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(Board members who also are officers are listed on Page 2)



Lobby of the Hotel Monaco, site of the 2005 ACRA Annual Conference.

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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.

ACRA OFFICERS

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Karen Hartgen, *Hartgen Archaeological Associates, Inc.*

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ACRA Edition continues to offer advertising space to our members and our prices have not increased for nine years.

Does your company have a special product, service, or publication that would be of interest to some aspect of the CRM community?

Why not consider placing an ad in ACRA Edition?

Advertising Rates:	Per 6 Months	Per Year
Business Card size (3.5"x 2")*	\$100.00	\$175.00
1/4 page (3.5"x 4.75")	\$200.00	\$350.00
1/2 page (7.0"x 4.75")	\$300.00	\$525.00

MESSAGE FROM EXECUTIVE DIRECTOR

ACRA AND APPENDIX C

Submitted By Tom Wheaton

Recently, some ACRA members were concerned about my comments on MembersOnly about the Army Corps of Engineers' (COE) request for input on 33CFR325, Appendix C (See Processing the Department of the Army Permits; Procedures for the Protection of Historic Properties, p.5). As you may recall, the COE has used Appendix C to replace 36CFR 800, although the Advisory Council has never agreed with this. Appendix C went into effect in 1990, and since that time, the National Historic Preservation Act has been amended and the Advisory Council has "streamlined" its Section 106 regulations. In its announcement, the COE was asking whether they should keep Appendix C, replace it with 36CFR 800 in all cases, replace it for certain permits, or accept it but write their own counterpart regulations under a special provision of 36CFR 800. Since the COE recognized these changes in its Federal Register announcement, it may be time to push the idea of replacing Appendix C with 36CFR 800. Already, the Society for American Archaeology has circulated a letter supporting either of the last two options, and I felt that ACRA should support replacing Appendix C with 36CFR 800, the second option.

These concerned ACRA members felt that if we took the hard-line position that I advocated, we might cause a negative reaction, wherein the COE or others such as developers and property rights advocates would try to do away with 106 altogether, or would perhaps cause trouble for ACRA members who work for the COE. I had the distinct impression that my opinion was seen as rocking the boat and perhaps a little over the top, and that it might be better to take a more accommodationist position.

This concerned me because I do not see

myself as an extremist. After 10 years of operation, ACRA has, I feel, become an organization that needs to use its reputation and persuasive powers to make a difference for our members and for the industry generally. In fact, we have strived to do that all along.

From the beginning (mid to late 1970s) the private sector has sucked it in and not made waves. We did not make waves with SHPOs. We did not address inferior work done by our competitors, universities who compete with us using our own tax dollars and cheap labor. Nor did we create issues about federal COTRs who try to take advantage of us, or with agencies who do not want to fulfill their obligations. Until 1995, we were running scared.

But in 1995, some of us got together and decided that we should begin to try to do something about this. Every other profession had an organization to stand up for its interests, and we felt that our profession had matured enough to create a representative organization for ourselves. We have never been pushy or gone over the top with the federal agencies, but we have made our needs known (e.g. with the DoL on job descriptions and wage rates), and we learned about how the feds work (always talk to the CO, not the COTR, about contract related issues, take advantage of the appeals process, etc.). We have made a big impression in Washington, DC, (leading the charge to protect 106 and the ACHP in 1995, and with the Small Business Administration (SBA) size determinations this year, to name a few). We have lobbied in Congress for our issues, and we have had extensive discussions with

...continued on Page 4

federal agencies. If nothing else, we have made these folks aware that we and CRM exist. As an added bonus, they have asked us for input as the representatives of the CRM consulting industry. They like the idea of dealing with a single organization that can legitimately speak for the industry. We have, in effect, learned a little about how the world of Washington, DC, works over the past 10 years. In addition, I believe that we have learned that not making waves does not get us very far.

The COE handles Section 106 in a unique fashion. You may recall that many members were concerned that the Sanders ruling in the COE's Southern Region, which states that only the foot print of a project needs to be examined, might be used by other COE regions or even by other agencies to restrict their Section 106 responsibilities. This would be devastating, and is one of the reasons why we, along with the National Trust, Society for American Archaeology, and the Society for Historical Archaeology, supported Lee Pye in her efforts to fight it (PYE v. US, No 98-2229). We felt that the way that the COE handles contracting and their Section 106 responsibilities, particularly in areas of the country where most of our work is directly or indirectly a result of a COE permit, is of prime importance to the financial health of our members, to say nothing of the protection of the resource. Our position, along with that of the Advisory Council, has been that the COE should get on board with CFR 800. In addition to making the process more uniform, it will be more understandable to us, to State Historic Preservation Officers (SHPOs), and to our clients. The process will thus be more streamlined and less expensive all around.

The COE has now decided to get on the streamlining bandwagon. They have not shown any inclination to do so before. They were the ones who

introduced the idea of replacing Appendix C with CFR 800, and there seems to me to be no reason why we should not take them up on it. We probably will never get another shot at it, and if we lose, there is nothing to be lost by trying.

Since ACRA has come into being, my company has had a better feeling for how things work with the COE and other federal agencies. While I understand members' concerns that rocking the boat may get one in trouble with a client, we have found that clients are reasonable and are willing to learn new things, especially if they think you are working with them instead of against them. One of the advantages of being an association is that individual members don't have to take the heat. There is safety in numbers.

One of the biggest lessons our members have learned over the years, from my perspective at least, is that they need to get to know their SHPOs, treating them not as the problem, but rather as part of the solution. The confrontational attitude that most of us had 10 years ago has subsided greatly, as we learned and worked with these folks in a professional, constructive way. This is true for ACRA as an organization and for our members as individuals.

Finally, one thing we need to keep in mind is that Section 106 will be under increased attack from the property rights advocates over the next few years. This affects ACRA members, but it also affects all the CRM folks in the federal and state agencies. By streamlining, they have a better chance of keeping their jobs, too. As a result, it is entirely possible that the COE staff will want to do whatever is necessary to keep Congress happy, up to and including switching to CFR 800. This may be our last chance for a long time to really change the COE, and to eliminate the Sanders Ruling, and, in the process, protect more sites and contribute to the health of our industry.

PROCESSING THE DEPARTMENT OF THE ARMY PERMITS; PROCEDURES FOR THE PROTECTION OF HISTORIC PROPERTIES

The following is a summary that was taken from Page 57662, *Federal Register* / Vol. 69, No. 186 / Monday, September 27, 2004 / Proposed Rules. The full text can be viewed at:
<http://www.usace.army.mil/inet/functions/cw/cecwo/reg/33cfr325.htm#appendixC>

The U.S. Army Corps of Engineers (Corps) is issuing an advance notice of proposed rulemaking (ANPRM) to obtain early comment on issues related to fulfilling the requirements of Section 106 of the National Historic Preservation Act in the Corps Regulatory Program. Specifically, we are soliciting comments on how our permit application processing procedures should be revised as a result of the 1992 amendments to the National Historic Preservation Act and the Advisory Council on Historic Preservation's revised regulations on protection of historic property. We are also soliciting suggestions for facilitating government-to-government consultation with American Indian and Alaska Native governments, as well as consultation with State Historic Preservation Officers, Tribal Historic Preservation Officers, Native Hawaiian organizations, interested organizations, the regulated public, and other interested parties during the rulemaking process. Comments received in response to this ANPRM will be used to determine the course of action for revising our permit processing procedures for the protection of historic properties.

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Another way to see our new 12 minute video, "Pathways to
Archaeology," is to go to www.archaeologychannel.org.

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ACRA 2004 TREASURER'S REPORT

SEPTEMBER 30, 2004

FINANCIALS

By Colin Busby, Treasurer

Dues collected for 2004 were \$71,365. Our budget estimate was \$63,400. This change reflects the dues increase passed for 2004. Total income to date for 2004 is \$72,137.43. This total includes \$45.43 in bank interest and \$284 in advertising income. No surplus from the 2004 conference has been booked. Although our estimated income was projected at \$4,500, it will probably be somewhat less, or approximately \$4,000. ACRA also received \$125 in donations – all appreciated, every little bit helps. 2004 Expenses to date are \$50,893.35 (ca. 74% of our approved budget of \$69,000). Some minor adjustments may be needed in several categories with minor shortfalls (e.g., government relations, etc.)

Cash

Bank balance for ACRA's Account, as of August 31, 2004, is \$84,459 (Note: this includes conference registration funds not yet dispensed for the conference). I am still continuing with the reconciliation of the books from 2000 onward, and there may be slight adjustments to some of the figures. Conversion to a new accounting system other than Quicken is in progress.

Tax Status

ACRA is current on all taxes. Year 2003 taxes have been filed. No tax was due. ACRA is set up to do our taxes on an accrual basis. I am exploring a change to a cash basis.

2005 Budget(s) and Review

Several 2005 budgets were reviewed by the board, all with proposed "transition" costs to allow for the recruiting and retention of a new Executive Director as well as costs related to the transition between the old and the new. After much discussion, the 2005 budget (see Page 7) with a deficit of \$10,850 was passed by the Board. The budget assumes that member firms will contribute to the transition costs. Donations for the transition are budgeted at \$26,800. The deficit will increase if this goal is not met. Please consider a donation to help with the transition.



CHRS, Inc.

Cultural Heritage Research Services, Inc.
Archaeology, Research & Historic Preservation

If your CRM firm needs specialized expertise or temporary assistance, CHRS can provide you with:

- historic, urban, or industrial archaeology
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- a wide variety of environmental policy-compliance and planning-related activities and documentation

Contact Nadine Miller Peterson
Director, Historic Preservation - CHRS, Inc.
403 E. Walnut Street, North Wales, PA 19454
215-699-8006 (Voice) 215-699-8901 (FAX) www.chrsinc.com

ACRA BUDGET 2005

Adopted by ACRA Board September 30, 2004 - Riverside, CA

2005 Estimated Expenses

General Fund	Budget	Notes	Comments
Internet Services	\$900.00	Web + Earthlink	
Advertising - ACRA \$0.00		(Ads in newsletters, etc.)	None in 2005
Insurance & Bond	\$1,600.00	(Liability insurance)	
Newsletter	\$10,300.00	6 issues @ \$1716.66	
Management (NSA)	\$35,100.00	12 mos @ \$2925 mo	(est. 40-44 hrs per mo)
*ExecD Travel/Per Diem	\$2,000.00	(Bd meet + Conference)	
ExecDirector Conference Setup	\$10,800.00	Wheaton conference setup time	est. 160 hours
Transition Services - NSA	\$10,800.00	Wheaton "transition" time	est. 160 hours
Salary Survey	\$6,200.00	(estimate only)	
ExecDirector Search & Fees	\$10,000.00	(estimate only)	
ExecDirector Transition	\$6,000.00		
Government Relations	\$15,170.00	12 months @\$1264.17	
*Lobbyist Travel/Per Diem	\$500.00	(2005 Confab in DC)	
Phone (long distance)	\$150.00		
Postage	\$500.00		
Printing/Copying	\$500.00		
Supplies	\$300.00		
Tax Preparation	\$500.00	(Statement)	
Board Meeting	\$500.00	(Misc. expenses)	
Legal	\$0.00		
Display Travel	\$750.00		
Expenses for Awardees	\$500.00		
Bank Charges \$120.00			
President's Discretionary Fund	\$2,500.00	(Voted at Albany Board Meeting)	
Misc	\$500.00	(for various and sundry items)	
TOTAL EXPENSES	\$116,190.00		\$ 0.0% expended

2005 Estimated Income

Advertising	\$200.00
Bank Interest	\$40.00
Conference Fees (net) 2005	\$4,500.00
Donations	\$300.00
Transition Donations	\$26,800.00
Newsletter Ads	\$1,000.00
Member Dues 2005	\$72,500.00
TOTAL Income	\$ 105,340.00
INCOME LESS EXPENSES	(\$10,850.00*)

*Assumes No Dues Increase

LEGISLATIVE UPDATE

THE FUTURE: A BIG PRESIDENT BUSH REELECTION MAJORITY AND A MORE AGGRESSIVE GOP CONGRESS

By Nellie L. Longworth, Consultant to Government Affairs Committee

As the election results rolled in, it became clear that President Bush had a larger than expected victory over John Kerry, and that Congress would have greater GOP majorities in both the House and Senate to make his agenda happen. President Bush called it a mandate and declared it provided the capital needed to move forward on his programs, including an Energy bill, drilling in ANWR, relaxing certain pollution measures, and making significant changes in the court system.

The GOP-lead Congress will help in attaining his goals. The 109th Senate will include 55 Republicans, 44 Democrats and 1 Independent. This is "filibuster proof" since a filibuster requires 60 votes to stop floor debate. However, it is not "budget resolution proof" when a provision such as drilling in ANWR is included in the resolution legislation, requiring only a majority vote (51) to pass. The House supported drilling in the 108th Congress and it was a very different Senate that narrowly voted against it. It is also likely that the new majority will mean an additional GOP member on each committee at the expense of a Democrat member.

The House of Representatives GOP majority was also bolstered with a total of 231 Republicans, 210 Democrats, 1 Independent, and 2 unknown due to a runoff election to be held this month in Louisiana. The strong Republican leadership in the House will continue to pursue the overhaul of a number of existing laws, a program started in the last Congress.

The Administration and Congress will be in

agreement on the need to streamline many laws and regulations. This is nothing new, as we have seen various industries challenge the Section 106 process and 4(f). The mining industry, the pipeline industry, the Federal Communications Industry, SAFETEA, and the Corps of Engineers have challenged the review requirements in various ways and have provoked some changes, both regulatory and legislative. All challenges were threats and their resolution was not always what our industry had hoped, but there have been compromises with which we could live.

Lessons have been learned from these experiences. In the challenge to Section 106 by the telecommunications industry, a working group that was initiated by the Advisory Council on Historic Preservation spent three years wrangling over adequate areas of potential effect (APEs), what should qualify as historic, who should make the determination, and whether professionals should be required to undertake the consultation process. The final FCC programmatic agreement is a compromise, not totally satisfying either to industry or to CRM, but not sacrificing the qualified resources either.

Some of the known issues in the next Congress are the Highway bill (Section 106, 4(f) and protection of historic resources on the Interstate Highway System), the US Army Corps of Engineers (Section 106, Appendix C), and National Parks and Public Lands (roads, mineral extraction, drilling). There is also growing concern about congressional action to deny citizens the right to appear in court to

defend themselves and their communities against environmental assaults and dangers. Action is further expected on Clean Air, Clean Water, Endangered Species, and other laws that challenge industry and private property rights. There will also be battles over appropriations as the deficit looms and discretionary funding becomes the target.

The good news is that the Preserve America Program is a favorite of the First Lady and will continue to prosper under the Chairmanship of John Nau, who, among other activities, remains engaged in meeting with agencies on Section 106 issues.

The challenge is to develop a good response capability within ACRA. The organization should be at the table as issues arise in agencies and the Congress. As the trade organization of small and large CRM businesses, we represent professional stakeholders who are fully qualified to share our experience and expertise on difficult legislative and regulatory issues. We can support streamlining, make the processes more efficient, and protect the resources if we get a place at the table.

It's going to be an interesting ride! Are you willing to get involved?

Keith C. Seramur, PG Geomorphology & Geoarchaeology



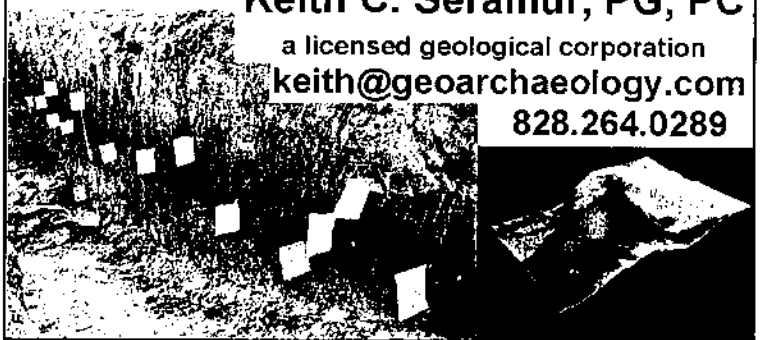
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Keith C. Seramur, PG, PC

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MEMBERS PROFILE



Circa, Inc. is a woman-owned cultural resources consulting firm located in Raleigh, North Carolina, and working in the southeastern and mid-Atlantic regions. Circa specializes in NEPA/Section 106 Compliance, Historic Architecture Surveys, Preservation Planning, and National Register Nominations. The cultural resource professionals of Circa have over thirty years of experience identifying and evaluating cultural resources. Circa is distinguished by our thorough knowledge of historic preservation regulations and review procedures, strong working relationships with review agency personnel, and our commitment to providing exceptional and efficient service to our clients. Circa is certified as a Disadvantaged Business Enterprise (DBE) by the Departments of Transportation in North Carolina, South Carolina, Virginia and Georgia.

Principals April Montgomery, AICP, and Ellen Turco have over a decade of experience in the cultural resources field. April has worked in the field of historic preservation in North Carolina, Tennessee, and Florida with considerable experience in preservation planning and Section 106 compliance. Ellen has worked in the field of historic preservation for both state and local governments, for private consulting firms, and as an independent contractor. Debbie Bevin, Architectural Historian, brings a wide range of experience and expertise to Circa, including her work for the National Register of Historic Places, the Georgia Trust for Historic Preservation, and the North Carolina State Historic Preservation Office.



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2004 NEW ACRA MEMBERS

ACRA would like to acknowledge our new members

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ACRA encourages new members to submit their profile.

ACRA

EDITION

6150 East Ponce de Leon Ave., Stone Mountain, GA 30083

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 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.

2005 ACRA EDITION SCHEDULE

DEADLINE	PRODUCTION
February 7	February 21
April 4	April 18
June 6	June 20
August 1	August 15
October 3	October 17

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.

Please address comments to:

Jeanne Harris, Editor
ACRA News
ejharris@aol.com

or

Thomas Wheaton,
Executive Director
c/o New South Associates, Inc.
6150 East Ponce de Leon Ave.
Stone Mountain, Georgia 30083
770-498-5159

advertising space available

ACRA Edition offers advertising space to our members. Does your company have a special product, service, or publication that would be of interest to some aspect of the CRM community?

Why not consider placing an ad in ACRA Edition?

Advertising Rates:	Per 6 Months	Per Year
Business Card size (3.5"x 2")*	\$100.00	\$175.00
1/4 page (3.5"x 4.75")	\$200.00	\$350.00
1/2 page (7.0"x 4.75")	\$300.00	\$525.00

* Business cards can be scanned.