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Cell Panel Discussion ACRA Cincinnati Conference

By Jo Reese

The September 2001 ACRA Conference in Cincinnati hosted by Gray & Pape, Inc., continued the tradition of the ACRA conferences as being very useful and fun. As part of the conference, I moderated a panel discussion on "Cell Towers and Cultural Resource Issues." ACRA was very fortunate to have representatives from the FCC, Advisory Council, and the communications and tower industries as well as cultural resource representatives. On the panel were:

- Charlene Dwin-Vaughn, Advisory Council on Historic Preservation, Washington, DC, Office, and Chair of the Telecommunications Working Group (TWG)
- Frank Stilwell, Federal Communications Commission
- Lisa Adkins, Ohio State Historic Preservation Office
- Karen Guthrie King, Director, Government Relations, Personal Communications Industry Association
- Scot D. Sandeful, Compliance Manager for American Tower
- Autumn Rierson, National Trust for Historic Preservation
- Marion Almy, Archaeological Consultants, Inc., ACRA member
- John Nadolski, Pacific Legacy, ACRA member

The objective of the panel discussion was to provide an exchange of information about the roles and needs of each group—the FCC, Council, SHPO, tower company, licensee, and cultural resource consultant—in the process of compliance with the legal framework for cellular facilities. I felt that as part of the discussion, those on the panel would become aware of the wealth of experience and professionalism that ACRA-member firms can provide for assisting with the regulatory needs of the industry.

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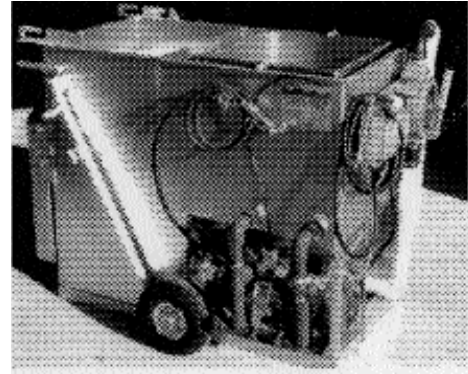
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MESSAGE FROM THE PRESIDENT

By Susan Chandler

ACRA's Seventh Annual Meeting in Cincinnati was a great start to our organization's new year. My thanks to Marcy Gray, Kevin Pape, and the Gray & Pape staff for an excellent conference. As those of you who have attended ACRA's conferences can attest, our annual meetings may well be the biggest benefit of ACRA membership. I don't know about the rest of you, but when I embarked on a career in archaeology, I never envisioned ending up as a business person. Getting together with other CRM professionals from across the country at an ACRA meeting is completely unlike attending other conferences. Sure, the other professionals at the SAA meeting share my passion for archaeology, and the business professionals at that management workshop or Chamber of Commerce meeting share my desire to run a successful business, but nowhere but an ACRA meeting can I sit down with other CRM professionals who share both my concern for cultural resource preservation and understand the unique nature of my business concerns, the problems our industry faces, and our hopes and plans for the future. The sharing of information and problem solving that we can accomplish when we can literally put our heads together in a forum such as the annual meeting is unequalled. Isn't it a relief to discover that you aren't the only one who has had a certain experience? (Especially when you discover that someone else knows how to remedy the situation!)

The annual meeting also provides continuing education, networking opportunities with potential business partners and subcontractors, and a chance to talk with OUR contact in Washington, D.C., Nellie Longworth. ACRA has a vitally important role to play and is being increasingly looked to at a national level to provide leadership and training in critical CRM issues.

I hope that you will all mark your calendars now for our 8th annual meeting at the DeSoto Hilton in Savannah, Georgia, October 24-27, 2002.

I look forward to serving as ACRA's president for the upcoming year and I would like to welcome the new board members and officers and thank the outgoing ones — but please note that I am NOT bidding farewell to the outgoing board members and officers. As our Past-President Kay Simpson so aptly pointed out in Cincinnati — "There is no [e]X in ACRA!" I urge you to contact me directly with your ideas and concerns.

Susan M. Chandler, President
c/o Alpine Archaeological Consultants, Inc.
970-249-6761
alpine@alpinearchaeology.com

MEMBERS ONLY

*By Lucy B. Wayne, Ph.D, RPA
SouthArc, Inc.*

WHY SERVE ON THE ACRA BOARD? A SMALL BUSINESS PERSPECTIVE.

A year ago I was asked to run for election to the ACRA Board of Directors. I was somewhat hesitant since our firm had never been particularly active in ACRA, we had never attended a conference, and had recently even considered dropping our membership since we were not sure we were getting sufficient benefits to offset the cost. However, the members who recruited me were persuasive, offering the arguments that I would learn a lot more about what ACRA does for us, and would make contacts which could possibly result in more business. They also indicated the costs were not substantial; basically attendance at two meetings per year, plus minimal time in between devoted to correspondence. I took the bait, and now I'm glad I did.

What have I gotten from my service? Well, I have now attended two ACRA conferences and found them to be extremely helpful in terms of business practices. I've learned an incredible amount concerning what ACRA actually does for its members and how involved the organization is in insuring that the laws and regulations which provide the basis for our industry remain intact and reasonable. I've also learned how much effort the organization puts into promoting contracting with ACRA member firms. ACRA members, your board works hard for you!

I still sometimes think that the board's concerns and activities are more helpful for the larger firms than they are for small firms, but I also know that the board members do care about the opinions of small member firms and their problems. They do listen to the small firm board members and give their input equal weight on all

issues. I now realize that often the issues for small businesses are at a more local level which ACRA can't really deal with. However, the actions they are taking at the national level often filter down to impact the local level as well. Overall, I think the concept and activities of ACRA are good for the industry as a whole and will ultimately benefit all of us.

Most of all, however, I have gotten to know a terrific group of people whom I would probably never have met otherwise. Small or large, we share some of the same concerns and problems. But most of all, we talk the same language; there are no academics looking down on us because we are in CRM. And I find that the larger firms are genuinely willing to provide advice to smaller firms and input on problems, because they were once small themselves. I think they also believe that helping other businesses will ultimately improve opportunities and the nature of our business for all sizes of firms.

Now, the final issue: has it helped our bottom line? Not to date—in fact it has cost money. In terms of work-hours, my participation on the board has had a relatively small impact on my overall time; probably no more than 100 work-hours per year, primarily over two weekends. But attending the conferences probably costs about a \$1000, while the interim board meeting was about half of that cost. Nor have I made any alliances which have led to contracts or subcontracts for our firm. Would I do it again anyway? Absolutely! The people I've gotten to know and the things I have learned from both the board meetings and the conferences have been worth every penny!

Cell Towers..

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I also wanted the conference attendees to gain more of an appreciation of the needs of the industry. (For some background on the cellular industry and issues related to cultural resources, see articles in the February 2001 (7:01) and June 2001 (7:03) *ACRA Edition* newsletter.)

At the outset, to get a feel for the level of understanding of cell tower issues among the audience, I asked how many people had done cultural resource studies for cell tower projects. Nearly everyone had done at least a few cell tower projects and many in attendance had done studies for 100 or more cellular projects. I think that showing this level of experience may have impressed the panelists.

After a brief orientation describing the regulatory framework the cell tower siting process is under, and a summary about progress in resolving some of the issues, each panelist gave a short presentation about their role in the process. I had asked that the panelists think of up to three things that need to be done to make the process work better, from each panelists' point of view. The conference schedule allowed for a few questions and answers at the end of the panel discussion, and it was clear that the discussion could have used an entire day rather than just the afternoon.

This session was very well attended. The panelists were very eager and skilled at providing their point of view, were very congenial with each other and the audience, and had much to tell us. I found I learned quite a bit from each presenter, especially the constraints each person has in their role or job and what they see as their main frustrations. For those of you who are interested but were unable to attend the session, here are just a few items from the discussion. (Please note that this is not a thorough summary of the discussion, and I hope that I have not misinterpreted or misrepresented anyone's contribution.)

All of the panelists urged that a better job could be done by the professional cultural resource community if we understood their needs. Scot and Karen wanted us to know how they go about making decisions for siting and the time

constraints they are under. Charlene wanted consultants to understand the Telecommunications Act, the Section 106 process, the Council's comments on delegation of responsibility, and the Nationwide Programmatic Agreement (PA) on Collocations. Frank explained that the FCC gets more actively involved when there is an adverse affect. Lisa noted that the SHPOs are at the end of the process and should be involved earlier. Autumn suggested that there could be more creativity and flexibility for mitigation plans.

Some of the new information presented during the discussion was the revelation by Scot that there will be even more towers needing compliance studies as the new digital technology comes on line. For example, high definition TV towers will be between 2000 and 3000 feet high. Scot also outlined how cultural resource firms are hired by his company. Because of intense competition in the industry, licensees and tower companies have often been reluctant to reveal much information about their projects. This has caused frustration from cultural resource consultants and SHPO reviewers. Scot's information was very helpful and valuable.

As noted by several panelists, non-professionals continue to prepare the cultural resource documentation submitted by many licensees. There is a desire by the tower and cellular industry that the playing field be level, and an understanding that if the rules were enforced, then licensees would comply. John noted that there needs to be a clear process in place, and Marion noted she felt that individual SHPOs could develop programmatic agreements. Charlene pointed out that one of the next things that the TWG is going to do is develop a prototype PA for use by states.

Comments from the audience stressed that the FCC needs to have a cultural resource professional at that agency to assist with the process. The delegation by the federal agency to its licensees to complete the studies needed for compliance with the National Historic Preservation Act and the National Environmental Policy Act has meant that the roles have become fuzzy and difficult for all parties. Another

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Cell Towers..

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CRM Magazine: New Directions

On August 14, Executive Director Tom Wheaton represented ACRA at the National Park Service's workshop on new directions for CRM magazine. This workshop is partially in response to a change of editors. Other workshop members represented US/ICOMOS, AASLH, NCSHPO, NCTHPO, SAA, and various federal agencies. The schedule has already been set for the next year or so, but within 18 months changes should be evident in CRM. Among other issues discussed were the single topic editions that had articles that were too short to be useful, the lack of variety within editions, the lack of variety in the topics and points of view expressed, the use of conference symposia to fill up editions, and the lack of sector variety represented on the steering committee.

suggestion was that the industry could fund positions at the SHPOs to review the submittals, since the timeliness of the reviews has been an issue.

I want to thank the panelists for making the afternoon a great success. I have heard wonderful comments from the presenters and audience members about the value of the discussion. The benefits of the afternoon have continued with ACRA's role as a member of the TWG. I also want to thank Tom Wheaton for sharing his notes of the discussion, which helped me to interpret my own jottings.

(As this is being submitted for publication, I can report several developments. An outline has been developed by the Council for a state-based PA and the TWG has started work on the process of drafting it, with an internal deadline of early spring 2002 for completion. The FCC recently announced that it has been given approval to hire a cultural resource professional to assist the Wireless Bureau. And, inclusion of the Broadcasters' facilities in the Nationwide PA for Collocation that was developed to address the needs of the FCC's Wireless Bureau is presently under discussion by the FCC and the TWG. The tasks of the TWG are expected to be completed by the summer of 2002.)

Jo Reese, Chair
ACRA Cell Tower Subcommittee
Archaeological Investigations Northwest, Inc.
Portland, Oregon

SUMMARY OF 2001 ANNUAL BOARD MEETING

The ACRA Board of Director's Autumn 2001 meeting was held in conjunction with the annual meeting in Cincinnati, Ohio. Gray & Pape, Inc., sponsored both meetings at the Omni Netherland Hotel. The main topics discussed at the board meeting were the following.

Old Business

1. The Treasurer's Report was submitted by Don Weir. He discussed the state tax exemption process, which he will attempt to take care of for the next meeting. ACRA is in excellent financial shape. Report includes 2001 budget with expenditures to date.
2. The Conference Committee report, presented by Marcy Gray, focused on the statistics for the 2001 annual conference in Cincinnati. Details are summarized in the October issue of the ACRA Edition.
3. There was a discussion of the status of the package of priority issues for MembersOnly Web Site. An effort will be made by Jeanne Harris and Tom Wheaton to assure that all back issues of the ACRA Edition are available from this site.
4. Policy Amendments were discussed. In particular, the sections of the policy that pertain to direct election of officers by the membership. This was referred to the nominating committee for review and language modification.
5. The establishment of a formal performance evaluation process for the Executive Director was discussed. Current procedures, which have not been formalized, include a review form given out at the past presidents' luncheon and a poll of the committee chairs conducted by the president.

New Business

1. Committee Reports

Labor Committee: Jo Reese is standing down as chair of this committee and Kevin Pape has been appointed as the new chair.

As part of the ongoing difficulty in providing the Labor Department with information on real salary ranges for archaeological technicians, some firms have been tracking rates posted in job announcements posted to list servers on the Internet. This discussion led to the realization that there was a need to provide the membership with information on pay rates in the industry. Mike Polk was asked to summarize this information in an article to be published in the ACRA Edition. This article is to highlight the issues raised by such surveys, such as titles and position descriptions, and is to address the trends of pay scales over time.

Governmental Relations (Loretta Lautzenheiser):

The ACRA Cell Tower Subcommittee (Jo Reese): reported the latest information on the the Cell Towers and Telecom Working Group. (This report and other information on the topic of cell towers is detail elsewhere in this newsletter.)

Federal Contracting: Connie Ramirez was asked to address the board about her program developed for the National Park Service to enhance training federal agencies about CRM. She found a gap in training of the senior staff within the Federal government. She noted that environmental and energy people have done a better job making senior federal staff more aware of their issues, technical issues and such, than those in historic preservation. To assist this institute in getting the FPOs together, she has set up meetings with them once a month. From the meetings, the FPOs noted that they wanted something for briefing their senior staff on historic preservation. There was a discussion about what relationship ACRA could have with this institute.

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Annual Board Meeting ..

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Ramirez encourages ACRA to e-mail her ideas for training at the Institute and to send her material on any courses that ACRA is involved in and she can get them into the database.

Capital Hill Issues (Nellie Longworth): The owner consent problem coming out of the pipeline legislation now under consideration is providing a slippery slope. The problem with this issue is with FERC. FERC has gone too far for historic pipelines. The only solution that she sees is for the Council to go to FERC and provide a programmatic comment on FERC's rigid regulation. This is a very serious situation. There is a senator who understands this slippery slope situation, so that is a bright spot in all of this.

Nomination Committee (Kevin Pape): Kevin Pape reported on the election. (See Election Results in the October issue of the ACRA Edition.) This was followed by a discussion regarding the difficulty in getting members to run for board positions and what actions can be taken to show the membership the benefits of serving on the board. (See "Why Serve on the ACRA Board: A Small Business Perspective," by Lucy Wayne, Page 4.)

Education Committee (Steve Mehls): Mehls handed out the draft Education Survey for the Board to review. President Kay Simpson asked that the Board provide comments to Mehls by the end of the annual meeting.

Newsletter Committee (Susan Chandler): Chandler reported that the biggest challenge continues to be to get topical articles. The board deliberated several possible topics and a more successful manner of obtaining articles for the newsletter.

Membership Committee (Marion Almy): Marion reported that there are 20 new members located throughout the country, however, with the loss of membership, this represents only a net gain of 4 members. The following discussion focused on why members were leaving. David DeVries noted that membership attrition is not unique to ACRA, but is a problem

for all organizations. The general consensus was that ACRA needs to improve its brochure. Tom Wheaton and Marion Almy agreed to work on improving the brochure.

Awards Committee (Charissa Wang): The Awards Committee reported that there were only three submissions for awards this year. There were several suggestions regarding how to increase the number of submissions. These included:

- an awards nomination package
- publishing the winning nomination package (either in the newsletter or on the web site)
- The inclusion of a government award that would help with historic preservation and legislation
- financial assistance for awardees to attend awards ceremony

This last suggestion prompted a motion:

that there be a discretionary fund line item added to the budget for the awards committee to cover cost for those who win an award, such as hotel, meeting registration, meals, etc. The dollar figure will be part of the normal budgetary discussions.

Charissa will develop guidelines for this discretionary fund to be reviewed by the Board.

Contract Seminars Committee (Kevin Pape): Kevin Pape reported that ACRA has been invited to the Society for Historical Archaeology to give the *Business of CRM* workshop. Terry Klein told the board that The Society for American Archaeology (SAA) has approached ACRA regarding conducting a "budgeting" workshop. Dana McGowan is interested in developing and teaching this workshop, using her internal company materials that she has developed. Klein, McGowan, Loretta Lautzenheiser (on the FAR) and Mike McFaul will organize. Klein will head up the effort and will contact SAA that ACRA will do the workshop.

Liaison Committee (Wheaton): ACRA now has a VAF liaison, Marvin Brown of URS Corporation. Also Chuck Niquette is the RPA liaison. ACRA is looking for liaison with AASHTO through their Cultural Resource Committee. American Association of State and Local Historians (AASLH) is another possible liaison relationship. Wheaton noted that they do their own training and ACRA may be able to tap into their training programs.

2. 2002 Budget

Don Weir outlined the 2002 budget, noting that there will be a 3% increase in major areas over the 2001 budget (See Page 10). Changes to this proposed budget include:

- a line item for new award funding under expenditures
- a line item for Business of CRM Workshop under expenditures
- a line item for salary survey under expenditures
- a line item for contract seminars under income

A motion was approved to accept the 2002 budget with these changes.

3. Meeting Location for Spring 2002 Board Meeting

The Spring 2002 board meeting will be held in Florida, March 1st - 3rd. Marion Almy and Lucy Wayne will find an appropriate location.

4. ACRA Archives

Jeanne Harris noted that she will no longer be able to maintain the ACRA archives. Until another archivist can be located, it was suggested that materials for the ACRA archives be sent to the executive director.

New ACRA Member..

ACRA would like to welcome our new Corporate Member:

Southeastern Archaeological Research, Inc.
(Membership began 11/6/01)

Anne V. Stokes, Ph.D.
1211 NW 10th Ave.
Gainesville, FL 32601
Phone: 352 338 1144
Fax: 352 338 0070
E-mail: anne@searchinc.com
Disciplines: AH-A

SEARCH provides archaeological surveys and mitigative excavations, historic structure assessments, evaluations of NRHP eligibility, cultural resource management plans and predictive models, and educational programs and displays to public and private sector clients.

Changes..

Please note the new e-mail address for Julia Costello:

Costello@Foothill-Resources.com

Please note the new e-mail address for Christine Davis:

chris.cdc@verizon.net

**American Cultural Resources Association
Draft Budget 2002
Submitted to Board of Directors September 6, 2001 - Cincinnati,
Ohio**

2002 Estimated Expenses

<u>General Fund</u>	<u>Budget</u>	
Internet Services	\$900.00	
Bank Charges	\$150.00	
Conference (includes workshops)	\$7,000.00	
Contract Seminar Travel	\$00.00	
Insurance	\$1,600.00	
Newsletter	\$7,000.00	
Archives	\$0.00	
Management (NSA)	\$30,500.00	
Government Relations	\$12,100.00	
Phone (long distance)	\$500.00	
Postage	\$1,000.00	
Printing/copying	\$1,500.00	
Supplies	\$300.00	
Tax Preparations	\$450.00	
ACRA Travel	\$1,200.00	
Display Travel	\$2,800.00	
Miscellaneous	\$3,900.00	
TOTAL EXPENSES		\$70,900.00

2002 Estimated Income

Bank Interest	\$2,800.00	
Conference Fees (including workshops)	\$14,500.00	
Contract Seminar Income	\$00.00	
Donations	\$500.00	
Newsletter Ads	\$100.00	
Members Dues	\$53,000.00	
TOTAL INCOME		\$70,900.00
INCOME LESS EXPENSES		\$00.00

Historic Preservation Review of Wireless Facilities: Why So Complicated? May 2001

By Tom King

Introduction (August 2001)

I prepared this essay at the request of an environmental planning firm for distribution to its telecommunications clients, but in the end the firm decided not to use it and released it back to me. I include it here for a couple of reasons: because it addresses a current hot topic in the Section 106 world, and because it shows (I think) how a few words in an agency's regulations can horribly complicate what should be a relatively simple process of Section 106 review. Rather backhandedly, it illustrates something else: the solutions I suggest will almost surely never be pursued, because doing so would require people to step out of what they understand to be the standard prescribed procedures for Section 106 review. In this way the essay illustrates what (I think) is wrong with the way Section 106 is implemented generally.

Background

The regulations for compliance with Section 106 of the National Historic Preservation Act (See The Wire 1:1:2) don't work equally well for all kinds of agencies and projects. For this reason, the regulations (36 CFR 800) allow for "Programmatic Agreements" (PAs). A PA adjusts the standard Section 106 review process, or replaces it with a process that achieves the goals of the statute (taking effects on historic properties into account) in a more convenient way for the agency, program, or applicants involved.

The Federal Communication Commission's (FCC) program for licensing wireless facilities is one program for which the standard procedures don't work well. This appears to be largely the result of FCC's National Environmental Policy Act (NEPA) regulations, which require a detailed Environmental Assessment whenever a telecom project "may affect" a historic property or an "Indian religious

site" (47 CFR 1.1307(a)(4)&(5)). This causes operators to seek determinations under the Section 106 regulations that there are "no historic properties subject to effect" by their projects (36 CFR 800.4(d)(1)) – an extraordinarily difficult thing to achieve, and a determination that State Historic Preservation Officers (SHPOs) are reluctant to go along with unless it's very justified. This causes endless wrangling, finger-pointing, project delays and undue costs.

FCC's Programmatic Agreement

FCC has tried to address this problem with respect to the collocation of wireless antennas on existing structures. On March 16, 2001, FCC announced execution of a PA with the Advisory Council on Historic Preservation (ACHP) and National Conference of State Historic Preservation Officers (SHPOs). In essence, the PA limits Section 106 review of collocated wireless facilities, providing for substantial review to take place only under very limited circumstances, such as where:

...the tower ... has been determined by the FCC to have an effect on one or more historic properties, unless such effect has been found to be not adverse... or (where any adverse effect) has been resolved...

The PA does not address facilities that are *not* collocated.

Sprint's Petition

On May 2, Sprint PCS petitioned FCC for reconsideration, arguing that FCC cannot impose rules for

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Review of Wireless Facilities..

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Section 106 compliance on wireless operators, or that if it can do so, it cannot impose the rules that Sprint interprets the PA as imposing. Some of Sprint's supporting arguments are based on the Communications Act and are beyond my competence to address, but two of them rest on misinterpretation of NHPA, a statute with which I am intimately familiar. In summary, these arguments are:

- (1) NHPA does not apply to wireless antenna siting because FCC does not control siting; and
- (2) If NHPA does apply, it requires consideration only of impacts on properties that have been placed on or formally determined eligible for the National Register of Historic Places.

Critique of Sprint's Arguments

Let's look at Sprint's second argument first.

Despite some very selective Sprint citations, the great bulk of Federal guidance and case law make it clear that when NHPA says, at Section 106, that agencies must consider the effects of their actions on properties "included in or eligible for" the National Register, it means just what it says: "eligible for," not "formally determined eligible for by the Secretary of the Interior." An analogy can be drawn with wetlands: while standing up to one's knees in mud, one does not say that a wetland is not wet because it hasn't been officially determined so; one says it's wet and proceeds to address its wetness in planning. In the same way, a property that nobody has ever even seen may be eligible for the Register if it meets the eligibility criteria. A large part of the Section 106 process entails determining whether properties *do* meet the eligibility criteria.

Ironically, before 1986 the Section 106 regulations required consideration only of properties formally determined eligible, following an elaborate eligibility determination process established under President Nixon's Executive Order

11593. This process caused tremendous undue delay, so the Reagan Administration saw to it that it was removed from the regulations. That Sprint should want to undo this successful effort at regulatory simplification illustrates the truth of the adage that those who do not know history are destined to repeat it.

Sprint's other argument is more difficult to dismiss; in fact, on its surface it seems sensible to this non-attorney. Section 106 applies only to actions under the direct or indirect jurisdiction of a Federal agency. If FCC doesn't regulate the construction of towers, then tower construction projects surely are not under its jurisdiction, and Section 106 doesn't apply.

There are at least two problems with Sprint's position, however:

First, FCC's regulations suggest that FCC *does* regulate tower construction. 47 CFR 1.1312 extends environmental review requirements to "facilities for which no Commission authorization prior to construction is required," and 47 CFR 1.1307(b)(5) requires compliance with FCC's NEPA procedures by "all existing facilities." Whatever the logic of these provisions, as long as they exist, FCC *is* regulating tower construction, and must carry out Section 106 review.

Which brings us to the second problem. Even if siting were not itself subject to review, FCC's overall regulatory program certainly is, and to the extent that regulation influences tower siting, such siting is an effect of the program, and hence is subject to Section 106 review. Presumably the program does influence siting — it strains credulity to think that anyone would build a tower without expecting approval to put facilities on it — so FCC needs to find some way to make sure that the impacts of siting are reviewed.

The way FCC has found, through its "EA on all effects" procedure, is — no doubt unintentionally — less flexible and more burdensome than standard Section 106 review; so it has executed its PA to carve out exceptions for collocated facilities.

What's a Wireless Service Provider to Do?

It is a safe bet that whatever happens to Sprint's petition, it will take awhile to happen. Once something does happen, it may also be unclear what it means. In other words, ambiguity is predictable. What is a wireless company to do in the face of this ambiguity?

One of the ironies of the whole wireless/106 controversy is that a real-world, on-the-ground solution need not be complicated; it's the peculiarities of the regulatory system, and reactions to it, that create complications.

Wireless facilities present two straightforward problems for historic preservation: physical impacts on archeological sites, and visual impacts on culturally significant buildings, groups of buildings, and landscapes (facilities constructed *on* historic structures present a special case).

Impacts on archeological sites shouldn't be a big problem; one of the nice things about wireless towers is that they don't disturb much ground. It shouldn't be costly for a company to take a look and see if anything archeological might be mucked up. Nor should it be hard to control impacts through minor relocation and design modifications.

Determining whether visual impacts are a problem, in real world terms, should mostly mean looking around and asking the neighbors whether there's anything around whose valued visual qualities would be compromised by putting up a tower. Even if there were no National Historic Preservation Act, a wireless company would probably want to avoid outraging the community by constructing something that people find ugly in the midst of some valued piece of real estate. Review of visual impacts on historic properties should be a part of any smart company's good neighbor policy.

FCC's remarkable NEPA regulations, however, don't provide for consultation with the neighbors. Instead they suggest finding out about impacts on historic properties by reviewing the published National Register — an action that's

about as useful as consulting the Manhattan phone book — and contacting the SHPO. So applicants ask the SHPO what their projects may affect. The SHPO, quite correctly, says "it's not my job to do your work for you," and gives the applicants detailed instructions about what *they* should do. Studies are done by the applicants' consultants — again with no requirement to talk to the affected community — and quite often, effects are identified. These effects may be virtually negligible, easily dispensed with under the Section 106 regulations, but because FCC's regulations require an EA on *any* effect, new arguments explode between applicants and SHPOs about whether such effects will really occur.

It's a nutty situation, and it becomes even nuttier when one factors in "Indian religious sites," but there's no space here to explore that level of complication. Nor is there space — even if I had the ability — to suggest ways out of the difficulties presented by FCC's regulations. Some companies and consultants blame the SHPOs for their problems, and mutter about political action; this seems to me to miss the point. It would be better, I think, to sit down with SHPOs in one's market area, and with tribes and other concerned parties, recognize that everyone's lives are complicated by FCC's regulations, and try to work out mutually agreeable ways of minimizing the complications while doing a responsible job of managing impacts on the cultural environment.

ACRA

EDITION

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

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2002 ACRA EDITION SCHEDULE

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June 3	June 17
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ACRA Edition

is a bi-monthly publication of The American Cultural Resources Association. Our mission is to promote the professional, ethical and business practices of the cultural resources industry, including all of its affiliated disciplines, for the benefit of the resources, the public, and the members of the association.

This publication's purpose is to provide members with the latest information on the association's activities and to provide up-to-date information on federal and state legislative activities. All comments are welcome.

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