

**Wyoming Association of Professional Archaeologists  
Minutes of the Fall 1999 Meeting  
Rock Springs, Wyoming  
September 17, 1999**

**Executive Committee Meeting**

The agenda for the WAPA Business Meeting was set. Agenda items include the Secretary's Report in which Karen will pass out the minutes of the last meeting and discuss sending out meeting announcements and election ballots via e-mail; the Treasurer's Report; Agency Updates; Old Business including the cultural resources lobbying effort, and voting on two new applications for membership; counting ballots for the election of new officers during a break in the meeting; New Business including a discussion of the Advisory Council on Historic Preservation's revised Section 106 regulations and an offer by WAPA to help fund the Council to come to Wyoming and help train professionals in the state regarding the new regulations, and a request by Carmel Kail to discuss the issue of Native American consultation and Traditional Cultural Properties. Finally, a discussion will be held regarding the Spring Business Meeting location.

**Business Meeting**

**PRESIDING:** Paul Sanders, President

**CALL TO ORDER:** The meeting was called to order at 1:15 P.M.

**SECRETARY'S REPORT:** Minutes of the Spring 1999 WAPA meeting were distributed for review and comment. No suggestions for changes were made. Paul Sanders made a motion to accept the Minutes, the motion was seconded by Bill Current, and passed by the membership. The group discussed the validity of sending out ballots and meeting announcements by e-mail. The general consensus is that WAPA should take advantage of using electronic formats to save time and money. The current By-laws do not prohibit using this type of format for sending this type of information. However, as currently written, the By-laws do prohibit the returning of ballots by e-mail. Ballots may be returned only by regular mail in a signed, sealed envelope or turned in at the Fall Business Meeting. Members who have e-mail addresses should be sure to provide them to WAPA.

**TREASURER'S REPORT:** Julie Francis presented the Treasurer's Report and handed out the WAPA Financial Statement as of September 16, 1999 which will be provided in the next WAPA Newsletter. The money market account continues to do well. The strange number posted as dues is a result of the subtraction of expenses incurred by the WAPA Secretary from dues owed/paid.

**AGENCY REPORTS**

**Bureau of Land Management:** Lynn Harrell and Gary DeMarcey report that it has been a very busy field season especially with several extensive fiber optic line projects crossing the state. There has been no progress on the Moxa Arch project.

**State Historic Preservation Office:** Judy Wolf provided additional details on the complex nature of the fiber optic line projects that are also keeping SHPO staff very busy. She also discussed the revised Section 106 regulations which were implemented in June and stated that any project related references made to the Section 106 regulations need to be in accordance with the new language. She summarized the changes by stating that there is less

involvement in specific projects by the Advisory Council on Historic Preservation and more emphasis placed on SHPO and Federal agency interaction. There has also been a change in terminology for project effects. Instead of "no effect", the current terminology is now "no historic properties affected. There is also increased emphasis on consultation with the public and Native American tribes. In addition, there is a standard 30-day period for all types of consultation, including "no find" reports. In the past, Federal agencies could notify the SHPO about a project with no cultural resources found, provide SHPO with a copy of the report, and proceed with the undertaking. Now a 30-day concurrence period will be required. The SHPO is trying to put together a two day training session that would be conducted by the Advisory Council for all Federal and State agency staff as well as cultural resource consultants in Wyoming.

Paul Sanders stated that this issue was brought up in the Executive Committee meeting and a discussion followed. The consensus of the members present was that this training would probably be a good idea, but some thought that it should also include information regarding the BLM Protocol process associated with the Programmatic Agreement (PA) between the BLM and the SHPO. There are perceptions in the state that the Protocol is being implemented differently by different BLM archaeologists which has led to much confusion among consultants and industry. How to facilitate this training session was discussed. A suggestion was made that it could be tied in with the WAPA Spring Business meeting and the annual meeting for the BLM PA which are both usually held in April. It was suggested that the rest of the WAPA membership should be canvassed to find out if there is sufficient interest in this idea. For example, Judy could put together a tentative brief agenda for the training and e-mail it out.

Two motions were made. The first involved the idea of WAPA writing a letter to the BLM State Director to discuss the need for the consultants to have training in the BLM Protocol process. Ranel Capron indicated that the BLM is in the process of preparing handbooks and manuals and she thought that they were scheduled to be done by the next annual BLM PA meeting. However, since this can not be guaranteed and there is a sense of urgency in this matter, the general opinion was that this training should not wait for the completion of BLM handbooks and manuals. Bill Current moved that WAPA should write a letter to the BLM State Director. Paul Sanders seconded the motion which was passed by the membership, and Paul volunteered to write the letter.

A second motion was made by Bill Current that WAPA will assist financially, if necessary, to bring the Advisory Council to Wyoming to conduct the Section 106 training for agency staff and consultants. The motion was seconded and passed with all in favor.

## **No Other Agency Reports**

## **OLD BUSINESS**

**Wyoming Cultural Resource Lobbying Effort:** Todd Thibodeau reported that he has been too busy this summer to devote much time to this effort which is geared toward obtaining a professional lobbyist for the benefit of historic preservation and cultural resources in Wyoming. He did have the opportunity to talk with the Wyoming State Museum Volunteers and the Buffalo Bill Museum which both expressed interest in this concept. He would really like to find someone else, who is not a state employee, to take on this initiative. He does not think there will be a lobbyist in place by the next legislative session. The issue was tabled until the next meeting.

**Vote on Two New Members:** Two people have submitted applications to join WAPA. Pat Lubinski and Matt Kautzman are both with Archaeological Services, Western Wyoming College. Paul Sanders made a motion to accept both into WAPA. Jana Pastor seconded the motion. All were in favor and the motion passed.

**Results of Voting for New Officers:** Ballots were counted during a break. Results of the election: Craig Smith, President; John Albanese, Vice-President; Ranel Capron, Secretary; Julie Francis, Treasurer; Dave McKee and Judy Wolf, Members-at-Large. Under the revised WAPA By-laws, these officers are elected for a two-year term and their term of office begins at the next Business meeting.

## **NEW BUSINESS**

**State Land Board and Permits for Archaeological Investigations:** Paul Sanders discussed an issue that Mark Miller has been reviewing with the Wyoming State Land Board. The Land Board is proposing a permitting system for archaeologists working on state lands. This is an extension of a permitting system that has been developed for paleontological resources on state lands. It is believed that this will primarily mean that archaeologists will need to buy a permit from the State Land Board in order to conduct work on state lands, but that there probably will not be a report review process associated with the permit. This issue is still new and Mark and Judy Wolf will be having a meeting with the Board to further work out the details and establish a process.

**BLM Employees Serving as Officers of Professional Organizations:** Ranel Capron stated that any BLM employee who serves as an officer in a professional organization will have to put together a Memorandum of Understanding (MOU) to discuss what the duties of the office are, verify that they will step aside and not participate when BLM issues arise, have the MOU signed by the President, and formally submit the MOU to the BLM ethics officers.

**Issuance of Contracts by BLM:** Ranel Capron clarified an issue that has been in place for a long time, but which there has been some questions about recently. The contracting arm of the Bureau of Land Management has a list of consultants that they send information to about contracts. Consultants must be registered with the BLM to receive this information. Also, if a contract is under \$25,000 the information is not provided in the Commerce Business Daily. Additional details are available from Ranel.

**Traditional Cultural Properties:** At the request of Carmel Kail, a discussion was held regarding TCP's and how to document them, as well as how to flag sensitive Native American sites in file search information. Paul Sanders stated that it is the federal land managing agencies that need to take the lead in this issue. Judy Wolf stated that the National Park Service is a good source of information, especially Bulletin 38. Native Americans have consistently expressed an interest in and concern for certain kinds of sites containing stone circles, cairns, and stone alignments. They typically want avoidance for these types of prehistoric resources. However, these sites are not always evaluated under the criteria for a TCP. It is also difficult to put some kind of flag on the site number in the file search because each site is different and may have different concerns, and often Native Americans want the information they provide kept confidential. Carmel discussed the need for consistency across BLM field areas. Gary DeMarcay stated this is not always possible because the different tribal representatives who are consulted often provide different recommendations. Tim Nowak stated that the BLM has guidance on TCP's and Native American consultation but not all BLM cultural resource specialists follow it the same way. In order to formally evaluate a site as a TCP Bulletin 38 must be followed. Julie Francis also mentioned that this issue can fall outside of the realm of Section 106. Some places can be considered sacred by Native Americans but it may not necessarily be an archaeological site. It was decided that this would be an appropriate issue for an article in the WAPA Newsletter to make the membership aware of the concerns.

**Spring Meeting:** The location and date of the next WAPA Business meeting was discussed. It was tentatively decided to hold the meeting in a central location, possibly in Lander or Casper in April, in conjunction with the annual BLM Programmatic Agreement meeting and a possible training workshop about the Section 106 regulations by the Advisory Council on Historic Preservation. The details will be worked out and provided to the membership at a later date.

**ADJOURN:** The meeting was adjourned by Paul Sanders at 3:30 P.M. The Executive Committee provided cake to the members present to mark and celebrate the 20<sup>th</sup> anniversary of the Wyoming Association of Professional Archaeologists.