our booth. We will be present at several meetings this year, including a number of meetings related to architectural history and public history. Please let me (dpeter@versar.com) know if there is a particular meeting that you feel we should be attending as an organization.

If you did not make it to Saint Pete Beach for our 20th Annual Conference, you missed a great venue and a great conference. The history of the Loews Don Cesar hotel itself was a highlight for all who care about history and architecture. The conference program provided a diverse array of topics including a Government Affairs Update, Integrating NEPA and Section 106, CRM and Disaster Preparedness, Gas and Preservation Partners Update, Federal and State Audits, CRM in the Decade Ahead, Educating the Next Generation of CRM Practitioners, and Best Practices. Mr. Erik Hein, Executive Director of the National Conference of State Historic Preservation Officers, provided valuable input to the Government Affairs Update and as the keynote speaker provided a very personal perspective regarding historic preservation. Our workshops, “Bringing it to the People: Making Archaeology Public after 50 Years of Cultural Resource Management” and “Cemetery Law and Identification: a Primer for Professionals and Planners,” were well received and timely topics. I want to thank the Florida Public Archaeology Network and Lee Hutchinson of Archaeological Consultants, Inc., and Dr. James Davidson of the University of Florida-Gainesville, and Kerri Barile of Dovetail Cultural Resource Group, Inc. for organizing and implementing the workshops.

We owe Mr. Chad Moffet of Mead & Hunt, Inc., a hearty thank you for several years of chairing the conference committee. We will miss Chad's excellent leadership; however, Ms. Kerri Barile of Dovetail Cultural Resource Group, Inc., is leading the conference committee toward an exciting conference in Denver in late 2015.

I want to extend a special thank you to our 2014 partners (Gold - Beta Analytic, Inc.; Silver – Alpine Archaeological Consultants, Inc., Digital Antiquity, Archaeological Investigations Northwest, Inc., GNS Science, The Louis Berger Group, Inc., Mead & Hunt, New South Associates, Inc., and Statistical

Research, Inc.; Bronze – ACI and ASC Group, Inc.). The contributions of the partners are critical to the success of many of our programs. We are in the process of restructuring the partnership program so that it focuses on suppliers to our industry rather than our present members. Member firms will have ample opportunities for sponsorship of specific events and the conference in the coming year.

Finally, I want to notify you of an upcoming event, National Historic Preservation Advocacy Week March 1 through March 4 (see announcement in Government Relations below). ACRA will be a part of this effort. Our board will have a strategic planning meeting on March 1-2 in Washington, D.C., and will participate in the visits to Capitol Hill. If you are interested in being involved in the visits to Capitol Hill, please contact Marion Werkheiser (marion@culturalheritagepartners.com).

SAVE THE DATE



The ACRA board and new conference chair, Kerri Barile, are already gearing up for next year's meeting. Be sure to set aside October 1–4, 2015 for a great trip to Denver, Colorado. The Omni Interlocken Resort (<http://www.omnihotels.com/hotels/denver-interlocken>) will be the host for our next conference, bringing our event back west. Planning is underway to

provide a suite of sessions and workshops to cater to ACRA members and guests, and local ACRA members are helping to make the conference a special one. In addition to creating unique opportunities for our members, ACRA is also listening to feedback from the St. Pete meeting to make the next event even better. Sessions will focus on “the business of business,” and a local presence will be an important focus. We will also highlight the opportunity to get AICP credit and be sure to get conference information out to our members in a timely manner to allow for pre-planning and travel arrangements. Tangible items such as hard copy programs and coffee breaks will also return—we heard you and we agree!

If anyone is interested in becoming part of the conference committee, please contact the new chair, Kerri Barile, with Dovetail Cultural Resource Group. She can be reached at 540-899-9170 or kbarile@dovetailcrg.com. We are looking forward to seeing you in Denver!

APPLICATION OF THE FAIR USE DOCTRINE FOR ACRA MEMBER FIRMS

By L. Eden Burgess and Cameron Green, Cultural Heritage Partners, PLLC



A common question among ACRA firms working under work for hire arrangements is: What is the client's property, and what can the author legally reuse without infringing on the client's property interest? In work for hire situations, the client is the copyright holder of written works produced by the consultant. The answer to whether the consultant can legally reuse the material without infringing the clients' copyright is determined by applying

the fair use doctrine of copyright law.

The Copyright Act establishes ownership rights to works, such as a right to reproduce or authorize others to reproduce the work. If someone were to reproduce a copyrighted work without permission, an infringement lawsuit could be brought against the person "stealing" the copyrighted work. However, the fair use doctrine limits an owner's exclusive right to its copyright and permits some use of copyrighted works without permission.

In short, four factors must be weighed to determine whether a particular use is fair use. The factors are:

Purpose and character of the use;
 Nature of the copyrighted work;
 Amount of the work used; and
 Effect on the value of or market for the work. 17 U.S.C. § 107.

Courts use these four factors in a balancing test to determine whether a particular use qualifies as fair use, and no factor is given more weight over another. So, how are these factors applied?

Purpose and Character of the Use. The first factor in fair use analysis asks if the new work that borrows from the copyrighted material is transformative. A court will look to see if the new work "supersedes the objects of the original creation . . . or instead adds something new, with a further purpose or different character."¹ The more transformative a new work is, the more likely using the copyrighted work will constitute fair use.

¹ *Campbell v. Acuff-Rose Music, Inc.*, 510 U.S. 569, 578-79 (1994).

Section 107 articulates examples of purpose and character (such as criticism, comment, news reporting, teaching, scholarship, or research) that may likely be considered fair use. Another question asked in the first factor's analysis is whether the work is for commercial or nonprofit use. Courts look to see if a work will exploit the copyrighted material for profit without paying the usual price, and works in the commercial arena often struggle satisfying the fair use requirements.

Nature of the Copyrighted Work. The second factor considers the nature of the copyrighted work. Generally, the law acknowledges the need to permit the sharing of facts. This means courts are more willing to find fair use in cases involving copyrighted material that states facts over cases involving the copying of creative expression sharing those facts.

Amount of Work Used. The third factor examines the quantity of work used in relation to the copyrighted work as a whole. Quantitative and qualitative analyses are applied to determine whether the amount of material used is reasonable in comparison to the copyrighted use. Thus, while the quantity taken is important, a court will also look to the quality and importance of what was used. For example, in *Harp-er & Row Publishers, Inc. v. Nation Enterprises*, a famous fair use case that went to the Supreme Court, an infringing newspaper took only 300 words from a memoir, but the court found the quotations went to the "heart of the book."

Effect on the Market. The fourth factor considers the effect on the market. A court will look at the effect of the new use on the potential market or the value of the original copyrighted works. Courts ask whether the new use materially impairs the market of the original work and whether the new work will act as a market substitute.

Ultimately, whether use of a work made for hire qualifies as fair use depends on the four-factor fair use test outlined above. There is no clear distinction, no explicit guidance, and no specific amount of words, sections, or portions of material that may be taken without permission. If there is a concern that a new work may infringe a copyrighted work, the safest course of action is to obtain permission from the copyright owner prior to using the copyrighted material.

Questions? Contact Eden at eden@culturalheritagepartners.com

NEW MEMBER PROFILE APPALACHIAN ARCHAEOLOGY, LLC

By Kiristen Webb



handled by one company? What if this service were used as a vehicle to improve the professionalism of our industry?

Appalachian Archaeology is changing direction. They are compiling a regional database of vetted field technicians to begin delivering professional archaeologists to projects all over the country.

Kiristen and Shawn would like to thank ACRA members for their thoughts and feedback. “We want to thank ACRA and, in particular, Ralph Bailey of Brockington and Associates. ACRA embodies our principles and we are so thankful to be among like-minded individuals and businesses.” Working together. Achieving More.



Working Together. Achieving More.

Appalachian Archaeology, LLC was established in 2012 as a small, woman-owned CRM firm. Located in the foothills of southeastern Kentucky, Kiristen and Shawn Webb hoped to build a business and life together: working together to achieve more.

Appalachian Archaeology is founded on three basic principles: integrity, cooperation, and passion. However, as the business grew, it became obvious that these principles were moving Appalachian Archaeology beyond operation as a small CRM firm. Partnerships with large firms exposed a need that has not yet been met: an efficient system to provide professional and competent field technicians to CRM firms facing the challenge of mobilization on a tight deadline. An Idea took shape – tech logistics. What if the CV reviewing, phone calls, reference checks, lodging, per diem, and headache were

ANNUAL CONFERENCE HIGHLIGHTS

By Teresita Majewski, ACRA Immediate Past President



“As always, the ACRA conference is the most valuable thing I do to promote my business and learn how to manage it better.”

“The ACRA annual conference provides a more intimate setting to network with friends and teaming partners and to learn about the CRM industry throughout the United States.”

Each year, conference attendees consistently note in post-meeting evaluations that they consider ACRA's annual conference to be a unique opportunity to learn about the business of CRM (including information on what is going on in Washington, D.C., that is likely to impact the industry), network with colleagues, and celebrate outstanding clients and projects.

Approximately 110 participants attended ACRA's 20th Annual Conference in St. Pete Beach, Florida, September 18–20, 2014. The conference included two educational workshops, a variety of great sessions, and plenty of social events. The conference was held at the Lowes Don CeSar Hotel, a beautiful historic venue right on the beach. The social events, despite some rain, were enjoyable and provided excellent opportunities for networking. One new touch in 2014 was to pair first-time attendees with an “old hand” to make the newbie's first experience memorable. One first-timer noted that it was “All in all a great first conference...”

Organizing and putting on a conference of this scale is no easy task, and we are grateful to our hard-working Conference Committee, especially then-chair Chad Mofett and current chair Kerri Barile, for their planning efforts, as well as to Clemons Management, our management firm at the time of the conference. Many thanks are due to our speakers, session moderators, ACRA partners, and



conference sponsors and vendor participants. They were all integral to the success of the conference.

Responders to the post-conference evaluation repeatedly noted that the interaction among members is always the highlight of the conference. This ability to visit and network with other CRM professionals (old friends as well as new members) in small group and one-on-one settings allows for a unique experience. An added benefit is the accessibility of the speakers, most of which remain for the entire conference and participate as attendees. Did you forget to ask someone you met at the conference for their contact information? Just in case, we are providing our members a list of conference attendees. Members can click here (www.acra-crm.org) to download the 2014 registration list.

“The annual ACRA meeting is unlike other meetings... At this meeting members talk about issues affecting the [industry]... This is the only meeting where you will find these issues being discussed openly with an eye towards cooperative solution[s]. At this meeting we are not competitors, we are colleagues with common goals.”

“I very much enjoyed the conference. Terrific presenters, [and] nice attendee numbers enabled discussion and socializing.”



The Conference Committee (with help from other ACRA committees and member firms) organized a varied program that focused on the business of CRM as well as providing information that firms need to work in today's political and economic climate. Speakers came from outside the industry (e.g., agencies, the Advisory Council on Historic Preservation (ACHP), universities, and the private sector) as well as from ACRA-member firms. Below is a recap of the meeting program along with feedback from the post-conference evaluations.

The conference began with two well-attended educational workshops, one on public archaeology led by staff from the Florida Public Archaeology Network—Bringing It to the People: Making Archaeology Public after 50 Years of Cultural Resource Management (CRM), and the other taught by Dr. James Davidson from the University of Florida-Gainesville—Cemetery Law and Identification: A Primer for CRM Professionals and Planners.

“The cemetery workshop was a great value.”

Friday led off with the ever-popular government affairs update featuring Erik Hein, executive director of the National Conference of State Historic Preservation Officers (NCSHPO), and Marion Werkheiser and Eden Burgess of Cultural Heritage Partners, PLLC (CHP), wearing their ACRA-government-relations-consultant hats.

“The staff at CHP is always worth coming for.”

Other sessions on Friday included:

CRM Beyond Compliance & Beyond the U.S. (Christopher Polglase of Environmental Resources Management [ERM], George Smith of Florida State University, and Uzi Baram of the New College of Florida)

Tools You Can Use: Integrating NEPA & Section 106 (Charlene Dwin Vaughn of ACHP)

CRM and Disaster Preparedness (Susan Malin-Boyce of the U.S. Army Corps of Engineers, and Charlene Dwin Vaughn of ACHP)

Compliance with Section 106 Using the CERCLA Approach: More Preservation, Less Process (Leslie Cusick of Restoration Services, Inc.)

Update from the Gas and Preservation Partnership (Marion Werkheiser of CHP, Christopher Polglase of ERM, and Donn Grenda of Statistical Research, Inc. [SRI])

“I liked having the higher-level folks present. This included Charlene Dwin Vaughn.”

“... the CERCLA topic was unexpectedly on target for one of my current projects. I always learn something here!”

Erik Hein (NCSHPO) gave some keynote remarks at the evening reception prior to the industry awards dinner, where



Marion Werkheiser giving an update on the Gas and Preservation Partnership

ACRA’s Industry – Public Sector and Industry – Private Sector awards were presented (see related article, this issue). Congratulations to the award winners and thanks to Awards Committee Chair Al Tonetti (ASC Group, Inc.) for ably implementing the ACRA awards program! In addition to the awards presentations, Wade Catts (John Milner Associates [JMA]) gave a memorial presentation for Dan Roberts, who passed away in 2014.

ACRA’s annual business meeting led off Saturday’s program. Retiring board member Kimberly Redman (Alpine Archaeological Consultants) was recognized for her two terms on the board, and new and continuing board members and officers were introduced and welcomed. Ian Burrow (Hunter



Industry Awards Dinner

Research, Inc.) was reelected to a second term as Vice President for Government Relations, and Lyle Torp was reelected to a second term, this time as an at-large board member. Newly elected at-large board members include Shelly Davis-King (Davis-King & Associates) and Nathan Boyless (Met-calf Archaeological Consultants, Inc.) During the noon break, current and prospective members of committees gathered together for lunch.

Saturday sessions included:

Federal and State Audits: What You Need to Know (Dennis Dodd of MacConel & Dodd, LLC) – a very popular and engaging session!

CRM in the Decade Ahead (Lynne Sebastian of ACHP and the SRI Foundation) – see sidebar to this article)

Ensuring Industry Sustainability and Quality: Educating the Next Generation of CRM Practitioners (Rebecca Shepard of the University of Delaware, Phil Neusius of the Indiana University of Pennsylvania, and Teresita Majewski of SRI)

“Best Practices”: Digital Curation and Geophysics (Francis McManamon of Digital Antiquity and William Chadwick of JMA)

“I thought this was a very strong program. All the moderators did a superior job of preparing their panelists and offering valuable comments. Topics were all timely...”

“The program content was fantastic!”

“... sessions had direct application to my areas of interest and research.”

The afternoon sessions closed with comments by then-Conference Committee Chair Chad Moffett, who recognized our conference vendors and sponsors, and then participants enjoyed a closing reception overlooking the beach. It was supposed to be on the beach, but rain kept us indoors. Participants enjoyed it nonetheless.

Thank you again to all of the conference attendees that provided frank feedback on the annual meeting. I speak from experience when I say that the Conference Committee takes all of your feedback (positive and not-so-positive) into account when debriefing on a conference and when planning for future conferences. Sometimes potentially good ideas, like going digital with this year’s conference program, turn out to be not very popular. I have the feeling that you will see a printed program for the Denver conference. ACRA’s goal is to organize conferences that emphasize the areas of interest to members old and new – business-oriented sessions, legislative updates, networking opportunities, and venues for discussion of best practices and for honoring the best of the best in our awards program.

If you could not be in St. Pete Beach for the 2014 ACRA conference, you missed out and should plan to attend next year in Denver, Colorado, October 1–4, 2015. For more information on the 2015 conference or if you would like to become involved, contact Kerri Barile at kbarile@dovetailcrg.com or (540) 899-9170.

“Overall, this year’s conference was a success.”
[from a self-avowed “tough critic”]

“... it was a very good experience. I hope to make the annual conference a regular feature on my calendar.”

“The conference committee did a superior job. ... Thoroughly enjoyed it, and looking forward to 2015.”



Sunset viewed from hotel balcony during the closing reception

CRM IN THE DECADE AHEAD

By Teresita Majewski, ACRA Immediate Past President



On Saturday, the “CRM in the Decade Ahead” session focused on painting a picture of what the CRM industry might look like in the next 10 years. The basic question asked of the presenter, Lynne Sebastian (ACHP and SRI Foundation), was: “What needs to be done now to ensure sustainability of our industry into the future?” Session moderator ACRA Immediate Past President Terry

Majewski prepared for the session by using previously collected information from ACRA surveys and encouraging dialogue on the subject among board members in the months prior to the conference. Based on survey information and board feedback, several areas were identified, and Dr. Sebastian was asked to consider these when preparing for her presentation.

The basic question related to the potentially changing legislative environment for CRM and how ACRA can meet the challenges if we become an industry without the laws we have now (or with greatly diluted laws). Other questions included how ACRA can grow its membership so that the industry can have an even stronger, more consistent voice in terms of advocacy? How can we develop best practices that will allow us to conduct ethical and appropriate work substantively? How can we better partner with other key organizations and preservation partners?

In her presentation, Dr. Sebastian talked about demographic changes in the SHPO offices and federal agencies. A huge number of experienced cultural resources staff at the state and federal levels are retiring and about to retire, and because these positions are not being “backfilled” adequately, there is a significant loss of institutional knowledge. There will be an increasing need to “handhold” our clients as new SHPO and federal agency staff develop the required skillsets to enable them to do the job required of their agencies: balancing historic preservation with needed development. All of us will need to be better educated to meet the upcoming challenges, and she suggests that the way to do this is through

partnerships. We need to get out in front of the issue. She described what she sees as the emerging new landscape over the next decade. She noted that the ACHP is changing its emphasis from heritage tourism to diversity. There will likely be new types of properties that we will need to evaluate in our work. Pushback will inevitably result. Alternative energy will likely continue to be a major trend. The scale of alternative energy projects (e.g., solar arrays) is huge and produces very visible impacts on the landscape. We need to have conversations about larger-scale planning and how to resolve adverse effects. Working with the National Park Service’s recent proposal on landscapes will present many new challenges. In closing, she stated the need to reconnect with the public, as that is one of the primary ways we will communicate the value of the work that underpins our industry.

2014 ACRA AWARDS

By Al Tonetti

At its 20th Annual Conference, ACRA presented awards recognizing two of our member firms' private and public sector clients for accomplishments and commitments exceeding those required by federal law and regulations. The members of the 2014 ACRA Awards Committee were Sarah Herr (Desert Archaeology, Inc.), Duane Peter (Versar, Inc.), and Al Tonetti (ASC Group, Inc).

Industry Private Sector Award: Kinder Morgan, for the Ruby Pipeline Project, nominated by Alpine Archaeological Consultants, Inc.

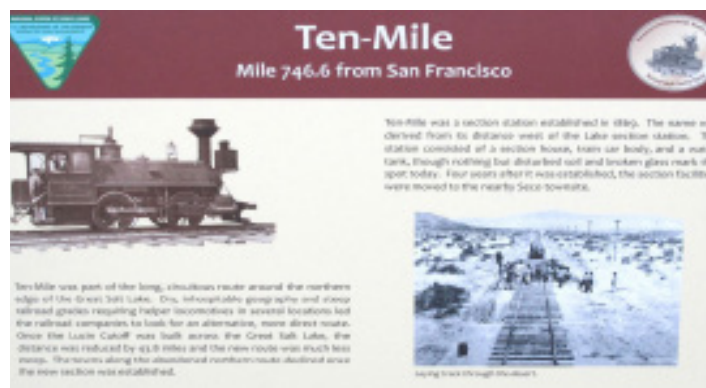
Based on combined enterprise value, Kinder Morgan is the largest midstream and fourth largest energy company in North America. The Kinder Morgan family of companies has four publicly traded entities: Kinder Morgan, Inc., Kinder Morgan Energy Partners, L.P., Kinder Morgan Management, LLC, and El Paso Pipeline Partners. Combined, the Kinder Morgan companies have an enterprise value of approximately \$110 billion. Kinder Morgan owns an interest in or operates approximately 80,000 miles of pipelines and 180 terminals transporting and storing natural gas, refined petroleum products, crude oil, and other commodities. Each year, Kinder Morgan invests billions of dollars to build new energy infrastructure and expand existing assets.

The Ruby Pipeline provides a reliable means of natural gas transportation from suppliers in the Rocky Mountain region to consumers in Nevada and on the West Coast. The \$3.5 billion dollar, 680-mile pipeline transports up to 1.5 billion cubic feet of natural gas per day. It began operations in 2011. Kinder Morgan went above and beyond the basic legal requirements for addressing impacts to significant archaeological and historical sites pursuant to Section 106 of the National Historic Preservation Act by funding important scientific research and outreach efforts that will continue to be meaningful and educate the public for years to come.

Alpine Archaeological Consultants conducted all archaeological work along the Ruby Pipeline in the state of Utah, documenting 135 prehistoric and historic sites, including a number of sites associated with the historic Transcontinental Railroad. Three other ACRA member firms participated in similar efforts: in Wyoming it was Metcalf Archaeology, in

Nevada it was Far Western Anthropological Research Group, and in Oregon it was Archaeological Investigations Northwest.

Prior to project construction, Alpine prepared a research design and treatment plan outlining a number of mitigation measures. To ensure Section 106 compliance, some measures dealt with impacts to specific National Register-eligible sites in the project's construction corridor. A number of mitigation measures, however, were not directly related to anticipated site disturbances, but instead were focused on efforts



designed to mitigate the larger impacts of pipeline on the entire corpus of archaeological and historical resources documented during the project. These mitigation efforts fell into two categories: increasing scientific knowledge of the project area in ways that went above and beyond simple salvage or data recovery archaeology, and public outreach and education.

The measures falling into the first category involved three unique studies. The first was the development of a new method for generating source-specific obsidian hydration chronologies in the region using several hundred obsidian artifacts recovered during the project. The second was a paleoenvironmental study completed by Western GeoArch Research, LLC, and the University of Utah's Department of Geography, involving the analysis of a deepwater core from the Great Salt Lake collected during the Global Lakes Drilling (GLAD) Program. The third study also focused on cutting-edge paleoenvironmental research. It was conducted by Dr. David Rhode of the Desert Research Institute of Reno, Nevada, and comprised the collection and analysis of packrat middens and a freshwater lake core. The study was explicitly

designed to fill pertinent late Quaternary data gaps in the region. Collectively, these three scientific studies provided important new information for archaeologists and paleoecologists working in the region, and represent major contributions to Late Pleistocene and Holocene research in the northeastern Great Basin.

Kinder Morgan also funded a four-pronged public education and outreach effort as part of the project. The first was the design and production of 16 new state-of-the-art interpretive signs erected along the Bureau of Land Management's Transcontinental Railroad National Back Country Byway in the Great Salt Lake Desert. The second was the production of an interpretive multimedia DVD that incorporates video, photographic stills, narration, computer animations, and music to tell the story of the project and summarize the project's findings in a fashion accessible to the public. The DVD has been distributed to public schools, museums, and archaeological and historical groups throughout northern Utah. The third was a presentation to the public focusing on the landscape use of the Transcontinental Railroad. The presentation was given to a standing-room-only audience in Brigham City, Utah in February 2014. A fourth and final public outreach education and measure will be a scholarly article focusing on the Transcontinental Railroad. The article has been submitted to the journal *Utah Historical Quarterly* and is currently under review. Like the scientific studies described above, none of the public outreach efforts were explicit legal requirements.

Industry Public Sector Award: Maryland State Highway Administration, for the Intercounty Connector (MD 200) Data Recovery at Sites 18MO595 and 18MO609, nominated by URS, Inc.

The Maryland State Highway Administration is one of the five modal administrations of the Maryland Department of Transportation. It operates, maintains, and rebuilds the numbered, non-toll routes in Maryland's 23 counties, a total of 17,000 lane-miles and 2,576 bridges. Their highways carry 65 percent of the state's traffic and 85 percent of its truck freight. The agency delivers about \$1 billion of work each year.

The \$1.5 billion dollar, 18-mile Intercounty Connector (MD 200) links the I-270/I-370 and I-95/US 1 corridors with a multi-modal east-west highway in Montgomery and Prince George's counties, Maryland, north of Washington, DC. The project provides a myriad of benefits to the Washington and Baltimore metropolitan areas. It increases community mobility and safety; facilitates the movement of people and goods between economic centers; provides cost-effective transportation infrastructure for existing and future development reflecting local land use objectives; helps restore the natural, human, and cultural environments changed by past development impacts; and enhances homeland security.

For more than a decade, a wide variety of cultural resource management studies have been conducted in support of this complex highway project, including Phase I, II, and III archaeological studies, architectural surveys and evaluations, historic research and oral histories, extensive public outreach and education, and stewardship programs. While these studies were completed under Section 106 and NEPA, the Maryland State Highway Administration went far beyond their compliance requirements.

Demonstration of this "above and beyond" approach was the Intercounty Connector's Independent Environmental Monitor, who reported to a number of environmental regulatory agencies. To the extent possible, the Maryland State Highway Administration also wanted innovative research studies completed, even if meaningful results were considered a long shot.

Demonstration of this approach was evident in their commitment to non-standard aspects of data recovery at two archaeological sites, one of which was 18MO595, the Anderson Branch site, a prehistoric quartz quarry, lithic workshop, and short-term resource procurement camp occupied during the Early Archaic through Late Woodland periods, approximately 10,000 to 400 years ago. The other site was Highway Administration funded experimental archaeology research and analysis designed to improve data collection and knowledge about the site and within the Mid-Atlantic region. During the data recovery at the site, massive quantities of quartz were recovered. Experimental studies were conducted on the material to help distinguish between naturally and culturally modified quartz.

The 2007 data recovery at the Jackson Homestead site recovered more than 160,000 artifacts and provided a rare glimpse into African American lifeways in rural Maryland. On her emancipation in 1865, Malinda married Thomas Jackson, a local farm laborer. This small parcel of land and house stayed in the Jackson family until the home burned to the ground around 1916. As part of the Jackson Homestead data recovery, the Maryland State Highway Administration supported much more research, genealogy, and oral history than was typical for such projects in the region.



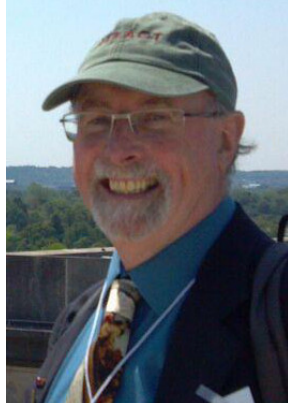
For example, DNA testing was conducted on excavated eating utensils to connect the artifacts with living descendants. The descendants participated in oral history projects, site and lab tours, and public outreach events.

The Maryland State Highway Administration allowed the descendants to take the stones comprising the house foundation, prior to its destruction for the highway, and physically helped remove them. The family then built a memorial with the stones to honor their ancestors.

ACRA TO PUSH FOR FULL & PERMANENT FUNDING OF THE HISTORIC PRESERVATION FUND

By Ian Burrow

At the Annual Meeting in St. Petersburg Beach in September, the ACRA Board adopted a formal resolution to support “full and permanent funding of the Historic Preservation Fund.” This resolution marks another important moment in ACRA’s continuing development as an effective advocate for the cultural resource management industry.



What is the HPF?

The Historic Preservation Fund (HPF) was established by the 94th Congress in 1976 to “further the preservation of significant historic and non-renewable architectural, archaeological, and cultural resources of the United States.” Since 1980, \$150 million has been deposited annually into the Fund, using the receipts from the sale of oil and gas leases in the Outer Continental Shelf. This fund is therefore not a tax burden on the American people, but rather a public benefit from the regulation of private enterprise.

HPF is the essential underpinning of the nation’s historic preservation program as established under the National Historic Preservation Act of 1966. The chief importance to the cultural resource management industry is its provision of the matching grants that support the work of State and Tribal Historic Preservation Offices across the country.

Although the HPF has received \$150 million every year since 1980 (the equivalent of well over \$400,000,000 per year today), Congress has never appropriated anything close to that amount for actual use. In fact, since 2001, appropriations have declined from a record high of \$94 million in that year to under \$60 million in the last few years.¹ Every year the historic preservation community (including ACRA) advocates for the Fund, but succeeds only in fending off proposed cuts in the program rather than increasing the appropriation. Also, the HPF comes up for reauthorization approximately every 15 years. Making the HPF authorization permanent would remove the need to fight for HPF’s survival repeatedly.

Why Does ACRA Care?

We have a dog in this fight. Most CRM firms have to deal with SHPOs and THPOs on a regular basis, and for many companies this is chiefly in the context of Section 106 reviews. Well-resourced and politically robust SHPOs and THPOs are essential to the effective functioning of this system. These offices should be the guarantors of high professional standards in cultural resource surveys through their ability to insist that Federal agencies (and their agents and applicants) conform to recognized national and local regulations, guidelines and contexts.

ACRA members subscribe to a Code of Ethics and Professional Conduct² that promotes the professionalism and integrity of CRM, and among other things seeks to “provide opportunities for the professional growth and development of employees.” Speaking personally, I want a working environment in which quality consistently counts for more than the low bid; only in that way can we both develop our businesses and provide opportunities for growth to our dedicated but not-especially-well-paid staff.

It is readily apparent that many SHPO and THPO offices are woefully under-resourced. Experienced staff are overwhelmed. When they leave, they are either not replaced at all, or they are replaced with lower-paid and inadequately experienced CRM specialists who may not command the respect of agencies, applicants and consultants. In 2014, more than 30 years after introduction of desktop digital technology, many offices still cannot provide the easy, accurate and efficient access to data and files which is needed for informed decision-making.

Is Money the Answer?

Obviously, money is not the whole answer. If the HPF was fully appropriated, however, each SHPO and THPO would see its Federal grant almost tripled. While states and tribes would have to find 40% matching grants for this, a recent informal survey by the National Conference of State Historic Preservation Officers (NCSHPO) indicated that many states were optimistic about their ability to do so.³

I suggest that ACRA’s interest will be to see that any additional HPF monies and matching grants are used in two main areas. First, we want to see the appointment of more

appropriately qualified, resourced and remunerated review staff with the experience and backing to insist on the submission of the professional, useful and complete CRM compliance documents that we all aspire to produce.

A second priority will be the rapid and accurate transfer of all appropriate survey and other relevant data onto GIS-based platforms that allow remote access for a wide range of queries and analysis. These platforms will require permanent dedicated support to ensure that the data is kept up to date and new technology incorporated.

Next Moves

The upcoming 50th anniversary of the National Historic Preservation Act in October 2016 provides the perfect opportunity for the current initiative to press both Congress and the Administration to fund the HPF fully and permanently. ACRA is joining with other historic preservation organizations, including Preservation Action and NCSHPO to develop an effective strategy to bring this about. Look out for updates here and in the Monthly Member Update.

More Information

Succinct summaries of the history and issues surrounding the HPF can be found on Preservation Action's website at <http://www.preservationaction.org/priorities/historic-preservation-fund/> and from NCSHPO at <http://www.ncshpo.org/historicpreservationfund.shtml>.

The National Park Service's information sheet on the HPF is at <http://www.nps.gov/orgs/1623/index.htm>

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(Endnotes)

1 The full sorry history of HPF funding can be seen on the Preservation Action website <http://www.preservation-action.org/resources/hpf-funding-chart/>

2 <http://www.acra-crm.org/?CodeofEthics>

3 As explained by Erik Hein, NCSHPO Executive Director.

COMMONWEALTH CULTURAL RESOURCES GROUP, INC. ACQUIRES JMA

October 2014

Commonwealth Cultural Resources Group, Inc. (CCRG) is pleased to announce its recent acquisition of the Cultural Resource and Landscape divisions of John Milner Associates. With a combined 70 years of experience, both CCRG and JMA have been at the forefront of best-practice cultural resource management, and this alliance affords exciting new capabilities for both firms.

CCRG, with offices in Michigan and Wisconsin, has expanded geographically in recent years with its acquisition of Sagebrush Consultants in Utah and Coastal Carolina Research in North Carolina, and with this latest acquisition now expands into the Mid-Atlantic region. In addition to a larger geographic area, so too have grown the services now available through the CCRG companies. JMA adds to CCRG's comprehensive cultural resource services the areas of geoarcheology, archeological geophysics, and cultural landscape services.

As a CCRG company, John Milner Associates will now be doing business as "JMA," and will continue operations out of its current offices in West Chester, Pa., Alexandria, Va., Charlottesville, Va., and Littleton, Mass. JMA's experienced and long-tenured staff also remains, providing continuity for those of you who are past or present clients of JMA.

CCRG and its JMA, Sagebrush Consultants, and Coastal Carolina Research affiliates look forward to continuing to provide full-service cultural resource management services and welcome your inquiries.

www.ccrqinc.com

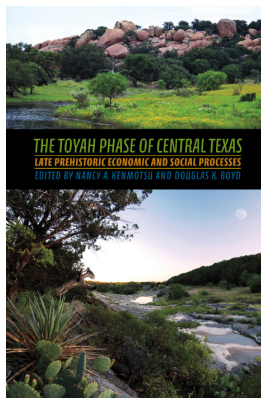
www.johnmilnerassociates.com

BOOK CORNER

By Richard Ciolek-Torello

The Toyah Phase of Central Texas: Late Pre-historic Economic and Social Processes

Edited by Nancy A. Kenmotsu and Douglas K. Boyd, Texas A&M University Press, 2012



\$45.00 (hardcover)
ISBN-13: 978-1-60344-690-7
Order through
www.tamupress.com

This issue highlights a new book examining the economic and social processes operating among hunter-gatherers across a large portion of Texas between A.D. 1300 and 1700, a period known as the Toyah phase. The chapters in the volume use the Toyah data to explore social boundaries through migration, hunter-farmer interaction, subsistence, and other issues of anthropological interest. The data come from Spanish documents, beginning in the 1580s, that offer glimpses of these mobile people as well as from archaeological excavations that offer other views of them. Of interest to ACRA members is that most of the contributors to the volume work in cultural resources management (CRM). The volume is an outgrowth of a symposium held at the Society of American Archaeology 72nd Annual Meeting, 2007, in Austin.

The distinctive tool kit and bone ware pottery tradition that characterize the Toyah phase were first identified in the 1930s, and in 1947, J. Charles Kelley briefly described the Toyah phenomenon as a focus that rapidly spread across approximately 25 percent of Texas. Subsequent research, nearly all in the gray literature, has modified Kelley's original descriptions, but the Toyah phase continues to be of keen interest to archaeologists interested in studying small-scale societies.

The volume contains eight studies and one peer review that bring together a number of perspectives and interpretations of these hunter-gatherers and how they interacted with each other as well as with the pueblos in southeastern New Mexico, with the mobile groups in northern Mexico, and with newcomers from the Northern Plains. The editors—Nancy Kenmotsu and Douglas Boyd—open the volume by

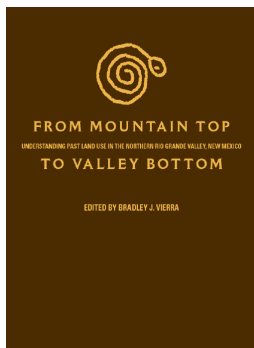
introducing the Toyah phase and its geographic breadth along with a retrospective of earlier interpretations of these hunter-gatherers. Because a number of recent excavations of Toyah phase sites have been undertaken as CRM projects for highways, pipelines, and other projects restricted to project footprints, the editors note that “it is time to look in detail at social boundaries. . . .”

In Chapter 2, Kenmotsu and John Arnn examine Spanish documents dealing with Central Texas and suggest that conflict was more prevalent in the region in the final 150 years of the Toyah phase, resulting in evidence of population aggregation among the Jumano and other groups. This discussion is followed by two chapters that provide views of Toyah social boundaries by focusing on networks. John Arnn (Chapter 3) places the available archaeological evidence into a model of social fields. Karl Kibler (Chapter 4), drawing on his experience from working in the northeastern portion of the region, explores how small groups can use exotic materials to establish networks with nearby agricultural groups, in this case Caddo peoples.

Chapters 5 and 6 employ Toyah subsistence data to study group dynamics. Raymond Mauldin, Jennifer Thompson, and Leonard Kemp review the evidence for a florescence of bison around A.D. 1300 and conclude that it may represent more myth than fact. They argue that the evidence suggests an increase in logistical bison hunting strategies to take advantage of patchy bison availability. Zackary Gilmore explores economic intensification, in the form of expanded dietary breadth, as a common means of risk avoidance among Toyah groups. The next two chapters view Toyah social boundaries from research conducted outside the region. Doug Boyd uses his research from the Southern Plains to address boundaries between groups in that region and the Toyah groups to their south. John Speth and Khori Newlander examine possible conflicts that appear to have surfaced around A.D. 1300 between Toyah people and people in eastern New Mexico. final chapter is by Elton Prewitt and offers alternative views about positions argued by several authors. His commentary is constructive and adds a forceful tone to the end of the volume.

***FROM MOUNTAIN TO VALLEY BOTTOM:
UNDERSTANDING PAST LAND USE
IN THE NORTHERN RIO GRANDE VALLEY,
NEW MEXICO***

Edited by Bradley J. Vierra, University of Utah Press, Salt Lake City, 2013



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The Northern Rio Grande valley has a long and rich history of anthropological research. From the initial work of Edgar Lee Hewett to recent survey and excavation projects on the Pajarito Plateau, the region has contributed to our understanding of research issues ranging from early agriculture to the process of site aggregation. Everyone would agree that the long-term pattern of regional land-use reflects the increasing exploitation of upland resource areas over time; however, most of the archaeological field work conducted in the area has traditionally been focused in lowland settings within the Rio Grande valley. Only recently have large-scale excavation projects been conducted in upland settings that provide a complementary perspective to this lowland database. This monograph incorporates this new research into a perspective that links the ever changing and complementary nature of lowland and upland land use.

The volume consists of 13 chapters with a foreword by Severin Fowles. The first three chapters discuss varying aspects of the present and past environment. Steven Shackley provides a detailed study of the Valles Caldera obsidian source from the Jemez Mountains and identifies two new dacite sources from the Pajarito Plateau and Rio Grande valley. Paul Drakos and Steven Reneau also focus their attention on the Pajarito Plateau; however, they seek to understand the

geomorphic processes involved in identifying the depositional context for Ancestral Pueblo archaeological sites situated at differing elevations and topographic settings. Ronald Towner and Mathew Salzer provide a substantial amount of information on the reconstruction of past precipitation patterns over a 1,000-year period for the Jemez Mountains, Chama River and Rio Grande valleys.

Although studies have traditionally focused on the Ancestral Pueblo archaeology of the northern Rio Grande, more recently work has begun to look at foragers and the potential variability in foraging and cultivation. Chapters by Vierra, Ford, and Post all involve differing aspects of this issue. Bradley Vierra suggests that long-term changes in Archaic projectile point technology involved a shift from low to high tool replacement rates, an increase in tool reliability from generalized hunting to the hunting of specific target species. The earliest date for maize in the region is from Jemez Cave in the Jemez Mountains where cobs were directly dated to cal. 1380-1100 B.C. Richard Ford provides an in-depth study of the excavation of this important site and the cornucopia of food remains recovered. The seasonal pattern of lowland-upland land-use was a productive

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ACRA EDITION ANNOUNCEMENTS AND UPDATES

SOLICITING BOOK CORNER SUBMISSIONS

The Editor is soliciting submissions on publications by ACRA members for the Book Corner column of *ACRA Edition*. This column profiles currently in-print books or other publications that feature ACRA-member-firm employees as authors, editors, or contributors. Please send your submissions to Richard Ciolek-Torello at Statistical Research, Inc. (rct@sicrm.com) along with the title, editor(s) or author(s), publisher, and a short summary of the publication (see previous issues of *ACRA Edition* for examples). Include an image of the cover of the publication, which should be sent as a separate digital file (.jpg preferred, minimum resolution 300 dpi) and not be embedded in the text file. Permission from the publishers should be obtained prior to submitting the cover image for "Book Corner" and must be sent along with the image and the file.

2015 ACRA Partnership and Sponsorship Programs

One focus of the Strategic Planning Initiative is redesigning our partnership and sponsorship programs so that there is a clear distinction between the two programs and clear benefits for each. Stay tuned for announcements regarding these programs in the month of April.

If you are interested in becoming a partner or sponsor and have ideas regarding how the programs could benefit both your firm and ACRA, please contact Marion Werkheiser at marion@culturalheritagepartners.com.

2015 ACRA Edition Schedule

ISSUE	DEADLINE	RELEASE
Winter	March 16	March/April
Spring	April 20	May/June
Summer	July 20	A u g u s t / September
Fall	October 19	N o v e m b e r / December

ACRA Edition Submission Instructions

Clearly identified text files should be sent in MS Word format. Images should have explicit file names and be sent as a separate digital files, and complete captions must be included. The preferred format for images is .jpg, and the minimum resolution of the image must be 300 dpi. Do not embed images in the text file or in the body of an email.

ACRA Edition is a quarterly publication of the American Cultural Resources 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 business issues and federal and state legislative activities. All comments are welcome.

If you have comments on this issue or submissions for a future issue, please contact:

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