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ACRA Members relaxing during a Texas BBQ during the 2003 Conference in Dallas. See conference review on Page 7.

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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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## STATUS OF THE FCC'S PROPOSED NATIONAL PROGRAMMATIC AGREEMENT

*Submitted By Jo Reese, Cell Tower Subcommittee Chair*

The Federal Communications Commission (FCC), together with the Advisory Council on Historic Preservation (ACHP) and the National Council of SHPOs (NCSHPO), has been working on a programmatic agreement to establish procedures for FCC's license and registration applicants to follow in meeting the NEPA and the NHPA. This Nationwide Programmatic Agreement (NPA) will address the process for submittals under Section 106 of the National Historic Preservation Act for telecommunication facilities, radio towers, and a variety of other facilities licensed by the FCC. ACRA participated in the development of the draft NPA as part of the Telecommunications Working Group (TWG) that was organized by the ACHP. The TWG has been generally dominated by representatives of the wireless communication and tower industries, but the National Trust on Historic Preservation and tribal representatives also have participated, so that a range of viewpoints have been included.

The draft NPA has been in-process for more than a year, and the FCC formally issued it for review on June 9. The comment period closed September 8. ACRA posted comments near the end of the 60-day comment period, August 8.

As of late August, there were 68 postings of comments on the FCC's website docket, including those from individual SHPOs, THPOs, non-THPO tribal entities, wireless communication and tower companies and their industry groups, and a few others who have had experience with the review process, including the National Trust. Notably, 14 individual SHPOs posted their own comments.

Many of ACRA's earlier comments had been incorporated into previous drafts. Our comments addressing this official draft were focused on particular issues that were still in flux, especially the following:

- the exemptions which industry has vigorously sought,
- tribal concerns related to exempted undertakings,
- procedural timelines,
- triggers or exemptions for conducting archaeological survey, and
- wording which would assess adverse effects only where the tower would be within the boundary of a resource.

In addition, the NPA notes that it would be prudent for applicants to the FCC to employ those who are "Secretary Qualified" to do the evaluations of significance and assessments of effect. The FCC has stated in the past that the agency cannot require using cultural resources professionals. Our comments included thanking the FCC for recommending that professionals be used to provide these services.

In September, I heard from the key drafters at the FCC, the chairman of the ACHP, and the executive director of the NCSHPO, and each believes that the NPA will be signed. It appears to be the FCC's objective to complete the process and release the final version of the agreement in the early part of 2004, and to sign the NPA shortly thereafter.

## MESSAGE FROM THE PRESIDENT

### CRM IN CONSERVATIVE TIMES

*Submitted By Christopher D. Dore, ACRA President*

By almost everyone's account, except perhaps Michael Moore, we are living in conservative times. While Moore's assessment that the majority of people living in the United States adhere to liberal values may be true, the power-holding political decision makers are clearly on the conservative side—and I place both the Democratic and Republican parties together on this same end of the continuum. It is the decision making of these conservative politicians that greatly affects our cultural resources industry (CRI) because most private-sector CRI practitioners have a fairly narrowly defined range of services focused around compliance with cultural resource and environmental laws. Many, if not most, in the CRI see the current political climate as a threat to our industry. I, however, see opportunities that will benefit our industry far into the future.

Recent threats to Section 106 and other parts of National Historic Preservation Act, including the recent proposal to remove from the definition of an undertaking actions that are "subject to State or local regulation administered pursuant to a delegation or approval by a Federal agency," will have a negative economic impact on our industry. We must continue to fight these changes, and do so with increasing strength. We also must ask ourselves why cultural resource legislation is under attack in the first place and take steps to remedy these underlying causes.

Part of the reason that Section 106 is under attack, for example, is due to our own success as an industry. As our industry matures and our

understanding of resources improves, we are considering more resources as potentially historic properties. Ten years ago we weren't routinely considering traditional cultural properties, historic landscapes, urban infrastructure, and even architectural properties to the degree that we are today. Cultural resource compliance has, from the perspective of conservative politicians and those they represent, expanded to a point where it is now an unreasonable burden. We can thank the post World War II national expansion, too, for bringing more spatial area into the 50-year window of consideration. For those who work in urban and suburban areas, almost everything is a post-1953 potential resource requiring consideration as a historic property.

I worry that, in such urban cases, National Register of Historic Places (NR) Criterion C (Design/Construction) trumps the other criteria because a significant architectural style is so much easier to identify than a property's ties to important events, people, or information. These later things all require research while the architectural style can quickly be identified visually. The cultural resources industry has always been at odds with the historic preservation community on this point. I am sure that most of us have had to justify why the ugly house is NR eligible while the pretty old house is, simply, a pretty old house with little historic value. It usually doesn't make us a lot of friends at the local level. More importantly, though, it presents us with a huge methodological problem: how do we adequately screen and evaluate

hundreds or thousands of potential properties on a project that may be small in scope? I fear the next attack on Section 106 will be to change the 50-year window to 100 years as already exists in the Archaeological Resources Protection Act.

Cultural resource legislation also is being attacked because of our failures, perceived or real. We all know the typical complaints from our clients about cultural resource compliance: too slow and too expensive. On the speed of compliance complaint, we like to retort that we weren't brought in to the compliance process at an early enough stage. While this is sometimes true, I am not convinced that we would do any better if we had more time. I don't think our industry yet has the conceptual tools in place to do truly advanced project compliance.

On the cost issue, our clients usually have a good point. There is no getting around it, cultural resource compliance is expensive. It differs from natural resource compliance in that our biological colleagues, for example, can do their initial screening by looking at a project area in relation to easily mapable habitats for a threatened or endangered species. They look at the potential for a species to occur within the project area. To the contrary, our initial identification efforts usually require systematic pedestrian traverses across the project area to identify individual resources, not areas of potential. This would be equivalent to the biologist going into the field to identify each animal belonging to the species in question. Yes, this sometimes is done, but not at the initial phase of every project. There has been a move to apply this habitat methodology to cultural resource compliance and it is usually called sensitivity

analysis or predictive modeling. From my perspective, and this is the perspective of a geospatial nerd, predictive modeling done within or outside of a geographic information system is a dangerous tool for cultural resource compliance and its use, at least as most commonly practiced, and should be discouraged.

How are the attacks to Section 106 and other cultural legislation beneficial to our industry? They are going to force us to make cultural compliance faster, less expensive, and better. I call this "smart compliance" which is very similar to the big political buzzword "streamlining". Want to keep the conservative politicians away from redrafting statutes and regulations and stop our client industries from suing the Advisory Council? The best way is for *our* industry to figure out creative and professionally acceptable solutions to the issues. If we don't do it, the other side will take care of the problem...to the peril of our cultural heritage. We need to find more efficient ways of getting our clients through the cultural compliance process *while* ensuring that resources are adequately considered.

Too large a percentage of the compliance process is spent identifying and evaluating resources while too few resources are invested in protecting and learning from important resources. We need better ways of identifying resources that may be significant. Smart compliance involves shifting resources to the end of the process to preserve and study significant resources. For example, archaeologists in the Desert West are already beginning to use multispectral remote sensing and other technological tools to reduce the amount of labor-intensive pedestrian survey

needed to identify resources. Not only are these new methods faster, less expensive, and consistent, they also promise to be more accurate in identifying some types of resources. We need similar, innovative approaches for dealing with other types of resources in other environmental settings so that we can expedite the compliance process when there are resources that really aren't significant or effects that aren't adverse. If we do, there will be more funds (and client/regulator patience) for the times when we do need to deal with a truly important resource. If we, as an industry, can do this, we provide a measure of insurance by eliminating, or at least reducing, the need for conservative politicians to mandate revisions to environmental and cultural resource laws and regulations.

It is likely that, in the short term, legal attacks to compliance laws will result in less compliance-driven work. Less compliance work will necessitate that firms broaden the services they offer. This too, in the long run, is beneficial to the health of our industry. For progressive-thinking CRI practitioners, the clues are already there. The Preserve America initiative begun by Presidential Executive Order 13287 in March 2003, identified the conservative cultural resource agenda and points to new industry growth areas. The Bush administration identifies public-private initiatives, use and rehabilitation of historic properties, economic development, public benefit, and heritage tourism as areas of emphasis and these were reiterated to those in attendance at ACRA's annual meeting by John L. Nau, III, Chairman of the Advisory Council on Historic Preservation. To our industry, this means we will need to think about emphasizing historic architecture, cultural/historic interpretation, public-private facilitation, heritage

tourism, preservation planning, and assisting local governments with project planning and grant writing. Most of these have not been core service areas for industry firms. While these areas offer new opportunity, we also must be advocates for the "ugly" historic properties for which there will be little interest for tourism or economic development but for which preservation and stewardship may have large public benefit.

While most of us would prefer to be working within the CRI during a more liberal political climate, we have much to gain by accepting the challenges before us. I am looking forward to the challenge of figuring out smarter ways of conducting compliance as this will ultimately benefit the important resources, reflect favorably on our industry, and make our firms more competitive. Charles M. Niquette, ACRA's first president, identified this same theme in 1995 as a goal for ACRA in response to the 104th Congress. Niquette stated that "We must seize the opportunity to re-examine the national historic preservation program and to do what we can to fix what is wrong in a manner that recognizes efficiency, accountability, the needs of private property owners as well as those of federal agencies." Meeting the needs of our clients in smarter, more-efficient ways will not only keep our industry economically healthy, it will allow us to invest greater time and effort in preserving and studying the resources that are truly important.

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*This commentary does not necessarily represent official positions of the American Cultural Resources Association. Have another opinion? Contact ACRA Edition editor Jeanne Harris ([ejharris@aol.com](mailto:ejharris@aol.com)).*

## MESSAGE FROM THE EXECUTIVE DIRECTOR

*Submitted By Tom Wheaton, Executive Director*

### Conference Highlights

ACRA's 2003 annual conference was hosted by Geo-Marine from September 11 to 13 at the historic Stoneleigh Hotel in Dallas, Texas. Duane Peter and his staff at Geo-Marine are due a hearty thanks for a job well done. The speakers were exceptional and geared toward the business of CRM. Whether you are an archaeologist, a historian, a preservation planner or any other CRM specialist, all of the sessions could prove useful to your business and give your company a competitive edge.

The Saturday plenary session had speakers with particular insights of interest to our members. John Nau, Chairman of the President's Advisory Council on Historic Preservation (ACHP), who has a long relationship with President Bush in Texas and now in Washington, D.C., surprised many attendees with his sincere support and deep understanding of the problems faced by preservationists and private-sector consultants helping to carry out the letter and intent of Section 106. Under Chairman Nau's leadership, the ACHP has finally begun a serious dialogue with the Corps of Engineers over their Appendix C counterpart regulations and the Sander's Ruling which restricts the APE of Corps permitted projects to the construction footprint. Chairman Nau has been closely involved in the Preserve America Initiative that developed in part out of Texas' push toward heritage tourism as a tool for development and heritage protection under his tenure as State

Historic Preservation Officer. As owner of a Budweiser distributor, he has been able to explain to developers and industrialists the economic benefits of heritage, and particularly heritage tourism. Despite an appointment elsewhere, Chairman Nau stayed long enough to answer questions and exchange e-mail addresses with attendees to follow up on issues raised in the session. All together, it was an impressive performance.

Daniel Carey of the National Trust provided an excellent overview of an organization with which ACRA has occasionally worked in the past in support of preservation issues. While it should be common knowledge that the Trust feels that preserving 4(f) is perhaps the top priority for preservation, it is less clear how ACRA members see 4(f) and its relationship with Section 106. As Mr. Carey said, the Trust is an advocacy group that takes the lead, and often extreme positions, in support of preservation, leaving some of the gray area to the rest of us. ACRA members tend to see a lot more gray. Many members, who went into the session with opinions against 4(f), came out with a broader view and talking about a compromise position that would keep 4(f), but to have it work more easily with 106 and our clients' pocket books.

Nancy Schamu, Executive Director of National Council of State Historic Preservation Officers (NCSHPO), listed a host of issues she sees as dominating CRM for the next few years and perhaps the next few decades.

- SHPOs (and by extension, contractors) are

often too process-oriented

- Museums, once a key player, are losing their state funding and becoming more private and local
- The lack of an inventory of the resource
- Property rights activists are becoming better organized and more vocal
- The crisis in the curation of data and artifacts
- Preservation easements in perpetuity and whether they are a good thing

To these issues attendees added the variation from state to state in requirements and guidelines, and the lack of a national effort at dialogue to solve these issues with all of the key players: SHPO/ THPOs, private consultants, federal agencies, non-profits, the public, and even academics.

The other sessions: Archiving in the Digital Age; the Air Force's small business Mentoring Program; Winning Federal Contracts; Native American Sovereignty and Consultation; Federal Outsourcing; the Curation Crisis; and Training Professionals for the Future, all addressed important issues that most of our members confront on a daily basis. Having the heads of programs in the same room with plenty of time for give and take made the annual conference a real success even without the rooftop reception, the committee and award luncheons, and the Texas Barbeque at Canyon Lake Ranch.

## ACRA Committees

The ACRA committees have been busy this year. Shaune Skinner, ASC Group, who has unfortunately stepped down this fall as chair of the **Conference Committee**, made tremendous strides in gathering information on past conferences in preparation for the development of more complete guidelines for conference hosts. Check the maps of conference and board meeting locations she developed for our website at <http://www.acra-crm.org/conference.html>.

The **Education Committee**, chaired by Lucy Wayne, SouthArc, has dealt with a wide variety of issues this year, just about wearing out her committee (but they keep coming back for more!). After a year and a half of preparation, the Board voted to approve the first phase of a contract with SRI Foundation to develop information on the training needs of the CRM industry and selecting a workshop topic which will be developed in the next phase. James Karbula, Hicks and Company, will be the ACRA contact person for this effort. The committee also developed and administered an education survey of its members. The survey will help the board develop informed positions on how to work with other organizations and academic institutions on student training. As usual, the mantra, "Teach them to write. Teach them to write" was the primary need identified. The Education Committee also appointed a liaison with the SAA's Curriculum Committee, so ACRA may have input into the development of the SAA's graduate curriculum. The committee also set up a subcommittee headed by Joe Schuldenrein, Geoarchaeology Research Associates, to develop one- to two-page white papers on specialty

methods and techniques to inform members and clients what the topic is and how to choose a good consultant. Finally, the committee is in the midst of developing criteria for determining what constitutes a CRM degree program and which university-level programs should be listed on our website.

The **Award Committee**, chaired by Charissa Wang, Hardlines Design Company, did a great job of sifting through award application materials and developing an awards program at the annual conference. Check our website for the winners and their projects, photos will be online shortly.

One of the goals of ACRA always has been to work with others to promote cultural resource management and preservation of the resource. To reach this goal, ACRA has named liaisons with other organizations to promote communication. This year, Chad Moffett, Mead & Hunt, took over a **Committee of Liaisons** that has grown to over 17 members, fairly evenly divided between preservation and business/client oriented societies. Keeping track of these organizations' newsletters, conferences, and other activities, and scheduling the display and people to represent us, is not an easy job. But having a chairman for the committee will now allow the committee to meet its full potential.

The **Nomination Committee** chaired this year by Susan Chandler, Alpine Archaeology, and next year by Loretta Lautzenheiser, Coastal Carolina Research, found that there are more folks out there ready to give their time to serve on the board of directors. The word about networking seems to have finally gotten around. Unfortunately, those willing to lay down their lives to run for officers were not as numerous. It is hoped that next year those willing to be officers will increase

as well. In case you did not hear, Ian Burrow, Hunter Research, is our new President-elect and thus, newsletter liaison. Kay Simpson, Berger, was elected to complete Dan Roberts', John Milner Associates, term as Vice President for Government Relations. Susan Lassell, Hicks and Company, was elected Secretary, and Colin Busby, Basin Research Associates, was elected treasurer. And we said farewell to Ann Emmons, HRA, and Don Weir, CCRG, who for many years have done a great job as our secretary and treasurer, respectively.

This past year the **Newsletter Committee**, headed by Chris Dore, SRI, increased the size and reach of ACRA Edition. We added three new columns, and began sending it to SHPO and THPO offices across the country. This year Ian Burrow will be overseeing a shift from a newsletter intended only for our members to one with a more general appeal, and one that will be available entirely to the public at large. Last year's format which included two parts of the newsletter, one for members only and the other for a more general audience, will be discarded in the interests of getting our and CRM business issues out to a wider public.

The **Government Relations Committee** suffered the loss of its chairman, Dan Roberts, early in the year, and Nellie Longworth and I were pressed into service. With the able help of our sub-committee chairs, ACRA was a player in various arenas this year.

Jo Reese, Archaeological Investigations Northwest, was primarily responsible for ACRA's efforts at giving the private-consulting sector a say in the development of the FCC's wireless communication tower programmatic agreement. The private sector finally has a place at the table,

and Jo has received high praise from the ACHP, the FCC, the cell tower industry, and the ACRA board for the many long hours she has spent dealing with the agreement on the telephone and in front of her computer screen. She was, in fact, the recipient of an impromptu award in Dallas from past presidents Susan Chandler and Loretta Lautzenheiser for her tireless efforts in behalf of ACRA before the wireless communication tower work group.

Mike Polk, Sagebrush Consultants, chair of the **Federal Contracting Subcommittee** made two visits to the National Park Service this year, one in Washington and the other in Denver, to see how ACRA members and the NPS can work together to overcome some of the perceived problems with federal contracting. His reports have appeared in this newsletter.

ACRA members also made three visits to Capitol Hill in the company of Nellie Longworth and other preservation organizations in support of increased appropriations for the Heritage Preservation Fund and other issues, and to express our concerns over the Native American Contracting Bill and Sacred Lands Act. ACRA also was present at the presentation of an award to Rep. Boswell of Iowa for his support of archaeological sites in the Farm Bill. For a more complete discussion of the issues concerning the committee this year, please visit Nellie's online updates in our past newsletters online at

<http://www.acra-crm.org/pastACRAedition.html>.

ACRA also wrote letters for members to state agencies in Florida, Nebraska, and Texas in support of funding and maintaining preservation laws and compliance activities in those states. This is part of the ACRA board's desire to focus on regional and not just national issues in support of our members. Since Dallas, we have already begun working on a new effort to support funding at the state level for compliance in Pennsylvania, and are open to suggestions from other states and regions. Please contact our new chair, Kay Simpson, if an issue crops up in your state with which you think ACRA could help you.

## Coming Up

Planning continues apace for the 2004 conference in Redlands, California, and the 2005 conference in Washington, D.C. The 2004 SAA/ACRA CRM Expo will be held in Montreal this year, and promises to be a well-attended and exciting event. Be there!!

### ACRA Acronyms

Are you new to Cultural Resource Management (CRM) or just having difficulty deciphering the acronyms encountered in reports, in this newsletter, and on listservs? ACRA's web site provides a list of common acronyms at: <http://www.acra-crm.org/acronym.html>

## CONTRACTING WITH THE NATIONAL PARK SERVICE: CAUTIONARY NOTES

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

This report to the membership is an update concerning ongoing dialog with various federal government agencies on the topic of cultural resources contracting. This work has been in progress since a committee was formed at the 1998 Denver Annual Meeting of ACRA. Initially, the agency chosen to pursue was the National Park Service, primarily because of its national scope, high profile among cultural resource companies and its particularly poor contracting rating among CRM professionals. The last report of this committee to the membership (see ACRA Edition for February 2003 [9:1]) outlined work that was carried out up to August of 2002. This report details a meeting with the National Park Service in Denver, Colorado, in August of this year.

Two members of this sub-committee, Dan Roberts and myself, had a relatively successful meeting with the Department of the Interior Procurement Chief, Deborah Sonderman, in Washington in August 2002, as described in the February report. Following her suggestion, and the next logical step, the sub-committee identified the NPS Contracting headquarters in Denver as the next place to visit. Since this committee work was not funded by ACRA, it was a year before I found the time and resources to complete the long, convoluted venture into the NPS contracting system. I made an appointment with Heidi M. Ernst, Deputy Manager of the Washington Contracts and Procurement Office in Denver. Donna Kalvels, Chief of Contracting for the

National Park Service, also works in this office and, in fact, is Ms. Ernst's supervisor. Though the office is called the "Washington Contracts and Procurement Office", Denver is the headquarters. The only other office of this kind is a small, satellite office in Washington, D.C., which only does small contracts in the DC area. Apparently, when reorganization of NPS contracting occurred, Ms. Kalvels chose to remain in Denver and so the office remained there as well.

I tried to schedule a meeting with Ms. Kalvels, but the week that I was scheduled to be in Denver, she was away on a business trip. I arrived on the morning of August 19, to meet with Ms. Ernst and several of her staff in a commercial building at the south end of Denver. One other person joined us for our meeting, Sara Bransom, Senior Natural Resource Specialist in the NPS. She oversees all contracting done for special, high-profile, and high-potential-conflict projects systemwide. These are usually EIS's and other natural resource projects, but often they involve subcontracting of cultural resources as well. Ms. Ernst is the immediate assistant to Ms. Kalvels and is very aware of many of the issues about contracting that Ms. Kalvels regularly handles. Ms. Ernst noted that Ms. Kalvels no longer oversees the entirety of NPS contracting. Rather, she recently relinquished control of Architecture and Engineering (A&E) contracting which is now carried out by others at the nearby Denver Service Center (DSC). The Washington Contracts and

procurement Office focuses on a variety of other types of contracting, including environmental contracts, and other areas not related to cultural resources.

After introducing myself and ACRA and explaining the nature of our meeting last year with the Department of the Interior, I noted that many members of our trade association have contracted with the NPS in the past, and many still do. Before I began to list many of the issues which were brought up the year before (see February ACRA Edition article), I asked her to explain how the NPS contracting structure works and to explain the administrative matrix that makes up the Park Service. Here is where she admitted that the NPS does not always do a good job of explaining itself and its structure to those outside of the system. There are six or seven regions of the NPS as well as the DSC. Many contracts are issued regionally and even more may be done by individual parks themselves. Others are issued by the DSC and through their office. The decisions about which contracts are issued by whom was not clear. However, it was clear that the primary responsible person on ALL contracts are the Contracting Officers (CO), whether within a park or at the highest office of the NPS. All contractors should know this, but it is clear from issues which have come up at ACRA and elsewhere that cultural resource contractors do not always understand the importance of this fact.

Ms. Ernst explained that there are 400-500 "warranted" COs in the various regions who are responsible for almost all of the contracts issued by the NPS. It is these people who ultimately approve scopes, budgets, and other portions of contracts, and, with the Contracting Officer's Representative's

(COR) recommendation, approve invoices and reports. No matter how authoritative, no matter how pushy a COR may try to be, they **do not** have the authority to formally approve a scope, a budget, or anything else a contractor may propose or do, nor can they change any part of a contractual agreement **without the explicit approval of the CO**. These people are the ultimate authority for contracts. Don't forget it. Too many contractors have forgotten and listened too long and too hard to CORs and have not had meetings with their CO to fully understand contracts and what is expected. These failings, in part (and only in part), have led to the dismal relationship currently existing between CRM contractors and the NPS. If there were words that Ms. Ernst related which need to be heeded by contractors, it was to talk with your CO, regularly if necessary. An in-person meeting would be good, but even talking on the telephone is preferable to not discussing contractual terms with them. Do NOT take anything as gospel from the COR, but instead, ask the CO.

When negotiating a contract, NEGOTIATE for all issues, even multiple reviews of reports. As Ms. Sonderman told us in Washington, there are few things which cannot be reasonably negotiated between the contractor and the CO, whether that be schedule, payments, or other issues. Obviously, the nature of the project will dictate much of that, but a contractor should not be afraid to press their interests. When I noted that many contractors are afraid to press issues for fear that the NPS doesn't care who they work with and will just find someone else to do the job, she emphatically told me that such a statement is just not true.

I also noted that, overall, the members of our organization have not had positive experiences

with many projects undertaken with the NPS. As a result, the NPS' potential pool of willing contractors is shrinking rapidly. They were quite unhappy hearing this and, again, expressed their encouragement to contractors to be proactive with COs (and CORs). Though the NPS' interest is certainly in getting projects done well, they also want to be sure that contractors are not abused and are justly compensated. When I noted that many contractors have lost money and that some even expect to lose money, but took jobs because they liked the projects, Ms. Ernst noted that it is not their intent for any contractor to lose money. She understood that such a situation is counterproductive in the long run, and would undoubtedly result in a further reduction in the available pool of contractors.

In response to a question that I had regarding how COs are trained and what their chain of command is, she told me that COs are, administratively, responsible to regional directors and Park Superintendents. However, for contracting issues, they are responsible to the Washington Contracts and Procurement Office (Ms. Kalvels' group of about 35 people in Denver). How that chain of command works with such a large group of people, however, is not entirely clear. Nevertheless, there is apparently authority there (in Ms. Kalvels office) which can be exercised in extenuating circumstances. There is also a program in place to begin having "regional" oversight of COs, though that appears to still be in the preliminary stages of operation. Also, there are a number of long tenured people working in the NPS who have been a part of the problem, many of whom have been slow to change. These people are retiring. Within a few years, much of the

streamlining being planned and implemented in contracting now, will be easier, more effective, and more user friendly.

The meeting with Ms. Ernst and Sara Bransom was quite useful, and I believe that they were both truly appreciative that a segment of the contracting industry would consider visiting and discussing the issues that we did. She said to watch their contracting page ([www.nps.gov/legacy/business.html](http://www.nps.gov/legacy/business.html)) and, in the near future there would be changes bringing more informative information to contractors concerning the structure of their organization and other issues.

A Retrospective: This committee was formed as a result of frustration with the current situation and in a decidedly positive effort to change the way business is done with the Federal Government. In some ways it was a naive goal. Our profession is not large enough, nor will it ever be of such size, to significantly affect the basic framework of contracting in the federal government. However, what this kind of effort can, and has, done is to help us, as practitioners and business people, better understand how the system works. It also helps us to choose to contract or not, based upon more realistic parameters than many of us have in the past. In a small way, we also may help the agency contracting officials with which we dialog better understand the unique nature of cultural resource management and how we need to better understand each other in order to provide the best services that they need.

This committee has contributed somewhat superficial and transitory information to the membership in regard to federal contracting issues. However, the scope of the contracting field, even in just the Park Service, is so vast, that more detailed

explorations would have bogged down immeasurably the work of the committee. Should ACRA deem it useful to continue to dialog with other agencies, there are not many which contract widely enough to touch the majority of the ACRA membership. Those which do include the Corps of Engineers and other military agencies, the U.S. Forest Service, Department of Energy, and GSA. Beyond this, the larger agencies are more regional in nature. If even as little information is obtained from these agencies as was from the Department of the Interior and the National Park Service, it could be a useful exercise and one which could benefit all CRM contractors within the ACRA membership.

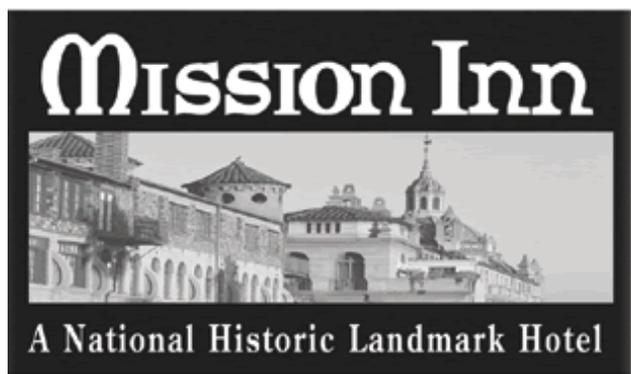
For their important contributions to this committee's work over the past five years, I would like to thank the following individuals. The dialog with these two agencies was decidedly a group effort and would not have even been undertaken without the help of a number of ACRA members, active at different times in the process: Dan Roberts, Ann Emmons, Tom Wheaton, Loretta Lautzenheizer, David Stanley, and Patrick O'Bannon.

### **ACRA Supports Efforts to Repeal Pennsylvania ACT 70**

Kay Simpson writes:

On September 15, Peter Siegel, Chair of the Pennsylvania Archaeological Council and employee of ACRA Member firm John Milner and Associates, requested that ACRA support the PAC's fight to repeal Pennsylvania Senate Bill 879 (known as ACT 70). The Government Relations Committee and the ACRA Board of Directors supported this effort. On October 20, 2003, ACRA President Christopher Dore sent the governor of Pennsylvania and 22 key representatives and senators a letter outlining ACRA's position. It is our position, and PAC's, that Pennsylvania taxpayers should not be subsidizing permit requirements for privately funded developers, that business opportunities should be restored to private-sector CRM contractors, and that cultural resources should be considered in the project review process. The full letter to Governor Rendell is posted on the ACRA website (under news releases) and is published in its entirety there.

## ACRA 2004 Annual Meeting



ACRA will hold its 10th annual meeting from September 30 through October 2, 2004, at the Mission Inn in Riverside, California. The meeting promises to be lively, informative, and fun. Sessions will focus on topics of regional and national interest. As always, there will be plenty of time to network with other ACRA firms, discuss legislative and regulatory issues, and explore the Inland Empire. The Mission Inn is a perfect venue for the meeting. The historic inn is a remarkable architectural landmark as well as centrally located in downtown Riverside. More information on the meeting will be forthcoming. In the meantime, those who want more information on the Mission Inn can visit the hotel's website at [www.missioninn.com](http://www.missioninn.com).

If you have a special topic of interest for the meeting, please contact Jeff Altschul at [jhaltschul@srircm.com](mailto:jhaltschul@srircm.com).

## New Member Firm

ACRA welcomes new member Keith Seramur. Mr. Seramur is a consulting professional geologist based in North Carolina. His firm provides predictive archaeological models, preservation analysis, stratigraphic analysis, and depositional/environmental interpretation. You can find Mr. Seramur's web site at [www.geoarchaeology.com](http://www.geoarchaeology.com) and reach him via email at [keith@geoarchaeology.com](mailto:keith@geoarchaeology.com).

## ACRA Lapel Pins

are available to  
employees of member firms  
for \$3 each.



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Make checks payable to: **The American Cultural Resources Association**

# ACRA

## EDITION

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

### ACRA's Members-Only Listserv

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

To subscribe to the list, a member must contact ACRA's Executive Director, Tom Wheaton. Once you have supplied Tom with your e-mail address, he will subscribe you to this list. Contact Tom at 770-498-5159 or e-mail: [tomwheaton@newsouthassoc.com](mailto:tomwheaton@newsouthassoc.com).

### 2003 ACRA EDITION SCHEDULE

DEADLINE	PRODUCTION
February 3	February 17
April 7	April 21
June 2	June 16
August 4	August 18
October 6	October 20
December 1	December 15

#### 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:

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