EDITION

American Cultural Resources Association

June 2000

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Review of Cultural Resource Laws & Practice: an Introductory Guide

by Thomas F. King, AltaMira Press 1998

Cultural Resource Laws & Practice is an invaluable reference book for CRM practitioners. It contains a detailed overview of NEPA – something that more and more folks in CRM will need, given the requirement in the new 36 CFR part 800 regs for better coordination of NEPA and Section 106. It also contains a comprehensive, and only occasionally idiosyncratic review of the Section 106 process. These two sections alone would make this a book worth having, but it has several other handy features as well, including a history of the evolving discipline of cultural resource management in this country by one of the central figures in that history.

My favorite feature of the book is Chapter 6 "Other Cultural Resource Review Procedures." This chapter, along with Appendix III "Laws, Executive Orders, and Regulations," provides an excellent summary of and introduction to less well-known laws, Executive Orders, and other authorities that affect the management of cultural resources in this country. Quite aside from the wonderful experience of having somebody finally explain the "environmental justice" issue to me in a way that I can understand, having all of this brought together in one place is really a huge help, especially for those of us who teach CRM courses.

And speaking of using the book in an academic setting, the introduction states that this book is intended for use in college, university, and continuing education classes in historic preservation, environmental studies, social impact assessment, and cultural resource management. I used it as the text in an upper division undergraduate and graduate level CRM course that I taught in the Anthropology Department of the University of New Mexico this past semester.

In some ways, I think this volume is more successful as a reference book than it is as a text. For one thing, Dr. King notes in the introduction that he has both speculated and expressed his opinions freely in the book, which comes as no surprise to those of us who know him. But it is not always easy for students to separate vintage Tom King opinions (on, for example, the value of the National Register) from facts, so a certain amount of guidance is needed.

I also found that I needed to supplement the text carefully in two areas. First, this book is the culmination of Dr. King's longstanding effort to remind the profession that "cultural resources" does not equate with archaeology. As a result, it is so heavily focused on community

In This Issue...

ACRA Business

Nominating Committee pg. 3 Message From the Executive Director pg. 4

MembersOnly

"Council of Councils Meeting of Pg. 6 April 6, 2000", a report by Ron Thomas

Legislative Update pg. 7

Contributed Articles

"Management Training: pg. 8 Why CRM Consultants Need It"

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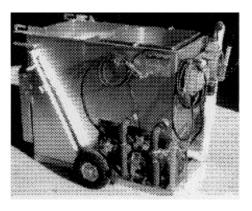
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NOMINATING COMMITTEE

Cory Breternitz, Chair

The Nominating Committee currently inviting nominations for the 2000 Board of Directors. This year there are seven vacancies to fill on the board: three from large firms, two from medium firms, and two from small firms. The election of directors to these positions will be by member firms within each membership size category. Newly elected board members will serve a two-year term from autumn 2000 to autumn 2002. Suggestions for nominations should be directed to Cory

Breternitz, Nominating Committee Chair, at 602-253-4938 or E-mail: cobrdssi@aol.com. Also, members are encouraged to volunteer to run for these open board seats. This is your organization. Make it work for you.

When the slate of candidates is determined, the ballots for election of new Board of Directors will be mailed to the membership directly from the office of the executive director. Look for your ballot in the mail later this summer.

Cultural Resource Laws...

continued from page 1

values, cultural uses of natural resources, tribal issues, religious practices, and social impact assessment that historic properties other than traditional cultural properties tend to disappear from view. I spent a fair amount of time teaching the students how to deal with archaeology, historic buildings, historic districts, engineering features, etc., since that is what most of them will be doing if they pursue careers in CRM.

Which brings me to the second area in which I needed to supplement the text: the book is heavily focused on cultural resource management in a federal agency context, and a fairly idealized federal agency context at that. Many of my students are planning careers in consulting archaeology; others will end up in state, local, or tribal government positions; and still others will end up in less ideal federal agency contexts. I spent several classes, therefore, on the different career paths in CRM, exploring the different skills and knowledge needed, and the differences in perspective on the issues of CRM.

Overall, however, *Cultural Resource Laws & Practice* makes a very serviceable text, and my students liked it for the most part. They all commented that the author's personality comes through very clearly in the book – they were pretty much evenly divided on whether that is a good thing or a bad thing. They also had a great suggestion: they think the book should come with a bookmark that lists and defines the large number of abbreviations so that the reader doesn't have to keep turning back to the abbreviations appendix in the back. Mitch Allen, are you listening?

Lynne Sebastian
Cultural Resource Consulting

MESSAGE FROM THE EXECUTIVE DIRECTOR

Thomas Wheaton, Executive Director

MembersOnly, Your Private Listserv

On March 18, 1999, ACRA created a private listserv for the staff of corporate members. We restricted this list to corporate members since its purpose was to allow a forum where business people could privately discuss issues without government and academic folks listening in. While ACRA-L serves a definite need, as its 700 subscribers show, many of our members did not feel free to discuss issues such as labor law, unions, SHPO, and agency problems in such a public forum. Since our annual conference is the one place where people do feel free to discuss such issues and since it only happens once a year, we felt there was a need for a year-round forum to accomplish a similar function. After over a year in operation, it seems appropriate to see how the list has done.

One of the concerns we had early on was whether people would indeed keep confidential conversations on the list. So far this seems to have been successful, and to my knowledge no one has broadcast our musings to the world. We hope this will encourage people to speak up when they have a problem or question. Another concern we had was whether the new list would flood our mailboxes with messages. On average the list sends out 39 messages a month (some months as low as 9, and some as high as 88). Most of the heavy months were due to hot button issues and the actual discussions lasted a week or sometimes two with very little mail the rest of the month. Thus, people seem to be using the list to good purpose without the ramblings and rantings of ACRA-L. We encourage member companies to have their upper-level staff join the list as this can be a broadening experience for your staff. Just send me a message with the person's name and address, and I will add them.

For those of you who only want a single message a day from the list (a digest) just send this message, "set membersonly mail digest" to this address: listproc@lists.nonprofit.net. This message must be sent from the address you are signed up under and must be word for word as noted here.

What sorts of things have been discussed so far? Of

most use to me have been the discussions that are basically educational in nature. These included discussions on Errors and Omissions insurance, OSHA regulations, and Department of Labor issues such as prevailing wages and what are exempt personnel. Members have given each other advice on the issue of what to do when you are not paid promptly ("Lynne's Problem") by a federal agency or by a client working for a federal agency. The role of the SHPO also was debated hotly in this discussion. Another interesting discussion was on the ethics of what to do when a client won't "allow" you to submit forms that the state and your professional association require that you submit. The reporting by members of their experiences at the new Section 106 regulation conferences held by the ACHP across the country was interesting because it showed the ACHP adjusting and learning how to explain the regulations so that by the meeting in Atlanta, they had pretty much stopped the hemorrhaging. If ACRA members had not attended these meetings and forewarned the rest of us, things might have been different. One last issue that attracted a number of comments was the issue of temporary employment agencies for CRM firms.

Members were notified of important issues through our weekly (sometimes more or sometimes less) Online Updates written by our government relations person in D.C., Nellie Longsworth. Nellie supplemented these with urgent calls to members to contact their legislators on the takings bill in February and permanent funding for preservation (CARA) in April and May. The list is ideally suited to rapidly get information to our members for concerted action. Members were also advised of important conferences (TRB, etc.), issues such as the National Mining Association's attack on the NRHP and 38CFR800, the U.S. Forest Service increase in user fees out west, the American Heritage Rivers program, and Bureau of Land Management Resource Advisory Councils, among others.

Several member firms benefited directly by paying attention to discussions on the list. At various times there were

A CRAEDITION

calls for help in paleobotany and artifact conservation. Who was finally chosen for that work anyway?

The Board of Directors also used the list to obtain input from the membership, one of our original purposes for the list. The Hasting amendments to NAGPRA was such a contentious issue on the board that the membership was polled for its point of view. The issue of promoting ACRA to obtain new members and to make ACRA a force to be reckoned with by our potential clients also was discussed among the members for the benefit of the board.

We also used the list to announce ACRA activities such as the contracting workshop at SAA, the new consultants web page (http://www.acra-crm.org / consultantspage.html), and election information and results. Some members actually heeded our call to send in their company and branch office information, and visited the site to see how their entry looked compared to others. Fortunately, they were not bashful about letting me know when there was a mistake in their company information either. We currently have the most up to date and complete listing of solid CRM firms on the web, but this only works if the information is accurate.

All in all, the list seems to have been a positive addition to the benefits provided by ACRA to its members. This success has led the board to direct that a private web site be set up for corporate members to access frequently asked questions (FAQs), and documents on finding solutions to problems we frequently encounter in our businesses. We could use some volunteers for the latter. This site would require a user ID and password like the MembersOnly list archives. Much of it is ready and will be open for members in the next month or two.

Congressional Calendar for the Year 2000

Second Session of the 106th Congress

This calendar is designed to assist the planning of visits to Capitol Hill during 2000.

May 29	Memorial Day
May 27 - June 4	SENATE in recess
May 29 - June 2	HOUSE Memorial Day District
	Work Period
June 14	Flag Day
June 18	Father's Day
July 1 - 10	SENATE in recess
July 3 - 7	HOUSE Independence Day
	District Work Period
July 4	Independence Day
July 29 - Sept 5	SENATE in recess
July 31 - Sept 5	HOUSE Summer District
	Work Period
Sept 4	Labor Day
Sept 29 - Oct 2	SENATE in recess
September 30	Rosh Hashanna

TARGET FOR ADJOURNMENT

OCTOBER 6

Members Only

MAAR Associates, Inc.

COUNCIL OF COUNCILS MEETING SOCIETY FOR AMERICAN ARCHAEOLOGY CONFERENCE APRIL 6, 2000

By Ron Thomas, MAAR Associates, Inc., Newark, Delaware

Members from local and regional archaeology councils and groups met at the Council of Councils (COC) meeting held during the annual Society of American Archaeology (SAA) Conference in Philadelphia. The meeting was organized and chaired by David A. Phillips, Jr., who is a member of the New Mexico Archaeological Council. The following states were represented: Alabama, Delaware, Georgia, Illinois, Kansas, New Mexico, New York, North Carolina, Ohio, Pennsylvania, Utah and West Virginia.

The meeting started with a short presentation given by the Pennsylvania Archaeological Council (PAC). The presentation gave an overview of the council, its makeup, policies, and events it sponsors. Information about the council was distributed to the meeting attendees. Afterwards, attendees introduced themselves and then gave a brief description of their organization. An open discussion followed that covered the various issues that the groups have and are currently dealing with. These included: membership issues, public outreach, dues policies, and communicating with government representatives on local, state and federal legislative issues that affect archaeology.

David then wished to discuss the future of the COC and whether the attendees feel that there is enough interest to continue the annual meeting and/or making the COC a more permanent entity. Dave initiated the discussion with his feeling that there is not enough interest to make the COC a formal interest group within the SAA. Lynne Sebastian of the SAA Government Affairs Committee (GAF) discussed the Government Affairs Network (GAN) that was created to keep the SAA aware of local and state legislative issues that affect archaeology. Local representatives (GANCERs) were to keep the GAF informed and updated on these issues. This network has not worked out as well as planned and she is not sure if it will

continue. This issue was raised with the thought that the Council of Councils could possibly accomplish what the GAN was setup to do. David suggested that the COC could have an annual non-structured meeting to discuss issues and topics as well as discuss issues with representative(s) of the SAA Board. He also suggested initiating a listserv for the various groups to communicate issues and problems. A steering committee also could be appointed that would set up the agenda for each year's meeting. The SAA website also could have links to the various local and state group's websites.

It was decided by the attendees of this year's meeting that the COC should still meet annually but not be a "formal" interest group in the SAA. The meeting will be an SAA Board sponsored forum, and a steering committee will decide the upcoming meeting's agenda. The state or local group where the SAA meeting is being held, or the group in the closest proximity, will give a presentation at the meeting on its organization. Dave announced that he will organize the next COC meeting but will not be able to continue in this capacity after next year's conference in New Orleans. A new organizer/chairperson will need to be named at next year's meeting. At this time, no one has offered to take over the role so this issue will need to be discussed and decided in New Orleans.

In closing, David suggested that groups need to look outside of their states for support on legislative issues, and they need to share information and learn from their various experiences. He thanked everyone for attending and will be sending attendees information from this meeting and a list of groups he has compiled. Eric Fettman of the Ohio Archaeological Council (OAC) volunteered to compile a list of local and state groups' websites, if they have one, and distribute it when it is completed.

A C R A E D I T I O N

legislative update

June 2000

by Nellie L. Longsworth

Historic Preservation Act Reauthorization Clears House, Sent to White House for President's Signature

On Monday, May 22, the House approved the Senate amendments on the floor by voice vote, clearing the way for the President's signature. This action culminated four years of effort to reauthorize the funding for both the Historic Preservation Fund and the Advisory Council on Historic Preservation through FY05. The bill was transmitted to the White House on May 22, and the President has 10 working days to sign it. While he could veto or pocket veto the measure, the bill is not controversial and is expected to be signed promptly.

Rep. Joel Hefley (R-CO) first introduced HR 1522 on May 1, 1997, and was stymied by Senate inaction during the 105th Congress. The final text of HR 834 extends the reauthorization of the HPF and Advisory Council to FY05, clarifies that the National Trust for Historic Preservation may receive grants from the Interior Department for activities "consistent with the purposes of its charter and this Act," codifies Executive Order 13006 to encourage the federal government to "utilize and maintain, wherever operationally appropriate and economically prudent, historic properties and districts especially those located in central business areas" and includes a number of conforming technical changes that "dot "I's and cross "T"s.

Special thanks to Rep. Joel Hefley (D-CO) for his good leadership on the historic preservation reauthorization over 4 years. Members of the House of Representatives who spoke on the bill's behalf over the past two years include Del. Robert Underwood (D-Guam), Sheila Jackson-Lee (D-TX), Res. Com Carlos Romero-Barcelo (D-Puerto Rico), Del. Eleanor Holmes Norton (D-DC), Rep Bruce Vento (-D-MN) and Del. Eni Faleomavaega (D-AS). In the Senate, Mary Landrieu (D-LA), and Daniel Akaka (D-HI) were particularly helpful.

Senate Committee Debates OCS Trust Fund Measure (CARA)

On May 25th, the Senate Environment and Public Works Committee debated the merits of using OCS oil and gas drilling revenues for coastal restoration and other conservation programs, including historic preservation, considering S. 25, the Murkowski/Landrieu bill and S. 2181, the Bingaman bill. The latter was considered as many believe it offers fairer distribution to all states. The general tone of the session was support for the initiative but opposition to creating another trust fund.

Sen. Bennett (R-UT) noted that "if we end up as a government of trust funds, we ultimately defeat the purpose of Congress to make decisions on appropriations." His reluctance was very clear as he noted that there was a direct connection between the highway and airport trust and the gas and airfare taxes that support them but the use of OCS funds were only vaguely related to offshore oil drilling. Rep. Tauzin (R-LA) replied that the legislation creating the Land and Water Conservation Fund specified \$900 million annually from OCS funding (and, though not mentioned, \$150 million for the Historic Preservation Fund).

Property rights issued were raised by Rep. Helen Chenowith-Hage who noted that the bill gives money to federal, state, tribes and non-government agencies to take land off the tax rolls. Again, Rep. Tauzin responded that the House-passed bill strengthened property rights through equal value land exchanges, conservation easements, and the requirement that Congress identify federal land for disposal and explain why it should be bought.

Sen. Boxer (D-CA) introduced HR 701 - the version that passed the house by a vote of 315-102 - in the Senate in hopes that it would move quickly to the Senate floor. Mentioning historic preservation in her statement, she concluded "this is the moment to cross party lines and pass a legacy."

Most notable though was a statement made by Senate Committee Chair Bob Smith (R-NH) that "it's time to keep the promise we made years ago to use OCS revenues responsibly - to put back some of those dollars into restoring and protecting the environment."

The Senate Energy and Natural Resources Committee is still scheduled to consider CARA, CASA, and the HR 701 bills on June 14th.

Management Training -- Why CRM Consultants Need It!

by Steven Lesser, InfoWorks International

A presumptive title, for which I hope you will excuse me, but I wanted your attention! Most people in the role of consultant, be it for cultural resources, or other services, bring specific skills and qualities to their work. In many cases those same consultants are required to manage people, in an office, on a site, around the world. So, how do we keep our management skills up-to-date? When was the last time you attended management training?

Think of your own personal development and your need (or otherwise) for management training. As with any exploration, you have to have a plan, a map of sorts. You might start out using the map to get you headed in a direction; however, along the way you may choose to forge new trails into unmarked territory, or something unexpected may occur that takes you down a different path altogether. Here is a suggested map:

Exploration

- LEARNING IS NOT LINEAR.
- Make connections between points.
- Exploration in today's world is changing in shape and form.
- The power of technology provides information at warp speed.

Making Connections

- Systems thinking: Everything you do ultimately connects to, and has an impact on, everything else you do.
- In business, all departments impact the success of the entire organization.

Keeping Up with Keeping Up

- It's been said that if you examine the current pace of innovation, it's like blowing through the Industrial Age every 18 months!
- "Learning organization" and "lifelong learning" emphasize the importance of staying current, exercising creativity, not getting stuck in a skill-set "paradigm."
- This is important in your professional growth as well as that of our entire organization.

Today's Professional Managers Must Demonstrate Leadership

Part of your job as a manager is to be a leader and to develop leadership within your team. In today's work environment it is important to embrace both management and leadership. Many of the skills embraced by leaders are the same as managers. The difference is in how they apply them. Project Management is a good example which is consistent with the situation many CRM Consultants are faced with. You are there because of your technical expertise, but need to manage a diverse team including support staff, graphic design and accounting. Many projects don't run smoothly, or fail, because of a failure to focus the project, to balance the managerial/leadership needs with the technical.

Just as CRM techniques and requirements change, so do those for managing. When did you last update your technical skills? Your management skills? Both are vital for today's CRM consultant.

Try this quiz:

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Do You Possess Management Skills and Do You Demonstrate Leadership Within Your Sphere of Influence?

Directions: Rank yourself on a scale of one to five (with one being low) on each of the following descriptors.

<u>Management</u>	<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>5</u>
Focusing on Day-to-Day					
Establishing a Plan					
Problem Solving					
Organizing the Details					
Staffing					
Communicating Plans					
Monitoring & Reinforcing					
Implementing Plans					
Managing Change					
Delegating					
Score:	Total Points O	out of 50 Possible	e Points		
<u>Leadership</u>	1	<u>2</u>	<u>3</u>	<u>4</u>	<u>5</u>
Being Future-Oriented					
Establishing a Vision					
Employing Strategic Thinking					
Seeing the Big Picture					
Team Building					
Creating Coalitions					
Inspiring and Energizing					
Removing Barriers Being a Change Agent					
Coaching/Supporting					
					
Score:	Total Points O	ut of 50 Possible	e Points		

Utilize your score to continue and build on your strengths. Identify opportunities to work on any "gaps". Ask yourself these two questions:

In what areas do I need the most work?

In what areas can I contribute the most to others?

As you can readily see, leadership and management competencies are both important to integrate into your style. Your ability to inspire is important, while your ability to organize and pay attention to details is critical as well. Now use this as a guide to seeking appropriate management training.

A C R A E D I T I O N

Why CRM Consultants Need Training

The way CRM Consultants work together and exchange expertise is critical to their personal success as well as the success of their projects and their organization. Many of the management skills that are needed also are consistent with successful project implementation, for example.

CRM Consultants of the future will no longer be able to rely solely on their technical expertise to show their value. They must be able to provide more than knowledge: they must be both willing and able to play a variety of roles within an organization, regularly and effectively.

This is also true of the relationships that CRM Consultants have with outside contractors, Government Departments, and others where that they can only influence, not control. These management/leadership skills need to be reinforced from time to time. It is an investment in personal development that provides both immediate and long-term benefits for the consultant and the business.

These, then, are the critical management roles needed for the effective CRM Consultant, Manager, and Leader:

- 1. SPECIALIZED PROFESSIONAL Relates technical or complex information to the job, but within the strategic scope of the project.
- 2. FACILITATOR Manages discussions effectively; ensures that all parties are in agreement and have a clear understanding of the agreed-upon next steps before going on; keeps the focus on moving the work/project forward.
- 3. PROBLEM SOLVER Effectively analyzes the overall situation/project; proactively identifies problems and proposes solutions.
- 4. COACH Motivates and works effectively with others while helping them develop skills and knowledge; creates an environment where coaching & feedback is important.
- 5. ADMINISTRATOR Manages time, deadlines, and budgets simultaneously; provides a variety of written summaries for projects; has a clear understanding of the policies and procedures involved in utilizing resources.
- 6. INFLUENCER Receives recommendations favorably. Is persuasive; presents options and trade-offs and focuses on winwin outcomes.
- 7. STRATEGIST Gets the "big picture"; has a clear understanding of business strategies and needs as well as objectives and concerns.
- 8. PARTNER Brings a high level of trust and commitment to working relationships; has a keen, objective sense of whether expectations are being met; values open communication as a fundamental building block for all constituent relationships.

A C R A E D I T I O N

Ok, so maybe I see a need for some management training! What do I do?

Review opportunities to attend training sessions within your company or with partner firms. Seek out conferences that provide both technical and leadership insights. Observe others and review your own application of your current management skills in the light of your observations. Ask for training. Influence an informal CRM Consultant network to include more topics/speakers on management topics. Take ownership for your own learning.

Here is a model for personal learning ownership:

Resources:

"Coach Yourself"

LEARN THE CONCEPT: Getting the big picture about a subject

EXPLORE THE VALUE: Ask yourself, "Is this important to me and

why?"

ACQUIRE THE HOW TO: Learning the nuts and bolts, practicing the

skill

DEVELOP A PLAN: Identifying where, when, and in what way to

apply the skill

EXECUTE THE PLAN: Following through on the plan, making it part

of your process

REINFORCE, REFINE, RECOGNIZE: Integrating and continuing the learning

process

Today, one of the best resources for information is the Internet. Review sites that offer tools, articles and insights into effective management. Many business magazines and newspapers now provide extensive, researchable (a great CRM Consultant skill!) databases. Try www.inc.com

Like more information? InfoWorks International is happy to provide a more detailed list of Core Leadership Competencies and High Leverage Project Competencies (in the form of an assessment). Simply <u>e-mail InfoWorks</u> with your request today. We also provide a periodic e-mail newsletter on management and leadership topics. To subscribe, email <u>infoworksasiapacific-subscribe@listbot.com</u>

About the Author: Steven Lesser is an industry and services consultant with over 30 years work experience. This includes strategic consulting, development and implementation of organisational change, marketing, sales and credit programs and project management for multi-national and regional companies worldwide. Steve manages the full-time operations for the Asia Pacific Region. InfoWorks also has an office in Chicago. InfoWorks International provides a range of consulting and training services including programs on the Dynamics of Leadership, Managing Successful projects, Client Focus, Sales & Marketing and other topics related to High Leverage performance for managers. Steve and InfoWorks International may be contacted through their web site or e-mail, as shown above.



729 Beechwood Avenue, Cincinnati, OH 45232

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.

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2000 ACRA EDITION SCHEDULE

DEADLINE	PRODUCTION
February 7	February 18
April 3	April 14
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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.

Please address comments to:

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