

WYOMING ASSOCIATION OF PROFESSIONAL ARCHEOLOGISTS NEWSLETTER

Volume 7 Number 2

October, 1985

WAPA SPRING 1985 MEETING MINUTES

The Spring 1985 meeting of the Wyoming Association of Professional Archeologists was called to order at 10:30 a.m. on April 12, 1985 by President Greg Smith.

Announcements

Greg Smith suggested that members think about nomination for executive committee office and offer names in the afternoon session.

He also mentioned that WAPA membership dues were due in the Spring meeting. He also indicated that any changes of address should be provided for old and new members. Kathy Murphy at WRC (now AMH) had WAPA member addresses on the word processing machine.

New members were announced, including Steve Wissen, Judy Rose, Steve Sutter, Dan Eakin, Jeanne Moe, and William Prentiss.

Treasurer's Report

Treasurer John Albanese reported that WAPA has a checking account balance of \$662.20 and \$50.00 in cash, making a balance of \$712.20.

Agency Reports

Greg Smith (DEQ) reported that coal permitting was down with fewer CRM surveys. Coal mine mitigation projects occurred in small numbers and were widespread in Wyoming. He also indicated that few Wyoming coal mines were expanding.

Nothing had happened at this reporting with the OSM PMDA, and Greg said the OSM/DEQ were complying with Section 106 procedures.

Greg said that more AML (Abandoned Mine Lands) projects were upcoming and that the engineering firms doing the reclamation would contract for the necessary CRM compliance.

BLM Reports

Ray Leight gave a synopsis of the 1984 contractor End-of-Year Reports (published in full pages 14-15). He said that the number of eligible sites recorded increased in 1984. Several reasons were given

for this increase. The first has to do with the change in federal regulations regarding eligibility determinations. Contractors now have to make a yes or no determination based on the initial survey. Second, because of less collection required by BLM, more surface sites are being determined eligible in order to completely collect than at a later date (if impacted). David Eckles related a conversation with George Frison about the increase in significant sites being found and Dr. Frison seemed to think that there was greater experience now in recognizing key sites.

Predictive Modeling

Several members in attendance commented on this issue. The predictive modeling report was in the process of being reviewed and that public comment would be directed through the SAA in about July of 1985.

The results of the study were that predictive modeling was not a panacea for every CRM situation, or that it would be used for federal CRM compliance. However, it is still possible that it might be pushed through as a guiding document for all CRM projects by the federal agencies.

IMACS Forms

Ray Leight introduced a revised version of the IMACS site recording form, what is called a "bubble" form with greater use of computer encoding of site data. If this form is accepted, the BLM would supply these forms.

Private Landowner Denials

Tom Marceau (SHPO) inquired about landowner denials for CRM investigations. Ray Leight indicated that landowner denials would not delay construction projects. The Advisory Council was investigating the legality of this procedure. Almost all of the landowner denials in Wyoming were coming from the Casper BLM District. The BLM Archeologists did not prepare the landowner denial option procedure; it came from the BLM minerals divisions.

President Greg Smith referred this issue to the regulatory affairs committee to let WAPA know of any new developments on this issue coming from the federal agencies.

USFS

Judy Rose (the first Wyoming USFS archeologist) commented on the proposed land swap between the BLM and USFS. The Big Horn Forest, Thunder Basin Grasslands, Kemmerer and Big Piney Districts and Laramie Peak District would go to the BLM under the current plan. Judy urged that letters be sent to the Wyoming Congressional Delegation and state that without public response, the swap would occur.

Lance Rom (Black Hills National Forest) reported that contractors will need a separate permit for CRM investigations on the BBNF. IMACS site forms will also be used in South Dakota and on BBNF. He said that all sites found in the BBNF will be evaluated by a professional archeologist. A 10,000 acre sample of the BBNF may be surveyed for predictive modeling purposes.

State Archeologist

Mark Miller (the first full-time Wyoming State Archeologist) mentioned the cooperative agreement with the BLM to perform excavations at the Scoggin site.

He mentioned that radiocarbon dates were being compiled at the U.W. Anthropology Department for publication in the Wyoming Archaeologist.

Mark said that there will be a book review section started in the Wyoming Archaeologist soon. He has also provided the Wyoming Archeological Society with papers for public talks in archeology around the state. He encouraged all individuals willing to present their papers, research results, etc., to provide him with titles and topics.

SHPO

Tom Marceau indicated that the SHPO program was transferred from Wyoming Recreation Commission to the Archives, Museums and Historical Department. He wasn't sure if this would cause program or staffing changes. A motion was made by David Eckles to invite AMH Director, Dr. Robert Bush, to the next WAPA meeting. Dave Vlcek seconded the motion, and it was carried by a voice vote.

Committee Reports

Resource Base

Dave Reiss reported that comments on the Wyoming vegetation section of the IMACS site form were submitted to Bill Metz and a revised vegetation section was accepted.

He went on to say that as a research tool, the IMACS form was untested. It is also unclear for what purpose IMACS was designed (a predictive modeling tool?, a management tool?). Greg Smith asked if Wyoming could dump IMACS. Ray Leight said no, but IMACS could be changed. Greg Smith cited the Paperwork Reduction Act of 1980 as a way to do away with IMACS and instead use comparable data on site location from the USGS and Soil Conservation Service for example. Mike Bies said that the BLM is several years from having such data.

The general consensus is that IMACS is not liked by Wyoming archeologists and not useful for research. Reiss said that the IMACS should be upgraded especially in the cultural data sections. Requests for changes on IMACS were referred to the Resource Base Committee.

Collection Policy

Dave Reiss reported that he called all BLM Districts about collection policies. All districts will not allow 100% collection without an eligibility determination and mitigation plan. Each district varied as to how much collection is allowed during the Class III survey.

Research Design

The Research Design Committee reported that regional meetings are needed to discuss pertinent research questions. The idea is to get input from the widest variety of sources, to devise research questions, identify existing data bases, and gaps in knowledge. The goal is to provide Wyoming CRM practitioners in particular with a set of research options for a given area and to provide input for the State Plan (RP3).

Membership

Julie Francis began a membership drive by contacting lapsed memberships and contacting unenrolled, practicing archeologists in Wyoming. She found 85 members in good standing. The idea of a group health

insurance for archys in Wyoming through WAPA was raised, but no action was taken.

Peer Review

Dave Eckles recommended book or article reviews appear in the WAPA Newsletter using American Antiquity format. Dudley Gardner suggested reviewing the South Pass City volume of Wyoming Occasional Papers. Eckles said to send request for review to him.

Regulatory Affairs

Dick Enders reported on Oil and Gas Operating Order #1. This response from BLM (Washington, D.C.) was that there is no intention to expand the idea of not doing CRM inventory for all federal lands. Greg Smith referred to the committee to find the percent of oil/gas well sites that have come under Oil and Gas Order #1.

New Business

--The CCPA voted unanimously to have a joint meeting with WAPA in the Fall, 1985.

--By-law changes - Mark Miller said all were in WAPA Newsletter V. 7 #1. Any comments were to be forwarded to Greg Smith.

--Reburial Policy - Ray Leight said that the BLM and SHPO met with UW officials. The American Indians Against Desecration have come down hard on the DOI. The DOI, through Bennie Kiel's office, have established a task force to develop a national policy. Ray said that he doesn't know what will happen.

--Tom Marceau said that he has information through the Wyoming Congressional Delegation that Congress is tired of the Office of Management and Budget taking over the duties with regard to the Advisory Council rules vis-a-vis Section 106 of the NHPA.

--Dave Eckles made a motion to send letters of appreciation to Exxon for the Shute Creek Excavation Project and Wyoming Highway Department for the Split Rock Site excavations. Mark Miller seconded and the motion carried on a voice vote.

--Dave Vlcek made a motion to adjourn the meeting and Dave Eckles, among others, seconded. A voice vote carries the motion and the meeting adjourned at 5:00 p.m.

JAMES A. MCCLURE, CHAIRMAN

WALTER C. MATTHEI, OREGON
LUMELL P. BRICKER, CONNECTICUT
PETER V. DOMINICK, NEW MEXICO
BILLY C. WALLACE, MISSISSIPPI
JAMES W. WADSWORTH, VIRGINIA
FRANK H. BRUNE, ALASKA
DON MICHAEL, OKLAHOMA
ERIC MCHT, NEVADA
DANIEL J. EVANS, WASHINGTON

J. BENNETT JOHNSON, LOUISIANA
DALE BUMPERS, ARKANSAS
RANDALL T. LUND, KENTUCKY
MURRAY C. MITZBERGER, OHIO
JAMES HILCHER, MONTANA
E. BRADLEY BARN, NEW JERSEY
JERRY BRADMAN, NEW MEXICO
JOHN G. ROCKEFELLER IV, WEST VIRGINIA

United States Senate

COMMITTEE ON
ENERGY AND NATURAL RESOURCES

WASHINGTON, DC 20510

March 27, 1985

FRANK M. CUSHING, STAFF DIRECTOR
CARY G. ELLSWORTH, CHIEF COUNSEL
D. MICHAEL HARTNETT, CHIEF COUNSEL FOR THE MINORITY

The Honorable David A. Stockman
Director
Office of Management and Budget
Old Executive Office Building, Room 252
Washington, D.C. 20503

Dear Mr. Stockman:

Our committees have followed with increasing concern the efforts to revise regulations implementing Section 106 of the National Historic Preservation Act. Initial proposals by the Advisory Council on Historic Preservation, responding to our amendments to the Act in 1980, appeared constructive and consistent with the purposes of Section 106. Accordingly, we were troubled when the Justice Department concluded in October, 1983, that the Council's proposed revisions, as well as their existing regulations, exceeded the authority which we granted them.

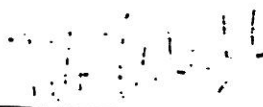
Last year, during the extension of the Council's authorizations legislation, both committees took a long, hard look at the regulations issue. We assessed the Justice interpretation, reviewed the history of congressional initiatives and oversight and carefully weighed the need for additional legal authority to support the current and proposed regulations. Our conclusion was unequivocal: the National Historic Preservation Act fully authorized the Council's regulations for all of Section 106 and, the Justice opinion notwithstanding, no further amendment was necessary to undergird those regulations. These conclusions were clearly stated in our reports, H. Rep. 98-761 and S. Rep. 98-623, accompanying P.L. 98-483, amending the Council's statute last fall. At that time, we believed that the issue was resolved and that the Council could rapidly complete its regulatory revisions.

The action of the Justice Department in November, 1984, surprised us. With apparent disregard for the repeated expressions of congressional intent and contrary to the clear language of the Act, Justice opined yet again that its interpretation of legislative purpose rather than the legislature's must bind the Council. Assigning "limited relevance" to the actions of the Congress last session, the Justice Department has effectively prevented the Council from proceeding with regulations that can conform to the purposes of Section 106 and the policies of the Act.

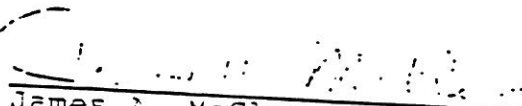
We now find ourselves compelled to go through the redundant exercise of specifically amending the Council's regulatory authority to "legitimize" regulations that we are satisfied fall within the Council's existing powers. Nevertheless, it is clear that nothing less will sway the Justice Department from its stubborn, though mistaken, position.

Legislation will be introduced shortly and, as chairmen of respective committees and subcommittees we are committed to prompt action to correct the perceived deficiency. Until that effort is complete, we request that you defer any action on revised Section 106 regulations. It would be most unfortunate for the preservation of our national heritage to dismantle a system that has proved its worth for the past two decades as an effective method of balancing the needs of contemporary society with the conservation of historic properties. It would be the height of folly to dismember that system on specious legal grounds while the Congress was in the process of legislatively resolving the question for once and for all.

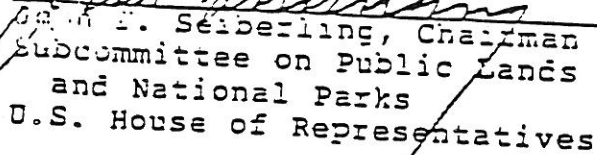
Sincerely,



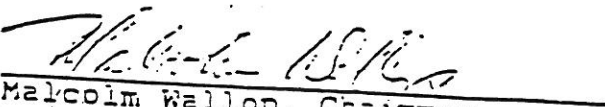
Morris K. Udall, Chairman
Committee on Interior and
Insular Affairs
U.S. House of Representatives



James A. McClure, Chairman
Committee on Energy and
Natural Resources
U.S. Senate



John F. Seiberling, Chairman
Subcommittee on Public Lands
and National Parks
U.S. House of Representatives



Malcolm Wallop, Chairman
Subcommittee on Public Lands
and Reserved Water
U.S. Senate

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|------------------------------------|---------------------------------------|
| JAMES A. McCLURE, IDAHO CHAIRMAN | J. BENNETT JOHNSTON, LOUISIANA |
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| MALCOLM WALLACE, WYOMING | JOHN MELCHER, MONTANA |
| JOHN W. WARREN, VIRGINIA | BILL BRADLEY, NEW JERSEY |
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| CHIC HECHT, NEVADA | |
| DANIEL J. EVANS, WASHINGTON | |

FRANK M. CURRAN, STAFF DIRECTOR
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 D. MICHAEL HARVEY, CHIEF COUNSEL FOR THE MINORITY

United States Senate

COMMITTEE ON
 ENERGY AND NATURAL RESOURCES

WASHINGTON, DC 20510

March 27, 1985

RECEIVED
 APR 12 1985
 RUTHANN KNUDSON

Mr. Alexander Aldrich
 Chairman
 Advisory Council on
 Historic Preservation
 Suite 430
 1522 K Street
 Washington, D.C. 20005

Dear Mr. Aldrich:

At your recent hearings relating to the Advisory Council on Historic Preservation's FY 1986 appropriations, we expressed our deep concern over the continued refusal of the Justice Department to acknowledge the clear language of the National Historic Preservation Act and the repeated congressional statements of intent underlying Section 106 and the Council's regulatory authority. You testified that, despite your own misgivings about the correctness of the Justice position, you feel obligated to lead the Council to adopt regulations which conform to the law as Justice has prescribed it. We disagree.

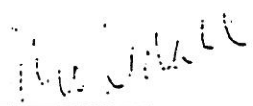
As indicated by our enclosed letter to Mr. Stockman, the Justice Department has erred in its reading of the law and, because of its continued refusal to heed our expressions of legislative intent, we are now compelled to enact amendatory language that will resolve this question permanently. To facilitate this effort, we have two requests that we expect the Council to honor.

First, we ask that the Council provide us with a drafting service to assist the committees in preparing the necessary amendment to Section 211. Such an amendment must confirm the Council's authority to regulate all of Section 106 and specifically embody the notion of consultation between the sponsoring Federal agency and affected preservation interests--the Council, the State Historic Preservation Officer, local government and the public--as a fundamental principle of the Section 106 process. Your draft should incorporate appropriate authority for Council regulations implementing Section 110f. We would also appreciate your views on ways to limit the possibility for outside parties to misuse the Section 106 process to cause project delay.

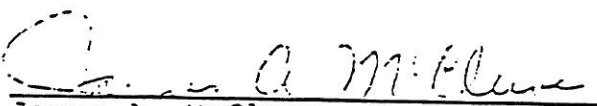
Second, we request that the Council suspend any further action on regulatory revisions intended to conform the Section 106 process to the Justice interpretation. Such action would contravene the intent of your authorizing committees, undercut our legislative efforts and result in confusion and waste were a new system to be put in place only to be revised yet again after our amendment is enacted.

Our committees have appreciated the Council's advice on preservation issues in the past. The Council has a unique position in the Federal Government, providing a public window on the actions of the bureaucracy that affect our patrimony. We intend to keep that window open and ask your cooperation in resolving this persistent and unnecessarily troublesome issue.

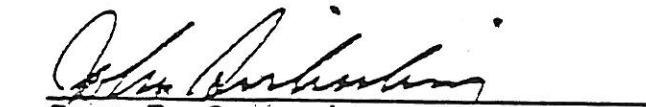
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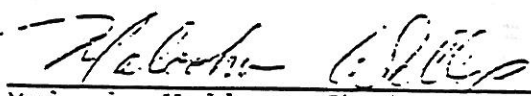
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John F. Seiberling, Chairman
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and National Parks
U.S. House of Representatives



Malcolm Wallop, Chairman
Subcommittee on Public Lands
and Reserved Water
U.S. Senate

Enclosure



WYOMING ASSOCIATION OF PROFESSIONAL ARCHAEOLOGISTS
c/o WDEQ/LQD
Herschler Bldg.
122 W. 25th St.
Cheyenne, WY 82002

June 15, 1985

The Honorable Malcolm Wallop
United States Senate
2009 Federal Building
Washington, D.C. 20510

RE: National Historic Preservation Act

Dear Senator Wallop:

The Wyoming Association of Professional Archeologists (WAPA) would like to extend our sincere appreciation for the actions you and other members of Congress have taken in support of Section 106 of the National Historic Preservation Act. We are pleased that you object to the Justice Department's interpretation of the powers and responsibilities of the Advisory Council on Historic Preservation since we too find the Justice position objectionable. We are proud to see the name of "our" Senator attached to the letters issued to Mr. David Stockman and Mr. Alexander Aldrich. We support your efforts to strengthen historic preservation concerns and again wish to say thanks.

Sincerely,

Greg Smith
President, WAPA



WYOMING ASSOCIATION OF PROFESSIONAL ARCHAEOLOGISTS

c/o WDEQ/LQD
Herschler Bldg.
122 W. 25th St.
Cheyenne, WY 82002

June 15, 1985

Dr. Robert D. Bush
State Historic Preservation Officer
Wyoming Archives, Museums and Historical Department
Barrett Building
2301 Central Avenue
Cheyenne, Wyoming 82002

Dear Dr. Bush:

On behalf of WAPA, let me extend to you our congratulations on your appointment as the new State Historic Preservation Officer. We trust you will find the job both challenging and rewarding, and hope you will pursue an active program of preservation within our state.

You have inherited a dedicated, concerned staff of professionals at the SHPO. They are the hub of preservation activities within Wyoming that range from public education programs to the salvage of archaeological sites affected by development. We hope that you will appreciate their expertise as much as we do in our member's work around the State every day.

We are very pleased with the Governor's decision to appoint a professional historian as the State Historic Preservation Officer. We are confident that your appreciation of historic values, administrative experience, and public contact will enhance preservation efforts within the State.

As professional archaeologists we are particularly concerned about the effect of energy-related development in Wyoming on fragile prehistoric sites. We have found a great deal of public support for compliance-related archaeological studies, notwithstanding the mostly minor project costs incurred by the developers. We hope that you will keep in mind this "silent majority" in your decision-making regarding historic preservation compliance in Wyoming.

We look forward to working closely with your office in the future, and would like to extend an invitation to you to attend our Fall meeting Cheyenne. Again, congratulations.

Sincerely,

Greg Smith
President, WAPA

cc: Governor Ed Herschler



WYOMING ASSOCIATION OF PROFESSIONAL ARCHAEOLOGISTS
c/o WDEQ/LDD
Herschler Bldg.
122 W. 25th St.
Cheyenne, WY 82002

June 15, 1985

Leno Menghini
Chief Engineer
Wyoming Highway Department
Cheyenne, Wyoming 82002

Dear Mr. Menghini:

The Wyoming Association of Professional Archeologists (WAPA) voted unanimously to send a letter of appreciation for your cooperative efforts in the 1984 archeological excavation of the Split Rock Ranch Site near Jeffrey City. The efforts of the Wyoming Highway Department ensured that one of the most important prehistoric finds of the 1980's was researched thoroughly. We especially want to acknowledge the Casper District WHD engineers and WHD project foremen on the construction project. All WHD personnel who cooperated in this project can feel a sense of pride and accomplishment that an invaluable and heretofore unknown part of Wyoming prehistory was recovered and the information contained within it preserved.

Thank you again for your efforts.

Sincerely,

Greg Smith
President, WAPA

cc: Jim Graves, WHD, Casper
Mike Gilmore, WHD, Casper
Merwyn Moore, WHD, Casper
William King, WHD, Cheyenne
Harry Underwood, WHD, Cheyenne



WYOMING ASSOCIATION OF PROFESSIONAL ARCHAEOLOGISTS
c/o WDEQ/L&D
Herschler Bldg.
122 W. 25th St.
Cheyenne, WY 82002

June 15, 1985

Dan Mendell
Manager, Mid Continent Division
Exxon USA, Inc.
P.O. Box 1600
Midland, TX 79702

Dear Mr. Mendell:

The Wyoming Association of Professional Archeologists (WAPA) voted unanimously to send a letter of appreciation for your cooperative efforts during the 1983-1985 archeological excavations at the Shute Creek Plant Site. The efforts of Exxon have ensured that a very important prehistoric site was thoroughly investigated. We want to commend the efforts of Mr. James White in the initial preparation of the site research plans. Mr. Dave Clark is to be especially acknowledged for his tireless and continuing cooperation in the protection of the Shute Creek Plant Site prehistoric remains, most notably the prehistoric skeletal remains. All of the persons involved in the project can feel a sense of pride and accomplishment that an invaluable and heretofore unknown part of Wyoming prehistory was recovered and the information contained within it preserved.

Thank you again for your efforts.

Sincerely,

Greg Smith
President, WAPA

I. Contractor Information - 1984

Cultural resource use permit holders authorized to conduct consulting services work on BLM administered land in Wyoming: 37

Work Summary

| <u>Jobs</u> | <u>No. of Contractors</u> | <u>Acreage Surveyed</u> | <u>No. of Contractors</u> |
|-------------|---------------------------|-------------------------|---------------------------|
| 150+ | 1 | 10,000+ | 2 |
| 100-149 | 1 | 8,500-10,000 | 0 |
| 50-99 | 6 | 6,500-8,500 | 2 |
| 25-49 | 2 | 4,500-6,500 | 2 |
| 1-24 | 17 | 2,500-4,500 | 8 |
| 0 | 10 | 1,500-2,500 | 0 |
| | | 500-1,500 | 6 |
| | | 0-50 | 17 |

II. General Survey Information

Surveys completed: 1,102
Total acres surveyed: 81,410.51
Average acreage per survey (includes block and linear surveys): 73.9
Sites recorded: 1,477
Sites evaluated as potentially eligible for the National Register: 606

III. Specific Survey Information

Sites located per survey: 1.3
Percent of sites found on block surveys: 66
Percent of sites found on linear surveys: 34
One site located per 55 acres surveyed
One site located per 72 block survey acres
One site located per 23 linear survey acres
Percent of sites evaluated as potentially eligible for the National Register:
41
Percent of sites evaluated as potentially eligible for the National Register:
On block surveys: 45
On linear surveys: 33
One site located per number of acres surveyed: 0.014
(this amounts to 5.05 sites per section)
One significant site located per number of acres surveyed: 134.3
(this amounts to 2.7 sites per section)
Sites mitigated during 1983: 31

IV. District Information

| | <u>Acres Surveyed</u> | <u>No. of Surveys</u> | <u>No. of Sites</u> | <u>Significant Sites</u> |
|--------------|---------------------------|---------------------------|-------------------------|------------------------------|
| Casper | 35,594 | 532 | 524 | 171 |
| Rawlins | 24,469 | 201 | 505 | 170 |
| Rock Springs | 19,496 | 265 | 485 | 173 |
| Worland | 6,448 | 131 | 216 | 51 |

V. County Information

The number of acres surveyed per county in descending order including the number of surveys, number of sites located, and the number of significant sites identified.

| | <u>1983 Rank</u> | <u>Acres Surveyed</u> | <u>No. of Surveys</u> | <u>Sites</u> | <u>Significant Sites</u> |
|-------------|----------------------|---------------------------|---------------------------|--------------|------------------------------|
| Campbell | 1 | 13,708.1 | 222 | 93 | 12 |
| Fremont | 3 | 10,196.23 | 72 | 138 | 77 |
| Sweetwater | 2 | 9,308.21 | 96 | 159 | 59 |
| Weston | 9 | 7,593.24 | 51 | 95 | 32 |
| Converse | 8 | 6,086.82 | 66 | 152 | 77 |
| Sublette | 10 | 5,552.28 | 132 | 67 | 29 |
| Lincoln | 5 | 4,377.92 | 63 | 193 | 61 |
| Carbon | 7 | 4,275.51 | 81 | 78 | 47 |
| Natrona | 6 | 3,377.51 | 38 | 41 | 16 |
| Crook | 15 | 2,874.14 | 69 | 27 | 7 |
| Johnson | 12 | 2,161.58 | 27 | 75 | 31 |
| Uinta | 4 | 1,981.27 | 34 | 29 | 13 |
| Hot Springs | 11 | 1,920.83 | 36 | 57 | 9 |
| Niobrara | 14 | 1,838.74 | 28 | 19 | 6 |
| Washakie | 17 | 1,138.56 | 33 | 41 | 6 |
| Bighorn | 13 | 1,118.18 | 29 | 44 | 12 |
| Park | 16 | 761.59 | 11 | 31 | 10 |
| Platte | 21 | 130.61 | 2 | 1 | 1 |
| Albany | 20 | 75.01 | 2 | 0 | 0 |
| Sheridan | 19 | 57.30 | 5 | 1 | 0 |
| Goshen | 22 | 45.30 | 1 | 24 | 8 |
| Laramie | 18 | 0 | 0 | 0 | 0 |
| Teton | 23 | 0 | 0 | 0 | 0 |