

February 2006

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## ACRA's Mission

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 by:

- promoting and supporting the business needs of cultural resources practitioners;
- promoting professionalism in the cultural resources industry;
- promoting and providing educational and training opportunities for the cultural resources industry; and
- promoting public awareness of cultural resources and its diverse fields.

A basic tenet of ACRA's philosophy is the cost efficiency of private-sector firms in meeting the need for expertise in cultural resource management. ACRA is strongly opposed to unfair competition from tax-supported contracting programs. We believe that a greater benefit to society, and to the resources, derives from the existence of a healthy community of tax-paying, job-generating, private-sector CRM businesses.

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## MESSAGE FROM PRESIDENT

*By Karen Hartgen*

I am now three months into my two year Presidency, and I have been supported by the other officers, the Board, and our first Executive Secretary, Scott Stull, as well as by Nellie Longsworth, Jeanne Harris, and Joe Shull. This new organizational structure is being played out, and some things are easier than expected, others more difficult. As we proceed, I will be asking the Officers and the Board members to take over some of the activities and tasks that Tom Wheaton used to handle for us. For example, under the current system, certificates and checks to be cut and signed must be mailed to three or four people before they can be sent out.

I would also like to thank Tom Wheaton, Nellie Longsworth, and Jeanne Ward for planning the 10th Anniversary meeting in Washington, D.C. last year. I think it was the best meeting ever, highlighted by our trip to the the Hill, where we were able to meet our Congressmen/ women and Senators. I think we all feel much more empowered.

Things are still active in the Congress, although some of the pressure seems to be diminished as this Administration struggles to handle the effect of Katrina and the lobbying problem.

ACRA has send letters of comment on the NEPA revisions and on the proposed changes to the Historic Preservation in Utah. These

comments have been posted on MembersOnly.

Here in New York State, we have a series of workshops put on by LORMAN educational services. A current seminar for Land Managers contains two topics related to Cultural Resources, and lists Archeology and Historic Preservation as issues to be considered. In some ways, this indicates to me that ACRA has finally arrived.

On the national scene, the Park Service approved 1,537 new listings in the National Register of Historic Places, which included 46,619 properties last year. The Historic Preservation Tax Incentive program resulted in the rehabilitation of more than 1,200 historic properties listed in the National Register, creating 15,000 new housing units, and generating \$3.8 billion in leveraged private investment. In FY 2005, the Save America's Treasures grant program awarded 145 matching grants in 43 states and the District of Columbia, totaling \$29.5 million, according to Fran Mainella, Director of the NPS.

The National Trust for Historic Preservation's 2005 Conference in Portland, Oregon, had Sustain America: Vision, Economics, and Preservation as its theme. I think that this country should be focusing on sustainable, economically feasible, and environmentally responsible

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development, and that historic preservation is one aspect of that development that is often overlooked, never making it to the table. One of the speakers presented the concept of embodied energy, or the total expenditure of energy involved in the creation of the building and its constituent materials. When a historic building is demolished, all the embodied energy that was incorporated in that building is lost. In Australia, it has been calculated that the embodied energy in their existing building stock is roughly equivalent to 10 years of the total energy consumption of the entire country. We throw away thousands of dollars of embodied energy, then we replace original materials with plastic, vinyl, and aluminum. Somehow this does not seem to be an environmentally responsible or economically feasible approach to community planning. I believe that these environmental and economic issues must be placed on the table as we help our clients to manage the cultural resources within their project areas.

On another note, Lawrence Moore has published an article in the SAA Archaeological Record, January 2006, titled CRM: Beyond Its Peak. I think that it is similar to emails that I have seen on ACRA-I. He calls CRM an aged industry in a vulnerable position. He also sees a change in paradigm from scholarly debates to the historic preservationist position that is now current. All of this is exacerbated by the imminent retirement of

the Baby Boomers. He sees the April 2005 proposed amendments to the NHPA, which would weaken the Section 106 process, as the straw that breaks the camel's back. I think that ACRA has been clearly aware of the potential risks and loss of cultural heritage if those revisions are made to the NHPA, and we took appropriate actions in 2005. We are also very aware that many of us will be retiring in the next 5 to 10 years, and that awareness has resulted in a focus on succession planning to ensure employment for our employees and continuation of these businesses we have built over the last 30 years.

I disagree with his conclusion that the CRM cycle has run into a decline. Though some of us may think of ourselves as "old timers," I think that the industry is still in its maturation stage, and is developing and responding to economic and political stimuli in professionally appropriate and creative ways. We are well aware that we are managing the country's heritage resources, and that these are nonrenewable resources. We also understand the need for memory in local communities, that areas have to have a sense of place, and that this is becoming even more important for the next generation (is it generation Z?) that is joining the work force.

I hope to be able to provide the leadership that ACRA needs during the next two years. I will only be able to do that with all of your help.

## ACRA AND THE SAA CONSULTING ARCHAEOLOGY COMMITTEE

*By Scott Stull*

ACRA and the SAA Consulting Archaeology Committee will be cohosting a Cultural Resource Management Happy Hour from 5-7 pm on Thursday, April 27, 2006, at the Caribe Hilton during the SAA Annual Meeting in San Juan, Puerto Rico. There will be a cash bar for the Happy Hour.

This will be an expansion of the normal meet-and-greet hour ACRA usually has, but has not been well attended in the past. ACRA's information session will be from 4:00 - 5:00 pm on Thursday at the Caribe Hilton, just prior to the hosted Happy Hour. This will be an opportunity for ACRA to present its recent government relations activity regarding the NHPA, and to keep people up-to-date on whatever has taken place in Congress up to that point. The SAA committee will also be presenting information on their activities.

There will be no CRM Expo at the San Juan meeting, so this Happy Hour will be the main avenue for members of the CRM community to meet with each other and with potential employers or employees.

If you have any questions, please contact Scott Stull at [scott@hartgen.com](mailto:scott@hartgen.com).

## ACRA DISPLAY AT THE 2006 SOCIETY FOR HISTORICAL ARCHAEOLOGY ANNUAL MEETING, SACRAMENTO

*By Mike Polk*

As part of its regular round during the year, the ACRA display was sent to Sacramento, California, in early January to be a part of the Society for Historical Archaeology (SHA) Annual Meeting. As the liaison to the SHA, I was tasked with overseeing the set up and care for the display in the book room while it was there. SHA's book room set up is modest (compared to the Society for American Archaeology [SAA] Meeting), though there are a number of major publishers that come, including Rutledge, Cambridge, Springer and many university presses including Florida, California, Tennessee, Alabama, Nevada and several others. Our table top display was as visible as any and received a lot of attention, as evidenced by the number of ACRA brochures that were taken by visitors to the book room.

The display unit will be traveling elsewhere soon. The SAA annual meeting in Puerto Rico may be the next stop, in April. If you know of other meetings where this display may be of interest and value, let Laura Black of CHRS, Inc., ACRA's Liaison Committee Chair, know about it. She can be reached at [lblack@chrsinc.com](mailto:lblack@chrsinc.com).

## UTAH STATE ANTIQUITIES LEGISLATION UNDER FIRE: CHANGES ARE PROPOSED BY THE 2006 STATE LEGISLATURE

*Submitted By Michael Polk, Sagebrush Consultants, L.L.C.*

Unfortunately, the political climate within which we are all currently living creates potential problems at the state level in addition to the well-known issues currently brewing in Washington. The Utah State Legislature, which meets regularly for only 45 days during January and February of each year, has proposed some changes to the current state antiquities law, which have the potential to severely affect the protection of archaeological resources as well as the nature of CRM within the state. In a bill currently under consideration in the House of Representatives, H.B. 139, the office of State Archaeologist would be eliminated and the role of the SHPO would be significantly changed, among other things. In the opinion of many in the CRM community, both within and outside the state, this legislation is not good for the continued protection of cultural resources, the interpretation of

these resources to the public, or economic development as a whole. This is despite the fact that the sponsors of the bill believe that it will have a beneficial effect upon protection of archaeological resources, and will help to speed up economic development. The bill can be accessed on the web at:

<http://www.le.state.ut.us/~2006/bills/hbillint/hb0139s01.pdf>

Letters were recently sent opposing this bill by Jeff Altschul, RPA President, and by Karen Hartgen, ACRA President. Other letters to the legislature addressing the same and similar concerns would be welcome. A copy of the letter sent by our president follows (Pages 5 - 6).



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Honorable John L. Valentine  
 Utah State Senate  
 Capital Complex  
 Salt Lake City, Utah 84114

February 6, 2006

Speaker Greg J. Curtis  
 Representative Bradley T. Johnson  
 Utah House of Representatives  
 WO30 Capitol Complex  
 Salt Lake City Utah 84114

RE: H.B. 139 State Antiquities and Historic Sites Amendments

Dear President Valentine, Speaker Greg J. Curtis, and Representative Bradley T. Johnson;

I am writing as President of the American Cultural Resources Association (ACRA) in response to proposed amendments to the Utah State Antiquities and Historic Sites Act (H.B. 139). The amendments have the potential to greatly harm the state's archaeological and historic resources, to complicate an existing well run state permitting process, as well as to slow critical development projects within the state. I urge you not to pass H.B. 139.

Our association, established in 1995, is a trade organization including more than 130 cultural resources firms from across the United States, including a number within the state of Utah. It represents more than 1,000 individual archaeologists, historians, architectural historians and others who carry out cultural resources projects on behalf of a variety of clients engaged in projects within government and the private sector. In Utah, these projects include those for the Utah Department of Transportation, Bureau of Land Management, U.S. Forest Service, State Institutional Trust Lands Administration, Bureau of Reclamation, National Park Service and private sector clients in oil and gas exploration, water development, mining, land exchanges and a myriad of other economic pursuits. Our members assist these organizations and companies in meeting their obligations to care for and protect archaeological and historic resources protected under the National Historic Preservation Act, the National Environmental Policy Act, the Native Americans Graves Protection Act, and the Utah state version State Antiquities and Historic Sites Act.

As President of ACRA, I am deeply concerned with efforts which are underway in the House of Representatives, through H.B. 139, to significantly weaken and complicate the way that cultural resources

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compliance is undertaken within the state and eliminate the position of State Archaeologist. I believe that many of the changes being proposed are detrimental to the stated purpose of the bill. First, current law protects antiquities and historic resources within the state by mandating that professional inventories of projects proposed on state lands be undertaken prior to development. Should significant sites be encountered, they are professionally evaluated and avoidance procedures are put in place or the project is redesigned or abandoned to protect those project is redesigned or abandoned to protect those significant sites.

The new law will significantly weaken this process by reducing the educational and experience level of those qualified to direct such work, as well as eliminating the State Archaeologist Office's. This puts much of the heritage of Utah at risk.

Secondly, there is already a permitting system in place that conforms to national guidelines, which streamlines the process by meeting both the national and state needs. Currently, projects must be overseen by individuals who meet the Secretary of Interior's Standards, as outlined in 36 CFR 60, Appendix A. In addition in the State of Utah, these individuals must also be members of the Register of Professional Archaeologists (Register), which has a code of ethics and insures the professional standards of the individuals carrying out this scientific work. This profession is not a place for amateurs or those without the proper training and experience.

Thirdly, H.B. 139 sets up an arbitrary method of funding and permitting that will allow a panel of non-professional archaeologists, historians, architects, and architectural historians to decide the significance and value of important non-replacable historic treasures. Many archaeological sites, buildings, structures, districts, and heritage areas eligible for the National Register of Historic Places could be destroyed, neglected, or allowed to be looted.

Lastly, the Public has shown overwhelming support through a number of surveys and also by the numbers of visitors to historical sites that they consider the preservation and protection of their national and state historical and heritage sites an important task. The programs on both the national and state level have taken great care to make sure that only those sites that best represent a given person, event, architecture or culture have been preserved and protected. However, there are many more sites to be discovered and history to be preserved.

I encourage you to preserve the high quality of work that the Division of State History and Antiquities Section perform for the State of Utah. Please, reject H.B. 139 and the damage it will do to the State of Utah.

Sincerely,

Karen S. Hartgen, RPA  
President, American Cultural Resources Association

cc: Governor Jon Huntsman, Jr.; Kevin T. Jones; Philip F. Notarianni.  
ACRA Executive Secretary, P.O. Box 4020, Ithaca NY 14852 (607) 257-2126

## SHULL'S TOP TEN CONTRACT SUGGESTIONS

*By Joe A. Shull*

1. Clarity. It is impossible to be too plainly stated. You will have no problem if everyone understands what is to be done and the price to be paid. Don't use language you don't understand.
2. Boiler Plate. Don't overlook the deal terms by focusing on the boiler plate.
3. Whereas Clauses. Get to the point. Skip the explanatory Whereas clauses.
4. Standard Form. Develop a standard form. This is different from a standard agreement. There is no such thing as a standard agreement. Never seen one in my life.
5. Past Experience. Profit from experiences. If the form has worked in the past, then continue using it.
6. Right Margin Justification. Don't assume that changes can't be made because the form presented by the other party is right margin justified, 11 point type, two-sided. That's a trick to discourage comments.
7. Indemnifications.
  - (a) If you ask for one, so will the other party.
  - (b) Only as good as the other side has the money and inclination to pay.
  - (c) If covering professional negligence, consider E&O insurance.
  - (d) If covering slips and falls, consider CGLI insurance.
8. Arbitration Clauses.
  - (a) No need for counsel, although advisable.
  - (b) Most hearings by telephone, until the trial.
  - (c) Less acrimony.
9. Business Counsel. Use one. They are trained to look for inconsistencies.
10. Payment. Get paid up front or along the way as it is expensive to litigate. You sue, you lose.

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Joe A. Shull 202 -344-4821 [jashull@venable.com](mailto:jashull@venable.com)  
 American Cultural Resources Association Conference  
 Washington, D.C., November 11, 2005

*Joe Shull is a partner with Venable LLP, one of America's top ten law firms, and the firm that has provided ACRA assistance over the years. Joe practices general commercial law, with an emphasis on contracts. This list was presented as part of a session at the 2005 annual meeting in Washington D.C.*

## ACRA LIAISON COMMITTEE UPDATE

*Submitted By Laura Black*

The ACRA Liaison Committee exists to maintain open lines of communication between ACRA and other CRM industry and client-related organizations. The committee is currently developing new strategies and materials that would best fulfill the committee's mission.

Ongoing committee activities include ACRA representation at the annual meetings and conferences of a wide variety of liaison organizations. ACRA was recently represented by Mike Polk (Sagebrush Consultants, LLC, Ogden, UT) at the Society for Historical Archaeology Conference in Sacramento, CA, January 11-15, 2006. Upcoming Liaison Organization events include:

- Organization of American Historians—National Council on Public History Joint Meeting in Washington, DC, April 19-22, 2006
- National Association of Environmental Professionals Conference in Albuquerque, NM, April 23-26, 2006
- Society of Architectural Historians Conference in Savannah, GA, April 26-29, 2006
- Society for American Archaeology Conference in San Juan, Puerto Rico during April 26-30, 2006
- Society for Industrial Archaeology Conference in St. Louis, MO, June 1-4, 2006
- Transportation Research Board Committee ADC50 Committee Meeting in Williamsburg, VA, July 23-26, 2006
- American Association for State and Local History Conference in Phoenix, AZ, Sept. 13-16, 2006
- American Society of Landscape Architects Annual Meeting & EXPO in Minneapolis, MN, Oct. 6-9

As of January 2006, the following ACRA members serve as liaisons. Welcome to Diana Painter (Painter Preservation and Planning, Petaluma, CA) who

has recently joined the Committee as liaison to the Society of Architectural Historians.

- Diana Painter (Society of Architectural Historians)
- Mike Polk (Society for Historical Archaeology)
- Scott Lewis (Society of Industrial Archaeology)
- Laura Black (National Council on Public History)
- Don Weir (Society for American Archaeology)
- Marvin Brown (Vernacular Architecture Forum)
- Jeff Altschul (Register of Professional Archaeologists)
- Phil Ruth (American Association for State and Local History)
- Sarah Herr (SAA Committee on Consulting Archaeology, SAA's CRM Task Force)
- Charissa Wang Durst (American Institute of Architects)
- Mark Edwards (American Planners Association)
- Chad Moffett (American Society of Landscape Architects)
- Hope Luhman (Transportation Research Board, Committee ADC50)
- Tom Lennon (National Mining Association)
- Gail Thompson (NW Hydroelectric Association and the National Hydropower Association)
- Joe Schuldenrein (American Gas Association; NCSHPO)
- Duane Peter (Advisory Council on Historic Preservation)
- Carolyn Losee (National Association of Environmental Professionals)
- Al Tonetti (Ohio Archaeological Council, Government Affairs)
- Jeanne Ward (Council for Maryland Archaeology)

Please feel free to inform the committee of any thoughts, issues, news, or announcements that may be of interest to ACRA and a liaison organization.

If you would like to become involved in the development and operation of the committee, and/or if you are involved with CRM industry or client-related organizations and would like to be an ACRA liaison, please contact Laura Black at [lblack@chrsinc.com](mailto:lblack@chrsinc.com).

## LEGISLATIVE UPDATE

### THE PRESIDENT'S FY07 INTERIOR DEPARTMENT BUDGET REQUEST

*By Nellie Longworth, Consultant to Government Affairs Committee*

#### THE HISTORIC PRESERVATION FUND

The President's Budget was released on Monday, February 6. At first glance, the \$72 million appropriation for the Historic Preservation Fund (HPF) appeared to be the same funding level as FY06. However, the President has made changes in the HPF, setting aside \$32.2 million of the \$72 million for the creation of a new grants program: the American Heritage and Preservation Partnership Program (AHPPP). The newly named partnership program includes Save America's Treasures, Preserve America and Heritage Areas. Heritage Areas, the newcomer to the HP Fund and AHPPP, has historically been a line item in the NPS budget with FY06 funding of \$13 million. A close look at the funding for the partnership reveals a decrease of \$13.8 million from the appropriation levels of the three combined programs a year ago:

- Save America's Treasures - \$14.8 million for FY07 (\$30 million in FY06),
- Preserve America - \$10 million for FY07 (\$3 million in FY06), and
- Heritage Areas - \$7.2 million for FY07 (\$13 million in FY06).

Some simple addition shows that the FY06 total funding for the programs was \$46 million and has been cut to \$32.2 million (-31%)

The remaining \$39.8 million of the \$72 million is for the States, Tribes, and other funding, such as Historic Black Colleges and Universities. Last year, the States received \$36.5 million, the tribes \$4 million, and the HBCU \$3 million. This is a great disappointment to the

States and Tribes, who need resources to underwrite the completion of state and tribal inventories vital to expediting environmental and historic resource review.

#### OTHER INTERIOR PROGRAMS

The Department of Interior was funded for a total of \$10.526 billion, a 3% decrease from last year. This includes a slight increase for BLM, a cut of \$100 million for the National Park Service (reflecting the elimination of the Land and Water Conservation Fund stateside grants and a \$90 million decrease in the construction budget), and \$124 million reduction in congressional earmarks. There are increases to the Mineral Management Service, the Office of Surface Mining, and Payment in Lieu of Taxes program.

BLM's FY07 appropriation is logged in at \$1.760 billion, an increase of \$19 million. This includes \$863 million for land and resources management and an increase to process oil and gas drilling permit applications. The agency expects it will process 10,160 applications to drill in 2007. It is also on notice that the Budget proposes to divert 70% of the funds from BLM land sales to the federal treasury. Since 2000, 100% of funds have been used for conservation purposes within BLM. "It appears that a dramatic increase in oil and gas development on federal lands...has lessened BLM's ability to meeting its environmental responsibilities." (EENEWS 2/6/06)

The appropriation process will now get underway in the Congress, beginning with hearings and witnesses

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from federal agencies. Grassroots input is always important and the Annual Lobby Day – co-sponsored by Preservation Action, the National Trust, and the National Conference of State Historic Preservation Officers – will take place March 13-14 in DC. Information about Lobby Day can be found at [www.preservationaction.org](http://www.preservationaction.org).

ACRA will keep you up to date as the process unfolds. ACRA will plan a grassroots lobby effort when – or if - action is taken on the Discussion Draft and Section 106. If you have questions or comments, feel free to contact Nellie Longworth, Government Affairs/Washington Representative.

### **ACRA RESPONSE TO HOUSE RESOURCES COMMITTEE'S NEPA TASK FORCE REPORT AND RECOMMENDATIONS**

Last year, Rep. Pombo, Chair of the Resources Committee, appointed a NEPA Task Force and named Rep. Cathy McMorris (R-WA) as its chair. The Task Force held five hearings throughout the nation, most in very remote communities. The Task Force completed its work by publishing a number of recommendations for change to the NEPA process and requested comments from interested parties. ACRA responded with very detailed comments prepared by a team that included Joe Trinka, Karen Hartgen, Lucy Wayne, and Nellie Longworth. The comment format required response to each of nine areas of recommendation, many with more than one section to respond to. The final document is seven pages and is available on the [ACR-crm.com](http://ACR-crm.com) website. The House NEPA Task Force Report can be downloaded from [resourcescommittee.house.gov](http://resourcescommittee.house.gov).

### **CONGRESS RETURNS TO THE SECOND SESSION OF THE 109TH SESSION**

The 109th Congress reconvened in Washington last month for an important election year session. The Senate returned to the nation's capital in mid-January to debate and confirm the nomination of Samuel Alito to the Supreme Court by a vote of 58-42.

The House of Representatives officially returned on January 31 and took action quickly to elect a new Majority Leader – John Boehner (R-OH). Rep. Boehner won a majority vote on the third ballot over acting majority leader Roy Blunt (R-MO), who will retain his post of majority whip.

The general feeling is that the new leadership will not change the GOP's position on issues such as environment and energy, as both Boehner and Blunt are close allies of Tom Delay, who stepped down to challenge conspiracy changes in Texas. FYI - Rep. Richard Pombo, Chair of the Resources Committee, supported Boehner in the leadership vote.

## **MILLION DOLLAR OPPORTUNITY**

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## THE ADVISORY COUNCIL ON HISTORIC PRESERVATION'S ARCHAEOLOGY TASK FORCE

*By Daniel G. Roberts*

Among the many historic preservation issues that fall under the purview of the Advisory Council on Historic Preservation (ACHP) are those involving the requirements of the National Historic Preservation Act (NHPA) of 1966, and more specifically, the provisions of Section 106 of the act. Central among those provisions is the identification, evaluation, and treatment of historic properties (i.e., those resources that meet one or more of the criteria of eligibility to the National Register of Historic Places), including archaeological sites.

Following the August 2003 appointment of Julia King as the first archaeologist to be a member of the Council, Chairman John L. Nau, III established an Archaeology Task Force (ATF) to identify those archaeological issues that should receive priority action by the ACHP, and to recommend ways to address those issues. To assist in these tasks, the ATF sought and received input from professional archaeological organizations, including the Society for American Archaeology (SAA), the Society for Historical Archaeology (SHA), the Register of Professional Archaeologists (RPA), and the American Cultural Resources Association (ACRA); Federally-recognized tribes; and Federal, State, and Tribal Historic Preservation Officers, the National Conference of State Historic Preservation Officers, and the National Association of Tribal Historic Preservation Officers.

As a result of this process, three priority topics were identified to help the ATF focus its efforts, including 1) revisiting the ACHP's existing (1988) Policy Statement Regarding Treatment of Human Remains and Grave Goods, 2) crafting archaeological guidance documents for Section 106 practitioners and participants; and 3) identifying strategies for maximizing the rich potential of archaeological resources to enhance heritage tourism and public education. Each of these topics became priority issues due to their immediate currency among a wide range of archaeological practitioners.

Chaired by Julia King, the ATF consists of representatives drawn from Council membership. These representatives include practicing archaeologists, cultural resources legal council, and other cultural resources specialists representing a broad constituent range. Participants include the following:

Advisory Council on Historic Preservation  
Julia A. King, Chair  
Gerald Peter Jemison  
Staff: Tom McCulloch  
Laura Dean

Department of Agriculture (Mark Rey)  
Represented by Sarah Bridges

Department of Defense (Philip Grone)  
Represented by Maureen Sullivan, Paul Lumley,  
Lee Foster, Laurie Rush, and Virginia Busby

Department of the Interior (Fran Mainella)  
Represented by Sherry Hutt, Caroline Hall, and  
Tim McKeown

Secretary of Transportation (George Schoener)  
Represented by Owen Lindauer

National Conference of State Historic Preservation  
Officers  
Represented by Jay D. Vogt and Nancy Schamu

National Association of Tribal Historic Preservation  
Officers  
Represented by Alan Downer and Bambi Kraus  
Native American Advisory Group  
Represented by Ken Carleton, Vernelda  
Grant, Gordon Pullar, and Kelly Jackson

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And finally, the Task Force invited SAA, SHA, RPA, ACRA, and the American Association of Museums (AAM) to appoint individuals to serve as “resource persons” to the Task Force. Dan Roberts and Kay Simpson were selected to represent SAA, SHA, RPA, and ACRA, and Martin Sullivan was selected to represent the AAM by providing input as requested.

The ATF is a hard-working and exceptionally productive group of people that in a six-month period through the end of January 2006 has participated in well over a dozen meetings and teleconference calls. Much progress has been made, particularly with regard to revisiting the existing ACHP policy statement on human remains and funerary objects. On September 1, 2005, the ACHP published a notice of intent in the Federal Register entitled “Working Principles for Revising the ACHP’s Policy Statement Regarding Treatment of Human Remains and Grave Goods,” and invited public comment on the document. The comment period closed on December 2, 2005. The “working principles” consisted of six broad tenets to help guide the ATF in making revisions to the existing document. More than 70 comments were received (including those of SAA, RPA, and ACRA), and the ATF has evaluated all comments and taken them into account as it moves forward on revising the human remains policy. In addition, presentations were made by Julia King at the ACRA board meeting in November of 2005, the SHA board meeting in January of 2006, and a session is scheduled for the SAA meeting in May of 2006. Formal consultation on the human remains and funerary objects policy is expected to begin by early spring of 2006.

Progress has also been made in producing guidance documents for practitioners and participants in the Section 106 process. The purpose of this initiative is to develop a series of short documents that presents the ACHP’s guidance and interpretations regarding what the implementing regulations (36CFR800, as amended) require and do not require. Toward that end, several ATF subcommittees have been formed to tackle topics that

include: what constitutes a “reasonable and good faith effort to identify historic properties”; what is appropriate consultation; what is appropriate application of the National Register criteria; and what are appropriate alternative mitigation strategies. Additional topics to be addressed by the subcommittees include responsibilities of federal agencies for undertakings on private lands; curation and recordation of archaeological properties; and quality assurance in Section 106 archaeology. These are all difficult and subjective topics and concepts, but the subcommittees and ATF as a whole are committed to assisting the ACHP in producing guidance documents that will foster more consistency in the application of Section 106 on a national level.

The third topic of concern, enhancing heritage tourism and public education opportunities as they relate to archaeology, has yet to be addressed by the ATF. In essence, this topic centers on expanding the President’s Preserve America initiative by finding ways to enhance the public’s knowledge of and appreciation for archaeological properties. This initiative will be addressed by the ATF later in 2006.

The work before the ATF is challenging and of the utmost importance as we begin the fifth decade of archaeological practice under the purview of federal regulation. The treatment of human remains and consistency in the application of Section 106 have been vexing and controversial issues in our profession for many years, and the importance of archaeology to heritage tourism and public engagement initiatives cannot be overstated. We urge all concerned archaeologists to become familiar with these issues and participate in the public commenting process as the ATF moves forward with its important tasks in the months ahead. SAA, SHA, ACRA, and RPA members are also encouraged to communicate directly with Dan Roberts at [droberts@johnmilnerassociates.com](mailto:droberts@johnmilnerassociates.com) or Kay Simpson at [ksimpson@louisberger.com](mailto:ksimpson@louisberger.com) with any concerns or comments.

**THE BUSINESS OF CRM: CONTRACTING  
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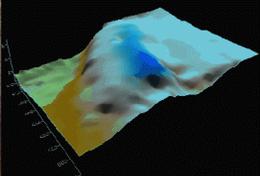
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# ACRA

## EDITION

1744 Washington Ave Ext, Rensselaer, NY 12144

### ACRA's Members-Only Listserver

ACRA now has an online discussion group just for members. "MembersOnly" is a listserver 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 Secretary, Scott Stull. Once you have supplied Scott with your e-mail address, he will subscribe you to this list. Contact Scott e-mail: [scott@hartgen.com](mailto:scott@hartgen.com).

### 2005-2006 ACRA EDITION SCHEDULE

DEADLINE	PRODUCTION
April 3	April 14
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August 7	August 18
October 7	October 13

### 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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